

CHAPTER 1217

APPROPRIATIONS — ADMINISTRATION AND REGULATION

H.F. 2498

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

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

Section 1. AUDITOR OF STATE. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	1,426,124
.....	FTEs	112.50

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

There is appropriated from the innovation fund in the department of management to the office of auditor of state, a sum not to exceed \$50,000 which shall be used to fund a contract to train a six-member team from the office of auditor of state to review the processes used by governmental departments and agencies and determine methods of improving the processes. The request for proposal for the training contract is subject to review by the chairpersons and ranking members of the joint appropriation subcommittee on administration and regulation before the request for proposal is released for bidding.

Sec. 2. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, for the purposes designated:

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

.....	\$	492,002
.....	FTEs	8.00

Sec. 3. DEPARTMENT OF COMMERCE. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. ADMINISTRATIVE SERVICES DIVISION

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

.....	\$	1,033,788
.....	FTEs	18.50

The administrative services division shall assess each division within the department of commerce and the office of consumer advocate within the department of justice a pro rata share of the operating expenses of the administrative services division. The pro rata share

* Item veto; see message at end of the Act

shall be determined pursuant to a cost allocation plan established by the administrative services division and agreed to by the administrators of the divisions and the consumer advocate. To the extent practicable, the cost allocation plan shall be based on the proportion of the administrative expenses incurred on behalf of each division and the office of consumer advocate. Each division and the office of consumer advocate shall include in its charges assessed or revenues generated, an amount sufficient to cover the amount stated in its appropriation, any state assessed indirect costs determined by the department of revenue and finance, and the cost of services provided by the administrative services division.

2. ALCOHOLIC BEVERAGES DIVISION

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

.....	\$	1,541,982
.....	FTEs	25.00

3. BANKING DIVISION

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

.....	\$	5,670,073
.....	FTEs	77.00

4. CREDIT UNION DIVISION

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

.....	\$	1,104,001
.....	FTEs	19.00

5. INSURANCE DIVISION

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

.....	\$	3,710,765
.....	FTEs	94.50

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

Of the amounts appropriated in this subsection to the insurance division, at least \$300,000 shall be used for the investigation of insurance fraud.

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

a. Notifies the department of management, legislative fiscal bureau, and the legislative fiscal committee of the need for the expenditures.

b. Files with each of the entities named in paragraph "a" the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

6. PROFESSIONAL LICENSING AND REGULATION DIVISION

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

.....	\$	869,304
.....	FTEs	12.00

7. UTILITIES DIVISION

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

.....	\$	5,689,831
.....	FTEs	75.00

The utilities division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted

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

Sec. 4. LEGISLATIVE AGENCIES. There is appropriated from the general fund of the state to the following named agencies for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. COMMISSION ON UNIFORM STATE LAWS

For support of the commission and expenses of the members:

..... \$ 24,055

2. NATIONAL CONFERENCE OF STATE LEGISLATURES

For support of the membership assessment:

..... \$ 98,557

3. NATIONAL CONFERENCE OF INSURANCE LEGISLATORS

For support of the membership assessment:

..... \$ 3,000

Sec. 5. DEPARTMENT OF GENERAL SERVICES. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION

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

..... \$ 1,834,878

..... FTEs 48.85

2. PROPERTY MANAGEMENT

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

..... \$ 4,425,534

..... FTEs 118.00

Of the moneys appropriated in this subsection, \$12,000 shall be used for establishing a horticulture internship program with the Des Moines area community college to provide training, an educational horticulture program, and to enhance the overall beauty of the capitol complex grounds and facilities.

3. CAPITOL PLANNING COMMISSION

For expenses of the members in carrying out their duties under chapter 18A:

..... \$ 2,000

4. RENTAL SPACE

For payment of lease or rental costs of buildings and office space at the seat of government as provided in section 18.12, subsection 9, notwithstanding section 18.16:

..... \$ 835,898

5. UTILITY COSTS

For payment of utility costs:

..... \$ 2,324,489

Notwithstanding sections 8.33 and 18.12, subsection 11, any excess funds appropriated for utility costs in this subsection shall not revert to the general fund of the state on June 30,

1999, but shall remain available for expenditure for the purposes of this subsection during the fiscal year beginning July 1, 1999.

6. TERRACE HILL OPERATIONS

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

.....	\$	210,494
.....	FTEs	5.00

Sec. 6. REVOLVING FUNDS. There is appropriated from the designated revolving funds to the department of general services for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRALIZED PRINTING

From the centralized printing permanent revolving fund established by section 18.57 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,025,355
.....	FTEs	27.30

2. CENTRALIZED PRINTING — REMAINDER

The remainder of the centralized printing permanent revolving fund is appropriated for the expense incurred in supplying paper stock, offset printing, copy preparation, binding, distribution costs, original payment of printing and binding claims and contingencies arising during the fiscal year beginning July 1, 1998, and ending June 30, 1999, which are legally payable from this fund.

3. CENTRALIZED PURCHASING

From the centralized purchasing permanent revolving fund established by section 18.9 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	927,663
.....	FTEs	17.95

4. CENTRALIZED PURCHASING — REMAINDER

The remainder of the centralized purchasing permanent revolving fund is appropriated for the payment of expenses incurred through purchases by various state departments and for contingencies arising during the fiscal year beginning July 1, 1998, and ending June 30, 1999, which are legally payable from this fund.

5. VEHICLE DISPATCHER

From the vehicle dispatcher revolving fund established by section 18.119 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	722,636
.....	FTEs	15.85

6. VEHICLE DISPATCHER — REMAINDER

The remainder of the vehicle dispatcher revolving fund is appropriated for the purchase of gasoline, gasohol, oil, tires, repairs, and all other maintenance expenses incurred in the operation of state-owned motor vehicles and for contingencies arising during the fiscal year beginning July 1, 1998, and ending June 30, 1999, which are legally payable from this fund.

Sec. 7. GOVERNOR AND LIEUTENANT GOVERNOR. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE

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

.....	\$	1,282,348
.....	FTEs	17.25

The sum of \$2,243 shall revert from the juvenile violence/safe schools fund in the office of the governor to the general fund of the state on July 1, 1998.

The sum of \$140 shall be transferred from the congress on the environment fund in the office of the governor to the Iowa resources enhancement and protection fund created in section 455A.18 on July 1, 1998.

2. TERRACE HILL QUARTERS

For salaries, support, maintenance, and miscellaneous purposes for the governor's quarters at Terrace Hill, and for not more than the following full-time equivalent positions:

.....	\$	75,017
.....	FTEs	2.00

3. ADMINISTRATIVE RULES COORDINATOR

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

.....	\$	135,047
.....	FTEs	3.00

4. NATIONAL GOVERNORS ASSOCIATION

For payment of Iowa's membership in the national governors association:

.....	\$	66,200
-------	----	--------

5. GUBERNATORIAL TRANSITION

For expenses incurred during the gubernatorial transition:

.....	\$	15,000
-------	----	--------

Sec. 8. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. FINANCE AND SERVICES DIVISION

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

.....	\$	536,695
.....	FTEs	20.20

2. AUDITS DIVISION

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

.....	\$	509,419
.....	FTEs	12.00

3. APPEALS AND FAIR HEARINGS DIVISION

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

.....	\$	250,428
.....	FTEs	25.50

4. INVESTIGATIONS DIVISION

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

.....	\$	951,855
.....	FTEs	40.00

It is the intent of the general assembly that \$24,098 and 1 FTE included in this subsection shall be used for additional welfare fraud investigations.

5. HEALTH FACILITIES DIVISION

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

.....	\$	2,145,961*
.....	FTEs	100.00

* See chapter 1223, §13 herein

*Of the moneys appropriated in this subsection, \$90,000 shall be used by the health facilities division to pay the salary, support, and miscellaneous expenses of a building inspector position.

Of the moneys appropriated in this subsection, \$5,000 shall be used by the department of inspections and appeals to develop criteria for, and implement, a statewide education program for care review committee members. The department of inspections and appeals shall consult with the department of elder affairs to develop a program designed to educate nursing facility care review committee members regarding their roles and responsibilities in the inspections process, conflict resolution, and elder care.

The department of inspections and appeals may conduct, contract for, or permit health facilities to contract for the performance of health facility construction inspections as required under chapter 135C. The department may authorize local government building officials to conduct health facility construction inspections except the final inspection and any costs incurred conducting the inspections by a local government shall be paid by the facility or the contractor. The department shall review all proposed plans and specifications, and shall conduct the final on-site review and approval of all alterations, additions, or new construction prior to occupancy. The director shall adopt rules pursuant to chapter 17A to implement this paragraph.

The department of inspections and appeals and the department of public health, in consultation with the department of human services and the department of elder affairs, shall review the need for a state licensing program for home health agencies. The review shall include, but is not limited to, determination of the scope of Iowa agencies and home care services not currently regulated by Medicare, fiscal information concerning the cost of implementation of a licensing program, feasibility analysis of implementing state regulation of the providers, and other information deemed appropriate by the departments. The department shall submit a report of findings and recommendations to the general assembly on or before December 15, 1998.

6. INSPECTIONS DIVISION

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

.....	\$	617,150
.....	FTEs	12.00

The department of inspections and appeals shall cooperate with the department of human services, the Iowa foundation for medical care, and the Iowa state university social and behavioral research center for rural health, in implementing a positive incentives for nursing care in an Iowa nursing home pilot project. The positive incentives may include best practice awards, extended reinspection periods, and other waivers to reduce documentation, staffing, and inspection survey length.

7. EMPLOYMENT APPEAL BOARD

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

.....	\$	34,398
.....	FTEs	15.00

The employment appeal board shall be reimbursed by the labor services division of the department of employment services for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

8. STATE FOSTER CARE REVIEW BOARD

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

.....	\$	573,811
.....	FTEs	13.00

* See chapter 1223, §13 herein

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

Sec. 9. RACETRACK REGULATION. There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, for the regulation of pari-mutuel racetracks, and for not more than the following full-time equivalent positions:	\$	2,067,328
.....	FTEs	23.51

It is the intent of the general assembly that the state racing and gaming commission shall require jockeys or drivers, trainers, and handlers to submit to drug and alcohol testing pursuant to rules adopted by the state commission and applicable to all such persons. **The rules shall establish procedures and standards for the drug and alcohol testing of jockeys or drivers, trainers, and handlers, which shall be consistent with the procedures and standards established for drug and alcohol testing of persons under section 730.5.**

Sec. 10. Section 99D.25A, subsection 7, Code Supplement 1997, as amended by 1998 Iowa Acts, Senate File 2121,** section 1, is amended to read as follows:

7. A horse entered to race with lasix must be treated at least four hours prior to post time. The lasix shall be administered intravenously by a veterinarian employed by the owner or trainer of the horse. The commission shall adopt rules to ensure that lasix is administered as provided in this section. The commission shall require that the practicing veterinarian deliver an affidavit signed by the veterinarian which certifies information regarding the treatment of the horse. The affidavit must be delivered to a commission veterinarian within twenty minutes following the treatment. The statement must at least include the name of the practicing veterinarian, the tattoo number of the horse, the location of the barn and stall where the treatment occurred, the race number of the horse, the name of the trainer, and the time that the lasix was administered. Lasix shall only be administered in a dose level of two hundred fifty milligrams. ~~The commission veterinarian shall extract a test sample of the horse's blood, urine, or saliva to determine whether the horse was improperly drugged after the race is run.~~

Sec. 11. EXCURSION BOAT REGULATION. There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the excursion boat gambling laws, and for not more than the following full-time equivalent positions:	\$	1,317,060
.....	FTEs	25.29

It is the intent of the general assembly that the racing and gaming commission shall only employ additional full-time equivalent positions for riverboat gambling enforcement as authorized by the department of management as needed for enforcement on new riverboats. If more than nine riverboats are operating during the fiscal year beginning July 1, 1998, and ending June 30, 1999, the commission may expend no more than \$120,349 for no more than 2 FTEs for each additional riverboat in excess of nine. The additional expense associated with the positions shall be paid from fees assessed by the commission as provided in chapter 99F.

* Item veto; see message at end of the Act
** Chapter 1006 herein

Sec. 12. USE TAX APPROPRIATION. There is appropriated from the use tax receipts collected pursuant to sections 423.7 and 423.7A prior to their deposit in the road use tax fund pursuant to section 423.24, subsection 1, to the appeals and fair hearings division of the department of inspections and appeals for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:
 \$ 1,075,030

Sec. 13. DEPARTMENT OF MANAGEMENT. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE

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

..... \$ 1,987,450
 FTEs 28.00

The department of management shall report to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation and the legislative fiscal bureau concerning the recommendations received from the \$300,000 fleet management services study received by the department, the recommendations implemented by state agencies, increased service levels attained due to implementation, recommendations to be implemented during the fiscal year ending June 30, 1999, and the savings realized from the recommendations which have been implemented. The report submitted to the joint appropriations subcommittee on administration and regulation and the legislative fiscal bureau shall be for the fiscal year ending June 30, 1998, and shall be submitted not later than January 1, 1999.

2. LAW ENFORCEMENT TRAINING REIMBURSEMENTS

For reimbursement to local law enforcement agencies for the training of officers who resign pursuant to section 384.15, subsection 7:

..... \$ 47,500

3. COUNCIL OF STATE GOVERNMENTS

For support of the membership assessment:

..... \$ 81,585

4. COUNCIL ON HUMAN INVESTMENT

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

..... \$ 158,843
 FTEs 2.00

Sec. 14. ROAD USE TAX APPROPRIATION. There is appropriated from the road use tax fund to the department of management for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:
 \$ 56,000

Sec. 15. DEPARTMENT OF PERSONNEL. There is appropriated from the general fund of the state to the department of personnel for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated including the filing of quarterly reports as required in this section:

1. OPERATIONS

For salaries, support, maintenance, and miscellaneous purposes for the director's staff, information services, data processing, and financial services, and for not more than the following full-time equivalent positions:

.....	\$	1,382,290
.....	FTEs	20.42

2. PROGRAM DELIVERY SERVICES

For salaries for personnel services, employment law and labor relations and training for not more than the following full-time equivalent positions:

.....	\$	1,335,811
.....	FTEs	32.55

3. PROGRAM ADMINISTRATION AND DEVELOPMENT

For salaries for employment, compensation, and benefits and workers' compensation and for not more than the following full-time equivalent positions:

.....	\$	1,672,761
.....	FTEs	34.80

Any funds received by the department for workers' compensation purposes other than the funds appropriated in subsection 3 shall be used only for the payment of workers' compensation claims.

The funds for support, maintenance, and miscellaneous purposes for personnel assigned to program delivery services under subsection 2 and program administration and development under subsection 3 are payable from the appropriation made in subsection 1.

The department of personnel shall report annually to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation concerning the number of private consultant contracts of one year or more which are entered into or extended each year by the departments and agencies of the state. All departments and agencies of the state shall cooperate with the department in the preparation of this report.

It is the intent of the general assembly that members of the general assembly serving as members of the deferred compensation advisory board shall be entitled to receive per diem and necessary travel and actual expenses pursuant to section 2.10, subsection 5, while carrying out their official duties as members of the board.

Sec. 16. HEALTH INSURANCE REFORM PROGRAM. There is transferred from the surplus funds in the health insurance operating account to the department of personnel for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the salary and support costs for the insurance reform specialist and the program and administrative costs associated with the health insurance reform effort in Iowa:

.....	\$	550,499
-------	----	---------

Sec. 17. HEALTH INSURANCE OVERSIGHT PROGRAM. There is transferred from the surplus funds in the health insurance operating account to the department of human services for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the salary and support costs to provide reporting and oversight of health care purchasing in Iowa:

.....	\$	112,000
-------	----	---------

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, 1999, from the funds transferred in this section, shall revert to the health insurance operating account on August 31, 1999.

Sec. 18. IPERS. There is appropriated from the Iowa public employees' retirement system fund to the department of personnel for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees' retirement system:

.....	\$	5,045,622
.....	FTEs	69.77

2. It is the intent of the general assembly that the Iowa public employees' retirement system employ sufficient staff within the appropriation provided in this section to meet the developing requirements of the investment program.

3. For costs associated with the acquisition, remodeling, and relocation of a headquarters building for offices and related facilities for employees and storage of applicable records of the Iowa public employees' retirement system and notwithstanding any provision of chapter 18 to the contrary:

.....	\$	4,000,000
-------	----	-----------

The Iowa public employees' retirement system division shall use a competitive bid process for the proposed acquisition of a headquarters building and related facilities and accept, if any, the most cost-effective bid which best meets the needs of the system's members.

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, 2000, from the funds appropriated in this subsection, shall revert to the Iowa public employees' retirement system fund on August 31, 2000.

Sec. 19. SPECIAL STUDIES APPROPRIATIONS. There is appropriated from the Iowa public employees' retirement system fund to the Iowa public employees' retirement system division of the department of personnel for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For costs associated with completing the study of the possible establishment of a state-wide deferred compensation plan for active members of the Iowa public employees' retirement system:

.....	\$	20,000
-------	----	--------

2. For costs associated with performing the study of whether adjunct instructors employed by a community college or regents university should be allowed to become members of the Iowa public employees' retirement system:

.....	\$	15,000
-------	----	--------

3. For costs associated with performing, in concert with the retirement systems established in chapter 97A and chapter 411, a comprehensive examination of plan design of benefit parity issues:

.....	\$	35,000
-------	----	--------

It is the intent of the general assembly that each public retirement system responsible for performing the examination as described in this subsection shall share proportionately the cost of conducting the examination. Moneys appropriated in this subsection shall be used by the Iowa public employees' retirement system to provide its proportionate share of the cost of the examination.

Sec. 20. PRIMARY ROAD FUND APPROPRIATION. There is appropriated from the primary road fund to the department of personnel for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes to provide personnel services for the state department of transportation:

.....	\$	371,215
-------	----	---------

Sec. 21. ROAD USE TAX FUND APPROPRIATION. There is appropriated from the road use tax fund to the department of personnel for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes to provide personnel services for the state department of transportation:

..... \$ 60,430

Sec. 22. STATE WORKERS' COMPENSATION CLAIMS. There is appropriated from the general fund of the state to the department of personnel for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution, subject to approval of the department of management, to various state departments to fund the premiums for paying workers' compensation claims which are assessed to and collected from the state department by the department of personnel based upon a rating formula established by the department of personnel:

..... \$ 5,884,740

The premiums collected by the department of personnel shall be segregated into a separate workers' compensation fund in the state treasury to be used for payment of state employees' workers' compensation claims. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in this workers' compensation fund at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the fund for subsequent fiscal years.

Sec. 23. DEPARTMENT OF REVENUE AND FINANCE. There is appropriated from the general fund of the state to the department of revenue and finance for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, and for not more than the following full-time equivalent positions used for the purposes designated in subsections 1 through 3:

..... FTEs 536.25

1. COMPLIANCE

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 10,585,161

2. STATE FINANCIAL MANAGEMENT

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 10,980,931

3. INTERNAL RESOURCES MANAGEMENT

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 6,806,935

4. COLLECTION COSTS AND FEES

For payment of collection costs and fees pursuant to section 422.26:

..... \$ 45,000

5. The director of revenue and finance shall prepare and issue a state appraisal manual and the revisions to the state appraisal manual as provided in section 421.17, subsection 18, without cost to a city or county.

Sec. 24. LOTTERY. There is appropriated from the lottery fund to the department of revenue and finance for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 8,022,793

..... FTEs 117.00

Sec. 25. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is appropriated from the motor vehicle fuel tax fund created by section 452A.77 to the department of revenue and

finance for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the provisions of chapter 452A and the motor vehicle use tax program:
 \$ 1,024,630

Sec. 26. SECRETARY OF STATE. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION AND ELECTIONS

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

..... \$ 677,121
 FTEs 10.00

It is the intent of the general assembly that the state department or state agency which provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

2. BUSINESS SERVICES

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

..... \$ 1,805,201
 FTEs 32.00

3. OFFICIAL REGISTER

For costs incurred in the printing of the official register:

..... \$ 5,000

Sec. 27. STATE-FEDERAL RELATIONS. There is appropriated from the general fund of the state to the office of state-federal relations for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 255,658
 FTEs 3.00

Sec. 28. TREASURER. There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 971,483
 FTEs 27.80

The office of treasurer of state shall supply clerical and secretarial support for the executive council.

Sec. 29. ELIMINATION OF VACANT UNFUNDED JOBS. Within sixty days after an unfunded vacancy occurs, a state department, agency, or office receiving appropriations under this Act shall eliminate the vacant unfunded position from the table of organization of the state department, agency, or office.

Sec. 30. 1993 Iowa Acts, chapter 151, section 3, is amended by striking the section.

Sec. 31. 1994 Iowa Acts, chapter 1072, section 9, as amended by 1995 Iowa Acts, chapter 185, section 46, is repealed.

Sec. 32. TRANSITION OF PERSONNEL SERVICES CONTRACTORS. Two and one-fourth full-time equivalent positions (FTEs) appropriated for in this Act represent the transition of personnel services contractors to FTEs. The merit system provisions of chapter 19A and the provisions of the state's/union's collective bargaining agreements shall not govern movement into these FTE positions during the period beginning July 1, 1998, and ending August 31, 1998. This section is void September 1, 1998.

Sec. 33. CELLULAR TELEPHONE REPORT. Each state department, agency, or office receiving appropriations under this Act shall report individual cellular telephone usage by its employees for the fiscal year ending June 30, 1998, to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation and the legislative fiscal bureau. The report shall be submitted not later than January 1, 1999.

Sec. 34. Section 47.7, subsections 1 and 2, Code Supplement 1997, are amended to read as follows:

1. ~~The senior administrator of data processing services in the department of general services~~ state commissioner of elections is designated the state registrar of voters, and shall regulate the preparation, preservation, and maintenance of voter registration records, the preparation of precinct election registers for all elections administered by the commissioner of any county, and the preparation of other data on voter registration and participation in elections which is requested and purchased at actual cost of preparation and production by a political party or any resident of this state. The registrar shall maintain a log, which is a public record, showing all lists and reports which have been requested or generated or which are capable of being generated by existing programs of the data processing services ~~in the department of general services of the registrar~~. In the execution of the duties provided by this chapter, the state registrar of voters ~~and the state commissioner of elections~~ shall provide the maximum public access to the electoral process permitted by law.

2. The registrar shall offer to each county in the state the opportunity to arrange for performance of all functions referred to in subsection 1 by the data processing facilities of the ~~department of general services registrar~~, commencing at the earliest practicable time, at a cost to the county determined in accordance with the standard charges for those services adopted annually by the registration commission. A county may accept this offer without taking bids under section 47.5.

Sec. 35. Section 18.12, Code 1997, is amended by adding the following new subsection: NEW SUBSECTION. 19A. Determine and recommend to the governor and the general assembly a reimbursement amount to the city of Des Moines for police and fire protection provided by the city for state-owned buildings and facilities located in the city. The recommendation shall be a cost benefit analysis based on current state practices in other Iowa cities with state-owned facilities and shall be applicable for inclusion in the budget for the fiscal year 2000 and subsequent fiscal years.

Sec. 36. SINGLE CONTACT REPOSITORY — DEPARTMENT OF INSPECTIONS AND APPEALS.

1. It is the intent of the general assembly that the department of inspections and appeals shall implement a single contact repository for criminal history, child abuse, adult abuse, and sex offender registries, and nurse aide and other health professional certification and licensing information.

2. For the purposes of this section, "facility" or "facility licensed under chapter 135C" includes all of the following:

- a. An elder group home certified under chapter 231B.
- b. An assisted living facility certified or voluntarily accredited under chapter 231C.
- c. A provider of homemaker, home-health aide, home-care aide, or adult day care services.
- d. A hospice.
- e. A provider of services under a federal medical assistance home and community-based services waiver.

3. The department of inspections and appeals, in conjunction with other departments and agencies of state government involved with criminal history, child abuse, adult abuse, and sex offender registries, and nurse aide and other health professional certification and licensing information, shall establish a single contact repository for facilities licensed under chapter 135C to have electronic access to data to perform background checks for purposes of employment.

4. The department shall provide information for purposes of the single contact repository established pursuant to this section, in accordance with rules adopted by the department.

Sec. 37. COMMUNITY HEALTH INFORMATION SYSTEM. Any unobligated or unencumbered funds appropriated pursuant to 1997 Iowa Acts, chapter 209, section 10, subsection 5, remaining on the effective date of this Act may be used in developing a transition plan for the community health management information system.

Sec. 38. Section 505.21, subsection 4, Code 1997, is amended by striking the subsection.

Sec. 39. EFFECTIVE DATE. Section 37 of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 19, 1998, except the items which I hereby disapprove and which are designated as Section 1, unnumbered and unlettered paragraph 3, which is herein bracketed in ink and initialed by me; that portion of Section 9, unnumbered and unlettered paragraph 2, which is hereby bracketed in ink and initialed by me; Section 33 in its entirety; and Section 35 in its entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, Governor

Dear Mr. Secretary:

I hereby transmit House File 2498, an Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective dates.

House File 2498 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 1, unnumbered and unlettered paragraph 3. This item establishes an appropriation from the Innovation Fund to the Auditor of State for training. The Innovation Fund was created to provide loans to departments for innovative endeavors. The appropriation in this section does not meet that criteria.

I am unable to approve the designated portion of Section 9, unnumbered and unlettered paragraph 2. This item requires the Racing and Gaming Commission to adopt rules consistent with newly enacted legislation for drug and alcohol testing in employer/employee relationships. However, the participants in the racing industry do not have an employer/employee relationship with the Commission. The Commission currently has rules in place to test participants in the racing industry for drugs and alcohol that more appropriately reflect the relationship between regulator and participant.

I am unable to approve the item designated as Section 33, in its entirety. This item requires each state department, agency or office receiving appropriations under this Act to prepare a report on the usage of individual cellular telephones by its employees. Management and oversight of cellular telephone usage by administrative and regulatory agencies is more appropriately a function of the executive branch. I have directed every agency to develop policies on both cell phone and internet use.

I am unable to approve the item designated as Section 35, in its entirety. This item requires the Department of General Services to determine and recommend to the Governor and the General Assembly a reimbursement amount to the City of Des Moines for police and fire protection provided by the city for state-owned buildings and facilities located in the city. The language in this section of the bill requires General Services to conduct a comprehensive study of reimbursement practices, yet no resources were provided to undertake the study. The bill directs further action, which presupposes an outcome to the study.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2498 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1218

HUMAN SERVICES APPROPRIATIONS AND RELATED PROVISIONS

S.F. 2410

AN ACT relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care, and providing effective dates and a retroactive applicability provision.

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

DIVISION I — APPROPRIATIONS

Section 1. **SOCIAL SERVICES BLOCK GRANT SUPPLEMENTATION.** There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 1997, and ending June 30, 1998, from moneys received under the federal temporary assistance for needy families block grant, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For supplementation of the federal social services block grant appropriation in 1997 Iowa Acts, chapter 202, section 12, due to the federal reduction in this block grant and the corresponding decrease pursuant to 1997 Iowa Acts, chapter 202, section 16:

.....	\$ 682,194
The moneys appropriated in this section are allocated for the indicated programs and functions within the department as follows:	
1. General administration:	
.....	\$ 43,379
2. Field operations:	
.....	\$ 259,455
3. Child and family services:	
.....	\$ 38,808
4. Local administrative costs and other local services:	
.....	\$ 27,517
5. Volunteers:	
.....	\$ 3,007