

CHAPTER 1236

**APPROPRIATION REDUCTIONS, SUPPLEMENTALS, AND
SALARY ADJUSTMENTS FOR 1991-1992 FISCAL YEAR**

S.F. 2367

AN ACT relating to and making appropriations for the fiscal year ending June 30, 1992, to various departments and agencies of state government and providing an effective date.

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

**DIVISION I
REDUCTIONS
DEPARTMENT OF ECONOMIC DEVELOPMENT**

Section 101. The appropriations from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 1991, and ending June 30, 1992, in 1991 Iowa Acts, chapter 267, section 301, are reduced by the following amounts for the purposes designated:

1. Business development division:

a. Community economic betterment program:

..... \$ 220,000

b. Microenterprise development revolving fund:

..... \$ 55,000

2. Work force development division:

Job retraining program:

..... \$ 5,000

Sec. 102. **BUSINESS DEVELOPMENT FINANCE CORPORATION ASSISTANCE FUND.** Notwithstanding the provisions of section 28.148, of the funds appropriated to the business development finance corporation assistance fund for the fiscal year beginning July 1, 1990, for purposes of the capital access program, \$575,000, or so much thereof as is remaining and is unencumbered and unobligated, shall revert and be deposited in the general fund of the state.

Sec. 103. **RURAL COMMUNITY 2000 REVOLVING FUND.** Notwithstanding any provisions in section 15.287 or other provisions of law, up to \$1,266,000 of moneys in the rural community 2000 revolving fund, including repayments allocated under section 28.120, subsection 7, which are unencumbered or unobligated on June 30, 1992, shall be transferred and credited to the general fund of the state. Transfers under this section shall be made during the period beginning April 15, 1992, and ending June 30, 1992.

Sec. 104. **SMALL BUSINESS NEW JOBS TRAINING FUND.** Notwithstanding section 280C.6, the unobligated and unencumbered balance in the community college job training fund, except for the amount appropriated in 1991 Iowa Acts, chapter 267, section 308, for the fiscal year ending June 30, 1992, shall be transferred and credited to the general fund of the state.

STATE DEPARTMENT OF TRANSPORTATION

Sec. 105. The appropriations from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1991, and ending June 30, 1992, in 1991 Iowa Acts, chapter 268, section 508, are reduced by the following amounts for the purposes designated:

For providing assistance for the restoration, conservation, improvement, and construction of railroad mainlines, branchlines, switching yards, and sidings as required in section 327H.18; for use by the railway finance authority as provided in chapter 307B; and for airport engineering studies and improvement projects as provided in chapter 328:

..... \$ 585,000

DEPARTMENT OF NATURAL RESOURCES

Sec. 106. Notwithstanding any provision in section 99E.34, 455A.18, or other provisions of law, up to \$200,000 of the unobligated and unencumbered moneys on June 30, 1992, allocated to the conservation education board, up to \$20,000 of the unobligated and unencumbered moneys on June 30, 1992, allocated to the historical resource grant and loan fund, and up to \$68,000 of the unobligated and unencumbered moneys on June 30, 1992, allocated to the living roadway trust fund from moneys in the Iowa resources enhancement and protection fund, created in section 455A.18, or any of the accounts in the Iowa resources enhancement and protection fund shall be transferred and credited to the general fund of the state. Such transfers may be made prior to June 30, 1992. Transfers of moneys from the accounts in the Iowa resources enhancement and protection fund shall not affect the formula for the distribution of moneys in each of those accounts as provided in section 455A.19.

Sec. 107. Notwithstanding the standing appropriation in section 19.10 to the executive council to pay court costs of state agencies, the amount appropriated from the general fund of the state under section 19.10 for the fiscal year beginning July 1, 1991, for payment of court costs shall not exceed \$192,826.

EFFECT OF APPROPRIATION REDUCTIONS

Sec. 108. The reductions in appropriations for the fiscal year beginning July 1, 1991, and ending June 30, 1992, made in this division are in addition to the allotment reductions of 3.25 percent and .62 percent pursuant to executive orders number 42 and number 43, respectively.

DIVISION II
 SUPPLEMENTALS
 DEPARTMENT OF HUMAN SERVICES

Sec. 201. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, to supplement the appropriations made in 1991 Iowa Acts, chapter 267, division I, and in 1992 Iowa Acts, Senate File 2116,** section 101, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. Aid to families with dependent children:	\$	284,768
2. Medical assistance:	\$	7,595,735
3. Medical contracts:	\$	26,940
4. State supplementary assistance:	\$	122,283
5. Child day care assistance:	\$	45,477
6. Transitional child care assistance:	\$	2,070
7. Foster care:	\$	302,453

If the moneys appropriated in subsection 2, for medical assistance or subsection 7, for foster care, are insufficient to fund the state obligations for those purposes in the fiscal year for which the moneys are appropriated, the governor may utilize use tax revenues collected in the fiscal year beginning July 1, 1991, pursuant to section 423.7 to pay the insufficient amount. If the governor elects to take this action, there is appropriated from the use tax revenues collected pursuant to section 423.7, prior to deposit in accordance with section 423.24, to the department of human services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the amount necessary to fund the insufficient amount of the state obligations for medical assistance or foster care.

*Item veto; see message at end of the Act
 **Chapter 1232 herein

DEPARTMENT OF CORRECTIONS

Sec. 202. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1991, and ending June 30, 1992, to supplement the appropriations made in 1991 Iowa Acts, chapter 267, divisions IV and V, and in 1992 Iowa Acts, Senate File 2116,* section 102, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. Fort Madison correctional facility:	\$	135,342
2. Anamosa correctional facility:	\$	100,153
3. Oakdale correctional facility:	\$	85,175
4. Newton correctional facility:	\$	25,724
5. Mt. Pleasant correctional facility:	\$	71,958
6. Rockwell City correctional facility:	\$	24,732
7. Clarinda correctional facility:	\$	32,977
8. Mitchellville correctional facility:	\$	29,514
9. Reimbursement of counties for temporary confinement of work release and parole violators:	\$	1,546
10. Federal prison reimbursement and miscellaneous contracts:	\$	2,227
11. For annual payment relating to prison expansion:	\$	4,006
12. For annual payment relating to prison expansion:	\$	20,122
13. First judicial district department of correctional services:	\$	34,896
14. Second judicial district department of correctional services:	\$	24,724
15. Third judicial district department of correctional services:	\$	15,322
16. Fourth judicial district department of correctional services:	\$	12,426
17. Fifth judicial district department of correctional services:	\$	44,414
18. Sixth judicial district department of correctional services:	\$	34,688

*Chapter 1232 herein

19. Seventh judicial district department of correctional services:		
.....	\$	24,234
20. Eighth judicial district department of correctional services:		
.....	\$	19,658
21. Assistance and support of each judicial district department of correctional services:		
.....	\$	565
22. Cost of postconviction relief proceedings pursuant to section 663A.5 and costs and fees of parole revocation proceedings and criminal cases brought against an inmate under section 815.1:		
.....	\$	433

DEPARTMENT OF INSPECTIONS AND APPEALS

Sec. 203. There is appropriated from the general fund of the state to the office of the state public defender for the fiscal year beginning July 1, 1991, and ending June 30, 1992, to supplement the appropriations made in 1991 Iowa Acts, chapter 268, section 407, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes, in subsection 1, paragraph "a":		
.....	\$	39,488
2. For indigent court-appointed attorney fees for adults and juveniles in subsection 1, paragraph "b":		
.....	\$	2,758,286

STATE BOARD OF REGENTS

Sec. 204. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1991, and ending June 30, 1992, to supplement the appropriations made in 1991 Iowa Acts, chapter 267, section 210, subsections 5 and 6, the following amount, or so much thereof as is necessary, for the purposes designated:

For the state school for the deaf and the Iowa Braille and sight-saving school:

.....	\$	11,199
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Sec. 205. EFFECT OF APPROPRIATION REDUCTIONS. The moneys appropriated to supplement the appropriations for the fiscal year beginning July 1, 1991, and ending June 30, 1992, made in this division are not subject to the allotment reductions of 3.25 percent and .62 percent pursuant to executive orders number 42 and number 43, respectively.

DIVISION III SALARIES 1991-1992 FISCAL YEAR

Sec. 301. There is appropriated from the general fund of the state to the salary adjustment fund for distribution by the department of management to the various state departments, boards, commissions, councils, and agencies for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, \$3,100,000, or so much thereof as may be necessary, to fund the following annual pay adjustments, expense reimbursements, and related benefits:

1. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the blue collar bargaining unit.
2. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the state police officers council bargaining unit.
3. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the security bargaining unit.
4. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the technical bargaining unit.

5. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional fiscal and staff bargaining unit.

6. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the clerical bargaining unit.

7. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the Iowa united professionals bargaining unit.

8. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the community-based corrections bargaining unit.

9. If an agreement is negotiated pursuant to chapter 20 for employees of the judicial branch of government bargaining unit, notwithstanding section 8.43, the salary and benefit expenditures shall be paid from funds otherwise appropriated to the judicial branch.

Sec. 302.

1. There is appropriated from the road use tax fund to the salary adjustment fund for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as may be necessary, to be used for the purposes designated:

To supplement other funds appropriated by the general assembly: \$ 231,736

2. There is appropriated from the primary road fund to the salary adjustment fund, for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as may be necessary, to be used for the purposes designated:

To supplement other funds appropriated by the general assembly: \$ 598,062

3. Except as otherwise provided in this division, the amounts appropriated in subsections 1 and 2 shall be used to fund the annual pay adjustments, expense reimbursement, and related benefits for public officials and employees as provided for in this division.

Sec. 303. To departmental revolving, trust, or special funds, except for the primary road fund or the road use tax fund, for which the general assembly has established an operating budget, a supplemental expenditure authorization is provided, unless otherwise provided, in an amount necessary to fund salary adjustments as otherwise provided in this division.

Sec. 304. All funds appropriated to the salary adjustment fund shall be used to fund salary and fringe benefit expenditures for employees covered by the agreements specified in section 301, commencing April 24, 1992, and ending with the pay period ending June 18, 1992, except for employees under the state board of regents merit system which commences April 24, 1992, or the pay period commencing nearest that date, and ends June 30, 1992, or the pay period ending nearest to but before that date.

Sec. 305. EFFECT OF APPROPRIATION REDUCTIONS. The moneys appropriated to supplement the appropriations for the fiscal year beginning July 1, 1991, and ending June 30, 1992, made in this division are not subject to the allotment reductions of 3.25 percent and .62 percent pursuant to executive orders number 42 and number 43, respectively.

Sec. 306. Funds appropriated from the general fund of the state in this division relate only to salaries supported from general fund appropriations of the state.

Sec. 307. All federal grants to and the federal receipts of the agencies affected by this division which are received and may be expended for purposes of this division are appropriated for those purposes and as set forth in the federal grants or receipts.

DIVISION IV

Sec. 401. Section 602.9107A, subsection 3, as enacted by 1992 Iowa Acts, House File 2450,* section 72, if enacted by the 1992 Session of the Seventy-fourth General Assembly, is amended to read as follows:

*Chapter 1201 herein

3. The decreased annuity provided in this section shall be in lieu of the annuities and refunds provided for in sections 602.9107, ~~602.9108~~, ~~602.9115~~, 602.9204, 602.9208, and 602.9209.

Sec. 402. Section 602.9115A, unnumbered paragraph 1, Code 1991, is amended to read as follows:

In lieu of the annuities and refunds provided for judges and judges' survivors under sections 602.9107, 602.9107A, 602.9108, 602.9115, 602.9204, 602.9208, and 602.9209, judges may elect to receive an optional retirement annuity during the judge's lifetime and have the optional retirement annuity, or a designated fraction of the optional retirement annuity, continued and paid to the judge's survivor after the judge's death and during the lifetime of the survivor.

Sec. 403. Section 602.9115A, unnumbered paragraph 3, Code 1991, is amended to read as follows:

The optional retirement annuity shall be the actuarial equivalent of the amounts of the annuities payable to judges and survivors under sections 602.9107, 602.9107A, 602.9115, 602.9204, 602.9208, and 602.9209. The actuarial equivalent shall be based on the mortality and interest assumptions set out in section 602.9107, subsection 3.

DIVISION V

Sec. 501. EFFECTIVE DATE. Divisions I, II, III, and this division of this Act, being deemed of immediate importance, take effect upon enactment.

Approved May 15, 1992, except the items which I hereby disapprove and which are designated as Section 107 in its entirety and Section 201, unnumbered and unlettered paragraph 2 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 Madam Secretary:

I hereby transmit Senate File 2367, an Act relating to and making appropriations for the fiscal year ending June 30, 1992, to various departments and agencies of state government and providing an effective date.

Senate File 2367 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 107, in its entirety. This provision would cap the funding available to the Executive Council to pay for court costs of state agencies at \$192,826 for fiscal year 1992. To date, \$250,375.86 has been approved and/or expended by the Executive Council to pay for the services provided by outside counsel in this fiscal year. Additional claims totaling in excess of \$200,000 are expected to be submitted this year, including requests from the attorney general's office. Given that the proposed cap has already been exceeded and additional demands for payment are expected, this provision cannot be approved.

I am unable to approve the item designated as the second unnumbered and unlettered paragraph of Section 201, in its entirety. This provision would authorize an unlimited expenditure of use tax revenues for purposes unrelated to the construction and maintenance of the state's highways. Subsequent to the passage of this bill, the legislature approved Senate File 2347 which includes language repealing this provision.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2367 are hereby approved as of this date.

Sincerely,
 TERRY E. BRANSTAD, *Governor*

CHAPTER 1237

APPROPRIATIONS – HEALTH AND HUMAN RIGHTS

H.F. 2457

AN ACT relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights.

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

Section 1. DEPARTMENT FOR THE BLIND. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 1992, and ending June 30, 1993, 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:

.....	\$	1,344,555
.....	FTEs	99.50

Sec. 2. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 1992 and ending June 30, 1993, 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:

.....	\$	1,015,791
.....	FTEs	31.00

Sec. 3. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	370,554
.....	FTEs	29.00

2. For the administration of area agencies on aging:

.....	\$	151,654
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3. For elderly services programs:

.....	\$	1,412,241
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All funds appropriated under this subsection shall be received and disbursed by the director of elder affairs for the elderly services program, shall not be used for administrative purposes, and shall be used for citizens of Iowa over 60 years of age for chore, telephone reassurance, adult day care, respite care, case management for the frail elderly, and home repair services, including the winterizing of homes, and for the construction of entrance ramps which meet the requirements of section 104A.4 and make residences accessible to the physically