

MAR 11 1988

APPROPRIATIONS CALENDAR

HOUSE FILE 2444

BY COMMITTEE ON APPROPRIATIONS

Passed House, Date 2/10/88 Passed Senate, Date 3/28/88 A.1077

Vote: Ayes 71 Nays 26 Vote: Ayes 26 Nays 21

Approved April 13, 1988

A BILL FOR

1 An Act relating to making appropriations to agencies, boards,
 2 commissions, departments, and programs of state government
 3 including the auditor of state, campaign finance, employment
 4 services, labor services, industrial services, job services,
 5 inspections and appeals, commerce, professional licensing and
 6 regulation, insurance, alcoholic beverages, banking, credit
 7 union, savings and loan, and utilities.

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

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1 Section 1. There is appropriated from the general fund of
2 the state to the office of the auditor of state for the fiscal
3 year beginning July 1, 1988, and ending June 30, 1989, the
4 following amount, or so much thereof as is necessary, to be
5 used for the purposes designated:

6 For salaries and support for not more than ninety point
7 five full-time equivalent positions, maintenance, and other
8 operational purposes:

9 \$ 1,473,442

10 The auditor of state shall be reimbursed for performing
11 examinations of the department of human services, the state
12 department of transportation, the Iowa department of public
13 health, the state board of regents, the department of
14 agriculture and land stewardship, the department of economic
15 development, the department of education, the department of
16 employment services, the department of natural resources, the
17 offices of the clerks of the district court of the judicial
18 department, and federal financial assistance, as defined in
19 Pub. L. No. 98-502, received by all other departments.

20 The auditor of state shall audit an agency or department,
21 which does not receive federal funding, every other year if in
22 the judgment of the auditor of state, the agency or department
23 would not be adversely affected by being audited less than
24 annually. The auditor of state shall report to the
25 legislative fiscal bureau and the department of management on
26 or before September 1, 1988, which agencies and departments
27 will be audited every other year instead of annually.

28 The auditor of state shall collect information on the
29 costs, including time spent by employees of the auditor of
30 state, associated with providing assistance to private
31 certified public accounting firms, local governments, and
32 other people in connection with audits of political
33 subdivisions not conducted by the auditor of state. The
34 auditor of state shall report the cost information to the
35 legislative fiscal bureau and the department of management on

1 or before September 1, 1988.

2 Sec. 2. There is appropriated from the general fund of the
3 state to the campaign finance disclosure commission for the
4 fiscal year beginning July 1, 1988, and ending June 30, 1989,
5 the following amount, or so much thereof as is necessary, for
6 the purposes designated:

7 1. For salaries and support of not more than four full-
8 time equivalent positions, maintenance and miscellaneous
9 purposes:

10 \$ 178,599

11 2. For salaries and support of not more than zero point
12 seventy-five full-time equivalent positions for an
13 administrative intern:

14 \$ 8,100

15 Sec. 3. There is appropriated from the general fund of the
16 state to the department of employment services for the fiscal
17 year beginning July 1, 1988, and ending June 30, 1989, the
18 following amounts, or so much thereof as is necessary, for the
19 purposes designated:

20 1. DIVISION OF LABOR SERVICES

21 For salaries and support for not more than eighty-four
22 point eighty-five full-time equivalent positions, maintenance
23 and miscellaneous purposes:

24 \$ 1,867,668

25 2. DIVISION OF INDUSTRIAL SERVICES

26 For salaries and support for not more than thirty-six point
27 ninety-five full-time equivalent positions, maintenance, and
28 miscellaneous purposes:.

29 \$ 1,427,071

30 The division shall add three full-time employees, from the
31 funds appropriated, to expedite the administrative hearing
32 process for workers compensation cases, and to reduce case
33 backlogs. The employees shall include one deputy industrial
34 commissioner, and two clerical employees. The division shall
35 begin charging a sixty-five dollar filing fee for workers

1 compensation cases. The filing fee shall be paid by the
2 petitioner of a claim; however, the fee can be taxed as a
3 cost, and therefore, paid by the losing party, except in cases
4 where it would impose an undue hardship or be unjust in the
5 circumstances. The division shall by rule implement the
6 filing fee.

7 It is the intent of the general assembly that the position
8 of job service commissioner not be filled and that the
9 director of the department of employment services shall
10 continue to act as the chief executive officer of the division
11 of job service.

12 Sec. 4. CONTINGENCY FUND USES -- BUILDING AND EQUIPMENT
13 EXPENSES, ECONOMIC DEVELOPMENT LABOR SURVEYS, DIVISION-
14 APPROVED TRAINING.

15 1. Notwithstanding the provisions of section 96.13,
16 subsection 3, which restrict the use of moneys in the special
17 employment security contingency fund, moneys in the fund on
18 June 30, 1988, shall not be transferred by the treasurer of
19 state to either the temporary emergency surcharge fund or the
20 unemployment compensation fund, but shall be available to the
21 division of job service of the department of employment
22 services for the fiscal year beginning July 1, 1988, and
23 ending June 30, 1989, for expenditures under subsection 2.

24 2. The division of job service shall expend moneys which
25 are credited to the special employment security contingency
26 fund during the fiscal year beginning July 1, 1988, and ending
27 June 30, 1989, including moneys which are available to the
28 division of job service under subsection 1, only in accordance
29 with the following restrictions:

30 a. The division may expend up to fifty thousand (50,000)
31 dollars from the fund for replacing the roof of the state
32 administrative office building.

33 b. The division may expend up to four hundred fifty-two
34 thousand five hundred (452,500) dollars from the fund for the
35 support of the county, labor survey, economic development

1 teams.

2 c. Any balance of moneys in the special employment
3 security contingency fund shall be deposited by the treasurer
4 of state in the division-approved training fund which is
5 created as a special fund in the state treasury.
6 Notwithstanding section 453.7, interest or earnings from
7 moneys deposited in the division-approved training fund shall
8 be credited to that fund. The division shall use moneys from
9 the fund to pay only the instructional cost of training
10 related to tuition and course fees, approved by the division
11 pursuant to section 96.4 and 345 IAC, rules 4.39 and 4.40, for
12 individuals who demonstrate to the division's satisfaction
13 that they are financially incapable of paying the
14 instructional cost of the approved training. However, the
15 division may expend up to forty thousand (40,000) dollars from
16 the fund for administrative costs relating to payments for
17 division approved training.

18 Payments from the fund shall not be made to the individual
19 receiving approved training but shall be made directly to the
20 institution or person providing the approved training.
21 Payments shall not exceed one thousand dollars per individual
22 trainee in any two-year period. The division shall distribute
23 information on the qualification requirements for and
24 availability of payment for the division-approved training to
25 individuals filing claims for benefits or receiving benefits
26 under chapter 96.

27 Sec. 5. A rural job service operations study committee
28 shall be established consisting of the following members:

29 1. One representative appointed by the speaker of the
30 house.

31 2. One representative appointed by the house minority
32 leader.

33 3. One senator appointed by the senate majority leader.

34 4. One senator appointed by the senate minority leader.

35 The legislative fiscal bureau and the department of

1 management shall provide staff assistance. The committee
2 shall meet with the job service advisory council for the
3 purpose of establishing criteria to be used for making changes
4 in rural job service operations and service delivery.

5 Issues for consideration include, but are not limited to,
6 the following:

7 a. Evaluation of job service's administrative structure,
8 including staffing, level of service, method of service, and
9 organizational structure.

10 b. Location of offices.

11 c. Access to services and the types of services provided.

12 d. Possible consolidation of similar services which are
13 provided to similar clients.

14 e. Feasibility and cost of providing certain job service
15 functions through automation or telephone communications.

16 Sec. 6. There is appropriated from the administrative
17 contribution surcharge fund of the state to the department of
18 employment services for the fiscal year beginning July 1,
19 1988, and ending June 30, 1989, the following amounts, or so
20 much thereof as is necessary, for the purposes designated:

21 1. DIVISION OF JOB SERVICE

22 For salaries, support, maintenance, and miscellaneous pur-
23 poses of rural and satellite job service offices in population
24 centers of less than twenty thousand:

25 \$ 3,743,151

26 2. DIVISION OF JOB SERVICE

27 For deposit in the division-approved training fund:

28 \$ 1,149,209

29 Sec. 7. There is appropriated from the general fund of the
30 state to the department of inspections and appeals for the
31 fiscal year beginning July 1, 1988, and ending June 30, 1989,
32 the following amounts, or so much thereof as is necessary, for
33 the purposes designated:

34 1. GENERAL DEPARTMENT

35 For salaries and support for not more than two hundred

1 twenty-six point five full-time equivalent positions,
2 maintenance, and miscellaneous purposes:
3 \$ 3,920,680

4 It is the intent of the general assembly that food and food
5 service establishments receiving a score of ninety points or
6 more in the last two inspections shall be subject to an annual
7 inspection rather than semiannual inspections.

8 It is the intent of the general assembly that the
9 department of inspections and appeals continue the
10 demonstration waiver project through June 30, 1989, to
11 encourage the development of residential care facilities,
12 which serve persons with mental retardation, chronic mental
13 illness, and other developmental disabilities, which have five
14 or fewer residents for persons specified in section 225C.26.
15 The project shall be exempt from section 135.63 through June
16 30, 1989. The demonstration waiver committee shall evaluate
17 the project and make a recommendation whether to continue the
18 project to the general assembly, on or before February 15,
19 1989.

20 2. DEPARTMENT OF INSPECTIONS AND APPEALS

21 For salaries and support for not more than one full-time
22 equivalent position for a field auditor to audit bingo
23 operations:

24 \$ 37,000

25 3. EMPLOYMENT APPEAL BOARD

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

29 \$ 32,154

30 4. FOSTER CARE REVIEW BOARD

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

33 \$ 193,781

34 5. The department of inspections and appeals may charge
35 state departments, agencies, and commissions for services

1 rendered and the payment received shall be considered
2 repayment receipts as defined in section 8.2, subsection 5.

3 6. It is the intent of the general assembly that the board
4 of cosmetology examiners and the board of barber examiners, as
5 appropriate, shall increase the original and renewal license
6 fees to operate a beauty salon and the original and renewal of
7 a barber shop license fee as follows:

8 a. A beauty shop original license fee shall be increased
9 to thirty dollars.

10 b. A beauty shop renewal license fee shall be increased to
11 thirty dollars.

12 c. A barber shop original license fee shall be increased
13 to thirty dollars.

14 d. A barber shop renewal license fee shall be increased to
15 thirty dollars.

16 Sec. 8. There is appropriated from the road use tax fund
17 to the department of inspections and appeals for the fiscal
18 year beginning July 1, 1988, and ending June 30, 1989, the
19 following amount, or so much thereof as is necessary, for the
20 purposes designated:

21 For salaries and support for not more than eleven point
22 five full-time equivalent positions, maintenance, and
23 miscellaneous purposes:

24 \$ 364,857

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

29 Sec. 9. There is appropriated from the general fund of the
30 state to the public employment relations board for the fiscal
31 year beginning July 1, 1988, and ending June 30, 1989, the
32 following amount, or so much thereof as is necessary, for the
33 purposes designated:

34 For salaries and support for not more than thirteen full-
35 time equivalent positions, maintenance and miscellaneous

1 purposes:

2 \$ 604,405

3 Sec. 10.

4 1. There is created in the office of the treasurer of
5 state for the professional licensing and regulation division
6 of the department of commerce, a professional licensing
7 revolving fund.

8 2. There is appropriated from the general fund of the
9 state to the department of commerce for the fiscal year
10 beginning July 1, 1988, and ending June 30, 1989, one hundred
11 thousand dollars for deposit in the professional licensing and
12 regulation division revolving fund.

13 3. The amount appropriated in subsection 2 from the
14 general fund of the state is appropriated from the
15 professional licensing revolving fund to the treasurer of
16 state to be transferred to and deposited in the general fund
17 of the state no later than June 30, 1989.

18 4. There is appropriated from the professional licensing
19 revolving fund to the professional licensing and regulation
20 division of the department of commerce, for the fiscal year
21 beginning July 1, 1988, and ending June 30, 1989, the
22 following amount, or so much thereof as is necessary for the
23 following purposes:

24 For salaries and support for not more than nine full-time
25 equivalent positions, maintenance, and other operational
26 purposes:

27 \$ 654,027

28 The professional licensing division of the
29 department of commerce shall transfer at the beginning
30 of each fiscal quarter from appropriated trust funds
31 to the administrative services trust fund an amount
32 which represents the division's share of the estimated
33 cost of consolidated administrative services within
34 the department of commerce, such share to be in the
35 same proportion as established by agreement in the

1 fiscal year beginning July 1, 1986, and ending June
2 30, 1987, with the first quarterly transfer to occur
3 between July 1 and July 31 annually.

4 5. It is the intent of the general assembly that the
5 department of commerce shall transfer eighty percent of fee
6 revenue from the professional licensing and regulation
7 division to the professional licensing revolving fund. The
8 department of commerce shall remit and deposit the remaining
9 twenty percent of the professional licensing and regulation
10 division fees to the general fund of the state.

11 The professional licensing and regulation division may
12 expend additional funds, including funds required for
13 additional personnel, if those additional expenditures are
14 actual expenses which exceed the funds budgeted for the
15 division, and result directly from the licensing and
16 regulation of the subject professions. Before the division
17 expends or encumbers an amount in excess of the funds budgeted
18 for examinations, the director of the department of management
19 shall approve the expenditure or encumbrance. Before approval
20 is given, the director of the department of management shall
21 determine that the examination expenses exceed the funds
22 budgeted by the general assembly to the division and the
23 division does not have other funds from which the expenses can
24 be paid. Upon approval of the director of the department of
25 management, the division may expend and encumber funds for
26 excess expenses. The amounts necessary to fund the excess
27 expenses shall be collected from those persons being regulated
28 or licensed which caused the excess expenditures, and the
29 collections shall be treated as repayment receipts as defined
30 in section 8.2, subsection 5.

31 Sec. 11. There is appropriated from the administrative
32 services trust fund to the administrative services division of
33 the department of commerce for the fiscal year beginning July
34 1, 1988, and ending June 30, 1989, the following amount, or so
35 much thereof as is necessary, to be used for the following

1 purposes:

2 For salaries and support for not more than forty-four point
3 five full-time equivalent positions, maintenance, and
4 miscellaneous purposes:

5 \$ 1,377,154

6 Sec. 12. Notwithstanding section 123.53, there is
7 appropriated from the beer and liquor control fund to the
8 alcoholic beverages division of the department of commerce for
9 the fiscal year beginning July 1, 1988, and ending June 30,
10 1989, four million four hundred ninety-five thousand seven
11 hundred fifty-five (4,495,755) dollars, or so much thereof as
12 is necessary, for salaries and support for not more than
13 eighty-three point eighty-six full-time equivalent positions,
14 maintenance and other operational purposes. Funds
15 appropriated under this section shall not be used for lease-
16 purchase of cash registers.

17 The alcoholic beverages division of the department of
18 commerce shall transfer at the beginning of each fiscal
19 quarter from appropriated trust funds to the administrative
20 services trust fund an amount which represents the division's
21 share of the estimated cost of consolidated administrative
22 services within the department of commerce, such share to be
23 in the same proportion as established by agreement in the fis-
24 cal year beginning July 1, 1986, and ending June 30, 1987,
25 with the first quarterly transfer to occur between July 1 and
26 July 31 annually. At the close of the fiscal year, actual
27 versus estimated expenditures will be reconciled and any
28 overpayment will be returned to each division or any
29 underpayment will be paid by each division.

30 Sec. 13. The legislative fiscal bureau and the department
31 of management shall perform a joint study of the state of
32 Iowa's wholesale liquor system. The purpose of the study is
33 to examine the feasibility and policy issues of eliminating
34 the current wholesale system. The study shall be submitted to
35 the general assembly on or before January 10, 1989.

1 Sec. 14. There is appropriated from the banking revolving
2 fund to the banking division of the department of commerce for
3 the fiscal year beginning July 1, 1988, and ending June 30,
4 1989, the following amount, or so much thereof as is
5 necessary, to be used for the following purposes:

- 6 For salaries and support for not more than one hundred
- 7 eighteen point fifty full-time equivalent positions,
- 8 maintenance and other operational purposes:
- 9 \$ 4,960,362

10 The banking division of the department of commerce shall
11 transfer at the beginning of each fiscal quarter from ap-
12 propriated trust funds to the administrative services trust
13 fund an amount which represents the division's share of the
14 estimated cost of consolidated administrative services within
15 the department of commerce, such share to be in the same
16 proportion as established by agreement in the fiscal year
17 beginning July 1, 1986, and ending June 30, 1987, with the
18 first quarterly transfer to occur between July 1 and July 31
19 annually. At the close of the fiscal year, actual versus
20 estimated expenditures will be reconciled and any overpayment
21 will be returned to each division or any underpayment will be
22 paid by each division.

23 The banking division may expend additional funds, including
24 funds for additional personnel, if those additional
25 expenditures are actual expenses which exceed the funds
26 budgeted for bank examinations and directly result from
27 examinations of banks. Before the division expends or encum-
28 bers an amount in excess of the funds budgeted for
29 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 banks being regulated which caused the excess
5 expenditures, and the collections shall be treated as
6 repayment receipts as defined in section 8.2, subsection 5.

7 Sec. 15. There is appropriated from the credit union re-
8 volving fund to the credit union division of the department of
9 commerce for the fiscal year beginning July 1, 1988, and
10 ending June 30, 1989, the following amount, or so much thereof
11 as is necessary, to be used for the following purposes:

12 For salaries and support for not more than eighteen full-
13 time equivalent positions, maintenance, and other operational
14 purposes:

15 \$ 819,119

16 The credit union division of the department of commerce
17 shall transfer at the beginning of each fiscal quarter from
18 appropriated trust funds to the administrative services trust
19 fund an amount which represents the division's share of the
20 estimated cost of consolidated administrative services within
21 the department of commerce, such share to be in the same pro-
22 portion as established by agreement in the fiscal year begin-
23 ning July 1, 1986, and ending June 30, 1987, with the first
24 quarterly transfer to occur between July 1 and July 31 an-
25 nually. At the close of the fiscal year, actual versus
26 estimated expenditures will be reconciled and any overpayment
27 will be returned to each division or any underpayment will be
28 paid by each division.

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

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

13 Sec. 16. There is appropriated from the savings and loan
14 revolving fund to the savings and loan division of the depart-
15 ment of commerce for the fiscal year beginning July 1, 1988,
16 and ending June 30, 1989, the following amount, or so much
17 thereof as is necessary, to be used for the following pur-
18 poses:

19 For salaries and support for not more than six full-time
20 equivalent positions, maintenance and other operational
21 purposes:
22 \$ 287,060

23 The savings and loan division of the department of commerce
24 shall transfer at the beginning of each fiscal quarter from
25 appropriated trust funds to the administrative services trust
26 fund an amount which represents the division's share of the
27 estimated cost of consolidated administrative services within
28 the department of commerce, such share to be in the same
29 proportion as established by agreement in the fiscal year
30 beginning July 1, 1986, and ending June 30, 1987, with the
31 first quarterly transfer to occur between July 1 and July 31
32 annually. At the close of the fiscal year, actual versus
33 estimated expenditures will be reconciled and any overpayment
34 will be returned to each division or any underpayment will be
35 paid by each division.

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

20 Sec. 17. There is appropriated from the insurance
 21 revolving fund to the insurance division of the department of
 22 commerce for the fiscal year beginning July 1, 1988, and
 23 ending June 30, 1989, the following amount, or so much thereof
 24 as is necessary, to be used for the following purposes:

25 For salaries and support for not more than eighty-seven
 26 point thirty-three full-time equivalent positions, maintenance
 27 and other operational purposes:

28 \$ 3,547,300

29 It is the intent of the general assembly that the
 30 department of commerce shall transfer sixty percent, provided
 31 that the fee increases in section 18 are implemented otherwise
 32 the department shall transfer fifty-five percent, of insurance
 33 nonexamination revenues received for the fiscal year beginning
 34 July 1, 1988, and ending June 30, 1989, to the general fund of
 35 the state. To the extent that the remaining forty percent or

1 forty-five percent as applicable, of nonexamination revenues
2 available to the division exceed or are projected to exceed
3 the division's appropriation pursuant to this Act.

4 Of the funds appropriated, forty-five thousand (45,000)
5 dollars, or so much thereof as necessary, shall be transferred
6 to the office of the attorney general to reimburse the office
7 of the attorney general for one assistant attorney general.
8 It is the intent of the general assembly that an additional
9 forty-five thousand (45,000) dollars of the funds appropriated
10 to the division of insurance shall be expended for the
11 computerization of continuing education files and other
12 automation improvements.

13 The insurance division of the department of commerce shall
14 transfer at the beginning of each fiscal quarter from ap-
15 propriated trust funds to the administrative services trust
16 fund an amount which represents the division's share of the
17 estimated cost of consolidated administrative services within
18 the department of commerce, such share to be in the same
19 proportion as established by agreement in the fiscal year
20 beginning July 1, 1986, and ending June 30, 1987, with the
21 first quarterly transfer to occur between July 1 and July 31
22 annually. At the close of the fiscal year, actual versus
23 estimated expenditures will be reconciled and any overpayment
24 will be returned to each division or any underpayment will be
25 paid by each division.

26 The insurance division may expend additional funds,
27 including funds for additional personnel, if those additional
28 expenditures are actual expenses which exceed the funds
29 budgeted for insurance company examinations and directly
30 result from examinations of insurance companies. Before the
31 division expends or encumbers an amount in excess of the funds
32 budgeted for examinations, the director of the department of
33 management shall approve the expenditure or encumbrance. Be-
34 fore approval is given, the director of the department of man-
35 agement shall determine that the examination expenses exceed

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

11 Sec. 18.

12 1. It is the intent of the general assembly that the
13 division of insurance of the department of commerce amend the
14 current insurance agent licensing fee and securities agent
15 license fee to provide as follows:

16 a. An insurance agent license fee shall be fifty dollars
17 once every three years and ten dollars annually for continuing
18 education.

19 b. A securities agent license fee shall be thirty dollars
20 annually.

21 2. The division shall by rule implement this fee
22 structure.

23 Sec. 19. There is appropriated from the utilities trust
24 fund to the utilities division of the department of commerce
25 for the fiscal year beginning July 1, 1988, and ending June
26 30, 1989, the following amount, or so much thereof as is
27 necessary, to be used for the following purposes:

28 For salaries and support for not more than ninety-six point
29 five full-time equivalent positions, maintenance and other
30 operational purposes:

31 \$ 4,178,319

32 The utilities division of the department of commerce shall
33 transfer at the beginning of each fiscal quarter from appro-
34 priated trust funds to the administrative services trust fund
35 an amount which represents the division's share of the

1 estimated cost of consolidated administrative services within
2 the department of commerce, such share to be in the same
3 proportion as established by agreement in the fiscal year
4 beginning July 1, 1986, and ending June 30, 1987, with the
5 first quarterly transfer to occur between July 1 and July 31
6 annually. At the close of the fiscal year, actual versus
7 estimated expenditures will be reconciled and any overpayment
8 will be returned to each division or any underpayment will be
9 paid by each division.

10 Sec. 20. The racing commission shall submit the
11 commission's fiscal year 1990 budget request in the same
12 manner and level of detail as required by the department of
13 management for state agencies receiving a general fund
14 appropriation for their operations. The commission shall
15 submit the detailed budget information to the department of
16 management and the legislative fiscal bureau on or before
17 October 1, 1988.

18 Sec. 21. Section 19A.3, Code Supplement 1987, is amended
19 by adding the following new subsection:

20 NEW SUBSECTION. 21. A chief deputy industrial
21 commissioner.

22 Sec. 22. Section 96.7, subsection 12, paragraph c, Code
23 Supplement 1987, is amended to read as follows:

24 c. Moneys in the fund shall be used by the division only
25 upon appropriation by the general assembly and only for
26 personnel and nonpersonnel costs of rural and satellite job
27 service offices in population centers of less than twenty
28 thousand or for the division-approved training fund created in
29 section 2, subsection 2, paragraph "c", of this Act. After
30 ~~the end of a state fiscal year the treasurer of state shall~~
31 ~~promptly transfer all moneys in the fund which have not been~~
32 ~~appropriated or which have been appropriated but remain~~
33 ~~unencumbered or unobligated to the unemployment compensation~~
34 ~~fund.~~

35 Sec. 23. Section 96.11, Code Supplement 1987, is amended

1 by adding the following new subsection:

2 NEW SUBSECTION. 14. ACCESS TO AVAILABLE JOBS LIST. The
3 division of job service shall make available for consultation
4 by the public, at each of the division's offices, a list of
5 current job openings listed with the division, provided that
6 the list shall comply with the confidentiality requirements of
7 section 97.11, subsection 7, or those mandated by the federal
8 government.

9 Sec. 24. Section 99B.2, subsection 1, unnumbered paragraph
10 1, Code Supplement 1987, is amended to read as follows:

11 The division department of inspections and appeals shall
12 issue the licenses required by this chapter. A license shall
13 not be issued, except upon submission to the division
14 department of an application on forms furnished by the
15 division department, and the required license fee. A license
16 may be issued to an eligible applicant. An authorization
17 number to operate may be issued to an applicant until a
18 license is issued. However, a license or authorization number
19 shall not be issued to an applicant who has been convicted of
20 or pled guilty to a violation of this chapter, or who has been
21 convicted of or pled guilty to a violation of chapter 123 that
22 resulted, at any time, in revocation of a license issued to
23 the applicant under chapter 123 or that resulted, within the
24 twelve months preceding the date of application for a license
25 required by this chapter, in suspension of a license issued
26 under chapter 123. To be eligible for a two-year license
27 under section 99B.7, an organization shall have been in
28 existence at least five years prior to the date of issuance of
29 the license. However, an organization which has been in
30 existence for less than five years prior to the date of
31 issuance of the license may obtain a two-year license if
32 either of the following conditions apply:

33 Sec. 25. Section 99B.10, subsection 1, Code Supplement
34 1987, is amended to read as follows:

35 1. A prize of merchandise ~~exceeding-five-dollars-in-value~~

1 or cash shall not be awarded for use of the device. However,
2 a mechanical or amusement device may be designed or adapted to
3 award ~~a prize or~~ one or more free games or portions of games
4 without payment of additional consideration by the
5 participant.

6 Sec. 26. Section 99B.3, subsection 1, paragraph b, Code
7 1987, is amended to read as follows:

8 b. The person conducting the game has submitted a license
9 application and a fee of ~~fifteen~~ fifty dollars for each game,
10 and has been issued a license for the game, and prominently
11 displays the license at the playing area of the game. A
12 license is valid for a period of one year from the date of
13 issue.

14 Sec. 27. Section 99B.6, subsection 1, paragraph a, Code
15 Supplement 1987, is amended to read as follows:

16 a. The holder of the liquor control license or beer permit
17 has submitted an application for a license and an application
18 fee of one hundred fifty dollars, and has been issued a
19 license, and prominently displays the license on the premises.

20 Sec. 28. Section 99B.7, subsection 3, paragraph a, Code
21 Supplement 1987, is amended to read as follows:

22 3. a. A person wishing to conduct games and raffles
23 pursuant to this section as a qualified organization shall
24 submit an application and a license fee of one hundred fifty
25 dollars. However, upon submission of an application
26 accompanied by a license fee of fifteen dollars, a person may
27 be issued a limited license which shall authorize the person
28 to conduct all games and raffles pursuant to this section at a
29 specified location and during a specified period of fourteen
30 consecutive calendar days. A limited license shall not be
31 issued more than once during any calendar year to the same
32 person, or for the same location. For the purposes of this
33 paragraph, a limited license is deemed to be issued on the
34 first day of the fourteen-day period for which the license is
35 issued.

1 Sec. 29. Section 116.3, subsection 3, unnumbered paragraph
2 2, Code 1987, is amended by striking the paragraph.

3 Sec. 30. Section 170.5, unnumbered paragraph 3, Code 1987,
4 is amended by striking the unnumbered paragraph.

5 Sec. 31. Section 170A.5, unnumbered paragraph 3, Code
6 1987, is amended by striking the unnumbered paragraph.

7 Sec. 32. Section 546.10, Code 1987, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 4. The architectural examining board, the
10 landscape architectural examining board, the engineering and
11 land surveying examining board, and the board of accountancy
12 for which revolving fund appropriations have been provided may
13 expend additional funds including funds for additional per-
14 sonnel, if those additional expenditures are directly the
15 cause of actual examination expenses exceeding funds budgeted
16 for examinations. Before the architectural examining board,
17 the landscape architectural examining board, the engineering
18 and land surveying examining board, or the board of
19 accountancy expends or encumbers an amount in excess of the
20 funds budgeted for examinations, the department of management
21 shall approve the expenditure or encumbrance. Before approval
22 is given, the department of management shall determine that
23 the examination expenses exceed the funds budgeted by the
24 general assembly to the board and the board does not have
25 other funds from which examination expenses can be paid. Upon
26 approval by the department of management, the examining board
27 may expend and encumber funds for excess examination expenses.
28 The amounts necessary to fund the examination expenses shall
29 be collected as fees from additional examination applicants
30 and shall be treated as repayment receipts as defined in
31 section 8.2, subsection 5.

32 Sec. 33. 1984 Iowa Acts, chapter 1279, section 44, is
33 repealed.

34 Sec. 34. 1986 Iowa Acts, chapter 1245, section 763, is
35 repealed.

1 Sec. 35. Section 114.23, Code 1987, is repealed.

2 Sec. 36. All federal grants to and the federal receipts of
3 the agencies appropriated funds under this division of this
4 Act are appropriated for the purposes set forth in such
5 federal grants or receipts unless otherwise provided by the
6 general assembly.

7 EXPLANATION

8 This bill makes appropriations to various regulatory
9 agencies, boards, commissions, departments, and programs of
10 state government.

11 Section 1 provides 1989 fiscal year funding for the auditor
12 of state.

13 Section 2 funds the campaign finance disclosure commission.

14 Section 3 funds the department of employment services,
15 including the following divisions of the department: labor
16 services and industrial services.

17 Section 4 permits use of moneys in the special employment
18 security contingency fund for specified purposes, including
19 support of the county, labor survey, economic development
20 teams.

21 Section 5 creates a rural job services operations study
22 committee to study rural job services operations and service
23 delivery.

24 Section 6 appropriates moneys from the administrative
25 contribution surcharge fund to the department of employment
26 services.

27 Section 7 funds the department of inspections and appeals
28 including the following specific divisions or boards:
29 employment appeal board; foster care review board; and
30 general department salaries and support.

31 Section 8 appropriates moneys from the road use tax fund to
32 the department of inspections and appeals.

33 Section 9 funds the public employment relations board.

34 Section 10 establishes and funds a professional licensing
35 revolving fund for the operations of the professional

1 licensing and regulation division of the department of
2 commerce. A start-up appropriation from the general fund, of
3 one hundred thousand dollars, to be repaid within one year, is
4 made. Appropriations for the division from the revolving fund
5 are authorized.

6 Section 11 funds the administrative services division of
7 the department of commerce.

8 Section 12 allocates moneys from the beer and liquor
9 control fund to the alcoholic beverages division of the
10 department of commerce, and provides other moneys for the
11 division.

12 Section 13 mandates a joint study by the legislative fiscal
13 bureau and department of management of eliminating the current
14 state wholesale liquor system.

15 Section 14 funds the banking division of the department of
16 commerce from the banking revolving fund and provides for
17 other moneys for the division.

18 Section 15 funds the credit union division of the
19 department of commerce from the credit union revolving fund
20 and provides for other moneys for the division.

21 Section 16 funds the savings and loan division of the
22 department of commerce from the savings and loan revolving
23 fund and provides for other moneys for the division.

24 Section 17 funds the insurance division from the insurance
25 revolving fund and provides for other moneys for the division.

26 Section 18 instructs the division of insurance to increase
27 certain insurance agent and securities agent license fees set
28 by rule.

29 Section 19 funds the utilities division of the department
30 of commerce from the utilities trust fund.

31 Section 20 requires the racing commission to submit a
32 detailed budget like state agencies receiving general fund
33 appropriations.

34 Section 21 exempts the chief deputy industrial commissioner
35 from merit pay.

1 Section 22 permits use of the division of job service fund
2 for the division's training fund.

3 Section 23 requires the division of job service to make
4 available a list of current job openings.

5 Section 24 transfers the authority to issue licenses from
6 the gaming division to the department of inspections and
7 appeals.

8 Section 25 prohibits the award of merchandise or cash for
9 use of a mechanical amusement device.

10 Section 26 increases the concession games fee from fifteen
11 dollars to fifty dollars.

12 Section 27 increases the social gambling license fee from
13 one hundred dollars to one hundred fifty dollars.

14 Section 28 increases the bingo license fee from \$100 to
15 \$150.

16 Section 29 strikes a provision relating to fee allocation
17 from the public accounts chapter.

18 Sections 30 and 31 eliminate the fifty percent license fee
19 discount for food establishments with a food service aspect.

20 Section 32 permits certain boards of the division of
21 professional licensing and examinations to expend moneys
22 beyond those appropriated in certain circumstances if the
23 regulated people causing the excess expenditures pay fees to
24 cover the increase.

25 Section 33 repeals the sunset provision for the foster care
26 review board.

27 Section 34 repeals the sunset provision for the department
28 of commerce.

29 Section 35 repeals a provision dealing with the engineers
30 boards' approval of travel and expense warrants, an
31 administrative procedure now handled by the department under
32 governmental reorganization.

33 Section 36 allocates all federal grants and receipts to the
34 purposes set forth in the grants or receipts.

35 SIMILAR TO LSB 8261HV

LSB 8439HV 72

HOUSE FILE 2444

H-5565

- 1 Amend House File 2444 as follows:
- 2 1. Page 19, by striking lines 14 through 19.
- 3 2. Renumber sections and correct internal
- 4 references as necessary.

H-5565 FILED MARCH 14, 1988 BY VAN CAMP of Scott
Scott 3/14/88

HOUSE FILE 2444

H-5567

- 1 Amend House File 2444 as follows:
- 2 1. Page 19, by striking lines 20 through 35.
- 3 2. Renumber sections and correct internal
- 4 references as necessary.

H-5567 FILED MARCH 14, 1988 BY VAN CAMP of Scott
Scott 3/14/88

HOUSE FILE 2444

H-5566

- 1 Amend House File 2444 as follows:
- 2 1. Page 20, by striking lines 3 through 6.
- 3 2. Renumber sections and correct internal
- 4 references as necessary.

H-5566 FILED MARCH 14, 1988 BY VAN CAMP of Scott
Scott 3/14/88

HOUSE FILE 2444

H-5568

- 1 Amend House File 2444 as follows:
- 2 1. Page 14, lines 30 through 32, by striking the
- 3 words: "sixty percent, provided that the fee
- 4 increases in section 18 are implemented otherwise the
- 5 department shall transfer".
- 6 2. Page 16, by striking lines 11 through 22.
- 7 3. Renumber sections and correct internal
- 8 references as necessary.

H-5568 FILED MARCH 14, 1988 BY VAN CAMP of Scott
Scott 3/14/88

HOUSE FILE 2444

H-5584

- 1 Amend House File 2444 as follows:
- 2 1. Page 7, line 16, by striking the words "road
- 3 use tax fund" and inserting the following: "primary
- 4 road fund".

H-5584 FILED MARCH 14, 1988 BY TYRRELL of Iowa
Tyrrell 3/14/88

HOUSE FILE 2444

H-5551

- 1 Amend House File 2444 as follows:
2 1. Page 7, line 16, by striking the words "road
3 use tax fund" and inserting the following: "primary
4 road fund".

H-5551 FILED MARCH 14, 1988 BY VAN MAANEN of Mahaska
File 3/14/88 (p. 562)

HOUSE FILE 2444

H-5559

- 1 Amend House File 2444 as follows:
2 1. Page 17, by inserting after line 17, the
3 following:
4 "Sec. ____ . Section 11.18, Code 1987, is amended by
5 adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. The auditor of state may
7 review the audit workpapers prepared by a certified or
8 registered accountant in the performance of an
9 examination of the financial condition and
10 transactions of a city. However, unless the public
11 interest requires otherwise, a review of audit
12 workpapers shall not be made more than once in any
13 three-year period if the same certified or registered
14 accountant performs the examination of the city during
15 that period. The actual and necessary expenses
16 incurred by the auditor of state in performance of the
17 review shall be reimbursed by the certified or
18 registered accountant whose workpapers are subject to
19 review, but the amount reimbursed shall not exceed the
20 greater of one thousand dollars or ten percent of the
21 fee collected by the accountant from the city to
22 conduct the examination."

H-5559 FILED MARCH 14, 1988 BY HERMANN of Scott
File 3/14/88 (p. 562)

HOUSE FILE 2444

H-5560

- 1 Amend House File 2444 as follows:
2 1. Page 7, by striking lines 3 through 15.
3 2. By renumbering as necessary.

H-5560 FILED MARCH 14, 1988 BY TYRRELL of Iowa
File 3/14/88 (p. 562)

HOUSE FILE 2444

H-5564

- 1 Amend House File 2444 as follows:
2 1. Page 19, by striking lines 6 through 13.
3 2. Renumber sections and correct internal
4 references as necessary.

H-5564 FILED MARCH 14, 1988 BY VAN CAMP of Scott
File 3/14/88 (p. 562)

HOUSE FILE 2444

H-5628

1 Amend House File 2444 as follows:

2 1. Page 20, by inserting after line 33, the
3 following:

4 "Sec. 33. NEW SECTION. 237.23 AUTOMATIC REPEAL.

5 Sections 237.15 through 237.22, Code 1987, are
6 repealed July 1, 1992.

7 Sec. _____. The department of human services, the
8 foster care review board, and the supreme court shall
9 submit a coordinated foster care plan to the
10 legislature on or before January 15, 1989. The plan
11 shall coordinate foster care services between the
12 participants to avoid duplication, to improve delivery
13 of services, and improve fact-finding, review, and
14 appeal processes, both nonjudicial and judicial, to
15 the extent possible. The plan should include specific
16 proposals for legislative action necessary to
17 implement the plan. The plan shall also include a
18 critical review and summary of problems with the
19 current system."

20 2. Page 21, by inserting after line 1 the
21 following:

22 "Sec. _____. Section 33 of this Act is effective
23 June 30, 1988."

24 3. Title page, line 7, by inserting after the
25 word "utilities" the following: "and providing an
26 effective date".

H-5628 FILED MARCH 15, 1988

Ad. file in volume 2444

BY COREY of Louisa

TEAFORD of Black Hawk

HOUSE FILE 2444

H-5633

1 Amend House File 2444 as follows:

2 1. Page 20, by inserting after line 31 the
3 following:

4 "Sec. _____. Section 546.10, Code 1987, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 5. The administrator of
7 professional licensing and regulation may adopt rules
8 conditioning licensing of a member of a profession
9 regulated by the division upon proof of an adequate
10 level of financial responsibility for professional
11 liability. Proof of financial responsibility may be
12 required in the form of commercial bonding, insurance,
13 self-insurance, or other professional financial
14 responsibility program adopted by rule of, or approved
15 by, the administrator."

H-5633 FILED MARCH 15, 1988

Ad. file in volume 2444

BY SWARTZ of Marshall

RENAUD of Polk

HOUSE FILE 2444

H-5603

1 Amend House File 2444 as follows:

2 1. Page 9, by striking lines 11 through 30.

3 2. Page 20, by striking lines 9 through 31, and
4 inserting the following:

5 "NEW SUBSECTION. 4. The professional licensing
6 and regulation division of the department of commerce
7 may expend additional funds, including funds for
8 additional personnel, if these additional expenditures
9 are directly the cause of actual examination expenses
10 exceeding funds budgeted for examinations. Before the
11 division expends or encumbers an amount in excess of
12 the funds budgeted for examinations, the director of
13 the department of management shall approve the
14 expenditure or encumbrance. Before approval is given,
15 the director of the department of management shall
16 determine that the examination expenses exceed the
17 funds budgeted by the general assembly to the division
18 and the division does not have other funds from which
19 the expenses can be paid. Upon approval of the
20 director of the department of management, the division
21 may expend and encumber funds for excess examination
22 expenses. The amounts necessary to fund the
23 examination expenses shall be collected as fees from
24 additional examination applicants and shall be treated
25 as repayment receipts as defined in section 8.2,
26 subsection 5."

27 3. By renumbering as necessary.

H-5603 FILED MARCH 15, 1988 BY RENAUD of Polk

Adopted 3-16 (p. 31)

HOUSE FILE 2444

H-5609

1 Amend House File 2444 as follows:

2 1. Page 7, line 16, by striking the words "road
3 use tax fund" and inserting the following: "general
4 fund".

H-5609 FILED MARCH 15, 1988 BY TYRRELL of Iowa

Adopted 3-16 (p. 31)

HOUSE FILE 2444

H-5627

1 Amend House File 2444 as follows:

2 1. Page 4, line 27 by striking the word "rural".

3 2. Page 5, line 4, by striking the word "rural".

4 3. Page 5, line 10, by inserting after the word
5 "offices" the following: ", including sharing office
6 locations with other state agencies".

H-5627 FILED MARCH 15, 1988 BY VAN CAMP of Scott

~~Adopted~~ 3-16 (p. 32)
Lost

HOUSE FILE 2444

H 5654

Amend the amendment, H-633, to House File 2444 as follows:

1. Page 1, by striking lines 2 through 15, and inserting the following:

"Sec. _____. Page 9, by inserting after line 30, the following:

"Sec. _____. No later than January 15, 1989, the administrator of the division of professional

licensing of the department of commerce shall prepare and submit a study to the general assembly evaluating the feasibility of adopting financial responsibility rules meeting the following criteria:

1. The rules shall require a member of a regulated profession to carry errors or omissions insurance to cover all regulated activities of the profession, or similar professional malpractice insurance.

2. The rules shall permit the administrator to contract with an insurance provider for a group policy for each or all professions regulated by the administrator. The contract shall be solicited by competitive, sealed bid.

3. A group policy obtained by the administrator to satisfy the mandate of subsection 1 shall be made available to all members of the regulated profession with no right on the part of the insurance provider to cancel coverage for any member.

4. A member of a profession shall have the option of obtaining insurance independently, provided that the coverage contained in an independently obtained policy complies with the minimum requirements adopted by rule of the administrator.

5. The administrator shall determine the terms and conditions of coverage for the annual policy at least thirty days prior to the annual policy renewal date. The study shall include proposed terms and conditions. A certificate of coverage, showing compliance with the required terms and conditions of coverage, must be filed with the administrator as a condition to license renewal by a member opting not to participate in the group insurance program contracted for by the administrator.

6. If the administrator is unable to obtain a group policy of errors and omissions insurance coverage at a reasonable premium to insure all members of a regulated profession who choose to participate in the group insurance program, the insurance or proof of financial responsibility requirement shall not be applicable to that profession during the applicable contract year.

The study shall include an evaluation of the

H-5654

Page Two

1 availability of a group policy meeting the listed
 2 criteria, and an estimate of the premiums costs for a
 3 member of each regulated profession. The study shall
 4 describe the minimum requirements contemplated,
 5 including, but not limited to deductible amounts and
 6 minimum coverage limits. The study shall also
 7 describe the availability and cost of currently
 8 available insurance programs for each profession, both
 9 group and individual. The study shall contain a
 10 recommendation of the administrator whether to adopt
 11 professional financial responsibility rules for each
 12 regulated profession and whether to provide a group
 13 insurance policy program as described in this
 14 subsection."

H-5654 FILED MARCH 16, 1988 BY SWARTZ of Marshall

HOUSE FILE 2444

H-5648

1 Amend House File 2444 as follows:
 2 1. Page 1, line 10, by inserting after the word
 3 "reimbursed" the following: ", out of the examined
 4 agency's appropriation,".
 5 2. Page 2, line 28, by striking the word
 6 "purposes:" and inserting the following:
 7 "purposes:".
 8 3. Page 2, line 35, by striking the word
 9 "workers" and inserting the following: "workers".
 10 4. Page 7, by inserting after line 15, the
 11 following:
 12 "The board of cosmetology examiners and the board
 13 of barber examiners shall by rule implement this fee
 14 schedule."
 15 5. Page 8, lines 11 and 12, by striking the words
 16 "and regulation division".
 17 6. Page 17, by striking lines 28 and 29, and
 18 inserting the following: "thousand. After".
 19 7. Page 21, line 3, by striking the words "this
 20 division of".
 21 8. Title page, line 1, by inserting after the
 22 words "relating to" the following: "regulatory bodies
 23 of state government by".
 24 9. Title page, line 7, by inserting after the
 25 word "utilities" the following: ", by mandating
 26 certain studies, policies, and other actions by
 27 certain regulatory bodies, by increasing certain fees,
 28 by allocating certain expenses between state agencies,
 29 and by exempting certain regulatory personnel from the
 30 merit pay system".

H-5648 FILED MARCH 16, 1988 BY RENAUD of Polk

HOUSE FILE 2444

H-5640

1 Amend House File 2444 as follows:

- A 2 1. Page 3, by striking lines 30 through 32.
- 3 2. Page 3, lines 33 and 34, by striking the words
- B 4 and figure "four hundred fifty-two thousand five
- 5 hundred (452,500)" and inserting the following: "two
- 6 hundred fifty thousand (250,000)".

7 3. Page 5, by inserting after line 28 the fol-
8 lowing:

9 "As a condition of these appropriations, all job
C 10 service offices which were open and operating on June
11 30, 1988, shall remain open and operating during
12 fiscal year 1989. However, this provision shall not
13 prevent the consolidation of multiple offices within
14 the same city or the colocation of a job service
15 office with another state office."

D 16 4. Page 17, by inserting after line 21 the
17 following:

18 "Sec. ____ . Section 96.7, subsection 12, paragraph
19 a, Code Supplement 1987, is amended to read as
20 follows:

21 a. An employer other than a governmental entity or
22 a nonprofit organization, subject to this chapter,
23 shall pay an administrative contribution surcharge
24 equal in amount to ~~one-tenth~~ four-hundredths of one
25 percent of ~~federal~~ state taxable wages, as defined in
26 section 96.19, subsection 20, paragraph "b". The
27 division shall recompute the amount as a percentage of
28 taxable wages, as defined in section 96.19, subsection
29 20, and shall add the percentage surcharge to the
30 employer's contribution rate determined under this
31 section. The division shall adopt rules prescribing
32 the manner in which the surcharge ~~will~~ shall be
33 collected. Interest shall accrue on all unpaid
34 surcharges under this subsection at the same rate as
35 on regular contributions and shall be collectible in
36 the same manner."

37 5. By renumbering and relettering as necessary.

H-5640 FILED MARCH 15, 1988 BY VAN CAMP of Scott

A - Lost 3-16 (p 861)

B - Lost 3-16 (p 861)

C - adopted 3-16 (p 862)

D - [unclear] [unclear] (p 862)

HOUSE FILE 2444

H-5665

1 Amend amendment H-5648 to House File 2444 as
2 follows:

- 3 1. Page 1, by striking lines 17 and 18 and
- 4 inserting the following:
- 5 "6. Page 17, by striking lines 28 and 29 and
- 6 inserting the following: "thousand or for the
- 7 division-approved training fund funded in section 6,
- 8 subsection 2, of this Act. After".

H-5665 FILED MARCH 17, 1988 BY RENAUD of Polk
ADOPTED

HOUSE FILE 2444

H-5634

1 Amend House File 2444 as follows:

- 2 1. Page 10, by inserting after line 35 the
3 following:
4 "Sec. ____ . 1986 Iowa Acts, chapter 1246, section
5 755, is hereby reenacted and remains effective to the
6 extent that persons who were employed by the division
7 of alcoholic beverages whose positions were terminated
8 as a result of sections 724 through 761 of chapter
9 1246 of the 1986 Iowa Acts shall continue to be
10 accorded the hiring preferences for other positions in
11 state departments provided by section 755."

H-5634 FILED MARCH 15, 1988 BY JOCHUM of Dubuque

Withdraw 3/16 (p. 204)

HOUSE FILE 2444

H-5639

1 Amend House File 2444 as follows:

- 2 1. Page 4, line 15, by striking the words and
3 figure "forty thousand (40,000)" and inserting the
4 following: "thirty thousand (30,000)".

H-5639 FILED MARCH 15, 1988 BY VAN CAMP of Scott

Withdraw 3-16 (p. 802)

HOUSE FILE 2444

H-5638

1 Amend House File 2444 as follows:

- 2 1. By striking page 2, line 34 through page 3,
3 line 6 and inserting the following: "commissioner,
4 and two clerical employees."

H-5638 FILED MARCH 15, 1988 BY VAN CAMP of Scott

L-05+ 3-16 (p. 800)

HOUSE FILE 2444

H-5646

1 Amend amendment H-5559, to House File 2444 as
2 follows:

- 3 1. Page 1, by striking lines 2 through 6 and
4 inserting the following:
5 "1. Page 2, by inserting after line 1, the
6 following:
7 "As a condition of this appropriation, the auditor
8 of state may"."

H-5646 FILED MARCH 16, 1988 BY HERMANN of Scott

Page 1 of 1

HOUSE FILE 2444

H-5653

1 Amend the amendment H-5628 to House File 2444 as
2 follows:

- 3 1. Page 1, by striking lines 4 through 7, and
4 inserting the following:
5 "Sec. ____ . The department of human services, the".
6 2. Page 1, by striking lines 20 through 26.

H 5653 FILED MARCH 16, 1988

BY TEAFORD of Black Hawk

HOUSE FILE 2444

FISCAL NOTE

PREPARED BY REPRESENTATIVE CARPENTER

In compliance with a written request received March 16, 1988, a fiscal note for HOUSE FILE 2444 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2444 makes appropriations to agencies, boards, commissions, departments, and programs of state government including the Auditor of State, Campaign Finance, Employment Services, Labor Services, Industrial Services, Job Services, Inspections and Appeals, Commerce, Professional Licensing and Regulation, Insurance, Alcoholic Beverages, Banking, Credit Union, Savings and Loan, and Utilities.

House File 2444 contains numerous sections that appropriate funding to state regulatory agencies for their operations as well as sections that do not appropriate funding, but have a fiscal effect on the State General Fund or other trust funds relating to regulatory agencies.

FISCAL EFFECT: The fiscal effect of House File 2444 is as follows:

	FY-89 -----	FY-90 -----
<u>AUDITOR OF STATE</u>		
Sec. 1 Direct billing of audits to certain state agencies - net savings to G.F.	\$ 180,000	180,000
<u>INDUSTRIAL SERVICES DIVISION</u>		
Sec. 3.2 Establishes a \$65 filing fee for workers comp cases - increased revenue to the G.F.	150,000	150,000
<u>DEPT OF INSPECTIONS/APEALS</u>		
Sec. 7.6 Increase license fees for barber shops from \$25 to \$30 and for beauty shops from \$10 to \$30 - increased revenue to G.F.	98,500	98,500
<u>PROFESSIONAL LICENSING DIVISION, DEPT OF COMMERCE</u>		
Sec.10.3 Requires the Professional Licensing Div to repay \$100,000 in startup funding to the General Fund by June 30, 1989.	100,000	-0-
<u>INSURANCE DIVISION, DEPT OF COMMERCE</u>		
Sec.18.1 Increasing insurance agent license fees from \$10 annually to \$50 every three years. Also, establishes a \$10 annual fee for ed/certification - increases revenues.	400,000	400,000
Increase securities agent fees from		

Page Two, Fiscal Note, House File 2444

\$20 annually to \$30 annually - increases revenues.	200,000	200,000
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DEPT OF INSPECTIONS/APEALS

Sec. 26	Increases the concession license fee from \$15 to \$50 annually - increases revenue to the G.F.	21,000	21,000
Sec. 27	Increases the social gambling license fee from \$100 to \$150 for two years - increases revenue to the G.F.	61,000	61,000
Sec. 28	Increases bingo license fees from \$100 to \$150 for two years - increases revenues to the G.F.	37,000	37,000
Sec. 30 & 31	Eliminates the 50% reduction in license fees for food establishments with an on sight food service area - increases revenues to the G.F.	21,000	21,000
		21,000	21,000

TOTAL REVENUES GENERATED	\$ 1,268,500	1,168,500
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RECAP

GENERAL FUND IMPACT

Increase In Fees	\$ 898,500	898,500
Auditor - Direct Billing Savings	180,000	180,000
Prof Lic Startup Repayment	100,000	-0-

Total General Fund	\$ 1,178,500	1,078,500

TRUST FUND IMPACT

Insurance Div Trust Fd - Agent Lic Fees	\$ 90,000	90,000
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Source: Dept of Inspections & Appeals
 Dept of Employment Services
 Dept of Commerce

(LSB 8439H, TCF)

FILED MARCH 17, 1988

BY DENNIS PROUTY, FISCAL DIRECTOR

See Appropriations 3/21
Amend to 244 - Re Pass 3/23 (p. 984)
Referred to Finance March 3/25

HOUSE FILE 2444
BY COMMITTEE ON APPROPRIATIONS

(As Amended and Passed by the House March 17, 1988)

Passed House, Date 4/7/88 (p. 1551) Passed Senate, Date 3/28/88 (p. 1077)
Vote: Ayes 61 Nays 19 Vote: Ayes 26 Nays 21

Approved April 13, 1988 - 2 term vote
Motion to override veto lost 4/15 (p. 2100) *Repassed Senate 4/1/88 (p. 1260)*
30-18

A BILL FOR

1 An Act relating to regulatory bodies of state government by
2 making appropriations to agencies, boards, commissions,
3 departments, and programs of state government including the
4 auditor of state, campaign finance, employment services, labor
5 services, industrial services, job services, inspections and
6 appeals, commerce, professional licensing and regulation,
7 insurance, alcoholic beverages, banking, credit union, savings
8 and loan, and utilities, by mandating certain studies,
9 policies, and other actions by certain regulatory bodies, by
10 increasing certain fees, by allocating certain expenses
11 between state agencies, and by exempting certain regulatory
12 personnel from the merit pay system and providing an effective
13 date.

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

HOUSE FILE 2444

H-6260

1 Amend House File 2444, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, lines 17 and 18, by striking the words
4 "the offices of the clerks of the district court of
5 the judicial department,".

By JOCHUM of Dubuque

H-6260 FILED APRIL 6, 1988

1 Section 1. There is appropriated from the general fund of
2 the state to the office of the auditor of state for the fiscal
3 year beginning July 1, 1988, and ending June 30, 1989, the
4 following amount, or so much thereof as is necessary, to be
5 used for the purposes designated:

6 For salaries and support for not more than ninety point
7 five full-time equivalent positions, maintenance, and other
8 operational purposes:

9 \$ 1,473,442

10 The auditor of state shall be reimbursed, out of the
11 examined agency's appropriation, for performing examinations
12 of the department of human services, the state department of
13 transportation, the Iowa department of public health, the
14 state board of regents, the department of agriculture and land
15 stewardship, the department of economic development, the
16 department of education, the department of employment
17 services, the department of natural resources, the offices of
18 the clerks of the district court of the judicial department,
19 and federal financial assistance, as defined in Pub. L. No.
20 98-502, received by all other departments.

21 The auditor of state shall audit an agency or department,
22 which does not receive federal funding, every other year if in
23 the judgment of the auditor of state, the agency or department
24 would not be adversely affected by being audited less than
25 annually. The auditor of state shall report to the
26 legislative fiscal bureau and the department of management on
27 or before September 1, 1988, which agencies and departments
28 will be audited every other year instead of annually.

29 The auditor of state shall collect information on the
30 costs, including time spent by employees of the auditor of
31 state, associated with providing assistance to private
32 certified public accounting firms, local governments, and
33 other people in connection with audits of political
34 subdivisions not conducted by the auditor of state. The
35 auditor of state shall report the cost information to the

1 legislative fiscal bureau and the department of management on
2 or before September 1, 1988.

3 Sec. 2. There is appropriated from the general fund of the
4 state to the campaign finance disclosure commission for the
5 fiscal year beginning July 1, 1988, and ending June 30, 1989,
6 the following amount, or so much thereof as is necessary, for
7 the purposes designated:

8 1. For salaries and support of not more than four full-
9 time equivalent positions, maintenance and miscellaneous
10 purposes:

11 \$ 178,599

12 2. For salaries and support of not more than zero point
13 seventy-five full-time equivalent positions for an
14 administrative intern:

15 \$ 8,100

16 Sec. 3. There is appropriated from the general fund of the
17 state to the department of employment services for the fiscal
18 year beginning July 1, 1988, and ending June 30, 1989, the
19 following amounts, or so much thereof as is necessary, for the
20 purposes designated:

21 1. DIVISION OF LABOR SERVICES

22 For salaries and support for not more than eighty-four
23 point eighty-five full-time equivalent positions, maintenance
24 and miscellaneous purposes:

25 \$ 1,867,668

26 2. DIVISION OF INDUSTRIAL SERVICES

27 For salaries and support for not more than thirty-six point
28 ninety-five full-time equivalent positions, maintenance, and
29 miscellaneous purposes:

30 \$ 1,427,071

31 The division shall add three full-time employees, from the
32 funds appropriated, to expedite the administrative hearing
33 process for workers compensation cases, and to reduce case
34 backlogs. The employees shall include one deputy industrial
35 commissioner, and two clerical employees. The division shall

1 begin charging a sixty-five dollar filing fee for workers'
2 compensation cases. The filing fee shall be paid by the
3 petitioner of a claim; however, the fee can be taxed as a
4 cost, and therefore, paid by the losing party, except in cases
5 where it would impose an undue hardship or be unjust in the
6 circumstances. The division shall by rule implement the
7 filing fee.

8 It is the intent of the general assembly that the position
9 of job service commissioner not be filled and that the
10 director of the department of employment services shall
11 continue to act as the chief executive officer of the division
12 of job service.

13 Sec. 4. CONTINGENCY FUND USES -- BUILDING AND EQUIPMENT
14 EXPENSES, ECONOMIC DEVELOPMENT LABOR SURVEYS, DIVISION-
15 APPROVED TRAINING.

16 1. Notwithstanding the provisions of section 96.13,
17 subsection 3, which restrict the use of moneys in the special
18 employment security contingency fund, moneys in the fund on
19 June 30, 1988, shall not be transferred by the treasurer of
20 state to either the temporary emergency surcharge fund or the
21 unemployment compensation fund, but shall be available to the
22 division of job service of the department of employment
23 services for the fiscal year beginning July 1, 1988, and
24 ending June 30, 1989, for expenditures under subsection 2.

25 2. The division of job service shall expend moneys which
26 are credited to the special employment security contingency
27 fund during the fiscal year beginning July 1, 1988, and ending
28 June 30, 1989, including moneys which are available to the
29 division of job service under subsection 1, only in accordance
30 with the following restrictions:

31 a. The division may expend up to fifty thousand (50,000)
32 dollars from the fund for replacing the roof of the state
33 administrative office building.

34 b. The division may expend up to four hundred fifty-two
35 thousand five hundred (452,500) dollars from the fund for the

1 support of the county, labor survey, economic development
2 teams.

3 c. Any balance of moneys in the special employment
4 security contingency fund shall be deposited by the treasurer
5 of state in the division-approved training fund which is
6 created as a special fund in the state treasury.
7 Notwithstanding section 453.7, interest or earnings from
8 moneys deposited in the division-approved training fund shall
9 be credited to that fund. The division shall use moneys from
10 the fund to pay only the instructional cost of training
11 related to tuition and course fees, approved by the division
12 pursuant to section 96.4 and 345 IAC, rules 4.39 and 4.40, for
13 individuals who demonstrate to the division's satisfaction
14 that they are financially incapable of paying the
15 instructional cost of the approved training. However, the
16 division may expend up to forty thousand (40,000) dollars from
17 the fund for administrative costs relating to payments for
18 division approved training.

19 Payments from the fund shall not be made to the individual
20 receiving approved training but shall be made directly to the
21 institution or person providing the approved training.
22 Payments shall not exceed one thousand dollars per individual
23 trainee in any two-year period. The division shall distribute
24 information on the qualification requirements for and
25 availability of payment for the division-approved training to
26 individuals filing claims for benefits or receiving benefits
27 under chapter 96.

28 Sec. 5. A rural job service operations study committee
29 shall be established consisting of the following members:

- 30 1. One representative appointed by the speaker of the
31 house.
- 32 2. One representative appointed by the house minority
33 leader.
- 34 3. One senator appointed by the senate majority leader.
- 35 4. One senator appointed by the senate minority leader.

1 The legislative fiscal bureau and the department of
2 management shall provide staff assistance. The committee
3 shall meet with the job service advisory council for the
4 purpose of establishing criteria to be used for making changes
5 in rural job service operations and service delivery.

6 Issues for consideration include, but are not limited to,
7 the following:

- 8 a. Evaluation of job service's administrative structure,
9 including staffing, level of service, method of service, and
10 organizational structure.
- 11 b. Location of offices.
- 12 c. Access to services and the types of services provided.
- 13 d. Possible consolidation of similar services which are
14 provided to similar clients.
- 15 e. Feasibility and cost of providing certain job service
16 functions through automation or telephone communications.

17 Sec. 6. There is appropriated from the administrative
18 contribution surcharge fund of the state to the department of
19 employment services for the fiscal year beginning July 1,
20 1988, and ending June 30, 1989, the following amounts, or so
21 much thereof as is necessary, for the purposes designated:

22 1. DIVISION OF JOB SERVICE

23 For salaries, support, maintenance, and miscellaneous pur-
24 poses of rural and satellite job service offices in population
25 centers of less than twenty thousand:

26 \$ 3,743,151

27 2. DIVISION OF JOB SERVICE

28 For deposit in the division-approved training fund:

29 \$ 1,149,209

30 As a condition of these appropriations, all job service
31 offices which were open and operating on June 30, 1988, shall
32 remain open and operating during fiscal year 1989. However,
33 this provision shall not prevent the consolidation of multiple
34 offices within the same city or the colocation of a job
35 service office with another state office.

1 Sec. 7. There is appropriated from the general fund of the
2 state to the department of inspections and appeals for the
3 fiscal year beginning July 1, 1988, and ending June 30, 1989,
4 the following amounts, or so much thereof as is necessary, for
5 the purposes designated:

6 1. GENERAL DEPARTMENT

7 For salaries and support for not more than two hundred
8 twenty-six point five full-time equivalent positions,
9 maintenance, and miscellaneous purposes:

10 \$ 3,920,680

11 It is the intent of the general assembly that food and food
12 service establishments receiving a score of ninety points or
13 more in the last two inspections shall be subject to an annual
14 inspection rather than semiannual inspections.

15 It is the intent of the general assembly that the
16 department of inspections and appeals continue the
17 demonstration waiver project through June 30, 1989, to
18 encourage the development of residential care facilities,
19 which serve persons with mental retardation, chronic mental
20 illness, and other developmental disabilities, which have five
21 or fewer residents for persons specified in section 225C.26.
22 The project shall be exempt from section 135.63 through June
23 30, 1989. The demonstration waiver committee shall evaluate
24 the project and make a recommendation whether to continue the
25 project to the general assembly, on or before February 15,
26 1989.

27 2. DEPARTMENT OF INSPECTIONS AND APPEALS

28 For salaries and support for not more than one full-time
29 equivalent position for a field auditor to audit bingo
30 operations:

31 \$ 37,000

32 3. EMPLOYMENT APPEAL BOARD

33 For salaries and support for not more than one point eight
34 full-time equivalent positions, maintenance, and miscellaneous
35 purposes:

1 \$ 32,154

2 4. FOSTER CARE REVIEW BOARD

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

5 \$ 193,781

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

10 6. It is the intent of the general assembly that the board
11 of cosmetology examiners and the board of barber examiners, as
12 appropriate, shall increase the original and renewal license
13 fees to operate a beauty salon and the original and renewal of
14 a barber shop license fee as follows:

15 a. A beauty shop original license fee shall be increased
16 to thirty dollars.

17 b. A beauty shop renewal license fee shall be increased to
18 thirty dollars.

19 c. A barber shop original license fee shall be increased
20 to thirty dollars.

21 d. A barber shop renewal license fee shall be increased to
22 thirty dollars.

23 The board of cosmetology examiners and the board of barber
24 examiners shall by rule implement this fee schedule.

25 Sec. 8. There is appropriated from the road use tax fund
26 to the department of inspections and appeals for the fiscal
27 year beginning July 1, 1988, and ending June 30, 1989, the
28 following amount, or so much thereof as is necessary, for the
29 purposes designated:

30 For salaries and support for not more than eleven point
31 five full-time equivalent positions, maintenance, and
32 miscellaneous purposes:

33 \$ 364,857

34 It is the intent of the general assembly that the
35 department of inspections and appeals cross train its

1 employees to perform more than one form of inspection or work
2 whenever possible.

3 Sec. 9. There is appropriated from the general fund of the
4 state to the public employment relations board for the fiscal
5 year beginning July 1, 1988, and ending June 30, 1989, the
6 following amount, or so much thereof as is necessary, for the
7 purposes designated:

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

11 \$ 604,405

12 Sec. 10.

13 1. There is created in the office of the treasurer of
14 state for the professional licensing and regulation division
15 of the department of commerce, a professional licensing
16 revolving fund.

17 2. There is appropriated from the general fund of the
18 state to the department of commerce for the fiscal year
19 beginning July 1, 1988, and ending June 30, 1989, one hundred
*20 thousand dollars for deposit in the professional licensing
21 revolving fund.

22 3. The amount appropriated in subsection 2 from the
23 general fund of the state is appropriated from the
24 professional licensing revolving fund to the treasurer of
25 state to be transferred to and deposited in the general fund
26 of the state no later than June 30, 1989.

27 4. There is appropriated from the professional licensing
28 revolving fund to the professional licensing and regulation
29 division of the department of commerce, for the fiscal year
30 beginning July 1, 1988, and ending June 30, 1989, the
31 following amount, or so much thereof as is necessary for the
32 following purposes:

33 For salaries and support for not more than nine full-time
34 equivalent positions, maintenance, and other operational
35 purposes:

1 \$ 654,027

2 The professional licensing division of the department of
3 commerce shall transfer at the beginning of each fiscal
4 quarter from appropriated trust funds to the administrative
5 services trust fund an amount which represents the division's
6 share of the estimated cost of consolidated administrative
7 services within the department of commerce, such share to be
8 in the same proportion as established by agreement in the
9 fiscal year beginning July 1, 1986, and ending June 30, 1987,
10 with the first quarterly transfer to occur between July 1 and
11 July 31 annually.

12 5. It is the intent of the general assembly that the
13 department of commerce shall transfer eighty percent of fee
14 revenue from the professional licensing and regulation
15 division to the professional licensing revolving fund. The
16 department of commerce shall remit and deposit the remaining
17 twenty percent of the professional licensing and regulation
18 division fees to the general fund of the state.

* 19 Sec. 11. No later than January 15, 1989, the administrator
20 of the division of professional licensing of the department of
21 commerce shall prepare and submit a study to the general
22 assembly evaluating the feasibility of adopting financial
23 responsibility rules meeting the following criteria:

24 1. The rules shall require a member of a regulated
25 profession to carry errors or omissions insurance to cover all
26 regulated activities of the profession, or similar
27 professional malpractice insurance.

28 2. The rules shall permit the administrator to contract
29 with an insurance provider for a group policy for each or all
30 professions regulated by the administrator. The contract
31 shall be solicited by competitive, sealed bid.

32 3. A group policy obtained by the administrator to satisfy
33 the mandate of subsection 1 shall be made available to all
34 members of the regulated profession with no right on the part
35 of the insurance provider to cancel coverage for any member.

1 4. A member of a profession shall have the option of
2 obtaining insurance independently, provided that the coverage
3 contained in an independently obtained policy complies with
4 the minimum requirements adopted by rule of the administrator.

5 5. The administrator shall determine the terms and
6 conditions of coverage for the annual policy at least thirty
7 days prior to the annual policy renewal date. The study shall
8 include proposed terms and conditions. A certificate of
9 coverage, showing compliance with the required terms and
10 conditions of coverage, must be filed with the administrator
11 as a condition to license renewal by a member opting not to
12 participate in the group insurance program contracted for by
13 the administrator.

14 6. If the administrator is unable to obtain a group policy
15 of errors and omissions insurance coverage at a reasonable
16 premium to insure all members of a regulated profession who
17 choose to participate in the group insurance program, the
18 insurance or proof of financial responsibility requirement
19 shall not be applicable to that profession during the
20 applicable contract year.

21 The study shall include an evaluation of the availability
22 of a group policy meeting the listed criteria, and an estimate
23 of the premiums costs for a member of each regulated
24 profession. The study shall describe the minimum requirements
25 contemplated, including, but not limited to deductible amounts
26 and minimum coverage limits. The study shall also describe
27 the availability and cost of currently available insurance
28 programs for each profession, both group and individual. The
29 study shall contain a recommendation of the administrator
30 whether to adopt professional financial responsibility rules
31 for each regulated profession and whether to provide a group
32 insurance policy program as described in this subsection.

33 Sec. 12. There is appropriated from the administrative
34 services trust fund to the administrative services division of
35 the department of commerce for the fiscal year beginning July

1 1, 1988, and ending June 30, 1989, the following amount, or so
2 much thereof as is necessary, to be used for the following
3 purposes:

4 For salaries and support for not more than forty-four point
5 five full-time equivalent positions, maintenance, and
6 miscellaneous purposes:

7 \$ 1,377,154

8 Sec. 13. Notwithstanding section 123.53, there is
9 appropriated from the beer and liquor control fund to the
10 alcoholic beverages division of the department of commerce for
11 the fiscal year beginning July 1, 1988, and ending June 30,
12 1989, four million four hundred ninety-five thousand seven
13 hundred fifty-five (4,495,755) dollars, or so much thereof as
14 is necessary, for salaries and support for not more than
15 eighty-three point eighty-six full-time equivalent positions,
16 maintenance and other operational purposes. Funds
17 appropriated under this section shall not be used for lease-
18 purchase of cash registers.

19 The alcoholic beverages division of the department of
20 commerce shall transfer at the beginning of each fiscal
21 quarter from appropriated trust funds to the administrative
22 services trust fund an amount which represents the division's
23 share of the estimated cost of consolidated administrative
24 services within the department of commerce, such share to be
25 in the same proportion as established by agreement in the fis-
26 cal year beginning July 1, 1986, and ending June 30, 1987,
27 with the first quarterly transfer to occur between July 1 and
28 July 31 annually. At the close of the fiscal year, actual
29 versus estimated expenditures will be reconciled and any
30 overpayment will be returned to each division or any
31 underpayment will be paid by each division.

32 Sec. 14. The legislative fiscal bureau and the department
33 of management shall perform a joint study of the state of
34 Iowa's wholesale liquor system. The purpose of the study is
35 to examine the feasibility and policy issues of eliminating

1 the current wholesale system. The study shall be submitted to
2 the general assembly on or before January 10, 1989.

3 Sec. 15. 1986 Iowa Acts, chapter 1246, section 755, is
4 hereby reenacted and remains effective to the extent that
5 persons who were employed by the division of alcoholic
6 beverages whose positions were terminated as a result of
7 sections 724 through 761 of chapter 1246 of the 1986 Iowa Acts
8 shall continue to be accorded the hiring preferences for other
9 positions in state departments provided by section 755.

10 Sec. 16. There is appropriated from the banking revolving
11 fund to the banking division of the department of commerce for
12 the fiscal year beginning July 1, 1988, and ending June 30,
13 1989, the following amount, or so much thereof as is
14 necessary, to be used for the following purposes:

15 For salaries and support for not more than one hundred
16 eighteen point fifty full-time equivalent positions,
17 maintenance and other operational purposes:

18 \$ 4,960,362

19 The banking division of the department of commerce shall
20 transfer at the beginning of each fiscal quarter from ap-
21 propriated trust funds to the administrative services trust
22 fund an amount which represents the division's share of the
23 estimated cost of consolidated administrative services within
24 the department of commerce, such share to be in the same
25 proportion as established by agreement in the fiscal year
26 beginning July 1, 1986, and ending June 30, 1987, with the
27 first quarterly transfer to occur between July 1 and July 31
28 annually. At the close of the fiscal year, actual versus
29 estimated expenditures will be reconciled and any overpayment
30 will be returned to each division or any underpayment will be
31 paid by each division.

32 The banking division may expend additional funds, including
33 funds for additional personnel, if those additional
34 expenditures are actual expenses which exceed the funds
35 budgeted for bank examinations and directly result from

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

16 Sec. 17. There is appropriated from the credit union re-
17 volving fund to the credit union division of the department of
18 commerce for the fiscal year beginning July 1, 1988, and
19 ending June 30, 1989, the following amount, or so much thereof
20 as is necessary, to be used for the following purposes:

21 For salaries and support for not more than eighteen full-
22 time equivalent positions, maintenance, and other operational
23 purposes:

24 \$ 819,119

25 The credit union division of the department of commerce
26 shall transfer at the beginning of each fiscal quarter from
27 appropriated trust funds to the administrative services trust
28 fund an amount which represents the division's share of the
29 estimated cost of consolidated administrative services within
30 the department of commerce, such share to be in the same pro-
31 portion as established by agreement in the fiscal year begin-
32 ning July 1, 1986, and ending June 30, 1987, with the first
33 quarterly transfer to occur between July 1 and July 31 an-
34 nually. At the close of the fiscal year, actual versus
35 estimated expenditures will be reconciled and any overpayment

1 will be returned to each division or any underpayment will be
2 paid by each division.

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

22 Sec. 18. There is appropriated from the savings and loan
23 revolving fund to the savings and loan division of the depart-
24 ment of commerce for the fiscal year beginning July 1, 1988,
25 and ending June 30, 1989, the following amount, or so much
26 thereof as is necessary, to be used for the following pur-
27 poses:

28 For salaries and support for not more than six full-time
29 equivalent positions, maintenance and other operational
30 purposes:

31 \$ 287,060

32 The savings and loan division of the department of commerce
33 shall transfer at the beginning of each fiscal quarter from
34 appropriated trust funds to the administrative services trust
35 fund an amount which represents the division's share of the

1 estimated cost of consolidated administrative services within
2 the department of commerce, such share to be in the same
3 proportion as established by agreement in the fiscal year
4 beginning July 1, 1986, and ending June 30, 1987, with the
5 first quarterly transfer to occur between July 1 and July 31
6 annually. At the close of the fiscal year, actual versus
7 estimated expenditures will be reconciled and any overpayment
8 will be returned to each division or any underpayment will be
9 paid by each division.

10 The savings and loan division may expend additional funds,
11 including funds for additional personnel, if those additional
12 expenditures are actual expenses which exceed the funds
13 budgeted for savings and loan examinations and directly result
14 from examinations of savings and loans. Before the division
15 expends or encumbers an amount in excess of the funds budgeted
16 for examinations, the director of the department of management
17 shall approve the expenditure or encumbrance. Before approval
18 is given, the director of the department of management shall
19 determine that the examination expenses exceed the funds
20 budgeted by the general assembly to the division and that the
21 division does not have other funds from which examination
22 expenses can be paid. Upon approval of the director of the
23 department of management the division may expend and encumber
24 funds for excess examination expenses. The amounts necessary
25 to fund the excess examination expenses shall be collected
26 from those savings and loans being regulated which caused the
27 excess expenditures, and the collections shall be treated as
28 repayment receipts as defined in section 8.2, subsection 5.

29 Sec. 19. There is appropriated from the insurance
30 revolving fund to the insurance division of the department of
31 commerce for the fiscal year beginning July 1, 1988, and
32 ending June 30, 1989, the following amount, or so much thereof
33 as is necessary, to be used for the following purposes:

34 For salaries and support for not more than eighty-seven
35 point thirty-three full-time equivalent positions, maintenance

1 and other operational purposes:

2 \$ 3,547,300

3 It is the intent of the general assembly that the
4 department of commerce shall transfer sixty percent, provided
5 that the fee increases in section 18 are implemented otherwise
6 the department shall transfer fifty-five percent, of insurance
7 nonexamination revenues received for the fiscal year beginning
8 July 1, 1988, and ending June 30, 1989, to the general fund of
9 the state. To the extent that the remaining forty percent or
10 forty-five percent as applicable, of nonexamination revenues
11 available to the division exceed or are projected to exceed
12 the division's appropriation pursuant to this Act.

13 Of the funds appropriated, forty-five thousand (45,000)
14 dollars, or so much thereof as necessary, shall be transferred
15 to the office of the attorney general to reimburse the office
16 of the attorney general for one assistant attorney general.

17 It is the intent of the general assembly that an additional
18 forty-five thousand (45,000) dollars of the funds appropriated
19 to the division of insurance shall be expended for the
20 computerization of continuing education files and other
21 automation improvements.

22 The insurance division of the department of commerce shall
23 transfer at the beginning of each fiscal quarter from ap-
24 propriated trust funds to the administrative services trust
25 fund an amount which represents the division's share of the
26 estimated cost of consolidated administrative services within
27 the department of commerce, such share to be in the same
28 proportion as established by agreement in the fiscal year
29 beginning July 1, 1986, and ending June 30, 1987, with the
30 first quarterly transfer to occur between July 1 and July 31
31 annually. At the close of the fiscal year, actual versus
32 estimated expenditures will be reconciled and any overpayment
33 will be returned to each division or any underpayment will be
34 paid by each division.

35 The insurance division may expend additional funds,

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

20 Sec. 20.

21 1. It is the intent of the general assembly that the
22 division of insurance of the department of commerce amend the
23 current insurance agent licensing fee and securities agent
24 license fee to provide as follows:

25 a. An insurance agent license fee shall be fifty dollars
26 once every three years and ten dollars annually for continuing
27 education.

28 b. A securities agent license fee shall be thirty dollars
29 annually.

30 2. The division shall by rule implement this fee
31 structure.

32 Sec. 21. There is appropriated from the utilities trust
33 fund to the utilities division of the department of commerce
34 for the fiscal year beginning July 1, 1988, and ending June
35 30, 1989, the following amount, or so much thereof as is

1 necessary, to be used for the following purposes:

2 For salaries and support for not more than ninety-six point
3 five full-time equivalent positions, maintenance and other
4 operational purposes:

5 \$ 4,478,319

6 The utilities division of the department of commerce shall
7 transfer at the beginning of each fiscal quarter from appro-
8 priated trust funds to the administrative services trust fund
9 an amount which represents the division's share of the
10 estimated cost of consolidated administrative services within
11 the department of commerce, such share to be in the same
12 proportion as established by agreement in the fiscal year
13 beginning July 1, 1986, and ending June 30, 1987, with the
14 first quarterly transfer to occur between July 1 and July 31
15 annually. At the close of the fiscal year, actual versus
16 estimated expenditures will be reconciled and any overpayment
17 will be returned to each division or any underpayment will be
18 paid by each division.

19 Sec. 22. The racing commission shall submit the
20 commission's fiscal year 1990 budget request in the same
21 manner and level of detail as required by the department of
22 management for state agencies receiving a general fund
23 appropriation for their operations. The commission shall
24 submit the detailed budget information to the department of
25 management and the legislative fiscal bureau on or before
26 October 1, 1988.

27 Sec. 23. Section 19A.3, Code Supplement 1987, is amended
28 by adding the following new subsection:

29 NEW SUBSECTION. 21. A chief deputy industrial
30 commissioner.

31 Sec. 24. Section 96.7, subsection 12, paragraph c, Code
32 Supplement 1987, is amended to read as follows:

33 c. Moneys in the fund shall be used by the division only
34 upon appropriation by the general assembly and only for
35 personnel and nonpersonnel costs of rural and satellite job

1 service offices in population centers of less than twenty
2 thousand or for the division-approved training fund funded in
3 section 6, subsection 2, of this Act. After-the-end-of-a
4 state-fiscal-year-the-treasurer-of-state-shall-promptly
5 transfer-all-moneys-in-the-fund-which-have-not-been
6 appropriated-or-which-have-been-appropriated-but-remain
7 unencumbered-or-unobligated-to-the-unemployment-compensation
8 fund-

9 Sec. 25. Section 96.11, Code Supplement 1987, is amended
10 by adding the following new subsection:

11 NEW SUBSECTION. 14. ACCESS TO AVAILABLE JOBS LIST. The
12 division of job service shall make available for consultation
13 by the public, at each of the division's offices, a list of
14 current job openings listed with the division, provided that
15 the list shall comply with the confidentiality requirements of
16 section 97.11, subsection 7, or those mandated by the federal
17 government.

18 Sec. 26. Section 99B.2, subsection 1, unnumbered paragraph
19 1, Code Supplement 1987, is amended to read as follows:

20 The division department of inspections and appeals shall
21 issue the licenses required by this chapter. A license shall
22 not be issued, except upon submission to the division
23 department of an application on forms furnished by the
24 division department, and the required license fee. A license
25 may be issued to an eligible applicant. An authorization
26 number to operate may be issued to an applicant until a
27 license is issued. However, a license or authorization number
28 shall not be issued to an applicant who has been convicted of
29 or pled guilty to a violation of this chapter, or who has been
30 convicted of or pled guilty to a violation of chapter 123 that
31 resulted, at any time, in revocation of a license issued to
32 the applicant under chapter 123 or that resulted, within the
33 twelve months preceding the date of application for a license
34 required by this chapter, in suspension of a license issued
35 under chapter 123. To be eligible for a two-year license

1 under section 99B.7, an organization shall have been in
2 existence at least five years prior to the date of issuance of
3 the license. However, an organization which has been in
4 existence for less than five years prior to the date of
5 issuance of the license may obtain a two-year license if
6 either of the following conditions apply:

7 Sec. 27. Section 99B.10, subsection 1, Code Supplement
8 1987, is amended to read as follows:

9 1. A prize of merchandise ~~exceeding five dollars in value~~
10 or cash shall not be awarded for use of the device. However,
11 a mechanical or amusement device may be designed or adapted to
12 award ~~a prize or~~ one or more free games or portions of games
13 without payment of additional consideration by the
14 participant.

15 Sec. 28. Section 99B.3, subsection 1, paragraph b, Code
16 1987, is amended to read as follows:

17 b. The person conducting the game has submitted a license
18 application and a fee of ~~fifteen~~ fifty dollars for each game,
19 and has been issued a license for the game, and prominently
20 displays the license at the playing area of the game. A
21 license is valid for a period of one year from the date of
22 issue.

23 Sec. 29. Section 99B.6, subsection 1, paragraph a, Code
24 Supplement 1987, is amended to read as follows:

25 a. The holder of the liquor control license or beer permit
26 has submitted an application for a license and an application
27 fee of one hundred fifty dollars, and has been issued a
28 license, and prominently displays the license on the premises.

29 Sec. 30. Section 99B.7, subsection 3, paragraph a, Code
30 Supplement 1987, is amended to read as follows:

31 3. a. A person wishing to conduct games and raffles
32 pursuant to this section as a qualified organization shall
33 submit an application and a license fee of one hundred fifty
34 dollars. However, upon submission of an application
35 accompanied by a license fee of fifteen dollars, a person may

1 be issued a limited license which shall authorize the person
2 to conduct all games and raffles pursuant to this section at a
3 specified location and during a specified period of fourteen
4 consecutive calendar days. A limited license shall not be
5 issued more than once during any calendar year to the same
6 person, or for the same location. For the purposes of this
7 paragraph, a limited license is deemed to be issued on the
8 first day of the fourteen-day period for which the license is
9 issued.

10 Sec. 31. Section 116.3, subsection 3, unnumbered paragraph
11 2, Code 1987, is amended by striking the paragraph.

12 Sec. 32. Section 170.5, unnumbered paragraph 3, Code 1987,
13 is amended by striking the unnumbered paragraph.

14 Sec. 33. Section 170A.5, unnumbered paragraph 3, Code
15 1987, is amended by striking the unnumbered paragraph.

16 Sec. 34. Section 546.10, Code 1987, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 4. The professional licensing and
19 regulation division of the department of commerce may expend
20 additional funds, including funds for additional personnel, if
21 those additional expenditures are directly the cause of actual
22 examination expenses exceeding funds budgeted for
23 examinations. Before the division expends or encumbers an
24 amount in excess of the funds budgeted for examinations, the
25 director of the department of management shall approve the
26 expenditure or encumbrance. Before approval is given, the
27 director of the department of management shall determine that
28 the examination expenses exceed the funds budgeted by the
29 general assembly to the division and the division does not
30 have other funds from which the expenses can be paid. Upon
31 approval of the director of the department of management, the
32 division may expend and encumber funds for excess examination
33 expenses. The amounts necessary to fund the examination
34 expenses shall be collected as fees from additional
35 examination applicants and shall be treated as repayment

1 receipts as defined in section 8.2, subsection 5.

2 Sec. 35. 1984 Iowa Acts, chapter 1279, section 44, is
3 repealed.

4 Sec. 36. NEW SECTION. 237.23 AUTOMATIC REPEAL.
5 Sections 237.15 through 237.22, Code 1987, are repealed
6 July 1, 1992.

7 Sec. 37. The department of human services, the foster care
8 review board, and the supreme court shall submit a coordinated
9 foster care plan to the legislature on or before January 15,
10 1989. The plan shall coordinate foster care services between
11 the participants to avoid duplication, to improve delivery of
12 services, and improve fact-finding, review, and appeal
13 processes, both nonjudicial and judicial, to the extent
14 possible. The plan should include specific proposals for
15 legislative action necessary to implement the plan. The plan
16 shall also include a critical review and summary of problems
17 with the current system.

18 Sec. 38. 1986 Iowa Acts, chapter 1245, section 763, is
19 repealed.

20 Sec. 39. Section 114.23, Code 1987, is repealed.

21 Sec. 40. Section 36 of this Act is effective June 30,
22 1988.

23 Sec. 41. All federal grants to and the federal receipts of
*24 the agencies appropriated funds under this Act are
25 appropriated for the purposes set forth in such federal grants
26 or receipts unless otherwise provided by the general assembly.

SIMILAR TO LSB 8261HV

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1 Amend House File 2444, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page, 10, by inserting after line 32, the
4 following:

5 "Sec. _____. The Code editor shall change all
6 references to the "real estate examining board" to
7 read "real estate commission", to conform with
8 amendments in this Act to section 117.8."

9 2. Page 21, by inserting after line 11, the
10 following:

11 "Sec. _____. Section 117.8, Code 1987, is amended to
12 read as follows:

13 117.8 REAL ESTATE EXAMINING-BOARD COMMISSION
14 CREATED -- STAFF.

15 A real estate examining-board commission is created
16 within the professional licensing and regulation
17 division of the department of commerce. The board
18 commission consists of three members licensed under
19 this chapter and two members not licensed under this
20 chapter and who shall represent the general public.
21 At least one of the licensed members shall be a
22 licensed real estate salesperson, except that if the
23 licensed real estate salesperson becomes a licensed
24 real estate broker during a term of office, that
25 person may complete the term, but is not eligible for
26 reappointment on the board commission as a licensed
27 real estate salesperson. A licensed member shall be
28 actively engaged in the real estate business and shall
29 have been so engaged for five years preceding the
30 appointment, the last two of which shall have been in
31 Iowa. Professional associations or societies of real
32 estate brokers or real estate salespersons may
33 recommend the names of potential board commission
34 members to the governor. However, the governor is not
35 bound by their recommendations. A board commission
36 member shall not be required to be a member of any
37 professional association or society composed of real
38 estate brokers or salespersons. Board Commission
39 members shall be appointed by the governor subject to
40 confirmation by the senate. Appointments shall be for
41 three-year terms and shall commence and end as
42 provided in section 69.19. A member shall serve no
43 more than three terms or nine years, whichever is
44 less. No more than one member shall be appointed from
45 a county. A board commission member shall not hold
46 any other elective or appointive state or federal
47 office. Vacancies shall be filled for the unexpired
48 term by appointment of the governor and are subject to
49 senate confirmation. A majority of the board
50 commission members constitutes a quorum. The

Page 2

Administrator of the professional licensing and
regulation division shall hire and provide staff to
assist the board commission with implementing this
4 chapter."

HOUSE FILE 2444

S-5503

1 Amend House File 2444, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 19, by striking lines 12 through 14, and
 4 inserting the following: "division of job service
 5 shall make available via telephone a list of recent
 6 job openings listed with the division in the area
 7 served by each district office, provided that".

S-5503

Filed March 22, 1988

BY JOHN A. PETERSON

H/D 3/25 (p. 1070)

HOUSE FILE 2444

S-5517

1 Amend House File 2444, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 8, by inserting after line 2 the
 4 following:
 5 "Sec. 100. There is appropriated from the road use
 6 tax fund to the department of inspections and appeals
 7 for the fiscal year beginning July 1, 1987, and ending
 8 June 30, 1988, the following amount, or so much
 9 thereof as is necessary, for the purposes designated:
 10 For salary adjustments: 24,1
 11 \$
 12 2. Page 22, by inserting after line 20, the
 13 following:
 14 "Sec. ____ . Section 100 of this Act, being deemed
 15 of immediate importance, is effective upon enactment."
 16 3. By renumbering as necessary.

S-5517

Filed March 22, 1988

BY JOHN A. PETERSON

H/D 3/28 (p. 1069)

HOUSE FILE 2444

S-5593

- 1 Amend House File 2444 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 35 by striking the words "The
- 4 division shall".
- 5 2. Page 3, by striking lines 1 through 7.

S-5593

Filed March 28, 1988

Placed
OUT OF ORDER
(p. 10747)

BY CALVIN O. HULTMAN
JOHN W. JENSEN
LEE W. HOLT
RICHARD VANDE HOEF

HOUSE FILE 2444

S-5595

- 1 Amend House File 2444 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 21, by inserting after line 11 the
- 4 following:
- 5 "Sec. ____ . Section 118.16, Code 1987, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 14. "Interior designer" means a
- 8 person using such designation in the performance of
- 9 interior design services who has either passed the
- 10 NCIDQ (National Council for Interior Design
- 11 Qualification) prior to or subsequent to enactment of
- 12 this Act, or who were qualified under established
- 13 NCIDQ criteria to take the examination as of the date
- 14 of enactment of this Act.
- 15 Sec. ____ . Section 118.17, Code 1987, is amended by
- 16 adding the following new subsection:
- 17 NEW SUBSECTION. 4. Interior designers, as defined
- 18 in section 118.16."

S-5595

Filed March 28, 1988

ADOPTED (p. 1070) BY JOE J. WELSH
MOTION TO RECONSIDER FILED,
MOTION FAILED

HOUSE FILE 2444

S-5596

- 1 Amend House File 2444 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 22, by striking lines 7 through 17.

S-5596

Filed March 28, 1988

ADOPTED
(p. 1070)

BY RICHARD VANDE HOEF

HOUSE FILE 2444

S-5529

- 1 Amend House File 2444 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, lines 1 and 2, by striking the words
- 4 "and the department of management".
- 5 2. Page 11, lines 32 and 33, by striking the
- 6 words "and the department of management".

S-5529

Filed March 23, 1988

Adopted 3/28 (p. 1069)

BY COMMITTEE ON APPROPRIATIONS
JOE WELSH, Chairperson

HOUSE FILE 2444

S-5548

- 1 Amend House File 2444, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 16, by striking lines 9 through 12, and
- 4 inserting the following: "the state."

S-5548

Filed March 24, 1988

Passed 3/28 (p. 1070)

BY JOHN A. PETERSON

HOUSE FILE 2444

S-5577

- 1 Amend House File 2444, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 8, by inserting after line 2 the
- 4 following:
- 5 "Sec. 100. There is appropriated from the road use
- 6 tax fund to the department of inspections and appeals
- 7 for the fiscal year beginning July 1, 1987, and ending
- 8 June 30, 1988, the following amount, or so much
- 9 thereof as is necessary, for the purposes designated:
- 10 For salary adjustments:
- 11
- 12 2. Page 16, by striking lines 9 through 12, and \$ 24,124".
- 13 inserting the following: "the state."
- 14 3. Page 22, by striking lines 18 and 19.
- 15 4. Page 22, by inserting after line 20, the
- 16 following:
- 17 "Sec. ____ Section 100 of this Act, being deemed
- 18 of immediate importance, is effective upon enactment."
- 19 4. By renumbering, relettering, or redesignating
- 20 and correcting internal references as necessary.

S-5577

Filed March 25, 1988

Adopted 3/28 (p. 1069)

BY JOHN PETERSON
JOE WELSH

HOUSE FILE 2444

S-5599

- 1 Amend House File 2444 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 9, line 24, by striking the word "shall"
- 4 and inserting the following: "may".
- 5 2. Page 9, line 28, by striking the word "shall"
- 6 and inserting the following: "may".

S-5599

Filed March 28, 1988 LOST (p. 1075) BY JULIA GENTLEMAN

HOUSE FILE 2444

S-5600

- 1 Amend House 2444 as amended, passed, and reprinted
- 2 by the House as follows:
- 3 1. Page 5, by striking lines 27 through 29.

S-5600

Filed March 28, 1988 LOST (p. 1075) BY JULIA GENTLEMAN

HOUSE FILE 2444

S-5603

- 1 Amend House File 2444 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 3, by striking line 13 through page 4,
- 4 line 27.

S-5603

Filed March 28, 1988 LOST (p. 1074) BY EDGAR H. HOLDEN

HOUSE FILE 2444

S-5604

- 1 Amend House File 2444 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 9, by striking lines 12 through 18.

S-5604

Filed March 28, 1988 LOST (p. 1075) BY EDGAR H. HOLDEN

HOUSE FILE 2444

S-5587

1 Amend House File 2444, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, line 16, by inserting after the word
4 "purposes" the following: "or additional funds as
5 necessary for the orderly and efficient operation of
6 the liquor system, subject to the approval of the
7 department of management. The department of
8 management shall notify the legislative fiscal
9 committee of the need for additional funds".

S-5587

Filed March 28, 1988 ADOPTED BY JOE J. WELSH
(p. 1069)

HOUSE FILE 2444

S-5602

1 Amend House File 2444, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 1, by striking the word "filing"
4 and inserting the following: "case".
5 2. Page 3, line 2, by striking the word "filing"
6 and inserting the following: "case".
7 3. Page 3, by striking line 7, and inserting the
8 following: "case fee. The case fee shall be
9 collected after final administrative determination of
10 the case, and not as a condition of filing."

S-5602

Filed March 28, 1988 ADOPTED BY JOE J. WELSH
(p. 1074)

HOUSE FILE 2444

S-5589

1 Amend House File 2444, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by inserting after line 12, the
4 following:
5 "Sec. _____. The department of employment services,
6 division of labor services, may, conditioned upon the
7 adoption of a contractor registration requirement
8 similar to that provided for by Senate File 2318,
9 expend up to fifty thousand dollars, or so much
10 thereof as is necessary, out of the funds collected
11 under the contractor registration requirements, for
12 the purposes of implementation and administration of
13 the contractor registration program. This
14 appropriation is exempt from the department of
15 management's quarterly allocation recapture
16 procedure."

S-5589

Filed March 28, 1988 ADOPTED BY JOHN A. PETERSON
(p. 1067)

H-6013

Page 3

1 "Sec. ____ . Section 118.16, Code 1987, is amended
 2 by adding the following new subsection:
 3 NEW SUBSECTION. 14. "Interior designer" means a
 4 person using such designation in the performance of
 5 interior design services who has either passed the
 6 NCIDQ (National Council for Interior Design
 7 Qualification) prior to or subsequent to enactment of
 8 this Act, or who were qualified under established
 9 NCIDQ criteria to take the examination as of the date
 10 of enactment of this Act.

11 Sec. ____ . Section 118.17, Code 1987, is amended by
 12 adding the following new subsection:

13 NEW SUBSECTION. 4. Interior designers, as defined
 14 in section 118.16."

15 13. Page 22, by striking lines 7 through 17.

16 14. Page 22, by striking lines 18 and 19.

17 15. Page 22, by inserting after line 20, the
 18 following:

19 "Sec. ____ . Section 100 of this Act, being deemed
 20 of immediate importance, is effective upon enactment."

21 16. By renumbering, relettering, or redesignating
 22 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6013 FILED MARCH 29, 1988

*Adopted (6033, 6157 R.C., 4230, 6247, 6288, 6297, 6308)
 2/17/88 (p. 1551)*

HOUSE FILE 2444

H-6033

1 Amend the amendment, H-6013, to House File 2444 as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 3, line 1, by inserting after the word
 5 "Code" the following: "Supplement".

6 2. Page 3, by inserting after line 20, the
 7 following:

8 " ____ . Title page, lines 12 and 13, by striking
 9 the words "an effective date" and inserting the

10 following: "certain effective dates".

By RENAUD of Polk

H-6033 FILED MARCH 29, 1988

Adopted 2/17/88 (p. 1523)

HOUSE FILE 2444

H-6288

Amend the amendment, H-6013, to House File 2444, as amended, passed, and reprinted by the House, as follows:

- 1. Page 1, by inserting after line 2, the following:
- " . Page 1, lines 17 and 18, by striking the words "the offices of the clerks of the district court of the judicial department,"."

By JOCHUM of Dubuque

H-6288 FILED APRIL 7, 1988

ADOPTED (p. 1522)

HOUSE FILE 2444

H-6297

Amend the Senate amendment, H-6013, to House File 2444, as amended, passed, and reprinted by the House, as follows:

- 1. Page 1, by inserting after line 2, the following:
- " . Page 2, by inserting after line 15 the following:
- "Sec. 101. There is appropriated from the administrative surcharge trust fund to the department of employment services for the fiscal year beginning July 1, 1987, and ending June 30, 1988, the following amounts, or so much thereof as is necessary, for the purpose of rural job service office operations:

..... \$ 1,300,000".

- 2. Page 3, line 19, by striking the words "Section 100" and inserting the following: "Sections 100 and 101".
- 3. Page 3, line 20, by striking the word "is" and inserting the following: "are".
- 4. By renumbering as necessary.

By JOCHUM of Dubuque

H-6297 FILED APRIL 7, 1988

ADOPTED (p. 1551)

HOUSE FILE 2444

H-6303

Amend the Senate amendment, H-6013 to House File 2444, as amended, passed, and reprinted by the House, as follows:

- 1. Page 1, by inserting after line 26 the following:
- " . Page 6, line 8, by striking the word "twenty-six" and inserting the following: "twenty-seven".
- " . Page 6, line 10, by striking the figure "\$3,920,680" and inserting the following: "\$3,960,680".

By JOCHUM of Dubuque

H-6303 FILED APRIL 7, 1988

ADOPTED (p. 1551)

SENATE AMENDMENT TO HOUSE FILE 2444

H-6013

1 Amend House File 2444, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, line 1, by striking the word "filing"
4 and inserting the following: "case".

5 2. Page 3, line 2, by striking the word "filing"
6 and inserting the following: "case".

7 3. Page 3, by striking line 7, and inserting the
8 following: "case fee. The case fee shall be
9 collected after final administrative determination of
10 the case, and not as a condition of filing."

11 4. Page 3, by inserting after line 12, the
12 following:

13 "Sec. ____ . The department of employment services,
14 division of labor services, may, conditioned upon the
15 adoption of a contractor registration requirement
16 similar to that provided for by Senate File 2318,
17 expend up to fifty thousand dollars, or so much
18 thereof as is necessary, out of the funds collected
19 under the contractor registration requirements, for
20 the purposes of implementation and administration of
21 the contractor registration program. This
22 appropriation is exempt from the department of
23 management's quarterly allocation recapture
24 procedure."

25 5. Page 5, lines 1 and 2, by striking the words
26 "and the department of management".

27 6. Page 8, by inserting after line 2 the
28 following:

29 "Sec. 100. There is appropriated from the road use
30 tax fund to the department of inspections and appeals
31 for the fiscal year beginning July 1, 1987, and ending
32 June 30, 1988, the following amount, or so much
33 thereof as is necessary, for the purposes designated:

34 For salary adjustments:
35 \$ 24,124".

36 7. Page 10, by inserting after line 32, the
37 following:

38 "Sec. ____ . The Code editor shall change all
39 references to the "real estate examining board" to
40 read "real estate commission", to conform with
41 amendments in this Act to section 117.8."

42 8. Page 11, line 16, by inserting after the word
43 "purposes" the following: "or additional funds as
44 necessary for the orderly and efficient operation of
45 the liquor system, subject to the approval of the
46 department of management. The department of
47 management shall notify the legislative fiscal
48 committee of the need for additional funds".

49 9. Page 11, lines 32 and 33, by striking the
50 words "and the department of management".

H-6013

Page 2

1 10. Page 16, by striking lines 9 through 12, and
2 inserting the following: "the state."
3 11. Page 21, by inserting after line 11, the
4 following:
5 "Sec. _____. Section 117.8, Code 1987, is amended to
6 read as follows:
7 117.8 REAL ESTATE EXAMINING-BOARD COMMISSION
8 CREATED -- STAFF.
9 A real estate examining-board commission is created
10 within the professional licensing and regulation
11 division of the department of commerce. The board
12 commission consists of three members licensed under
13 this chapter and two members not licensed under this
14 chapter and who shall represent the general public.
15 At least one of the licensed members shall be a
16 licensed real estate salesperson, except that if the
17 licensed real estate salesperson becomes a licensed
18 real estate broker during a term of office, that
19 person may complete the term, but is not eligible for
20 reappointment on the board commission as a licensed
21 real estate salesperson. A licensed member shall be
22 actively engaged in the real estate business and shall
23 have been so engaged for five years preceding the
24 appointment, the last two of which shall have been in
25 Iowa. Professional associations or societies of real
26 estate brokers or real estate salespersons may
27 recommend the names of potential board commission
28 members to the governor. However, the governor is not
29 bound by their recommendations. A board commission
30 member shall not be required to be a member of any
31 professional association or society composed of real
32 estate brokers or salespersons. Board Commission
33 members shall be appointed by the governor subject to
34 confirmation by the senate. Appointments shall be for
35 three-year terms and shall commence and end as
36 provided in section 69.19. A member shall serve no
37 more than three terms or nine years, whichever is
38 less. No more than one member shall be appointed from
39 a county. A board commission member shall not hold
40 any other elective or appointive state or federal
41 office. Vacancies shall be filled for the unexpired
42 term by appointment of the governor and are subject to
43 senate confirmation. A majority of the board
44 commission members constitutes a quorum. The
45 administrator of the professional licensing and
46 regulation division shall hire and provide staff to
47 assist the board commission with implementing this
48 chapter."
49 12. Page 21, by inserting after line 11 the
50 following:

HOUSE FILE 2444

H-6230

1 Amend the amendment, H-6013, to House File 2444 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, by inserting after line 14 the
5 following:
6 "____. Page 21, by inserting after line 15 the
7 following:
8 "Sec. ____ . NEW SECTION. 258A.11 CONTINUING
9 EDUCATION MINIMUM REQUIREMENTS.
10 The board of barber examiners and the board of
11 cosmetology examiners, created pursuant to chapter
12 147, shall each require, as a condition of license
13 renewal, a minimum of six hours of continuing
14 education in the two years immediately prior to a
15 licensee's license renewal."
16 2. Page 3, by inserting before line 16 the
17 following:
18 "____. Page 22, by inserting after line 17, the
19 following:
20 "Sec. ____ . Section 714.23, unnumbered paragraph 1,
21 Code 1987, is amended by striking the unnumbered
22 paragraph and inserting in lieu thereof the following:
23 A student enrolled in a proprietary school which
24 offers a course of study of more than four months in
25 length and leads to a degree, diploma, or license
26 shall, upon terminating study in the course, be
27 obligated to the school for costs not to exceed the
28 following:
29 1. The total cost of all textbooks, tools,
30 equipment, uniforms, and other course-related
31 materials purchased and received by the student as of
32 the date of termination.
33 2. Fees charged by the school, not to exceed one
34 hundred fifty dollars.
35 3. The total tuition cost of the course multiplied
36 by a factor whose numerator shall be the time the
37 student was in attendance and whose denominator shall
38 be the total length of the course. In determining the
39 student's tuition obligation to the school, the
40 following rules shall apply:
41 a. The student's starting date shall be the first
42 day the student attends classes.
43 b. The student's termination date shall be the
44 last day the student attends classes.
45 c. Time in attendance shall be the actual time the
46 student was at the school; total length of the course
47 shall be stated in identical units as time in
48 attendance.
49 All moneys collected by the proprietary school from
50 or for the benefit of the student in excess of the

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1 total of subsections 1 through 3 shall, within thirty
2 days of the student's termination date, be returned to
3 the appropriate agency or person. For purposes of
4 this chapter, unless the context otherwise requires,
5 "proprietary school" means a person offering a course
6 of instruction at the postsecondary level, for profit,
7 that is more than four months in length and leads to a
8 degree, diploma, or license.

9 Sec. ____ . NEW SECTION. 714.24 PERFORMANCE BOND.

10 A proprietary school shall, prior to enrollment of
11 any students and thereafter annually on or before June
12 30 of each year, present evidence to the attorney
13 general that the school has obtained a performance
14 bond to be used to make refunds of moneys received by
15 the school for the benefit of students in the event
16 the school ceases business or is otherwise unable to
17 perform as required by section 714.23.

18 The amount of the performance bond shall be fifty
19 thousand dollars for a school which has not operated
20 in the state in the previous twelve months, and shall
21 be fifty thousand dollars or twenty-five percent of
22 the school's previous year's tuition receipts,
23 whichever is less, for a school which has operated in
24 the state in the previous calendar year.

25 Sec. ____ . NEW SECTION. 714.25 DISCLOSURE.

26 A proprietary school located within the state
27 shall, prior to the time a student is obligated for
28 payment of any moneys, inform the student of all of
29 the following:

30 1. The total cost of the course of instruction as
31 charged by the school.

32 2. An estimate of any fees which may be charged
33 the student by others which would be required if the
34 student is to successfully complete the course and, if
35 applicable, obtain a degree, diploma, or license.

36 3. The percentage of students who successfully
37 complete the course, the percentage who terminate
38 prior to completing the course, and the period of time
39 upon which the school has based these percentages.
40 The reporting period shall not be less than one year
41 in length and shall not extend more than five years
42 into the past.

43 4. If claims are made by the school as to
44 successful placement of students in jobs upon
45 completion of the course of study, the school shall
46 provide the student with all of the following:

47 a. The percentage of graduating students who were
48 placed in jobs in fields related to the course of
49 instruction.

50 b. The percentage of graduating students who went

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1 on to further education immediately upon graduation.
 2 c. The percentage of students who, ninety days
 3 after graduation, were without a job and had not gone
 4 on to further education.

5 d. The period of time upon which the reports
 6 required by paragraphs "a" through "c" were based.
 7 The reporting period shall not be less than one year
 8 in length and shall not extend more than five years
 9 into the past.

10 5. If claims are made by the school as to income
 11 levels of students who have graduated and are working
 12 in fields related to the school's course of
 13 instruction, the school shall inform the student of
 14 the method used to derive such information."

15 3. By renumbering as necessary.

By RENAUD of Polk	SHOULTZ of Black Hawk
VAN CAMP of Scott	TYRRELL of Iowa
HAMMOND of Story	DE GROOT of Lyon
DODERER of Johnson	

H-6230 FILED APRIL 5, 1988

*Revised version 4/7 (p. 15-2), Reprints on separate
 (Adopted 4/15/88)*

HOUSE FILE 2444

H-6247

1 Amend the amendment, H-6013, to House File 2444 as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 3, line 10, by inserting after the word
 5 "Act." the following: "An interior designer
 6 performing customary interior design services shall
 7 not be deemed to be engaged in the unlawful practice
 8 of architecture. Customary interior design services
 9 include nonstructural aspects of interior space as
 10 provided in section 118.18."

11 2. Page 3, by striking lines 11 through 14.

By BLANSHAN of Greene
 BEATTY of Warren
 CARPENTER of Polk

H-6247 FILED APRIL 5, 1988

Adopted 4/7 (p. 15-2)

HOUSE FILE 2444

H-6221

1 Amend the amendment, H-6013, to House File 2444 as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 3, line 10, by inserting after the word
 5 "Act." the following: "An interior designer
 6 performing customary interior design services shall
 7 not be deemed to be engaged in the unlawful practice
 8 of architecture. Customary interior design services
 9 include nonload bearing structural aspects of interior
 10 space."

By HAVERLAND of Polk
 CHAPMAN of Linn
 GRONINGA of Cerro Gordo

H-6221 FILED APRIL 5, 1988

Adopted 4/7 (p. 15-2)

HOUSE FILE 2444

H-6097

1 Amend the amendment, H-6013, to House File 2444 as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, line 10, by inserting after the word
5 "Act." the following: "An interior designer
6 performing customary interior design services shall
7 not be deemed to be engaged in the unlawful practice
8 of architecture."

9 2. Page 3, by striking lines 11 through 14.

BY BLANSHAN of Greene
BEATTY of Warren
CARPENTER of Polk

H-6097 FILED MARCH 30, 1988
Adopted 4/7 (p. 1522)

HOUSE FILE 2444

H-6116

1 Amend the amendment, H-6013, to House File 2444 as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 3 through 10.

BY LUNDBY of Linn
CONNORS of Polk

H-6116 FILED MARCH 30, 1988
Adopted 4/7 (p. 1522)

HOUSE FILE 2444

H-6170

1 Amend the amendment, H-6013, to House File 2444 as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. By striking page 2, line 49 through page 3,
5 line 14.

By BLANSHAN of Greene
BEATTY of Warren
CARPENTER of Polk

H-6170 FILED APRIL 4, 1988
Adopted 4/7 (p. 1522)

HOUSE FILE 2444

H-6187

1 Amend the amendment, H-6013, to House File 2444, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 2, line 49 through page 3,
5 line 14.

6 2. Page 3, by striking line 15.

7 3. Page 3, by striking line 16.

By VAN CAMP of Scott

H-6187 FILED APRIL 4, 1988
Adopted 4/7 (p. 1522)

HOUSE FILE 2444

H-6198

1 Amend the amendment, H-6013, to House File 2444, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, by striking line 16.

By HALVORSON of Webster

H-6198 FILED APRIL 4, 1988

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2444

5875

1 Amend the amendment, H-6013, to House File 2444, as
2 amended, passed, and reprinted by the House, as
3 follows:

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

6 "_____. Page 1, lines 17 and 18, by striking the
7 words "the offices of the clerks of the district court
8 of the judicial department,"."

9 "_____. Page 2, by inserting after line 15 the
10 following:

11 "Sec. 101. There is appropriated from the
12 administrative surcharge trust fund to the department
13 of employment services for the fiscal year beginning
14 July 1, 1987, and ending June 30, 1988, the following
15 amounts, or so much thereof as is necessary, for the
16 purpose of rural job service office operations:

17 \$ 1,300,000".

18 2. Page 1, by striking lines 3 through 10.

19 3. Page 1, by inserting after line 26 the
20 following:

21 "_____. Page 6, line 8, by striking the word
22 "twenty-six" and inserting the following: "twenty-
23 seven".

24 "_____. Page 6, line 10, by striking the figure
25 "\$3,920,680" and inserting the following:
26 "\$3,960,680".

27 4. Page 3, line 1, by inserting after the word
28 "Code" the following: "Supplement".

29 5. Page 3, line 10, by inserting after the word
30 "Act." the following: "An interior designer
31 performing customary interior design services shall
32 not be deemed to be engaged in the unlawful practice
33 of architecture. Customary interior design services
34 include nonstructural aspects of interior space as
35 provided in section 118.18.""

36 6. Page 3, by striking lines 11 through 14.

37 7. Page 3, by inserting before line 15 the
38 following:

39 "_____. Page 21, by inserting after line 15 the
40 following:

41 "Sec. _____. NEW SECTION. 258A.11 CONTINUING
42 EDUCATION MINIMUM REQUIREMENTS.

43 The board of barber examiners and the board of
44 cosmetology examiners, created pursuant to chapter
45 147, shall each require, as a condition of license
46 renewal, a minimum of six hours of continuing
47 education in the two years immediately prior to a
48 licensee's license renewal.""

49 8. Page 3, by striking line 15.

50 9. Page 3, by inserting before line 16 the

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1 following:

2 "____". Page 22, by inserting after line 17, the

3 following:

4 "Sec. ____". Section 714.23, unnumbered paragraph 1,

5 Code 1987, is amended by striking the unnumbered

6 paragraph and inserting in lieu thereof the following:

7 A student enrolled in a proprietary school which

8 offers a course of study of more than four months in

9 length and leads to a degree, diploma, or license

10 shall, upon terminating study in the course, be

11 obligated to the school for costs not to exceed the

12 following:

13 1. The total cost of all textbooks, tools,

14 equipment, uniforms, and other course-related

15 materials purchased and received by the student as of

16 the date of termination.

17 2. Fees charged by the school, not to exceed one

18 hundred fifty dollars.

19 3. The total tuition cost of the course multiplied

20 by a factor whose numerator shall be the time the

21 student was in attendance and whose denominator shall

22 be the total length of the course. In determining the

23 student's tuition obligation to the school, the

24 following rules shall apply:

25 a. The student's starting date shall be the first
26 day the student attends classes.

27 b. The student's termination date shall be the
28 last day the student attends classes.

29 c. Time in attendance shall be the actual time the
30 student was at the school; total length of the course
31 shall be stated in identical units as time in
32 attendance.

33 All moneys collected by the proprietary school from

34 or for the benefit of the student in excess of the

35 total of subsections 1 through 3 shall, within thirty

36 days of the student's termination date, be returned to

37 the appropriate agency or person. For purposes of

38 this chapter, unless the context otherwise requires,

39 "proprietary school" means a person offering a course

40 of instruction at the postsecondary level, for profit,

41 that is more than four months in length and leads to a

42 degree, diploma, or license.

43 Sec. ____ . NEW SECTION. 714.24 PERFORMANCE BOND.

44 A proprietary school shall, prior to enrollment of

45 any students and thereafter annually on or before June

46 30 of each year, present evidence to the attorney

47 general that the school has obtained a performance

48 bond to be used to make refunds of moneys received by

49 the school for the benefit of students in the event

50 the school ceases business or is otherwise unable to

1 perform as required by section 714.23.

2 The amount of the performance bond shall be fifty
3 thousand dollars for a school which has not operated
4 in the state in the previous twelve months, and shall
5 be fifty thousand dollars or twenty-five percent of
6 the school's previous year's tuition receipts,
7 whichever is less, for a school which has operated in
8 the state in the previous calendar year.

9 Sec. ____ . NEW SECTION. 714.25 DISCLOSURE.

10 A proprietary school located within the state
11 shall, prior to the time a student is obligated for
12 payment of any moneys, inform the student of all of
13 the following:

14 1. The total cost of the course of instruction as
15 charged by the school.

16 2. An estimate of any fees which may be charged
17 the student by others which would be required if the
18 student is to successfully complete the course and, if
19 applicable, obtain a degree, diploma, or license.

20 3. The percentage of students who successfully
21 complete the course, the percentage who terminate
22 prior to completing the course, and the period of time
23 upon which the school has based these percentages.

24 The reporting period shall not be less than one year
25 in length and shall not extend more than five years
26 into the past.

27 4. If claims are made by the school as to
28 successful placement of students in jobs upon
29 completion of the course of study, the school shall
30 provide the student with all of the following:

31 a. The percentage of graduating students who were
32 placed in jobs in fields related to the course of
33 instruction.

34 b. The percentage of graduating students who went
35 on to further education immediately upon graduation.

36 c. The percentage of students who, ninety days
37 after graduation, were without a job and had not gone
38 on to further education.

39 d. The period of time upon which the reports
40 required by paragraphs "a" through "c" were based.
41 The reporting period shall not be less than one year
42 in length and shall not extend more than five years
43 into the past.

44 5. If claims are made by the school as to income
45 levels of students who have graduated and are working
46 in fields related to the school's course of
47 instruction, the school shall inform the student of
48 the method used to derive such information."

9 10. Page 3, by striking line 16.

11. Page 3, line 19, by striking the words "Section 100"

SENATE 13
APRIL 11, 1988

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- 1 and inserting the following: "Sections 100 and 101".
- 2 12. Page 3, line 20, by striking the word "is" and
- 3 inserting the following: "are".
- 4 13. Page 3, by inserting after line 20, the
- 5 following:
- 6 "_____". Title page, lines 12 and 13, by striking
- 7 the words "an effective date" and inserting the
- 8 following: "certain effective dates".
- 9 14. By renumbering, relettering, or redesignating
- 10 and correcting internal references as necessary.

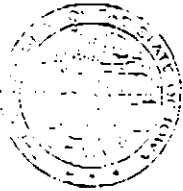
S-5875

Filed April 8, 1988

ADOPTED

RECEIVED FROM THE HOUSE

Senate Journal 413 (4-30-88)



OFFICE OF THE GOVERNOR

STATE CAPITOL
DES MOINES, IOWA 50319
515 281-5211

TERRY E. BRANSTAD
GOVERNOR

April 13, 1988

The Honorable Donald Avenson
Speaker
House of Representatives
State Capitol Building
L O C A L

Dear Mr. Speaker:

I hereby transmit House File 2444, an act relating to regulatory bodies of state government by making appropriations to agencies, boards, commissions, departments, and programs of state government including the auditor of state, campaign finance, employment services, labor services, industrial services, job services, inspections and appeals, commerce, professional licensing and regulation, insurance, alcoholic beverages, banking, credit union, savings and loan, and utilities, by mandating certain studies, policies, and other actions by certain regulatory bodies, by increasing certain fees, by allocating certain expenses between state agencies, and by exempting certain regulatory personnel from the merit pay system and providing certain effective dates.

House File 2444 is approved with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 45 of House File 2444.

Section 45 of House File 2444 puts in place an excessively strict tuition refund provision for proprietary schools. The proportionate tuition refund provision in this bill is far more extreme than the tuition refund policies utilized by the Regents and the community colleges. For example, if a student drops a course four weeks into the semester at a Regent institution or five weeks into a course at an area school, the student forfeits any possibility for a refund of their tuition. Under Section 45 of House File 2444, if a student drops out after four weeks in a course at a proprietary college, 80 percent of all tuition paid would have to be refunded.

The Honorable Donald Avenson
April 13, 1988
Page 2

It is clear that proprietary schools do have longer course years than the Regent institutions. However, a strict proportionate refund provision ignores the fact that these schools have significant fixed costs. Commitments must be made to teachers and associated supplies and services once the course begins. Allowing a student to drop out at any time during the length of that course and receive a proportionate reduction in their tuition ignores the need for schools to cover these necessary fixed costs. Indeed, applying this strict tuition refund method could cause many cosmetology schools to go out of business.

In short, the proportionate tuition refund provision of Section 45 is excessive when compared with similar policies put in place at public postsecondary and educational institutions and could be an economic backbreaker for many of these institutions. I encourage the General Assembly to work to develop an appropriate tuition refund provision which will provide appropriate protection to students while recognizing the necessary fixed costs at these institutions.

I am unable to approve the item designated as Section 46 of House File 2444.

This item requires each proprietary school to obtain a performance bond of \$50,000 in order to operate in the state of Iowa. I understand that this performance bond provision was in response to a recent closing of a beauty college in Des Moines. However, the level of bonding authorized -- \$50,000 -- is not sufficient to provide significant long-term protection for students and would increase the cost these students would have to pay in order to attend these institutions. If proprietary school closings become a major concern, I would suggest that the cosmetology school association consider some kind of umbrella policy to protect students at all the institutions. Requiring individual bonding for each institution is an unnecessary burden and an excessive cost for students in our state.

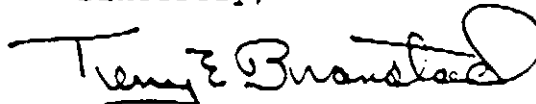
My office has been in close communication with key legislators who have worked on this issue. They have indicated support for my action to item veto these sections of House File 2444 and that they have worked out a compromise with all the appropriate

The Honorable Donald Avenson
April 13, 1988
Page 3

parties to provide appropriate protections for students and to allow proprietary institutions to stay in business. I encourage the General Assembly to take swift action yet this General Assembly to adopt that compromise, which is supported by bipartisan leadership.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of the 1968 Constitution of the State of Iowa. All other items in House File 2444 are hereby approved as of this date.

Sincerely,

A handwritten signature in cursive script that reads "Terry E. Branstad". The signature is written in dark ink and is positioned above the printed name and title.

Terry E. Branstad
Governor

TEB/ps

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

HOUSE FILE 2444

AN ACT

RELATING TO REGULATORY BODIES OF STATE GOVERNMENT BY MAKING APPROPRIATIONS TO AGENCIES, BOARDS, COMMISSIONS, DEPARTMENTS, AND PROGRAMS OF STATE GOVERNMENT INCLUDING THE AUDITOR OF STATE, CAMPAIGN FINANCE, EMPLOYMENT SERVICES, LABOR SERVICES, INDUSTRIAL SERVICES, JOB SERVICES, INSPECTIONS AND APPEALS, COMMERCE, PROFESSIONAL LICENSING AND REGULATION, INSURANCE, ALCOHOLIC BEVERAGES, BANKING, CREDIT UNION, SAVINGS AND LOAN, AND UTILITIES, BY MANDATING CERTAIN STUDIES, POLICIES, AND OTHER ACTIONS BY CERTAIN REGULATORY BODIES, BY INCREASING CERTAIN FEES, BY ALLOCATING CERTAIN EXPENSES BETWEEN STATE AGENCIES, AND BY EXEMPTING CERTAIN REGULATORY PERSONNEL FROM THE MERIT PAY SYSTEM AND PROVIDING CERTAIN EFFECTIVE DATES.

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

Section 1. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries and support for not more than ninety point five full-time equivalent positions, maintenance, and other operational purposes: \$ 1,473,442

The auditor of state shall be reimbursed, out of the examined agency's appropriation, for performing examinations of the department of human services, the state department of transportation, the Iowa department of public health, the state board of regents, the department of agriculture and land stewardship, the department of economic development, the department of education, the department of employment

services, the department of natural resources, and federal financial assistance, as defined in Pub. L. No. 98-502, received by all other departments.

The auditor of state shall audit an agency or department, which does not receive federal funding, every other year if in the judgment of the auditor of state, the agency or department would not be adversely affected by being audited less than annually. The auditor of state shall report to the legislative fiscal bureau and the department of management on or before September 1, 1988, which agencies and departments will be audited every other year instead of annually.

The auditor of state shall collect information on the costs, including time spent by employees of the auditor of state, associated with providing assistance to private certified public accounting firms, local governments, and other people in connection with audits of political subdivisions not conducted by the auditor of state. The auditor of state shall report the cost information to the legislative fiscal bureau and the department of management on or before September 1, 1988.

Sec. 2. There is appropriated from the general fund of the state to the campaign finance disclosure commission for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, for the purposes designated:

1. For salaries and support of not more than four full-time equivalent positions, maintenance and miscellaneous purposes: \$ 178,599

2. For salaries and support of not more than zero point seventy-five full-time equivalent positions for an administrative intern: \$ 8,100

Sec. 3. There is appropriated from the administrative surcharge trust fund to the department of employment services

Vetoed Sections 45 & 46

for the fiscal year beginning July 1, 1987, and ending June 30, 1988, the following amounts, or so much thereof as is necessary, for the purpose of rural job service office operations:

..... \$ 1,300,000

Sec. 4. There is appropriated from the general fund of the state to the department of employment services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF LABOR SERVICES

For salaries and support for not more than eighty-four point eighty-five full-time equivalent positions, maintenance and miscellaneous purposes:

..... \$ 1,867,668

2. DIVISION OF INDUSTRIAL SERVICES

For salaries and support for not more than thirty-six point ninety-five full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 1,427,071

The division shall add three full-time employees, from the funds appropriated, to expedite the administrative hearing process for workers' compensation cases, and to reduce case backlogs. The employees shall include one deputy industrial commissioner, and two clerical employees. The division shall begin charging a sixty-five dollar filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim; however, the fee can be taxed as a cost, and therefore, paid by the losing party, except in cases where it would impose an undue hardship or be unjust in the circumstances. The division shall by rule implement the filing fee.

It is the intent of the general assembly that the position of job service commissioner not be filled and that the director of the department of employment services shall

continue to act as the chief executive officer of the division of job service.

Sec. 5. The department of employment services, division of labor services, may, conditioned upon the adoption of a contractor registration requirement similar to that provided for by Senate File 2318, expend up to fifty thousand dollars, or so much thereof as is necessary, out of the funds collected under the contractor registration requirements, for the purposes of implementation and administration of the contractor registration program. This appropriation is exempt from the department of management's quarterly allocation recapture procedure.

Sec. 6. CONTINGENCY FUND USES -- BUILDING AND EQUIPMENT EXPENSES, ECONOMIC DEVELOPMENT LABOR SURVEYS, DIVISION-APPROVED TRAINING.

1. Notwithstanding the provisions of section 96.13, subsection 3, which restrict the use of moneys in the special employment security contingency fund, moneys in the fund on June 30, 1988, shall not be transferred by the treasurer of state to either the temporary emergency surcharge fund or the unemployment compensation fund, but shall be available to the division of job service of the department of employment services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, for expenditures under subsection 2.

2. The division of job service shall expend moneys which are credited to the special employment security contingency fund during the fiscal year beginning July 1, 1988, and ending June 30, 1989, including moneys which are available to the division of job service under subsection 1, only in accordance with the following restrictions:

a. The division may expend up to fifty thousand (50,000) dollars from the fund for replacing the roof of the state administrative office building.

b. The division may expend up to four hundred fifty-two thousand five hundred (452,500) dollars from the fund for the

support of the county, labor survey, economic development teams.

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

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

Sec. 7. A rural job service operations study committee shall be established consisting of the following members:

1. One representative appointed by the speaker of the house.
2. One representative appointed by the house minority leader.
3. One senator appointed by the senate majority leader.
4. One senator appointed by the senate minority leader.

The legislative fiscal bureau shall provide staff assistance. The committee shall meet with the job service advisory council for the purpose of establishing criteria to be used for making changes in rural job service operations and service delivery.

Issues for consideration include, but are not limited to, the following:

- a. Evaluation of job service's administrative structure, including staffing, level of service, method of service, and organizational structure.
- b. Location of offices.
- c. Access to services and the types of services provided.
- d. Possible consolidation of similar services which are provided to similar clients.
- e. Feasibility and cost of providing certain job service functions through automation or telephone communications.

Sec. 8. There is appropriated from the administrative contribution surcharge fund of the state to the department of employment services for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF JOB SERVICE

For salaries, support, maintenance, and miscellaneous purposes of rural and satellite job service offices in population centers of less than twenty thousand:

..... \$ 3,743,151

2. DIVISION OF JOB SERVICE

For deposit in the division-approved training fund:

..... \$ 1,149,209

As a condition of these appropriations, all job service offices which were open and operating on June 30, 1988, shall remain open and operating during fiscal year 1989. However, this provision shall not prevent the consolidation of multiple offices within the same city or the collocation of a job service office with another state office.

Sec. 9. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. GENERAL DEPARTMENT

For salaries and support for not more than two hundred twenty-seven point five full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 3,960,680

It is the intent of the general assembly that food and food service establishments receiving a score of ninety points or more in the last two inspections shall be subject to an annual inspection rather than semiannual inspections.

It is the intent of the general assembly that the department of inspections and appeals continue the demonstration waiver project through June 30, 1989, to encourage the development of residential care facilities, which serve persons with mental retardation, chronic mental illness, and other developmental disabilities, which have five or fewer residents for persons specified in section 225C.26. The project shall be exempt from section 135.63 through June 30, 1989. The demonstration waiver committee shall evaluate the project and make a recommendation whether to continue the project to the general assembly, on or before February 15, 1989.

2. DEPARTMENT OF INSPECTIONS AND APPEALS

For salaries and support for not more than one full-time equivalent position for a field auditor to audit bingo operations:

..... \$ 37,000

3. EMPLOYMENT APPEAL BOARD

For salaries and support for not more than one point eight full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 32,154

4. POSTER CARE REVIEW BOARD

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

..... \$ 193,781

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

6. It is the intent of the general assembly that the board of cosmetology examiners and the board of barber examiners, as appropriate, shall increase the original and renewal license fees to operate a beauty salon and the original and renewal of a barber shop license fee as follows:

- a. A beauty shop original license fee shall be increased to thirty dollars.
- b. A beauty shop renewal license fee shall be increased to thirty dollars.
- c. A barber shop original license fee shall be increased to thirty dollars.
- d. A barber shop renewal license fee shall be increased to thirty dollars.

The board of cosmetology examiners and the board of barber examiners shall by rule implement this fee schedule.

Sec. 10. There is appropriated from the road use tax fund to the department of inspections and appeals for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries and support for not more than eleven point five full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 364,857

It is the intent of the general assembly that the department of inspections and appeals cross train its

employees to perform more than one form of inspection or work whenever possible.

Sec. 11. There is appropriated from the road use tax fund to the department of inspections and appeals for the fiscal year beginning July 1, 1987, and ending June 30, 1988, the following amount, or so much thereof as is necessary, for the purposes designated:

For salary adjustments:
..... \$ 24,124

Sec. 12. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries and support for not more than thirteen full-time equivalent positions, maintenance and miscellaneous purposes:
..... \$ 604,405

- Sec. 13.
1. There is created in the office of the treasurer of state for the professional licensing and regulation division of the department of commerce, a professional licensing revolving fund.
 2. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 1988, and ending June 30, 1989, one hundred thousand dollars for deposit in the professional licensing revolving fund.
 3. The amount appropriated in subsection 2 from the general fund of the state is appropriated from the professional licensing revolving fund to the treasurer of state to be transferred to and deposited in the general fund of the state no later than June 30, 1989.
 4. There is appropriated from the professional licensing revolving fund to the professional licensing and regulation

division of the department of commerce, for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary for the following purposes:

For salaries and support for not more than nine full-time equivalent positions, maintenance, and other operational purposes:
..... \$ 654,027

The professional licensing division of the department of commerce shall transfer at the beginning of each fiscal quarter from appropriated trust funds to the administrative services trust fund an amount which represents the division's share of the estimated cost of consolidated administrative services within the department of commerce, such share to be in the same proportion as established by agreement in the fiscal year beginning July 1, 1986, and ending June 30, 1987, with the first quarterly transfer to occur between July 1 and July 31 annually.

5. It is the intent of the general assembly that the department of commerce shall transfer eighty percent of fee revenue from the professional licensing and regulation division to the professional licensing revolving fund. The department of commerce shall remit and deposit the remaining twenty percent of the professional licensing and regulation division fees to the general fund of the state.

Sec. 14. No later than January 15, 1989, the administrator of the division of professional licensing of the department of commerce shall prepare and submit a study to the general assembly evaluating the feasibility of adopting financial responsibility rules meeting the following criteria:

1. The rules shall require a member of a regulated profession to carry errors or omissions insurance to cover all regulated activities of the profession, or similar professional malpractice insurance.

2. The rules shall permit the administrator to contract with an insurance provider for a group policy for each or all professions regulated by the administrator. The contract shall be solicited by competitive, sealed bid.

3. A group policy obtained by the administrator to satisfy the mandate of subsection 1 shall be made available to all members of the regulated profession with no right on the part of the insurance provider to cancel coverage for any member.

4. A member of a profession shall have the option of obtaining insurance independently, provided that the coverage contained in an independently obtained policy complies with the minimum requirements adopted by rule of the administrator.

5. The administrator shall determine the terms and conditions of coverage for the annual policy at least thirty days prior to the annual policy renewal date. The study shall include proposed terms and conditions. A certificate of coverage, showing compliance with the required terms and conditions of coverage, must be filed with the administrator as a condition to license renewal by a member opting not to participate in the group insurance program contracted for by the administrator.

6. If the administrator is unable to obtain a group policy of errors and omissions insurance coverage at a reasonable premium to insure all members of a regulated profession who choose to participate in the group insurance program, the insurance or proof of financial responsibility requirement shall not be applicable to that profession during the applicable contract year.

The study shall include an evaluation of the availability of a group policy meeting the listed criteria, and an estimate of the premiums costs for a member of each regulated profession. The study shall describe the minimum requirements contemplated, including, but not limited to deductible amounts and minimum coverage limits. The study shall also describe the availability and cost of currently available insurance

programs for each profession, both group and individual. The study shall contain a recommendation of the administrator whether to adopt professional financial responsibility rules for each regulated profession and whether to provide a group insurance policy program as described in this subsection.

Sec. 15. The Code editor shall change all references to the "real estate examining board" to read "real estate commission", to conform with amendments in this Act to section 117.8.

Sec. 16. There is appropriated from the administrative services trust fund to the administrative services division of the department of commerce for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, to be used for the following purposes:

For salaries and support for not more than forty-four point five full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 1,377,154

Sec. 17. Notwithstanding section 121.53, there is appropriated from the beer and liquor control fund to the alcoholic beverages division of the department of commerce for the fiscal year beginning July 1, 1988, and ending June 30, 1989, four million four hundred ninety-five thousand seven hundred fifty-five (4,495,755) dollars, or so much thereof as is necessary, for salaries and support for not more than eighty-three point eighty-six full-time equivalent positions, maintenance and other operational purposes or additional funds as necessary for the orderly and efficient operation of the liquor system, subject to the approval of the department of management. The department of management shall notify the legislative fiscal committee of the need for additional funds. Funds appropriated under this section shall not be used for lease-purchase of cash registers.

The alcoholic beverages division of the department of commerce shall transfer at the beginning of each fiscal quarter from appropriated trust funds to the administrative services trust fund an amount which represents the division's share of the estimated cost of consolidated administrative services within the department of commerce, such share to be in the same proportion as established by agreement in the fiscal year beginning July 1, 1986, and ending June 30, 1987, with the first quarterly transfer to occur between July 1 and July 31 annually. At the close of the fiscal year, actual versus estimated expenditures will be reconciled and any overpayment will be returned to each division or any underpayment will be paid by each division.

Sec. 18. The legislative fiscal bureau shall perform a joint study of the state of Iowa's wholesale liquor system. The purpose of the study is to examine the feasibility and policy issues of eliminating the current wholesale system. The study shall be submitted to the general assembly on or before January 10, 1989.

Sec. 19. 1986 Iowa Acts, chapter 1246, section 755, is hereby reenacted and remains effective to the extent that persons who were employed by the division of alcoholic beverages whose positions were terminated as a result of sections 724 through 761 of chapter 1246 of the 1986 Iowa Acts shall continue to be accorded the hiring preferences for other positions in state departments provided by section 755.

Sec. 20. There is appropriated from the banking revolving fund to the banking division of the department of commerce for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, to be used for the following purposes:

For salaries and support for not more than one hundred eighteen point fifty full-time equivalent positions, maintenance and other operational purposes:
 \$ 4,960,362

The banking division of the department of commerce shall transfer at the beginning of each fiscal quarter from appropriated trust funds to the administrative services trust fund an amount which represents the division's share of the estimated cost of consolidated administrative services within the department of commerce, such share to be in the same proportion as established by agreement in the fiscal year beginning July 1, 1986, and ending June 30, 1987, with the first quarterly transfer to occur between July 1 and July 31 annually. At the close of the fiscal year, actual versus estimated expenditures will be reconciled and any overpayment will be returned to each division or any underpayment will be paid by each division.

The banking division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for bank examinations and directly result from examinations of banks. Before the division expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the division and that the division does not have other funds from which examination expenses can be paid. Upon approval of the director of the department of management the division may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected from those banks being regulated which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2, subsection 5.

Sec. 21. There is appropriated from the credit union revolving fund to the credit union division of the department of commerce for the fiscal year beginning July 1, 1988, and

ending June 30, 1989, the following amount, or so much thereof as is necessary, to be used for the following purposes:

For salaries and support for not more than eighteen full-time equivalent positions, maintenance, and other operational purposes:

..... \$ 819,119

The credit union division of the department of commerce shall transfer at the beginning of each fiscal quarter from appropriated trust funds to the administrative services trust fund an amount which represents the division's share of the estimated cost of consolidated administrative services within the department of commerce, such share to be in the same proportion as established by agreement in the fiscal year beginning July 1, 1986, and ending June 30, 1987, with the first quarterly transfer to occur between July 1 and July 31 annually. At the close of the fiscal year, actual versus estimated expenditures will be reconciled and any overpayment will be returned to each division or any underpayment will be paid by each division.

The credit union division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for credit union examinations and directly result from examinations of credit unions. Before the division expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the division and that the division does not have other funds from which examination expenses can be paid. Upon approval of the director of the department of management the division may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected

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

Sec. 22. There is appropriated from the savings and loan revolving fund to the savings and loan division of the department of commerce for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, to be used for the following purposes:

For salaries and support for not more than six full-time equivalent positions, maintenance and other operational purposes:

..... \$ 287,060

The savings and loan division of the department of commerce shall transfer at the beginning of each fiscal quarter from appropriated trust funds to the administrative services trust fund an amount which represents the division's share of the estimated cost of consolidated administrative services within the department of commerce, such share to be in the same proportion as established by agreement in the fiscal year beginning July 1, 1986, and ending June 30, 1987, with the first quarterly transfer to occur between July 1 and July 31 annually. At the close of the fiscal year, actual versus estimated expenditures will be reconciled and any overpayment will be returned to each division or any underpayment will be paid by each division.

The savings and loan division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for savings and loan examinations and directly result from examinations of savings and loans. Before the division expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall

determine that the examination expenses exceed the funds budgeted by the general assembly to the division and that the division does not have other funds from which examination expenses can be paid. Upon approval of the director of the department of management the division may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected from those savings and loans being regulated which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2, subsection 5.

Sec. 23. There is appropriated from the insurance revolving fund to the insurance division of the department of commerce for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, to be used for the following purposes:

For salaries and support for not more than eighty-seven point thirty-three full-time equivalent positions, maintenance and other operational purposes:

..... \$ 3,547,300

It is the intent of the general assembly that the department of commerce shall transfer sixty percent, provided that the fee increases in section 22 are implemented otherwise the department shall transfer fifty-five percent, of insurance nonexamination revenues received for the fiscal year beginning July 1, 1988, and ending June 30, 1989, to the general fund of the state.

Of the funds appropriated, forty-five thousand (45,000) dollars, or so much thereof as necessary, shall be transferred to the office of the attorney general to reimburse the office of the attorney general for one assistant attorney general. It is the intent of the general assembly that an additional forty-five thousand (45,000) dollars of the funds appropriated to the division of insurance shall be expended for the computerization of continuing education files and other automation improvements.

The insurance division of the department of commerce shall transfer at the beginning of each fiscal quarter from appropriated trust funds to the administrative services trust fund an amount which represents the division's share of the estimated cost of consolidated administrative services within the department of commerce, such share to be in the same proportion as established by agreement in the fiscal year beginning July 1, 1986, and ending June 30, 1987, with the first quarterly transfer to occur between July 1 and July 31 annually. At the close of the fiscal year, actual versus estimated expenditures will be reconciled and any overpayment will be returned to each division or any underpayment will be paid by each division.

The insurance division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for insurance company examinations and directly result from examinations of insurance companies. Before the division expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the division and that the division does not have other funds from which examination expenses can be paid. Upon approval of the director of the department of management the division may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected from those insurance companies being regulated which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2, subsection 5.

Sec. 24.

1. It is the intent of the general assembly that the division of insurance of the department of commerce amend the current insurance agent licensing fee and securities agent license fee to provide as follows:

- a. An insurance agent license fee shall be fifty dollars once every three years and ten dollars annually for continuing education.
 - b. A securities agent license fee shall be thirty dollars annually.
2. The division shall by rule implement this fee structure.

Sec. 25. There is appropriated from the utilities trust fund to the utilities division of the department of commerce for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as is necessary, to be used for the following purposes:

For salaries and support for not more than ninety-six point five full-time equivalent positions, maintenance and other operational purposes:

..... \$ 4,478,319

The utilities division of the department of commerce shall transfer at the beginning of each fiscal quarter from appropriated trust funds to the administrative services trust fund an amount which represents the division's share of the estimated cost of consolidated administrative services within the department of commerce, such share to be in the same proportion as established by agreement in the fiscal year beginning July 1, 1986, and ending June 30, 1987, with the first quarterly transfer to occur between July 1 and July 31 annually. At the close of the fiscal year, actual versus estimated expenditures will be reconciled and any overpayment will be returned to each division or any underpayment will be paid by each division.

Sec. 26. The racing commission shall submit the commission's fiscal year 1990 budget request in the same

manner and level of detail as required by the department of management for state agencies receiving a general fund appropriation for their operations. The commission shall submit the detailed budget information to the department of management and the legislative fiscal bureau on or before October 1, 1988.

Sec. 27. Section 19A.3, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 21. A chief deputy industrial commissioner.

Sec. 28. Section 96.7, subsection 12, paragraph c, Code Supplement 1987, is amended to read as follows:

c. Moneys in the fund shall be used by the division only upon appropriation by the general assembly and only for personnel and nonpersonnel costs of rural and satellite job service offices in population centers of less than twenty thousand or for the division-approved training fund funded in section 8, subsection 2, of this Act. ~~After the end of a state fiscal year the treasurer of state shall promptly transfer all moneys in the fund which have not been appropriated or which have been appropriated but remain unencumbered or unobligated to the unemployment compensation fund.~~

Sec. 29. Section 96.11, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 14. ACCESS TO AVAILABLE JOBS LIST. The division of job service shall make available for consultation by the public, at each of the division's offices, a list of current job openings listed with the division, provided that the list shall comply with the confidentiality requirements of section 97.11, subsection 7, or those mandated by the federal government.

Sec. 30. Section 99B.2, subsection 1, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

The division department of inspections and appeals shall issue the licenses required by this chapter. A license shall not be issued, except upon submission to the division department of an application on forms furnished by the division department, and the required license fee. A license may be issued to an eligible applicant. An authorization number to operate may be issued to an applicant until a license is issued. However, a license or authorization number shall not be issued to an applicant who has been convicted of or pled guilty to a violation of this chapter, or who has been convicted of or pled guilty to a violation of chapter 123 that resulted, at any time, in revocation of a license issued to the applicant under chapter 123 or that resulted, within the twelve months preceding the date of application for a license required by this chapter, in suspension of a license issued under chapter 123. To be eligible for a two-year license under section 99B.7, an organization shall have been in existence at least five years prior to the date of issuance of the license. However, an organization which has been in existence for less than five years prior to the date of issuance of the license may obtain a two-year license if either of the following conditions apply:

Sec. 31. Section 99B.3, subsection 1, paragraph b, Code 1987, is amended to read as follows:

b. The person conducting the game has submitted a license application and a fee of fifteen fifty dollars for each game, and has been issued a license for the game, and prominently displays the license at the playing area of the game. A license is valid for a period of one year from the date of issue.

Sec. 32. Section 99B.6, subsection 1, paragraph a, Code Supplement 1987, is amended to read as follows:

a. The holder of the liquor control license or beer permit has submitted an application for a license and an application fee of one hundred fifty dollars, and has been issued a license and prominently displays the license on the premises.

Sec. 33. Section 99B.7, subsection 3, paragraph a, Code Supplement 1987, is amended to read as follows:

3. a. A person wishing to conduct games and raffles pursuant to this section as a qualified organization shall submit an application and a license fee of one hundred fifty dollars. However, upon submission of an application accompanied by a license fee of fifteen dollars, a person may be issued a limited license which shall authorize the person to conduct all games and raffles pursuant to this section at a specified location and during a specified period of fourteen consecutive calendar days. A limited license shall not be issued more than once during any calendar year to the same person, or for the same location. For the purposes of this paragraph, a limited license is deemed to be issued on the first day of the fourteen-day period for which the license is issued.

Sec. 34. Section 99B.10, subsection 1, Code Supplement 1987, is amended to read as follows:

1. A prize of merchandise ~~exceeding-five-dollars-in-value~~ or cash shall not be awarded for use of the device. However, a mechanical or amusement device may be designed or adapted to award ~~a-prize-or~~ one or more free games or portions of games without payment of additional consideration by the participant.

Sec. 35. Section 116.3, subsection 3, unnumbered paragraph 2, Code 1987, is amended by striking the paragraph.

Sec. 36. Section 117.8, Code 1987, is amended to read as follows:

117.8 REAL ESTATE EXAMINING-BOARD COMMISSION CREATED -- STAFF.

A real estate examining-board commission is created within the professional licensing and regulation division of the department of commerce. The board commission consists of three members licensed under this chapter and two members not licensed under this chapter and who shall represent the

general public. At least one of the licensed members shall be a licensed real estate salesperson, except that if the licensed real estate salesperson becomes a licensed real estate broker during a term of office, that person may complete the term, but is not eligible for reappointment on the board commission as a licensed real estate salesperson. A licensed member shall be actively engaged in the real estate business and shall have been so engaged for five years preceding the appointment, the last two of which shall have been in Iowa. Professional associations or societies of real estate brokers or real estate salespersons may recommend the names of potential board commission members to the governor. However, the governor is not bound by their recommendations. A board commission member shall not be required to be a member of any professional association or society composed of real estate brokers or salespersons. Board Commission members shall be appointed by the governor subject to confirmation by the senate. Appointments shall be for three-year terms and shall commence and end as provided in section 69.19. A member shall serve no more than three terms or nine years, whichever is less. No more than one member shall be appointed from a county. A board commission member shall not hold any other elective or appointive state or federal office. Vacancies shall be filled for the unexpired term by appointment of the governor and are subject to senate confirmation. A majority of the board commission members constitutes a quorum. The administrator of the professional licensing and regulation division shall hire and provide staff to assist the board commission with implementing this chapter.

Sec. 37. Section 118.16, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 14. "Interior designer" means a person using such designation in the performance of interior design services who has either passed the NCIDQ (National Council for Interior Design Qualification) prior to or subsequent to

enactment of this Act, or who were qualified under established NCIDQ criteria to take the examination as of the date of enactment of this Act. An interior designer performing customary interior design services shall not be deemed to be engaged in the unlawful practice of architecture. Customary interior design services include nonstructural aspects of interior space as provided in section 118.18.

Sec. 38. Section 170.5, unnumbered paragraph 3, Code 1987, is amended by striking the unnumbered paragraph.

Sec. 39. Section 170A.5, unnumbered paragraph 3, Code 1987, is amended by striking the unnumbered paragraph.

Sec. 40. NEW SECTION. 258A.11 CONTINUING EDUCATION MINIMUM REQUIREMENTS.

The board of barber examiners and the board of cosmetology examiners, created pursuant to chapter 147, shall each require, as a condition of license renewal, a minimum of six hours of continuing education in the two years immediately prior to a licensee's license renewal.

Sec. 41. Section 546.10, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The professional licensing and regulation division of the department of commerce may expend additional funds, including funds for additional personnel, if those additional expenditures are directly the cause of actual examination expenses exceeding funds budgeted for examinations. Before the division expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the division and the division does not have other funds from which the expenses can be paid. Upon approval of the director of the department of management, the division may expend and encumber funds for excess examination

expenses. The amounts necessary to fund the examination expenses shall be collected as fees from additional examination applicants and shall be treated as repayment receipts as defined in section 8.2, subsection 5.

Sec. 42. 1984 Iowa Acts, chapter 1279, section 44, is repealed.

Sec. 43. NEW SECTION. 237.23 AUTOMATIC REPEAL.

Sections 237.15 through 237.22, Code 1987, are repealed July 1, 1992.

Sec. 44. The department of human services, the foster care review board, and the supreme court shall submit a coordinated foster care plan to the legislature on or before January 15, 1989. The plan shall coordinate foster care services between the participants to avoid duplication, to improve delivery of services, and improve fact-finding, review, and appeal processes, both nonjudicial and judicial, to the extent possible. The plan should include specific proposals for legislative action necessary to implement the plan. The plan shall also include a critical review and summary of problems with the current system.

Sec. 45. Section 714.23, unnumbered paragraph 1, Code 1987, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

A student enrolled in a proprietary school which offers a course of study of more than four months in length and leads to a degree, diploma, or license shall, upon terminating study in the course, be obligated to the school for costs not to exceed the following:

1. The total cost of all textbooks, tools, equipment, uniforms, and other course-related materials purchased and received by the student as of the date of termination.
2. Fees charged by the school, not to exceed one hundred fifty dollars.
3. The total tuition cost of the course multiplied by a factor whose numerator shall be the time the student was in

attendance and whose denominator shall be the total length of the course. In determining the student's tuition obligation to the school, the following rules shall apply:

- a. The student's starting date shall be the first day the student attends classes.
- b. The student's termination date shall be the last day the student attends classes.
- c. Time in attendance shall be the actual time the student was at the school; total length of the course shall be stated in identical units as time in attendance.

All moneys collected by the proprietary school from or for the benefit of the student in excess of the total of subsections 1 through 3 shall, within thirty days of the student's termination date, be returned to the appropriate agency or person. For purposes of this chapter, unless the context otherwise requires, "proprietary school" means a person offering a course of instruction at the postsecondary level, for profit, that is more than four months in length and leads to a degree, diploma, or license.

Sec. 46. NEW SECTION. 714.24 PERFORMANCE BOND.

A proprietary school shall, prior to enrollment of any students and thereafter annually on or before June 30 of each year, present evidence to the attorney general that the school has obtained a performance bond to be used to make refunds of moneys received by the school for the benefit of students in the event the school ceases business or is otherwise unable to perform as required by section 714.23.

The amount of the performance bond shall be fifty thousand dollars for a school which has not operated in the state in the previous twelve months, and shall be fifty thousand dollars or twenty-five percent of the school's previous year's tuition receipts, whichever is less, for a school which has operated in the state in the previous calendar year.

Sec. 47. NEW SECTION. 714.25 DISCLOSURE.

A proprietary school located within the state shall, prior to the time a student is obligated for payment of any moneys, inform the student of all of the following:

1. The total cost of the course of instruction as charged by the school.
2. An estimate of any fees which may be charged the student; by others which would be required if the student is to successfully complete the course and, if applicable, obtain a degree, diploma, or license.
3. The percentage of students who successfully complete the course, the percentage who terminate prior to completing the course, and the period of time upon which the school has based these percentages. The reporting period shall not be less than one year in length and shall not extend more than five years into the past.
4. If claims are made by the school as to successful placement of students in jobs upon completion of the course of study, the school shall provide the student with all of the following:
 - a. The percentage of graduating students who were placed in jobs in fields related to the course of instruction.
 - b. The percentage of graduating students who went on to further education immediately upon graduation.
 - c. The percentage of students who, ninety days after graduation, were without a job and had not gone on to further education.
 - d. The period of time upon which the reports required by paragraphs "a" through "c" were based. The reporting period shall not be less than one year in length and shall not extend more than five years into the past.
5. If claims are made by the school as to income levels of students who have graduated and are working in fields related to the school's course of instruction, the school shall inform the student of the method used to derive such information.

Sec. 48. 1986 Iowa Acts, chapter 1245, section 763, is repealed.

Sec. 49. Section 114.23, Code 1987, is repealed.

Sec. 50. Sections 3 and 11 of this Act, being deemed of immediate importance, are effective upon enactment.

Sec. 51. Section 43 of this Act is effective June 30, 1988.

Sec. 52. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts unless otherwise provided by the general assembly.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2444, Seventy-second General Assembly.

Jim Veto
Approved _____, 1988
4/13/

JOSEPH O'HERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor