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HOUSE FILE 2569

BY COMMITTEE ON APPROPRIATIONS

APPROPRIATIONS CALENDAR

(SUCCESSOR TO LSB 8485YC)

(P.1751)

Passed House, Date 4/8/90 (p.2384) Passed Senate, Date 4/8/90

Vote: Ayes 70 Nays 16 Vote: Ayes 23 Nays 14

Approved Item Voted May 7, 1990

A BILL FOR

1 An Act relating to and making appropriations to finance state
2 government and its obligations, and providing effective dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2569

DIVISION I

Section 101. DROUGHT ASSISTANCE.

1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.

a. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For administration including salaries, support, maintenance, and miscellaneous purposes, for the hay hot line and for climatological services:

..... \$ 50,000

b. As a condition, limitation, and qualification of the appropriation made under paragraph "a", the appropriation shall be used to support the following full-time equivalent positions:

(1) For the hay hot line:
..... FTEs 2.0

(2) For climatological services:
..... FTEs 0.5

(3) For miscellaneous purposes relating to laboratory analysis activities:
..... FTEs 2.0

The full-time equivalent positions specified under this subsection shall be temporary positions as specified by the department. However, the positions shall terminate not later than June 30, 1991.

2. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY.

a. The Iowa state university of science and technology extension service shall act as the central clearinghouse in each county for drought-related information which shall serve as the agency in the county designated to coordinate drought-related activities.

b. There is appropriated from the general fund of the state to the state board of regents for the fiscal year

1 beginning July 1, 1990, and ending June 30, 1991, the
2 following amount, or so much thereof as is necessary, to be
3 used for the purpose designated:

4 For Iowa state university of science and technology
5 extension service to administer a rural concern drought hot
6 line, to carry out the provisions in paragraph "a", to
7 administer a forage testing program for purposes of analyzing
8 the impact of the drought on foraging, and to develop a
9 library of drought samples:

10 \$ 150,000

11 3. DEPARTMENT OF NATURAL RESOURCES. The department of
12 natural resources shall administer a statewide water
13 conservation education program.

14 4. STATE DEPARTMENT OF TRANSPORTATION. The state
15 department of transportation shall cease all spraying of
16 residual pesticides, as defined in section 206.2, along
17 roadsides, including ditches along roadsides, in order to
18 preserve from pesticide contamination of the food chain,
19 vegetation, in areas, which may be utilized as animal feed.
20 However, this subsection does not prohibit the use of
21 pesticides necessary to control noxious weeds, as defined in
22 section 317.1.

23 5. REPORTING. The department of agriculture and land
24 stewardship and Iowa state university of science and
25 technology shall not later than December 15, 1990, report to
26 the committees on appropriations in the senate and house of
27 representatives, and to the agriculture and natural resources
28 appropriations subcommittee, information relating to
29 expenditure of moneys appropriated to the departments under
30 this section, including a review of activities supported by
31 the appropriations.

32 6. REVERSION. Moneys appropriated under this section
33 which are not expended by June 30, 1991, shall revert to the
34 general fund of the state as provided in section 8.33.

35 Sec. 102. EFFECTIVE DATES.

1 1. The department of agriculture and land stewardship and
2 Iowa state university of science and technology shall not
3 expend moneys appropriated or implement provisions under
4 section 101, subsections 1 and 2, of this Act until at least
5 15 counties are subject to a proclamation of a disaster
6 emergency due to a drought which is issued by the governor.

7 2. The department of natural resources shall not implement
8 a statewide water conservation education program under section
9 101, subsection 3, of this Act until at least 15 counties are
10 subject to a proclamation of a disaster emergency due to a
11 drought which is issued by the governor.

12 3. Provisions contained in section 101, subsection 4, of
13 this Act which prohibit the spraying of pesticides shall not
14 be effective on or after January 1, 1991.

15 4. Section 101, subsection 4, of this Act, being deemed of
16 immediate importance, takes effect upon enactment.

17 DIVISION II

18 Sec. 201. MEDICAL ASSISTANCE SUPPLEMENT.

19 There is appropriated from the general fund of the state to
20 the department of human services for the fiscal year beginning
21 July 1, 1989, and ending June 30, 1990, the following amounts,
22 or so much thereof as is necessary, to be used for the purpose
23 designated:

24 For medical assistance to be used for the same purposes and
25 to supplement funds appropriated by 1989 Iowa Acts, chapter
26 318, section 2:

27 \$ 3,920,000

28 Sec. 202. EFFECTIVE DATE.

29 Section 201 of this Act, being deemed of immediate
30 importance, takes effect upon enactment.

31 DIVISION III

32 Sec. 301. CAPITOL COMPLEX CHILD DAY CARE PROGRAM.

33 1. There is appropriated from the general fund of the
34 state to the department of general services for the fiscal
35 year beginning July 1, 1990, and ending June 30, 1991, the

1 following amount or so much thereof as is necessary, to be
2 used for the purposes designated:

3 For planning, design, site acquisition and preparation, and
4 other expenditures necessary to establish a child day care
5 program available to public employees officed at or near the
6 capitol complex:

7 \$ 600,000

8 2. There is appropriated from the general fund of the
9 state to the department of general services for the fiscal
10 year beginning July 1, 1991, and ending June 30, 1992, the
11 following amount or so much thereof as is necessary, to be
12 used for the purposes designated:

13 For planning and other expenditures, which may include a
14 lease purchase contract, necessary to establish a child day
15 care program available to public employees officed at or near
16 the capitol complex:

17 \$ 1,100,000

18 3. Notwithstanding section 8.33, the moneys appropriated
19 in this section that remain unencumbered and unobligated on
20 June 30 of the fiscal year in which the moneys were
21 appropriated, shall not revert to the general fund of the
22 state but shall remain available for expenditure for the
23 purposes designated during the succeeding fiscal year.

24 4. The general assembly considers child day care to be an
25 important service for employers, employees, and their
26 children. Employer-supported child care can have a positive
27 impact upon employee morale and retention and can positively
28 affect the children who are receiving child care services.
29 High quality child care is of significant value to employers.
30 It is believed that a quality, on-site child care program
31 available to the children of state employees will provide a
32 model for other employers in this state to emulate.

33 5. a. The legislative council is requested to appoint a
34 capitol complex child day care program steering committee to
35 provide direction to the department of general services in

1 developing facility plans, establishing the facilities,
2 developing operating policies, contracting with a vendor to
3 operate the program, and other decisions involving
4 establishment and operation of the program. The steering
5 committee shall utilize the March 1990 consultant report to
6 the capitol complex ad hoc committee on child care,
7 particularly the intermediate quality recommendations, in its
8 decision making.

9 b. The steering committee membership shall include members
10 of the general assembly; representatives of the departments of
11 general services, personnel, human services, and education;
12 employees officed at the capitol complex who purchase child
13 day care services; a representative of the state board of
14 regents center for early childhood education; a representative
15 of the Iowa state university of science and technology early
16 childhood education programs; and other persons knowledgeable
17 concerning child day care programs.

18 6. In consultation with the steering committee, the
19 director of the department of general services shall retain a
20 consultant to oversee the process of developing the program
21 and shall contract with a vendor to manage the program.

22 7. The program shall be designed to operate with a
23 capacity of 150 children and to regularly serve infants,
24 toddlers, preschool, school age, and mildly ill children.

25 DIVISION IV

26 Sec. 401. CONTINGENCY REDUCTIONS IN APPROPRIATIONS.

27 Notwithstanding section 8.31, if actual revenue collected
28 by the state in the fiscal year ending June 30, 1990, is less
29 than the revenue estimate agreed to at the March 13, 1990,
30 meeting of the revenue estimating conference or if revenue
31 collected in the fiscal year ending June 30, 1991, is
32 significantly less than the estimate agreed to by the same
33 meeting of the revenue estimating conference for the fiscal
34 year ending June 30, 1991, and it is determined that the
35 estimated budget resources are insufficient to pay in full all

1 appropriations for the fiscal year ending June 30, 1991,
2 before the governor orders uniform reductions in budgeted
3 resources, appropriations enacted by the Seventy-third General
4 Assembly, 1990 Session, shall be reduced in accordance with
5 the priority order listed in this section.

6 1. In addition to the \$20,000,000 in expenditure
7 reductions for the fiscal year ending June 30, 1991, contained
8 in the governor's budget austerity plan issued to department
9 heads, dated March 21, 1990, by reducing discretionary
10 expenditures in executive branch agencies by up to \$10,000,000
11 by denying approval of expenditures as follows:

12 a. Purchasing of new vehicles, noncritical equipment,
13 office furnishings, or other noncritical expenditures.

14 b. Expenditures for out-of-state travel, airplane travel,
15 or subscriptions to periodicals shall not exceed the
16 expenditure amount for these purposes in the fiscal year
17 ending June 30, 1990.

18 c. An exception to permit an expenditure for an item or
19 service listed in this subsection may be granted in individual
20 cases by the director of the department of management, with
21 the approval of the governor.

22 d. An expenditure reduction made pursuant to this
23 subsection shall not involve an employee layoff.

24 2. By reducing by 2 percent, all annual appropriations for
25 operations from the general fund of the state made by the
26 Seventy-third General Assembly, 1990 Session, to all state
27 agencies within the executive branch of state government,
28 except for the regents' institutions, the department of human
29 services, and state correctional institutions. The reduction
30 is expected to realize a savings of \$5,000,000. An
31 appropriation for operations does not include a grant-in-aid,
32 a standing appropriation, or a capital appropriation.

33 3. By reducing expenditure of funds appropriated by 1990
34 Iowa Acts, Senate File 2422, by no more than 5 percent for a
35 savings in an amount up to \$2,905,000.

DIVISION V

Sec. 501. CONTINGENCY APPROPRIATIONS.

In the event that the anticipated ending balance of the general fund of the state for the fiscal year ending June 30, 1990, as certified by the director of the department of management exceeds \$132,200,000, or so much as is necessary to assure an ending balance for the fiscal year ending June 30, 1991, of \$30,000,000, 50 percent of such excess, up to a maximum of \$49,600,000, shall be used for recognizing additional liabilities, identified in section 502, subsection 1, of this Act, necessary to continue the GAAP implementation schedule required by 1986 Iowa Acts, chapter 1245, section 2046, and 50 percent of such excess, up to a maximum of \$31,870,000, shall be used for various capital projects identified in section 502, subsection 2, of this Act.

Sec. 502.

1. From the funds set aside in section 501 of this Act for recognizing additional liabilities necessary to complete the GAAP implementation schedule required by 1986 Iowa Acts, chapter 1245, section 2046, there is appropriated in the following priority order to the following named agencies for the designated fiscal year the specified amounts, or as much thereof as may be available, for the purposes designated:

a. For the fiscal year beginning July 1, 1989, and ending June 30, 1990, to the department of management for recognizing additional liabilities necessary to complete the GAAP implementation schedule required by 1986 Iowa Acts, chapter 1245, section 2046, for the merged area schools' general operations:

..... \$ 13,579,598

The funds appropriated in this paragraph shall be allocated to each school as follows:

- (1) Merged Area I \$ 611,887
- (2) Merged Area II \$ 795,008
- (3) Merged Area III \$ 739,949

1	(4)	Merged Area IV	\$	377,297
2	(5)	Merged Area V	\$	745,291
3	(6)	Merged Area VI	\$	782,118
4	(7)	Merged Area VII	\$	1,105,991
5	(8)	Merged Area IX	\$	1,099,495
6	(9)	Merged Area X	\$	1,744,567
7	(10)	Merged Area XI	\$	1,875,037
8	(11)	Merged Area XII	\$	835,261
9	(12)	Merged Area XIII	\$	797,531
10	(13)	Merged Area XIV	\$	353,975
11	(14)	Merged Area XV	\$	1,097,051
12	(15)	Merged Area XVI	\$	619,140

13 b. For the fiscal year beginning July 1, 1990, and ending
 14 June 30, 1991, to the following agencies:

15 (1) To the department of revenue and finance an amount
 16 sufficient to charge all franchise tax refunds to the
 17 appropriate fiscal year.

18 (2) To the department of revenue and finance an amount
 19 sufficient to charge all special education appropriations to
 20 the appropriate fiscal year.

21 (3) To the department of human services an amount
 22 sufficient to charge all foster care appropriations to the
 23 appropriate fiscal year.

24 (4) To the department of revenue and finance an amount
 25 sufficient to charge all standing unlimited appropriations to
 26 the appropriate fiscal year.

27 (5) Notwithstanding section 442.26, to the department of
 28 education an amount sufficient to charge up to an additional
 29 65 percent of the amount of state school foundation aid equal
 30 to the general allocation of the school district as determined
 31 under section 405A.2 and the amount of the tax credit for
 32 livestock pursuant to section 442.2, subsection 2, 1987 Code.

33 2. From the funds set aside in section 501 of this Act for
 34 various capital projects, there is appropriated in the
 35 following priority order to the following named agencies for

1 the fiscal year beginning July 1, 1990, and ending June 30,
2 1991, the specified amounts, or as much thereof as may be
3 available, for the purposes designated:

4 a. To the department of general services for capitol
5 restoration:

6 \$ 6,400,000

7 b. To the state communications network fund:

8 \$ 5,000,000

9 c. To the department of human services for construction of
10 a residential facility at the Eldora training school:

11 \$ 920,000

12 d. To the department of general services up to the
13 following amount, for fire safety improvements to buildings
14 located in the capitol complex:

15 \$ 1,000,000

16 e. To the Iowa court information system (ICIS) and
17 micrographics:

18 \$ 5,300,000

19 The funds appropriated in this subsection shall be
20 allocated as follows:

21 (1) Iowa court information system:

22 \$ 4,500,000

23 (2) Micrographics:

24 \$ 800,000

25 f. To the Iowa state university of science and technology
26 for planning the construction of a livestock research
27 facility:

28 \$ 1,000,000

29 g. To the university of northern Iowa for wellness center
30 planning:

31 \$ 1,000,000

32 h. To the Iowa national guard for armories at Corning and
33 Oskaloosa:

34 \$ 850,000

35 i. To the department of general services for renovation of

1 the Lucas state office building:
 2 \$ 1,000,000
 3 j. To the department of general services for remodeling
 4 the old historical building:
 5 \$ 2,000,000
 6 k. To the Iowa state university of science and technology
 7 for the cattle/swine research facilities:
 8 \$ 3,500,000
 9 l. To the Iowa state fair board for capital projects:
 10 \$ 1,000,000
 11 m. To the state board of regents for distribution to the
 12 state universities for capital utility projects:
 13 \$ 1,500,000
 14 n. To the university of Iowa for college of medicine
 15 research facility planning:
 16 \$ 1,000,000
 17 o. To the department of general services to demolish the
 18 Court avenue bridge:
 19 \$ 400,000

20 Sec. 503. 1989 Iowa Acts, chapter 319, section 12, is
21 repealed.

22 Sec. 504.

23 If section 502, subsection 1, paragraph "a" and section 503
24 of this Act are enacted by the general assembly then the full
25 appropriation for general state financial aid to merged areas
26 for the fiscal year ending June 30, 1991, shall be made in the
27 fiscal year ending June 30, 1991.

28 Sec. 505.

29 Sections 501 through 504 of this Act, being deemed of
30 immediate importance, take effect upon enactment.

31 DIVISION VI

32 Sec. 601. PRISON CONSTRUCTION PAYMENT.

33 There is appropriated from the general fund of the state to
34 the department of corrections for the fiscal year beginning
35 July 1, 1990, and ending June 30, 1991, the following amount,

1 or so much thereof as is necessary, to be used for the purpose
2 designated:

3 For annual payment relating to the financial arrangement
4 for the construction of expansion in prison capacity as
5 provided in 1990 Iowa Acts, Senate File 2212, section 24:
6 \$ 1,028,000

7 Sec. 602. 1990 Iowa Acts, Senate File 2408, section 6,
8 subsection 1, paragraph d, is amended by striking the
9 paragraph and inserting in lieu thereof the following:

10 d. For contracting for aptitude and job-related interest
11 assessment, career exploration, the individualized
12 employability development plan, and job retention skills with
13 a private entity which is not controlled or administered by
14 any state agency or any political subdivision of the state,
15 and which has programs with a minimum of 15 years of service
16 experience with offender and ex-offender populations:

17 \$ 90,000

18 Sec. 603. 1990 Iowa Acts, Senate File 2408, section 6,
19 subsection 8, paragraph g, is amended by striking the
20 paragraph.

21 DIVISION VII

22 Sec. 701. Section 21.2, subsection 1, Code Supplement
23 1989, is amended by adding the following new paragraph:

24 NEW PARAGRAPH. f. A nonprofit corporation licensed to
25 conduct gambling games pursuant to chapter 99F.

26 Sec. 702. Section 22.1, unnumbered paragraphs 1 and 2,
27 Code 1989, are amended to read as follows:

28 Wherever As used in this chapter, "public records" includes
29 all records, documents, tape, or other information, stored or
30 preserved in any medium, of or belonging to this state or any
31 county, city, township, school corporation, political
32 subdivision, nonprofit corporation whose facilities or
33 indebtedness are supported in whole or in part with property
34 tax revenue and which is licensed to conduct pari-mutuel
35 wagering pursuant to chapter 99D, or tax-supported district in

1 this state, or any branch, department, board, bureau,
2 commission, council, or committee of any of the foregoing.

3 The term "government body" means this state, or any county,
4 city, township, school corporation, political subdivision, tax
5 supported district nonprofit corporation whose facilities or
6 indebtedness are supported in whole or in part with property
7 tax revenue and which is licensed to conduct pari-mutuel
8 wagering pursuant to chapter 99D, or other entity of this
9 state, or any branch, department, board, bureau, commission,
10 council, committee, official or officer, of any of the
11 foregoing or any employee delegated the responsibility for
12 implementing the requirements of this chapter.

13 Sec. 703. Section 22.7, Code Supplement 1989, is amended
14 by adding the following new subsection:

15 NEW SUBSECTION. 27. Marketing and advertising budget and
16 strategy of a nonprofit corporation which is subject to this
17 chapter. However, this exemption does not apply to salaries
18 or benefits of employees who are employed by the nonprofit
19 corporation to handle the marketing and advertising
20 responsibilities.

21 Sec. 704.

22 Sections 701 through 703 of this Act take effect September
23 1, 1991.

24 DIVISION VIII

25 Sec. 801. 1990 Iowa Acts, Senate File 2328, section 23,
26 subsection 3, unnumbered paragraph 3, is amended to read as
27 follows:

28 The appropriation in this section is in addition to the
29 appropriation to the racing and gaming commission from the
30 excursion boat gambling revolving fund in section ~~21~~ 22.

31 DIVISION IX

32 Sec. 901. NEW SECTION. 281.10 ADDITIONAL SPECIAL
33 EDUCATION WEIGHTING.

34 In addition to the programs and services offered to
35 children requiring special education during the regular school

1 year, school districts shall offer programs and services
2 beyond the required one hundred eighty day school year to
3 children requiring special education and assigned a weight
4 under section 281.9, subsection 1, paragraph "d", and placed
5 in the category of profoundly multiply handicapped, commonly
6 referred to as severely and profoundly handicapped, who would
7 benefit from additional instructional programming. The
8 programs and services offered under this section are not
9 special education extended year programs and are not a part of
10 a child's individual education program. However, a child
11 provided an extended year program may also be eligible for the
12 programs and services provided under this section if they meet
13 the requirements of this section.

14 Programs and services offered under this section shall be
15 at least one week in duration. In order to provide funds for
16 the excess costs of the programs and services, each full-time
17 equivalent child receiving programs and services under this
18 section is assigned an additional weighting of one-tenth for
19 each week that programs and services are provided under this
20 section, not to exceed six-tenths, for the excess costs of the
21 programs and services above the moneys generated from the
22 special education weighting plan in section 281.9. The
23 additional weighting shall be included in the weighted
24 enrollment of the school district of the residence of the
25 child and the enrollment count under this section shall be
26 taken on December 1 of each year.

27 The school budget review committee shall calculate the
28 additional amount added for the weighting under this section
29 to the nearest one-hundredth of one percent so that, to the
30 extent possible, the moneys generated by the weighting on and
31 after July 1, 1991, will be equivalent to the moneys generated
32 by the one-tenth weighting prior to July 1, 1991.

33 If a part of the district's programs and services offered
34 pursuant to this section includes special education support
35 services, the district shall contract with the applicable area

1 education agency and shall pay the area education agency for
2 those services from moneys generated under this section. A
3 district may pay transportation costs for the child for
4 attendance at programs offered under this section from moneys
5 generated under this section.

6 Sec. 902. Section 257.15, Code Supplement 1989, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. 4. INAPPLICABILITY. This section does
9 not apply to moneys generated pursuant to section 281.10.

10 Sec. 903.

11 Section 901 of this Act, being deemed of immediate
12 importance, takes effect upon enactment.

13 DIVISION X

14 Sec. 1001. Section 262A.6A, subsection 1, Code 1989, is
15 amended to read as follows:

16 1. The board shall issue bonds authorized under section
17 262A.4 by the Seventy-second General Assembly in an amount not
18 exceeding nineteen million dollars; and from the forty-one
19 million three hundred thousand dollars authorized by 1990 Iowa
20 Acts, House Concurrent Resolution 133, if approved by the
21 governor, in an amount not exceeding fifteen million dollars;
22 in the form of capital appreciation bonds as provided in this
23 section rather than the form prescribed in sections 262A.5 and
24 262A.6. The capital appreciation bonds shall be designed to
25 be marketed primarily to Iowans to facilitate savings for
26 future higher education costs.

27 DIVISION XI

28 Sec. 1101. Section 256.9, Code Supplement 1989, is amended
29 by adding the following new subsections:

30 NEW SUBSECTION. 39. Develop model guidelines for district
31 in-service training programs for truancy officers and direct
32 the area education agencies to assist local school districts
33 in providing the programs.

34 NEW SUBSECTION. 40. Prepare a plan and a report for
35 ensuring that all Iowa children will be able to satisfy the

1 requirements for high school graduation. The plan and report
2 shall include a statement of the dimensions of the dropout
3 problem in Iowa; a survey of existing programs geared to
4 dropout prevention; a plan for use of competency-based outcome
5 methods and measures; proposals for alternative means for
6 satisfying graduation requirements including alternative high
7 school settings, supervised vocational experiences, education
8 experiences within the correctional system, screening and
9 assessment mechanisms for identifying students who are at-risk
10 of dropping out and the development of an individualized
11 education plan for identified students; a requirement that
12 schools provide information to students who drop out of school
13 on options for pursuing education at a later date; the
14 development of basic materials and information for schools to
15 present to students leaving school; a requirement that
16 students notify their school districts of residence when the
17 student discontinues school, including the reasons for leaving
18 school and future plans for career development; a requirement
19 that, unless a student chooses to make the information
20 relating to the student leaving school confidential, schools
21 make the information available to community colleges, area
22 education agencies, and other educational institutions upon
23 request; and recommendations for the establishment of pilot
24 projects for the development of model alternative options
25 education programs; a plan for implementation of any
26 recommended courses of action to attain a zero dropout rate by
27 the year 2000; and other requirements necessary to achieve the
28 goals of this subsection. Alternative means for satisfying
29 graduation requirements which relate to the development of
30 individualized education plans for students who have dropped
31 out of the regular school program shall include, but are not
32 limited to, a tracking component that requires a school
33 district to maintain periodic contact with a student,
34 assistance to a dropout in curing any of the student's
35 academic deficiencies, an assessment of the student's

1 employability skills and plans to improve those skills, and
2 treatment or counseling for a student's social needs. The
3 department shall also prepare a cost estimate associated with
4 implementation of proposals to attain a zero dropout rate,
5 including but not limited to evaluation of existing funding
6 sources and a recommended allocation of the financial burden
7 among federal, state, local, and family resources. The
8 department, in conjunction with the plan and report, shall
9 prepare an education bill of rights that delineates education
10 opportunities that are to be legal entitlements for Iowa
11 children. The report and plan shall be submitted to the
12 general assembly by January 15, 1993.

13 Sec. 1102. NEW SECTION. 280.19A ALTERNATIVE OPTIONS
14 EDUCATION PROGRAMS.

15 By January 15, 1995, each school district shall adopt a
16 plan to provide alternative options education programs to
17 students who are either at risk of dropping out or have
18 dropped out. An alternative options education program may be
19 provided in a district, through a sharing agreement with a
20 school in a contiguous district, or through an areawide
21 program available at the community college serving the merged
22 area in which the school district is located. Each area
23 education agency shall provide assistance in establishing a
24 plan to provide alternative education options to students
25 attending a public school in a district served by the agency.

26 Sec. 1103. DEPARTMENTAL STUDY.

27 The department of education shall assess the expected
28 impact of an increase in the maximum compulsory attendance age
29 from sixteen to up to eighteen on increased enrollment of
30 sixteen and seventeen-year-olds, and the characteristics of
31 this population with respect to educational and basic skill
32 level, family support structure, orientation to the
33 traditional school curricula, and orientation to alternative
34 curricula.

35 The department of education shall, by January 1992, do the

1 following:

2 1. Identify experiences other states have had, and
3 educational and social support responses they have made, as a
4 result of increasing the compulsory attendance age from
5 sixteen to eighteen years of age.

6 2. Seek to develop program materials that consider health,
7 employment and training, and human service needs in addition
8 to education needs to assist local districts in serving
9 students who are at risk of dropping out of the regular
10 schools and programs.

11 3. Develop definitions of the terms "at-risk student" and
12 "dropout" which are appropriate for students in middle and
13 high schools and which will assist districts in identifying
14 students in need of alternative academic programming.

15 4. Develop recommendations regarding alternative
16 programming for students who are at risk of dropping out of
17 the regular schools and programs. The recommendations shall
18 include, but are not limited to, the following:

19 a. Modification of the minimum educational standards
20 contained in section 256.11.

21 b. Alternative curricula, including competency-based
22 instruction.

23 c. Alternative teaching methods, including individualized
24 programming.

25 d. Alternative options for graduation.

26 The department of education, in coordination with the
27 department of human services, the supreme court, the
28 department of public health, and the department of employment
29 services, by July 1992, shall build a data base which will
30 assist in the identification of at-risk students and middle
31 and high schools within the state having a significant
32 population of at-risk students. At-risk characteristics to be
33 considered may include, but are not limited to, high levels of
34 one or more of the following: below grade level performing
35 students, grade retention, school dropouts, school expulsions,

1 teen pregnancy, poverty, single parent families, substance
2 abuse, teenage suicides, youth underemployment, juvenile
3 delinquency, and child abuse. In building this data base,
4 consideration shall be given to protecting the privacy of the
5 individual student and limiting the data burden on school
6 districts.

7 Sec. 1104. ALTERNATIVE PROGRAMS.

8 Alternative options education programs, for middle school
9 and high school students, designed to provide incentives for
10 the students to remain in school, shall not be subject to the
11 minimum hours of instruction requirement adopted by the state
12 board of education.

13 DIVISION XII

14 Sec. 1201. 1990 Iowa Acts, Senate File 2327, section 9, is
15 repealed.

16 DIVISION XIII

17 Sec. 1301.

18 There is appropriated from the general fund of the state to
19 the department of economic development for the fiscal year
20 beginning July 1, 1990, and ending June 30, 1991, the
21 following amount, or so much thereof as is necessary, to be
22 used for the purposes designated:

23 To provide grants to any Iowa city for development of a
24 proposed public river front park, wetlands, and recreational
25 area, for purposes including but not limited to support of
26 educational, scientific, cultural, recreational, or other
27 public purposes, or a combination of these purposes:

28 \$ 50,000

29 As a condition, limitation, and qualification of the
30 appropriation in this section, the criteria used by the
31 department of economic development in selecting a city
32 applying for the grant, shall assign weight and priority to
33 the applications based on all of the following criteria:

- 34 1. That the development of the proposed project is in
35 response to a stipulation and settlement of a lawsuit filed in

1 federal court requiring a comprehensive recreational master
2 plan for the park.

3 2. That all or a portion of the park is situated on
4 wetlands and the design or location of the park enhances or
5 helps preserve a natural wildlife area.

6 3. That the grant funds shall be matched in the amount of
7 at least one-third by the community through the installation
8 of public infrastructure to the area or by in-kind labor
9 contributions performed by a union local apprentice training
10 program, or both.

11 4. That the proposed project will extend present
12 recreational and bicycle trail systems.

13 5. That the proposed project will improve water-based
14 recreational activities for the community.

15 6. That the proposed project will establish an educational
16 eco-laboratory.

17 DIVISION XIV

18 Sec. 1401.

19 The appropriation in the section of 1990 Iowa Acts, Senate
20 File 2423, which appropriates \$355,000 to the state board of
21 regents for the state university of Iowa, for agricultural
22 health and safety programs, shall be reduced by \$105,000 to
23 \$250,000.

24 DIVISION XV

25 Sec. 1501. JUDICIAL DEPARTMENT -- PILOT PROJECT AND STUDY.

26 There is appropriated from the general fund of the state to
27 the judicial department for the fiscal year beginning July 1,
28 1990, and ending June 30, 1991, the following amount, or so
29 much thereof as is necessary, to be used for the purposes
30 designated:

31 1. For the implementation of the pilot program for
32 mediation of child custody and visitation issues in
33 dissolution issues established in this Act:
34 \$ 136,000

35 2. For the family court system feasibility study required

1 of the supreme court in this Act:

2 \$ 70,000

3 Sec. 1502. Section 222.59, subsection 4, Code 1989, is
4 amended to read as follows:

5 4. If a proposed placement of a patient from a hospital-
6 school or special unit which is not satisfactory to the
7 patient's parent, guardian or advocate is approved by the
8 administrator; or a proposed placement which is satisfactory
9 to the patient's parent, guardian or advocate is modified,
10 altered or rescinded by the administrator, the parent,
11 guardian or advocate may appeal to the department of human
12 services, within thirty days after notification to the parent,
13 guardian or advocate of the proposed placement. The
14 department shall give the appellant reasonable notice and
15 opportunity for a fair hearing, conducted by the director or
16 the director's designee who shall act as an impartial arbiter
17 of fact and law. In such hearing the parent, guardian or
18 advocate shall have the opportunity to confront witnesses, to
19 have access to hospital records, to present evidence and
20 witnesses on their behalf and to be represented by counsel.
21 The standard for such fair hearing shall be to provide "that
22 placement which inures to the best interest of the patient."
23 Judicial review of actions of the department may be sought in
24 accordance with the terms of the Iowa administrative procedure
25 Act. The department shall furnish the petitioner with a copy
26 of any papers filed by the petitioner in support of the
27 petitioner's position, a transcript of any testimony taken,
28 and a copy of the department's decision. In the district
29 court hearings, the parent, guardian or advocate has the right
30 to be represented by counsel. The court shall, in all cases
31 where the interests of the patient conflict with that of
32 parent, guardian, or advocate, appoint counsel as guardian ad
33 litem for the patient. The guardian ad litem shall be a
34 practicing attorney. Notwithstanding the terms of the Iowa
35 administrative procedure Act, where a petition is filed for

1 judicial review of a proposed placement, the proposed
2 placement shall be stayed pending the outcome of said review
3 proceeding.

4 Sec. 1503. Section 226.31, Code 1989, is amended to read
5 as follows:

6 226.31 EXAMINATION BY COURT -- NOTICE.

7 Before granting the order authorized in section 226.30 the
8 court or judge shall investigate the allegations of the
9 petition and before proceeding to a hearing thereon on the
10 allegations shall require notice to be served on the attorney
11 who represented the patient in any prior proceedings under
12 sections 229.6 to 229.15 or the advocate appointed under
13 section 229.19, or in the case of a patient who entered the
14 hospital voluntarily, on any relative, friend, or guardian of
15 the person in question of the filing of said the application.
16 ~~On-such~~ At the hearing the court or judge shall appoint a
17 guardian ad litem for said the person, if it the court or
18 judge deems such action necessary to protect the rights of
19 such the person. The guardian ad litem shall be a practicing
20 attorney.

21 Sec. 1504. Section 232.2, subsection 20, Code Supplement
22 1989, is amended to read as follows:

23 20. "Guardian ad litem" means a person practicing attorney
24 appointed by the court to represent the interests of a child
25 in any judicial proceeding to which the child is a party~~7~~, and
26 ~~includes-a-court-appointed-special-advocate7-except-that-a~~
27 ~~court-appointed-special-advocate-shall-not-file-motions~~
28 ~~pursuant-to-section-232:547-subsections-1-and-47-and-section~~
29 ~~232:1037-subsection-27-paragraph-"e"~~.

30 Sec. 1505. Section 232.52, Code 1989, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 8. If a child has previously been
33 adjudicated as a child in need of assistance, and a social
34 worker or other caseworker from the department of human
35 services has been assigned to work on the child's case, the

1 court may order the department of human services to assign the
2 same social worker or caseworker to work on any matters
3 related to the child arising under this division.

4 Sec. 1506. Section 232.89, subsection 2, unnumbered
5 paragraph 1, Code Supplement 1989, is amended to read as
6 follows:

7 Upon the filing of a petition, the court shall appoint
8 counsel and a guardian ad litem for the child identified in
9 the petition as a party to the proceedings. If a guardian ad
10 litem has previously been appointed for the child in a
11 proceeding under division II of this chapter or a proceeding
12 in which the court has waived jurisdiction under section
13 232.45, the court shall appoint the same guardian ad litem
14 upon the filing of the petition under this part. Counsel
15 shall be appointed as follows:

16 Sec. 1507. Section 232.89, subsection 4, Code Supplement
17 1989, is amended to read as follows:

18 4. The same person may serve both as the child's counsel
19 and as guardian ad litem. However, the court may appoint a
20 separate guardian ad litem, if the same person cannot properly
21 represent the legal interests of the child as legal counsel
22 and also represent the best interest of the child as guardian
23 ad litem, or a separate guardian ad litem is required to
24 fulfill the requirements of subsection 2.

25 Sec. 1508. Section 235B.1, subsection 8, paragraph c, Code
26 Supplement 1989, is amended to read as follows:

27 c. In every case involving adult abuse which is
28 substantiated by the department and which results in a
29 judicial proceeding on behalf of the dependent adult, legal
30 counsel shall be appointed by the court to represent the
31 dependent adult in the proceedings. The court may also
32 appoint a guardian ad litem to represent the dependent adult
33 if necessary to protect the dependent adult's best interests.
34 The guardian ad litem shall be a practicing attorney. The
35 same attorney may be appointed to serve both as legal counsel

1 and as guardian ad litem. Before legal counsel or a guardian
2 ad litem is appointed pursuant to this section, the court
3 shall require the dependent adult and any person legally
4 responsible for the support of the dependent adult to complete
5 under oath a detailed financial statement. If, on the basis
6 of that financial statement, the court deems that the
7 dependent adult or the legally responsible person is able to
8 bear all or a portion of the cost of the legal counsel or
9 guardian ad litem, the court shall so order. In cases where
10 the dependent adult or the legally responsible person is
11 unable to bear the cost of the legal counsel or guardian ad
12 litem, the expense shall be paid by the county.

13 Sec. 1509. Section 600A.2, subsection 9, Code 1989, is
14 amended to read as follows:

15 9. "Guardian ad litem" means a person appointed by a court
16 or juvenile court having jurisdiction over the minor child to
17 represent that child in a legal action. A guardian ad litem
18 appointed under this chapter shall be a practicing attorney.

19 Sec. 1510. Section 602.1612, subsection 1, Code 1989, is
20 amended to read as follows:

21 1. Justices of the supreme court, judges of the court of
22 appeals, district judges, and district associate judges who
23 are retired by reason of age or who are drawing benefits under
24 section 602.9106, and senior judges who have retired under
25 section 602.9207 or who have relinquished senior judgeship
26 under section 602.9208, subsection 1, may with their consent
27 be assigned by the supreme court ~~or-by-the-chief-judge-in-the~~
28 ~~case-of-district-associate-judges~~ to temporary judicial duties
29 on a court in this state if the assignment is deemed necessary
30 by the supreme court to expedite the administration of
31 justice. ~~A-retired-justice-or-judge-shall-not-be-assigned-to~~
32 ~~temporary-judicial-duties-on-any-court-superior-to-the-highest~~
33 ~~court-to-which-that-justice-or-judge-had-been-appointed-prior~~
34 ~~to-retirement,-and-shall-not-be-assigned-for-temporary-duties~~
35 ~~with-the-supreme-court-or-the-court-of-appeals-except-in-the~~

1 case-of-a-temporary-absence-of-a-member-of-one-of-those
2 courts-

3 Sec. 1511. Section 602.9202, Code 1989, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 5. "Date of retirement" means the date
6 that the annuitant is eligible to receive a retirement annuity
7 under this part.

8 Sec. 1512. Section 602.9206, unnumbered paragraph 1, Code
9 1989, is amended to read as follows:

10 Section 602.1612 does not apply to a senior judge but does
11 apply to a retired senior judge. During the tenure of a
12 senior judge, if the judge is able to serve, the judge may be
13 assigned by the supreme court to temporary judicial duties on
14 courts of this state without salary for an aggregate of
15 thirteen weeks out of each twelve-month period, and for
16 additional weeks with the judge's consent. ~~A-senior-judge
17 shall-not-be-assigned-to-judicial-duties-on-a-court-superior
18 to-the-highest-court-to-which-the-judge-was-appointed-prior-to
19 retirement,-and-shall-not-be-assigned-to-the-court-of-appeals
20 or-the-supreme-court-except-to-serve-in-the-temporary-absence
21 of-a-member-of-that-court.~~ While serving on temporary
22 assignment, a senior judge has and may exercise all of the
23 authority of the office to which the judge is assigned, shall
24 continue to be paid the judge's annuity as senior judge, shall
25 be reimbursed for the judge's actual expenses to the extent
26 expenses of a district judge are reimbursable under section
27 602.1509, may, if permitted by the assignment order, appoint a
28 temporary court reporter, who shall be paid the remuneration
29 and reimbursement for actual expenses provided by law for a
30 reporter in the court to which the senior judge is assigned,
31 and, if assigned to the court of appeals or the supreme court,
32 shall be given the assistance of a law clerk and a secretary
33 designated by the court administrator of the judicial
34 department from the court administrator's staff. Each order
35 of temporary assignment shall be filed with the clerks of

1 court at the places where the senior judge is to serve.

2 Sec. 1513. Section 633.244, Code 1989, is amended to read
3 as follows:

4 633.244 INCOMPETENT SPOUSE -- ELECTION BY COURT.

5 In case an affidavit is filed that the surviving spouse is
6 incapable of making an election to take against the will, or
7 to elect to occupy the homestead, and does not have a
8 conservator, the court shall fix a time and place of hearing
9 on the matter, and cause a notice thereof to be served upon
10 the surviving spouse in such manner and for such time as the
11 court may direct. At the hearing, a guardian ad litem shall
12 be appointed to represent the spouse, and the court shall
13 enter such orders as it deems appropriate under the
14 circumstances. The guardian ad litem shall be a practicing
15 attorney.

16 Sec. 1514. Section 633.514, Code 1989, is amended to read
17 as follows:

18 633.514 HEARING -- CONTINUANCE -- ORDERS.

19 If, on the day set for hearing, the absentee fails to
20 appear, the court shall appoint some disinterested person as
21 guardian ad litem to appear for the absentee and all
22 distributees not appearing, and said cause shall thereupon
23 stand continued for twenty days. The guardian ad litem shall
24 be a practicing attorney. The court shall have authority to
25 make further continuance upon proper showing. The guardian ad
26 litem shall investigate the matter and things alleged in the
27 petition. Upon the further hearing, the court shall hear the
28 proofs, and, if satisfied of the truth of the allegations of
29 the petition, shall enter an order establishing the death of
30 the absentee as a matter of law.

31 Sec. 1515. Section 910A.15, unnumbered paragraph 1, Code
32 1989, is amended to read as follows:

33 A prosecuting witness who is a child, as defined in section
34 702.5, in a case involving a violation of chapter 709 or
35 section 726.2, 726.3, 726.6, or 728.12, is entitled to have

1 the witness's interests represented by a guardian ad litem at
2 all stages of the proceedings arising from such violation.
3 The guardian ad litem ~~may-but-need-not~~ shall be a practicing
4 attorney and shall be designated by the court after due
5 consideration is given to the desires and needs of the child
6 and the compatibility of the child and the child's interests
7 with the prospective guardian ad litem. ~~However, a person who~~
8 ~~is also a prosecuting witness in the same proceeding shall not~~
9 ~~be designated guardian ad litem.~~ If a guardian ad litem has
10 previously been appointed for the child in a proceeding under
11 chapter 232 or a proceeding in which the juvenile court has
12 waived jurisdiction under section 232.45, the court shall
13 appoint the same guardian ad litem under this section. The
14 guardian ad litem shall receive notice of and may attend all
15 depositions, hearings and trial proceedings to support the
16 child and advocate for the protection of the child but shall
17 not be allowed to separately introduce evidence or to directly
18 examine or cross-examine witnesses. However, the guardian ad
19 litem shall file reports to the court as required by the
20 court.

21 Sec. 1516. 1989 Iowa Acts, chapter 165, is repealed.

22 Sec. 1517. PILOT PROGRAM FOR MEDIATION OF CHILD CUSTODY
23 AND VISITATION ISSUES IN DISSOLUTION CASES ESTABLISHED.

24 1. The supreme court shall establish a pilot program for
25 mandatory mediation of child custody and visitation issues in
26 dissolution cases pursuant to chapter 598. However, mediation
27 shall not be mandatory and shall not be ordered if any of the
28 following conditions apply:

29 a. The court determines that there is no reasonable
30 possibility that mediation will promote settlement of the
31 issues in dispute.

32 b. The court determines there is a substantial allegation
33 of direct physical or significant emotional harm to a party or
34 to a child.

35 c. The court determines that mediation will otherwise fail

1 to serve the best interests of the child.

2 d. The court determines that a verified petition alleging
3 domestic abuse has been filed by a party pursuant to chapter
4 236.

5 e. The court determines that a child in need of assistance
6 petition has been filed pursuant to chapter 232, division III,
7 concerning a child for whom a custody or visitation
8 determination is necessary.

9 If the court determines that mediation is inappropriate
10 pursuant to this subsection, the court shall state its find-
11 ings and conclusions in writing.

12 The pilot program shall be established in Linn county for a
13 period of two years, beginning July 1, 1990, and ending June
14 30, 1992.

15 Proceedings under the program shall be conducted pursuant
16 to the rules for mediation proceedings adopted by the supreme
17 court.

18 2. The supreme court shall submit a report to the general
19 assembly by January 1, 1993. The report shall contain recom-
20 mendations regarding the use of mediation in child custody and
21 visitation matters on a statewide basis in proceedings brought
22 under chapter 598. The report shall also include an evalua-
23 tion of the program as directed by the supreme court.

24 3. In a proceeding under chapter 598 involving either a
25 temporary or permanent child custody or visitation determina-
26 tion, the court shall order mediation at no cost to the
27 parties.

28 4. The implementation of this section is contingent upon
29 the appropriation of state funds to carry out its purposes.

30 Sec. 1518.

31 If the Seventy-third General Assembly amends section 730.5,
32 subsection 2, Code 1989, by adding an exemption relating to
33 the prohibition against drug testing of employees or
34 applicants for employment as adopted by federal regulation,
35 the exemption is of no effect, as it applies to a particular

1 regulation, upon a finding by a court of competent
2 jurisdiction that the particular regulation is
3 unconstitutional or otherwise invalid, or upon the revision or
4 amendment of the regulation.

5 Sec. 1519. FAMILY COURT STUDY COMMITTEE.

6 1. The legislative council is requested to establish an
7 interim study committee to consider the feasibility of the
8 implementation of a family court system within the unified
9 trial court system. The study committee shall submit a report
10 of its findings and recommendations to the legislative council
11 and the general assembly by January 15, 1991.

12 2. The supreme court shall develop a plan to implement a
13 family court system within the unified trial court system. In
14 developing the plan, the supreme court shall establish a panel
15 consisting of a statewide, geographical representation of each
16 of the following groups:

- 17 a. District judges.
- 18 b. District associate judges.
- 19 c. Juvenile court referees.
- 20 d. Juvenile court officers.
- 21 e. Members of the Iowa state bar association.
- 22 f. Members of the general assembly who shall be ex
23 officio, nonvoting members of the panel.

24 The supreme court shall submit a report of the findings and
25 conclusions of the panel to the legislative interim study
26 committee, established to study the feasibility of a family
27 court system, by November 15, 1990.

28 Sec. 1520. STUDY REGARDING LEGAL EDUCATION REQUIREMENTS
29 FOR ATTORNEYS PRACTICING IN FAMILY LAW.

30 The supreme court is requested to further review the
31 feasibility of implementing an expanded continuing legal
32 education requirement for judges and attorneys practicing in
33 the family law area, to enhance the quality of justice and
34 representation of persons involved in family law issues. In
35 conducting the review, the supreme court shall consider

1 requiring attorneys to attend classes at accredited colleges
2 and universities, in order to indicate a limitation or
3 description of practice by listing in the field of domestic
4 relations and family law pursuant to disciplinary rule 2-105
5 of the Iowa code of professional responsibility for lawyers.

6 DIVISION XVI

7 Section 1601. FEASIBILITY STUDY.

8 There is appropriated from the general fund of the state to
9 the Iowa peace institute established in chapter 38 for the
10 fiscal year beginning July 1, 1990, and ending June 30, 1991,
11 the following amount, or so much thereof as is necessary, to
12 be used for the purposes designated:

13 For a study of the feasibility of establishing an
14 international museum:

15 \$ 35,000

16 DIVISION XVII

17 Sec. 1701.

18 Notwithstanding the appropriations made in 1989 Iowa Acts,
19 chapter 322, section 3, and the certification by the governor
20 to the department of revenue and finance that the ending fund
21 balance on June 30, 1989, was sufficient to fund all of the
22 projects listed in that section, the appropriation of
23 \$33,940,000 for the fiscal year beginning July 1, 1989, and
24 ending June 30, 1990, is reduced by \$28,369,405, and there is
25 appropriated from the general fund of the state to the state
26 board of regents for the following listed fiscal years the
27 amounts specified, to be allocated by the state board of
28 regents for the projects listed in 1989 Iowa Acts, chapter
29 322, section 3, as follows:

30 1. For the fiscal year beginning July 1, 1990, and ending
31 June 30, 1991:

32 \$ 10,925,405

33 2. For the fiscal year beginning July 1, 1991, and ending
34 June 30, 1992:

35 \$ 13,530,400

1 3. For the fiscal year beginning July 1, 1992, and ending
2 June 30, 1993:

3 \$ 3,913,600

4 The state board of regents shall determine which of the
5 projects listed in 1989 Iowa Acts, chapter 322, section 3,
6 shall be funded for a fiscal year and the amount to be
7 allocated for a project based upon project needs, but the
8 total funding for a project for all fiscal years shall not
9 exceed the amount listed in 1989 Iowa Acts, chapter 322,
10 section 3.

11 Notwithstanding 1989 Iowa Acts, chapter 322, section 3, as
12 it relates to the reversion of the moneys appropriated in that
13 section, and notwithstanding section 8.33, unobligated or
14 unencumbered funds appropriated in this section for a fiscal
15 year shall not revert to the general fund of the state on June
16 30 of the fiscal year for which the moneys are appropriated,
17 but shall remain available for the purposes for which
18 appropriated until September 30, 1993.

19 Sec. 1702.

20 Section 1701 of this Act, being deemed of immediate
21 importance, takes effect upon enactment.

22 DIVISION XVIII

23 Sec. 1801.

24 There is appropriated from the general fund of the state to
25 the department of public safety for the fiscal year beginning
26 July 1, 1990, and ending June 30, 1991, the following amounts,
27 or so much thereof as is necessary, for a 2 percent salary
28 contribution by the state, to the peace officers' retirement,
29 accident, and disability system provided for in chapter 97A,
30 to supplement the 16 percent state salary contribution
31 provided for in 1990 Iowa Acts, Senate File 2402, in order to
32 raise the total salary contribution to 18 percent, as follows:

33 1. For the division of criminal investigation and bureau
34 of identification containing the bureaus of identification,
35 liquor law enforcement, and riverboat gambling enforcement:

1 \$ 53,115

2 2. For the division of narcotics:

3 \$ 20,837

4 3. For the fire marshal's office:

5 \$ 7,641

6 Sec. 1802.

7 Notwithstanding sections 99D.17 and 99D.18, there is
8 appropriated from funds paid to the state racing and gaming
9 commission pursuant to section 99D.14, to the department of
10 public safety for the fiscal year beginning July 1, 1990, and
11 ending June 30, 1991, the following amount, or so much thereof
12 as is necessary, for a 2 percent salary contribution by the
13 state, to the peace officers' retirement, accident, and
14 disability system provided for in chapter 97A, to supplement
15 the 16 percent state salary contribution provided for in 1990
16 Iowa Acts, Senate File 2402, in order to raise the total
17 salary contribution to 18 percent, as follows:

18 For the pari-mutuel law enforcement agents:

19 \$ 3,207

20 Sec. 1803.

21 There is appropriated from the road use tax fund to the
22 department of public safety for the fiscal year beginning July
23 1, 1990, and ending June 30, 1991, the following amount, or so
24 much thereof as is necessary, for a 2 percent salary
25 contribution by the state, to the peace officers' retirement,
26 accident, and disability system provided for in chapter 97A,
27 to supplement the 16 percent state salary contribution
28 provided for in 1990 Iowa Acts, Senate File 2402, in order to
29 raise the total salary contribution to 18 percent, as follows:

30 For the division of highway safety and uniformed force:

31 \$ 281,156

32 Sec. 1804.

33 It is the intent of the general assembly that the
34 appropriations made in sections 1801 through 1803, be used
35 solely for the purposes stated.

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EXPLANATION

This bill relates to and makes appropriations to finance state government and its obligations and provides effective dates.

HOUSE FILE 2569
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 8485YC)

(As Amended and Passed by the House April 8, 1990)

Substituted for S.F. 2437 4/8 (p. 1749)

<sup>also
6202</sup> ~~Re~~ Passed House, Date 4/8/90 (p. 2427) ^{Failed} Passed Senate, Date 4/8/90 (p. 1751)

Vote: Ayes 53 Nays 26 Vote: Ayes 23 Nays 14

Approved Committee Report 4/8/90
Motion to reconsider adopted (p. 1755)

Passed Senate 4/8/90 (p. 1756)
27-13

A BILL FOR

1 An Act relating to and making appropriations to finance state
2 government, its regulatory functions, and its obligations, and
3 providing effective dates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____
Deleted Language *

DIVISION I

Section 101. DROUGHT ASSISTANCE.

1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.

a. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For administration including salaries, support, maintenance, and miscellaneous purposes, for the hay hot line and for climatological services:

..... \$ 50,000

b. As a condition, limitation, and qualification of the appropriation made under paragraph "a", the appropriation shall be used to support the following full-time equivalent positions:

(1) For the hay hot line:

..... FTES 2.0

(2) For climatological services:

..... FTES 0.5

(3) For miscellaneous purposes relating to laboratory analysis activities:

..... FTES 2.0

The full-time equivalent positions specified under this subsection shall be temporary positions as specified by the department. However, the positions shall terminate not later than June 30, 1991.

2. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY.

a. The Iowa state university of science and technology extension service shall act as the central clearinghouse in each county for drought-related information which shall serve as the agency in the county designated to coordinate drought-related activities.

b. There is appropriated from the general fund of the state to the state board of regents for the fiscal year

1 beginning July 1, 1990, and ending June 30, 1991, the
2 following amount, or so much thereof as is necessary, to be
3 used for the purpose designated:

4 For Iowa state university of science and technology
5 extension service to administer a rural concern drought hot
6 line, to carry out the provisions in paragraph "a", to
7 administer a forage testing program for purposes of analyzing
8 the impact of the drought on foraging, and to develop a
9 library of drought samples:

10 \$ 150,000

11 3. DEPARTMENT OF NATURAL RESOURCES. The department of
12 natural resources shall administer a statewide water
13 conservation education program.

14 4. STATE DEPARTMENT OF TRANSPORTATION. The state
15 department of transportation shall cease all spraying of
16 residual pesticides, as defined in section 206.2, along
17 roadsides, including ditches along roadsides, in order to
18 preserve from pesticide contamination of the food chain,
19 vegetation, in areas, which may be utilized as animal feed.
20 However, this subsection does not prohibit the use of
21 pesticides necessary to control noxious weeds, as defined in
22 section 317.1.

23 5. REPORTING. The department of agriculture and land
24 stewardship and Iowa state university of science and
25 technology shall not later than December 15, 1990, report to
26 the committees on appropriations in the senate and house of
27 representatives, and to the agriculture and natural resources
28 appropriations subcommittee, information relating to
29 expenditure of moneys appropriated to the departments under
30 this section, including a review of activities supported by
31 the appropriations.

32 6. REVERSION. Moneys appropriated under this section
33 which are not expended by June 30, 1991, shall revert to the
34 general fund of the state as provided in section 8.33.

35 Sec. 102. EFFECTIVE DATES.

1 1. The department of agriculture and land stewardship and
2 Iowa state university of science and technology shall not
3 expend moneys appropriated or implement provisions under
4 section 101, subsections 1 and 2, of this Act until at least
5 15 counties are subject to a proclamation of a disaster
6 emergency due to a drought which is issued by the governor.

7 2. The department of natural resources shall not implement
8 a statewide water conservation education program under section
9 101, subsection 3, of this Act until at least 15 counties are
10 subject to a proclamation of a disaster emergency due to a
11 drought which is issued by the governor.

12 3. Provisions contained in section 101, subsection 4, of
13 this Act which prohibit the spraying of pesticides shall not
14 be effective on or after January 1, 1991.

15 4. Section 101, subsection 4, of this Act, being deemed of
16 immediate importance, takes effect upon enactment.

17 DIVISION II

18 Sec. 201. MEDICAL ASSISTANCE SUPPLEMENT.

19 There is appropriated from the general fund of the state to
20 the department of human services for the fiscal year beginning
21 July 1, 1989, and ending June 30, 1990, the following amounts,
22 or so much thereof as is necessary, to be used for the purpose
23 designated:

24 For medical assistance to be used for the same purposes and
25 to supplement funds appropriated by 1989 Iowa Acts, chapter
26 318, section 2:

27 \$ 3,920,000

28 Sec. 202. STUDY REQUIRED.

29 Notwithstanding section 8.33, the department of human
30 services shall complete by January 2, 1991, the studies
31 required pursuant to 1989 Iowa Acts, chapter 318, section 1,
32 subsection 5, and the funds appropriated for this purpose that
33 remain unencumbered and unobligated on June 30, 1990, shall
34 not revert to the general fund but shall remain available for
35 the purposes designated during the fiscal year beginning July

1 1, 1990.

2 Sec. 203. EFFECTIVE DATE.

3 Sections 201 and 202 of this Act, being deemed of immediate
4 importance, take effect upon enactment.

5 DIVISION III

6 Sec. 301. CAPITOL COMPLEX CHILD DAY CARE PROGRAM.

7 1. There is appropriated from the general fund of the
8 state to the department of general services for the fiscal
9 year beginning July 1, 1990, and ending June 30, 1991, the
10 following amount or so much thereof as is necessary, to be
11 used for the purposes designated:

12 For planning, design, site acquisition and preparation, and
13 other expenditures necessary to establish a child day care
14 program available to public employees officed at or near the
15 capitol complex:

16 \$ 600,000

17 2. There is appropriated from the general fund of the
18 state to the department of general services for the fiscal
19 year beginning July 1, 1991, and ending June 30, 1992, the
20 following amount or so much thereof as is necessary, to be
21 used for the purposes designated:

22 For planning and other expenditures, which may include a
23 lease purchase contract, necessary to establish a child day
24 care program available to public employees officed at or near
25 the capitol complex:

26 \$ 1,100,000

27 3. Notwithstanding section 8.33, the moneys appropriated
28 in this section that remain unencumbered and unobligated on
29 June 30 of the fiscal year in which the moneys were
30 appropriated, shall not revert to the general fund of the
31 state but shall remain available for expenditure for the
32 purposes designated during the succeeding fiscal year.

33 4. The general assembly considers child day care to be an
34 important service for employers, employees, and their
35 children. Employer-supported child care can have a positive

1 impact upon employee morale and retention and can positively
2 affect the children who are receiving child care services.
3 High quality child care is of significant value to employers.
4 It is believed that a quality, on-site child care program
5 available to the children of state employees will provide a
6 model for other employers in this state to emulate.

7 5. a. The legislative council is requested to appoint a
8 capitol complex child day care program steering committee to
9 provide direction to the department of general services in
10 developing facility plans, establishing the facilities,
11 developing operating policies, contracting with a vendor to
12 operate the program, and other decisions involving
13 establishment and operation of the program. The steering
14 committee shall utilize the March 1990 consultant report to
15 the capitol complex ad hoc committee on child care,
16 particularly the intermediate quality recommendations, in its
17 decision making.

18 b. The steering committee membership shall include members
19 of the general assembly; representatives of the departments of
20 general services, personnel, human services, and education;
21 employees officed at the capitol complex who purchase child
22 day care services; a representative of the state board of
23 regents center for early childhood education; a representative
24 of the Iowa state university of science and technology early
25 childhood education programs; and other persons knowledgeable
26 concerning child day care programs.

27 6. In consultation with the steering committee, the
28 director of the department of general services shall retain a
29 consultant to oversee the process of developing the program
30 and shall contract with a vendor to manage the program.

31 7. The program shall be designed to operate with a
32 capacity of 150 children and to regularly serve infants,
33 toddlers, preschool, school age, and mildly ill children.

34 DIVISION IV

35 Sec. 401. CONTINGENCY REDUCTIONS IN APPROPRIATIONS.

1 Notwithstanding section 8.31, if actual revenue collected
2 by the state in the fiscal year ending June 30, 1990, is less
3 than the revenue estimate agreed to at the March 13, 1990,
4 meeting of the revenue estimating conference or if revenue
5 collected in the fiscal year ending June 30, 1991, is
6 significantly less than the estimate agreed to by the same
7 meeting of the revenue estimating conference for the fiscal
8 year ending June 30, 1991, and it is determined that the
9 estimated budget resources are insufficient to pay in full all
10 appropriations for the fiscal year ending June 30, 1991,
11 before the governor orders uniform reductions in budgeted
12 resources, appropriations enacted by the Seventy-third General
13 Assembly, 1990 Session, shall be reduced in accordance with
14 the priority order listed in this section.

15 1. In addition to the \$20,000,000 in expenditure
16 reductions for the fiscal year ending June 30, 1991, contained
17 in the governor's budget austerity plan issued to department
18 heads, dated March 21, 1990, by reducing discretionary
19 expenditures in executive branch agencies by up to \$10,000,000
20 by denying approval of expenditures as follows:

21 a. Purchasing of new vehicles, noncritical equipment,
22 office furnishings, or other noncritical expenditures.

23 b. Expenditures for out-of-state travel, airplane travel,
24 or subscriptions to periodicals shall not exceed the
25 expenditure amount for these purposes in the fiscal year
26 ending June 30, 1990.

27 c. An exception to permit an expenditure for an item or
28 service listed in this subsection may be granted in individual
29 cases by the director of the department of management, with
30 the approval of the governor.

31 d. An expenditure reduction made pursuant to this
32 subsection shall not involve an employee layoff.

33 2. By reducing by 2 percent, all annual appropriations for
34 operations from the general fund of the state made by the
35 Seventy-third General Assembly, 1990 Session, to all state

1 agencies within the executive branch of state government,
2 except for the regents' institutions, the department of human
3 services, and state correctional institutions. The reduction
4 is expected to realize a savings of \$5,000,000. An
5 appropriation for operations does not include a grant-in-aid,
6 a standing appropriation, or a capital appropriation.

7 3. By reducing expenditure of funds appropriated by 1990
8 Iowa Acts, Senate File 2422, by no more than 5 percent for a
9 savings in an amount up to \$2,905,000.

10 DIVISION V

11 Sec. 501. CONTINGENCY APPROPRIATIONS.

12 In the event that the anticipated ending balance of the
13 general fund of the state for the fiscal year ending June 30,
14 1990, as certified by the director of the department of
15 management exceeds \$132,200,000, or so much as is necessary to
16 assure an ending balance for the fiscal year ending June 30,
17 1991, of \$30,000,000, 50 percent of such excess, up to a
18 maximum of \$49,600,000, shall be used for recognizing
19 additional liabilities, identified in section 502, subsection
20 1, of this Act, necessary to continue the GAAP implementation
21 schedule required by 1986 Iowa Acts, chapter 1245, section
22 2046, and 50 percent of such excess, up to a maximum of
23 \$31,870,000, shall be used for various capital projects
24 identified in section 502, subsection 2, of this Act.

25 Sec. 502.

26 1. From the funds set aside in section 501 of this Act for
27 recognizing additional liabilities necessary to complete the
28 GAAP implementation schedule required by 1986 Iowa Acts,
29 chapter 1245, section 2046, there is appropriated in the
30 following priority order to the following named agencies for
31 the designated fiscal year the specified amounts, or as much
32 thereof as may be available, for the purposes designated:

33 a. For the fiscal year beginning July 1, 1989, and ending
34 June 30, 1990, to the department of management for recognizing
35 additional liabilities necessary to complete the GAAP

1 implementation schedule required by 1986 Iowa Acts, chapter
2 1245, section 2046, for the merged area schools' general
3 operations:

4 \$ 13,579,598

5 The funds appropriated in this paragraph shall be allocated to
6 each school as follows:

7	(1) Merged Area I	\$	611,887
8	(2) Merged Area II	\$	795,008
9	(3) Merged Area III	\$	739,949
10	(4) Merged Area IV	\$	377,297
11	(5) Merged Area V	\$	745,291
12	(6) Merged Area VI	\$	782,118
13	(7) Merged Area VII	\$	1,105,991
14	(8) Merged Area IX	\$	1,099,495
15	(9) Merged Area X	\$	1,744,567
16	(10) Merged Area XI	\$	1,875,037
17	(11) Merged Area XII	\$	835,261
18	(12) Merged Area XIII	\$	797,531
19	(13) Merged Area XIV	\$	353,975
20	(14) Merged Area XV	\$	1,097,051
21	(15) Merged Area XVI	\$	619,140

22 b. For the fiscal year beginning July 1, 1990, and ending
23 June 30, 1991, to the following agencies:

24 (1) To the department of revenue and finance an amount
25 sufficient to charge all franchise tax refunds to the
26 appropriate fiscal year.

27 (2) To the department of revenue and finance an amount
28 sufficient to charge all special education appropriations to
29 the appropriate fiscal year.

30 (3) To the department of human services an amount
31 sufficient to charge all foster care appropriations to the
32 appropriate fiscal year.

33 (4) To the department of revenue and finance an amount
34 sufficient to charge all standing unlimited appropriations to
35 the appropriate fiscal year.

1 (5) Notwithstanding section 442.26, to the department of
2 education an amount sufficient to charge up to an additional
3 65 percent of the amount of state school foundation aid equal
4 to the general allocation of the school district as determined
5 under section 405A.2 and the amount of the tax credit for
6 livestock pursuant to section 442.2, subsection 2, 1987 Code.

7 2. From the funds set aside in section 501 of this Act for
8 various capital projects, there is appropriated in the
9 following priority order to the following named agencies for
10 the fiscal year beginning July 1, 1990, and ending June 30,
11 1991, the specified amounts, or as much thereof as may be
12 available, for the purposes designated:

13 a. To the department of general services for capitol
14 restoration:

15 \$ 6,400,000

16 b. To the state communications network fund:

17 \$ 5,000,000

18 c. To the department of human services for construction of
19 a residential facility at the Eldora training school:

20 \$ 920,000

21 d. To the department of general services up to the
22 following amount, for fire safety improvements to buildings
23 located in the capitol complex:

24 \$ 1,000,000

25 e. To the Iowa court information system (ICIS) and
26 micrographics:

27 \$ 5,300,000

28 The funds appropriated in this subsection shall be
29 allocated as follows:

30 (1) Iowa court information system:

31 \$ 4,500,000

32 (2) Micrographics:

33 \$ 800,000

34 f. To the Iowa state university of science and technology
35 for planning the construction of a livestock research

1 facility:
2 \$ 1,000,000
3 g. To the university of northern Iowa for wellness center
4 planning:
5 \$ 1,000,000
6 h. To the Iowa national guard for armories at Corning and
7 Oskaloosa:
8 \$ 850,000
9 i. To the department of general services for renovation of
10 the Lucas state office building:
11 \$ 1,000,000
12 j. To the department of general services for remodeling
13 the old historical building:
14 \$ 2,000,000
15 k. To the Iowa state university of science and technology
16 for the cattle/swine research facilities:
17 \$ 3,500,000
18 l. To the Iowa state fair board for capital projects:
19 \$ 1,000,000
20 m. To the state board of regents for distribution to the
21 state universities for capital utility projects:
22 \$ 1,500,000
23 n. To the university of Iowa for college of medicine
24 research facility planning:
25 \$ 1,000,000
26 o. To the department of general services to demolish the
27 Court avenue bridge:
28 \$ 400,000
29 Sec. 503. 1989 Iowa Acts, chapter 319, section 12, is
30 repealed.
31 Sec. 504.
32 If section 502, subsection 1, paragraph "a" and section 503
33 of this Act are enacted by the general assembly then the full
34 appropriation for general state financial aid to merged areas
35 for the fiscal year ending June 30, 1991, shall be made in the

1 fiscal year ending June 30, 1991.

2 Sec. 505.

3 Sections 501 through 504 of this Act, being deemed of
4 immediate importance, take effect upon enactment.

5 DIVISION VI

6 Sec. 601. PRISON CONSTRUCTION PAYMENT.

7 There is appropriated from the general fund of the state to
8 the department of corrections for the fiscal year beginning
9 July 1, 1990, and ending June 30, 1991, the following amount,
10 or so much thereof as is necessary, to be used for the purpose
11 designated:

12 For annual payment relating to the financial arrangement
13 for the construction of expansion in prison capacity as
14 provided in 1990 Iowa Acts, Senate File 2212, section 24:
15 \$ 1,028,000

16 Sec. 602. 1990 Iowa Acts, Senate File 2408, section 6,
17 subsection 1, paragraph d, is amended by striking the
18 paragraph and inserting in lieu thereof the following:

19 d. For contracting for aptitude and job-related interest
20 assessment, career exploration, the individualized
21 employability development plan, and job retention skills with
22 a private entity which is not controlled or administered by
23 any state agency or any political subdivision of the state,
24 and which has programs with a minimum of 15 years of service
25 experience with offender and ex-offender populations:

26 \$ 90,000

27 Sec. 603. 1990 Iowa Acts, Senate File 2408, section 6,
28 subsection 8, paragraph g, is amended by striking the
29 paragraph.

30 DIVISION VII

31 Sec. 701. Section 21.2, subsection 1, Code Supplement
32 1989, is amended by adding the following new paragraph:

33 NEW PARAGRAPH. f. A nonprofit corporation licensed to
34 conduct gambling games pursuant to chapter 99F.

35 Sec. 702. Section 22.1, unnumbered paragraphs 1 and 2,

1 Code 1989, are amended to read as follows:

2 Wherever As used in this chapter, "public records" includes
3 all records, documents, tape, or other information, stored or
4 preserved in any medium, of or belonging to this state or any
5 county, city, township, school corporation, political
6 subdivision, nonprofit corporation whose facilities or
7 indebtedness are supported in whole or in part with property
8 tax revenue and which is licensed to conduct pari-mutuel
9 wagering pursuant to chapter 99D, or tax-supported district in
10 this state, or any branch, department, board, bureau,
11 commission, council, or committee of any of the foregoing.

12 The term "government body" means this state, or any county,
13 city, township, school corporation, political subdivision, tax
14 supported district nonprofit corporation whose facilities or
15 indebtedness are supported in whole or in part with property
16 tax revenue and which is licensed to conduct pari-mutuel
17 wagering pursuant to chapter 99D, or other entity of this
18 state, or any branch, department, board, bureau, commission,
19 council, committee, official or officer, of any of the
20 foregoing or any employee delegated the responsibility for
21 implementing the requirements of this chapter.

22 Sec. 703. Section 22.7, Code Supplement 1989, is amended
23 by adding the following new subsection:

24 NEW SUBSECTION. 27. Marketing and advertising budget and
25 strategy of a nonprofit corporation which is subject to this
26 chapter. However, this exemption does not apply to salaries
27 or benefits of employees who are employed by the nonprofit
28 corporation to handle the marketing and advertising
29 responsibilities.

30 Sec. 704.

31 Sections 701 through 703 of this Act take effect September
32 1, 1991.

33 DIVISION VIII

34 Sec. 801. 1990 Iowa Acts, Senate File 2328, section 23,
35 subsection 3, unnumbered paragraph 3, is amended to read as

1 follows:

2 The appropriation in this section is in addition to the
3 appropriation to the racing and gaming commission from the
4 excursion boat gambling revolving fund in section ~~21~~ 22.

5 DIVISION IX

6 Sec. 901. NEW SECTION. 281.10 ADDITIONAL SPECIAL
7 EDUCATION WEIGHTING.

8 In addition to the programs and services offered to
9 children requiring special education during the regular school
10 year, school districts shall offer programs and services
11 beyond the required one hundred eighty day school year to
12 children requiring special education and assigned a weight
13 under section 281.9, subsection 1, paragraph "d", and placed
14 in the category of profoundly multiply handicapped, commonly
15 referred to as severely and profoundly handicapped, who would
16 benefit from additional instructional programming. The
17 programs and services offered under this section are not
18 special education extended year programs and are not a part of
19 a child's individual education program. However, a child
20 provided an extended year program may also be eligible for the
21 programs and services provided under this section if they meet
22 the requirements of this section.

23 Programs and services offered under this section shall be
24 at least one week in duration. In order to provide funds for
25 the excess costs of the programs and services, each full-time
26 equivalent child receiving programs and services under this
27 section is assigned an additional weighting of one-tenth for
28 each week that programs and services are provided under this
29 section, not to exceed six-tenths, for the excess costs of the
30 programs and services above the moneys generated from the
31 special education weighting plan in section 281.9. The
32 additional weighting shall be included in the weighted
33 enrollment of the school district of the residence of the
34 child and the enrollment count under this section shall be
35 taken on December 1 of each year.

1 The school budget review committee shall calculate the
2 additional amount added for the weighting under this section
3 to the nearest one-hundredth of one percent so that, to the
4 extent possible, the moneys generated by the weighting on and
5 after July 1, 1991, will be equivalent to the moneys generated
6 by the one-tenth weighting prior to July 1, 1991.

7 If a part of the district's programs and services offered
8 pursuant to this section includes special education support
9 services, the district shall contract with the applicable area
10 education agency and shall pay the area education agency for
11 those services from moneys generated under this section. A
12 district may pay transportation costs for the child for
13 attendance at programs offered under this section from moneys
14 generated under this section.

15 Sec. 902. Section 257.15, Code Supplement 1989, is amended
16 by adding the following new subsection:

17 NEW SUBSECTION. 4. INAPPLICABILITY. This section does
18 not apply to moneys generated pursuant to section 281.10.

19 Sec. 903.

20 Section 901 of this Act, being deemed of immediate
21 importance, takes effect upon enactment.

22 DIVISION X

23 Sec. 1001. Section 262A.6A, subsection 1, Code 1989, is
24 amended to read as follows:

25 1. The board shall issue bonds authorized under section
26 262A.4 by the Seventy-second General Assembly in an amount not
27 exceeding nineteen million dollars; and from the forty-one
28 million three hundred thousand dollars authorized by 1990 Iowa
29 Acts, House Concurrent Resolution 133, if approved by the
30 governor, in an amount not exceeding fifteen million dollars;
31 in the form of capital appreciation bonds as provided in this
32 section rather than the form prescribed in sections 262A.5 and
33 262A.6. The capital appreciation bonds shall be designed to
34 be marketed primarily to Iowans to facilitate savings for
35 future higher education costs.

1 DIVISION XI

2 Sec. 1101. Section 256.9, Code Supplement 1989, is amended
3 by adding the following new subsections:

4 NEW SUBSECTION. 39. Develop model guidelines for district
5 in-service training programs for truancy officers and direct
6 the area education agencies to assist local school districts
7 in providing the programs.

8 NEW SUBSECTION. 40. Prepare a plan and a report for
9 ensuring that all Iowa children will be able to satisfy the
10 requirements for high school graduation. The plan and report
11 shall include a statement of the dimensions of the dropout
12 problem in Iowa; a survey of existing programs geared to
13 dropout prevention; a plan for use of competency-based outcome
14 methods and measures; proposals for alternative means for
15 satisfying graduation requirements including alternative high
16 school settings, supervised vocational experiences, education
17 experiences within the correctional system, screening and
18 assessment mechanisms for identifying students who are at-risk
19 of dropping out and the development of an individualized
20 education plan for identified students; a requirement that
21 schools provide information to students who drop out of school
22 on options for pursuing education at a later date; the
23 development of basic materials and information for schools to
24 present to students leaving school; a requirement that
25 students notify their school districts of residence when the
26 student discontinues school, including the reasons for leaving
27 school and future plans for career development; a requirement
28 that, unless a student chooses to make the information
29 relating to the student leaving school confidential, schools
30 make the information available to community colleges, area
31 education agencies, and other educational institutions upon
32 request; and recommendations for the establishment of pilot
33 projects for the development of model alternative options
34 education programs; a plan for implementation of any
35 recommended courses of action to attain a zero dropout rate by

1 the year 2000; and other requirements necessary to achieve the
2 goals of this subsection. Alternative means for satisfying
3 graduation requirements which relate to the development of
4 individualized education plans for students who have dropped
5 out of the regular school program shall include, but are not
6 limited to, a tracking component that requires a school
7 district to maintain periodic contact with a student,
8 assistance to a dropout in curing any of the student's
9 academic deficiencies, an assessment of the student's
10 employability skills and plans to improve those skills, and
11 treatment or counseling for a student's social needs. The
12 department shall also prepare a cost estimate associated with
13 implementation of proposals to attain a zero dropout rate,
14 including but not limited to evaluation of existing funding
15 sources and a recommended allocation of the financial burden
16 among federal, state, local, and family resources. The
17 department, in conjunction with the plan and report, shall
18 prepare an education bill of rights that delineates education
19 opportunities that are to be legal entitlements for Iowa
20 children. The report and plan shall be submitted to the
21 general assembly by January 15, 1993.

22 Sec. 1102. NEW SECTION. 280.19A ALTERNATIVE OPTIONS
23 EDUCATION PROGRAMS.

24 By January 15, 1995, each school district shall adopt a
25 plan to provide alternative options education programs to
26 students who are either at risk of dropping out or have
27 dropped out. An alternative options education program may be
28 provided in a district, through a sharing agreement with a
29 school in a contiguous district, or through an areawide
30 program available at the community college serving the merged
31 area in which the school district is located. Each area
32 education agency shall provide assistance in establishing a
33 plan to provide alternative education options to students
34 attending a public school in a district served by the agency.

35 Sec. 1103. DEPARTMENTAL STUDY.

1 The department of education shall assess the expected
2 impact of an increase in the maximum compulsory attendance age
3 from sixteen to up to eighteen on increased enrollment of
4 sixteen and seventeen-year-olds, and the characteristics of
5 this population with respect to educational and basic skill
6 level, family support structure, orientation to the
7 traditional school curricula, and orientation to alternative
8 curricula.

9 The department of education shall, by January 1992, do the
10 following:

11 1. Identify experiences other states have had, and
12 educational and social support responses they have made, as a
13 result of increasing the compulsory attendance age from
14 sixteen to eighteen years of age.

15 2. Seek to develop program materials that consider health,
16 employment and training, and human service needs in addition
17 to education needs to assist local districts in serving
18 students who are at risk of dropping out of the regular
19 schools and programs.

20 3. Develop definitions of the terms "at-risk student" and
21 "dropout" which are appropriate for students in middle and
22 high schools and which will assist districts in identifying
23 students in need of alternative academic programming.

24 4. Develop recommendations regarding alternative
25 programming for students who are at risk of dropping out of
26 the regular schools and programs. The recommendations shall
27 include, but are not limited to, the following:

28 a. Modification of the minimum educational standards
29 contained in section 256.11.

30 b. Alternative curricula, including competency-based
31 instruction.

32 c. Alternative teaching methods, including individualized
33 programming.

34 d. Alternative options for graduation.

35 The department of education, in coordination with the

1 department of human services, the supreme court, the
2 department of public health, and the department of employment
3 services, by July 1992, shall build a data base which will
4 assist in the identification of at-risk students and middle
5 and high schools within the state having a significant
6 population of at-risk students. At-risk characteristics to be
7 considered may include, but are not limited to, high levels of
8 one or more of the following: below grade level performing
9 students, grade retention, school dropouts, school expulsions,
10 teen pregnancy, poverty, single parent families, substance
11 abuse, teenage suicides, youth underemployment, juvenile
12 delinquency, and child abuse. In building this data base,
13 consideration shall be given to protecting the privacy of the
14 individual student and limiting the data burden on school
15 districts.

16 Sec. 1104. ALTERNATIVE PROGRAMS.

17 Alternative options education programs, for middle school
18 and high school students, designed to provide incentives for
19 the students to remain in school, shall not be subject to the
20 minimum hours of instruction requirement adopted by the state
21 board of education.

22 DIVISION XII

23 Sec. 1201. 1990 Iowa Acts, Senate File 2327,
24 section 1, subsection 1, is amended to read as
25 follows:

26 1. GENERAL ADMINISTRATION

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

30 \$	815,700
31		<u>1,040,706</u>
32 FTEs	<u>21.00</u>
33		<u>25.50</u>

34 Sec. 1202. 1990 Iowa Acts, Senate File 2327, section 1,
35 subsection 12, paragraph a, is amended to read as follows:

1 a. Small business program:

2 \$	151,314
3		<u>207,559</u>
4 FTEs	<u>2.00</u>
5		<u>3.50</u>

6 Sec. 1203. 1990 Iowa Acts, Senate File 2327, sections 7,
7 9, 18 through 22, and 30 through 35, are repealed.

8 DIVISION XIII

9 Sec. 1301.

10 There is appropriated from the general fund of the state to
11 the department of economic development for the fiscal year
12 beginning July 1, 1990, and ending June 30, 1991, the
13 following amount, or so much thereof as is necessary, to be
14 used for the purposes designated:

15 To provide grants to any Iowa city for development of a
16 proposed public river front park, wetlands, and recreational
17 area, for purposes including but not limited to support of
18 educational, scientific, cultural, recreational, or other
19 public purposes, or a combination of these purposes:

20 \$ 50,000

21 As a condition, limitation, and qualification of the
22 appropriation in this section, the criteria used by the
23 department of economic development in selecting a city
24 applying for the grant, shall assign weight and priority to
25 the applications based on all of the following criteria:

26 1. That the development of the proposed project is in
27 response to a stipulation and settlement of a lawsuit filed in
28 federal court requiring a comprehensive recreational master
29 plan for the park.

30 2. That all or a portion of the park is situated on
31 wetlands and the design or location of the park enhances or
32 helps preserve a natural wildlife area.

33 3. That the grant funds shall be matched in the amount of
34 at least one-third by the community through the installation
35 of public infrastructure to the area or by in-kind labor

1 contributions performed by a union local apprentice training
2 program, or both.

3 4. That the proposed project will extend present
4 recreational and bicycle trail systems.

5 5. That the proposed project will improve water-based
6 recreational activities for the community.

7 6. That the proposed project will establish an educational
8 eco-laboratory.

9 DIVISION XIV

10 Sec. 1401.

11 The appropriation in the section of 1990 Iowa Acts, Senate
12 File 2423, which appropriates \$355,000 to the state board of
13 regents for the state university of Iowa, for agricultural
14 health and safety programs, shall be reduced by \$105,000 to
15 \$250,000.

16 DIVISION XV

17 Sec. 1501. JUDICIAL DEPARTMENT -- PILOT PROJECT AND STUDY.

18 There is appropriated from the general fund of the state to
19 the judicial department for the fiscal year beginning July 1,
20 1990, and ending June 30, 1991, the following amount, or so
21 much thereof as is necessary, to be used for the purposes
22 designated:

23 1. For the implementation of the pilot program for
24 mediation of child custody and visitation issues in
25 dissolution issues established in this Act:

26 \$ 136,000

27 2. For the family court system feasibility study required
28 of the supreme court in this Act:

29 \$ 70,000

30 Sec. 1502. Section 222.59, subsection 4, Code 1989, is
31 amended to read as follows:

32 4. If a proposed placement of a patient from a hospital-
33 school or special unit which is not satisfactory to the
34 patient's parent, guardian or advocate is approved by the
35 administrator; or a proposed placement which is satisfactory

1 to the patient's parent, guardian or advocate is modified,
2 altered or rescinded by the administrator, the parent,
3 guardian or advocate may appeal to the department of human
4 services, within thirty days after notification to the parent,
5 guardian or advocate of the proposed placement. The
6 department shall give the appellant reasonable notice and
7 opportunity for a fair hearing, conducted by the director or
8 the director's designee who shall act as an impartial arbiter
9 of fact and law. In such hearing the parent, guardian or
10 advocate shall have the opportunity to confront witnesses, to
11 have access to hospital records, to present evidence and
12 witnesses on their behalf and to be represented by counsel.
13 The standard for such fair hearing shall be to provide "that
14 placement which inures to the best interest of the patient."
15 Judicial review of actions of the department may be sought in
16 accordance with the terms of the Iowa administrative procedure
17 Act. The department shall furnish the petitioner with a copy
18 of any papers filed by the petitioner in support of the
19 petitioner's position, a transcript of any testimony taken,
20 and a copy of the department's decision. In the district
21 court hearings, the parent, guardian or advocate has the right
22 to be represented by counsel. The court shall, in all cases
23 where the interests of the patient conflict with that of
24 parent, guardian, or advocate, appoint counsel as guardian ad
25 litem for the patient. The guardian ad litem shall be a
26 practicing attorney. Notwithstanding the terms of the Iowa
27 administrative procedure Act, where a petition is filed for
28 judicial review of a proposed placement, the proposed
29 placement shall be stayed pending the outcome of said review
30 proceeding.

31 Sec. 1503. Section 226.31, Code 1989, is amended to read
32 as follows:

33 226.31 EXAMINATION BY COURT -- NOTICE.

34 Before granting the order authorized in section 226.30 the
35 court or judge shall investigate the allegations of the

1 petition and before proceeding to a hearing thereon on the
 2 allegations shall require notice to be served on the attorney
 3 who represented the patient in any prior proceedings under
 4 sections 229.6 to 229.15 or the advocate appointed under
 5 section 229.19, or in the case of a patient who entered the
 6 hospital voluntarily, on any relative, friend, or guardian of
 7 the person in question of the filing of said the application.
 8 ~~On-such~~ At the hearing the court or judge shall appoint a
 9 guardian ad litem for said the person, if ~~it~~ the court or
 10 judge deems such action necessary to protect the rights of
 11 such the person. The guardian ad litem shall be a practicing
 12 attorney.

13 Sec. 1504. Section 232.2, subsection 20, Code Supplement
 14 1989, is amended to read as follows:

15 20. "Guardian ad litem" means a person practicing attorney
 16 appointed by the court to represent the interests of a child
 17 in any judicial proceeding to which the child is a party~~7~~. and
 18 ~~includes-a court-appointed-special-advocate, except that a~~
 19 ~~court-appointed-special-advocate shall not file motions~~
 20 ~~pursuant to section 232.54, subsections 1 and 4, and section~~
 21 ~~232.103, subsection 2, paragraph "e".~~

22 Sec. 1505. Section 232.52, Code 1989, is amended by adding
 23 the following new subsection:

24 NEW SUBSECTION. 8. If a child has previously been
 25 adjudicated as a child in need of assistance, and a social
 26 worker or other caseworker from the department of human
 27 services has been assigned to work on the child's case, the
 28 court may order the department of human services to assign the
 29 same social worker or caseworker to work on any matters
 30 related to the child arising under this division.

31 Sec. 1506. Section 232.89, subsection 2, unnumbered
 32 paragraph 1, Code Supplement 1989, is amended to read as
 33 follows:

34 Upon the filing of a petition, the court shall appoint
 35 counsel and a guardian ad litem for the child identified in

1 the petition as a party to the proceedings. If a guardian ad
2 litem has previously been appointed for the child in a
3 proceeding under division II of this chapter or a proceeding
4 in which the court has waived jurisdiction under section
5 232.45, the court shall appoint the same guardian ad litem
6 upon the filing of the petition under this part. Counsel
7 shall be appointed as follows:

8 Sec. 1507. Section 232.89, subsection 4, Code Supplement
9 1989, is amended to read as follows:

10 4. The same person may serve both as the child's counsel
11 and as guardian ad litem. However, the court may appoint a
12 separate guardian ad litem, if the same person cannot properly
13 represent the legal interests of the child as legal counsel
14 and also represent the best interest of the child as guardian
15 ad litem, or a separate guardian ad litem is required to
16 fulfill the requirements of subsection 2.

17 Sec. 1508. Section 232.147, subsection 3, paragraph c,
18 Code 1989, is amended to read as follows:

19 c. The child's parent, guardian or custodian, court-
20 appointed special advocate, and guardian ad litem.

21 Sec. 1509. Section 235B.1, subsection 8, paragraph c, Code
22 Supplement 1989, is amended to read as follows:

23 c. In every case involving adult abuse which is
24 substantiated by the department and which results in a
25 judicial proceeding on behalf of the dependent adult, legal
26 counsel shall be appointed by the court to represent the
27 dependent adult in the proceedings. The court may also
28 appoint a guardian ad litem to represent the dependent adult
29 if necessary to protect the dependent adult's best interests.
30 The guardian ad litem shall be a practicing attorney. The
31 same attorney may be appointed to serve both as legal counsel
32 and as guardian ad litem. Before legal counsel or a guardian
33 ad litem is appointed pursuant to this section, the court
34 shall require the dependent adult and any person legally
35 responsible for the support of the dependent adult to complete

1 under oath a detailed financial statement. If, on the basis
 2 of that financial statement, the court deems that the
 3 dependent adult or the legally responsible person is able to
 4 bear all or a portion of the cost of the legal counsel or
 5 guardian ad litem, the court shall so order. In cases where
 6 the dependent adult or the legally responsible person is
 7 unable to bear the cost of the legal counsel or guardian ad
 8 litem, the expense shall be paid by the county.

9 Sec. 1510. Section 600A.2, subsection 9, Code 1989, is
 10 amended to read as follows:

11 9. "Guardian ad litem" means a person appointed by a court
 12 or juvenile court having jurisdiction over the minor child to
 13 represent that child in a legal action. A guardian ad litem
 14 appointed under this chapter shall be a practicing attorney.

15 Sec. 1511. Section 602.1612, subsection 1, Code 1989, is
 16 amended to read as follows:

17 1. Justices of the supreme court, judges of the court of
 18 appeals, district judges, and district associate judges who
 19 are retired by reason of age or who are drawing benefits under
 20 section 602.9106, and senior judges who have retired under
 21 section 602.9207 or who have relinquished senior judgeship
 22 under section 602.9208, subsection 1, may with their consent
 23 be assigned by the supreme court ~~or-by-the-chief-judge-in-the~~
 24 ~~case-of-district-associate-judges~~ to temporary judicial duties
 25 on a court in this state if the assignment is deemed necessary
 26 by the supreme court to expedite the administration of
 27 justice. A-retired-justice-or-judge-shall-not-be-assigned-to
 28 temporary-judicial-duties-on-any-court-superior-to-the-highest
 29 court-to-which-that-justice-or-judge-had-been-appointed-prior
 30 to-retirement,-and-shall-not-be-assigned-for-temporary-duties
 31 with-the-supreme-court-or-the-court-of-appeals-except-in-the
 32 case-of-a-temporary-absence-of-a-member-of-one-of-those
 33 courts.

* 34 Sec. 1512. Section 602.9206, unnumbered paragraph 1, Code
 35 1989, is amended to read as follows:

1 Section 602.1612 does not apply to a senior judge but does
2 apply to a retired senior judge. During the tenure of a
3 senior judge, if the judge is able to serve, the judge may be
4 assigned by the supreme court to temporary judicial duties on
5 courts of this state without salary for an aggregate of
6 thirteen weeks out of each twelve-month period, and for
7 additional weeks with the judge's consent. ~~A senior judge
8 shall not be assigned to judicial duties on a court superior
9 to the highest court to which the judge was appointed prior to
10 retirement, and shall not be assigned to the court of appeals
11 or the supreme court except to serve in the temporary absence
12 of a member of that court.~~ A senior judge shall not be
13 assigned to judicial duties on the supreme court unless the
14 judge has been appointed to serve on the supreme court prior
15 to retirement. While serving on temporary assignment, a
16 senior judge has and may exercise all of the authority of the
17 office to which the judge is assigned, shall continue to be
18 paid the judge's annuity as senior judge, shall be reimbursed
19 for the judge's actual expenses to the extent expenses of a
20 district judge are reimbursable under section 602.1509, may,
21 if permitted by the assignment order, appoint a temporary
22 court reporter, who shall be paid the remuneration and
23 reimbursement for actual expenses provided by law for a
24 reporter in the court to which the senior judge is assigned,
25 and, if assigned to the court of appeals or the supreme court,
26 shall be given the assistance of a law clerk and a secretary
27 designated by the court administrator of the judicial
28 department from the court administrator's staff. Each order
29 of temporary assignment shall be filed with the clerks of
30 court at the places where the senior judge is to serve.

31 Sec. 1513. Section 633.244, Code 1989, is amended to read
32 as follows:

33 633.244 INCOMPETENT SPOUSE -- ELECTION BY COURT.

34 In case an affidavit is filed that the surviving spouse is
35 incapable of making an election to take against the will, or

1 to elect to occupy the homestead, and does not have a
2 conservator, the court shall fix a time and place of hearing
3 on the matter, and cause a notice thereof to be served upon
4 the surviving spouse in such manner and for such time as the
5 court may direct. At the hearing, a guardian ad litem shall
6 be appointed to represent the spouse, and the court shall
7 enter such orders as it deems appropriate under the
8 circumstances. The guardian ad litem shall be a practicing
9 attorney.

10 Sec. 1514. Section 633.514, Code 1989, is amended to read
11 as follows:

12 633.514 HEARING -- CONTINUANCE -- ORDERS.

13 If, on the day set for hearing, the absentee fails to
14 appear, the court shall appoint some disinterested person as
15 guardian ad litem to appear for the absentee and all
16 distributees not appearing, and said cause shall thereupon
17 stand continued for twenty days. The guardian ad litem shall
18 be a practicing attorney. The court shall have authority to
19 make further continuance upon proper showing. The guardian ad
20 litem shall investigate the matter and things alleged in the
21 petition. Upon the further hearing, the court shall hear the
22 proofs, and, if satisfied of the truth of the allegations of
23 the petition, shall enter an order establishing the death of
24 the absentee as a matter of law.

25 Sec. 1515. Section 910A.15, unnumbered paragraph 1, Code
26 1989, is amended to read as follows:

27 A prosecuting witness who is a child, as defined in section
28 702.5, in a case involving a violation of chapter 709 or
29 section 726.2, 726.3, 726.6, or 728.12, is entitled to have
30 the witness's interests represented by a guardian ad litem at
31 all stages of the proceedings arising from such violation.
32 The guardian ad litem ~~may-but-need-not~~ shall be a practicing
33 attorney and shall be designated by the court after due
34 consideration is given to the desires and needs of the child
35 and the compatibility of the child and the child's interests

1 with the prospective guardian ad litem. However, ~~a person who~~
2 ~~is also a prosecuting witness in the same proceeding shall not~~
3 ~~be designated guardian ad litem.~~ If a guardian ad litem has
4 previously been appointed for the child in a proceeding under
5 chapter 232 or a proceeding in which the juvenile court has
6 waived jurisdiction under section 232.45, the court shall
7 appoint the same guardian ad litem under this section. The
8 guardian ad litem shall receive notice of and may attend all
9 depositions, hearings and trial proceedings to support the
10 child and advocate for the protection of the child but shall
11 not be allowed to separately introduce evidence or to directly
12 examine or cross-examine witnesses. However, the guardian ad
13 litem shall file reports to the court as required by the
14 court.

15 | Sec. 1516. 1989 Iowa Acts, chapter 165, is repealed.

16 | Sec. 1517. PILOT PROGRAM FOR MEDIATION OF CHILD CUSTODY
17 AND VISITATION ISSUES IN DISSOLUTION CASES ESTABLISHED.

18 | 1. The supreme court shall establish a pilot program for
19 mandatory mediation of child custody and visitation issues in
20 dissolution cases pursuant to chapter 598. However, mediation
21 shall not be mandatory and shall not be ordered if any of the
22 following conditions apply:

23 | a. The court determines that there is no reasonable
24 possibility that mediation will promote settlement of the
25 issues in dispute.

26 | b. The court determines there is a substantial allegation
27 of direct physical or significant emotional harm to a party or
28 to a child.

29 | c. The court determines that mediation will otherwise fail
30 to serve the best interests of the child.

31 | d. The court determines that a verified petition alleging
32 domestic abuse has been filed by a party pursuant to chapter
33 236.

34 | e. The court determines that a child in need of assistance
35 petition has been filed pursuant to chapter 232, division III,

1 concerning a child for whom a custody or visitation
2 determination is necessary.

3 If the court determines that mediation is inappropriate
4 pursuant to this subsection, the court shall state its find-
5 ings and conclusions in writing.

6 The pilot program shall be established in Linn county for a
7 period of two years, beginning July 1, 1990, and ending June
8 30, 1992.

9 Proceedings under the program shall be conducted pursuant
10 to the rules for mediation proceedings adopted by the supreme
11 court.

12 2. The supreme court shall submit a report to the general
13 assembly by January 1, 1993. The report shall contain recom-
14 mendations regarding the use of mediation in child custody and
15 visitation matters on a statewide basis in proceedings brought
16 under chapter 598. The report shall also include an evalua-
17 tion of the program as directed by the supreme court.

18 3. In a proceeding under chapter 598 involving either a
19 temporary or permanent child custody or visitation determina-
20 tion, the court shall order mediation at no cost to the
21 parties.

22 4. The implementation of this section is contingent upon
23 the appropriation of state funds to carry out its purposes.

* 24 Sec. 1518. FAMILY COURT STUDY COMMITTEE.

25 1. The legislative council is requested to establish an
26 interim study committee to consider the feasibility of the
27 implementation of a family court system within the unified
28 trial court system. The study committee shall submit a report
29 of its findings and recommendations to the legislative council
30 and the general assembly by January 15, 1991.

31 2. The supreme court shall develop a plan to implement a
32 family court system within the unified trial court system. In
33 developing the plan, the supreme court shall establish a panel
34 consisting of a statewide, geographical representation of each
35 of the following groups:

- 1 a. District judges.
- 2 b. District associate judges.
- 3 c. Juvenile court referees.
- 4 d. Juvenile court officers.
- 5 e. Members of the Iowa state bar association.
- 6 f. Members of the general assembly who shall be ex
- 7 officio, nonvoting members of the panel.

8 The supreme court shall submit a report of the findings and
 9 conclusions of the panel to the legislative interim study
 10 committee, established to study the feasibility of a family
 11 court system, by November 15, 1990.

12 Sec. 1519. STUDY REGARDING LEGAL EDUCATION REQUIREMENTS
 13 FOR ATTORNEYS PRACTICING IN FAMILY LAW.

14 The supreme court is requested to further review the
 15 feasibility of implementing an expanded continuing legal
 16 education requirement for judges and attorneys practicing in
 17 the family law area, to enhance the quality of justice and
 18 representation of persons involved in family law issues. In
 19 conducting the review, the supreme court shall consider
 20 requiring attorneys to attend classes at accredited colleges
 21 and universities, in order to indicate a limitation or
 22 description of practice by listing in the field of domestic
 23 relations and family law pursuant to disciplinary rule 2-105
 24 of the Iowa code of professional responsibility for lawyers.

25 DIVISION XVI

26 Section 1601. FEASIBILITY STUDY.

27 There is appropriated from the general fund of the state to
 28 the Iowa peace institute established in chapter 38 for the
 29 fiscal year beginning July 1, 1990, and ending June 30, 1991,
 30 the following amount, or so much thereof as is necessary, to
 31 be used for the purposes designated:

32 For a study of the feasibility of establishing an
 33 international museum:
 34 \$ 35,000

35 DIVISION XVII

1 Sec. 1701.

2 Notwithstanding the appropriations made in 1989 Iowa Acts,
3 chapter 322, section 3, and the certification by the governor
4 to the department of revenue and finance that the ending fund
5 balance on June 30, 1989, was sufficient to fund all of the
6 projects listed in that section, the appropriation of
7 \$33,940,000 for the fiscal year beginning July 1, 1989, and
8 ending June 30, 1990, is reduced by \$28,369,405, and there is
9 appropriated from the general fund of the state to the state
10 board of regents for the following listed fiscal years the
11 amounts specified, to be allocated by the state board of
12 regents for the projects listed in 1989 Iowa Acts, chapter
13 322, section 3, as follows:

- 14 1. For the fiscal year beginning July 1, 1990, and ending
15 June 30, 1991:
16 \$ 10,925,405
- 17 2. For the fiscal year beginning July 1, 1991, and ending
18 June 30, 1992:
19 \$ 13,530,400
- 20 3. For the fiscal year beginning July 1, 1992, and ending
21 June 30, 1993:
22 \$ 3,913,600

23 The state board of regents shall determine which of the
24 projects listed in 1989 Iowa Acts, chapter 322, section 3,
25 shall be funded for a fiscal year and the amount to be
26 allocated for a project based upon project needs, but the
27 total funding for a project for all fiscal years shall not
28 exceed the amount listed in 1989 Iowa Acts, chapter 322,
29 section 3.

30 Notwithstanding 1989 Iowa Acts, chapter 322, section 3, as
31 it relates to the reversion of the moneys appropriated in that
32 section, and notwithstanding section 8.33, unobligated or
33 unencumbered funds appropriated in this section for a fiscal
34 year shall not revert to the general fund of the state on June
35 30 of the fiscal year for which the moneys are appropriated,

1 but shall remain available for the purposes for which
2 appropriated until September 30, 1993.

3 Sec. 1702.

4 Section 1701 of this Act, being deemed of immediate
5 importance, takes effect upon enactment.

6 DIVISION XVIII

7 Sec. 1801.

8 There is appropriated from the general fund of the state to
9 the department of public safety for the fiscal year beginning
10 July 1, 1990, and ending June 30, 1991, the following amounts,
11 or so much thereof as is necessary, for a 2 percent salary
12 contribution by the state, to the peace officers' retirement,
13 accident, and disability system provided for in chapter 97A,
14 to supplement the 16 percent state salary contribution
15 provided for in 1990 Iowa Acts, Senate File 2402, in order to
16 raise the total salary contribution to 18 percent, as follows:

- 17 1. For the division of criminal investigation and bureau
18 of identification containing the bureaus of identification,
19 liquor law enforcement, and riverboat gambling enforcement:
20 \$ 53,115
- 21 2. For the division of narcotics:
22 \$ 20,837
- 23 3. For the fire marshal's office:
24 \$ 7,641

25 Sec. 1802.

26 Notwithstanding sections 99D.17 and 99D.18, there is
27 appropriated from funds paid to the state racing and gaming
28 commission pursuant to section 99D.14, to the department of
29 public safety for the fiscal year beginning July 1, 1990, and
30 ending June 30, 1991, the following amount, or so much thereof
31 as is necessary, for a 2 percent salary contribution by the
32 state, to the peace officers' retirement, accident, and
33 disability system provided for in chapter 97A, to supplement
34 the 16 percent state salary contribution provided for in 1990
35 Iowa Acts, Senate File 2402, in order to raise the total

1 salary contribution to 18 percent, as follows:

2 For the pari-mutuel law enforcement agents:

3 \$ 3,207

4 Sec. 1803.

5 There is appropriated from the road use tax fund to the
6 department of public safety for the fiscal year beginning July
7 1, 1990, and ending June 30, 1991, the following amount, or so
8 much thereof as is necessary, for a 2 percent salary
9 contribution by the state, to the peace officers' retirement,
10 accident, and disability system provided for in chapter 97A,
11 to supplement the 16 percent state salary contribution
12 provided for in 1990 Iowa Acts, Senate File 2402, in order to
13 raise the total salary contribution to 18 percent, as follows:

14 For the division of highway safety and uniformed force:

15 \$ 281,156

16 Sec. 1804.

17 It is the intent of the general assembly that the
18 appropriations made in sections 1801 through 1803, be used
19 solely for the purposes stated.

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HOUSE FILE 2569

H-6197

1 Amend House File 2569 as follows:
 2 1. Page 18, by inserting after line 13 the fol-
 3 lowing:
 4 "Sec. ____ . 1990 Iowa Acts, Senate File 2327,
 5 section 1, subsection 1, is amended to read as
 6 follows:
 7 1. GENERAL ADMINISTRATION
 8 For salaries, support, maintenance, miscellaneous
 9 purposes, and for not more than the following full-
 10 time equivalent positions:

11	\$	815,706
12		<u>1,040,706</u>
13	FTEs	<u>21.00</u>
14		<u>25.50</u>

15 Sec. ____ . 1990 Iowa Acts, Senate File 2327,
 16 section 1, subsection 12, paragraph a, is amended to
 17 read as follows:

18 a. Small business program:

19	\$	151,314
20		<u>207,559</u>
21	FTEs	<u>2.00</u>
22		<u>3.50"</u>

23 2. Page 18, line 14, by striking the words and
 24 figure "section 9, is" and inserting the following:
 25 "sections 7, 9, 18 through 22, and 30 through 35,
 26 are".

By TRENT of Muscatine

H-6197 FILED APRIL 8, 1990
ADOPTED (p. 2383)

HOUSE FILE 2569

H-6198

1 Amend House File 2569 as follows:
 2 1. Page 22, by inserting after line 24 the
 3 following:
 4 "Sec. ____ . Section 232.147, subsection 3,
 5 paragraph c, Code 1989, is amended to read as follows:
 6 c. The child's parent, guardian or custodian,
 7 court-appointed special advocate, and guardian ad
 8 litem."
 9 2. Page 24, by striking lines 3 through 7.
 10 3. Page 24, line 21, by inserting after the word
 11 "court:" the following: "A senior judge shall not be
 12 assigned to judicial duties on the supreme court
 13 unless the judge has been appointed to serve on the
 14 supreme court prior to retirement."
 15 4. By striking page 27, line 30 through page 28,
 16 line 4.
 17 5. By renumbering as necessary.

By PETERSON of Carroll
CARPENTER of Polk

H-6198 FILED APRIL 8, 1990
ADOPTED (p. 2384)

HOUSE FILE 2569

H-6199

1 Amend House File 2569 as follows:

2 1. Page 3, by inserting after line 27 the
3 following:

4 "Sec. 2. STUDY REQUIRED.

5 Notwithstanding section 8.33, the department of
6 human services shall complete by January 2, 1991, the
7 studies required pursuant to 1989 Iowa Acts, chapter
8 318, section 1, subsection 5, and the funds
9 appropriated for this purpose that remain unencumbered
10 and unobligated on June 30, 1990, shall not revert to
11 the general fund but shall remain available for the
12 purposes designated during the fiscal year beginning
13 July 1, 1990."

14 2. Page 3, line 29, by striking the word and
15 figure "Section 201" and inserting the following:
16 "Sections 201 and 2".

17 3. Page 3, line 30, by striking the word "takes"
18 and inserting the following: "take".

By HAMMOND of Story

H-6199 FILED APRIL 8, 1990

ADOPTED (p. 2384)

HOUSE FILE 2569

H-6200

1 Amend House File 2569 as follows:

2 1. Title page, line 2, by inserting after the
3 word "government" the following: ", its regulatory
4 functions,".

By JOCHUM of Dubuque

H-6200 FILED APRIL 8, 1990

ADOPTED BY UNANIMOUS CONSENT (p. 2384)

HOUSE FILE 2569

H-6196

1 Amend House File 2569 as follows:

2 1. By striking page 11, line 26 through page 12,
3 line 23, and inserting the following:

4 "Sec. 702. EFFECTIVE DATE.

5 Section 701 of this Act takes effect September 1,
6 1991."

By BISIGNANO of Polk

H-6196 FILED APRIL 8, 1990

LOST (p. 2382)

HOUSE FILE 2569

S-6037

Amend House File 2569, as amended, passed, and reprinted by the House, as follows:

1. Page 5, by inserting after line 33 the following:

"Sec. ____ . FIRE FIGHTERS' MEMORIAL.

There is appropriated from the general fund of the state to the office of the treasurer of state for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To fund in part the cost of building a memorial honoring fallen fire fighters:

..... \$ 50,000

Notwithstanding section 8.33, the moneys appropriated in this section shall not revert after the end of the fiscal year ending June 30, 1991, but shall remain available for expenditure during the fiscal year beginning July 1, 1991, and ending June 30, 1992."

2. By renumbering as necessary.

By EMIL J. HUSAK

S-6037 FILED APRIL 8, 1990

ADOPTED (p. 1749)

HOUSE FILE 2569

S-6038

Amend House File 2569, as amended, passed, and reprinted by the House, as follows:

1. Page 32, by inserting after line 19, the following:

"Sec. ____ . SPECIAL OLYMPICS FUND.

There is appropriated from the general fund of the state to the Iowa special olympics fund for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the Iowa special olympics fund:

..... \$ 5,000

1. An Iowa special olympics fund is established in the office of the treasurer of state, which shall consist of the amounts appropriated to the fund by the general assembly for each fiscal year.

2. The moneys in the Iowa special olympics fund shall be expended at the request of the honorary chairperson of the Iowa special olympics."

By EUGENE FRAISE

S-6038 FILED APRIL 8, 1990

ADOPTED (p. 1749)

HOUSE FILE 2569

S-6039

1 Amend House File 2569 as amended, passed, and
2 reprinted by the House as follows:
3 1. By striking page 11, line 30 through page 12,
4 line 32.

By EUGENE FRAISE

S-6039 FILED APRIL 8, 1990

WITHDRAWN (p.1749)

HOUSE FILE 2569

S-6040

1 Amend House File 2569, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, by inserting after line 1 the
4 following:
5 "Sec. ____ . DRUG UTILIZATION REVIEW.
6 There is appropriated from the general fund of the
7 state to the department of human services for the
8 fiscal year beginning July 1, 1990, and ending June
9 30, 1991, the following amount, or so much thereof as
10 is necessary, to be used for the purpose designated:

11 For medical contracts:
12 \$ 140,000

13 The funds appropriated in this section shall be
14 used in addition to funds appropriated for this
15 purpose in Senate File 2435, if enacted by the
16 Seventy-third General Assembly, 1990 Session, to
17 continue the contract with the Iowa pharmacists
18 association and the Iowa foundation for medical care
19 for drug utilization review of services and products
20 provided under the medical assistance program. The
21 drug utilization review shall be continued as a state
22 only contract."

23 2. By renumbering as necessary.

By JOE WELSH

S-6040 FILED APRIL 8, 1990

ADOPTED (p.1749)

HOUSE FILE 2569

S-6042

- 1 Amend House File 2569, as amended, passed, and
- 2 reprinted, by the House, as follows:
- 3 1. Page 20, by striking lines 9 through 15.
- 4 2. By renumbering as necessary.

By RICHARD VARN

S-6042 FILED APRIL 8, 1990
WITHDRAWN (p 1749)

HOUSE FILE 2569

S-6041

1 Amend House File 2569, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 32, by inserting after line 19 the
4 following:

5 "DIVISION

6 Sec. 1. Section 422.7, Code Supplement 1989, is
7 amended by adding the following new subsection:

8 NEW SUBSECTION. 23. For a person who is disabled,
9 is fifty-five years of age or older, or is the
10 surviving spouse of an individual or survivor having
11 an insurable interest in an individual who would have
12 qualified for the exemption under this subsection for
13 this tax year, subtract, to the extent included, the
14 total amount of pension, annuity, or retirement
15 allowances received under the peace officers'
16 retirement system under chapter 97A, the Iowa public
17 employees' retirement system under chapter 97B, a
18 pension and annuity retirement system for public
19 school teachers under chapter 294, a disabled and
20 retired fire fighters and police officers system under
21 chapter 410, the Iowa police officers and fire
22 fighters retirement system under chapter 411, the
23 judicial retirement system under chapter 602, article
24 9, and any federal retirement and disability system,
25 as a result of being an officer or employee of the
26 federal government, up to a maximum each tax year of
27 two thousand five hundred dollars for a person who
28 files a separate state income tax return and five
29 thousand dollars for a husband and wife who file a
30 joint state income tax return. However, a surviving
31 spouse who is not disabled or fifty-five years of age
32 or older can only exclude the amount of annuities
33 received as a result of the death of the other spouse.

34 Sec. 2. RETROACTIVE APPLICABILITY.

35 Section 1 of this Act applies retroactively to
36 January 1, 1990, for tax years beginning on or after
37 that date.

38 Sec. 3. REPEAL.

39 Section 1 of this Act is repealed effective January
40 1, 1991, for tax years beginning on or after that
41 date."

42 2. By renumbering as necessary.

By JOE WELSH

S-6041 FILED APRIL 8, 1990

ADOPTED (p.1749)

HOUSE FILE 2569

S-6043

1 Amend House File 2569 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 32, by inserting after line 19, the
4 following:

5 "DIVISION

6 RECREATION AND EDUCATIONAL GRANTS PROGRAM

7 Sec. 1901.

8 Notwithstanding section 501 of this Act, in the
9 event that the anticipated ending balance of the
10 general fund of the state for the fiscal year ending
11 June 30, 1990, as certified by the director of the
12 department of management exceeds \$132,200,000, there
13 is appropriated from the general fund of the state to
14 the department of human rights for the fiscal year
15 beginning July 1, 1990, and ending June 30, 1991, the
16 following amount, or so much thereof as is necessary,
17 to be used for the purpose designated:

18 For salaries, support, maintenance, miscellaneous
19 purposes, and for not more than the following full-
20 time equivalent positions related to the recreation
21 and educational grants program:

22	\$	400,000
23	FTEs	1.00

24 1. Of the amount appropriated under this section,
25 \$300,000 shall be used as follows:

26 a. To provide state funds to encourage and
27 supplement recreational and educational activities for
28 low-income youth grades K-12 by filling existing gaps
29 and permitting expansion in the current system of
30 community-based recreational and educational programs;
31 establishing a comprehensive network of services that
32 are continuous and year-round that focus on recreation
33 and personal development education for low-income
34 youth grades K-12; and providing
35 recreational/educational programs for youth from
36 families with incomes no more than 120 percent above
37 the federal poverty level.

38 b. To be eligible for state funds under this
39 paragraph, the applicant must be a nonprofit
40 organization whose mission includes providing services
41 for low-income youth grades K-12; the activities must
42 be those not currently offered by the organization, or
43 if currently offered are demonstrably underfunded; and
44 the activities must be free of charge to all youth who
45 meet the income requirements. A nominal fee, at cost,
46 may be assessed to youth who do not meet the stated
47 income requirements. Grants will be awarded based on
48 the organization's demonstrated ability to provide
49 organized recreational or educational programs or a
50 combination of both.

S-6043

Page 2

1 c. Grants awarded under this paragraph shall be
2 awarded on a competitive basis to fund low-income
3 youth programs in both urban and rural areas
4 throughout the state.

5 2. Of the amount appropriated under this
6 subsection, \$100,000 shall be used for exemplary
7 social and community-based organizations whose
8 activities are primarily targeted toward minority
9 populations in the state. Grants awarded under this
10 paragraph shall be awarded on a competitive basis.

11 3. Of the funds appropriated under this
12 subsection, 8 percent of the funds may be used for
13 administrative purposes of the department of human
14 rights.

15 4. Notwithstanding section 8.33, moneys
16 appropriated under this subsection for the fiscal year
17 beginning July 1, 1990, shall not revert to the
18 general fund of the state at the end of the fiscal
19 year but shall be available for expenditure during the
20 fiscal year beginning July 1, 1991, for the purposes
21 designated.

22 Sec. 1902.

23 Notwithstanding section 8.33, moneys appropriated
24 from the jobs now account for the fiscal year
25 beginning July 1, 1989, pursuant to section 99E.32,
26 subsection 5, paragraph "v", which remain unexpended
27 on June 30, 1990, shall not revert to any fund but
28 shall be available for expenditure for the purposes
29 designated during the fiscal year beginning July 1,
30 1990, and shall be in addition to any other moneys
31 available for those purposes.

32 Sec. 1903. EFFECTIVE DATE.

33 Section 1902 of this Act, being deemed of immediate
34 importance, takes effect upon enactment."

By JIM LIND
AL STURGEON

S-6043 FILED APRIL 8, 1990

LOST (p. 1750)

HOUSE FILE 2569

S-6044

1 Amend House File 2569, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 32, by inserting after line 19 the
4 following:

5 "Sec. ____ Section 99D.13, subsection 2, Code
6 Supplement 1989, is amended by striking the subsection
7 and inserting in lieu thereof the following:

8 2. Winnings from each racetrack forfeited under
9 subsection 1 shall escheat to the state and to the
10 extent appropriated by the general assembly shall be
11 used by the department of agriculture and land
12 stewardship to administer sections 99D.22. The
13 remainder shall be paid over to the commission to be
14 used as follows:

15 a. To the extent that the remainder paid over to
16 the commission is from unclaimed winnings from harness
17 racing meetings, the amount shall be used as provided
18 in subsection 3. However the limit provided in
19 subsection 3 shall not be exceeded by moneys
20 appropriated in this paragraph. Moneys which exceed
21 the limit shall be used to pay the cost of drug
22 testing of horses competing in harness racing at the
23 tracks.

24 b. To the extent that the remainder paid over to
25 the commission is from unclaimed winnings from tracks
26 licensed for dog or horse racing other than as
27 provided in paragraph "a", the moneys shall be used to
28 pay for the cost of drug testing of dogs or horses
29 other than horses competing in harness racing meets.
30 The commission shall remit remaining moneys at least
31 quarterly as follows:

32 (1) One-third of the amount to the treasurer of
33 the city in which the racetrack is located. If a
34 racetrack is not located in a city, the one-third
35 share shall be deposited as provided in chapter 556.

36 (2) One-third of the amount to the treasurer of
37 the county in which the racetrack is located.

38 (3) One-third of the amount to the racetrack from
39 which the unclaimed winnings were forfeited.

40 The amount received by a racetrack under this
41 subsection shall be used only for retiring the debt of
42 the racetrack facilities and for capital improvements
43 to the racetrack facilities."

44 2. By renumbering as necessary.

By JIM RIORDAN

S-6044 FILED APRIL 8, 1990
LOST (p. 1750)

HOUSE FILE 2569

S-6045

- 1 Amend House File 2569 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. By striking page 11, line 35 through page 12,
- 4 line 32.

By EUGENE FRAISE

S-6045 FILED APRIL 8, 1990
LOST (p. 1750)

SENATE AMENDMENT TO HOUSE FILE 2569

H-6202

1 Amend House File 2569, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Sec. ____ . DRUG UTILIZATION REVIEW.

6 There is appropriated from the general fund of the
7 state to the department of human services for the
8 fiscal year beginning July 1, 1990, and ending June
9 30, 1991, the following amount, or so much thereof as
10 is necessary, to be used for the purpose designated:

11 For medical contracts:

12 \$ 140,000

13 The funds appropriated in this section shall be
14 used in addition to funds appropriated for this
15 purpose in Senate File 2435, if enacted by the
16 Seventy-third General Assembly, 1990 Session, to
17 continue the contract with the Iowa pharmacists
18 association and the Iowa foundation for medical care
19 for drug utilization review of services and products
20 provided under the medical assistance program. The
21 drug utilization review shall be continued as a state
22 only contract."

23 2. Page 5, by inserting after line 33 the
24 following:

25 "Sec. ____ . FIRE FIGHTERS' MEMORIAL.

26 There is appropriated from the general fund of the
27 state to the office of the treasurer of state for the
28 fiscal year beginning July 1, 1990, and ending June
29 30, 1991, the following amount, or so much thereof as
30 is necessary, to be used for the purpose designated:

31 To fund in part the cost of building a memorial
32 honoring fallen fire fighters:

33 \$ 50,000

34 Notwithstanding section 8.33, the moneys
35 appropriated in this section shall not revert after
36 the end of the fiscal year ending June 30, 1991, but
37 shall remain available for expenditure during the
38 fiscal year beginning July 1, 1991, and ending June
39 30, 1992."

40 3. Page 32, by inserting after line 19, the
41 following:

42 "Sec. ____ . SPECIAL OLYMPICS FUND.

43 There is appropriated from the general fund of the
44 state to the Iowa special olympics fund for the fiscal
45 year beginning July 1, 1990, and ending June 30, 1991,
46 the following amount, or so much thereof as is
47 necessary, to be used for the purpose designated:

48 For the Iowa special olympics fund:

49 \$ 5,000

50 1. An Iowa special olympics fund is established in

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1 the office of the treasurer of state, which shall
2 consist of the amounts appropriated to the fund by the
3 general assembly for each fiscal year.

4 2. The moneys in the Iowa special olympics fund
5 shall be expended at the request of the honorary
6 chairperson of the Iowa special olympics."

7 4. Page 32, by inserting after line 19 the
8 following:

9 "DIVISION

10 Sec. 1. Section 422.7, Code Supplement 1989, is
11 amended by adding the following new subsection:

12 NEW SUBSECTION. 23. For a person who is disabled,
13 is fifty-five years of age or older, or is the
14 surviving spouse of an individual or survivor having
15 an insurable interest in an individual who would have
16 qualified for the exemption under this subsection for
17 this tax year, subtract, to the extent included, the
18 total amount of pension, annuity, or retirement
19 allowances received under the peace officers'
20 retirement system under chapter 97A, the Iowa public
21 employees' retirement system under chapter 97B, a
22 pension and annuity retirement system for public
23 school teachers under chapter 294, a disabled and
24 retired fire fighters and police officers system under
25 chapter 410, the Iowa police officers and fire
26 fighters retirement system under chapter 411, the
27 judicial retirement system under chapter 602, article
28 9, and any federal retirement and disability system,
29 as a result of being an officer or employee of the
30 federal government, up to a maximum each tax year of
31 two thousand five hundred dollars for a person who
32 files a separate state income tax return and five
33 thousand dollars for a husband and wife who file a
34 joint state income tax return. However, a surviving
35 spouse who is not disabled or fifty-five years of age
36 or older can only exclude the amount of annuities
37 received as a result of the death of the other spouse.

38 Sec. 2. RETROACTIVE APPLICABILITY.

39 Section 1 of this Act applies retroactively to
40 January 1, 1990, for tax years beginning on or after
41 that date.

42 Sec. 3. REPEAL.

43 Section 1 of this Act is repealed effective January
44 1, 1991, for tax years beginning on or after that
45 date."

46 5. By renumbering, relettering, or redesignating
47 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6202 FILED APRIL 8, 1990

CONCURRED (p. 2426)



OFFICE OF THE GOVERNOR

STATE CAPITOL
DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANSTAD
GOVERNOR

May 8, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit House File 2569, an act relating to and making appropriations to finance state government, its regulatory functions, and its obligations, and providing effective dates.

House File 2569 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Section 101, subsections 1, 2, 5, and 6, in their entirety, and Section 102, subsection 1, in its entirety. These items call for general fund appropriations of \$50,000 to the Department of Agriculture and Land Stewardship and \$150,000 to the State Board of Regents, for programs to be administered in the event of a drought. Much progress has been made through the combined efforts of the Farmers Home Administration and the Department of Economic Development's Community Development Block Grant Program and if drought conditions reoccur, the above agencies along with the Department of Natural Resources will respond by providing appropriate assistance. This may be accomplished with resources provided by the general appropriation to those agencies.

I am unable to approve the item designated as Section 203, in its entirety. Funds are provided by Senate File 2435 to implement this program. This provision would appropriate \$140,000 to the Department of Human Services to continue a sole source contract with the Iowa Pharmacists Association for drug

The Honorable Elaine Baxter

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utilization review. The department has been notified that federal funding would no longer be available to pay its share of the cost of the contract if the State did not allow competitive bidding on the contract.

This provision grants the IPA sole source status and assumes the federal government's cost of the contract. At a time when state funding for essential services is limited, I cannot approve action which would avoid an opportunity to receive federal funds. The contract with the Iowa Pharmacist Association has been very successful in reducing prescription costs and I would strongly encourage the association to bid on the contract.

I am unable to approve the item designated as Section 301, in its entirety. This provision would appropriate \$1.7 million over a two-year period to establish a child day care program for public employees. The program would be located at or near the Capitol Complex. Child care services are available from private providers within a reasonable distance from the Capitol Complex. Furthermore, child care benefits is a proper subject of collective bargaining; indeed, in the current collective bargaining agreement, the significant benefit of pre-tax treatment for child care expenses is provided for state employees throughout the state, not just in Des Moines. The establishment of a child care center at the Capitol Complex would create an inequity among state employees because employees who are stationed outside of the Capitol area would not have access to child care services which are subsidized directly by the state. This expenditure of \$1.7 million on a new program is unacceptable.

I am unable to approve the item designated as Section 302, in its entirety. This section would fund in part the cost of building a memorial honoring fallen firefighters at a cost of \$50,000. While this is a laudable project, it would be appropriate for this memorial to be funded by private contributions. During my administration, other memorials have been constructed with private donations raised with my assistance. Those honor the veterans of the Vietnam and Korean Wars, and the memorial for fallen Iowa peace officers. I will assist with fundraising for this project, too.

I am unable to approve the item designated as Section 401, in its entirety. This provision calls for contingency reductions if actual revenue collected by the state in the fiscal year ending June 30, 1990, is less than the revenue estimate

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established at the March 13, 1990, meeting of the Revenue Estimating Conference. Similar stipulations are made for the fiscal year ending June 30, 1991. The approval of a budget with a realistic ending balance would have been preferable.

I am unable to approve the items designated as Sections 501, 502, 503, 504, and 505, in their entirety. These provisions call for contingency appropriations if the general fund's ending balance for fiscal year 1990 exceeds \$132.2 million or so much as is necessary to assure the fiscal 1991 ending balance of \$30 million. I support the items proposed to be funded with these contingency appropriations; indeed, with only one minor exception, they are identical to the contingency appropriations I recommended in January. However, my program required an ending balance of \$60 million in fiscal year 1991 before contingency spending would occur. The \$30 million balance in fiscal year 1991 is simply too low a trigger to assure a positive ending balance in fiscal year 1992.

I am unable to approve the item designated as Section 602, in its entirety. This provision would appropriate \$90,000 to establish a job development program in the first judicial district. Because I have disapproved a similar provision in 1990 Iowa Acts, Senate File 2408, which House File 2569 amends, I am unable to approve this section. I have previously approved an appropriation of \$100,000 for this project in the supplemental appropriations bill.

I am unable to approve the items designated as Sections 901, 902, and 903, in their entirety. Because Iowa school districts and area education agencies are currently required to provide appropriate instructional programs for handicapped children, and because the Department of Education is moving forward with initiatives to improve programs for those children under the Renewed Service Delivery Systems Project, it would be inappropriate to approve this program without further consideration. Additionally, the Department of Education is currently reviewing methods for financing special education. The Department is expected to complete this review in the fall of 1990. For these reasons, and in view of the financial constraints of the state, I am unable to approve this section.

I am unable to approve the designated portions of Section 1101, and the item designated as Section 1103, in its entirety. These provisions would direct the Department of Education to develop model guidelines for truancy, develop an education bill

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of rights that identifies educational opportunities that are to be legal entitlements, and conduct a study of the expected impact of increasing the compulsory attendance age from sixteen to eighteen.

The Department of Education is currently embarking on an initiative to seek public input on future goals for Iowa's education system and to consider ways in which Iowa schools may help achieve the national education goals that were recently adopted by the nations' governors. This effort will include a review of programming needs for children at-risk.

I am unable to approve the item designated as Section 1301, in its entirety. This section would provide a \$50,000 grant to any Iowa city for development of a proposed public riverfront park, wetlands, and recreational area, for purposes including but not limited to support of educational, scientific, cultural, recreational, or other public purposes, or combination of these purposes. I have previously approved a \$150,000 appropriation for riverfront development for similar purposes in Senate File 2327. Given the fiscal constraints of the 1991 fiscal year budget, I am unable to approve this additional expenditure.

I am unable to approve the item designated as Section 1501, in its entirety. This provision appropriates \$136,000 to the Judicial Department to implement a pilot project for mediation of child custody and visitation issues, and a family court feasibility study. Although I recognize the need to consider alternative mechanisms for domestic dispute resolutions, these expenditures would be unwise given present budgetary constraints.

I am unable to approve the item designated as Section 1504, in its entirety. This section would require that a "Guardian ad litem" appointed by the court to represent the interests of a child be a practicing attorney. This provision would negatively affect the Court Appointed Special Advocate Program, which depends on volunteers to fill this role. The court currently appoints a practicing attorney if it deems necessary.

I am unable to approve the items designated as Section 1516 and 1517, in their entirety. These provisions would establish guidelines for the Judicial Department's implementation of the pilot project for mediation of child custody and visitation issues and the Judicial Department's implementation of the family court feasibility study, which I have disapproved above.

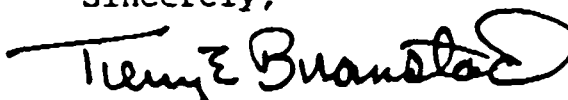
The Honorable Elaine Baxter

May 8, 1990

Page 5

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2569 are hereby approved as of this date.

Sincerely,

A handwritten signature in black ink that reads "Terry E. Branstad". The signature is written in a cursive style with a large, sweeping flourish at the end.

Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

GOVERNOR'S ITEM VETOES IN BOXED AREAS

House File 2569, p. 2

HOUSE FILE 2569

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO FINANCE STATE GOVERNMENT, ITS REGULATORY FUNCTIONS, AND ITS OBLIGATIONS, AND PROVIDING EFFECTIVE DATES.

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

DIVISION I

Section 101. DROUGHT ASSISTANCE.

1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.

a. There is appropriated from the general fund of the state to the Department of agriculture and land stewardship for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For administration including salaries, support, maintenance, and miscellaneous purposes, for the hay hot line and for climatological services:

..... \$ 50,000

b. As a condition, limitation, and qualification of the appropriation made under paragraph "a", the appropriation shall be used to support the following full-time equivalent positions:

- (1) For the hay hot line:
..... FTEs 2.0
- (2) For climatological services:
..... FTEs 0.5
- (3) For miscellaneous purposes relating to laboratory analysis activities:
..... FTEs 2.0

The full-time equivalent positions specified under this subsection shall be temporary positions as specified by the department. However, the positions shall terminate not later than June 30, 1991.

2. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY.

a. The Iowa state university of science and technology extension service shall act as the central clearinghouse in each county for drought-related information which shall serve as the agency in the county designated to coordinate drought-related activities.

b. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For Iowa state university of science and technology extension service to administer a rural concern drought hot line, to carry out the provisions in paragraph "a", to administer a forage testing program for purposes of analyzing the impact of the drought on foraging, and to develop a library of drought samples:

..... \$ 150,000

3. DEPARTMENT OF NATURAL RESOURCES. The department of natural resources shall administer a statewide water conservation education program.

4. STATE DEPARTMENT OF TRANSPORTATION. The state department of transportation shall cease all spraying of residual pesticides, as defined in section 206.2, along roadsides, including ditches along roadsides, in order to preserve from pesticide contamination of the food chain, vegetation, in areas, which may be utilized as animal feed. However, this subsection does not prohibit the use of pesticides necessary to control noxious weeds, as defined in section 317.1.

5. REPORTING. The department of agriculture and land stewardship and Iowa state university of science and technology shall not later than December 15, 1990, report to the committees on appropriations in the senate and house of representatives, and to the agriculture and natural resources appropriations subcommittee, information relating to expenditure of moneys appropriated to the departments under this section, including a review of activities supported by the appropriations.

6. REVERSION. Moneys appropriated under this section which are not expended by June 30, 1991, shall revert to the general fund of the state as provided in section 8.33.

Sec. 102. EFFECTIVE DATES.

1. The department of agriculture and land stewardship and Iowa state university of science and technology shall not expend moneys appropriated or implement provisions under section 101, subsections 1 and 2, of this Act until at least 15 counties are subject to a proclamation of a disaster emergency due to a drought which is issued by the governor.

2. The department of natural resources shall not implement a statewide water conservation education program under section 101, subsection 3, of this Act until at least 15 counties are subject to a proclamation of a disaster emergency due to a drought which is issued by the governor.

3. Provisions contained in section 101, subsection 4, of this Act which prohibit the spraying of pesticides shall not be effective on or after January 1, 1991.

4. Section 101, subsection 4, of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II

Sec. 201. MEDICAL ASSISTANCE SUPPLEMENT.

There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance to be used for the same purposes and to supplement funds appropriated by 1989 Iowa Acts, chapter 318, section 2:

..... \$ 3,920,000

Sec. 202. STUDY REQUIRED.

Notwithstanding section 8.33, the department of human services shall complete by January 2, 1991, the studies required pursuant to 1989 Iowa Acts, chapter 318, section 1, subsection 5, and the funds appropriated for this purpose that remain unencumbered and unobligated on June 30, 1990, shall not revert to the general fund but shall remain available for the purposes designated during the fiscal year beginning July 1, 1990.

Sec. 203. DRUG UTILIZATION REVIEW.

There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:

..... \$ 140,000

The funds appropriated in this section shall be used in addition to funds appropriated for this purpose in Senate File 2435, if enacted by the Seventy-third General Assembly, 1990 Session, to continue the contract with the Iowa pharmacists association and the Iowa foundation for medical care for drug utilization review of services and products provided under the medical assistance program. The drug utilization review shall be continued as a state only contract.

Sec. 204. EFFECTIVE DATE.

Sections 201 and 202 of this Act, being deemed of immediate importance, take effect upon enactment.

DIVISION III

Sec. 301. CAPITOL COMPLEX CHILD DAY CARE PROGRAM.

1. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount or so much thereof as is necessary, to be used for the purposes designated:

For planning, design, site acquisition and preparation, and other expenditures necessary to establish a child day care program available to public employees officed at or near the capitol complex:

..... \$ 500,000

2. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount or so much thereof as is necessary, to be used for the purposes designated:

For planning and other expenditures, which may include a lease purchase contract, necessary to establish a child day care program available to public employees officed at or near the capitol complex:

..... \$ 1,100,000

3. Notwithstanding section 8.33, the moneys appropriated in this section that remain unencumbered and unobligated on June 30 of the fiscal year in which the moneys were appropriated, shall not revert to the general fund of the state but shall remain available for expenditure for the purposes designated during the succeeding fiscal year.

4. The general assembly considers child day care to be an important service for employers, employees, and their children. Employer-supported child care can have a positive impact upon employee morale and retention and can positively affect the children who are receiving child care services. High quality child care is of significant value to employers. It is believed that a quality, on-site child care program available to the children of state employees will provide a model for other employers in this state to emulate.

5. a. The legislative council is requested to appoint a capitol complex child day care program steering committee to provide direction to the department of general services in developing facility plans, establishing the facilities, developing operating policies, contracting with a vendor to operate the program, and other decisions involving establishment and operation of the program. The steering committee shall utilize the March 1990 consultant report to the capitol complex ad hoc committee on child care, particularly the intermediate quality recommendations, in its decision making.

b. The steering committee membership shall include members of the general assembly; representatives of the departments of general services, personnel, human services, and education; employees officed at the capitol complex who purchase child day care services; a representative of the state board of regents center for early childhood education; a representative of the Iowa state university of science and technology early childhood education programs; and other persons knowledgeable concerning child day care programs.

6. In consultation with the steering committee, the director of the department of general services shall retain a consultant to oversee the process of developing the program and shall contract with a vendor to manage the program.

7. The program shall be designed to operate with a capacity of 150 children and to regularly serve infants, toddlers, preschool, school age, and mildly ill children.

Sec. 302. FIRE FIGHTERS' MEMORIAL.

There is appropriated from the general fund of the state to the office of the treasurer of state for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To fund in part the cost of building a memorial honoring fallen fire fighters:

..... \$ 50,000
Notwithstanding section 8.33, the moneys appropriated in this section shall not revert after the end of the fiscal year ending June 30, 1991, but shall remain available for expenditure during the fiscal year beginning July 1, 1991, and ending June 30, 1992.

DIVISION IV

Sec. 401. CONTINGENCY REDUCTIONS IN APPROPRIATIONS.

Notwithstanding section 8.31, if actual revenue collected by the state in the fiscal year ending June 30, 1990, is less than the revenue estimate agreed to at the March 13, 1990, meeting of the revenue estimating conference or if revenue collected in the fiscal year ending June 30, 1991, is significantly less than the estimate agreed to by the same meeting of the revenue estimating conference for the fiscal year ending June 30, 1991, and it is determined that the estimated budget resources are insufficient to pay in full all appropriations for the fiscal year ending June 30, 1991, before the governor orders uniform reductions in budgeted resources, appropriations enacted by the Seventy-third General Assembly, 1990 Session, shall be reduced in accordance with the priority order listed in this section.

1. In addition to the \$20,000,000 in expenditure reductions for the fiscal year ending June 30, 1991, contained in the governor's budget austerity plan issued to department heads, dated March 21, 1990, by reducing discretionary expenditures in executive branch agencies by up to \$10,000,000 by denying approval of expenditures as follows:

- a. Purchasing of new vehicles, noncritical equipment, office furnishings, or other noncritical expenditures.
- b. Expenditures for out-of-state travel, airplane travel, or subscriptions to periodicals shall not exceed the expenditure amount for these purposes in the fiscal year ending June 30, 1990.

c. An exception to permit an expenditure for an item or service listed in this subsection may be granted in individual cases by the director of the department of management, with the approval of the governor.

d. An expenditure reduction made pursuant to this subsection shall not involve an employee layoff.

2. By reducing by 2 percent, all annual appropriations for operations from the general fund of the state made by the Seventy-third General Assembly, 1990 Session, to all state agencies within the executive branch of state government, except for the regents' institutions, the department of human services, and state correctional institutions. The reduction is expected to realize a savings of \$5,000,000. An appropriation for operations does not include a grant-in-aid, a standing appropriation, or a capital appropriation.

3. By reducing expenditure of funds appropriated by 1990 Iowa Acts, Senate File 2422, by no more than 5 percent for a savings in an amount up to \$2,905,000.

DIVISION V

Sec. 501. CONTINGENCY APPROPRIATIONS.

In the event that the anticipated ending balance of the general fund of the state for the fiscal year ending June 30, 1990, as certified by the director of the department of management exceeds \$132,200,000, or so much as is necessary to assure an ending balance for the fiscal year ending June 30, 1991, of \$30,000,000, 50 percent of such excess, up to a maximum of \$49,600,000, shall be used for recognizing additional liabilities, identified in section 502, subsection 1, of this Act, necessary to continue the GAAP implementation schedule required by 1986 Iowa Acts, chapter 1245, section 2046, and 50 percent of such excess, up to a maximum of \$31,870,000, shall be used for various capital projects identified in section 502, subsection 2, of this Act.

Sec. 502.

1. From the funds set aside in section 501 of this Act for recognizing additional liabilities necessary to complete the GAAP implementation schedule required by 1986 Iowa Acts, chapter 1245, section 2046, there is appropriated in the following priority order to the following named agencies for the designated fiscal year the specified amounts, or as much thereof as may be available, for the purposes designated:

a. For the fiscal year beginning July 1, 1989, and ending June 30, 1990, to the department of management for recognizing additional liabilities necessary to complete the GAAP implementation schedule required by 1986 Iowa Acts, chapter 1245, section 2046, for the merged area schools' general operations:

..... \$ 13,579,598

The funds appropriated in this paragraph shall be allocated to each school as follows:

- (1) Merged Area I \$ 611,887
- (2) Merged Area II \$ 795,008
- (3) Merged Area III \$ 739,949
- (4) Merged Area IV \$ 377,297
- (5) Merged Area V \$ 745,291
- (6) Merged Area VI \$ 782,118
- (7) Merged Area VII \$ 1,105,991
- (8) Merged Area IX \$ 1,099,495
- (9) Merged Area X \$ 1,744,567
- (10) Merged Area XI \$ 1,875,037
- (11) Merged Area XII \$ 835,261
- (12) Merged Area XIII \$ 797,531
- (13) Merged Area XIV \$ 353,975
- (14) Merged Area XV \$ 1,097,051
- (15) Merged Area XVI \$ 619,140

b. For the fiscal year beginning July 1, 1990, and ending June 30, 1991, to the following agencies:

(1) To the department of revenue and finance an amount sufficient to charge all franchise tax refunds to the appropriate fiscal year.

(2) To the department of revenue and finance an amount sufficient to charge all special education appropriations to the appropriate fiscal year.

(3) To the department of human services an amount sufficient to charge all foster care appropriations to the appropriate fiscal year.

(4) To the department of revenue and finance an amount sufficient to charge all standing unlimited appropriations to the appropriate fiscal year.

(5) Notwithstanding section 442.26, to the department of education an amount sufficient to charge up to an additional 65 percent of the amount of state school foundation aid equal to the general allocation of the school district as determined under section 405A.2 and the amount of the tax credit for livestock pursuant to section 442.2, subsection 2, 1987 Code.

2. From the funds set aside in section 501 of this Act for various capital projects, there is appropriated in the following priority order to the following named agencies for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the specified amounts, or as much thereof as may be available, for the purposes designated:

a. To the department of general services for capitol restoration:

..... \$ 6,400,000

b. To the state communications network fund:

..... \$ 5,000,000

c. To the department of human services for construction of a residential facility at the Eldora training school:

..... \$ 920,000

d. To the department of general services up to the following amount, for fire safety improvements to buildings located in the capitol complex:

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

e. To the Iowa court information system (ICIS) and micrographics:

..... \$ 5,300,000

The funds appropriated in this subsection shall be allocated as follows:

(1) Iowa court information system:
..... \$ 4,500,000

(2) Micrographics:
..... \$ 800,000

f. To the Iowa state university of science and technology for planning the construction of a livestock research facility:
..... \$ 1,000,000

g. To the university of northern Iowa for wellness center planning:
..... \$ 1,000,000

h. To the Iowa national guard for armories at Corning and Oskaloosa:
..... \$ 850,000

i. To the department of general services for renovation of the Lucas state office building:
..... \$ 1,000,000

j. To the department of general services for remodeling the old historical building:
..... \$ 2,000,000

k. To the Iowa state university of science and technology for the cattle/swine research facilities:
..... \$ 3,500,000

l. To the Iowa state fair board for capital projects:
..... \$ 1,000,000

m. To the state board of regents for distribution to the state universities for capital utility projects:
..... \$ 1,500,000

n. To the university of Iowa for college of medicine research facility planning:
..... \$ 1,000,000

o. To the department of general services to demolish the Court avenue bridge:
..... \$ 400,000

Sec. 503. 1989 Iowa Acts, chapter 319, section 12, is repealed.

Sec. 504.
If section 502, subsection 1, paragraph "a" and section 503 of this Act are enacted by the general assembly then the full appropriation for general state financial aid to merged areas for the fiscal year ending June 30, 1991, shall be made in the fiscal year ending June 30, 1991.

Sec. 505.
Sections 501 through 504 of this Act, being deemed of immediate importance, take effect upon enactment.

DIVISION VI

Sec. 601. PRISON CONSTRUCTION PAYMENT.

There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For annual payment relating to the financial arrangement for the construction of expansion in prison capacity as provided in 1990 Iowa Acts, Senate File 2212, section 24:
..... \$ 1,028,000

Sec. 602. 1990 Iowa Acts, Senate File 2408, section 6, subsection 1, paragraph d, is amended by striking the paragraph and inserting in lieu thereof the following:

d. For contracting for aptitude and job-related interest assessment, career exploration, the individualized employability development plan, and job retention skills with a private entity which is not controlled or administered by any state agency or any political subdivision of the state, and which has programs with a minimum of 15 years of service experience with offender and ex-offender populations:

..... \$ 90,000

Sec. 603. 1990 Iowa Acts, Senate File 2408, section 6, subsection 8, paragraph g, is amended by striking the paragraph.

DIVISION VII

Sec. 701. Section 21.2, subsection 1, Code Supplement 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. A nonprofit corporation licensed to conduct gambling games pursuant to chapter 99F.

Sec. 702. Section 22.1, unnumbered paragraphs 1 and 2, Code 1989, are amended to read as follows:

Wherever As used in this chapter, "public records" includes all records, documents, tape, or other information, stored or preserved in any medium, of or belonging to this state or any county, city, township, school corporation, political subdivision, nonprofit corporation whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D, or tax-supported district in this state, or any branch, department, board, bureau, commission, council, or committee of any of the foregoing.

The term "government body" means this state, or any county, city, township, school corporation, political subdivision, tax supported district, nonprofit corporation whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D, or other entity of this state, or any branch, department, board, bureau, commission, council, committee, official or officer, of any of the foregoing or any employee delegated the responsibility for implementing the requirements of this chapter.

Sec. 703. Section 22.7, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 27. Marketing and advertising budget and strategy of a nonprofit corporation which is subject to this

chapter. However, this exemption does not apply to salaries or benefits of employees who are employed by the nonprofit corporation to handle the marketing and advertising responsibilities.

Sec. 704.

Sections 701 through 703 of this Act take effect September 1, 1991.

DIVISION VIII

Sec. 801. 1990 Iowa Acts, Senate File 2328, section 23, subsection 3, unnumbered paragraph 3, is amended to read as follows:

The appropriation in this section is in addition to the appropriation to the racing and gaming commission from the excursion boat gambling revolving fund in section 21 22.

DIVISION IX

Sec. 901. NEW SECTION. 281.10 ADDITIONAL SPECIAL EDUCATION WEIGHTING.

In addition to the programs and services offered to children requiring special education during the regular school year, school districts shall offer programs and services beyond the required one hundred eighty day school year to children requiring special education and assigned a weight under section 281.9, subsection 1, paragraph "d", and placed in the category of profoundly multiply handicapped, commonly referred to as severely and profoundly handicapped, who would benefit from additional instructional programming. The programs and services offered under this section are not special education extended year programs and are not a part of a child's individual education program. However, a child provided an extended year program may also be eligible for the programs and services provided under this section if they meet the requirements of this section.

Programs and services offered under this section shall be at least one week in duration. In order to provide funds for the excess costs of the programs and services, each full-time

equivalent child receiving programs and services under this section is assigned an additional weighting of one-tenth for each week that programs and services are provided under this section, not to exceed six-tenths, for the excess costs of the programs and services above the moneys generated from the special education weighting plan in section 281.9. The additional weighting shall be included in the weighted enrollment of the school district of the residence of the child and the enrollment count under this section shall be taken on December 1 of each year.

The school budget review committee shall calculate the additional amount added for the weighting under this section to the nearest one-hundredth of one percent so that, to the extent possible, the moneys generated by the weighting on and after July 1, 1991, will be equivalent to the moneys generated by the one-tenth weighting prior to July 1, 1991.

If a part of the district's programs and services offered pursuant to this section includes special education support services, the district shall contract with the applicable area education agency and shall pay the area education agency for those services from moneys generated under this section. A district may pay transportation costs for the child for attendance at programs offered under this section from moneys generated under this section.

Sec. 902. Section 257.15, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4. INAPPLICABILITY. This section does not apply to moneys generated pursuant to section 281.10.

Sec. 903.

Section 901 of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION X

Sec. 1001. Section 262A.6A, subsection 1, Code 1989, is amended to read as follows:

1. The board shall issue bonds authorized under section 262A.4 by the Seventy-second General Assembly in an amount not exceeding nineteen million dollars; and from the forty-one million three hundred thousand dollars authorized by 1990 Iowa Acts, House Concurrent Resolution 133, if approved by the governor, in an amount not exceeding fifteen million dollars; in the form of capital appreciation bonds as provided in this section rather than the form prescribed in sections 262A.5 and 262A.6. The capital appreciation bonds shall be designed to be marketed primarily to Iowans to facilitate savings for future higher education costs.

DIVISION XI

Sec. 1101. Section 256.9, Code Supplement 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 39. Develop model guidelines for district in-service training programs for truancy officers and direct the area education agencies to assist local school districts in providing the programs.

NEW SUBSECTION. 40. Prepare a plan and a report for ensuring that all Iowa children will be able to satisfy the requirements for high school graduation. The plan and report shall include a statement of the dimensions of the dropout problem in Iowa; a survey of existing programs geared to dropout prevention; a plan for use of competency-based outcome methods and measures; proposals for alternative means for satisfying graduation requirements including alternative high school settings, supervised vocational experiences, education experiences within the correctional system, screening and assessment mechanisms for identifying students who are at-risk of dropping out and the development of an individualized education plan for identified students; a requirement that schools provide information to students who drop out of school on options for pursuing education at a later date; the development of basic materials and information for schools to present to students leaving school; a requirement that

students notify their school districts of residence when the student discontinues school, including the reasons for leaving school and future plans for career development; a requirement that, unless a student chooses to make the information relating to the student leaving school confidential, schools make the information available to community colleges, area education agencies, and other educational institutions upon request; and recommendations for the establishment of pilot projects for the development of model alternative options education programs; a plan for implementation of any recommended courses of action to attain a zero dropout rate by the year 2000; and other requirements necessary to achieve the goals of this subsection. Alternative means for satisfying graduation requirements which relate to the development of individualized education plans for students who have dropped out of the regular school program shall include, but are not limited to, a tracking component that requires a school district to maintain periodic contact with a student, assistance to a dropout in curing any of the student's academic deficiencies, an assessment of the student's employability skills and plans to improve those skills, and treatment or counseling for a student's social needs. The department shall also prepare a cost estimate associated with implementation of proposals to attain a zero dropout rate, including but not limited to evaluation of existing funding sources and a recommended allocation of the financial burden among federal, state, local, and family resources. The department, in conjunction with the plan and report, shall prepare an education bill of rights that delineates education opportunities that are to be legal entitlements for Iowa children. The report and plan shall be submitted to the general assembly by January 15, 1993.

Sec. 1102. NEW SECTION. 280.19A ALTERNATIVE OPTIONS EDUCATION PROGRAMS.

By January 15, 1995, each school district shall adopt a plan to provide alternative options education programs to students who are either at risk of dropping out or have dropped out. An alternative options education program may be provided in a district, through a sharing agreement with a school in a contiguous district, or through an areawide program available at the community college serving the merged area in which the school district is located. Each area education agency shall provide assistance in establishing a plan to provide alternative education options to students attending a public school in a district served by the agency.

Sec. 1103. DEPARTMENTAL STUDY.

The department of education shall assess the expected impact of an increase in the maximum compulsory attendance age from sixteen to up to eighteen on increased enrollment of sixteen and seventeen-year-olds, and the characteristics of this population with respect to educational and basic skill level, family support structure, orientation to the traditional school curricula, and orientation to alternative curricula.

The department of education shall, by January 1992, do the following:

1. Identify experiences other states have had, and educational and social support responses they have made, as a result of increasing the compulsory attendance age from sixteen to eighteen years of age.
2. Seek to develop program materials that consider health, employment and training, and human service needs in addition to education needs to assist local districts in serving students who are at risk of dropping out of the regular schools and programs.
3. Develop definitions of the terms "at-risk student" and "dropout" which are appropriate for students in middle and high schools and which will assist districts in identifying students in need of alternative academic programming.

4. Develop recommendations regarding alternative programming for students who are at risk of dropping out of the regular schools and programs. The recommendations shall include, but are not limited to, the following:

- a. Modification of the minimum educational standards contained in section 256.11.
- b. Alternative curricula, including competency-based instruction.
- c. Alternative teaching methods, including individualized programming.
- d. Alternative options for graduation.

The department of education, in coordination with the department of human services, the supreme court, the department of public health, and the department of employment services, by July 1992, shall build a data base which will assist in the identification of at-risk students and middle and high schools within the state having a significant population of at-risk students. At-risk characteristics to be considered may include, but are not limited to, high levels of one or more of the following: below grade level performing students, grade retention, school dropouts, school expulsions, teen pregnancy, poverty, single parent families, substance abuse, teenage suicides, youth underemployment, juvenile delinquency, and child abuse. In building this data base, consideration shall be given to protecting the privacy of the individual student and limiting the data burden on school districts.

Sec. 1104. ALTERNATIVE PROGRAMS.

Alternative options education programs, for middle school and high school students, designed to provide incentives for the students to remain in school, shall not be subject to the minimum hours of instruction requirement adopted by the state board of education.

DIVISION XII

Sec. 1201. 1990 Iowa Acts, Senate File 2327, section 1, subsection 1, is amended to read as follows:

1. GENERAL ADMINISTRATION

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

.....	\$	815,786
		<u>1,040,706</u>
.....	FTEs	21.80
		<u>25.50</u>

Sec. 1202. 1990 Iowa Acts, Senate File 2327, section 1, subsection 12, paragraph a, is amended to read as follows:

a. Small business program:

.....	\$	151,314
		<u>207,559</u>
.....	FTEs	2.80
		<u>3.50</u>

Sec. 1203. 1990 Iowa Acts, Senate File 2327, sections 7, 9, 18 through 22, and 30 through 35, are repealed.

DIVISION XIII

Sec. 1301.

There is appropriated from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To provide grants to any Iowa city for development of a proposed public river front park, wetlands, and recreational area, for purposes including but not limited to support of educational, scientific, cultural, recreational, or other public purposes, or a combination of these purposes:

.....	\$	50,000
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As a condition, limitation, and qualification of the appropriation in this section, the criteria used by the department of economic development in selecting a city

applying for the grant, shall assign weight and priority to the applications based on all of the following criteria:

1. That the development of the proposed project is in response to a stipulation and settlement of a lawsuit filed in federal court requiring a comprehensive recreational master plan for the park.
2. That all or a portion of the park is situated on wetlands and the design or location of the park enhances or helps preserve a natural wildlife area.
3. That the grant funds shall be matched in the amount of at least one-third by the community through the installation of public infrastructure to the area or by in-kind labor contributions performed by a union local apprentice training program, or both.
4. That the proposed project will extend present recreational and bicycle trail systems.
5. That the proposed project will improve water-based recreational activities for the community.
6. That the proposed project will establish an educational eco-laboratory.

DIVISION XIV

Sec. 1401.

The appropriation in the section of 1990 Iowa Acts, Senate File 2423, which appropriates \$355,000 to the state board of regents for the state university of Iowa, for agricultural health and safety programs, shall be reduced by \$105,000 to \$250,000.

DIVISION XV

Sec. 1501. JUDICIAL DEPARTMENT -- PILOT PROJECT AND STUDY.

There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For the implementation of the pilot program for mediation of child custody and visitation issues in dissolution issues established in this Act:

..... \$ 136,000

2. For the family court system feasibility study required of the supreme court in this Act:

..... \$ 70,000

Sec. 1502. Section 222.59, subsection 4, Code 1989, is amended to read as follows:

4. If a proposed placement of a patient from a hospital-school or special unit which is not satisfactory to the patient's parent, guardian or advocate is approved by the administrator; or a proposed placement which is satisfactory to the patient's parent, guardian or advocate is modified, altered or rescinded by the administrator, the parent, guardian or advocate may appeal to the department of human services, within thirty days after notification to the parent, guardian or advocate of the proposed placement. The department shall give the appellant reasonable notice and opportunity for a fair hearing, conducted by the director or the director's designee who shall act as an impartial arbiter of fact and law. In such hearing the parent, guardian or advocate shall have the opportunity to confront witnesses, to have access to hospital records, to present evidence and witnesses on their behalf and to be represented by counsel. The standard for such fair hearing shall be to provide "that placement which inures to the best interest of the patient." Judicial review of actions of the department may be sought in accordance with the terms of the Iowa administrative procedure Act. The department shall furnish the petitioner with a copy of any papers filed by the petitioner in support of the petitioner's position, a transcript of any testimony taken, and a copy of the department's decision. In the district court hearings, the parent, guardian or advocate has the right to be represented by counsel. The court shall, in all cases

where the interests of the patient conflict with that of parent, guardian, or advocate, appoint counsel as guardian ad litem for the patient. The guardian ad litem shall be a practicing attorney. Notwithstanding the terms of the Iowa administrative procedure Act, where a petition is filed for judicial review of a proposed placement, the proposed placement shall be stayed pending the outcome of said review proceeding.

Sec. 1503. Section 226.31, Code 1989, is amended to read as follows:

226.31 EXAMINATION BY COURT -- NOTICE.

Before granting the order authorized in section 226.30 the court or judge shall investigate the allegations of the petition and before proceeding to a hearing thereon on the allegations shall require notice to be served on the attorney who represented the patient in any prior proceedings under sections 229.6 to 229.15 or the advocate appointed under section 229.19, or in the case of a patient who entered the hospital voluntarily, on any relative, friend, or guardian of the person in question of the filing of said the application. ~~On such~~ At the hearing the court or judge shall appoint a guardian ad litem for said the person, if it the court or judge deems such action necessary to protect the rights of such the person. The guardian ad litem shall be a practicing attorney.

Sec. 1504. Section 232.2, subsection 20, Code Supplement 1989, is amended to read as follows:

20. "Guardian ad litem" means a person practicing attorney appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party, and includes a court-appointed special advocate, except that a court-appointed special advocate shall not file motions pursuant to section 232.54, subsections 1 and 4, and section 232.103, subsection 2, paragraph "c".

Sec. 1505. Section 232.52, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 8. If a child has previously been adjudicated as a child in need of assistance, and a social worker or other caseworker from the department of human services has been assigned to work on the child's case, the court may order the department of human services to assign the same social worker or caseworker to work on any matters related to the child arising under this division.

Sec. 1506. Section 232.89, subsection 2, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Upon the filing of a petition, the court shall appoint counsel and a guardian ad litem for the child identified in the petition as a party to the proceedings. If a guardian ad litem has previously been appointed for the child in a proceeding under division II of this chapter or a proceeding in which the court has waived jurisdiction under section 232.45, the court shall appoint the same guardian ad litem upon the filing of the petition under this part. Counsel shall be appointed as follows:

Sec. 1507. Section 232.89, subsection 4, Code Supplement 1989, is amended to read as follows:

4. The same person may serve both as the child's counsel and as guardian ad litem. However, the court may appoint a separate guardian ad litem, if the same person cannot properly represent the legal interests of the child as legal counsel and also represent the best interest of the child as guardian ad litem, or a separate guardian ad litem is required to fulfill the requirements of subsection 2.

Sec. 1508. Section 232.147, subsection 3, paragraph c, Code 1989, is amended to read as follows:

c. The child's parent, guardian or custodian, court-appointed special advocate, and guardian ad litem.

Sec. 1509. Section 235B.1, subsection 8, paragraph c, Code Supplement 1989, is amended to read as follows:

c. In every case involving adult abuse which is substantiated by the department and which results in a judicial proceeding on behalf of the dependent adult, legal counsel shall be appointed by the court to represent the dependent adult in the proceedings. The court may also appoint a guardian ad litem to represent the dependent adult if necessary to protect the dependent adult's best interests. The guardian ad litem shall be a practicing attorney. The same attorney may be appointed to serve both as legal counsel and as guardian ad litem. Before legal counsel or a guardian ad litem is appointed pursuant to this section, the court shall require the dependent adult and any person legally responsible for the support of the dependent adult to complete under oath a detailed financial statement. If, on the basis of that financial statement, the court deems that the dependent adult or the legally responsible person is able to bear all or a portion of the cost of the legal counsel or guardian ad litem, the court shall so order. In cases where the dependent adult or the legally responsible person is unable to bear the cost of the legal counsel or guardian ad litem, the expense shall be paid by the county.

Sec. 1510. Section 600A.2, subsection 9, Code 1989, is amended to read as follows:

9. "Guardian ad litem" means a person appointed by a court or juvenile court having jurisdiction over the minor child to represent that child in a legal action. A guardian ad litem appointed under this chapter shall be a practicing attorney.

Sec. 1511. Section 602.1612, subsection 1, Code 1989, is amended to read as follows:

1. Justices of the supreme court, judges of the court of appeals, district judges, and district associate judges who are retired by reason of age or who are drawing benefits under section 602.9106, and senior judges who have retired under

section 602.9207 or who have relinquished senior judgeship under section 602.9208, subsection 1, may with their consent be assigned by the supreme court ~~or by the chief judge in the case of district associate judges~~ to temporary judicial duties on a court in this state if the assignment is deemed necessary by the supreme court to expedite the administration of justice. ~~A retired justice or judge shall not be assigned to temporary judicial duties on any court superior to the highest court to which that justice or judge had been appointed prior to retirement, and shall not be assigned for temporary duties with the supreme court or the court of appeals except in the case of a temporary absence of a member of one of those courts.~~

Sec. 1512. Section 602.9206, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Section 602.1612 does not apply to a senior judge but does apply to a retired senior judge. During the tenure of a senior judge, if the judge is able to serve, the judge may be assigned by the supreme court to temporary judicial duties on courts of this state without salary for an aggregate of thirteen weeks out of each twelve-month period, and for additional weeks with the judge's consent. ~~A senior judge shall not be assigned to judicial duties on a court superior to the highest court to which the judge was appointed prior to retirement, and shall not be assigned to the court of appeals or the supreme court except to serve in the temporary absence of a member of that court.~~ A senior judge shall not be assigned to judicial duties on the supreme court unless the judge has been appointed to serve on the supreme court prior to retirement. While serving on temporary assignment, a senior judge has and may exercise all of the authority of the office to which the judge is assigned, shall continue to be paid the judge's annuity as senior judge, shall be reimbursed for the judge's actual expenses to the extent expenses of a district judge are reimbursable under section 602.1509, may,

if permitted by the assignment order, appoint a temporary court reporter, who shall be paid the remuneration and reimbursement for actual expenses provided by law for a reporter in the court to which the senior judge is assigned, and, if assigned to the court of appeals or the supreme court, shall be given the assistance of a law clerk and a secretary designated by the court administrator of the judicial department from the court administrator's staff. Each order of temporary assignment shall be filed with the clerks of court at the places where the senior judge is to serve.

Sec. 1513. Section 633.244, Code 1989, is amended to read as follows:

633.244 INCOMPETENT SPOUSE -- ELECTION BY COURT.

In case an affidavit is filed that the surviving spouse is incapable of making an election to take against the will, or to elect to occupy the homestead, and does not have a conservator, the court shall fix a time and place of hearing on the matter, and cause a notice thereof to be served upon the surviving spouse in such manner and for such time as the court may direct. At the hearing, a guardian ad litem shall be appointed to represent the spouse, and the court shall enter such orders as it deems appropriate under the circumstances. The guardian ad litem shall be a practicing attorney.

Sec. 1514. Section 633.514, Code 1989, is amended to read as follows:

633.514 HEARING -- CONTINUANCE -- ORDERS.

If, on the day set for hearing, the absentee fails to appear, the court shall appoint some disinterested person as guardian ad litem to appear for the absentee and all distributees not appearing, and said cause shall thereupon stand continued for twenty days. The guardian ad litem shall be a practicing attorney. The court shall have authority to make further continuance upon proper showing. The guardian ad litem shall investigate the matter and things alleged in the

petition. Upon the further hearing, the court shall hear the proofs, and, if satisfied of the truth of the allegations of the petition, shall enter an order establishing the death of the absentee as a matter of law.

Sec. 1515. Section 910A.15, unnumbered paragraph 1, Code 1989, is amended to read as follows:

A prosecuting witness who is a child, as defined in section 702.5, in a case involving a violation of chapter 709 or section 726.2, 726.3, 726.6, or 728.12, is entitled to have the witness's interests represented by a guardian ad litem at all stages of the proceedings arising from such violation. The guardian ad litem ~~may-but-need-not~~ shall be a practicing attorney and shall be designated by the court after due consideration is given to the desires and needs of the child and the compatibility of the child and the child's interests with the prospective guardian ad litem. ~~However, a person who is also a prosecuting witness in the same proceeding shall not be designated guardian ad litem.~~ If a guardian ad litem has previously been appointed for the child in a proceeding under chapter 232 or a proceeding in which the juvenile court has waived jurisdiction under section 232.45, the court shall appoint the same guardian ad litem under this section. The guardian ad litem shall receive notice of and may attend all depositions, hearings and trial proceedings to support the child and advocate for the protection of the child but shall not be allowed to separately introduce evidence or to directly examine or cross-examine witnesses. However, the guardian ad litem shall file reports to the court as required by the court.

Sec. 1516. 1989 Iowa Acts, chapter 165, is repealed.

Sec. 1517. PILOT PROGRAM FOR MEDIATION OF CHILD CUSTODY AND VISITATION ISSUES IN DISSOLUTION CASES ESTABLISHED.

1. The supreme court shall establish a pilot program for mandatory mediation of child custody and visitation issues in dissolution cases pursuant to chapter 598. However, mediation

shall not be mandatory and shall not be ordered if any of the following conditions apply:

- a. The court determines that there is no reasonable possibility that mediation will promote settlement of the issues in dispute.
- b. The court determines there is a substantial allegation of direct physical or significant emotional harm to a party or to a child.
- c. The court determines that mediation will otherwise fail to serve the best interests of the child.
- d. The court determines that a verified petition alleging domestic abuse has been filed by a party pursuant to chapter 236.
- e. The court determines that a child in need of assistance petition has been filed pursuant to chapter 232, division III, concerning a child for whom a custody or visitation determination is necessary.

If the court determines that mediation is inappropriate pursuant to this subsection, the court shall state its findings and conclusions in writing.

The pilot program shall be established in Linn county for a period of two years, beginning July 1, 1990, and ending June 30, 1992.

Proceedings under the program shall be conducted pursuant to the rules for mediation proceedings adopted by the supreme court.

2. The supreme court shall submit a report to the general assembly by January 1, 1993. The report shall contain recommendations regarding the use of mediation in child custody and visitation matters on a statewide basis in proceedings brought under chapter 598. The report shall also include an evaluation of the program as directed by the supreme court.

3. In a proceeding under chapter 598 involving either a temporary or permanent child custody or visitation determination, the court shall order mediation at no cost to the parties.

4. The implementation of this section is contingent upon the appropriation of state funds to carry out its purposes.

Sec. 1518. FAMILY COURT STUDY COMMITTEE.

1. The legislative council is requested to establish an interim study committee to consider the feasibility of the implementation of a family court system within the unified trial court system. The study committee shall submit a report of its findings and recommendations to the legislative council and the general assembly by January 15, 1991.

2. The supreme court shall develop a plan to implement a family court system within the unified trial court system. In developing the plan, the supreme court shall establish a panel consisting of a statewide, geographical representation of each of the following groups:

- a. District judges.
- b. District associate judges.
- c. Juvenile court referees.
- d. Juvenile court officers.
- e. Members of the Iowa state bar association.
- f. Members of the general assembly who shall be ex officio, nonvoting members of the panel.

The supreme court shall submit a report of the findings and conclusions of the panel to the legislative interim study committee, established to study the feasibility of a family court system, by November 15, 1990.

Sec. 1519. STUDY REGARDING LEGAL EDUCATION REQUIREMENTS FOR ATTORNEYS PRACTICING IN FAMILY LAW.

The supreme court is requested to further review the feasibility of implementing an expanded continuing legal education requirement for judges and attorneys practicing in the family law area, to enhance the quality of justice and representation of persons involved in family law issues. In conducting the review, the supreme court shall consider requiring attorneys to attend classes at accredited colleges and universities, in order to indicate a limitation or

description of practice by listing in the field of domestic relations and family law pursuant to disciplinary rule 2-105 of the Iowa code of professional responsibility for lawyers.

DIVISION XVI

Section 1601. FEASIBILITY STUDY.

There is appropriated from the general fund of the state to the Iowa peace institute established in chapter 38 for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a study of the feasibility of establishing an international museum:

..... \$ 35,000

DIVISION XVII

Sec. 1701.

Notwithstanding the appropriations made in 1989 Iowa Acts, chapter 322, section 3, and the certification by the governor to the department of revenue and finance that the ending fund balance on June 30, 1989, was sufficient to fund all of the projects listed in that section, the appropriation of \$33,940,000 for the fiscal year beginning July 1, 1989, and ending June 30, 1990, is reduced by \$28,369,405, and there is appropriated from the general fund of the state to the state board of regents for the following listed fiscal years the amounts specified, to be allocated by the state board of regents for the projects listed in 1989 Iowa Acts, chapter 322, section 3, as follows:

- 1. For the fiscal year beginning July 1, 1990, and ending June 30, 1991: \$ 10,925,405
2. For the fiscal year beginning July 1, 1991, and ending June 30, 1992: \$ 13,530,400
3. For the fiscal year beginning July 1, 1992, and ending June 30, 1993:

..... \$ 3,913,600

The state board of regents shall determine which of the projects listed in 1989 Iowa Acts, chapter 322, section 3, shall be funded for a fiscal year and the amount to be allocated for a project based upon project needs, but the total funding for a project for all fiscal years shall not exceed the amount listed in 1989 Iowa Acts, chapter 322, section 3.

Notwithstanding 1989 Iowa Acts, chapter 322, section 3, as it relates to the reversion of the moneys appropriated in that section, and notwithstanding section 8.33, unobligated or unencumbered funds appropriated in this section for a fiscal year shall not revert to the general fund of the state on June 30 of the fiscal year for which the moneys are appropriated, but shall remain available for the purposes for which appropriated until September 30, 1993.

Sec. 1702.

Section 1701 of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XVIII

Sec. 1801.

There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, for a 2 percent salary contribution by the state, to the peace officers' retirement, accident, and disability system provided for in chapter 97A, to supplement the 16 percent state salary contribution provided for in 1990 Iowa Acts, Senate File 2402, in order to raise the total salary contribution to 18 percent, as follows:

- 1. For the division of criminal investigation and bureau of identification containing the bureaus of identification, liquor law enforcement, and riverboat gambling enforcement: \$ 53,115
2. For the division of narcotics:

..... \$ 20,837

3. For the fire marshal's office:

..... \$ 7,641

Sec. 1802.

Notwithstanding sections 99D.17 and 99D.18, there is appropriated from funds paid to the state racing and gaming commission pursuant to section 99D.14, to the department of public safety for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, for a 2 percent salary contribution by the state, to the peace officers' retirement, accident, and disability system provided for in chapter 97A, to supplement the 16 percent state salary contribution provided for in 1990 Iowa Acts, Senate File 2402, in order to raise the total salary contribution to 18 percent, as follows:

For the pari-mutuel law enforcement agents:

..... \$ 3,207

Sec. 1803.

There is appropriated from the road use tax fund to the department of public safety for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, for a 2 percent salary contribution by the state, to the peace officers' retirement, accident, and disability system provided for in chapter 97A, to supplement the 16 percent state salary contribution provided for in 1990 Iowa Acts, Senate File 2402, in order to raise the total salary contribution to 18 percent, as follows:

For the division of highway safety and uniformed force:

..... \$ 281,156

Sec. 1804.

It is the intent of the general assembly that the appropriations made in sections 1801 through 1803, be used solely for the purposes stated.

Sec. 1805. SPECIAL OLYMPICS FUND.

There is appropriated from the general fund of the state to the Iowa special olympics fund for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the Iowa special olympics fund:

..... \$ 5,000

1. An Iowa special olympics fund is established in the office of the treasurer of state, which shall consist of the amounts appropriated to the fund by the general assembly for each fiscal year.

2. The moneys in the Iowa special olympics fund shall be expended at the request of the honorary chairperson of the Iowa special olympics.

DIVISION XIX

Sec. 1901. Section 422.7, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 23. For a person who is disabled, is fifty-five years of age or older, or is the surviving spouse of an individual or survivor having an insurable interest in an individual who would have qualified for the exemption under this subsection for this tax year, subtract, to the extent included, the total amount of pension, annuity, or retirement allowances received under the peace officers' retirement system under chapter 97A, the Iowa public employees' retirement system under chapter 97B, a pension and annuity retirement system for public school teachers under chapter 294, a disabled and retired fire fighters and police officers system under chapter 410, the Iowa police officers and fire fighters retirement system under chapter 411, the judicial retirement system under chapter 602, article 9, and any federal retirement and disability system, as a result of being an officer or employee of the federal government, up to a maximum each tax year of two thousand five hundred dollars for a person who files a separate state income tax return and five

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thousand dollars for a husband and wife who file a joint state income tax return. However, a surviving spouse who is not disabled or fifty-five years of age or older can only exclude the amount of annuities received as a result of the death of the other spouse.

Sec. 1902. RETROACTIVE APPLICABILITY.

Section 1901 of this Act applies retroactively to January 1, 1990, for tax years beginning on or after that date.

Sec. 1903. REPEAL.

Section 1901 of this Act is repealed effective January 1, 1991, for tax years beginning on or after that date.

DONALD D. AVYNSON
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 2569, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 8, 1990

TERRY E. BRANSTAD
Governor