

Reprinted

FILED APR 2 1990

SENATE FILE 2427
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 8291SC)

Passed Senate, Date 4/5/90(p.1559) Passed House, Date _____
Vote: Ayes 48 Nays 2 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act codifying certain regulatory and budgetary requirements
2 relating to the duties and powers of state agencies and state
3 budget procedures and providing an effective date.

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

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SC 2427

1 Section 1. NEW SECTION. 8.36A FULL-TIME EQUIVALENT
2 POSITION.

3 For purposes of making appropriations and financial reports
4 and as used in appropriations statutes, "full-time equivalent
5 position" means a budgeting and monitoring unit that equates
6 the aggregate of full-time positions, part-time positions, a
7 vacancy and turnover factor, and other adjustments. One full-
8 time equivalent position represents two thousand eighty
9 working hours, which is the regular number of hours one full-
10 time person works in one fiscal year. The number of full-time
11 equivalent positions shall be calculated by totaling the
12 regular number of hours that could be annually worked by
13 persons in all authorized positions, reducing those hours by a
14 vacancy and turnover factor and dividing that amount by two
15 thousand eighty hours. In order to achieve the full-time
16 equivalent position level, the number of filled positions may
17 exceed the number of full-time equivalent positions during
18 parts of the fiscal year to compensate for time periods when
19 the number of filled positions is below the authorized number
20 of full-time equivalent positions.

21 Sec. 2. NEW SECTION. 10A.107 REPAYMENT RECEIPTS.

22 The department may charge state departments, agencies, and
23 commissions for services rendered and the payment received
24 shall be considered repayment receipts as defined in section
25 8.2.

26 Sec. 3. NEW SECTION. 11.21A REPAYMENT OF AUDIT EXPENSES
27 BY STATE DEPARTMENTS AND AGENCIES.

28 The auditor of state shall be reimbursed by a department or
29 agency for performing examinations of the following state
30 departments or agencies, or funds received by a department or
31 agency:

- 32 1. Department of commerce.
- 33 2. Department of human services.
- 34 3. State department of transportation.
- 35 4. Iowa department of public health.

1 5. State board of regents.
2 6. Department of agriculture and land stewardship.
3 7. Department of economic development.
4 8. Department of education.
5 9. Department of employment services.
6 10. Department of natural resources.
7 11. Offices of the clerks of the district court of the
8 judicial department.
9 12. The Iowa public employees' retirement system.
10 13. Federal financial assistance, as defined in Pub. L.
11 No. 98-502, received by all other departments.
12 Sec. 4. Section 218.56, Code 1989, is amended by adding
13 the following new unnumbered paragraph:
14 NEW UNNUMBERED PARAGRAPH. The department of human services
15 shall mail vendor warrants for the department of corrections.
16 Sec. 5. Section 232A.1, Code 1989, is amended to read as
17 follows:
18 232A.1 DEFINITION.
19 For purposes of this chapter, "agency department" means the
20 ~~criminal-and-juvenile-justice-planning-agency-established-in~~
21 ~~chapter-80E~~ judicial department.
22 Sec. 6. Section 232A.2, Code 1989, is amended to read as
23 follows:
24 232A.2 PROGRAM CREATED.
25 A juvenile victim restitution program is created which
26 shall be funded through moneys appropriated by the general
27 assembly to the agency department. The primary purpose of the
28 program is to provide funds to compensate victims for losses
29 due to the delinquent acts of juveniles.
30 Upon completion of a district's plan, the agency department
31 shall provide funds in conformance with the procedures and
32 policies of the state. The agency department shall reclaim
33 any portion of an initial allocation to a judicial district
34 that is unencumbered on December 31 any year. The agency
35 department shall immediately reallocate the reclaimed funds to

1 those judicial districts from which funds were not reclaimed
2 in the manner provided in this section for the original
3 allocation. Any portion of an amount allocated that remains
4 unencumbered on June 30 of any year shall revert to the
5 general fund of the state.

6 Sec. 7. Section 232A.3, Code 1989, is amended to read as
7 follows:

8 232A.3 REPORTS REQUIRED.

9 Each judicial district shall submit a report of the
10 progress and financial status of its juvenile victim
11 restitution program to the agency department on a quarterly
12 basis. The agency department shall prepare and submit
13 annually a report on the progress and financial status of the
14 programs to the general assembly no later than March 15, 1987
15 ~~and again every year thereafter.~~

16 Sec. 8. Section 232A.4, Code 1989, is amended to read as
17 follows:

18 232A.4 RESTITUTION FOR DELINQUENT ACTS.

19 If a judge of a juvenile court finds that a juvenile has
20 committed a delinquent act and requires the juvenile to
21 compensate the victim of that act for losses due to the
22 delinquent act of the juvenile, the juvenile shall make such
23 restitution according to a schedule established by the judge
24 from funds earned by the juvenile pursuant to employment
25 engaged in by the juvenile at the time of disposition. If a
26 juvenile enters into an informal adjustment agreement pursuant
27 to section 232.29 to make such restitution, the juvenile shall
28 make such restitution according to a schedule which shall be a
29 part of the informal adjustment agreement. The restitution
30 shall be made under the direction of a probation juvenile
31 court officer working under the direction of the juvenile
32 court. In those counties where the county maintains an office
33 to provide juvenile victim restitution services, the probation
34 juvenile court officer may use that office's services. If the
35 juvenile is not employed, the juvenile's probation juvenile

1 court officer shall make a reasonable effort to find private
2 or other public employment for the juvenile. However, if the
3 juvenile offender does not have employment at the time of
4 disposition and private or other public employment is not
5 obtained despite the efforts of the juvenile's probation
6 juvenile court officer, the judge may direct the juvenile
7 offender to perform work pursuant to section 232.52,
8 subsection 2, paragraph "a", and arrange for compensation of
9 the juvenile in the manner provided for under the program
10 established pursuant to this chapter.

11 Sec. 9. NEW SECTION. 246.320 INSTITUTIONAL
12 APPROPRIATIONS AND EXPENDITURES.

13 1. The department of corrections shall not revise the
14 allocations to the correctional institutions under the control
15 of the department from the amounts allocated to the
16 institutions, unless notice of the revisions is given prior to
17 their effective date to the legislative fiscal bureau. The
18 notice shall include information on the department's rationale
19 for making the changes and details concerning the workload and
20 performance measures upon which the revisions are based.

21 2. The department of corrections shall report to the
22 legislative fiscal bureau on a monthly basis the current
23 expenditures and full-time equivalent positions of the
24 department's various allocations with a comparison of actual
25 to budgeted expenditures and full-time equivalent positions.

26 The department of corrections shall furnish performance
27 measure data designed to enable comparison of this data with
28 historical expenditure information, and shall assist the
29 legislative fiscal bureau in developing information to be used
30 in legislative oversight of all programs operated by the
31 department.

32 Sec. 10. Section 476.10, Code Supplement 1989, is amended
33 by adding the following new unnumbered paragraphs:

34 NEW UNNUMBERED PARAGRAPH. The utilities division shall
35 transfer at the beginning of each fiscal quarter from appro-

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

12 NEW UNNUMBERED PARAGRAPH. The office of consumer advocate
13 may expend additional funds, including funds for outside
14 consultants, if those additional expenditures are actual
15 expenses which exceed the funds budgeted for utilities
16 investigations and directly result from investigations of
17 utilities. Before the office expends or encumbers an amount
18 in excess of the funds budgeted for investigations, the
19 director of the department of management shall approve the
20 expenditure or encumbrance. Before approval is given, the
21 director of the department of management shall determine that
22 the investigation expenses exceed the funds budgeted by the
23 general assembly to the office of consumer advocate and that
24 the office does not have other funds from which investigation
25 expenses can be paid. Upon approval of the director of the
26 department of management, the office may expend and encumber
27 funds for excess investigation expenses. The amounts
28 necessary to fund the excess investigation expenses shall be
29 collected from those utilities being investigated which caused
30 the excess expenditures, and the collections shall be treated
31 as repayment receipts as defined in section 8.2, subsection 5.

32 Sec. 11. Section 505.7, Code 1989, is amended by adding
33 the following new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. The department of commerce shall
35 transfer sixty percent of insurance revenues received for a

1 fiscal year and derived from sources other than insurer
2 examinations to the general fund of the state and the
3 remaining forty percent of such revenues shall be transferred
4 to the insurance revolving fund.

5 Sec. 12. Section 505.7, Code 1989, is amended by adding
6 the following new unnumbered paragraphs:

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

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

1 the excess examination expenses shall be collected from those
2 insurance companies being regulated which caused the excess
3 expenditures, and the collections shall be treated as
4 repayment receipts as defined in section 8.2, subsection 5.

5 Sec. 13. Section 524.207, Code 1989, is amended by adding
6 the following new unnumbered paragraphs:

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

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

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

4 Sec. 14. Section 533.67, Code 1989, is amended by adding
5 the following new unnumbered paragraphs:

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

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

1 which caused the excess expenditures, and the collections
2 shall be treated as repayment receipts as defined in section
3 8.2, subsection 5.

4 Sec. 15. Section 534.408, Code 1989, is amended by adding
5 the following new subsections:

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

20 NEW SUBSECTION. 9. ADDITIONAL FUNDS FOR EXAMINATIONS.
21 The savings and loan association division may expend
22 additional funds, including funds for additional personnel, if
23 those additional expenditures are actual expenses which exceed
24 the funds budgeted for savings and loan association
25 examinations and directly result from examinations of savings
26 and loan associations. Before the division expends or
27 encumbers an amount in excess of the funds budgeted for
28 examinations, the director of the department of management
29 shall approve the expenditure or encumbrance. Before approval
30 is given, the director of the department of management shall
31 determine that the examination expenses exceed the funds
32 budgeted by the general assembly to the division and that the
33 division does not have other funds from which examination
34 expenses can be paid. Upon approval of the director of the
35 department of management, the division may expend and encumber

1 funds for excess examination expenses. The amounts necessary
2 to fund the excess examination expenses shall be collected
3 from those savings and loan associations being regulated which
4 caused the excess expenditures, and the collections shall be
5 treated as repayment receipts as defined in section 8.2,
6 subsection 5.

7 Sec. 16. Section 546.9, Code 1989, is amended by adding
8 the following new unnumbered paragraph:

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

22 Sec. 17. Section 546.10, Code 1989, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 5. The professional licensing and
25 regulation division shall transfer at the beginning of each
26 fiscal quarter from appropriated trust funds to the
27 administrative services trust fund an amount which represents
28 the division's share of the estimated cost of consolidated
29 administrative services within the department, such share to
30 be in the same proportion as established by agreement in the
31 fiscal year beginning July 1, 1986, and ending June 30, 1987,
32 with the first quarterly transfer to occur between July 1 and
33 July 31 annually. At the close of the fiscal year, actual
34 versus estimated expenditures shall be reconciled and any
35 overpayment shall be returned to the division or any

1 underpayment shall be paid by the division.

2 Sec. 18. NEW SECTION. 602.7203 JUVENILE VICTIM
3 RESTITUTION.

4 The department shall administer the juvenile victim
5 restitution program created in chapter 232A.

6 Sec. 19. Section 905.8, Code 1989, is amended by adding
7 the following new unnumbered paragraphs:

8 NEW UNNUMBERED PARAGRAPH. The department of corrections
9 shall not revise the allocations to the district departments
10 of correctional services from the amounts allocated to the
11 district departments, unless notice of the revisions is given
12 prior to their effective date to the legislative fiscal
13 bureau. The notice shall include information on the
14 department's rationale for making the changes and details
15 concerning the workload and performance measures upon which
16 the revisions are based.

17 NEW UNNUMBERED PARAGRAPH. The department of corrections
18 shall report to the legislative fiscal bureau on a quarterly
19 basis the current expenditures of the department's various
20 allocations to the district departments of correctional
21 services with a comparison of actual to budgeted expenditures.

22 NEW UNNUMBERED PARAGRAPH. The department of corrections
23 shall use the department of management's budget system in
24 developing the budget information for the eight district
25 departments of correctional services, and each of the district
26 departments shall be treated as a separate budget unit with
27 each program modality classified as a separate organization
28 code.

29 NEW UNNUMBERED PARAGRAPH. The department of corrections
30 shall furnish performance measure data designed to enable
31 comparison of this data with historical expenditure
32 information, and shall assist the legislative fiscal bureau in
33 developing information to be used in legislative oversight of
34 all district department programs operated by the department.

35 Sec. 20. NEW SECTION. 907A.3 REPORT TO LEGISLATIVE

1 FISCAL BUREAU.

2 The department of corrections shall report to the
3 legislative fiscal bureau on a monthly basis the current
4 number of persons placed on probation or released on parole
5 residing within this state and supervised pursuant to the
6 interstate probation and parole compact.

7 Sec. 21.

8 Section 11 of this Act takes effect July 1, 1991.

9

EXPLANATION

10 This bill relates to the codification of regulatory
11 language affecting budgeting procedures. Some or all of the
12 language has been contained in whole or in part in
13 appropriation bills in prior years.

14 Code section 8.36A is created to define the term "full-time
15 equivalent position" for purposes of making appropriations and
16 financial reports.

17 Code section 10A.107 is created to allow the department of
18 inspections and appeals to charge state agencies for services
19 rendered by the department and to consider payments received
20 "repayment receipts" under Code chapter 8.

21 Code section 11.21A is amended to require reimbursements by
22 specified state agencies of the auditor of state for
23 performing agency examinations.

24 Code section 218.56 is amended to require the department of
25 human services to continue to mail vendor warrants for the
26 department of corrections.

27 Code sections 232A.1 through 232A.4 are amended to transfer
28 administration of the juvenile victim restitution program from
29 the criminal and juvenile justice planning agency to the
30 judicial department, and to correct references to juvenile
31 court officers.

32 Code section 246.320 is created to require the department
33 of corrections to notify the legislative fiscal bureau of any
34 revisions of appropriations to the state correctional
35 institutions, prior to the effective date of those revisions.

1 The department of corrections is also required to report
2 monthly to the legislative fiscal bureau the current
3 expenditures and full-time equivalent positions of the
4 department's various budget allocations.

5 Code section 476.10 is amended to require the utilities
6 division to quarterly transfer to the department of commerce's
7 administrative services trust fund the division's estimated
8 share of consolidated administrative expenses incurred by the
9 department. The section is also amended to allow the consumer
10 advocate division of the department of justice to expend
11 utility investigation funds in excess of those budgeted if the
12 expenditures are approved by the director of the department of
13 management and the excess investigation expenses are collected
14 from the utilities being investigated. Collections are
15 considered repayment receipts under Code chapter 8.

16 Code section 505.7 is amended, beginning July 1, 1991, to
17 require the transfer of 60% of nonexamination revenues of the
18 insurance division to the general fund of the state and the
19 remaining 40% of such revenues to the insurance revolving
20 fund. The section is also amended to require the insurance
21 division to quarterly transfer to the department of commerce's
22 administrative services trust fund the division's estimated
23 share of consolidated administrative expenses incurred by the
24 department. The section is also amended to allow the
25 insurance division to expend examination funds in excess of
26 those budgeted if the expenditures are approved by the
27 director of the department of management and the excess
28 examination expenses are collected from the insurance
29 companies being examined. Collections are considered
30 repayment receipts under Code chapter 8.

31 Code section 524.207 is amended to require the banking
32 division to quarterly transfer to the department of commerce's
33 administrative services trust fund the division's estimated
34 share of consolidated administrative expenses incurred by the
35 department. The section is also amended to allow the banking

1 division to expend examination funds in excess of those
2 budgeted if the expenditures are approved by the director of
3 the department of management and the excess examination
4 expenses are collected from the banks being examined.
5 Collections are considered repayment receipts under Code
6 chapter 8.

7 Code section 533.67 is amended to require the credit union
8 division to quarterly transfer to the department of commerce's
9 administrative services trust fund the division's estimated
10 share of consolidated administrative expenses incurred by the
11 department. The section is also amended to allow the credit
12 union division to expend examination funds in excess of those
13 budgeted if the expenditures are approved by the director of
14 the department of management and the excess examination
15 expenses are collected from the credit unions being examined.
16 Collections are considered repayment receipts under Code
17 chapter 8.

18 Code section 534.408 is amended to require the savings and
19 loan association division to quarterly transfer to the
20 department of commerce's administrative services trust fund
21 the division's estimated share of consolidated administrative
22 expenses incurred by the department. The section is also
23 amended to allow the savings and loan association division to
24 expend examination funds in excess of those budgeted if the
25 expenditures are approved by the director of the department of
26 management and the excess examination expenses are collected
27 from the savings and loan associations being examined.
28 Collections are considered repayment receipts under Code
29 chapter 8.

30 Code section 546.9 is amended to require the alcoholic
31 beverages division to quarterly transfer to the department of
32 commerce's administrative services trust fund the division's
33 estimated share of consolidated administrative expenses
34 incurred by the department.

35 Code section 546.10 is amended to require the professional

1 licensing and regulation division to quarterly transfer to the
2 department of commerce's administrative services trust fund
3 the division's estimated share of consolidated administrative
4 expenses incurred by the department.

5 Code section 602.7203 is created to require the judicial
6 department to administer the juvenile victim restitution
7 program created in chapter 232A.

8 Code section 905.8 is amended to require the department of
9 corrections to notify the legislative fiscal bureau of any
10 revisions of appropriations to the district departments of
11 correctional services, prior to the effective date of those
12 revisions. The department of corrections is also required to
13 report quarterly to the legislative fiscal bureau the current
14 expenditures of the department's various budget allocations to
15 the district departments.

16 Code section 907A.3 is created to require the department of
17 corrections to report monthly to the legislative fiscal bureau
18 the current number of persons placed on probation or released
19 on parole and supervised pursuant to the interstate probation
20 and parole compact.

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SENATE FILE 2427

S-5859

- 1 Amend Senate File 2427 as follows:
2 1. Page 4, by inserting after line 31, the
3 following:
4 "Sec. ____ . Section 475A.6, Code 1989, is amended
5 by adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. The office of consumer
7 advocate may expend additional funds, including funds
8 for outside consultants, if those additional
9 expenditures are actual expenses which exceed the
10 funds budgeted for utilities investigations and
11 directly result from investigations of utilities.
12 Before the office expends or encumbers an amount in
13 excess of the funds budgeted for investigations, the
14 director of the department of management shall approve
15 the expenditure or encumbrance. Before approval is
16 given, the director of the department of management
17 shall determine that the investigation expenses exceed
18 the funds budgeted by the general assembly to the
19 office of consumer advocate and that the office does
20 not have other funds from which investigation expenses
21 can be paid. Upon approval of the director of the
22 department of management, the office may expend and
23 encumber funds for excess investigation expenses. The
24 amounts necessary to fund the excess investigation
25 expenses shall be collected from those utilities being
26 investigated which caused the excess expenditures, and
27 the collections shall be treated as repayment receipts
28 as defined in section 8.2, subsection 5."
29 2. Page 4, line 33, by striking the word
30 "paragraphs" and inserting the following:
31 "paragraph".
32 3. Page 5, by striking lines 12 through 31.
33 4. By renumbering as necessary.

By JOE WELSH

S-5859 FILED APRIL 3, 1990

Adopted 4/5 (p. 1559)

SENATE FILE 2427

S-5869

- 1 Amend Senate File 2427 as follows:
2 1. Page 10, by striking lines 7 through 21.
3 2. by renumbering as necessary.

By JOE WELSH

S-5869 FILED APRIL 3, 1990

W/D 4/5 (p. 1559)

SENATE FILE 2427
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 8291SC)

(AS AMENDED AND PASSED BY THE SENATE APRIL 5, 1990)

- ~~_____~~ - New Language by the Senate
- * - Language Stricken by the Senate

Passed Senate, Date 4/5/90 (p. 1551) Passed House, Date 4/7/90 (p. 2228)
 Vote: Ayes 48 Nays 2 Vote: Ayes 94 Nays 0
 Approved May 6, 1990

A BILL FOR

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S.F. 2427

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3 For purposes of making appropriations and financial reports
4 and as used in appropriations statutes, "full-time equivalent
5 position" means a budgeting and monitoring unit that equates
6 the aggregate of full-time positions, part-time positions, a
7 vacancy and turnover factor, and other adjustments. One full-
8 time equivalent position represents two thousand eighty
9 working hours, which is the regular number of hours one full-
10 time person works in one fiscal year. The number of full-time
11 equivalent positions shall be calculated by totaling the
12 regular number of hours that could be annually worked by
13 persons in all authorized positions, reducing those hours by a
14 vacancy and turnover factor and dividing that amount by two
15 thousand eighty hours. In order to achieve the full-time
16 equivalent position level, the number of filled positions may
17 exceed the number of full-time equivalent positions during
18 parts of the fiscal year to compensate for time periods when
19 the number of filled positions is below the authorized number
20 of full-time equivalent positions.

21 Sec. 2. NEW SECTION. 10A.107 REPAYMENT RECEIPTS.

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23 commissions for services rendered and the payment received
24 shall be considered repayment receipts as defined in section
25 8.2.

26 Sec. 3. NEW SECTION. 11.21A REPAYMENT OF AUDIT EXPENSES
27 BY STATE DEPARTMENTS AND AGENCIES.

28 The auditor of state shall be reimbursed by a department or
29 agency for performing examinations of the following state
30 departments or agencies, or funds received by a department or
31 agency:

- 32 1. Department of commerce.
- 33 2. Department of human services.
- 34 3. State department of transportation.
- 35 4. Iowa department of public health.

- 1 5. State board of regents.
- 2 6. Department of agriculture and land stewardship.
- 3 7. Department of economic development.
- 4 8. Department of education.
- 5 9. Department of employment services.
- 6 10. Department of natural resources.
- 7 11. Offices of the clerks of the district court of the
- 8 judicial department.
- 9 12. The Iowa public employees' retirement system.

10 13. Federal financial assistance, as defined in Pub. L.
11 No. 98-502, received by all other departments.

12 Sec. 4. Section 218.56, Code 1989, is amended by adding
13 the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. The department of human services
15 shall mail vendor warrants for the department of corrections.

16 Sec. 5. Section 232A.1, Code 1989, is amended to read as
17 follows:

18 232A.1 DEFINITION.

19 For purposes of this chapter, "agency department" means the
20 ~~criminal-and-juvenile-justice-planning-agency-established-in~~
21 ~~chapter-80E~~ judicial department.

22 Sec. 6. Section 232A.2, Code 1989, is amended to read as
23 follows:

24 232A.2 PROGRAM CREATED.

25 A juvenile victim restitution program is created which
26 shall be funded through moneys appropriated by the general
27 assembly to the agency department. The primary purpose of the
28 program is to provide funds to compensate victims for losses
29 due to the delinquent acts of juveniles.

30 Upon completion of a district's plan, the agency department
31 shall provide funds in conformance with the procedures and
32 policies of the state. The agency department shall reclaim
33 any portion of an initial allocation to a judicial district
34 that is unencumbered on December 31 of any year. The agency
35 department shall immediately reallocate the reclaimed funds to

1 those judicial districts from which funds were not reclaimed
2 in the manner provided in this section for the original
3 allocation. Any portion of an amount allocated that remains
4 unencumbered on June 30 of any year shall revert to the
5 general fund of the state.

6 Sec. 7. Section 232A.3, Code 1989, is amended to read as
7 follows:

8 232A.3 REPORTS REQUIRED.

9 Each judicial district shall submit a report of the
10 progress and financial status of its juvenile victim
11 restitution program to the agency department on a quarterly
12 basis. The agency department shall prepare and submit
13 annually a report on the progress and financial status of the
14 programs to the general assembly no later than March 15~~7~~-~~1984~~,
15 ~~and-again-every-year-thereafter~~.

16 Sec. 8. Section 232A.4, Code 1989, is amended to read as
17 follows:

18 232A.4 RESTITUTION FOR DELINQUENT ACTS.

19 If a judge of a juvenile court finds that a juvenile has
20 committed a delinquent act and requires the juvenile to
21 compensate the victim of that act for losses due to the
22 delinquent act of the juvenile, the juvenile shall make such
23 restitution according to a schedule established by the judge
24 from funds earned by the juvenile pursuant to employment
25 engaged in by the juvenile at the time of disposition. If a
26 juvenile enters into an informal adjustment agreement pursuant
27 to section 232.29 to make such restitution, the juvenile shall
28 make such restitution according to a schedule which shall be a
29 part of the informal adjustment agreement. The restitution
30 shall be made under the direction of a probation juvenile
31 court officer working under the direction of the juvenile
32 court. In those counties where the county maintains an office
33 to provide juvenile victim restitution services, the probation
34 juvenile court officer may use that office's services. If the
35 juvenile is not employed, the juvenile's probation juvenile

1 court officer shall make a reasonable effort to find private
2 or other public employment for the juvenile. However, if the
3 juvenile offender does not have employment at the time of
4 disposition and private or other public employment is not
5 obtained despite the efforts of the juvenile's probation
6 juvenile court officer, the judge may direct the juvenile
7 offender to perform work pursuant to section 232.52,
8 subsection 2, paragraph "a", and arrange for compensation of
9 the juvenile in the manner provided for under the program
10 established pursuant to this chapter.

11 Sec. 9. NEW SECTION. 246.320 INSTITUTIONAL
12 APPROPRIATIONS AND EXPENDITURES.

13 1. The department of corrections shall not revise the
14 allocations to the correctional institutions under the control
15 of the department from the amounts allocated to the
16 institutions, unless notice of the revisions is given prior to
17 their effective date to the legislative fiscal bureau. The
18 notice shall include information on the department's rationale
19 for making the changes and details concerning the workload and
20 performance measures upon which the revisions are based.

21 2. The department of corrections shall report to the
22 legislative fiscal bureau on a monthly basis the current
23 expenditures and full-time equivalent positions of the
24 department's various allocations with a comparison of actual
25 to budgeted expenditures and full-time equivalent positions.

26 The department of corrections shall furnish performance
27 measure data designed to enable comparison of this data with
28 historical expenditure information, and shall assist the
29 legislative fiscal bureau in developing information to be used
30 in legislative oversight of all programs operated by the
31 department.

32 Sec. 10. Section 475A.6, Code 1989, is amended by adding
33 the following new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. The office of consumer advocate
35 may expend additional funds, including funds for outside

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

19 Sec. 11. Section 476.10, Code Supplement 1989, is amended
20 by adding the following new unnumbered paragraph:

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

* 34 Sec. 12. Section 505.7, Code 1989, is amended by adding
35 the following new unnumbered paragraph:

1 NEW UNNUMBERED PARAGRAPH. The department of commerce shall
2 transfer sixty percent of insurance revenues received for a
3 fiscal year and derived from sources other than insurer
4 examinations to the general fund of the state and the
5 remaining forty percent of such revenues shall be transferred
6 to the insurance revolving fund.

7 Sec. 13. Section 505.7, Code 1989, is amended by adding
8 the following new unnumbered paragraphs:

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

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

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

7 Sec. 14. Section 524.207, Code 1989, is amended by adding
8 the following new unnumbered paragraphs:

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

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

1 funds for excess examination expenses. The amounts necessary
2 to fund the excess examination expenses shall be collected
3 from those banks being regulated which caused the excess
4 expenditures, and the collections shall be treated as
5 repayment receipts as defined in section 8.2, subsection 5.

6 Sec. 15. Section 533.67, Code 1989, is amended by adding
7 the following new unnumbered paragraphs:

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

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

1 The amounts necessary to fund the excess examination expenses
2 shall be collected from those credit unions being regulated
3 which caused the excess expenditures, and the collections
4 shall be treated as repayment receipts as defined in section
5 8.2, subsection 5.

6 Sec. 16. Section 534.408, Code 1989, is amended by adding
7 the following new subsections:

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

22 NEW SUBSECTION. 9. ADDITIONAL FUNDS FOR EXAMINATIONS.
23 The savings and loan association division may expend
24 additional funds, including funds for additional personnel, if
25 those additional expenditures are actual expenses which exceed
26 the funds budgeted for savings and loan association
27 examinations and directly result from examinations of savings
28 and loan associations. Before the division expends or
29 encumbers an amount in excess of the funds budgeted for
30 examinations, the director of the department of management
31 shall approve the expenditure or encumbrance. Before approval
32 is given, the director of the department of management shall
33 determine that the examination expenses exceed the funds
34 budgeted by the general assembly to the division and that the
35 division does not have other funds from which examination

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

9 Sec. 17. Section 546.9, Code 1989, is amended by adding
10 the following new unnumbered paragraph:

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

24 Sec. 18. Section 546.10, Code 1989, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 5. The professional licensing and
27 regulation division shall transfer at the beginning of each
28 fiscal quarter from appropriated trust funds to the
29 administrative services trust fund an amount which represents
30 the division's share of the estimated cost of consolidated
31 administrative services within the department, such share to
32 be in the same proportion as established by agreement in the
33 fiscal year beginning July 1, 1986, and ending June 30, 1987,
34 with the first quarterly transfer to occur between July 1 and
35 July 31 annually. At the close of the fiscal year, actual

1 versus estimated expenditures shall be reconciled and any
2 overpayment shall be returned to the division or any
3 underpayment shall be paid by the division.

4 Sec. 19. NEW SECTION. 602.7203 JUVENILE VICTIM
5 RESTITUTION.

6 The department shall administer the juvenile victim
7 restitution program created in chapter 232A.

8 Sec. 20. Section 905.8, Code 1989, is amended by adding
9 the following new unnumbered paragraphs:

10 NEW UNNUMBERED PARAGRAPH. The department of corrections
11 shall not revise the allocations to the district departments
12 of correctional services from the amounts allocated to the
13 district departments, unless notice of the revisions is given
14 prior to their effective date to the legislative fiscal
15 bureau. The notice shall include information on the
16 department's rationale for making the changes and details
17 concerning the workload and performance measures upon which
18 the revisions are based.

19 NEW UNNUMBERED PARAGRAPH. The department of corrections
20 shall report to the legislative fiscal bureau on a quarterly
21 basis the current expenditures of the department's various
22 allocations to the district departments of correctional
23 services with a comparison of actual to budgeted expenditures.

24 NEW UNNUMBERED PARAGRAPH. The department of corrections
25 shall use the department of management's budget system in
26 developing the budget information for the eight district
27 departments of correctional services, and each of the district
28 departments shall be treated as a separate budget unit with
29 each program modality classified as a separate organization
30 code.

31 NEW UNNUMBERED PARAGRAPH. The department of corrections
32 shall furnish performance measure data designed to enable
33 comparison of this data with historical expenditure
34 information, and shall assist the legislative fiscal bureau in
35 developing information to be used in legislative oversight of

1 all district department programs operated by the department.

2 Sec. 21. NEW SECTION. 907A.3 REPORT TO LEGISLATIVE
3 FISCAL BUREAU.

4 The department of corrections shall report to the
5 legislative fiscal bureau on a monthly basis the current
6 number of persons placed on probation or released on parole
7 residing within this state and supervised pursuant to the
8 interstate probation and parole compact.

9 Sec. 22.

10 Section 12 of this Act takes effect July 1, 1991.

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SENATE FILE 2427

AN ACT

CODIFYING CERTAIN REGULATORY AND BUDGETARY REQUIREMENTS
RELATING TO THE DUTIES AND POWERS OF STATE AGENCIES
AND STATE BUDGET PROCEDURES AND PROVIDING AN EFFECTIVE
DATE.

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

Section 1. NEW SECTION. 8.36A FULL-TIME EQUIVALENT
POSITION.

For purposes of making appropriations and financial reports and as used in appropriations statutes, "full-time equivalent position" means a budgeting and monitoring unit that equates the aggregate of full-time positions, part-time positions, a vacancy and turnover factor, and other adjustments. One full-time equivalent position represents two thousand eighty working hours, which is the regular number of hours one full-time person works in one fiscal year. The number of full-time equivalent positions shall be calculated by totaling the regular number of hours that could be annually worked by persons in all authorized positions, reducing those hours by a vacancy and turnover factor and dividing that amount by two thousand eighty hours. In order to achieve the full-time equivalent position level, the number of filled positions may exceed the number of full-time equivalent positions during parts of the fiscal year to compensate for time periods when the number of filled positions is below the authorized number of full-time equivalent positions.

Sec. 2. NEW SECTION. 10A.107 REPAYMENT RECEIPTS.

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

Sec. 3. NEW SECTION. 11.21A REPAYMENT OF AUDIT EXPENSES
BY STATE DEPARTMENTS AND AGENCIES.

The auditor of state shall be reimbursed by a department or agency for performing examinations of the following state departments or agencies, or funds received by a department or agency:

1. Department of commerce.
2. Department of human services.
3. State department of transportation.
4. Iowa department of public health.
5. State board of regents.
6. Department of agriculture and land stewardship.
7. Department of economic development.
8. Department of education.
9. Department of employment services.
10. Department of natural resources.
11. Offices of the clerks of the district court of the judicial department.
12. The Iowa public employees' retirement system.
13. Federal financial assistance, as defined in Pub. L. No. 98-502, received by all other departments.

Sec. 4. Section 218.56, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department of human services shall mail vendor warrants for the department of corrections.

Sec. 5. Section 232A.1, Code 1989, is amended to read as follows:

232A.1 DEFINITION.

For purposes of this chapter, "agency department" means the ~~criminal-and-juvenile-justice-planning-agency-established-in chapter-808~~ judicial department.

Sec. 6. Section 232A.2, Code 1989, is amended to read as follows:

232A.2 PROGRAM CREATED.

A juvenile victim restitution program is created which shall be funded through moneys appropriated by the general

assembly to the agency department. The primary purpose of the program is to provide funds to compensate victims for losses due to the delinquent acts of juveniles.

Upon completion of a district's plan, the agency department shall provide funds in conformance with the procedures and policies of the state. The agency department shall reclaim any portion of an initial allocation to a judicial district that is unencumbered on December 31 of any year. The agency department shall immediately reallocate the reclaimed funds to those judicial districts from which funds were not reclaimed in the manner provided in this section for the original allocation. Any portion of an amount allocated that remains unencumbered on June 30 of any year shall revert to the general fund of the state.

Sec. 7. Section 232A.3, Code 1989, is amended to read as follows:

232A.3 REPORTS REQUIRED.

Each judicial district shall submit a report of the progress and financial status of its juvenile victim restitution program to the agency department on a quarterly basis. The agency department shall prepare and submit annually a report on the progress and financial status of the programs to the general assembly no later than March 15, ~~1987~~, and again every year thereafter.

Sec. 8. Section 232A.4, Code 1989, is amended to read as follows:

232A.4 RESTITUTION FOR DELINQUENT ACTS.

If a judge of a juvenile court finds that a juvenile has committed a delinquent act and requires the juvenile to compensate the victim of that act for losses due to the delinquent act of the juvenile, the juvenile shall make such restitution according to a schedule established by the judge from funds earned by the juvenile pursuant to employment engaged in by the juvenile at the time of disposition. If a juvenile enters into an informal adjustment agreement pursuant to section 232.29 to make such restitution, the juvenile shall

make such restitution according to a schedule which shall be a part of the informal adjustment agreement. The restitution shall be made under the direction of a probation juvenile court officer working under the direction of the juvenile court. In those counties where the county maintains an office to provide juvenile victim restitution services, the probation juvenile court officer may use that office's services. If the juvenile is not employed, the juvenile's probation juvenile court officer shall make a reasonable effort to find private or other public employment for the juvenile. However, if the juvenile offender does not have employment at the time of disposition and private or other public employment is not obtained despite the efforts of the juvenile's probation juvenile court officer, the judge may direct the juvenile offender to perform work pursuant to section 232.52, subsection 2, paragraph "a", and arrange for compensation of the juvenile in the manner provided for under the program established pursuant to this chapter.

Sec. 9. NEW SECTION. 246.320 INSTITUTIONAL APPROPRIATIONS AND EXPENDITURES.

1. The department of corrections shall not revise the allocations to the correctional institutions under the control of the department from the amounts allocated to the institutions, unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes and details concerning the workload and performance measures upon which the revisions are based.

2. The department of corrections shall report to the legislative fiscal bureau on a monthly basis the current expenditures and full-time equivalent positions of the department's various allocations with a comparison of actual to budgeted expenditures and full-time equivalent positions.

The department of corrections shall furnish performance measure data designed to enable comparison of this data with historical expenditure information, and shall assist the

legislative fiscal bureau in developing information to be used in legislative oversight of all programs operated by the department.

Sec. 10. Section 475A.6, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The office of consumer advocate may expend additional funds, including funds for outside consultants, if those additional expenditures are actual expenses which exceed the funds budgeted for utilities investigations and directly result from investigations of utilities. Before the office expends or encumbers an amount in excess of the funds budgeted for investigations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the investigation expenses exceed the funds budgeted by the general assembly to the office of consumer advocate and that the office does not have other funds from which investigation expenses can be paid. Upon approval of the director of the department of management, the office may expend and encumber funds for excess investigation expenses. The amounts necessary to fund the excess investigation expenses shall be collected from those utilities being investigated which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2, subsection 5.

Sec. 11. Section 476.10, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

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

annually. At the close of the fiscal year, actual versus estimated expenditures shall be reconciled and any overpayment shall be returned to the division or any underpayment shall be paid by the division.

Sec. 12. Section 505.7, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department of commerce shall transfer sixty percent of insurance revenues received for a fiscal year and derived from sources other than insurer examinations to the general fund of the state and the remaining forty percent of such revenues shall be transferred to the insurance revolving fund.

Sec. 13. Section 505.7, Code 1989, is amended by adding the following new unnumbered paragraphs:

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

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

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

Sec. 14. Section 524.207, Code 1989, is amended by adding the following new unnumbered paragraphs:

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

NEW UNNUMBERED PARAGRAPH. The banking division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for bank examinations and directly result from examinations of banks. Before the division expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the examination expenses exceed the funds

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

Sec. 15. Section 533.67, Code 1989, is amended by adding the following new unnumbered paragraphs:

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

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

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

Sec. 16. Section 534.408, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 8. ADMINISTRATIVE SERVICES COST. The savings and loan association division shall transfer at the beginning of each fiscal quarter from appropriated trust funds to the administrative services trust fund an amount which represents the division's share of the estimated cost of consolidated administrative services within the department of commerce, such share to be in the same proportion as established by agreement in the fiscal year beginning July 1, 1986, and ending June 30, 1987, with the first quarterly transfer to occur between July 1 and July 31 annually. At the close of the fiscal year, actual versus estimated expenditures shall be reconciled and any overpayment shall be returned to the division or any underpayment shall be paid by the division.

NEW SUBSECTION. 9. ADDITIONAL FUNDS FOR EXAMINATIONS. The savings and loan association division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for savings and loan association examinations and directly result from examinations of savings and loan associations. Before the division expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the examination expenses exceed the funds

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

Sec. 17. Section 546.9, Code 1989, is amended by adding the following new unnumbered paragraph:

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

Sec. 18. Section 546.10, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The professional licensing and regulation division shall transfer at the beginning of each fiscal quarter from appropriated trust funds to the administrative services trust fund an amount which represents the division's share of the estimated cost of consolidated administrative services within the department, such share to be in the same proportion as established by agreement in the fiscal year beginning July 1, 1986, and ending June 30, 1987, with the first quarterly transfer to occur between July 1 and

July 31 annually. At the close of the fiscal year, actual versus estimated expenditures shall be reconciled and any overpayment shall be returned to the division or any underpayment shall be paid by the division.

Sec. 19. NEW SECTION. 602.7203 JUVENILE VICTIM RESTITUTION.

The department shall administer the juvenile victim restitution program created in chapter 232A.

Sec. 20. Section 905.8, Code 1989, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The department of corrections shall not revise the allocations to the district departments of correctional services from the amounts allocated to the district departments, unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes and details concerning the workload and performance measures upon which the revisions are based.

NEW UNNUMBERED PARAGRAPH. The department of corrections shall report to the legislative fiscal bureau on a quarterly basis the current expenditures of the department's various allocations to the district departments of correctional services with a comparison of actual to budgeted expenditures.

NEW UNNUMBERED PARAGRAPH. The department of corrections shall use the department of management's budget system in developing the budget information for the eight district departments of correctional services, and each of the district departments shall be treated as a separate budget unit with each program modality classified as a separate organization code.

NEW UNNUMBERED PARAGRAPH. The department of corrections shall furnish performance measure data designed to enable comparison of this data with historical expenditure information, and shall assist the legislative fiscal bureau in developing information to be used in legislative oversight of all district department programs operated by the department.

Sec. 21. NEW SECTION. 907A.3 REPORT TO LEGISLATIVE FISCAL BUREAU.

The department of corrections shall report to the legislative fiscal bureau on a monthly basis the current number of persons placed on probation or released on parole residing within this state and supervised pursuant to the interstate probation and parole compact.

Sec. 22.


Section 12 of this Act takes effect July 1, 1991.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2427, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved  , 1990

TERRY E. BRANSTAD
Governor