

SENATE FILE 529
BY COMMITTEE ON APPROPRIATIONS

Passed Senate, Date 4/2/91 (S. 995) Passed House, Date 4/25/91 (P. 1595)
Vote: Ayes 50 Nays 0 Vote: Ayes 63 Nays 36
Approved Item Veto June 7, 1991

A BILL FOR

1 An Act relating to and making appropriations to state
2 departments, agencies, programs, funds, and the interstate
3 agricultural grain marketing commission, and providing
4 effective dates.

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

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SF 529

DIVISION I
ADMINISTRATION

1
2
3 Sec. 101. There is appropriated from the general fund of
4 the state to the office of the secretary of state for the
5 fiscal year beginning July 1, 1991, and ending June 30, 1992,
6 the following amount, or so much thereof as is necessary, to
7 be used for the purposes designated:

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

| | | |
|----------|------|-----------|
| 11 | \$ | 1,623,450 |
| 12 | FTEs | 50.00 |

13 Sec. 102. There is appropriated from the general fund of
14 the state to the offices of the governor and the lieutenant
15 governor for the fiscal year beginning July 1, 1991, and
16 ending June 30, 1992, the following amounts, or so much
17 thereof as is necessary, to be used for the purposes
18 designated:

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

| | | |
|----------|------|---------|
| 23 | \$ | 993,462 |
| 24 | FTEs | 17.00 |

25 2. For the governor's expenses and the lieutenant
26 governor's expenses connected with office:

| | | |
|----------|----|-------|
| 27 | \$ | 2,850 |
|----------|----|-------|

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

| | | |
|----------|------|--------|
| 31 | \$ | 94,493 |
| 32 | FTEs | 3.00 |

33 4. For the payment of expenses of ad hoc committees,
34 councils, and task forces appointed by the governor to
35 research and analyze a particular subject area relevant to the

1 problems and responsibilities of state and local government,
2 including the employment of professional, technical, and
3 administrative staff and the payment of per diem and actual
4 expenses of committee, council, or task force members as
5 specified pursuant to section 7E.6. However, a member shall
6 not receive a per diem if the member is receiving a salary as
7 a full-time public employee, but members shall be reimbursed
8 for actual and necessary expenses.

9 As a condition, limitation, and qualification of this
10 appropriation, the ad hoc committees, councils, and task
11 forces appointed by the governor shall be subject to chapters
12 21 and 22 and the members shall be so informed:

13 \$ 1,900

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

18 \$ 96,900

19 FTEs 2.00

20 6. For payment of Iowa's membership in the national
21 governors' conference:

22 \$ 80,985

23 Sec. 103. There is appropriated from the general fund of
24 the state to the office of the governor's drug enforcement and
25 abuse prevention coordinator for the fiscal year beginning
26 July 1, 1991, and ending June 30, 1992, the following amounts,
27 or so much thereof as is necessary, to be used for the
28 purposes designated:

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

32 \$ 159,596

33 FTEs 8.00

34 2. For the Iowa substance abuse information center located
35 in Cedar Rapids:

1 \$ 56,050

2 As a condition, limitation, and qualification of this
3 appropriation, the drug enforcement and abuse prevention
4 coordinator shall use the amount appropriated in this
5 subsection to match and obtain available federal funds, the
6 total amount of these funds to be used for the costs of the
7 information center.

8 Sec. 104. There is appropriated from the general fund of
9 the state to the office of treasurer of state 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 salaries, support, maintenance, miscellaneous purposes,
14 and for not more than the following full-time equivalent posi-
15 tions:

16 \$ 752,033
17 FTEs 28.00

18 Sec. 105. There is appropriated from the general fund of
19 the state to the executive council for the fiscal year
20 beginning July 1, 1991, and ending June 30, 1992, the
21 following amount, or so much thereof as is necessary, to be
22 used for the purposes designated:

23 For salaries, support, maintenance, miscellaneous purposes,
24 and for not more than the following full-time equivalent posi-
25 tions:

26 \$ 41,855
27 FTEs 1.12

28 Sec. 106. There is appropriated from the general fund of
29 the state to the following named agencies for the fiscal year
30 beginning July 1, 1991, and ending June 30, 1992, the
31 following amounts, or so much thereof as is necessary, to be
32 used for the purposes designated:

33 1. NATIONAL CONFERENCE OF STATE LEGISLATURES

34 For support of the membership assessment:

35 \$ 75,848

1 2. COMMISSION ON UNIFORM STATE LAWS

2 For support of the commission and expenses of the members:
3 \$ 17,545

4 Sec. 107. There is appropriated from the general fund of
5 the state to the department of general services for the fiscal
6 year beginning July 1, 1991, and ending June 30, 1992, the
7 following amounts, or so much thereof as is necessary, to be
8 used for the purposes designated:

9 1. ADMINISTRATION DIVISION

10 For salaries, support, maintenance, miscellaneous purposes,
11 and for not more than the following full-time equivalent posi-
12 tions:

13 \$ 587,133
14 FTEs 18.00

15 2. COMMUNICATIONS DIVISION

16 For salaries, support, maintenance, miscellaneous purposes,
17 and for not more than the following full-time equivalent posi-
18 tions:

19 \$ 169,305
20 FTEs 19.00

21 3. MATERIALS MANAGEMENT DIVISION

22 For salaries, support, maintenance, miscellaneous purposes,
23 and for not more than the following full-time equivalent posi-
24 tions:

25 \$ 86,583
26 FTEs 3.30

27 4. PROPERTY MANAGEMENT DIVISION

28 For salaries, support, maintenance, miscellaneous purposes,
29 and for not more than the following full-time equivalent posi-
30 tions:

31 \$ 3,793,295
32 FTEs 150.00

33 5. PRINTING AND MAIL DIVISION

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

1 tions:

| | | |
|---------|------|---------|
| 2 | \$ | 482,134 |
| 3 | FTEs | 22.00 |

4 6. RECORDS MANAGEMENT DIVISION

5 For salaries, support, maintenance, miscellaneous purposes,
6 and for not more than the following full-time equivalent posi-
7 tions:

| | | |
|---------|------|---------|
| 8 | \$ | 407,208 |
| 9 | FTEs | 13.00 |

10 7. INFORMATION SERVICES DIVISION

11 For salaries, support, maintenance, miscellaneous purposes,
12 and for not more than the following full-time equivalent posi-
13 tions:

| | | |
|----------|------|-----------|
| 14 | \$ | 6,861,332 |
| 15 | FTEs | 158.00 |

16 It is the intent of the general assembly that \$268,829 be
17 used for increased capacity of the mainframe services which
18 will improve the availability, response time, and improve the
19 workload.

20 8. The department of general services shall not change the
21 appropriations for the purposes designated in subsections 1
22 through 7 from the amounts appropriated under those
23 subsections unless notice of the revisions is given prior to
24 their effective date to the legislative fiscal bureau. The
25 notice shall include information on the department's rationale
26 for making the changes.

27 9. Savings achieved in providing telecommunications
28 services shall be used by the department of general services
29 to increase efficiencies in the provision of those services.
30 The department of general services shall report semiannually
31 to the chairpersons and the ranking members of the joint
32 administration appropriations subcommittee and to the
33 legislative fiscal bureau. The reports shall include a
34 listing of the projects and efficiencies undertaken, the cost
35 of each project, and the benefits, including the projected

1 savings on an annual basis and for the life of the efficiency
2 improvement.

3 10. The division administrators within the department of
4 general services shall cooperate with the legislative fiscal
5 bureau to develop definitions of goals and performance
6 measures for the divisions and programs selected by the
7 administration appropriations subcommittees or by the
8 legislative fiscal bureau. Data for these measures shall be
9 collected and provided to the legislative fiscal bureau in a
10 timely manner. The department of general services shall also
11 cooperate with the department of management and provide
12 performance data in a timely manner. The department of
13 management shall regularly provide copies of its performance
14 report to the legislative fiscal bureau.

15 Sec. 108. There is appropriated from the general fund of
16 the state to the department of general services for the fiscal
17 year beginning July 1, 1991, and ending June 30, 1992, the
18 following amounts, or so much thereof as is necessary, to be
19 used for the purposes designated:

20 1. CAPITOL PLANNING COMMISSION

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

23 \$ 1,480

24 2. UTILITY COSTS

25 For payment of utility costs:

26 \$ 1,816,740

27 Notwithstanding section 18.12, subsection 11, any excess
28 funds appropriated for utility costs in this subsection shall
29 not be deposited in the general fund of the state on June 30,
30 1992, and these funds are to be used for implementation of
31 energy conservation projects having a payback of 100 percent
32 within a 2-year to 6-year period. The department of general
33 services shall report semiannually to the chairpersons and
34 ranking members of the joint administration appropriations
35 subcommittee and to the legislative fiscal bureau. The

1 reports shall include a listing of the projects undertaken,
2 the cost of each project, and the projected savings on an
3 annual basis and for the life of the project.

4 3. RENTAL SPACE

5 For payment of lease or rental costs of buildings and
6 office space at the seat of government as provided in section
7 18.12, subsection 9, notwithstanding section 18.16:

8 \$ 544,000

9 4. FIRE SAFETY

10 For payment of costs incurred in providing for additional
11 fire safety measures:

12 \$ 67,000

13 The moneys appropriated by this subsection may be used for,
14 but are not limited to, the provision of alarm warning systems
15 and additional means of egress. Moneys provided under this
16 subsection shall not be used to defray the costs of deferred
17 maintenance or for any purpose other than improving fire
18 safety.

19 Sec. 109. There is appropriated from the revolving funds
20 designated to the department of general services for the
21 fiscal year beginning July 1, 1991, and ending June 30, 1992,
22 the following amounts, or so much thereof as is necessary, to
23 be used for the purposes designated:

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

28 \$ 952,840

29 FTEs 30.00

30 2. The remainder of the centralized printing permanent
31 revolving fund is appropriated for the expense incurred in
32 supplying paper stock, offset printing, copy preparation,
33 binding, distribution costs, original payment of printing and
34 binding claims and contingencies arising during the fiscal
35 year beginning July 1, 1991, and ending June 30, 1992, which

1 are legally payable from this fund.

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

| | | |
|---------|------|---------|
| 6 | \$ | 580,507 |
| 7 | FTEs | 15.00 |

8 4. The remainder of the centralized purchasing permanent
9 revolving fund is appropriated for the payment of expenses
10 incurred through purchases by various state departments and
11 for contingencies arising during the fiscal year beginning
12 July 1, 1991, and ending June 30, 1992, which are legally
13 payable from this fund.

14 5. From the vehicle dispatcher revolving fund established
15 by section 18.119 for salaries, support, maintenance, miscel-
16 laneous purposes, and for not more than the following full-
17 time equivalent positions:

| | | |
|----------|------|---------|
| 18 | \$ | 595,786 |
| 19 | FTEs | 17.00 |

20 6. The remainder of the vehicle dispatcher revolving fund
21 is appropriated for the purchase of gasoline, gasohol, oil,
22 tires, repairs, and all other maintenance expenses incurred in
23 the operation of state-owned motor vehicles and for contin-
24 gencies arising during the fiscal year beginning July 1, 1991,
25 and ending June 30, 1992, which are legally payable from this
26 fund.

27 7. The vehicle dispatcher shall report, not later than
28 January 2, 1992, to the chairpersons and the ranking members
29 of the joint administration appropriations subcommittee and to
30 the legislative fiscal bureau regarding the efficiencies of
31 the vehicle fleet and the changes in the efficiencies. The
32 report shall include the cost per mile, fuel efficiencies,
33 maintenance costs, useful life, the costs of extending the
34 useful life, and other measures which the vehicle dispatcher
35 or the legislative fiscal bureau finds appropriate. The

1 information shall be reported for each general type of
2 vehicle. The overhead costs shall also be reported with the
3 total costs of the vehicle dispatcher operations.

4 8. The department of general services shall report
5 semiannually in January and July, the results of the project
6 testing the potential for burning an 85 percent ethanol
7 mixture in the state's test vehicles. The report shall
8 include, but is not limited to, purchase costs, maintenance
9 costs, average mileage, vehicle life, problems encountered,
10 and likely benefits.

11 9. The department of general services shall develop, in
12 consultation with the legislative fiscal bureau, a methodology
13 for directly billing state agencies for the services provided
14 and for recovering depreciation costs. The department shall
15 collect information showing what the billings would be for
16 each state agency if the methodology were implemented and
17 report the findings to the joint administration appropriations
18 subcommittee and to the legislative fiscal bureau by December
19 1, 1991. The department shall inform all state agencies that
20 will be affected by this methodology as to the potential costs
21 if the methodology is implemented for the fiscal year
22 beginning July 1, 1992.

23 Sec. 110. There is appropriated from the general fund of
24 the state to the department of personnel for the fiscal year
25 beginning July 1, 1991, and ending June 30, 1992, the
26 following amounts, or so much thereof as is necessary, to be
27 used for the purposes designated:

28 1. ADMINISTRATION

29 For salaries, support, maintenance, and miscellaneous
30 purposes for the director's staff, office services, data-word
31 processing, and insurance cost management, and for not more
32 than the following full-time equivalent positions:

| | | |
|----------|------|-----------|
| 33 | \$ | 1,161,871 |
| 34 | FTEs | 29.65 |

35 2. FIELD OPERATIONS

1 For salaries for the personnel services, employment
2 law/labor relations, and development, and for not more than
3 the following full-time equivalent positions:

4 \$ 1,328,624
5 FTEs 44.60

6 3. PROGRAM MANAGEMENT

7 a. For salaries for employment and compensation and
8 benefits, and for not more than the following full-time
9 equivalent positions:

10 \$ 1,101,552
11 FTEs 34.00

12 b. For salaries for the administration of the workers'
13 compensation fund and for not more than the following full-
14 time equivalent positions:

15 \$ 140,787
16 FTEs 4.00

17 Any funds received by the department for workers'
18 compensation purposes other than the funds appropriated in
19 paragraph "b" shall be used only for the payment of workers'
20 compensation claims.

21 The funds for support, maintenance, and miscellaneous
22 purposes for personnel assigned to field operations under
23 subsection 2 and program management under subsection 3 are
24 payable from the appropriation made in subsection 1.

25 As a condition, limitation, and qualification of this
26 appropriation, the department of personnel shall report
27 quarterly to the chairpersons and ranking members of the joint
28 administration appropriations subcommittee concerning the
29 number of vacancies in existing full-time equivalent positions
30 and the average time taken to fill the vacancies. The reports
31 shall include quarterly and annual averages organized
32 according to state agency and general occupational category as
33 established by the federal equal employment opportunity
34 commission. All departments and agencies of the state shall
35 cooperate with the department in the preparation of the

1 reports.

2 Sec. 111. There is appropriated from the road use tax fund
3 to the department of personnel for the fiscal year beginning
4 July 1, 1991, and ending June 30, 1992, the following amount,
5 or so much thereof as is necessary, to be used for the
6 purposes designated:

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

10 \$ 32,829

11 Sec. 112. There is appropriated from the primary road fund
12 to the department of personnel for the fiscal year beginning
13 July 1, 1991, and ending June 30, 1992, the following amount,
14 or so much thereof as is necessary, to be used for the
15 purposes designated:

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

19 \$ 330,667

20 Sec. 113. There is appropriated from the Iowa public
21 employees' retirement system fund to the department of
22 personnel for the fiscal year beginning July 1, 1991, and
23 ending June 30, 1992, the following amounts, or so much
24 thereof as is necessary, to be used for the purposes
25 designated:

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

29 \$ 3,003,421

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

34 2. For design, development, and implementation of the data
35 information system:

1 \$ 783,000

2 Notwithstanding section 8.33, funds appropriated in this
3 subsection that remain unencumbered or unobligated on June 30,
4 1992, shall not revert to the Iowa public employees'
5 retirement system fund but shall be available for expenditure
6 in subsequent years to complete the data information system.

7 The department of personnel shall report on or before
8 January 1, 1992, and each 6 months thereafter until the data
9 information system is fully implemented to the chairpersons
10 and ranking members of the joint administration appropriations
11 subcommittee and to the legislative fiscal bureau, on the
12 progress made in implementing the data information system.
13 The report shall include, but is not limited to, moneys spent
14 and encumbered, progress made relative to the scheduled
15 implementation, and benefits or anticipated benefits of the
16 system.

17 The department of personnel shall report to the
18 chairpersons and ranking members of the joint administration
19 appropriations subcommittee and to the legislative fiscal
20 bureau the results and effectiveness of the wellness program
21 pilot project developed and tested by the department of
22 personnel in conjunction with the state department of
23 transportation. The department of personnel shall submit the
24 reports in June and December of each year of the project's
25 existence and shall submit a final report upon completion of
26 the project.

27 The department of personnel shall report to the
28 chairpersons and ranking members of the joint administration
29 appropriations subcommittee and to the legislative fiscal
30 bureau the results and effectiveness of the pilot project
31 regarding the automation of hiring procedures. The department
32 of personnel shall submit progress reports in June and
33 December during the period of existence of the project, and
34 shall submit a final report upon completion of the project.

35 The department of personnel shall submit, annually, a

1 report to the chairpersons and ranking members of the joint
2 administration appropriations subcommittee and to the
3 legislative fiscal bureau regarding the results of the state's
4 top achievement recognition program. The reports submitted
5 shall include, but are not limited to, identification of the
6 recipients, a description of the meritorious achievements, and
7 the awards conferred.

8 Sec. 114. There is appropriated from the general fund of
9 the state to the department of revenue and finance for the
10 fiscal year beginning July 1, 1991, and ending June 30, 1992,
11 the following amounts, or so much thereof as is necessary, to
12 be used for the purposes designated, and for not more than the
13 following full-time equivalent positions used for the purposes
14 designated in subsections 1 through 6:

| | | | |
|----|---|------|------------|
| 15 | ..... | FTEs | 677.60 |
| 16 | 1. AUDIT AND COMPLIANCE | | |
| 17 | For salaries, support, maintenance, and miscellaneous | | |
| 18 | purposes: | | |
| 19 | ..... | \$ | 10,787,985 |
| 20 | 2. FINANCIAL MANAGEMENT | | |
| 21 | For salaries, support, maintenance, and miscellaneous | | |
| 22 | purposes: | | |
| 23 | ..... | \$ | 6,744,640 |
| 24 | 3. INFORMATION AND MANAGEMENT SYSTEMS | | |
| 25 | For salaries, support, maintenance, and miscellaneous | | |
| 26 | purposes: | | |
| 27 | ..... | \$ | 2,053,165 |
| 28 | 4. LOCAL GOVERNMENT SERVICES | | |
| 29 | For salaries, support, maintenance, and miscellaneous | | |
| 30 | purposes: | | |
| 31 | ..... | \$ | 1,362,581 |
| 32 | 5. TECHNICAL SERVICES | | |
| 33 | For salaries, support, maintenance, and miscellaneous | | |
| 34 | purposes: | | |
| 35 | ..... | \$ | 2,225,415 |

1 6. ADMINISTRATION

2 For salaries, support, maintenance, and miscellaneous
3 purposes:

4 \$ 964,784

5 7. INSURANCE PREMIUMS

6 For payments of medical, dental, and life insurance
7 premiums as required in section 79.23:

8 \$ 350,000

9 8. SECURITY DEPOSITS

10 For payments of refunds on security deposits as required in
11 section 422.52:

12 \$ 500,000

13 9. The department of revenue and finance shall not change
14 the appropriations for the purposes designated in subsections
15 1 through 8 from the amounts appropriated in those subsections
16 unless notice of the revisions is given prior to their
17 effective date to the legislative fiscal bureau. The notice
18 shall include information on the department's rationale for
19 making the changes.

20 The director shall report annually to the legislative
21 fiscal committee, the legislative fiscal bureau, and the
22 chairpersons and ranking members of the joint administration
23 appropriations subcommittee concerning the effectiveness of
24 the tax audits and investigations conducted, the moneys
25 expended, the tax obligations established, and taxes collected
26 as a result of the tax collection and enforcement efforts of
27 the department.

28 The department of revenue and finance shall report quar-
29 terly to the legislative fiscal bureau concerning progress in
30 the implementation of generally accepted accounting
31 principles, including determination of reporting entities,
32 fund classifications, modification of the Iowa financial
33 accounting system, progress on preparing a comprehensive
34 annual financial report, and the most current estimate of the
35 general fund balance based on current generally accepted

1 accounting principles.

2 Sec. 115. There is appropriated from the motor vehicle
3 fuel tax fund created by section 324.77 to the department of
4 revenue and finance for the fiscal year beginning July 1,
5 1991, and ending June 30, 1992, the following amount, or so
6 much thereof as is necessary, to be used for the purposes
7 designated:

8 For salaries, support, maintenance, and miscellaneous
9 purposes for administration and enforcement of the provisions
10 of chapter 324 and the motor vehicle use tax program:
11 \$ 1,049,076

12 Sec. 116. There is appropriated from the lottery fund to
13 the department of revenue and finance for the fiscal year
14 beginning July 1, 1991, and ending June 30, 1992, the
15 following amount, or so much thereof as is necessary, to be
16 used for the purposes designated:

17 For salaries, support, maintenance, miscellaneous purposes,
18 and for not more than the following full-time equivalent posi-
19 tions:
20 \$ 7,050,932
21 FTEs 138.55

22 Sec. 117. There is appropriated from the general fund of
23 the state to the department of management for the fiscal year
24 beginning July 1, 1991, and ending June 30, 1992, the
25 following amount, or so much thereof as is necessary, to be
26 used for the purposes designated:

27 For salaries, support, maintenance, miscellaneous purposes,
28 and for not more than the following full-time equivalent
29 positions:
30 \$ 1,524,880
31 FTEs 30.00

32 Sec. 118. There is appropriated from the road use tax fund
33 to the department of management for the fiscal year beginning
34 July 1, 1991, and ending June 30, 1992, the following amount,
35 or so much thereof as is necessary, to be used for the

1 purposes designated:

2 For salaries, support, maintenance, and miscellaneous
3 purposes:

4 \$ 55,000

5 The department of management shall report to the
6 chairpersons and ranking members of the senate and house
7 committees on appropriations, the chairpersons and ranking
8 members of the joint administration appropriations
9 subcommittee, the legislative fiscal committee, and the
10 legislative fiscal bureau, the number of furloughs and the
11 number of layoffs that occur in each state agency, the savings
12 associated with those furloughs and layoffs, the effect of the
13 furloughs and layoffs on services provided by the state
14 agency, and other relevant information. The department shall
15 provide a year-end report summarizing the information for
16 fiscal year 1991 on or before September 1, 1991. The
17 department shall continue this reporting for fiscal year 1992.
18 A report on the first 5 months of the fiscal year is due by
19 January 2, 1992, and a year-end report is due by September 1,
20 1992.

21 Sec. 119. There is appropriated from the general fund of
22 the state to the department of management for the fiscal year
23 beginning July 1, 1991, and ending June 30, 1992, the
24 following amounts, or so much thereof as is necessary, to be
25 used for the purposes designated:

26 1. COUNCIL OF STATE GOVERNMENTS

27 For support of the membership assessment:

28 \$ 69,600

29 2. LAW ENFORCEMENT TRAINING REIMBURSEMENTS

30 For reimbursements to local law enforcement agencies for
31 the training of officers who resign pursuant to section
32 384.15, subsection 7:

33 \$ 116,850

34 Sec. 120. There is appropriated from the general fund of
35 the state to the office of state-federal relations for the

1 fiscal year beginning July 1, 1991, and ending June 30, 1992,
2 the following amount, or so much thereof as is necessary, to
3 be used for the purposes designated:

4 For salaries, support, maintenance, miscellaneous purposes,
5 and for not more than the following full-time equivalent posi-
6 tions:

| | | |
|---------|------|---------|
| 7 | \$ | 220,340 |
| 8 | FTEs | 3.15 |

9 Sec. 121. Notwithstanding section 8.55, the moneys in the
10 Iowa economic emergency fund are transferred to the general
11 fund of the state if necessary to avoid a deficit in the
12 general fund of the state and to defray expenses at the
13 conclusion of the fiscal year beginning July 1, 1991, and
14 ending June 30, 1992.

15 Sec. 122. Section 12.8, unnumbered paragraph 2, Code 1991,
16 is amended to read as follows:

17 Investment income may be used to maintain compensating
18 balances, ~~and~~ pay transaction costs for investments made by
19 the treasurer of state, and pay administrative and related
20 overhead costs incurred by the treasurer of state in the
21 management of money. The treasurer of state shall coordinate
22 with the affected departments to determine how compensating
23 balances, ~~or~~ transaction costs, or money management and
24 related costs will be established. All charges against a
25 retirement system must be documented and notification of the
26 charges shall be made to the appropriate administration of the
27 retirement system affected.

28 Sec. 123. USE OF RECOVERED ADMINISTRATIVE FUNDS. The
29 first \$40,000 of the funds collected as administrative and
30 related overhead costs under section 12.8 for the fiscal year
31 beginning July 1, 1991, shall become part of the budget of the
32 office of treasurer of state, and the remaining funds shall be
33 credited to the general fund of the state. The treasurer of
34 state shall report to the chairpersons and ranking members of
35 the joint administration appropriations subcommittee and to

1 the legislative fiscal committee as to the amounts collected.
2 It is the intent of the general assembly that commencing with
3 the fiscal year beginning July 1, 1992, the administrative and
4 related overhead costs recovered shall become part of the
5 budget of the office of treasurer of state.

6 Sec. 124. WORLD FOOD PRIZE. There is appropriated from
7 the general fund of the state to the treasurer of state for
8 the fiscal year beginning July 1, 1991, and ending June 30,
9 1992, the following amount, or so much thereof as is
10 necessary, to be used for the purpose designated:

11 For the initial funding of Iowa's participation in the
12 funding of the world food prize:

13 \$ 250,000

14 It is the intent of the general assembly that this
15 appropriation of public funds will result in a commitment for
16 additional funding for the world food prize from private
17 sources.

18 The treasurer of state shall only provide the funds
19 appropriated in this section to the world food prize
20 foundation if sufficient private funds are raised to locate
21 the world food prize foundation in Iowa and the foundation is
22 structured to include representation that reflects
23 environmental concerns and sustainable agriculture.

24 Sec. 125. Section 554.9407, Code 1991, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 5. The secretary of state may adopt rules
27 pursuant to chapter 17A, establishing fees in addition to the
28 uniform fees established in sections 554.9403, 554.9405,
29 554.9406, and 570A.4, for the acquisition, maintenance, and
30 support of an optical disc imaging system.

31 Sec. 126. EFFECTIVE DATE. Section 125 of this division,
32 being deemed of immediate importance, takes effect upon
33 enactment.

34
35

DIVISION II
AGRICULTURE AND NATURAL RESOURCES

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Sec. 201. 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, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 985,358

b. To the administration division for the purpose of performing fertilizer audits:

..... \$ 56,367

c. To the administration division for the operations of the dairy trade practices bureau:

..... \$ 101,183

d. To the administration division for the purpose of performing commercial feed audits:

..... \$ 56,367

e. Funds appropriated by this subsection are for the salaries and support of not more than the following full-time equivalent positions:

..... FTEs 32.20

f. As a condition, limitation, and qualification of the appropriation under paragraph "a", \$35,000 shall be allocated to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

2. FARM COMMODITY DIVISION

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

..... \$ 828,873

..... FTEs 19.0

1 b. As a condition, limitation, and qualification of the
2 appropriation under paragraph "a", \$163,820 and 4.00 FTEs
3 shall be used to support an office of renewable fuels which
4 shall be established within the department. The purpose of
5 the office is to support research and promotion of ethanol and
6 other renewable fuels. These positions shall also be used to
7 perform in-state promotion of Iowa grown crops.

8 3. FARMERS' MARKET COUPON PROGRAM

9 For salaries, support, maintenance, and miscellaneous
10 purposes, to be used by the department to continue and expand
11 the farmers' market coupon program by providing federal
12 special supplemental food program recipients with coupons
13 redeemable at farmers' markets, and for not more than the
14 following full-time equivalent positions:

| | | |
|----------|------|---------|
| 15 | \$ | 198,333 |
| 16 | FTEs | 1.0 |

17 4. REGULATORY DIVISION

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

| | | |
|----------|------|-----------|
| 21 | \$ | 3,879,715 |
| 22 | FTEs | 148.20 |

23 b. To the regulatory division to cover the costs of
24 inspection, sampling, analysis, and other expenses necessary
25 for the administration of chapters 192, 194, and 195:

| | | |
|----------|----|---------|
| 26 | \$ | 645,901 |
|----------|----|---------|

27 5. LABORATORY DIVISION

28 a. For salaries, support, maintenance, and miscellaneous
29 purposes:

| | | |
|----------|----|---------|
| 30 | \$ | 727,274 |
|----------|----|---------|

31 As a condition, limitation, and qualification of the
32 appropriation under this paragraph, \$20,000 shall be used for
33 the purposes of conducting a statewide gypsy moth detection
34 survey.

35 b. To the laboratory division for the operations of the

1 commercial feed programs:

2 \$ 691,675

3 c. To the laboratory division for the operations of the
4 pesticide programs:

5 \$ 1,140,208

6 d. To the laboratory division for the operations of the
7 fertilizer programs:

8 \$ 785,397

9 e. Funds appropriated by this subsection are for the
10 salaries and support of not more than the following full-time
11 equivalent positions:

12 FTEs 84.0

13 The amount of full-time equivalent positions allocated
14 under this paragraph may be exceeded, if all of the following
15 conditions are satisfied:

16 (1) Additional funding other than from the state general
17 fund is available during the fiscal year beginning July 1,
18 1991, and ending June 30, 1992.

19 (2) The legislative council is notified of the additional
20 funding and the number of full-time equivalent positions to be
21 increased.

22 (3) The department of management approves the increase in
23 full-time equivalent positions recommended by the legislative
24 council.

25 6. SOIL CONSERVATION DIVISION

26 a. For salaries, support, maintenance, assistance to soil
27 conservation districts, miscellaneous purposes, and for not
28 more than the following full-time equivalent positions:

29 \$ 5,232,428

30 FTEs 175.52

31 b. To provide financial incentives for soil conservation
32 practices in accordance with paragraph "c":

33 \$ 6,439,972

34 c. As a condition, limitation, and qualification of the
35 appropriation under paragraph "b", the following requirements

1 apply to the funds appropriated by paragraph "b":

2 (1) Not more than 5 percent may be allocated for cost
3 sharing to abate complaints filed under section 467A.47 and
4 467A.48.

5 (2) 10 percent shall be allocated for financial incentives
6 not exceeding 50 percent of the approved cost of permanent
7 soil conservation practices under chapter 467A on watersheds
8 above publicly owned lakes in accordance with the priority
9 list required in section 107.33A.

10 (3) The soil conservation district commissioners may
11 allocate financial incentives not exceeding 60 percent of the
12 cost of permanent soil conservation practices for special
13 watershed practices or summer construction incentives under
14 section 467A.7, subsections 17 and 19.

15 (4) Except for the allocations subject to subparagraphs
16 (1), (2), and (3), these funds shall not be used alone or in
17 combination with other public funds to provide a financial
18 incentive payment greater than 50 percent of the approved cost
19 for voluntary permanent soil conservation practices and
20 priority shall be given to family-operated farms.

21 (5) The soil conservation committee may allocate funds to
22 conduct research and demonstration projects to promote
23 conservation tillage and nonpoint sources pollution control
24 practices.

25 (6) Not more than 30 percent of a district's allocation
26 may be allocated by the soil conservation district
27 commissioners for the establishment of management practices to
28 control soil erosion on land that is now row cropped.

29 (7) The financial incentive payments may be used in
30 combination with department of natural resources funds.

31 d. As a condition, limitation, and qualification of the
32 appropriation under paragraph "b", \$250,000 shall be used for
33 a stream degradation pilot project in western Iowa. However,
34 only those counties which have levied the maximum rate of levy
35 for rural county services under section 331.423, subsection 2,

1 shall be eligible to participate in the pilot project.

2 e. The provisions of section 8.33 shall not apply to the
3 funds appropriated by paragraph "b". Unencumbered or
4 unobligated funds remaining on June 30, 1995, from funds
5 appropriated under paragraph "b" for the fiscal year beginning
6 July 1, 1991, shall revert to the general fund on September
7 30, 1995.

8 Sec. 202. There is appropriated from the general fund of
9 the state to the department of agriculture and land
10 stewardship for the fiscal year beginning July 1, 1991, and
11 ending June 30, 1992, the following amounts, or so much
12 thereof as is necessary, to be used for the purposes
13 designated:

14 To fund lamb and wool management education projects
15 approved by the department at community colleges selected as
16 project sites as provided in section 99E.32, subsection 3,
17 paragraph "m":

18 \$ 200,000

19 Sec. 203. There is appropriated from the general fund of
20 the state to the department of agriculture and land
21 stewardship for the fiscal year beginning July 1, 1991, and
22 ending June 30, 1992, the following amount, or so much thereof
23 as is necessary, to be used for the purpose designated:

24 For support of the pseudorabies eradication program:

25 \$ 500,000

26 Sec. 204. There is appropriated from the general fund of the
27 state to the department of agriculture and
28 land stewardship for the fiscal year
29 beginning July 1, 1991, and ending June 30, 1992, the
30 following amount, or so much thereof as is necessary, to be
31 used for the purpose designated:

32 For transfer to the department of plant pathology at Iowa
33 state university of science and technology for purposes
34 related to researching the multiflora rose virus in order to
35 control or eradicate the multiflora rose:

1 \$ 40,000

2 Sec. 205. There is appropriated from the funds available
3 under section 99D.13 to the regulatory division of the
4 department of agriculture and land stewardship for the fiscal
5 year beginning July 1, 1991, and ending June 30, 1992, the
6 following amount, or so much thereof as is necessary, to be
7 used for the purposes designated:

8 For salaries, support, maintenance, and miscellaneous
9 purposes for the administration of section 99D.22:

10 \$ 174,090

11 INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING

12 Sec. 206. There is appropriated from the general fund of
13 the state to the interstate agricultural grain marketing
14 commission for the fiscal year beginning July 1, 1991, and
15 ending June 30, 1992, the following amount, or so much thereof
16 as is necessary, to be used for the purpose designated:

17 For carrying out duties of the commission as provided in
18 Article IV of the interstate compact on agricultural grain
19 marketing as provided in chapter 183:

20 \$ 60,000

21 DEPARTMENT OF NATURAL RESOURCES

22 Sec. 207. There is appropriated from the general fund of
23 the state to the department of natural resources for the
24 fiscal year beginning July 1, 1991, and ending June 30, 1992,
25 the following amounts, or so much thereof as may be necessary,
26 to be used for the purposes designated:

27 1. OFFICE OF DIRECTOR

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

31 \$ 55,893

32 FTES 4.95

33 2. COORDINATION AND INFORMATION DIVISION

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

1 positions:

2 \$ 711,672

3 FTEs 33.95

4 3. ADMINISTRATIVE SERVICES DIVISION

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

7 positions:

8 \$ 1,588,181

9 FTEs 118.15

10 4. PARKS AND PRESERVES DIVISION

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

13 positions:

14 \$ 5,170,899

15 FTEs 216.52

16 5. FORESTS AND FORESTRY DIVISION

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

19 positions:

20 \$ 1,617,265

21 FTEs 59.71

22 6. ENERGY AND GEOLOGICAL RESOURCES DIVISION

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

25 positions:

26 \$ 1,223,941

27 FTEs 58.62

28 7. ENVIRONMENTAL PROTECTION DIVISION

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

31 positions:

32 \$ 1,965,992

33 FTEs 158.75

34 8. FISH AND WILDLIFE DIVISION

35 For salaries, support, maintenance, miscellaneous purposes,

1 and for not more than the following full-time equivalent
2 positions:

3 \$ 0
4 FTEs 335.24

5 9. WASTE MANAGEMENT AUTHORITY

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

9 \$ 0
10 FTEs 18.75

11 10. For reimbursement to federal agencies for cooperative
12 contracts:

13 \$ 185,983

14 11. For the green thumb program for the employment of the
15 elderly in conservation and outdoor recreation related fields
16 in coordination with other agencies as provided by law, and
17 for not more than the following full-time equivalent
18 positions:

19 \$ 254,000
20 FTEs 18.68

21 12. For programs administered by the energy and geological
22 resources division traditionally supported from the energy
23 research and development fund:

24 \$ 216,000

25 Sec. 208. There is appropriated from the state fish and
26 game protection fund to the division of fish and wildlife of
27 the department of natural resources for the fiscal year
28 beginning July 1, 1991, and ending June 30, 1992, the
29 following amounts, or so much thereof as is necessary, to be
30 used for the purposes designated:

31 1. For administrative support:

32 \$ 2,663,106

33 2. For the law enforcement bureau of the fish and wildlife
34 division for salaries, support, maintenance, equipment, and
35 miscellaneous purposes:

1 \$ 5,154,669

2 3. For the fisheries bureau of the fish and wildlife
3 division for salaries, support, maintenance, equipment, and
4 miscellaneous purposes:

5 \$ 4,773,909

6 4. For the wildlife bureau of the fish and wildlife
7 division for salaries, support, maintenance, equipment, and
8 miscellaneous purposes:

9 \$ 5,181,922

10 5. For division management of the fish and wildlife
11 division, for salaries, support, maintenance, equipment, and
12 miscellaneous purposes:

13 \$ 184,848

14 6. As a condition, limitation, and qualification of the
15 appropriations under this section, if reductions in
16 expenditures are determined to be necessary to avoid a budget
17 deficit in the fish and game protection fund, the department
18 shall take all actions necessary to avoid using license
19 receipts or other income for capitals and acquisitions, unless
20 the Code specifically designates the use or the receipts are
21 required to match federal funds. The department shall not
22 reduce personnel until all other actions necessitated by the
23 expenditure reduction are exhausted.

24 7. As a condition, limitation, and qualification of the
25 appropriations under this section, funds remaining in the fish
26 and game protection fund during the fiscal year beginning July
27 1, 1991, which are not specifically appropriated by this
28 section are appropriated and may be used for capital projects
29 and contingencies arising during the fiscal year beginning
30 July 1, 1991. A contingency shall not include any purpose or
31 project which was presented to the general assembly by way of
32 a bill or a proposed bill and which failed to be enacted into
33 law. For the purpose of this subsection, a necessity of
34 additional operating funds may be construed as a contingency.
35 Before any of the funds authorized to be expended by this

1 subsection are allocated for contingencies, it shall be
2 determined by the executive council that a contingency exists
3 and that the contingency was not existent while the general
4 assembly was in session and that the proposed allocation shall
5 be for the best interest of the state. If a contingency
6 arises or could reasonably be foreseen during the time the
7 general assembly is in session, expenditures for the
8 contingency must be authorized by the general assembly.

9 Sec. 209. There is appropriated from the marine fuel tax
10 receipts deposited in the general fund of the state to the
11 department of natural resources for the fiscal year beginning
12 July 1, 1991, and ending June 30, 1992, the following amounts,
13 or so much thereof as is necessary, to be used for the
14 purposes designated:

15 1. To the parks and preserves division for maintenance and
16 development of boating facilities and access to public waters:
17 \$ 450,000

18 2. For deposit in the state fish and game protection fund
19 for maintenance of boating access on lands managed by the fish
20 and wildlife division:
21 \$ 150,000

22 3. To fund capitals traditionally funded from marine fuel
23 tax receipts for the purposes specified in section 324.79:
24 \$ 1,350,000

25 Notwithstanding section 8.33, the unencumbered or
26 unobligated balances of the amounts appropriated for purposes
27 of this subsection for the fiscal year beginning July 1, 1991,
28 shall revert on September 30, 1993.

29 4. a. To fund expenditures traditionally funded from
30 marine fuel tax revenues, but not considered as capitals or
31 operations:
32 \$ 850,000

33 b. As a condition, limitation, and qualification of the
34 appropriation under paragraph "a", \$250,000 shall be
35 appropriated from the fund to support natural lake

1 preservation. The department shall award the amount to a city
2 as defined in section 362.2 on a matching basis with the
3 department contributing one dollar for each two dollars
4 dedicated by the city, or the city acting in conjunction with
5 a county, for natural lake preservation, if the money is
6 dedicated on or after March 1, 1990. However, the city, or
7 the city and county, must have dedicated at least \$500,000 of
8 local funds in order to qualify for the award. The city must
9 also be located in a county having a population of less than
10 twelve thousand.

11 Sec. 210. There is transferred on July 1, 1991, from the
12 fees deposited under section 321G.7 to the fish and game
13 protection fund for the fiscal year beginning July 1, 1991,
14 and ending June 30, 1992, the following amount, or so much
15 thereof as is necessary, to be used for the purpose
16 designated:

17 For the purpose of enforcing snowmobile laws as part of the
18 state snowmobile program administered by the department of
19 natural resources:

20 \$ 100,000

21 Sec. 211. There is transferred on July 1, 1991, from the
22 fees deposited under section 106.52 to the fish and game
23 protection fund for the fiscal year beginning July 1, 1991,
24 and ending June 30, 1992, the following amount, or so much
25 thereof as is necessary, to be used for the purpose
26 designated:

27 For the purpose of maintaining boating access on lands
28 managed by the fish and wildlife division of the department of
29 natural resources:

30 \$ 950,000

31 Sec. 212. There is transferred on April 1, 1992, from the
32 fees deposited under section 321G.7 to the fish and game
33 protection fund for the fiscal year beginning July 1, 1992,
34 and ending June 30, 1993, the following amount, or so much
35 thereof as is necessary, to be used for the purpose

1 designated:

2 For the purpose of enforcing snowmobile laws as part of the
3 state snowmobile program administered by the department of
4 natural resources:

5 \$ 100,000

6 Sec. 213. There is transferred on April 1, 1992, from the
7 fees deposited under section 106.52 to the fish and game
8 protection fund for the fiscal year beginning July 1, 1992,
9 and ending June 30, 1993, the following amount, or so much
10 thereof as is necessary, to be used for the purpose

11 designated:

12 For the purpose of administrating and enforcing navigation
13 laws and water safety by the department of natural resources:

14 \$ 950,000

15 Sec. 214. The department of agriculture and land
16 stewardship and the department of natural resources, in
17 cooperation as necessary with the department of management and
18 the department of personnel, shall provide a list to the
19 legislative fiscal bureau, on a quarterly basis, of all
20 permanent positions added to or deleted from the departments'
21 table of organization in the previous fiscal quarter. This
22 list shall include at least the position number, salary range,
23 projected funding source or sources of each position, and the
24 reason for the addition or deletion. The legislative fiscal
25 bureau may use this information to assist in the establishment
26 of the full-time equivalent position limits contained in the
27 appropriation bill for the departments.

28 Sec. 215. TRAVEL EXPENSES.

29 1. As a condition, limitation, and qualification of the
30 funds appropriated in section 201 of this division, the
31 department of agriculture and land stewardship shall not spend
32 more than \$39,200 for expenses related to out-of-state travel,
33 unless notification is provided to the chairpersons and
34 ranking members of the agriculture and natural resources
35 appropriations subcommittee of the committees on

1 appropriations in the senate and house of representatives.

2 2. As a condition, limitation, and qualification of the
3 funds appropriated in sections 207 and 208 of this division,
4 the department of natural resources shall not spend more than
5 \$145,000 for expenses related to out-of-state travel, unless
6 notification is provided to the chairpersons and ranking
7 members of the agriculture and natural resources
8 appropriations subcommittee of the committees on

9 appropriations in the senate and house of representatives.

10 Sec. 216. Notwithstanding section 17A.2, subsection 7,
11 paragraph "g", the department of natural resources shall by
12 rule establish prices of plant material grown at the state
13 forest nurseries to cover all expenses related to the growing
14 of the plants.

15 The department shall develop programs to encourage the wise
16 management and preservation of existing woodlands and shall
17 continue its efforts to encourage forestation and
18 reforestation on private and public lands in the state.

19 The department shall encourage a cooperative relationship
20 between the state forest nurseries and private nurseries in
21 the state in order to achieve these goals.

22 Sec. 217. Moneys granted pursuant to the council of great
23 lakes governors regional biomass energy program shall be
24 awarded to the department of agriculture and land stewardship
25 to the extent permitted by federal law and policies adopted by
26 the council of great lakes governors.

27 Sec. 218. The department of revenue and finance in
28 cooperation with the department of agriculture and land
29 stewardship and the department of natural resources shall
30 track receipts to the general fund which have traditionally
31 been deposited into the following funds:

32 1. The fertilizer fund created in section 200.9.

33 2. The pesticide fund created in section 206.12.

34 3. The dairy trade practices trust fund pursuant to
35 section 192A.30.

1 4. The milk fund created in section 192.47.

2 5. The commercial feed trust fund created in section
3 198.9.

4 6. The marine fuel tax fund created in section 324.79.

5 7. The energy research and development fund created in
6 section 93.14.

7 The departments designated in this section shall prepare
8 reports detailing revenue from receipts traditionally
9 deposited into each of the funds. A report shall be submitted
10 to the legislative fiscal bureau at least once for each 3-
11 month period as designated by the legislative fiscal bureau.

12 Sec. 219. The department of natural resources shall
13 provide the legislative fiscal bureau information and
14 financial data by cost center, on at least a monthly basis,
15 relating to the indirect cost accounting procedure, the amount
16 of funding from each funding source for each cost center, and
17 the internal budget system used by the department. The
18 information shall include but is not limited to financial data
19 covering the department's budget by cost center and funding
20 source prior to the start of the fiscal year, and to the
21 department's actual expenditures by cost center and funding
22 source after the accounting system has been closed for that
23 fiscal year.

24 Sec. 220. During the fiscal year for which funds are
25 appropriated by sections 207 and 208 of this division, the
26 department of natural resources shall not require the
27 installation or use of equipment to control the emission of
28 dust or other particulate matter on or by facilities for
29 storage of grain which are located within the ambient air
30 quality attainment areas for suspended particulates.

31 Sec. 221. Notwithstanding 1990 Iowa Acts, chapter 1260,
32 section 8, as amended by 1991 Iowa Acts, House File 173, the
33 environmental protection division of the department of natural
34 resources may fill 157.55 FTEs.

35 Sec. 222. Section 107.23, Code 1991, is amended to read as

1 follows:

2 107.23 GENERAL DUTIES.

3 The ~~commission~~ department shall protect, propagate,
4 increase, and preserve the wild mammals, fish, birds,
5 reptiles, and amphibians of the state and enforce by proper
6 actions and proceedings the laws, rules, and regulations
7 relating to them. The ~~commission~~ department shall collect,
8 classify, and preserve all statistics, data, and information
9 as in its opinion tend to promote the objects of this chapter,
10 conduct research in improved conservation methods, and
11 disseminate information to residents and nonresidents of Iowa
12 in conservation matters.

13 ~~Upon the issuance of such data and information in printed~~
14 ~~form to private individuals, groups or clubs, the commission~~
15 ~~shall be entitled to charge therefor the actual cost of~~
16 ~~printing and publication as determined by the state printer.~~

17 Sec. 223. NEW SECTION. 107.33A WATERSHED PRIORITY.

18 The commission shall each year establish a priority list of
19 watersheds which are of highest importance based on soil loss
20 to be used for the allocation of moneys set aside in annual
21 appropriations from the general fund to the department of
22 agriculture and land stewardship for permanent soil
23 conservation practices under chapter 467A on watersheds above
24 publicly owned lakes. Chapter 17A does not apply to this
25 section.

26 Sec. 224. Section 109.78, Code 1991, is amended to read as
27 follows:

28 109.78 STOCKING PRIVATE WATER.

29 No A private water may shall not be stocked by the
30 commission department unless the owner agrees that such waters
31 shall be open to the public for fishing, except that the
32 commission may, after investigation to determine their
33 suitability as to size, depth, living conditions for fish, and
34 management, provide a breeding stock of fish for privately
35 owned farm ponds on request of the owner. The department

1 shall by rule establish fees for producing fish to stock a
2 private water. The fees shall be based on the cost of
3 producing the fish calculated on a per fish basis for each
4 species produced. The fees shall be deposited by the
5 department into the fish and game protection fund as created
6 in section 107.17.

7 Sec. 225. Section 159.5, subsection 7, Code 1991, is
8 amended by striking the subsection.

9 Sec. 226. Section 159.5, subsection 8, Code 1991, is
10 amended by striking the subsection.

11 Sec. 227. NEW SECTION. 159.9A REPORTS REQUIRED TO BE
12 FILED WITH THE GENERAL ASSEMBLY.

13 A report required to be filed with the general assembly by
14 the department or secretary shall be filed according to
15 procedure provided in the provision requiring the report. If
16 the provision is silent regarding a procedure this section
17 shall provide the applicable procedures.

18 1. The report shall be filed not later than the second
19 Monday in January in the year after the report is required
20 with the following persons:

21 a. The secretary of the senate and the chief clerk of the
22 house of representatives who shall each receive ten copies.

23 b. The directors of each of the staffs of the majority and
24 minority parties in the senate and house of representatives
25 who shall each receive two copies.

26 c. The directors of the legislative service bureau and the
27 legislative fiscal bureau who shall each receive two copies.

28 2. On February 1 and August 1 of each year, the department
29 shall deliver to each member of the general assembly a list of
30 titles of reports produced by the department during the
31 previous six months. The department shall provide a copy of
32 available reports upon request to a member of the general
33 assembly or a person serving as partisan or nonpartisan staff
34 to the general assembly.

35 Sec. 228. Section 159.37, subsection 1, Code 1991, is

1 amended to read as follows:

2 1. The department shall establish within the ~~international~~
3 ~~trade-bureau-of-the~~ marketing division a special quality
4 grains electronic bulletin board system. The system shall be
5 available to any and all buyers and sellers of special quality
6 grains for the purpose of posting the availability of special
7 quality grains, or a demand for special quality grains.

8 Sec. 229. Section 173.14B, subsection 1, unnumbered
9 paragraph 1, Code 1991, is amended to read as follows:

10 The board may issue and sell negotiable revenue bonds of
11 the authority in denominations and amounts as the board deems
12 for the best interests of the fair, for any of the following
13 purposes ~~after-authorization-by-a-constitutional-majority-of~~
14 ~~each-house-of-the-general-assembly-and-approval-by-the~~
15 ~~governor~~:

16 Sec. 230. Section 173.14B, subsection 2, Code 1991, is
17 amended to read as follows:

18 2. The board may issue negotiable bonds and notes of the
19 authority in principal amounts which are necessary to provide
20 sufficient funds for achievement of its corporate purposes,
21 the payment of interest on its bonds and notes, the
22 establishment of reserves to secure its bonds and notes, and
23 all other expenditures of the board incident to and necessary
24 or convenient to carry out its purposes and powers, ~~subject to~~
25 ~~authorization-and-approval-required-under-subsection-1.~~

26 However, the total principal amount of bonds and notes
27 outstanding at any time under subsection 1 and this subsection
28 shall not exceed ~~one-hundred-fifty~~ six million dollars. The
29 bonds and notes are deemed to be investment securities and
30 negotiable instruments within the meaning of and for all
31 purposes of the uniform ~~commercial~~ code.

32 Sec. 231. Section 455A.5, subsection 6, Code 1991, is
33 amended by adding the following new paragraph:

34 NEW PARAGRAPH. e. Adopt, by rule, a schedule of fees for
35 permits, including conditional permits, and a schedule of fees

1 for administration of the permits. The fees shall be
2 collected by the department and used to offset costs incurred
3 in administrating a program for which the issuance of the
4 permit is made or under which enforcement is carried out. In
5 determining the fee schedule, the commission shall consider
6 all of the following:

7 (1) The reasonable costs associated with reviewing
8 applications, issuing permits, and monitoring compliance with
9 the terms of issued permits.

10 (2) The relative benefits to the applicant and to the
11 public of a permit review, permit issuance, and monitoring
12 compliance with the terms of the permit.

13 (3) The typical costs associated with a type of project or
14 activity for which a permit is required. However, a fee shall
15 not exceed the actual costs incurred by the department.

16 Sec. 232. Section 455A.6, subsection 6, paragraph d, Code
17 1991, is amended to read as follows:

18 d. Approve the budget request prepared by the director for
19 the programs authorized by chapters 455B, 455C, 455E, and
20 455F. The commission shall approve the budget request
21 prepared by the director for programs administered by the
22 energy and geological resources division, the coordination and
23 information division, the administrative services division,
24 and the office of the director, as provided in section 455A.7.
25 The commission may increase, decrease, or strike any item
26 within the department budget request for the specified
27 programs before granting approval.

28 Sec. 233. Section 455A.7, subsection 1, unnumbered
29 paragraph 1, Code 1991, is amended to read as follows:

30 The following divisions administrative units are created
31 within the department:

32 Sec. 234. Section 455A.7, subsection 1, Code 1991, is
33 amended by adding the following new paragraphs:

34 NEW PARAGRAPH. i. Waste management authority which has
35 responsibilities provided in chapter 455B, part 9.

1 NEW PARAGRAPH. j. Office of the director which has
2 responsibilities for administering the department.

3 Sec. 235. Section 455A.7, subsection 2, Code 1991, is
4 amended by striking the subsection.

5 Sec. 236. NEW SECTION. 455A.9 FEES -- PUBLICATIONS AND
6 RECORDS.

7 1. The department may establish a schedule of fees for the
8 following:

9 a. Subscriptions to a publication produced by the
10 department, including periodicals. However, this subsection
11 does not apply to application forms and materials intended for
12 general distribution which explain departmental programs or
13 duties.

14 Fees shall be based on the amount required to recover the
15 reasonable costs of producing a publication, including costs
16 relating to preparing, printing, publishing, and distributing
17 the publication. The department may establish special rates
18 for educational institutions, other governmental entities, or
19 multiple year subscribers. The department may reduce the fees
20 charged for a publication by the amount of available money
21 appropriated by a person other than the state for purposes of
22 the production. Space in a publication may be reserved for
23 advertising or information, including public announcements.
24 The department may charge a person a fee to provide
25 advertising or information in a publication. Revenues
26 resulting from the sales of a publication, or fees charged to
27 provide advertising or information, which exceed production
28 costs shall be used to augment funds supporting programs
29 administered by the department.

30 b. Providing copies of departmental records available
31 pursuant to chapter 22. Fees shall be based on the amount
32 required to recover the reasonable costs of collecting,
33 compiling, maintaining, copying, and distributing the records.
34 However, the department shall not charge a person more than
35 the cost of copying and distributing a record, if the person

1 is directly related to the record.

2 c. Providing copies of complete or significant parts of
3 data sets. Fees shall be based on the fair market value of
4 the data. However, the department may establish a special
5 rate for persons not engaged in for-profit enterprises.

6 d. Providing copies of part or all of analyses produced by
7 the department. The fees shall be based on the amount
8 required to recover the reasonable costs of collecting,
9 compiling, maintaining, and analyzing the data.

10 2. The department may implement fees required under this
11 section according to a schedule developed by the department.
12 However, fees charged for publications shall be fully
13 implemented within six years from the date that the department
14 establishes a fee schedule.

15 Sec. 237. NEW SECTION. 455A.21 REPORTS REQUIRED TO BE
16 FILED WITH THE GENERAL ASSEMBLY.

17 A report required to be filed with the general assembly by
18 the department or director shall be filed according to
19 procedures provided in the provision requiring the report. If
20 the provision is silent regarding a procedure this section
21 shall provide the following applicable procedures:

22 1. The report shall be filed not later than the second
23 Monday in January in the year after the report is required
24 with the following persons:

25 a. The secretary of the senate and the chief clerk of the
26 house of representatives who shall each receive ten copies.

27 b. The directors of each of the staffs of the majority and
28 minority parties in the senate and house of representatives
29 who shall each receive two copies.

30 c. The directors of the legislative service bureau and the
31 legislative fiscal bureau who shall each receive two copies.

32 2. On February 1 and August 1 of each year, the department
33 shall deliver to each member of the general assembly a list of
34 titles of reports produced by the department during the
35 previous six months. The department shall provide a copy of

1 available reports upon request to a member of the general
2 assembly or a person serving as partisan or nonpartisan staff
3 to the general assembly.

4 Sec. 238. Section 467A.12, Code 1991, is amended to read
5 as follows:

6 467A.12 STATEMENT TO DEPARTMENT OF MANAGEMENT.

7 On or before September 1 next preceding each annual
8 legislative session, the division shall submit to the
9 department of management and the legislative fiscal bureau, on
10 official estimate blanks furnished for those purposes,
11 statements and estimates of the expenditure requirements for
12 each fiscal year, and a statement of the balance of funds, if
13 any, available to the division, and the estimates of the
14 division as to the sums needed for the administrative and
15 other expenses of the division for the purposes of this
16 chapter.

17 Sec. 239. Section 455E.11, subsection 2, paragraph b,
18 subparagraph (3), subparagraph subdivision (b), Code 1991, is
19 amended to read as follows:

20 (b) Two percent is appropriated annually to the department
21 of natural resources for the purpose of administering grants
22 to counties and conducting oversight of county-based programs
23 relative to the testing of private water supply wells and the
24 proper closure of private abandoned wells. Not more than
25 seventeen and one-half percent of the moneys is appropriated
26 annually to the department of natural resources for grants to
27 counties for the purpose of conducting programs of private,
28 rural water supply testing, not more than six percent of the
29 moneys is appropriated annually to the state hygienic
30 laboratory to assist in well testing, and not more than
31 seventeen and one-half percent of the moneys is appropriated
32 annually to the department of natural resources for grants to
33 counties for the purpose of conducting programs for properly
34 closing abandoned, rural water supply wells and cisterns. A
35 county receiving a grant for purposes of conducting programs

1 of private, rural water supply testing and realizing a grant
2 for purposes of conducting programs for properly closing
3 abandoned rural water supply wells and cisterns, may transfer
4 moneys dedicated to support one grant program to support the
5 other grant program. However, in order to make the transfer,
6 the county must have exhausted its grant moneys dedicated to
7 support the program and the county board of supervisors must
8 find good cause justifying the transfer. For purposes of this
9 subparagraph subdivision, "cistern" means an artificial
10 reservoir constructed underground for the purpose of storing
11 rainwater.

12 Sec. 240. Section 467A.48, subsection 1, paragraph c,
13 unnumbered paragraph 1, Code 1991, is amended to read as
14 follows:

15 The Except as otherwise provided in this chapter, the
16 amount of cost-sharing funds made available shall not exceed
17 fifty percent of the estimated cost as established by the
18 commissioners of a permanent soil and water conservation
19 practice, or fifty percent of the actual cost, whichever is
20 less, or an amount set by the committee for a temporary soil
21 and water conservation practice, except as otherwise provided
22 by law with respect to land classified as agricultural land
23 under conservation cover.

24 Sec. 241. Section 543A.4, Code 1991, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 4. The board shall on July 1 of each
27 fiscal year provide for the transfer of two hundred fifty
28 thousand dollars to the department for use by the warehouse
29 bureau for purposes of paying salaries and expenses of persons
30 employed by the department to conduct examinations of the
31 business operations of grain dealers and warehouse operators,
32 pursuant to chapters 542 and 543. The amount transferred
33 shall be in addition to the payment of costs to the bureau for
34 performing administrative functions necessary for the
35 operation of the board and fund.

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DIVISION III
HEALTH AND HUMAN RIGHTS

Sec. 301. There is appropriated from the general fund of the state to the Iowa state civil rights commission 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 salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 995,421
..... FTEs 37.00

Sec. 302. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 1991 and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

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

..... \$ 245,106
..... FTEs 9.00

2. LATINO AFFAIRS DIVISION

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

..... \$ 89,887
..... FTEs 2.50

3. PERSONS WITH DISABILITIES DIVISION

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

..... \$ 130,853
..... FTEs 4.00

1 4. STATUS OF WOMEN DIVISION

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

| | | |
|---------|------|---------|
| 5 | \$ | 318,853 |
| 6 | FTEs | 4.10 |

7 Of the funds appropriated in this subsection, no less than
8 \$125,000 shall be spent for the displaced homemaker program.

9 Of the funds appropriated in this subsection, no less than
10 \$33,500 shall be spent for domestic violence and sexual
11 assault related grants.

12 5. CHILDREN, YOUTH, AND FAMILIES DIVISION

13 For salaries, support, maintenance, miscellaneous purposes,
14 and for not more than the following full-time equivalent posi-
15 tions:

| | | |
|----------|------|---------|
| 16 | \$ | 151,690 |
| 17 | FTEs | 8.00 |

18 Of the funds appropriated in this subsection, no less than
19 \$36,300 shall be spent for expenses relating to the
20 administration of federal funds for juvenile assistance. It
21 is the intent of the general assembly that the department of
22 human rights employ sufficient staff to meet the federal
23 funding match requirements established by the federal office
24 for juvenile justice delinquency prevention. The governor's
25 advisory council on juvenile justice shall determine the
26 staffing level necessary to carry out federal and state
27 mandates for juvenile justice.

28 6. DEAF SERVICES DIVISION

29 For salaries, support, maintenance, miscellaneous purposes,
30 and for not more than the following full-time equivalent posi-
31 tions:

| | | |
|----------|------|---------|
| 32 | \$ | 295,794 |
| 33 | FTEs | 10.00 |

34 The fees collected by the division for provision of
35 interpretation services by the division to obligated agencies

1 shall be dispersed pursuant to the provisions of section 8.32,
2 and shall be dedicated and used by the division for the
3 provision of continued and expanded interpretation services.

4 7. STATUS OF BLACKS DIVISION

5 For salaries, support, maintenance, miscellaneous purposes,
6 and for not more than the following full-time equivalent posi-
7 tions:

| | | |
|---------|------|--------|
| 8 | \$ | 78,581 |
| 9 | FTEs | 2.00 |

10 8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

11 For salaries, support, maintenance, miscellaneous purposes,
12 and for not more than the following full-time equivalent posi-
13 tions:

| | | |
|----------|------|---------|
| 14 | \$ | 229,415 |
| 15 | FTEs | 5.00 |

16 The criminal and juvenile justice planning advisory council
17 and the juvenile justice advisory council of the division of
18 children, youth, and families shall coordinate their efforts
19 in carrying out their respective duties relative to juvenile
20 justice.

21 Sec. 303. There is appropriated from the general fund of
22 the state to the department for the blind for the fiscal year
23 beginning July 1, 1991, and ending June 30, 1992, the
24 following amount, or so much thereof as is necessary, to be
25 used for the purposes designated:

26 For salaries, support, maintenance, miscellaneous purposes,
27 and for not more than the following full-time equivalent posi-
28 tions:

| | | |
|----------|------|-----------|
| 29 | \$ | 1,400,576 |
| 30 | FTEs | 104.50 |

31 Sec. 304. There is appropriated from the general fund of
32 the state to the department of elder affairs for the fiscal
33 year beginning July 1, 1991, and ending June 30, 1992, the
34 following amounts, or so much thereof as is necessary, to be
35 used for the purposes designated:

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

| | | |
|---------|------|---------|
| 4 | \$ | 429,519 |
| 5 | FTEs | 32.00 |

6 Of the funds appropriated under this subsection, \$50,000
7 shall be allocated to fund the representative payee project
8 established within the department of elder affairs.

9 2. For the administration of area agencies on aging:
10 \$ 165,000

11 3. For the long-term care residents' advocate and the care
12 review committees at the local area agency on aging level:
13 \$ 120,000

14 As a condition, limitation, and qualification of the funds
15 appropriated by this subsection, a local area agency on aging
16 shall match the funds appropriated with funds from other
17 sources on a \$4 to \$1 basis.

18 4. For the retired Iowans community employment program:
19 \$ 104,000

20 5. For existing retired senior volunteer program projects:
21 \$ 83,000

22 6. For elderly services programs:
23 \$ 1,459,681

24 All funds appropriated under this subsection shall be
25 received and disbursed by the director of elder affairs for
26 the elderly services program, shall not be used for
27 administrative purposes, and shall be used for citizens of
28 Iowa over 60 years of age for chore, telephone reassurance,
29 adult day care, and home repair services, including the
30 winterizing of homes, and for the construction of entrance
31 ramps which meet the requirements of section 104A.4 and make
32 residences accessible to the physically handicapped. Funds
33 appropriated under this subsection may be used to supplement
34 federal funds under federal regulations. Funds appropriated
35 under this subsection may be used for elderly services not

1 specifically enumerated in this subsection only if approved by
2 an area agency on aging for provision of the service within
3 the area.

4 Of the funds appropriated in this subsection, \$150,000, or
5 so much thereof as is necessary, are allocated for the respite
6 care program.

7 Of the funds appropriated in this subsection, area agencies
8 on aging shall expend no less than \$250,000 on adult day care
9 programs.

10 Of the funds appropriated in this subsection, \$150,000, or
11 so much thereof as is necessary, shall be used for case
12 management for the frail elderly.

13 7. For the Alzheimer's disease support program:

14 \$ 75,000

15 Sec. 305. There is appropriated from the general fund of
16 the state to the Iowa department of public health for the
17 fiscal year beginning July 1, 1991, and ending June 30, 1992,
18 the following amounts, or so much thereof as is necessary, to
19 be used for the purposes designated:

20 1. CENTRAL ADMINISTRATION DIVISION

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

24 \$ 747,278

25 FTEs 57.50

26 b. If Senate File 515 is enacted by the Seventy-fourth
27 General Assembly, 1991 Session, for the statistical analysis
28 and accumulation of termination of pregnancy reports, a
29 computer system and software for those purposes, production
30 and dissemination of the reporting forms, and for the salary
31 for 1 administrative assistant II:

32 \$ 68,500

33 2. HEALTH PLANNING DIVISION

34 a. For salaries, support, maintenance, miscellaneous
35 purposes, and for not more than the following full-time

1 equivalent positions:

2 \$ 410,852

3 FTEs 12.75

4 b. For salaries, support, maintenance, miscellaneous
5 purposes, and for not more than the following full-time
6 equivalent positions for the office of rural health:

7 \$ 134,536

8 FTEs 4.00

9 (1) Of the funds appropriated in this paragraph, \$34,536
10 is allocated for the continuation of the office of rural
11 health.

12 (2) Of the funds appropriated in this paragraph, \$100,000
13 is allocated to the office of rural health to provide
14 technical assistance to rural areas in the area of health care
15 delivery, including technical assistance in the recruitment of
16 physicians and health care professionals.

17 c. For the health data clearinghouse of the health data
18 commission:

19 \$ 100,000

20 Funds appropriated under the paragraph shall be used for
21 staff and expenses of the commission and shall not be used for
22 programmatic expenses of the commission.

23 3. DISEASE PREVENTION DIVISION

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

27 \$ 2,301,510

28 FTEs 82.04

29 (1) Of the funds appropriated under this paragraph,
30 \$75,000 shall be used for chlamydia testing.

31 (2) Of the funds appropriated in this paragraph, \$15,000
32 is allocated to support the surveillance and reporting of
33 disabilities suffered by persons engaged in agriculture
34 resulting from diseases or injuries, including identifying the
35 amount and severity of agriculture-related injuries and

1 diseases in the state, identifying causal factors associated
2 with agriculture-related injuries and diseases, and evaluating
3 the effectiveness of intervention programs designed to reduce
4 injuries and diseases. The department shall cooperate with
5 the department of agriculture and land stewardship, Iowa state
6 university of science and technology, and the college of
7 medicine at the state university of Iowa in accomplishing
8 these duties.

9 (3) The state university of Iowa hospitals and clinics
10 shall not receive indirect costs from the funds appropriated
11 under this paragraph.

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

| | | |
|----------|------|---------|
| 15 | \$ | 975,473 |
| 16 | FTEs | 5.00 |

17 It is the intent of the general assembly that the moneys
18 appropriated under this paragraph shall be used for the
19 training of emergency medical services (EMS) personnel at the
20 state, county, and local levels.

21 If a person in the course of responding to an emergency
22 renders aid to an injured person and becomes exposed to bodily
23 fluids of the injured person, that emergency responder shall
24 be entitled to hepatitis testing and immunization in
25 accordance with the latest available medical technology to
26 determine if infection with hepatitis has occurred. The
27 person shall be entitled to reimbursement from the emergency
28 provider fund only if the reimbursement is not available
29 through any employer or third-party payor.

30 4. PROFESSIONAL LICENSURE DIVISION

31 For salaries, support, maintenance, miscellaneous purposes,
32 and for not more than the following full-time equivalent posi-
33 tions:

| | | |
|----------|------|---------|
| 34 | \$ | 597,785 |
| 35 | FTEs | 14.50 |

1 5. STATE BOARD OF DENTAL EXAMINERS

2 For salaries, support, maintenance, miscellaneous purposes,
3 and for not more than the following full-time equivalent posi-
4 tions:

| | | |
|---------|------|---------|
| 5 | \$ | 214,931 |
| 6 | FTEs | 4.00 |

7 6. STATE BOARD OF MEDICAL EXAMINERS

8 For salaries, support, maintenance, miscellaneous purposes,
9 and for not more than the following full-time equivalent posi-
10 tions:

| | | |
|----------|------|---------|
| 11 | \$ | 926,539 |
| 12 | FTEs | 19.00 |

13 7. STATE BOARD OF NURSING EXAMINERS

14 For salaries, support, maintenance, miscellaneous purposes,
15 and for not more than the following full-time equivalent posi-
16 tions:

| | | |
|----------|------|---------|
| 17 | \$ | 754,058 |
| 18 | FTEs | 17.00 |

19 8. STATE BOARD OF PHARMACY EXAMINERS

20 For salaries, support, maintenance, miscellaneous purposes,
21 and for not more than the following full-time equivalent posi-
22 tions:

| | | |
|----------|------|---------|
| 23 | \$ | 588,855 |
| 24 | FTEs | 12.00 |

25 9. Professional licensure division pursuant to subsection
26 4 and the boards pursuant to subsections 5 through 8 shall
27 prepare estimates of projected receipts to be generated by the
28 licensing, certification, and examination fees of each board
29 as well as a projection of the fairly apportioned
30 administrative costs and rental expenses attributable to each
31 board. Each board shall annually review and adjust its
32 schedule of fees so that, as nearly as possible, projected
33 receipts equal projected costs.

34 10. SUBSTANCE ABUSE DIVISION

35 a. For salaries, support, maintenance, miscellaneous

1 purposes, and for not more than the following full-time
2 equivalent positions:

3 \$ 497,225
4 FTEs 20.00

5 b. For program grants:

6 \$ 8,571,941

7 c. For the provision of aftercare services for persons
8 completing substance abuse treatment:

9 \$ 200,000

10 11. FAMILY AND COMMUNITY HEALTH DIVISION

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

14 \$ 4,345,820
15 FTEs 91.97

16 (1) The department shall allocate from the funds
17 appropriated under this paragraph at least \$631,000 for the
18 birth defects and genetics counseling program and of these
19 funds, \$39,000 shall be allocated for a central birth defects
20 registry program, and \$296,000 shall be allocated for regional
21 genetic counseling services contracted from the state
22 university of Iowa hospitals and clinics under the control of
23 the state board of regents.

24 (2) Of the funds appropriated under this paragraph,
25 \$99,000 shall be used for a lead abatement program.

26 (3) Of the funds appropriated under this subparagraph
27 \$657,500 shall be used for the chronic renal disease program.
28 The types of assistance to eligible recipients under the
29 program may include hospital and medical expenses, home
30 dialysis supplies, insurance premiums, travel expenses,
31 prescription and nonprescription drugs, and lodging expenses
32 for persons in training. The program expenditures shall not
33 exceed these allocations. If projected expenditures will
34 exceed the allocations, the department shall establish by
35 administrative rule a mechanism to reduce financial assistance

1 under the renal disease program in order to keep expenditures
2 within the allocations.

3 (4) Of the funds appropriated in this paragraph, the
4 following amounts shall be allocated to the state university
5 of Iowa hospitals and clinics under the control of the state
6 board of regents for the following programs under the Iowa
7 specialized child health care services:

8 (a) Mobile and regional child health specialty clinics:
9 \$ 341,500

10 The regional clinic located in Sioux City shall maintain a
11 social worker component to assist the families of children
12 participating in the clinic program.

13 (b) Muscular dystrophy and related genetic disease
14 programs:
15 \$ 125,000

16 (c) Statewide perinatal program:
17 \$ 67,000

18 (5) The birth defects and genetic counseling service shall
19 apply a sliding fee scale to determine the amount a person re-
20 ceiving the services is required to pay for the services.
21 These fees shall be considered repayment receipts and used for
22 the program.

23 (6) Of the funds allocated to the mobile and regional
24 child health specialty clinics under subparagraph (4),
25 subparagraph subdivision (a), \$101,500 shall be used for a
26 specialized medical home care program providing care planning
27 and coordination of community support services for children
28 who require technical medical care in the home.

29 (7) The state university of Iowa hospitals and clinics
30 shall not receive indirect costs from the funds for each
31 program.

32 (8) Of the funds appropriated under this paragraph,
33 \$1,322,400 shall be used for maternal and child health
34 services.

35 (9) The Iowa department of public health shall administer

1 the statewide maternal and child health program and the
2 crippled children's program by conducting mobile and regional
3 child health specialty clinics and conducting other activities
4 to improve the health of low-income women and children and to
5 promote the welfare of children with actual or potential
6 handicapping conditions and chronic illnesses in accordance
7 with the requirements of Title V of the Social Security Act.

8 b. Sudden infant death syndrome autopsies:

9 For reimbursing counties for expenses resulting from autop-
10 sies of suspected victims of sudden infant death syndrome
11 required under section 331.802, subsection 3, paragraph "j":
12 \$ 10,000

13 c. For grants to local boards of health for the public
14 health nursing program:

15 \$ 2,682,249

16 Funds appropriated under this paragraph shall be used to
17 maintain and expand the existing public health nursing program
18 for elderly and low-income persons with the objective of
19 preventing or reducing inappropriate institutionalization.
20 The funds shall not be used for any other purpose. As used in
21 this paragraph, "elderly person" means a person who is 60
22 years of age or older and "low-income person" means a person
23 whose income and resources are below the guidelines
24 established by the department.

25 One-fourth of the total amount to be allocated shall be
26 divided so that an equal amount is available for use in each
27 county in the state. Three-fourths of the total amount to be
28 allocated shall be divided so that the share available for use
29 in each county is proportionate to the number of elderly and
30 low-income persons living in that county in relation to the
31 total number of elderly and low-income persons living in the
32 state.

33 In order to receive allocations under this paragraph, the
34 local board of health having jurisdiction shall prepare a
35 proposal for the use of the allocated funds available for that

1 jurisdiction that will provide the maximum benefits of
2 expanded public health nursing care to elderly and low-income
3 persons in the jurisdiction. After approval of the proposal
4 by the department, the department shall enter into a contract
5 with the local board of health. The local board of health
6 shall subcontract with a nonprofit nurses' association, an
7 independent nonprofit agency, or a suitable local governmental
8 body to use the allocated funds to provide public health
9 nursing care. Local boards of health shall make an effort to
10 prevent duplication of services.

11 If by July 30 of the fiscal year, the department is unable
12 to conclude contracts for use of the allocated funds in a
13 county, the department shall consider the unused funds
14 appropriated under this paragraph an unallocated pool. If the
15 unallocated pool is \$50,000 or more it shall be reallocated to
16 the counties in substantially the same manner as the original
17 allocations. The reallocated funds are available for use in
18 those counties during the period beginning January 1 and
19 ending June 30 of the fiscal year. If the unallocated pool is
20 less than \$50,000, the department may allocate it to counties
21 with demonstrated special needs for public health nursing.

22 The department shall maintain rules governing the
23 expenditure of funds appropriated by this paragraph. The
24 rules require each local agency receiving funds to establish
25 and use a sliding fee scale for those persons able to pay for
26 all or a portion of the cost of the care.

27 The department shall annually evaluate the success of the
28 public health nursing program. The evaluation shall include
29 the extent to which the program reduced or prevented
30 inappropriate institutionalization, the extent to which the
31 program increased the availability of public health nursing
32 care to elderly and low-income persons, and the extent of
33 public health nursing care provided to elderly and low-income
34 persons. The department shall submit a report of each annual
35 evaluation to the governor and the general assembly.

1 d. For grants to county boards of supervisors for the
2 homemaker-home health aide program:
3 \$ 8,975,159

4 Funds appropriated under this paragraph shall be used to
5 provide homemaker-home health aide services with emphasis on
6 services to elderly and persons below the poverty level and
7 children and adults in need of protective services with the
8 objective of preventing or reducing inappropriate
9 institutionalization. In addition, up to 15 percent of the
10 funds appropriated under this paragraph may be used to provide
11 chore services. The funds shall not be used for any other
12 purposes. As used in this paragraph:

13 (1) "Chore services" means services provided to
14 individuals or families, who, due to incapacity, or illness,
15 are unable to perform certain home maintenance functions. The
16 services include but are not limited to yard work such as
17 mowing lawns, raking leaves, and shoveling walks; window and
18 door maintenance such as hanging screen windows and doors,
19 replacing windowpanes, and washing windows; and minor repairs
20 to walls, floors, stairs, railings, and handles. It also
21 includes heavy house cleaning which includes cleaning attics
22 or basements to remove fire hazards, moving heavy furniture,
23 extensive wall washing, floor care or painting, and trash
24 removal.

25 (2) "Elderly person" means a person who is 60 years of age
26 or older.

27 (3) "Homemaker-home health aide services" means services
28 intended to enhance the capacity of household members to
29 attain or maintain the independence of the household members
30 and provided by trained and supervised workers to individuals
31 or families, who, due to the absence, incapacity, or
32 limitations of the usual homemaker, are experiencing stress or
33 crisis. The services include but are not limited to essential
34 shopping, housekeeping, meal preparation, child care, respite
35 care, money management and consumer education, family

1 management, personal services, transportation and providing
2 information, assistance, and household management.

3 (4) "Low-income person" means a person whose income and
4 resources are below the guidelines established by the
5 department.

6 (5) "Protective services" means those homemaker-home
7 health aide services intended to stabilize a child's or an
8 adult's residential environment and relationships with
9 relatives, caretakers, and other persons or household members
10 in order to alleviate a situation involving abuse or neglect
11 or to otherwise protect the child or adult from a threat of
12 abuse or neglect.

13 The amount appropriated under this paragraph shall be
14 allocated for use in the counties of the state. 15 percent of
15 the amount shall be divided so that an equal amount is
16 available for use in each county in the state. The following
17 percentages of the remaining amount shall be allocated to each
18 county according to that county's proportion of residents with
19 the following demographic characteristics: 60 percent
20 according to the number of elderly persons living in the
21 county; 20 percent according to the number of persons below
22 the poverty level living in the county; and 20 percent
23 according to the number of substantiated cases of child abuse
24 in the county during the 3 most recent fiscal years for which
25 data is available.

26 In order to receive allocations under this paragraph, the
27 county board of supervisors, after consultation with the local
28 boards of health, county board of social welfare, area agency
29 on aging advisory council, local office of the department of
30 human services, and other in-home health care provider
31 agencies in the jurisdiction, shall prepare a proposal for the
32 use of the allocated funds available for that jurisdiction
33 that will provide the maximum benefits of homemaker-home
34 health aide services to elderly and low-income persons and
35 children and adults in need of protective services in the

1 jurisdiction. An agency requesting service or financial
2 information about a current subcontractor shall provide
3 similar information concerning its own homemaker-home health
4 aide or chore services program to the current subcontractor.
5 The proposal may provide that a maximum of 15 percent of the
6 allocated funds will be used to provide chore services. The
7 proposal shall include a statement assuring that children and
8 adults in need of protective services are given priority for
9 homemaker-home health aide services and that the appropriate
10 local agencies have participated in the planning for the
11 proposal. After approval of the proposal by the department,
12 the department shall enter into a contract with the county
13 board of supervisors or a governmental body designated by the
14 county board of supervisors. The county board of supervisors
15 or its designee shall subcontract with a nonprofit nurses'
16 association, an independent nonprofit agency, the department
17 of human services, or a suitable local governmental body to
18 use the allocated funds to provide homemaker-home health aide
19 services and chore services providing that the subcontract
20 requires any service provided away from the home to be
21 documented in a report available for review by the department,
22 and that each homemaker-home health aide subcontracting agency
23 shall maintain the direct service workers' time assigned to
24 direct client service at 70 percent or more of the workers'
25 paid time and that not more than 35 percent of the total cost
26 of the service be included in the combined costs for service
27 administration and agency administration. The subcontract
28 shall require that each homemaker-home health aide
29 subcontracting agency shall pay the employer's contribution of
30 Social Security and provide workers' compensation coverage for
31 persons providing direct homemaker-home health aide service
32 and meet any other applicable legal requirements of an
33 employer-employee relationship.

34 If by July 30 of the fiscal year, the department is unable
35 to conclude contracts for use of the allocated funds in a

1 county, the department shall consider the unused funds
 2 appropriated under this paragraph an unallocated pool. The
 3 department shall also identify any allocated funds which the
 4 counties do not anticipate spending during the fiscal year.
 5 If the anticipated excess funds to any county are substantial,
 6 the department and the county may agree to return those excess
 7 funds, if the funds are other than program revenues, to the
 8 department, and if returned, the department shall consider the
 9 returned funds a part of the unallocated pool. The department
 10 shall prior to February 15 of the fiscal year, reallocate the
 11 funds in the unallocated pool among the counties in which the
 12 department has concluded contracts under this paragraph. The
 13 department shall also review the first 10 months' expenditures
 14 for each county in May of the fiscal year, to determine if any
 15 counties possess contracted funds which they do not anticipate
 16 spending. If such funds are identified and the county agrees
 17 to release the funds, the released funds will be considered a
 18 new reallocation pool. The department may, prior to June 1 of
 19 the fiscal year, reallocate funds from this new reallocation
 20 pool to those counties which have experienced a high
 21 utilization of protective service hours for children and
 22 dependent adults.

23 The department shall maintain rules governing the
 24 expenditure of funds appropriated by this paragraph. The
 25 rules require each local agency receiving funds to establish
 26 and use a sliding fee scale for those persons able to pay for
 27 all or a portion of the cost of the services and shall require
 28 the payments to be applied to the cost of the services. The
 29 department shall also maintain rules for standards regarding
 30 training, supervision, recordkeeping, appeals, program
 31 evaluation, cost analysis, and financial audits, and rules
 32 specifying reporting requirements.

33 The department shall annually evaluate the success of the
 34 homemaker-home health aide program. The evaluation shall
 35 include a description of the program and its implementation,

1 the extent of local participation, the extent to which the
2 program reduced or prevented inappropriate institutional-
3 zation, the extent to which the program provided or increased
4 the availability of homemaker-home health aide services to
5 elderly and low-income persons and children and adults in need
6 of protective services, any problems and recommendations
7 concerning the program, and an analysis of the costs of
8 services across the state. The department shall submit a
9 report of the annual evaluation to the governor and the
10 general assembly.

11 e. For the development and maintenance of well-elderly
12 clinics in the state:

13 \$ 606,945

14 Appropriations made in this paragraph shall be provided by
15 a formula to well-elderly clinics located in counties which
16 provide funding on a matching basis for the well-elderly
17 clinics.

18 f. For the physician care for children program:

19 \$ 425,000

20 The physician services shall be subject to managed care and
21 selective contracting provisions and shall be used to provide
22 treatment of the children in a physician's office and shall
23 include coverage of diagnostic procedures and prescription
24 drugs required for the treatment. Services provided under
25 this paragraph shall be reimbursed according to Title XIX
26 reimbursement rates.

27 g. For primary and preventive health care for children:

28 \$ 135,000

29 Funds appropriated under this section shall be for the
30 public purpose of providing a renewable grant, following a
31 request for proposals, to a statewide charitable organization
32 within the meaning of section 501(c)(3) of the Internal
33 Revenue Code which was organized prior to April 1, 1989, and
34 has as one of its purposes the sponsorship or support for
35 programs designed to improve the quality, awareness, and

1 availability of health care for the young, to serve as the
2 funding mechanism for the provision of primary health care and
3 preventive services to children in the state who are uninsured
4 and who are not eligible under any public plan of health
5 insurance, provided all of the following conditions are met:

6 (1) The organization shall provide a match in advance of
7 each state dollar provided as follows:

8 (a) In the fiscal period beginning July 1, 1989, and
9 ending June 30, 1991, \$2.

10 (b) In the fiscal year beginning July 1, 1991, \$3.

11 (2) The organization coordinates services with new or
12 existing public programs and services provided by or funded by
13 appropriate state agencies in an effort to avoid inappropriate
14 duplication of services and ensure access to care to the
15 extent as is reasonably possible. The organization shall work
16 with the Iowa department of public health, family and
17 community health division, to ensure duplication is minimized.

18 (3) The organization's governing board includes in its
19 membership representatives from the executive and legislative
20 branches of state government.

21 (4) Grant funds are available as needed to provide
22 services and shall not be used for administrative costs of the
23 department or the grantee.

24 (5) Notwithstanding section 8.33, funds appropriated in
25 this section which are unencumbered or unobligated on June 30,
26 1992, shall not revert to the general fund but shall remain
27 available to the department for the provision of maternal and
28 child health services.

29 Sec. 306. Section 135.11A, Code 1991, is amended by adding
30 the following new unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. The professional licensure
32 division and the licensing boards may expend additional funds,
33 if those additional expenditures are directly the cause of
34 actual examination and exceed funds budgeted for examinations.
35 Before the division or a licensing board expends or encumbers

1 an amount in excess of the funds budgeted for examinations,
2 the director of the department of management shall approve the
3 expenditure or encumbrance. Before approval is given, the
4 department of management shall determine that the examination
5 expenses exceed the funds budgeted by the general assembly to
6 the division or board and the division or board does not have
7 other funds from which examination expenses can be paid. Upon
8 approval of the department of management the division or
9 licensing board may expend and encumber funds for excess
10 examination expenses. The amounts necessary to fund the
11 excess examination expenses shall be collected as fees from
12 additional examination applicants and shall be treated as
13 repayment receipts as defined in section 8.2.

14 Sec. 307. Section 135.103, Code 1991, is amended to read
15 as follows:

16 135.103 GRANT PROGRAM.

17 The department shall implement a lead abatement grant
18 program which provides matching funds to local boards of
19 health or cities for the program after standards and
20 requirements for the local program are developed. The state
21 shall provide funds to approved programs on the basis of three
22 dollars for each one dollar designated by the local board of
23 health or city for the program for the first two years of a
24 program, and funds on the basis of one dollar for each one
25 dollar designated by the local board of health or city for the
26 program for the third and fourth subsequent years of the
27 program if such funding is determined necessary by the
28 department for such subsequent years. ~~A-lead-abatement~~
29 ~~program-grant-shall-not-exceed-a-time-period-of-four-years-~~

30 DIVISION IV

31 REGULATION

32 Sec. 401. There is appropriated from the general fund of
33 the state to the office of the auditor of state for the fiscal
34 year beginning July 1, 1991, and ending June 30, 1992, the
35 following amount, or so much thereof as is necessary, to be

1 used for the purposes designated:

2 For salaries, support, maintenance, miscellaneous purposes,
3 and for not more than the following full-time equivalent posi-
4 tions:

| | | |
|---------|------|-----------|
| 5 | \$ | 1,600,787 |
| 6 | FTEs | 120.78 |

7 The auditor of state may expend additional moneys and
8 retain additional full-time equivalent positions as is
9 reasonable and necessary to perform audits, such as audits for
10 local governments, if all of the following conditions are
11 satisfied:

12 1. The amount expended is proportional to the costs that
13 are reimbursable from the entity being audited, including but
14 not limited to expenses reimbursable pursuant to section
15 11.5A, 11.5B, 11.20, or 11.21.

16 2. The auditor of state submits a request to the
17 department of management to expend a specific additional
18 amount in connection with specified reimbursable audits.

19 3. The department of management approves the additional
20 spending from any unappropriated funds in the state treasury
21 upon a finding that all or substantially all of the amount
22 requested and approved will be reimbursable from the entity
23 being audited.

24 4. The department of management notifies the legislative
25 fiscal bureau of any additional moneys approved.

26 5. The department of management notifies the legislative
27 fiscal committee of any additional moneys approved prior to
28 the expenditure.

29 6. Upon payment or reimbursement by the entity, the
30 auditor of state shall credit the payments to the state
31 treasury for deposit in the general fund.

32 Sec. 402. There is appropriated from the general fund of
33 the state to the campaign finance disclosure commission for
34 the fiscal year beginning July 1, 1991, and ending June 30,
35 1992, the following amount, or so much thereof as is

1 necessary, for the purposes designated:

2 For salaries, support, maintenance, miscellaneous purposes,
3 and for not more than the following full-time equivalent posi-
4 tions:

| | | |
|---------|------|---------|
| 5 | \$ | 273,000 |
| 6 | FTEs | 6.75 |

7 Sec. 403. There is appropriated from the general fund of
8 the state to the department of employment services for the
9 fiscal year beginning July 1, 1991, and ending June 30, 1992,
10 the following amounts, or so much thereof as is necessary, for
11 the purposes designated:

12 1. DIVISION OF LABOR SERVICES

13 For salaries, support, maintenance, miscellaneous purposes,
14 and for not more than the following full-time equivalent posi-
15 tions:

| | | |
|----------|------|-----------|
| 16 | \$ | 2,574,205 |
| 17 | FTEs | 95.00 |

18 From the contractor registration fees, the division of
19 labor services shall reimburse the department of inspections
20 and appeals for all costs associated with hearings under
21 chapter 91C, relating to contractor registration.

22 Of the amount appropriated under this subsection, the
23 following amounts, or so much thereof as is necessary, shall
24 be expended for the designated purposes: \$174,166 for 5.00
25 FTEs to enforce the Iowa minimum wage law, \$30,000 for 1.00
26 FTE for asbestos contractor certification, and \$35,000 for
27 1.00 FTE for construction contractor registration.

28 2. DIVISION OF INDUSTRIAL SERVICES

29 For salaries, support, maintenance, miscellaneous purposes,
30 and for not more than the following full-time equivalent posi-
31 tions:

| | | |
|----------|------|-----------|
| 32 | \$ | 2,116,185 |
| 33 | FTEs | 45.50 |

34 As a condition, limitation, and qualification of the funds
35 appropriated by this subsection, \$45,396, or so much thereof

1 as is necessary, shall be expended for 1.00 FTE, which shall
2 be a word processor III position, to expedite the
3 administrative hearing process for workers' compensation
4 cases, and to assist in reducing the contested case backlog.
5 The division shall submit a written report to the legislative
6 fiscal bureau on a quarterly basis concerning the status of
7 the workers' compensation contested case backlog.

8 As a further condition, limitation, and qualification of
9 the funds appropriated in this subsection, the division of
10 industrial services shall not reduce the number of scheduled
11 prehearings and hearings of contested cases or eliminate the
12 venue of such prehearings and hearings, as established by the
13 division for the period beginning January 1, 1991, and ending
14 January 20, 1992. The division shall also establish a
15 substantially similar schedule for such prehearings and
16 hearings for the period beginning January 20, 1992, and ending
17 June 30, 1992. The division shall report to the legislative
18 fiscal bureau concerning any modification of the established
19 schedule, or any changes which the division determines are
20 necessary in establishing the schedule for the period
21 beginning January 20, 1992, and ending June 30, 1992.

22 The division shall continue charging a \$65 filing fee for
23 workers' compensation cases. The filing fee shall be paid by
24 the petitioner of a claim. However, the fee can be taxed as a
25 cost and paid by the losing party, except in cases where it
26 would impose an undue hardship or be unjust under the
27 circumstances.

28 The department of employment services, the department of
29 personnel, and the department of management shall work
30 together to ensure that as nearly as possible all full-time
31 equivalent positions authorized and funded for the department
32 of employment services will be utilized during the fiscal year
33 beginning July 1, 1991, and ending June 30, 1992, and future
34 fiscal years, to ensure that the backlog of cases in that
35 department will be reduced as rapidly as possible.

1 Sec. 404.

2 1. Notwithstanding the provisions of section 96.13,
3 subsection 3, which restrict the use of moneys in the special
4 employment security contingency fund, moneys in the fund on
5 June 30, 1991, shall not be transferred by the treasurer of
6 state to either the temporary emergency surcharge fund or the
7 unemployment compensation fund, but shall be available to the
8 division of job service of the department of employment
9 services for the fiscal year beginning July 1, 1991, and
10 ending June 30, 1992, for expenditures under subsection 2.

11 2. The division of job service shall expend moneys which
12 are credited to the special employment security contingency
13 fund during the fiscal year beginning July 1, 1991, and ending
14 June 30, 1992, including moneys which are available to the
15 division of job service under subsection 1, only in accordance
16 with the following restrictions:

17 The division shall expend up to \$550,000 for the following:
18 \$50,000, or so much thereof as is necessary, for the removal
19 of 2 chillers and 1 underground storage tank, and \$300,000, or
20 so much thereof as is necessary, for asbestos removal or
21 encapsulation at the job service site located at 1000 East
22 Grand, Des Moines, Iowa, and for the support of the labor
23 survey, economic development teams to assist in conducting
24 "labor availability surveys".

25 Sec. 405. There is appropriated from the administrative
26 contribution surcharge fund of the state to the department of
27 employment services for the fiscal year beginning July 1,
28 1991, and ending June 30, 1992, the following amount, or so
29 much thereof as is necessary, for the purposes designated:

30 DIVISION OF JOB SERVICE

31 Notwithstanding section 96.7, subsection 12, paragraph "c",
32 for salaries, support, maintenance, miscellaneous purposes,
33 and for not more than the following full-time equivalent
34 positions:

35 \$ 5,916,050

1 FTEs 171.80

2 As a condition, limitation, and qualification of this
3 appropriation, the department of employment services shall
4 provide services throughout the fiscal year beginning July 1,
5 1991, and ending June 30, 1992, in all communities in which
6 job service offices are operating on July 1, 1991. However,
7 this provision shall not prevent the consolidation of multiple
8 offices within the same city or the colocation of job service
9 offices with another public agency.

10 Sec. 406. There is appropriated from the general fund of
11 the state to the department of inspections and appeals for the
12 fiscal year beginning July 1, 1991, and ending June 30, 1992,
13 the following amounts, or so much thereof as is necessary, for
14 the purposes designated:

15 1. FINANCE AND SERVICES DIVISION

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

19 \$ 578,220
20 FTEs 25.00

21 2. AUDITS DIVISION

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

25 \$ 650,406
26 FTEs 21.00

27 Of the amount appropriated in this subsection, \$78,708, or
28 so much thereof as is necessary, shall be expended for 2.00
29 FTEs for conducting required bingo audits.

30 3. APPEALS AND FAIR HEARINGS DIVISION

31 In addition to funds appropriated in section 408 of this
32 division from the road use tax fund, for salaries, support,
33 maintenance, miscellaneous purposes, and for not more than the
34 following full-time equivalent positions:

35 \$ 376,861

1 FTEs 16.00

2 4. INVESTIGATIONS DIVISION

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

6 \$ 456,304

7 FTEs 39.00

8 5. HEALTH FACILITIES DIVISION

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

12 \$ 1,832,195

13 FTEs 131.00

14 Of the amount appropriated in this subsection, \$330,394, or
15 so much thereof as is necessary, shall be expended for 21.00
16 FTEs to regulate nursing facilities as required by the federal
17 Nursing Home Reform Act.

18 6. INSPECTIONS DIVISION

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

22 \$ 913,786

23 FTEs 26.50

24 7. EMPLOYMENT APPEAL BOARD

25 For salaries, support, maintenance, miscellaneous purposes,
26 and for not more than the following full-time equivalent posi-
27 tions:

28 \$ 46,527

29 FTEs 16.80

30 The employment appeal board shall be reimbursed by the
31 labor services division of the department of employment
32 services for all costs associated with hearings conducted
33 under chapter 91C, related to contractor registration. The
34 board is authorized to expend, in addition to the amount
35 appropriated under this subsection, such amounts as are

1 directly billable to the labor services division under this
2 subsection and to retain such additional full-time equivalent
3 positions as needed to conduct hearings required pursuant to
4 chapter 91C.

5 8. FOSTER CARE REVIEW BOARD

6 For salaries, support, maintenance, miscellaneous purposes,
7 and for not more than the following full-time equivalent posi-
8 tions:

| | | |
|----------|------|---------|
| 9 | \$ | 464,589 |
| 10 | FTEs | 11.50 |

11 Of the amount appropriated in this subsection, \$38,372, or
12 so much thereof as is necessary, shall be expended for 1.00
13 FTE in support of local review board activities in the eighth
14 judicial district.

15 The department of human services and the foster care review
16 board shall enter into a contract providing that the foster
17 care review board shall conduct foster care review services at
18 the current level of operation. The department and the board
19 shall structure such contract in a manner approved by the
20 federal government for the purpose of submitting an
21 application to the appropriate federal agency to obtain any
22 available federal funding for such contract. Funding received
23 as a result of submitting such application shall be used to
24 replace state funds which then shall immediately revert to the
25 general fund of the state. The department and the board shall
26 submit a written report to the legislative fiscal bureau no
27 later than February 1, 1992, indicating the progress of
28 obtaining federal funding and terms of any contract entered
29 into by the department and the board.

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

34 Sec. 407.

35 1. There is appropriated from the general fund of the

1 state to the office of the state public defender for the
2 fiscal year beginning July 1, 1991, and ending June 30, 1992,
3 the following amounts, or so much thereof as is necessary, for
4 the purposes designated:

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

| | | |
|---------|------|-----------|
| 8 | \$ | 6,384,142 |
| 9 | FTEs | 145.30 |

10 Of the amount appropriated under this subsection,
11 \$2,069,100, or so much thereof as is necessary, shall be
12 expended for 52.00 FTEs for expansion and establishment of new
13 public defender offices in the first, second, third, fifth,
14 and sixth judicial districts and for expansion of the
15 appellate defender.

16 b. For indigent court-appointed attorney fees for adults
17 and juveniles, notwithstanding section 232.141 and chapter
18 815:

19 \$ 9,401,002

20 2. The office of the state public defender shall submit
21 written reports to the legislative fiscal bureau indicating
22 the status of the activities of the office as a result of its
23 expansion. The first report shall be submitted no later than
24 August 1, 1991, and shall provide information concerning the
25 activities of the office during fiscal year 1991. An
26 additional report shall be submitted no later than February 1,
27 1992, and shall provide information concerning the activities
28 of the office during the period beginning July 1, 1991, and
29 ending December 31, 1991.

30 3. The judicial department shall provide, within thirty
31 days after the end of each calendar quarter, a written report
32 concerning adult and juvenile indigent defense, to the state
33 public defender's office and the department of inspections and
34 appeals, including the following information:

35 a. The number of court appointments by type of case by

1 county and by attorney.

2 b. The cost of court-appointed cases by type of case by
3 county and by attorney.

4 c. The amount of restitution as follows:

5 (1) By county.

6 (2) By type of case.

7 (3) Annually awarded.

8 d. The original charge and the disposition charge of each
9 case.

10 Sec. 408. There is appropriated from the road use tax fund
11 to the department of inspections and appeals for the fiscal
12 year beginning July 1, 1991, and ending June 30, 1992, the
13 following amount, or so much thereof as is necessary, for the
14 purposes designated:

15 For salaries, support, maintenance, miscellaneous purposes,
16 and for not more than the following full-time equivalent posi-
17 tions:

| | | |
|----------|------|---------|
| 18 | \$ | 526,837 |
| 19 | FTEs | 11.00 |

20 Sec. 409. There is appropriated from the general fund of
21 the state to the public employment relations board for the
22 fiscal year beginning July 1, 1991, and ending June 30, 1992,
23 the following amount, or so much thereof as is necessary, for
24 the purposes designated:

25 For salaries, support, maintenance, miscellaneous purposes,
26 and for not more than the following full-time equivalent posi-
27 tions:

| | | |
|----------|------|---------|
| 28 | \$ | 678,489 |
| 29 | FTEs | 13.00 |

30 The public employment relations board shall submit a
31 written report to the legislative fiscal bureau no later than
32 February 1, 1992, which evaluates and includes any
33 recommendations of the board concerning the videotaping of
34 court proceedings in lieu of using court reporters whenever
35 possible to record the proceedings. This evaluation shall

1 include information concerning the implementation of this
2 concept in other states.

3 Sec. 410. There is appropriated from the general fund of
4 the state to the professional licensing and regulation
5 division of the department of commerce, for the fiscal year
6 beginning July 1, 1991, and ending June 30, 1992, the
7 following amount, or so much thereof as is necessary, for the
8 purposes designated:

9 For salaries, support, maintenance, miscellaneous purposes,
10 and for not more than the following full-time equivalent posi-
11 tions:

| | | |
|----------|------|---------|
| 12 | \$ | 853,541 |
| 13 | FTEs | 11.00 |

14 Sec. 411. There is appropriated from the general fund of
15 the state to the administrative services division of the
16 department of commerce for the fiscal year beginning July 1,
17 1991, and ending June 30, 1992, the following amount, or so
18 much thereof as is necessary, to be used for the purposes
19 designated:

20 For salaries, support, maintenance, miscellaneous purposes,
21 and for not more than the following full-time equivalent posi-
22 tions:

| | | |
|----------|------|-----------|
| 23 | \$ | 1,491,046 |
| 24 | FTEs | 42.50 |

25 The administrative services division shall assess each
26 division to which administrative services are provided by the
27 administrative services division an amount pursuant to a cost
28 allocation plan established by the administrative services
29 division. The plan shall be established by July 1, 1991, and
30 shall, to the extent practicable, be based on the proportion
31 of the administrative services division's time allocated to
32 each division to which administrative services are provided.
33 All divisions in the department of commerce shall abide by the
34 cost allocation plan. Each division shall include in any
35 charges assessed by the division to persons regulated, or

1 include in revenues generated in a manner other than
2 assessments to persons regulated, an amount sufficient to
3 cover the costs of administration as assessed to the division
4 by the administrative services division.

5 The administrative services division shall eliminate the
6 position of deputy director.

7 Sec. 412. Notwithstanding section 123.53, there is
8 appropriated from the general fund of the state to the
9 alcoholic beverages division of the department of commerce for
10 the fiscal year beginning July 1, 1991, and ending June 30,
11 1992, the following amount, or so much thereof as is
12 necessary, for the purposes designated:

13 For salaries, support, maintenance, miscellaneous purposes,
14 and for not more than the following full-time equivalent posi-
15 tions:

| | |
|----------|--------------|
| 16 | \$ 3,456,728 |
| 17 | FTEs 85.86 |

18 Sec. 413. There is appropriated from the general fund of
19 the state to the banking division of the department of
20 commerce for the fiscal year beginning July 1, 1991, and
21 ending June 30, 1992, the following amount, or so much thereof
22 as is necessary, to be used for the purposes designated:

23 For salaries, support, maintenance, miscellaneous purposes,
24 and for not more than the following full-time equivalent posi-
25 tions:

| | |
|----------|--------------|
| 26 | \$ 5,832,042 |
| 27 | FTEs 108.50 |

28 The banking division shall assume all duties of the savings
29 and loan division concerning the regulation of savings and
30 loan associations and the enforcement of all state laws and
31 rules relating to such associations.

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

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

17 Sec. 414. There is appropriated from the general fund of
 18 the state to the credit union division of the department of
 19 commerce for the fiscal year beginning July 1, 1991, and
 20 ending June 30, 1992, the following amount, or so much thereof
 21 as is necessary, to be used for the purposes designated:

22 For salaries, support, maintenance, miscellaneous purposes,
 23 and for not more than the following full-time equivalent posi-
 24 tions:

| | | |
|----------|------|---------|
| 25 | \$ | 954,946 |
| 26 | FTEs | 20.00 |

27 Sec. 415. There is appropriated from the general fund of
 28 the state to the insurance division of the department of
 29 commerce for the fiscal year beginning July 1, 1991, and
 30 ending June 30, 1992, the following amount, or so much thereof
 31 as is necessary, to be used for the purposes designated:

32 For salaries, support, maintenance, miscellaneous purposes,
 33 and for not more than the following full-time equivalent posi-
 34 tions:

| | | |
|----------|----|-----------|
| 35 | \$ | 4,398,671 |
|----------|----|-----------|

1 FTEs 92.33

2 Sec. 416. Notwithstanding 1991 Iowa Acts, House File 273,
3 which requires the transfer of all funds in the revolving fund
4 to the general fund, there is appropriated from moneys in the
5 insurance division revolving fund on June 30, 1991, in excess
6 of \$260,000, an amount up to a maximum of \$238,389, to the
7 division of industrial services for the fiscal year beginning
8 July 1, 1991, and ending June 30, 1992, the following amount
9 or so much thereof as is necessary, to be used for the
10 purposes designated:

11 \$ 238,389
12 FTEs 4.00

13 Of the amount appropriated in this section, \$188,414, or so
14 much thereof as is necessary, shall be expended for 2 chief
15 deputies and 1 word processor III, and \$49,975, or so much
16 thereof as is necessary, shall be expended for 1 insurance
17 program specialist to reduce the backlog of workers'
18 compensation contested cases.

19 If the amount remaining in the insurance revolving fund
20 subject to appropriation pursuant to this section is
21 insufficient to fund the appropriation, the division of
22 insurance shall impose an administrative fee payable by
23 workers' compensation insurers and workers' compensation self-
24 insurers pursuant to sections 507D.3 and 507D.4, sufficient to
25 fund the remaining balance of the appropriation under this
26 section.

27 Sec. 417. There is appropriated from the general fund of
28 the state to the utilities division of the department of
29 commerce for the fiscal year beginning July 1, 1991, and
30 ending June 30, 1992, the following amount, or so much thereof
31 as is necessary, to be used for the purposes designated:

32 For salaries, support, maintenance, miscellaneous purposes,
33 and for not more than the following full-time equivalent posi-
34 tions:

35 \$ 4,843,961

1 FTEs 93.50

2 Of the amount appropriated in this section, the following
3 amounts, or so much thereof as is necessary, shall be expended
4 for the designated purposes: \$25,300 for additional rent for
5 hearing and conference rooms in the Lucas building and
6 \$316,377 for 6.00 FTEs for additional energy efficiency
7 responsibilities established by 1990 Iowa Acts, chapter 1252.

8 Sec. 418. There is appropriated from the general fund of
9 the state to the racing and gaming commission of the
10 department of inspections and appeals for the fiscal year
11 beginning July 1, 1991, and ending June 30, 1992, the
12 following amount, or so much thereof as is necessary, to be
13 used for the purposes designated:

14 For salaries, support, maintenance, miscellaneous purposes,
15 and for not more than the following full-time equivalent posi-
16 tions:

17 \$ 1,806,593
18 FTEs 33.36

19 Sec. 419. There is appropriated from the general fund of
20 the state to the racing and gaming commission of the
21 department of inspections and appeals, for the fiscal year
22 beginning July 1, 1991, and ending June 30, 1992, the
23 following amount, or so much thereof as is necessary, to be
24 used for the purposes designated:

25 For salaries, support, maintenance, miscellaneous purposes,
26 and for not more than the following full-time equivalent
27 positions for administration and enforcement of the excursion
28 boat gambling laws:

29 \$ 511,125
30 FTEs 10.50

31 Sec. 420. A regulatory body, agency, or department
32 receiving an appropriation pursuant to this division is
33 subject to both of the following:

34 1. Funds appropriated in this division, for the fiscal
35 year beginning July 1, 1991, and ending June 30, 1992, for a

1 full-time equivalent position which was authorized and for
2 which funding was provided for the fiscal year beginning July
3 1, 1990, and ending June 30, 1991, but which is not filled
4 during that fiscal year, and which is not filled during the
5 first quarter of the fiscal year beginning July 1, 1991, and
6 ending June 30, 1992, shall revert to the general fund of the
7 state at the end of the first quarter. Such funds shall not
8 be used for any other purpose.

9 2. Funds appropriated in this division for the fiscal year
10 beginning July 1, 1991, and ending June 30, 1992, for a full-
11 time equivalent position authorized in this division which is
12 not filled during the first quarter of the fiscal year
13 beginning July 1, 1991, and ending June 30, 1992, shall revert
14 to the general fund of the state at the end of the first
15 quarter. Such funds shall not be used for any other purpose.

16 Sec. 421. Section 96.7, subsection 9, paragraph a, Code
17 1991, is amended to read as follows:

18 a. The amount of the bond or deposit shall be equal to two
19 and seven-tenths percent of the nonprofit organization's total
20 taxable wages paid for employment during the four calendar
21 quarters immediately preceding the effective date of the
22 election, or the renewal date of a bond or a deposit of money
23 or securities, whichever date is most recent and applicable.
24 If the nonprofit organization did not pay wages in each of the
25 four calendar quarters, the amount of the bond or deposit
26 shall be determined by the division. If the nonprofit
27 corporation has been a reimbursable employer and has filed an
28 annual surety bond of over five hundred thousand dollars for
29 ten years, the amount of bond or deposit required shall not
30 exceed five hundred thousand dollars.

31 Sec. 422. Section 99D.15, subsection 3, paragraph c, Code
32 1991, is amended to read as follows:

33 c. If the rate of tax imposed under paragraph "a" is five
34 percent or four percent, a track licensee shall set aside for
35 retiring the any debt of the racetrack-facilities-or licensee,

1 for capital improvement to the racetrack facilities of the
2 licensee, for funding of possible future operating losses, or
3 for charitable giving, the following amount:

4 (1) If the rate of tax paid by the track licensee is five
5 percent, one percent of the gross sum wagered in the racing
6 season shall be set aside.

7 (2) If the rate of tax paid by the track licensee is four
8 percent, two percent of the gross sum wagered in the racing
9 season shall be set aside.

10 Sec. 423. Section 137A.12, Code 1991, is amended to read
11 as follows:

12 137A.12 REGULAR INSPECTIONS.

13 The department shall provide for the inspection of each
14 food establishment in the state in accordance with the
15 standards of the retail food store sanitation code. The
16 inspector may enter the food establishment at any reasonable
17 hour to make the inspection. The management shall afford free
18 access to every part of the premises and render all aid and
19 assistance necessary to enable the inspector to make a
20 thorough and complete inspection. However, food
21 establishments which score ninety or greater shall be
22 inspected biennially.

23 This section does not apply to retail food establishments
24 which sell only prepackaged nonhazardous items.

25 Sec. 424. Section 137B.3, Code 1991, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 7. 10-201 shall be amended so that food
28 services establishments are inspected annually, except that
29 food service establishments with scores of ninety or greater
30 shall be inspected biennially.

31 Sec. 425. Section 137C.11, Code 1991, is amended to read
32 as follows:

33 137C.11 ANNUAL INSPECTIONS.

34 The regulatory authority shall inspect each hotel in the
35 state at least once each-calendar-year biennially. The

1 inspector may enter the hotel at any reasonable hour to make
2 the inspection. The management shall afford free access to
3 every part of the premises and render all aid and assistance
4 necessary to enable the inspector to make a thorough and
5 complete inspection.

6 Sec. 426. Section 157.11, unnumbered paragraph 1, Code
7 1991, is amended to read as follows:

8 Commencing January 1, 1977, a beauty salon shall not
9 operate unless the owner has obtained a license issued by the
10 department. The owner shall apply to the department on forms
11 prescribed by the board. The department shall perform a
12 sanitary inspection of each beauty salon ~~annually~~ biennially
13 and may perform a sanitary inspection of a beauty salon prior
14 to the issuance of a license. An inspection of a beauty salon
15 shall also be conducted upon receipt of a complaint by the
16 department.

17 Sec. 427. Section 158.9, unnumbered paragraph 1, Code
18 1991, is amended to read as follows:

19 A barbershop shall not operate unless the owner has
20 obtained a license issued by the department. The owner shall
21 apply to the department on forms prescribed by the board. The
22 department shall perform a sanitary inspection of each
23 barbershop ~~annually~~ biennially and may perform a sanitary
24 inspection of a barbershop prior to the issuance of a license.
25 An inspection of a barbershop shall also be conducted upon
26 receipt of a complaint by the department.

27 Sec. 428. Section 455C.1, subsection 5, Code 1991, is
28 amended to read as follows:

29 5. "Distributor" means any person who engages in the sale
30 of beverages in beverage containers to a dealer in this state,
31 including any manufacturer who engages in such sales. The
32 alcoholic beverages division of the department of commerce is
33 not a distributor for purposes of this chapter.

34 Sec. 429. Section 455C.2, subsection 1, Code 1991, is
35 amended to read as follows:

1 1. Except purchases of alcoholic liquor as defined in
2 section 123.3, subsection 8, by holders of class "A", "B", and
3 "C", and "E" liquor control licenses, a refund value of not
4 less than five cents shall be paid by the consumer on each
5 beverage container sold in this state by a dealer for
6 consumption off the premises. Upon return of the empty
7 beverage container upon which a refund value has been paid to
8 the dealer or person operating a redemption center and
9 acceptance of the empty beverage container by the dealer or
10 person operating a redemption center, the dealer or person
11 operating a redemption center shall return the amount of the
12 refund value to the consumer.

13 Sec. 430. Section 455C.16, Code 1991, is amended to read
14 as follows:

15 455C.16 BEVERAGE CONTAINERS -- DISPOSAL AT SANITARY
16 LANDFILL PROHIBITED.

17 Beginning July 1, 1990, the final disposal of beverage
18 containers by a dealer, distributor, or manufacturer, or
19 person operating a redemption center, in a sanitary landfill,
20 is prohibited, except for beverage containers containing
21 alcoholic liquor as defined in section 123.3, subsection 8.

22 Sec. 431. 1989 Iowa Acts, chapter 272, section 42, as
23 amended by 1990 Iowa Acts, chapter 1261, is amended to read as
24 follows:

25 SEC. 42. Sections 34, 35, and 36 of this Act are effective
26 July 1, ~~1991~~ 1992.

27 Sec. 432. Sections 416 and 431 of this division, being
28 deemed of immediate importance, take effect upon enactment.

29 DIVISION V

30 TRANSPORTATION

31 IOWA LAW ENFORCEMENT ACADEMY

32 Sec. 501. There is appropriated from the general fund of
33 the state to the Iowa law enforcement academy for the fiscal
34 year beginning July 1, 1991, and ending June 30, 1992, the
35 following amounts, or so much thereof as is necessary, to be

1 used for the purposes designated:

2 For salaries, support, maintenance, miscellaneous purposes,
3 including jailer training and technical assistance, and for
4 not more than the following full-time equivalent positions:

5 \$ 987,134
6 FTEs 29.20

7 DEPARTMENT OF PUBLIC DEFENSE

8 Sec. 502. There is appropriated from the general fund of
9 the state to the department of public defense for the fiscal
10 year beginning July 1, 1991, and ending June 30, 1992, the
11 following amounts, or so much thereof as is necessary, to be
12 used for the purposes designated:

13 1. MILITARY DIVISION

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

17 \$ 3,315,946
18 FTEs 196.59

19 2. DISASTER SERVICES DIVISION

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

23 \$ 315,399
24 FTEs 12.00

25 3. VETERANS AFFAIRS DIVISION

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

29 \$ 142,340
30 FTEs 4.16

31 As a condition, limitation, and qualification of the appro-
32 priation in this subsection, up to \$5,000 may be used for the
33 purchase of POW/MIA flags.

34 4. WAR ORPHANS

35 For the war orphans educational aid fund established

1 pursuant to chapter 35:

2 \$ 9,676

3 DEPARTMENT OF PUBLIC SAFETY

4 Sec. 503. There is appropriated from the general fund of
5 the state to the department of public safety for the fiscal
6 year beginning July 1, 1991, and ending June 30, 1992, the
7 following amounts, or so much thereof as is necessary, to be
8 used for the purposes designated:

9 1. For the department's administrative functions including
10 the medical examiner's office and the criminal justice
11 information system, and for not more than the following full-
12 time equivalent positions:

13 \$ 2,395,663

14 FTEs 47.80

15 As a condition, limitation, and qualification of the
16 appropriation in this subsection, the department shall
17 continue to pursue its 5-year plan to collocate the state
18 medical examiner's office and the department of criminal
19 investigation crime lab. The department of general services
20 shall assist the department of public safety in identifying
21 potential facilities that will adequately meet the
22 department's needs.

23 2. For purposes relating to radio communications, and for
24 not more than the following full-time equivalent positions:

25 \$ 3,141,241

26 FTEs 79.00

27 3. For the division of criminal investigation and bureau
28 of identification containing the bureaus of identification and
29 liquor law enforcement, for river boat gambling enforcement,
30 including the state's contribution to the peace officers'
31 retirement, accident, and disability system provided in
32 chapter 97A in the amount of 18 percent of the salaries for
33 which the funds are appropriated, to meet federal fund
34 matching requirements, and for not more than the following
35 full-time equivalent positions:

1 \$ 6,250,157
2 FTEs 141.00

3 4. For the division of narcotics:
4 a. The state's contribution to the peace officers'
5 retirement, accident, and disability system provided in
6 chapter 97A in the amount of 18 percent of the salaries for
7 which the funds are appropriated, to meet federal fund
8 matching requirements, and for not more than the following
9 full-time equivalent positions:
10 \$ 2,148,790
11 FTEs 47.00

12 b. Undercover purchases:
13 \$ 260,250

14 5. For the fire marshal's office, including the state's
15 contribution to the peace officers' retirement, accident, and
16 disability system provided in chapter 97A in the amount of 18
17 percent of the salaries for which the funds are appropriated,
18 and for not more than the following full-time equivalent
19 positions:
20 \$ 1,427,474
21 FTEs 33.00

22 6. For the capitol security division, and for not more
23 than the following full-time equivalent positions:
24 \$ 1,135,371
25 FTEs 36.00

26 7. For salaries, support, maintenance, and miscellaneous
27 purposes of the pari-mutuel law enforcement agents, including
28 the state's contribution to the peace officers' retirement,
29 accident, and disability system provided in chapter 97A in the
30 amount of 18 percent of the salaries for which the funds are
31 appropriated, and for not more than the following full-time
32 equivalent positions:
33 \$ 286,989
34 FTEs 5.00

35 8. For use by the department to provide additional law

1 enforcement officials for project D.A.R.E. (drug abuse
2 resistance education) within local communities:
3 \$ 27,771

4 9. For the continued purchase of the automated fingerprint
5 information system (AFIS):
6 \$ 514,000

7 Sec. 504. There is appropriated from the road use tax fund
8 to the division of highway safety and uniformed force of the
9 department of public safety for the fiscal year beginning July
10 1, 1991, and ending June 30, 1992, the following amounts, or
11 so much thereof as is necessary, to be used for the purposes
12 designated:

13 1. For salaries, support, maintenance, and miscellaneous
14 purposes, including the state's contribution to the peace
15 officers' retirement, accident, and disability system provided
16 in chapter 97A in the amount of 18 percent of the salaries for
17 which the funds are appropriated, and for not more than the
18 following full-time equivalent positions:
19 \$ 24,458,362
20 FTEs 456.00

21 It is the intent of the general assembly, that so much as
22 is necessary of the appropriation in this subsection, shall
23 support federal Highway Safety Act programs.

24 As a condition, limitation, and qualification of the
25 appropriation in this subsection, the department shall be
26 prohibited from providing an escort or driver for the
27 lieutenant governor.

28 It is the intent of the general assembly, that the
29 department shall assign one new trooper to each of the four
30 state districts.

31 As a condition, limitation, and qualification of the
32 appropriation in this subsection, the Iowa law enforcement
33 academy shall be allowed to annually select at least 5
34 automobiles of the department of public safety, division of
35 highway safety and uniformed force, which are being turned in

1 to the state vehicle dispatcher to be disposed of by public
2 auction and the Iowa law enforcement academy shall be allowed
3 to exchange any automobile owned by the academy for each
4 automobile selected if the selected automobile is used in
5 training law enforcement officers at the academy. However,
6 any automobile exchanged by the academy shall be substituted
7 for the selected vehicle of the department of public safety
8 and sold by public auction with the receipts being deposited
9 in the depreciation fund to the credit of the department of
10 public safety, division of highway safety and uniformed force.

11 An employee of the department of public safety or its
12 successor who retires after the effective date of this section
13 of this Act but prior to June 30, 1992, is eligible for
14 payment of life or health insurance premiums as provided for
15 in the collective bargaining agreement covering the public
16 safety bargaining unit at the time of retirement if that
17 employee previously served in a position which would have been
18 covered by the agreement. The employee shall be given credit
19 for the service in that prior position as though it were
20 covered by that agreement. This section shall not operate to
21 reduce any retirement benefits an employee may have earned
22 under other collective bargaining agreements or retirement
23 programs.

24 2. For the purchase of radar units:
25 \$ 294,166

26 3. For the purchase of scanners:
27 \$ 105,000

28 4. For payments to the department of personnel for
29 expenses incurred in administering workers' compensation on
30 behalf of the division of highway safety and uniformed force:
31 \$ 362,250

32 5. For payments to the department of personnel for
33 expenses incurred in administering the merit system on behalf
34 of the division of highway safety and uniformed force:
35 \$ 77,350

1 Sec. 505. There is appropriated from use tax receipts
2 collected under chapter 423 prior to deposit in the road use
3 tax fund, to the following named departments for the fiscal
4 year beginning July 1, 1991, and ending June 30, 1992, the
5 following amount, or so much thereof as may be necessary, to
6 be used for the purpose designated:

7 1. To the department of public safety for the costs
8 associated with the automated fingerprint information system
9 local remote terminals:

10 \$ 373,108

11 2. To the department of public defense for design of
12 armories at Boone, Fairfield, and Mount Pleasant:

13 \$ 38,000

14 3. To the department of public defense for construction of
15 armories at Corning, Council Bluffs, and Oskaloosa:

16 \$ 1,757,000

17 STATE DEPARTMENT OF TRANSPORTATION

18 Sec. 506. There is appropriated from the road use tax fund
19 to the state department of transportation for the fiscal year
20 beginning July 1, 1991, and ending June 30, 1992, the
21 following amounts, or so much thereof as is necessary, for the
22 purposes designated:

23 1. For the payment of costs associated with the production
24 of motor vehicle licenses, as defined in section 321.1,
25 subsection 77:

26 \$ 570,000

27 2. For salaries, support, maintenance, miscellaneous pur-
28 poses, and for not more than the following full-time
29 equivalent positions:

30 a. Administrative services:

31 \$ 3,749,551

32 FTEs 47.50

33 b. General counsel:

34 \$ 177,240

35 FTEs 1.00

1 c. Planning and research:

2 \$ 371,101

3 FTEs 9.00

4 d. Aeronautics and public transit:

5 \$ 246,334

6 FTEs 5.00

7 e. Motor vehicles:

8 \$ 19,253,443

9 FTEs 542.00

10 f. Rail and water:

11 \$ 692,300

12 FTEs 15.00

13 3. For payments to the department of personnel for

14 expenses incurred in administering the merit system on behalf

15 of the state department of transportation, as required by

16 chapter 19A:

17 \$ 39,000

18 4. Unemployment compensation:

19 \$ 12,250

20 5. For payments to the department of personnel for paying

21 workers' compensation claims under chapter 85 on behalf of

22 employees of the state department of transportation:

23 \$ 75,000

24 6. For the paving of the scale lots at LeMars and

25 Ainsworth:

26 \$ 120,000

27 The provisions of section 8.33 do not apply to the funds

28 appropriated by this subsection, but remain available for

29 expenditure for the purposes designated until June 30, 1994.

30 Unencumbered or unobligated funds remaining on June 30, 1994,

31 from funds appropriated by this subsection for the fiscal year

32 beginning July 1, 1991, shall revert to the fund from which

33 appropriated on August 30, 1994.

34 Sec. 507. There is appropriated from the primary road fund

35 to the state department of transportation for the fiscal year

1 beginning July 1, 1991, and ending June 30, 1992, the
2 following amounts, or so much thereof as is necessary, to be
3 used for the purposes designated:

4 1. For salaries, support, maintenance, miscellaneous pur-
5 poses, and for not more than the following full-time
6 equivalent positions:

7 a. Administrative services:

8 \$ 22,903,953

9 FTEs 293.00

10 b. General counsel:

11 \$ 1,088,760

12 FTEs 7.00

13 c. Planning and research:

14 \$ 7,050,899

15 FTEs 169.00

16 d. Aeronautics and public transit:

17 \$ 246,334

18 FTEs 5.00

19 It is the intent of the general assembly that any state
20 agency or individual using an airplane from the state aircraft
21 pool shall be billed in an amount sufficient to cover
22 operation and aircraft maintenance expense, including engine
23 overhaul.

24 e. Highways:

25 \$139,750,000

26 FTEs 2,959.00

27 f. Motor vehicles:

28 \$ 781,745

29 FTEs 22.00

30 g. Rail and water:

31 \$ 296,700

32 FTEs 7.00

33 2. For deposit in the state department of transportation's
34 highway materials and equipment revolving fund established by
35 section 307.47 for funding the increased replacement cost of

1 vehicles:
2 \$ 3,000,000
3 Moneys appropriated for the inventory and equipment
4 replacement revolving fund shall only be transferred from the
5 primary road fund to meet actual expenditure needs.
6 As a condition, limitation, and qualification of this
7 appropriation, no more than \$2,782,509 from the highway
8 materials and equipment revolving fund, plus an allocation for
9 salary adjustment, may be expended for salaries and benefits
10 for not more than 92.00 FTEs.
11 3. For payments to the department of personnel for
12 expenses incurred in administering the merit system on behalf
13 of the state department of transportation, as required by
14 chapter 19A:
15 \$ 741,000
16 4. Unemployment compensation:
17 \$ 232,750
18 5. For payments to the department of personnel for paying
19 workers' compensation claims under chapter 85 on behalf of the
20 employees of the state department of transportation:
21 \$ 1,425,000
22 6. For costs associated with fuel tank replacement and
23 cleanup:
24 \$ 1,000,000
25 As a condition, limitation, and qualification of this
26 appropriation, the department shall develop a comprehensive
27 plan to determine the need for petroleum underground storage
28 tanks operated by the department. The plan shall be submitted
29 to the general assembly by January 15, 1992.
30 7. For conducting tests at department field facilities to
31 determine the extent of asbestos contamination:
32 \$ 40,000
33 8. For the removal of asbestos from facilities at the
34 department central complex:
35 \$ 650,000

1 9. For replacement of obsolete field facilities in the
2 cities of Davenport, Rock Valley, Algona, and Pocahontas:
3 \$ 2,810,000

4 10. For grading and resurfacing the east parking lot at
5 the Ames complex:
6 \$ 200,000

7 11. For electrical system improvements at the Ames
8 complex:
9 \$ 230,000

10 12. For central air conditioning in the south wing offices
11 (old lab) of the Ames complex:
12 \$ 300,000

13 The provisions of section 8.33 do not apply to the funds
14 appropriated by subsection 9, but remain available for
15 expenditure for the purposes designated until June 30, 1995.
16 Unencumbered or unobligated funds remaining on June 30, 1995,
17 from funds appropriated by subsection 9, for the fiscal year
18 beginning July 1, 1991, shall revert to the fund from which
19 appropriated on August 30, 1995.

20 The provisions of section 8.33 do not apply to the funds
21 appropriated by subsections 10 through 12, but remain
22 available for expenditure for the purposes designated until
23 June 30, 1994. Unencumbered or unobligated funds remaining on
24 June 30, 1994, from funds appropriated by subsections 10
25 through 12 for the fiscal year beginning July 1, 1991, shall
26 revert to the fund from which appropriated on August 30, 1994.

27 Sec. 508. There is appropriated from the general fund of
28 the state to the state department of transportation for the
29 fiscal year beginning July 1, 1991, and ending June 30, 1992,
30 the following amounts, or so much thereof as is necessary, to
31 be used for the purposes designated:

32 1. For providing assistance for the restoration, conserva-
33 tion, improvement, and construction of railroad main lines,
34 branch lines, switching yards, and sidings as required in
35 section 327H.18:

1 \$ 2,000,000
 2 2. For use by the railway finance authority for purposes
 3 of the authority as provided in chapter 307B:
 4 \$ 1,000,000
 5 3. For the development, improvement, and maintenance of
 6 public transit systems and any other purposes for which funds
 7 could be expended pursuant to section 601J.6:
 8 \$ 6,833,197
 9 4. For airport engineering studies and improvement
 10 projects as provided in chapter 328:
 11 \$ 2,480,546

12 As a condition, limitation, and qualification of the
 13 appropriation in this subsection, \$900,000 shall be granted by
 14 the department to essential air service airports to be used
 15 for the following purposes:

- 16 a. Grants in an amount up to \$10,000 for marketing of
 17 essential air service airports to facilitate air travel.
 18 Moneys granted under this paragraph must be matched with an
 19 equivalent amount of local moneys.
- 20 b. Low interest loans for construction and improvements of
 21 aircraft hangars at essential air service airports to be used
 22 for the purpose of creating additional air traffic.
- 23 c. Grants for interstate and intrastate air travel, in an
 24 amount up to \$100,000. Moneys granted under this paragraph
 25 must be matched with an equivalent amount of local moneys.

26 5. For aeronautics and public transit, for salaries,
 27 support, maintenance, miscellaneous purposes, and for not more
 28 than the following full-time equivalent positions:
 29 \$ 429,932
 30 FTEs 9.00

31 It is the intent of the general assembly that the moneys
 32 deposited in the general fund and the interest earned from the
 33 deposit of those moneys, that would have been deposited into
 34 the following funds but for the provisions of 1991 Iowa Acts,
 35 House File 173, division XII, shall only be used for the

1 purposes for which the moneys were to be collected prior to
2 the enactment of 1991 Iowa Acts, House File 173, division XII:

3 a. Railroad assistance fund established under section
4 327H.18.

5 b. Special railroad facility fund established under
6 section 307B.23.

7 c. State aviation fund established under section 328.36.

8 d. Public transit assistance fund established under
9 section 601J.6.

10 Sec. 509. Section 101.28, Code 1991, is amended to read as
11 follows:

12 101.28 FEES FOR CERTIFICATION INSPECTIONS OF UNDERGROUND
13 STORAGE TANKS.

14 The state fire marshal, the state fire marshal's designee,
15 or a local fire marshal, authorized to conduct underground
16 storage tank certification inspections under section 455G.11,
17 subsection 6, shall charge the person requesting a
18 certification inspection a fee to recover the costs of
19 authorized training, inspection, and inspection program
20 administration subject to rules adopted by the state fire
21 marshal. The fees generated by inspections conducted by the
22 state fire marshal or an employee of the state fire marshal's
23 office shall be deposited into the general fund of the state.

24 Sec. 510. Section 307.12, Code 1991, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 14. Prepare and submit a report to the
27 general assembly on or before January 15 of each fiscal year
28 describing the prior fiscal year's highway construction
29 program, actual expenditures of the program, and contractual
30 obligations of the program.

31 Sec. 511. Section 312.2, Code 1991, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 21. The treasurer of state, before making
34 the allotments provided for in this section shall credit
35 annually from the road use tax fund to the state department of

1 transportation the sum of six hundred fifty thousand dollars
2 for the purpose of providing county treasurers with data
3 processing equipment and support for vehicle registration and
4 titling. Notwithstanding section 8.33, unobligated funds
5 credited under this subsection remaining on June 30 of the
6 fiscal year shall not revert but shall remain available for
7 expenditure for purposes of this subsection in subsequent
8 fiscal years.

9 Sec. 512. Section 314.21, subsection 3, paragraph b,
10 subparagraph (1), Code 1991, is amended to read as follows:

11 (1) For the fiscal period beginning July 1, 1989, and
12 ending June 30, ~~1991~~ 1993, fifty thousand dollars in each
13 fiscal year to the university of northern Iowa to maintain the
14 position of the state roadside specialist and to continue its
15 integrated roadside vegetation management pilot program
16 providing research, education, training, and technical
17 assistance.

18 Sec. 513. Section 315.3, Code 1991, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 4. The fund is also appropriated for and
21 shall be used for the improvement and maintenance of arterial
22 bypass highways.

23 Sec. 514. Section 315.4, subsection 1, Code 1991, is
24 amended by adding the following new unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. Up to ten percent of the moneys
26 allocated under this subsection shall be used for the
27 improvement and maintenance of arterial bypass highways,
28 including the balance of moneys remaining as of June 30, 1991.

29 Sec. 515. Section 315.11, Code 1991, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 8. For moneys distributed under section
32 315.3, subsection 4, preferences shall be given in the
33 following order:

34 a. An arterial bypass highway located in an urban area
35 which has an urban and regional transportation plan.

1 b. An arterial bypass highway which connects an industrial
2 area with two or more federal highways.

3 c. The local jurisdiction has committed or is willing to
4 commit funds which are in addition to moneys allocated under
5 section 315.4, subsection 3.

6 Sec. 516. The department of public safety shall notify the
7 legislative fiscal bureau, department of management, the
8 chairpersons, vice chairpersons, and ranking members of the
9 joint transportation and safety appropriation subcommittee, on
10 any request for, approval of, or notification of award of
11 federal funds or of any loss of federal funds. The
12 notification shall include the name of the funding grant,
13 planned expenditures, and estimated amount which will be
14 received. The department shall also prepare a report at the
15 end of each fiscal year detailing the amount received, amount
16 expended, and carryover balance on all nonappropriated
17 receipts, including federal funds, received during that fiscal
18 year.

19 Sec. 517. Section 100.34, Code 1991, is repealed.

20 EXPLANATION

21 DIVISION I

22 This division makes appropriations to various state
23 agencies including the treasurer of state, secretary of state,
24 and offices of governor and lieutenant governor, the executive
25 council, the department of general services, the department of
26 personnel, the department of revenue and finance, the office
27 of state-federal relations, and the department of management.

28 The division also authorizes the secretary of state to
29 establish certain fees by rule to require and maintain an
30 optical disc imaging system, and the treasurer of state to pay
31 for money management costs from investment income.

32 DIVISION II

33 This division provides appropriations to the department of
34 agriculture and land stewardship, to the interstate
35 agricultural grain marketing commission, and to the department

1 of natural resources. The division provides for an office of
2 renewable fuels. It outlines procedures for filing reports
3 with the general assembly by the department of agriculture and
4 land stewardship and the department of natural resources. The
5 division eliminates certain administrative units within the
6 department of agriculture and land stewardship. It authorizes
7 the department of natural resources to establish fees relating
8 to administration of its duties and for publications. It
9 provides for the filing of reports by the legislative fiscal
10 bureau. It provides for the transfer of moneys by counties
11 receiving grants dedicated for purposes of groundwater
12 protection. The division amends bonding powers granted to the
13 Iowa state fair board. The division also provides for the
14 transfer of moneys from the Iowa grain depositors and sellers
15 indemnity fund.

16

DIVISION III

17 This division appropriates for the fiscal year beginning
18 July 1, 1991, funds from the general fund of the state to the
19 Iowa state civil rights commission, the department of human
20 rights, the department for the blind, the department of elder
21 affairs, and the Iowa department of public health.

22

DIVISION IV

23 This division makes appropriations for the fiscal year
24 beginning July 1, 1991, to regulatory bodies of the state,
25 including the auditor of state; campaign finance disclosure
26 commission; department of employment services, including funds
27 for a pilot program to minimize workers' compensation claims;
28 department of inspections and appeals; office of the state
29 public defender; public employment relations board; the
30 divisions of the department of commerce; and the racing and
31 gaming commission.

32 Sections 416 and 431 of division IV are effective upon
33 enactment.

34

DIVISION V

35 This division makes appropriations to the Iowa law

1 enforcement academy, department of public defense, the
2 department of public safety, and the state department of
3 transportation for the fiscal year beginning July 1, 1991.
4 The division also provides that fees collected by the state
5 fire marshal for certification inspection of underground
6 storage tanks be deposited in the state general fund and
7 eliminates the paying of \$2 to a local fire official reporting
8 a fire. The division also appropriates money annually to
9 provide county treasurers with data processing equipment and
10 support for vehicle registration and titling.

11 The division extends the \$50,000 appropriation to the
12 university of northern Iowa to maintain the state roadside
13 specialist and integrated roadside vegetation management pilot
14 program until June 30, 1993. The division also provides that
15 10 percent of money in the revitalize Iowa's sound economy
16 (RISE) fund distributed to the state department of
17 transportation shall be used for maintenance and improvement
18 of arterial bypass highways and establishes criteria for
19 distribution.

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SENATE FILE 529

S-3263

1 Amend Senate File 529 as follows:
 2 1. Page 65, by inserting after line 23 the
 3 following:
 4 "If Senate File 465 becomes law, the inspections
 5 division is appropriated from the general fund of the
 6 state an additional sum of \$40,000, or so much thereof
 7 as is necessary, and is authorized 1.00 additional
 8 FTE."

By RICHARD V. RUNNING

S-3263 FILED APRIL 2, 1991
ADOPTED (p. 992)

SENATE FILE 529

S-3264

1 Amend Senate File 529 as follows:
 2 1. Page 79, by inserting after line 2 the
 3 following:
 4 "5. ARMORIES -- DESIGN
 5 For design of armories at Boone, Fairfield, and
 6 Mount Pleasant:
 7 \$ 38,000
 8 6. ARMORIES -- CONSTRUCTION
 9 For construction of armories at Corning, Council
 10 Bluffs, and Oskaloosa:
 11 \$ 1,757,000".
 12 2. Page 83, by striking lines 11 through 16.
 13 3. By renumbering as necessary.

By RICHARD F. DRAKE
RAY TAYLOR

S-3264 FILED APRIL 2, 1991
LOST (p. 993)

SENATE FILE 529

S-3265

1 Amend Senate File 529 as follows:
 2 1. Page 88, by striking lines 12 through 25.

By RICHARD F. DRAKE

S-3265 FILED APRIL 2, 1991
RULED OUT OF ORDER (p. 993)

SENATE FILE 529

S-3266

1 Amend Senate File 529 as follows:
 2 1. Page 90, line 26, by striking the word "shall"
 3 and inserting the following: "may".

By RICHARD F. DRAKE
RAY TAYLOR

S-3266 FILED APRIL 2, 1991
LOST (p. 993)

SENATE FILE 529

S-3254

- 1 Amend Senate File 529 as follows:
- 2 1. Page 63, by striking lines 17 through 24 and
- 3 inserting the following:
- 4 "The division shall expend \$550,000, or so much
- 5 thereof as is necessary, for the support of the labor
- 6 survey, economic development teams to assist in
- 7 conducting "labor availability surveys".

By JAMES RIORDAN

S-3254 FILED APRIL 2, 1991
ADOPTED *as amended by 3275 (p. 994)*

SENATE FILE 529

S-3258

- 1 Amend Senate File 529 as follows:
- 2 1. Page 18, by striking lines 28 and 29 and
- 3 inserting the following: "uniform fees established in
- 4 subsection 3, for the acquisition, maintenance, and".

By BERL E. PRIEBE
PAUL D. PATE
DALE TIEDEN

S-3258 FILED APRIL 2, 1991
ADOPTED *(p. 991)*

SENATE FILE 529

S-3261

- 1 Amend Senate File 529 as follows:
- 2 1. Page 88, line 11, by striking the figure
- 3 "2,480,546" and inserting the following: "1,580,546".
- 4 2. Page 88, by inserting after line 11 the
- 5 following:
- 6 "5. For essential air service airports:
- 7 \$ 900,000".
- 8 3. By renumbering as necessary.

By JOE WELSH
DON E. GETTINGS
JIM LIND

S-3261 FILED APRIL 2, 1991
ADOPTED *(p. 993)*

SENATE FILE 529

S-3262

- 1 Amend Senate File 529 as follows:
- 2 1. Page 45, by striking lines 26 and 27, and
- 3 inserting the following:
- 4 "For the statistical analysis".

By RICHARD RUNNING

S-3262 FILED APRIL 2, 1991
WITHDRAWN *(p. 993)*

SENATE FILE 529

S-3269

- 1 Amend Senate File 529 as follows:
- 2 1. Page 80, line 35, by striking the word
- 3 "additional".
- 4 2. Page 88, by striking lines 5 through 8.
- 5 3. By renumbering as necessary.

By DON GETTINGS

S-3269 FILED APRIL 2, 1991

ADOPTED (p. 992)

SENATE FILE 529

S-3272

- 1 Amend Senate File 529 as follows:
- 2 1. Page 8, line 34, by inserting after the word
- 3 "life," the following: "personnel downtime during
- 4 vehicle repair, measures taken to reduce personnel
- 5 downtime,".

By JIM LIND

S-3272 FILED APRIL 2, 1991

LOST (p. 991)

SENATE FILE 529

S-3273

- 1 Amend Senate File 529 as follows:
- 2 1. Page 73, line 34, by striking the word "Funds"
- 3 and inserting the following: "Except for funds
- 4 appropriated in this division for full-time equivalent
- 5 positions for the additional energy efficiency
- 6 responsibilities established by 1990 Iowa Acts,
- 7 chapter 1252, all other funds".

By RALPH ROSENBERG
RICHARD V. RUNNING

S-3273 FILED APRIL 2, 1991

ADOPTED (p. 992)

SENATE FILE 529

S-3274

- 1 Amend Senate File 529 as follows:
- 2 1. Page 82, by inserting after line 35 the
- 3 following:
- 4 "6. For site acquisition of a new patrol post in
- 5 the Fort Dodge area:
- 6 \$ 50,000".

By LEONARD L. BOSWELL

S-3274 FILED APRIL 2, 1991

ADOPTED (p. 993)

SENATE FILE 529

S-3267

1 Amend Senate File 529 as follows:
2 1. Page 46, by striking lines 20 through 22, and
3 inserting the following:
4 "Funds appropriated under this paragraph shall be
5 used for the collection, verification, updating, and
6 storage of data received pursuant to chapters 145 and
7 255A, and for the production of mandated reports.
8 Long-term care data shall be collected as additional
9 funding becomes available. The health data commission
10 shall establish a fee schedule, in consultation with
11 its consultant, for the costs of providing data to
12 organizations which request such data. The fee
13 established shall be based upon the marginal cost and
14 a portion of the fixed cost of providing the data."
15 2. Page 51, by inserting after line 7 the
16 following:
17 "(10) The department shall track the appropriation
18 made under this paragraph in accordance with both
19 program performance-based budgeting and zero-based
20 budgeting methods and shall develop budget projections
21 for the fiscal year ending June 30, 1993, based upon
22 both of these methods."

By FLORENCE BUHR
MAGGIE TINSMAN

S-3267 FILED APRIL 2, 1991

ADOPTED (p. 991)

SENATE FILE 529

S-3268

1 Amend the amendment, S-3254, to Senate File 529 as
2 follows:
3 1. Page 1, by striking lines 4 through 7 and
4 inserting the following:
5 ""The division shall expend up to \$550,000 for the
6 following: \$50,000, or so much thereof as is
7 necessary, for the removal of 2 chillers and 1
8 underground storage tank, and \$100,000, or so much
9 thereof as is necessary, for asbestos removal or
10 encapsulation at the job service site located at 1000
11 East Grand, Des Moines, Iowa, and \$400,000, or so much
12 thereof as is necessary, for the support of the labor
13 survey, economic development teams to assist in
14 conducting "labor availability surveys".""

By WILMER RENSINK
JAMES RIORDAN
H. KAY HEDGE

S-3268 FILED APRIL 2, 1991

RULED OUT OF ORDER (p. 994)

Blair

SENATE FILE 529

S-3276

1 Amend Senate File 529 as follows:

2 1. Page 74, by inserting after line 15 the
3 following:

4 "Sec. ____ . Section 87.19, Code 1991, is amended by
5 adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. If a person who is a
7 construction contributory employer, as defined in
8 chapter 96, has evidence that another construction
9 employer is not meeting the requirements of this
10 chapter for coverage of the employer's employees
11 because that employer is treating some of those
12 employees as independent contractors or
13 subcontractors, the person may file a complaint with
14 the industrial commissioner or sue the other
15 construction employer for failure to comply and may
16 receive a judgment for damages suffered. Upon receipt
17 of such a complaint the commissioner shall investigate
18 the complaint and take appropriate action.

19 Sec. ____ . Section 96.7, subsection 3, Code 1991,
20 is amended by adding the following new paragraph:

21 NEW PARAGRAPH. d. If a person who is a
22 construction contributory employer, has evidence that
23 another construction employer is not meeting the
24 requirements of this chapter for payment of
25 unemployment contributions on the employer's employees
26 because that employer is treating some of those
27 employees as independent contractors or
28 subcontractors, the person may file a complaint with
29 the division of job services or sue the other employer
30 for failure to contribute and may receive a judgment
31 for damages suffered. Upon receipt of such a
32 complaint the division shall investigate the complaint
33 and take appropriate action."

By BEVERLY A. HANNON
RICHARD V. RUNNING

S-3276 FILED APRIL 2, 1991
RULED OUT OF ORDER (p. 497.)

SENATE FILE 529

S-3277

1 Amend Senate File 529 as follows:

2 1. Page 90, line 25, by striking the words "Up to
3 ten" and inserting the following: "Ten".

By MIKE CONNOLLY

S-3277 FILED APRIL 2, 1991
ADOPTED (p. 794)

SENATE FILE 529

S-3275

1 Amend the amendment, S-3254, to Senate File 529 as
2 follows:

3 1. Page 1, by striking lines 4 through 7 and
4 inserting the following:

5 ""The division shall expend up to \$550,000 for the
6 following: \$50,000, or so much thereof as is
7 necessary, for the removal of 2 chillers and 1
8 underground storage tank, and \$100,000, or so much
9 thereof as is necessary, for asbestos removal or
10 encapsulation at the job service site located at 1000
11 East Grand, Des Moines, Iowa, and \$400,000, or so much
12 thereof as is necessary, for the support of the labor
13 survey, economic development teams to assist in
14 conducting "labor availability surveys".

15 As a condition, limitation, and qualification of
16 the authorization of expenditure of funds pursuant to
17 this section, the division shall develop a plan to
18 require the assistance of cities and counties using
19 the "labor availability surveys" regarding the funding
20 for completing the surveys. The division shall report
21 to the legislative fiscal bureau concerning the
22 progress in developing this plan.""

By RICHARD RUNNING
WILMER RENSINK

S-3275 FILED APRIL 2, 1991

ADOPTED (p. 49+)

SENATE FILE 529
BY COMMITTEE ON APPROPRIATIONS

(AS AMENDED AND PASSED BY THE SENATE APRIL 2, 1991)

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

Passed Senate, Date 4/2/91 (p. 995) Passed House, Date 4/25/91 (p. 1575)
Vote: Ayes 50 Nays 0 Vote: Ayes 63 Nays 36
Approved Stain Veto - June 7, 1991 (See recalled copy)

A BILL FOR

1 An Act relating to and making appropriations to state
2 departments, agencies, programs, funds, and the interstate
3 agricultural grain marketing commission, and providing
4 effective dates.

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

6
7 Changes only in amounts are marked with an X before the line #.

8 Conference Committee Appointed
9 Repr. Jochum (claw), Adam, Wise, Halverson, Va. Mason 4/29 (p. 1704)
10 Senators

11
12 Passed for Conference Committee Report
13 Passed Senate 5/10/91 (p. 1771) Passed House 5/11/91 (p. 2398)
14 36-10 55-42
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S.F. 529

DIVISION I
ADMINISTRATION

1
2
3 Sec. 101. There is appropriated from the general fund of
4 the state to the office of the secretary of state for the
5 fiscal year beginning July 1, 1991, and ending June 30, 1992,
6 the following amount, or so much thereof as is necessary, to
7 be used for the purposes designated:

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

11 \$ 1,623,450
12 FTEs 50.00

13 Sec. 102. There is appropriated from the general fund of
14 the state to the offices of the governor and the lieutenant
15 governor for the fiscal year beginning July 1, 1991, and
16 ending June 30, 1992, the following amounts, or so much
17 thereof as is necessary, to be used for the purposes
18 designated:

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

23 \$ 993,462
24 FTEs 17.00

25 2. For the governor's expenses and the lieutenant
26 governor's expenses connected with office:

27 \$ 2,850

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

31 \$ 94,493
32 FTEs 3.00

33 4. For the payment of expenses of ad hoc committees,
34 councils, and task forces appointed by the governor to
35 research and analyze a particular subject area relevant to the

1 problems and responsibilities of state and local government,
2 including the employment of professional, technical, and
3 administrative staff and the payment of per diem and actual
4 expenses of committee, council, or task force members as
5 specified pursuant to section 7E.6. However, a member shall
6 not receive a per diem if the member is receiving a salary as
7 a full-time public employee, but members shall be reimbursed
8 for actual and necessary expenses.

9 As a condition, limitation, and qualification of this
10 appropriation, the ad hoc committees, councils, and task
11 forces appointed by the governor shall be subject to chapters
12 21 and 22 and the members shall be so informed:

13 \$ 1,900

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

18 \$ 96,900

19 FTEs 2.00

20 6. For payment of Iowa's membership in the national
21 governors' conference:

22 \$ 80,985

23 Sec. 103. There is appropriated from the general fund of
24 the state to the office of the governor's drug enforcement and
25 abuse prevention coordinator for the fiscal year beginning
26 July 1, 1991, and ending June 30, 1992, the following amounts,
27 or so much thereof as is necessary, to be used for the
28 purposes designated:

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

32 \$ 159,596

33 FTEs 8.00

34 2. For the Iowa substance abuse information center located
35 in Cedar Rapids:

1 \$ 56,050

2 As a condition, limitation, and qualification of this
3 appropriation, the drug enforcement and abuse prevention
4 coordinator shall use the amount appropriated in this
5 subsection to match and obtain available federal funds, the
6 total amount of these funds to be used for the costs of the
7 information center.

8 Sec. 104. There is appropriated from the general fund of
9 the state to the office of treasurer of state 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 salaries, support, maintenance, miscellaneous purposes,
14 and for not more than the following full-time equivalent posi-
15 tions:

x 16 \$ 752,033
17 FTEs 28.00

18 Sec. 105. There is appropriated from the general fund of
19 the state to the executive council for the fiscal year
20 beginning July 1, 1991, and ending June 30, 1992, the
21 following amount, or so much thereof as is necessary, to be
22 used for the purposes designated:

23 For salaries, support, maintenance, miscellaneous purposes,
24 and for not more than the following full-time equivalent posi-
25 tions:

26 \$ 41,855
27 FTEs 1.12

28 Sec. 106. There is appropriated from the general fund of
29 the state to the following named agencies for the fiscal year
30 beginning July 1, 1991, and ending June 30, 1992, the
31 following amounts, or so much thereof as is necessary, to be
32 used for the purposes designated:

33 1. NATIONAL CONFERENCE OF STATE LEGISLATURES

34 For support of the membership assessment:

35 \$ 75,848

1 2. COMMISSION ON UNIFORM STATE LAWS

2 For support of the commission and expenses of the members:

3 \$ 17,545

4 Sec. 107. There is appropriated from the general fund of
5 the state to the department of general services for the fiscal
6 year beginning July 1, 1991, and ending June 30, 1992, the
7 following amounts, or so much thereof as is necessary, to be
8 used for the purposes designated:

9 1. ADMINISTRATION DIVISION

10 For salaries, support, maintenance, miscellaneous purposes,
11 and for not more than the following full-time equivalent posi-
12 tions:

13 \$ 587,133

14 FTEs 18.00

15 2. COMMUNICATIONS DIVISION

16 For salaries, support, maintenance, miscellaneous purposes,
17 and for not more than the following full-time equivalent posi-
18 tions:

19 \$ 169,305

20 FTEs 19.00

21 3. MATERIALS MANAGEMENT DIVISION

22 For salaries, support, maintenance, miscellaneous purposes,
23 and for not more than the following full-time equivalent posi-
24 tions:

25 \$ 86,583

26 FTEs 3.30

27 4. PROPERTY MANAGEMENT DIVISION

28 For salaries, support, maintenance, miscellaneous purposes,
29 and for not more than the following full-time equivalent posi-
30 tions:

31 \$ 3,793,295

32 FTEs 150.00

33 5. PRINTING AND MAIL DIVISION

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

1 tions:

2 \$ 482,134

3 FTEs 22.00

4 6. RECORDS MANAGEMENT DIVISION

5 For salaries, support, maintenance, miscellaneous purposes,
6 and for not more than the following full-time equivalent posi-
7 tions:

8 \$ 407,208

9 FTEs 13.00

10 7. INFORMATION SERVICES DIVISION

11 For salaries, support, maintenance, miscellaneous purposes,
12 and for not more than the following full-time equivalent posi-
13 tions:

14 \$ 6,861,332

15 FTEs 158.00

16 It is the intent of the general assembly that \$269,829 be
17 used for increased capacity of the mainframe services which
18 will improve the availability, response time, and improve the
19 workload.

20 8. The department of general services shall not change the
21 appropriations for the purposes designated in subsections 1
22 through 7 from the amounts appropriated under those
23 subsections unless notice of the revisions is given prior to
24 their effective date to the legislative fiscal bureau. The
25 notice shall include information on the department's rationale
26 for making the changes.

27 9. Savings achieved in providing telecommunications
28 services shall be used by the department of general services
29 to increase efficiencies in the provision of those services.
30 The department of general services shall report semiannually
31 to the chairpersons and the ranking members of the joint
32 administration appropriations subcommittee and to the
33 legislative fiscal bureau. The reports shall include a
34 listing of the projects and efficiencies undertaken, the cost
35 of each project, and the benefits, including the projected

1 savings on an annual basis and for the life of the efficiency
2 improvement.

3 10. The division administrators within the department of
4 general services shall cooperate with the legislative fiscal
5 bureau to develop definitions of goals and performance
6 measures for the divisions and programs selected by the
7 administration appropriations subcommittees or by the
8 legislative fiscal bureau. Data for these measures shall be
9 collected and provided to the legislative fiscal bureau in a
10 timely manner. The department of general services shall also
11 cooperate with the department of management and provide
12 performance data in a timely manner. The department of
13 management shall regularly provide copies of its performance
14 report to the legislative fiscal bureau.

15 Sec. 108. There is appropriated from the general fund of
16 the state to the department of general services for the fiscal
17 year beginning July 1, 1991, and ending June 30, 1992, the
18 following amounts, or so much thereof as is necessary, to be
19 used for the purposes designated:

20 1. CAPITOL PLANNING COMMISSION

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

23 \$ 1,480

24 2. UTILITY COSTS

25 For payment of utility costs:

26 \$ 1,816,740

3813

27 Notwithstanding section 18.12, subsection 11, any excess
28 funds appropriated for utility costs in this subsection shall
29 not be deposited in the general fund of the state on June 30,
30 1992, and these funds are to be used for implementation of
31 energy conservation projects having a payback of 100 percent
32 within a 2-year to 6-year period. The department of general
33 services shall report semiannually to the chairpersons and
34 ranking members of the joint administration appropriations
35 subcommittee and to the legislative fiscal bureau. The

1 reports shall include a listing of the projects undertaken,
2 the cost of each project, and the projected savings on an
3 annual basis and for the life of the project.

4 3. RENTAL SPACE

5 For payment of lease or rental costs of buildings and
6 office space at the seat of government as provided in section
7 18.12, subsection 9, notwithstanding section 18.16:

8 \$ 544,000

9 4. FIRE SAFETY

10 For payment of costs incurred in providing for additional
11 fire safety measures:

12 \$ 67,000

13 The moneys appropriated by this subsection may be used for,
14 but are not limited to, the provision of alarm warning systems
15 and additional means of egress. Moneys provided under this
16 subsection shall not be used to defray the costs of deferred
17 maintenance or for any purpose other than improving fire
18 safety.

19 Sec. 109. There is appropriated from the revolving funds
20 designated to the department of general services for the
21 fiscal year beginning July 1, 1991, and ending June 30, 1992,
22 the following amounts, or so much thereof as is necessary, to
23 be used for the purposes designated:

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

28 \$ 952,840

29 FTES 30.00

30 2. The remainder of the centralized printing permanent
31 revolving fund is appropriated for the expense incurred in
32 supplying paper stock, offset printing, copy preparation,
33 binding, distribution costs, original payment of printing and
34 binding claims and contingencies arising during the fiscal
35 year beginning July 1, 1991, and ending June 30, 1992, which

1 are legally payable from this fund.

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

| | | |
|---------|------|---------|
| 6 | \$ | 580,507 |
| 7 | FTEs | 15.00 |

8 4. The remainder of the centralized purchasing permanent
9 revolving fund is appropriated for the payment of expenses
10 incurred through purchases by various state departments and
11 for contingencies arising during the fiscal year beginning
12 July 1, 1991, and ending June 30, 1992, which are legally
13 payable from this fund.

14 5. From the vehicle dispatcher revolving fund established
15 by section 18.119 for salaries, support, maintenance, miscel-
16 laneous purposes, and for not more than the following full-
17 time equivalent positions:

| | | |
|----------|------|---------|
| 18 | \$ | 595,786 |
| 19 | FTEs | 17.00 |

20 6. The remainder of the vehicle dispatcher revolving fund
21 is appropriated for the purchase of gasoline, gasohol, oil,
22 tires, repairs, and all other maintenance expenses incurred in
23 the operation of state-owned motor vehicles and for contin-
24 gencies arising during the fiscal year beginning July 1, 1991,
25 and ending June 30, 1992, which are legally payable from this
26 fund.

27 7. The vehicle dispatcher shall report, not later than
28 January 2, 1992, to the chairpersons and the ranking members
29 of the joint administration appropriations subcommittee and to
30 the legislative fiscal bureau regarding the efficiencies of
31 the vehicle fleet and the changes in the efficiencies. The
32 report shall include the cost per mile, fuel efficiencies,
33 maintenance costs, useful life, the costs of extending the
34 useful life, and other measures which the vehicle dispatcher
35 or the legislative fiscal bureau finds appropriate. The

1 information shall be reported for each general type of
2 vehicle. The overhead costs shall also be reported with the
3 total costs of the vehicle dispatcher operations.

4 8. The department of general services shall report
5 semiannually in January and July, the results of the project
6 testing the potential for burning an 85 percent ethanol
7 mixture in the state's test vehicles. The report shall
8 include, but is not limited to, purchase costs, maintenance
9 costs, average mileage, vehicle life, problems encountered,
10 and likely benefits.

11 9. The department of general services shall develop, in
12 consultation with the legislative fiscal bureau, a methodology
13 for directly billing state agencies for the services provided
14 and for recovering depreciation costs. The department shall
15 collect information showing what the billings would be for
16 each state agency if the methodology were implemented and
17 report the findings to the joint administration appropriations
18 subcommittee and to the legislative fiscal bureau by December
19 1, 1991. The department shall inform all state agencies that
20 will be affected by this methodology as to the potential costs
21 if the methodology is implemented for the fiscal year
22 beginning July 1, 1992.

23 Sec. 110. There is appropriated from the general fund of
24 the state to the department of personnel for the fiscal year
25 beginning July 1, 1991, and ending June 30, 1992, the
26 following amounts, or so much thereof as is necessary, to be
27 used for the purposes designated:

28 1. ADMINISTRATION

29 For salaries, support, maintenance, and miscellaneous
30 purposes for the director's staff, office services, data-word
31 processing, and insurance cost management, and for not more
32 than the following full-time equivalent positions:

| | | |
|----------|------|-----------|
| 33 | \$ | 1,161,871 |
| 34 | FTEs | 29.65 |

35 2. FIELD OPERATIONS

1 For salaries for the personnel services, employment
2 law/labor relations, and development, and for not more than
3 the following full-time equivalent positions:

4 \$ 1,328,624
5 FTEs 44.60

6 3. PROGRAM MANAGEMENT

7 a. For salaries for employment and compensation and
8 benefits, and for not more than the following full-time
9 equivalent positions:

10 \$ 1,101,552
11 FTEs 34.00

12 b. For salaries for the administration of the workers'
13 compensation fund and for not more than the following full-
14 time equivalent positions:

15 \$ 140,787
16 FTEs 4.00

17 Any funds received by the department for workers'
18 compensation purposes other than the funds appropriated in
19 paragraph "b" shall be used only for the payment of workers'
20 compensation claims.

21 The funds for support, maintenance, and miscellaneous
22 purposes for personnel assigned to field operations under
23 subsection 2 and program management under subsection 3 are
24 payable from the appropriation made in subsection 1.

25 As a condition, limitation, and qualification of this
26 appropriation, the department of personnel shall report
27 quarterly to the chairpersons and ranking members of the joint
28 administration appropriations subcommittee concerning the
29 number of vacancies in existing full-time equivalent positions
30 and the average time taken to fill the vacancies. The reports
31 shall include quarterly and annual averages organized
32 according to state agency and general occupational category as
33 established by the federal equal employment opportunity
34 commission. All departments and agencies of the state shall
35 cooperate with the department in the preparation of the

1 reports.

2 Sec. 111. There is appropriated from the road use tax fund
3 to the department of personnel for the fiscal year beginning
4 July 1, 1991, and ending June 30, 1992, the following amount,
5 or so much thereof as is necessary, to be used for the
6 purposes designated:

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

10 \$ 32,829

11 Sec. 112. There is appropriated from the primary road fund
12 to the department of personnel for the fiscal year beginning
13 July 1, 1991, and ending June 30, 1992, the following amount,
14 or so much thereof as is necessary, to be used for the
15 purposes designated:

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

19 \$ 330,667

20 Sec. 113. There is appropriated from the Iowa public
21 employees' retirement system fund to the department of
22 personnel for the fiscal year beginning July 1, 1991, and
23 ending June 30, 1992, the following amounts, or so much
24 thereof as is necessary, to be used for the purposes
25 designated:

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

29 \$ 3,003,421

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

34 2. For design, development, and implementation of the data
35 information system:

1 \$ 783,000

2 Notwithstanding section 8.33, funds appropriated in this
3 subsection that remain unencumbered or unobligated on June 30,
4 1992, shall not revert to the Iowa public employees'
5 retirement system fund but shall be available for expenditure
6 in subsequent years to complete the data information system.

7 The department of personnel shall report on or before
8 January 1, 1992, and each 6 months thereafter until the data
9 information system is fully implemented to the chairpersons
10 and ranking members of the joint administration appropriations
11 subcommittee and to the legislative fiscal bureau, on the
12 progress made in implementing the data information system.
13 The report shall include, but is not limited to, moneys spent
14 and encumbered, progress made relative to the scheduled
15 implementation, and benefits or anticipated benefits of the
16 system.

17 The department of personnel shall report to the
18 chairpersons and ranking members of the joint administration
19 appropriations subcommittee and to the legislative fiscal
20 bureau the results and effectiveness of the wellness program
21 pilot project developed and tested by the department of
22 personnel in conjunction with the state department of
23 transportation. The department of personnel shall submit the
24 reports in June and December of each year of the project's
25 existence and shall submit a final report upon completion of
26 the project.

27 The department of personnel shall report to the
28 chairpersons and ranking members of the joint administration
29 appropriations subcommittee and to the legislative fiscal
30 bureau the results and effectiveness of the pilot project
31 regarding the automation of hiring procedures. The department
32 of personnel shall submit progress reports in June and
33 December during the period of existence of the project, and
34 shall submit a final report upon completion of the project.

35 The department of personnel shall submit, annually, a

1 report to the chairpersons and ranking members of the joint
2 administration appropriations subcommittee and to the
3 legislative fiscal bureau regarding the results of the state's
4 top achievement recognition program. The reports submitted
5 shall include, but are not limited to, identification of the
6 recipients, a description of the meritorious achievements, and
7 the awards conferred.

8 Sec. 114. There is appropriated from the general fund of
9 the state to the department of revenue and finance for the
10 fiscal year beginning July 1, 1991, and ending June 30, 1992,
11 the following amounts, or so much thereof as is necessary, to
12 be used for the purposes designated, and for not more than the
13 following full-time equivalent positions used for the purposes
14 designated in subsections 1 through 6:

| | | | |
|------|---|------|------------|
| 15 | ..... | FTEs | 677.60 |
| 16 | 1. AUDIT AND COMPLIANCE | | |
| 17 | For salaries, support, maintenance, and miscellaneous | | |
| 18 | purposes: | | |
| * 19 | ..... | \$ | 10,787,985 |
| 20 | 2. FINANCIAL MANAGEMENT | | |
| 21 | For salaries, support, maintenance, and miscellaneous | | |
| 22 | purposes: | | |
| * 23 | ..... | \$ | 6,744,640 |
| 24 | 3. INFORMATION AND MANAGEMENT SYSTEMS | | |
| 25 | For salaries, support, maintenance, and miscellaneous | | |
| 26 | purposes: | | |
| * 27 | ..... | \$ | 2,053,165 |
| 28 | 4. LOCAL GOVERNMENT SERVICES | | |
| 29 | For salaries, support, maintenance, and miscellaneous | | |
| 30 | purposes: | | |
| * 31 | ..... | \$ | 1,362,581 |
| 32 | 5. TECHNICAL SERVICES | | |
| 33 | For salaries, support, maintenance, and miscellaneous | | |
| 34 | purposes: | | |
| * 35 | ..... | \$ | 2,225,415 |

1 6. ADMINISTRATION

2 For salaries, support, maintenance, and miscellaneous
3 purposes:

x 4 \$ 964,784

5 7. INSURANCE PREMIUMS

6 For payments of medical, dental, and life insurance
7 premiums as required in section 79.23:

8 \$ 350,000

9 8. SECURITY DEPOSITS

10 For payments of refunds on security deposits as required in
11 section 422.52:

12 \$ 500,000

13 9. The department of revenue and finance shall not change
14 the appropriations for the purposes designated in subsections
15 1 through 8 from the amounts appropriated in those subsections
16 unless notice of the revisions is given prior to their
17 effective date to the legislative fiscal bureau. The notice
18 shall include information on the department's rationale for
19 making the changes.

20 The director shall report annually to the legislative
21 fiscal committee, the legislative fiscal bureau, and the
22 chairpersons and ranking members of the joint administration
23 appropriations subcommittee concerning the effectiveness of
24 the tax audits and investigations conducted, the moneys
25 expended, the tax obligations established, and taxes collected
26 as a result of the tax collection and enforcement efforts of
27 the department.

28 The department of revenue and finance shall report quar-
29 terly to the legislative fiscal bureau concerning progress in
30 the implementation of generally accepted accounting
31 principles, including determination of reporting entities,
32 fund classifications, modification of the Iowa financial
33 accounting system, progress on preparing a comprehensive
34 annual financial report, and the most current estimate of the
35 general fund balance based on current generally accepted

1 accounting principles.

2 Sec. 115. There is appropriated from the motor vehicle
3 fuel tax fund created by section 324.77 to the department of
4 revenue and finance for the fiscal year beginning July 1,
5 1991, and ending June 30, 1992, the following amount, or so
6 much thereof as is necessary, to be used for the purposes
7 designated:

8 For salaries, support, maintenance, and miscellaneous
9 purposes for administration and enforcement of the provisions
10 of chapter 324 and the motor vehicle use tax program:

11 \$ 1,049,076

12 Sec. 116. There is appropriated from the lottery fund to
13 the department of revenue and finance for the fiscal year
14 beginning July 1, 1991, and ending June 30, 1992, the
15 following amount, or so much thereof as is necessary, to be
16 used for the purposes designated:

17 For salaries, support, maintenance, miscellaneous purposes,
18 and for not more than the following full-time equivalent posi-
19 tions:

20 \$ 7,050,932

21 FTEs 138.55

22 Sec. 117. There is appropriated from the general fund of
23 the state to the department of management for the fiscal year
24 beginning July 1, 1991, and ending June 30, 1992, the
25 following amount, or so much thereof as is necessary, to be
26 used for the purposes designated:

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

30 \$ 1,524,880

31 FTEs 30.00

32 Sec. 118. There is appropriated from the road use tax fund
33 to the department of management for the fiscal year beginning
34 July 1, 1991, and ending June 30, 1992, the following amount,
35 or so much thereof as is necessary, to be used for the

1 purposes designated:

2 For salaries, support, maintenance, and miscellaneous

3 purposes:

4 \$ 55,000

5 The department of management shall report to the
6 chairpersons and ranking members of the senate and house
7 committees on appropriations, the chairpersons and ranking
8 members of the joint administration appropriations
9 subcommittee, the legislative fiscal committee, and the
10 legislative fiscal bureau, the number of furloughs and the
11 number of layoffs that occur in each state agency, the savings
12 associated with those furloughs and layoffs, the effect of the
13 furloughs and layoffs on services provided by the state
14 agency, and other relevant information. The department shall
15 provide a year-end report summarizing the information for
16 fiscal year 1991 on or before September 1, 1991. The
17 department shall continue this reporting for fiscal year 1992.
18 A report on the first 5 months of the fiscal year is due by
19 January 2, 1992, and a year-end report is due by September 1,
20 1992.

21 Sec. 119. There is appropriated from the general fund of
22 the state to the department of management for the fiscal year
23 beginning July 1, 1991, and ending June 30, 1992, the
24 following amounts, or so much thereof as is necessary, to be
25 used for the purposes designated:

26 1. COUNCIL OF STATE GOVERNMENTS

27 For support of the membership assessment:

28 \$ 69,600

29 2. LAW ENFORCEMENT TRAINING REIMBURSEMENTS

30 For reimbursements to local law enforcement agencies for
31 the training of officers who resign pursuant to section
32 384.15, subsection 7:

33 \$ 116,850

34 Sec. 120. There is appropriated from the general fund of
35 the state to the office of state-federal relations for the

1 fiscal year beginning July 1, 1991, and ending June 30, 1992,
2 the following amount, or so much thereof as is necessary, to
3 be used for the purposes designated:

4 For salaries, support, maintenance, miscellaneous purposes,
5 and for not more than the following full-time equivalent posi-
6 tions:

| | | |
|---------|------|---------|
| 7 | \$ | 220,340 |
| 8 | FTEs | 3.15 |

9 Sec. 121. Notwithstanding section 8.55, the moneys in the
10 Iowa economic emergency fund are transferred to the general
11 fund of the state if necessary to avoid a deficit in the
12 general fund of the state and to defray expenses at the
13 conclusion of the fiscal year beginning July 1, 1991, and
14 ending June 30, 1992.

3513 > 15 Sec. 122. Section 12.8, unnumbered paragraph 2, Code 1991,
16 is amended to read as follows:

17 Investment income may be used to maintain compensating
18 balances, and pay transaction costs for investments made by
19 the treasurer of state, and pay administrative and related
20 overhead costs incurred by the treasurer of state in the
21 management of money. The treasurer of state shall coordinate
22 with the affected departments to determine how compensating
23 balances, or transaction costs, or money management and
24 related costs will be established. All charges against a
25 retirement system must be documented and notification of the
26 charges shall be made to the appropriate administration of the
27 retirement system affected.

3213 28 Sec. 123. USE OF RECOVERED ADMINISTRATIVE FUNDS. The
29 first \$40,000 of the funds collected as administrative and
30 related overhead costs under section 12.8 for the fiscal year
31 beginning July 1, 1991, shall become part of the budget of the
32 office of treasurer of state, and the remaining funds shall be
33 credited to the general fund of the state. The treasurer of
34 state shall report to the chairpersons and ranking members of
35 the joint administration appropriations subcommittee and to

1 the legislative fiscal committee as to the amounts collected.
2 It is the intent of the general assembly that commencing with
3 the fiscal year beginning July 1, 1992, the administrative and
4 related overhead costs recovered shall become part of the
5 budget of the office of treasurer of state.

3613 6 Sec. 124. WORLD FOOD PRIZE. There is appropriated from
7 the general fund of the state to the treasurer of state for
8 the fiscal year beginning July 1, 1991, and ending June 30,
9 1992, the following amount, or so much thereof as is
10 necessary, to be used for the purpose designated:

11 For the initial funding of Iowa's participation in the
12 funding of the world food prize:

13 \$ 250,000

14 It is the intent of the general assembly that this
15 appropriation of public funds will result in a commitment for
16 additional funding for the world food prize from private
17 sources.

18 The treasurer of state shall only provide the funds
19 appropriated in this section to the world food prize
20 foundation if sufficient private funds are raised to locate
21 the world food prize foundation in Iowa and the foundation is
22 structured to include representation that reflects
23 environmental concerns and sustainable agriculture.

3813 24 Sec. 125. Section 554.9407, Code 1991, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 5. The secretary of state may adopt rules
27 pursuant to chapter 17A, establishing fees in addition to the
28 uniform fees established in subsection 3, for the acquisition,
29 maintenance, and support of an optical disc imaging system.

30 Sec. 126. EFFECTIVE DATE. Section 125 of this division,
31 being deemed of immediate importance, takes effect upon
32 enactment.

33 DIVISION II
34 AGRICULTURE AND NATURAL RESOURCES
35 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

1 Sec. 201. There is appropriated from the general fund of
2 the state to the department of agriculture and land
3 stewardship for the fiscal year beginning July 1, 1991, and
4 ending June 30, 1992, the following amounts, or so much
5 thereof as is necessary, to be used for the purposes
6 designated:

7 1. ADMINISTRATIVE DIVISION

8 a. For salaries, support, maintenance, and miscellaneous
9 purposes:

x 10 \$ 985,358

11 b. To the administration division for the purpose of
12 performing fertilizer audits:

13 \$ 56,367

14 c. To the administration division for the operations of
15 the dairy trade practices bureau:

16 \$ 101,183

17 d. To the administration division for the purpose of
18 performing commercial feed audits:

19 \$ 55,367

20 e. Funds appropriated by this subsection are for the
21 salaries and support of not more than the following full-time
22 equivalent positions:

x 23 FTEs 32.20

24 f. As a condition, limitation, and qualification of the
25 appropriation under paragraph "a", \$35,000 shall be allocated
26 to the state 4-H foundation to foster the development of
27 Iowa's youth and to encourage them to study the subject of
28 agriculture.

29 2. FARM COMMODITY DIVISION

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

x 33 \$ 828,873

x 34 FTEs 19.0

34/335 b. As a condition, limitation, and qualification of the

1 appropriation under paragraph "a", \$163,820 and 4.00 FTEs
2 shall be used to support an office of renewable fuels which
3 shall be established within the department. The purpose of
4 the office is to support research and promotion of ethanol and
5 other renewable fuels. These positions shall also be used to
6 perform in-state promotion of Iowa grown crops.

7 3. FARMERS' MARKET COUPON PROGRAM

8 For salaries, support, maintenance, and miscellaneous
9 purposes, to be used by the department to continue and expand
10 the farmers' market coupon program by providing federal
11 special supplemental food program recipients with coupons
12 redeemable at farmers' markets, and for not more than the
13 following full-time equivalent positions:

14 \$ 198,333
15 FTEs 1.0

16 4. REGULATORY DIVISION

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

x 20 \$ 3,879,715
y 21 FTEs 148.20

22 b. To the regulatory division to cover the costs of
23 inspection, sampling, analysis, and other expenses necessary
24 for the administration of chapters 192, 194, and 195:

25 \$ 645,901

26 5. LABORATORY DIVISION

27 a. For salaries, support, maintenance, and miscellaneous
28 purposes:

29 \$ 727,274

30 As a condition, limitation, and qualification of the
31 appropriation under this paragraph, \$20,000 shall be used for
32 the purposes of conducting a statewide gypsy moth detection
33 survey.

34 b. To the laboratory division for the operations of the
35 commercial feed programs:

1 \$ 691,675

2 c. To the laboratory division for the operations of the
3 pesticide programs:

4 \$ 1,140,208

5 d. To the laboratory division for the operations of the
6 fertilizer programs:

7 \$ 785,397

8 e. Funds appropriated by this subsection are for the
9 salaries and support of not more than the following full-time
10 equivalent positions:

11 FTEs 84.0

12 The amount of full-time equivalent positions allocated
13 under this paragraph may be exceeded, if all of the following
14 conditions are satisfied:

15 (1) Additional funding other than from the state general
16 fund is available during the fiscal year beginning July 1,
17 1991, and ending June 30, 1992.

18 (2) The legislative council is notified of the additional
19 funding and the number of full-time equivalent positions to be
20 increased.

21 (3) The department of management approves the increase in
22 full-time equivalent positions recommended by the legislative
23 council.

24 6. SOIL CONSERVATION DIVISION

25 a. For salaries, support, maintenance, assistance to soil
26 conservation districts, miscellaneous purposes, and for not
27 more than the following full-time equivalent positions:

* 28 \$ 5,232,428

29 FTEs 175.52

30 b. To provide financial incentives for soil conservation
31 practices in accordance with paragraph "c":

32 \$ 6,439,972

33 c. As a condition, limitation, and qualification of the
34 appropriation under paragraph "b", the following requirements
35 apply to the funds appropriated by paragraph "b":

1 (1) Not more than 5 percent may be allocated for cost
2 sharing to abate complaints filed under section 467A.47 and
3 467A.48.

4 (2) 10 percent shall be allocated for financial incentives
5 not exceeding 50 percent of the approved cost of permanent
6 soil conservation practices under chapter 467A on watersheds
7 above publicly owned lakes in accordance with the priority
8 list required in section 107.33A.

9 (3) The soil conservation district commissioners may
10 allocate financial incentives not exceeding 60 percent of the
11 cost of permanent soil conservation practices for special
12 watershed practices or summer construction incentives under
13 section 467A.7, subsections 17 and 19.

14 (4) Except for the allocations subject to subparagraphs
15 (1), (2), and (3), these funds shall not be used alone or in
16 combination with other public funds to provide a financial
17 incentive payment greater than 50 percent of the approved cost
18 for voluntary permanent soil conservation practices and
19 priority shall be given to family-operated farms.

20 (5) The soil conservation committee may allocate funds to
21 conduct research and demonstration projects to promote
22 conservation tillage and nonpoint sources pollution control
23 practices.

24 (6) Not more than 30 percent of a district's allocation
25 may be allocated by the soil conservation district
26 commissioners for the establishment of management practices to
27 control soil erosion on land that is now row cropped.

28 (7) The financial incentive payments may be used in
29 combination with department of natural resources funds.

30/33 30 d. As a condition, limitation, and qualification of the
31 appropriation under paragraph "b", \$250,000 shall be used for
32 a stream degradation pilot project in western Iowa. However,
33 only those counties which have levied the maximum rate of levy
34 for rural county services under section 331.423, subsection 2,
35 shall be eligible to participate in the pilot project.

1 e. The provisions of section 8.33 shall not apply to the
2 funds appropriated by paragraph "b". Unencumbered or
3 unobligated funds remaining on June 30, 1995, from funds
4 appropriated under paragraph "b" for the fiscal year beginning
5 July 1, 1991, shall revert to the general fund on September
6 30, 1995.

7 Sec. 202. There is appropriated from the general fund of
8 the state to the department of agriculture and land
9 stewardship for the fiscal year beginning July 1, 1991, and
10 ending June 30, 1992, the following amounts, or so much
11 thereof as is necessary, to be used for the purposes
12 designated:

13 To fund lamb and wool management education projects
14 approved by the department at community colleges selected as
15 project sites as provided in section 99E.32, subsection 3,
16 paragraph "m":

17 \$ 200,000

18 Sec. 203. There is appropriated from the general fund of
19 the state to the department of agriculture and land
20 stewardship for the fiscal year beginning July 1, 1991, and
21 ending June 30, 1992, the following amount, or so much thereof
22 as is necessary, to be used for the purpose designated:

23 For support of the pseudorabies eradication program:

x 24 \$ 500,000

33/3 25 Sec. 204. There is appropriated from the general fund of the
26 state to the department of agriculture and
27 land stewardship for the fiscal year
28 beginning July 1, 1991, and ending June 30, 1992, the
29 following amount, or so much thereof as is necessary, to be
30 used for the purpose designated:

31 For transfer to the department of plant pathology at Iowa
32 state university of science and technology for purposes
33 related to researching the multiflora rose virus in order to
34 control or eradicate the multiflora rose:

35 \$ 40,000

1 Sec. 205. There is appropriated from the funds available
2 under section 99D.13 to the regulatory division of the
3 department of agriculture and land stewardship for the fiscal
4 year beginning July 1, 1991, and ending June 30, 1992, the
5 following amount, or so much thereof as is necessary, to be
6 used for the purposes designated:

7 For salaries, support, maintenance, and miscellaneous
8 purposes for the administration of section 99D.22:
9 \$ 174,090

10 INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING

11 Sec. 206. There is appropriated from the general fund of
12 the state to the interstate agricultural grain marketing
13 commission for the fiscal year beginning July 1, 1991, and
14 ending June 30, 1992, the following amount, or so much thereof
15 as is necessary, to be used for the purpose designated:

16 For carrying out duties of the commission as provided in
17 Article IV of the interstate compact on agricultural grain
18 marketing as provided in chapter 183:
19 \$ 60,000

20 DEPARTMENT OF NATURAL RESOURCES

21 Sec. 207. There is appropriated from the general fund of
22 the state to the department of natural resources for the
23 fiscal year beginning July 1, 1991, and ending June 30, 1992,
24 the following amounts, or so much thereof as may be necessary,
25 to be used for the purposes designated:

26 1. OFFICE OF DIRECTOR

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

30 \$ 55,893
31 FTEs 4.95

32 2. COORDINATION AND INFORMATION DIVISION

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

x 1 \$ 711,672
 2 FTEs 33.95

3 3. ADMINISTRATIVE SERVICES DIVISION

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

x 7 \$ 1,588,181
 8 FTEs 118.15

9 4. PARKS AND PRESERVES DIVISION

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

x 13 \$ 5,170,899
 14 FTEs 216.52

3813 >

15 5. FORESTS AND FORESTRY DIVISION

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

x 19 \$ 1,617,265
 20 FTEs 59.71

21 6. ENERGY AND GEOLOGICAL RESOURCES DIVISION

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

x 25 \$ 1,223,941
 x 26 FTEs 58.62

27 7. ENVIRONMENTAL PROTECTION DIVISION

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

x 31 \$ 1,965,992
 32 FTEs 158.75

33 8. FISH AND WILDLIFE DIVISION

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

1 positions:
 2 \$ 0
 3 FTEs 335.24
 4 9. WASTE MANAGEMENT AUTHORITY
 5 For salaries, support, maintenance, miscellaneous purposes,
 6 and for not more than the following full-time equivalent
 7 positions:
 8 \$ 0
 9 FTEs 18.75
 10 10. For reimbursement to federal agencies for cooperative
 11 contracts:
 12 \$ 185,983
 13 11. For the green thumb program for the employment of the
 14 elderly in conservation and outdoor recreation related fields
 15 in coordination with other agencies as provided by law, and
 16 for not more than the following full-time equivalent
 17 positions:
 18 \$ 254,000
 19 FTEs 18.68
 20 12. For programs administered by the energy and geological
 21 resources division traditionally supported from the energy
 22 research and development fund:
 23 \$ 216,000
 24 Sec. 208. There is appropriated from the state fish and
 25 game protection fund to the division of fish and wildlife of
 26 the department of natural resources for the fiscal year
 27 beginning July 1, 1991, and ending June 30, 1992, the
 28 following amounts, or so much thereof as is necessary, to be
 29 used for the purposes designated:
 30 1. For administrative support:
 31 \$ 2,663,106
 32 2. For the law enforcement bureau of the fish and wildlife
 33 division for salaries, support, maintenance, equipment, and
 34 miscellaneous purposes:
 35 \$ 5,154,669

1 3. For the fisheries bureau of the fish and wildlife
2 division for salaries, support, maintenance, equipment, and
3 miscellaneous purposes:
4 \$ 4,773,909

5 4. For the wildlife bureau of the fish and wildlife
6 division for salaries, support, maintenance, equipment, and
7 miscellaneous purposes:
8 \$ 5,181,922

9 5. For division management of the fish and wildlife
10 division, for salaries, support, maintenance, equipment, and
11 miscellaneous purposes:
12 \$ 184,848

13 6. As a condition, limitation, and qualification of the
14 appropriations under this section, if reductions in
15 expenditures are determined to be necessary to avoid a budget
16 deficit in the fish and game protection fund, the department
17 shall take all actions necessary to avoid using license
18 receipts or other income for capitals and acquisitions, unless
19 the Code specifically designates the use or the receipts are
20 required to match federal funds. The department shall not
21 reduce personnel until all other actions necessitated by the
22 expenditure reduction are exhausted.

23 7. As a condition, limitation, and qualification of the
24 appropriations under this section, funds remaining in the fish
25 and game protection fund during the fiscal year beginning July
26 1, 1991, which are not specifically appropriated by this
27 section are appropriated and may be used for capital projects
28 and contingencies arising during the fiscal year beginning
29 July 1, 1991. A contingency shall not include any purpose or
30 project which was presented to the general assembly by way of
31 a bill or a proposed bill and which failed to be enacted into
32 law. For the purpose of this subsection, a necessity of
33 additional operating funds may be construed as a contingency.
34 Before any of the funds authorized to be expended by this
35 subsection are allocated for contingencies, it shall be

1 determined by the executive council that a contingency exists
2 and that the contingency was not existent while the general
3 assembly was in session and that the proposed allocation shall
4 be for the best interest of the state. If a contingency
5 arises or could reasonably be foreseen during the time the
6 general assembly is in session, expenditures for the
7 contingency must be authorized by the general assembly.

3869 8 Sec. 209. There is appropriated from the marine fuel tax
9 receipts deposited in the general fund of the state to the
10 department of natural resources for the fiscal year beginning
11 July 1, 1991, and ending June 30, 1992, the following amounts,
12 or so much thereof as is necessary, to be used for the
13 purposes designated:

14 1. To the parks and preserves division for maintenance and
15 development of boating facilities and access to public waters:
16 \$ 450,000

17 2. For deposit in the state fish and game protection fund
18 for maintenance of boating access on lands managed by the fish
19 and wildlife division:
20 \$ 150,000

21 3. To fund capitals traditionally funded from marine fuel
22 tax receipts for the purposes specified in section 324.79:
x 23 \$ 1,350,000

24 Notwithstanding section 8.33, the unencumbered or
25 unobligated balances of the amounts appropriated for purposes
26 of this subsection for the fiscal year beginning July 1, 1991,
27 shall revert on September 30, 1993.

x 28 4. a. To fund expenditures traditionally funded from
29 marine fuel tax revenues, but not considered as capitals or
30 operations:
x 31 \$ 850,000

3813 32 b. As a condition, limitation, and qualification of the
33 appropriation under paragraph "a", \$250,000 shall be
34 appropriated from the fund to support natural lake
35 preservation. The department shall award the amount to a city

1 as defined in section 362.2 on a matching basis with the
2 department contributing one dollar for each two dollars
3 dedicated by the city, or the city acting in conjunction with
4 a county, for natural lake preservation, if the money is
5 dedicated on or after March 1, 1990. However, the city, or
6 the city and county, must have dedicated at least \$500,000 of
7 local funds in order to qualify for the award. The city must
8 also be located in a county having a population of less than
9 twelve thousand.

10 Sec. 210. There is transferred on July 1, 1991, from the
11 fees deposited under section 321G.7 to the fish and game
12 protection fund for the fiscal year beginning July 1, 1991,
13 and ending June 30, 1992, the following amount, or so much
14 thereof as is necessary, to be used for the purpose
15 designated:

16 For the purpose of enforcing snowmobile laws as part of the
17 state snowmobile program administered by the department of
18 natural resources:

19 \$ 100,000

20 Sec. 211. There is transferred on July 1, 1991, from the
21 fees deposited under section 106.52 to the fish and game
22 protection fund for the fiscal year beginning July 1, 1991,
23 and ending June 30, 1992, the following amount, or so much
24 thereof as is necessary, to be used for the purpose
25 designated:

26 For the purpose of maintaining boating access on lands
27 managed by the fish and wildlife division of the department of
28 natural resources:

29 \$ 950,000

30 Sec. 212. There is transferred on April 1, 1992, from the
31 fees deposited under section 321G.7 to the fish and game
32 protection fund for the fiscal year beginning July 1, 1992,
33 and ending June 30, 1993, the following amount, or so much
34 thereof as is necessary, to be used for the purpose
35 designated:

1 For the purpose of enforcing snowmobile laws as part of the
2 state snowmobile program administered by the department of
3 natural resources:

4 \$ 100,000

5 Sec. 213. There is transferred on April 1, 1992, from the
6 fees deposited under section 106.52 to the fish and game
7 protection fund for the fiscal year beginning July 1, 1992,
8 and ending June 30, 1993, the following amount, or so much
9 thereof as is necessary, to be used for the purpose
10 designated:

11 For the purpose of administrating and enforcing navigation
12 laws and water safety by the department of natural resources:

13 \$ 950,000

14 Sec. 214. The department of agriculture and land
15 stewardship and the department of natural resources, in
16 cooperation as necessary with the department of management and
17 the department of personnel, shall provide a list to the
18 legislative fiscal bureau, on a quarterly basis, of all
19 permanent positions added to or deleted from the departments'
20 table of organization in the previous fiscal quarter. This
21 list shall include at least the position number, salary range,
22 projected funding source or sources of each position, and the
23 reason for the addition or deletion. The legislative fiscal
24 bureau may use this information to assist in the establishment
25 of the full-time equivalent position limits contained in the
26 appropriation bill for the departments.

27 Sec. 215. TRAVEL EXPENSES.

28 1. As a condition, limitation, and qualification of the
29 funds appropriated in section 201 of this division, the
30 department of agriculture and land stewardship shall not spend
31 more than \$39,200 for expenses related to out-of-state travel,
32 unless notification is provided to the chairpersons and
33 ranking members of the agriculture and natural resources
34 appropriations subcommittee of the committees on
35 appropriations in the senate and house of representatives.

1 2. As a condition, limitation, and qualification of the
2 funds appropriated in sections 207 and 208 of this division,
3 the department of natural resources shall not spend more than
4 \$145,000 for expenses related to out-of-state travel, unless
5 notification is provided to the chairpersons and ranking
6 members of the agriculture and natural resources
7 appropriations subcommittee of the committees on
8 appropriations in the senate and house of representatives.

9 Sec. 216. Notwithstanding section 17A.2, subsection 7,
10 paragraph "g", the department of natural resources shall by
11 rule establish prices of plant material grown at the state
12 forest nurseries to cover all expenses related to the growing
13 of the plants.

14 The department shall develop programs to encourage the wise
15 management and preservation of existing woodlands and shall
16 continue its efforts to encourage forestation and
17 reforestation on private and public lands in the state.

18 The department shall encourage a cooperative relationship
19 between the state forest nurseries and private nurseries in
20 the state in order to achieve these goals.

3813 >
21 Sec. 217. Moneys granted pursuant to the council of great
22 lakes governors regional biomass energy program shall be
23 awarded to the department of agriculture and land stewardship
24 to the extent permitted by federal law and policies adopted by
25 the council of great lakes governors.

26 Sec. 218. The department of revenue and finance in
27 cooperation with the department of agriculture and land
28 stewardship and the department of natural resources shall
29 track receipts to the general fund which have traditionally
30 been deposited into the following funds:

31 1. The fertilizer fund created in section 200.9.

32 2. The pesticide fund created in section 206.12.

33 3. The dairy trade practices trust fund pursuant to
34 section 192A.30.

35 4. The milk fund created in section 192.47.

1 5. The commercial feed trust fund created in section
2 198.9.

3 6. The marine fuel tax fund created in section 324.79.

4 7. The energy research and development fund created in
5 section 93.14.

6 The departments designated in this section shall prepare
7 reports detailing revenue from receipts traditionally
8 deposited into each of the funds. A report shall be submitted
9 to the legislative fiscal bureau at least once for each 3-
10 month period as designated by the legislative fiscal bureau.

5813 >

11 Sec. 219. The department of natural resources shall
12 provide the legislative fiscal bureau information and
13 financial data by cost center, on at least a monthly basis,
14 relating to the indirect cost accounting procedure, the amount
15 of funding from each funding source for each cost center, and
16 the internal budget system used by the department. The
17 information shall include but is not limited to financial data
18 covering the department's budget by cost center and funding
19 source prior to the start of the fiscal year, and to the
20 department's actual expenditures by cost center and funding
21 source after the accounting system has been closed for that
22 fiscal year.

23 Sec. 220. During the fiscal year for which funds are
24 appropriated by sections 207 and 208 of this division, the
25 department of natural resources shall not require the
26 installation or use of equipment to control the emission of
27 dust or other particulate matter on or by facilities for
28 storage of grain which are located within the ambient air
29 quality attainment areas for suspended particulates.

30 Sec. 221. Notwithstanding 1990 Iowa Acts, chapter 1260,
31 section 8, as amended by 1991 Iowa Acts, House File 173, the
32 environmental protection division of the department of natural
33 resources may fill 157.55 FTEs.

3813 >

34 Sec. 222. Section 107.23, Code 1991, is amended to read as
35 follows:

1 107.23 GENERAL DUTIES.

2 The commission department shall protect, propagate,
3 increase, and preserve the wild mammals, fish, birds,
4 reptiles, and amphibians of the state and enforce by proper
5 actions and proceedings the laws, rules, and regulations
6 relating to them. The commission department shall collect,
7 classify, and preserve all statistics, data, and information
8 as in its opinion tend to promote the objects of this chapter,
9 conduct research in improved conservation methods, and
10 disseminate information to residents and nonresidents of Iowa
11 in conservation matters.

12 ~~Upon the issuance of such data and information in printed~~
13 ~~form to private individuals, groups or clubs, the commission~~
14 ~~shall be entitled to charge therefor the actual cost of~~
15 ~~printing and publication as determined by the state printer.~~

16 Sec. 223. NEW SECTION. 107.33A WATERSHED PRIORITY.

17 The commission shall each year establish a priority list of
18 watersheds which are of highest importance based on soil loss
19 to be used for the allocation of moneys set aside in annual
20 appropriations from the general fund to the department of
21 agriculture and land stewardship for permanent soil
22 conservation practices under chapter 467A on watersheds above
23 publicly owned lakes. Chapter 17A does not apply to this
24 section.

25 Sec. 224. Section 109.78, Code 1991, is amended to read as
26 follows:

27 109.78 STOCKING PRIVATE WATER.

28 No A private water ~~may~~ shall not be stocked by the
29 commission department unless the owner agrees that such waters
30 shall be open to the public for fishing, except that the
31 commission may, after investigation to determine their
32 suitability as to size, depth, living conditions for fish, and
33 management, provide a breeding stock of fish for privately
34 owned farm ponds on request of the owner. The department
35 shall by rule establish fees for producing fish to stock a

1 private water. The fees shall be based on the cost of
2 producing the fish calculated on a per fish basis for each
3 species produced. The fees shall be deposited by the
4 department into the fish and game protection fund as created
5 in section 107.17.

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6 Sec. 225. Section 159.5, subsection 7, Code 1991, is
7 amended by striking the subsection.

8 Sec. 226. Section 159.5, subsection 8, Code 1991, is
9 amended by striking the subsection.

10 Sec. 227. NEW SECTION. 159.9A REPORTS REQUIRED TO BE
11 FILED WITH THE GENERAL ASSEMBLY.

12 A report required to be filed with the general assembly by
13 the department or secretary shall be filed according to
14 procedure provided in the provision requiring the report. If
15 the provision is silent regarding a procedure this section
16 shall provide the applicable procedures.

17 1. The report shall be filed not later than the second
18 Monday in January in the year after the report is required
19 with the following persons:

20 a. The secretary of the senate and the chief clerk of the
21 house of representatives who shall each receive ten copies.

22 b. The directors of each of the staffs of the majority and
23 minority parties in the senate and house of representatives
24 who shall each receive two copies.

25 c. The directors of the legislative service bureau and the
26 legislative fiscal bureau who shall each receive two copies.

27 2. On February 1 and August 1 of each year, the department
28 shall deliver to each member of the general assembly a list of
29 titles of reports produced by the department during the
30 previous six months. The department shall provide a copy of
31 available reports upon request to a member of the general
32 assembly or a person serving as partisan or nonpartisan staff
33 to the general assembly.

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34 Sec. 228. Section 159.37, subsection 1, Code 1991, is
35 amended to read as follows:

1 1. The department shall establish within the ~~international~~
2 ~~trade-bureau-of-the~~ marketing division a special quality
3 grains electronic bulletin board system. The system shall be
4 available to any and all buyers and sellers of special quality
5 grains for the purpose of posting the availability of special
6 quality grains, or a demand for special quality grains.

7 Sec. 229. Section 173.14B, subsection 1, unnumbered
8 paragraph 1, Code 1991, is amended to read as follows:

9 The board may issue and sell negotiable revenue bonds of
10 the authority in denominations and amounts as the board deems
11 for the best interests of the fair, for any of the following
12 purposes ~~after-authorization-by-a-constitutional-majority-of~~
13 ~~each-house-of-the-general-assembly-and-approval-by-the~~
14 governor:

15 Sec. 230. Section 173.14B, subsection 2, Code 1991, is
16 amended to read as follows:

17 2. The board may issue negotiable bonds and notes of the
18 authority in principal amounts which are necessary to provide
19 sufficient funds for achievement of its corporate purposes,
20 the payment of interest on its bonds and notes, the
21 establishment of reserves to secure its bonds and notes, and
22 all other expenditures of the board incident to and necessary
23 or convenient to carry out its purposes and powers, ~~subject-to~~
24 ~~authorization-and-approval-required-under-subsection-1.~~

25 However, the total principal amount of bonds and notes
26 outstanding at any time under subsection 1 and this subsection
27 shall not exceed ~~one-hundred-fifty~~ six million dollars. The
28 bonds and notes are deemed to be investment securities and
29 negotiable instruments within the meaning of and for all
30 purposes of the uniform commercial code.

31 Sec. 231. Section 455A.5, subsection 6, Code 1991, is
32 amended by adding the following new paragraph:

33 NEW PARAGRAPH. e. Adopt, by rule, a schedule of fees for
34 permits, including conditional permits, and a schedule of fees
35 for administration of the permits. The fees shall be

1 collected by the department and used to offset costs incurred
2 in administering a program for which the issuance of the
3 permit is made or under which enforcement is carried out. In
4 determining the fee schedule, the commission shall consider
5 all of the following:

6 (1) The reasonable costs associated with reviewing
7 applications, issuing permits, and monitoring compliance with
8 the terms of issued permits.

9 (2) The relative benefits to the applicant and to the
10 public of a permit review, permit issuance, and monitoring
11 compliance with the terms of the permit.

12 (3) The typical costs associated with a type of project or
13 activity for which a permit is required. However, a fee shall
14 not exceed the actual costs incurred by the department.

15 Sec. 232. Section 455A.6, subsection 6, paragraph d, Code
16 1991, is amended to read as follows:

17 d. Approve the budget request prepared by the director for
18 the programs authorized by chapters 455B, 455C, 455E, and
19 455F. The commission shall approve the budget request
20 prepared by the director for programs administered by the
21 energy and geological resources division, the coordination and
22 information division, the administrative services division,
23 and the office of the director, as provided in section 455A.7.

24 The commission may increase, decrease, or strike any item
25 within the department budget request for the specified
26 programs before granting approval.

27 Sec. 233. Section 455A.7, subsection 1, unnumbered
28 paragraph 1, Code 1991, is amended to read as follows:

29 The following ~~divisions~~ administrative units are created
30 within the department:

31 Sec. 234. Section 455A.7, subsection 1, Code 1991, is
32 amended by adding the following new paragraphs:

33 NEW PARAGRAPH. i. Waste management authority which has
34 responsibilities provided in chapter 455B, part 9.

35 NEW PARAGRAPH. j. Office of the director which has

1 responsibilities for administering the department.

2 Sec. 235. Section 455A.7, subsection 2, Code 1991, is
3 amended by striking the subsection.

3813 4 Sec. 236. NEW SECTION. 455A.9 FEES -- PUBLICATIONS AND
5 RECORDS.

3813 6 1. The department may establish a schedule of fees for the
7 following:

8 a. Subscriptions to a publication produced by the
9 department, including periodicals. However, this subsection
10 does not apply to application forms and materials intended for
11 general distribution which explain departmental programs or
12 duties.

13 Fees shall be based on the amount required to recover the
14 reasonable costs of producing a publication, including costs
15 relating to preparing, printing, publishing, and distributing
16 the publication.) The department may establish special rates
17 for educational institutions, other governmental entities, or
18 multiple year subscribers. The department may reduce the fees
19 charged for a publication by the amount of available money
20 appropriated by a person other than the state for purposes of
21 the production. Space in a publication may be reserved for
22 advertising or information, including public announcements.
23 The department may charge a person a fee to provide
24 advertising or information in a publication. Revenues
25 resulting from the sales of a publication, or fees charged to
26 provide advertising or information, which exceed production
27 costs shall be used to augment funds supporting programs
28 administered by the department.

29 b. Providing copies of departmental records available
30 pursuant to chapter 22. Fees shall be based on the amount
31 required to recover the reasonable costs of collecting,
32 compiling, maintaining, copying, and distributing the records.
33 However, the department shall not charge a person more than
34 the cost of copying and distributing a record, if the person
35 is directly related to the record.

1 c. Providing copies of complete or significant parts of
2 data sets. Fees shall be based on the fair market value of
3 the data. However, the department may establish a special
4 rate for persons not engaged in for-profit enterprises.

5 d. Providing copies of part or all of analyses produced by
6 the department. The fees shall be based on the amount
7 required to recover the reasonable costs of collecting,
8 compiling, maintaining, and analyzing the data.

9 2. The department may implement fees required under this
10 section according to a schedule developed by the department.
11 However, fees charged for publications shall be fully
12 implemented within six years from the date that the department
13 establishes a fee schedule.

14 Sec. 237. NEW SECTION. 455A.21 REPORTS REQUIRED TO BE
15 FILED WITH THE GENERAL ASSEMBLY.

16 A report required to be filed with the general assembly by
17 the department or director shall be filed according to
18 procedures provided in the provision requiring the report. If
19 the provision is silent regarding a procedure this section
20 shall provide the following applicable procedures:

21 1. The report shall be filed not later than the second
22 Monday in January in the year after the report is required
23 with the following persons:

24 a. The secretary of the senate and the chief clerk of the
25 house of representatives who shall each receive ten copies.

26 b. The directors of each of the staffs of the majority and
27 minority parties in the senate and house of representatives
28 who shall each receive two copies.

29 c. The directors of the legislative service bureau and the
30 legislative fiscal bureau who shall each receive two copies.

31 2. On February 1 and August 1 of each year, the department
32 shall deliver to each member of the general assembly a list of
33 titles of reports produced by the department during the
34 previous six months. The department shall provide a copy of
35 available reports upon request to a member of the general

1 assembly or a person serving as partisan or nonpartisan staff
2 to the general assembly.

3 Sec. 238. Section 467A.12, Code 1991, is amended to read
4 as follows:

5 467A.12 STATEMENT TO DEPARTMENT OF MANAGEMENT.

6 On or before September 1 next preceding each annual
7 legislative session, the division shall submit to the
8 department of management and the legislative fiscal bureau, on
9 official estimate blanks furnished for those purposes,
10 statements and estimates of the expenditure requirements for
11 each fiscal year, and a statement of the balance of funds, if
12 any, available to the division, and the estimates of the
13 division as to the sums needed for the administrative and
14 other expenses of the division for the purposes of this
15 chapter.

16 Sec. 239. Section 455E.11, subsection 2, paragraph b,
17 subparagraph (3), subparagraph subdivision (b), Code 1991, is
18 amended to read as follows:

19 (b) Two percent is appropriated annually to the department
20 of natural resources for the purpose of administering grants
21 to counties and conducting oversight of county-based programs
22 relative to the testing of private water supply wells and the
23 proper closure of private abandoned wells. Not more than
24 seventeen and one-half percent of the moneys is appropriated
25 annually to the department of natural resources for grants to
26 counties for the purpose of conducting programs of private,
27 rural water supply testing, not more than six percent of the
28 moneys is appropriated annually to the state hygienic
29 laboratory to assist in well testing, and not more than
30 seventeen and one-half percent of the moneys is appropriated
31 annually to the department of natural resources for grants to
32 counties for the purpose of conducting programs for properly
33 closing abandoned, rural water supply wells and cisterns. A
34 county receiving a grant for purposes of conducting programs
35 of private, rural water supply testing, and receiving a grant

1 for purposes of conducting programs for properly closing
2 abandoned rural water supply wells and cisterns, may transfer
3 moneys dedicated to support one grant program to support the
4 other grant program. However, in order to make the transfer,
5 the county must have exhausted its grant moneys dedicated to
6 support the program and the county board of supervisors must
7 find good cause justifying the transfer. For purposes of this
8 subparagraph subdivision, "cistern" means an artificial
9 reservoir constructed underground for the purpose of storing
10 rainwater.

11 Sec. 240. Section 467A.48, subsection 1, paragraph c,
12 unnumbered paragraph 1, Code 1991, is amended to read as
13 follows:

14 The Except as otherwise provided in this chapter, the
15 amount of cost-sharing funds made available shall not exceed
16 fifty percent of the estimated cost as established by the
17 commissioners of a permanent soil and water conservation
18 practice, or fifty percent of the actual cost, whichever is
19 less, or an amount set by the committee for a temporary soil
20 and water conservation practice, except as otherwise provided
21 by law with respect to land classified as agricultural land
22 under conservation cover.

32/3 23 Sec. 241. Section 543A.4, Code 1991, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 4. The board shall on July 1 of each
26 fiscal year provide for the transfer of two hundred fifty
27 thousand dollars to the department for use by the warehouse
28 bureau for purposes of paying salaries and expenses of persons
29 employed by the department to conduct examinations of the
30 business operations of grain dealers and warehouse operators,
31 pursuant to chapters 542 and 543. The amount transferred
32 shall be in addition to the payment of costs to the bureau for
33 performing administrative functions necessary for the
34 operation of the board and fund.

35

DIVISION III

HEALTH AND HUMAN RIGHTS

1
2 Sec. 301. There is appropriated from the general fund of
3 the state to the Iowa state civil rights commission for the
4 fiscal year beginning July 1, 1991 and ending June 30, 1992,
5 the following amount, or so much thereof as is necessary, to
6 be used for the purposes designated:

7 For salaries, support, maintenance, miscellaneous purposes,
8 and for not more than the following full-time equivalent posi-
9 tions:

* 10 \$ 995,421
11 FTEs 37.00

12 Sec. 302. There is appropriated from the general fund of
13 the state to the department of human rights for the fiscal
14 year beginning July 1, 1991 and ending June 30, 1992, the
15 following amounts, or so much thereof as is necessary, to be
16 used for the purposes designated:

17 1. CENTRAL ADMINISTRATION DIVISION

18 For salaries, support, maintenance, miscellaneous purposes,
19 and for not more than the following full-time equivalent posi-
20 tions:

21 \$ 245,106
22 FTEs 9.00

23 2. LATINO AFFAIRS DIVISION

24 For salaries, support, maintenance, miscellaneous purposes,
25 and for not more than the following full-time equivalent posi-
26 tions:

27 \$ 89,887
28 FTEs 2.50

29 3. PERSONS WITH DISABILITIES DIVISION

30 For salaries, support, maintenance, miscellaneous purposes,
31 and for not more than the following full-time equivalent posi-
32 tions:

y 33 \$ 130,853
34 FTEs 4.00

35 4. STATUS OF WOMEN DIVISION

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

| | | | |
|-----|-------|------|---------|
| × 4 | ..... | \$ | 318,858 |
| 5 | ..... | FTEs | 4.10 |

6 Of the funds appropriated in this subsection, no less than
× 7 \$125,000 shall be spent for the displaced homemaker program.

8 Of the funds appropriated in this subsection, no less than
× 9 \$33,500 shall be spent for domestic violence and sexual
10 assault related grants.

11 5. CHILDREN, YOUTH, AND FAMILIES DIVISION

12 For salaries, support, maintenance, miscellaneous purposes,
× 13 and for not more than the following full-time equivalent posi-
14 tions:

| | | | |
|----|-------|------|---------|
| 15 | ..... | \$ | 151,690 |
| 16 | ..... | FTEs | 8.00 |

17 Of the funds appropriated in this subsection, no less than
18 \$36,300 shall be spent for expenses relating to the
19 administration of federal funds for juvenile assistance. It
20 is the intent of the general assembly that the department of
21 human rights employ sufficient staff to meet the federal
22 funding match requirements established by the federal office
23 for juvenile justice delinquency prevention. The governor's
24 advisory council on juvenile justice shall determine the
25 staffing level necessary to carry out federal and state
26 mandates for juvenile justice.

27 6. DEAF SERVICES DIVISION

28 For salaries, support, maintenance, miscellaneous purposes,
29 and for not more than the following full-time equivalent posi-
30 tions:

| | | | |
|----|-------|------|---------|
| 31 | ..... | \$ | 295,794 |
| 32 | ..... | FTEs | 10.00 |

33 The fees collected by the division for provision of
34 interpretation services by the division to obligated agencies
35 shall be dispersed pursuant to the provisions of section 8.32,

1 and shall be dedicated and used by the division for the
2 provision of continued and expanded interpretation services.

3 7. STATUS OF BLACKS DIVISION

4 For salaries, support, maintenance, miscellaneous purposes,
5 and for not more than the following full-time equivalent posi-
6 tions:

| | | |
|---------|------|--------|
| 7 | \$ | 78,581 |
| 8 | FTEs | 2.00 |

9 8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

10 For salaries, support, maintenance, miscellaneous purposes,
11 and for not more than the following full-time equivalent posi-
12 tions:

| | | |
|------------|------|---------|
| 13 | \$ | 229,415 |
| x 14 | FTEs | 5.00 |

15 The criminal and juvenile justice planning advisory council
16 and the juvenile justice advisory council of the division of
17 children, youth, and families shall coordinate their efforts
18 in carrying out their respective duties relative to juvenile
19 justice.

3813 > 20 Sec. 303. There is appropriated from the general fund of
21 the state to the department for the blind for the fiscal year
22 beginning July 1, 1991, and ending June 30, 1992, the
23 following amount, or so much thereof as is necessary, to be
24 used for the purposes designated:

| | | |
|--|------|-----------|
| 25 For salaries, support, maintenance, miscellaneous purposes, 26 and for not more than the following full-time equivalent posi- 27 tions: | | |
| 28 | \$ | 1,400,576 |
| 29 | FTEs | 104.50 |

30 Sec. 304. There is appropriated from the general fund of
31 the state to the department of elder affairs for the fiscal
32 year beginning July 1, 1991, and ending June 30, 1992, the
33 following amounts, or so much thereof as is necessary, to be
34 used for the purposes designated:

35 1. For salaries, support, maintenance, miscellaneous

1 purposes, and for not more than the following full-time
2 equivalent positions:

| | | | |
|-----|-------|------|---------|
| x 3 | ..... | \$ | 429,519 |
| 4 | ..... | FTEs | 32.00 |

x 5 Of the funds appropriated under this subsection, \$50,000
6 shall be allocated to fund the representative payee project
7 established within the department of elder affairs.

8 2. For the administration of area agencies on aging:
9 \$ 165,000

10 3. For the long-term care residents' advocate and the care
11 review committees at the local area agency on aging level:
12 \$ 120,000

13 As a condition, limitation, and qualification of the funds
14 appropriated by this subsection, a local area agency on aging
15 shall match the funds appropriated with funds from other
16 sources on a \$4 to \$1 basis.

17 4. For the retired Iowans community employment program:
18 \$ 104,000

19 5. For existing retired senior volunteer program projects:
x 20 \$ 83,000

21 6. For elderly services programs:
22 \$ 1,459,681

23 All funds appropriated under this subsection shall be
24 received and disbursed by the director of elder affairs for
25 the elderly services program, shall not be used for
26 administrative purposes, and shall be used for citizens of
27 Iowa over 60 years of age for chore, telephone reassurance,
3813 28 adult day care, and home repair services, including the
29 winterizing of homes, and for the construction of entrance
30 ramps which meet the requirements of section 104A.4 and make
31 residences accessible to the physically handicapped. Funds
32 appropriated under this subsection may be used to supplement
33 federal funds under federal regulations. Funds appropriated
34 under this subsection may be used for elderly services not
35 specifically enumerated in this subsection only if approved by

1 an area agency on aging for provision of the service within
2 the area.

3813 3 Of the funds appropriated in this subsection, \$150,000, or
4 so much thereof as is necessary, are allocated for the respite
5 care program.

6 Of the funds appropriated in this subsection, area agencies
7 on aging shall expend no less than \$250,000 on adult day care
8 programs.

9 Of the funds appropriated in this subsection, \$150,000, or
10 so much thereof as is necessary, shall be used for case
11 management for the frail elderly.

12 7. For the Alzheimer's disease support program:
13 \$ 75,000

14 Sec. 305. There is appropriated from the general fund of
15 the state to the Iowa department of public health for the
16 fiscal year beginning July 1, 1991, and ending June 30, 1992,
17 the following amounts, or so much thereof as is necessary, to
18 be used for the purposes designated:

19 1. CENTRAL ADMINISTRATION DIVISION

20 a. For salaries, support, maintenance, miscellaneous
21 purposes, and for not more than the following full-time
22 equivalent positions:
23 \$ 747,278
24 FTEs 57.50

3913 25 b. If Senate File 515 is enacted by the Seventy-fourth
26 General Assembly, 1991 Session, for the statistical analysis
27 and accumulation of termination of pregnancy reports, a
28 computer system and software for those purposes, production
29 and dissemination of the reporting forms, and for the salary
30 for 1 administrative assistant II:
31 \$ 68,500

32 2. HEALTH PLANNING DIVISION

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

1 \$ 410,852
2 FTEs 12.75

3 b. For salaries, support, maintenance, miscellaneous
4 purposes, and for not more than the following full-time
5 equivalent positions for the office of rural health:

6 \$ 134,536
7 FTEs 4.00

8 (1) Of the funds appropriated in this paragraph, \$34,536
9 is allocated for the continuation of the office of rural
10 health.

11 (2) Of the funds appropriated in this paragraph, \$100,000
12 is allocated to the office of rural health to provide
13 technical assistance to rural areas in the area of health care
14 delivery, including technical assistance in the recruitment of
15 physicians and health care professionals.

16 c. For the health data clearinghouse of the health data
17 commission:

x 18 \$ 100,000

19 Funds appropriated under this paragraph shall be used for
20 the collection, verification, updating, and storage of data
21 received pursuant to chapters 145 and 255A, and for the
22 production of mandated reports. Long-term care data shall be
23 collected as additional funding becomes available. The health
24 data commission shall establish a fee schedule, in
25 consultation with its consultant, for the costs of providing
26 data to organizations which request such data. The fee
27 established shall be based upon the marginal cost and a
28 portion of the fixed cost of providing the data.

29 3. DISEASE PREVENTION DIVISION

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

x 33 \$ 2,301,510
x 34 FTEs 82.04

35 (1) Of the funds appropriated under this paragraph,

1 \$75,000 shall be used for chlamydia testing.

2 (2) Of the funds appropriated in this paragraph, \$15,000
3 is allocated to support the surveillance and reporting of
4 disabilities suffered by persons engaged in agriculture
5 resulting from diseases or injuries, including identifying the
6 amount and severity of agriculture-related injuries and
7 diseases in the state, identifying causal factors associated
8 with agriculture-related injuries and diseases, and evaluating
9 the effectiveness of intervention programs designed to reduce
10 injuries and diseases. The department shall cooperate with
11 the department of agriculture and land stewardship, Iowa state
12 university of science and technology, and the college of
13 medicine at the state university of Iowa in accomplishing
14 these duties.

15 (3) The state university of Iowa hospitals and clinics
16 shall not receive indirect costs from the funds appropriated
17 under this paragraph.

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

| | | |
|----------|------|---------|
| 21 | \$ | 975,473 |
| 22 | FTEs | 5.00 |

23 It is the intent of the general assembly that the moneys
24 appropriated under this paragraph shall be used for the
25 training of emergency medical services (EMS) personnel at the
26 state, county, and local levels.

27 If a person in the course of responding to an emergency
28 renders aid to an injured person and becomes exposed to bodily
29 fluids of the injured person, that emergency responder shall
30 be entitled to hepatitis testing and immunization in
31 accordance with the latest available medical technology to
32 determine if infection with hepatitis has occurred. The
33 person shall be entitled to reimbursement from the emergency
34 provider fund only if the reimbursement is not available
35 through any employer or third-party payor.

1 4. PROFESSIONAL LICENSURE DIVISION

2 For salaries, support, maintenance, miscellaneous purposes,
3 and for not more than the following full-time equivalent posi-
4 tions:

| | | | |
|-----|-------|------|---------|
| x 5 | ..... | \$ | 597,785 |
| 6 | ..... | FTEs | 14.50 |

7 5. STATE BOARD OF DENTAL EXAMINERS

8 For salaries, support, maintenance, miscellaneous purposes,
9 and for not more than the following full-time equivalent posi-
10 tions:

| | | | |
|----|-------|------|---------|
| 11 | ..... | \$ | 214,931 |
| 12 | ..... | FTEs | 4.00 |

13 6. STATE BOARD OF MEDICAL EXAMINERS

14 For salaries, support, maintenance, miscellaneous purposes,
15 and for not more than the following full-time equivalent posi-
16 tions:

| | | | |
|----|-------|------|---------|
| 17 | ..... | \$ | 926,539 |
| 18 | ..... | FTEs | 19.00 |

19 7. STATE BOARD OF NURSING EXAMINERS

20 For salaries, support, maintenance, miscellaneous purposes,
21 and for not more than the following full-time equivalent posi-
22 tions:

| | | | |
|----|-------|------|---------|
| 23 | ..... | \$ | 754,058 |
| 24 | ..... | FTEs | 17.00 |

25 8. STATE BOARD OF PHARMACY EXAMINERS

26 For salaries, support, maintenance, miscellaneous purposes,
27 and for not more than the following full-time equivalent posi-
28 tions:

| | | | |
|----|-------|------|---------|
| 29 | ..... | \$ | 588,855 |
| 30 | ..... | FTEs | 12.00 |

31 9. Professional licensure division pursuant to subsection
32 4 and the boards pursuant to subsections 5 through 8 shall
33 prepare estimates of projected receipts to be generated by the
34 licensing, certification, and examination fees of each board
35 as well as a projection of the fairly apportioned

1 administrative costs and rental expenses attributable to each
2 board. Each board shall annually review and adjust its
3 schedule of fees so that, as nearly as possible, projected
4 receipts equal projected costs.

5 10. SUBSTANCE ABUSE DIVISION

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

| | | |
|----------|------|---------|
| 9 | \$ | 497,225 |
| 10 | FTEs | 20.00 |

11 b. For program grants:

| | | |
|------------|----|-----------|
| * 12 | \$ | 8,571,941 |
|------------|----|-----------|

13 c. For the provision of aftercare services for persons
14 completing substance abuse treatment:

| | | |
|----------|----|---------|
| 15 | \$ | 200,000 |
|----------|----|---------|

16 11. FAMILY AND COMMUNITY HEALTH DIVISION

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

| | | |
|------------|------|-----------|
| * 20 | \$ | 4,345,820 |
| 21 | FTEs | 91.97 |

302/22 (1) The department shall allocate from the funds
* 23 appropriated under this paragraph at least \$631,000 for the
24 birth defects and genetics counseling program and of these
25 funds, \$39,000 shall be allocated for a central birth defects
26 registry program, and \$296,000 shall be allocated for regional
27 genetic counseling services contracted from the state
28 university of Iowa hospitals and clinics under the control of
29 the state board of regents.

30 (2) OF the funds appropriated under this paragraph,
* 31 \$99,000 shall be used for a lead abatement program.

32 (3) Of the funds appropriated under this subparagraph
* 33 \$657,500 shall be used for the chronic renal disease program.
34 The types of assistance to eligible recipients under the
35 program may include hospital and medical expenses, home

1 dialysis supplies, insurance premiums, travel expenses,
2 prescription and nonprescription drugs, and lodging expenses
3 for persons in training. The program expenditures shall not
4 exceed these allocations. If projected expenditures will
5 exceed the allocations, the department shall establish by
6 administrative rule a mechanism to reduce financial assistance
7 under the renal disease program in order to keep expenditures
8 within the allocations.

9 (4) Of the funds appropriated in this paragraph, the
10 following amounts shall be allocated to the state university
11 of Iowa hospitals and clinics under the control of the state
12 board of regents for the following programs under the Iowa
13 specialized child health care services:

14 (a) Mobile and regional child health specialty clinics:

x 15 \$ 341,500

16 The regional clinic located in Sioux City shall maintain a
17 social worker component to assist the families of children
18 participating in the clinic program.

19 (b) Muscular dystrophy and related genetic disease
20 programs:

x 21 \$ 125,000

22 (c) Statewide perinatal program:

x 23 \$ 67,000

24 (5) The birth defects and genetic counseling service shall
25 apply a sliding fee scale to determine the amount a person re-
26 ceiving the services is required to pay for the services.
27 These fees shall be considered repayment receipts and used for
28 the program.

29 (6) Of the funds allocated to the mobile and regional
30 child health specialty clinics under subparagraph (4),

x 31 subparagraph subdivision (a), \$101,500 shall be used for a
32 specialized medical home care program providing care planning
33 and coordination of community support services for children
34 who require technical medical care in the home.

35 (7) The state university of Iowa hospitals and clinics

1 shall not receive indirect costs from the funds for each
2 program.

3 (8) Of the funds appropriated under this paragraph,
4 \$1,322,400 shall be used for maternal and child health
5 services.

6 (9) The Iowa department of public health shall administer
7 the statewide maternal and child health program and the
8 crippled children's program by conducting mobile and regional
9 child health specialty clinics and conducting other activities
10 to improve the health of low-income women and children and to
11 promote the welfare of children with actual or potential
12 handicapping conditions and chronic illnesses in accordance
13 with the requirements of Title V of the Social Security Act.

14 (10) The department shall track the appropriation made
15 under this paragraph in accordance with both program
16 performance-based budgeting and zero-based budgeting methods
17 and shall develop budget projections for the fiscal year
18 ending June 30, 1993, based upon both of these methods.

19 b. Sudden infant death syndrome autopsies:

20 For reimbursing counties for expenses resulting from autop-
21 sies of suspected victims of sudden infant death syndrome
22 required under section 331.802, subsection 3, paragraph "j":

23 \$ 10,000

24 c. For grants to local boards of health for the public
25 health nursing program:

26 \$ 2,682,249

27 Funds appropriated under this paragraph shall be used to
28 maintain and expand the existing public health nursing program
29 for elderly and low-income persons with the objective of
30 preventing or reducing inappropriate institutionalization.
31 The funds shall not be used for any other purpose. As used in
32 this paragraph, "elderly person" means a person who is 60
33 years of age or older and "low-income person" means a person
34 whose income and resources are below the guidelines
35 established by the department.

1 One-fourth of the total amount to be allocated shall be
2 divided so that an equal amount is available for use in each
3 county in the state. Three-fourths of the total amount to be
4 allocated shall be divided so that the share available for use
5 in each county is proportionate to the number of elderly and
6 low-income persons living in that county in relation to the
7 total number of elderly and low-income persons living in the
8 state.

9 In order to receive allocations under this paragraph, the
10 local board of health having jurisdiction shall prepare a
11 proposal for the use of the allocated funds available for that
12 jurisdiction that will provide the maximum benefits of
13 expanded public health nursing care to elderly and low-income
14 persons in the jurisdiction. After approval of the proposal
15 by the department, the department shall enter into a contract
16 with the local board of health. The local board of health
17 shall subcontract with a nonprofit nurses' association, an
18 independent nonprofit agency, or a suitable local governmental
19 body to use the allocated funds to provide public health
20 nursing care. Local boards of health shall make an effort to
21 prevent duplication of services.

22 If by July 30 of the fiscal year, the department is unable
23 to conclude contracts for use of the allocated funds in a
24 county, the department shall consider the unused funds
25 appropriated under this paragraph an unallocated pool. If the
26 unallocated pool is \$50,000 or more it shall be reallocated to
27 the counties in substantially the same manner as the original
28 allocations. The reallocated funds are available for use in
29 those counties during the period beginning January 1 and
30 ending June 30 of the fiscal year. If the unallocated pool is
31 less than \$50,000, the department may allocate it to counties
32 with demonstrated special needs for public health nursing.

33 The department shall maintain rules governing the
34 expenditure of funds appropriated by this paragraph. The
35 rules require each local agency receiving funds to establish

1 and use a sliding fee scale for those persons able to pay for
2 all or a portion of the cost of the care.

3 The department shall annually evaluate the success of the
4 public health nursing program. The evaluation shall include
5 the extent to which the program reduced or prevented
6 inappropriate institutionalization, the extent to which the
7 program increased the availability of public health nursing
8 care to elderly and low-income persons, and the extent of
9 public health nursing care provided to elderly and low-income
10 persons. The department shall submit a report of each annual
11 evaluation to the governor and the general assembly.

12 d. For grants to county boards of supervisors for the
13 homemaker-home health aide program:

14 \$ 8,975,159

15 Funds appropriated under this paragraph shall be used to
16 provide homemaker-home health aide services with emphasis on
17 services to elderly and persons below the poverty level and
18 children and adults in need of protective services with the
19 objective of preventing or reducing inappropriate
20 institutionalization. In addition, up to 15 percent of the
21 funds appropriated under this paragraph may be used to provide
22 chore services. The funds shall not be used for any other
23 purposes. As used in this paragraph:

x 24 (1) "Chore services" means services provided to
25 individuals or families, who, due to incapacity, or illness,
26 are unable to perform certain home maintenance functions. The
27 services include but are not limited to yard work such as
28 mowing lawns, raking leaves, and shoveling walks; window and
29 door maintenance such as hanging screen windows and doors,
30 replacing windowpanes, and washing windows; and minor repairs
31 to walls, floors, stairs, railings, and handles. It also
32 includes heavy house cleaning which includes cleaning attics
33 or basements to remove fire hazards, moving heavy furniture,
34 extensive wall washing, floor care or painting, and trash
35 removal.

1 (2) "Elderly person" means a person who is 60 years of age
2 or older.

3 (3) "Homemaker-home health aide services" means services
4 intended to enhance the capacity of household members to
5 attain or maintain the independence of the household members
6 and provided by trained and supervised workers to individuals
7 or families, who, due to the absence, incapacity, or
8 limitations of the usual homemaker, are experiencing stress or
9 crisis. The services include but are not limited to essential
10 shopping, housekeeping, meal preparation, child care, respite
11 care, money management and consumer education, family
12 management, personal services, transportation and providing
13 information, assistance, and household management.

14 (4) "Low-income person" means a person whose income and
15 resources are below the guidelines established by the
16 department.

17 (5) "Protective services" means those homemaker-home
18 health aide services intended to stabilize a child's or an
19 adult's residential environment and relationships with
20 relatives, caretakers, and other persons or household members
21 in order to alleviate a situation involving abuse or neglect
22 or to otherwise protect the child or adult from a threat of
23 abuse or neglect.

24 The amount appropriated under this paragraph shall be
25 allocated for use in the counties of the state. 15 percent of
26 the amount shall be divided so that an equal amount is
27 available for use in each county in the state. The following
28 percentages of the remaining amount shall be allocated to each
29 county according to that county's proportion of residents with
30 the following demographic characteristics: 60 percent
31 according to the number of elderly persons living in the
32 county; 20 percent according to the number of persons below
33 the poverty level living in the county; and 20 percent
34 according to the number of substantiated cases of child abuse
35 in the county during the 3 most recent fiscal years for which

1 data is available.

2 In order to receive allocations under this paragraph, the
3 county board of supervisors, after consultation with the local
4 boards of health, county board of social welfare, area agency
5 on aging advisory council, local office of the department of
6 human services, and other in-home health care provider
7 agencies in the jurisdiction, shall prepare a proposal for the
8 use of the allocated funds available for that jurisdiction
9 that will provide the maximum benefits of homemaker-home
10 health aide services to elderly and low-income persons and
11 children and adults in need of protective services in the
12 jurisdiction. An agency requesting service or financial
13 information about a current subcontractor shall provide
14 similar information concerning its own homemaker-home health
15 aide or chore services program to the current subcontractor.
16 The proposal may provide that a maximum of 15 percent of the
17 allocated funds will be used to provide chore services. The
18 proposal shall include a statement assuring that children and
19 adults in need of protective services are given priority for
20 homemaker-home health aide services and that the appropriate
21 local agencies have participated in the planning for the
22 proposal. After approval of the proposal by the department,
23 the department shall enter into a contract with the county
24 board of supervisors or a governmental body designated by the
25 county board of supervisors. The county board of supervisors
26 or its designee shall subcontract with a nonprofit nurses'
27 association, an independent nonprofit agency, the department
28 of human services, or a suitable local governmental body to
29 use the allocated funds to provide homemaker-home health aide
30 services and chore services providing that the subcontract
31 requires any service provided away from the home to be
32 documented in a report available for review by the department,
33 and that each homemaker-home health aide subcontracting agency
34 shall maintain the direct service workers' time assigned to
35 direct client service at 70 percent or more of the workers'

1 paid time and that not more than 35 percent of the total cost
2 of the service be included in the combined costs for service
3 administration and agency administration. The subcontract
4 shall require that each homemaker-home health aide
5 subcontracting agency shall pay the employer's contribution of
6 Social Security and provide workers' compensation coverage for
7 persons providing direct homemaker-home health aide service
8 and meet any other applicable legal requirements of an
9 employer-employee relationship.

10 If by July 30 of the fiscal year, the department is unable
11 to conclude contracts for use of the allocated funds in a
12 county, the department shall consider the unused funds
13 appropriated under this paragraph an unallocated pool. The
14 department shall also identify any allocated funds which the
15 counties do not anticipate spending during the fiscal year.
16 If the anticipated excess funds to any county are substantial,
17 the department and the county may agree to return those excess
18 funds, if the funds are other than program revenues, to the
19 department, and if returned, the department shall consider the
20 returned funds a part of the unallocated pool. The department
21 shall prior to February 15 of the fiscal year, reallocate the
22 funds in the unallocated pool among the counties in which the
23 department has concluded contracts under this paragraph. The
24 department shall also review the first 10 months' expenditures
25 for each county in May of the fiscal year, to determine if any
26 counties possess contracted funds which they do not anticipate
27 spending. If such funds are identified and the county agrees
28 to release the funds, the released funds will be considered a
29 new reallocation pool. The department may, prior to June 1 of
30 the fiscal year, reallocate funds from this new reallocation
31 pool to those counties which have experienced a high
32 utilization of protective service hours for children and
33 dependent adults.

34 The department shall maintain rules governing the
35 expenditure of funds appropriated by this paragraph. The

1 rules require each local agency receiving funds to establish
2 and use a sliding fee scale for those persons able to pay for
3 all or a portion of the cost of the services and shall require
4 the payments to be applied to the cost of the services. The
5 department shall also maintain rules for standards regarding
6 training, supervision, recordkeeping, appeals, program
7 evaluation, cost analysis, and financial audits, and rules
8 specifying reporting requirements.

9 The department shall annually evaluate the success of the
10 homemaker-home health aide program. The evaluation shall
11 include a description of the program and its implementation,
12 the extent of local participation, the extent to which the
13 program reduced or prevented inappropriate institutional-
14 zation, the extent to which the program provided or increased
15 the availability of homemaker-home health aide services to
16 elderly and low-income persons and children and adults in need
17 of protective services, any problems and recommendations
18 concerning the program, and an analysis of the costs of
19 services across the state. The department shall submit a
20 report of the annual evaluation to the governor and the
21 general assembly.

22 e. For the development and maintenance of well-elderly
23 clinics in the state:

24 \$ 606,945

25 Appropriations made in this paragraph shall be provided by
26 a formula to well-elderly clinics located in counties which
27 provide funding on a matching basis for the well-elderly
28 clinics.

29 f. For the physician care for children program:

30 \$ 425,000

31 The physician services shall be subject to managed care and
32 selective contracting provisions and shall be used to provide
33 treatment of the children in a physician's office and shall
34 include coverage of diagnostic procedures and prescription
35 drugs required for the treatment. Services provided under

1 this paragraph shall be reimbursed according to Title XIX
2 reimbursement rates.

3 g. For primary and preventive health care for children:
4 \$ 135,000

5 Funds appropriated under this section shall be for the
6 public purpose of providing a renewable grant, following a
7 request for proposals, to a statewide charitable organization
8 within the meaning of section 501(c)(3) of the Internal
9 Revenue Code which was organized prior to April 1, 1989, and
10 has as one of its purposes the sponsorship or support for
11 programs designed to improve the quality, awareness, and
12 availability of health care for the young, to serve as the
13 funding mechanism for the provision of primary health care and
14 preventive services to children in the state who are uninsured
15 and who are not eligible under any public plan of health
16 insurance, provided all of the following conditions are met:

17 (1) The organization shall provide a match in advance of
18 each state dollar provided as follows:

19 (a) In the fiscal period beginning July 1, 1989, and
20 ending June 30, 1991, \$2.

21 (b) In the fiscal year beginning July 1, 1991, \$3.

22 (2) The organization coordinates services with new or
23 existing public programs and services provided by or funded by
24 appropriate state agencies in an effort to avoid inappropriate
25 duplication of services and ensure access to care to the
26 extent as is reasonably possible. The organization shall work
x 27 with the Iowa department of public health, family and
x 28 community health division, to ensure duplication is minimized.

29 (3) The organization's governing board includes in its
30 membership representatives from the executive and legislative
31 branches of state government.

32 (4) Grant funds are available as needed to provide
33 services and shall not be used for administrative costs of the
34 department or the grantee.

35 (5) Notwithstanding section 8.33, funds appropriated in

1 this section which are unencumbered or unobligated on June 30,
2 1992, shall not revert to the general fund but shall remain
3 available to the department for the provision of maternal and
4 child health services.

5 Sec. 306. Section 135.11A, Code 1991, is amended by adding
6 the following new unnumbered paragraph:

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

25 Sec. 307. Section 135.103, Code 1991, is amended to read
26 as follows:

27 135.103 GRANT PROGRAM.

28 The department shall implement a lead abatement grant
29 program which provides matching funds to local boards of
30 health or cities for the program after standards and
31 requirements for the local program are developed. The state
32 shall provide funds to approved programs on the basis of three
33 dollars for each one dollar designated by the local board of
34 health or city for the program for the first two years of a
35 program, and funds on the basis of one dollar for each one

1 dollar designated by the local board of health or city for the
2 program for the third and fourth subsequent years of the
3 program if such funding is determined necessary by the
4 department for such subsequent years. ~~A-head-abatement~~
5 ~~program-grant-shall-not-exceed-a-time-period-of-four-years.~~

6 DIVISION IV

7 REGULATION

8 Sec. 401. There is appropriated from the general fund of
9 the state to the office of the auditor of state 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 salaries, support, maintenance, miscellaneous purposes,
14 and for not more than the following full-time equivalent posi-
15 tions:

| | | |
|----------|------|-----------|
| 16 | \$ | 1,600,787 |
| 17 | FTEs | 120.78 |

18 The auditor of state may expend additional moneys and
19 retain additional full-time equivalent positions as is
20 reasonable and necessary to perform audits, such as audits for
21 local governments, if all of the following conditions are
22 satisfied:

23 1. The amount expended is proportional to the costs that
24 are reimbursable from the entity being audited, including but
25 not limited to expenses reimbursable pursuant to section
26 11.5A, 11.5B, 11.20, or 11.21.

27 2. The auditor of state submits a request to the
28 department of management to expend a specific additional
29 amount in connection with specified reimbursable audits.

30 3. The department of management approves the additional
31 spending from any unappropriated funds in the state treasury
32 upon a finding that all or substantially all of the amount
33 requested and approved will be reimbursable from the entity
34 being audited.

35 4. The department of management notifies the legislative

1 fiscal bureau of any additional moneys approved.

2 5. The department of management notifies the legislative
3 fiscal committee of any additional moneys approved prior to
4 the expenditure.

5 6. Upon payment or reimbursement by the entity, the
6 auditor of state shall credit the payments to the state
7 treasury for deposit in the general fund.

8 Sec. 402. There is appropriated from the general fund of
9 the state to the campaign finance disclosure commission for
10 the fiscal year beginning July 1, 1991, and ending June 30,
11 1992, the following amount, or so much thereof as is
12 necessary, for the purposes designated:

13 For salaries, support, maintenance, miscellaneous purposes,
14 and for not more than the following full-time equivalent posi-
15 tions:

| | | |
|----------|------|---------|
| 16 | \$ | 273,000 |
| 17 | FTEs | 6.75 |

18 Sec. 403. There is appropriated from the general fund of
19 the state to the department of employment services for the
20 fiscal year beginning July 1, 1991, and ending June 30, 1992,
21 the following amounts, or so much thereof as is necessary, for
22 the purposes designated:

23 1. DIVISION OF LABOR SERVICES

24 For salaries, support, maintenance, miscellaneous purposes,
25 and for not more than the following full-time equivalent posi-
26 tions:

| | | |
|------------|------|-----------|
| * 27 | \$ | 2,574,205 |
| * 28 | FTEs | 95.00 |

29 From the contractor registration fees, the division of
30 labor services shall reimburse the department of inspections
31 and appeals for all costs associated with hearings under
32 chapter 91C, relating to contractor registration.

33 Of the amount appropriated under this subsection, the
34 following amounts, or so much thereof as is necessary, shall
35 be expended for the designated purposes: \$174,166 for 5.00

1 FTEs to enforce the Iowa minimum wage law, \$30,000 for 1.00
2 FTE for asbestos contractor certification, and \$35,000 for
3 1.00 FTE for construction contractor registration.

4 2. DIVISION OF INDUSTRIAL SERVICES

5 For salaries, support, maintenance, miscellaneous purposes,
6 and for not more than the following full-time equivalent posi-
7 tions:

| | | |
|---------|------|-----------|
| 8 | \$ | 2,116,185 |
| 9 | FTEs | 45.50 |

10 As a condition, limitation, and qualification of the funds
11 appropriated by this subsection, \$45,396, or so much thereof
12 as is necessary, shall be expended for 1.00 FTE, which shall
13 be a word processor III position, to expedite the
14 administrative hearing process for workers' compensation
15 cases, and to assist in reducing the contested case backlog.
16 The division shall submit a written report to the legislative
17 fiscal bureau on a quarterly basis concerning the status of
18 the workers' compensation contested case backlog.

19 As a further condition, limitation, and qualification of
20 the funds appropriated in this subsection, the division of
21 industrial services shall not reduce the number of scheduled
22 prehearings and hearings of contested cases or eliminate the
23 venue of such prehearings and hearings, as established by the
24 division for the period beginning January 1, 1991, and ending
25 January 20, 1992. The division shall also establish a
26 substantially similar schedule for such prehearings and
27 hearings for the period beginning January 20, 1992, and ending
28 June 30, 1992. The division shall report to the legislative
29 fiscal bureau concerning any modification of the established
30 schedule, or any changes which the division determines are
31 necessary in establishing the schedule for the period
32 beginning January 20, 1992, and ending June 30, 1992.

33 The division shall continue charging a \$65 filing fee for
34 workers' compensation cases. The filing fee shall be paid by
35 the petitioner of a claim. However, the fee can be taxed as a

1 cost and paid by the losing party, except in cases where it
2 would impose an undue hardship or be unjust under the
3 circumstances.

4 The department of employment services, the department of
5 personnel, and the department of management shall work
6 together to ensure that as nearly as possible all full-time
7 equivalent positions authorized and funded for the department
8 of employment services will be utilized during the fiscal year
9 beginning July 1, 1991, and ending June 30, 1992, and future
10 fiscal years, to ensure that the backlog of cases in that
11 department will be reduced as rapidly as possible.

12 Sec. 404.

13 1. Notwithstanding the provisions of section 96.13,
14 subsection 3, which restrict the use of moneys in the special
15 employment security contingency fund, moneys in the fund on
16 June 30, 1991, shall not be transferred by the treasurer of
17 state to either the temporary emergency surcharge fund or the
18 unemployment compensation fund, but shall be available to the
19 division of job service of the department of employment
20 services for the fiscal year beginning July 1, 1991, and
21 ending June 30, 1992, for expenditures under subsection 2.

22 2. The division of job service shall expend moneys which
23 are credited to the special employment security contingency
24 fund during the fiscal year beginning July 1, 1991, and ending
25 June 30, 1992, including moneys which are available to the
26 division of job service under subsection 1, only in accordance
27 with the following restrictions:

28 The division shall expend up to \$550,000 for the following:
29 \$50,000, or so much thereof as is necessary, for the removal
30 of 2 chillers and 1 underground storage tank, and \$100,000, or
31 so much thereof as is necessary, for asbestos removal or
32 encapsulation at the job service site located at 1000 East
33 Grand, Des Moines, Iowa, and \$400,000, or so much thereof as
34 is necessary, for the support of the labor survey, economic
35 development teams to assist in conducting "labor availability

1 surveys".

2 As a condition, limitation, and qualification of the
3 authorization of expenditure of funds pursuant to this
4 section, the division shall develop a plan to require the
5 assistance of cities and counties using the "labor
6 availability surveys" regarding the funding for completing the
7 surveys. The division shall report to the legislative fiscal
8 bureau concerning the progress in developing this plan.

9 Sec. 405. There is appropriated from the administrative
10 contribution surcharge fund of the state to the department of
11 employment services for the fiscal year beginning July 1,
12 1991, and ending June 30, 1992, the following amount, or so
13 much thereof as is necessary, for the purposes designated:

14 DIVISION OF JOB SERVICE

15 Notwithstanding section 96.7, subsection 12, paragraph "c",
16 for salaries, support, maintenance, miscellaneous purposes,
17 and for not more than the following full-time equivalent
18 positions:

| | | |
|----------|------|-----------|
| 19 | \$ | 5,916,050 |
| 20 | FTEs | 171.80 |

21 As a condition, limitation, and qualification of this
22 appropriation, the department of employment services shall
23 provide services throughout the fiscal year beginning July 1,
24 1991, and ending June 30, 1992, in all communities in which
25 job service offices are operating on July 1, 1991. However,
26 this provision shall not prevent the consolidation of multiple
27 offices within the same city or the colocation of job service
28 offices with another public agency.

29 Sec. 406. There is appropriated from the general fund of
30 the state to the department of inspections and appeals for the
31 fiscal year beginning July 1, 1991, and ending June 30, 1992,
32 the following amounts, or so much thereof as is necessary, for
33 the purposes designated:

34 1. FINANCE AND SERVICES DIVISION

35 For salaries, support, maintenance, miscellaneous purposes,

1 and for not more than the following full-time equivalent
2 positions:

3 \$ 578,220
4 FTEs 25.00

5 2. AUDITS DIVISION

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

9 \$ 650,406
10 FTEs 21.00

11 Of the amount appropriated in this subsection, \$78,708, or
12 so much thereof as is necessary, shall be expended for 2.00
13 FTEs for conducting required bingo audits.

14 3. APPEALS AND FAIR HEARINGS DIVISION

15 In addition to funds appropriated in section 408 of this
16 division from the road use tax fund, for salaries, support,
17 maintenance, miscellaneous purposes, and for not more than the
18 following full-time equivalent positions:

19 \$ 376,861
20 FTEs 16.00

21 4. INVESTIGATIONS DIVISION

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

25 \$ 456,304
26 FTEs 39.00

27 5. HEALTH FACILITIES DIVISION

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

31 \$ 1,832,195
32 FTEs 131.00

33 Of the amount appropriated in this subsection, \$330,394, or
34 so much thereof as is necessary, shall be expended for 21.00
35 FTEs to regulate nursing facilities as required by the federal

1 Nursing Home Reform Act.

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2 6. INSPECTIONS DIVISION

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

| | | |
|---------|------|---------|
| 6 | \$ | 913,786 |
| 7 | FTEs | 26.50 |

8 If Senate File 465 becomes law, the inspections division is
9 appropriated from the general fund of the state an additional
10 sum of \$40,000, or so much thereof as is necessary, and is
11 authorized 1.00 additional FTE.

12 7. EMPLOYMENT APPEAL BOARD

13 For salaries, support, maintenance, miscellaneous purposes,
14 and for not more than the following full-time equivalent posi-
15 tions:

| | | |
|----------|------|--------|
| 16 | \$ | 46,527 |
| 17 | FTEs | 16.80 |

18 The employment appeal board shall be reimbursed by the
19 labor services division of the department of employment
20 services for all costs associated with hearings conducted
21 under chapter 91C, related to contractor registration. The
22 board is authorized to expend, in addition to the amount
23 appropriated under this subsection, such amounts as are
24 directly billable to the labor services division under this
25 subsection and to retain such additional full-time equivalent
26 positions as needed to conduct hearings required pursuant to
27 chapter 91C.

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28 8. FOSTER CARE REVIEW BOARD

29 For salaries, support, maintenance, miscellaneous purposes,
30 and for not more than the following full-time equivalent posi-
31 tions:

| | | |
|----------|------|---------|
| 32 | \$ | 464,589 |
| 33 | FTEs | 11.50 |

34 Of the amount appropriated in this subsection, \$38,372, or
35 so much thereof as is necessary, shall be expended for 1.00

1 FTE in support of local review board activities in the eighth
2 judicial district.

3 The department of human services and the foster care review
4 board shall enter into a contract providing that the foster
5 care review board shall conduct foster care review services at
6 the current level of operation. The department and the board
7 shall structure such contract in a manner approved by the
8 federal government for the purpose of submitting an
9 application to the appropriate federal agency to obtain any
10 available federal funding for such contract. Funding received
11 as a result of submitting such application shall be used to
12 replace state funds which then shall immediately revert to the
13 general fund of the state. The department and the board shall
14 submit a written report to the legislative fiscal bureau no
15 later than February 1, 1992, indicating the progress of
16 obtaining federal funding and terms of any contract entered
17 into by the department and the board.

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

22 Sec. 407.

23 1. There is appropriated from the general fund of the
24 state to the office of the state public defender for the
25 fiscal year beginning July 1, 1991, and ending June 30, 1992,
26 the following amounts, or so much thereof as is necessary, for
27 the purposes designated:

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

| | | | |
|----|-------|------|-----------|
| 31 | ..... | \$ | 6,384,142 |
| 32 | ..... | FTEs | 145.30 |

33 Of the amount appropriated under this subsection,
34 \$2,069,100, or so much thereof as is necessary, shall be
35 expended for 52.00 FTEs for expansion and establishment of new

1 public defender offices in the first, second, third, fifth,
2 and sixth judicial districts and for expansion of the
3 appellate defender.

4 b. For indigent court-appointed attorney fees for adults
5 and juveniles, notwithstanding section 232.141 and chapter
6 815:

7 \$ 9,401,002

8 2. The office of the state public defender shall submit
9 written reports to the legislative fiscal bureau indicating
10 the status of the activities of the office as a result of its
11 expansion. The first report shall be submitted no later than
12 August 1, 1991, and shall provide information concerning the
13 activities of the office during fiscal year 1991. An
14 additional report shall be submitted no later than February 1,
15 1992, and shall provide information concerning the activities
16 of the office during the period beginning July 1, 1991, and
17 ending December 31, 1991.

18 3. The judicial department shall provide, within thirty
19 days after the end of each calendar quarter, a written report
20 concerning adult and juvenile indigent defense, to the state
21 public defender's office and the department of inspections and
22 appeals, including the following information:

23 a. The number of court appointments by type of case by
24 county and by attorney.

25 b. The cost of court-appointed cases by type of case by
26 county and by attorney.

27 c. The amount of restitution as follows:

28 (1) By county.

29 (2) By type of case.

30 (3) Annually awarded.

31 d. The original charge and the disposition charge of each
32 case.

33 Sec. 408. There is appropriated from the road use tax fund
34 to the department of inspections and appeals for the fiscal
35 year beginning July 1, 1991, and ending June 30, 1992, the

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

3 For salaries, support, maintenance, miscellaneous purposes,
4 and for not more than the following full-time equivalent posi-
5 tions:

| | | |
|---------|------|---------|
| 6 | \$ | 526,837 |
| 7 | FTEs | 11.00 |

8 Sec. 409. There is appropriated from the general fund of
9 the state to the public employment relations board for the
10 fiscal year beginning July 1, 1991, and ending June 30, 1992,
11 the following amount, or so much thereof as is necessary, for
12 the purposes designated:

13 For salaries, support, maintenance, miscellaneous purposes,
14 and for not more than the following full-time equivalent posi-
15 tions:

| | | |
|----------|------|---------|
| 16 | \$ | 678,489 |
| 17 | FTEs | 13.00 |

18 The public employment relations board shall submit a
19 written report to the legislative fiscal bureau no later than
20 February 1, 1992, which evaluates and includes any
21 recommendations of the board concerning the videotaping of
22 court proceedings in lieu of using court reporters whenever
23 possible to record the proceedings. This evaluation shall
24 include information concerning the implementation of this
25 concept in other states.

26 Sec. 410. There is appropriated from the general fund of
27 the state to the professional licensing and regulation
28 division of the department of commerce, for the fiscal year
29 beginning July 1, 1991, and ending June 30, 1992, the
30 following amount, or so much thereof as is necessary, for the
31 purposes designated:

32 For salaries, support, maintenance, miscellaneous purposes,
33 and for not more than the following full-time equivalent posi-
34 tions:

| | | |
|----------|----|---------|
| 35 | \$ | 853,541 |
|----------|----|---------|

1 FTEs 11.00

2 Sec. 411. There is appropriated from the general fund of
3 the state to the administrative services division of the
4 department of commerce for the fiscal year beginning July 1,
5 1991, and ending June 30, 1992, the following amount, or so
6 much thereof as is necessary, to be used for the purposes
7 designated:

8 For salaries, support, maintenance, miscellaneous purposes,
9 and for not more than the following full-time equivalent posi-
10 tions:

x 11 \$ 1,491,046

x 12 FTEs 42.50

13 The administrative services division shall assess each
14 division to which administrative services are provided by the
15 administrative services division an amount pursuant to a cost
16 allocation plan established by the administrative services
17 division. The plan shall be established by July 1, 1991, and
18 shall, to the extent practicable, be based on the proportion
19 of the administrative services division's time allocated to
20 each division to which administrative services are provided.
21 All divisions in the department of commerce shall abide by the
22 cost allocation plan. Each division shall include in any
23 charges assessed by the division to persons regulated, or
24 include in revenues generated in a manner other than
25 assessments to persons regulated, an amount sufficient to
26 cover the costs of administration as assessed to the division
27 by the administrative services division.

28 The administrative services division shall eliminate the
29 position of deputy director.

30 Sec. 412. Notwithstanding section 123.53, there is
31 appropriated from the general fund of the state to the
32 alcoholic beverages division of the department of commerce for
33 the fiscal year beginning July 1, 1991, and ending June 30,
34 1992, the following amount, or so much thereof as is
35 necessary, for the purposes designated:

1 For salaries, support, maintenance, miscellaneous purposes,
2 and for not more than the following full-time equivalent posi-
3 tions:

4 \$ 3,456,728
5 FTEs 85.86

6 Sec. 413. There is appropriated from the general fund of
7 the state to the banking division of the department of
8 commerce for the fiscal year beginning July 1, 1991, and
9 ending June 30, 1992, the following amount, or so much thereof
10 as is necessary, to be used for the purposes designated:

11 For salaries, support, maintenance, miscellaneous purposes,
12 and for not more than the following full-time equivalent posi-
13 tions:

14 \$ 5,832,042
15 FTEs 108.50

3813 16 The banking division shall assume all duties of the savings
17 and loan division concerning the regulation of savings and
18 loan associations and the enforcement of all state laws and
19 rules relating to such associations.

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

1 shall be collected from those banks and savings and loan
2 associations being regulated which caused the excess
3 expenditures, and the collections shall be treated as
4 repayment receipts as defined in section 8.2.

5 Sec. 414. There is appropriated from the general fund of
6 the state to the credit union division of the department of
7 commerce for the fiscal year beginning July 1, 1991, and
8 ending June 30, 1992, the following amount, or so much thereof
9 as is necessary, to be used for the purposes designated:

10 For salaries, support, maintenance, miscellaneous purposes,
11 and for not more than the following full-time equivalent posi-
12 tions:

| | | |
|----------|------|---------|
| 13 | \$ | 954,946 |
| 14 | FTEs | 20.00 |

15 Sec. 415. There is appropriated from the general fund of
16 the state to the insurance division of the department of
17 commerce for the fiscal year beginning July 1, 1991, and
18 ending June 30, 1992, the following amount, or so much thereof
19 as is necessary, to be used for the purposes designated:

20 For salaries, support, maintenance, miscellaneous purposes,
21 and for not more than the following full-time equivalent posi-
22 tions:

| | | |
|----------|------|-----------|
| 23 | \$ | 4,398,671 |
| 24 | FTEs | 92.33 |

25 Sec. 416. Notwithstanding 1991 Iowa Acts, House File 173,
26 which requires the transfer of all funds in the revolving fund
27 to the general fund, there is appropriated from moneys in the
28 insurance division revolving fund on June 30, 1991, in excess
29 of \$260,000, an amount up to a maximum of \$238,389, to the
30 division of industrial services for the fiscal year beginning
31 July 1, 1991, and ending June 30, 1992, the following amount
32 or so much thereof as is necessary, to be used for the
33 purposes designated:

| | | |
|----------|------|---------|
| 34 | \$ | 238,389 |
| 35 | FTEs | 4.00 |

1 Of the amount appropriated in this section, \$188,414, or so
2 much thereof as is necessary, shall be expended for 2 chief
3 deputies and 1 word processor III, and \$49,975, or so much
4 thereof as is necessary, shall be expended for 1 insurance
5 program specialist to reduce the backlog of workers'
6 compensation contested cases.

7 If the amount remaining in the insurance revolving fund
8 subject to appropriation pursuant to this section is
9 insufficient to fund the appropriation, the division of
10 insurance shall impose an administrative fee payable by
11 workers' compensation insurers and workers' compensation self-
12 insurers pursuant to sections 507D.3 and 507D.4, sufficient to
13 fund the remaining balance of the appropriation under this
14 section.

15 Sec. 417. There is appropriated from the general fund of
16 the state to the utilities division of the department of
17 commerce for the fiscal year beginning July 1, 1991, and
18 ending June 30, 1992, the following amount, or so much thereof
19 as is necessary, to be used for the purposes designated:

20 For salaries, support, maintenance, miscellaneous purposes,
21 and for not more than the following full-time equivalent posi-
22 tions:

| | | |
|----------|------|-----------|
| 23 | \$ | 4,843,961 |
| 24 | FTEs | 93.50 |

25 Of the amount appropriated in this section, the following
26 amounts, or so much thereof as is necessary, shall be expended
27 for the designated purposes: \$25,300 for additional rent for
28 hearing and conference rooms in the Lucas building and
29 \$316,377 for 6.00 FTEs for additional energy efficiency
30 responsibilities established by 1990 Iowa Acts, chapter 1252.

31 Sec. 418. There is appropriated from the general fund of
32 the state to the racing and gaming commission of the
33 department of inspections and appeals for the fiscal year
34 beginning July 1, 1991, and ending June 30, 1992, the
35 following amount, or so much thereof as is necessary, to be

1 used for the purposes designated:

2 For salaries, support, maintenance, miscellaneous purposes,
3 and for not more than the following full-time equivalent posi-
4 tions:

| | | |
|---------|------|-----------|
| 5 | \$ | 1,806,593 |
| 6 | FTEs | 33.36 |

7 Sec. 419. There is appropriated from the general fund of
8 the state to the racing and gaming commission of the
9 department of inspections and appeals, for the fiscal year
10 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 salaries, support, maintenance, miscellaneous purposes,
14 and for not more than the following full-time equivalent
15 positions for administration and enforcement of the excursion
16 boat gambling laws:

| | | |
|----------|------|---------|
| 17 | \$ | 511,125 |
| 18 | FTEs | 10.50 |

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19 Sec. 420. A regulatory body, agency, or department
20 receiving an appropriation pursuant to this division is
21 subject to both of the following:

22 1. Except for funds appropriated in this division for
23 full-time equivalent positions for the additional energy
24 efficiency responsibilities established by 1990 Iowa Acts,
25 chapter 1252, all other funds appropriated in this division,
26 for the fiscal year beginning July 1, 1991, and ending June
27 30, 1992, for a full-time equivalent position which was
28 authorized and for which funding was provided for the fiscal
29 year beginning July 1, 1990, and ending June 30, 1991, but
30 which is not filled during that fiscal year, and which is not
31 filled during the first quarter of the fiscal year beginning
32 July 1, 1991, and ending June 30, 1992, shall revert to the
33 general fund of the state at the end of the first quarter.
34 Such funds shall not be used for any other purpose.

35 2. Funds appropriated in this division for the fiscal year

1 beginning July 1, 1991, and ending June 30, 1992, for a full-
2 time equivalent position authorized in this division which is
3 not filled during the first quarter of the fiscal year
4 beginning July 1, 1991, and ending June 30, 1992, shall revert
5 to the general fund of the state at the end of the first
6 quarter. Such funds shall not be used for any other purpose.

3813 7 Sec. 421. Section 96.7, subsection 9, paragraph a, Code
8 1991, is amended to read as follows:

9 a. The amount of the bond or deposit shall be equal to two
10 and seven-tenths percent of the nonprofit organization's total
11 taxable wages paid for employment during the four calendar
12 quarters immediately preceding the effective date of the
13 election, or the renewal date of a bond or a deposit of money
14 or securities, whichever date is most recent and applicable.
15 If the nonprofit organization did not pay wages in each of the
16 four calendar quarters, the amount of the bond or deposit
17 shall be determined by the division. If the nonprofit
18 corporation has been a reimbursable employer and has filed an
19 annual surety bond of over five hundred thousand dollars for
20 ten years, the amount of bond or deposit required shall not
21 exceed five hundred thousand dollars.

22 Sec. 422. Section 99D.15, subsection 3, paragraph c, Code
23 1991, is amended to read as follows:

24 c. If the rate of tax imposed under paragraph "a" is five
25 percent or four percent, a track licensee shall set aside for
26 retiring the any debt of the racetrack-facilities-or licensee,
27 for capital improvement to the racetrack facilities of the
28 licensee, for funding of possible future operating losses, or
29 for charitable giving, the following amount:

30 (1) If the rate of tax paid by the track licensee is five
31 percent, one percent of the gross sum wagered in the racing
32 season shall be set aside.

33 (2) If the rate of tax paid by the track licensee is four
34 percent, two percent of the gross sum wagered in the racing
35 season shall be set aside.

1 Sec. 423. Section 137A.12, Code 1991, is amended to read
2 as follows:

3 137A.12 REGULAR INSPECTIONS.

4 The department shall provide for the inspection of each
5 food establishment in the state in accordance with the
6 standards of the retail food store sanitation code. The
7 inspector may enter the food establishment at any reasonable
8 hour to make the inspection. The management shall afford free
9 access to every part of the premises and render all aid and
10 assistance necessary to enable the inspector to make a
11 thorough and complete inspection. However, food
12 establishments which score ninety or greater shall be
13 inspected biennially.

14 This section does not apply to retail food establishments
15 which sell only prepackaged nonhazardous items.

16 Sec. 424. Section 137B.3, Code 1991, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 7. 10-201 shall be amended so that food
19 services establishments are inspected annually, except that
20 food service establishments with scores of ninety or greater
21 shall be inspected biennially.

22 Sec. 425. Section 137C.11, Code 1991, is amended to read
23 as follows:

24 137C.11 ANNUAL INSPECTIONS.

25 The regulatory authority shall inspect each hotel in the
26 state at least once ~~each-calendar-year~~ biennially. The
27 inspector may enter the hotel at any reasonable hour to make
28 the inspection. The management shall afford free access to
29 every part of the premises and render all aid and assistance
30 necessary to enable the inspector to make a thorough and
31 complete inspection.

32 Sec. 426. Section 157.11, unnumbered paragraph 1, Code
33 1991, is amended to read as follows:

34 Commencing January 1, 1977, a beauty salon shall not
35 operate unless the owner has obtained a license issued by the

1 department. The owner shall apply to the department on forms
2 prescribed by the board. The department shall perform a
3 sanitary inspection of each beauty salon ~~annually~~ biennially
4 and may perform a sanitary inspection of a beauty salon prior
5 to the issuance of a license. An inspection of a beauty salon
6 shall also be conducted upon receipt of a complaint by the
7 department.

8 Sec. 427. Section 158.9, unnumbered paragraph 1, Code
9 1991, is amended to read as follows:

10 A barbershop shall not operate unless the owner has
11 obtained a license issued by the department. The owner shall
12 apply to the department on forms prescribed by the board. The
13 department shall perform a sanitary inspection of each
14 barbershop ~~annually~~ biennially and may perform a sanitary
15 inspection of a barbershop prior to the issuance of a license.
16 An inspection of a barbershop shall also be conducted upon
17 receipt of a complaint by the department.

18 Sec. 428. Section 455C.1, subsection 5, Code 1991, is
19 amended to read as follows:

20 5. "Distributor" means any person who engages in the sale
21 of beverages in beverage containers to a dealer in this state,
22 including any manufacturer who engages in such sales. The
23 alcoholic beverages division of the department of commerce is
24 not a distributor for purposes of this chapter.

25 Sec. 429. Section 455C.2, subsection 1, Code 1991, is
26 amended to read as follows:

27 1. Except purchases of alcoholic liquor as defined in
28 section 123.3, subsection 8, by holders of class "A", "B", and
29 "C", and "E" liquor control licenses, a refund value of not
30 less than five cents shall be paid by the consumer on each
31 beverage container sold in this state by a dealer for
32 consumption off the premises. Upon return of the empty
33 beverage container upon which a refund value has been paid to
34 the dealer or person operating a redemption center and
35 acceptance of the empty beverage container by the dealer or

1 person operating a redemption center, the dealer or person
2 operating a redemption center shall return the amount of the
3 refund value to the consumer.

4 Sec. 430. Section 455C.16, Code 1991, is amended to read
5 as follows:

6 455C.16 BEVERAGE CONTAINERS -- DISPOSAL AT SANITARY
7 LANDFILL PROHIBITED.

8 Beginning July 1, 1990, the final disposal of beverage
9 containers by a dealer, distributor, or manufacturer, or
10 person operating a redemption center, in a sanitary landfill,
11 is prohibited, except for beverage containers containing
12 alcoholic liquor as defined in section 123.3, subsection 8.

3213

13 Sec. 431. 1989 Iowa Acts, chapter 272, section 42, as
14 amended by 1990 Iowa Acts, chapter 1261, is amended to read as
15 follows:

16 SEC. 42. Sections 34, 35, and 36 of this Act are effective
17 July 1, ~~1991~~ 1992.

18 Sec. 432. Sections 416 and 431 of this division, being
19 deemed of immediate importance, take effect upon enactment.

20 DIVISION V
21 TRANSPORTATION

22 IOWA LAW ENFORCEMENT ACADEMY

23 Sec. 501. There is appropriated from the general fund of
24 the state to the Iowa law enforcement academy for the fiscal
25 year beginning July 1, 1991, and ending June 30, 1992, the
26 following amounts, or so much thereof as is necessary, to be
27 used for the purposes designated:

28 For salaries, support, maintenance, miscellaneous purposes,
29 including jailer training and technical assistance, and for
30 not more than the following full-time equivalent positions:
31 \$ 987,134
32 FTEs 29.20

33 DEPARTMENT OF PUBLIC DEFENSE

34 Sec. 502. There is appropriated from the general fund of
35 the state to the department of public defense for the fiscal

1 year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

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

| | | | |
|-----|-------|------|-----------|
| x 8 | ..... | \$ | 3,315,946 |
| 9 | ..... | FTEs | 196.59 |

2. DISASTER SERVICES DIVISION

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

| | | | |
|------|-------|------|---------|
| x 14 | ..... | \$ | 315,399 |
| 15 | ..... | FTEs | 12.00 |

3. VETERANS AFFAIRS DIVISION

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

| | | | |
|------|-------|------|---------|
| x 20 | ..... | \$ | 142,340 |
| x 21 | ..... | FTEs | 4.16 |

As a condition, limitation, and qualification of the appropriation in this subsection, up to \$5,000 may be used for the purchase of POW/MIA flags.

4. WAR ORPHANS

For the war orphans educational aid fund established pursuant to chapter 35:

| | | | |
|------|-------|----|-------|
| x 28 | | \$ | 9,676 |
|------|-------|----|-------|

DEPARTMENT OF PUBLIC SAFETY

Sec. 503. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department's administrative functions including

1 the medical examiner's office and the criminal justice
2 information system, and for not more than the following full-
3 time equivalent positions:

x 4 \$ 2,395,663
5 FTEs 47.80

6 As a condition, limitation, and qualification of the
7 appropriation in this subsection, the department shall
8 continue to pursue its 5-year plan to colocate the state
9 medical examiner's office and the department of criminal
10 investigation crime lab. The department of general services
11 shall assist the department of public safety in identifying
12 potential facilities that will adequately meet the
13 department's needs.

14 2. For purposes relating to radio communications, and for
15 not more than the following full-time equivalent positions:

x 16 \$ 3,141,241
17 FTEs 79.00

18 3. For the division of criminal investigation and bureau
19 of identification containing the bureaus of identification and
20 liquor law enforcement, for river boat gambling enforcement,
21 including the state's contribution to the peace officers'
22 retirement, accident, and disability system provided in
23 chapter 97A in the amount of 18 percent of the salaries for
24 which the funds are appropriated, to meet federal fund
25 matching requirements, and for not more than the following
26 full-time equivalent positions:

x 27 \$ 6,250,157
x 28 FTEs 141.00

29 4. For the division of narcotics:

30 a. The state's contribution to the peace officers'
31 retirement, accident, and disability system provided in
32 chapter 97A in the amount of 18 percent of the salaries for
33 which the funds are appropriated, to meet federal fund
34 matching requirements, and for not more than the following
35 full-time equivalent positions:

* 1 \$ 2,148,790
2 FTEs 47.00

3 b. Undercover purchases:

* 4 \$ 260,250

5 5. For the fire marshal's office, including the state's
6 contribution to the peace officers' retirement, accident, and
7 disability system provided in chapter 97A in the amount of 18
8 percent of the salaries for which the funds are appropriated,
9 and for not more than the following full-time equivalent
10 positions:

* 11 \$ 1,427,474

* 12 FTEs 33.00

13 6. For the capitol security division, and for not more
14 than the following full-time equivalent positions:

* 15 \$ 1,135,371

16 FTEs 36.00

17 7. For salaries, support, maintenance, and miscellaneous
18 purposes of the pari-mutuel law enforcement agents, including
19 the state's contribution to the peace officers' retirement,
20 accident, and disability system provided in chapter 97A in the
21 amount of 18 percent of the salaries for which the funds are
22 appropriated, and for not more than the following full-time
23 equivalent positions:

24 \$ 286,989

25 FTEs 5.00

* 26 8. For use by the department to provide law enforcement
27 officials for project D.A.R.E. (drug abuse resistance
28 education) within local communities:

* 29 \$ 27,771

30 9. For the continued purchase of the automated fingerprint
31 information system (AFIS):

32 \$ 514,000

33 Sec. 504. There is appropriated from the road use tax fund
34 to the division of highway safety and uniformed force of the
35 department of public safety for the fiscal year beginning July

1 1, 1991, and ending June 30, 1992, the following amounts, or
2 so much thereof as is necessary, to be used for the purposes
3 designated:

4 1. For salaries, support, maintenance, and miscellaneous
5 purposes, including the state's contribution to the peace
6 officers' retirement, accident, and disability system provided
7 in chapter 97A in the amount of 18 percent of the salaries for
8 which the funds are appropriated, and for not more than the
9 following full-time equivalent positions:

| | | |
|------|-------|---------------|
| x 10 | ..... | \$ 24,458,362 |
| x 11 | ..... | FTEs 456.00 |

12 It is the intent of the general assembly, that so much as
13 is necessary of the appropriation in this subsection, shall
14 support federal Highway Safety Act programs.

15 As a condition, limitation, and qualification of the
16 appropriation in this subsection, the department shall be
17 prohibited from providing an escort or driver for the
18 lieutenant governor.

3813 19 It is the intent of the general assembly, that the
20 department shall assign one new trooper to each of the four
21 state districts.

22 As a condition, limitation, and qualification of the
23 appropriation in this subsection, the Iowa law enforcement
24 academy shall be allowed to annually select at least 5
25 automobiles of the department of public safety, division of
26 highway safety and uniformed force, which are being turned in
27 to the state vehicle dispatcher to be disposed of by public
28 auction and the Iowa law enforcement academy shall be allowed
29 to exchange any automobile owned by the academy for each
30 automobile selected if the selected automobile is used in
31 training law enforcement officers at the academy. However,
32 any automobile exchanged by the academy shall be substituted
33 for the selected vehicle of the department of public safety
34 and sold by public auction with the receipts being deposited
35 in the depreciation fund to the credit of the department of

1 public safety, division of highway safety and uniformed force.
2 An employee of the department of public safety or its
3 successor who retires after the effective date of this section
4 of this Act but prior to June 30, 1992, is eligible for
5 payment of life or health insurance premiums as provided for
6 in the collective bargaining agreement covering the public
7 safety bargaining unit at the time of retirement if that
8 employee previously served in a position which would have been
9 covered by the agreement. The employee shall be given credit
10 for the service in that prior position as though it were
11 covered by that agreement. This section shall not operate to
12 reduce any retirement benefits an employee may have earned
13 under other collective bargaining agreements or retirement
14 programs.

15 2. For the purchase of radar units:
16 \$ 294,166

17 3. For the purchase of scanners:
18 \$ 105,000

19 4. For payments to the department of personnel for
20 expenses incurred in administering workers' compensation on
21 behalf of the division of highway safety and uniformed force:
22 \$ 362,250

23 5. For payments to the department of personnel for
24 expenses incurred in administering the merit system on behalf
25 of the division of highway safety and uniformed force:
26 \$ 77,350

27 6. For site acquisition of a new patrol post in the Fort
28 Dodge area:
29 \$ 50,000

30 Sec. 505. There is appropriated from use tax receipts
31 collected under chapter 423 prior to deposit in the road use
32 tax fund, to the following named departments for the fiscal
33 year beginning July 1, 1991, and ending June 30, 1992, the
34 following amount, or so much thereof as may be necessary, to
35 be used for the purpose designated:

1 1. To the department of public safety for the costs
2 associated with the automated fingerprint information system
3 local remote terminals:
4 \$ 373,108
5 2. To the department of public defense for design of
6 armories at Boone, Fairfield, and Mount Pleasant:
7 \$ 38,000
8 3. To the department of public defense for construction of
9 armories at Corning, Council Bluffs, and Oskaloosa:
10 \$ 1,757,000

11 STATE DEPARTMENT OF TRANSPORTATION

12 Sec. 506. There is appropriated from the road use tax fund
13 to the state department of transportation for the fiscal year
14 beginning July 1, 1991, and ending June 30, 1992, the
15 following amounts, or so much thereof as is necessary, for the
16 purposes designated:

17 1. For the payment of costs associated with the production
18 of motor vehicle licenses, as defined in section 321.1,
19 subsection 77:
20 \$ 570,000

21 2. For salaries, support, maintenance, miscellaneous pur-
22 poses, and for not more than the following full-time
23 equivalent positions:

24 a. Administrative services:
25 \$ 3,749,551
26 FTEs 47.50

27 b. General counsel:
28 \$ 177,240
29 FTEs 1.00

30 c. Planning and research:
31 \$ 371,101
32 FTEs 9.00

33 d. Aeronautics and public transit:
34 \$ 246,334
35 FTEs 5.00

1 e. Motor vehicles:
2 \$ 19,253,443
3 FTEs 542.00
4 f. Rail and water:
5 \$ 692,300
6 FTEs 15.00

7 3. For payments to the department of personnel for
8 expenses incurred in administering the merit system on behalf
9 of the state department of transportation, as required by
10 chapter 19A:
11 \$ 39,000

12 4. Unemployment compensation:
13 \$ 12,250

14 5. For payments to the department of personnel for paying
15 workers' compensation claims under chapter 85 on behalf of
16 employees of the state department of transportation:
17 \$ 75,000

18 6. For the paving of the scale lots at LeMars and
19 Ainsworth:
20 \$ 120,000

21 The provisions of section 8.33 do not apply to the funds
22 appropriated by this subsection, but remain available for
23 expenditure for the purposes designated until June 30, 1994.
24 Unencumbered or unobligated funds remaining on June 30, 1994,
25 from funds appropriated by this subsection for the fiscal year
26 beginning July 1, 1991, shall revert to the fund from which
27 appropriated on August 30, 1994.

28 Sec. 507. There is appropriated from the primary road fund
29 to the state department of transportation for the fiscal year
30 beginning July 1, 1991, and ending June 30, 1992, the
31 following amounts, or so much thereof as is necessary, to be
32 used for the purposes designated:

33 1. For salaries, support, maintenance, miscellaneous pur-
34 poses, and for not more than the following full-time
35 equivalent positions:

1 a. Administrative services:
 2 \$ 22,903,953
 3 FTEs 293.00
 4 b. General counsel:
 5 \$ 1,088,760
 6 FTEs 7.00
 7 c. Planning and research:
 8 \$ 7,050,899
 9 FTEs 169.00
 10 d. Aeronautics and public transit:
 11 \$ 246,334
 12 FTEs 5.00
 13 It is the intent of the general assembly that any state
 14 agency or individual using an airplane from the state aircraft
 15 pool shall be billed in an amount sufficient to cover
 16 operation and aircraft maintenance expense, including engine
 17 overhaul.
 18 e. Highways:
 19 \$139,750,000
 20 FTEs 2,959.00
 21 f. Motor vehicles:
 22 \$ 781,745
 23 FTEs 22.00
 24 g. Rail and water:
 25 \$ 296,700
 26 FTEs 7.00
 27 2. For deposit in the state department of transportation's
 28 highway materials and equipment revolving fund established by
 29 section 307.47 for funding the increased replacement cost of
 30 vehicles:
 31 \$ 3,000,000
 32 Moneys appropriated for the inventory and equipment
 33 replacement revolving fund shall only be transferred from the
 34 primary road fund to meet actual expenditure needs.
 35 As a condition, limitation, and qualification of this

* 20
 3813 21

1 appropriation, no more than \$2,782,509 from the highway
2 materials and equipment revolving fund, plus an allocation for
3 salary adjustment, may be expended for salaries and benefits
4 for not more than 92.00 FTEs.

5 3. For payments to the department of personnel for
6 expenses incurred in administering the merit system on behalf
7 of the state department of transportation, as required by
8 chapter 19A:

9 \$ 741,000

10 4. Unemployment compensation:

11 \$ 232,750

12 5. For payments to the department of personnel for paying
13 workers' compensation claims under chapter 85 on behalf of the
14 employees of the state department of transportation:

15 \$ 1,425,000

16 6. For costs associated with fuel tank replacement and
17 cleanup:

18 \$ 1,000,000

19 As a condition, limitation, and qualification of this
20 appropriation, the department shall develop a comprehensive
21 plan to determine the need for petroleum underground storage
22 tanks operated by the department. The plan shall be submitted
23 to the general assembly by January 15, 1992.

24 7. For conducting tests at department field facilities to
25 determine the extent of asbestos contamination:

26 \$ 40,000

27 8. For the removal of asbestos from facilities at the
28 department central complex:

29 \$ 650,000

30 9. For replacement of obsolete field facilities in the
31 cities of Davenport, Rock Valley, Algona, and Pocahontas:

32 \$ 2,810,000

33 10. For grading and resurfacing the east parking lot at
34 the Ames complex:

35 \$ 200,000

1 11. For electrical system improvements at the Ames
2 complex:
3 \$ 230,000

4 12. For central air conditioning in the south wing offices
5 (old lab) of the Ames complex:
6 \$ 300,000

7 The provisions of section 8.33 do not apply to the funds
8 appropriated by subsection 9, but remain available for
9 expenditure for the purposes designated until June 30, 1995.
10 Unencumbered or unobligated funds remaining on June 30, 1995,
11 from funds appropriated by subsection 9, for the fiscal year
12 beginning July 1, 1991, shall revert to the fund from which
13 appropriated on August 30, 1995.

14 The provisions of section 8.33 do not apply to the funds
15 appropriated by subsections 10 through 12, but remain
16 available for expenditure for the purposes designated until
17 June 30, 1994. Unencumbered or unobligated funds remaining on
18 June 30, 1994, from funds appropriated by subsections 10
19 through 12 for the fiscal year beginning July 1, 1991, shall
20 revert to the fund from which appropriated on August 30, 1994.

21 Sec. 508. There is appropriated from the general fund of
22 the state to the state department of transportation for the
23 fiscal year beginning July 1, 1991, and ending June 30, 1992,
24 the following amounts, or so much thereof as is necessary, to
25 be used for the purposes designated:

26 1. For providing assistance for the restoration, conserva-
27 tion, improvement, and construction of railroad main lines,
28 branch lines, switching yards, and sidings as required in
29 section 327H.18:
30 \$ 2,000,000

31 2. For use by the railway finance authority for purposes
32 of the authority as provided in chapter 307B:
33 \$ 1,000,000

* 34 3. For airport engineering studies and improvement
35 projects as provided in chapter 328:

1 \$ 1,580,546

2 4. For essential air service airports:

3 \$ 900,000

4 As a condition, limitation, and qualification of the
5 appropriation in this subsection, \$900,000 shall be granted by
6 the department to essential air service airports to be used
7 for the following purposes:

8 a. Grants in an amount up to \$10,000 for marketing of
9 essential air service airports to facilitate air travel.

10 Moneys granted under this paragraph must be matched with an
11 equivalent amount of local moneys.

12 b. Low interest loans for construction and improvements of
13 aircraft hangars at essential air service airports to be used
14 for the purpose of creating additional air traffic.

15 c. Grants for interstate and intrastate air travel, in an
16 amount up to \$100,000. Moneys granted under this paragraph
17 must be matched with an equivalent amount of local moneys.

18 5. For aeronautics and public transit, for salaries,
19 support, maintenance, miscellaneous purposes, and for not more
20 than the following full-time equivalent positions:

21 \$ 429,932
22 FTEs 9.00

23 It is the intent of the general assembly that the moneys
24 deposited in the general fund and the interest earned from the
25 deposit of those moneys, that would have been deposited into
26 the following funds but for the provisions of 1991 Iowa Acts,
27 House File 173, division XII, shall only be used for the
28 purposes for which the moneys were to be collected prior to
29 the enactment of 1991 Iowa Acts, House File 173, division XII:

30 a. Railroad assistance fund established under section
31 327H.18.

32 b. Special railroad facility fund established under
33 section 307B.23.

34 c. State aviation fund established under section 328.36.

35 d. Public transit assistance fund established under

1 section 601J.6.

2 Sec. 509. Section 101.28, Code 1991, is amended to read as
3 follows:

4 101.28 FEES FOR CERTIFICATION INSPECTIONS OF UNDERGROUND
5 STORAGE TANKS.

6 The state fire marshal, the state fire marshal's designee,
7 or a local fire marshal, authorized to conduct underground
8 storage tank certification inspections under section 455G.11,
9 subsection 6, shall charge the person requesting a
10 certification inspection a fee to recover the costs of
11 authorized training, inspection, and inspection program
12 administration subject to rules adopted by the state fire
13 marshal. The fees generated by inspections conducted by the
14 state fire marshal or an employee of the state fire marshal's
15 office shall be deposited into the general fund of the state.

16 Sec. 510. Section 307.12, Code 1991, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 14. Prepare and submit a report to the
19 general assembly on or before January 15 of each fiscal year
20 describing the prior fiscal year's highway construction
21 program, actual expenditures of the program, and contractual
22 obligations of the program.

3858

23 Sec. 511. Section 312.2, Code 1991, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 21. The treasurer of state, before making
26 the allotments provided for in this section shall credit
27 annually from the road use tax fund to the state department of
28 transportation the sum of six hundred fifty thousand dollars
29 for the purpose of providing county treasurers with data
30 processing equipment and support for vehicle registration and
31 titling. Notwithstanding section 8.33, unobligated funds
32 credited under this subsection remaining on June 30 of the
33 fiscal year shall not revert but shall remain available for
34 expenditure for purposes of this subsection in subsequent
35 fiscal years.

1 Sec. 512. Section 314.21, subsection 3, paragraph b,
2 subparagraph (1), Code 1991, is amended to read as follows:

3 (1) For the fiscal period beginning July 1, 1989, and
4 ending June 30, ~~1991~~ 1993, fifty thousand dollars in each
5 fiscal year to the university of northern Iowa to maintain the
6 position of the state roadside specialist and to continue its
7 integrated roadside vegetation management pilot program
8 providing research, education, training, and technical
9 assistance.

3813 10 Sec. 513. Section 315.3, Code 1991, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 4. The fund is also appropriated for and
13 shall be used for the improvement and maintenance of arterial
14 bypass highways.

3713 15 Sec. 514. Section 315.4, subsection 1, Code 1991, is
16 amended by adding the following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. Ten percent of the moneys
18 allocated under this subsection shall be used for the
19 improvement and maintenance of arterial bypass highways,
20 including the balance of moneys remaining as of June 30, 1991.

3813 21 Sec. 515. Section 315.11, Code 1991, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 8. For moneys distributed under section
24 315.3, subsection 4, preferences shall be given in the
25 following order:

26 a. An arterial bypass highway located in an urban area
27 which has an urban and regional transportation plan.

28 b. An arterial bypass highway which connects an industrial
29 area with two or more federal highways.

30 c. The local jurisdiction has committed or is willing to
31 commit funds which are in addition to moneys allocated under
32 section 315.4, subsection 3.

33 Sec. 516. The department of public safety shall notify the
34 legislative fiscal bureau, department of management, the
35 chairpersons, vice chairpersons, and ranking members of the

1 joint transportation and safety appropriation subcommittee, on
2 any request for, approval of, or notification of award of
3 federal funds or of any loss of federal funds. The
4 notification shall include the name of the funding grant,
5 planned expenditures, and estimated amount which will be
6 received. The department shall also prepare a report at the
7 end of each fiscal year detailing the amount received, amount
8 expended, and carryover balance on all nonappropriated
9 receipts, including federal funds, received during that fiscal
10 year.

11 Sec. 517. Section 100.34, Code 1991, is repealed.

38137

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SENATE FILE 529

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1 Amend Senate File 529, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 2, line 34, through page 3,
4 line 1.

5 2. Page 3, line 16, by striking the figure
6 "752,033" and inserting the following: "791,614".

7 3. Page 6, by inserting after line 26 the fol-
8 lowing:

9 "The department of general services may use funds
10 appropriated in this subsection for utility costs to
11 fund energy conservation projects in the state capitol
12 complex which will have a 100 percent payback within a
13 24-month period. The department of general services
14 shall report quarterly to the chairpersons and ranking
15 members of the administration appropriations
16 subcommittee, and to the legislative fiscal bureau,
17 concerning the savings generated as a result of
18 implementation of these projects."

19 4. Page 13, line 19, by striking the figure
20 "10,787,985" and inserting the following:
21 "10,825,147".

22 5. Page 13, line 23, by striking the figure
23 "6,744,640" and inserting the following: "6,750,450".

24 6. Page 13, line 27, by striking the figure
25 "2,053,165" and inserting the following: "2,006,656".

26 7. Page 13, line 31, by striking the figure
27 "1,362,581" and inserting the following: "1,383,566".

28 8. Page 13, line 35, by striking the figure
29 "2,225,415" and inserting the following: "2,172,978".

30 9. Page 14, line 4, by striking the figure
31 "964,784" and inserting the following: "1,033,213".

32 10. Page 17, by inserting before line 15 the
33 following:

34 "Sec. . NEW SECTION. 7.15A APPOINTMENTS.

35 The governor, when appointing a person to fill a
36 full-time position for a division, department, board,
37 commission, or council of the state shall provide all
38 necessary information regarding the appointive
39 position to the department of personnel.

40 The department of personnel shall give public
41 notice of recruitment for the position, and the
42 position shall remain open for at least fifteen
43 calendar days following the date of public notice.

44 Recruitment for the position may be limited to a
45 specific geographic area or to persons with specific
46 background qualifications, or both. Recruitment
47 announcements shall specify the title, salary range,
48 method for making application, closing date for
49 receiving applications, and any specific availability
50 or background requirements. Recruitment announcements

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Page 2

1 shall be posted in conspicuous locations throughout
2 the relevant state agency and in the offices of the
3 division of job service of the department of
4 employment services. Recruitment announcements shall
5 also be sent to newspapers, radio stations,
6 educational institutions, professional and vocational
7 associations, and other recruitment sources as funds
8 allow."

9 11. By striking page 17, line 28, through page
10 18, line 5, and inserting the following:

11 "Sec. _____. USE OF RECOVERED ADMINISTRATIVE FUNDS.
12 The funds collected as administrative and related
13 overhead costs under section 12.8 for the fiscal year
14 beginning July 1, 1991, shall be credited to the
15 general fund of the state. The treasurer of state
16 shall report to the chairpersons and ranking members
17 of the joint administration appropriations
18 subcommittee, to the legislative fiscal committee, and
19 to the legislative fiscal bureau, as to the amounts
20 collected. It is the intent of the general assembly
21 that commencing with the fiscal year beginning July 1,
22 1992, the administrative and related overhead costs
23 recovered shall become part of the budget of the
24 office of treasurer of state."

25 12. Page 18, by striking lines 6 through 23.

26 13. Page 18, by striking lines 24 through 29 and
27 inserting the following:

28 "Sec. _____. Section 73.16, subsection 1, Code 1991,
29 is amended to read as follows:

30 1. Every agency, department, commission, board,
31 committee, officer or other governing body of the
32 state shall purchase ten percent of goods and services
33 supplied by ~~small businesses and targeted small~~
34 businesses, having average annual gross sales of less
35 than five million dollars over the previous three
36 years in Iowa. In addition to the other provisions of
37 this section relating to procurement contracts for
38 targeted small businesses, all purchasing authorities
39 shall assure that a proportionate share of small
40 businesses and targeted small businesses identified
41 under the uniform small business vendor application
42 program of the department of economic development are
43 given the opportunity to bid on all solicitations
44 issued by agencies and departments of state
45 government. Any goods or services purchased from
46 targeted small businesses shall be counted toward the
47 ten percent procurement requirement."

48 14. Page 19, line 10, by striking the figure
49 "985,358" and inserting the following: "1,085,919".

50 15. Page 19, line 23, by striking the figure

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Page 3

1 "32.20" and inserting the following: "41.20".
2 16. Page 19, line 33, by striking the figure
3 "828,873" and inserting the following: "851,523".
4 17. Page 19, line 34, by striking the figure
5 "19.0" and inserting the following: "23.0".
6 18. By striking page 19, line 35, through page
7 20, line 6, and inserting the following:
8 " As a condition, limitation, and
9 qualification of the appropriation under paragraph
10 "a", \$165,000 shall be used for research and promotion
11 of ethanol and other alternative fuels, and to perform
12 in-state promotion of Iowa grown crops. The duties
13 shall be performed by a full-time equivalent position
14 which is within the division."
15 19. Page 20, line 20, by striking the figure
16 "3,879,715" and inserting the following: "4,129,715".
17 20. Page 21, line 28, by striking the figure
18 "5,232,428" and inserting the following: "5,132,428".
19 21. Page 22, by striking lines 30 through 35 and
20 inserting the following:
21 "(8) Funds shall not be allocated for financial
22 incentives for which the appropriation under paragraph
23 "d" is made.
24 d. To provide financial incentives for soil
25 conservation practices not exceeding 100 percent of
26 the approved costs or 100 percent of the actual cost,
27 whichever is less, of establishing permanent grass and
28 buffer zones as provided under section 467A.48:
29 \$ 205,000".
30 22. Page 23, line 24, by striking the figure
31 "500,000" and inserting the following: "250,000".
32 23. Page 23, by striking lines 25 through 35.
33 24. Page 24, line 30, by striking the figure
34 "55,893" and inserting the following: "56,031".
35 25. Page 25, line 1, by striking the figure
36 "711,672" and inserting the following: "728,044".
37 26. Page 25, line 7, by striking the figure
38 "1,588,181" and inserting the following: "1,619,895".
39 27. Page 25, line 10, by inserting before the
40 word "For" the following: "a."
41 28. Page 25, line 13, by striking the figure
42 "5,170,899" and inserting the following: "5,445,002".
43 29. Page 25, by inserting after line 14 the
44 following:
45 "b. As a condition, limitation, and qualification
46 of the appropriation under paragraph "a", the
47 department of natural resources shall construct a
48 safety fence on the dam at Beeds lake in Franklin
49 county."
50 30. Page 25, line 19, by striking the figure

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Page 4

- 1 "1,617,265" and inserting the following: "1,626,062".
2 31. Page 25, line 25, by striking the figure
3 "1,223,941" and inserting the following: "1,386,097".
4 32. Page 25, line 26, by striking the figure
5 "58.62" and inserting the following: "59.62".
6 33. Page 25, line 31, by striking the figure
7 "1,965,992" and inserting the following: "2,002,785".
8 34. Page 28, line 23, by striking the figure
9 "1,350,000" and inserting the following: "2,620,568".
10 35. Page 28, line 28, by striking the letter "a."
11 36. Page 28, line 31, by striking the figure
12 "850,000" and inserting the following: "750,000".
13 37. By striking page 28, line 32, through page
14 29, line 9.
15 38. Page 31, by inserting after line 20 the
16 following:
17 "Sec. _____. The laboratory division of the
18 department of agriculture and land stewardship, the
19 university of Iowa, and Iowa state university of
20 science and technology shall cooperate together in
21 developing a plan for sharing laboratory resources,
22 eliminating duplication of efforts, and reducing the
23 expenditures of moneys from the general fund of the
24 state. The laboratory shall submit the plan to the
25 members of the agriculture and natural resources
26 appropriations subcommittee of the committees on
27 appropriations in the senate and house of
28 representatives, and to the legislative fiscal bureau
29 by January 13, 1992."
30 39. Page 32, by inserting after line 10 the
31 following:
32 "Sec. _____. The general assembly requests that the
33 center for health effects of environmental
34 contamination at the university of Iowa study to the
35 extent practicable the contribution to groundwater and
36 surface water contamination caused by the application
37 of lawn care chemicals. A report prepared by the
38 center shall be forwarded to the secretary of the
39 senate and chief clerk of the house of representatives
40 as soon as possible."
41 40. Page 32, by inserting after line 33, the
42 following:
43 "Sec. _____. Notwithstanding the amount of the
44 appropriation specified in section 455A.18, subsection
45 4, for the fiscal year beginning July 1, 1991, the
46 amount of the appropriation from the general fund of
47 the state shall be \$20,000,000."
48 41. Page 34, by striking lines 6 through 9.
49 42. By striking page 34, line 34, through page
50 35, line 30, and inserting the following:

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1 "Sec. _____. Section 173.14B, subsection 1,
2 unnumbered paragraph 1, Code 1991, is amended to read
3 as follows:

4 The board may issue and sell negotiable revenue
5 bonds of the authority in denominations and amounts as
6 the board deems for the best interests of the fair,
7 ~~for-any-of-the-following-purposes-after-authorization.~~
8 However, the board must first submit a list of the
9 purposes ranked by priority and a purpose must be
10 authorized by a constitutional majority of each house
11 of the general assembly and approval approved by the
12 governor. A purpose must be one of the following:

13 Sec. _____. Section 173.14B, subsection 2, Code
14 1991, is amended to read as follows:

15 2. The board may issue negotiable bonds and notes
16 of the authority in principal amounts which are
17 necessary to provide sufficient funds for achievement
18 of its corporate purposes, the payment of interest on
19 its bonds and notes, the establishment of reserves to
20 secure its bonds and notes, and all other expenditures
21 of the board incident to and necessary, subject to
22 authorization and approval required under subsection
23 1. However, the total principal amount of bonds and
24 notes outstanding at any time under subsection 1 and
25 this subsection shall not exceed one-hundred-fifty six
26 million dollars. The bonds and notes are deemed to be
27 investment securities and negotiable instruments
28 within the meaning of and for all purposes of the
29 uniform commercial code."

30 43. Page 37, lines 4 and 5, by striking the words
31 "AND RECORDS".

32 44. Page 37, by striking lines 6 through 8 and
33 inserting the following:

34 "The department may establish a schedule of fees
35 for subscriptions to publications produced by the".

36 45. By striking page 37, line 16 through page 38,
37 line 13, and inserting the following: "the
38 publication."

39 46. Page 40, by striking lines 23 through 34.

40 47. Page 41, line 10, by striking the figure
41 "995,421" and inserting the following: "1,040,965".

42 48. Page 41, line 33, by striking the figure
43 "130,853" and inserting the following: "144,648".

44 49. Page 42, line 4, by striking the figure
45 "318,858" and inserting the following: "344,358".

46 50. Page 42, line 7, by striking the figure
47 "125,000" and inserting the following: "140,000".

48 51. Page 42, line 9, by striking the figure
49 "33,500" and inserting the following: "44,000".

50 52. Page 43, line 13, by striking the figure

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- 1 "229,415" and inserting the following: "269,261".
- 2 53. Page 43, line 14, by striking the figure
- 3 "5.00" and inserting the following: "6.00".
- 4 54. Page 43, by inserting after line 19 the fol-
- 5 lowing:
- 6 "9. COMMUNITY ACTION AGENCIES DIVISION
- 7 For the expenses of the community action agencies
- 8 commission:
- 9 \$ 3,544".
- 10 55. Page 44, line 3, by striking the figure
- 11 "429,519" and inserting the following: "448,630".
- 12 56. Page 44, line 5, by striking the figure
- 13 "\$50,000" and inserting the following: "a sufficient
- 14 amount".
- 15 57. Page 44, line 20, by striking the figure
- 16 "83,000" and inserting the following: "73,000".
- 17 58. Page 44, line 28, by inserting after the word
- 18 "care," the following: "respite care, case management
- 19 for the frail elderly,".
- 20 59. Page 45, by striking lines 3 through 11.
- 21 60. Page 45, line 20, by striking the letter "a."
- 22 61. Page 45, by striking lines 25 through 31.
- 23 62. Page 46, line 18, by striking the figure
- 24 "100,000" and inserting the following: "300,000".
- 25 63. Page 46, line 26, by inserting after the word
- 26 "to" the following: "private".
- 27 64. Page 46, line 33, by striking the figure
- 28 "2,301,510" and inserting the following: "2,407,574".
- 29 65. Page 46, line 34, by striking the figure
- 30 "82.04" and inserting the following: "85.54".
- 31 66. Page 48, line 5, by striking the figure
- 32 "597,785" and inserting the following: "615,785".
- 33 67. Page 49, line 12, by striking the figure
- 34 "8,571,941" and inserting the following: "8,471,941".
- 35 68. Page 49, line 20, by striking the figure
- 36 "4,345,820" and inserting the following: "4,647,820".
- 37 69. Page 49, line 23, by striking the figure
- 38 "631,000" and inserting the following: "578,969".
- 39 70. Page 49, by striking lines 25 and 26, and
- 40 inserting the following: "funds, and \$282,969 shall
- 41 be allocated for regional".
- 42 71. Page 49, line 31, by striking the figure
- 43 "99,000" and inserting the following: "77,000".
- 44 72. Page 49, line 33, by striking the figure
- 45 "657,500" and inserting the following: "754,500".
- 46 73. Page 50, line 15, by striking the figure
- 47 "341,500" and inserting the following: "321,993".
- 48 74. Page 50, line 21, by striking the figure
- 49 "125,000" and inserting the following: "119,497".
- 50 75. Page 50, line 23, by striking the figure

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1 "67,000" and inserting the following: "64,044".
2 76. Page 50, line 31, by striking the figure
3 "101,500" and inserting the following: "97,092".
4 77. Page 51, line 26, by striking the figure
5 "2,682,249" and inserting the following: "2,596,249".
6 78. Page 53, line 14, by striking the figure
7 "8,975,159" and inserting the following: "8,775,159".
8 79. Page 57, line 24, by striking the figure
9 "606,945" and inserting the following: "605,000".
10 80. By striking page 58, line 3 through page 59,
11 line 4.
12 81. Page 61, line 27, by striking the figure
13 "2,574,205" and inserting the following: "2,274,713".
14 82. Page 61, line 28, by striking the figure
15 "95.00" and inserting the following: "86.00".
16 83. By striking page 61, line 33 through page 62,
17 line 3.
18 84. Page 65, by striking lines 31 through 34 and
19 inserting the following:
20 "..... \$ 1,612,239
21 FTES 117.00
22 Of the amount appropriated in this subsection,
23 \$110,438, of so much thereof as is necessary, shall be
24 expended for 7.00".
25 85. Page 66, by inserting after line 1 the
26 following:
27 "A nursing home regulation review task force is
28 established for the purpose of developing rules and
29 recommendations to implement federal requirements for
30 nursing home reform. The task force is to be
31 organized and convened by the department of
32 inspections and appeals. The membership of the task
33 force is to consist of the following:
34 1. One member representing the department of
35 inspections and appeals to be appointed by the
36 director of that department.
37 2. One member representing the department of human
38 services to be appointed by the director of that
39 department.
40 3. One member representing the nursing home
41 ombudsman within the department of elder affairs to be
42 appointed by the director of that department.
43 4. One member representing the Iowa health care
44 association.
45 5. One member representing the Iowa association of
46 homes for the aging.
47 6. One member representing the Iowa hospital
48 associations.
49 7. Legislative members to be appointed by the
50 legislative council. Legislative members shall

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1 include members from the senate and the house of
2 representatives who serve on the regulation
3 appropriations subcommittee and the standing
4 committees on human resources.

5 The task force shall meet as necessary and shall
6 report the conclusions and recommendations of the task
7 force to the general assembly by September 1, 1991."

8 86. By striking page 66, line 28, through page
9 67, line 17.

10 87. Page 68, by striking lines 23 through 27 and
11 inserting the following:

12 "a. The number of court appointments, both adult
13 and juvenile, by type of case and by county.

14 b. The amount of restitution as follows:".

15 88. Page 68, line 29, by inserting before the
16 word "case" the following: "adult and juvenile".

17 89. Page 68, by striking line 31 and inserting
18 the following:

19 "c. The original charge and the disposition charge
20 of each adult".

21 90. Page 70, line 11, by striking the figure
22 "1,491,046" and inserting the following: "1,470,846".

23 91. Page 70, line 12, by striking the figure
24 "42.50" and inserting the following: "41.50".

25 92. Page 71, by striking lines 16 through 19 and
26 inserting the following:

27 "The banking division shall provide technical
28 assistance and staffing assistance to the director of
29 the department of commerce, as necessary, to assist
30 the director in the director's capacity as
31 superintendent of savings and loan associations as
32 provided in Senate File 494, if enacted by the 1991
33 Session of the Seventy-fourth General Assembly."

34 93. By striking page 74, line 19, through page
35 75, line 6.

36 94. Page 75, by striking lines 7 through 21 and
37 inserting the following:

38 "Sec. ____ . Section 96.7, subsection 9, Code 1991,
39 is amended by striking the subsection."

40 95. Page 78, by inserting after line 12 the
41 following:

42 "Sec. ____ . NEW SECTION. 815.10A CLAIM FOR
43 COMPENSATION -- REQUIREMENTS.

44 1. The department of inspections and appeals shall
45 require all claims for compensation filed by court-
46 appointed attorneys for indigent defense cases,
47 whether adult or juvenile, to include all of the
48 following:

49 a. The number of in-court hours associated with
50 the case.

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- 1 b. The number of out-of-court hours associated
2 with the case.
- 3 c. The total number of hours, in-court and out-of-
4 court, for which the attorney is submitting a claim
5 for compensation.
- 6 d. The hourly rate of compensation the attorney
7 would like to receive.
- 8 e. An attached itemized statement of the services
9 performed by the attorney for which the attorney is
10 seeking compensation.
- 11 f. A statement of the offense for which the client
12 was prosecuted.
- 13 g. The Code sections under which the charges
14 against the client were filed.
- 15 h. The signature of the attorney certifying the
16 information in the claim for compensation to be
17 correct.
- 18 2. If the information required in this section is
19 submitted with the claim for compensation, the court
20 may then award reasonable and proper compensation to
21 the attorney. If information required is not
22 submitted with the claim for compensation, the
23 department may reject the claim until such information
24 is submitted."
- 25 96. Page 79, line 8, by striking the figure
26 "3,315,946" and inserting the following: "3,405,823".
- 27 97. Page 79, line 14, by striking the figure
28 "315,399" and inserting the following: "332,844".
- 29 98. Page 79, line 20, by striking the figure
30 "142,340" and inserting the following: "142,338".
- 31 99. Page 79, line 28, by striking the figure
32 "9,676" and inserting the following: "10,185".
- 33 100. Page 80, line 4, by striking the figure
34 "2,395,663" and inserting the following: "2,503,178".
- 35 101. Page 80, line 16, by striking the figure
36 "3,141,241" and inserting the following: "3,325,447".
- 37 102. Page 80, line 27, by striking the figure
38 "6,250,157" and inserting the following: "7,859,746".
- 39 103. Page 80, line 28, by striking the figure
40 "141.00" and inserting the following: "160.00".
- 41 104. Page 81, line 1, by striking the figure
42 "2,148,790" and inserting the following: "2,152,747".
- 43 105. Page 81, line 4, by striking the figure
44 "260,250" and inserting the following: "261,000".
- 45 106. Page 81, line 11, by striking the figure
46 "1,427,474" and inserting the following: "1,473,233".
- 47 107. Page 81, line 12, by striking the figure
48 "33.00" and inserting the following: "34.00".
- 49 108. Page 81, line 15, by striking the figure
50 "1,135,371" and inserting the following: "1,161,735".

SENATE FILE 529

H-3839

1 Amend the amendment, H-3813, to Senate File 529, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 10, line 38, by inserting before the word
 5 "appropriations" the following: "state general fund".
 By JOCHUM of Dubuque

H-3839 FILED APRIL 25, 1991

ADOPTED (p. 1583)

SENATE FILE 529

H-3843

1 Amend the amendment, H-3813, to Senate File 529, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 7, by striking lines 12 through 17.
 5 2. By renumbering as necessary.

By BEATTY of Warren

CONNORS of Polk

BROWN of Lucas

RENAUD of Polk

H-3843 FILED APRIL 25, 1991

ADOPTED (p. 1580)

SENATE FILE 529

H-3845

1 Amend Senate File 529, as amended, passed, and
 2 reprinted by the Senate, as follows:

A 3 1. Page 79, line 20, by striking the figure
 4 "142,340" and inserting the following: "182,340".

B 5 2. Page 79, line 21, by striking the figure
 6 "4.16" and inserting the following: "6.16".

By SHONING of Woodbury

BRANSTAD of Winnebago

CORBETT of Linn

HARBOR of Mills

BEAMAN of Clarke

H-3845 FILED APRIL 25, 1991

A-OUT OR ORDER; B-ADOPTED (p. 1594)

SENATE FILE 529

H-3831

- 1 Amend Senate File 529, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 22, line 4, by striking the figure and
- 4 words "10 percent shall" and inserting the following:
- 5 "Up to 10 percent may".
- 6 2. Page 22, line 5, by striking the figure "50"
- 7 and inserting the following: "75".

By SCHRADER of Marion

H-3831 FILED APRIL 25, 1991

ADOPTED (p. 1545)

SENATE FILE 529

H-3835

- 1 Amend the amendment, H-3813, to Senate File 529, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 10, by striking lines 9 and 10, and
- 5 inserting the following:
- 6 "____. Page 84, by striking lines 5 through 10."
- 7 2. By renumbering as necessary.

By COHOON of Des Moines

H-3835 FILED APRIL 25, 1991

ADOPTED (p. 1582)

SENATE FILE 529

H-3836

- 1 Amend the House amendment, H-3813, to Senate File
- 2 529, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 5, line 21, by inserting after the word
- 5 "necessary" the following: "or convenient to carry
- 6 out its purposes and powers".
- 7 2. Page 6, line 36, by striking the figure
- 8 "4,647,820" and inserting the following: "4,347,820".
- 9 3. Page 6, line 40, by striking the word "and".
- 10 4. Page 7, line 28, by striking the word
- 11 "developing" and inserting the following:
- 12 "reviewing".
- 13 5. Page 7, line 30, by inserting after the word
- 14 "reform" the following: "and to make recommendations
- 15 on whether the department of inspections and appeals
- 16 is in need of increased funding and staffing levels
- 17 for implementing appropriate nursing home reform".

By JOCHUM of Dubuque

H-3836 FILED APRIL 25, 1991

ADOPTED (p. 1577)

SENATE FILE 529

H-3852

Amend the amendment, H-3813, to Senate File 529, as amended, passed, and reprinted by the Senate, as follows:

- 4 1. Page 5, line 43, by striking the figure
 - 5 "144,648" and inserting the following: "180,853".
- By TEAFORD of Black Hawk
GRUHN of Dickinson

H-3852 FILED APRIL 25, 1991
ADOPTED (p. 1577)

SENATE FILE 529

H-3853

1 Amend the amendment, H-3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

- 4 1. Page 4, by striking lines 33 and 34 and
- 5 inserting the following: "department of natural
- 6 resources study to the".

By SCHRADER of Marion
DVORSKY of Johnson

H-3853 FILED APRIL 25, 1991
ADOPTED (p. 1574)

SENATE FILE 529

H-3846

1 Amend the committee amendment, H-3813, to Senate
2 File 529, as amended, passed, and reprinted by the
3 Senate, as follows:

4 1. Page 8, by inserting after line 9, the
5 following:

6 "_____. Page 67, by inserting after line 21, the
7 following:

8 "_____. As a condition, limitation, and
9 qualification of the funds appropriated in this
10 section, the department shall convene a task force to
11 work with counties, service providers, and the mental
12 health and mental retardation commission, in the
13 development of survey forms, interpretation of active
14 treatment guidelines for providers, training of
15 inspectors, and other issues associated with persons
16 residing in intermediate care facilities for the
17 mentally retarded."

18 2. By renumbering as necessary.

By HAMMOND of Story
BEATTY of Warren

H-3846 FILED APRIL 25, 1991

ADOPTED (p. 1581)

SENATE FILE 529

H-3848

1 Amend the amendment, H-3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 4, line 47, by striking the figure
5 "20,000,000", and inserting the following:
6 "10,000,000".

By HALVORSON of Clayton
KISTLER of Jefferson

H-3848 FILED APRIL 25, 1991

LOST (p. 1577)

SENATE FILE 529

H-3850

1 Amend the amendment, H-3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 6, by striking lines 25 and 26.
5 2. By renumbering as necessary.

By HAVERLAND of Polk

H-3850 FILED APRIL 25, 1991

ADOPTED (p. 1577)

SENATE FILE 529

H-3857

- 1 Amend the amendment, H-3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
- 4 1. Page 6, by striking line 22 and inserting the
5 following:
6 "____. Page 45, by striking lines 25 and 26 and
7 inserting the following:
8 "b. For the statistical analysis"."
- 9 2. Page 7, by inserting after line 11 the
10 following:
11 "____. Page 60, by inserting after line 5 the
12 following:
13 "Sec. ____ . NEW SECTION. 144.29A TERMINATION OF
14 PREGNANCY REPORTING.
- 15 1. A health care provider who identifies a
16 spontaneous termination of pregnancy or who induces a
17 termination of pregnancy shall file with the
18 department a report for each termination within thirty
19 days of the occurrence. The report shall contain all
20 of the following information with respect to each
21 termination:
- 22 a. The health care provider number.
23 b. The health facility number.
24 c. The state of residence and, if this state, the
25 county of residence of the patient.
26 d. The age of the patient.
27 e. The marital status of the patient.
28 f. The month and year in which the termination
29 occurred.
30 g. The number of weeks since the patient's last
31 menstrual period.
32 h. Complications, if any.
33 i. The cause of termination, if known.
34 j. The type of procedure.
- 35 2. The information shall be collected in a manner
36 specified by rule of the department, pursuant to
37 chapter 17A, and which ensures the anonymity of the
38 patient who experiences a termination of pregnancy,
39 the health care provider who identifies or induces a
40 termination of pregnancy, and the hospital, clinic, or
41 other health facility in which a termination of
42 pregnancy is identified or induced. The department
43 shall publish, annually, demographic summaries of the
44 information obtained pursuant to this section, except
45 that the department shall not disclose any information
46 obtained pursuant to this section which reveals the
47 identity of any patient, health care provider, or
48 hospital, clinic, or other health facility, and shall
49 ensure anonymity in the following ways:
50 a. The department may use information concerning

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Page 2

1 the identity of a specific reporting hospital, clinic,
 2 or other health facility only for purposes of
 3 information collection. The department shall not
 4 reproduce this information for any purpose, and shall
 5 not extrapolate this information for any purposes
 6 other than for use in annually publishing the
 7 demographic summary under this section.

8 b. The department shall immediately destroy all
 9 reports submitted after information is extrapolated
 10 from the reports for use in annually publishing the
 11 demographic summary under this section.

12 3. For the purposes of this section, "health care
 13 provider" means a person providing health care
 14 services of any kind."

15 3. By renumbering as necessary.

By SVOBODA of Tama
 GARMAN of Story
 MERTZ of Kossuth

H-3857 FILED APRIL 25, 1991

NOT GERMANE (p. 1579)

SENATE FILE 529

H-3858

1 Amend Senate File 529, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 90, by inserting after line 22 the
 4 following:

5 "Sec. ____ . Section 307.45, unnumbered paragraph 4,
 6 Code 1991, is amended by striking the unnumbered
 7 paragraph and inserting in lieu thereof the following:

8 However, an assessment in excess of sixty thousand
 9 dollars in effect on or after December 1, 1990, is not
 10 valid unless it is provided for or contained within a
 11 capital appropriation by the general assembly."

12 2. By renumbering as necessary.

By EDDIE of Buena Vista
 MERTZ of Kossuth

H-3858 FILED APRIL 25, 1991

ADOPTED (p. 1545)

SENATE FILE 529

H-3860

1 Amend the amendment, H-3813, to Senate File 529, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 3, by striking lines 19 through 29 and
 5 inserting the following:

6 " ____ . Page 21, line 32, by striking the figure
 7 "6,439,972" and inserting the following: "6,645,972".

8 2. By renumbering as necessary.

By PETERSEN of Muscatine
 MERTZ of Kossuth

H-3860 FILED APRIL 25, 1991

OUT OF ORDER (p. 1579)

SENATE FILE 529

H-3870

1 Amend Senate File 529, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 67, line 31, through page 68,
4 line 3, and inserting the following:

| | | | |
|-----|-------|------|-----------|
| 5 " | ..... | \$ | 4,315,042 |
| 6 " | ..... | FTEs | 93.30". |

By SVOBODA of Tama
MILLAGE of Scott

H-3870 FILED APRIL 25, 1991
ADOPTED (p. 15-91)

SENATE FILE 529

H-3872

1 Amend the amendment, H-3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 10, by striking lines 15 and 16 and
5 inserting the following:

6 "It is the intent of the general assembly that the
7 department".

8 2. Page 10, line 17, by striking the word "shall"
9 and inserting the following: "may".

10 3. Page 10, line 19, by striking the word "shall"
11 and inserting the following: "may".

12 4. Page 10, line 25, by striking the word "The"
13 and inserting the following: "If a pilot project is
14 conducted, the".

By KOENIGS of Mitchell
DE GROOT of Lyon

H-3872 FILED APRIL 25, 1991
ADOPTED (p. 1583)

SENATE FILE 529

H-3862

1 Amend the amendment, H-3813, to Senate File 529, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

- A 4 1. Page 3, line 3, by striking the figure
 5 "861,528" and inserting the following: "1,111,528".
 6 2. Page 3, by striking lines 19 through 22, and
 7 inserting the following:
 B 8 " ". Page 22, by striking lines 30 through 35."
 9 3. By renumbering as necessary.

By SVOBODA of Tama
 GRUHN of Dickinson
 MERTZ of Kossuth

H-3862 FILED APRIL 25, 1991
 A-ADOPTED; B-WITHDRAWN (p. 1589)

SENATE FILE 529

H-3864

1 Amend the amendment, H-3813, to Senate File 529, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

- 4 1. Page 3, line 31, by striking the figure
 5 "250,000" and inserting the following: "450,000".
 6 2. Page 6, by striking lines 23 and 24.
 7 3. By renumbering as necessary.

By PETERSEN of Muscatine TYRRELL of Iowa
 HANSON of Delaware EDDIE of Buena Vista

H-3864 FILED APRIL 25, 1991
 LOST (p. 1574)

SENATE FILE 529

H-3869

1 Amend Senate File 529, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 28, by inserting after line 7, the
 4 following:
 5 "8. As a condition, limitation, and qualification
 6 of the appropriations under this section, the
 7 department shall satisfy all financial obligations
 8 incurred by the department relating to the Twin Lakes
 9 project. The appropriations shall not be made until
 10 the department certifies to the department of
 11 management that the obligations have been satisfied."
 12 2. Page 40, by inserting before line 35, the
 13 following:
 14 "Sec. ____ . Section 208, subsection 8, of this Act,
 15 being deemed of immediate importance, takes effect
 16 upon enactment."
 17 3. By renumbering as necessary.

By MAULSBY of Calhoun

H-3869 FILED APRIL 25, 1991
 LOST (p. 1592)

SENATE FILE 529

3877

Amend the amendment, H-3813, to Senate File 529, as amended, passed, and reprinted by the Senate, as follows:

1. Page 4, line 43, by striking the word "Sec." and inserting the following: "Sec. 2000."
2. Page 4, by striking line 47, and inserting the following: "the state shall be \$20,000,000."
- Sec. . Notwithstanding the requirement in section 99E.10, subsection 1, to transfer lottery revenue remaining after expenses are deducted, the requirement under section 99E.20, subsection 2, for the commissioner to certify and transfer a portion of the lottery fund to the CLEAN fund, nor the appropriations and allocations in section 99E.34, all lottery revenues received during the fiscal year beginning July 1, 1991, and ending June 30, 1992, after deductions for expenses as provided in section 99E.10, subsection 1, shall not be transferred to and deposited into the CLEAN fund but shall be used to reimburse the general fund of the state for each dollar spent, up to the following amounts, as a result of the appropriations made for the following purposes:
 1. Soil conservation cost share as administered by the department of agriculture and land stewardship, up to \$6,439,972.
 2. Filter strips, as administered by the department of agriculture and land stewardship, up to \$206,000.
 3. Parks and preserves division, of the department of natural resources, up to \$5,000,000.
 4. Forests and forestry division, of the department of natural resources, up to \$1,500,000.
 5. Environmental protection division, of the department of natural resources, up to \$1,750,000.
 6. Agricultural experiment station at Iowa state university of science and technology, up to \$4,704,028.
 7. Leopold center at Iowa state university of science and technology, up to \$600,000.
 8. Iowa resource enhancement and protection fund as provided in section 2000, up to \$20,000,000.Notwithstanding section 8.33, money in the lottery fund not used for the reimbursement of general fund expenditure for the purposes and in the amounts specified in sections 1 through 8 shall not revert to the general fund of the state but shall remain in the lottery fund."

By JOCHUM of Dubuque

H-3877 FILED APRIL 25, 1991

ADOPTED (p. 1576)

SENATE FILE 529

H-3874

1 Amend the amendment, H-3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 10, line 10, by striking the figure "10."
5 and inserting the following: "10 and inserting the
6 following:

7 "Sec. ____ . DEPARTMENT OF PUBLIC DEFENSE.

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

13 a. For design of armories at Boone, Fairfield, and
14 Mount Pleasant:

15 \$ 38,000

16 b. For construction of armories at Corning,
17 Council Bluffs, and Oskaloosa:

18 \$ 1,757,000

19 2. As a condition, limitation, and qualification
20 of the appropriations in subsection 1, the
21 appropriations made under subsection 1, paragraphs "a"
22 and "b" shall be contingent upon the presence of
23 sufficient moneys in the general fund of the state to
24 support the purposes, as determined and authorized by
25 the department of management."

26 2. By renumbering as necessary.

By McNEAL of Hardin

H-3874 FILED APRIL 25, 1991

LOST (p 1587)

SENATE FILE 529

H-3875

1 Amend the amendment, H-3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. By striking page 8, line 47, through page 9,
5 line 17, and inserting the following: "whether adult
6 or juvenile, to include specific information as
7 required by rules of the department."

By BEATTY of Warren

H-3875 FILED APRIL 25, 1991

ADOPTED (p 1581)

SENATE FILE 529

H-3876

1 Amend the amendment, H-3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 7, by inserting after line 48, the
5 following:

6 "6A. One member representing the Iowa council of
7 health care centers."

8 2. By renumbering as necessary.

By HAMMOND of Story

H-3876 FILED APRIL 25, 1991

ADOPTED (p 1590)

SENATE FILE 529

H-3878

1 Amend the amendment, H-3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 10, line 39, by striking the word
5 "percent." and inserting the following: "percent."

DIVISION VII

CAPITAL PROJECTS AND LEASE-PURCHASE AGREEMENTS

8 Sec. ____ . Section 2.47A, subsection 1, paragraph
9 d, Code 1991, is amended to read as follows:

10 d. Receive ~~quarterly~~ semiannual status reports for
11 all ongoing capital projects of state agencies,
12 pursuant to section 18.12, subsection 15.

13 Sec. ____ . Section 8.6, subsection 13, Code 1991,
14 is amended to read as follows:

15 13. CAPITAL PROJECT BUDGETING REQUESTS. To
16 compile annually, ~~no later than October 1,~~ all capital
17 project budgeting requests of all state agencies, as
18 defined in section 8.3A, and to consolidate the
19 requests, with individual state agency priorities
20 noted, into a report for submission to the legislative
21 capital projects committee not later than ~~October~~
22 November 1, ~~with any.~~ Any additional information
23 regarding the capital project budgeting requests or
24 priorities to shall be compiled and submitted in the
25 same ~~manner no later than November 1~~ report.

26 Sec. ____ . Section 8.6, subsection 14, unnumbered
27 paragraph 1, Code 1991, is amended to read as follows:

28 To prepare annually, in cooperation with the
29 department of general services, a five-year capital
30 project priority plan for all state agencies, as
31 defined in section 8.3A, to be submitted no later than
32 ~~July~~ November 1, ~~beginning in the year 1990,~~ to the
33 legislative capital projects committee. The plan
34 shall include but is not limited to the following:

35 Sec. ____ . NEW SECTION. 8.46 LEASE-PURCHASE --
36 REPORTING.

37 For the purposes of this section, unless the
38 context otherwise requires, "state agency" means any
39 executive, judicial, or legislative department,
40 commission, board, institution, division, bureau,
41 office, agency, or other entity of state government.

42 1. Before entering into a contract involving a
43 lease-purchase arrangement in which any part or the
44 total amount of the contract is at least fifty
45 thousand dollars, a state agency shall notify the
46 legislative fiscal committee of the legislative
47 council regarding the contract. The notification is
48 required regardless of the source of payment for the
49 lease-purchase arrangement. The notification shall
50 include all of the following information:

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- 1 a. A description of the object of the lease-
- 2 purchase arrangement.
- 3 b. The cost of the contract.
- 4 c. The terms of the contract.
- 5 d. The total cost of the contract, including
- 6 principal and interest costs.
- 7 e. An identification of the means and source of
- 8 payment of the contract.
- 9 f. An analysis of consequences of delaying or
- 10 abandoning the commencement of the contract.

11 2. The legislative fiscal committee shall report
 12 to the legislative council concerning the
 13 notifications it receives pursuant to this section.

14 3. A state agency shall report quarterly to the
 15 legislative fiscal committee concerning its contracts
 16 involving a lease-purchase arrangement. The format of
 17 the report shall be determined by the legislative
 18 fiscal bureau in consultation with the department of
 19 management. The report shall include all of the
 20 following information:

- 21 a. A description of the objects of a lease-
- 22 purchase arrangement under contract.
- 23 b. The total costs of the contracts.
- 24 c. Total principal and interest cost in each
- 25 fiscal year of each contract.
- 26 d. An identification of the means and source of
- 27 payment for each contract.

28 Sec. ____ . Section 18.12, subsection 10, unnumbered
 29 paragraph 1, paragraphs b, d, and e, and unnumbered
 30 paragraphs 2 and 3, Code 1991, are amended to read as
 31 follows:

32 On behalf of the department, enter into lease-
 33 purchase contracts for real or personal property,
 34 wherever located within the state, to be used for
 35 buildings, facilities, and structures, or for
 36 additions or improvements to existing buildings,
 37 facilities, and structures, to carry out the
 38 provisions of this chapter section or for the proper
 39 use and benefit of the state and its state agencies on
 40 the following terms and conditions:

- 41 b. The lease-purchase contract may provide for
- 42 ultimate ownership of the property by the state.
- 43 Title to all property acquired in this manner shall be
- 44 taken and held in the name of the state. The state
- 45 shall be the lessee or contracting party under all
- 46 lease-purchase contracts entered into pursuant to this
- 47 chapter section. The lease-purchase contract may
- 48 contain provisions similar to provisions customarily
- 49 found in lease-purchase contracts between private
- 50 persons, including, but not limited to, provisions

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1 prohibiting the acquisition or use by the lessee of
2 competing property or property in substitution for the
3 lease-purchased property, obligating the lessee to pay
4 costs of operation, maintenance, insurance, and taxes
5 relating to the property, and permitting the lessor to
6 retain a security interest in the property lease-
7 purchased, until title passes to the state, which may
8 be assigned or pledged by the lessor. The director
9 may contract for additional security or liquidity for
10 a lease-purchase contract and may enter into
11 agreements for letters of credit, lines of credit,
12 insurance, or other forms of security with respect to
13 rental and other payments due under a lease-purchase
14 contract. Fees for the costs of additional security
15 or liquidity are a cost of entering into the lease-
16 purchase contract and may be paid from funds annually
17 appropriated by the general assembly to the state
18 agency for which the property is being obtained or
19 from other funds legally available. The lease-
20 purchase contract may include the costs of entering
21 into the lease-purchase contract as a cost of the
22 lease-purchased property. The provision of a lease-
23 purchase contract which provides that a portion of the
24 periodic rental payment be applied as interest is
25 subject to chapter 74A. Other laws relating to
26 interest rates do not apply. Chapter 75 does not
27 apply to lease-purchase contracts entered into
28 pursuant to this chapter section. Rental and other
29 costs due under lease-purchase contracts entered into
30 pursuant to this chapter section shall be payable from
31 funds annually appropriated by the general assembly to
32 the state agency for which the property is being
33 obtained or from other funds legally available.

34 d. The director shall not enter into lease-
35 purchase contracts pursuant to this chapter section
36 without prior authorization by a constitutional
37 majority of each house of the general assembly and
38 approval by the governor of the use, location, and
39 maximum cost, not including interest expense, of the
40 real or personal property to be lease-purchased.
41 However, the director shall not enter into a lease-
42 purchase contract for real or personal property which
43 is to be constructed for use as a prison or prison-
44 related facility without prior authorization by a
45 constitutional majority of each house of the general
46 assembly and approval by the governor of the use,
47 location, and maximum cost, not including interest
48 expense, of the real or personal property to be lease-
49 purchased and with the construction in accordance with
50 space needs as established by an independent study of

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1 space needs authorized by the general assembly.
2 e. A contract for acquisition, construction,
3 erection, demolition, alteration, or repair by a
4 private person of real or personal property to be
5 lease-purchased by the director pursuant to this
6 chapter section is exempt from section 18.6,
7 subsections 1 and 9, unless the lease-purchase
8 contract is funded in advance by a deposit of the
9 lessor's moneys to be administered by the director
10 under a lease-purchase contract which requires rent
11 payments to commence upon delivery of the lessor's
12 moneys to the lessee.

13 This subsection provides an alternative and
14 independent method for carrying out projects under
15 this chapter and for entering into lease-purchase
16 contracts in connection ~~therewith~~ with the projects,
17 without reference to any other statute, and is not an
18 amendment of or subject to the provision of any other
19 law. No publication of any notice, whether under
20 section 23.12 or otherwise, and no other or further
21 proceedings with respect to the lease-purchase
22 contracts ~~is~~ referred to in this section are required
23 except as set forth in this chapter section, any
24 provisions of other statutes of the state to the
25 contrary notwithstanding.

26 For purposes of this subsection and subsection 12,
27 "state agency" means a board, commission, bureau,
28 division, office, department, or branch of state
29 government.

30 Sec. ____ . Section 18.12, subsection 15, Code 1991,
31 is amended to read as follows:

32 15. Prepare quarterly semiannual status reports
33 for all ongoing capital projects of all state
34 agencies, as defined in section 8.3A, and submit the
35 status reports to the legislative capital projects
36 committee.

37 Sec. ____ . Section 262A.3, Code 1991, is amended to
38 read as follows:

39 262A.3 TEN-YEAR FIVE-YEAR PROGRAM AND TWO-YEAR
40 BOND PROPOSAL SUBMITTED EACH YEAR.

41 The board shall prepare and submit to the general
42 assembly for approval or rejection a proposed ten-year
43 five-year building program for each institution,
44 including an estimate of the maximum amount of bonds
45 which the board expects to issue under the provisions
46 of this chapter during each year of the ensuing
47 biennium. Such The program and estimate shall be
48 submitted no-later-than-seven-days-after-the-passage
49 of-this-chapter-by-the-general-assembly-and-thereafter
50 no later than seven days after the convening of each

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1 regular annual session of the general assembly. The
2 building program shall contain a list of the buildings
3 and facilities which the board deems necessary to
4 further the educational objectives of the
5 institutions. This list shall be revised annually,
6 but no project shall be eliminated from the list when
7 bonds have previously been issued by the board to pay
8 the cost thereof of the project. Each such list shall
9 contain an estimate of the cost of each of the
10 buildings and facilities referred to therein in the
11 list. If the general assembly rejects or fails to
12 approve any proposed ten-year five-year building
13 program, such this action or inaction shall not affect
14 the status or legality of any project previously or
15 subsequently authorized by the general assembly as
16 provided in section 262A.4.

17 Sec. ____ . NEW SECTION. 455A.9 STATE FISH AND
18 GAME PROTECTION FUND -- CAPITAL PROJECTS AND
19 CONTINGENCIES.

20 Funds remaining in the state fish and game
21 protection fund during a fiscal year which are not
22 specifically appropriated by the general assembly are
23 appropriated and may be used for capital projects and
24 contingencies under the jurisdiction of the fish and
25 wildlife division arising during the fiscal year. A
26 contingency shall not include any purpose or project
27 which was presented to the general assembly by way of
28 a bill or a proposed bill and which failed to be
29 enacted into law. For the purpose of this section, a
30 necessity of additional operating funds may be
31 construed as a contingency. Before any of the funds
32 authorized to be expended by this section are
33 allocated for contingencies, it shall be determined by
34 the executive council that a contingency exists and
35 that the contingency was not existent while the
36 general assembly was in session and that the proposed
37 allocation shall be for the best interests of the
38 state. If a contingency arises or could reasonably be
39 foreseen during the time the general assembly is in
40 session, expenditures for the contingency must be
41 authorized by the general assembly."

By BRAND of Benton

H-3878 FILED APRIL 25, 1991

ADOPTED (p. 1588)

SENATE FILE 529

H-3879

1 Amend the amendment, H-3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

- 4 1. Page 3, by striking lines 39 and 40.
- 5 2. Page 3, by striking lines 43 through 49.
- 6 3. By renumbering as necessary.

By BLACK of Jasper

H-3879 FILED APRIL 25, 1991

LOST (p 1529)

SENATE FILE 529

H-3880

1 Amend the amendment, H-3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate as
3 follows:

- 4 1. Page 5, by inserting after line 49 the
5 following:
6 "____. Page 42, by striking lines 11 through 26."
7 2. Page 6, line 1, by striking the figure
8 "269,261" and inserting the following: "351,806".
9 3. Page 6, line 3, by striking the figure "6.00"
10 and inserting the following: "10.00".
11 4. Page 6, by inserting after line 3 the
12 following:
13 "____. Page 43, by striking lines 15 through 19
14 and inserting the following:
15 "a. The criminal and juvenile justice planning
16 advisory council and the juvenile justice advisory
17 council shall coordinate their efforts in carrying out
18 their respective duties relative to juvenile justice.
19 b. Of the funds appropriated in this subsection,
20 no less than \$36,300 shall be spent for expenses
21 relating to the administration of federal funds for
22 juvenile assistance. It is the intent of the general
23 assembly that the department of human rights employ
24 sufficient staff to meet the federal funding match
25 requirements established by the federal office for
26 juvenile justice delinquency prevention. The
27 governor's advisory council on juvenile justice shall
28 determine the staffing level necessary to carry out
29 federal and state mandates for juvenile justice."
30 5. Page 6, line 4, by striking the words "after
31 line 19" and inserting the following: "before line
32 20".

By TEAFORD of Black Hawk
CARPENTER of Polk
SPENNER of Henry

H-3880 FILED APRIL 25, 1991

ADOPTED (p 1590)

SENATE FILE 529

H-3892

1 Amend the amendment, H-3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

- 4 1. Page 3, line 3, by striking the figure
5 "861,528" and inserting the following: "1,061,528".
- 6 2. Page 6, by striking lines 23 and 24.

By SVOBODA of Tama

H-3892 FILED APRIL 25, 1991

LOST (p. 1591)

SENATE FILE 529

H-3902

1 Amend Senate File 529, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 34, line 5, by inserting after the figure
4 "107.17" the following: "The fees charged per fish
5 shall not be less than the average price per fish per
6 species charged by private hatcheries stocking private
7 waters in this state."

By SVOBODA of Tama

H-3902 FILED APRIL 25, 1991

LOST (p. 1593)

SENATE FILE 529

H-3903

1 Amend the amendment, H-3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

- 4 1. Page 6, by striking line 22 and inserting the
5 following:
6 "____. Page 45, line 26, by striking the word and
7 figure ", 1991 Session,".
- 8 2. By renumbering as necessary.

By SVOBODA of Tama

GARMAN of Story

MERTZ of Kossuth

H-3903 FILED APRIL 25, 1991

LOST (p. 1592)

SENATE FILE 529

H-3904

1 Amend the amendment, H-3813, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

- 4 1. Page 8, by striking lines 10 through 20, and
5 inserting the following:
6 "____. Page 68, by striking lines 22 through 32,
7 and inserting the following: "appeals, including the
8 amount of restitution collected for attorney fees as
9 follows:
10 a. By county.
11 b. By case type in the following categories:
12 (1) Juvenile cases involving delinquency actions,
13 child in need of assistance actions, or termination of
14 parental rights actions.
15 (2) Adult cases involving misdemeanor or felony
16 prosecutions.""
- 17 2. By renumbering as necessary.

By WISSING of Scott

H-3904 FILED APRIL 25, 1991

ADOPTED (p. 1592)

SENATE FILE 529

E-3883

1 Amend the Committee amendment, H-3813, to Senate
 2 File 529, as amended, passed, and reprinted by the
 3 Senate, as follows:
 4 1. Page 1, by striking line 4 and inserting the
 5 following: "line 1 and inserting the following:
 6 "2. For the Iowa substance abuse clearinghouse in
 7 Cedar Rapids for staff, materials, and operating
 8 expenses:
 9 \$ 32,000"
 10 Page 3, by striking line 7 and inserting the
 11 following: "clearinghouse."

By HAMMOND of Story
 CHAPMAN of Linn

H-3883 FILED APRIL 25, 1991
 ADOPTED (p. 1588)

SENATE FILE 529

H-3884

1 Amend the amendment, H-3813, to Senate File 529, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, by inserting after line 18, the
 5 following:
 6 " Page 21, line 32, by striking the figure
 7 "6,439,972" and inserting the following:
 8 "6,645,972".
 9 2. Page 3, by striking lines 19 through 29, and
 10 inserting the following:
 11 " Page 22, by striking lines 30 through 35."

By PETERSEN of Muscatine
 SVOBODA of Tama

H-3884 FILED APRIL 25, 1991
 ADOPTED (p. 1589)

SENATE FILE 529

H-3885

1 Amend the amendment, H-3813, to Senate File 529, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 2, line 32, by inserting after the word
 5 "shall" the following: "strive to".

By BLANSHAN of Greene
 JAY of Appanoose

H-3885 FILED APRIL 25, 1991
 ADOPTED (p. 1589)

HOUSE AMENDMENT TO
SENATE FILE 529

S-3625

1 Amend Senate File 529, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 2, line 34, through page 3,
4 line 1 and inserting the following:

5 "2. For the Iowa substance abuse clearinghouse in
6 Cedar Rapids for staff, materials, and operating
7 expenses:

8 \$ 32,000"

9 2. Page 3, by striking line 7 and inserting the
10 following: "clearinghouse."

11 3. Page 3, line 16, by striking the figure
12 "752,033" and inserting the following: "791,614".

13 4. Page 6, by inserting after line 26 the fol-
14 lowing:

15 "The department of general services may use funds
16 appropriated in this subsection for utility costs to
17 fund energy conservation projects in the state capitol
18 complex which will have a 100 percent payback within a
19 24-month period. The department of general services
20 shall report quarterly to the chairpersons and ranking
21 members of the administration appropriations
22 subcommittee, and to the legislative fiscal bureau,
23 concerning the savings generated as a result of
24 implementation of these projects."

25 5. Page 13, line 19, by striking the figure
26 "10,787,985" and inserting the following:
27 "10,825,147".

28 6. Page 13, line 23, by striking the figure
29 "6,744,640" and inserting the following: "6,750,450".

30 7. Page 13, line 27, by striking the figure
31 "2,053,165" and inserting the following: "2,006,656".

32 8. Page 13, line 31, by striking the figure
33 "1,362,581" and inserting the following: "1,383,566".

34 9. Page 13, line 35, by striking the figure
35 "2,225,415" and inserting the following: "2,172,978".

36 10. Page 14, line 4, by striking the figure
37 "964,784" and inserting the following: "1,033,213".

38 11. Page 17, by inserting before line 15 the
39 following:

40 "Sec. ____ . NEW SECTION. 7.15A APPOINTMENTS.

41 The governor, when appointing a person to fill a
42 full-time position for a division, department, board,
43 commission, or council of the state shall provide all
44 necessary information regarding the appointive
45 position to the department of personnel.

46 The department of personnel shall give public
47 notice of recruitment for the position, and the
48 position shall remain open for at least fifteen
49 calendar days following the date of public notice.

50 Recruitment for the position may be limited to a

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1 specific geographic area or to persons with specific
2 background qualifications, or both. Recruitment
3 announcements shall specify the title, salary range,
4 method for making application, closing date for
5 receiving applications, and any specific availability
6 or background requirements. Recruitment announcements
7 shall be posted in conspicuous locations throughout
8 the relevant state agency and in the offices of the
9 division of job service of the department of
10 employment services. Recruitment announcements shall
11 also be sent to newspapers, radio stations,
12 educational institutions, professional and vocational
13 associations, and other recruitment sources as funds
14 allow."

15 12. By striking page 17, line 28, through page
16 18, line 5, and inserting the following:

17 "Sec. ____ . USE OF RECOVERED ADMINISTRATIVE FUNDS.
18 The funds collected as administrative and related
19 overhead costs under section 12.8 for the fiscal year
20 beginning July 1, 1991, shall be credited to the
21 general fund of the state. The treasurer of state
22 shall report to the chairpersons and ranking members
23 of the joint administration appropriations
24 subcommittee, to the legislative fiscal committee, and
25 to the legislative fiscal bureau, as to the amounts
26 collected. It is the intent of the general assembly
27 that commencing with the fiscal year beginning July 1,
28 1992, the administrative and related overhead costs
29 recovered shall become part of the budget of the
30 office of treasurer of state."

31 13. Page 18, by striking lines 6 through 23.

32 14. Page 18, by striking lines 24 through 29 and
33 inserting the following:

34 "Sec. ____ . Section 73.16, subsection 1, Code 1991,
35 is amended to read as follows:

36 1. Every agency, department, commission, board,
37 committee, officer or other governing body of the
38 state shall strive to purchase ten percent of goods
39 and services supplied by ~~small~~ businesses and ~~targeted~~
40 ~~small~~-businesses, having average annual gross sales of
41 less than five million dollars over the previous three
42 years in Iowa. In addition to the other provisions of
43 this section relating to procurement contracts for
44 targeted small businesses, all purchasing authorities
45 shall assure that a proportionate share of small
46 businesses and targeted small businesses identified
47 under the uniform small business vendor application
48 program of the department of economic development are
49 given the opportunity to bid on all solicitations
50 issued by agencies and departments of state

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1 government. Any goods or services purchased from
2 targeted small businesses shall be counted toward the
3 ten percent procurement requirement."
4 15. Page 19, line 10, by striking the figure
5 "985,358" and inserting the following: "1,085,919".
6 16. Page 19, line 23, by striking the figure
7 "32.20" and inserting the following: "41.20".
8 17. Page 19, line 33, by striking the figure
9 "828,873" and inserting the following: "861,528".
10 18. Page 19, line 34, by striking the figure
11 "19.0" and inserting the following: "23.0".
12 19. By striking page 19, line 35, through page
13 20, line 6, and inserting the following:
14 ". As a condition, limitation, and
15 qualification of the appropriation under paragraph
16 "a", \$165,000 shall be used for research and promotion
17 of ethanol and other alternative fuels, and to perform
18 in-state promotion of Iowa grown crops. The duties
19 shall be performed by a full-time equivalent position
20 which is within the division."
21 20. Page 20, line 20, by striking the figure
22 "3,879,715" and inserting the following: "4,129,715".
23 21. Page 21, line 28, by striking the figure
24 "5,232,428" and inserting the following: "5,132,428".
25 22. Page 21, line 32, by striking the figure
26 "6,439,972" and inserting the following: "6,645,972".
27 23. Page 22, line 4, by striking the figure and
28 words "10 percent shall" and inserting the following:
29 "Up to 10 percent may".
30 24. Page 22, line 5, by striking the figure "50"
31 and inserting the following: "75".
32 25. Page 22, by striking lines 30 through 35.
33 26. Page 23, line 24, by striking the figure
34 "500,000" and inserting the following: "250,000".
35 27. Page 23, by striking lines 25 through 35.
36 28. Page 24, line 30, by striking the figure
37 "55,893" and inserting the following: "56,031".
38 29. Page 25, line 1, by striking the figure
39 "711,672" and inserting the following: "728,044".
40 30. Page 25, line 7, by striking the figure
41 "1,588,181" and inserting the following: "1,619,895".
42 31. Page 25, line 10, by inserting before the
43 word "For" the following: "a."
44 32. Page 25, line 13, by striking the figure
45 "5,170,899" and inserting the following: "5,445,002".
46 33. Page 25, by inserting after line 14 the
47 following:
48 "b. As a condition, limitation, and qualification
49 of the appropriation under paragraph "a", the
50 department of natural resources shall construct a

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- 1 safety fence on the dam at Beeds lake in Franklin
2 county."
- 3 34. Page 25, line 19, by striking the figure
4 "1,617,265" and inserting the following: "1,626,062".
- 5 35. Page 25, line 25, by striking the figure
6 "1,223,941" and inserting the following: "1,386,097".
- 7 36. Page 25, line 26, by striking the figure
8 "58.62" and inserting the following: "59.62".
- 9 37. Page 25, line 31, by striking the figure
10 "1,965,992" and inserting the following: "2,002,785".
- 11 38. Page 28, line 23, by striking the figure
12 "1,350,000" and inserting the following: "2,620,568".
- 13 39. Page 28, line 28, by striking the letter "a."
14 40. Page 28, line 31, by striking the figure
15 "850,000" and inserting the following: "750,000".
- 16 41. By striking page 28, line 32, through page
17 29, line 9.
- 18 42. Page 31, by inserting after line 20 the
19 following:
20 "Sec. _____. The laboratory division of the
21 department of agriculture and land stewardship, the
22 university of Iowa, and Iowa state university of
23 science and technology shall cooperate together in
24 developing a plan for sharing laboratory resources,
25 eliminating duplication of efforts, and reducing the
26 expenditures of moneys from the general fund of the
27 state. The laboratory shall submit the plan to the
28 members of the agriculture and natural resources
29 appropriations subcommittee of the committees on
30 appropriations in the senate and house of
31 representatives, and to the legislative fiscal bureau
32 by January 13, 1992."
- 33 43. Page 32, by inserting after line 10 the
34 following:
35 "Sec. _____. The general assembly requests that the
36 department of natural resources study to the extent
37 practicable the contribution to groundwater and
38 surface water contamination caused by the application
39 of lawn care chemicals. A report prepared by the
40 center shall be forwarded to the secretary of the
41 senate and chief clerk of the house of representatives
42 as soon as possible."
- 43 44. Page 32, by inserting after line 33, the
44 following:
45 "Sec. 2000. Notwithstanding the amount of the
46 appropriation specified in section 455A.18, subsection
47 4, for the fiscal year beginning July 1, 1991, the
48 amount of the appropriation from the general fund of
49 the state shall be \$20,000,000.
- 50 Sec. _____. Notwithstanding the requirement in

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1 section 99E.10, subsection 1, to transfer lottery
2 revenue remaining after expenses are deducted, the
3 requirement under section 99E.20, subsection 2, for
4 the commissioner to certify and transfer a portion of
5 the lottery fund to the CLEAN fund, nor the
6 appropriations and allocations in section 99E.34, all
7 lottery revenues received during the fiscal year
8 beginning July 1, 1991, and ending June 30, 1992,
9 after deductions for expenses as provided in section
10 99E.10, subsection 1, shall not be transferred to and
11 deposited into the CLEAN fund but shall be used to
12 reimburse the general fund of the state for each
13 dollar spent, up to the following amounts, as a result
14 of the appropriations made for the following purposes:

15 1. Soil conservation cost share as administered by
16 the department of agriculture and land stewardship, up
17 to \$6,439,972.

18 2. Filter strips, as administered by the
19 department of agriculture and land stewardship, up to
20 \$206,000.

21 3. Parks and preserves division, of the department
22 of natural resources, up to \$5,000,000.

23 4. Forests and forestry division, of the
24 department of natural resources, up to \$1,500,000.

25 5. Environmental protection division, of the
26 department of natural resources, up to \$1,750,000.

27 6. Agricultural experiment station at Iowa state
28 university of science and technology, up to
29 \$4,704,028.

30 7. Leopold center at Iowa state university of
31 science and technology, up to \$600,000.

32 8. Iowa resource enhancement and protection fund
33 as provided in section 2000, up to \$20,000,000.

34 Notwithstanding section 8.33, money in the lottery
35 fund not used for the reimbursement of general fund
36 expenditure for the purposes and in the amounts
37 specified in sections 1 through 8 shall not revert to
38 the general fund of the state but shall remain in the
39 lottery fund.

40 45. Page 34, by striking lines 6 through 9.

41 46. By striking page 34, line 34, through page
42 35, line 30, and inserting the following:

43 "Sec. ____ . Section 173.14B, subsection 1,
44 unnumbered paragraph 1, Code 1991, is amended to read
45 as follows:

46 The board may issue and sell negotiable revenue
47 bonds of the authority in denominations and amounts as
48 the board deems for the best interests of the fair
49 ~~for any of the following purposes after authorization.~~
50 However, the board must first submit a list of the

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1 purposes ranked by priority and a purpose must be
2 authorized by a constitutional majority of each house
3 of the general assembly and approval approved by the
4 governor. A purpose must be one of the following:

5 Sec. ____ . Section 173.14B, subsection 2, Code
6 1991, is amended to read as follows:

7 2. The board may issue negotiable bonds and notes
8 of the authority in principal amounts which are
9 necessary to provide sufficient funds for achievement
10 of its corporate purposes, the payment of interest on
11 its bonds and notes, the establishment of reserves to
12 secure its bonds and notes, and all other expenditures
13 of the board incident to and necessary or convenient
14 to carry out its purposes and powers, subject to
15 authorization and approval required under subsection
16 1. However, the total principal amount of bonds and
17 notes outstanding at any time under subsection 1 and
18 this subsection shall not exceed one-hundred-fifty six
19 million dollars. The bonds and notes are deemed to be
20 investment securities and negotiable instruments
21 within the meaning of and for all purposes of the
22 uniform commercial code."

23 47. Page 37, lines 4 and 5, by striking the words
24 "AND RECORDS".

25 48. Page 37, by striking lines 6 through 8 and
26 inserting the following:

27 "The department may establish a schedule of fees
28 for subscriptions to publications produced by the".

29 49. By striking page 37, line 16 through page 38,
30 line 13, and inserting the following: "the
31 publication."

32 50. Page 40, by striking lines 23 through 34.

33 51. Page 41, line 10, by striking the figure
34 "995,421" and inserting the following: "1,040,965".

35 52. Page 41, line 33, by striking the figure
36 "130,853" and inserting the following: "180,853".

37 53. Page 42, line 4, by striking the figure
38 "318,858" and inserting the following: "344,358".

39 54. Page 42, line 7, by striking the figure
40 "125,000" and inserting the following: "140,000".

41 55. Page 42, line 9, by striking the figure
42 "33,500" and inserting the following: "44,000".

43 56. Page 42, by striking lines 11 through 26.

44 57. Page 43, line 13, by striking the figure
45 "229,415" and inserting the following: "351,806".

46 58. Page 43, line 14, by striking the figure
47 "5.00" and inserting the following: "10.00".

48 59. Page 43, by striking lines 15 through 19 and
49 inserting the following:

50 "a. The criminal and juvenile justice planning

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1 advisory council and the juvenile justice advisory
2 council shall coordinate their efforts in carrying out
3 their respective duties relative to juvenile justice.

4 b. Of the funds appropriated in this subsection,
5 no less than \$36,300 shall be spent for expenses
6 relating to the administration of federal funds for
7 juvenile assistance. It is the intent of the general
8 assembly that the department of human rights employ
9 sufficient staff to meet the federal funding match
10 requirements established by the federal office for
11 juvenile justice delinquency prevention. The
12 governor's advisory council on juvenile justice shall
13 determine the staffing level necessary to carry out
14 federal and state mandates for juvenile justice."

15 60. Page 43, by inserting before line 20 the fol-
16 lowing:

17 "9. COMMUNITY ACTION AGENCIES DIVISION

18 For the expenses of the community action agencies
19 commission:

20 S 3,644".

21 61. Page 44, line 3, by striking the figure
22 "429,519" and inserting the following: "448,630".

23 62. Page 44, line 5, by striking the figure
24 "\$50,000" and inserting the following: "a sufficient
25 amount".

26 63. Page 44, line 20, by striking the figure
27 "83,000" and inserting the following: "73,000".

28 64. Page 44, line 28, by inserting after the word
29 "care," the following: "respite care, case management
30 for the frail elderly,".

31 65. Page 45, by striking lines 3 through 11.

32 66. Page 45, line 20, by striking the letter "a."

33 67. Page 45, by striking lines 25 through 31.

34 68. Page 46, line 18, by striking the figure
35 "100,000" and inserting the following: "200,000".

36 69. Page 46, line 33, by striking the figure
37 "2,301,510" and inserting the following: "2,407,574".

38 70. Page 46, line 34, by striking the figure
39 "82.04" and inserting the following: "85.54".

40 71. Page 48, line 5, by striking the figure
41 "597,785" and inserting the following: "615,785".

42 72. Page 49, line 12, by striking the figure
43 "8,571,941" and inserting the following: "8,471,941".

44 73. Page 49, line 20, by striking the figure
45 "4,345,820" and inserting the following: "4,347,820".

46 74. Page 49, line 23, by striking the figure
47 "631,000" and inserting the following: "578,969".

48 75. Page 49, by striking lines 25 and 26, and
49 inserting the following: "funds, \$282,969 shall be
50 allocated for regional".

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1 75. Page 49, line 31, by striking the figure
2 "99,000" and inserting the following: "77,000".

3 77. Page 49, line 33, by striking the figure
4 "657,500" and inserting the following: "754,500".

5 78. Page 50, line 15, by striking the figure
6 "341,500" and inserting the following: "321,993".

7 79. Page 50, line 21, by striking the figure
8 "125,000" and inserting the following: "119,497".

9 80. Page 50, line 23, by striking the figure
10 "67,000" and inserting the following: "64,044".

11 81. Page 50, line 31, by striking the figure
12 "101,500" and inserting the following: "97,092".

13 82. Page 51, line 26, by striking the figure
14 "2,682,249" and inserting the following: "2,596,249".

15 83. Page 53, line 14, by striking the figure
16 "8,975,159" and inserting the following: "8,775,159".

17 84. Page 57, line 24, by striking the figure
18 "606,945" and inserting the following: "605,000".

19 85. By striking page 58, line 3 through page 59,
20 line 4.

21 86. Page 65, by striking lines 31 through 34 and
22 inserting the following:

| | | |
|-----------|------|-----------|
| 23 "..... | \$ | 1,612,239 |
| 24 "..... | FTEs | 117.00 |

25 Of the amount appropriated in this subsection,
26 \$110,438, of so much thereof as is necessary, shall be
27 expended for 7.00".

28 87. Page 66, by inserting after line 1 the
29 following:

30 "A nursing home regulation review task force is
31 established for the purpose of reviewing rules and
32 recommendations to implement federal requirements for
33 nursing home reform and to make recommendations on
34 whether the department of inspections and appeals is
35 in need of increased funding and staffing levels for
36 implementing appropriate nursing home reform. The
37 task force is to be organized and convened by the
38 department of inspections and appeals. The membership
39 of the task force is to consist of the following:

40 1. One member representing the department of
41 inspections and appeals to be appointed by the
42 director of that department.

43 2. One member representing the department of human
44 services to be appointed by the director of that
45 department.

46 3. One member representing the nursing home
47 ombudsman within the department of elder affairs to be
48 appointed by the director of that department.

49 4. One member representing the Iowa health care
50 association.

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1 5. One member representing the Iowa association of
2 homes for the aging.

3 6. One member representing the Iowa hospital
4 associations.

5 6A. One member representing the Iowa council of
6 health care centers.

7 7. Legislative members to be appointed by the
8 legislative council. Legislative members shall
9 include members from the senate and the house of
10 representatives who serve on the regulation
11 appropriations subcommittee and the standing
12 committees on human resources.

13 The task force shall meet as necessary and shall
14 report the conclusions and recommendations of the task
15 force to the general assembly by September 1, 1991."

16 88. By striking page 66, line 28, through page
17 67, line 17.

18 89. Page 67, by inserting after line 21, the
19 following:

20 " . As a condition, limitation, and
21 qualification of the funds appropriated in this
22 section, the department shall convene a task force to
23 work with counties, service providers, and the mental
24 health and mental retardation commission, in the
25 development of survey forms, interpretation of active
26 treatment guidelines for providers, training of
27 inspectors, and other issues associated with persons
28 residing in intermediate care facilities for the
29 mentally retarded."

30 90. By striking page 67, line 31, through page
31 68, line 3, and inserting the following:

32 "..... S 4,315,042
33 FTES 93.30".

34 91. Page 68, by striking lines 22 through 32, and
35 inserting the following: "appeals, including the
36 amount of restitution collected for attorney fees as
37 follows:

38 a. By county.

39 b. By case type in the following categories:

40 (1) Juvenile cases involving delinquency actions,
41 child in need of assistance actions, or termination of
42 parental rights actions.

43 (2) Adult cases involving misdemeanor or felony
44 prosecutions."

45 92. Page 70, line 11, by striking the figure
46 "1,491,046" and inserting the following: "1,470,846".

47 93. Page 70, line 12, by striking the figure
48 "42.50" and inserting the following: "41.50".

49 94. Page 71, by striking lines 16 through 19 and
50 inserting the following:

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1 "The banking division shall provide technical
2 assistance and staffing assistance to the director of
3 the department of commerce, as necessary, to assist
4 the director in the director's capacity as
5 superintendent of savings and loan associations as
6 provided in Senate File 494, if enacted by the 1991
7 Session of the Seventy-fourth General Assembly."

8 95. By striking page 74, line 19, through page
9 75, line 6.

10 96. Page 75, by striking lines 7 through 21 and
11 inserting the following:

12 "Sec. ____ . Section 96.7, subsection 9, Code 1991,
13 is amended by striking the subsection."

14 97. Page 78, by inserting after line 12 the
15 following:

16 "Sec. ____ . NEW SECTION. 815.10A CLAIM FOR
17 COMPENSATION -- REQUIREMENTS.

18 1. The department of inspections and appeals shall
19 require all claims for compensation filed by court-
20 appointed attorneys for indigent defense cases,
21 whether adult or juvenile, to include specific
22 information as required by rules of the department.

23 2. If the information required in this section is
24 submitted with the claim for compensation, the court
25 may then award reasonable and proper compensation to
26 the attorney. If information required is not
27 submitted with the claim for compensation, the
28 department may reject the claim until such information
29 is submitted."

30 98. Page 79, line 8, by striking the figure
31 "3,315,946" and inserting the following: "3,405,823".

32 99. Page 79, line 14, by striking the figure
33 "315,399" and inserting the following: "332,844".

34 100. Page 79, line 20, by striking the figure
35 "142,340" and inserting the following: "142,338".

36 102. Page 79, line 21, by striking the figure
37 "4.16" and inserting the following: "6.16".

38 103. Page 79, line 28, by striking the figure
39 "9,676" and inserting the following: "10,185".

40 104. Page 80, line 4, by striking the figure
41 "2,395,663" and inserting the following: "2,503,178".

42 105. Page 80, line 16, by striking the figure
43 "3,141,241" and inserting the following: "3,325,447".

44 106. Page 80, line 27, by striking the figure
45 "6,250,157" and inserting the following: "7,859,746".

46 107. Page 80, line 28, by striking the figure
47 "141.00" and inserting the following: "160.00".

48 108. Page 81, line 1, by striking the figure
49 "2,148,790" and inserting the following: "2,152,747".

50 109. Page 81, line 4, by striking the figure

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- 1 "260,250" and inserting the following: "261,000".
2 110. Page 81, line 11, by striking the figure
3 "1,427,474" and inserting the following: "1,473,233".
4 111. Page 81, line 12, by striking the figure
5 "33.00" and inserting the following: "34.00".
6 112. Page 81, line 15, by striking the figure
7 "1,135,371" and inserting the following: "1,161,735".
8 113. Page 81, line 29, by striking the figure
9 "27,771" and inserting the following: "29,544".
10 114. Page 82, line 10, by striking the figure
11 "24,458,362" and inserting the following:
12 "24,198,122".
13 115. Page 82, line 11, by striking the figure
14 "456.00" and inserting the following: "452.00".
15 116. Page 82, by striking lines 19 through 21.
16 117. Page 84, by striking lines 5 through 10.
17 118. Page 86, line 20, by striking the figure
18 "2,959.00" and inserting the following: "2,933.00".
19 119. Page 86, by inserting before line 21 the
20 following:
21 "It is the intent of the general assembly that the
22 department may conduct a pilot project for contracting
23 with counties for winter maintenance on state primary
24 highways. The department may continue this project
25 for a duration that is sufficient to determine the
26 feasibility for performing permanent contractual
27 maintenance with counties. Participating counties
28 shall meet minimum criteria relating to highway
29 maintenance functions, as determined by the
30 department. If a pilot project is conducted, the
31 department shall submit an annual report to the
32 general assembly outlining the progress of the pilot
33 project."
34 120. Page 89, line 1, by striking the figure
35 "1,580,546" and inserting the following: "2,480,546".
36 121. Page 89, by striking lines 2 through 17.
37 122. Page 90, by inserting after line 22 the
38 following:
39 "Sec. ____ . Section 307.45, unnumbered paragraph 4,
40 Code 1991, is amended by striking the unnumbered
41 paragraph and inserting in lieu thereof the following:
42 However, an assessment in excess of sixty thousand
43 dollars in effect on or after December 1, 1990, is not
44 valid unless it is provided for or contained within a
45 capital appropriation by the general assembly."
46 123. Page 91, by striking lines 10 through 32.
47 124. Page 92, by inserting after line 11, the
48 following:

"DIVISION VI
GENERAL REDUCTIONS

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1 Sec. ____ . REDUCTIONS. Notwithstanding the
2 specific appropriations made in this Act, all state
3 general fund appropriations made in this Act shall be
4 reduced by 0.5 percent.

DIVISION VII

CAPITAL PROJECTS AND LEASE-PURCHASE AGREEMENTS

7 Sec. ____ . Section 2.47A, subsection 1, paragraph
8 d, Code 1991, is amended to read as follows:

9 d. Receive ~~quarterly~~ semiannual status reports for
10 all ongoing capital projects of state agencies,
11 pursuant to section 18.12, subsection 15.

12 Sec. ____ . Section 8.6, subsection 13, Code 1991,
13 is amended to read as follows:

14 13. CAPITAL PROJECT BUDGETING REQUESTS. To
15 compile annually, ~~no later than October 1,~~ all capital
16 project budgeting requests of all state agencies, as
17 defined in section 8.3A, and to consolidate the
18 requests, with individual state agency priorities
19 noted, into a report for submission to the legislative
20 capital projects committee not later than ~~October~~
21 November 1, with any. Any additional information
22 regarding the capital project budgeting requests or
23 priorities ~~to shall~~ be compiled and submitted in the
24 same ~~manner no later than November 1~~ report.

25 Sec. ____ . Section 8.6, subsection 14, unnumbered
26 paragraph 1, Code 1991, is amended to read as follows:

27 To prepare annually, in cooperation with the
28 department of general services, a five-year capital
29 project priority plan for all state agencies, as
30 defined in section 8.3A, to be submitted no later than
31 ~~July November 1, beginning in the year 1990,~~ to the
32 legislative capital projects committee. The plan
33 shall include but is not limited to the following:

34 Sec. ____ . NEW SECTION. 8.46 LEASE-PURCHASE --
35 REPORTING.

36 For the purposes of this section, unless the
37 context otherwise requires, "state agency" means any
38 executive, judicial, or legislative department,
39 commission, board, institution, division, bureau,
40 office, agency, or other entity of state government.

41 1. Before entering into a contract involving a
42 lease-purchase arrangement in which any part or the
43 total amount of the contract is at least fifty
44 thousand dollars, a state agency shall notify the
45 legislative fiscal committee of the legislative
46 council regarding the contract. The notification is
47 required regardless of the source of payment for the
48 lease-purchase arrangement. The notification shall
49 include all of the following information:

50 a. A description of the object of the lease-

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- 1 purchase arrangement.
- 2 b. The cost of the contract.
- 3 c. The terms of the contract.
- 4 d. The total cost of the contract, including
- 5 principal and interest costs.
- 6 e. An identification of the means and source of
- 7 payment of the contract.
- 8 f. An analysis of consequences of delaying or
- 9 abandoning the commencement of the contract.
- 10 2. The legislative fiscal committee shall report
- 11 to the legislative council concerning the
- 12 notifications it receives pursuant to this section.
- 13 3. A state agency shall report quarterly to the
- 14 legislative fiscal committee concerning its contracts
- 15 involving a lease-purchase arrangement. The format of
- 16 the report shall be determined by the legislative
- 17 fiscal bureau in consultation with the department of
- 18 management. The report shall include all of the
- 19 following information:
 - 20 a. A description of the objects of a lease-
 - 21 purchase arrangement under contract.
 - 22 b. The total costs of the contracts.
 - 23 c. Total principal and interest cost in each
 - 24 fiscal year of each contract.
 - 25 d. An identification of the means and source of
 - 26 payment for each contract.
- 27 Sec. _____. Section 18.12, subsection 10, unnumbered
- 28 paragraph 1, paragraphs b, d, and e, and unnumbered
- 29 paragraphs 2 and 3, Code 1991, are amended to read as
- 30 follows:
 - 31 On behalf of the department, enter into lease-
 - 32 purchase contracts for real or personal property,
 - 33 wherever located within the state, to be used for
 - 34 buildings, facilities, and structures, or for
 - 35 additions or improvements to existing buildings,
 - 36 facilities, and structures, to carry out the
 - 37 provisions of this ~~chapter~~ section or for the proper
 - 38 use and benefit of the state and its state agencies on
 - 39 the following terms and conditions:
 - 40 b. The lease-purchase contract may provide for
 - 41 ultimate ownership of the property by the state.
 - 42 Title to all property acquired in this manner shall be
 - 43 taken and held in the name of the state. The state
 - 44 shall be the lessee or contracting party under all
 - 45 lease-purchase contracts entered into pursuant to this
 - 46 ~~chapter~~ section. The lease-purchase contract may
 - 47 contain provisions similar to provisions customarily
 - 48 found in lease-purchase contracts between private
 - 49 persons, including, but not limited to, provisions
 - 50 prohibiting the acquisition or use by the lessee of

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1 competing property or property in substitution for the
2 lease-purchased property, obligating the lessee to pay
3 costs of operation, maintenance, insurance, and taxes
4 relating to the property, and permitting the lessor to
5 retain a security interest in the property lease-
6 purchased, until title passes to the state, which may
7 be assigned or pledged by the lessor. The director
8 may contract for additional security or liquidity for
9 a lease-purchase contract and may enter into
10 agreements for letters of credit, lines of credit,
11 insurance, or other forms of security with respect to
12 rental and other payments due under a lease-purchase
13 contract. Fees for the costs of additional security
14 or liquidity are a cost of entering into the lease-
15 purchase contract and may be paid from funds annually
16 appropriated by the general assembly to the state
17 agency for which the property is being obtained or
18 from other funds legally available. The lease-
19 purchase contract may include the costs of entering
20 into the lease-purchase contract as a cost of the
21 lease-purchased property. The provision of a lease-
22 purchase contract which provides that a portion of the
23 periodic rental payment be applied as interest is
24 subject to chapter 74A. Other laws relating to
25 interest rates do not apply. Chapter 75 does not
26 apply to lease-purchase contracts entered into
27 pursuant to this chapter section. Rental and other
28 costs due under lease-purchase contracts entered into
29 pursuant to this chapter section shall be payable from
30 funds annually appropriated by the general assembly to
31 the state agency for which the property is being
32 obtained or from other funds legally available.

33 d. The director shall not enter into lease-
34 purchase contracts pursuant to this chapter section
35 without prior authorization by a constitutional
36 majority of each house of the general assembly and
37 approval by the governor of the use, location, and
38 maximum cost, not including interest expense, of the
39 real or personal property to be lease-purchased.
40 However, the director shall not enter into a lease-
41 purchase contract for real or personal property which
42 is to be constructed for use as a prison or prison-
43 related facility without prior authorization by a
44 constitutional majority of each house of the general
45 assembly and approval by the governor of the use,
46 location, and maximum cost, not including interest
47 expense, of the real or personal property to be lease-
48 purchased and with the construction in accordance with
49 space needs as established by an independent study of
50 space needs authorized by the general assembly.

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1 e. A contract for acquisition, construction,
2 erection, demolition, alteration, or repair by a
3 private person of real or personal property to be
4 lease-purchased by the director pursuant to this
5 chapter section is exempt from section 18.5,
6 subsections 1 and 9, unless the lease-purchase
7 contract is funded in advance by a deposit of the
8 lessor's moneys to be administered by the director
9 under a lease-purchase contract which requires rent
10 payments to commence upon delivery of the lessor's
11 moneys to the lessee.

12 This subsection provides an alternative and
13 independent method for carrying out projects under
14 this chapter and for entering into lease-purchase
15 contracts in connection therewith with the projects,
16 without reference to any other statute, and is not an
17 amendment of or subject to the provision of any other
18 law. No publication of any notice, whether under
19 section 23.12 or otherwise, and no other or further
20 proceedings with respect to the lease-purchase
21 contracts referred to in this section are required
22 except as set forth in this chapter section, any
23 provisions of other statutes of the state to the
24 contrary notwithstanding.

25 For purposes of this subsection and subsection 12,
26 "state agency" means a board, commission, bureau,
27 division, office, department, or branch of state
28 government.

29 Sec. ____ . Section 18.12, subsection 15, Code 1991,
30 is amended to read as follows:

31 15. Prepare quarterly semiannual status reports
32 for all ongoing capital projects of all state
33 agencies, as defined in section 8.3A, and submit the
34 status reports to the legislative capital projects
35 committee.

36 Sec. ____ . Section 262A.3, Code 1991, is amended to
37 read as follows:

38 262A.3 TEN-YEAR FIVE-YEAR PROGRAM AND TWO-YEAR
39 BOND PROPOSAL SUBMITTED EACH YEAR.

40 The board shall prepare and submit to the general
41 assembly for approval or rejection a proposed ten-year
42 five-year building program for each institution,
43 including an estimate of the maximum amount of bonds
44 which the board expects to issue under the provisions
45 of this chapter during each year of the ensuing
46 biennium. ~~Such~~ The program and estimate shall be
47 ~~submitted no later than seven days after the passage~~
48 ~~of this chapter by the general assembly and thereafter~~
49 no later than seven days after the convening of each
50 regular annual session of the general assembly. The

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1 building program shall contain a list of the buildings
2 and facilities which the board deems necessary to
3 further the educational objectives of the
4 institutions. This list shall be revised annually,
5 but no project shall be eliminated from the list when
6 bonds have previously been issued by the board to pay
7 the cost thereof of the project. Each such list shall
8 contain an estimate of the cost of each of the
9 buildings and facilities referred to therein in the
10 list. If the general assembly rejects or fails to
11 approve any proposed ten-year five-year building
12 program, such this action or inaction shall not affect
13 the status or legality of any project previously or
14 subsequently authorized by the general assembly as
15 provided in section 262A.4.

16 Sec. ____ . NEW SECTION. 455A.9 STATE FISH AND
17 GAME PROTECTION FUND -- CAPITAL PROJECTS AND
18 CONTINGENCIES.

19 Funds remaining in the state fish and game
20 protection fund during a fiscal year which are not
21 specifically appropriated by the general assembly are
22 appropriated and may be used for capital projects and
23 contingencies under the jurisdiction of the fish and
24 wildlife division arising during the fiscal year. A
25 contingency shall not include any purpose or project
26 which was presented to the general assembly by way of
27 a bill or a proposed bill and which failed to be
28 enacted into law. For the purpose of this section, a
29 necessity of additional operating funds may be
30 construed as a contingency. Before any of the funds
31 authorized to be expended by this section are
32 allocated for contingencies, it shall be determined by
33 the executive council that a contingency exists and
34 that the contingency was not existent while the
35 general assembly was in session and that the proposed
36 allocation shall be for the best interests of the
37 state. If a contingency arises or could reasonably be
38 foreseen during the time the general assembly is in
39 session, expenditures for the contingency must be
40 authorized by the general assembly."

41 125. By renumbering, relettering, or
42 redesignating and correcting internal references as
43 necessary.

RECEIVED FROM THE HOUSE

S-3625 FILED APRIL 29, 1991

REFUSES TO CONCUR (p. 1512)

House meets 4/29/91 (p. 1404)

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 529

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 529, a bill for an Act relating to and making appropriations to state departments, agencies, programs, funds, and the interstate agricultural grain marketing commission, and providing effective dates, respectfully submit the following recommendations:

1. That the House recedes from its amendment, S-3625.

2. That Senate File 529, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, line 11, by striking the figure "1,623,450" and inserting the following: "2,123,450".

2. By striking page 2, line 34, through page 3, line 1 and inserting the following:

"2. For the Iowa substance abuse clearinghouse in Cedar Rapids for staff, materials, and operating expenses:

..... \$ 38,000".

3. Page 3, by striking line 7 and inserting the following: "clearinghouse."

4. Page 3, line 16, by striking the figure "752,033" and inserting the following: "791,614".

5. Page 6, by inserting after line 26 the following:

"The department of general services may use funds appropriated in this subsection for utility costs to fund

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energy conservation projects in the state capitol complex which will have a 100 percent payback within a 24-month period. The department of general services shall report quarterly to the chairpersons and ranking members of the administration appropriations subcommittee, and to the legislative fiscal bureau, concerning the savings generated as a result of implementation of these projects."

6. Page 13, line 19, by striking the figure "10,787,985" and inserting the following: "10,825,147".

7. Page 13, line 23, by striking the figure "6,744,640" and inserting the following: "6,750,450".

8. Page 13, line 27, by striking the figure "2,053,165" and inserting the following: "2,006,656".

9. Page 13, line 31, by striking the figure "1,362,581" and inserting the following: "1,383,566".

10. Page 13, line 35, by striking the figure "2,225,415" and inserting the following: "2,172,978".

11. Page 14, line 4, by striking the figure "964,784" and inserting the following: "1,033,213".

12. Page 15, by inserting after line 1 the following:

"____. As a condition, limitation, and qualification of the appropriations made in this section, the department of revenue and finance, utilizing the resources available through the governor's planning council for developmental disabilities and the commission of persons with disabilities, shall study and determine the process by which persons with disabilities will deduct expenses they pay for personal assistance services that enable them to be employed. For purposes of this subsection, "disability" means a severe, disabling condition that persists indefinitely, and causes problems in language, learning, mobility, or capacity for self-sufficiency. The department shall file a report of its study with the governor and the general assembly by January 15, 1992."

13. Page 15, line 30, by striking the figure "1,524,880" and inserting the following: "1,574,880".

14. Page 17, by inserting before line 15 the following:

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"Sec. ____ . NEW SECTION. 7.15A APPOINTMENTS.

The governor, when appointing a person to fill a full-time position for a division, department, board, commission, or council of the state shall provide all necessary information regarding the appointive position to the department of personnel.

The department of personnel shall give public notice of recruitment for the position, and the position shall remain open for at least fifteen calendar days following the date of public notice.

Recruitment for the position may be limited to a specific geographic area or to persons with specific background qualifications, or both. Recruitment announcements shall specify the title, salary range, method for making application, closing date for receiving applications, and any specific availability or background requirements. Recruitment announcements shall be posted in conspicuous locations throughout the relevant state agency and in the offices of the division of job service of the department of employment services. Recruitment announcements shall also be sent to newspapers, radio stations, educational institutions, professional and vocational associations, and other recruitment sources as funds allow."

15. By striking page 17, line 28, through page 18, line 5, and inserting the following:

"Sec. ____ . USE OF RECOVERED ADMINISTRATIVE FUNDS. The funds collected as administrative and related overhead costs under section 12.8 for the fiscal year beginning July 1, 1991, shall be credited to the general fund of the state. The treasurer of state shall report to the chairpersons and ranking members of the joint administration appropriations subcommittee, to the legislative fiscal committee, and to the legislative fiscal bureau, as to the amounts collected. It is the intent of the general assembly that commencing with the fiscal year beginning July 1, 1992, the administrative and related overhead costs recovered shall become part of the

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budget of the office of treasurer of state."

16. Page 18, line 11, by striking the word "initial" and inserting the following: "continued".

17. Page 18, line 20, by striking the word "locate" and inserting the following: "maintain".

18. Page 18, by inserting after line 23 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, 1991, and ending June 30, 1992, 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.

Sec. ____ . Section 421.17, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 32. INDIRECT COST ALLOCATION.

a. To develop and administer an indirect cost allocation system for state agencies. The system shall be based upon standard cost accounting methodologies and shall be used to allocate both direct and indirect costs of state agencies or state agency functions in providing centralized services to other state agencies. A cost that is allocated to a state agency pursuant to this system shall be billed to the state agency and the cost is payable to the general fund of the state. The source of payment for the billed cost shall be any revenue source except for the general fund of the state. If a state agency is authorized by law to bill and recover direct expenses, the state agency shall recover indirect costs in the same manner.

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b. For the purposes of this subsection, "state agency" means a board, commission, department, including the department of revenue and finance, or other administrative office, institution, bureau, or unit of the state of Iowa. The term "state agency" does not include the general assembly, the governor, the courts, or any political subdivision of the state, or its offices and units."

19. Page 18, by striking lines 24 through 32.

20. Page 19, line 10, by striking the figure "985,358" and inserting the following: "1,085,919".

21. Page 19, line 23, by striking the figure "32.20" and inserting the following: "38.20".

22. Page 19, by inserting after line 28, the following:

"____. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a", \$140,000 and 5.00 FTEs shall be allocated to the statistics bureau to provide county-by-county information on land in farms, production by crop, acres by crop, and county prices by crop. This information shall be made available to the department of revenue and finance for use in the productivity formula for valuing and equalizing agricultural land."

23. Page 19, line 33, by striking the figure "828,373" and inserting the following: "911,000".

24. Page 19, line 34, by striking the figure "19.0" and inserting the following: "21.0".

25. Page 20, line 1, by striking the figure "163,820" and inserting the following: "65,000".

26. Page 20, by inserting after line 6, the following:

"____. As a condition, limitation, and qualification of the appropriation under paragraph "a", \$500 shall be allocated from the appropriation for reimbursement of a poultry association conducting a statewide poultry show. The poultry association shall submit a claim for reimbursement to the department which details their annual income and includes a statement of expenditures incurred for the statewide show."

27. Page 20, line 31, by striking the word "paragraph,"

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and inserting the following: "paragraph "a",".

28. Page 20, by inserting after line 33, the following:

"Also as a condition, limitation, and qualification of the appropriation under this paragraph "a", \$200,000 shall be allocated from the appropriation to Iowa state university for purposes of training commercial pesticide applicators."

29. Page 21, line 28, by striking the figure "5,232,428" and inserting the following: "5,132,428".

30. Page 23, line 24, by striking the figure "500,000" and inserting the following: "400,000".

31. Page 23, line 35, by striking the figure "40,000" and inserting the following: "25,000".

32. Page 25, line 1, by striking the figure "711,672" and inserting the following: "725,672".

33. Page 25, line 13, by striking the figure "5,170,899" and inserting the following: "5,377,899".

34. Page 25, by inserting after line 14 the following:

"As a condition, limitation, and qualification of the appropriation under this subsection, the department of natural resources shall construct a safety fence on the dam at Beeds lake in Franklin county."

35. Page 25, line 25, by striking the figure "1,223,941" and inserting the following: "1,323,941".

36. Page 25, line 26, by striking the figure "58.62" and inserting the following: "59.62".

37. Page 25, line 31, by striking the figure "1,965,992" and inserting the following: "1,973,992".

38. By striking page 27, line 23 through page 28, line 7.

39. Page 28, line 23, by striking the figure "1,350,000" and inserting the following: "2,620,568".

40. Page 28, line 31, by striking the figure "850,000" and inserting the following: "750,000".

41. Page 31, by inserting after line 20 the following:

"Sec. _____. The laboratory division of the department of agriculture and land stewardship, the university of Iowa, and Iowa state university of science and technology shall

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cooperate together in developing a plan for sharing laboratory resources, eliminating duplication of efforts, and reducing the expenditures of moneys from the general fund of the state."

42. Page 32, by inserting after line 10 the following:

"Sec. _____. The general assembly requests that the department of natural resources study to the extent practicable the contribution to groundwater and surface water contamination caused by the application of lawn care chemicals. A report prepared by the department shall be forwarded to the secretary of the senate and chief clerk of the house of representatives as soon as possible."

43. Page 34, by striking lines 6 through 9.

44. By striking page 34, line 34, through page 35, line 30, and inserting the following:

"Sec. _____. Section 173.14B, subsection 1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The board may issue and sell negotiable revenue bonds of the authority in denominations and amounts as the board deems for the best interests of the fair~~7-for-any-of-the-following~~
~~purposes-after-authorization;--However, the board must first~~
~~submit-a-list-of-the-purposes-ranked-by-priority-and-a-purpose~~
~~must-be-authorized~~ by a constitutional majority of each house of the general assembly and ~~approval~~ approved by the governor. A purpose must be one of the following:

Sec. _____. Section 173.14B, subsection 2, Code 1991, is amended to read as follows:

2. The board may issue negotiable bonds and notes of the authority in principal amounts which are necessary to provide sufficient funds for achievement of its corporate purposes, the payment of interest on its bonds and notes, the establishment of reserves to secure its bonds and notes, and all other expenditures of the board incident to and necessary or convenient to carry out its purposes and powers, subject to authorization and approval required under subsection 1. However, the total principal amount of bonds and notes

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outstanding at any time under subsection 1 and this subsection shall not exceed ~~one-hundred-fifty~~ six million dollars. The bonds and notes are deemed to be investment securities and negotiable instruments within the meaning of and for all purposes of the uniform commercial code."

45. Page 37, lines 4 and 5, by striking the words "AND RECORDS".

46. Page 37, by striking lines 6 through 8 and inserting the following:

"The department may establish a schedule of fees for subscriptions to publications produced by the".

47. By striking page 37, line 16, through page 38, line 13, and inserting the following: "the publication."

48. Page 39, by striking lines 3 through 15.

49. Page 40, by inserting after line 34 the following:

"Sec. ____ . EFFECTIVE DATE. Section 221 of this Act, being deemed of immediate importance, takes effect upon enactment."

50. Page 41, line 10, by striking the figure "995,421" and inserting the following: "1,031,421".

51. Page 41, line 33, by striking the figure "130,853" and inserting the following: "180,853".

52. Page 42, line 4, by striking the figure "318,858" and inserting the following: "344,358".

53. Page 42, line 7, by striking the figure "125,000" and inserting the following: "130,000".

54. Page 42, line 9, by striking the figure "33,500" and inserting the following: "44,000".

55. Page 42, by striking lines 11 through 25.

56. Page 43, line 13, by striking the figure "229,415" and inserting the following: "351,806".

57. Page 43, line 14, by striking the figure "5.00" and inserting the following: "10.00".

58. Page 43, by striking lines 15 through 19 and inserting the following:

"a. The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall

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coordinate their efforts in carrying out their respective duties relative to juvenile justice.

b. Of the funds appropriated in this subsection, no less than \$36,300 shall be spent for expenses relating to the administration of federal funds for juvenile assistance. It is the intent of the general assembly that the department of human rights employ sufficient staff to meet the federal funding match requirements established by the federal office for juvenile justice delinquency prevention. The governor's advisory council on juvenile justice shall determine the staffing level necessary to carry out federal and state mandates for juvenile justice."

59. Page 43, by inserting before line 20, the following:

"9. COMMUNITY ACTION AGENCIES DIVISION

For the expenses of the community action agencies commission:

..... \$ 3,644".

60. Page 43, line 28, by striking the figure "1,400,576" and inserting the following: "1,418,576".

61. Page 43, by inserting after line 29, the following:

"Of the funds appropriated under this section, \$18,000 shall be used to fund the continuation of the vending program throughout the state."

62. Page 44, line 5, by striking the figure "\$50,000" and inserting the following: "a sufficient amount".

63. Page 44, line 20, by striking the figure "83,000" and inserting the following: "73,000".

64. Page 44, line 28, by inserting after the word "care," the following: "respite care, case management for the frail elderly,".

65. Page 45, by striking lines 3 through 11.

66. Page 45, line 20, by striking the letter "a."

67. Page 45, by striking lines 25 through 31.

68. Page 46, by inserting after line 2 the following:

"The department shall not add any new full-time equivalent positions for administration of the certificate of need

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program and shall submit a full-time equivalent position needs report to the general assembly by January 1, 1992."

69. Page 46, line 18, by striking the figure "100,000" and inserting the following: "300,000".

70. Page 46, by inserting after line 28 the following:
"The health data commission shall submit a report to the general assembly annually by January 15 regarding the feasibility of providing matching funds for state dollars provided. The report shall also include a summary of the previous fiscal year budget including receipts and expenditures of private and public funds generated and a projected budget for the next fiscal year."

71. Page 46, line 33, by striking the figure "2,301,510" and inserting the following: "2,407,574".

72. Page 46, line 34, by striking the figure "82.04" and inserting the following: "85.54".

73. Page 49, line 12, by striking the figure "8,571,941" and inserting the following: "8,472,000".

74. Page 49, line 20, by striking the figure "4,345,820" and inserting the following: "4,347,820".

75. Page 49, line 23, by striking the figure "631,000" and inserting the following: "578,969".

76. Page 49, by striking lines 25 and 26, and inserting the following: "funds, \$282,969 shall be allocated for regional".

77. Page 49, line 31, by striking the figure "99,000" and inserting the following: "77,000".

78. Page 49, line 33, by striking the figure "657,500" and inserting the following: "754,500".

79. Page 50, line 15, by striking the figure "341,500" and inserting the following: "321,993".

80. Page 50, line 21, by striking the figure "125,000" and inserting the following: "119,497".

81. Page 50, line 23, by striking the figure "67,000" and inserting the following: "64,044".

82. Page 50, line 31, by striking the figure "101,500"

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and inserting the following: "97,092".

83. Page 51, line 26, by striking the figure "2,682,249" and inserting the following: "2,596,249".

84. Page 53, line 14, by striking the figure "8,975,159" and inserting the following: "8,875,159".

85. Page 57, line 24, by striking the figure "606,945" and inserting the following: "605,000".

86. Page 58, line 5, by striking the word "section" and inserting the following: "paragraph".

87. Page 60, by inserting after line 5 the following:
"Sec. 3001. 1990 Iowa Acts, chapter 1166, section 2, is repealed.

Sec. 3002. EFFECTIVE DATE. Section 3001 of this Act takes effect June 30, 1991."

88. Page 65, by striking lines 31 through 34 and inserting the following:

| | | |
|--------|------|-----------|
| "..... | \$ | 1,612,239 |
| ..... | FTEs | 117.00 |

Of the amount appropriated in this subsection, \$110,438, or so much thereof as is necessary, shall be expended for 7.00".

89. Page 66, by inserting after line 1 the following:
"A nursing home regulation review task force is established for the purpose of reviewing rules and recommendations to implement federal requirements for nursing home reform and to make recommendations on whether the department of inspections and appeals is in need of increased funding and staffing levels for implementing appropriate nursing home reform. The task force is to be organized and convened by the department of inspections and appeals. The membership of the task force is to consist of the following:

1. One member representing the department of inspections and appeals to be appointed by the director of that department.
2. One member representing the department of human services to be appointed by the director of that department.
3. One member representing the nursing home ombudsman

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within the department of elder affairs to be appointed by the director of that department.

4. One member representing the Iowa health care association.

5. One member representing the Iowa association of homes for the aging.

6. One member representing the Iowa hospital association.

7. One member representing the Iowa council of health care centers.

8. Legislative members to be appointed by the legislative council. Legislative members shall include members from the senate and the house of representatives who serve on the regulation appropriations subcommittee and the standing committees on human resources.

The task force shall meet as necessary and shall report the conclusions and recommendations of the task force to the general assembly by September 1, 1991."

90. By striking page 66, line 32 through page 67, line 2, and inserting the following:

| | | |
|--------|------|---------|
| "..... | \$ | 265,910 |
| ..... | FTEs | 5.50". |

91. Page 68, by striking lines 22 through 32 and inserting the following: "appeals, including the amount of restitution collected for attorney fees as follows:

a. By county.

b. By case type in the following categories:

(1) Juvenile cases involving delinquency actions, child in need of assistance actions, or termination of parental rights actions.

(2) Adult cases involving misdemeanor or felony prosecutions.

Sec. 2001. Section 13B.1, subsection 1, Code 1991, is amended to read as follows:

1. "Appointed attorney" means an attorney appointed by the court and compensated by the state to represent an indigent defendant.

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Sec. 2002. NEW SECTION. 13B.2A INDIGENT DEFENSE ADVISORY COMMISSION ESTABLISHED.

An indigent defense advisory commission is established within the department to advise and make recommendations to the state public defender regarding the establishment and implementation of cost-effective methods to provide indigent defense. The advisory commission shall consist of nine members: four members to be appointed by the governor, subject to senate confirmation, including two members from nominees made by the Iowa state bar association, and two members from nominees made by the Iowa judges association; two members appointed by the governor, subject to senate confirmation; one member to be appointed by the governor, subject to senate confirmation, from nominees made by the Iowa county attorney's association; and two members one from each chamber of the general assembly to be appointed by the legislative council with no more than one of the members from any one political party. Each member shall serve a three-year term, with initial terms to be staggered. The members should represent a balance of attorneys and nonattorneys.

The members of the commission are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of the duties of the commission. Each member of the commission may also be eligible to receive compensation as provided in section 7E.6.

Sec. 2003. NEW SECTION. 13B.2B DUTIES AND POWERS OF THE INDIGENT DEFENSE ADVISORY COMMISSION.

The advisory commission shall advise the state public defender regarding all of the following:

1. Recommendations for quality, cost-effective methods for delivery of indigent defense services.
2. Recommendations for the budget to be developed by the state public defender for all indigent defense costs.
3. Recommendations for client indigency criteria to be applied statewide.
4. Recommendations related to mechanisms for enhancing

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restitution and recoupment efforts and for monitoring recoupment efforts.

5. Recommendations regarding other methods to contain indigent defense costs.

6. Recommendations regarding proposed administrative rules regarding the operations of the state public defender.

7. The advisory commission shall also make recommendations to the supreme court regarding fee guidelines for court-appointed counsel.

The advisory commission shall also file a written report with the governor and the general assembly on January 1 of each year regarding the recommendations and activities of the commission for the preceding fiscal year.

Sec. 2004. Section 13B.4, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

13B.4 DUTIES AND POWERS OF STATE PUBLIC DEFENDER.

1. The state public defender shall coordinate the provision of legal representation of all indigents under arrest or charged with a crime, on appeal in criminal cases, and on appeal in proceedings to obtain postconviction relief when ordered to do so by the district court in which the judgment or order was issued, and may provide for the representation of indigents in proceedings instituted pursuant to chapter 908. The state public defender shall not engage in the private practice of law.

2. The state public defender shall file with the court in each county served by a public defender a designation of which local public defender office shall receive notice of appointment of cases. Except as otherwise provided, in each county in which the state public defender files such designation, the state public defender or its designee shall be appointed by the court to all cases, whether criminal or juvenile in nature. Such appointment shall not be made if the state public defender notifies the court that the local public defender will not provide legal representation in cases

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involving offenses as identified in the notification by the state public defender.

3. The state public defender may contract with persons admitted to practice law in this state for the provision of legal services to indigent persons where there is no local public defender available to provide such services.

4. The state public defender is authorized to review any claim made for payment of indigent defense costs and to request a hearing before the court granting a claim within thirty days of receipt of such claim if the state public defender believes the claim to be excessive.

5. The state public defender is authorized to contract with county attorneys to provide collection services related to court-ordered indigent defense restitution of court-appointed attorney fees or the expense of a public defender.

6. The state public defender shall adopt rules pursuant to chapter 17A, as necessary, to administer this chapter.

Sec. 2005. Section 13B.8, subsection 1, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Before establishing or abolishing a local public defender office, the state public defender shall provide a written report detailing the reasons for the action to be taken to the justice-systems regulation appropriations subcommittee, the chairperson, vice chairperson, and ranking member of the senate committee on judiciary and committee on appropriations, and the chairperson, vice chairperson, and ranking member of the house of representatives committee on judiciary and law enforcement and committee on appropriations. The report shall contain a statement of the estimated fiscal impact of the action taken. Any action taken in establishing or abolishing a local public defender office shall only take effect upon the approval of the general assembly. If the state public defender proposes to abolish a local public defender office prior to the beginning of any regular session of the general assembly and the general assembly takes no action regarding that proposal during the first ninety days of the first

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regular session occurring after the proposal is made, the office shall be abolished.

Sec. 2006. Section 13B.9, Code 1991, is amended to read as follows:

13B.9 POWERS AND DUTIES OF LOCAL PUBLIC DEFENDERS.

1. The local public defender shall do all of the following:

a. Represent without fee an indigent person who is under arrest or charged with a crime if the indigent person requests it representation or the court orders it representation. The local public defender shall counsel and defend an indigent defendant at every stage of the criminal proceedings and prosecute before or after conviction any appeals or other remedies which the local public defender considers to be in the interest of justice unless ~~the court appoints~~ other counsel is appointed to the case.

b. Represent an indigent party, without fee and upon an order of the court, in child in need of assistance, family in need of assistance, delinquency, and termination of parental rights proceedings pursuant to chapter 232 in a county served by a public defender. The local public defender shall counsel and represent an indigent party in all proceedings pursuant to chapter 232 in a county served by a public defender and prosecute before or after judgment any appeals or other remedies which the local public defender considers to be in the interest of justice unless ~~the court appoints~~ other counsel is appointed to the case. The state public defender shall be reimbursed by the counties for services rendered by employees of the local public defenders' offices under this subsection, pursuant to section 232.141.

c. Make an initial determination of indigence as required under section 815.9 prior to the initial arraignment or other initial court appearance.

d. Make an annual report to the state public defender. The report shall include all cases handled by the local public defender during the preceding calendar year.

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2. An appointed attorney under this section is not liable to a person represented by the attorney pursuant to this chapter for damages as a result of a conviction unless the court determines in a postconviction appeal that the person's conviction resulted from ineffective assistance of counsel.

3. The local public defender may appoint the number of assistant public defenders, clerks, investigators, stenographers, and other employees as approved by the state public defender. An assistant local public defender must be an attorney licensed to practice before the Iowa supreme court. Appointments shall be made in the manner prescribed by the state public defender.

4. The local public defender shall handle every case to which the local public defender is appointed if the local public defender can reasonably handle the case.

5. If a conflict of interest arises or if the local public defender is unable to handle a case because of a temporary overload of cases, the local public defender shall return the case to the court. The court may appoint a contract attorney or a private noncontracting attorney, who has agreed to take the case, considering the experience of the attorney and the difficulty of the case."

92. Page 70, by striking lines 11 and 12 and inserting the following:

"..... \$ 1,470,846
..... FTEs 41.50".

93. Page 71, by striking lines 16 through 19 and inserting the following:

"The banking division shall provide technical assistance and staffing assistance to the director of the department of commerce, as necessary, to assist the director in the director's capacity as superintendent of savings and loan associations as provided in Senate File 494, if enacted by the 1991 Session of the Seventy-fourth General Assembly."

94. By striking page 74, line 19, through page 75, line 21, and inserting the following:

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"Sec. ____ . Section 96.7, subsection 9, Code 1991, is amended by striking the subsection."

95. Page 78, by inserting after line 12, the following:

"Sec. 2007. Section 815.10, Code 1991, is amended to read as follows:

815.10 APPOINTMENT OF COUNSEL BY COURT.

1. The court, for cause and upon its own motion or upon application by an indigent person or a public defender, ~~may~~ shall ~~appoint a public defender or any attorney who is admitted to the practice of law in this state~~ the state public defender or the state public defender's designee pursuant to section 13B.4, or an attorney pursuant to section 13B.9 to represent an indigent person at any state stage of the criminal or juvenile proceedings or on appeal of any criminal or juvenile action in which the indigent person is entitled to legal assistance at public expense. However, in juvenile cases the court may directly appoint an existing nonprofit corporation established for and engaged in the provision of legal services for juveniles. An appointment shall not be made unless the person is determined to be indigent under section 815.9.

2. If a court finds that a person desires legal assistance and is not indigent, but refuses to employ an attorney, the court shall ~~appoint a public defender or another attorney to represent the person at public expense---if~~ the state public defender or the state public defender's designee pursuant to section 13B.4, or an attorney other than a public defender is appointed,--the fee paid to the attorney pursuant to section 13B.9 to represent the person. The cost of providing legal assistance shall be taxed as a court cost against the person.

3. An attorney other than a public defender or a contract attorney who is appointed by the court under ~~subsection 1 or 2~~ this section shall apply to the district court for compensation and for reimbursement of costs incurred. The amount of compensation due shall be determined in accordance with section 815.7.

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Sec. ____ . NEW SECTION. 815.10A CLAIM FOR COMPENSATION -- REQUIREMENTS.

1. The department of inspections and appeals shall require all claims for compensation filed by court-appointed attorneys for indigent defense cases, whether adult or juvenile, to include specific information as required by rules of the department.

2. If the information required in this section is submitted with the claim for compensation, the court may then award reasonable and proper compensation to the attorney. If information required is not submitted with the claim for compensation, the department may reject the claim until such information is submitted.

Sec. 2008. The state public defender shall make an initial filing as required in section 13B.4, subsection 2, as amended in this Act, regarding the designation of public defender offices to receive notice of appointment of cases no later than forty days after July 1, 1991.

Sec. 2009. Sections 2001 through 2006, and sections 2007 and 2008 of this division are repealed effective July 1, 1995, and the Code editor shall return the language in the Code sections amended in this Act to the language appearing in the 1991 Code.

Sec. 2010. It is the intent of the general assembly that the state public defender provide for the defense of major felony case defendants by public defenders on a regional basis.

Sec. 2011. Sections 2001 through 2006, and sections 2007, 2008, and 2009 of this division of this Act, being deemed of immediate importance, are effective upon enactment."

96. Page 79, line 8, by striking the figure "3,315,946" and inserting the following: "3,405,823".

97. Page 79, line 28, by striking the figure "9,676" and inserting the following: "10,185".

98. Page 80, line 2, by inserting after the word "system," the following: "and the missing person program,".

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99. Page 80, by inserting after line 13, the following:

"As a condition, limitation, and qualification of the appropriation in this subsection, the department of public safety shall continue to collect, classify, and disseminate statistics as provided in section 80.40 and section 236.9 on violations relating to section ~~729.5~~ and on incidents involving domestic abuse."

100. Page 80, line 27, by striking the figure "6,250,157" and inserting the following: "6,954,157".

101. Page 80, line 28, by striking the figure "141.00" and inserting the following: "149.00".

102. Page 80, by inserting after line 28 the following:

"It is the intent of the general assembly that the department of public safety shall only employ additional full-time equivalent positions for riverboat gambling enforcement as authorized by the department of management as needed for enforcement on new riverboats. However, new positions filled shall not exceed 4 per riverboat and the positions shall not be filled more than 120 days before the riverboat is expected to receive passengers."

103. Page 81, line 29, by striking the figure "27,771" and inserting the following: "29,544".

104. Page 82, by striking lines 19 through 21.

105. Page 86, line 20, by striking the figure "2,959.00" and inserting the following: "2,951.00".

106. Page 86, by inserting before line 21 the following:

"As a condition, limitation, and qualification of the appropriation in this paragraph, the department shall conduct a pilot project for contracting with counties for winter maintenance on state primary highways. The department shall continue this project for a duration that is sufficient to determine the feasibility of performing permanent contractual maintenance with counties. Participating counties shall meet minimum criteria relating to highway maintenance functions, as determined by the department. The department shall submit an annual report to the general assembly outlining the progress

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of the pilot project."

107. Page 88, by inserting after line 6, the following:

"13. For the purchase of land adjacent to the department's maintenance facility site in Hamlin:

..... \$ 15,000".

108. By striking page 88, line 26 through page 89, line 1 and inserting the following:

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

..... \$ 5,230,546

From the appropriation in this subsection, up to the following amounts shall be used for the following airport improvement projects:

a. For runway extension in Belle Plaine:

..... \$ 112,500

b. For ramp extension and runway drainage in Decorah:

..... \$ 103,000

c. For ramp reconstruction in Fort Dodge:

..... \$ 97,000

d. For land acquisition for a new runway in Greenfield:

..... \$ 182,000

e. For land and grading for runway extension in Harlan:

..... \$ 86,000

f. For runway and taxiway lighting system upgrade in Iowa Falls:

..... \$ 49,000

g. For land and grading for a new runway in Washington:

..... \$ 190,000

h. For ramp reconstruction in Webster City:

..... \$ 73,000".

109. Page 89, line 3, by striking the figure "900,000" and inserting the following: "500,000".

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110. Page 89, line 5, by striking the figure "\$900,000" and inserting the following: "\$500,000".

111. Page 89, by striking lines 8 through 17 and inserting the following:

"a. Grants for interstate and intrastate air travel, in an amount up to \$100,000. Moneys granted under this paragraph must be matched with an equivalent amount of local moneys.

b. Grants in an amount up to \$10,000 for marketing of essential air service airports to facilitate air travel. Moneys granted under this paragraph must be matched with an equivalent amount of local moneys.

c. Grants for the air service development program for the commercial air service airports identified in the state aviation plan."

112. Page 90, by inserting after line 22 the following:

"Sec. ____ . Section 307.45, unnumbered paragraph 4, Code 1991, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

However, an assessment in excess of sixty thousand dollars in effect on or after December 1, 1990, is not valid unless it is provided for or contained within a capital appropriation by the general assembly."

113. Page 90, by inserting after line 35, the following:

"Sec. ____ . Section 312.2, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 22. The treasurer of state, before making the allotments provided for in this section shall, for the fiscal year beginning July 1, 1991, credit from the revenues otherwise to be credited to the road use tax fund under section 423.24, subsection 1, paragraph "c", the sum of seven hundred fifty thousand dollars to the state department of transportation to be used for providing assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, and sidings as required in section 327H.18, for use by the railway finance authority as provided in chapter 307B, for airport

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engineering studies and improvement projects as provided for in chapter 328, and for essential air service airports. However, the amount transferred shall not be used unless authorized by the transportation commission. All unexpended funds from this appropriation shall revert to the road use tax fund. To authorize any such use, the commission must find that one or more of the following conditions exist as sole and sufficient justification for use of this appropriation:

a. The funds may be used to match federal funds that cannot otherwise be matched due to lack of available state matching moneys, when such federal funds are or may be made available to the state. Notwithstanding the provisions of section 8.33, all funds obligated for match of federal funds shall remain available until expended or no longer needed for matching purposes, at which time they shall be reverted in accordance with the provisions of this section.

b. Unforeseen emergencies or circumstances arise, after the transportation commission has adopted an annual program of projects, that would require the elimination of an approved project, provided that such projects would otherwise be eligible for expenditure."

114. Page 91, by inserting before line 1 the following:

"Sec. ____ . Section 313.2A, subsection 2, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Metropolitan area bypasses consistent with metropolitan or regional area plans established through cooperation by the department and local officials.

Sec. ____ . Section 313.2A, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. NETWORK DEVELOPMENT. In establishing priorities for improvement projects, the department shall take into consideration the following additional criteria: urban area bypasses that improve urban or regional accessibility or improve corridor travel; projects consistent with regional or metropolitan transportation plans established through cooperation by the department and local officials; and the

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willingness of local officials to provide financial or other assistance for the development of projects."

115. Page 91, by striking lines 10 through 32.

116. Page 92, by inserting after line 10, the following:

"Sec. _____. As a condition, limitation, and qualification of the appropriations made in this division, the state department of transportation shall develop a proposal, including necessary appropriation recommendations, for an air cargo service and development study program. The recommendations shall be reported to the general assembly by January 15, 1992. The department shall consult with local officials, airport authorities, representatives of business and industry, representatives of air cargo service providers, and the state department of economic development in developing these recommendations."

117. Page 92, by inserting after line 11 the following:

"DIVISION VI

STATE BUDGETING, CAPITAL PROJECTS,
AND LEASE-PURCHASE AGREEMENTS

Sec. _____. Section 2.47A, subsection 1, paragraph d, Code 1991, is amended to read as follows:

d. Receive ~~quarterly~~ semiannual status reports for all ongoing capital projects of state agencies, pursuant to section 18.12, subsection 15.

Sec. _____. Section 8.6, subsection 13, Code 1991, is amended to read as follows:

13. CAPITAL PROJECT BUDGETING REQUESTS. To compile annually, ~~no later than October 1,~~ all capital project budgeting requests of all state agencies, as defined in section 8.3A, and to consolidate the requests, with individual state agency priorities noted, into a report for submission to the legislative capital projects committee ~~no later than October~~ November ~~1, with any~~ Any additional information regarding the capital project budgeting requests or priorities to shall be compiled and submitted in the same ~~manner no later than November 1~~ report.

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Sec. ____ . Section 8.6, subsection 14, unnumbered paragraph 1, Code 1991, is amended to read as follows:

To prepare annually, in cooperation with the department of general services, a five-year capital project priority plan for all state agencies, as defined in section 8.3A, to be submitted no later than ~~July~~ November 1, ~~beginning-in-the-year 1990,~~ to the legislative capital projects committee. The plan shall include but is not limited to the following:

Sec. ____ . Section 8.29, unnumbered paragraph 4, Code 1991, is amended to read as follows:

The state board of regents, with the approval of the director of the department of management and the director of the legislative fiscal bureau, shall establish a uniform budgeting and accounting system for the institutions of higher education under its control, and shall require each of the institutions of higher education to begin operating under the uniform system not later than June 30, ~~1976~~ 1991.

Sec. ____ . Section 8.35A, subsection 2, Code 1991, is amended to read as follows:

2. Commencing September 1, the director shall provide weekly budget tapes in the form and level of detail requested by the legislative fiscal bureau reflecting finalized agency budget requests for the following fiscal year as submitted to the governor. The director shall transmit all agency requests in final form to the legislative fiscal bureau by November 15. ~~Final~~ The final budget records information required under sections 8.22 and 8.28 containing the governor's recommendation and final agency requests shall be transmitted to the legislative fiscal bureau by January 1 or no later than the date the governor's budget document is delivered to the printer. The governor's recommendation included on this record shall be considered confidential by the legislative fiscal bureau until it is made public by the governor. The legislative fiscal bureau shall use this data in the preparation of information for the legislative appropriation process.

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Sec. ____ . NEW SECTION. 8.46 LEASE-PURCHASE -- REPORTING.

For the purposes of this section, unless the context otherwise requires, "state agency" means any executive, judicial, or legislative department, commission, board, institution, division, bureau, office, agency, or other entity of state government.

1. Before entering into a contract involving a lease-purchase arrangement in which any part or the total amount of the contract is at least fifty thousand dollars, a state agency shall notify the legislative fiscal committee of the legislative council regarding the contract. The notification is required regardless of the source of payment for the lease-purchase arrangement. The notification shall include all of the following information:

- a. A description of the object of the lease-purchase arrangement.
- b. The cost of the contract.
- c. The terms of the contract.
- d. The total cost of the contract, including principal and interest costs.
- e. An identification of the means and source of payment of the contract.
- f. An analysis of consequences of delaying or abandoning the commencement of the contract.

2. The legislative fiscal committee shall report to the legislative council concerning the notifications it receives pursuant to this section.

3. A state agency shall report quarterly to the legislative fiscal committee concerning its contracts involving a lease-purchase arrangement. The format of the report shall be determined by the legislative fiscal bureau in consultation with the department of management. The report shall include all of the following information:

- a. A description of the objects of a lease-purchase arrangement under contract.
- b. The total costs of the contracts.

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c. Total principal and interest cost in each fiscal year of each contract.

d. An identification of the means and source of payment for each contract.

Sec. _____. Section 18.12, subsection 10, unnumbered paragraph 1, paragraphs b, d, and e, and unnumbered paragraphs 2 and 3, Code 1991, are amended to read as follows:

On behalf of the department, enter into lease-purchase contracts for real or personal property, wherever located within the state, to be used for buildings, facilities, and structures, or for additions or improvements to existing buildings, facilities, and structures, to carry out the provisions of this chapter section or for the proper use and benefit of the state and its state agencies on the following terms and conditions:

b. The lease-purchase contract may provide for ultimate ownership of the property by the state. Title to all property acquired in this manner shall be taken and held in the name of the state. The state shall be the lessee or contracting party under all lease-purchase contracts entered into pursuant to this chapter section. The lease-purchase contract may contain provisions similar to provisions customarily found in lease-purchase contracts between private persons, including, but not limited to, provisions prohibiting the acquisition or use by the lessee of competing property or property in substitution for the lease-purchased property, obligating the lessee to pay costs of operation, maintenance, insurance, and taxes relating to the property, and permitting the lessor to retain a security interest in the property lease-purchased, until title passes to the state, which may be assigned or pledged by the lessor. The director may contract for additional security or liquidity for a lease-purchase contract and may enter into agreements for letters of credit, lines of credit, insurance, or other forms of security with respect to rental and other payments due under a lease-purchase contract. Fees for the costs of additional security or liquidity are a cost of

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entering into the lease-purchase contract and may be paid from funds annually appropriated by the general assembly to the state agency for which the property is being obtained or from other funds legally available. The lease-purchase contract may include the costs of entering into the lease-purchase contract as a cost of the lease-purchased property. The provision of a lease-purchase contract which provides that a portion of the periodic rental payment be applied as interest is subject to chapter 74A. Other laws relating to interest rates do not apply. Chapter 75 does not apply to lease-purchase contracts entered into pursuant to this chapter section. Rental and other costs due under lease-purchase contracts entered into pursuant to this chapter section shall be payable from funds annually appropriated by the general assembly to the state agency for which the property is being obtained or from other funds legally available.

d. The director shall not enter into lease-purchase contracts pursuant to this chapter section without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor of the use, location, and maximum cost, not including interest expense, of the real or personal property to be lease-purchased. However, the director shall not enter into a lease-purchase contract for real or personal property which is to be constructed for use as a prison or prison-related facility without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor of the use, location, and maximum cost, not including interest expense, of the real or personal property to be lease-purchased and with the construction in accordance with space needs as established by an independent study of space needs authorized by the general assembly.

e. A contract for acquisition, construction, erection, demolition, alteration, or repair by a private person of real or personal property to be lease-purchased by the director pursuant to this chapter section is exempt from section 18.6.

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subsections 1 and 9, unless the lease-purchase contract is funded in advance by a deposit of the lessor's moneys to be administered by the director under a lease-purchase contract which requires rent payments to commence upon delivery of the lessor's moneys to the lessee.

This subsection provides an alternative and independent method for carrying out projects under this chapter and for entering into lease-purchase contracts in connection ~~therewith~~ with the projects, without reference to any other statute, and is not an amendment of or subject to the provision of any other law. No publication of any notice, whether under section 23.12 or otherwise, and no other or further proceedings with respect to the lease-purchase contracts ~~is~~ referred to in this section are required except as set forth in this ~~chapter~~ section, any provisions of other statutes of the state to the contrary notwithstanding.

For purposes of this subsection and subsection 12, "state agency" means a board, commission, bureau, division, office, department, or branch of state government.

Sec. ____ . Section 18.12, subsection 15, Code 1991, is amended to read as follows:

15. Prepare ~~quarterly~~ semiannual status reports for all ongoing capital projects of all state agencies, as defined in section 8.3A, and submit the status reports to the legislative capital projects committee.

Sec. ____ . Section 262A.3, Code 1991, is amended to read as follows:

262A.3 TEN-YEAR FIVE-YEAR PROGRAM AND TWO-YEAR BOND PROPOSAL SUBMITTED EACH YEAR.

The board shall prepare and submit to the general assembly for approval or rejection a proposed ~~ten-year~~ five-year building program for each institution, including an estimate of the maximum amount of bonds which the board expects to issue under the provisions of this chapter during each year of the ensuing biennium. ~~Such~~ The program and estimate shall be submitted ~~no-later-than-seven-days-after-the-passage-of-this~~

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~~chapter-by-the-general-assembly-and-thereafter~~ no later than seven days after the convening of each regular annual session of the general assembly. The building program shall contain a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions. This list shall be revised annually, but no project shall be eliminated from the list when bonds have previously been issued by the board to pay the cost thereof of the project. Each ~~such~~ list shall contain an estimate of the cost of each of the buildings and facilities referred to ~~therein~~ in the list. If the general assembly rejects or fails to approve any proposed ~~ten-year~~ five-year building program, ~~such~~ this action or inaction shall not affect the status or legality of any project previously or subsequently authorized by the general assembly as provided in section 262A.4.

Sec. ____ . NEW SECTION. 455A.9 STATE FISH AND GAME PROTECTION FUND -- CAPITAL PROJECTS AND CONTINGENCIES.

Funds remaining in the state fish and game protection fund during a fiscal year which are not specifically appropriated by the general assembly are appropriated and may be used for capital projects and contingencies under the jurisdiction of the fish and wildlife division arising during the fiscal year. A contingency shall not include any purpose or project which was presented to the general assembly by way of a bill or a proposed bill and which failed to be enacted into law. For the purpose of this section, a necessity of additional operating funds may be construed as a contingency. Before any of the funds authorized to be expended by this section are allocated for contingencies, it shall be determined by the executive council that a contingency exists and that the contingency was not existent while the general assembly was in session and that the proposed allocation shall be for the best interests of the state. If a contingency arises or could reasonably be foreseen during the time the general assembly is in session, expenditures for the contingency must be authorized by the general assembly."

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118. Title page, by striking lines 2 and 3 and inserting the following: "departments, agencies, funds, and certain other entities, making related statutory changes, and providing".

119. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE SENATE:

LEONARD L. BOSWELL, Chairperson
BILL HUTCHINS
JACK RIFE
DALE L. TIEDEN
JOE J. WELSH

ON THE PART OF THE HOUSE:

THOMAS J. JCCHUM, Chairperson
JANET L. ADAMS

HAROLD VAN MAANEN
PHILIP WISE

CCS-529 FILED MAY 10, 1991
ADOPTED (p. 1771)

House Adopted 5/11/91 (p. 2393)



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

June 7, 1991

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

Dear Madam Secretary:

✓ I hereby transmit Senate File 529, an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, making related statutory changes, and providing effective dates.

In order to assure a balanced budget in fiscal year 1992, it is necessary to item veto excessive spending wherever possible and employ an across-the-board cut in spending. My actions on this bill move us closer to a balanced budget in fiscal year 1992 by reducing spending by a total of \$1.3 million.

Senate File 529 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 122, in its entirety. This provision would require the Governor to use the Department of Personnel recruitment process when making an appointment to a full-time position in a division, department, board, commission, or council of the state. The current appointment process includes adequate oversight. In most cases, the qualifications of appointees to fill full-time positions are specified in the Code and the selection made by the Governor must be confirmed by a two-thirds vote of the Iowa Senate. An appointee's service is limited to a term of years and all must be reappointed and reconfirmed to continue in their positions.

I am unable to approve the item designated as Section 201, subsection 6, paragraph d, in its entirety. This provision would appropriate \$250,000 for a stream degradation pilot project. Given the state's fiscal condition, funding for this new program cannot be approved. By disapproving this item, the Department of Agriculture will revert this \$250,000 at the end of the fiscal year 1992.

The Honorable Elaine Baxter
June 7, 1991
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I am unable to approve the item designated as Section 204, in its entirety. This provision would appropriate \$25,000 to research the multiflora rose virus. Sufficient funding currently exists within the Regents' budget to continue this research at Iowa State University, therefore, this additional funding is unnecessary.

I am unable to approve the item designated as Section 207, subsection 12, in its entirety. This provision would appropriate \$216,000 for programs supported from the Energy Research and Development Fund and administered by the Energy and Geological Resources Division of the Department of Natural Resources. Funding is available for this program through a standing appropriation and from other sources. Given the state's fiscal condition, this additional funding cannot be approved.

I am unable to approve the item designated as Section 218, in its entirety. This provision would transfer funds granted under the Council of Great Lakes Governors Regional Bio Mass Energy Program from the Department of Natural Resources to the Department of Agriculture and Land Stewardship. This grant is appropriately placed in the Energy Bureau of the Department of Natural Resources and should not be transferred.

I am unable to approve the item designated as Section 226, in its entirety. This provision requires the Department of Natural Resources to charge a fee based upon production costs, for stocking fish in private ponds. The current program was designed to increase fishing opportunities all over the state and has been quite successful. Over 600 pond acres are stocked with fish each year through this program which is funded with the revenues received from fishing license sales. This provision would discourage owners of private ponds from stocking ponds and making them available for fishing to the public.

I am unable to approve the items designated as Sections 227 and 236, in their entirety. These provisions specify procedures for reports filed by the Departments of Natural Resources and Agriculture and Land Stewardship with the General Assembly if a procedure regarding a specific report is not otherwise provided. The procedure would require the automatic distribution of multiple reports to legislative staff who have not indicated an interest in receiving them. This requirement would result in unnecessary costs to the department and waste of state government resources.

I am unable to approve the item designated as Section 232, in its entirety. This provision would change the word "divisions" to "administrative units" in the Department of Natural Resources. The reference to subunits of departments as "divisions" was established during reorganization in 1986 to apply across state

The Honorable Elaine Baxter
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government. This change is unnecessary and would result in costly changes to Iowa statutes and rules to conform the provisions where the word "divisions" is used.

I am unable to approve the item designated as Section 234, in its entirety. This item would eliminate the deputy director position in the Department of Natural Resources. This department is one of the largest and most complex in state government, and the director should retain the flexibility to employ a deputy director and to delegate responsibilities as needed.

I am unable to approve the item designated as Section 239, in its entirety. This provision amends the Code to transfer \$250,000 annually from the Grain Indemnity Fund to the Regulatory Division of the Department of Agriculture and Land Stewardship to supplement the general fund appropriation for grain dealer/warehouse inspections. The Grain Indemnity Fund was created to cover qualified losses of depositors and sellers of grain. It should not be used to pay for inspection activities.

I am unable to approve the item designated as Section 403, subsection 2, unnumbered and unlettered paragraph 2, in its entirety. This provision would appropriate \$45,396 to fund an additional word processor III position in the Division of Industrial Services. Given the current fiscal condition, I cannot approve funding for this purpose. By disapproving this item, the Department of Employment Services will revert this \$45,396 at the end of the fiscal year 1992.

I am unable to approve the item designated as Section 422, in its entirety. This provision would appropriate up to \$238,389 from the balance remaining in the Insurance Revolving Fund at the end of the fiscal year 1991 to the Department of Employment Services. Given the state's current fiscal condition, funding for this purpose cannot be approved. Any balance remaining in the fund should be transferred to the general fund at the end of this fiscal year.

I am unable to approve the item designated as Section 504, subsection 1, unnumbered and unlettered paragraph 2, in its entirety. This provision would prohibit the Department of Public Safety from providing security services to the Lieutenant Governor of Iowa. With the changed nature of the position and expanded duties, it is appropriate to provide security to the holder of the office, therefore, I cannot approve this provision.

I am unable to approve the item designated as Section 504, subsection 6, in its entirety. This provision would appropriate \$50,000 from the Road Use Tax Funds for land acquisition for a new state patrol post. With the state's present fiscal condition, we should not commit the state to expensive capital projects.

The Honorable Elaine Baxter
June 7, 1991
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I am unable to approve the item designated as Section 505, subsection 2, in its entirety. This provision would appropriate \$38,000 from use tax receipts to design three new armories. I have approved the construction of armories at Corning, Council Bluffs and Oskaloosa in order to avoid the loss of \$6 million in federal funds. However, it is inappropriate to plan for additional armories out of the road use tax fund.

I am unable to approve Section 508, subsection 2, in its entirety. This provision appropriates \$500,000 for air service programs. This amount of funding would result in a significant expansion in spending for this purpose. Given the state's fiscal condition, it cannot be approved. By disapproving this item, the Department of Transportation will revert this \$500,000 at the end of fiscal year 1992.

I am unable to approve the item designated as Section 604, in its entirety. This section would require the Board of Regents to obtain the approval of the Director of the Legislative Fiscal Bureau to implement a uniform budget and accounting systems, and provides for a June 30, 1991 deadline. Approval of budgeting and accounting system used by the Board of Regents should remain with the executive branch.

I am unable to approve the item designated as Section 605, in its entirety. This section would require the Governor's final budget recommendations to be transmitted to the Legislative Fiscal Bureau no later than January 1, rather than the date the budget document is sent to the printer. Over the past several years, the Governor's budget has been transmitted to the legislature well before the February 1 statutory deadline. A further acceleration is unnecessary and would impair the decision-making process in the executive branch.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 529 are hereby approved as of this date.

Sincerely,


Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

SENATE FILE 529

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO STATE DEPARTMENTS, AGENCIES, FUNDS, AND CERTAIN OTHER ENTITIES, MAKING RELATED STATUTORY CHANGES, AND PROVIDING EFFECTIVE DATES.

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

DIVISION I
ADMINISTRATION

Sec. 101. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

| | | |
|-------|------|-----------|
| ..... | \$ | 2,123,450 |
| ..... | FTEs | 50.00 |

Sec. 102. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

| | | |
|-------|------|---------|
| ..... | \$ | 993,462 |
| ..... | FTEs | 17.00 |

2. For the governor's expenses and the lieutenant governor's expenses connected with office:

| | | |
|-------|----|-------|
| | \$ | 2,850 |
|-------|----|-------|

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

| | | |
|-------|------|--------|
| ..... | \$ | 94,493 |
| ..... | FTEs | 3.00 |

4. For the payment of expenses of ad hoc committees, councils, and task forces appointed by the governor to research and analyze a particular subject area relevant to the problems and responsibilities of state and local government, including the employment of professional, technical, and administrative staff and the payment of per diem and actual expenses of committee, council, or task force members as specified pursuant to section 7E.6. However, a member shall not receive a per diem if the member is receiving a salary as a full-time public employee, but members shall be reimbursed for actual and necessary expenses.

As a condition, limitation, and qualification of this appropriation, the ad hoc committees, councils, and task forces appointed by the governor shall be subject to chapters 21 and 22 and the members shall be so informed:

| | | |
|-------|----|-------|
| | \$ | 1,900 |
|-------|----|-------|

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

| | | |
|-------|------|--------|
| ..... | \$ | 96,900 |
| ..... | FTEs | 2.00 |

6. For payment of Iowa's membership in the national governors' conference:

| | | |
|-------|----|--------|
| | \$ | 80,985 |
|-------|----|--------|

Sec. 103. There is appropriated from the general fund of the state to the office of the governor's drug enforcement and abuse prevention coordinator for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 159,596
 FTEs 8.00

2. For the Iowa substance abuse clearinghouse in Cedar Rapids for staff, materials, and operating expenses:

..... \$ 38,000

As a condition, limitation, and qualification of this appropriation, the drug enforcement and abuse prevention coordinator shall use the amount appropriated in this subsection to match and obtain available federal funds, the total amount of these funds to be used for the costs of the clearinghouse.

Sec. 104. There is appropriated from the general fund of the state to the office of treasurer of state 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 salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 791,614
 FTEs 28.00

Sec. 105. There is appropriated from the general fund of the state to the executive council 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 salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 41,855
 FTEs 1.12

Sec. 106. There is appropriated from the general fund of the state to the following named agencies for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the

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

1. NATIONAL CONFERENCE OF STATE LEGISLATURES

For support of the membership assessment:

..... \$ 75,848

2. COMMISSION ON UNIFORM STATE LAWS

For support of the commission and expenses of the members:

..... \$ 17,545

Sec. 107. 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 amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION DIVISION

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

..... \$ 587,133
 FTEs 18.00

2. COMMUNICATIONS DIVISION

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

..... \$ 169,305
 FTEs 19.00

3. MATERIALS MANAGEMENT DIVISION

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

..... \$ 86,583
 FTEs 3.30

4. PROPERTY MANAGEMENT DIVISION

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

..... \$ 3,793,295
 FTEs 150.00

5. PRINTING AND MAIL DIVISION

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

..... \$ 482,134
..... FTEs 22.00

6. RECORDS MANAGEMENT DIVISION

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

..... \$ 407,208
..... FTEs 13.00

7. INFORMATION SERVICES DIVISION

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

..... \$ 6,861,332
..... FTEs 158.00

It is the intent of the general assembly that \$269,829 be used for increased capacity of the mainframe services which will improve the availability, response time, and improve the workload.

8. The department of general services shall not change the appropriations for the purposes designated in subsections 1 through 7 from the amounts appropriated under those subsections 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.

9. Savings achieved in providing telecommunications services shall be used by the department of general services to increase efficiencies in the provision of those services. The department of general services shall report semiannually to the chairpersons and the ranking members of the joint administration appropriations subcommittee and to the legislative fiscal bureau. The reports shall include a listing of the projects and efficiencies undertaken, the cost of each project, and the benefits, including the projected

savings on an annual basis and for the life of the efficiency improvement.

10. The division administrators within the department of general services shall cooperate with the legislative fiscal bureau to develop definitions of goals and performance measures for the divisions and programs selected by the administration appropriations subcommittees or by the legislative fiscal bureau. Data for these measures shall be collected and provided to the legislative fiscal bureau in a timely manner. The department of general services shall also cooperate with the department of management and provide performance data in a timely manner. The department of management shall regularly provide copies of its performance report to the legislative fiscal bureau.

Sec. 108. 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 amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CAPITOL PLANNING COMMISSION

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

..... \$ 1,480

2. UTILITY COSTS

For payment of utility costs:

..... \$ 1,816,740

The department of general services may use funds appropriated in this subsection for utility costs to fund energy conservation projects in the state capitol complex which will have a 100 percent payback within a 24-month period. The department of general services shall report quarterly to the chairpersons and ranking members of the administration appropriations subcommittee, and to the legislative fiscal bureau, concerning the savings generated as a result of implementation of these projects.

Notwithstanding section 18.12, subsection 11, any excess funds appropriated for utility costs in this subsection shall

not be deposited in the general fund of the state on June 30, 1992, and these funds are to be used for implementation of energy conservation projects having a payback of 100 percent within a 2-year to 6-year period. The department of general services shall report semiannually to the chairpersons and ranking members of the joint administration appropriations subcommittee and to the legislative fiscal bureau. The reports shall include a listing of the projects undertaken, the cost of each project, and the projected savings on an annual basis and for the life of the project.

3. RENTAL SPACE

For payment of lease or rental costs of buildings and office space at the seat of government as provided in section 18.12, subsection 9, notwithstanding section 18.16:
..... \$ 544,000

4. FIRE SAFETY

For payment of costs incurred in providing for additional fire safety measures:
..... \$ 67,000

The moneys appropriated by this subsection may be used for, but are not limited to, the provision of alarm warning systems and additional means of egress. Moneys provided under this subsection shall not be used to defray the costs of deferred maintenance or for any purpose other than improving fire safety.

Sec. 109. There is appropriated from the revolving funds designated to the department of general services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. From the centralized printing permanent revolving fund established by section 18.57 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 952,840
..... FTEs 30.00

2. The remainder of the centralized printing permanent revolving fund is appropriated for the expense incurred in supplying paper stock, offset printing, copy preparation, binding, distribution costs, original payment of printing and binding claims and contingencies arising during the fiscal year beginning July 1, 1991, and ending June 30, 1992, which are legally payable from this fund.

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

..... \$ 580,507
..... FTEs 15.00

4. The remainder of the centralized purchasing permanent revolving fund is appropriated for the payment of expenses incurred through purchases by various state departments and for contingencies arising during the fiscal year beginning July 1, 1991, and ending June 30, 1992, which are legally payable from this fund.

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

..... \$ 595,786
..... FTEs 17.00

6. The remainder of the vehicle dispatcher revolving fund is appropriated for the purchase of gasoline, gasohol, oil, tires, repairs, and all other maintenance expenses incurred in the operation of state-owned motor vehicles and for contingencies arising during the fiscal year beginning July 1, 1991, and ending June 30, 1992, which are legally payable from this fund.

7. The vehicle dispatcher shall report, not later than January 2, 1992, to the chairpersons and the ranking members of the joint administration appropriations subcommittee and to the legislative fiscal bureau regarding the efficiencies of the vehicle fleet and the changes in the efficiencies. The

report shall include the cost per mile, fuel efficiencies, maintenance costs, useful life, the costs of extending the useful life, and other measures which the vehicle dispatcher or the legislative fiscal bureau finds appropriate. The information shall be reported for each general type of vehicle. The overhead costs shall also be reported with the total costs of the vehicle dispatcher operations.

8. The department of general services shall report semiannually in January and July, the results of the project testing the potential for burning an 85 percent ethanol mixture in the state's test vehicles. The report shall include, but is not limited to, purchase costs, maintenance costs, average mileage, vehicle life, problems encountered, and likely benefits.

9. The department of general services shall develop, in consultation with the legislative fiscal bureau, a methodology for directly billing state agencies for the services provided and for recovering depreciation costs. The department shall collect information showing what the billings would be for each state agency if the methodology were implemented and report the findings to the joint administration appropriations subcommittee and to the legislative fiscal bureau by December 1, 1991. The department shall inform all state agencies that will be affected by this methodology as to the potential costs if the methodology is implemented for the fiscal year beginning July 1, 1992.

Sec. 110. There is appropriated from the general fund of the state to the department of personnel for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes for the director's staff, office services, data-word processing, and insurance cost management, and for not more than the following full-time equivalent positions:

..... \$ 1,161,871

..... FTEs 29.65

2. FIELD OPERATIONS

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

..... \$ 1,328,624

..... PTEs 44.60

3. PROGRAM MANAGEMENT

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

..... \$ 1,101,552

..... FTEs 34.00

b. For salaries for the administration of the workers' compensation fund and for not more than the following full-time equivalent positions:

..... \$ 140,787

..... FTEs 4.00

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

The funds for support, maintenance, and miscellaneous purposes for personnel assigned to field operations under subsection 2 and program management under subsection 3 are payable from the appropriation made in subsection 1.

As a condition, limitation, and qualification of this appropriation, the department of personnel shall report quarterly to the chairpersons and ranking members of the joint administration appropriations subcommittee concerning the number of vacancies in existing full-time equivalent positions and the average time taken to fill the vacancies. The reports shall include quarterly and annual averages organized according to state agency and general occupational category as established by the federal equal employment opportunity commission. All departments and agencies of the state shall cooperate with the department in the preparation of the reports.

Sec. 111. There is appropriated from the road use tax fund to the department of personnel 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 salaries, support, maintenance, and miscellaneous purposes to provide personnel services for the state department of transportation:
..... \$ 32,829

Sec. 112. There is appropriated from the primary road fund to the department of personnel 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 salaries, support, maintenance, and miscellaneous purposes to provide personnel services for the state department of transportation:
..... \$ 330,667

Sec. 113. There is appropriated from the Iowa public employees' retirement system fund to the department of personnel for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees' retirement system:
..... \$ 3,003,421

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

2. For design, development, and implementation of the data information system:
..... \$ 783,000

Notwithstanding section 8.33, funds appropriated in this subsection that remain unencumbered or unobligated on June 30,

1992, shall not revert to the Iowa public employees' retirement system fund but shall be available for expenditure in subsequent years to complete the data information system.

The department of personnel shall report on or before January 1, 1992, and each 6 months thereafter until the data information system is fully implemented to the chairpersons and ranking members of the joint administration appropriations subcommittee and to the legislative fiscal bureau, on the progress made in implementing the data information system. The report shall include, but is not limited to, moneys spent and encumbered, progress made relative to the scheduled implementation, and benefits or anticipated benefits of the system.

The department of personnel shall report to the chairpersons and ranking members of the joint administration appropriations subcommittee and to the legislative fiscal bureau the results and effectiveness of the wellness program pilot project developed and tested by the department of personnel in conjunction with the state department of transportation. The department of personnel shall submit the reports in June and December of each year of the project's existence and shall submit a final report upon completion of the project.

The department of personnel shall report to the chairpersons and ranking members of the joint administration appropriations subcommittee and to the legislative fiscal bureau the results and effectiveness of the pilot project regarding the automation of hiring procedures. The department of personnel shall submit progress reports in June and December during the period of existence of the project, and shall submit a final report upon completion of the project.

The department of personnel shall submit, annually, a report to the chairpersons and ranking members of the joint administration appropriations subcommittee and to the legislative fiscal bureau regarding the results of the state's top achievement recognition program. The reports submitted shall include, but are not limited to, identification of the

recipients, a description of the meritorious achievements, and the awards conferred.

Sec. 114. There is appropriated from the general fund of the state to the department of revenue and finance for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, and for no more than the following full-time equivalent positions used for the purposes designated in subsections 1 through 6:

| | | |
|--|------|------------|
| ..... | FTEs | 677.60 |
| 1. AUDIT AND COMPLIANCE | | |
| For salaries, support, maintenance, and miscellaneous purposes: | | |
| ..... | \$ | 10,825,147 |
| 2. FINANCIAL MANAGEMENT | | |
| For salaries, support, maintenance, and miscellaneous purposes: | | |
| ..... | \$ | 6,750,450 |
| 3. INFORMATION AND MANAGEMENT SYSTEMS | | |
| For salaries, support, maintenance, and miscellaneous purposes: | | |
| ..... | \$ | 2,006,656 |
| 4. LOCAL GOVERNMENT SERVICES | | |
| For salaries, support, maintenance, and miscellaneous purposes: | | |
| ..... | \$ | 1,383,566 |
| 5. TECHNICAL SERVICES | | |
| For salaries, support, maintenance, and miscellaneous purposes: | | |
| ..... | \$ | 2,172,978 |
| 6. ADMINISTRATION | | |
| For salaries, support, maintenance, and miscellaneous purposes: | | |
| ..... | \$ | 1,033,213 |
| 7. INSURANCE PREMIUMS | | |
| For payments of medical, dental, and life insurance premiums as required in section 79.23: | | |

..... 5 350,000

8. SECURITY DEPOSITS

For payments of refunds on security deposits as required in section 422.52:

..... 5 500,000

9. The department of revenue and finance shall not change the appropriations for the purposes designated in subsections 1 through 8 from the amounts appropriated in those subsections 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.

The director shall report annually to the legislative fiscal committee, the legislative fiscal bureau, and the chairpersons and ranking members of the joint administration appropriations subcommittee concerning the effectiveness of the tax audits and investigations conducted, the moneys expended, the tax obligations established, and taxes collected as a result of the tax collection and enforcement efforts of the department.

The department of revenue and finance shall report quarterly to the legislative fiscal bureau concerning progress in the implementation of generally accepted accounting principles, including determination of reporting entities, fund classifications, modification of the Iowa financial accounting system, progress on preparing a comprehensive annual financial report, and the most current estimate of the general fund balance based on current generally accepted accounting principles.

10. As a condition, limitation, and qualification of the appropriations made in this section, the department of revenue and finance, utilizing the resources available through the governor's planning council for developmental disabilities and the commission of persons with disabilities, shall study and determine the process by which persons with disabilities will deduct expenses they pay for personal assistance services that enable them to be employed. For purposes of this subsection,

"disability" means a severe, disabling condition that persists indefinitely, and causes problems in language, learning, mobility, or capacity for self-sufficiency. The department shall file a report of its study with the governor and the general assembly by January 15, 1992.

Sec. 115. There is appropriated from the motor vehicle fuel tax fund created by section 324.77 to the department of revenue and finance 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 salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the provisions of chapter 324 and the motor vehicle use tax program:
..... \$ 1,049,076

Sec. 116. There is appropriated from the lottery fund to the department of revenue and finance 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 salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 7,050,932
..... FTEs 138.55

Sec. 117. There is appropriated from the general fund of the state to the department of management 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 salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 1,574,880
..... FTEs 30.00

Sec. 118. There is appropriated from the road use tax fund to the department of management 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 salaries, support, maintenance, and miscellaneous purposes:
..... \$ 55,000

The department of management shall report to the chairpersons and ranking members of the senate and house committees on appropriations, the chairpersons and ranking members of the joint administration appropriations subcommittee, the legislative fiscal committee, and the legislative fiscal bureau, the number of furloughs and the number of layoffs that occur in each state agency, the savings associated with those furloughs and layoffs, the effect of the furloughs and layoffs on services provided by the state agency, and other relevant information. The department shall provide a year-end report summarizing the information for fiscal year 1991 on or before September 1, 1991. The department shall continue this reporting for fiscal year 1992. A report on the first 5 months of the fiscal year is due by January 2, 1992, and a year-end report is due by September 1, 1992.

Sec. 119. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. COUNCIL OF STATE GOVERNMENTS

For support of the membership assessment:

..... \$ 69,600

2. LAW ENFORCEMENT TRAINING REIMBURSEMENTS

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

..... \$ 116,850

Sec. 120. There is appropriated from the general fund of the state to the office of state-federal relations 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 salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

| | | |
|-------|------|---------|
| ..... | \$ | 220,340 |
| ..... | FTEs | 3.15 |

Sec. 121. Notwithstanding section 8.55, the moneys in the Iowa economic emergency fund are transferred to the general fund of the state if necessary to avoid a deficit in the general fund of the state and to defray expenses at the conclusion of the fiscal year beginning July 1, 1991, and ending June 30, 1992.

Sec. 122. NEW SECTION. 7.15A APPOINTMENTS.

The governor, when appointing a person to fill a full-time position for a division, department, board, commission, or council of the state shall provide all necessary information regarding the appointive position to the department of personnel.

The department of personnel shall give public notice of recruitment for the position, and the position shall remain open for at least fifteen calendar days following the date of public notice.

Recruitment for the position may be limited to a specific geographic area or to persons with specific background qualifications, or both. Recruitment announcements shall specify the title, salary range, method for making application, closing date for receiving applications, and any specific availability or background requirements. Recruitment announcements shall be posted in conspicuous locations throughout the relevant state agency and in the offices of the division of job service of the department of employment services. Recruitment announcements shall also be sent to newspapers, radio stations, educational institutions, professional and vocational associations, and other recruitment sources as funds allow.

Sec. 123. Section 12.8, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Investment income may be used to maintain compensating balances, and pay transaction costs for investments made by the treasurer of state, and pay administrative and related overhead costs incurred by the treasurer of state in the management of money. The treasurer of state shall coordinate with the affected departments to determine how compensating balances, or transaction costs, or money management and related costs will be established. All charges against a retirement system must be documented and notification of the charges shall be made to the appropriate administration of the retirement system affected.

Sec. 124. USE OF RECOVERED ADMINISTRATIVE FUNDS. The funds collected as administrative and related overhead costs under section 12.8 for the fiscal year beginning July 1, 1991, shall be credited to the general fund of the state. The treasurer of state shall report to the chairpersons and ranking members of the joint administration appropriations subcommittee, to the legislative fiscal committee, and to the legislative fiscal bureau, as to the amounts collected. It is the intent of the general assembly that commencing with the fiscal year beginning July 1, 1992, the administrative and related overhead costs recovered shall become part of the budget of the office of treasurer of state.

Sec. 125. WORLD FOOD PRIZE. There is appropriated from the general fund of the state to the treasurer of state 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 purpose designated:

For the continued funding of Iowa's participation in the funding of the world food prize:
..... \$ 250,000

It is the intent of the general assembly that this appropriation of public funds will result in a commitment for additional funding for the world food prize from private sources.

The treasurer of state shall only provide the funds appropriated in this section to the world food prize foundation if sufficient private funds are raised to maintain the world food prize foundation in Iowa and the foundation is structured to include representation that reflects environmental concerns and sustainable agriculture.

Sec. 126. 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, 1991, and ending June 30, 1992, 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.

Sec. 127. Section 421.17, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 32. INDIRECT COST ALLOCATION.

a. To develop and administer an indirect cost allocation system for state agencies. The system shall be based upon standard cost accounting methodologies and shall be used to allocate both direct and indirect costs of state agencies or state agency functions in providing centralized services to other state agencies. A cost that is allocated to a state agency pursuant to this system shall be billed to the state agency and the cost is payable to the general fund of the state. The source of payment for the billed cost shall be any revenue source except for the general fund of the state. If a state agency is authorized by law to bill and recover direct expenses, the state agency shall recover indirect costs in the same manner.

b. For the purposes of this subsection, "state agency" means a board, commission, department, including the department of revenue and finance, or other administrative office, institution, bureau, or unit of the state of Iowa. The term "state agency" does not include the general assembly, the governor, the courts, or any political subdivision of the state, or its offices and units.

DIVISION II

AGRICULTURE AND NATURAL RESOURCES

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Sec. 201. 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, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 1,085,919

b. To the administration division for the purpose of performing fertilizer audits:

..... \$ 56,367

c. To the administration division for the operations of the dairy trade practices bureau:

..... \$ 101,183

d. To the administration division for the purpose of performing commercial feed audits:

..... \$ 56,367

e. Funds appropriated by this subsection are for the salaries and support of not more than the following full-time equivalent positions:

..... FTEs 38.20

f. As a condition, limitation, and qualification of the appropriation under paragraph "a", \$35,000 shall be allocated to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

g. As a condition, limitation, and qualification of the appropriation from the general fund under paragraph "a", \$140,000 and 5.00 FTEs shall be allocated to the statistics bureau to provide county-by-county information on land in farms, production by crop, acres by crop, and county prices by crop. This information shall be made available to the department of revenue and finance for use in the productivity formula for valuing and equalizing agricultural land.

2. FARM COMMODITY DIVISION

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

| | | |
|-------|------|---------|
| ..... | \$ | 911,000 |
| ..... | FTEs | 21.0 |

b. As a condition, limitation, and qualification of the appropriation under paragraph "a", \$65,000 and 4.00 FTEs shall be used to support an office of renewable fuels which shall be established within the department. The purpose of the office is to support research and promotion of ethanol and other renewable fuels. These positions shall also be used to perform in-state promotion of Iowa grown crops.

c. As a condition, limitation, and qualification of the appropriation under paragraph "a", \$500 shall be allocated from the appropriation for reimbursement of a poultry association conducting a statewide poultry show. The poultry association shall submit a claim for reimbursement to the department which details their annual income and includes a statement of expenditures incurred for the statewide show.

3. FARMERS' MARKET COUPON PROGRAM

For salaries, support, maintenance, and miscellaneous purposes, to be used by the department to continue and expand the farmers' market coupon program by providing federal special supplemental food program recipients with coupons redeemable at farmers' markets, and for not more than the following full-time equivalent positions:

| | | |
|-------|------|---------|
| ..... | \$ | 198,333 |
| ..... | FTEs | 1.0 |

4. REGULATORY DIVISION

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

| | | |
|-------|------|-----------|
| ..... | \$ | 3,879,715 |
| ..... | FTEs | 148.20 |

b. To the regulatory division to cover the costs of inspection, sampling, analysis, and other expenses necessary for the administration of chapters 192, 194, and 195:

| | | |
|-------|----|---------|
| | \$ | 645,901 |
|-------|----|---------|

5. LABORATORY DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes:

| | | |
|-------|----|---------|
| | \$ | 727,274 |
|-------|----|---------|

As a condition, limitation, and qualification of the appropriation under this paragraph "a", \$20,000 shall be used for the purposes of conducting a statewide gypsy moth detection survey.

Also as a condition, limitation, and qualification of the appropriation under this paragraph "a", \$200,000 shall be allocated from the appropriation to Iowa state university for purposes of training commercial pesticide applicators.

b. To the laboratory division for the operations of the commercial feed programs:

| | | |
|-------|----|---------|
| | \$ | 691,675 |
|-------|----|---------|

c. To the laboratory division for the operations of the pesticide programs:

| | | |
|-------|----|-----------|
| | \$ | 1,140,208 |
|-------|----|-----------|

d. To the laboratory division for the operations of the fertilizer programs:

| | | |
|-------|----|---------|
| | \$ | 785,397 |
|-------|----|---------|

e. Funds appropriated by this subsection are for the salaries and support of not more than the following full-time equivalent positions:

| | | |
|-------|------|------|
| | FTEs | 84.0 |
|-------|------|------|

The amount of full-time equivalent positions allocated under this paragraph may be exceeded, if all of the following conditions are satisfied:

(1) Additional funding other than from the state general fund is available during the fiscal year beginning July 1, 1991, and ending June 30, 1992.

(2) The legislative council is notified of the additional funding and the number of full-time equivalent positions to be increased.

(3) The department of management approves the increase in full-time equivalent positions recommended by the legislative council.

6. SOIL CONSERVATION DIVISION

a. For salaries, support, maintenance, assistance to soil conservation districts, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,132,428
..... FTEs 175.52

b. To provide financial incentives for soil conservation practices in accordance with paragraph "c":

..... \$ 6,439,972

c. As a condition, limitation, and qualification of the appropriation under paragraph "b", the following requirements apply to the funds appropriated by paragraph "b":

(1) Not more than 5 percent may be allocated for cost sharing to abate complaints filed under section 467A.47 and 467A.48.

(2) 10 percent shall be allocated for financial incentives not exceeding 50 percent of the approved cost of permanent soil conservation practices under chapter 467A on watersheds above publicly owned lakes in accordance with the priority list required in section 107.33A.

(3) The soil conservation district commissioners may allocate financial incentives not exceeding 60 percent of the cost of permanent soil conservation practices for special watershed practices or summer construction incentives under section 467A.7, subsections 17 and 19.

(4) Except for the allocations subject to subparagraphs (1), (2), and (3), these funds shall not be used alone or in combination with other public funds to provide a financial

incentive payment greater than 50 percent of the approved cost for voluntary permanent soil conservation practices and priority shall be given to family-operated farms.

(5) The soil conservation committee may allocate funds to conduct research and demonstration projects to promote conservation tillage and nonpoint sources pollution control practices.

(6) Not more than 30 percent of a district's allocation may be allocated by the soil conservation district commissioners for the establishment of management practices to control soil erosion on land that is now row cropped.

(7) The financial incentive payments may be used in combination with department of natural resources funds.

d. As a condition, limitation, and qualification of the appropriation under paragraph "b", \$250,000 shall be used for a stream degradation pilot project in western Iowa. However, only those counties which have levied the maximum rate of levy for rural county services under section 331.423, subsection 2, shall be eligible to participate in the pilot project.

e. The provisions of section 8.33 shall not apply to the funds appropriated by paragraph "b". Unencumbered or unobligated funds remaining on June 30, 1995, from funds appropriated under paragraph "b" for the fiscal year beginning July 1, 1991, shall revert to the general fund on September 30, 1995.

Sec. 202. 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, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

To fund lamb and wool management education projects approved by the department at community colleges selected as project sites as provided in section 99E.32, subsection 3, paragraph "m":

..... \$ 200,000

Sec. 203. 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, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For support of the pseudorabies eradication program:

..... \$ 400,000

Sec. 204. 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, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For transfer to the department of plant pathology at Iowa State university of science and technology for purposes related to researching the multiflora rose virus in order to control or eradicate the multiflora rose:

..... \$ 25,000

Sec. 205. There is appropriated from the funds available under section 99D.13 to the regulatory division of the department of agriculture and land stewardship 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 salaries, support, maintenance, and miscellaneous purposes for the administration of section 99D.22:

..... \$ 174,090

INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING

Sec. 206. There is appropriated from the general fund of the state to the interstate agricultural grain marketing commission 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 purpose designated:

For carrying out duties of the commission as provided in Article IV of the interstate compact on agricultural grain marketing as provided in chapter 183:

..... \$ 60,000

DEPARTMENT OF NATURAL RESOURCES

Sec. 207. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1. OFFICE OF DIRECTOR

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

..... \$ 55,893
..... FTEs 4.95

2. COORDINATION AND INFORMATION DIVISION

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

..... \$ 725,672
..... FTEs 33.95

3. ADMINISTRATIVE SERVICES DIVISION

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

..... \$ 1,588,181
..... FTEs 118.15

4. PARKS AND PRESERVES DIVISION

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

..... \$ 5,377,899
..... FTEs 216.52

As a condition, limitation, and qualification of the appropriation under this subsection, the department of natural resources shall construct a safety fence on the dam at Beeds lake in Franklin county.

5. FORESTS AND FORESTRY DIVISION

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

..... \$ 1,617,265
 FTEs 59.71

6. ENERGY AND GEOLOGICAL RESOURCES DIVISION
 For salaries, support, maintenance, miscellaneous purposes,
 and for not more than the following full-time equivalent
 positions:
 \$ 1,323,941
 FTEs 59.62

7. ENVIRONMENTAL PROTECTION DIVISION
 For salaries, support, maintenance, miscellaneous purposes,
 and for not more than the following full-time equivalent
 positions:
 \$ 1,973,992
 FTEs 158.75

8. FISH AND WILDLIFE DIVISION
 For salaries, support, maintenance, miscellaneous purposes,
 and for not more than the following full-time equivalent
 positions:
 \$ 0
 FTEs 335.24

9. WASTE MANAGEMENT AUTHORITY
 For salaries, support, maintenance, miscellaneous purposes,
 and for not more than the following full-time equivalent
 positions:
 \$ 0
 FTEs 18.75

10. For reimbursement to federal agencies for cooperative
 contracts:
 \$ 185,983

11. For the green thumb program for the employment of the
 elderly in conservation and outdoor recreation related fields
 in coordination with other agencies as provided by law, and
 for not more than the following full-time equivalent
 positions:
 \$ 254,000
 FTEs 18.68

12. For programs administered by the energy and geological
 resources division traditionally supported from the energy
 research and development fund:
 \$ 216,000

Sec. 208. There is appropriated from the state fish and
 game protection fund to the division of fish and wildlife of
 the department of natural resources for the fiscal year
 beginning July 1, 1991, and ending June 30, 1992, the
 following amounts, or so much thereof as is necessary, to be
 used for the purposes designated:

1. For administrative support:
 \$ 2,663,106
2. For the law enforcement bureau of the fish and wildlife
 division for salaries, support, maintenance, equipment, and
 miscellaneous purposes:
 \$ 5,154,669
3. For the fisheries bureau of the fish and wildlife
 division for salaries, support, maintenance, equipment, and
 miscellaneous purposes:
 \$ 4,773,909
4. For the wildlife bureau of the fish and wildlife
 division for salaries, support, maintenance, equipment, and
 miscellaneous purposes:
 \$ 5,181,922
5. For division management of the fish and wildlife
 division, for salaries, support, maintenance, equipment, and
 miscellaneous purposes:
 \$ 184,848
6. As a condition, limitation, and qualification of the
 appropriations under this section, if reductions in
 expenditures are determined to be necessary to avoid a budget
 deficit in the fish and game protection fund, the department
 shall take all actions necessary to avoid using license
 receipts or other income for capitals and acquisitions, unless
 the Code specifically designates the use or the receipts are
 required to match federal funds. The department shall not
 reduce personnel until all other actions necessitated by the
 expenditure reduction are exhausted.

Sec. 209. There is appropriated from the marine fuel tax receipts deposited in the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- 1. To the parks and preserves division for maintenance and development of boating facilities and access to public waters:
..... \$ 450,000
- 2. For deposit in the state fish and game protection fund for maintenance of boating access on lands managed by the fish and wildlife division:
..... \$ 150,000
- 3. To fund capitals traditionally funded from marine fuel tax receipts for the purposes specified in section 324.79:
..... \$ 2,620,568

Notwithstanding section 8.33, the unencumbered or unobligated balances of the amounts appropriated for purposes of this subsection for the fiscal year beginning July 1, 1991, shall revert on September 30, 1993.

- 4. a. To fund expenditures traditionally funded from marine fuel tax revenues, but not considered as capitals or operations:
..... \$ 750,000

b. As a condition, limitation, and qualification of the appropriation under paragraph "a", \$250,000 shall be appropriated from the fund to support natural lake preservation. The department shall award the amount to a city as defined in section 362.2 on a matching basis with the department contributing one dollar for each two dollars dedicated by the city, or the city acting in conjunction with a county, for natural lake preservation, if the money is dedicated on or after March 1, 1990. However, the city, or the city and county, must have dedicated at least \$500,000 of local funds in order to qualify for the award. The city must also be located in a county having a population of less than twelve thousand.

Sec. 210. There is transferred on July 1, 1991, from the fees deposited under section 321G.7 to the fish and game protection fund 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 purpose designated:

For the purpose of enforcing snowmobile laws as part of the state snowmobile program administered by the department of natural resources:
..... \$ 100,000

Sec. 211. There is transferred on July 1, 1991, from the fees deposited under section 106.52 to the fish and game protection fund 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 purpose designated:

For the purpose of maintaining boating access on lands managed by the fish and wildlife division of the department of natural resources:
..... \$ 950,000

Sec. 212. There is transferred on April 1, 1992, from the fees deposited under section 321G.7 to the fish and game protection fund for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of enforcing snowmobile laws as part of the state snowmobile program administered by the department of natural resources:
..... \$ 100,000

Sec. 213. There is transferred on April 1, 1992, from the fees deposited under section 106.52 to the fish and game protection fund for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of administrating and enforcing navigation laws and water safety by the department of natural resources:
 \$ 950,000

Sec. 214. The department of agriculture and land stewardship and the department of natural resources, in cooperation as necessary with the department of management and the department of personnel, shall provide a list to the legislative fiscal bureau, on a quarterly basis, of all permanent positions added to or deleted from the departments' table of organization in the previous fiscal quarter. This list shall include at least the position number, salary range, projected funding source or sources of each position, and the reason for the addition or deletion. The legislative fiscal bureau may use this information to assist in the establishment of the full-time equivalent position limits contained in the appropriation bill for the departments.

Sec. 215. TRAVEL EXPENSES.

1. As a condition, limitation, and qualification of the funds appropriated in section 201 of this division, the department of agriculture and land stewardship shall not spend more than \$39,200 for expenses related to out-of-state travel, unless notification is provided to the chairpersons and ranking members of the agriculture and natural resources appropriations subcommittee of the committees on appropriations in the senate and house of representatives.

2. As a condition, limitation, and qualification of the funds appropriated in sections 207 and 208 of this division, the department of natural resources shall not spend more than \$145,000 for expenses related to out-of-state travel, unless notification is provided to the chairpersons and ranking members of the agriculture and natural resources appropriations subcommittee of the committees on appropriations in the senate and house of representatives.

Sec. 216. Notwithstanding section 17A.2, subsection 7, paragraph "g", the department of natural resources shall by rule establish prices of plant material grown at the state forest nurseries to cover all expenses related to the growing of the plants.

The department shall develop programs to encourage the wise management and preservation of existing woodlands and shall continue its efforts to encourage forestation and reforestation on private and public lands in the state.

The department shall encourage a cooperative relationship between the state forest nurseries and private nurseries in the state in order to achieve these goals.

Sec. 217. The laboratory division of the department of agriculture and land stewardship, the university of Iowa, and Iowa state university of science and technology shall cooperate together in developing a plan for sharing laboratory resources, eliminating duplication of efforts, and reducing the expenditures of moneys from the general fund of the state.

Sec. 218. Moneys granted pursuant to the council of great lakes governors regional biomass energy program shall be awarded to the department of agriculture and land stewardship to the extent permitted by federal law and policies adopted by the council of great lakes governors.

Sec. 219. The department of revenue and finance in cooperation with the department of agriculture and land stewardship and the department of natural resources shall track receipts to the general fund which have traditionally been deposited into the following funds:

1. The fertilizer fund created in section 200.9.
2. The pesticide fund created in section 206.12.
3. The dairy trade practices trust fund pursuant to section 192A.30.
4. The milk fund created in section 192.47.
5. The commercial feed trust fund created in section 198.9.
6. The marine fuel tax fund created in section 324.79.
7. The energy research and development fund created in section 93.14.

The departments designated in this section shall prepare reports detailing revenue from receipts traditionally deposited into each of the funds. A report shall be submitted to the legislative fiscal bureau at least once for each 3-month period as designated by the legislative fiscal bureau.

Sec. 220. The general assembly requests that the department of natural resources study to the extent practicable the contribution to groundwater and surface water contamination caused by the application of lawn care chemicals. A report prepared by the department shall be forwarded to the secretary of the senate and chief clerk of the house of representatives as soon as possible.

Sec. 221. The department of natural resources shall provide the legislative fiscal bureau information and financial data by cost center, on at least a monthly basis, relating to the indirect cost accounting procedure, the amount of funding from each funding source for each cost center, and the internal budget system used by the department. The information shall include but is not limited to financial data covering the department's budget by cost center and funding source prior to the start of the fiscal year, and to the department's actual expenditures by cost center and funding source after the accounting system has been closed for that fiscal year.

Sec. 222. During the fiscal year for which funds are appropriated by sections 207 and 208 of this division, the department of natural resources shall not require the installation or use of equipment to control the emission of dust or other particulate matter on or by facilities for storage of grain which are located within the ambient air quality attainment areas for suspended particulates.

Sec. 223. Notwithstanding 1990 Iowa Acts, chapter 1260, section 8, as amended by 1991 Iowa Acts, House File 173, the environmental protection division of the department of natural resources may fill 157.55 FTEs.

Sec. 224. Section 107.23, Code 1991, is amended to read as follows:

107.23 GENERAL DUTIES.

The commission department shall protect, propagate, increase, and preserve the wild mammals, fish, birds, reptiles, and amphibians of the state and enforce by proper actions and proceedings the laws, rules, and regulations

relating to them. The commission department shall collect, classify, and preserve all statistics, data, and information as in its opinion tend to promote the objects of this chapter, conduct research in improved conservation methods, and disseminate information to residents and nonresidents of Iowa in conservation matters.

~~Upon the issuance of such data and information in printed form to private individuals, groups or clubs, the commission shall be entitled to charge therefor the actual cost of printing and publication as determined by the state printer.~~

Sec. 225. NEW SECTION. 107.33A WATERSHED PRIORITY.

The commission shall each year establish a priority list of watersheds which are of highest importance based on soil loss to be used for the allocation of moneys set aside in annual appropriations from the general fund to the department of agriculture and land stewardship for permanent soil conservation practices under chapter 467A on watersheds above publicly owned lakes. Chapter 17A does not apply to this section.

Sec. 226. Section 109.78, Code 1991, is amended to read as follows:

109.78 STOCKING PRIVATE WATER.

No A private water may shall not be stocked by the commission department unless the owner agrees that such waters shall be open to the public for fishing, except that the commission may, after investigation to determine their suitability as to size, depth, living conditions for fish, and management, provide a breeding stock of fish for privately owned farm ponds on request of the owner. The department shall by rule establish fees for producing fish to stock a private water. The fees shall be based on the cost of producing the fish calculated on a per fish basis for each species produced. The fees shall be deposited by the department into the fish and game protection fund as created in section 107.17.

Sec. 227. NEW SECTION. 159.9A REPORTS REQUIRED TO BE FILED WITH THE GENERAL ASSEMBLY.

A report required to be filed with the general assembly by the department or secretary shall be filed according to procedure provided in the provision requiring the report. If the provision is silent regarding a procedure this section shall provide the applicable procedures.

1. The report shall be filed not later than the second Monday in January in the year after the report is required with the following persons:

a. The secretary of the senate and the chief clerk of the house of representatives who shall each receive ten copies.

b. The directors of each of the staffs of the majority and minority parties in the senate and house of representatives who shall each receive two copies.

c. The directors of the legislative service bureau and the legislative fiscal bureau who shall each receive two copies.

2. On February 1 and August 1 of each year, the department shall deliver to each member of the general assembly a list of titles of reports produced by the department during the previous six months. The department shall provide a copy of available reports upon request to a member of the general assembly or a person serving as partisan or nonpartisan staff to the general assembly.

Sec. 228. Section 173.14B, subsection 1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The board may issue and sell negotiable revenue bonds of the authority in denominations and amounts as the board deems for the best interests of the fair-for-any-of-the-following purposes-after-authorization. However, the board must first submit a list of the purposes ranked by priority and a purpose must be authorized by a constitutional majority of each house of the general assembly and approval approved by the governor. A purpose must be one of the following:

Sec. 229. Section 173.14B, subsection 2, Code 1991, is amended to read as follows:

2. The board may issue negotiable bonds and notes of the authority in principal amounts which are necessary to provide sufficient funds for achievement of its corporate purposes,

the payment of interest on its bonds and notes, the establishment of reserves to secure its bonds and notes, and all other expenditures of the board incident to and necessary or convenient to carry out its purposes and powers, subject to authorization and approval required under subsection 1. However, the total principal amount of bonds and notes outstanding at any time under subsection 1 and this subsection shall not exceed one-hundred-fifty six million dollars. The bonds and notes are deemed to be investment securities and negotiable instruments within the meaning of and for all purposes of the uniform commercial code.

Sec. 230. Section 455A.5, subsection 6, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Adopt, by rule, a schedule of fees for permits, including conditional permits, and a schedule of fees for administration of the permits. The fees shall be collected by the department and used to offset costs incurred in administering a program for which the issuance of the permit is made or under which enforcement is carried out. In determining the fee schedule, the commission shall consider all of the following:

(1) The reasonable costs associated with reviewing applications, issuing permits, and monitoring compliance with the terms of issued permits.

(2) The relative benefits to the applicant and to the public of a permit review, permit issuance, and monitoring compliance with the terms of the permit.

(3) The typical costs associated with a type of project or activity for which a permit is required. However, a fee shall not exceed the actual costs incurred by the department.

Sec. 231. Section 455A.6, subsection 6, paragraph d, Code 1991, is amended to read as follows:

d. Approve the budget request prepared by the director for the programs authorized by chapters 455B, 455C, 455E, and 455F. The commission shall approve the budget request prepared by the director for programs administered by the energy and geological resources division, the coordination and

information division, the administrative services division, and the office of the director, as provided in section 455A.7. The commission may increase, decrease, or strike any item within the department budget request for the specified programs before granting approval.

Sec. 232. Section 455A.7, subsection 1, unnumbered, paragraph 1, Code 1991, is amended to read as follows:

The following divisions administrative units are created within the department:

Sec. 233. Section 455A.7, subsection 1, Code 1991, is amended by adding the following new paragraphs:

NEW PARAGRAPH. i. Waste management authority which has responsibilities provided in chapter 455B, part 9.

NEW PARAGRAPH. j. Office of the director which has responsibilities for administering the department.

Sec. 234. Section 455A.7, subsection 2, Code 1991, is amended by striking the subsection.

Sec. 235. NEW SECTION. 455A.9 FEES -- PUBLICATIONS. The department may establish a schedule of fees for subscriptions to publications produced by the department, including periodicals. However, this subsection does not apply to application forms and materials intended for general distribution which explain departmental programs or duties.

Fees shall be based on the amount required to recover the reasonable costs of producing a publication, including costs relating to preparing, printing, publishing, and distributing the publication.

Sec. 236. NEW SECTION. 455A.21 REPORTS REQUIRED TO BE FILED WITH THE GENERAL ASSEMBLY.

A report required to be filed with the general assembly by the department or director shall be filed according to procedures provided in the provision requiring the report. If the provision is silent regarding a procedure this section shall provide the following applicable procedures:

1. The report shall be filed not later than the second Monday in January in the year after the report is required with the following persons:

a. The secretary of the senate and the chief clerk of the house of representatives who shall each receive ten copies.

b. The directors of each of the staffs of the majority and minority parties in the senate and house of representatives who shall each receive two copies.

c. The directors of the legislative service bureau and the legislative fiscal bureau who shall each receive two copies.

2. On February 1 and August 1 of each year, the department shall deliver to each member of the general assembly a list of titles of reports produced by the department during the previous six months. The department shall provide a copy of available reports upon request to a member of the general assembly or a person serving as partisan or nonpartisan staff to the general assembly.

Sec. 237. Section 455E.11, subsection 2, paragraph b, subparagraph (3), subparagraph subdivision (b), Code 1991, is amended to read as follows:

(b) Two percent is appropriated annually to the department of natural resources for the purpose of administering grants to counties and conducting oversight of county-based programs relative to the testing of private water supply wells and the proper closure of private abandoned wells. Not more than seventeen and one-half percent of the moneys is appropriated annually to the department of natural resources for grants to counties for the purpose of conducting programs of private, rural water supply testing, not more than six percent of the moneys is appropriated annually to the state hygienic laboratory to assist in well testing, and not more than seventeen and one-half percent of the moneys is appropriated annually to the department of natural resources for grants to counties for the purpose of conducting programs for properly closing abandoned, rural water supply wells and cisterns. A county receiving a grant for purposes of conducting programs of private, rural water supply testing, and receiving a grant for purposes of conducting programs for properly closing abandoned rural water supply wells and cisterns, may transfer moneys dedicated to support one grant program to support the

other grant program. However, in order to make the transfer, the county must have exhausted its grant money: dedicated to support the program and the county board of supervisors must find good cause justifying the transfer. For purposes of this subparagraph subdivision, "cistern" means an artificial reservoir constructed underground for the purpose of storing rainwater.

Sec. 238. Section 467A.48, subsection 1, paragraph c, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The Except as otherwise provided in this chapter, the amount of cost-sharing funds made available shall not exceed fifty percent of the estimated cost as established by the commissioners of a permanent soil and water conservation practice, or fifty percent of the actual cost, whichever is less, or an amount set by the committee for a temporary soil and water conservation practice, except as otherwise provided by law with respect to land classified as agricultural land under conservation cover.

Sec. 239. Section 543A.4, Code 1991, is amended by adding, the following new subsection:

NEW SUBSECTION. 4. The board shall on July 1 of each fiscal year provide for the transfer of two hundred fifty thousand dollars to the department for use by the warehouse bureau for purposes of paying salaries and expenses of persons employed by the department to conduct examinations of the business operations of grain dealers and warehouse operators, pursuant to chapters 542 and 543. The amount transferred shall be in addition to the payment of costs to the bureau for performing administrative functions necessary for the operation of the board and fund.

Sec. 240. EFFECTIVE DATE. Section 223 of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION III

HEALTH AND HUMAN RIGHTS

Sec. 301. There is appropriated from the general fund of the state to the Iowa state civil rights commission 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 salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 1,031,421
..... FTEs 37.00

Sec. 302. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 1991 and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 245,106
..... FTEs 9.00

2. LATINO AFFAIRS DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 89,887
..... FTEs 2.50

3. PERSONS WITH DISABILITIES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 180,853
..... FTEs 4.00

4. STATUS OF WOMEN DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 344,358
..... FTEs 4.10

Of the funds appropriated in this subsection, no less than \$130,000 shall be spent for the displaced homemaker program.

Of the funds appropriated in this subsection, no less than \$44,000 shall be spent for domestic violence and sexual assault related grants.

5. DEAF SERVICES DIVISION

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

| | | |
|-------|------|---------|
| ..... | \$ | 295,794 |
| ..... | FTEs | 10.00 |

The fees collected by the division for provision of interpretation services by the division to obligated agencies shall be dispersed pursuant to the provisions of section 8.32, and shall be dedicated and used by the division for the provision of continued and expanded interpretation services.

6. STATUS OF BLACKS DIVISION

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

| | | |
|-------|------|--------|
| ..... | \$ | 78,581 |
| ..... | FTEs | 2.00 |

7. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

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

| | | |
|-------|------|---------|
| ..... | \$ | 351,806 |
| ..... | FTEs | 10.00 |

a. The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

b. Of the funds appropriated in this subsection, no less than \$36,300 shall be spent for expenses relating to the administration of federal funds for juvenile assistance. It is the intent of the general assembly that the department of human rights employ sufficient staff to meet the federal

funding match requirements established by the federal Office for juvenile justice delinquency prevention. The governor's advisory council on juvenile justice shall determine the staffing level necessary to carry out federal and state mandates for juvenile justice.

8. COMMUNITY ACTION AGENCIES DIVISION

For the expenses of the community action agencies commission:

| | | |
|-------|----|-------|
| | \$ | 3,644 |
|-------|----|-------|

Sec. 303. There is appropriated from the general fund of the state to the department for the blind 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 salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

| | | |
|-------|------|-----------|
| ..... | \$ | 1,418,576 |
| ..... | FTEs | 104.50 |

Of the funds appropriated under this section, \$18,000 shall be used to fund the continuation of the vending program throughout the state.

Sec. 304. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

| | | |
|-------|------|---------|
| ..... | \$ | 429,519 |
| ..... | FTEs | 32.00 |

Of the funds appropriated under this subsection, a sufficient amount shall be allocated to fund the representative payee project established within the department of elder affairs.

2. For the administration of area agencies on aging:

- \$ 165,000
- 3. For the long-term care residents' advocate and the care review committees at the local area agency on aging level:
..... \$ 120,000
- As a condition, limitation, and qualification of the funds appropriated by this subsection, a local area agency on aging shall match the funds appropriated with funds from other sources on a \$4 to \$1 basis.
- 4. For the retired Iowans community employment program:
..... \$ 104,000
- 5. For existing retired senior volunteer program projects:
..... \$ 73,000
- 6. For elderly services programs:
..... \$ 1,459,681

All funds appropriated under this subsection shall be received and disbursed by the director of elder affairs for the elderly services program, shall not be used for administrative purposes, and shall be used for citizens of Iowa over 60 years of age for chore, telephone reassurance, adult day care, respite care, case management for the frail elderly, and home repair services, including the winterizing of homes, and for the construction of entrance ramps which meet the requirements of section 104A.4 and make residences accessible to the physically handicapped. Funds appropriated under this subsection may be used to supplement federal funds under federal regulations. Funds appropriated under this subsection may be used for elderly services not specifically enumerated in this subsection only if approved by an area agency on aging for provision of the service within the area.

- 7. For the Alzheimer's disease support program:
..... \$ 75,000

Sec. 305. There is appropriated from the general fund of the state to the Iowa department of public health for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

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

- \$ 747,278
- FTEs 57.50

2. HEALTH PLANNING DIVISION

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

- \$ 410,852
- FTEs 12.75

The department shall not add any new full-time equivalent positions for administration of the certificate of need program and shall submit a full-time equivalent position needs report to the general assembly by January 1, 1992.

b. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for the office of rural health:

- \$ 134,536
- PTEs 4.00

(1) Of the funds appropriated in this paragraph, \$34,536 is allocated for the continuation of the office of rural health.

(2) Of the funds appropriated in this paragraph, \$100,000 is allocated to the office of rural health to provide technical assistance to rural areas in the area of health care delivery, including technical assistance in the recruitment of physicians and health care professionals.

c. For the health data clearinghouse of the health data commission:

- \$ 300,000

Funds appropriated under this paragraph shall be used for the collection, verification, updating, and storage of data received pursuant to chapters 145 and 255A, and for the production of mandated reports. Long-term care data shall be collected as additional funding becomes available. The health data commission shall establish a fee schedule, in

consultation with its consultant, for the costs of providing data to organizations which request such data. The fee established shall be based upon the marginal cost and a portion of the fixed cost of providing the data.

The health data commission shall submit a report to the general assembly annually by January 15 regarding the feasibility of providing matching funds for state dollars provided. The report shall also include a summary of the previous fiscal year budget including receipts and expenditures of private and public funds generated and a projected budget for the next fiscal year.

3. DISEASE PREVENTION DIVISION

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

| | | |
|-------|------|-----------|
| ..... | \$ | 2,407,574 |
| ..... | PTEs | 85.54 |

(1) Of the funds appropriated under this paragraph, \$75,000 shall be used for chlamydia testing.

(2) Of the funds appropriated in this paragraph, \$15,000 is allocated to support the surveillance and reporting of disabilities suffered by persons engaged in agriculture resulting from diseases or injuries, including identifying the amount and severity of agriculture-related injuries and diseases in the state, identifying causal factors associated with agriculture-related injuries and diseases, and evaluating the effectiveness of intervention programs designed to reduce injuries and diseases. The department shall cooperate with the department of agriculture and land stewardship, Iowa state university of science and technology, and the college of medicine at the state university of Iowa in accomplishing these duties.

(3) The state university of Iowa hospitals and clinics shall not receive indirect costs from the funds appropriated under this paragraph.

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

| | | |
|-------|------|---------|
| ..... | \$ | 975,473 |
| ..... | PTEs | 5.00 |

It is the intent of the general assembly that the moneys appropriated under this paragraph shall be used for the training of emergency medical services (EMS) personnel at the state, county, and local levels.

If a person in the course of responding to an emergency renders aid to an injured person and becomes exposed to bodily fluids of the injured person, that emergency responder shall be entitled to hepatitis testing and immunization in accordance with the latest available medical technology to determine if infection with hepatitis has occurred. The person shall be entitled to reimbursement from the emergency provider fund only if the reimbursement is not available through any employer or third-party payor.

4. PROFESSIONAL LICENSURE DIVISION

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

| | | |
|-------|------|---------|
| ..... | \$ | 597,785 |
| ..... | PTEs | 14.50 |

5. STATE BOARD OF DENTAL EXAMINERS

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

| | | |
|-------|------|---------|
| ..... | \$ | 214,931 |
| ..... | PTEs | 4.00 |

6. STATE BOARD OF MEDICAL EXAMINERS

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

| | | |
|-------|------|---------|
| ..... | \$ | 926,539 |
| ..... | PTEs | 19.00 |

7. STATE BOARD OF NURSING EXAMINERS

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

..... \$ 754,058
 FTEs 17.00

8. STATE BOARD OF PHARMACY EXAMINERS

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

..... \$ 588,855
 FTEs 12.00

9. Professional licensure division pursuant to subsection 4 and the boards pursuant to subsections 5 through 8 shall prepare estimates of projected receipts to be generated by the licensing, certification, and examination fees of each board as well as a projection of the fairly apportioned administrative costs and rental expenses attributable to each board. Each board shall annually review and adjust its schedule of fees so that, as nearly as possible, projected receipts equal projected costs.

10. SUBSTANCE ABUSE DIVISION

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

..... \$ 497,225
 FTEs 20.00

b. For program grants:

..... \$ 8,472,000

c. For the provision of aftercare services for persons completing substance abuse treatment:

..... \$ 200,000

11. FAMILY AND COMMUNITY HEALTH DIVISION

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

..... \$ 4,347,820
 FTEs 91.97

(1) The department shall allocate from the funds appropriated under this paragraph at least \$578,969 for the birth defects and genetics counseling program and of these

funds, \$282,969 shall be allocated for regional genetic counseling services contracted from the state university of Iowa hospitals and clinics under the control of the state board of regents.

(2) Of the funds appropriated under this paragraph, \$77,000 shall be used for a lead abatement program.

(3) Of the funds appropriated under this subparagraph \$754,500 shall be used for the chronic renal disease program. The types of assistance to eligible recipients under the program may include hospital and medical expenses, home dialysis supplies, insurance premiums, travel expenses, prescription and nonprescription drugs, and lodging expenses for persons in training. The program expenditures shall not exceed these allocations. If projected expenditures will exceed the allocations, the department shall establish by administrative rule a mechanism to reduce financial assistance under the renal disease program in order to keep expenditures within the allocations.

(4) Of the funds appropriated in this paragraph, the following amounts shall be allocated to the state university of Iowa hospitals and clinics under the control of the state board of regents for the following programs under the Iowa specialized child health care services:

(a) Mobile and regional child health specialty clinics:

..... \$ 321,993

The regional clinic located in Sioux City shall maintain a social worker component to assist the families of children participating in the clinic program.

(b) Muscular dystrophy and related genetic disease programs:

..... \$ 119,497

(c) Statewide perinatal program:

..... \$ 64,044

(5) The birth defects and genetic counseling service shall apply a sliding fee scale to determine the amount a person receiving the services is required to pay for the services. These fees shall be considered repayment receipts and used for the program.

(6) Of the funds allocated to the mobile and regional child health specialty clinics under subparagraph (4), subparagraph subdivision (a), \$97,092 shall be used for a specialized medical home care program providing care planning and coordination of community support services for children who require technical medical care in the home.

(7) The state university of Iowa hospitals and clinics shall not receive indirect costs from the funds for each program.

(8) Of the funds appropriated under this paragraph, \$1,322,400 shall be used for maternal and child health services.

(9) The Iowa department of public health shall administer the statewide maternal and child health program and the crippled children's program by conducting mobile and regional child health specialty clinics and conducting other activities to improve the health of low-income women and children and to promote the welfare of children with actual or potential handicapping conditions and chronic illnesses in accordance with the requirements of Title V of the Social Security Act.

(10) The department shall track the appropriation made under this paragraph in accordance with both program performance-based budgeting and zero-based budgeting methods and shall develop budget projections for the fiscal year ending June 30, 1993, based upon both of these methods.

b. Sudden infant death syndrome autopsies:

For reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome required under section 331.802, subsection 3, paragraph "j":

..... \$ 10,000

c. For grants to local boards of health for the public health nursing program:

..... \$ 2,596,249

Funds appropriated under this paragraph shall be used to maintain and expand the existing public health nursing program for elderly and low-income persons with the objective of preventing or reducing inappropriate institutionalization.

The funds shall not be used for any other purpose. As used in this paragraph, "elderly person" means a person who is 60 years of age or older and "low-income person" means a person whose income and resources are below the guidelines established by the department.

One-fourth of the total amount to be allocated shall be divided so that an equal amount is available for use in each county in the state. Three-fourths of the total amount to be allocated shall be divided so that the share available for use in each county is proportionate to the number of elderly and low-income persons living in that county in relation to the total number of elderly and low-income persons living in the state.

In order to receive allocations under this paragraph, the local board of health having jurisdiction shall prepare a proposal for the use of the allocated funds available for that jurisdiction that will provide the maximum benefits of expanded public health nursing care to elderly and low-income persons in the jurisdiction. After approval of the proposal by the department, the department shall enter into a contract with the local board of health. The local board of health shall subcontract with a nonprofit nurses' association, an independent nonprofit agency, or a suitable local governmental body to use the allocated funds to provide public health nursing care. Local boards of health shall make an effort to prevent duplication of services.

If by July 30 of the fiscal year, the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated under this paragraph an unallocated pool. If the unallocated pool is \$50,000 or more it shall be reallocated to the counties in substantially the same manner as the original allocations. The reallocated funds are available for use in those counties during the period beginning January 1 and ending June 30 of the fiscal year. If the unallocated pool is less than \$50,000, the department may allocate it to counties with demonstrated special needs for public health nursing.

The department shall maintain rules governing the expenditure of funds appropriated by this paragraph. The rules require each local agency receiving funds to establish and use a sliding fee scale for those persons able to pay for all or a portion of the cost of the care.

The department shall annually evaluate the success of the public health nursing program. The evaluation shall include the extent to which the program reduced or prevented inappropriate institutionalization, the extent to which the program increased the availability of public health nursing care to elderly and low-income persons, and the extent of public health nursing care provided to elderly and low-income persons. The department shall submit a report of each annual evaluation to the governor and the general assembly.

d. For grants to county boards of supervisors for the homemaker-home health aide program:

..... \$ 8,875,159

Funds appropriated under this paragraph shall be used to provide homemaker-home health aide services with emphasis on services to elderly and persons below the poverty level and children and adults in need of protective services with the objective of preventing or reducing inappropriate institutionalization. In addition, up to 15 percent of the funds appropriated under this paragraph may be used to provide chore services. The funds shall not be used for any other purposes. As used in this paragraph:

(1) "Chore services" means services provided to individuals or families, who, due to incapacity, or illness, are unable to perform certain home maintenance functions. The services include but are not limited to yard work such as mowing lawns, raking leaves, and shoveling walks; window and door maintenance such as hanging screen windows and doors, replacing windowpanes, and washing windows; and minor repairs to walls, floors, stairs, railings, and handles. It also includes heavy house cleaning which includes cleaning attics or basements to remove fire hazards, moving heavy furniture, extensive wall washing, floor care or painting, and trash removal.

(2) "Elderly person" means a person who is 60 years of age or older.

(3) "Homemaker-home health aide services" means services intended to enhance the capacity of household members to attain or maintain the independence of the household members and provided by trained and supervised workers to individuals or families, who, due to the absence, incapacity, or limitations of the usual homemaker, are experiencing stress or crisis. The services include but are not limited to essential shopping, housekeeping, meal preparation, child care, respite care, money management and consumer education, family management, personal services, transportation and providing information, assistance, and household management.

(4) "Low-income person" means a person whose income and resources are below the guidelines established by the department.

(5) "Protective services" means those homemaker-home health aide services intended to stabilize a child's or an adult's residential environment and relationships with relatives, caretakers, and other persons or household members in order to alleviate a situation involving abuse or neglect or to otherwise protect the child or adult from a threat of abuse or neglect.

The amount appropriated under this paragraph shall be allocated for use in the counties of the state. 15 percent of the amount shall be divided so that an equal amount is available for use in each county in the state. The following percentages of the remaining amount shall be allocated to each county according to that county's proportion of residents with the following demographic characteristics: 60 percent according to the number of elderly persons living in the county; 20 percent according to the number of persons below the poverty level living in the county; and 20 percent according to the number of substantiated cases of child abuse in the county during the 3 most recent fiscal years for which data is available.

In order to receive allocations under this paragraph, the county board of supervisors, after consultation with the local boards of health, county board of social welfare, area agency on aging advisory council, local office of the department of human services, and other in-home health care provider agencies in the jurisdiction, shall prepare a proposal for the use of the allocated funds available for that jurisdiction that will provide the maximum benefits of homemaker-home health aide services to elderly and low-income persons and children and adults in need of protective services in the jurisdiction. An agency requesting service or financial information about a current subcontractor shall provide similar information concerning its own homemaker-home health aide or chore services program to the current subcontractor. The proposal may provide that a maximum of 15 percent of the allocated funds will be used to provide chore services. The proposal shall include a statement assuring that children and adults in need of protective services are given priority for homemaker-home health aide services and that the appropriate local agencies have participated in the planning for the proposal. After approval of the proposal by the department, the department shall enter into a contract with the county board of supervisors or a governmental body designated by the county board of supervisors. The county board of supervisors or its designee shall subcontract with a nonprofit nurses' association, an independent nonprofit agency, the department of human services, or a suitable local governmental body to use the allocated funds to provide homemaker-home health aide services and chore services providing that the subcontract requires any service provided away from the home to be documented in a report available for review by the department, and that each homemaker-home health aide subcontracting agency shall maintain the direct service workers' time assigned to direct client service at 70 percent or more of the workers' paid time and that not more than 35 percent of the total cost of the service be included in the combined costs for service administration and agency administration. The subcontract

shall require that each homemaker-home health aide subcontracting agency shall pay the employer's contribution of Social Security and provide workers' compensation coverage for persons providing direct homemaker-home health aide service and meet any other applicable legal requirements of an employer-employee relationship.

If by July 30 of the fiscal year, the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated under this paragraph an unallocated pool. The department shall also identify any allocated funds which the counties do not anticipate spending during the fiscal year. If the anticipated excess funds to any county are substantial, the department and the county may agree to return those excess funds, if the funds are other than program revenues, to the department, and if returned, the department shall consider the returned funds a part of the unallocated pool. The department shall prior to February 15 of the fiscal year, reallocate the funds in the unallocated pool among the counties in which the department has concluded contracts under this paragraph. The department shall also review the first 10 months' expenditures for each county in May of the fiscal year, to determine if any counties possess contracted funds which they do not anticipate spending. If such funds are identified and the county agrees to release the funds, the released funds will be considered a new reallocation pool. The department may, prior to June 1 of the fiscal year, reallocate funds from this new reallocation pool to those counties which have experienced a high utilization of protective service hours for children and dependent adults.

The department shall maintain rules governing the expenditure of funds appropriated by this paragraph. The rules require each local agency receiving funds to establish and use a sliding fee scale for those persons able to pay for all or a portion of the cost of the services and shall require the payments to be applied to the cost of the services. The department shall also maintain rules for standards regarding

training, supervision, recordkeeping, appeals, program evaluation, cost analysis, and financial audits, and rules specifying reporting requirements.

The department shall annually evaluate the success of the homemaker-home health aide program. The evaluation shall include a description of the program and its implementation, the extent of local participation, the extent to which the program reduced or prevented inappropriate institutionalization, the extent to which the program provided or increased the availability of homemaker-home health aide services to elderly and low-income persons and children and adults in need of protective services, any problems and recommendations concerning the program, and an analysis of the costs of services across the state. The department shall submit a report of the annual evaluation to the governor and the general assembly.

e. For the development and maintenance of well-elderly clinics in the state:

..... \$ 605,000

Appropriations made in this paragraph shall be provided by a formula to well-elderly clinics located in counties which provide funding on a matching basis for the well-elderly clinics.

f. For the physician care for children program:

..... \$ 425,000

The physician services shall be subject to managed care and selective contracting provisions and shall be used to provide treatment of the children in a physician's office and shall include coverage of diagnostic procedures and prescription drugs required for the treatment. Services provided under this paragraph shall be reimbursed according to Title XIX reimbursement rates.

g. For primary and preventive health care for children:

..... \$ 135,000

Funds appropriated under this paragraph shall be for the public purpose of providing a renewable grant, following a request for proposals, to a statewide charitable organization

within the meaning of section 501(c)(3) of the Internal Revenue Code which was organized prior to April 1, 1989, and has as one of its purposes the sponsorship or support for programs designed to improve the quality, awareness, and availability of health care for the young, to serve as the funding mechanism for the provision of primary health care and preventive services to children in the state who are uninsured and who are not eligible under any public plan of health insurance, provided all of the following conditions are met:

(1) The organization shall provide a match in advance of each state dollar provided as follows:

(a) In the fiscal period beginning July 1, 1989, and ending June 30, 1991, \$2.

(b) In the fiscal year beginning July 1, 1991, \$3.

(2) The organization coordinates services with new or existing public programs and services provided by or funded by appropriate state agencies in an effort to avoid inappropriate duplication of services and ensure access to care to the extent as is reasonably possible. The organization shall work with the Iowa department of public health, family and community health division, to ensure duplication is minimized.

(3) The organization's governing board includes in its membership representatives from the executive and legislative branches of state government.

(4) Grant funds are available as needed to provide services and shall not be used for administrative costs of the department or the grantee.

(5) Notwithstanding section 8.33, funds appropriated in this section which are unencumbered or unobligated on June 30, 1992, shall not revert to the general fund but shall remain available to the department for the provision of maternal and child health services.

Sec. 306. Section 135.11A, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The professional licensure division and the licensing boards may expend additional funds, if those additional expenditures are directly the cause of

actual examination and exceed funds budgeted for examinations. Before the division or a licensing board expend 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 department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the division or board and the division or board does not have other funds from which examination expenses can be paid. Upon approval of the department of management the division or licensing board may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected as fees from additional examination applicants and shall be treated as repayment receipts as defined in section 8.2.

Sec. 307. Section 135.103, Code 1991, is amended to read as follows:

135.103 GRANT PROGRAM.

The department shall implement a lead abatement grant program which provides matching funds to local boards of health or cities for the program after standards and requirements for the local program are developed. The state shall provide funds to approved programs on the basis of three dollars for each one dollar designated by the local board of health or city for the program for the first two years of a program, and funds on the basis of one dollar for each one dollar designated by the local board of health or city for the program for the third and fourth subsequent years of the program if such funding is determined necessary by the department for such subsequent years. ~~A-lead-abatement program-grant-shall-not-exceed-a-time-period-of-four-years.~~

Sec. 308. 1990 Iowa Acts, chapter 1166, section 2, is repealed.

Sec. 309. EFFECTIVE DATE. Section 308 of this Act takes effect June 30, 1991.

DIVISION IV
REGULATION

Sec. 401. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

| | |
|------------|--------------|
| ..... | \$ 1,600,787 |
| FTEs | 120.78 |

The auditor of state may expend additional moneys and retain additional full-time equivalent positions as is reasonable and necessary to perform audits, such as audits for local governments, if all of the following conditions are satisfied:

1. The amount expended is proportional to the costs that are reimbursable from the entity being audited, including but not limited to expenses reimbursable pursuant to section 11.5A, 11.5B, 11.20, or 11.21.
2. The auditor of state submits a request to the department of management to expend a specific additional amount in connection with specified reimbursable audits.
3. The department of management approves the additional spending from any unappropriated funds in the state treasury upon a finding that all or substantially all of the amount requested and approved will be reimbursable from the entity being audited.
4. The department of management notifies the legislative fiscal bureau of any additional moneys approved.
5. The department of management notifies the legislative fiscal committee of any additional moneys approved prior to the expenditure.
6. Upon payment or reimbursement by the entity, the auditor of state shall credit the payments to the state treasury for deposit in the general fund.

Sec. 402. There is appropriated from the general fund of the state to the campaign finance disclosure commission for

the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, for the purposes designated:

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

..... \$ 273,000
..... FTEs 6.75

Sec. 403. There is appropriated from the general fund of the state to the department of employment services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF LABOR SERVICES

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

..... \$ 2,574,205
..... FTEs 95.00

From the contractor registration fees, the division of labor services shall reimburse the department of inspections and appeals for all costs associated with hearings under chapter 91C, relating to contractor registration.

Of the amount appropriated under this subsection, the following amounts, or so much thereof as is necessary, shall be expended for the designated purposes: \$174,166 for 5.00 FTEs to enforce the Iowa minimum wage law, \$30,000 for 1.00 FTE for asbestos contractor certification, and \$35,000 for 1.00 FTE for construction contractor registration.

2. DIVISION OF INDUSTRIAL SERVICES

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

..... \$ 2,116,185
..... FTEs 45.50

As a condition, limitation, and qualification of the funds appropriated by this subsection, \$45,396, or so much thereof

as is necessary, shall be expended for 1.00 FTE, which shall be a word processor III position, to expedite the administrative hearing process for workers' compensation cases, and to assist in reducing the contested case backlog. The division shall submit a written report to the legislative fiscal bureau on a quarterly basis concerning the status of the workers' compensation contested case backlog.

As a further condition, limitation, and qualification of the funds appropriated in this subsection, the division of industrial services shall not reduce the number of scheduled prehearings and hearings of contested cases or eliminate the venue of such prehearings and hearings, as established by the division for the period beginning January 1, 1991, and ending January 20, 1992. The division shall also establish a substantially similar schedule for such prehearings and hearings for the period beginning January 20, 1992, and ending June 30, 1992. The division shall report to the legislative fiscal bureau concerning any modification of the established schedule, or any changes which the division determines are necessary in establishing the schedule for the period beginning January 20, 1992, and ending June 30, 1992.

The division shall continue charging a \$65 filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances.

The department of employment services, the department of personnel, and the department of management shall work together to ensure that as nearly as possible all full-time equivalent positions authorized and funded for the department of employment services will be utilized during the fiscal year beginning July 1, 1991, and ending June 30, 1992, and future fiscal years, to ensure that the backlog of cases in that department will be reduced as rapidly as possible.

Sec. 404.

1. Notwithstanding the provisions of section 96.13, subsection 3, which restrict the use of moneys in the special employment security contingency fund, moneys in the fund on June 30, 1991, shall not be transferred by the treasurer of state to either the temporary emergency surcharge fund or the unemployment compensation fund, but shall be available to the division of job service of the department of employment services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, for expenditures under subsection 2.

2. The division of job service shall expend moneys which are credited to the special employment security contingency fund during the fiscal year beginning July 1, 1991, and ending June 30, 1992, including moneys which are available to the division of job service under subsection 1, only in accordance with the following restrictions:

The division shall expend up to \$550,000 for the following: \$50,000, or so much thereof as is necessary, for the removal of 2 chillers and 1 underground storage tank, and \$100,000, or so much thereof as is necessary, for asbestos removal or encapsulation at the job service site located at 1000 East Grand, Des Moines, Iowa, and \$400,000, or so much thereof as is necessary, for the support of the labor survey, economic development teams to assist in conducting "labor availability surveys".

As a condition, limitation, and qualification of the authorization of expenditure of funds pursuant to this section, the division shall develop a plan to require the assistance of cities and counties using the "labor availability surveys" regarding the funding for completing the surveys. The division shall report to the legislative fiscal bureau concerning the progress in developing this plan.

Sec. 405. There is appropriated from the administrative contribution surcharge fund of the state to the department of employment services for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, for the purposes designated:

DIVISION OF JOB SERVICE

Notwithstanding section 96.7, subsection 12, paragraph "c", for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

| | | |
|-------|------|-----------|
| ..... | \$ | 5,916,050 |
| ..... | FTEs | 171.80 |

As a condition, limitation, and qualification of this appropriation, the department of employment services shall provide services throughout the fiscal year beginning July 1, 1991, and ending June 30, 1992, in all communities in which job service offices are operating on July 1, 1991. However, this provision shall not prevent the consolidation of multiple offices within the same city or the colocation of job service offices with another public agency.

Sec. 406. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. FINANCE AND SERVICES DIVISION

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

| | | |
|-------|------|---------|
| ..... | \$ | 578,220 |
| ..... | FTEs | 25.00 |

2. AUDITS DIVISION

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

| | | |
|-------|------|---------|
| ..... | \$ | 650,406 |
| ..... | FTEs | 21.00 |

Of the amount appropriated in this subsection, \$78,708, or so much thereof as is necessary, shall be expended for 2.00 FTEs for conducting required bingo audits.

3. APPEALS AND FAIR HEARINGS DIVISION

In addition to funds appropriated in section 408 of this division from the road use tax fund, for salaries, support,

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

..... \$ 376,861
..... FTEs 16.00

4. INVESTIGATIONS DIVISION

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

..... \$ 456,304
..... FTEs 39.00

5. HEALTH FACILITIES DIVISION

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

..... \$ 1,612,239
..... FTEs 117.00

Of the amount appropriated in this subsection, \$110,438, or so much thereof as is necessary, shall be expended for 7.00 FTEs to regulate nursing facilities as required by the federal Nursing Home Reform Act.

A nursing home regulation review task force is established for the purpose of reviewing rules and recommendations to implement federal requirements for nursing home reform and to make recommendations on whether the department of inspections and appeals is in need of increased funding and staffing levels for implementing appropriate nursing home reform. The task force is to be organized and convened by the department of inspections and appeals. The membership of the task force is to consist of the following:

- 1. One member representing the department of inspections and appeals to be appointed by the director of that department.
- 2. One member representing the department of human services to be appointed by the director of that department.
- 3. One member representing the nursing home ombudsman within the department of elder affairs to be appointed by the director of that department.

4. One member representing the Iowa health care association.

5. One member representing the Iowa association of homes for the aging.

6. One member representing the Iowa hospital association.

7. One member representing the Iowa council of health care centers.

8. Legislative members to be appointed by the legislative council. Legislative members shall include members from the senate and the house of representatives who serve on the regulation appropriations subcommittee and the standing committees on human resources.

The task force shall meet as necessary and shall report the conclusions and recommendations of the task force to the general assembly by September 1, 1991.

6. INSPECTIONS DIVISION

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

..... \$ 913,786
..... FTEs 26.50

If Senate File 465 becomes law, the inspections division is appropriated from the general fund of the state an additional sum of \$40,000, or so much thereof as is necessary, and is authorized 1.00 additional FTE.

7. EMPLOYMENT APPEAL BOARD

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

..... \$ 46,527
..... FTEs 16.80

The employment appeal board shall be reimbursed by the labor services division of the department of employment services for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board is authorized to expend, in addition to the amount appropriated under this subsection, such amounts as are

directly billable to the labor services division under this subsection and to retain such additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

8. FOSTER CARE REVIEW BOARD

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

| | | |
|-------|------|---------|
| ..... | \$ | 265,910 |
| ..... | FTEs | 5.50 |

The department of human services and the foster care review board shall enter into a contract providing that the foster care review board shall conduct foster care review services at the current level of operation. The department and the board shall structure such contract in a manner approved by the federal government for the purpose of submitting an application to the appropriate federal agency to obtain any available federal funding for such contract. Funding received as a result of submitting such application shall be used to replace state funds which then shall immediately revert to the general fund of the state. The department and the board shall submit a written report to the legislative fiscal bureau no later than February 1, 1992, indicating the progress of obtaining federal funding and terms of any contract entered into by the department and the board.

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

Sec. 407.

1. There is appropriated from the general fund of the state to the office of the state public defender for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, for the purposes designated:

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

| | | |
|-------|------|-----------|
| ..... | \$ | 6,384,142 |
| ..... | FTEs | 145.30 |

Of the amount appropriated under this subsection, \$2,069,100, or so much thereof as is necessary, shall be expended for 52.00 FTEs for expansion and establishment of new public defender offices in the first, second, third, fifth, and sixth judicial districts and for expansion of the appellate defender.

b. For indigent court-appointed attorney fees for adults and juveniles, notwithstanding section 232.141 and chapter 815:

| | | |
|-------|----|-----------|
| | \$ | 9,401,002 |
|-------|----|-----------|

2. The office of the state public defender shall submit written reports to the legislative fiscal bureau indicating the status of the activities of the office as a result of its expansion. The first report shall be submitted no later than August 1, 1991, and shall provide information concerning the activities of the office during fiscal year 1991. An additional report shall be submitted no later than February 1, 1992, and shall provide information concerning the activities of the office during the period beginning July 1, 1991, and ending December 31, 1991.

3. The judicial department shall provide, within thirty days after the end of each calendar quarter, a written report concerning adult and juvenile indigent defense, to the state public defender's office and the department of inspections and appeals, including the amount of restitution collected for attorney fees as follows:

a. By county.

b. By case type in the following categories:

(1) Juvenile cases involving delinquency actions, child in need of assistance actions, or termination of parental rights actions.

(2) Adult cases involving misdemeanor or felony prosecutions.

Sec. 408. Section 13B.1, subsection 1, Code 1991, is amended to read as follows:

1. "Appointed attorney" means an attorney appointed by the court and compensated by the state to represent an indigent defendant.

Sec. 409. NEW SECTION. 13B.2A INDIGENT DEFENSE ADVISORY COMMISSION ESTABLISHED.

An indigent defense advisory commission is established within the department to advise and make recommendations to the state public defender regarding the establishment and implementation of cost-effective methods to provide indigent defense. The advisory commission shall consist of nine members: four members to be appointed by the governor, subject to senate confirmation, including two members from nominees made by the Iowa state bar association, and two members from nominees made by the Iowa judges association; two members appointed by the governor, subject to senate confirmation; one member to be appointed by the governor, subject to senate confirmation, from nominees made by the Iowa county attorney's association; and two members one from each chamber of the general assembly to be appointed by the legislative council with no more than one of the members from any one political party. Each member shall serve a three-year term, with initial terms to be staggered. The members should represent a balance of attorneys and nonattorneys.

The members of the commission are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of the duties of the commission. Each member of the commission may also be eligible to receive compensation as provided in section 7E.6.

Sec. 410. NEW SECTION. 13B.2B DUTIES AND POWERS OF THE INDIGENT DEFENSE ADVISORY COMMISSION.

The advisory commission shall advise the state public defender regarding all of the following:

1. Recommendations for quality, cost-effective methods for delivery of indigent defense services.
2. Recommendations for the budget to be developed by the state public defender for all indigent defense costs.

3. Recommendations for client indigency criteria to be applied statewide.

4. Recommendations related to mechanisms for enhancing restitution and recoupment efforts and for monitoring recoupment efforts.

5. Recommendations regarding other methods to contain indigent defense costs.

6. Recommendations regarding proposed administrative rules regarding the operations of the state public defender.

7. The advisory commission shall also make recommendations to the supreme court regarding fee guidelines for court-appointed counsel.

The advisory commission shall also file a written report with the governor and the general assembly on January 1 of each year regarding the recommendations and activities of the commission for the preceding fiscal year.

Sec. 411. Section 13B.4, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

13B.4 DUTIES AND POWERS OF STATE PUBLIC DEFENDER.

1. The state public defender shall coordinate the provision of legal representation of all indigents under arrest or charged with a crime, on appeal in criminal cases, and on appeal in proceedings to obtain postconviction relief when ordered to do so by the district court in which the judgment or order was issued, and may provide for the representation of indigents in proceedings instituted pursuant to chapter 908. The state public defender shall not engage in the private practice of law.

2. The state public defender shall file with the court in each county served by a public defender a designation of which local public defender office shall receive notice of appointment of cases. Except as otherwise provided, in each county in which the state public defender files such designation, the state public defender or its designee shall be appointed by the court to all cases, whether criminal or juvenile in nature. Such appointment shall not be made if the state public defender notifies the court that the local public

defender will not provide legal representation in cases involving offenses as identified in the notification by the state public defender.

3. The state public defender may contract with persons admitted to practice law in this state for the provision of legal services to indigent persons where there is no local public defender available to provide such services.

4. The state public defender is authorized to review any claim made for payment of indigent defense costs and to request a hearing before the court granting a claim within thirty days of receipt of such claim if the state public defender believes the claim to be excessive.

5. The state public defender is authorized to contract with county attorneys to provide collection services related to court-ordered indigent defense restitution of court-appointed attorney fees or the expense of a public defender.

6. The state public defender shall adopt rules pursuant to chapter 17A, as necessary, to administer this chapter.

Sec. 412. Section 13B.8, subsection 1, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Before establishing or abolishing a local public defender office, the state public defender shall provide a written report detailing the reasons for the action to be taken to the justice-systems regulation appropriations subcommittee, the chairperson, vice chairperson, and ranking member of the senate committee on judiciary and committee on appropriations, and the chairperson, vice chairperson, and ranking member of the house of representatives committee on judiciary and law enforcement and committee on appropriations. The report shall contain a statement of the estimated fiscal impact of the action taken. Any action taken in establishing or abolishing a local public defender office shall only take effect upon the approval of the general assembly. If the state public defender proposes to abolish a local public defender office prior to the beginning of any regular session of the general assembly and the general assembly takes no action regarding that proposal during the first ninety days of the first

regular session occurring after the proposal is made, the office shall be abolished.

Sec. 413. Section 13B.9, Code 1991, is amended to read as follows:

13B.9 POWERS AND DUTIES OF LOCAL PUBLIC DEFENDERS.

1. The local public defender shall do all of the following:

a. Represent without fee an indigent person who is under arrest or charged with a crime if the indigent person requests it representation or the court orders it representation. The local public defender shall counsel and defend an indigent defendant at every stage of the criminal proceedings and prosecute before or after conviction any appeals or other remedies which the local public defender considers to be in the interest of justice unless the-court-appoints other counsel is appointed to the case.

b. Represent an indigent party, without fee and upon an order of the court, in child in need of assistance, family in need of assistance, delinquency, and termination of parental rights proceedings pursuant to chapter 232 in a county served by a public defender. The local public defender shall counsel and represent an indigent party in all proceedings pursuant to chapter 232 in a county served by a public defender and prosecute before or after judgment any appeals or other remedies which the local public defender considers to be in the interest of justice unless the-court-appoints other counsel is appointed to the case. The state public defender shall be reimbursed by the counties for services rendered by employees of the local public defenders' offices under this subsection, pursuant to section 232.141.

c. Make an initial determination of indigence as required under section 815.9 prior to the initial arraignment or other initial court appearance.

d. Make an annual report to the state public defender. The report shall include all cases handled by the local public defender during the preceding calendar year.

2. An appointed attorney under this section is not liable to a person represented by the attorney pursuant to this chapter for damages as a result of a conviction unless the court determines in a postconviction appeal that the person's conviction resulted from ineffective assistance of counsel.

3. The local public defender may appoint the number of assistant public defenders, clerks, investigators, stenographers, and other employees as approved by the state public defender. An assistant local public defender must be an attorney licensed to practice before the Iowa supreme court. Appointments shall be made in the manner prescribed by the state public defender.

4. The local public defender shall handle every case to which the local public defender is appointed if the local public defender can reasonably handle the case.

5. If a conflict of interest arises or if the local public defender is unable to handle a case because of a temporary overload of cases, the local public defender shall return the case to the court. The court may appoint a contract attorney or a private noncontracting attorney, who has agreed to take the case, considering the experience of the attorney and the difficulty of the case.

Sec. 414. There is appropriated from the road use tax fund to the department of inspections and appeals for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 526,837
..... FTEs 11.00

Sec. 415. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 578,439
..... FTEs 13.00

The public employment relations board shall submit a written report to the legislative fiscal bureau no later than February 1, 1992, which evaluates and includes any recommendations of the board concerning the videotaping of court proceedings in lieu of using court reporters whenever possible to record the proceedings. This evaluation shall include information concerning the implementation of this concept in other states.

Sec. 416. There is appropriated from the general fund of the state to the professional licensing and regulation division of the department of commerce, for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 853,541
..... FTEs 11.00

Sec. 417. There is appropriated from the general fund of the state to the administrative services division of the department of commerce 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 salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 1,470,846
..... FTEs 41.50

The administrative services division shall assess each division to which administrative services are provided by the

administrative services division an amount pursuant to a cost allocation plan established by the administrative services division. The plan shall be established by July 1, 1991, and shall, to the extent practicable, be based on the proportion of the administrative services division's time allocated to each division to which administrative services are provided. All divisions in the department of commerce shall abide by the cost allocation plan. Each division shall include in any charges assessed by the division to persons regulated, or include in revenues generated in a manner other than assessments to persons regulated, an amount sufficient to cover the costs of administration as assessed to the division by the administrative services division.

The administrative services division shall eliminate the position of deputy director.

Sec. 418. Notwithstanding section 123.53, there is appropriated from the general fund of the state to the alcoholic beverages division of the department of commerce for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, for the purposes designated:

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

| | | |
|-------|------|-----------|
| ..... | \$ | 3,456,728 |
| ..... | FTEs | 85.86 |

Sec. 419. There is appropriated from the general fund of the state to the banking division of the department of commerce 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 salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

| | | |
|-------|------|-----------|
| ..... | \$ | 5,832,042 |
| ..... | FTEs | 108.50 |

The banking division shall provide technical assistance and staffing assistance to the director of the department of commerce, as necessary, to assist the director in the director's capacity as superintendent of savings and loan associations as provided in Senate File 494, if enacted by the 1991 Session of the Seventy-fourth General Assembly.

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 and 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 banks and 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.

Sec. 420. There is appropriated from the general fund of the state to the credit union division of the department of commerce 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 salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

| | | |
|-------|------|---------|
| ..... | \$ | 954,946 |
| ..... | FTEs | 20.00 |

Sec. 421. There is appropriated from the general fund of the state to the insurance division of the department of commerce 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 salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 4,398,671
..... FTEs 92.33

Sec. 422. Notwithstanding 1991 Iowa Acts, House File 173, which requires the transfer of all funds in the revolving fund to the general fund, there is appropriated from moneys in the insurance division revolving fund on June 30, 1991, in excess of \$260,000, an amount up to a maximum of \$238,389, to the division of industrial 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:

..... \$ 238,389
..... FTEs 4.00

Of the amount appropriated in this section, \$188,414, or so much thereof as is necessary, shall be expended for 2 chief deputies and 1 word processor III, and \$49,975, or so much thereof as is necessary, shall be expended for 1 insurance program specialist to reduce the backlog of workers' compensation contested cases.

If the amount remaining in the insurance revolving fund subject to appropriation pursuant to this section is insufficient to fund the appropriation, the division of insurance shall impose an administrative fee payable by workers' compensation insurers and workers' compensation self-insurers pursuant to sections 507D.3 and 507D.4, sufficient to fund the remaining balance of the appropriation under this section.

Sec. 423. There is appropriated from the general fund of the state to the utilities division of the department of

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

..... \$ 4,843,961
..... FTEs 93.50

Of the amount appropriated in this section, the following amounts, or so much thereof as is necessary, shall be expended for the designated purposes: \$25,300 for additional rent for hearing and conference rooms in the Lucas building and \$316,377 for 6.00 FTEs for additional energy efficiency responsibilities established by 1990 Iowa Acts, chapter 1252.

Sec. 424. There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 1,806,593
..... FTEs 33.36

Sec. 425. There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals, for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for administration and enforcement of the excursion boat gambling laws:
..... \$ 511,125
..... FTEs 10.50

Sec. 426. Section 96.7, subsection 9, Code 1991, is amended by striking the subsection.

Sec. 427. Section 99D.15, subsection 3, paragraph c, Code 1991, is amended to read as follows:

c. If the rate of tax imposed under paragraph "a" is five percent or four percent, a track licensee shall set aside for retiring the any debt of the racetrack-facilities-or licensee, for capital improvement to the racetrack facilities of the licensee, for funding of possible future operating losses, or for charitable giving, the following amount:

(1) If the rate of tax paid by the track licensee is five percent, one percent of the gross sum wagered in the racing season shall be set aside.

(2) If the rate of tax paid by the track licensee is four percent, two percent of the gross sum wagered in the racing season shall be set aside.

Sec. 428. Section 137A.12, Code 1991, is amended to read as follows:

137A.12 REGULAR INSPECTIONS.

The department shall provide for the inspection of each food establishment in the state in accordance with the standards of the retail food store sanitation code. The inspector may enter the food establishment at any reasonable hour to make the inspection. The management shall afford free access to every part of the premises and render all aid and assistance necessary to enable the inspector to make a thorough and complete inspection. However, food establishments which score ninety or greater shall be inspected biennially.

This section does not apply to retail food establishments which sell only prepackaged nonhazardous items.

Sec. 429. Section 137B.3, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 7. 10-201 shall be amended so that food services establishments are inspected annually, except that food service establishments with scores of ninety or greater shall be inspected biennially.

Sec. 430. Section 137C.11, Code 1991, is amended to read as follows:

137C.11 ANNUAL INSPECTIONS.

The regulatory authority shall inspect each hotel in the state at least once each-estendar-year biennially. The inspector may enter the hotel at any reasonable hour to make the inspection. The management shall afford free access to every part of the premises and render all aid and assistance necessary to enable the inspector to make a thorough and complete inspection.

Sec. 431. Section 157.11, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Commencing January 1, 1977, a beauty salon shall not operate unless the owner has obtained a license issued by the department. The owner shall apply to the department on forms prescribed by the board. The department shall perform a sanitary inspection of each beauty salon annually biennially and may perform a sanitary inspection of a beauty salon prior to the issuance of a license. An inspection of a beauty salon shall also be conducted upon receipt of a complaint by the department.

Sec. 432. Section 158.9, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A barbershop shall not operate unless the owner has obtained a license issued by the department. The owner shall apply to the department on forms prescribed by the board. The department shall perform a sanitary inspection of each barbershop annually biennially and may perform a sanitary inspection of a barbershop prior to the issuance of a license. An inspection of a barbershop shall also be conducted upon receipt of a complaint by the department.

Sec. 433. Section 455C.1, subsection 5, Code 1991, is amended to read as follows:

5. "Distributor" means any person who engages in the sale of beverages in beverage containers to a dealer in this state, including any manufacturer who engages in such sales. The alcoholic beverages division of the department of commerce is not a distributor for purposes of this chapter.

Sec. 434. Section 455C.2, subsection 1, Code 1991, is amended to read as follows:

1. Except purchases of alcoholic liquor as defined in section 123.3, subsection 8, by holders of class "A", "B", and "C", and "E" liquor control licenses, a refund value of not less than five cents shall be paid by the consumer on each beverage container sold in this state by a dealer for consumption off the premises. Upon return of the empty beverage container upon which a refund value has been paid to the dealer or person operating a redemption center and acceptance of the empty beverage container by the dealer or person operating a redemption center, the dealer or person operating a redemption center shall return the amount of the refund value to the consumer.

Sec. 435. Section 455C.16, Code 1991, is amended to read as follows:

455C.16 BEVERAGE CONTAINERS -- DISPOSAL AT SANITARY LANDFILL PROHIBITED.

Beginning July 1, 1990, the final disposal of beverage containers by a dealer, distributor, or manufacturer, or person operating a redemption center, in a sanitary landfill, is prohibited, except for beverage containers containing alcoholic liquor as defined in section 123.3, subsection 8.

Sec. 436. Section 815.10, Code 1991, is amended to read as follows:

815.10 APPOINTMENT OF COUNSEL BY COURT.

1. The court, for cause and upon its own motion or upon application by an indigent person or a public defender, may ~~shall appoint a public defender or any attorney who is admitted to the practice of law in this state~~ the state public defender or the state public defender's designee pursuant to section 138.4, or an attorney pursuant to section 138.9 to represent an indigent person at any state stage of the criminal or juvenile proceedings or on appeal of any criminal or juvenile action in which the indigent person is entitled to legal assistance at public expense. However, in juvenile cases the court may directly appoint an existing nonprofit

~~corporation established for and engaged in the provision of legal services for juveniles.~~ An appointment shall not be made unless the person is determined to be indigent under section 815.9.

2. If a court finds that a person desires legal assistance and is not indigent, but refuses to employ an attorney, the court shall appoint ~~a public defender or another attorney to represent the person at public expense--if the state public defender or the state public defender's designee pursuant to section 138.4, or an attorney other than a public defender is appointed, the fee paid to the attorney pursuant to section 138.9 to represent the person.~~ The cost of providing legal assistance shall be taxed as a court cost against the person.

3. An attorney other than a public defender or a contract attorney who is appointed by the court under ~~subsection 1 or 2~~ this section shall apply to the district court for compensation and for reimbursement of costs incurred. The amount of compensation due shall be determined in accordance with section 815.7.

Sec. 437. NEW SECTION. 815.10A CLAIM FOR COMPENSATION -- REQUIREMENTS.

1. The department of inspections and appeals shall require all claims for compensation filed by court-appointed attorneys for indigent defense cases, whether adult or juvenile, to include specific information as required by rules of the department.

2. If the information required in this section is submitted with the claim for compensation, the court may then award reasonable and proper compensation to the attorney. If information required is not submitted with the claim for compensation, the department may reject the claim until such information is submitted.

Sec. 438. The state public defender shall make an initial filing as required in section 138.4, subsection 2, as amended in this Act, regarding the designation of public defender offices to receive notice of appointment of cases no later than forty days after July 1, 1991.

Sec. 439. Sections 408 through 413, and sections 436 and 438 of this division are repealed effective July 1, 1995, and the Code editor shall return the language in the Code sections amended in this Act to the language appearing in the 1991 Code.

Sec. 440. It is the intent of the general assembly that the state public defender provide for the defense of major felony case defendants by public defenders on a regional basis.

Sec. 441. Sections 408 through 413, and sections 436, 438, and 439 of this division of this Act, being deemed of immediate importance, are effective upon enactment.

Sec. 442. 1989 Iowa Acts, chapter 272, section 42, as amended by 1990 Iowa Acts, chapter 1261, is amended to read as follows:

SEC. 42. Sections 34, 35, and 36 of this Act are effective July 1, 1991, ~~1992~~.

Sec. 443. Sections 422 and 442 of this division, being deemed of immediate importance, take effect upon enactment.

DIVISION V

TRANSPORTATION

IOWA LAW ENFORCEMENT ACADEMY

Sec. 501. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:
..... \$ 987,134
..... FTEs 29.20

DEPARTMENT OF PUBLIC DEFENSE

Sec. 502. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

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

..... \$ 3,405,823
..... FTEs 196.59

2. DISASTER SERVICES DIVISION

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

..... \$ 315,399
..... FTEs 12.00

3. VETERANS AFFAIRS DIVISION

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

..... \$ 142,340
..... FTEs 4.16

As a condition, limitation, and qualification of the appropriation in this subsection, up to \$5,000 may be used for the purchase of POW/MIA flags.

4. WAR ORPHANS

For the war orphans educational aid fund established pursuant to chapter 35:

..... \$ 10,185

DEPARTMENT OF PUBLIC SAFETY

Sec. 503. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department's administrative functions including the medical examiner's office and the criminal justice information system, and the missing person program, and for not more than the following full-time equivalent positions:
..... \$ 2,395,663
..... FTEs 47.80

As a condition, limitation, and qualification of the appropriation in this subsection, the department shall continue to pursue its 5-year plan to collocate the state medical examiner's office and the department of criminal investigation crime lab. The department of general services shall assist the department of public safety in identifying potential facilities that will adequately meet the department's needs.

As a condition, limitation, and qualification of the appropriation in this subsection, the department of public safety shall continue to collect, classify, and disseminate statistics as provided in section 80.40 and section 236.9 on violations relating to section 729.5 and on incidents involving domestic abuse.

2. For purposes relating to radio communications, and for not more than the following full-time equivalent positions:

| | |
|-------|--------------|
| ..... | \$ 3,141,241 |
| ..... | FTEs 79.00 |

3. For the division of criminal investigation and bureau of identification containing the bureaus of identification and liquor law enforcement, for river boat gambling enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

| | |
|-------|--------------|
| ..... | \$ 6,954,157 |
| ..... | FTEs 149.00 |

It is the intent of the general assembly that the department of public safety shall only employ additional full-time equivalent positions for riverboat gambling enforcement as authorized by the department of management as needed for enforcement on new riverboats. However, new positions filled shall not exceed 4 per riverboat and the positions shall not be filled more than 120 days before the riverboat is expected to receive passengers.

4. For the division of narcotics:

a. The state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

| | |
|-------|--------------|
| ..... | \$ 2,148,790 |
| ..... | FTEs 47.00 |

b. Undercover purchases:

| | |
|-------|------------|
| | \$ 260,250 |
|-------|------------|

5. For the fire marshal's office, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

| | |
|-------|--------------|
| ..... | \$ 1,427,474 |
| ..... | FTEs 33.00 |

6. For the capitol security division, and for not more than the following full-time equivalent positions:

| | |
|-------|--------------|
| ..... | \$ 1,135,371 |
| ..... | FTEs 36.00 |

7. For salaries, support, maintenance, and miscellaneous purposes of the pari-mutuel law enforcement agents, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

| | |
|-------|------------|
| ..... | \$ 286,989 |
| ..... | FTEs 5.00 |

8. For use by the department to provide law enforcement officials for project D.A.R.E. (drug abuse resistance education) within local communities:

| | |
|-------|-----------|
| | \$ 29,544 |
|-------|-----------|

9. For the continued purchase of the automated fingerprint information system (AFIS):

..... \$ 514,000

Sec. 504. There is appropriated from the road use tax fund to the division of highway safety and uniformed force of the department of public safety for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 24,458,362
 FTEs 456.00

It is the intent of the general assembly, that so much as is necessary of the appropriation in this subsection, shall support federal Highway Safety Act programs.

As a condition, limitation, and qualification of the appropriation in this subsection, the department shall be prohibited from providing an escort or driver for the lieutenant governor.

As a condition, limitation, and qualification of the appropriation in this subsection, the Iowa law enforcement academy shall be allowed to annually select at least 5 automobiles of the department of public safety, division of highway safety and uniformed force, which are being turned in to the state vehicle dispatcher to be disposed of by public auction and the Iowa law enforcement academy shall be allowed to exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy. However, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of highway safety and uniformed force.

An employee of the department of public safety or its successor who retires after the effective date of this section of this Act but prior to June 30, 1992, is eligible for payment of life or health insurance premiums as provided for in the collective bargaining agreement covering the public safety bargaining unit at the time of retirement if that employee previously served in a position which would have been covered by the agreement. The employee shall be given credit for the service in that prior position as though it were covered by that agreement. This section shall not operate to reduce any retirement benefits an employee may have earned under other collective bargaining agreements or retirement programs.

- 2. For the purchase of radar units:
 \$ 294,166
- 3. For the purchase of scanners:
 \$ 105,000
- 4. For payments to the department of personnel for expenses incurred in administering workers' compensation on behalf of the division of highway safety and uniformed force:
 \$ 362,250
- 5. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the division of highway safety and uniformed force:
 \$ 77,350
- 6. For site acquisition of a new patrol post in the Fort Dodge area:
 \$ 50,000

Sec. 505. There is appropriated from use tax receipts collected under chapter 423 prior to deposit in the road use tax fund, to the following named departments for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

1. To the department of public safety for the costs associated with the automated fingerprint information system local remote terminals:

| | | |
|--|------|------------|
| ..... | \$ | 373,108 |
| 2. To the department of public defense for design of armories at Boone, Fairfield, and Mount Pleasant: | | |
| ..... | \$ | 38,000 |
| 3. To the department of public defense for construction of armories at Corning, Council Bluffs, and Oskaloosa: | | |
| ..... | \$ | 1,757,000 |
| STATE DEPARTMENT OF TRANSPORTATION | | |
| Sec. 506. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, for the purposes designated: | | |
| 1. For the payment of costs associated with the production of motor vehicle licenses, as defined in section 321.1, subsection 77: | | |
| ..... | \$ | 570,000 |
| 2. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions: | | |
| a. Administrative services: | | |
| ..... | \$ | 3,749,551 |
| ..... | FTEs | 47.50 |
| b. General counsel: | | |
| ..... | \$ | 177,240 |
| ..... | FTEs | 1.00 |
| c. Planning and research: | | |
| ..... | \$ | 371,101 |
| ..... | FTEs | 9.00 |
| d. Aeronautics and public transit: | | |
| ..... | \$ | 246,334 |
| ..... | FTEs | 5.00 |
| e. Motor vehicles: | | |
| ..... | \$ | 19,253,443 |
| ..... | FTEs | 542.00 |
| f. Rail and water: | | |
| ..... | \$ | 692,300 |

| | | |
|---|------|------------|
| ..... | FTEs | 15.00 |
| 3. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A: | | |
| ..... | \$ | 39,500 |
| 4. Unemployment compensation: | | |
| ..... | \$ | 12,250 |
| 5. For payments to the department of personnel for paying workers' compensation claims under chapter 85 on behalf of employees of the state department of transportation: | | |
| ..... | \$ | 75,000 |
| 6. For the paving of the scale lots at LeMars and Ainsworth: | | |
| ..... | \$ | 120,000 |
| The provisions of section 8.33 do not apply to the funds appropriated by this subsection, but remain available for expenditure for the purposes designated until June 30, 1994. Unencumbered or unobligated funds remaining on June 30, 1994, from funds appropriated by this subsection for the fiscal year beginning July 1, 1991, shall revert to the fund from which appropriated on August 30, 1994. | | |
| Sec. 507. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated: | | |
| 1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions: | | |
| a. Administrative services: | | |
| ..... | \$ | 22,903,953 |
| ..... | FTEs | 293.00 |
| b. General counsel: | | |
| ..... | \$ | 1,088,750 |
| ..... | FTEs | 7.00 |
| c. Planning and research: | | |

..... \$ 7,050,899
 FTEs 169.00
 d. Aeronautics and public transit:
 \$ 246,334
 FTEs 5.00

It is the intent of the general assembly that any state agency or individual using an airplane from the state aircraft pool shall be billed in an amount sufficient to cover operation and aircraft maintenance expense, including engine overhaul.

e. Highways:
 \$139,750,000
 FTEs 2,951.00

As a condition, limitation, and qualification of the appropriation in this paragraph, the department shall conduct a pilot project for contracting with counties for winter maintenance on state primary highways. The department shall continue this project for a duration that is sufficient to determine the feasibility of performing permanent contractual maintenance with counties. Participating counties shall meet minimum criteria relating to highway maintenance functions, as determined by the department. The department shall submit an annual report to the general assembly outlining the progress of the pilot project.

f. Motor vehicles:
 \$ 781,745
 FTEs 22.00

g. Rail and water:
 \$ 296,700
 FTEs 7.00

2. For deposit in the state department of transportation's highway materials and equipment revolving fund established by section 307.47 for funding the increased replacement cost of vehicles:

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

Moneys appropriated for the inventory and equipment replacement revolving fund shall only be transferred from the primary road fund to meet actual expenditure needs.

As a condition, limitation, and qualification of this appropriation, no more than \$2,782,509 from the highway materials and equipment revolving fund, plus an allocation for salary adjustment, may be expended for salaries and benefits for not more than 92.00 FTEs.

3. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A:

..... \$ 741,000

4. Unemployment compensation:
 \$ 232,750

5. For payments to the department of personnel for paying workers' compensation claims under chapter 85 on behalf of the employees of the state department of transportation:
 \$ 1,425,000

6. For costs associated with fuel tank replacement and cleanup:
 \$ 1,000,000

As a condition, limitation, and qualification of this appropriation, the department shall develop a comprehensive plan to determine the need for petroleum underground storage tanks operated by the department. The plan shall be submitted to the general assembly by January 15, 1992.

7. For conducting tests at department field facilities to determine the extent of asbestos contamination:
 \$ 40,000

8. For the removal of asbestos from facilities at the department central complex:
 \$ 650,000

9. For replacement of obsolete field facilities in the cities of Davenport, Rock Valley, Algona, and Pocahontas:
 \$ 2,810,000

10. For grading and resurfacing the east parking lot at the Ames complex:
 \$ 200,000

11. For electrical system improvements at the Ames complex:
 \$ 230,000
12. For central air conditioning in the south wing offices (old lab) of the Ames complex:
 \$ 300,000
13. For the purchase of land adjacent to the department's maintenance facility site in Hamlin:
 \$ 15,000

The provisions of section 8.33 do not apply to the funds appropriated by subsection 9, but remain available for expenditure for the purposes designated until June 30, 1995. Unencumbered or unobligated funds remaining on June 30, 1995, from funds appropriated by subsection 9, for the fiscal year beginning July 1, 1991, shall revert to the fund from which appropriated on August 30, 1995.

The provisions of section 8.33 do not apply to the funds appropriated by subsections 10 through 12, but remain available for expenditure for the purposes designated until June 30, 1994. Unencumbered or unobligated funds remaining on June 30, 1994, from funds appropriated by subsections 10 through 12 for the fiscal year beginning July 1, 1991, shall revert to the fund from which appropriated on August 30, 1994.

Sec. 508. There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For providing assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, and sidings as required in section 327H.18; for use by the railway finance authority as provided in chapter 307B; and for airport engineering studies and improvement projects as provided in chapter 328:
 \$ 5,230,546

From the appropriation in this subsection, up to the following amounts shall be used for the following airport improvement projects:

- a. For runway extension in Belle Plaine:
 \$ 112,500
- b. For ramp extension and runway drainage in Decraah:
 \$ 103,000
- c. For ramp reconstruction in Fort Dodge:
 \$ 97,000
- d. For land acquisition for a new runway in Greenfield:
 \$ 182,000
- e. For land and grading for runway extension in Harlan:
 \$ 86,000
- f. For runway and taxiway lighting system upgrade in Iowa Falls:
 \$ 49,000
- g. For land and grading for a new runway in Washington:
 \$ 190,000
- h. For ramp reconstruction in Webster City:
 \$ 73,000

2. For essential air service airports:
 \$ 500,000

As a condition, limitation, and qualification of the appropriation in this subsection, \$500,000 shall be granted by the department to essential air service airports to be used for the following purposes:

- a. Grants for interstate and intrastate air travel, in an amount up to \$100,000. Moneys granted under this paragraph must be matched with an equivalent amount of local moneys.
- b. Grants in an amount up to \$10,000 for marketing of essential air service airports to facilitate air travel. Moneys granted under this paragraph must be matched with an equivalent amount of local moneys.
- c. Grants for the air service development program for the commercial air service airports identified in the state aviation plan.

3. For aeronautics and public transit, for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
 \$ 429,932

..... FEES 9.00

It is the intent of the general assembly that the moneys deposited in the general fund and the interest earned from the deposit of those moneys, that would have been deposited into the following funds but for the provisions of 1991 Iowa Acts, House File 173, division XII, shall only be used for the purposes for which the moneys were to be collected prior to the enactment of 1991 Iowa Acts, House File 173, division XII:

- a. Railroad assistance fund established under section 327H.18.
- b. Special railroad facility fund established under section 307B.23.
- c. State aviation fund established under section 328.36.
- d. Public transit assistance fund established under section 601J.6.

Sec. 509. Section 101.28, Code 1991, is amended to read as follows:

101.28 FEES FOR CERTIFICATION INSPECTIONS OF UNDERGROUND STORAGE TANKS.

The state fire marshal, the state fire marshal's designee, or a local fire marshal, authorized to conduct underground storage tank certification inspections under section 455G.11, subsection 6, shall charge the person requesting a certification inspection a fee to recover the costs of authorized training, inspection, and inspection program administration subject to rules adopted by the state fire marshal. The fees generated by inspections conducted by the state fire marshal or an employee of the state fire marshal's office shall be deposited into the general fund of the state.

Sec. 510. Section 307.12, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 14. Prepare and submit a report to the general assembly on or before January 15 of each fiscal year describing the prior fiscal year's highway construction program, actual expenditures of the program, and contractual obligations of the program.

Sec. 511. Section 307.45, unnumbered paragraph 4, Code 1991, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

However, an assessment in excess of sixty thousand dollars in effect on or after December 1, 1990, is not valid unless it is provided for or contained within a capital appropriation by the general assembly.

Sec. 512. Section 312.2, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 21. The treasurer of state, before making the allotments provided for in this section shall credit annually from the road use tax fund to the state department of transportation the sum of six hundred fifty thousand dollars for the purpose of providing county treasurers with data processing equipment and support for vehicle registration and titling. Notwithstanding section 8.33, unobligated funds credited under this subsection remaining on June 30 of the fiscal year shall not revert but shall remain available for expenditure for purposes of this subsection in subsequent fiscal years.

Sec. 513. Section 312.2, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 22. The treasurer of state, before making the allotments provided for in this section shall, for the fiscal year beginning July 1, 1991, credit from the revenues otherwise to be credited to the road use tax fund under section 423.24, subsection 1, paragraph "c", the sum of seven hundred fifty thousand dollars to the state department of transportation to be used for providing assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, and sidings as required in section 327H.18, for use by the railway finance authority as provided in chapter 307B, for airport engineering studies and improvement projects as provided for in chapter 328, and for essential air service airports. However, the amount transferred shall not be used unless authorized by the transportation commission. All unexpended

funds from this appropriation shall revert to the road use tax fund. To authorize any such use, the commission must find that one or more of the following conditions exist as sole and sufficient justification for use of this appropriation:

a. The funds may be used to match federal funds that cannot otherwise be matched due to lack of available state matching moneys, when such federal funds are or may be made available to the state. Notwithstanding the provisions of section 8.33, all funds obligated for match of federal funds shall remain available until expended or no longer needed for matching purposes, at which time they shall be reverted in accordance with the provisions of this section.

b. Unforeseen emergencies or circumstances arise, after the transportation commission has adopted an annual program of projects, that would require the elimination of an approved project, provided that such projects would otherwise be eligible for expenditure.

Sec. 514. Section 313.2A, subsection 2, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Metropolitan area bypasses consistent with metropolitan or regional area plans established through cooperation by the department and local officials.

Sec. 515. Section 313.2A, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. NETWORK DEVELOPMENT. In establishing priorities for improvement projects, the department shall take into consideration the following additional criteria: urban area bypasses that improve urban or regional accessibility or improve corridor travel; projects consistent with regional or metropolitan transportation plans established through cooperation by the department and local officials; and the willingness of local officials to provide financial or other assistance for the development of projects.

Sec. 516. Section 314.21, subsection 3, paragraph b, subparagraph (1), Code 1991, is amended to read as follows:

(1) For the fiscal period beginning July 1, 1989, and ending June 30, 1991 1993, fifty thousand dollars in each

fiscal year to the university of northern Iowa to maintain the position of the state roadside specialist and to continue its integrated roadside vegetation management pilot program providing research, education, training, and technical assistance.

Sec. 517. The department of public safety shall notify the legislative fiscal bureau, department of management, the chairpersons, vice chairpersons, and ranking members of the joint transportation and safety appropriation subcommittee, on any request for, approval of, or notification of award of federal funds or of any loss of federal funds. The notification shall include the name of the funding grant, planned expenditures, and estimated amount which will be received. The department shall also prepare a report at the end of each fiscal year detailing the amount received, amount expended, and carryover balance on all nonappropriated receipts, including federal funds, received during that fiscal year.

Sec. 518. As a condition, limitation, and qualification of the appropriations made in this division, the state department of transportation shall develop a proposal, including necessary appropriation recommendations, for an air cargo service and development study program. The recommendations shall be reported to the general assembly by January 15, 1992. The department shall consult with local officials, airport authorities, representatives of business and industry, representatives of air cargo service providers, and the state department of economic development in developing these recommendations.

Sec. 519. Section 100.34, Code 1991, is repealed.

DIVISION VI

STATE BUDGETING, CAPITAL PROJECTS, AND LEASE-PURCHASE AGREEMENTS

Sec. 601. Section 2.47A, subsection 1, paragraph d, Code 1991, is amended to read as follows:

d. Receive quarterly semiannual status reports for all ongoing capital projects of state agencies, pursuant to section 18.12, subsection 15.

Sec. 602. Section 8.6, subsection 13, Code 1991, is amended to read as follows:

13. CAPITAL PROJECT BUDGETING REQUESTS. To compile annually ~~no later than October 1~~ all capital project budgeting requests of all state agencies, as defined in section 8.3A, and to consolidate the requests, with individual state agency priorities noted, into a report for submission to the legislative capital projects committee not later than ~~October~~ November 1 with any. Any additional information regarding the capital project budgeting requests or priorities to shall be compiled and submitted in the same manner ~~no later than November 1~~ report.

Sec. 603. Section 8.6, subsection 14, unnumbered paragraph 1, Code 1991, is amended to read as follows:

To prepare annually, in cooperation with the department of general services, a five-year capital project priority plan for all state agencies, as defined in section 8.3A, to be submitted no later than July ~~November~~ 1, beginning in the year 1990, to the legislative capital projects committee. The plan shall include but is not limited to the following:

Sec. 604. Section 8.29, unnumbered paragraph 4, Code 1991, is amended to read as follows:

The state board of regents, with the approval of the director of the department of management and the director of the legislative fiscal bureau, shall establish a uniform budgeting and accounting system for the institutions of higher education under its control, and shall require each of the institutions of higher education to begin operating under the uniform system not later than June 30, 1976 1991.

Sec. 605. Section 8.35A, subsection 2, Code 1991, is amended to read as follows:

2. Commencing September 1, the director shall provide weekly budget tapes in the form and level of detail requested by the legislative fiscal bureau reflecting finalized agency budget requests for the following fiscal year as submitted to the governor. The director shall transmit all agency requests in final form to the legislative fiscal bureau by November 15.

~~Final~~ The final budget records information required under sections 8.22 and 8.28 containing the governor's recommendation and final agency requests shall be transmitted to the legislative fiscal bureau by January 1 ~~or no later than the date the governor's budget document is delivered to the printer~~. The governor's recommendation included on this record shall be considered confidential by the legislative fiscal bureau until it is made public by the governor. The legislative fiscal bureau shall use this data in the preparation of information for the legislative appropriation process.

Sec. 606. NEW SECTION. 8.46 LEASE-PURCHASE -- REPORTING.

For the purposes of this section, unless the context otherwise requires, "state agency" means any executive, judicial, or legislative department, commission, board, institution, division, bureau, office, agency, or other entity of state government.

1. Before entering into a contract involving a lease-purchase arrangement in which any part or the total amount of the contract is at least fifty thousand dollars, a state agency shall notify the legislative fiscal committee of the legislative council regarding the contract. The notification is required regardless of the source of payment for the lease-purchase arrangement. The notification shall include all of the following information:

- a. A description of the object of the lease-purchase arrangement.
- b. The cost of the contract.
- c. The terms of the contract.
- d. The total cost of the contract, including principal and interest costs.
- e. An identification of the means and source of payment of the contract.
- f. An analysis of consequences of delaying or abandoning the commencement of the contract.

2. The legislative fiscal committee shall report to the legislative council concerning the notifications it receives pursuant to this section.

3. A state agency shall report quarterly to the legislative fiscal committee concerning its contracts involving a lease-purchase arrangement. The format of the report shall be determined by the legislative fiscal bureau in consultation with the department of management. The report shall include all of the following information:

- a. A description of the objects of a lease-purchase arrangement under contract.
- b. The total costs of the contracts.
- c. Total principal and interest cost in each fiscal year of each contract.
- d. An identification of the means and source of payment for each contract.

Sec. 607. Section 18.12, subsection 10, unnumbered paragraph 1, paragraphs b, d, and e, and unnumbered paragraphs 2 and 3, Code 1991, are amended to read as follows:

On behalf of the department, enter into lease-purchase contracts for real or personal property, wherever located within the state, to be used for buildings, facilities, and structures; or for additions or improvements to existing buildings, facilities, and structures, to carry out the provisions of this chapter section or for the proper use and benefit of the state and its state agencies on the following terms and conditions:

- b. The lease-purchase contract may provide for ultimate ownership of the property by the state. Title to all property acquired in this manner shall be taken and held in the name of the state. The state shall be the lessee or contracting party under all lease-purchase contracts entered into pursuant to this chapter section. The lease-purchase contract may contain provisions similar to provisions customarily found in lease-purchase contracts between private persons, including, but not limited to, provisions prohibiting the acquisition or use by the lessee of competing property or property in substitution for the lease-purchased property, obligating the lessee to pay costs of operation, maintenance, insurance, and taxes relating to the property, and permitting the lessor to retain a

security interest in the property lease-purchased, until title passes to the state, which may be assigned or pledged by the lessor. The director may contract for additional security or liquidity for a lease-purchase contract and may enter into agreements for letters of credit, lines of credit, insurance, or other forms of security with respect to rental and other payments due under a lease-purchase contract. Fees for the costs of additional security or liquidity are a cost of entering into the lease-purchase contract and may be paid from funds annually appropriated by the general assembly to the state agency for which the property is being obtained or from other funds legally available. The lease-purchase contract may include the costs of entering into the lease-purchase contract as a cost of the lease-purchased property. The provision of a lease-purchase contract which provides that a portion of the periodic rental payment be applied as interest is subject to chapter 74A. Other laws relating to interest rates do not apply. Chapter 75 does not apply to lease-purchase contracts entered into pursuant to this chapter section. Rental and other costs due under lease-purchase contracts entered into pursuant to this chapter section shall be payable from funds annually appropriated by the general assembly to the state agency for which the property is being obtained or from other funds legally available.

- d. The director shall not enter into lease-purchase contracts pursuant to this chapter section without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor of the use, location, and maximum cost, not including interest expense, of the real or personal property to be lease-purchased. However, the director shall not enter into a lease-purchase contract for real or personal property which is to be constructed for use as a prison or prison-related facility without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor of the use, location, and maximum cost, not including interest expense, of the real or personal property to be lease-purchased and with

the construction in accordance with space needs as established by an independent study of space needs authorized by the general assembly.

e. A contract for acquisition, construction, erection, demolition, alteration, or repair by a private person of real or personal property to be lease-purchased by the director pursuant to this chapter section is exempt from section 18.6, subsections 1 and 9, unless the lease-purchase contract is funded in advance by a deposit of the lessor's moneys to be administered by the director under a lease-purchase contract which requires rent payments to commence upon delivery of the lessor's moneys to the lessee.

This subsection provides an alternative and independent method for carrying out projects under this chapter and for entering into lease-purchase contracts in connection therewith with the projects, without reference to any other statute, and is not an amendment of or subject to the provision of any other law. No publication of any notice, whether under section 23.12 or otherwise, and no other or further proceedings with respect to the lease-purchase contracts is referred to in this section are required except as set forth in this chapter section, any provisions of other statutes of the state to the contrary notwithstanding.

For purposes of this subsection and subsection 12, "state agency" means a board, commission, bureau, division, office, department, or branch of state government.

Sec. 608. Section 18.12, subsection 15, Code 1991, is amended to read as follows:

15. Prepare quarterly semiannual status reports for all ongoing capital projects of all state agencies, as defined in section 8.3A, and submit the status reports to the legislative capital projects committee.

Sec. 609. Section 262A.3, Code 1991, is amended to read as follows:

262A.3 TEN-YEAR FIVE-YEAR PROGRAM AND TWO-YEAR BOND PROPOSAL SUBMITTED EACH YEAR.

The board shall prepare and submit to the general assembly for approval or rejection a proposed ten-year five-year building program for each institution, including an estimate of the maximum amount of bonds which the board expects to issue under the provisions of this chapter during each year of the ensuing biennium. Such The program and estimate shall be submitted ~~no later than seven days after the passage of this chapter by the general assembly and thereafter no later than seven days after the convening of each regular annual session of the general assembly.~~ The building program shall contain a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions. This list shall be revised annually, but no project shall be eliminated from the list when bonds have previously been issued by the board to pay the cost thereof of the project. Each such list shall contain an estimate of the cost of each of the buildings and facilities referred to therein in the list. If the general assembly rejects or fails to approve any proposed ten-year five-year building program, such this action or inaction shall not affect the status or legality of any project previously or subsequently authorized by the general assembly as provided in section 262A.4.

Sec. 610. NEW SECTION. 455A.9 STATE FISH AND GAME PROTECTION FUND -- CAPITAL PROJECTS AND CONTINGENCIES.

Funds remaining in the state fish and game protection fund during a fiscal year which are not specifically appropriated by the general assembly are appropriated and may be used for capital projects and contingencies under the jurisdiction of the fish and wildlife division arising during the fiscal year. A contingency shall not include any purpose or project which was presented to the general assembly by way of a bill or a proposed bill and which failed to be enacted into law. For the purpose of this section, a necessity of additional operating funds may be construed as a contingency. Before any of the funds authorized to be expended by this section are allocated for contingencies, it shall be determined by the executive council that a contingency exists and that the

contingency was not existent while the general assembly was in session and that the proposed allocation shall be for the best interests of the state. If a contingency arises or could reasonably be foreseen during the time the general assembly is in session, expenditures for the contingency must be authorized by the general assembly.

JOE J. WELSH
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 529, Seventy-fourth General Assembly.

Item Veto
Approved June 7, 1991

JOHN F. DWYER
Secretary of the Senate

TERRY E. BRANSTAD
Governor