

FILED FEB 28 1994

SENATE FILE 2218

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 2177)

Passed Senate, Date ^{p. 49b} 3/3/94 Passed House, Date _____
 Vote: Ayes 49 Nays 0 Vote: Ayes _____ Nays _____
 Approved Tom Vilsack April 13, 1994

A BILL FOR

1 An Act making appropriations and certain related statutory
 2 changes related to regulatory bodies of state government,
 3 including the auditor of state, the Iowa ethics and campaign
 4 disclosure board, the department of employment services, the
 5 department of inspections and appeals, the office of the state
 6 public defender, public employment relations board, department
 7 of commerce, and the racing and gaming commission and

SENATE FILE 2218

S-5072

1 Amend Senate File 2218 as follows:
 2 1. Page 2, line 28, by striking the words "and
 3 businesses subject to inspections" and inserting the
 4 following: ", the businesses subject to inspections,
 5 and employees of the businesses".

By TOM VILSACK

S-5072 FILED MARCH 3, 1994
ADOPTED

SENATE FILE 2218

S-5073

1 Amend Senate File 2218 as follows:
 2 1. Page 16, by striking lines 20 through 35.

By LARRY MURPHY
JOHN W. JENSEN

S-5073 FILED MARCH 3, 1994
ADOPTED

23
24

SF. 2218

1 Section 1. AUDITOR OF STATE. There is appropriated from
2 the general fund of the state to the office of the auditor of
3 state for the fiscal year beginning July 1, 1994, and ending
4 June 30, 1995, the following amount, or so much thereof as is
5 necessary, to be used for the purposes designated:

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

9	\$	1,242,525
10	FTEs	112.50

11 The auditor of state may retain additional full-time
12 equivalent positions as is reasonable and necessary to perform
13 governmental subdivision audits which are reimbursable
14 pursuant to section 11.20 or 11.21, to perform audits which
15 are requested by and reimbursable from the federal government,
16 and to perform work requested by and reimbursable from
17 departments or agencies pursuant to section 11.5A or 11.5B.
18 The auditor of state shall notify the department of
19 management, the legislative fiscal committee, and the
20 legislative fiscal bureau of the additional full-time
21 equivalent positions retained.

22 Sec. 2. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
23 is appropriated from the general fund of the state to the Iowa
24 ethics and campaign disclosure board for the fiscal year
25 beginning July 1, 1994, and ending June 30, 1995, the
26 following amount, or so much thereof as is necessary, for the
27 purposes designated:

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

31	\$	426,104
32	FTEs	8.00

33 Sec. 3. DEPARTMENT OF EMPLOYMENT SERVICES. There is
34 appropriated from the general fund of the state to the
35 department of employment services for the fiscal year

1 beginning July 1, 1994, and ending June 30, 1995, the
2 following amounts, or so much thereof as is necessary, for the
3 purposes designated, including that the department of
4 employment services, the department of personnel, and the
5 department of management shall ensure that all nonsupervisory
6 full-time equivalent positions authorized and funded for the
7 department of employment services in this section will be
8 utilized during the fiscal year beginning July 1, 1994, and
9 ending June 30, 1995, and during future fiscal years, and will
10 not be held vacant, to ensure that the backlog of cases in
11 that department will be reduced as rapidly as possible:

12 1. DIVISION OF LABOR SERVICES

13 For salaries, support, maintenance, miscellaneous purposes,
14 and for not more than the following full-time equivalent
15 positions contingent upon the enactment of section 6 of this
16 Act and the provision which requires moneys appropriated from
17 the special employment security contingency fund to first be
18 used to fully fund the appropriation of \$296,508 to the
19 division of labor services in subsection 1 of section 6 of
20 this Act prior to funding the appropriation in section 6 of
21 this Act to the division of industrial services:

22	\$	2,410,029
23	FTEs	87.00

24 The division of labor services shall require that all
25 federally funded Occupational Safety and Health Act personnel
26 attend a series of customer service classes, and that focus
27 groups be established, which involve the participation of the
28 personnel and businesses subject to inspections, to develop a
29 survey of such businesses. The survey shall be used by the
30 division to determine customer satisfaction. The division
31 shall provide a written report summarizing the results of the
32 survey to the department of management and the legislative
33 fiscal bureau no later than January 1, 1995.

34 It is the intent of the general assembly that the division
35 of labor services shall conduct all inspection functions in

1 the division as efficiently as possible. The division shall,
2 to the extent possible, eliminate duplicate travel to the same
3 location for separate inspections made at different times, and
4 shall consolidate such inspections in the same trip whenever
5 possible.

6 From the contractor registration fees, the division of
7 labor services shall reimburse the department of inspections
8 and appeals for all costs associated with hearings under
9 chapter 91C, relating to contractor registration.

10 2. DIVISION OF INDUSTRIAL SERVICES

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

14	\$	2,106,249
15	FTEs	33.00

16 3. For salary, support, maintenance, miscellaneous
17 purposes, and for not more than the following full-time
18 equivalent positions for a workforce development coordinator:

19	\$	80,000
20	FTEs	1.00

21 The workforce development coordinator shall formulate a
22 five-year written implementation plan for the workforce
23 development initiative. The coordinator shall annually
24 provide a written report no later than January 1 of each year
25 to the department of management and the legislative fiscal
26 bureau indicating all of the following:

27 a. The amounts of federal, state, and any other funds
28 expended to implement the workforce initiative.

29 b. The efficiencies achieved in terms of administrative
30 costs and other expenditures of the departments involved.

31 c. The location of each workforce center, staffing levels,
32 and the number of clients served.

33 d. Any other information deemed necessary by the
34 coordinator related to the progress and success in
35 implementing the initiative.

1 4. For the workforce development initiative to be used to
2 create model workforce development centers and provide an
3 integrated management information system:

4 \$ 464,000

5 Sec. 4. ADMINISTRATIVE CONTRIBUTION SURCHARGE FUND. There
6 is appropriated from the administrative contribution surcharge
7 fund of the state to the department of employment services for
8 the fiscal year beginning July 1, 1994, and ending June 30,
9 1995, the following amount, or so much thereof as is
10 necessary, for the purposes designated:

11 DIVISION OF JOB SERVICE

12 Notwithstanding section 96.7, subsection 12, paragraph "c",
13 for salaries, support, maintenance, conducting labor
14 availability surveys, miscellaneous purposes, and for not more
15 than the following full-time equivalent positions:

16 \$ 6,250,000

17 FTEs 148.22

18 Of the amount appropriated under this section, \$200,000
19 shall be used by the department to conduct labor availability
20 surveys. As a condition of this expenditure, the department
21 shall require that all communities which are scheduled to be
22 surveyed during the fiscal year shall contribute a percentage
23 of the cost of completing the community surveys as agreed to
24 by the department and each community to be surveyed.

25 1. The department of employment services shall provide
26 services throughout the fiscal year beginning July 1, 1994,
27 and ending June 30, 1995, in all communities in which
28 workforce centers are operating on July 1, 1993. However,
29 this provision shall not prevent the consolidation of multiple
30 offices within the same city or the colocation of workforce
31 centers with another public agency.

32 2. The division of industrial services shall not reduce
33 the number of scheduled hearings of contested cases or
34 eliminate the venue of such hearings, as established by the
35 division for the period beginning January 1, 1994, and ending

1 January 20, 1995. The division shall also establish a
2 substantially similar schedule for such hearings for the
3 period beginning January 20, 1995, and ending June 30, 1995.
4 The division shall report to the legislative fiscal bureau
5 concerning any modification of the established schedule, or
6 any changes which the division determines are necessary in
7 establishing the schedule for the period beginning January 20,
8 1995, and ending June 30, 1995.

9 3. The division shall continue charging a \$65 filing fee
10 for workers' compensation cases. The filing fee shall be paid
11 by the petitioner of a claim. However, the fee can be taxed
12 as a cost and paid by the losing party, except in cases where
13 it would impose an undue hardship or be unjust under the
14 circumstances.

15 Sec. 5. EMPLOYMENT SECURITY CONTINGENCY FUND. There is
16 appropriated from the special employment security contingency
17 fund to the department of employment services for the fiscal
18 year beginning July 1, 1994, and ending June 30, 1995, the
19 following amounts, or so much thereof as is necessary, for the
20 purposes designated and subject to the requirement that the
21 appropriation to the division of labor services under this
22 section be fully funded from the special employment security
23 contingency fund prior to any amounts being used to fund the
24 appropriation made to the division of industrial services
25 under this section:

26 1. DIVISION OF LABOR SERVICES

27 For salaries, support, maintenance, and miscellaneous
28 purposes:

29 \$ 296,508

30 2. DIVISION OF INDUSTRIAL SERVICES

31 For salaries, support, maintenance, and miscellaneous
32 purposes:

33 \$ 175,494

34 Sec. 6. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
35 appropriated from the general fund of the state to the

1 department of inspections and appeals for the fiscal year
2 beginning July 1, 1994, and ending June 30, 1995, the
3 following amounts, or so much thereof as is necessary, for the
4 purposes designated:

5 1. FINANCE AND SERVICES DIVISION

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

9 \$ 484,920
10 FTEs 22.00

11 2. AUDITS DIVISION

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

15 \$ 342,246
16 FTEs 10.00

17 3. APPEALS AND FAIR HEARINGS DIVISION

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

21 \$ 213,140
22 FTEs 24.00

23 4. INVESTIGATIONS DIVISION

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

27 \$ 709,812
28 FTEs 35.00

29 5. HEALTH FACILITIES DIVISION

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

33 \$ 1,398,954
34 FTEs 97.00

35 6. INSPECTIONS DIVISION

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

4 \$ 571,275
5 FTEs 13.00

6 7. EMPLOYMENT APPEAL BOARD

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

10 \$ 45,247
11 FTEs 15.80

12 The employment appeal board shall be reimbursed by the
13 labor services division of the department of employment
14 services for all costs associated with hearings conducted
15 under chapter 91C, related to contractor registration. The
16 board may expend, in addition to the amount appropriated under
17 this subsection, such amounts as are directly billable to the
18 labor services division under this subsection and to retain
19 such additional full-time equivalent positions as needed to
20 conduct hearings required pursuant to chapter 91C.

21 8. STATE FOSTER CARE REVIEW BOARD

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

25 \$ 515,576
26 FTEs 10.00

27 The department of human services, in coordination with the
28 state foster care review board and the department of
29 inspections and appeals, shall submit an application for
30 funding available pursuant to Title IV-E of the federal Social
31 Security Act for claims for state foster care review board
32 administrative review costs.

33 9. The department of inspections and appeals shall provide
34 an accounting of all costs associated with negotiating
35 agreements and compacts pursuant to section 10A.104,

1 subsection 10, and all costs associated with monitoring such
2 agreements and compacts. Information in the accounting shall
3 include the dates and destinations of all travel related to
4 the negotiations and monitoring, and all costs associated with
5 the personnel involved, including salary, travel, and support
6 costs.

7 Sec. 7. RACING AND GAMING COMMISSION: There is
8 appropriated from the general fund of the state to the racing
9 and gaming commission of the department of inspections and
10 appeals for the fiscal year beginning July 1, 1994, and ending
11 June 30, 1995, the following amount, or so much thereof as is
12 necessary, to be used for the purposes designated:

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

16 \$ 1,728,494
17 FTEs 19.27

18 2. Notwithstanding section 8.39, the racing and gaming
19 commission shall not expend funds appropriated to the
20 commission for the fiscal year beginning on July 1, 1994, and
21 ending on June 30, 1995, for the regulation of any racetrack
22 unless such regulation was authorized on or before July 1,
23 1992. Additionally, funds appropriated for the regulation of
24 a racetrack authorized to offer live racing or simulcasting
25 shall revert to the general fund and shall not be used for any
26 other purpose if such track does not offer, or ceases to
27 offer, live racing or simulcasting.

28 Sec. 8. EXCURSION BOAT REGULATION. There is appropriated
29 from the general fund of the state to the racing and gaming
30 commission of the department of inspections and appeals for
31 the fiscal year beginning July 1, 1994, and ending June 30,
32 1995, the following amount, or so much thereof as is
33 necessary, to be used for the purposes designated:

34 For salaries, support, maintenance, and miscellaneous
35 purposes for administration and enforcement of the excursion

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

3	\$	446,522
4	FTEs	9.96

5 It is the intent of the general assembly that the racing
6 and gaming commission shall only employ additional full-time
7 equivalent positions for riverboat gambling enforcement as
8 authorized by the department of management as needed for
9 enforcement on new riverboats. If more than four riverboats
10 are issued licenses by the commission and are operated during
11 the fiscal year beginning July 1, 1994, and ending June 30,
12 1995, the commission may expend no more than \$88,526 for no
13 more than 2.00 FTEs for each additional riverboat in excess of
14 four. The additional expense associated with such positions
15 shall be paid from fees assessed by the commissioner
16 associated with the additional riverboats, as provided in
17 chapter 99F, and deposited in the special account established
18 pursuant to section 99F.4, subsection 2.

19 Notwithstanding section 8.39, funds shall not be
20 transferred to the department of inspections and appeals which
21 would be used for monitoring Indian gaming.

22 Sec. 9. STATE PUBLIC DEFENDER. There is appropriated from
23 the general fund of the state to the office of the state
24 public defender for the fiscal year beginning July 1, 1994,
25 and ending June 30, 1995, the following amounts, or so much
26 thereof as is necessary, for the purposes designated:

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

30	\$	7,831,289
31	FTEs	143.80

32 2. For indigent court-appointed attorney fees for adults
33 and juveniles, notwithstanding section 232.141 and chapter
34 815:

35	\$	10,029,000
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1 Of the amounts appropriated in this section to the office
2 of state public defender of the department of inspections and
3 appeals, \$100,000 shall be used to contract with a private
4 vendor to provide automated claims processing of adult
5 indigent defense claims.

6 a. Effective July 1, 1994, the state public defender shall
7 establish a one-year pilot project to review and process
8 juvenile indigent defense claims in two counties. The
9 counties shall be in different judicial districts and shall be
10 selected by the state public defender.

11 b. Notwithstanding section 232.141, subsection 3, the
12 county clerks of court of the pilot counties shall submit all
13 claims and supporting documentation received with the claims
14 for juvenile indigent defense to the department of inspections
15 and appeals for payment.

16 c. The state public defender shall review each claim and
17 supporting documentation in accordance with section 13B.4,
18 subsection 4, prior to payment.

19 d. Claims approved for payment shall be paid directly from
20 the appropriation to the department of inspections and appeals
21 for these purposes.

22 e. The juvenile justice county base amount as calculated
23 under section 232.141, subsection 3, for the fiscal year
24 beginning July 1, 1994, shall be forwarded by the pilot
25 counties to the department of inspections and appeals no later
26 than December 1, 1994. The department of inspections and
27 appeals shall deposit these payments into the indigent defense
28 fund to be used to pay juvenile indigent defense claims.

29 f. The state public defender shall provide a written
30 report to the department of management and the legislative
31 fiscal bureau by December 15, 1994, related to the progress
32 and findings of this pilot project and recommendations for
33 potential improvements and appropriate modifications in the
34 juvenile indigent defense claims payment process.

35 Sec. 10. INDIGENT DEFENSE COSTS. The supreme court shall

1 submit a written report for the preceding fiscal year no later
2 than January 1 of each year indicating the amounts collected
3 pursuant to section 815.9A, relating to recovery of indigent
4 defense costs. The report shall include the total amount
5 collected by all courts, as well as the amounts collected by
6 each judicial district. The supreme court shall also submit a
7 written report quarterly indicating the number of criminal and
8 juvenile filings which occur in each judicial district for
9 purposes of estimating indigent defense costs. A copy of each
10 report shall be provided to the public defender, the
11 department of management, and the legislative fiscal bureau.

12 Sec. 11. The department of inspections and appeals may
13 charge state departments, agencies, and commissions for
14 services rendered and the payment received shall be considered
15 repayment receipts as defined in section 8.2.

16 Sec. 12. ROAD USE TAX FUND. There is appropriated from
17 the use tax receipts collected pursuant to section 423.7 prior
18 to their deposit in the road use tax fund pursuant to section
19 423.24, subsection 1, to the department of inspections and
20 appeals for the fiscal year beginning July 1, 1994, and ending
21 June 30, 1995, the following amount, or so much thereof as is
22 necessary, for the purposes designated:

23 For salaries, support, maintenance, and miscellaneous
24 purposes:
25 \$ 904,852

26 Sec. 13. DEPARTMENT OF COMMERCE. There is appropriated
27 from the general fund of the state to the department of
28 commerce for the fiscal year beginning July 1, 1994, and
29 ending June 30, 1995, the following amounts, or so much
30 thereof as is necessary, for the purposes designated:

31 1. PROFESSIONAL LICENSING AND REGULATION DIVISION
32 a. For salaries, support, maintenance, miscellaneous
33 purposes, and for not more than the following full-time
34 equivalent positions:
35 \$ 891,000

1 FTEs 14.00
 2 b. There is appropriated from the title guaranty fund
 3 created in section 16.91 to the professional licensing and
 4 regulation division, an amount up to \$25,000, to be used to pay
 5 half the cost of employing an auditor for real estate broker
 6 trust accounts. In addition to the amount appropriated in this
 7 paragraph, the commission may increase the license fees
 8 provided for in section 543B.27 in an amount sufficient to pay
 9 half the cost of employing an auditor for real estate broker
 10 trust accounts.

11 2. ADMINISTRATIVE SERVICES DIVISION

12 For salaries, support, maintenance, miscellaneous purposes,
 13 and for not more than the following full-time equivalent
 14 positions:
 15 \$ 210,378
 16 FTEs 2.00

17 It is the intent of the general assembly that the two
 18 positions authorized in this subsection for the division shall
 19 coordinate the administrative services to be provided to the
 20 divisions in the department. These two positions are under
 21 the direct supervision of, and shall report to, the director
 22 of the department.

23 3. ALCOHOLIC BEVERAGES DIVISION

24 For salaries, support, maintenance, miscellaneous purposes,
 25 and for not more than the following full-time equivalent
 26 positions:
 27 \$ 1,831,127
 28 FTEs 33.50

29 The division of alcoholic beverages shall eliminate the
 30 position of administrative assistant 4 which is currently on
 31 loan to the department of management. The department of
 32 commerce shall not enter into any other employee loan
 33 agreements with any other department or division unless the
 34 department of commerce is fully reimbursed from the other
 35 department or division for the costs associated with such

1 position.

2 4. BANKING DIVISION

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

6	\$	5,278,751
7	FTEs	85.00

8 The banking division may expend additional funds, including
9 funds for additional personnel, if those additional
10 expenditures are actual expenses which exceed the funds
11 budgeted for bank examinations and directly result from
12 examinations of banks. The amounts necessary to fund the
13 excess examination expenses shall be collected from banks
14 being regulated, and the collections shall be treated as
15 repayment receipts as defined in section 8.2. The division
16 shall notify in writing the legislative fiscal bureau and the
17 department of management when hiring additional personnel.
18 The written notification shall include documentation that any
19 additional expenditure related to such hiring will be totally
20 reimbursed to the general fund, and shall also include the
21 division's justification for hiring such personnel. The
22 division must obtain the approval of the department of
23 management only if the number of additional personnel to be
24 hired exceeds the number of full-time equivalent positions
25 authorized by this section.

26 The banking division may expend additional funds, not to
27 exceed \$86,500, for the purpose of purchasing laptop computers
28 to be used by bank examination staff. The amount necessary to
29 fund the purchase of such computers shall be collected from
30 banks being regulated, and the collections shall be treated as
31 repayment receipts as defined in section 8.2.

32 5. CREDIT UNION DIVISION

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

1 \$ 1,033,772
2 FTEs 20.00

3 The credit union division may expend additional funds,
4 including funds for additional personnel, if those additional
5 expenditures are actual expenses which exceed the funds
6 budgeted for credit union examinations and directly result
7 from examinations of credit unions. The amounts necessary to
8 fund the excess examination expenses shall be collected from
9 credit unions being regulated, and the collections shall be
10 treated as repayment receipts as defined in section 8.2. The
11 division shall notify in writing the legislative fiscal bureau
12 and the department of management when hiring additional
13 personnel. The written notification shall include
14 documentation that any additional expenditure related to such
15 hiring will be totally reimbursed to the general fund, and
16 shall also include the division's justification for hiring
17 such personnel. The division must obtain the approval of the
18 department of management only if the number of additional
19 personnel to be hired exceeds the number of full-time
20 equivalent positions authorized by this section.

21 6. INSURANCE DIVISION

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

25 \$ 2,816,995
26 FTEs 88.50

27 Of the amounts appropriated in this section to the
28 insurance division, not more than \$100,000 shall be used for
29 the regulation of health insurance purchasing cooperatives.

30 The insurance division may reallocate authorized full-time
31 equivalent positions as necessary to respond to accreditation
32 recommendations or requirements. The insurance division
33 expenditures for examination purposes may exceed the projected
34 receipts, refunds and reimbursements, estimated pursuant to
35 section 505.7, subsection 7, including the expenditures for

1 retention of additional personnel, if such expenditures are
2 fully reimburseable and the division first does both of the
3 following:

4 a. Notifies the department of management, legislative
5 fiscal bureau, and the legislative fiscal committee of the
6 need for such expenditures.

7 b. Files with each of the entities named in subsection 1
8 the legislative and regulatory justification for such
9 expenditures, along with an estimate of the expenditures.

10 7. UTILITIES DIVISION

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

14	\$ 4,771,826
15	FTEs 79.00

16 The utilities division may expend additional funds,
17 including funds for additional personnel, if those additional
18 expenditures are actual expenses which exceed the funds
19 budgeted for utility regulation. Before the division expends
20 or encumbers an amount in excess of the funds budgeted for
21 regulation, the director of the department of management shall
22 approve the expenditure or encumbrance. Before approval is
23 given, the director of the department of management shall
24 determine that the regulation expenses exceed the funds
25 budgeted by the general assembly to the division and that the
26 division does not have other funds from which regulation
27 expenses can be paid. Upon approval of the director of the
28 department of management the division may expend and encumber
29 funds for excess regulation expenses. The amounts necessary
30 to fund the excess regulation expenses shall be collected from
31 those utility companies being regulated which caused the
32 excess expenditures, and the collections shall be treated as
33 repayment receipts as defined in section 8.2.

34 Sec. 14. PUBLIC EMPLOYMENT RELATIONS BOARD. There is
35 appropriated from the general fund of the state to the public

1 employment relations board for the fiscal year beginning July
2 1, 1994, and ending June 30, 1995, the following amount, or so
3 much thereof as is necessary, for the purposes designated:

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

7	\$	720,769
8	FTEs	12.68

9 Sec. 15. BUDGET PROPOSALS. The department of commerce,
10 department of employment services, and department of
11 inspections and appeals shall each designate a single division
12 within the respective departments to submit a budget proposal
13 in accordance with the zero-based budgeting method, and to
14 track the appropriations made to the divisions in accordance
15 with the program performance-based budgeting method for the
16 fiscal year beginning July 1, 1995. The proposals shall be
17 submitted by the designated divisions to the department of
18 management and the legislative fiscal bureau no later than
19 January 1, 1995.

20 Sec. 16. Section 10A.104, subsection 10, Code Supplement
21 1993, is amended to read as follows:

22 10. Enter into and implement agreements or compacts
23 between the state of Iowa and Indian tribes located in the
24 state which are entered into under the authority of the
25 federal Indian Gaming Regulatory Act, (25 U.S.C. § 2701 et
26 seq.). The agreements or compacts shall contain provisions
27 intended to implement the policies and objectives of the
28 federal Indian Gaming Regulatory Act. Prior to the
29 implementation of an agreement or compact to be entered into
30 pursuant to this subsection, the agreement or compact shall be
31 submitted to the senate for approval, pursuant to rules
32 adopted by the senate. The senate shall approve an agreement
33 or contract by a constitutional majority and an agreement or
34 compact shall not be effective or implemented until the
35 approval of the senate is given.

1 Sec. 17. Section 11.5B, subsection 7, Code 1993, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 7. Iowa veterans home.

5 Sec. 18. Section 13B.4, subsections 3 and 4, Code
6 Supplement 1993, are amended to read as follows:

7 3. The state public defender may contract with persons
8 admitted to practice law in this state for the provision of
9 legal services to indigent or partially indigent persons where
10 ~~there is no local public defender available to provide such~~
11 ~~services.~~

12 4. The state public defender is authorized to review any
13 claim made for payment of indigent defense costs ~~and to~~
14 ~~request a hearing before the court granting a claim within~~
15 ~~thirty days of receipt of such claim~~ if the state public
16 defender believes the claim to be excessive.

17 a. If the claim is from a noncontract attorney, the state
18 public defender shall request a hearing before the court
19 granting the claim as to the reasonableness of the claim
20 within thirty days of receipt of such claim.

21 b. If the claim is from a contract attorney, the state
22 public defender shall request a hearing before the appointing
23 court as to the reasonableness of the claim within thirty days
24 of receipt of such claim.

25 Sec. 19. Section 13B.9, subsection 5, Code 1993, is
26 amended to read as follows:

27 5. If a conflict of interest arises or if the local public
28 defender is unable to handle a case because of a temporary
29 overload of cases, the local public defender shall return the
30 case to the court. The court ~~may~~ shall first appoint a
31 contract attorney. ~~or a private noncontracting attorney, who~~
32 ~~has agreed to take the case;~~ Appointments by the court shall
33 be on a rotational or equalization basis considering the
34 experience of the attorney and the difficulty of the case.

35 Sec. 20. Section 13B.9, Code 1993, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 6. If a contract attorney is not
3 available, or if a conflict of interest or overload prevents a
4 contract attorney from handling a case, the court shall
5 appoint a private noncontracting attorney, who has agreed to
6 take the case. The appointment shall be on a rotational or
7 equalization basis, considering the experience of the attorney
8 and the difficulty of the case.

9 Sec. 21. Section 534.102, subsection 28, Code 1993, is
10 amended to read as follows:

11 28. "Superintendent" means the superintendent of savings
12 and loan associations ~~who is the director of the department of~~
13 commerce appointed pursuant to section 534.401.

14 Sec. 22. Section 534.401, subsection 1, Code 1993, is
15 amended to read as follows:

16 1. DIVISION SUPERINTENDENT OF SAVINGS AND LOAN
17 ASSOCIATIONS CREATED---SUPERINTENDENT. ~~A-savings-and-loan~~
18 ~~association-division-is-created-within-the-department-of~~
19 ~~commerce.~~ The superintendent of savings and loan associations
20 is the ~~chief-administrative-officer-of-the-division~~
21 administrator of professional licensing and regulation
22 appointed pursuant to section 546.10, subsection 2, or an
23 individual appointed by the administrator as provided in
24 section 546.10, subsection 7.

25 Sec. 23. Section 546.10, Code Supplement 1993, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 7. The administrator of professional
28 licensing and regulation is the superintendent of savings and
29 loan associations. The administrator may appoint an
30 individual to act as the superintendent who shall serve as the
31 superintendent at the pleasure of the administrator.

32 Sec. 24. Section 815.7, Code 1993, is amended to read as
33 follows:

34 815.7 FEES TO ATTORNEYS.

35 An attorney who has not entered into a contract authorized

1 under section 13B.4 and who is appointed by the court to
2 represent any person charged with a crime in this state shall
3 be entitled to a reasonable compensation which shall be the
4 ordinary and customary charges for like services in the
5 community to be decided in each case by a judge of the
6 district court, including such sum or sums as the court may
7 determine are necessary for investigation in the interests of
8 justice and in the event of appeal the cost of obtaining the
9 transcript of the trial and the printing of the trial record
10 and necessary briefs in behalf of the defendant. Such
11 attorney need not follow the case into another county or into
12 the appellate court unless so directed by the court at the
13 request of the defendant, where grounds for further litigation
14 are not capricious or unreasonable, but if such attorney does
15 so, the attorney's fee shall be determined accordingly. Only
16 one attorney fee shall be so awarded in any one case except
17 that in class "A" felony cases, two may be authorized.

18 Sec. 25. Section 815.10, Code 1993, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 4. A contract attorney appointed by the
21 court under this section and section 13B.4 shall apply to the
22 state public defender for compensation and for reimbursement
23 of costs incurred in accordance with the contract. The amount
24 of compensation due shall be determined in accordance with the
25 contract.

26 Sec. 26. Section 815.11, Code 1993, is amended to read as
27 follows:

28 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

29 Costs incurred under section 232.141, subsection 3,
30 paragraph "c", sections 814.9, 814.10, 814.11, 815.4, 815.5,
31 815.6, 815.7, 815.10, or the rules of criminal procedure on
32 behalf of an indigent shall be paid from funds appropriated by
33 the general assembly to the department of inspections and
34 appeals for those purposes.

35 Sec. 27. FEDERAL GRANTS. All federal grants to and the

1 federal receipts of agencies appropriated funds under this
2 Act, not otherwise appropriated, are appropriated for the
3 purposes set forth in the federal grants or receipts unless
4 otherwise provided by the general assembly.

5

EXPLANATION

6 This bill makes appropriations for the fiscal year
7 beginning July 1, 1994, to regulatory bodies of the state,
8 including the auditor of state, Iowa ethics and campaign
9 disclosure board, department of employment services,
10 department of inspections and appeals, office of the state
11 public defender, public employment relations board, the
12 department of commerce, and the racing and gaming commission.

13 This bill amends provisions relating to the appointment of,
14 and contracting with, attorneys for providing legal
15 representation to indigent or partially indigent individuals.

16 Section 10A.104 is amended to provide that the senate must
17 approve a gaming agreement or compact between the state and an
18 Indian tribe prior to the implementation of such agreement or
19 compact.

20 Section 13B.4 is amended to permit the state public
21 defender to contract with attorneys to provide legal services
22 to indigent or partially indigent persons whether or not a
23 local public defender is available to provide such services.

24 Section 13B.9 is amended to provide that if a local public
25 defender is unable to handle a case, the court must first
26 appoint a contract attorney. If a contract attorney is not
27 available, the court is to appoint a noncontracting attorney.
28 Appointments made by the court are to be made on a rotational
29 basis.

30 Section 815.7, which relates to the determination of fees
31 to be paid to appointed attorneys, is amended to provide that
32 the section only applies to the determination of the fee to be
33 paid to a noncontracting attorney appointed to provide legal
34 representation to indigent or partially indigent individuals.

35 Section 815.10 is amended to provide that contract

1 attorneys appointed by the court are to apply to the state
2 public defender for compensation and for reimbursement of
3 costs incurred in accordance with the contract.

4 Section 815.11 is amended to provide that costs not paid by
5 the county for legal services provided for juvenile cases are
6 to be paid by the state.

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(P. 791) 3-21-94 House - Amended & Passed
w/H-5549
(P. 1229) 4/14/94 Motion to override Governor's item
720.
4/14/94 Deferred

SENATE FILE 2218
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 2177)

(AS AMENDED AND PASSED BY THE SENATE MARCH 3, 1993)

_____ - New Language by the Senate

Re-passed Ayes 45 Nays 2 * - Language Stricken by the Senate

MTR: Drake (p. 996)

Passed Senate, Date 4/4/94 (p. 958)

P 911
Passed House, Date 3/28/94

Vote: Ayes 50 Nays 0

Vote: Ayes 87 Nays 12

Approved *Item Vetoed*
4/12/94

Passed 4-5-94
vote 80-18 (P. 1152)

A BILL FOR

1 An Act making appropriations and certain related statutory
2 changes related to regulatory bodies of state government,
3 including the auditor of state, the Iowa ethics and campaign
4 disclosure board, the department of employment services, the
5 department of inspections and appeals, the office of the state
6 public defender, public employment relations board, department
7 of commerce, and the racing and gaming commission and
8 providing effective dates.

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

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S.F. 2218

1 Section 1. AUDITOR OF STATE. There is appropriated from
2 the general fund of the state to the office of the auditor of
3 state for the fiscal year beginning July 1, 1994, and ending
4 June 30, 1995, the following amount, or so much thereof as is
5 necessary, to be used for the purposes designated:

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

9 \$ 1,242,525
10 FTES 112.50

11 The auditor of state may retain additional full-time
12 equivalent positions as is reasonable and necessary to perform
13 governmental subdivision audits which are reimbursable
14 pursuant to section 11.20 or 11.21, to perform audits which
15 are requested by and reimbursable from the federal government,
16 and to perform work requested by and reimbursable from
17 departments or agencies pursuant to section 11.5A or 11.5B.
18 The auditor of state shall notify the department of
19 management, the legislative fiscal committee, and the
20 legislative fiscal bureau of the additional full-time
21 equivalent positions retained.

22 Sec. 2. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
23 is appropriated from the general fund of the state to the Iowa
24 ethics and campaign disclosure board for the fiscal year
25 beginning July 1, 1994, and ending June 30, 1995, the
26 following amount, or so much thereof as is necessary, for the
27 purposes designated:

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

31 \$ 426,104
32 FTES 8.00

33 Sec. 3. DEPARTMENT OF EMPLOYMENT SERVICES. There is
34 appropriated from the general fund of the state to the
35 department of employment services for the fiscal year

1 beginning July 1, 1994, and ending June 30, 1995, the
2 following amounts, or so much thereof as is necessary, for the
3 purposes designated, including that the department of
4 employment services, the department of personnel, and the
5 department of management shall ensure that all nonsupervisory
6 full-time equivalent positions authorized and funded for the
7 department of employment services in this section will be
8 utilized during the fiscal year beginning July 1, 1994, and
9 ending June 30, 1995, and during future fiscal years, and will
10 not be held vacant, to ensure that the backlog of cases in
11 that department will be reduced as rapidly as possible:

12 1. DIVISION OF LABOR SERVICES

13 For salaries, support, maintenance, miscellaneous purposes,
14 and for not more than the following full-time equivalent
15 positions contingent upon the enactment of section 6 of this
16 Act and the provision which requires moneys appropriated from
17 the special employment security contingency fund to first be
18 used to fully fund the appropriation of \$296,508 to the
19 division of labor services in subsection 1 of section 6 of
20 this Act prior to funding the appropriation in section 6 of
21 this Act to the division of industrial services:

22	\$	2,410,029
23	FTEs	87.00

24 The division of labor services shall require that all
25 federally funded Occupational Safety and Health Act personnel
26 attend a series of customer service classes, and that focus
27 groups be established, which involve the participation of the
28 personnel, the businesses subject to inspections, and
29 employees of the businesses, to develop a survey of such
30 businesses. The survey shall be used by the division to
31 determine customer satisfaction. The division shall provide a
32 written report summarizing the results of the survey to the
33 department of management and the legislative fiscal bureau no
34 later than January 1, 1995.

35 It is the intent of the general assembly that the division

1 of labor services shall conduct all inspection functions in
2 the division as efficiently as possible. The division shall,
3 to the extent possible, eliminate duplicate travel to the same
4 location for separate inspections made at different times, and
5 shall consolidate such inspections in the same trip whenever
6 possible.

7 From the contractor registration fees, the division of
8 labor services shall reimburse the department of inspections
9 and appeals for all costs associated with hearings under
10 chapter 91C, relating to contractor registration.

11 2. DIVISION OF INDUSTRIAL SERVICES

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

15	\$	2,106,249
16	FTEs	33.00

17 3. For salary, support, maintenance, miscellaneous
18 purposes, and for not more than the following full-time
19 equivalent positions for a workforce development coordinator:

20	\$	80,000
21	FTEs	1.00

22 The workforce development coordinator shall formulate a
23 five-year written implementation plan for the workforce
24 development initiative. The coordinator shall annually
25 provide a written report no later than January 1 of each year
26 to the department of management and the legislative fiscal
27 bureau indicating all of the following:

28 a. The amounts of federal, state, and any other funds
29 expended to implement the workforce initiative.

30 b. The efficiencies achieved in terms of administrative
31 costs and other expenditures of the departments involved.

32 c. The location of each workforce center, staffing levels,
33 and the number of clients served.

34 d. Any other information deemed necessary by the
35 coordinator related to the progress and success in

1 implementing the initiative.

2 4. For the workforce development initiative to be used to
3 create model workforce development centers and provide an
4 integrated management information system:

5 \$ 464,000

6 Sec. 4. ADMINISTRATIVE CONTRIBUTION SURCHARGE FUND. There
7 is appropriated from the administrative contribution surcharge
8 fund of the state to the department of employment services for
9 the fiscal year beginning July 1, 1994, and ending June 30,
10 1995, the following amount, or so much thereof as is
11 necessary, for the purposes designated:

12 DIVISION OF JOB SERVICE

13 Notwithstanding section 96.7, subsection 12, paragraph "c",
14 for salaries, support, maintenance, conducting labor
15 availability surveys, miscellaneous purposes, and for not more
16 than the following full-time equivalent positions:

17 \$ 6,250,000
18 FTEs 148.22

19 Of the amount appropriated under this section, \$200,000
20 shall be used by the department to conduct labor availability
21 surveys. As a condition of this expenditure, the department
22 shall require that all communities which are scheduled to be
23 surveyed during the fiscal year shall contribute a percentage
24 of the cost of completing the community surveys as agreed to
25 by the department and each community to be surveyed.

26 1. The department of employment services shall provide
27 services throughout the fiscal year beginning July 1, 1994,
28 and ending June 30, 1995, in all communities in which
29 workforce centers are operating on July 1, 1993. However,
30 this provision shall not prevent the consolidation of multiple
31 offices within the same city or the colocation of workforce
32 centers with another public agency.

33 2. The division of industrial services shall not reduce
34 the number of scheduled hearings of contested cases or
35 eliminate the venue of such hearings, as established by the

1 division for the period beginning January 1, 1994, and ending
2 January 20, 1995. The division shall also establish a
3 substantially similar schedule for such hearings for the
4 period beginning January 20, 1995, and ending June 30, 1995.
5 The division shall report to the legislative fiscal bureau
6 concerning any modification of the established schedule, or
7 any changes which the division determines are necessary in
8 establishing the schedule for the period beginning January 20,
9 1995, and ending June 30, 1995.

10 3. The division shall continue charging a \$65 filing fee
11 for workers' compensation cases. The filing fee shall be paid
12 by the petitioner of a claim. However, the fee can be taxed
13 as a cost and paid by the losing party, except in cases where
14 it would impose an undue hardship or be unjust under the
15 circumstances.

16 Sec. 5. EMPLOYMENT SECURITY CONTINGENCY FUND. There is
17 appropriated from the special employment security contingency
18 fund to the department of employment services for the fiscal
19 year beginning July 1, 1994, and ending June 30, 1995, the
20 following amounts, or so much thereof as is necessary, for the
21 purposes designated and subject to the requirement that the
22 appropriation to the division of labor services under this
23 section be fully funded from the special employment security
24 contingency fund prior to any amounts being used to fund the
25 appropriation made to the division of industrial services
26 under this section:

27 1. DIVISION OF LABOR SERVICES

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

30 \$ 296,508

31 2. DIVISION OF INDUSTRIAL SERVICES

32 For salaries, support, maintenance, and miscellaneous
33 purposes:

34 \$ 175,494

35 Sec. 6. DEPARTMENT OF INSPECTIONS AND APPEALS. There is

1 appropriated from the general fund of the state to the
2 department of inspections and appeals for the fiscal year
3 beginning July 1, 1994, and ending June 30, 1995, the
4 following amounts, or so much thereof as is necessary, for the
5 purposes designated:

6 1. FINANCE AND SERVICES DIVISION

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

10 \$ 484,920
11 FTEs 22.00

12 2. AUDITS DIVISION

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

16 \$ 342,246
17 FTEs 10.00

18 3. APPEALS AND FAIR HEARINGS DIVISION

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

22 \$ 213,140
23 FTEs 24.00

24 4. INVESTIGATIONS DIVISION

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

28 \$ 709,812
29 FTEs 35.00

30 5. HEALTH FACILITIES DIVISION

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

34 \$ 1,398,954
35 FTEs 97.00

1 6. INSPECTIONS DIVISION

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

5	\$	571,275
6	FTEs	13.00

7 7. EMPLOYMENT APPEAL BOARD

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

11	\$	45,247
12	FTEs	15.80

13 The employment appeal board shall be reimbursed by the
14 labor services division of the department of employment
15 services for all costs associated with hearings conducted
16 under chapter 91C, related to contractor registration. The
17 board may expend, in addition to the amount appropriated under
18 this subsection, such amounts as are directly billable to the
19 labor services division under this subsection and to retain
20 such additional full-time equivalent positions as needed to
21 conduct hearings required pursuant to chapter 91C.

22 8. STATE FOSTER CARE REVIEW BOARD

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

26	\$	515,576
27	FTEs	10.00

28 The department of human services, in coordination with the
29 state foster care review board and the department of
30 inspections and appeals, shall submit an application for
31 funding available pursuant to Title IV-E of the federal Social
32 Security Act for claims for state foster care review board
33 administrative review costs.

34 9. The department of inspections and appeals shall provide
35 an accounting of all costs associated with negotiating

1 agreements and compacts pursuant to section 10A.104,
2 subsection 10, and all costs associated with monitoring such
3 agreements and compacts. Information in the accounting shall
4 include the dates and destinations of all travel related to
5 the negotiations and monitoring, and all costs associated with
6 the personnel involved, including salary, travel, and support
7 costs.

8 Sec. 7. RACING AND GAMING COMMISSION. There is
9 appropriated from the general fund of the state to the racing
10 and gaming commission of the department of inspections and
11 appeals for the fiscal year beginning July 1, 1994, and ending
12 June 30, 1995, the following amount, or so much thereof as is
13 necessary, to be used for the purposes designated:

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

17	\$	1,728,494
18	FTEs	19.27

19 2. Notwithstanding section 8.39, the racing and gaming
20 commission shall not expend funds appropriated to the
21 commission for the fiscal year beginning on July 1, 1994, and
22 ending on June 30, 1995, for the regulation of any racetrack
23 unless such regulation was authorized on or before July 1,
24 1992. Additionally, funds appropriated for the regulation of
25 a racetrack authorized to offer live racing or simulcasting
26 shall revert to the general fund and shall not be used for any
27 other purpose if such track does not offer, or ceases to
28 offer, live racing or simulcasting.

29 Sec. 8. EXCURSION BOAT REGULATION. There is appropriated
30 from the general fund of the state to the racing and gaming
31 commission of the department of inspections and appeals for
32 the fiscal year beginning July 1, 1994, and ending June 30,
33 1995, the following amount, or so much thereof as is
34 necessary, to be used for the purposes designated:

35 For salaries, support, maintenance, and miscellaneous

1 purposes for administration and enforcement of the excursion
2 boat gambling laws, and for not more than the following full-
3 time equivalent positions:

4	\$	446,522
5	FTEs	9.96

6 It is the intent of the general assembly that the racing
7 and gaming commission shall only employ additional full-time
8 equivalent positions for riverboat gambling enforcement as
9 authorized by the department of management as needed for
10 enforcement on new riverboats. If more than four riverboats
11 are issued licenses by the commission and are operated during
12 the fiscal year beginning July 1, 1994, and ending June 30,
13 1995, the commission may expend no more than \$88,526 for no
14 more than 2.00 FTEs for each additional riverboat in excess of
15 four. The additional expense associated with such positions
16 shall be paid from fees assessed by the commissioner
17 associated with the additional riverboats, as provided in
18 chapter 99F, and deposited in the special account established
19 pursuant to section 99F.4, subsection 2.

20 Notwithstanding section 8.39, funds shall not be
21 transferred to the department of inspections and appeals which
22 would be used for monitoring Indian gaming.

23 Sec. 9. STATE PUBLIC DEFENDER. There is appropriated from
24 the general fund of the state to the office of the state
25 public defender for the fiscal year beginning July 1, 1994,
26 and ending June 30, 1995, the following amounts, or so much
27 thereof as is necessary, for the purposes designated:

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

31	\$	7,831,289
32	FTEs	143.80

33 2. For indigent court-appointed attorney fees for adults
34 and juveniles, notwithstanding section 232.141 and chapter
35 815:

1 \$ 10,029,000

2 Of the amounts appropriated in this section to the office
3 of state public defender of the department of inspections and
4 appeals, \$100,000 shall be used to contract with a private
5 vendor to provide automated claims processing of adult
6 indigent defense claims.

7 a. Effective July 1, 1994, the state public defender shall
8 establish a one-year pilot project to review and process
9 juvenile indigent defense claims in two counties. The
10 counties shall be in different judicial districts and shall be
11 selected by the state public defender.

12 b. Notwithstanding section 232.141, subsection 3, the
13 county clerks of court of the pilot counties shall submit all
14 claims and supporting documentation received with the claims
15 for juvenile indigent defense to the department of inspections
16 and appeals for payment.

17 c. The state public defender shall review each claim and
18 supporting documentation in accordance with section 13B.4,
19 subsection 4, prior to payment.

20 d. Claims approved for payment shall be paid directly from
21 the appropriation to the department of inspections and appeals
22 for these purposes.

23 e. The juvenile justice county base amount as calculated
24 under section 232.141, subsection 3, for the fiscal year
25 beginning July 1, 1994, shall be forwarded by the pilot
26 counties to the department of inspections and appeals no later
27 than December 1, 1994. The department of inspections and
28 appeals shall deposit these payments into the indigent defense
29 fund to be used to pay juvenile indigent defense claims.

30 f. The state public defender shall provide a written
31 report to the department of management and the legislative
32 fiscal bureau by December 15, 1994, related to the progress
33 and findings of this pilot project and recommendations for
34 potential improvements and appropriate modifications in the
35 juvenile indigent defense claims payment process.

1 Sec. 10. INDIGENT DEFENSE COSTS. The supreme court shall
2 submit a written report for the preceding fiscal year no later
3 than January 1 of each year indicating the amounts collected
4 pursuant to section 815.9A, relating to recovery of indigent
5 defense costs. The report shall include the total amount
6 collected by all courts, as well as the amounts collected by
7 each judicial district. The supreme court shall also submit a
8 written report quarterly indicating the number of criminal and
9 juvenile filings which occur in each judicial district for
10 purposes of estimating indigent defense costs. A copy of each
11 report shall be provided to the public defender, the
12 department of management, and the legislative fiscal bureau.

13 Sec. 11. The department of inspections and appeals may
14 charge state departments, agencies, and commissions for
15 services rendered and the payment received shall be considered
16 repayment receipts as defined in section 8.2.

17 Sec. 12. ROAD USE TAX FUND. There is appropriated from
18 the use tax receipts collected pursuant to section 423.7 prior
19 to their deposit in the road use tax fund pursuant to section
20 423.24, subsection 1, to the department of inspections and
21 appeals for the fiscal year beginning July 1, 1994, and ending
22 June 30, 1995, the following amount, or so much thereof as is
23 necessary, for the purposes designated:

24 For salaries, support, maintenance, and miscellaneous
25 purposes:
26 \$ 904,852

27 Sec. 13. DEPARTMENT OF COMMERCE. There is appropriated
28 from the general fund of the state to the department of
29 commerce for the fiscal year beginning July 1, 1994, and
30 ending June 30, 1995, the following amounts, or so much
31 thereof as is necessary, for the purposes designated:

32 1. PROFESSIONAL LICENSING AND REGULATION DIVISION

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

1 \$ 891,000
2 FTEs 14.00

3 b. There is appropriated from the title guaranty fund
4 created in section 16.91 to the professional licensing and
5 regulation division, an amount up to \$25,000, to be used to pay
6 half the cost of employing an auditor for real estate broker
7 trust accounts. In addition to the amount appropriated in this
8 paragraph, the commission may increase the license fees
9 provided for in section 543B.27 in an amount sufficient to pay
10 half the cost of employing an auditor for real estate broker
11 trust accounts.

12 2. ADMINISTRATIVE SERVICES DIVISION

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

16 \$ 210,378
17 FTEs 2.00

18 It is the intent of the general assembly that the two
19 positions authorized in this subsection for the division shall
20 coordinate the administrative services to be provided to the
21 divisions in the department. These two positions are under
22 the direct supervision of, and shall report to, the director
23 of the department.

24 3. ALCOHOLIC BEVERAGES DIVISION

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

28 \$ 1,831,127
29 FTEs 33.50

30 The division of alcoholic beverages shall eliminate the
31 position of administrative assistant 4 which is currently on
32 loan to the department of management. The department of
33 commerce shall not enter into any other employee loan
34 agreements with any other department or division unless the
35 department of commerce is fully reimbursed from the other

1 department or division for the costs associated with such
2 position.

3 4. BANKING DIVISION

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

7	\$	5,278,751
8	FTEs	85.00

9 The banking division may expend additional funds, including
10 funds for additional personnel, if those additional
11 expenditures are actual expenses which exceed the funds
12 budgeted for bank examinations and directly result from
13 examinations of banks. The amounts necessary to fund the
14 excess examination expenses shall be collected from banks
15 being regulated, and the collections shall be treated as
16 repayment receipts as defined in section 8.2. The division
17 shall notify in writing the legislative fiscal bureau and the
18 department of management when hiring additional personnel.
19 The written notification shall include documentation that any
20 additional expenditure related to such hiring will be totally
21 reimbursed to the general fund, and shall also include the
22 division's justification for hiring such personnel. The
23 division must obtain the approval of the department of
24 management only if the number of additional personnel to be
25 hired exceeds the number of full-time equivalent positions
26 authorized by this section.

27 The banking division may expend additional funds, not to
28 exceed \$86,500, for the purpose of purchasing laptop computers
29 to be used by bank examination staff. The amount necessary to
30 fund the purchase of such computers shall be collected from
31 banks being regulated, and the collections shall be treated as
32 repayment receipts as defined in section 8.2.

33 5. CREDIT UNION DIVISION

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

1 positions:

2 \$ 1,033,772

3 FTEs 20.00

4 The credit union division may expend additional funds,
 5 including funds for additional personnel, if those additional
 6 expenditures are actual expenses which exceed the funds
 7 budgeted for credit union examinations and directly result
 8 from examinations of credit unions. The amounts necessary to
 9 fund the excess examination expenses shall be collected from
 10 credit unions being regulated, and the collections shall be
 11 treated as repayment receipts as defined in section 8.2. The
 12 division shall notify in writing the legislative fiscal bureau
 13 and the department of management when hiring additional
 14 personnel. The written notification shall include
 15 documentation that any additional expenditure related to such
 16 hiring will be totally reimbursed to the general fund, and
 17 shall also include the division's justification for hiring
 18 such personnel. The division must obtain the approval of the
 19 department of management only if the number of additional
 20 personnel to be hired exceeds the number of full-time
 21 equivalent positions authorized by this section.

22 6. INSURANCE DIVISION

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

26 \$ 2,816,995

27 FTEs 88.50

28 Of the amounts appropriated in this section to the
 29 insurance division, not more than \$100,000 shall be used for
 30 the regulation of health insurance purchasing cooperatives.

31 The insurance division may reallocate authorized full-time
 32 equivalent positions as necessary to respond to accreditation
 33 recommendations or requirements. The insurance division
 34 expenditures for examination purposes may exceed the projected
 35 receipts, refunds and reimbursements, estimated pursuant to

1 section 505.7, subsection 7, including the expenditures for
2 retention of additional personnel, if such expenditures are
3 fully reimburseable and the division first does both of the
4 following:

5 a. Notifies the department of management, legislative
6 fiscal bureau, and the legislative fiscal committee of the
7 need for such expenditures.

8 b. Files with each of the entities named in subsection 1
9 the legislative and regulatory justification for such
10 expenditures, along with an estimate of the expenditures.

11 7. UTILITIES DIVISION

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

15	\$ 4,771,826
16	FTEs 79.00

17 The utilities division may expend additional funds,
18 including funds for additional personnel, if those additional
19 expenditures are actual expenses which exceed the funds
20 budgeted for utility regulation. Before the division expends
21 or encumbers an amount in excess of the funds budgeted for
22 regulation, the director of the department of management shall
23 approve the expenditure or encumbrance. Before approval is
24 given, the director of the department of management shall
25 determine that the regulation expenses exceed the funds
26 budgeted by the general assembly to the division and that the
27 division does not have other funds from which regulation
28 expenses can be paid. Upon approval of the director of the
29 department of management the division may expend and encumber
30 funds for excess regulation expenses. The amounts necessary
31 to fund the excess regulation expenses shall be collected from
32 those utility companies being regulated which caused the
33 excess expenditures, and the collections shall be treated as
34 repayment receipts as defined in section 8.2.

35 Sec. 14. PUBLIC EMPLOYMENT RELATIONS BOARD. There is

1 appropriated from the general fund of the state to the public
2 employment relations board for the fiscal year beginning July
3 1, 1994, and ending June 30, 1995, the following amount, or so
4 much thereof as is necessary, for the purposes designated:

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

8	\$	720,769
9	FTEs	12.68

10 Sec. 15. BUDGET PROPOSALS. The department of commerce,
11 department of employment services, and department of
12 inspections and appeals shall each designate a single division
13 within the respective departments to submit a budget proposal
14 in accordance with the zero-based budgeting method, and to
15 track the appropriations made to the divisions in accordance
16 with the program performance-based budgeting method for the
17 fiscal year beginning July 1, 1995. The proposals shall be
18 submitted by the designated divisions to the department of
19 management and the legislative fiscal bureau no later than
20 January 1, 1995.

* 21 Sec. 16. Section 11.5B, subsection 7, Code 1993, is
22 amended by striking the subsection and inserting in lieu
23 thereof the following:

24 7. Iowa veterans home.

25 Sec. 17. Section 13B.4, subsections 3 and 4, Code
26 Supplement 1993, are amended to read as follows:

27 3. The state public defender may contract with persons
28 admitted to practice law in this state for the provision of
29 legal services to indigent or partially indigent persons where
30 ~~there-is-no-local-public-defender-available-to-provide-such~~
31 ~~services.~~

32 4. The state public defender is authorized to review any
33 claim made for payment of indigent defense costs ~~and-to~~
34 ~~request-a-hearing-before-the-court-granting-a-claim-within~~
35 ~~thirty-days-of-receipt-of-such-claim~~ if the state public

1 defender believes the claim to be excessive.

2 a. If the claim is from a noncontract attorney, the state
3 public defender shall request a hearing before the court
4 granting the claim as to the reasonableness of the claim
5 within thirty days of receipt of such claim.

6 b. If the claim is from a contract attorney, the state
7 public defender shall request a hearing before the appointing
8 court as to the reasonableness of the claim within thirty days
9 of receipt of such claim.

10 Sec. 18. Section 13B.9, subsection 5, Code 1993, is
11 amended to read as follows:

12 5. If a conflict of interest arises or if the local public
13 defender is unable to handle a case because of a temporary
14 overload of cases, the local public defender shall return the
15 case to the court. The court ~~may~~ shall first appoint a
16 contract attorney. ~~or a private noncontracting attorney, who~~
17 ~~has agreed to take the case;~~ Appointments by the court shall
18 be on a rotational or equalization basis considering the
19 experience of the attorney and the difficulty of the case.

20 Sec. 19. Section 13B.9, Code 1993, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 6. If a contract attorney is not
23 available, or if a conflict of interest or overload prevents a
24 contract attorney from handling a case, the court shall
25 appoint a private noncontracting attorney, who has agreed to
26 take the case. The appointment shall be on a rotational or
27 equalization basis, considering the experience of the attorney
28 and the difficulty of the case.

29 Sec. 20. Section 534.102, subsection 28, Code 1993, is
30 amended to read as follows:

31 28. "Superintendent" means the superintendent of savings
32 and loan associations ~~who is the director of the department of~~
33 commerce appointed pursuant to section 534.401.

34 Sec. 21. Section 534.401, subsection 1, Code 1993, is
35 amended to read as follows:

1 1. DIVISION SUPERINTENDENT OF SAVINGS AND LOAN

2 ASSOCIATIONS CREATED----SUPERINTENDENT. A-savings-and-loan

3 association-division-is-created-within-the-department-of

4 commerce. The superintendent of savings and loan associations

5 is the chief-administrative-officer-of-the-division

6 administrator of professional licensing and regulation

7 appointed pursuant to section 546.10, subsection 2, or an

8 individual appointed by the administrator as provided in

9 section 546.10, subsection 7.

10 Sec. 22. Section 546.10, Code Supplement 1993, is amended
11 by adding the following new subsection:

12 NEW SUBSECTION. 7. The administrator of professional
13 licensing and regulation is the superintendent of savings and
14 loan associations. The administrator may appoint an
15 individual to act as the superintendent who shall serve as the
16 superintendent at the pleasure of the administrator.

17 Sec. 23. Section 815.7, Code 1993, is amended to read as
18 follows:

19 815.7 FEES TO ATTORNEYS.

20 An attorney who has not entered into a contract authorized
21 under section 13B.4 and who is appointed by the court to
22 represent any person charged with a crime in this state shall
23 be entitled to a reasonable compensation which shall be the
24 ordinary and customary charges for like services in the
25 community to be decided in each case by a judge of the
26 district court, including such sum or sums as the court may
27 determine are necessary for investigation in the interests of
28 justice and in the event of appeal the cost of obtaining the
29 transcript of the trial and the printing of the trial record
30 and necessary briefs in behalf of the defendant. Such
31 attorney need not follow the case into another county or into
32 the appellate court unless so directed by the court at the
33 request of the defendant, where grounds for further litigation
34 are not capricious or unreasonable, but if such attorney does
35 so, the attorney's fee shall be determined accordingly. Only

1 one attorney fee shall be so awarded in any one case except
2 that in class "A" felony cases, two may be authorized.

3 Sec. 24. Section 815.10, Code 1993, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 4. A contract attorney appointed by the
6 court under this section and section 13B.4 shall apply to the
7 state public defender for compensation and for reimbursement
8 of costs incurred in accordance with the contract. The amount
9 of compensation due shall be determined in accordance with the
10 contract.

11 Sec. 25. Section 815.11, Code 1993, is amended to read as
12 follows:

13 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

14 Costs incurred under section 232.141, subsection 3,
15 paragraph "c", sections 814.9, 814.10, 814.11, 815.4, 815.5,
16 815.6, 815.7, 815.10, or the rules of criminal procedure on
17 behalf of an indigent shall be paid from funds appropriated by
18 the general assembly to the department of inspections and
19 appeals for those purposes.

20 Sec. 26. FEDERAL GRANTS. All federal grants to and the
21 federal receipts of agencies appropriated funds under this
22 Act, not otherwise appropriated, are appropriated for the
23 purposes set forth in the federal grants or receipts unless
24 otherwise provided by the general assembly.

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SENATE FILE 2218

H-5549

1 Amend Senate File 2218, as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 21 the
4 following:

5 "Notwithstanding section 8.33, all moneys
6 appropriated pursuant to this section which remain
7 unencumbered and unobligated on June 30, 1995, shall
8 not revert to the general fund of the state and may be
9 expended to upgrade, replace, or improve computer
10 equipment used in the auditor's offices. The office
11 of the auditor of state shall report to the
12 legislative fiscal committee not later than December
13 1, 1995, the items and cost of the computer equipment
14 which is upgraded, replaced, or improved as provided
15 in this paragraph."

16 2. Page 2, line 30, by inserting after the word
17 "businesses." the following: "The division of labor
18 services shall consider the possibility of conducting
19 educational sessions on the Iowa communications
20 network for representatives of cities, counties,
21 schools, businesses, secondary school students
22 enrolled in vocational technical classes, and other
23 affected persons, concerning Occupational Safety and
24 Health Act requirements."

25 3. Page 3, line 19, by inserting after the word
26 "coordinator" the following: "and council".

27 4. Page 9, line 10, by striking the word "four"
28 and inserting the following: "three".

29 5. Page 9, by striking line 11 and inserting the
30 following: "are operating during".

31 6. Page 9, line 15, by striking the word "four"
32 and inserting the following: "three".

33 7. Page 9, line 16, by striking the word
34 "commissioner" and inserting the following:
35 "commission".

36 8. Page 9, line 17, by striking the words
37 "associated with the additional riverboats,".

By COMMITTEE ON APPROPRIATIONS
CORBETT of Linn, Chairperson

H-5549 FILED MARCH 21, 1994

Adopted
3/28/94 (p. 908)

SENATE FILE 2218

H-5358

- 1 amend Senate File 2218, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 16, by inserting after line 20 the
- 4 following:
- 5 "Sec. . Section 10A.104, subsection 10, Code
- 6 Supplement 1993, is amended to read as follows:
- 7 10. Enter into and implement agreements or
- 8 compacts between the state of Iowa and Indian tribes
- 9 located in the state which are entered into under the
- 10 authority of the federal Indian Gaming Regulatory Act,
- 11 25 U.S.C. § 2701 et seq. The agreements or
- 12 compacts shall contain provisions intended to
- 13 implement the policies and objectives of the federal
- 14 Indian Gaming Regulatory Act. Prior to the
- 15 implementation of an agreement or compact to be
- 16 entered into pursuant to this subsection, the
- 17 agreement or compact shall be submitted to the senate
- 18 for approval, pursuant to rules adopted by the senate.
- 19 The senate shall approve an agreement or compact by a
- 20 constitutional majority and an agreement or compact
- 21 shall not be effective or implemented until the
- 22 approval of the senate is given."
- 23 2. By renumbering as necessary.

Adopted 3/28/94 (P. 918) BY DICKINSON OF JACKSON
H-5358 FILED MARCH 14, 1994

SENATE FILE 2218

H-5666

- 1 Amend Senate File 2218, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by striking lines 24 through 34.

By MCKINNEY of Dallas

H-5666 FILED MARCH 23, 1994

LoST

(P. 908) 3/28/94

SENATE FILE 2218

H-5701

1 Amend Senate File 2218, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 19, by inserting after line 19 the
 4 following:
 5 "Sec. ____ . REDUCTION FOR SALARY ANNUALIZATION.
 6 Amounts appropriated to departments, agencies, and
 7 boards in this Act shall be reduced by an amount equal
 8 to the amount of the general fund appropriation which
 9 is for salary annualization. The department of
 10 management and the legislative fiscal bureau shall
 11 determine the amount by which each appropriation shall
 12 be reduced."
 13 2. Renumber as necessary.

By MURPHY of Dubuque

H-5701 FILED MARCH 25, 1994

*Lost 3/28/94
(P. 911)*

SENATE FILE 2218

H-5700

1 Amend Senate File 2218, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 10, line 1, by striking the figure
 4 "10,029,000" and inserting the following:
 5 "11,129,000".

By MURPHY of Dubuque

H-5700 FILED MARCH 25, 1994

*Lost 3/28/94
(P. 909)*

SENATE FILE 2218

H-5728

1 Amend amendment, H-5549, to Senate File 2218, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 24 the
 5 following:
 6 "____ . Page 2, line 31, by striking the words
 7 "customer satisfaction" and inserting the following:
 8 "consumer satisfaction for employers and employees"."

By HAMMOND of Story
HOLVECK of PolkH-5728 FILED MARCH 28, 1994
NOT GERMANE

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2218
H-5959

1 Amend the House amendment, S-5317, to Senate File
2 2218, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. By striking page 1, line 38 through page 2,
5 line 7.

6 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-5959 FILED APRIL 5, 1994

House Concurred 4-5-94 (p.1152)

HOUSE AMENDMENT TO
SENATE FILE 2218

S-5317

1 Amend Senate File 2218, as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 1, by inserting after line 21 the
4 following:
5 "Notwithstanding section 8.33, all moneys
6 appropriated pursuant to this section which remain
7 unencumbered and unobligated on June 30, 1995, shall
8 not revert to the general fund of the state and may be
9 expended to upgrade, replace, or improve computer
10 equipment used in the auditor's offices. The office
11 of the auditor of state shall report to the
12 legislative fiscal committee not later than December
13 1, 1995, the items and cost of the computer equipment
14 which is upgraded, replaced, or improved as provided
15 in this paragraph."
16 2. Page 2, line 30, by inserting after the word
17 "businesses." the following: "The division of labor
18 services shall consider the possibility of conducting
19 educational sessions on the Iowa communications
20 network for representatives of cities, counties,
21 schools, businesses, secondary school students
22 enrolled in vocational technical classes, and other
23 affected persons, concerning Occupational Safety and
24 Health Act requirements."
25 3. Page 3, line 19, by inserting after the word
26 "coordinator" the following: "and council".
27 4. Page 9, line 10, by striking the word "four"
28 and inserting the following: "three".
29 5. Page 9, by striking line 11 and inserting the
30 following: "are operating during".
31 6. Page 9, line 15, by striking the word "four"
32 and inserting the following: "three".
33 7. Page 9, line 16, by striking the word
34 "commissioner" and inserting the following:
35 "commission".
36 8. Page 9, line 17, by striking the words
37 "associated with the additional riverboats,".
38 9. Page 16, by inserting after line 20 the
39 following:
40 "Sec. ____ . Section 10A.104, subsection 10, Code
41 Supplement 1993, is amended to read as follows:
42 10. Enter into and implement agreements or
43 compacts between the state of Iowa and Indian tribes
44 located in the state which are entered into under the
45 authority of the federal Indian Gaming Regulatory Act,
46 {25 U.S.C. § 2701 et seq.}. The agreements or
47 compacts shall contain provisions intended to
48 implement the policies and objectives of the federal
49 Indian Gaming Regulatory Act. Prior to the
50 implementation of an agreement or compact to be

S-5317

-1-

S-5317

Page 2

1 entered into pursuant to this subsection, the
2 agreement or compact shall be submitted to the senate
3 for approval, pursuant to rules adopted by the senate.
4 The senate shall approve an agreement or compact by a
5 constitutional majority and an agreement or compact
6 shall not be effective or implemented until the
7 approval of the senate is given."

8 10. By renumbering, relettering, or redesignating
9 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5317 FILED MARCH 29, 1994

Concurred as amended (p. 998)
4/4/94 (S-5443)

SENATE FILE 2218

S-5402

- 1 Amend the House amendment, S-5317, to Senate File
2 2218, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. By striking page 1, line 38, through page 2,
5 line 7.
6 2. Renumber as necessary.

By TONY BISIGNANO
AL STURGEON

S-5402 FILED MARCH 31, 1994 *w/d 4/4/94 (p. 986)*

SENATE FILE 2218

S-5404

- 1 Amend the House amendment, S-5317, to Senate File
2 2218, as amended, passed, and reprinted by the Senate
3 as follows:
4 1. Page 2, by inserting before line 8 the
5 following:
6 "____. Page 17, by inserting after line 28 the
7 following:
8 "Sec. ____ . Section 34A.2, subsection 6, paragraph
9 e, unnumbered paragraph 2, Code Supplement 1993, is
10 amended to read as follows:
11 Costs are limited to nonrecurring and recurring
12 costs directly attributable to the provision of 911
13 emergency telephone communication service and may
14 include costs for portable and vehicle radios,
15 communication towers, and other radios and equipment
16 ~~permanently-located-at-the-public-safety-answering~~
17 ~~point.~~ Costs do not include expenditures for any
18 other purpose, and specifically exclude costs
19 attributable to other emergency services or
20 expenditures for buildings or personnel, except for
21 the costs of personnel for database management and
22 personnel directly associated with addressing."
23 2. By renumbering as necessary.

By JOE WELSH
JIM LIND

S-5404 FILED MARCH 31, 1994 *o/b 4/4/94 (p. 986)*

SENATE FILE 2218

S-5443

- 1 Amend the House amendment, S-5317, to Senate File
2 2218, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. By striking page 1, line 38 through page 2,
5 line 7.
6 2. By renumbering as necessary.

By TONY BISIGNANO
AL STURGEON
RICHARD DRAKE

S-5443 FILED APRIL 4, 1994

ADOPTED

Vilsack Chair
Murphy
Rensink

SSB-2177
Appropriations
New

SENATE/HOUSE FILE 2218
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
JOINT APPROPRIATIONS
SUBCOMMITTEE ON REGULATIONS)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act making appropriations and certain related statutory
2 changes related to regulatory bodies of state government,
3 including the auditor of state, the Iowa ethics and campaign
4 disclosure board, the department of employment services, the
5 department of inspections and appeals, the office of the state
6 public defender, public employment relations board, department
7 of commerce, and the racing and gaming commission and
8 providing effective dates.

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

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1 Section 1. AUDITOR OF STATE. There is appropriated from
2 the general fund of the state to the office of the auditor of
3 state for the fiscal year beginning July 1, 1994, and ending
4 June 30, 1995, the following amount, or so much thereof as is
5 necessary, to be used for the purposes designated:

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

9	\$	1,242,525
10	FTEs	112.50

11 The auditor of state may retain additional full-time
12 equivalent positions as is reasonable and necessary to perform
13 governmental subdivision audits which are reimbursable
14 pursuant to section 11.20 or 11.21, to perform audits which
15 are requested by and reimbursable from the federal government,
16 and to perform work requested by and reimbursable from
17 departments or agencies pursuant to section 11.5A or 11.5B.
18 The auditor of state shall notify the department of
19 management, the legislative fiscal committee, and the
20 legislative fiscal bureau of the additional full-time
21 equivalent positions retained.

22 Sec. 2. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
23 is appropriated from the general fund of the state to the Iowa
24 ethics and campaign disclosure board for the fiscal year
25 beginning July 1, 1994, and ending June 30, 1995, the
26 following amount, or so much thereof as is necessary, for the
27 purposes designated:

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

31	\$	426,104
32	FTEs	8.00

33 Sec. 3. DEPARTMENT OF EMPLOYMENT SERVICES. There is
34 appropriated from the general fund of the state to the
35 department of employment services for the fiscal year

1 beginning July 1, 1994, and ending June 30, 1995, the
2 following amounts, or so much thereof as is necessary, for the
3 purposes designated, including that the department of
4 employment services, the department of personnel, and the
5 department of management shall ensure that all nonsupervisory
6 full-time equivalent positions authorized and funded for the
7 department of employment services in this section will be
8 utilized during the fiscal year beginning July 1, 1994, and
9 ending June 30, 1995, and during future fiscal years, and will
10 not be held vacant, to ensure that the backlog of cases in
11 that department will be reduced as rapidly as possible:

12 1. DIVISION OF LABOR SERVICES

13 For salaries, support, maintenance, miscellaneous purposes,
14 and for not more than the following full-time equivalent
15 positions contingent upon the enactment of section 6 of this
16 Act and the provision which requires moneys appropriated from
17 the special employment security contingency fund to first be
18 used to fully fund the appropriation of \$296,508 to the
19 division of labor services in subsection 1 of section 6 of
20 this Act prior to funding the appropriation in section 6 of
21 this Act to the division of industrial services:

22	\$	2,410,029
23	FTEs	87.00

24 The division of labor services shall require that all
25 federally funded Occupational Safety and Health Act personnel
26 attend a series of customer service classes, and that focus
27 groups be established, which involve the participation of the
28 personnel and businesses subject to inspections, to develop a
29 survey of such businesses. The survey shall be used by the
30 division to determine customer satisfaction. The division
31 shall provide a written report summarizing the results of the
32 survey to the department of management and the legislative
33 fiscal bureau no later than January 1, 1995.

34 It is the intent of the general assembly that the division
35 of labor services shall conduct all inspection functions in

1 the division as efficiently as possible. The division shall,
2 to the extent possible, eliminate duplicate travel to the same
3 location for separate inspections made at different times, and
4 shall consolidate such inspections in the same trip whenever
5 possible.

6 From the contractor registration fees, the division of
7 labor services shall reimburse the department of inspections
8 and appeals for all costs associated with hearings under
9 chapter 91C, relating to contractor registration.

10 2. DIVISION OF INDUSTRIAL SERVICES

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

14	\$	2,106,249
15	FTEs	33.00

16 3. For salary, support, maintenance, miscellaneous
17 purposes, and for not more than the following full-time
18 equivalent positions for a workforce development coordinator:

19	\$	80,000
20	FTEs	1.00

21 The workforce development coordinator shall formulate a
22 five-year written implementation plan for the workforce
23 development initiative. The coordinator shall annually
24 provide a written report no later than January 1 of each year
25 to the department of management and the legislative fiscal
26 bureau indicating all of the following:

27 a. The amounts of federal, state, and any other funds
28 expended to implement the workforce initiative.

29 b. The efficiencies achieved in terms of administrative
30 costs and other expenditures of the departments involved.

31 c. The location of each workforce center, staffing levels,
32 and the number of clients served.

33 d. Any other information deemed necessary by the
34 coordinator related to the progress and success in
35 implementing the initiative.

1 4. For the workforce development initiative to be used to
2 create model workforce development centers and provide an
3 integrated management information system:

4 \$ 464,000

5 Sec. 4. ADMINISTRATIVE CONTRIBUTION SURCHARGE FUND. There
6 is appropriated from the administrative contribution surcharge
7 fund of the state to the department of employment services for
8 the fiscal year beginning July 1, 1994, and ending June 30,
9 1995, the following amount, or so much thereof as is
10 necessary, for the purposes designated:

11 DIVISION OF JOB SERVICE

12 Notwithstanding section 96.7, subsection 12, paragraph "c",
13 for salaries, support, maintenance, conducting labor
14 availability surveys, miscellaneous purposes, and for not more
15 than the following full-time equivalent positions:

16 \$ 6,250,000

17 FTEs 135.05

18 Of the amount appropriated under this section, \$200,000
19 shall be used by the department to conduct labor availability
20 surveys. As a condition of this expenditure, the department
21 shall require that all communities which are scheduled to be
22 surveyed during the fiscal year shall contribute a percentage
23 of the cost of completing the community surveys as agreed to
24 by the department and each community to be surveyed.

25 1. The department of employment services shall provide
26 services throughout the fiscal year beginning July 1, 1994,
27 and ending June 30, 1995, in all communities in which
28 workforce centers are operating on July 1, 1993. However,
29 this provision shall not prevent the consolidation of multiple
30 offices within the same city or the colocation of workforce
31 centers with another public agency.

32 2. The division of industrial services shall not reduce
33 the number of scheduled hearings of contested cases or
34 eliminate the venue of such hearings, as established by the
35 division for the period beginning January 1, 1994, and ending

1 January 20, 1995. The division shall also establish a
2 substantially similar schedule for such hearings for the
3 period beginning January 20, 1995, and ending June 30, 1995.
4 The division shall report to the legislative fiscal bureau
5 concerning any modification of the established schedule, or
6 any changes which the division determines are necessary in
7 establishing the schedule for the period beginning January 20,
8 1995, and ending June 30, 1995.

9 3. The division shall continue charging a \$65 filing fee
10 for workers' compensation cases. The filing fee shall be paid
11 by the petitioner of a claim. However, the fee can be taxed
12 as a cost and paid by the losing party, except in cases where
13 it would impose an undue hardship or be unjust under the
14 circumstances.

15 Sec. 5. EMPLOYMENT SECURITY CONTINGENCY FUND. There is
16 appropriated from the special employment security contingency
17 fund to the department of employment services for the fiscal
18 year beginning July 1, 1994, and ending June 30, 1995, the
19 following amounts, or so much thereof as is necessary, for the
20 purposes designated and subject to the requirement that the
21 appropriation to the division of labor services under this
22 section be fully funded from the special employment security
23 contingency fund prior to any amounts being used to fund the
24 appropriation made to the division of industrial services
25 under this section:

26 1. DIVISION OF LABOR SERVICES

27 For salaries, support, maintenance, and miscellaneous
28 purposes:

29 \$ 296,508

30 2. DIVISION OF INDUSTRIAL SERVICES

31 For salaries, support, maintenance, and miscellaneous
32 purposes:

33 \$ 175,494

34 Sec. 6. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
35 appropriated from the general fund of the state to the

1 department of inspections and appeals for the fiscal year
 2 beginning July 1, 1994, and ending June 30, 1995, the
 3 following amounts, or so much thereof as is necessary, for the
 4 purposes designated:

5 1. FINANCE AND SERVICES DIVISION

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

9	\$	484,920
10	FTEs	22.00

11 2. AUDITS DIVISION

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

15	\$	342,246
16	FTEs	10.00

17 3. APPEALS AND FAIR HEARINGS DIVISION

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

21	\$	213,140
22	FTEs	24.00

23 4. INVESTIGATIONS DIVISION

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

27	\$	709,812
28	FTEs	35.00

29 5. HEALTH FACILITIES DIVISION

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

33	\$	1,398,954
34	FTEs	97.00

35 6. INSPECTIONS DIVISION

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

4 \$ 571,275
5 FTEs 13.00

6 7. EMPLOYMENT APPEAL BOARD

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

10 \$ 45,247
11 FTEs 15.80

12 The employment appeal board shall be reimbursed by the
13 labor services division of the department of employment
14 services for all costs associated with hearings conducted
15 under chapter 91C, related to contractor registration. The
16 board may expend, in addition to the amount appropriated under
17 this subsection, such amounts as are directly billable to the
18 labor services division under this subsection and to retain
19 such additional full-time equivalent positions as needed to
20 conduct hearings required pursuant to chapter 91C.

21 8. STATE FOSTER CARE REVIEW BOARD

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

25 \$ 515,576
26 FTEs 10.00

27 The department of human services, in coordination with the
28 state foster care review board and the department of
29 inspections and appeals, shall submit an application for
30 funding available pursuant to Title IV-E of the federal Social
31 Security Act for claims for state foster care review board
32 administrative review costs.

33 9. The department of inspections and appeals shall provide
34 an accounting of all costs associated with negotiating
35 agreements and compacts pursuant to section 10A.104,

1 subsection 10, and all costs associated with monitoring such
2 agreements and compacts. Information in the accounting shall
3 include the dates and destinations of all travel related to
4 the negotiations and monitoring, and all costs associated with
5 the personnel involved, including salary, travel, and support
6 costs.

7 Sec. 7. RACING AND GAMING COMMISSION. There is
8 appropriated from the general fund of the state to the racing
9 and gaming commission of the department of inspections and
10 appeals for the fiscal year beginning July 1, 1994, and ending
11 June 30, 1995, the following amount, or so much thereof as is
12 necessary, to be used for the purposes designated:

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

16 \$ 1,728,494
17 FTEs 19.27

18 2. Notwithstanding section 8.39, the racing and gaming
19 commission shall not expend funds appropriated to the
20 commission for the fiscal year beginning on July 1, 1994, and
21 ending on June 30, 1995, for the regulation of any racetrack
22 unless such regulation was authorized on or before July 1,
23 1992. Additionally, funds appropriated for the regulation of
24 a racetrack authorized to offer live racing or simulcasting
25 shall revert to the general fund and shall not be used for any
26 other purpose if such track does not offer, or ceases to
27 offer, live racing or simulcasting.

28 Sec. 8. EXCURSION BOAT REGULATION. There is appropriated
29 from the general fund of the state to the racing and gaming
30 commission of the department of inspections and appeals for
31 the fiscal year beginning July 1, 1994, and ending June 30,
32 1995, the following amount, or so much thereof as is
33 necessary, to be used for the purposes designated:

34 For salaries, support, maintenance, and miscellaneous
35 purposes for administration and enforcement of the excursion

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

3	\$	446,522
4	FTEs	9.96

5 It is the intent of the general assembly that the racing
6 and gaming commission shall only employ additional full-time
7 equivalent positions for riverboat gambling enforcement as
8 authorized by the department of management as needed for
9 enforcement on new riverboats. However, new positions filled
10 shall not exceed 2 FTEs per riverboat.

11 Notwithstanding section 8.39, funds shall not be
12 transferred to the department of inspections and appeals which
13 would be used for monitoring Indian gaming.

14 Sec. 9. STATE PUBLIC DEFENDER. There is appropriated from
15 the general fund of the state to the office of the state
16 public defender for the fiscal year beginning July 1, 1994,
17 and ending June 30, 1995, the following amounts, or so much
18 thereof as is necessary, for the purposes designated:

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

22	\$	7,831,289
23	FTEs	143.80

24 2. For indigent court-appointed attorney fees for adults
25 and juveniles, notwithstanding section 232.141 and chapter
26 815:

27 \$ 10,029,000

28 Of the amounts appropriated in this section to the office
29 of state public defender of the department of inspections and
30 appeals, \$100,000 shall be used to contract with a private
31 vendor to provide automated claims processing of adult
32 indigent defense claims.

33 a. Effective July 1, 1994, the state public defender shall
34 establish a one-year pilot project to review and process
35 juvenile indigent defense claims in two counties. The

1 counties shall be in different judicial districts and shall be
2 selected by the state public defender.

3 b. Notwithstanding section 232.141, subsection 3, the
4 county clerks of court of the pilot counties shall submit all
5 claims and supporting documentation received with the claims
6 for juvenile indigent defense to the department of inspections
7 and appeals for payment.

8 c. The state public defender shall review each claim and
9 supporting documentation in accordance with section 13B.4,
10 subsection 4, prior to payment.

11 d. Claims approved for payment shall be paid directly from
12 the appropriation to the department of inspections and appeals
13 for these purposes.

14 e. The juvenile justice county base amount as calculated
15 under section 232.141, subsection 3, for the fiscal year
16 beginning July 1, 1994, shall be forwarded by the pilot
17 counties to the department of inspections and appeals no later
18 than December 1, 1994. The department of inspections and
19 appeals shall deposit these payments into the indigent defense
20 fund to be used to pay juvenile indigent defense claims.

21 f. The state public defender shall provide a written
22 report to the department of management and the legislative
23 fiscal bureau by December 15, 1994, related to the progress
24 and findings of this pilot project and recommendations for
25 potential improvements and appropriate modifications in the
26 juvenile indigent defense claims payment process.

27 Sec. 10. INDIGENT DEFENSE COSTS. The supreme court shall
28 submit a written report for the preceding fiscal year no later
29 than January 1 of each year indicating the amounts collected
30 pursuant to section 815.9A, relating to recovery of indigent
31 defense costs. The report shall include the total amount
32 collected by all courts, as well as the amounts collected by
33 each judicial district. The supreme court shall also submit a
34 written report quarterly indicating the number of criminal and
35 juvenile filings which occur in each judicial district for

1 purposes of estimating indigent defense costs. A copy of each
2 report shall be provided to the public defender, the
3 department of management, and the legislative fiscal bureau.

4 Sec. 11. The department of inspections and appeals may
5 charge state departments, agencies, and commissions for
6 services rendered and the payment received shall be considered
7 repayment receipts as defined in section 8.2.

8 Sec. 12. ROAD USE TAX FUND. There is appropriated from
9 the use tax receipts collected pursuant to section 423.7 prior
10 to their deposit in the road use tax fund pursuant to section
11 423.24, subsection 1, to the department of inspections and
12 appeals for the fiscal year beginning July 1, 1994, and ending
13 June 30, 1995, the following amount, or so much thereof as is
14 necessary, for the purposes designated:

15 For salaries, support, maintenance, and miscellaneous
16 purposes:

17 \$ 904,852

18 Sec. 13. DEPARTMENT OF COMMERCE. There is appropriated
19 from the general fund of the state to the department of
20 commerce for the fiscal year beginning July 1, 1994, and
21 ending June 30, 1995, the following amounts, or so much
22 thereof as is necessary, for the purposes designated:

23 1. PROFESSIONAL LICENSING AND REGULATION DIVISION

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

27 \$ 891,000

28 FTEs 14.00

29 b. There is appropriated from the title guaranty fund
30 created in section 16.91 to the professional licensing and
31 regulation division, an amount up to \$25,000, to be used to pay
32 half the cost of employing an auditor for real estate broker
33 trust accounts. In addition to the amount appropriated in this
34 paragraph, the commission may increase the license fees
35 provided for in section 543B.27 in an amount sufficient to pay

1 half the cost of employing an auditor for real estate broker
2 trust accounts.

3 2. ADMINISTRATIVE SERVICES DIVISION

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

7	\$	210,378
8	FTEs	2.00

9 It is the intent of the general assembly that the two
10 positions authorized in this subsection for the division shall
11 coordinate the administrative services to be provided to the
12 divisions in the department. These two positions are under
13 the direct supervision of, and shall report to, the director
14 of the department.

15 3. ALCOHOLIC BEVERAGES DIVISION

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

19	\$	1,831,127
20	FTEs	33.50

21 The division of alcoholic beverages shall eliminate the
22 position of administrative assistant 4 which is currently on
23 loan to the department of management. The department of
24 commerce shall not enter into any other employee loan
25 agreements with any other department or division unless the
26 department of commerce is fully reimbursed from the other
27 department or division for the costs associated with such
28 position.

29 4. BANKING DIVISION

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

33	\$	5,278,751
34	FTEs	85.00

35 The banking division may expend additional funds, including

1 funds for additional personnel, if those additional
 2 expenditures are actual expenses which exceed the funds
 3 budgeted for bank examinations and directly result from
 4 examinations of banks. The amounts necessary to fund the
 5 excess examination expenses shall be collected from banks
 6 being regulated, and the collections shall be treated as
 7 repayment receipts as defined in section 8.2. The division
 8 shall notify in writing the legislative fiscal bureau and the
 9 department of management when hiring additional personnel.
 10 The written notification shall include documentation that any
 11 additional expenditure related to such hiring will be totally
 12 reimbursed to the general fund, and shall also include the
 13 division's justification for hiring such personnel. The
 14 division must obtain the approval of the department of
 15 management only if the number of additional personnel to be
 16 hired exceeds the number of full-time equivalent positions
 17 authorized by this section.

18 The banking division may expend additional funds, not to
 19 exceed \$86,500, for the purpose of purchasing laptop computers
 20 to be used by bank examination staff. The amount necessary to
 21 fund the purchase of such computers shall be collected from
 22 banks being regulated, and the collections shall be treated as
 23 repayment receipts as defined in section 8.2.

24 5. CREDIT UNION DIVISION

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

28	\$ 1,033,772
29	FTEs 20.00

30 The credit union division may expend additional funds,
 31 including funds for additional personnel, if those additional
 32 expenditures are actual expenses which exceed the funds
 33 budgeted for credit union examinations and directly result
 34 from examinations of credit unions. The amounts necessary to
 35 fund the excess examination expenses shall be collected from

1 credit unions being regulated, and the collections shall be
2 treated as repayment receipts as defined in section 8.2. The
3 division shall notify in writing the legislative fiscal bureau
4 and the department of management when hiring additional
5 personnel. The written notification shall include
6 documentation that any additional expenditure related to such
7 hiring will be totally reimbursed to the general fund, and
8 shall also include the division's justification for hiring
9 such personnel. The division must obtain the approval of the
10 department of management only if the number of additional
11 personnel to be hired exceeds the number of full-time
12 equivalent positions authorized by this section.

13 6. INSURANCE DIVISION

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

17	\$	2,816,995
18	FTEs	88.50

19 Of the amounts appropriated in this section to the
20 insurance division, not more than \$100,000 shall be used for
21 the regulation of health insurance purchasing cooperatives.

22 The insurance division may reallocate authorized full-time
23 equivalent positions as necessary to respond to accreditation
24 recommendations or requirements. The insurance division
25 expenditures for examination purposes may exceed the projected
26 receipts, refunds and reimbursements, estimated pursuant to
27 section 505.7, subsection 7, including the expenditures for
28 retention of additional personnel, if such expenditures are
29 fully reimburseable and the division first does both of the
30 following:

31 a. Notifies the department of management, legislative
32 fiscal bureau, and the legislative fiscal committee of the
33 need for such expenditures.

34 b. Files with each of the entities named in subsection 1
35 the legislative and regulatory justification for such

1 expenditures, along with an estimate of the expenditures.

2 7. UTILITIES DIVISION

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

6	\$	4,771,826
7	FTEs	79.00

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

26 Sec. 14. PUBLIC EMPLOYMENT RELATIONS BOARD. There is
27 appropriated from the general fund of the state to the public
28 employment relations board for the fiscal year beginning July
29 1, 1994, and ending June 30, 1995, the following amount, or so
30 much thereof as is necessary, for the purposes designated:

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

34	\$	720,769
35	FTEs	12.68

1 Sec. 15. BUDGET PROPOSALS. The department of commerce,
2 department of employment services, and department of
3 inspections and appeals shall each designate a single division
4 within the respective departments to submit a budget proposal
5 in accordance with the zero-based budgeting method, and to
6 track the appropriations made to the divisions in accordance
7 with the program performance-based budgeting method for the
8 fiscal year beginning July 1, 1995. The proposals shall be
9 submitted by the designated divisions to the department of
10 management and the legislative fiscal bureau no later than
11 January 1, 1995.

12 Sec. 16. Section 10A.104, subsection 10, Code Supplement
13 1993, is amended to read as follows:

14 10. Enter into and implement agreements or compacts
15 between the state of Iowa and Indian tribes located in the
16 state which are entered into under the authority of the
17 federal Indian Gaming Regulatory Act, (25 U.S.C. § 2701 et
18 seq.). The agreements or compacts shall contain provisions
19 intended to implement the policies and objectives of the
20 federal Indian Gaming Regulatory Act. Prior to the
21 implementation of an agreement or compact to be entered into
22 pursuant to this subsection, the agreement or compact shall be
23 submitted to the senate for approval, pursuant to rules
24 adopted by the senate. The senate shall approve an agreement
25 or contract by a constitutional majority and an agreement or
26 compact shall not be effective or implemented until the
27 approval of the senate is given.

28 Sec. 17. Section 11.5B, subsection 7, Code 1993, is
29 amended by striking the subsection and inserting in lieu
30 thereof the following:

31 7. Iowa veterans home.

32 Sec. 18. Section 13B.4, subsection 3, Code Supplement
33 1993, is amended to read as follows:

34 3. The state public defender may contract with persons
35 admitted to practice law in this state for the provision of

1 legal services to indigent or partially indigent persons where
2 ~~there-is-no-local-public-defender-available-to-provide-such~~
3 services.

4 Sec. 19. Section 13B.9, subsection 5, Code 1993, is
5 amended to read as follows:

6 5. If a conflict of interest arises or if the local public
7 defender is unable to handle a case because of a temporary
8 overload of cases, the local public defender shall return the
9 case to the court. The court ~~may~~ shall first appoint a
10 contract attorney. ~~or-a-private-noncontracting-attorney,-who~~
11 ~~has-agreed-to-take-the-case,~~ Appointments by the court shall
12 be on a rotational or equalization basis considering the
13 experience of the attorney and the difficulty of the case.

14 Sec. 20. Section 13B.9, Code 1993, is amended by adding
15 the following new subsection:

16 NEW SUBSECTION. 6. If a contract attorney is not
17 available, or if a conflict of interest or overload prevents a
18 contract attorney from handling a case, the court shall
19 appoint a private noncontracting attorney, who has agreed to
20 take the case. The appointment shall be on a rotational or
21 equalization basis, considering the experience of the attorney
22 and the difficulty of the case.

23 Sec. 21. Section 534.102, subsection 28, Code 1993, is
24 amended to read as follows:

25 28. "Superintendent" means the superintendent of savings
26 and loan associations ~~who-is-the-director-of-the-department-of~~
27 commerce appointed pursuant to section 534.401.

28 Sec. 22. Section 534.401, subsection 1, Code 1993, is
29 amended to read as follows:

30 1. DIVISION SUPERINTENDENT OF SAVINGS AND LOAN
31 ASSOCIATIONS CREATED---SUPERINTENDENT. ~~A-savings-and-loan~~
32 ~~association-division-is-created-within-the-department-of~~
33 ~~commerce.~~ The superintendent of savings and loan associations
34 is the ~~chief-administrative-officer-of-the-division~~
35 administrator of professional licensing and regulation

1 appointed pursuant to section 546.10, subsection 2, or an
2 individual appointed by the administrator as provided in
3 section 546.10, subsection 7.

4 Sec. 23. Section 546.10, Code Supplement 1993, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 7. The administrator of professional
7 licensing and regulation is the superintendent of savings and
8 loan associations. The administrator may appoint an
9 individual to act as the superintendent who shall serve as the
10 superintendent at the pleasure of the administrator.

11 Sec. 24. Section 815.7, Code 1993, is amended to read as
12 follows:

13 815.7 FEES TO ATTORNEYS.

14 An attorney who has not entered into a contract authorized
15 under section 13B.4 and who is appointed by the court to
16 represent any person charged with a crime in this state shall
17 be entitled to a reasonable compensation which shall be the
18 ordinary and customary charges for like services in the
19 community to be decided in each case by a judge of the
20 district court, including such sum or sums as the court may
21 determine are necessary for investigation in the interests of
22 justice and in the event of appeal the cost of obtaining the
23 transcript of the trial and the printing of the trial record
24 and necessary briefs in behalf of the defendant. Such
25 attorney need not follow the case into another county or into
26 the appellate court unless so directed by the court at the
27 request of the defendant, where grounds for further litigation
28 are not capricious or unreasonable, but if such attorney does
29 so, the attorney's fee shall be determined accordingly. Only
30 one attorney fee shall be so awarded in any one case except
31 that in class "A" felony cases, two may be authorized.

32 Sec. 25. Section 815.10, Code 1993, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 4. A contract attorney appointed by the
35 court under this section and section 13B.4 shall apply to the

1 state public defender for compensation and for reimbursement
2 of costs incurred in accordance with the contract. The amount
3 of compensation due shall be determined in accordance with the
4 contract.

5 Sec. 26. Section 815.11, Code 1993, is amended to read as
6 follows:

7 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

8 Costs incurred under section 232.141, subsection 3,
9 paragraph "c", sections 814.9, 814.10, 814.11, 815.4, 815.5,
10 815.6, 815.7, 815.10, or the rules of criminal procedure on
11 behalf of an indigent shall be paid from funds appropriated by
12 the general assembly to the department of inspections and
13 appeals for those purposes.

14 Sec. 27. FEDERAL GRANTS. All federal grants to and the
15 federal receipts of agencies appropriated funds under this
16 Act, not otherwise appropriated, are appropriated for the
17 purposes set forth in the federal grants or receipts unless
18 otherwise provided by the general assembly.

19 EXPLANATION

20 This bill makes appropriations for the fiscal year
21 beginning July 1, 1994, to regulatory bodies of the state,
22 including the auditor of state, Iowa ethics and campaign
23 disclosure board, department of employment services,
24 department of inspections and appeals, office of the state
25 public defender, public employment relations board, the
26 department of commerce, and the racing and gaming commission.

27 This bill amends provisions relating to the appointment of,
28 and contracting with, attorneys for providing legal
29 representation to indigent or partially indigent individuals.

30 Section 13B.4 is amended to permit the state public
31 defender to contract with attorneys to provide legal services
32 to indigent or partially indigent persons whether or not a
33 local public defender is available to provide such services.

34 Section 13B.9 is amended to provide that if a local public
35 defender is unable to handle a case, the court must first

1 appoint a contract attorney. If a contract attorney is not
2 available, the court is to appoint a noncontracting attorney.
3 Appointments made by the court are to be made on a rotational
4 basis.

5 Section 815.7, which relates to the determination of fees
6 to be paid to appointed attorneys, is amended to provide that
7 the section only applies to the determination of the fee to be
8 paid to a noncontracting attorney appointed to provide legal
9 representation to indigent or partially indigent individuals.

10 Section 815.10 is amended to provide that contract
11 attorneys appointed by the court are to apply to the state
12 public defender for compensation and for reimbursement of
13 costs incurred in accordance with the contract.

14 Section 815.11 is amended to provide that costs not paid by
15 the county for legal services provided for juvenile cases are
16 to be paid by the state.

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TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

STATE CAPITOL
DES MOINES, IOWA 50319
515 281-5211

April 13, 1994

APR 13 94

The Honorable Leonard Boswell
President of the Senate
State Capitol Building
L O C A L

Dear Mr. President:

I hereby transmit Senate File 2218, an act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the Iowa ethics and campaign disclosure board, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of commerce, and the racing and gaming commission and providing effective dates.

Senate File 2218 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 3, unnumbered and unlettered paragraph 1. This language would remove the discretion of the director of the Department of Employment Services in filling vacant positions within the agency. Personnel decisions within the department are the prerogative of the executive branch. The director of the department must have the authority to adjust personnel to respond to the agency's needs.

I am unable to approve the item designated as Section 4, subsection 1, in its entirety. This provision would require the Department of Employment Services to maintain all workforce centers in operation as of July 1, 1993. The department must retain the flexibility to provide services where they are most needed and in the most cost effective manner.

I am unable to approve the item designated as Section 4, subsection 2, in its entirety. This provision specifies the number, location and schedule of hearings for contested workers' compensation cases which the Industrial Services Division would be required to conduct through June 30, 1995. The division must retain flexibility to conduct hearings to meet the needs of employers and injured workers.

The Honorable Leonard Boswell
April 13, 1994
Page 2

I am unable to approve the item designated as Section 13, subsection 3, unnumbered and unlettered paragraph 2, in its entirety. This provision relates to the elimination of an employee position within the Division of Alcoholic Beverages and the loaning of employees by the Department of Commerce to other agencies. Decisions concerning personnel in the Department of Commerce are the prerogative of the executive branch. The director of the department must retain the authority to assign employees to perform tasks as needed.

I am unable to approve the item designated as Section 15, in its entirety. This provision would require the Departments of Commerce, Employment Services and Inspections and Appeals to prepare and monitor budget proposals for divisions within the agencies under zero-based and performance-based budgeting methods. Agencies within the executive branch should utilize only one budgeting method to provide consistency and uniformity in budget preparation and tracking across state government.

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 2218 are hereby approved as of this date.

Sincerely,


Terry E. Branstad
Governor

TEB/ps

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

SENATE FILE 2218

AN ACT

MAKING APPROPRIATIONS AND CERTAIN RELATED STATUTORY CHANGES RELATED TO REGULATORY BODIES OF STATE GOVERNMENT, INCLUDING THE AUDITOR OF STATE, THE IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD, THE DEPARTMENT OF EMPLOYMENT SERVICES, THE DEPARTMENT OF INSPECTIONS AND APPEALS, THE OFFICE OF THE STATE PUBLIC DEFENDER, PUBLIC EMPLOYMENT RELATIONS BOARD, DEPARTMENT OF COMMERCE, AND THE RACING AND GAMING COMMISSION AND PROVIDING EFFECTIVE DATES.

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

Section 1. AUDITOR OF STATE. 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, 1994, and ending June 30, 1995, 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:

..... \$ 1,242,525
..... FTEs 112.50

The auditor of state may retain additional full-time equivalent positions as is reasonable and necessary to perform governmental subdivision audits which are reimbursable pursuant to section 11.20 or 11.21, to perform audits which are requested by and reimbursable from the federal government, and to perform work requested by and reimbursable from departments or agencies pursuant to section 11.5A or 11.5B. The auditor of state shall notify the department of management, the legislative fiscal committee, and the legislative fiscal bureau of the additional full-time equivalent positions retained.

Handwritten initials 'Veto' in the left margin.

Notwithstanding section 8.33, all moneys appropriated pursuant to this section which remain unencumbered and unobligated on June 30, 1995, shall not revert to the general fund of the state and may be expended to upgrade, replace, or improve computer equipment used in the auditor's offices. The office of the auditor of state shall report to the legislative fiscal committee not later than December 1, 1995, the items and cost of the computer equipment which is upgraded, replaced, or improved as provided in this paragraph.

Sec. 2. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 1994, and ending June 30, 1995, 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:
..... \$ 426,104
..... FTEs 8.00

Sec. 3. DEPARTMENT OF EMPLOYMENT SERVICES. There is appropriated from the general fund of the state to the department of employment services for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, for the purposes designated, including that the department of employment services, the department of personnel, and the department of management shall ensure that all nonsupervisory full-time equivalent positions authorized and funded for the department of employment services in this section will be utilized during the fiscal year beginning July 1, 1994, and ending June 30, 1995, and during future fiscal years, and will not be held vacant, to ensure that the backlog of cases in that department will be reduced as rapidly as possible:

1. DIVISION OF LABOR SERVICES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions contingent upon the enactment of section 6 of this Act and the provision which requires moneys appropriated from the special employment security contingency fund to first be used to fully fund the appropriation of \$296,508 to the division of labor services in subsection 1 of section 6 of this Act prior to funding the appropriation in section 6 of this Act to the division of industrial services:

..... \$ 2,410,029
..... FTEs 87.00

The division of labor services shall require that all federally funded Occupational Safety and Health Act personnel attend a series of customer service classes, and that focus groups be established, which involve the participation of the personnel, the businesses subject to inspections, and employees of the businesses, to develop a survey of such businesses. The division of labor services shall consider the possibility of conducting educational sessions on the Iowa communications network for representatives of cities, counties, schools, businesses, secondary school students enrolled in vocational technical classes, and other affected persons, concerning Occupational Safety and Health Act requirements. The survey shall be used by the division to determine customer satisfaction. The division shall provide a written report summarizing the results of the survey to the department of management and the legislative fiscal bureau no later than January 1, 1995.

It is the intent of the general assembly that the division of labor services shall conduct all inspection functions in the division as efficiently as possible. The division shall, to the extent possible, eliminate duplicate travel to the same location for separate inspections made at different times, and shall consolidate such inspections in the same trip whenever possible.

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.

2. DIVISION OF INDUSTRIAL SERVICES

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

..... \$ 2,106,249
..... FTEs 33.00

3. For salary, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for a workforce development coordinator and council:

..... \$ 80,000
..... FTEs 1.00

The workforce development coordinator shall formulate a five-year written implementation plan for the workforce development initiative. The coordinator shall annually provide a written report no later than January 1 of each year to the department of management and the legislative fiscal bureau indicating all of the following:

- a. The amounts of federal, state, and any other funds expended to implement the workforce initiative.
- b. The efficiencies achieved in terms of administrative costs and other expenditures of the departments involved.
- c. The location of each workforce center, staffing levels, and the number of clients served.
- d. Any other information deemed necessary by the coordinator related to the progress and success in implementing the initiative.

4. For the workforce development initiative to be used to create model workforce development centers and provide an integrated management information system:

..... \$ 464,000

Sec. 4. ADMINISTRATIVE CONTRIBUTION SURCHARGE FUND. 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, 1994, and ending June 30, 1995, 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, conducting labor availability surveys, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 6,250,000
..... FTES	148.22

Of the amount appropriated under this section, \$200,000 shall be used by the department to conduct labor availability surveys. As a condition of this expenditure, the department shall require that all communities which are scheduled to be surveyed during the fiscal year shall contribute a percentage of the cost of completing the community surveys as agreed to by the department and each community to be surveyed.

1. The department of employment services shall provide services throughout the fiscal year beginning July 1, 1994, and ending June 30, 1995, in all communities in which workforce centers are operating on July 1, 1993. However, this provision shall not prevent the consolidation of multiple offices within the same city or the colocation of workforce centers with another public agency.

2. The division of industrial services shall not reduce the number of scheduled hearings of contested cases or eliminate the venue of such hearings, as established by the division for the period beginning January 1, 1994, and ending January 20, 1995. The division shall also establish a substantially similar schedule for such hearings for the period beginning January 20, 1995, and ending June 30, 1995. The division shall report to the legislative fiscal bureau concerning any modification of the established schedule, or

Deleted any changes which the division determines are necessary in establishing the schedule for the period beginning January 20, 1995, and ending June 30, 1995.

3. 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.

Sec. 5. EMPLOYMENT SECURITY CONTINGENCY FUND. There is appropriated from the special employment security contingency fund to the department of employment services for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, for the purposes designated and subject to the requirement that the appropriation to the division of labor services under this section be fully funded from the special employment security contingency fund prior to any amounts being used to fund the appropriation made to the division of industrial services under this section:

1. DIVISION OF LABOR SERVICES

For salaries, support, maintenance, and miscellaneous purposes: \$ 296,508

2. DIVISION OF INDUSTRIAL SERVICES

For salaries, support, maintenance, and miscellaneous purposes: \$ 175,494

Sec. 6. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 1994, and ending June 30, 1995, 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:

..... \$ 484,920
..... PTEs 22.00

2. AUDITS DIVISION

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

..... \$ 342,246
..... PTEs 10.00

3. APPEALS AND FAIR HEARINGS DIVISION

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

..... \$ 213,140
..... PTEs 24.00

4. INVESTIGATIONS DIVISION

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

..... \$ 709,812
..... PTEs 35.00

5. HEALTH FACILITIES DIVISION

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

..... \$ 1,398,954
..... PTEs 97.00

6. INSPECTIONS DIVISION

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

..... \$ 571,275
..... PTEs 13.00

7. EMPLOYMENT APPEAL BOARD

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

..... \$ 45,247
..... PTEs 15.80

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 may 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. STATE FOSTER CARE REVIEW BOARD

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

..... \$ 515,576
..... PTEs 10.00

The department of human services, in coordination with the
state foster care review board and the department of
inspections and appeals, shall submit an application for
funding available pursuant to Title IV-E of the federal Social
Security Act for claims for state foster care review board
administrative review costs.

9. The department of inspections and appeals shall provide
an accounting of all costs associated with negotiating
agreements and compacts pursuant to section 10A.104,
subsection 10, and all costs associated with monitoring such
agreements and compacts. Information in the accounting shall
include the dates and destinations of all travel related to
the negotiations and monitoring, and all costs associated with
the personnel involved, including salary, travel, and support
costs.

Sec. 7. RACING AND GAMING COMMISSION. 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, 1994, and ending June 30, 1995, the following amount, 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:

..... \$ 1,728,494
..... FTEs 19.27

2. Notwithstanding section 8.39, the racing and gaming commission shall not expend funds appropriated to the commission for the fiscal year beginning on July 1, 1994, and ending on June 30, 1995, for the regulation of any racetrack unless such regulation was authorized on or before July 1, 1992. Additionally, funds appropriated for the regulation of a racetrack authorized to offer live racing or simulcasting shall revert to the general fund and shall not be used for any other purpose if such track does not offer, or ceases to offer, live racing or simulcasting.

Sec. 8. EXCURSION BOAT REGULATION. 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, 1994, and ending June 30, 1995, 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 excursion boat gambling laws, and for not more than the following full-time equivalent positions:

..... \$ 446,522
..... FTEs 9.96

It is the intent of the general assembly that the racing and gaming commission 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. If more than three riverboats are operating during the fiscal year beginning July 1, 1994, and ending June 30, 1995, the commission may expend no more than \$88,526 for no more than 2.00 FTEs for each additional riverboat in excess of three. The additional expense associated with such positions shall be paid from fees assessed by the commission as provided in chapter 99F, and deposited in the special account established pursuant to section 99F.4, subsection 2.

Notwithstanding section 8.39, funds shall not be transferred to the department of inspections and appeals which would be used for monitoring Indian gaming.

Sec. 9. STATE PUBLIC DEFENDER. 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, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 7,831,289
..... FTEs 143.80

2. For indigent court-appointed attorney fees for adults and juveniles, notwithstanding section 232.141 and chapter 815:

..... \$ 10,029,000

Of the amounts appropriated in this section to the office of state public defender of the department of inspections and appeals, \$100,000 shall be used to contract with a private vendor to provide automated claims processing of adult indigent defense claims.

a. Effective July 1, 1994, the state public defender shall establish a one-year pilot project to review and process juvenile indigent defense claims in two counties. The counties shall be in different judicial districts and shall be selected by the state public defender.

b. Notwithstanding section 232.141, subsection 3, the county clerks of court of the pilot counties shall submit all claims and supporting documentation received with the claims for juvenile indigent defense to the department of inspections and appeals for payment.

c. The state public defender shall review each claim and supporting documentation in accordance with section 13B.4, subsection 4, prior to payment.

d. Claims approved for payment shall be paid directly from the appropriation to the department of inspections and appeals for these purposes.

e. The juvenile justice county base amount as calculated under section 232.141, subsection 3, for the fiscal year beginning July 1, 1994, shall be forwarded by the pilot counties to the department of inspections and appeals no later than December 1, 1994. The department of inspections and appeals shall deposit these payments into the indigent defense fund to be used to pay juvenile indigent defense claims.

f. The state public defender shall provide a written report to the department of management and the legislative fiscal bureau by December 15, 1994, related to the progress and findings of this pilot project and recommendations for potential improvements and appropriate modifications in the juvenile indigent defense claims payment process.

Sec. 10. INDIGENT DEFENSE COSTS. The supreme court shall submit a written report for the preceding fiscal year no later than January 1 of each year indicating the amounts collected pursuant to section 815.9A, relating to recovery of indigent defense costs. The report shall include the total amount collected by all courts, as well as the amounts collected by each judicial district. The supreme court shall also submit a written report quarterly indicating the number of criminal and juvenile filings which occur in each judicial district for purposes of estimating indigent defense costs. A copy of each report shall be provided to the public defender, the department of management, and the legislative fiscal bureau.

Sec. 11. 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. 12. ROAD USE TAX FUND. There is appropriated from the use tax receipts collected pursuant to section 423.7 prior to their deposit in the road use tax fund pursuant to section 423.24, subsection 1, to the department of inspections and appeals for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:
..... \$ 904,852

Sec. 13. DEPARTMENT OF COMMERCE. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. PROFESSIONAL LICENSING AND REGULATION DIVISION

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

..... \$ 891,000
..... FTES 14.00

b. There is appropriated from the title guaranty fund created in section 16.91 to the professional licensing and regulation division, an amount up to \$25,000, to be used to pay half the cost of employing an auditor for real estate broker trust accounts. In addition to the amount appropriated in this paragraph, the commission may increase the license fees provided for in section 543B.27 in an amount sufficient to pay half the cost of employing an auditor for real estate broker trust accounts.

2. ADMINISTRATIVE SERVICES DIVISION

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

..... \$ 210,378
..... FTEs 2.00

It is the intent of the general assembly that the two positions authorized in this subsection for the division shall coordinate the administrative services to be provided to the divisions in the department. These two positions are under the direct supervision of, and shall report to, the director of the department.

1. ALCOHOLIC BEVERAGES DIVISION

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

..... \$ 1,831,127
..... FTEs 33.50

The division of alcoholic beverages shall eliminate the position of administrative assistant 4 which is currently on loan to the department of management. The department of commerce shall not enter into any other employee loan agreements with any other department or division unless the department of commerce is fully reimbursed from the other department or division for the costs associated with such position.

4. BANKING DIVISION

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

..... \$ 5,278,751
..... FTEs 85.00

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. The amounts necessary to fund the

excess examination expenses shall be collected from banks being regulated, and the collections shall be treated as repayment receipts as defined in section 8.2. The division shall notify in writing the legislative fiscal bureau and the department of management when hiring additional personnel. The written notification shall include documentation that any additional expenditure related to such hiring will be totally reimbursed to the general fund, and shall also include the division's justification for hiring such personnel. The division must obtain the approval of the department of management only if the number of additional personnel to be hired exceeds the number of full-time equivalent positions authorized by this section.

The banking division may expend additional funds, not to exceed \$86,500, for the purpose of purchasing laptop computers to be used by bank examination staff. The amount necessary to fund the purchase of such computers shall be collected from banks being regulated, and the collections shall be treated as repayment receipts as defined in section 8.2.

5. CREDIT UNION DIVISION

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

..... \$ 1,033,772
..... FTEs 20.00

The credit union division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for credit union examinations and directly result from examinations of credit unions. The amounts necessary to fund the excess examination expenses shall be collected from credit unions being regulated, and the collections shall be treated as repayment receipts as defined in section 8.2. The division shall notify in writing the legislative fiscal bureau and the department of management when hiring additional personnel. The written notification shall include

documentation that any additional expenditure related to such hiring will be totally reimbursed to the general fund, and shall also include the division's justification for hiring such personnel. The division must obtain the approval of the department of management only if the number of additional personnel to be hired exceeds the number of full-time equivalent positions authorized by this section.

6. INSURANCE DIVISION

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

..... \$ 2,816,995
..... FTEs 88.50

Of the amounts appropriated in this section to the insurance division, not more than \$100,000 shall be used for the regulation of health insurance purchasing cooperatives.

The insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements. The insurance division expenditures for examination purposes may exceed the projected receipts, refunds and reimbursements, estimated pursuant to section 505.7, subsection 7, including the expenditures for retention of additional personnel, if such expenditures are fully reimbursable and the division first does both of the following:

- a. Notifies the department of management, legislative fiscal bureau, and the legislative fiscal committee of the need for such expenditures.
- b. Files with each of the entities named in subsection 1 the legislative and regulatory justification for such expenditures, along with an estimate of the expenditures.

7. UTILITIES DIVISION

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

..... \$ 4,771,826

..... FTEs 79.00

The utilities division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for utility regulation. Before the division expends or encumbers an amount in excess of the funds budgeted for regulation, 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 regulation expenses exceed the funds budgeted by the general assembly to the division and that the division does not have other funds from which regulation expenses can be paid. Upon approval of the director of the department of management the division may expend and encumber funds for excess regulation expenses. The amounts necessary to fund the excess regulation expenses shall be collected from those utility companies being regulated which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2.

Sec. 14. PUBLIC EMPLOYMENT RELATIONS BOARD. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 1994, and ending June 30, 1995, 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:

..... \$ 720,769
..... FTEs 12.68

Sec. 15. BUDGET PROPOSALS. The department of commerce, department of employment services, and department of inspections and appeals shall each designate a single division within the respective departments to submit a budget proposal in accordance with the zero-based budgeting method, and to track the appropriations made to the divisions in accordance with the program performance-based budgeting method for the

Utah

fiscal year beginning July 1, 1995. The proposals shall be submitted by the designated divisions to the department of management and the legislative fiscal bureau no later than January 1, 1995.

Sec. 16. Section 11.5B, subsection 7, Code 1993, is amended by striking the subsection and inserting in lieu thereof the following:

7. Iowa veterans home.

Sec. 17. Section 13B.4, subsections 3 and 4, Code Supplement 1993, are amended to read as follows:

3. The state public defender may contract with persons admitted to practice law in this state for the provision of legal services to indigent or partially 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.

a. If the claim is from a noncontract attorney, the state public defender shall request a hearing before the court granting the claim as to the reasonableness of the claim within thirty days of receipt of such claim.

b. If the claim is from a contract attorney, the state public defender shall request a hearing before the appointing court as to the reasonableness of the claim within thirty days of receipt of such claim.

Sec. 18. Section 13B.9, subsection 5, Code 1993, is amended to read as follows:

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 ~~shall first~~ appoint a contract attorney, ~~or a private noncontracting attorney who has agreed to take the case.~~ Appointments by the court shall

be on a rotational or equalization basis considering the experience of the attorney and the difficulty of the case.

Sec. 19. Section 13B.9, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 6. If a contract attorney is not available, or if a conflict of interest or overload prevents a contract attorney from handling a case, the court shall appoint a private noncontracting attorney, who has agreed to take the case. The appointment shall be on a rotational or equalization basis, considering the experience of the attorney and the difficulty of the case.

Sec. 20. Section 534.102, subsection 28, Code 1993, is amended to read as follows:

28. "Superintendent" means the superintendent of savings and loan associations ~~who is the director of the department of commerce~~ appointed pursuant to section 534.401.

Sec. 21. Section 534.401, subsection 1, Code 1993, is amended to read as follows:

1. DIVISION SUPERINTENDENT OF SAVINGS AND LOAN ASSOCIATIONS ~~ERRATED---SUPERINTENDENT.~~ ~~A savings and loan association division is created within the department of commerce.~~ The superintendent of savings and loan associations is the chief administrative officer of the division administrator of professional licensing and regulation appointed pursuant to section 546.10, subsection 2, or an individual appointed by the administrator as provided in section 546.10, subsection 7.

Sec. 22. Section 546.10, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The administrator of professional licensing and regulation is the superintendent of savings and loan associations. The administrator may appoint an individual to act as the superintendent who shall serve as the superintendent at the pleasure of the administrator.

Sec. 23. Section 815.7, Code 1993, is amended to read as follows:

815.7 FEES TO ATTORNEYS.

An attorney who has not entered into a contract authorized under section 138.4 and who is appointed by the court to represent any person charged with a crime in this state shall be entitled to a reasonable compensation which shall be the ordinary and customary charges for like services in the community to be decided in each case by a judge of the district court, including such sum or sums as the court may determine are necessary for investigation in the interests of justice and in the event of appeal the cost of obtaining the transcript of the trial and the printing of the trial record and necessary briefs in behalf of the defendant. Such attorney need not follow the case into another county or into the appellate court unless so directed by the court at the request of the defendant, where grounds for further litigation are not capricious or unreasonable, but if such attorney does so, the attorney's fee shall be determined accordingly. Only one attorney fee shall be so awarded in any one case except that in class "A" felony cases, two may be authorized.

Sec. 24. Section 815.10, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A contract attorney appointed by the court under this section and section 138.4 shall apply to the state public defender for compensation and for reimbursement of costs incurred in accordance with the contract. The amount of compensation due shall be determined in accordance with the contract.

Sec. 25. Section 815.11, Code 1993, is amended to read as follows:

815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

Costs incurred under section 232.141, subsection 3, paragraph "c", sections 814.9, 814.10, 814.11, 815.4, 815.5, 815.6, 815.7, 815.10, or the rules of criminal procedure on behalf of an indigent shall be paid from funds appropriated by the general assembly to the department of inspections and appeals for those purposes.

Sec. 26. FEDERAL GRANTS. All federal grants to and the federal receipts of agencies appropriated funds under this Act, not otherwise appropriated, are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided by the general assembly.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2218, Seventy-fifth General Assembly.

Item Vetoed
Approved April 13, 1994

JOHN P. DWYER
Secretary of the Senate

TERRY E. BRANSTAD
Governor