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FILED MAR 10 1993

SENATE FILE 266
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 1058JA)

(P.651) Passed Senate, Date 3-17-93 Passed House, Date 4/13/93 (P.1199)
Vote: Ayes 42 Nays 7 Vote: Ayes 55 Nays 45
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 campaign finance
4 disclosure commission, the department of employment services,
5 the department of inspections and appeals, the office of the
6 state public defender, public employment relations board,
7 department of licensing and regulation, department of
8 alcoholic beverages, department of banking, department of
9 credit unions, department of insurance, department of
10 utilities, and the racing and gaming commission and providing
11 effective dates.

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

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SF 266

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, 1993, and ending
4 June 30, 1994, 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	\$	1,134,051
10	FTEs	117.00

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. CAMPAIGN FINANCE DISCLOSURE COMMISSION. There is
23 appropriated from the general fund of the state to the
24 campaign finance disclosure commission for the fiscal year
25 beginning July 1, 1993, and ending June 30, 1994, 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	\$	301,924
32	FTEs	6.00

33 Of the amount appropriated in this section, \$45,000 is to
34 be used to purchase computer equipment and software necessary
35 to continue and enhance the current records database.

1 Sec. 3. DEPARTMENT OF EMPLOYMENT SERVICES. There is
 2 appropriated from the general fund of the state to the
 3 department of employment services for the fiscal year
 4 beginning July 1, 1993, and ending June 30, 1994, the
 5 following amounts, or so much thereof as is necessary, for the
 6 purposes designated, including that the department of
 7 employment services, the department of personnel, and the
 8 department of management shall ensure that all full-time
 9 equivalent positions authorized and funded for the department
 10 of employment services in this section will be utilized during
 11 the fiscal year beginning July 1, 1993, and ending June 30,
 12 1994, and during future fiscal years, and will not be held
 13 vacant, to ensure that the backlog of cases in that department
 14 will be reduced as rapidly as possible:

15 1. DIVISION OF LABOR SERVICES

16 For salaries, support, maintenance, miscellaneous purposes,
 17 and for not more than the following full-time equivalent
 18 positions contingent upon the enactment of section 5 of this
 19 Act and the provision which requires moneys appropriated from
 20 the special employment security contingency fund to first be
 21 used to fully fund the appropriation of \$296,508 to the
 22 division of labor services in subsection 1 of section 5 of
 23 this Act prior to funding the appropriation in section 5 of
 24 this Act to the division of industrial services:

25 \$ 2,313,374
 26 FTEs 87.50

27 From the contractor registration fees, the division of
 28 labor services shall reimburse the department of inspections
 29 and appeals for all costs associated with hearings under
 30 chapter 91C, relating to contractor registration.

31 2. DIVISION OF INDUSTRIAL SERVICES

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

35 \$ 1,862,830

1 FTEs 31.00

2 Sec. 4. ADMINISTRATIVE CONTRIBUTION SURCHARGE FUND. There
3 is appropriated from the administrative contribution surcharge
4 fund of the state to the department of employment services for
5 the fiscal year beginning July 1, 1993, and ending June 30,
6 1994, the following amount, or so much thereof as is
7 necessary, for the purposes designated:

8 DIVISION OF JOB SERVICE

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

13 \$ 6,275,387

14 FTEs 139.21

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

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

29 2. The division of industrial services shall not reduce
30 the number of scheduled hearings of contested cases or
31 eliminate the venue of such hearings, as established by the
32 division for the period beginning January 1, 1993, and ending
33 January 20, 1994. The division shall also establish a
34 substantially similar schedule for such hearings for the
35 period beginning January 20, 1994, and ending June 30, 1994.

1 The division shall report to the legislative fiscal bureau
2 concerning any modification of the established schedule, or
3 any changes which the division determines are necessary in
4 establishing the schedule for the period beginning January 20,
5 1994, and ending June 30, 1994.

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

12 Sec. 5. EMPLOYMENT SECURITY CONTINGENCY FUND. There is
13 appropriated from the special employment security contingency
14 fund to the department of employment services for the fiscal
15 year beginning July 1, 1993, and ending June 30, 1994, the
16 following amounts, or so much thereof as is necessary, for the
17 purposes designated and subject to the requirement that the
18 appropriation to the division of labor services under this
19 section be fully funded from the special employment security
20 contingency fund prior to any amounts being used to fund the
21 appropriation made to the division of industrial services
22 under this section:

23 1. DIVISION OF LABOR SERVICES

24 For salaries, support, maintenance, and miscellaneous
25 purposes:

26 \$ 296,508

27 2. DIVISION OF INDUSTRIAL SERVICES

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

30 \$ 175,494

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

32 appropriated from the general fund of the state to the
33 department of inspections and appeals for the fiscal year
34 beginning July 1, 1993, and ending June 30, 1994, the
35 following amounts, or so much thereof as is necessary, for the

1 purposes designated:

2 1. FINANCE AND SERVICES DIVISION

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

6 \$ 474,628
7 FTEs 22.00

8 2. AUDITS DIVISION

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

12 \$ 340,548
13 FTEs 10.00

14 3. APPEALS AND FAIR HEARINGS DIVISION

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

18 \$ 211,539
19 FTEs 24.00

20 4. INVESTIGATIONS DIVISION

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

24 \$ 511,332
25 FTEs 34.00

26 5. HEALTH FACILITIES DIVISION

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

30 \$ 1,374,975
31 FTEs 101.00

32 6. INSPECTIONS DIVISION

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

1 \$ 564,586
2 FTEs 13.00

3 7. EMPLOYMENT APPEAL BOARD

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

7 \$ 44,700
8 FTEs 16.80

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

18 Sec. 7. STATE PUBLIC DEFENDER. There is appropriated from
19 the general fund of the state to the office of the state
20 public defender for the fiscal year beginning July 1, 1993,
21 and ending June 30, 1994, the following amounts, or so much
22 thereof as is necessary, for the purposes designated:

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

26 \$ 7,622,502
27 FTEs 140.80

28 The judicial department shall provide, within thirty days
29 after the end of each calendar quarter, a written report
30 concerning adult and juvenile indigent defense, to the state
31 public defender's office and the department of inspections and
32 appeals, including the amount of restitution collected for
33 attorney fees as follows:

34 a. By county.

35 b. By case type in the following categories:

1 (1) Juvenile cases involving delinquency actions, child in
2 need of assistance actions, or termination of parental rights
3 actions.

4 (2) Adult cases involving misdemeanor or felony
5 prosecutions.

6 2. For indigent court-appointed attorney fees for adults
7 and juveniles, notwithstanding section 232.141 and chapter
8 815:

9 \$ 8,778,665

10 Sec. 8. The department of inspections and appeals may
11 charge state departments, agencies, and commissions for
12 services rendered and the payment received shall be considered
13 repayment receipts as defined in section 8.2.

14 Sec. 9. ROAD USE TAX FUND. There is appropriated from the
15 use tax receipts collected pursuant to section 423.7 prior to
16 their deposit in the road use tax fund pursuant to section
17 423.24, subsection 1, to the department of inspections and
18 appeals for the fiscal year beginning July 1, 1993, and ending
19 June 30, 1994, the following amount, or so much thereof as is
20 necessary, for the purposes designated:

21 For salaries, support, maintenance, and miscellaneous
22 purposes:

23 \$ 898,938

24 Sec. 10. PUBLIC EMPLOYMENT RELATIONS BOARD. There is
25 appropriated from the general fund of the state to the public
26 employment relations board for the fiscal year beginning July
27 1, 1993, and ending June 30, 1994, the following amount, or so
28 much thereof as is necessary, for the purposes designated:

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

32 \$ 703,296

33 FTEs 12.60

34 Sec. 11. DEPARTMENT OF PROFESSIONAL LICENSING AND
35 REGULATION. There is appropriated from the general fund of

1 the state to the department of professional licensing and
2 regulation for the fiscal year beginning July 1, 1993, and
3 ending June 30, 1994, the following amounts, or so much
4 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	\$	864,687
9	FTEs	13.00

10 Sec. 12. DEPARTMENT OF ALCOHOLIC BEVERAGES. There is
11 appropriated from the general fund of the state to the
12 department of alcoholic beverages for the fiscal year
13 beginning July 1, 1993, and ending June 30, 1994, the
14 following amounts, or so much thereof as is necessary, for the
15 purposes designated:

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

19	\$	1,932,700
20	FTEs	34.50

21 Sec. 13. DEPARTMENT OF BANKING. There is appropriated
22 from the general fund of the state to the department of
23 banking for the fiscal year beginning July 1, 1993, and ending
24 June 30, 1994, the following amounts, or so much thereof as is
25 necessary, for the purposes designated:

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

29	\$	5,314,308
30	FTEs	85.00

31 The department of banking may expend additional funds,
32 including funds for additional personnel, if those additional
33 expenditures are actual expenses which exceed the funds
34 budgeted for bank examinations and directly result from
35 examinations of banks. The amounts necessary to fund the

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

14 Sec. 14. DEPARTMENT OF CREDIT UNIONS. There is
 15 appropriated from the general fund of the state to the
 16 department of credit unions for the fiscal year beginning July
 17 1, 1993, and ending June 30, 1994, the following amounts, or
 18 so much thereof as is necessary, for the purposes designated:

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

22	\$ 1,039,372
23	FTEs 20.00

24 The department of credit unions may expend additional
 25 funds, including funds for additional personnel, if those
 26 additional expenditures are actual expenses which exceed the
 27 funds budgeted for credit union examinations and directly
 28 result from examinations of credit unions. The amounts
 29 necessary to fund the excess examination expenses shall be
 30 collected from credit unions being regulated, and the
 31 collections shall be treated as repayment receipts as defined
 32 in section 8.2. The department shall notify in writing the
 33 legislative fiscal bureau and the department of management
 34 when hiring additional personnel. The written notification
 35 shall include documentation that any additional expenditure

1 related to such hiring will be totally reimbursed to the
2 general fund, and shall also include the department's
3 justification for hiring such personnel. The department must
4 obtain the approval of the department of management only if
5 the number of additional personnel to be hired exceeds the
6 number of full-time equivalent positions authorized by this
7 section.

8 Sec. 15. DEPARTMENT OF INSURANCE. There is appropriated
9 from the general fund of the state to the department of
10 insurance for the fiscal year beginning July 1, 1993, and
11 ending June 30, 1994, the following amounts, or so much
12 thereof as is necessary, for the purposes designated:

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

16	\$ 4,667,435
17	FTEs 86.00

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

27 1. Notifies the department of management, legislative
28 fiscal bureau, and the legislative fiscal committee of the
29 need for such expenditures.

30 2. Files with each of the entities named in subsection 1
31 the legislative and regulatory justification for such
32 expenditures, along with an estimate of the expenditures.

33 Sec. 16. DEPARTMENT OF UTILITIES. There is appropriated
34 from the general fund of the state to the department of
35 utilities for the fiscal year beginning July 1, 1993, and

1 ending June 30, 1994, the following amounts, or so much
2 thereof as is necessary, for the purposes designated:

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

6 \$ 4,875,945
7 FTEs 78.00

8 The department of utilities 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 department
12 expends or encumbers an amount in excess of the funds budgeted
13 for regulation, the director of the department of management
14 shall approve the expenditure or encumbrance. Before approval
15 is 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 department and that
18 the department 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 department may expend and
21 encumber funds for excess regulation expenses. The amounts
22 necessary to fund the excess regulation expenses shall be
23 collected from those utility companies being regulated which
24 caused the excess expenditures, and the collections shall be
25 treated as repayment receipts as defined in section 8.2.

26 Sec. 17. RACING AND GAMING COMMISSION. There is
27 appropriated from the general fund of the state to the racing
28 and gaming commission of the department of inspections and
29 appeals for the fiscal year beginning July 1, 1993, and ending
30 June 30, 1994, the following amount, or so much thereof as is
31 necessary, to be used for the purposes designated:

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

35 \$ 1,672,245

1 FTEs 19.27

2 2. Notwithstanding section 8.39, the racing and gaming
3 commission shall not expend funds appropriated to the
4 commission for the fiscal year beginning on July 1, 1992, and
5 ending on June 30, 1993, for the regulation of any racetrack
6 unless such regulation was authorized on or before July 1,
7 1992. Additionally, funds appropriated for the regulation of
8 a racetrack authorized to offer live racing or simulcasting
9 shall revert to the general fund and shall not be used for any
10 other purpose if such track does not offer, or ceases to
11 offer, live racing or simulcasting.

12 3. Notwithstanding section 8.39, the racing and gaming
13 commission shall not expend funds appropriated to the
14 commission for the fiscal year beginning on July 1, 1993, and
15 ending on June 30, 1994, for the regulation of any racetrack
16 unless such regulation was authorized on or before July 1,
17 1992. Additionally, funds appropriated for the regulation of
18 a racetrack authorized to offer live racing or simulcasting
19 shall revert to the general fund and shall not be used for any
20 other purpose if such track does not offer, or ceases to
21 offer, live racing or simulcasting.

22 Sec. 18. EXCURSION BOAT REGULATION. There is appropriated
23 from the general fund of the state to the racing and gaming
24 commission of the department of inspections and appeals for
25 the fiscal year beginning July 1, 1993, and ending June 30,
26 1994, the following amount, or so much thereof as is
27 necessary, to be used for the purposes designated:

28 For salaries, support, maintenance, and miscellaneous
29 purposes for administration and enforcement of the excursion
30 boat gambling laws, and for not more than the following full-
31 time equivalent positions:
32 \$ 601,682
33 FTEs 12.51

34 Sec. 19. Section 123.3, subsection 14, Code 1993, is
35 amended to read as follows:

1 14. "Division Department" means the department of
2 alcoholic beverages division-of-the-department-of-commerce
3 established by this chapter.

4 Sec. 20. Section 123.4, Code 1993, is amended to read as
5 follows:

6 123.4 DEPARTMENT OF ALCOHOLIC BEVERAGES DIVISION CREATED.

7 An A department of alcoholic beverages division is created
8 within-the-department-of-commerce to administer and enforce
9 the laws of this state concerning beer, wine, and alcoholic
10 liquor.

11 Sec. 21. Section 474.1, Code 1993, is amended to read as
12 follows:

13 474.1 CREATION OF DIVISION DEPARTMENT AND BOARD --
14 ORGANIZATION.

15 A department of utilities division is created within-the
16 department-of-commerce. The policymaking body for the
17 division department is the utilities board which is created
18 within the division department. The board is composed of
19 three members appointed by the governor and subject to
20 confirmation by the senate, not more than two of whom shall be
21 from the same political party. Each member appointed shall
22 serve for six-year staggered terms beginning and ending as
23 provided by section 69.19. Vacancies shall be filled for the
24 unexpired portion of the term in the same manner as full-term
25 appointments are made.

26 The utilities board shall organize by appointing an
27 executive secretary, who shall take the same oath as the
28 members. The board shall set the salary of the executive
29 secretary within the limits of the pay plan for exempt
30 positions provided for in section 19A.9, subsection 2, unless
31 otherwise provided by the general assembly. The board may
32 employ additional personnel as it finds necessary. Subject to
33 confirmation by the senate, the governor shall appoint a
34 member as the chairperson of the board. The chairperson shall
35 be the administrator director of the department of utilities

1 division. The appointment as chairperson shall be for a two-
2 year term which begins and ends as provided in section 69.19.

3 As used in this chapter and chapters 475A, 476, 476A, 478,
4 479, and 479A, "~~division~~"-and-"~~utilities division~~"-mean
5 "department" means the department of utilities division-of-the
6 department-of-commerce.

7 Sec. 22. Section 505.1, Code 1993, is amended to read as
8 follows:

9 505.1 DEPARTMENT OF INSURANCE ~~DIVISION~~ CREATED.

10 An A department of insurance division is created ~~within-the~~
11 ~~department-of-commerce~~ to regulate and supervise the
12 conducting of the business of insurance in the state. The
13 commissioner of insurance is the chief executive officer of
14 the division department. As used in this chapter, the rest of
15 the insurance title, and chapters 502, 503, and 535C,
16 "~~division~~" "department" means the department of insurance
17 ~~division~~.

18 Sec. 23. Section 524.206, Code 1993, is amended to read as
19 follows:

20 524.206 DEPARTMENT OF BANKING ~~DIVISION~~ CREATED.

21 The A department of banking division is created ~~within-the~~
22 ~~department-of-commerce~~.

23 Sec. 24. Section 533.52, Code 1993, is amended to read as
24 follows:

25 533.52 DEPARTMENT OF CREDIT UNION-DIVISION UNIONS CREATED.

26 A department of credit union-division-of-the-department-of
27 commerce unions is created to administer this chapter.

28 Sec. 25. Section 534.102, subsection 28, Code 1993, is
29 amended to read as follows:

30 28. "Superintendent" means the superintendent of savings
31 and loan associations who is the director of the department of
32 commerce banking.

33 Sec. 26. Section 534.401, subsection 1, Code 1993, is
34 amended to read as follows:

35 1. Division of savings and loan associations created --

1 superintendent. A savings and loan association division is
2 created within the department of commerce banking. The
3 superintendent of savings and loan associations is the chief
4 administrative officer of the division.

5 Sec. 27. NEW SECTION. 545A.1 DEPARTMENT OF PROFESSIONAL
6 LICENSING AND REGULATION -- REVOLVING FUND.

7 1. The department of professional licensing and regulation
8 shall administer and coordinate the licensing and regulation
9 of several professions by bringing together the following
10 licensing boards:

11 a. The engineering and land surveying examining board
12 created pursuant to chapter 542B.

13 b. The accountancy examining board created pursuant to
14 chapter 542C.

15 c. The real estate commission created pursuant to chapter
16 543B.

17 d. The architectural examining board created pursuant to
18 chapter 544A.

19 e. The landscape architectural examining board created
20 pursuant to chapter 544B.

21 2. The department is headed by the director of
22 professional licensing and regulation who shall be appointed
23 by the governor subject to confirmation by the senate and
24 shall serve a four-year term that begins and ends as provided
25 in section 69.19. A vacancy shall be filled for the unexpired
26 portion of the term in the same manner as a full-term
27 appointment is made. The director shall appoint and supervise
28 staff and shall coordinate activities for the licensing boards
29 within the department. The director shall act as a staff
30 person to one or more of the licensing boards.

31 3. The licensing and regulation examining boards included
32 in the department pursuant to subsection 1 retain the powers
33 granted them pursuant to the chapters in which they are
34 created, except for budgetary and personnel matters which
35 shall be handled by the director. Each licensing board shall

1 adopt rules pursuant to chapter 17A. Decisions by a licensing
2 board are final agency actions for purposes of chapter 17A.

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

21 5. There is created in the office of the treasurer of
22 state a professional licensing revolving fund. Fees collected
23 under chapters 542B, 542C, 543B, 543D, 544A, and 544B shall be
24 paid to the treasurer of state and credited to the
25 professional licensing revolving fund. All expenses required
26 in the discharge of the duties and responsibilities imposed
27 upon the department of professional licensing and regulation,
28 the director, and the licensing boards by the laws of this
29 state shall be paid from the revolving fund and appropriated
30 by the general assembly from the fund. Transfers shall not be
31 made from the general fund of the state or any other fund for
32 the payment of expenses of the department. Fees collected by
33 the department shall not be transferred to the general fund.
34 The funds held by the treasurer of state for the department of
35 professional licensing and regulation shall be invested by the

1 treasurer of state and the income derived from the investments
2 shall be credited to the general fund of the state.

3 Notwithstanding the provisions of this subsection and
4 sections 542B.12, 542C.3, 543B.14, 543D.6, 544A.11, and
5 544B.14 directing that fees and other moneys be deposited into
6 the professional licensing revolving fund and not be
7 transferred to the general fund of the state, and directing
8 that expenses be paid from the professional licensing
9 revolving fund, for the fiscal period beginning on July 1,
10 1991, and ending June 30, 1993, all fees collected under those
11 sections shall be deposited into the general fund of the state
12 and expenses required to be paid under this subsection shall
13 be paid from funds appropriated for those purposes.

14 Sec. 28. Section 815.4, Code 1993, is amended to read as
15 follows:

16 815.4 SPECIAL WITNESSES FOR INDIGENTS.

17 Witnesses secured for indigent or partially indigent
18 defendants under R.Cr.P. 19 must file a claim for compensation
19 supported by an affidavit specifying the time expended,
20 services rendered, and expenses incurred on behalf of the
21 defendant.

22 Sec. 29. Section 815.5, Code 1993, is amended to read as
23 follows:

24 815.5 EXPERT WITNESSES FOR STATE AND DEFENSE.

25 Notwithstanding the provisions of section 622.72,
26 reasonable compensation as determined by the court shall be
27 awarded expert witnesses, expert witnesses for indigents an
28 indigent or partially indigent person referred to in section
29 815.4, or called by the state in criminal cases.

30 Sec. 30. Section 815.9, subsection 1, Code 1993, is
31 amended by striking the subsection and inserting in lieu
32 thereof the following:

33 1. For purposes of this chapter, section 68.8, section
34 222.22, chapter 232, chapter 814, and the rules of criminal
35 procedure, the following apply:

1 a. A person is indigent if the person has an income level
2 at or below the United States poverty level as defined by the
3 most recently revised poverty income guidelines published by
4 the United States department of health and human services.

5 b. A person is partially indigent if the person has an
6 income level greater than one hundred percent but not more
7 than two hundred fifty percent of the United States poverty
8 level as defined by the most recently revised poverty income
9 guidelines published by the United States department of health
10 and human services.

11 c. A person is not indigent if the person has an income
12 level greater than three hundred percent of the United States
13 poverty level as defined by the most recently revised poverty
14 income guidelines published by the United States department of
15 health and human services.

16 Sec. 31. Section 815.9, subsection 2, Code 1993, is
17 amended by striking the subsection and inserting in lieu
18 thereof the following:

19 2. A determination of the indigent status of a person
20 shall be made on the person's initial appearance before a
21 court. If a person is granted legal assistance as an indigent
22 or partial indigent, the financial statement shall be filed
23 and permanently retained in the person's court file.

24 The supreme court shall adopt rules under section 602.4202
25 prescribing the form and content of the financial statement
26 upon which a determination of indigency shall be based. The
27 financial statement shall contain sufficient information to
28 allow the determination to be made of whether the person meets
29 the guidelines set out in subsection 1 and shall be

30 accompanied by the person's most recent pay slip, if employed.

31 Sec. 32. Section 815.9, subsection 3, Code 1993, is
32 amended to read as follows:

33 3. A person who knowingly submits a false financial
34 statement or pay slip for the purpose of obtaining legal
35 assistance at public expense commits a fraudulent practice.

1 As used in this subsection, "legal assistance" includes legal
2 counsel, transcripts, witness fees and expenses, and any other
3 goods or services required by law to be provided to an
4 indigent or partially indigent person at public expense.

5 Sec. 33. NEW SECTION. 815.9A RECOVERY OF INDIGENT
6 DEFENSE COSTS.

7 1. Costs incurred for indigent defense shall be paid to
8 the clerk of the district court by the person receiving the
9 services not later than the date of sentencing or, if the
10 person is acquitted or the charges are dismissed, within
11 thirty days of the acquittal or dismissal, as follows:

12 a. If the person has an income level as determined
13 pursuant to section 815.9 greater than one hundred percent but
14 not more than one hundred fifty percent of the poverty
15 guidelines, one hundred dollars or the total indigent defense
16 costs, whichever is lower.

17 b. If the person has an income level as determined
18 pursuant to section 815.9 greater than one hundred fifty
19 percent but not more than two hundred percent of the poverty
20 guidelines, two hundred dollars or the total indigent defense
21 costs, whichever is lower.

22 c. If the person has an income level as determined
23 pursuant to section 815.9 greater than two hundred percent but
24 not more than two hundred fifty percent of the poverty
25 guidelines, three hundred dollars or the total indigent
26 defense costs, whichever is lower.

27 Amounts in excess of the minimum amounts stated in
28 paragraphs "a" through "c" or amounts under those paragraphs
29 remaining uncollected shall be recovered in accordance with
30 section 910.2.

31 2. Fees received by the clerk of the district court under
32 this section shall be transferred to the treasurer of state
33 for deposit in the general fund of the state, notwithstanding
34 any other distribution provisions of the Code to the contrary.

35 Sec. 34. Section 815.10, subsections 1 and 2, Code 1993,

1 are amended to read as follows:

2 1. The court, for cause and upon its own motion or upon
3 application by an indigent or partially indigent person or a
4 public defender, shall appoint the state public defender or
5 the state public defender's designee pursuant to section
6 13B.4, or an attorney pursuant to section 13B.9 to represent
7 an indigent or partially indigent person at any stage of the
8 criminal or juvenile proceedings or on appeal of any criminal
9 or juvenile action in which the indigent or partially indigent
10 person is entitled to legal assistance at public expense.
11 However, in juvenile cases the court may directly appoint an
12 existing nonprofit corporation established for and engaged in
13 the provision of legal services for juveniles. An appointment
14 shall not be made unless the person is determined to be
15 indigent or partially indigent under section 815.9.

16 2. If a court finds that a person desires legal assistance
17 and is not indigent or partially indigent, but refuses to
18 employ an attorney, the court shall appoint the state public
19 defender or the state public defender's designee pursuant to
20 section 13B.4, or an attorney pursuant to section 13B.9 to
21 represent the person. The cost of providing legal assistance
22 shall be taxed as a court cost against the person.

23 Sec. 35. Section 815.11, Code 1993, is amended to read as
24 follows:

25 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

26 Costs incurred under ~~sections~~ section 814.9, 814.10,
27 814.11, 815.4, 815.5, 815.6, 815.7, or 815.10, or the rules of
28 criminal procedure on behalf of an indigent or partially
29 indigent person shall be paid from funds appropriated by the
30 general assembly to the department of inspections and appeals
31 for those purposes.

32 Sec. 36. DIRECTIONS TO CODE EDITOR.

33 The Code editor shall make the following changes to conform
34 existing sections of the Code to changes made in this Act:

35 1. All references to the alcoholic beverages division

1 shall be changed to the "department" or "department of
2 alcoholic beverages" as appropriate.

3 2. All references to the utilities division shall be
4 changed to the "department" or "department of utilities" as
5 appropriate.

6 3. All references to the insurance division shall be
7 changed to the "department" or "department of insurance" as
8 appropriate.

9 4. All references to the banking division shall be changed
10 to the "department" or "department of banking" as appropriate.

11 5. All references to the credit union division shall be
12 changed to the "department" or "department of credit unions"
13 as appropriate.

14 6. All references to the professional licensing and
15 regulation division shall be changed to the "department" or
16 "department of professional licensing and regulation" as
17 appropriate.

18 7. All references to the department of commerce shall be
19 changed to reflect the repeal of chapter 546, as appropriate.

20 If necessary and appropriate, the Code editor shall include
21 reference changes which are not made pursuant to this section
22 in a Code editor's bill to be brought before the general
23 assembly for consideration during the 1994 regular session.

24 Sec. 37. FEDERAL GRANTS. All federal grants to and the
25 federal receipts of agencies appropriated funds under this
26 Act, not otherwise appropriated, are appropriated for the
27 purposes set forth in the federal grants or receipts unless
28 otherwise provided by the general assembly.

29 Sec. 38. Chapter 546, Code 1993, is repealed.

30 Sec. 39. EFFECTIVE DATES. Section 17, subsection 2, of
31 this Act, being deemed of immediate importance, is effective
32 upon enactment. Sections 28 through 35 of this Act take
33 effect on September 1, 1993.

34 EXPLANATION

35 This bill makes appropriations for the fiscal year

1 beginning July 1, 1992, to regulatory bodies of the state,
2 including the auditor of state, campaign finance disclosure
3 commission, department of employment services, department of
4 inspections and appeals, office of the state public defender,
5 public employment relations board, department of licensing and
6 regulation, department of alcoholic beverages, department of
7 banking, department of credit unions, department of insurance,
8 department of utilities, and the racing and gaming commission.

9 The bill makes statutory changes which eliminate the
10 department of commerce and create departments of the divisions
11 currently under the department of commerce.

12 The bill also provides that a person is indigent for the
13 purpose of receiving indigent defense if the person has an
14 income level at or below the poverty level as determined by
15 the United States department of health and human services,
16 partially indigent if the person has an income level of
17 between the poverty level and 300 percent of the poverty
18 level, and not indigent if the person has an income level of
19 greater than 300 percent of the poverty level. The bill also
20 provides that indigent defense costs shall be repaid by
21 persons receiving the indigent defense services at a specified
22 amount depending on how far above the poverty level the
23 person's income is. The costs may also be recovered through
24 restitution. Moneys received for indigent defense costs shall
25 be deposited in the general fund of the state. The bill takes
26 effect on September 1, 1993.

27 Some conforming amendments may be necessary to fully
28 implement this bill.

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SENATE FILE 266

S-3136

1 Amend Senate File 266 as follows:

- A 2 1. Page 2, line 8, by inserting after the word
3 "all" the following: "nonsupervisory".
- B 4 2. Page 2, lines 13 and 14, by striking the words
5 ", to ensure that the backlog of cases in that
6 department will be reduced as rapidly as possible".
By DON E. GETTINGS
WILMER RENSINK

S-3136 FILED MARCH 16, 1993
DIV. A-ADOPTED, DIV. B-WITHDRAWN

SENATE FILE 266

S-3139

1 Amend Senate File 266 as follows:

- 2 1. Page 12, by striking lines 2 through 11.
3 2. By renumbering as necessary.

By TONY BISIGNANO
DERRYL McLAREN

S-3139 FILED MARCH 16, 1993
ADOPTED, MOTION TO RECONSIDER 3-17-93 Motion Prevailed (P. 649)
Adopted 3-17-93

SENATE FILE 266

S-3132

1 Amend Senate File 266 as follows:

- 2 1. Page 18, by striking lines 11 through 15.
By TOM VILSACK

S-3132 FILED MARCH 16, 1993
ADOPTED

SENATE FILE 266

S-3133

- 1 Amend Senate File 266 as follows:
2 1. Page 3, by inserting after line 1 the
3 following:
4 "Sec. ____ . FEDERAL FUNDS APPROPRIATED FOR BUILDING
5 REPAIR. There is appropriated out of the funds made
6 available to this state pursuant to section 903 of the
7 federal Social Security Act, as amended, for the
8 fiscal year beginning July 1, 1993, and ending June
9 30, 1994, \$645,000, to the department of employment
10 services to correct health and safety problems
11 including roof repair and asbestos removal and
12 encapsulation for the state administrative office
13 building located at 1000 East Grand, Des Moines, Iowa.
14 The moneys appropriated in this section shall not
15 be obligated after June 30, 1995. The amount
16 obligated pursuant to this section during any twelve-
17 month period beginning on July 1 and ending on June 30
18 shall not exceed the amount available for obligation
19 pursuant to section 903 of the federal Social Security
20 Act, as amended, and as reflected in the accounts of
21 the division of job service of the department of
22 employment services and the United States department
23 of labor."
24 2. Renumber as necessary.

By TOM VILSACK
WILMER RENSINK

S-3133 FILED MARCH 16, 1993
ADOPTED

SENATE FILE 266

S-3135

- 1 Amend Senate File 266, as follows:
2 1. Page 5, by inserting after line 19, the
3 following:
4 "It is the intent of the general assembly that a
5 process for the administrative review of requests for
6 postconviction relief under chapter 822 and from final
7 decisions made by administrative law judges appointed
8 by the department of corrections, be established in
9 the fair hearings and appeals division of the
10 department of inspections and appeals. The department
11 shall review existing judicial procedures for the
12 processing of requests for postconviction relief and
13 make recommendations to the general assembly by the
14 commencement of the legislative session which convenes
15 in January 1994, for the establishment of such an
16 administrative process."

By ANDY MCKEAN

S-3135 FILED MARCH 16, 1993
ADOPTED

S-3140

1 Amend Senate File 266 as follows:

2 1. Page 7, lines 34 and 35, by striking the words
3 "PROFESSIONAL LICENSING AND REGULATION" and inserting
4 the following: "COMMERCE".

5 2. Page 8, lines 1 and 2, by striking the words
6 "professional licensing and regulation" and inserting
7 the following: "commerce".

8 3. Page 8, by inserting after line 4 the
9 following:

10 "1. PROFESSIONAL LICENSING AND REGULATION
11 DIVISION".

12 4. Page 8, line 8, by striking the figure
13 "864,687" and inserting the following: "775,840".

14 5. Page 8, line 9, by striking the figure "13.00"
15 and inserting the following: "11.00".

16 6. Page 8, by striking lines 10 through 15 and
17 inserting the following:

18 "2. ADMINISTRATIVE SERVICES DIVISION

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

22	\$	973,139
23	FTEs	21.00

24 3. ALCOHOLIC BEVERAGES DIVISION".

25 7. Page 8, line 19, by striking the figure
26 "1,932,700" and inserting the following: "1,452,978".

27 8. Page 8, line 20, by striking the figure
28 "34.50" and inserting the following: "24.50".

29 9. Page 8, by striking lines 21 through 25 and
30 inserting the following:

31 "4. BANKING DIVISION".

32 10. Page 8, line 29, by striking the figure
33 "5,314,308" and inserting the following: "5,273,216".

34 11. Page 8, line 30, by striking the figure
35 "85.00" and inserting the following: "84.00".

36 12. Page 8, line 31, by striking the words
37 "department of banking" and inserting the following:
38 "banking division".

39 13. Page 9, line 3, by striking the word
40 "department" and inserting the following: "division".

41 14. Page 9, line 9, by striking the word
42 "department's" and inserting the following:
43 "division's".

44 15. Page 9, line 10, by striking the words
45 "department must" and inserting the following:
46 "division must".

47 16. Page 9, by striking lines 14 through 18 and
48 inserting the following:

49 "5. CREDIT UNION DIVISION".

50 17. Page 9, line 22, by striking the figure

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Page 2

1 "1,039,372" and inserting the following: "956,280".
2 18. Page 9, line 23, by striking the figure
3 "20.00" and inserting the following: "18.00".
4 19. Page 9, line 24, by striking the words
5 "department of credit unions" and inserting the
6 following: "credit union division".
7 20. Page 9, line 32, by striking the word
8 "department" and inserting the following: "division".
9 21. Page 10, line 2, by striking the word
10 "department's" and inserting the following:
11 "division's".
12 22. Page 10, line 3, by striking the word
13 "department" and inserting the following: "division".
14 23. Page 10, by striking lines 8 through 12 and
15 inserting the following:
16 "6. INSURANCE DIVISION".
17 24. Page 10, line 16, by striking the figure
18 "4,667,435" and inserting the following: "4,573,907".
19 25. Page 10, line 17, by striking the figure
20 "86.00" and inserting the following: "84.00".
21 26. Page 10, line 18, by striking the words
22 "department of insurance" and inserting the following:
23 "insurance division".
24 27. Page 10, lines 20 and 21, by striking the
25 words "department of insurance" and inserting the
26 following: "insurance division".
27 28. Page 10, line 25, by striking the word
28 "department" and inserting the following: "division".
29 29. By striking page 10, line 33 through page 11,
30 line 2 and inserting the following:
31 "7. UTILITIES DIVISION".
32 30. Page 11, line 6, by striking the figure
33 "4,875,945" and inserting the following: "4,689,087".
34 31. Page 11, line 7, by striking the figure
35 "78.00" and inserting the following: "74.00".
36 32. Page 11, line 8, by striking the words
37 "department of utilities" and inserting the following:
38 "utilities division".
39 33. Page 11, line 11, by striking the word
40 "department" and inserting the following: "division".
41 34. Page 11, line 17, by striking the word
42 "department" and inserting the following: "division".
43 35. Page 11, line 18, by striking the word
44 "department" and inserting the following: "division".
45 36. Page 11, line 20, by striking the words "the
46 department" and inserting the following: "the
47 division".
48 37. By striking page 12, line 34 through page 17,
49 line 13.
50 38. By striking page 20, line 32 through page 21,

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Page 3

1 line 23.
2 39. Page 21, by striking line 29.
3 40. Title page, by striking lines 7 through 10
4 and inserting the following: "department of commerce,
5 and the racing and gaming commission, and providing".
6 41. By renumbering as necessary.

By DERRYL McLAREN

S-3140 FILED MARCH 16, 1993

ADOPTED, MOTION TO RECONSIDER-ADOPTED, LOST

3/18/93 House-Appropriations Comm.
4/1/93 House - Do Pass

SENATE FILE 266
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 1058JA)

(AS AMENDED AND PASSED BY THE SENATE MARCH 17, 1993)

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

Passed Senate, Date 5/11/93 (P. 1526) Passed House, Date 4/13/93 (1199)
Vote: Ayes 48 Nays 1 Vote: Ayes 55 Nays 45

Approved Item 5/19/93 R
53/47
(P. 1932) 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 campaign finance
4 disclosure commission, the department of employment services,
5 the department of inspections and appeals, the office of the
6 state public defender, public employment relations board,
7 department of licensing and regulation, department of
8 alcoholic beverages, department of banking, department of
9 credit unions, department of insurance, department of
10 utilities, and the racing and gaming commission and providing
11 effective dates.

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

13 Senate Conf. Comm. 4/23/93 House Conference Comm -
14 Vilsack Corbett
15 Lettings Hanson
16 Bisignano McClell
17 Bensink Luckinson
18 Hedge McCoy
19 2nd Conf. Comm 4-29-93 2nd Conf. Comm. 4/30 (P. 1853)
20 Vilsack Rife Hanson Doediker
Bisignano Slife McClell Luckinson
Welch McCoy

SF 266

SF 266
mj/cc/26

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, 1993, and ending
4 June 30, 1994, 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 \$ 1,134,051
10 FTEs 117.00

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. CAMPAIGN FINANCE DISCLOSURE COMMISSION. There is
23 appropriated from the general fund of the state to the
24 campaign finance disclosure commission for the fiscal year
25 beginning July 1, 1993, and ending June 30, 1994, 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 \$ 301,924
32 FTEs 6.00

33 Of the amount appropriated in this section, \$45,000 is to
34 be used to purchase computer equipment and software necessary
35 to continue and enhance the current records database.

1 Sec. 3. DEPARTMENT OF EMPLOYMENT SERVICES. There is
 2 appropriated from the general fund of the state to the
 3 department of employment services for the fiscal year
 4 beginning July 1, 1993, and ending June 30, 1994, the
 5 following amounts, or so much thereof as is necessary, for the
 6 purposes designated, including that the department of
 7 employment services, the department of personnel, and the
 8 department of management shall ensure that all nonsupervisory
 9 full-time equivalent positions authorized and funded for the
 10 department of employment services in this section will be
 11 utilized during the fiscal year beginning July 1, 1993, and
 12 ending June 30, 1994, and during future fiscal years, and will
 13 not be held vacant, to ensure that the backlog of cases in
 14 that department will be reduced as rapidly as possible:

15 1. DIVISION OF LABOR SERVICES

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

25	\$	2,313,374
26	FTEs	87.50

27 From the contractor registration fees, the division of
 28 labor services shall reimburse the department of inspections
 29 and appeals for all costs associated with hearings under
 30 chapter 91C, relating to contractor registration.

31 2. DIVISION OF INDUSTRIAL SERVICES

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

35	\$	1,862,830
----------	----	-----------

1 FTEs 31.00

2 Sec. 4. FEDERAL FUNDS APPROPRIATED FOR BUILDING REPAIR.

3 There is appropriated out of the funds made available to this
 4 state pursuant to section 903 of the federal Social Security
 5 Act, as amended, for the fiscal year beginning July 1, 1993,
 6 and ending June 30, 1994, \$645,000, to the department of
 7 employment services to correct health and safety problems
 8 including roof repair and asbestos removal and encapsulation
 9 for the state administrative office building located at 1000
 10 East Grand, Des Moines, Iowa.

11 The moneys appropriated in this section shall not be
 12 obligated after June 30, 1995. The amount obligated pursuant
 13 to this section during any twelve-month period beginning on
 14 July 1 and ending on June 30 shall not exceed the amount
 15 available for obligation pursuant to section 903 of the
 16 federal Social Security Act, as amended, and as reflected in
 17 the accounts of the division of job service of the department
 18 of employment services and the United States department of
 19 labor.

20 Sec. 5. ADMINISTRATIVE CONTRIBUTION SURCHARGE FUND. There
 21 is appropriated from the administrative contribution surcharge
 22 fund of the state to the department of employment services for
 23 the fiscal year beginning July 1, 1993, and ending June 30,
 24 1994, the following amount, or so much thereof as is
 25 necessary, for the purposes designated:

26 DIVISION OF JOB SERVICE

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

31 \$ 6,275,387
 32 FTEs 139.21

33 Of the amount appropriated under this section, \$200,000
 34 shall be used by the department to conduct labor availability
 35 surveys. As a condition of this expenditure, the department

1 shall require that all communities which are scheduled to be
2 surveyed during the fiscal year shall contribute a percentage
3 of the cost of completing the community surveys as agreed to
4 by the department and each community to be surveyed.

5 1. The department of employment services shall provide
6 services throughout the fiscal year beginning July 1, 1993,
7 and ending June 30, 1994, in all communities in which job
8 service offices are operating on July 1, 1993. However, this
9 provision shall not prevent the consolidation of multiple
10 offices within the same city or the colocation of job service
11 offices with another public agency.

12 2. The division of industrial services shall not reduce
13 the number of scheduled hearings of contested cases or
14 eliminate the venue of such hearings, as established by the
15 division for the period beginning January 1, 1993, and ending
16 January 20, 1994. The division shall also establish a
17 substantially similar schedule for such hearings for the
18 period beginning January 20, 1994, and ending June 30, 1994.
19 The division shall report to the legislative fiscal bureau
20 concerning any modification of the established schedule, or
21 any changes which the division determines are necessary in
22 establishing the schedule for the period beginning January 20,
23 1994, and ending June 30, 1994.

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

30 Sec. 6. EMPLOYMENT SECURITY CONTINGENCY FUND. There is
31 appropriated from the special employment security contingency
32 fund to the department of employment services for the fiscal
33 year beginning July 1, 1993, and ending June 30, 1994, the
34 following amounts, or so much thereof as is necessary, for the
35 purposes designated and subject to the requirement that the

1 appropriation to the division of labor services under this
 2 section be fully funded from the special employment security
 3 contingency fund prior to any amounts being used to fund the
 4 appropriation made to the division of industrial services
 5 under this section:

6 1. DIVISION OF LABOR SERVICES

7 For salaries, support, maintenance, and miscellaneous
 8 purposes:

9 \$ 296,508

10 2. DIVISION OF INDUSTRIAL SERVICES

11 For salaries, support, maintenance, and miscellaneous
 12 purposes:

13 \$ 175,494

14 Sec. 7. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
 15 appropriated from the general fund of the state to the
 16 department of inspections and appeals for the fiscal year
 17 beginning July 1, 1993, and ending June 30, 1994, the
 18 following amounts, or so much thereof as is necessary, for the
 19 purposes designated:

20 1. FINANCE AND SERVICES DIVISION

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

24 \$ 474,628

25 FTEs 22.00

26 2. AUDITS DIVISION

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

30 \$ 340,548

31 FTEs 10.00

32 3. APPEALS AND FAIR HEARINGS DIVISION

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

1 \$ 211,539
 2 FTEs 24.00

3 It is the intent of the general assembly that a process for
 4 the administrative review of requests for postconviction
 5 relief under chapter 822 and from final decisions made by
 6 administrative law judges appointed by the department of
 7 corrections, be established in the fair hearings and appeals
 8 division of the department of inspections and appeals. The
 9 department shall review existing judicial procedures for the
 10 processing of requests for postconviction relief and make
 11 recommendations to the general assembly by the commencement of
 12 the legislative session which convenes in January 1994, for
 13 the establishment of such an administrative process.

14 4. INVESTIGATIONS DIVISION

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

18 \$ 511,332
 19 FTEs 34.00

20 5. HEALTH FACILITIES DIVISION

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

24 \$ 1,374,975
 25 FTEs 101.00

26 6. INSPECTIONS DIVISION

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

30 \$ 564,586
 31 FTEs 13.00

32 7. EMPLOYMENT APPEAL BOARD

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

1 \$ 44,700

2 FTEs 16.80

3 The employment appeal board shall be reimbursed by the
4 labor services division of the department of employment
5 services for all costs associated with hearings conducted
6 under chapter 91C, related to contractor registration. The
7 board may expend, in addition to the amount appropriated under
8 this subsection, such amounts as are directly billable to the
9 labor services division under this subsection and to retain
10 such additional full-time equivalent positions as needed to
11 conduct hearings required pursuant to chapter 91C.

12 Sec. 8. STATE PUBLIC DEFENDER. There is appropriated from
13 the general fund of the state to the office of the state
14 public defender for the fiscal year beginning July 1, 1993,
15 and ending June 30, 1994, the following amounts, or so much
16 thereof as is necessary, for the purposes designated:

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

20 \$ 7,622,502

21 FTEs 140.80

22 The judicial department shall provide, within thirty days
23 after the end of each calendar quarter, a written report
24 concerning adult and juvenile indigent defense, to the state
25 public defender's office and the department of inspections and
26 appeals, including the amount of restitution collected for
27 attorney fees as follows:

28 a. By county.

29 b. By case type in the following categories:

30 (1) Juvenile cases involving delinquency actions, child in
31 need of assistance actions, or termination of parental rights
32 actions.

33 (2) Adult cases involving misdemeanor or felony
34 prosecutions.

35 2. For indigent court-appointed attorney fees for adults

1 and juveniles, notwithstanding section 232.141 and chapter
2 815:

3 \$ 8,778,665

4 Sec. 9. 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. 10. 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, 1993, and ending
13 June 30, 1994, 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 \$ 898,938

18 Sec. 11. PUBLIC EMPLOYMENT RELATIONS BOARD. There is
19 appropriated from the general fund of the state to the public
20 employment relations board for the fiscal year beginning July
21 1, 1993, and ending June 30, 1994, the following amount, or so
22 much thereof as is necessary, for the purposes designated:

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

26 \$ 703,296

27 FTEs 12.60

28 Sec. 12. DEPARTMENT OF PROFESSIONAL LICENSING AND
29 REGULATION. There is appropriated from the general fund of
30 the state to the department of professional licensing and
31 regulation for the fiscal year beginning July 1, 1993, and
32 ending June 30, 1994, the following amounts, or so much
33 thereof as is necessary, for the purposes designated:

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

1 positions:

2 \$ 864,687

3 FTEs 13.00

4 Sec. 13. DEPARTMENT OF ALCOHOLIC BEVERAGES. There is
5 appropriated from the general fund of the state to the
6 department of alcoholic beverages for the fiscal year
7 beginning July 1, 1993, and ending June 30, 1994, the
8 following amounts, or so much thereof as is necessary, for the
9 purposes designated:

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

13 \$ 1,932,700

14 FTEs 34.50

15 Sec. 14. DEPARTMENT OF BANKING. There is appropriated
16 from the general fund of the state to the department of
17 banking for the fiscal year beginning July 1, 1993, and ending
18 June 30, 1994, the following amounts, or so much thereof as is
19 necessary, for the purposes designated:

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

23 \$ 5,314,308

24 FTEs 85.00

25 The department of banking may expend additional funds,
26 including funds for additional personnel, if those additional
27 expenditures are actual expenses which exceed the funds
28 budgeted for bank examinations and directly result from
29 examinations of banks. The amounts necessary to fund the
30 excess examination expenses shall be collected from banks
31 being regulated, and the collections shall be treated as
32 repayment receipts as defined in section 8.2. The department
33 shall notify in writing the legislative fiscal bureau and the
34 department of management when hiring additional personnel.
35 The written notification shall include documentation that any

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

8 Sec. 15. DEPARTMENT OF CREDIT UNIONS. There is
 9 appropriated from the general fund of the state to the
 10 department of credit unions for the fiscal year beginning July
 11 1, 1993, and ending June 30, 1994, the following amounts, or
 12 so much thereof as is necessary, for the purposes designated:

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

16	\$ 1,039,372
17	FTEs 20.00

18 The department of credit unions may expend additional
 19 funds, including funds for additional personnel, if those
 20 additional expenditures are actual expenses which exceed the
 21 funds budgeted for credit union examinations and directly
 22 result from examinations of credit unions. The amounts
 23 necessary to fund the excess examination expenses shall be
 24 collected from credit unions being regulated, and the
 25 collections shall be treated as repayment receipts as defined
 26 in section 8.2. The department shall notify in writing the
 27 legislative fiscal bureau and the department of management
 28 when hiring additional personnel. The written notification
 29 shall include documentation that any additional expenditure
 30 related to such hiring will be totally reimbursed to the
 31 general fund, and shall also include the department's
 32 justification for hiring such personnel. The department must
 33 obtain the approval of the department of management only if
 34 the number of additional personnel to be hired exceeds the
 35 number of full-time equivalent positions authorized by this

1 section.

2 Sec. 16. DEPARTMENT OF INSURANCE. There is appropriated
3 from the general fund of the state to the department of
4 insurance for the fiscal year beginning July 1, 1993, and
5 ending June 30, 1994, the following amounts, or so much
6 thereof as is necessary, for the purposes designated:

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

10	\$	4,667,435
11	FTEs	86.00

12 The department of insurance may reallocate authorized full-
13 time equivalent positions as necessary to respond to
14 accreditation recommendations or requirements. The department
15 of insurance expenditures for examination purposes may exceed
16 the projected receipts, refunds and reimbursements, estimated
17 pursuant to section 505.7, subsection 7, including the
18 expenditures for retention of additional personnel, if such
19 expenditures are fully reimburseable and the department first
20 does both of the following:

21 1. Notifies the department of management, legislative
22 fiscal bureau, and the legislative fiscal committee of the
23 need for such expenditures.

24 2. Files with each of the entities named in subsection 1
25 the legislative and regulatory justification for such
26 expenditures, along with an estimate of the expenditures.

27 Sec. 17. DEPARTMENT OF UTILITIES. There is appropriated
28 from the general fund of the state to the department of
29 utilities for the fiscal year beginning July 1, 1993, and
30 ending June 30, 1994, the following amounts, or so much
31 thereof as is necessary, for the purposes designated:

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

35	\$	4,875,945
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1 FTEs 78.00

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

20 Sec. 18. RACING AND GAMING COMMISSION. There is
 21 appropriated from the general fund of the state to the racing
 22 and gaming commission of the department of inspections and
 23 appeals for the fiscal year beginning July 1, 1993, and ending
 24 June 30, 1994, the following amount, or so much thereof as is
 25 necessary, to be used for the purposes designated:

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

29 \$ 1,672,245

30 FTEs 19.27

* 31 2. Notwithstanding section 8.39, the racing and gaming
 32 commission shall not expend funds appropriated to the
 33 commission for the fiscal year beginning on July 1, 1993, and
 34 ending on June 30, 1994, for the regulation of any racetrack
 35 unless such regulation was authorized on or before July 1,

1 1992. Additionally, funds appropriated for the regulation of
2 a racetrack authorized to offer live racing or simulcasting
3 shall revert to the general fund and shall not be used for any
4 other purpose if such track does not offer, or ceases to
5 offer, live racing or simulcasting.

6 Sec. 19. EXCURSION BOAT REGULATION. There is appropriated
7 from the general fund of the state to the racing and gaming
8 commission of the department of inspections and appeals for
9 the fiscal year beginning July 1, 1993, and ending June 30,
10 1994, the following amount, or so much thereof as is
11 necessary, to be used for the purposes designated:

12 For salaries, support, maintenance, and miscellaneous
13 purposes for administration and enforcement of the excursion
14 boat gambling laws, and for not more than the following full-
15 time equivalent positions:

16	\$	601,682
17	FTEs	12.51

18 Sec. 20. Section 123.3, subsection 14, Code 1993, is
19 amended to read as follows:

20 14. "Division Department" means the department of
21 alcoholic beverages division-of-the-department-of-commerce
22 established by this chapter.

23 Sec. 21. Section 123.4, Code 1993, is amended to read as
24 follows:

25 123.4 DEPARTMENT OF ALCOHOLIC BEVERAGES DIVISION CREATED.

26 An A department of alcoholic beverages division is created
27 within-the-department-of-commerce to administer and enforce
28 the laws of this state concerning beer, wine, and alcoholic
29 liquor.

30 Sec. 22. Section 474.1, Code 1993, is amended to read as
31 follows:

32 474.1 CREATION OF DIVISION DEPARTMENT AND BOARD --
33 ORGANIZATION.

34 A department of utilities division is created within-the
35 department-of-commerce. The policymaking body for the

1 division department is the utilities board which is created
2 within the division department. The board is composed of
3 three members appointed by the governor and subject to
4 confirmation by the senate, not more than two of whom shall be
5 from the same political party. Each member appointed shall
6 serve for six-year staggered terms beginning and ending as
7 provided by section 69.19. Vacancies shall be filled for the
8 unexpired portion of the term in the same manner as full-term
9 appointments are made.

10 The utilities board shall organize by appointing an
11 executive secretary, who shall take the same oath as the
12 members. The board shall set the salary of the executive
13 secretary within the limits of the pay plan for exempt
14 positions provided for in section 19A.9, subsection 2, unless
15 otherwise provided by the general assembly. The board may
16 employ additional personnel as it finds necessary. Subject to
17 confirmation by the senate, the governor shall appoint a
18 member as the chairperson of the board. The chairperson shall
19 be the administrator director of the department of utilities
20 division. The appointment as chairperson shall be for a two-
21 year term which begins and ends as provided in section 69.19.

22 As used in this chapter and chapters 475A, 476, 476A, 478,
23 479, and 479A, "division"-and-"utilities-division"-mean
24 "department" means the department of utilities division-of-the
25 department-of-commerce.

26 Sec. 23. Section 505.1, Code 1993, is amended to read as
27 follows:

28 505.1 DEPARTMENT OF INSURANCE DIVISION CREATED.

29 An A department of insurance division is created within-the
30 department-of-commerce to regulate and supervise the
31 conducting of the business of insurance in the state. The
32 commissioner of insurance is the chief executive officer of
33 the division department. As used in this chapter, the rest of
34 the insurance title, and chapters 502, 503, and 535C,
35 "division" "department" means the department of insurance

1 division.

2 Sec. 24. Section 524.206, Code 1993, is amended to read as
3 follows:

4 524.206 DEPARTMENT OF BANKING DIVISION CREATED.

5 The A department of banking division is created within-the
6 department-of-commerce.

7 Sec. 25. Section 533.52, Code 1993, is amended to read as
8 follows:

9 533.52 DEPARTMENT OF CREDIT UNION-DIVISION UNIONS CREATED.

10 A department of credit union-division-of-the-department-of
11 commerce unions is created to administer this chapter.

12 Sec. 26. Section 534.102, subsection 28, Code 1993, is
13 amended to read as follows:

14 28. "Superintendent" means the superintendent of savings
15 and loan associations who is the director of the department of
16 commerce banking.

17 Sec. 27. Section 534.401, subsection 1, Code 1993, is
18 amended to read as follows:

19 1. Division of savings and loan associations created --
20 superintendent. A savings and loan association division is
21 created within the department of commerce banking. The
22 superintendent of savings and loan associations is the chief
23 administrative officer of the division.

24 Sec. 28. NEW SECTION. 545A.1 DEPARTMENT OF PROFESSIONAL
25 LICENSING AND REGULATION -- REVOLVING FUND.

26 1. The department of professional licensing and regulation
27 shall administer and coordinate the licensing and regulation
28 of several professions by bringing together the following
29 licensing boards:

30 a. The engineering and land surveying examining board
31 created pursuant to chapter 542B.

32 b. The accountancy examining board created pursuant to
33 chapter 542C.

34 c. The real estate commission created pursuant to chapter
35 543B.

1 d. The architectural examining board created pursuant to
2 chapter 544A.

3 e. The landscape architectural examining board created
4 pursuant to chapter 544B.

5 2. The department is headed by the director of
6 professional licensing and regulation who shall be appointed
7 by the governor subject to confirmation by the senate and
8 shall serve a four-year term that begins and ends as provided
9 in section 69.19. A vacancy shall be filled for the unexpired
10 portion of the term in the same manner as a full-term
11 appointment is made. The director shall appoint and supervise
12 staff and shall coordinate activities for the licensing boards
13 within the department. The director shall act as a staff
14 person to one or more of the licensing boards.

15 3. The licensing and regulation examining boards included
16 in the department pursuant to subsection 1 retain the powers
17 granted them pursuant to the chapters in which they are
18 created, except for budgetary and personnel matters which
19 shall be handled by the director. Each licensing board shall
20 adopt rules pursuant to chapter 17A. Decisions by a licensing
21 board are final agency actions for purposes of chapter 17A.

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

1 examination expenses. The amounts necessary to fund the
2 examination expenses shall be collected as fees from
3 additional examination applicants and shall be treated as
4 repayment receipts as defined in section 8.2, subsection 8.

5 5. There is created in the office of the treasurer of
6 state a professional licensing revolving fund. Fees collected
7 under chapters 542B, 542C, 543B, 543D, 544A, and 544B shall be
8 paid to the treasurer of state and credited to the
9 professional licensing revolving fund. All expenses required
10 in the discharge of the duties and responsibilities imposed
11 upon the department of professional licensing and regulation,
12 the director, and the licensing boards by the laws of this
13 state shall be paid from the revolving fund and appropriated
14 by the general assembly from the fund. Transfers shall not be
15 made from the general fund of the state or any other fund for
16 the payment of expenses of the department. Fees collected by
17 the department shall not be transferred to the general fund.
18 The funds held by the treasurer of state for the department of
19 professional licensing and regulation shall be invested by the
20 treasurer of state and the income derived from the investments
21 shall be credited to the general fund of the state.

22 Notwithstanding the provisions of this subsection and
23 sections 542B.12, 542C.3, 543B.14, 543D.6, 544A.11, and
24 544B.14 directing that fees and other moneys be deposited into
25 the professional licensing revolving fund and not be
26 transferred to the general fund of the state, and directing
27 that expenses be paid from the professional licensing
28 revolving fund, for the fiscal period beginning on July 1,
29 1991, and ending June 30, 1993, all fees collected under those
30 sections shall be deposited into the general fund of the state
31 and expenses required to be paid under this subsection shall
32 be paid from funds appropriated for those purposes.

33 Sec. 29. Section 815.4, Code 1993, is amended to read as
34 follows:

35 815.4 SPECIAL WITNESSES FOR INDIGENTS.

1 Witnesses secured for indigent or partially indigent
2 defendants under R.Cr.P. 19 must file a claim for compensation
3 supported by an affidavit specifying the time expended,
4 services rendered, and expenses incurred on behalf of the
5 defendant.

6 Sec. 30. Section 815.5, Code 1993, is amended to read as
7 follows:

8 815.5 EXPERT WITNESSES FOR STATE AND DEFENSE.

9 Notwithstanding the provisions of section 622.72,
10 reasonable compensation as determined by the court shall be
11 awarded expert witnesses, expert witnesses for ~~indigents~~ an
12 indigent or partially indigent person referred to in section
13 815.4, or called by the state in criminal cases.

14 Sec. 31. Section 815.9, subsection 1, Code 1993, is
15 amended by striking the subsection and inserting in lieu
16 thereof the following:

17 1. For purposes of this chapter, section 68.8, section
18 222.22, chapter 232, chapter 814, and the rules of criminal
19 procedure, the following apply:

20 a. A person is indigent if the person has an income level
21 at or below the United States poverty level as defined by the
22 most recently revised poverty income guidelines published by
23 the United States department of health and human services.

24 b. A person is partially indigent if the person has an
25 income level greater than one hundred percent but not more
26 than two hundred fifty percent of the United States poverty
27 level as defined by the most recently revised poverty income
28 guidelines published by the United States department of health
29 and human services.

* 30 Sec. 32. Section 815.9, subsection 2, Code 1993, is
31 amended by striking the subsection and inserting in lieu
32 thereof the following:

33 2. A determination of the indigent status of a person
34 shall be made on the person's initial appearance before a
35 court. If a person is granted legal assistance as an indigent

1 or partial indigent, the financial statement shall be filed
2 and permanently retained in the person's court file.

3 The supreme court shall adopt rules under section 602.4202
4 prescribing the form and content of the financial statement
5 upon which a determination of indigency shall be based. The
6 financial statement shall contain sufficient information to
7 allow the determination to be made of whether the person meets
8 the guidelines set out in subsection 1 and shall be
9 accompanied by the person's most recent pay slip, if employed.

10 Sec. 33. Section 815.9, subsection 3, Code 1993, is
11 amended to read as follows:

12 3. A person who knowingly submits a false financial
13 statement or pay slip for the purpose of obtaining legal
14 assistance at public expense commits a fraudulent practice.
15 As used in this subsection, "legal assistance" includes legal
16 counsel, transcripts, witness fees and expenses, and any other
17 goods or services required by law to be provided to an
18 indigent or partially indigent person at public expense.

19 Sec. 34. NEW SECTION. 815.9A RECOVERY OF INDIGENT
20 DEFENSE COSTS.

21 1. Costs incurred for indigent defense shall be paid to
22 the clerk of the district court by the person receiving the
23 services not later than the date of sentencing or, if the
24 person is acquitted or the charges are dismissed, within
25 thirty days of the acquittal or dismissal, as follows:

26 a. If the person has an income level as determined
27 pursuant to section 815.9 greater than one hundred percent but
28 not more than one hundred fifty percent of the poverty
29 guidelines, one hundred dollars or the total indigent defense
30 costs, whichever is lower.

31 b. If the person has an income level as determined
32 pursuant to section 815.9 greater than one hundred fifty
33 percent but not more than two hundred percent of the poverty
34 guidelines, two hundred dollars or the total indigent defense
35 costs, whichever is lower.

1 c. If the person has an income level as determined
2 pursuant to section 815.9 greater than two hundred percent but
3 not more than two hundred fifty percent of the poverty
4 guidelines, three hundred dollars or the total indigent
5 defense costs, whichever is lower.

6 Amounts in excess of the minimum amounts stated in
7 paragraphs "a" through "c" or amounts under those paragraphs
8 remaining uncollected shall be recovered in accordance with
9 section 910.2.

10 2. Fees received by the clerk of the district court under
11 this section shall be transferred to the treasurer of state
12 for deposit in the general fund of the state, notwithstanding
13 any other distribution provisions of the Code to the contrary.

14 Sec. 35. Section 815.10, subsections 1 and 2, Code 1993,
15 are amended to read as follows:

16 1. The court, for cause and upon its own motion or upon
17 application by an indigent or partially indigent person or a
18 public defender, shall appoint the state public defender or
19 the state public defender's designee pursuant to section
20 13B.4, or an attorney pursuant to section 13B.9 to represent
21 an indigent or partially indigent person at any stage of the
22 criminal or juvenile proceedings or on appeal of any criminal
23 or juvenile action in which the indigent or partially indigent
24 person is entitled to legal assistance at public expense.

25 However, in juvenile cases the court may directly appoint an
26 existing nonprofit corporation established for and engaged in
27 the provision of legal services for juveniles. An appointment
28 shall not be made unless the person is determined to be
29 indigent or partially indigent under section 815.9.

30 2. If a court finds that a person desires legal assistance
31 and is not indigent or partially indigent, but refuses to
32 employ an attorney, the court shall appoint the state public
33 defender or the state public defender's designee pursuant to
34 section 13B.4, or an attorney pursuant to section 13B.9 to
35 represent the person. The cost of providing legal assistance

1 shall be taxed as a court cost against the person.

2 Sec. 36. Section 815.11, Code 1993, is amended to read as
3 follows:

4 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.

5 Costs incurred under sections section 814.9, 814.10,
6 814.11, 815.4, 815.5, 815.6, 815.7, or 815.10, or the rules of
7 criminal procedure on behalf of an indigent or partially
8 indigent person shall be paid from funds appropriated by the
9 general assembly to the department of inspections and appeals
10 for those purposes.

11 Sec. 37. DIRECTIONS TO CODE EDITOR.

12 The Code editor shall make the following changes to conform
13 existing sections of the Code to changes made in this Act:

14 1. All references to the alcoholic beverages division
15 shall be changed to the "department" or "department of
16 alcoholic beverages" as appropriate.

17 2. All references to the utilities division shall be
18 changed to the "department" or "department of utilities" as
19 appropriate.

20 3. All references to the insurance division shall be
21 changed to the "department" or "department of insurance" as
22 appropriate.

23 4. All references to the banking division shall be changed
24 to the "department" or "department of banking" as appropriate.

25 5. All references to the credit union division shall be
26 changed to the "department" or "department of credit unions"
27 as appropriate.

28 6. All references to the professional licensing and
29 regulation division shall be changed to the "department" or
30 "department of professional licensing and regulation" as
31 appropriate.

32 7. All references to the department of commerce shall be
33 changed to reflect the repeal of chapter 546, as appropriate.

34 If necessary and appropriate, the Code editor shall include
35 reference changes which are not made pursuant to this section

1 in a Code editor's bill to be brought before the general
2 assembly for consideration during the 1994 regular session.

3 Sec. 38. FEDERAL GRANTS. All federal grants to and the
4 federal receipts of agencies appropriated funds under this
5 Act, not otherwise appropriated, are appropriated for the
6 purposes set forth in the federal grants or receipts unless
7 otherwise provided by the general assembly.

8 Sec. 39. Chapter 546, Code 1993, is repealed.

9 Sec. 40. EFFECTIVE DATES. Section 18, subsection 2, of
10 this Act, being deemed of immediate importance, is effective
11 upon enactment. Sections 29 through 36 of this Act take
12 effect on September 1, 1993.

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SENATE FILE 266

S-3699

1 Amend Senate File 266, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 13, by inserting after line 17, the
4 following:

5 "Section 100. Section 99D.11, subsection 6,
6 paragraph b, Code 1993, is amended to read as follows:

7 b. The commission ~~may~~ shall authorize the licensee
8 to simultaneously telecast within the racetrack
9 enclosure, for the purpose of pari-mutuel wagering, a
10 horse or dog race licensed by the racing authority of
11 another state subject to the requirements of this
12 paragraph. It is the responsibility of each licensee
13 to obtain the consent of appropriate racing officials
14 in other states as required by the federal Interstate
15 Horseracing Act of 1978, 15 U.S.C. § 3001-3007, to
16 televise races for the purpose of conducting pari-
17 mutuel wagering. A licensee may also obtain the
18 permission of a person licensed by the commission to
19 conduct horse or dog races in this state to televise
20 races conducted by that person for the purpose of
21 conducting pari-mutuel racing. However, arrangements
22 made by a licensee to televise any race for the
23 purpose of conducting pari-mutuel wagering are subject
24 to the approval of the commission, and the commission
25 shall select the races to be televised. The races
26 selected by the commission shall be the same for all
27 licensees approved by the commission to televise races
28 for the purpose of conducting pari-mutuel wagering.
29 The commission shall not authorize the simultaneous
30 telecast or televising of and a licensee shall not
31 simultaneously telecast or televise any horse or dog
32 race for the purpose of conducting pari-mutuel
33 wagering unless the simultaneous telecast or
34 televising is done at the racetrack of a licensee that
35 schedules no less than ~~ninety~~ sixty performances of
36 nine live races each day of the season. For purposes
37 of the taxes imposed under this chapter, races
38 televised by a licensee for purposes of pari-mutuel
39 wagering shall be treated as if the races were held at
40 the racetrack of the licensee.

41 Sec. 101. Section 99F.1, subsections 8 and 15,
42 Code 1993, are amended by striking the subsections.

43 Sec. 102. Section 99F.4, subsection 4, Code 1993,
44 is amended to read as follows:

45 4. To regulate the wagering structure for gambling
46 excursions including providing a maximum ~~wager-of-five~~
47 ~~dollars-per-hand-or-play-and-maximum~~ loss of ~~two~~
48 ~~hundred one thousand~~ dollars per individual player per
49 gambling excursion. The commission shall provide that
50 each excursion gambling boat has at least one type of

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Page 2

1 table gambling game for low stakes wagers of five
2 dollars or less per hand or play.

3 Sec. 103. Section 99F.4, Code 1993, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 16A. To specify the excursion
6 season and the off-season for excursion gambling
7 boats.

8 Sec. 104. Section 99F.4, subsection 17, Code 1993,
9 is amended to read as follows:

10 17. To define the duration of an excursion which
11 shall be at least three hours during the excursion
12 season. ~~For the off-season, the commission shall~~
13 ~~adopt rules limiting times of admission to excursion~~
14 ~~gambling boats consistent with maximum loss per player~~
15 ~~per gambling excursion specified in subsection 4.~~

16 Sec. 105. Section 99F.4, subsection 20, Code 1993,
17 is amended by striking the subsection and inserting in
18 lieu thereof the following:

19 20. To require a licensee to schedule at least
20 three hundred sixty cruises annually. Between May 15
21 and October 15 of each year, the commission shall
22 require at least one excursion daily, and otherwise
23 allow a licensee to conduct gambling games as if the
24 licensee were operating during the off-season.

25 Sec. 106. Section 99F.7, subsection 5, paragraph
26 a, Code 1993, is amended by striking the paragraph.

27 Sec. 107. Section 99F.7, subsection 10, paragraph
28 c, Code 1993, is amended to read as follows:

29 c. If, after July 1, 1989, section 99F.4,
30 subsection 4 or 99F.9, subsection 2, is amended, the
31 board of supervisors of a county in which excursion
32 boat gambling has been approved before January 1,
33 1993, shall submit to the county electorate a
34 proposition to approve or disapprove the conduct of
35 gambling games pursuant to any amendment to the
36 subsections on excursion gambling boats at a special
37 election at the earliest practicable time. If
38 excursion boat gambling pursuant to the amendment is
39 not approved at the election, paragraph "b" does not
40 apply to the licenses and the commission shall cancel
41 the licenses issued for the county within sixty days
42 of the unfavorable referendum.

43 Sec. 108. Section 99F.9, subsection 2, Code 1993,
44 is amended to read as follows:

45 2. Licensees shall only allow a maximum wager of
46 ~~five dollars per hand or play and a maximum~~ loss of
47 two hundred one thousand dollars per person during
48 each gambling excursion. ~~However, the commission may~~
49 ~~adopt rules allowing additional wagers consistent with~~
50 ~~generally accepted wagering options in the games of~~

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Page 3

1 ~~twenty-one-and-dice-~~

2 Sec. 109. Section 99F.9, subsection 6, Code 1993,
3 is amended to read as follows:

4 6. A person under the age of eighteen twenty-one
5 years shall not make a wager on an excursion gambling
6 boat and shall not be allowed in the area of the
7 excursion boat where gambling is being conducted.
8 However, an employee who is at least eighteen years of
9 age may work in the gambling area.

10 Sec. 110. Section 99F.9, subsection 7, Code 1993,
11 is amended by striking the subsection.

12 Sec. 111. Section 99F.15, subsection 2, Code 1993,
13 is amended to read as follows:

14 2. A person knowingly permitting a person under
15 the age of eighteen twenty-one years to make a wager
16 is guilty of a simple misdemeanor.

17 Sec. _____. Sections 100 through 111 of this Act,
18 and this section, being deemed of immediate
19 importance, take effect upon enactment."

By MILLAGE of Scott

OLLIE of Clinton

ARNOULD of Scott

BRAUNS of Muscatine

NELSON of Pottawattamie

LUNDBY of Linn

JOCHUM of Dubuque

MURPHY of Dubuque

GRUBBS of Scott

MARTIN of Scott

WISE of Lee

COHOON of Des Moines

LARKIN of Lee

HENDERSON of Scott

3699 FILED APRIL 2, 1993

Last 4-13-93 (P 1189)

SENATE FILE 266

H-3720

1 Amend Senate File 266, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 12, by inserting after line 30 the
4 following:

5 "1A. Notwithstanding section 8.39, the racing and
6 gaming commission shall not expend funds appropriated
7 to the commission for the fiscal year beginning on
8 July 1, 1992, and ending on June 30, 1993, for the
9 regulation of any racetrack unless such regulation was
10 authorized on or before July 1, 1992. Additionally,
11 funds appropriated for the regulation of a racetrack
12 authorized to offer live racing or simulcasting shall
13 revert to the general fund and shall not be used for
14 any other purpose if such track does not offer, or
15 ceases to offer, live racing or simulcasting."

16 2. Page 22, line 9, by striking the word and
17 figure "subsection 2" and inserting the following:
18 "subsections 1A and 2".

19 3. Page 22, line 10, by striking the word "is"
20 and inserting the following: "are".

21 4. Renumber as necessary.

Last 4/12/93 (P 1166)

H-3720 FILED APRIL 5, 1993

By DICKINSON of Jackson
MURPHY of Dubuque

SENATE FILE 266

H-3753

1 Amend Senate File 266, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 13, by inserting after line 17, the
4 following:
5 "Sec. ____ . Section 99F.10, subsection 4, Code
6 1993, is amended to read as follows:
7 4. In determining the license fees and state
8 admission fees to be charged as provided under section
9 99F.4 and this section, the commission shall use the
10 amount appropriated to the commission plus the cost of
11 auditing excursion gambling boat activities as the
12 basis for determining the amount of revenue to be
13 raised from the license fees and admission fees. The
14 costs of auditing shall include, but not be limited
15 to, salary and associated costs incurred by other
16 agencies of the state for personnel assigned to
17 enforcement of excursion boat gambling rules and
18 regulations adopted by the commission."
19 2. By renumbering as necessary.

By HALVORSON of Webster
OSTERBERG of Linn

H-3753 FILED APRIL 6, 1993

WITHDRAWN 4-13-93

SENATE FILE 266

H-3818

1 Amend Senate File 266 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 13, by inserting after line 17 the
4 following:
5 "Sec. ____ . REDUCTION OF UPPER LEVEL MANAGEMENT.
6 In order to right size upper level management in state
7 government, the department of management, in
8 consultation with the department of personnel, shall,
9 after discussion and collaboration with the agencies,
10 boards, offices, commissions, and departments
11 receiving appropriations in this Act, make reductions
12 of upper level management staff and employees with
13 salaries over \$60,000 per year from those existing in
14 those agencies, boards, offices, commissions, and
15 departments on July 1, 1993, as part of the effort
16 across all departments and agencies of state
17 government to achieve a net state general fund savings
18 of at least \$2,000,000 by June 30, 1994."
19 2. By renumbering as necessary.

By PETERSON of Carroll

H-3818 FILED APRIL 8, 1993

lost 4-13-93 (8.1195)

SENATE FILE 266

H-3820

1 Amend Senate File 266, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 18 through 24 and
4 inserting the following: "positions:".

5 2. By striking page 4, line 35, through page 5,
6 line 5, and inserting the following: "purposes
7 designated, and if a funding shortfall occurs, amounts
8 based on the same proportion of funds appropriated in
9 this section to the divisions:".

10 3. Page 8, lines 28 and 29, by striking the words
11 "PROFESSIONAL LICENSING AND REGULATION" and inserting
12 the following: "COMMERCE".

13 4. Page 8, lines 30 and 31, by striking the words
14 "professional licensing and regulation" and inserting
15 the following: "commerce".

16 5. Page 8, by inserting after line 33 the
17 following:

18 "1. PROFESSIONAL LICENSING AND REGULATION DIVISION

19 a."

20 6. Page 9, line 2, by striking the figure
21 "864,687" and inserting the following: "889,687".

22 7. Page 9, line 3, by striking the figure "13.00"
23 and inserting the following: "14.00".

24 8. Page 9, by inserting after line 3 the
25 following:

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

36 9. Page 9, by striking lines 4 through 9 and
37 inserting the following:

38 "2. ADMINISTRATIVE SERVICES DIVISION

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

42	\$	105,080
43	FTEs	2.00

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

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Page 2

1 3. ALCOHOLIC BEVERAGES DIVISION".
2 10. Page 9, by inserting after line 14, the
3 following:
4 "Of the amount appropriated in this section to the
5 division, \$105,080, or so much thereof as is
6 necessary, and 2 full-time equivalent positions shall
7 be used to coordinate administrative support to the
8 divisions in the department of commerce."
9 11. Page 9, by striking lines 15 through 19 and
10 inserting the following:
11 "4. BANKING DIVISION".
12 12. Page 9, line 25, by striking the words
13 "department of banking" and inserting the following:
14 "banking division".
15 13. Page 9, line 32, by striking the word
16 "department" and inserting the following: "division".
17 14. Page 10, line 3, by striking the word
18 "department's" and inserting the following:
19 "division's".
20 15. Page 10, line 4, by striking the words
21 "department must" and inserting the following:
22 "division must".
23 16. Page 10, by striking lines 8 through 12 and
24 inserting the following:
25 "5. CREDIT UNION DIVISION".
26 17. Page 10, line 18, by striking the words
27 "department of credit unions" and inserting the
28 following: "credit union division".
29 18. Page 10, line 26, by striking the word
30 "department" and inserting the following: "division".
31 19. Page 10, line 31, by striking the word
32 "department's" and inserting the following:
33 "division's".
34 20. Page 10, line 32, by striking the word
35 "department" and inserting the following: "division".
36 21. Page 11, by striking lines 2 through 6 and
37 inserting the following:
38 "6. INSURANCE DIVISION".
39 22. Page 11, line 10, by striking the figure
40 "4,667,435" and inserting the following: "2,707,415".
41 23. Page 11, line 11, by striking the figure
42 "86.00" and inserting the following: "85.00".
43 24. Page 11, line 12, by striking the words
44 "department of insurance" and inserting the following:
45 "insurance division".
46 25. Page 11, lines 14 and 15, by striking the
47 words "department of insurance" and inserting the
48 following: "insurance division".
49 26. Page 11, line 19, by striking the word
50 "department" and inserting the following: "division".

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Page 3

1 27. Page 11, by striking lines 27 through 31 and
2 inserting the following:
3 "7. UTILITIES DIVISION".
4 28. Page 11, line 35, by striking the figure
5 "4,875,945" and inserting the following: "4,830,885".
6 29. Page 12, line 1, by striking the figure
7 "78.00" and inserting the following: "77.00".
8 30. Page 12, line 2, by striking the words
9 "department of utilities" and inserting the following:
10 "utilities division".
11 31. Page 12, line 5, by striking the word
12 "department" and inserting the following: "division".
13 32. Page 12, line 11, by striking the word
14 "department" and inserting the following: "division".
15 33. Page 12, line 12, by striking the word
16 "department" and inserting the following: "division".
17 34. Page 12, line 14, by striking the words "the
18 department" and inserting the following: "the
19 division".
20 35. Page 13, line 16, by striking the figure
21 "601,682" and inserting the following: "677,419".
22 36. Page 13, line 17, by striking the figure
23 "12.51" and inserting the following: "14.18".
24 37. Page 13, by inserting after line 17 the fol-
25 lowing:
26 "It is the intent of the general assembly that the
27 racing and gaming commission shall only employ persons
28 in additional full-time equivalent positions for
29 riverboat gambling enforcement as authorized by the
30 department of management if necessary for enforcement
31 activities on new riverboats in excess of the total of
32 five riverboats for which enforcement activities are
33 currently provided. However, new positions filled
34 shall not exceed 2 FTEs per riverboat.
35 Sec. _____. Section 543B.46, subsections 6 and 7,
36 Code 1993, are amended to read as follows:
37 6. The commission will verify on a test basis, a
38 random sampling of the brokers, corporations, and
39 partnerships for their trust account compliance as-a
40 condition-of-licensure-renewal. Each-broker,
41 corporation,-and-partnership-shall-submit-a-special
42 report-or-audit-of-their-trust-account-to-the
43 commission-when-required.
44 ---The-special-report-or-audit-shall-be-submitted-with
45 the-filed-renewal-application-or-at-such-other-time-as
46 the-commission-may-direct.--In-addition,-the The
47 commission may upon reasonable cause, or as a part of
48 or after an investigation, request or order an audit
49 or special report. All-audits-and-special-reports
50 addressed-in-this-section-shall-be-conducted-at-the

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Page 4

~~1 expense-of-the-broker-by-a-certified-public
2 accountant-~~

3 7. The examination of a trust account shall have
4 been be conducted within-the-twelve-months-immediately
5 preceding-expiration-of-the-license-or-at-such-other
6 times-as-directed by the commission or the
7 commission's authorized representative. ~~The-report
8 shall-be-in-the-approved-form-and-shall-include,-but
9 is-not-limited-to,-a-list-of-all-trust-account-numbers
10 examined-and-their-location-and-statement-indicating
11 if-the-broker's-trust-accounts-are-maintained-in
12 accordance-with-this-chapter-and-the-rules-adopted-for
13 this-chapter-"~~

14 38. By striking page 13, line 18 through page 22,
15 line 2, and inserting the following:

16 "Sec. _____. Section 546.2, subsection 2, Code 1993,
17 is amended to read as follows:

18 2. The chief administrative officer of the
19 department is the director. The director shall be
20 appointed annually by the governor, ~~subject-to-the
21 confirmation-of-the-senate,-and-shall-serve-at-the
22 pleasure-of-the-governor~~ from among those individuals
23 who serve as heads of the divisions within the
24 department. The appointment shall rotate among the
25 division heads such that the division head of any one
26 division shall not be appointed to be the director for
27 a second year until such time as each division head
28 has served as the director. A division head appointed
29 to be the director shall fulfill the responsibilities
30 and duties of the director in addition to the
31 individual's responsibilities and duties as the head
32 of a division. ~~The-director-is-subject-to
33 reconfirmation-after-four-years-in-office---The
34 director-shall-be-appointed-on-the-basis-of-executive
35 and-administrative-abilities-but-shall-not-have-been
36 an-officer-or-employee-of-any-bank,-credit-union,
37 savings-and-loan-association,-or-insurance-company.
38 The-salary-shall-be-fixed-by-the-governor-within-a
39 range-established-by-the-general-assembly-~~"

40 39. Page 22, by striking line 8.

41 40. Page 22, line 9, by striking the word "DATES"
42 and inserting the following: "DATE".

43 41. Page 22, by striking lines 11 and 12, and
44 inserting the following: "upon enactment."

45 42. Title page, by striking lines 7 through 10
46 and inserting the following: "department of commerce,
47 and the racing and gaming commission, and providing".

48 43. By renumbering, relettering, or redesignating
49 and correcting internal references as necessary.

By HANSON of Black Hawk

H-3820 FILED APRIL 8, 1993

*Adopted
4-12-93
(P. 1164)*

SENATE FILE 266

H-3823

1 Amend Senate File 266, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 13, by inserting after line 17, the
4 following:

5 "Sec. ____ Section 99F.10, subsection 4, Code
6 1993, is amended to read as follows:

7 4. In determining the license fees and state
8 admission fees to be charged as provided under section
9 99F.4 and this section, the commission shall use the
10 amount appropriated to the commission plus the cost of
11 auditing excursion gambling boat activities as the
12 basis for determining the amount of revenue to be
13 raised from the license fees and admission fees. The
14 costs of auditing shall include salary and associated
15 costs incurred by the department of public safety and
16 the commission for personnel assigned to enforcement
17 of excursion boat gambling rules and regulations
18 adopted by the commission."

19 2. By renumbering as necessary.

out of Order 4/13/93 (P. 1195) By HALVORSON of Webster
OSTERBERG of Linn

H-3823 FILED APRIL 8, 1993

SENATE FILE 266

H-3834

1 Amend Senate File 266, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 13, by inserting after line 17, the
4 following:

5 "It is the intent of the general assembly that in
6 determining the license fees and state admission fees
7 to be charged as provided under section 99F.4 and this
8 section, the commission shall use the amount
9 appropriated to the commission plus the cost of
10 auditing excursion gambling boat activities as the
11 basis for determining the amount of revenue to be
12 raised from the license fees and admission fees. The
13 costs of auditing shall include salary and associated
14 costs incurred by the department of public safety and
15 the commission for personnel assigned to enforcement
16 of excursion boat gambling rules and regulations
17 adopted by the commission."

By HALVORSON of Webster

H-3834 FILED APRIL 8, 1993

lost 4-13-93

SENATE FILE 266

H-3835

1 Amend Senate File 266, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 31, by striking the figure
4 "301,924" and inserting the following: "351,924".

5 2. Page 1, line 32, by striking the figure "6.00"
6 and inserting the following: "7.00".

7 3. Page 1, line 35, by inserting after the word
8 "database." the following: "In addition, of the
9 amount appropriated in this section, \$50,000 and one
10 full-time equivalent position shall be used to employ
11 an attorney for the commission."

By HALVORSON of Webster

H-3835 FILED APRIL 8, 1993

adopted 4-13-93

(P. 1198)

SENATE FILE 266

H-3826

1 Amend Senate File 266, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 7, by inserting after line 11, the
4 following:

5 "____. STATE FOSTER CARE REVIEW BOARD.

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

9 \$ 133,849

10 FTEs 4.00

11 It is the intent of the general assembly that the
12 state citizen foster care review board, in conjunction
13 with the department of human services and the judicial
14 department, develop a proposal for the establishment
15 of one statewide foster care review system which
16 provides for citizen involvement. The proposal shall
17 include procedural protocols and outcome measures for
18 evaluation purposes. The proposal shall be submitted
19 to the legislative council and the department of
20 management on or before December 1, 1993. Pilot
21 projects under the proposal may be implemented during
22 the fiscal year beginning July 1, 1993, and ending
23 June 30, 1994, if the pilot projects can be funded
24 within budget limitations."

25 2. By renumbering as necessary.

By VANDE HOEF of Osceola

HAMMOND of Story

MERTZ of Kossuth

MEYER of Sac

BODDICKER of Cedar

OSTERBERG of Linn

H-3826 FILED APRIL 8, 1993

Adopted 4/12/93 (P. 1165)

SENATE FILE 266

H-3828

1 Amend the amendment, H-3820, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by striking lines 2 through 8.

5 2. By renumbering as necessary.

By HANSON of Black Hawk

H-3828 FILED APRIL 8, 1993

*Adopted 4/12/93
(P. 1156)*

SENATE FILE 266

3836

Amend the amendment, H-3820, to Senate File 266, as amended, passed, and reprinted by the Senate, as follows:

1. Page 4, by striking lines 14 through 16 and inserting the following:

"_____. By striking page 13, line 18 through page 18, line 13, and inserting the following:

"Sec. 101. Section 13B.4, subsection 7, Code 1993, is amended to read as follows:

7. The state public defender shall adopt rules pursuant to chapter 17A, as necessary, to administer this chapter and section 815.9.

Sec. 102. Section 13B.10, subsection 2, Code 1993, is amended to read as follows:

2. A determination of indigence shall not be made except upon the basis of information contained in a detailed financial statement submitted by the person or by the person's parent, guardian, or custodian. The financial statement shall be in the form prescribed by the department state public defender. If a person is determined to be indigent and given legal assistance, the financial statement shall be filed in the person's court file and with the department state public defender.

Sec. _____. Section 546.2, subsection 2, Code 1993, "

2. Page 4, by inserting after line 39 the following:

"_____. Page 18, line 21, by inserting after the word "below" the following: "one hundred twenty-five percent of".

_____. Page 18, by striking lines 24 through 26 and inserting the following:

"b. A person is not indigent if the person has an income level greater than one hundred twenty-five percent of the United States poverty".

_____. Page 18, by inserting after line 29 the following:

"c. A person with an income level greater than one hundred twenty-five percent of the most recently revised poverty income guidelines published by the United States department of health and human services may be deemed partially indigent by the court pursuant to a finding that, given the person's circumstances, not appointing counsel at public expense would cause the person substantial hardship. However, the court shall require a person deemed partially indigent to contribute to the cost of representation in accordance with rules adopted by the state public defender."

_____. Page 19, by striking line 3 and inserting

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Page 2

1 the following: "The state public defender shall adopt
2 rules".

3 _____. Page 19, line 4, by inserting after the word
4 "statement" the following: "and the criteria by".

5 _____. Page 19, line 5, by striking the word
6 "upon".

7 _____. By striking page 19, line 10 through page
8 22, line 2."

9 3. Page 4, by striking lines 41 through 44, and
10 inserting the following:

11 "_____. Page 22, by striking line 11 and inserting
12 the following: "upon enactment. Sections 101 and
13 102, and sections 31 and 32, of this Act take".

By DINKLA of Guthrie
McNEAL of Hardin

H-3836 FILED APRIL 8, 1993

4/12 *Not German*
4/12 *Motion to Suspend - Prevailed*

Adopted
4-12-93
(P. 1160)

H3851

SENATE FILE 266

851

1 Amend the amendment, H-3699, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 7 through 21 and
5 inserting the following:

6 "b. The commission may authorize the licensee to
7 simultaneously telecast within the racetrack
8 enclosure, for the purpose of pari-mutuel wagering, a
9 horse or dog race licensed by the racing authority of
10 another state subject to the requirements of this
11 paragraph. It is the responsibility of each licensee
12 to obtain the consent of appropriate racing officials
13 in other states as required by the federal Interstate
14 Horseracing Act of 1978, 15 U.S.C. § 3001-3007, to
15 televise races for the purpose of conducting pari-
16 mutuel wagering. A licensee may also obtain the
17 permission of The commission shall authorize a person
18 licensed by the commission to conduct horse or dog
19 races in this state to televise races conducted by
20 that person for the purpose of conducting pari-mutuel
21 racing at other licensed racetracks within the state.
22 However, arrangements".

23 2. Page 1, by inserting after line 40 the
24 following:

25 "Sec. 100A. Section 99F.1, subsection 7, Code
26 1993, is amended to read as follows:

27 7. "Excursion gambling boat" means a self-
28 propelled excursion boat on which lawful gambling is
29 authorized and licensed as provided in this chapter.
30 "Excursion gambling boat" also means the grandstand of
31 a dog or horse racetrack licensed for pari-mutuel
32 wagering before January 1, 1992, and which is licensed
33 for gambling as provided in this chapter."

34 3. By striking page 1, line 43 through page 2,
35 line 2, and inserting the following:

36 "Sec. 100B. Section 99F.4, subsection 4, Code
37 1993, is amended by striking the subsection."

38 4. Page 2, by striking lines 16 through 24 and
39 inserting the following:

40 "Sec. 100C. Section 99F.4, subsection 20, Code
41 1993, is amended by striking the subsection and
42 inserting in lieu thereof the following:

43 20. To require a licensee to schedule at least one
44 excursion daily during the excursion season, and
45 otherwise allow a licensee to conduct gambling games
46 as if the licensee were operating during the off-
47 season."

48 5. Page 2, by inserting before line 25 the
49 following:

"Sec. 101A. NEW SECTION. 99F.4A GAMBLING GAMES

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Page 2

1 AT PARI-MUTUEL DOG OR HORSE RACETRACKS.

2 1. The commission shall license the licensee of a
3 pari-mutuel dog or horse racetrack to conduct gambling
4 games at the pari-mutuel dog or horse racetrack
5 enclosure subject to the requirements of this chapter
6 except as otherwise provided in this section.

7 a. A person licensed pursuant to chapter 99D is
8 exempt from further investigation and examination for
9 licensing purposes under this chapter.

10 b. The annual license fee based on passenger or
11 guest capacity as provided in section 99F.5 shall be
12 equivalent to the maximum occupancy authorized for the
13 space allocated for gambling games at a pari-mutuel
14 dog or horse racetrack which is licensed to conduct
15 gambling games.

16 c. Section 99F.7, subsection 10, which requires
17 approval of the county electorate for excursion boat
18 gambling, applies to the licensing of gambling games
19 at a pari-mutuel dog or horse racetrack.

20 2. The commission shall adopt rules, pursuant to
21 chapter 17A, as necessary to administer this section.

22 Sec. 101B. Section 99F.5, subsection 1, Code 1993,
23 is amended to read as follows:

24 1. A qualified sponsoring organization may apply
25 to the commission for a license to conduct gambling
26 games on an excursion gambling boat as provided in
27 this chapter. A person may apply to the commission
28 for a license to operate an excursion gambling boat.
29 The application shall be filed with the administrator
30 of the commission at least ninety days before the
31 first day of the next excursion season as determined
32 by the commission, shall identify the excursion
33 gambling boat upon which gambling games will be
34 authorized, shall specify the exact location where the
35 excursion gambling boat will be docked, and shall be
36 in a form and contain information as the commission
37 prescribes. The minimum passenger capacity of an
38 excursion gambling boat is two hundred fifty persons.

39 Sec. 101C. Section 99F.6, subsection 4, Code 1993,
40 is amended to read as follows:

41 4. Before a license is granted, the division of
42 criminal investigation of the department of public
43 safety shall conduct a thorough background
44 investigation of the applicant for a license to
45 operate a gambling game operation on an excursion
46 gambling boat. The applicant shall provide
47 information on a form as required by the division of
48 criminal investigation. Before a qualified sponsoring
49 organization is licensed to operate gambling games
50 under this chapter, the qualified sponsoring

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Page 3

organization shall certify that the receipts of all gambling games, less reasonable expenses, charges, taxes, fees, and deductions allowed under this chapter, will be distributed as winnings to players or participants or will be distributed for educational, civic, public, charitable, patriotic, or religious uses as defined in section 99B.7, subsection 3, paragraph "b". However, a licensee who is also licensed to conduct dog races for pari-mutuel wagering may use receipts from gambling games to supplement purses for dog races pursuant to an agreement which shall be negotiated between the licensee and representatives of dog owners. For a licensee who is also licensed to conduct horse races for pari-mutuel wagering, seventy-five percent of any receipts available from gambling games shall be used first to repay all annual indebtedness incurred in the construction and operation of the horse racing facilities and twenty-five percent of the receipts shall be used to supplement purses for horse races as agreed to between the licensee and the representatives of horse owners. A qualified sponsoring organization shall not make a contribution to a candidate, political committee, candidate's committee, state statutory political committee, county statutory political committee, national political party, or fund-raising event as these terms are defined in section 56.2. The membership of the board of directors of a qualified sponsoring organization shall represent a broad interest of the communities."

6. By striking page 2, line 43 through page 3, line 1 and inserting the following:

"Sec. 108. Section 99F.9, subsection 2, Code 1993, is amended by striking the subsection."

7. Page 3, by striking lines 2 through 9.

8. Page 3, by striking lines 12 through 16.

By RENAUD of Polk

McCOY of Polk

CATALDO of Polk

MUNDIE of Webster

BAKER of Polk

HENDERSON of Scott

CONNORS of Polk

NELSON of Pottawattamie

SHOULTZ of Black Hawk

BURKE of Marshall

HARPER of Black Hawk

LUNDBY of Linn

H-3851 FILED APRIL 12, 1993

WITHDRAWN

4-13-93

SENATE FILE 266

H-3850

- 1 Amend the amendment, H-3820, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, lines 14 and 15, by striking the word
5 and figures "22, line 2" and inserting the following:
6 "17, line 32".
7 2. Page 4, by inserting after line 39 the
8 following:
9 "_____. By striking page 21, line 11, through page
10 22, line 2."
11 3. By renumbering as necessary.

By DICKINSON of Jackson

H-3850 FILED APRIL 12, 1993

Lost 4/12/93 (P 1158)

SENATE FILE 266

H-3849

- 1 Amend the amendment, H-3820, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 1, line 38 through page 2,
5 line 8, and inserting the following:
6 "_____. ALCOHOLIC BEVERAGES DIVISION".
7 2. Page 2, line 40, by striking the figure
8 "2,707,415" and inserting the following: "2,767,435".
9 3. Page 2, by striking lines 41 and 42.
10 4. Page 3, by striking lines 4 through 7.
11 5. Page 4, line 32, by inserting after the word
12 "division" the following: ". The director shall, in
13 addition to other duties and responsibilities,
14 coordinate all administrative services provided to the
15 divisions in the department".
16 6. By renumbering as necessary.

By HALVORSON of Webster

H-3849 FILED APRIL 12, 1993

*Lost 4/12/93
(P 1156)*

V. H. H. H. H.

SENATE FILE 266

3854

1 Amend the amendment, H-3820, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. By striking page 1, line 3, through page 4,
5 line 49, and inserting the following:

6 "Page 11, line 10, by striking the figure
7 "4,667,435" and inserting the following:

8 "2,767,435".

WITHDRAWN 4-12-93

By DICKINSON of Jackson

H-3854 FILED APRIL 12, 1993

SENATE FILE 266

H-3858

1 Amend the amendment, H-3820, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 3 through 9.

5 2. By renumbering as necessary.

By DICKINSON of Jackson

H-3858 FILED APRIL 12, 1993

WITHDRAWN 4-12-93

SENATE FILE 266

3859

1 Amend the amendment, H-3820, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 18 through 35 and
5 inserting the following:

6 "1. PROFESSIONAL LICENSING AND REGULATION
7 DIVISION".

8 2. By striking page 3, line 35, through page 4,
9 line 13.

10 3. By renumbering as necessary.

By DICKINSON of Jackson

H-3859 FILED APRIL 12, 1993

A. Lost 4-12-93

B. WITHDRAWN 4-12-93

WITHDRAWN

SENATE FILE 266

H-3860

1 Amend the amendment, H-3699, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 40 the follow-
5 ing:

6 "Sec. 100A. Section 99D.15, subsection 4, Code
7 1993, is amended to read as follows:

8 4. A tax of two five percent is imposed on the
9 gross sum wagered by the pari-mutuel method on horse
10 races and dog races which are simultaneously telecast.
11 The tax imposed by this subsection is in lieu of the
12 taxes imposed pursuant to subsection 1 or 3, but the
13 tax revenue from simulcast horse races shall be
14 distributed as provided in subsection 1 and the tax
15 revenue from simulcast dog races shall be distributed
16 as provided in subsection 3."

By OSTERBERG of Linn

H-3860 FILED APRIL 12, 1993

Fast 4-13-93 (P1179)

SENATE FILE 266

H-3861

1 Amend the amendment, H-3699, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 7, by striking the words "may
5 shall" and inserting the following: "may".

6 2. Page 1, by striking lines 17 and 18, and
7 inserting the following: "mutuel wagering. A
8 ~~licensee may also obtain the permission of The~~
9 commission shall authorize a person licensed by the
10 commission to".

11 3. Page 1, line 21, by inserting after the word
12 "racing" the following: "at other licensed racetracks
13 within the state".

Adopted 4/13/93 (p. 1178) By NELSON of Pottawattamie
MILLAGE of Scott

H-3861 FILED APRIL 12, 1993

SENATE FILE 266

MAY 11 1993

H-3862

1 Amend the amendment, H-3820, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, by striking lines 20 through 23.

5 2. By renumbering as necessary.

By DICKINSON of Jackson

H-3862 FILED APRIL 12, 1993

*Adopted 4/12/93
(p. 1157)*

SENATE FILE 266

372

1 Amend Senate File 266, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 13, by inserting after line 17 the
4 following:

5 "Sec. ____ . GAMBLING AND LOTTERIES PROHIBITED.

6 1. Effective January 1, 1994, all forms of lottery
7 and gambling are prohibited in this state. The Code
8 editor shall make recommendations of amendments and
9 repeals in chapters 99B, 99D, 99E, and 99F which
10 authorize any form of gambling including, but not
11 limited to, bingo, raffles, games of chance, lottery,
12 slot machines, poker, keno, twenty-one, roulette, and
13 dice. The recommendations shall be presented in the
14 Code editor's bill submitted to the general assembly
15 in January 1, 1994.

16 2. The lottery board and the racing and gaming
17 commission are abolished as of January 1, 1994, and
18 the terms of office of the members of the lottery
19 board and the racing and gaming commission cease on
20 that date.

21 3. The lottery board, the racing and gaming
22 commission, and their respective staffs shall
23 negotiate the termination of contracts which do not
24 expire on or before January 1, 1994, and take other
25 necessary action required to implement the prohibition
26 on all forms of gambling regulated pursuant to
27 chapters 99B, 99D, 99E, and 99F."

By CONNORS of Polk

H-3872, FILED APRIL 12, 1993

lost 4-13-93 (p.1197)

SENATE FILE 266

H-3873

1 Amend the amendment, H-3699, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking line 5 and inserting the
5 following:

6 "Section 100. Section 99B.12, subsection 1,
7 paragraph g, Code 1993, is amended to read as follows:

8 g. No A participant wins shall not win or loses
9 lose more than a total of fifty one thousand dollars
10 or other consideration equivalent thereto to one
11 thousand dollars in one or more games or activities
12 permitted by this section at any time during any
13 period of twenty-four consecutive hours or over that
14 entire period. For the purpose of this paragraph a
15 person wins the total amount at stake in any game,
16 wager or bet, regardless of any amount that person may
17 have contributed to the amount at stake.

Sec. 100A. Section 99D.11, subsection 6,."

By SCHRADER of Marion

H-3873 FILED APRIL 12, 1993

Lost 4/13/93

SENATE FILE 266

H-3877

1 Amend the amendment, H-3699, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 40, the
5 following:

6 "Sec. ____ . Section 99E.9, subsection 3, paragraphs
7 a and 1, Code 1993, are amended to read as follows:

8 b. The types of lottery games to be conducted.

9 Rules governing the operation of a class of games are
10 subject to chapter 17A. However, rules governing the
11 particular features of specific games within a class
12 of games are not subject to chapter 17A. Such rules
13 may include, but are not limited to, setting the name
14 and prize structure of the game and shall be made
15 available to the public prior to the time the games go
16 on sale and shall be kept on file at the office of the
17 commissioner. The board shall authorize instant
18 lottery and on-line lotto games and may authorize the
19 use of any type of lottery game that on May 3, 1985,
20 has been conducted by a state lottery of another state
21 in the United States, or any game that the board
22 determines will achieve the revenue objectives of the
23 lottery and is consistent with subsection 1. However,
24 the board shall not authorize a game using an
25 electronic computer terminal or other device if, upon
26 winning a game, the terminal or device immediately
27 dispenses coins or currency or a ticket, credit or
28 token which is redeemable for cash or a prize, except
29 at pari-mutuel tracks authorized and licensed under
30 chapter 99D. In a game utilizing instant tickets
31 other than pull-tab tickets, each ticket in the game
32 shall bear a unique consecutive serial number
33 distinguishing it from every other ticket in the game,
34 and each lottery number or symbol shall be accompanied
35 by a confirming caption consisting of a repetition of
36 a symbol or a description of the symbol in words. In
37 the game other than an instant game which uses
38 tangible evidence of participation, each ticket shall
39 bear a unique serial number distinguishing it from
40 every other ticket in the game.

41 1. The compensation to be paid licensees including
42 but not limited to provision for variable compensation
43 based on sales volume or incentive considerations.
44 The compensation paid to pari-mutuel racetracks shall
45 take into consideration the retirement of existing
46 debt and the covering of racetrack operating deficits.

47 Sec. ____ . Section 99E.10, subsection 1, paragraph
48 a, Code 1993, is amended to read as follows:

49 b. Except for video lottery sales as defined by
50 administrative rule at pari-mutuel racetracks, amount

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-1-

H-3877

Page 2

equal to the product of the state sales tax rate under section 422.43 multiplied by the gross sales price of each ticket or share sold shall be deducted as the sales tax on the sale of that ticket or share, remitted to the treasurer of state and deposited into the state general fund."

2. Page 3, by inserting after line 19, the following:

"____. Page 13, by inserting after line 29, the following:

"Sec. _____. Section 422.43, subsection 2, Code 1993, is amended to read as follows:

2. There is imposed a tax of five percent upon the gross receipts derived from the operation of all forms of amusement devices and games of skill, games of chance, raffles, and bingo games as defined in chapter 99B, operated or conducted within the state, the tax to be collected from the operator in the same manner as for the collection of taxes upon the gross receipts of tickets or admission as provided in this section. ~~The~~ Except for video lottery receipts, the tax shall also be imposed upon the gross receipts derived from the sale of lottery tickets or shares pursuant to chapter 99E. The tax on the lottery tickets or shares shall be included in the sales price and distributed to the general fund as provided in section 99E.10."

By LUNDBY of Linn
RENAUD of Polk

H-3877 FILED APRIL 12, 1993

Not Germane
Motion to Suspend Rules Lost
4-13-93

SENATE FILE 266

H-3879

Amend the amendment, H-3699, to Senate File 266, as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, by inserting after line 16 the following:

"Sec. _____. It is the intent of the general assembly that notwithstanding the provisions of any compact or other agreement made between the state and any Indian tribe which limits the maximum amount which an individual may lose during a specified time period while participating in permissible gambling activities, that amount shall be increased to provide for a maximum of one thousand dollars per individual per such specified time period."

2. By renumbering as necessary.

By HALVORSON of Webster

H-3879 FILED APRIL 12, 1993

Not Germane
4-13-93
(p. 1186)

SENATE FILE 266

H-3863

1 Amend the amendment, H-3820, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, by striking lines 26 through 35 and
5 inserting the following:

6 "Sec. ____ Section 543B.46, subsections 6 and
7 7,".

8 2. By renumbering as necessary.

By DICKINSON of Jackson

H-3863 FILED APRIL 12, 1993

Lost 4/12/93
(P. 1157)

SENATE FILE 266

H-3864

1 Amend the amendment, H-3820, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 10 through 19.

5 2. By striking page 1, line 36, through page 2,
6 line 1.

7 3. Page 2, by striking lines 9 through 38.

8 4. By striking page 2, line 43, through page 3,
9 line 3.

10 5. Page 3, by striking lines 8 through 19.

6. Page 4, by striking lines 14 through 40.

7. Page 4, by striking lines 45 through 47.

13 8. By renumbering as necessary.

By DICKINSON of Jackson

H-3864 FILED APRIL 12, 1993

Lost 4/12/93
(P. 1162)

SENATE FILE 266

H-3869

1 Amend the amendment, H-3820, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 3 through 9 and
5 inserting the following:

6 "____. Page 5, by inserting after line 13 the fol-
7 lowing:

8 "3. Notwithstanding any other provision of this
9 Act, if a funding shortfall occurs related to the
10 appropriations from the special employment security
11 contingency fund to the division of labor services or
12 to the division of industrial services, there is an
13 amount appropriated from the general fund of the state
14 to the division of labor services or the division of
15 industrial services, or both, for the fiscal year
16 beginning July 1, 1993, and ending June 30, 1994, in
an amount equal to such shortfall."

RUNNING of Linn

BEATTY of Warren

MCKINNEY of Dallas

CONNORS of Polk

H-3869 FILED APRIL 12, 1993

Lost 4/12/93
(P. 1163)

SENATE FILE 266

H-3870

1 Amend the amendment, H-3835, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 3 through 11, and
5 inserting the following:

6 "_____. Page 1, line 28, by striking the word "For"
7 and inserting the following: "1. For".

8 "_____. Page 1, line 33, by striking the word
9 "section" and inserting the following: "subsection".

10 "_____. Page 1, by inserting after line 35 the
11 following:

12 "2. For the costs associated with the addition of
13 an additional member to the Iowa ethics campaign
14 disclosure board established in House File 144, if
15 enacted by the general assembly during the 1993
16 regular session:

17 \$ 2,000

18 3. For salary, support, maintenance, and for not
19 more than one full-time equivalent position to be used
20 to employ an attorney for the Iowa ethics campaign
21 disclosure board established in House File 144, if
22 enacted by the general assembly during the 1993
23 regular session:

24 \$ 62,400

25 4. For salary, support, maintenance, and for not
26 more than one full-time equivalent position to be used
27 to employ an administrative assistant II for the Iowa
28 ethics campaign disclosure board established in House
29 File 144, if enacted by the general assembly during
30 the 1993 regular session:

31 \$ 38,400

32 5. For necessary equipment to be purchased by the
33 Iowa ethics campaign disclosure board established in
34 House File 144, if enacted by the general assembly
35 during the 1993 regular session:

36 \$ 38,150."

37 2. Renumber as necessary.

Adopted 4/13/93 (P. 1198) BY CARPENTER of Polk
NEUHAUSER of Johnson

H-3870 FILED APRIL 12, 1993

SENATE FILE 266

H-3881

1 Amend the amendment, H-3699, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 40 the
5 following:

6 "Sec. _____. Section 99E.10, subsection 1,
7 unnumbered paragraph 2, Code 1993, is amended to read
8 as follows:

9 Lottery expenses for marketing, educational, and
10 informational material shall not exceed four three
11 percent of the lottery revenue."

By OSTERBERG of Linn

H-3881 FILED APRIL 13, 1993

NOT GERMANE

SENATE FILE 266

H-3882

1 Amend the amendment, H-3699, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 40 the
5 following:

6 "Sec. _____. Section 99D.15, subsection 3, Code
7 1993, is amended by adding the following new lettered
8 paragraph:

9 NEW PARAGRAPH. e. However, if the licensed race
10 track facility is sold or leased on or after April 1,
11 1993, or if the public agency originally guaranteeing
12 the repayment of the indebtedness incurred in the
13 construction of the licensed facility is no longer
14 obligated to retire the indebtedness, the tax credits
15 authorized under this subsection shall cease."

By OSTERBERG of Linn
CARPENTER of Polk
HOLVECK of Polk

H-3882 FILED APRIL 13, 1993
ADOPTED

SENATE FILE 266

H-3883

1 Amend the amendment, H-3699, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 40, the
5 following:

6 "Sec. _____. Section 99D.15, subsection 2, Code
7 1993, is amended to read as follows:

8 2. A tax credit of up to five percent of the gross
9 sum wagered per year shall be granted to licensees
10 licensed for horse races and paid into a special fund
11 to be used for debt retirement or operating expenses.
12 However, the tax credit is equal to six percent of the
13 gross sum wagered in a year when the gross sum wagered
14 is less than ninety million dollars. Any portion of
15 the credit not used in a particular year shall be
16 retained by the commission. A tax credit shall first
17 be assessed against any share going to a city, then to
18 the share going to a county, and then to the share
19 going to the state. However, if the licensed race
20 track facility is sold or leased on or after April 1,
21 1993, or if the public agency originally guaranteeing
22 the repayment of the indebtedness incurred in the
23 construction of the licensed facility is no longer
24 obligated to retire the indebtedness, the tax credits
25 authorized under this subsection shall cease."

By OSTERBERG of Linn
CARPENTER of Polk
HOLVECK of Polk

H-3883 FILED APRIL 13, 1993
ADOPTED

SENATE FILE 266

H-3884

1 Amend the amendment, H-3699, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 40 the
5 following:

6 "Sec. 100A. Section 99D.15, subsection 2, Code
7 1993, is amended to read as follows:

8 2. A tax credit of up to five percent of the gross
9 sum wagered per year shall be granted to licensees
10 licensed for horse races and paid into a special fund
11 to be used for debt retirement ~~or operating expenses~~
12 only. However, the tax credit is equal to six percent
13 of the gross sum wagered in a year when the gross sum
14 wagered is less than ninety million dollars. Any
15 portion of the credit not used in a particular year
16 shall be retained by the commission. A tax credit
17 shall first be assessed against any share going to a
18 city, then to the share going to a county, and then to
19 the share going to the state."

20 2. By renumbering as necessary.

By HOLVECK of Polk
CARPENTER of Polk
OSTERBERG of Linn

H-3884 FILED APRIL 13, 1993

ADOPTED

SENATE FILE 266

H-3885

1 Amend the amendment, H-3699, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

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

6 "____. Page 13, by inserting after line 17, the
7 following:

8 "Sec. _____. Section 99F.10, subsection 4, Code
9 1993, is amended to read as follows:

10 4. In determining the license fees and state
11 admission fees to be charged as provided under section
12 99F.4 and this section, the commission shall use the
13 amount appropriated to the commission plus the cost of
14 auditing excursion gambling boat activities as the
15 basis for determining the amount of revenue to be
16 raised from the license fees and admission fees. The
17 costs of auditing shall include salary and associated
18 costs incurred by the department of public safety and
19 the commission for personnel assigned to enforcement
20 of excursion boat gambling rules and regulations
21 adopted by the commission."

22 2. By renumbering as necessary.

By HALVORSON of Webster

H-3885 FILED APRIL 13, 1993

NOT GERMANE

SENATE FILE 266

H-3887

1 Amend the amendment, H-3699, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

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

6 2. Page 2, by striking lines 28 through 42 and
7 inserting the following: "Code 1993, is amended to
8 read as follows:

9 10. a. A license to conduct gambling games on an
10 excursion gambling boat in a-county this state shall
11 be issued only if the county state electorate approves
12 the conduct of the gambling games as provided in this
13 subsection. The board-of-supervisors state
14 commissioner of elections, upon receipt of a valid
15 petition meeting the requirements of section ~~331-306~~
16 45.1, as that section applies to nominations for state
17 offices, shall ~~direct-the-commissioner-of-elections-to~~
18 submit to the qualified voters of the county state a
19 proposition to approve or disapprove the conduct of
20 gambling games on an excursion gambling boat in the
21 county state. The proposition shall be submitted at a
22 general election or at a special election called for
23 that purpose. To be submitted at a general election,
24 the petition must be received by the ~~board-of~~
25 supervisors state commissioner at least sixty days
26 before the election. If a majority of the county
27 state voters voting on the proposition favor the
28 conduct of gambling games, the commission may issue
29 one or more licenses as provided in this chapter. If
30 a majority of the county state voters voting on the
31 proposition do not favor the conduct of gambling
32 games, a license to conduct gambling games in the
33 county state shall not be issued. After a referendum
34 has been held, another referendum requested by
35 petition shall not be held for at least two years.

36 b. If licenses to conduct gambling games and to
37 operate an excursion gambling boat are in effect
38 pursuant to a referendum as set forth in this section
39 and are subsequently disapproved by a referendum of
40 the county state electorate, the licenses issued by
41 the commission after a referendum approving gambling
42 games on excursion gambling boats shall remain valid
43 and are subject to renewal for a total of nine years
44 from the date of original issue unless the commission
45 revokes a license at an earlier date as provided in
46 this chapter.

47 c. If, after July 1, 1989, section 99F.4,
48 subsection 4 or 99F.9, subsection 2, is amended, the
49 ~~board-of-supervisors-of-a-county-in-which-excursion~~
50 ~~boat-gambling-has-been-approved~~ state commissioner of

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1 elections shall submit to the county state electorate
2 a proposition to approve or disapprove the conduct of
3 gambling games pursuant to any amendment to the
4 subsections on excursion gambling boats at a special
5 election at the earliest practicable time. If
6 excursion boat gambling pursuant to the amendment is
7 not approved at the election, paragraph "b" does not
8 apply to the licenses and the commission shall cancel
9 the licenses issued for the county within sixty days
10 of the unfavorable referendum."

By OSTERBERG of Linn

H-3887 FILED APRIL 13, 1993

ADOPTED, MOTION TO RECONSIDER-LOST

SENATE FILE 266

H-3886

1 Amend the amendment, H-3699, to Senate File 266, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 40 the
5 following:

6 "Sec. 100A. Section 99D.14, Code 1993, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. 7. Notwithstanding subsections 4
9 and 5, an amount equal to the product of the state
10 sales tax rate under section 422.43 multiplied by the
11 gross sum wagered shall be deducted as the sales tax
12 on the gross sum wagered, remitted to the treasurer of
13 state and deposited into the state general fund."

14 2. Page 3, by inserting after line 9 the
15 following:

16 "Sec. 109A. Section 99F.10, Code 1993, is amended
17 by adding the following new subsection:

18 NEW SUBSECTION. 7. Notwithstanding subsections 5
19 and 6, an amount equal to the product of the state
20 sales tax rate under section 422.43 multiplied by the
21 gross sum wagered shall be deducted as the sales tax
22 on the gross sum wagered, remitted to the treasurer of
23 state and deposited into the state general fund."

By GARMAN of Story

H-3886 FILED APRIL 13, 1993

WITHDRAWN

HOUSE AMENDMENT TO
SENATE FILE 266

S-3486

1 Amend Senate File 266, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 28, by striking the word "For"
4 and inserting the following: "1. For".
5 2. Page 1, line 33, by striking the word
6 "section" and inserting the following: "subsection".
7 3. Page 1, by inserting after line 35 the
8 following:
9 "2. For the costs associated with the addition of
10 an additional member to the Iowa ethics campaign
11 disclosure board established in House File 144, if
12 enacted by the general assembly during the 1993
13 regular session:
14 \$ 2,000
15 3. For salary, support, maintenance, and for not
16 more than one full-time equivalent position to be used
17 to employ an attorney for the Iowa ethics campaign
18 disclosure board established in House File 144, if
19 enacted by the general assembly during the 1993
20 regular session:
21 \$ 62,400
22 4. For salary, support, maintenance, and for not
23 more than one full-time equivalent position to be used
24 to employ an administrative assistant II for the Iowa
25 ethics campaign disclosure board established in House
26 File 144, if enacted by the general assembly during
27 the 1993 regular session:
28 \$ 38,400
29 5. For necessary equipment to be purchased by the
30 Iowa ethics campaign disclosure board established in
31 House File 144, if enacted by the general assembly
32 during the 1993 regular session:
33 \$ 38,150".
34 4. Page 2, by striking lines 18 through 24 and
35 inserting the following: "positions".
36 5. By striking page 4, line 35, through page 5,
37 line 5, and inserting the following: "purposes
38 designated, and if a funding shortfall occurs, amounts
39 based on the same proportion of funds appropriated in
40 this section to the divisions".
41 6. Page 7, by inserting after line 11, the
42 following:
43 " STATE FOSTER CARE REVIEW BOARD.
44 For salaries, support, maintenance, miscellaneous
45 purposes, and for not more than the following full-
46 time equivalent positions:
47 \$ 133,849
48 FTEs 4.00
49 It is the intent of the general assembly that the
50 state citizen foster care review board, in conjunction

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1 with the department of human services and the judicial
 2 department, develop a proposal for the establishment
 3 of one statewide foster care review system which
 4 provides for citizen involvement. The proposal shall
 5 include procedural protocols and outcome measures for
 6 evaluation purposes. The proposal shall be submitted
 7 to the legislative council and the department of
 8 management on or before December 1, 1993. Pilot
 9 projects under the proposal may be implemented during
 10 the fiscal year beginning July 1, 1993, and ending
 11 June 30, 1994, if the pilot projects can be funded
 12 within budget limitations."

13 7. Page 8, lines 28 and 29, by striking the words
 14 "PROFESSIONAL LICENSING AND REGULATION" and inserting
 15 the following: "COMMERCE".

16 8. Page 8, lines 30 and 31, by striking the words
 17 "professional licensing and regulation" and inserting
 18 the following: "commerce".

19 9. Page 8, by inserting after line 33 the
 20 following:

21 "1. PROFESSIONAL LICENSING AND REGULATION DIVISION
 22 a."

23 10. Page 9, line 2, by striking the figure
 24 "864,687" and inserting the following: "889,687".

25 11. Page 9, line 3, by striking the figure
 26 "13.00" and inserting the following: "14.00".

27 12. Page 9, by inserting after line 3 the
 28 following:

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

39 13. Page 9, by striking lines 4 through 9 and
 40 inserting the following:

41 "2. ADMINISTRATIVE SERVICES DIVISION

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

45	\$	105,080
46	FTEs	2.00

47 It is the intent of the general assembly that the
 48 two positions authorized in this subsection for the
 49 division shall coordinate the administrative services
 50 to be provided to the divisions in the department.

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These two positions are under the direct supervision of, and shall report to, the director of the department.

3. ALCOHOLIC BEVERAGES DIVISION".

14. Page 9, by striking lines 15 through 19 and inserting the following:

"4. BANKING DIVISION".

15. Page 9, line 25, by striking the words "department of banking" and inserting the following: "banking division".

16. Page 9, line 32, by striking the word "department" and inserting the following: "division".

17. Page 10, line 3, by striking the word "department's" and inserting the following: "division's".

18. Page 10, line 4, by striking the words "department must" and inserting the following: "division must".

19. Page 10, by striking lines 8 through 12 and inserting the following:

"5. CREDIT UNION DIVISION".

20. Page 10, line 18, by striking the words "department of credit unions" and inserting the following: "credit union division".

21. Page 10, line 26, by striking the word "department" and inserting the following: "division".

22. Page 10, line 31, by striking the word "department's" and inserting the following: "division's".

23. Page 10, line 32, by striking the word "department" and inserting the following: "division".

24. Page 11, by striking lines 2 through 6 and inserting the following:

"6. INSURANCE DIVISION".

25. Page 11, line 10, by striking the figure "4,667,435" and inserting the following: "2,707,415".

26. Page 11, line 11, by striking the figure "86.00" and inserting the following: "85.00".

27. Page 11, line 12, by striking the words "department of insurance" and inserting the following: "insurance division".

28. Page 11, lines 14 and 15, by striking the words "department of insurance" and inserting the following: "insurance division".

29. Page 11, line 19, by striking the word "department" and inserting the following: "division".

30. Page 11, by striking lines 27 through 31 and inserting the following:

"7. UTILITIES DIVISION".

31. Page 11, line 35, by striking the figure

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1 "4,875,945" and inserting the following: "4,830,885".

2 32. Page 12, line 1, by striking the figure

3 "78.00" and inserting the following: "77.00".

4 33. Page 12, line 2, by striking the words

5 "department of utilities" and inserting the following:

6 "utilities division".

7 34. Page 12, line 5, by striking the word

8 "department" and inserting the following: "division".

9 35. Page 12, line 11, by striking the word

10 "department" and inserting the following: "division".

11 36. Page 12, line 12, by striking the word

12 "department" and inserting the following: "division".

13 37. Page 12, line 14, by striking the words "the

14 department" and inserting the following: "the

15 division".

16 38. Page 13, by inserting after line 17 the fol-

17 lowing:

18 "It is the intent of the general assembly that the
19 racing and gaming commission shall only employ persons
20 in additional full-time equivalent positions for
21 riverboat gambling enforcement as authorized by the
22 department of management if necessary for enforcement
23 activities on new riverboats in excess of the total of
24 five riverboats for which enforcement activities are
25 currently provided. However, new positions filled
26 shall not exceed 2 FTEs per riverboat.

27 Sec. _____. Section 543B.46, subsections 6 and 7,
28 Code 1993, are amended to read as follows:

29 6. The commission will verify on a test basis, a
30 random sampling of the brokers, corporations, and
31 partnerships for their trust account compliance as-a
32 condition-of-licensure-renewal. Each-broker,
33 corporation,-and-partnership-shall-submit-a-special
34 report-or-audit-of-their-trust-account-to-the
35 commission-when-required.

36 ---The-special-report-or-audit-shall-be-submitted-with
37 the-filed-renewal-application-or-at-such-other-time-as
38 the-commission-may-direct.--In-addition,-the The
39 commission may upon reasonable cause, or as a part of
40 or after an investigation, request or order an audit
41 or special report. All-audits-and-special-reports
42 addressed-in-this-section-shall-be-conducted-at-the
43 expense-of-the-broker-by-a-certified-public
44 accountant.

45 7. The examination of a trust account shall have
46 been be conducted within-the-twelve-months-immediately
47 preceding-expiration-of-the-license-or-at-such-other
48 times-as-directed by the commission or the
49 commission's authorized representative. The-report
50 shall-be-in-the-approved-form-and-shall-include,-but

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~~is not limited to, a list of all trust account numbers examined and their location and statement indicating if the broker's trust accounts are maintained in accordance with this chapter and the rules adopted for this chapter."~~

39. By striking page 13, line 18 through page 18, line 13, and inserting the following:

"Sec. 101. Section 13B.4, subsection 7, Code 1993, is amended to read as follows:

7. The state public defender shall adopt rules pursuant to chapter 17A, as necessary, to administer this chapter and section 815.9.

Sec. 102. Section 13B.10, subsection 2, Code 1993, is amended to read as follows:

2. A determination of indigence shall not be made except upon the basis of information contained in a detailed financial statement submitted by the person or by the person's parent, guardian, or custodian. The financial statement shall be in the form prescribed by the department state public defender. If a person is determined to be indigent and given legal assistance, the financial statement shall be filed in the person's court file and with the department state public defender.

Sec. _____. Section 546.2, subsection 2, Code 1993, is amended to read as follows:

2. The chief administrative officer of the department is the director. The director shall be appointed annually by the governor, ~~subject to the confirmation of the senate, and shall serve at the pleasure of the governor~~ from among those individuals who serve as heads of the divisions within the department. The appointment shall rotate among the division heads such that the division head of any one division shall not be appointed to be the director for a second year until such time as each division head has served as the director. A division head appointed to be the director shall fulfill the responsibilities and duties of the director in addition to the individual's responsibilities and duties as the head of a division. The director is subject to reconfirmation after four years in office. The director shall be appointed on the basis of executive and administrative abilities but shall not have been an officer or employee of any bank, credit union, savings and loan association, or insurance company. The salary shall be fixed by the governor within a range established by the general assembly."

40. Page 18, line 21, by inserting after the word "below" the following: "one hundred twenty-five

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1 percent of".
2 41. Page 18, by striking lines 24 through 26 and
3 inserting the following:
4 "b. A person is not indigent if the person has an
5 income level greater than one hundred twenty-five
6 percent of the United States poverty".
7 42. Page 18, by inserting after line 29 the
8 following:
9 "c. A person with an income level greater than one
10 hundred twenty-five percent of the most recently
11 revised poverty income guidelines published by the
12 United States department of health and human services
13 may be deemed partially indigent by the court pursuant
14 to a finding that, given the person's circumstances,
15 not appointing counsel at public expense would cause
16 the person substantial hardship. However, the court
17 shall require a person deemed partially indigent to
18 contribute to the cost of representation in accordance
19 with rules adopted by the state public defender."
20 43. Page 19, by striking line 3 and inserting the
21 following: "The state public defender shall adopt
22 rules".
23 44. Page 19, line 4, by inserting after the word
24 "statement" the following: "and the criteria by".
25 45. Page 19, line 5, by striking the word "upon".
26 46. By striking page 19, line 10 through page 22,
27 line 2.
28 47. Page 22, by striking line 8.
29 48. Page 22, by striking line 11 and inserting
30 the following: "upon enactment. Sections 101 and
31 102, and sections 31 and 32, of this Act take".
32 49. Title page, by striking lines 7 through 10
33 and inserting the following: "department of commerce,
34 and the racing and gaming commission, and providing".
35 50. By renumbering, relettering, or redesignating
36 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3486 FILED APRIL 14, 1993

Senate Refused
4-21-93 (P. 1281)

SENATE FILE 266

S-3555

1 Amend the House amendment, S-3486, to Senate File
2 266, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking line 3 through page 4,
5 line 15.

6 2. Page 4, by striking lines 16 through 26, and
7 inserting the following:

8 "____. Page 13, by inserting after line 17 the
9 following:

10 "It is the intent of the general assembly that the
11 racing and gaming commission shall employ persons in
12 additional full-time equivalent positions only for
13 riverboat gambling enforcement and for supervision and
14 management of a two-year pilot project, subject to
15 approval in each affected county by county-wide
16 referendum, to be established through adoption of
17 rules modifying the wagering structure on excursion
18 boats per excursion, reclassifying racetrack
19 enclosures at all Iowa pari-mutuel racetracks as
20 excursion boats within the meaning of chapter 99F, and
21 making other related changes deemed necessary by the
22 racing and gaming commission, in order to determine
23 and report to the general assembly at the conclusion
24 of the pilot project concerning the impact of the
25 changes on the enforcement and administration of
26 gambling laws. Rules established and implementing the
27 pilot project are authorized notwithstanding
28 limitations or restrictions in sections 99F.4,
29 subsection 4, 99F.7, subsection 10, paragraph "c", and
30 99F.9, subsection 2, or otherwise imposed by law."

31 3. Page 4, by striking line 27 through page 6,
32 line 34.

By LARRY MURPHY
WILLIAM D. PALMER
HARRY G. SLIFE
TONY BISIGNANO

JOE J. WELSH
JIM LIND
PATRICK J. DELUHERY

S-3555 FILED APRIL 20, 1993

Lost
4/21/93
(P. 1280)

S-3554

1 Amend the House amendment, S-3486, to Senate File
2 266, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 4, by striking lines 16 through 26, and
5 inserting the following:

6 "____. Page 13, by inserting after line 17 the
7 following:

8 "It is the intent of the general assembly that the
9 racing and gaming commission shall employ persons in
10 additional full-time equivalent positions only for
11 riverboat gambling enforcement and for supervision and
12 management of a two-year pilot project, subject to
13 approval in each affected county by county-wide
14 referendum, to be established through adoption of
15 rules modifying the wagering structure on excursion
16 boats per excursion, reclassifying racetrack
17 enclosures at all Iowa pari-mutuel racetracks as
18 excursion boats within the meaning of chapter 99F, and
19 making other related changes deemed necessary by the
20 racing and gaming commission, in order to determine
21 and report to the general assembly at the conclusion
22 of the pilot project concerning the impact of the
23 changes on the enforcement and administration of
24 gambling laws. Rules established and implementing the
25 pilot project are authorized notwithstanding
26 limitations or restrictions in sections 99F.4,
27 subsection 4, 99F.7, subsection 10, paragraph "c", and
28 99F.9, subsection 2, or otherwise imposed by law."

By LARRY MURPHY

WILLIAM D. PALMER

HARRY G. SLIFE

TONY BISIGNANO

JOE J. WELSH

JIM LIND

PATRICK J. DELUHERY

S-3554 FILED APRIL 20, 1993

*orig of
order
4/21/93*

SENATE FILE 266

S-3569

1 Amend the amendment, S-3555, to the House
2 amendment, S-3486, to Senate File 266, as amended,
3 passed, and reprinted by the Senate as follows:
4 1. Page 1, by striking lines 10 through 30 and
5 inserting the following:
6 "Sec. 100. Section 99D.11, subsection 6, paragraph
7 b, Code 1993, is amended to read as follows:
8 b. The commission may authorize the licensee to
9 simultaneously telecast within the racetrack
10 enclosure, for the purpose of pari-mutuel wagering, a
11 horse or dog race licensed by the racing authority of
12 another state subject to the requirements of this
13 paragraph. It is the responsibility of each licensee
14 to obtain the consent of appropriate racing officials
15 in other states as required by the federal Interstate
16 Horseracing Act of 1978, 15 U.S.C. § 3001-3007, to
17 televise races for the purpose of conducting pari-
18 mutuel wagering. A licensee may also obtain the
19 permission of The commission shall authorize a person
20 licensed by the commission to conduct horse or dog
21 races in this state to televise races conducted by
22 that person for the purpose of conducting pari-mutuel
23 racing at other licensed racetracks within the state.
24 However, arrangements made by a licensee to televise
25 any race for the purpose of conducting pari-mutuel
26 wagering are subject to the approval of the
27 commission, and the commission shall select the races
28 to be televised. The races selected by the commission
29 shall be the same for all licensees approved by the
30 commission to televise races for the purpose of
31 conducting pari-mutuel wagering. The commission shall
32 not authorize the simultaneous telecast or televising
33 of and a licensee shall not simultaneously telecast or
34 televise any horse or dog race for the purpose of
35 conducting pari-mutuel wagering unless the
36 simultaneous telecast or televising is done at the
37 racetrack of a licensee that schedules no less than
38 ~~ninety~~ sixty performances of nine live races each day
39 of the season. For purposes of the taxes imposed
40 under this chapter, races televised by a licensee for
41 purposes of pari-mutuel wagering shall be treated as
42 if the races were held at the racetrack of the
43 licensee.
44 Sec. 101. Section 99F.1, subsection 7, Code 1993,
45 is amended to read as follows:
46 7. "Excursion gambling boat" means a self-
47 propelled excursion boat on which lawful gambling is
48 authorized and licensed as provided in this chapter.
49 "Excursion gambling boat" also means the grandstand of
50 a dog or horse racetrack licensed for pari-mutuel

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1 wagering before January 1, 1992, and which is licensed
2 for gambling as provided in this chapter.

3 Sec. 102. Section 99F.1, subsections 8 and 15,
4 Code 1993, are amended by striking the subsections.

5 Sec. 103. Section 99F.4, subsection 4, Code 1993,
6 is amended by striking the subsection and inserting in
7 lieu thereof the following:

8 4. To specify the excursion season of at least six
9 months and the off-season for excursion gambling
10 boats.

11 Sec. 104. Section 99F.4, subsection 17, Code 1993,
12 is amended to read as follows:

13 17. To define the duration of an excursion which
14 shall be at least three hours during the excursion
15 season. ~~For the off-season, the commission shall~~
16 ~~adopt rules limiting times of admission to excursion~~
17 ~~gambling boats consistent with maximum loss per player~~
18 ~~per gambling excursion specified in subsection 4.~~

19 Sec. 105. Section 99F.4, subsection 20, Code 1993,
20 is amended by striking the subsection and inserting in
21 lieu thereof the following:

22 20. To require a licensee to schedule at least one
23 excursion daily during the excursion season, and
24 otherwise allow a licensee to conduct gambling games
25 as if the licensee were operating during the off-
26 season.

27 Sec. 106. NEW SECTION. 99F.4A GAMBLING GAMES AT
28 PARI-MUTUEL DOG OR HORSE RACETRACKS.

29 1. The commission shall license the licensee of a
30 pari-mutuel dog or horse racetrack to conduct gambling
31 games at the pari-mutuel dog or horse racetrack
32 enclosure subject to the requirements of this chapter
33 except as otherwise provided in this section.

34 a. A person licensed pursuant to chapter 99D is
35 exempt from further investigation and examination for
36 licensing purposes under this chapter.

37 b. The annual license fee based on passenger or
38 guest capacity as provided in section 99F.5 shall be
39 equivalent to the maximum occupancy authorized for the
40 space allocated for gambling games at a pari-mutuel
41 dog or horse racetrack which is licensed to conduct
42 gambling games.

43 c. Section 99F.7, subsection 10, which requires
44 approval of the county electorate for excursion boat
45 gambling, applies to the licensing of gambling games
46 at a pari-mutuel dog or horse racetrack.

47 2. The commission shall adopt rules, pursuant to
48 chapter 17A, as necessary to administer this section.

49 Sec. 107. Section 99F.5, subsection 1, Code 1993,
50 is amended to read as follows:

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1 1. A qualified sponsoring organization may apply
2 to the commission for a license to conduct gambling
3 games on an excursion gambling boat as provided in
4 this chapter. A person may apply to the commission
5 for a license to operate an excursion gambling boat.
6 The application shall be filed with the administrator
7 of the commission at least ninety days before the
8 first day of the next excursion season as determined
9 by the commission, shall identify the excursion
10 gambling boat upon which gambling games will be
11 authorized, shall specify the exact location where the
12 excursion gambling boat will be docked, and shall be
13 in a form and contain information as the commission
14 prescribes. The minimum passenger capacity of an
15 excursion gambling boat is two hundred fifty persons.

16 Sec. 108. Section 99F.6, subsection 4, Code 1993,
17 is amended to read as follows:

18 4. Before a license is granted, the division of
19 criminal investigation of the department of public
20 safety shall conduct a thorough background
21 investigation of the applicant for a license to
22 operate a gambling game operation on an excursion
23 gambling boat. The applicant shall provide
24 information on a form as required by the division of
25 criminal investigation. Before a qualified sponsoring
26 organization is licensed to operate gambling games
27 under this chapter, the qualified sponsoring
28 organization shall certify that the receipts of all
29 gambling games, less reasonable expenses, charges,
30 taxes, fees, and deductions allowed under this
31 chapter, will be distributed as winnings to players or
32 participants or will be distributed for educational,
33 civic, public, charitable, patriotic, or religious
34 uses as defined in section 99B.7, subsection 3,
35 paragraph "b". However, a licensee who is also
36 licensed to conduct dog races for pari-mutuel wagering
37 may use receipts from gambling games to supplement
38 purses for dog races pursuant to an agreement which
39 shall be negotiated between the licensee and
40 representatives of dog owners. For a licensee who is
41 also licensed to conduct horse races for pari-mutuel
42 wagering, seventy-five percent of any receipts
43 available from gambling games shall be used first to
44 repay all annual indebtedness incurred in the
45 construction and operation of the horse racing
46 facilities and twenty-five percent of the receipts
47 shall be used to supplement purses for horse races as
48 agreed to between the licensee and the representatives
49 of horse owners. A qualified sponsoring organization
50 shall not make a contribution to a candidate,

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1 political committee, candidate's committee, state
2 statutory political committee, county statutory
3 political committee, national political party, or
4 fund-raising event as these terms are defined in
5 section 56.2. The membership of the board of
6 directors of a qualified sponsoring organization shall
7 represent a broad interest of the communities.

8 Sec. 109. Section 99F.7, subsection 5, paragraph
9 a, Code 1993, is amended by striking the paragraph and
10 inserting in lieu thereof the following:

11 a. The square footage allowed to be used for
12 gambling activity shall be determined by the
13 commission.

14 Sec. 110. Section 99F.9, subsection 2, Code 1993,
15 is amended by striking the subsection.

16 Sec. 111. Section 99F.10, subsection 4, Code 1993,
17 is amended to read as follows:

18 4. In determining the license fees and state
19 admission fees to be charged as provided under section
20 99F.4 and this section, the commission shall use the
21 amount appropriated to the commission plus the cost of
22 auditing excursion gambling boat activities as the
23 basis for determining the amount of revenue to be
24 raised from the license fees and admission fees. The
25 costs of auditing shall include, but are not limited
26 to, salary and associated costs incurred by other
27 agencies of the state for personnel assigned to
28 enforcement of excursion boat gambling rules and
29 regulations adopted by the commission."

30 2. Page 1, by inserting after line 32 the
31 following:

32 "____. Page 6, by inserting before line 35 the
33 following:

34 "____. Page 22, by inserting after line 8 the
35 following:

36 "Sec. _____. Sections 103 and 110 of this Act, and
37 this section, being deemed of immediate importance,
38 take effect upon enactment.""".

By MICHAEL E. GRONSTAL

S-3569 FILED APRIL 21, 1993

LOST

SENATE FILE 266

S-3573

1 Amend the amendment, S-3555, to House amendment, S-
2 3486, to Senate File 266, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 1, by striking line 15 and inserting the
5 following: "approval statewide by a statewide".

By ANDY MCKEAN

S-3573 FILED APRIL 21, 1993

LOST

SENATE FILE 266

S-3575

1 Amend the amendment, S-3555, to House amendment, S-
2 3486, to Senate File 266, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 1, line 30, by striking the word "law."
5 and inserting the following: "law."

6 2. Page 1, by inserting after line 30 the follow-
7 ing:

8 _____. Page 13, by inserting before line 18 the
9 following:

10 "It is the intent of the general assembly that the
11 department of public safety shall employ sufficient
12 additional full-time employees for criminal
13 investigation and enforcement of gambling games at
14 pari-mutuel horse and dog racetracks.""

By MICHAEL E. GRONSTAL

S-3575 FILED APRIL 21, 1993

ADOPTED

SENATE FILE 266

S-3576

1 Amend the amendment, S-3554, to House amendment, S-
2 3486, to Senate File 266, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 1, by striking line 28 and inserting the
5 following: "99F.9, subsection 2, or otherwise imposed
6 by law."

7 _____. Page 13, by inserting before line 18 the
8 following:

9 "It is the further intent of the general assembly
10 that the racing and gaming commission shall employ
11 persons in additional full-time equivalent positions
12 only for excursion gambling boat enforcement.""

By MICHAEL E. GRONSTAL

S-3576 FILED APRIL 21, 1993

RULED OUT OF ORDER

SENATE FILE 266

S-3571

1 Amend the amendment, S-3555, to the House
2 amendment, S-3486, to Senate File 266, as amended,
3 passed, and reprinted by the Senate, as follows:

A 4 1. Page 1, line 17, by inserting after the word
5 "structure" the following: "by eliminating the five-
6 dollar per hand limit and increasing to one thousand
7 dollars the maximum loss limit".

B 8 2. Page 1, line 20, by inserting after the figure
9 "99F," the following: "as regards only the use of
10 slot machines, and with the exception of the racetrack
11 located in Polk county, whose two-year pilot project
12 shall authorize, subject to approval by county-wide
13 referendum, the use of slot machines only, shall
14 authorize a live racing season of 60 days, and shall
15 authorize year-round simulcasting of horse and dog
16 races,".

By MICHAEL E. GRONSTAL

S-3571 FILED APRIL 21, 1993
DIV. A-ADOPTED, DIV. B-ADOPTED

SENATE FILE 266

S-3572

1 Amend the House amendment, S-3486, to Senate File
2 266, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 6, by inserting before line 35 the
5 following:

6 "____. Page 13, by inserting before line 18 the
7 following:

8 "Sec. ____ Section 99F.10, subsection 4, Code
9 1993, is amended to read as follows:

10 4. In determining the license fees and state
11 admission fees to be charged as provided under section
12 99F.4 and this section, the commission shall use the
13 amount appropriated to the commission plus the cost of
14 auditing excursion gambling boat activities as the
15 basis for determining the amount of revenue to be
16 raised from the license fees and admission fees. The
17 costs of auditing shall include, but are not limited
18 to, salary and associated costs incurred by other
19 agencies of the state for personnel assigned to
20 enforcement of excursion boat gambling rules and
21 regulations adopted by the commission."

By ANDY MCKEAN

MICHAEL E. GRONSTAL

S-3572 FILED APRIL 21, 1993
LOST

SENATE FILE 266

S-3585

1 Amend the amendment, S-3555, to House amendment, S-
2 3486, to Senate File 266, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 1, line 30, by inserting after the word
5 "law." the following:

6 "If, after May 1, 1993, the five-dollar per hand
7 maximum wager or the two hundred dollar maximum loss
8 is removed or increased by legal gambling facilities
9 in this state which are not licensed by the state
10 racing and gaming commission, the commission shall
11 authorize comparable wagering and loss limitations for
12 gambling facilities licensed by the commission."

By BERL E. PRIEBE

S-3585 FILED APRIL 21, 1993

ADOPTED

SENATE FILE 266

S-3588

1 Amend the amendment, S-3555, to House amendment, S-
2 3486, to Senate File 266, as amended, passed, and
3 reprinted by the Senate, as follows:

A 4 1. Page 1, line 30, by striking the word "law."
5 and inserting the following: "law."

B 6 2. Page 1, by inserting after line 30 the
7 following:

8 "____. Page 13, by inserting before line 18 the
9 following:

10 "Sec. ____ Section 99D.14, subsection 6, Code
11 1993, is amended by striking the subsection."

By JOE WELSH

WILLIAM W. DIELEMAN

S-3588 FILED APRIL 21, 1993

DIV. A-WITHDRAWN, DIV. B-ADOPTED

SENATE FILE 266

S-3564

1 Amend the amendment, S-3555, to the House
2 amendment, S-3486, to Senate File 266, as amended,
3 passed, and reprinted by the Senate, as follows:

4 1. Page 1, line 17, by inserting after the word
5 "structure" the following: "by eliminating the five-
6 dollar per hand limit and increasing to one thousand
7 dollars the maximum loss limit".

8 2. Page 1, line 20, by inserting after the figure
9 "99F," the following: "as regards only the use of
10 slot machines, and with the exception of the racetrack
11 located in Polk county, whose two-year pilot project
12 shall authorize, subject to approval by county-wide
13 referendum, the use of slot machines only, shall
14 authorize a live racing season of 60 days, and shall
15 authorize year-round simulcasting of horse races,".

By JOE J. WELSH

S-3564 FILED APRIL 21, 1993

OUT OF ORDER

SENATE FILE 266

S-3577

1 Amend the amendment, S-3554, to House amendment, S-
2 3486, to Senate File 266, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 1, by striking line 28 and inserting the
5 following: "99F.9, subsection 2, or otherwise imposed
6 by law."

7 _____. Page 13, by inserting before line 18 the
8 following:

9 "It is the further intent of the general assembly
10 that the department of public safety shall employ
11 sufficient additional full-time employees for criminal
12 investigation and enforcement of gambling games at
13 pari-mutuel horse or dog racetracks.""

By MICHAEL E. GRONSTAL

S-3577 FILED APRIL 21, 1993

RULED OUT OF ORDER

SENATE FILE 266

S-3582

1 Amend the amendment, S-3555, to House amendment, S-
2 3486, to Senate File 266, as amended, passed, and
3 reprinted by the Senate, as follows:

A 4 1. Page 1, line 30, by striking the word "law."
5 and inserting the following: "law."

B 6 2. Page 1, by inserting after line 30 the follow-
7 ing:

8 _____. Page 13, by inserting before line 18 the
9 following:

10 "It is the further intent of the general assembly
11 that the racing and gaming commission shall employ
12 persons in additional full-time equivalent positions
13 only for excursion gambling boat enforcement.""

By MICHAEL E. GRONSTAL

S-3582 FILED APRIL 21, 1993

DIV. A-WITHDRAWN, DIV. B-ADOPTED

SENATE FILE 266

S-3584

1 Amend the amendment, S-3554, to House amendment, S-
2 3486, to Senate File 266, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 1, line 24, by inserting after the word
5 "laws." the following: "A separate referendum
6 required under this paragraph shall be held for
7 approval to reduce live racing to no fewer than sixty
8 days and for approval of excursion boat gambling games
9 at pari-mutuel racetracks."

By WILLIAM W. DIELEMAN

S-3584 FILED APRIL 21, 1993

RULED OUT OF ORDER

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 266

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 266, a bill for an Act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of licensing and regulation, department of alcoholic beverages, department of banking, department of credit unions, department of insurance, department of utilities, and the racing and gaming commission and providing effective dates, respectfully make the following report:

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1. That the conference committee is unable to agree.

ON THE PART OF THE SENATE:

TOM VILSACK, Chairperson
TONY BISIGNANO
DON E. GETTINGS
H. KAY HEDGE
WILMER RENSINK

ON THE PART OF THE HOUSE:

RON CORBETT, Chairperson
RICK DICKINSON
DONALD HANSON
MATT MCCOY
CLARK McNEAL

CCS-266 FILED APRIL 27, 1993

Adopted
5/1/93
(P. 1526)

Adopted
5/1/93
(P. 1931)

REPORT OF THE SECOND CONFERENCE COMMITTEE

ON SENATE FILE 266

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 266, a bill for an Act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of licensing and regulation, department of alcoholic beverages, department of banking, department of credit unions, department of insurance, department of utilities, and the racing and gaming commission and providing effective dates, respectfully make the following report:

1. That the House recedes from its amendment, S-3486.

2. That Senate File 266, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, line 28, by striking the word "For" and inserting the following: "1. For".

2. Page 1, line 33, by striking the word "section" and inserting the following: "subsection".

3. Page 1, by inserting after line 35 the following:

"2. For the costs associated with the addition of an additional member to the Iowa ethics campaign disclosure board established in House File 144, if enacted by the general assembly during the 1993 regular session:

..... \$ 2,000

3. For salary, support, maintenance, and for not more than one full-time equivalent position to be used to employ an

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attorney for the Iowa ethics campaign disclosure board established in House File 144, if enacted by the general assembly during the 1993 regular session:

..... \$ 42,400

4. For salary, support, maintenance, and for not more than one full-time equivalent position to be used to employ an administrative assistant II for the Iowa ethics campaign disclosure board established in House File 144, if enacted by the general assembly during the 1993 regular session:

..... \$ 38,400

5. For necessary equipment to be purchased by the Iowa ethics campaign disclosure board established in House File 144, if enacted by the general assembly during the 1993 regular session:

..... \$ 38,150".

4. Page 7, by inserting after line 11, the following:

"____. STATE FOSTER CARE REVIEW BOARD.

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

..... \$ 133,849

..... FTEs 4.00

It is the intent of the general assembly that the state citizen foster care review board, in conjunction with the department of human services and the judicial department, develop a proposal for the establishment of one statewide foster care review system which provides for citizen involvement. The proposal shall include procedural protocols and outcome measures for evaluation purposes. The proposal shall be submitted to the legislative council and the department of management on or before December 1, 1993. Pilot projects under the proposal may be implemented during the fiscal year beginning July 1, 1993, and ending June 30, 1994, if the pilot projects can be funded within budget limitations."

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Page 3

5. Page 8, lines 28 and 29, by striking the words "PROFESSIONAL LICENSING AND REGULATION" and inserting the following: "COMMERCE".

6. Page 8, lines 30 and 31, by striking the words "professional licensing and regulation" and inserting the following: "commerce".

7. Page 8, by inserting after line 33 the following:

"1. PROFESSIONAL LICENSING AND REGULATION DIVISION
a."

8. Page 9, line 2, by striking the figure "864,687" and inserting the following: "889,687".

9. Page 9, line 3, by striking the figure "13.00" and inserting the following: "14.00".

10. Page 9, by inserting after line 3 the following:

"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."

11. Page 9, by striking lines 4 through 9 and inserting the following:

"2. ADMINISTRATIVE SERVICES DIVISION

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

.....	\$	105,080
.....	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

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direct supervision of, and shall report to, the director of the department.

3. ALCOHOLIC BEVERAGES DIVISION".

12. Page 9, by striking lines 15 through 19 and inserting the following:

"4. BANKING DIVISION".

13. Page 9, line 25, by striking the words "department of banking" and inserting the following: "banking division".

14. Page 9, line 32, by striking the word "department" and inserting the following: "division".

15. Page 10, line 3, by striking the word "department's" and inserting the following: "division's".

16. Page 10, line 4, by striking the words "department must" and inserting the following: "division must".

17. Page 10, by striking lines 8 through 12 and inserting the following:

"5. CREDIT UNION DIVISION".

18. Page 10, line 18, by striking the words "department of credit unions" and inserting the following: "credit union division".

19. Page 10, line 26, by striking the word "department" and inserting the following: "division".

20. Page 10, line 31, by striking the word "department's" and inserting the following: "division's".

21. Page 10, line 32, by striking the word "department" and inserting the following: "division".

22. Page 11, by striking lines 2 through 6 and inserting the following:

"6. INSURANCE DIVISION".

23. Page 11, line 10, by striking the figure "4,667,435" and inserting the following: "2,707,415".

24. Page 11, line 11, by striking the figure "86.00" and inserting the following: "85.00".

25. Page 11, line 12, by striking the words "department of insurance" and inserting the following: "insurance division".

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26. Page 11, lines 14 and 15, by striking the words "department of insurance" and inserting the following: "insurance division".

27. Page 11, line 19, by striking the word "department" and inserting the following: "division".

28. Page 11, by striking lines 27 through 31 and inserting the following:

"7. UTILITIES DIVISION".

29. Page 11, line 35, by striking the figure "4,875,945" and inserting the following: "4,830,885".

30. Page 12, line 1, by striking the figure "78.00" and inserting the following: "77.00".

31. Page 12, line 2, by striking the words "department of utilities" and inserting the following: "utilities division".

32. Page 12, line 5, by striking the word "department" and inserting the following: "division".

33. Page 12, line 11, by striking the word "department" and inserting the following: "division".

34. Page 12, line 12, by striking the word "department" and inserting the following: "division".

35. Page 12, line 14, by striking the words "the department" and inserting the following: "the division".

36. By striking page 13, line 18 through page 17, line 32 and inserting the following:

"Sec. 101. Section 13B.4, subsection 7, Code 1993, is amended to read as follows:

7. The state public defender shall adopt rules pursuant to chapter 17A, as necessary, to administer this chapter and section 815.9.

Sec. 102. Section 13B.10, subsection 2, Code 1993, is amended to read as follows:

2. A determination of indigence shall not be made except upon the basis of information contained in a detailed financial statement submitted by the person or by the person's parent, guardian, or custodian. The financial statement shall be in

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the form prescribed by the department state public defender. If a person is determined to be indigent and given legal assistance, the financial statement shall be filed in the person's court file and with the department state public defender. A defendant who is employed shall execute a wage assignment for indigent defense costs to be paid as a precondition for appointment of counsel.

Sec. _____. Section 237.23, Code 1993, is amended to read as follows:

237.23 AUTOMATIC REPEAL.

Sections 237.15 through 237.22, and this section, are repealed July 1, ~~1996~~ 1994.

Sec. _____. 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~~ auditor of state.

Sec. _____. Section 543B.46, subsections 6 and 7, Code 1993, are amended to read as follows:

6. The commission will verify on a test basis, a random sampling of the brokers, corporations, and partnerships for their trust account compliance ~~as-a-condition-of-licensure renewal. Each-broker,-corporation,-and-partnership-shall submit-a-special-report-or-audit-of-their-trust-account-to-the commission-when-required-~~

~~The-special-report-or-audit-shall-be-submitted-with-the filed-renewal-application-or-at-such-other-time-as-the commission-may-direct.--In-addition,-the~~ The commission may upon reasonable cause, or as a part of or after an investigation, request or order an audit or special report. ~~All-audits-and-special-reports-addressed-in-this-section-shall be-conducted-at-the-expense-of-the-broker-by-a-certified-public accountant-~~

7. The examination of a trust account shall ~~have-been~~ be conducted ~~within-the-twelve-months-immediately-preceding~~

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~~expiration-of-the-license-or-at-such-other-times-as-directed~~ by the commission or the commission's authorized representative. ~~The-report-shall-be-in-the-approved-form-and-shall-include,-but is-not-limited-to,-a-list-of-all-trust-account-numbers-examined and-their-location-and-statement-indicating-if-the-broker's trust-accounts-are-maintained-in-accordance-with-this-chapter and-the-rules-adopted-for-this-chapter.~~

Sec. _____. Section 546.2, subsection 2, Code 1993, is amended to read as follows:

2. The chief administrative officer of the department is the director. The director shall be appointed annually by the governor, ~~subject-to-the-confirmation-of-the-senate,-and-shall serve-at-the-pleasure-of-the-governor~~ from among those individuals who serve as heads of the divisions within the department. The appointment shall rotate among the division heads such that the division head of any one division shall not be appointed to be the director for a second year until such time as each division head has served as the director. A division head appointed to be the director shall fulfill the responsibilities and duties of the director in addition to the individual's responsibilities and duties as the head of a division. The director-is-subject-to-reconfirmation-after-four years-in-office.--The-director-shall-be-appointed-on-the-basis of-executive-and-administrative-abilities-but-shall-not-have been-an-officer-or-employee-of-any-bank,-credit-union,-savings and-loan-association,-or-insurance-company.--The-salary-shall be-fixed-by-the-governor-within-a-range-established-by-the general-assembly. However, the administrator of the alcoholic beverages division shall serve as director until June 30, 1995."

37. Page 18, line 21, by inserting after the word "below" the following: "one hundred fifty percent of".

38. Page 18, by striking lines 24 through 26 and inserting the following:

"b. A person is not indigent if the person has an income

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level greater than one hundred fifty percent of the United States poverty".

39. Page 18, by inserting after line 29 the following:

"c. A person with an income level greater than one hundred fifty percent of the most recently revised poverty income guidelines published by the United States department of health and human services may be deemed partially indigent by the court pursuant to a written finding that, given the person's circumstances, not appointing counsel at public expense would cause the person substantial hardship. However, the court shall require a person deemed partially indigent to contribute to the cost of representation in accordance with rules adopted by the state public defender."

40. Page 19, by striking line 3 and inserting the following: "The state public defender shall adopt rules".

41. Page 19, line 4, by inserting after the word "statement" the following: "and the criteria by".

42. Page 19, line 5, by striking the word "upon".

43. Page 19, by striking lines 10 through 18.

44. Page 19, by striking lines 29 and 30 and inserting the following: "guidelines, at least one hundred dollars of the indigent defense costs to be recovered in accordance with rules adopted by the state public defender."

45. Page 19, by striking lines 33 through 35 and inserting the following: "percent of the poverty guidelines, at least two hundred dollars of the indigent defense costs shall be recovered in accordance with rules adopted by the state public defender."

46. By striking page 20, line 1 through page 21, line 10.

47. Page 22, by striking line 8.

48. Page 22, by striking line 11 and inserting the following: "upon enactment. Sections 101 and 102, and sections 31 and 32, of this Act take".

49. Title page, by striking lines 7 through 10 and inserting the following: "department of commerce, and the

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racine and gaming commission, and providing".

50. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE SENATE:

TOM VILSACK, Chairperson
TONY BISIGNANO
JACK RIFE
HARRY SLIFE
JOE WELSH

ON THE PART OF THE HOUSE:

DONALD HANSON, Chairperson
DAN BODDICKER
CLARK McNEAL

CCS-266.3 FILED MAY 1, 1993

ADOPTED



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

STATE CAPITOL
DES MOINES, IOWA 50319
515 281-5211

May 19, 1993

RECEIVED

MAY 19 93

Legislative Service
Bureau

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

Dear Madam Secretary:

I hereby transmit Senate File 266, an act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, 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 266 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

Among other things, Senate File 266 amends the state's laws relating to indigent defense. It better defines the term "indigency" and, in doing so, makes it clear that only those who are "truly" indigent, will be provided legal counsel at public expense. Persons who can pay some, but not all, of their legal costs, will have counsel provided to assist them, however, they will be required to contribute to the payment of those costs. The state public defender is given authority in rules to develop the criteria for determining indigency and the procedures for recovering the costs of representation from persons who can pay. These changes in the law are consistent with the recommendations I made to the legislature and will be extremely helpful in containing the costs of indigent defense. I am, however, disappointed that the legislature deliberately underfunded the program by \$1 million and chose not to eliminate the statutory provision that allows a nonindigent person to have legal counsel provided simply by refusing to hire his or her own attorney.

I am also disappointed that the legislature did not fund the position in the Racing and Gaming Commission to monitor Indian gaming in Iowa. While the gaming which occurs on Indian land is not subject to the state's laws which regulate gambling, it must comply with the terms and conditions of the compacts which have been negotiated with the tribes. All three Iowa tribes have agreed in their compacts to be bound by the same limits and controls that apply to other non-Indian gambling in the state. Remedies are available to the state in the compacts if the tribes fail to comply and it is only through the compacts that the state can "regulate" the gaming that occurs on Indian land. Unlike many other states, we have been successful in negotiating compacts which recognize the sovereign rights of Iowa tribes but which, to the extent possible under federal law, place their non-Indian competitors on a level playing field. While some in the legislature believe we should not be concerned about what happens at Indian casinos, I believe the state has a responsibility to its citizens to assure that gaming on Indian land, like other gambling in the state, is operated honestly and with financial integrity to deter crime and corrupting influences. Even in the absence of funding for this position, I am committed to monitoring compliance with the compacts and will dedicate the resources necessary to do so.

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 needs within the agency.

I am unable to approve the item designated as Section 5, subsection 1, in its entirety. This provision would require the Department of Employment Services to maintain all Job Services offices in operation as of July 1, 1993. The department's flexibility to provide services where they are most needed and in the most cost effective manner should not be restrained.

I am unable to approve the item designated as section 5, 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 in the Department of Employment Services would be required to conduct through January 20, 1994. The division must retain flexibility in conducting workers' compensation hearings in order to respond to the needs of employers and injured workers.

The Honorable Elaine Baxter
May 19, 1993
Page 3

I am unable to approve the item designated as section 18, in its entirety. This provision would make the Auditor of the state the administrative head of the Division of Savings and Loans within the Department of Commerce. The State Auditor is authorized by law to audit the expenses of all state departments and agencies, including the Division of Savings and Loans. This provision would create a conflict for the persons elected to serve as the State's Auditor by requiring them to audit the agency they are responsible for administering.

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 266 are hereby approved as of this date.

Sincerely,



Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

Item Vetred

Senate File 266, p. 2

SENATE FILE 266

AN ACT

MAKING APPROPRIATIONS AND CERTAIN RELATED STATUTORY CHANGES
RELATED TO REGULATORY BODIES OF STATE GOVERNMENT, INCLUDING
THE AUDITOR OF STATE, THE CAMPAIGN FINANCE DISCLOSURE COM-
MISSION, THE DEPARTMENT OF EMPLOYMENT SERVICES, THE DEPART-
MENT OF INSPECTIONS AND APPEALS, THE OFFICE OF THE STATE
PUBLIC DEFENDER, PUBLIC EMPLOYMENT RELATIONS BOARD, DEPART-
MENT 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, 1993, and ending
June 30, 1994, 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:

.....	\$	1,134,051
.....	FTEs	117.00

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.

Sec. 2. CAMPAIGN FINANCE DISCLOSURE COMMISSION. There is
appropriated from the general fund of the state to the
campaign finance disclosure commission for the fiscal year
beginning July 1, 1993, and ending June 30, 1994, the
following amount, 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:	\$	301,924
.....	FTEs	6.00

Of the amount appropriated in this subsection, \$45,000 is
to be used to purchase computer equipment and software
necessary to continue and enhance the current records
database.

2. For the costs associated with the addition of an
additional member to the Iowa ethics campaign disclosure board
established in House File 144, if enacted by the general
assembly during the 1993 regular session:

.....	\$	2,000
-------	----	-------

3. For salary, support, maintenance, and for not more than
one full-time equivalent position to be used to employ an
attorney for the Iowa ethics campaign disclosure board
established in House File 144, if enacted by the general
assembly during the 1993 regular session:

..... \$ 42,400

4. For salary, support, maintenance, and for not more than one full-time equivalent position to be used to employ an administrative assistant II for the Iowa ethics campaign disclosure board established in House File 144, if enacted by the general assembly during the 1993 regular session:

..... \$ 38,400

5. For necessary equipment to be purchased by the Iowa ethics campaign disclosure board established in House File 144, if enacted by the general assembly during the 1993 regular session:

..... \$ 38,150

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, 1993, and ending June 30, 1994, 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, 1993, and ending June 30, 1994, 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:

..... \$ 2,313,374

..... PTEs 87.50

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:

..... \$ 1,862,830

..... FTEs 31.00

Sec. 4. FEDERAL FUNDS APPROPRIATED FOR BUILDING REPAIR.

There is appropriated out of the funds made available to this state pursuant to section 903 of the federal Social Security Act, as amended, for the fiscal year beginning July 1, 1993, and ending June 30, 1994, \$645,000, to the department of employment services to correct health and safety problems including roof repair and asbestos removal and encapsulation for the state administrative office building located at 1000 East Grand, Des Moines, Iowa.

The moneys appropriated in this section shall not be obligated after June 30, 1995. The amount obligated pursuant to this section during any twelve-month period beginning on July 1 and ending on June 30 shall not exceed the amount available for obligation pursuant to section 903 of the federal Social Security Act, as amended, and as reflected in the accounts of the division of job service of the department of employment services and the United States department of labor.

Sec. 5. 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, 1993, and ending June 30, 1994, 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:

..... \$ 6,275,387
 PTEs 139.21

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, 1993, and ending June 30, 1994, in all communities in which job service offices 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 job service offices with another public agency. *Vetted*

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, 1993, and ending January 20, 1994. The division shall also establish a substantially similar schedule for such hearings for the period beginning January 20, 1994, and ending June 30, 1994. The division shall report to the legislative fiscal bureau concerning any modification of the established schedule, or any changes which the division determines are necessary in establishing the schedule for the period beginning January 20, 1994, and ending June 30, 1994. *Vetted*

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. 6. 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, 1993, and ending June 30, 1994, 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. 7. 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, 1993, and ending June 30, 1994, 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:

..... \$ 474,628
 PTEs 22.00

2. AUDITS DIVISION

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

..... \$ 340,548
 FTEs 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:

..... \$ 211,539
 FTEs 24.00

It is the intent of the general assembly that a process for
 the administrative review of requests for postconviction
 relief under chapter 822 and from final decisions made by
 administrative law judges appointed by the department of
 corrections, be established in the fair hearings and appeals
 division of the department of inspections and appeals. The
 department shall review existing judicial procedures for the
 processing of requests for postconviction relief and make
 recommendations to the general assembly by the commencement of
 the legislative session which convenes in January 1994, for
 the establishment of such an administrative process.

4. INVESTIGATIONS DIVISION

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

..... \$ 511,332
 FTEs 34.00

5. HEALTH FACILITIES DIVISION

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

..... \$ 1,374,975
 FTEs 101.00

6. INSPECTIONS DIVISION

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

..... \$ 564,586

..... FTEs 13.00

7. EMPLOYMENT APPEAL BOARD

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

..... \$ 44,700
 FTEs 16.80

The employment appeal board shall be reimbursed by the
 labor services division of the department of employment
 services for all costs associated with hearings conducted
 under chapter 91C, related to contractor registration. The
 board 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:

..... \$ 133,849
 FTEs 4.00

It is the intent of the general assembly that the state
 citizen foster care review board, in conjunction with the
 department of human services and the judicial department,
 develop a proposal for the establishment of one statewide
 foster care review system which provides for citizen
 involvement. The proposal shall include procedural protocols
 and outcome measures for evaluation purposes. The proposal
 shall be submitted to the legislative council and the
 department of management on or before December 1, 1993. Pilot
 projects under the proposal may be implemented during the
 fiscal year beginning July 1, 1993, and ending June 30, 1994,
 if the pilot projects can be funded within budget limitations.

Sec. 8. 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, 1993, and ending June 30, 1994, 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:

..... \$ 7,622,502
 FTEs 140.80

The judicial department shall provide, within thirty days after the end of each calendar quarter, a written report concerning adult and juvenile indigent defense, to the state public defender's office and the department of inspections and appeals, including the amount of restitution collected for attorney fees as follows:

a. By county.

b. By case type in the following categories:

(1) Juvenile cases involving delinquency actions, child in need of assistance actions, or termination of parental rights actions.

(2) Adult cases involving misdemeanor or felony prosecutions.

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

..... \$ 8,778,665

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

Sec. 10. 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, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 898,938

Sec. 11. 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, 1993, and ending June 30, 1994, 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:

..... \$ 703,296
 FTEs 12.60

Sec. 12. 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, 1993, and ending June 30, 1994, 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:

..... \$ 889,687
 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:

..... \$ 105,080
 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.

3. ALCOHOLIC BEVERAGES DIVISION

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

..... \$ 1,932,700
 FTEs 34.50

4. BANKING DIVISION

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

..... \$ 5,314,308
 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.

5. CREDIT UNION DIVISION

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

..... \$ 1,039,372
 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:

..... \$ 2,707,415
 FTEs 85.00

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 reimburseable and the division first does both of the following:

1. Notifies the department of management, legislative fiscal bureau, and the legislative fiscal committee of the need for such expenditures.
2. 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:

.....	\$	4,830,885
.....	FTEs	77.00

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. 13. 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, 1993, and ending June 30, 1994, 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:

.....	\$	1,672,245
.....	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, 1993, and ending on June 30, 1994, 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. 14. 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, 1993, and ending June 30, 1994, 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:
- | | | |
|-------|------|---------|
| | \$ | 601,682 |
| | FTEs | 12.51 |

Sec. 15. Section 13B.4, subsection 7, Code 1993, is amended to read as follows:

7. The state public defender shall adopt rules pursuant to chapter 17A, as necessary, to administer this chapter and section 815.9.

Sec. 16. Section 13B.10, subsection 2, Code 1993, is amended to read as follows:

2. A determination of indigence shall not be made except upon the basis of information contained in a detailed financial statement submitted by the person or by the person's parent, guardian, or custodian. The financial statement shall be in the form prescribed by the department state public defender. If a person is determined to be indigent and given legal assistance, the financial statement shall be filed in the person's court file and with the department state public defender. A defendant who is employed shall execute a wage assignment for indigent defense costs to be paid as a precondition for appointment of counsel.

Sec. 17. Section 237.23, Code 1993, is amended to read as follows:

237.23 AUTOMATIC REPEAL.

Sections 237.15 through 237.22, and this section, are repealed July 1, 1996 1994.

Sec. 18. 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 auditor of state.

Sec. 19. Section 543B.46, subsections 6 and 7, Code 1993, are amended to read as follows:

6. The commission will verify on a test basis, a random sampling of the brokers, corporations, and partnerships for their trust account compliance as a condition of licensure renewal. Each broker, corporation, and partnership shall submit a special report or audit of their trust account to the commission when required.

The special report or audit shall be submitted with the filed renewal application or at such other time as the

~~commission may direct. In addition, the~~ The commission may upon reasonable cause, or as a part of or after an investigation, request or order an audit or special report. ~~All audits and special reports addressed in this section shall be conducted at the expense of the broker by a certified public accountant.~~

7. The examination of a trust account shall have been ~~be~~ conducted within the twelve months immediately preceding expiration of the license or at such other times as directed by the commission or the commission's authorized representative. ~~The report shall be in the approved form and shall include, but is not limited to, a list of all trust account numbers examined and their location and statement indicating if the broker's trust accounts are maintained in accordance with this chapter and the rules adopted for this chapter.~~

Sec. 20. Section 546.2, subsection 2, Code 1993, is amended to read as follows:

2. The chief administrative officer of the department is the director. The director shall be appointed annually by the governor, ~~subject to the confirmation of the senate, and shall serve at the pleasure of the governor from among those individuals who serve as heads of the divisions within the department.~~ The appointment shall rotate among the division heads such that the division head of any one division shall not be appointed to be the director for a second year until such time as each division head has served as the director. A division head appointed to be the director shall fulfill the responsibilities and duties of the director in addition to the individual's responsibilities and duties as the head of a division. ~~The director is subject to reconfirmation after four years in office. The director shall be appointed on the basis of executive and administrative abilities but shall not have been an officer or employee of any bank, credit union, savings and loan association, or insurance company. The salary shall be fixed by the governor within a range~~

~~established by the general assembly. However, the administrator of the alcoholic beverages division shall serve as director until June 30, 1995.~~

Sec. 21. Section 815.4, Code 1993, is amended to read as follows:

815.4 SPECIAL WITNESSES FOR INDIGENTS.

Witnesses secured for indigent or partially indigent defendants under R.Cr.P. 19 must file a claim for compensation supported by an affidavit specifying the time expended, services rendered, and expenses incurred on behalf of the defendant.

Sec. 22. Section 815.5, Code 1993, is amended to read as follows:

815.5 EXPERT WITNESSES FOR STATE AND DEFENSE.

Notwithstanding the provisions of section 622.72, reasonable compensation as determined by the court shall be awarded expert witnesses, expert witnesses for ~~indigents~~ an indigent or partially indigent person referred to in section 815.4, or called by the state in criminal cases.

Sec. 23. Section 815.9, subsection 1, Code 1993, is amended by striking the subsection and inserting in lieu thereof the following:

1. For purposes of this chapter, section 68.8, section 222.22, chapter 232, chapter 814, and the rules of criminal procedure, the following apply:

a. A person is indigent if the person has an income level at or below one hundred fifty percent of the United States poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

b. A person is not indigent if the person has an income level greater than one hundred fifty percent of the United States poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

c. A person with an income level greater than one hundred fifty percent of the most recently revised poverty income guidelines published by the United States department of health and human services may be deemed partially indigent by the court pursuant to a written finding that, given the person's circumstances, not appointing counsel at public expense would cause the person substantial hardship. However, the court shall require a person deemed partially indigent to contribute to the cost of representation in accordance with rules adopted by the state public defender.

Sec. 24. Section 815.9, subsection 2, Code 1993, is amended by striking the subsection and inserting in lieu thereof the following:

2. A determination of the indigent status of a person shall be made on the person's initial appearance before a court. If a person is granted legal assistance as an indigent or partial indigent, the financial statement shall be filed and permanently retained in the person's court file. The state public defender shall adopt rules prescribing the form and content of the financial statement and the criteria by which a determination of indigency shall be based. The financial statement shall contain sufficient information to allow the determination to be made of whether the person meets the guidelines set out in subsection 1 and shall be accompanied by the person's most recent pay slip, if employed.

Sec. 25. NEW SECTION. 815.9A RECOVERY OF INDIGENT DEFENSE COSTS.

1. Costs incurred for indigent defense shall be paid to the clerk of the district court by the person receiving the services not later than the date of sentencing or, if the person is acquitted or the charges are dismissed, within thirty days of the acquittal or dismissal, as follows:

a. If the person has an income level as determined pursuant to section 815.9 greater than one hundred percent but not more than one hundred fifty percent of the poverty guidelines, at least one hundred dollars of the indigent

defense costs to be recovered in accordance with rules adopted by the state public defender.

b. If the person has an income level as determined pursuant to section 815.9 greater than one hundred fifty percent of the poverty guidelines, at least two hundred dollars of the indigent defense costs shall be recovered in accordance with rules adopted by the state public defender.

Sec. 26. DIRECTIONS TO CODE EDITOR. The Code editor shall make the following changes to conform existing sections of the Code to changes made in this Act:

1. All references to the alcoholic beverages division shall be changed to the "department" or "department of alcoholic beverages" as appropriate.

2. All references to the utilities division shall be changed to the "department" or "department of utilities" as appropriate.

3. All references to the insurance division shall be changed to the "department" or "department of insurance" as appropriate.

4. All references to the banking division shall be changed to the "department" or "department of banking" as appropriate.

5. All references to the credit union division shall be changed to the "department" or "department of credit unions" as appropriate.

6. All references to the professional licensing and regulation division shall be changed to the "department" or "department of professional licensing and regulation" as appropriate.

7. All references to the department of commerce shall be changed to reflect the repeal of chapter 546, as appropriate.

If necessary and appropriate, the Code editor shall include reference changes which are not made pursuant to this section in a Code editor's bill to be brought before the general assembly for consideration during the 1994 regular session.

Sec. 27. 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.

Sec. 28. EFFECTIVE DATES. Section 13, subsection 2, of this Act, being deemed of immediate importance, is effective upon enactment. Sections 15 and 16, and sections 23 and 24, of this Act take effect on September 1, 1993.

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 266, Seventy-fifth General Assembly.

Approved May 19, 1993

JOHN F. DWYER
Secretary of the Senate

TERRY E. BRANSTAD
Governor