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SENATE FILE 425  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 2688XC)

Passed Senate, Date 4/30/93 (p. 1491) Passed House, Date \_\_\_\_\_

Vote: Ayes 28 Nays 22 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved [Signature] 5/28/93

A BILL FOR

1 An Act relating to and making appropriations to finance state  
2 government, its regulatory functions, and its obligations, and  
3 providing effective and applicability date provisions.

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

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SF 425

1 DIVISION I  
2 STANDING APPROPRIATIONS

3 Section 1. Section 8.59, Code 1993, is amended to read as  
4 follows:

5 8.59 APPROPRIATIONS FREEZE.

6 Notwithstanding contrary provisions of the Code, the  
7 amounts appropriated under the applicable sections of the Code  
8 for fiscal years commencing on or after July 1, 1993, are  
9 limited to those amounts expended under those sections for the  
10 fiscal year commencing July 1, 1992. If an applicable section  
11 appropriates moneys to be distributed to different recipients  
12 and the operation of this section reduces the total amount to  
13 be distributed under the applicable section, the moneys shall  
14 be prorated among the recipients. As used in this section,  
15 "applicable sections" means the following sections: 53.50,  
16 229.35, 230.8, 230.11, 405A.8, 411.20, 425.1, 425.39, 426A.1,  
17 453A-7, 663.44, and 822.5.

18 Sec. 2. Section 422.65, unnumbered paragraph 1, Code 1993,  
19 is amended to read as follows:

20 All moneys received from the franchise tax shall be  
21 deposited in the state general fund. ~~Forty-five-percent-of~~  
22 and Commencing with the fiscal year beginning July 1, 1993,  
23 there is appropriated for each fiscal year from the franchise  
24 tax money received and deposited in the state general fund the  
25 sum of eight million eight hundred thousand dollars which  
26 shall be paid quarterly on warrants by the director, after  
27 certification by the director, as follows:

28 Sec. 3. Section 425.17, subsection 2, Code 1993, is  
29 amended to read as follows:

30 2. "Claimant" means a either of the following:

31 a. A person filing a claim for credit or reimbursement  
32 under this division who has attained the age of eighteen  
33 sixty-five years on or before December 31 of the base year,  
34 who is a surviving spouse having attained the age of fifty-  
35 five years on or before December 31, 1988, or who is totally

1 disabled and was totally disabled on or before December 31 of  
2 the base year, and was domiciled in this state during the  
3 entire base year, and is domiciled in this state at the time  
4 the claim is filed or at the time of the person's death in the  
5 case of a claim filed by the executor or administrator of the  
6 claimant's estate and, in the case of a person who is not  
7 disabled and has not reached the age of sixty-five, was not  
8 claimed as a dependent on any other person's tax return for  
9 the base year.

10 b. A person filing a claim for credit or reimbursement  
11 under this division who has attained the age of eighteen years  
12 on or before December 31 of the base year but has not attained  
13 the age or disability status described in paragraph "a", and  
14 was domiciled in this state during the entire base year, and  
15 is domiciled in this state at the time the claim is filed or  
16 at the time of the person's death in the case of a claim filed  
17 by the executor or administrator of the claimant's estate, and  
18 was not claimed as a dependent on any other person's tax  
19 return for the base year.

20 "Claimant" under paragraph "a" or "b" includes a vendee in  
21 possession under a contract for deed and may include one or  
22 more joint tenants or tenants in common. In the case of a  
23 claim for rent constituting property taxes paid, the claimant  
24 shall have rented the property during any part of the base  
25 year. If a homestead is occupied by two or more persons, and  
26 more than one person is able to qualify as a claimant, the  
27 persons may determine among them who will be the claimant. If  
28 they are unable to agree, the matter shall be referred to the  
29 director of revenue and finance not later than October 31 of  
30 each year and the director's decision is final.

31 Sec. 4. Section 425.23, subsection 1, Code 1993, is  
32 amended to read as follows:

33 1. a. The tentative credit or reimbursement for a  
34 claimant described in section 425.17, subsection 2, paragraph  
35 "a" and paragraph "b" if no appropriation is made to the fund

1 created in section 425.40 shall be determined in accordance  
2 with the following schedule:

3		Percent of property taxes
4		due or rent constituting
5		property taxes paid
6	If the household	allowed as a credit or
7	income is:	reimbursement:
8	\$ 0 -- 5,999.99	..... 100%
9	6,000 -- 6,999.99	..... 85
10	7,000 -- 7,999.99	..... 70
11	8,000 -- 9,999.99	..... 50
12	10,000 -- 11,999.99	..... 35
13	12,000 -- 13,999.99	..... 25

14 b. If moneys have been appropriated to the fund created in  
15 section 425.40, the tentative credit or reimbursement for a  
16 claimant described in section 425.17, subsection 2, paragraph  
17 "b", shall be determined as follows:

18 (1) If the amount appropriated under section 425.40 plus  
19 any supplemental appropriation made for a fiscal year for  
20 purposes of this lettered paragraph is at least twenty-seven  
21 million dollars, the tentative credit or reimbursement shall  
22 be determined in accordance with the following schedule:

23		Percent of property taxes
24		due or rent constituting
25		property taxes paid
26	If the household	allowed as a credit or
27	income is:	reimbursement:
28	\$ 0 -- 5,999.99	..... 100%
29	6,000 -- 6,999.99	..... 85
30	7,000 -- 7,999.99	..... 70
31	8,000 -- 9,999.99	..... 50
32	10,000 -- 11,999.99	..... 35
33	12,000 -- 13,999.99	..... 25

34 (2) If the amount appropriated under section 425.40 plus  
35 any supplemental appropriation made for a fiscal year for

1 purposes of this lettered paragraph is less than twenty-seven  
2 million dollars the tentative credit or reimbursement shall be  
3 determined in accordance with the following schedule:

	<u>Percent of property taxes</u>
	<u>due or rent constituting</u>
	<u>property taxes paid</u>
<u>If the household</u>	<u>allowed as a credit or</u>
<u>income is:</u>	<u>reimbursement:</u>
9     \$     0 -- 5,999.99 .....	50%
10 <u>6,000 -- 6,999.99 .....</u>	<u>42</u>
11 <u>7,000 -- 7,999.99 .....</u>	<u>35</u>
12 <u>8,000 -- 9,999.99 .....</u>	<u>25</u>
13 <u>10,000 -- 11,999.99 .....</u>	<u>17</u>
14 <u>12,000 -- 13,999.99 .....</u>	<u>12</u>

15     Sec. 5. Section 425.23, subsection 3, paragraph a, Code  
16 1993, is amended to read as follows:

17     a. A person who is eligible to file a claim for credit for  
18 property taxes due and who has a household income of six  
19 thousand dollars or less and who has an unpaid special  
20 assessment levied against the homestead may file a claim with  
21 the county treasurer that the claimant had a household income  
22 of six thousand dollars or less and that an unpaid special  
23 assessment is presently levied against the homestead. The  
24 department shall provide to the respective treasurers the  
25 forms necessary for the administration of this subsection.  
26 The claim shall be filed not later than September 30 of each  
27 year. Upon the filing of the claim, interest for late payment  
28 shall not accrue against the amount of the unpaid special  
29 assessment due and payable. The claim filed by the claimant  
30 constitutes a claim for credit of an amount equal to the  
31 actual amount due upon the unpaid special assessment, plus  
32 interest, payable during the fiscal year for which the claim  
33 is filed against the homestead of the claimant. However,  
34 where the claimant is an individual described in section  
35 425.17, subsection 2, paragraph "b", and the tentative credit

1 is determined according to the schedule in section 425.23,  
2 subsection 1, paragraph "b", subparagraph (2), the claim filed  
3 constitutes a claim for credit of an amount equal to one-half  
4 of the actual amount due and payable during the fiscal year.  
5 The department of revenue and finance shall, upon the filing  
6 of the claim with the department by the treasurer, pay that  
7 amount of the unpaid special assessment during the current  
8 fiscal year to the treasurer. The treasurer shall submit the  
9 claims to the director of revenue and finance not later than  
10 October 15 of each year. The director of revenue and finance  
11 shall certify the amount of reimbursement due each county for  
12 unpaid special assessment credits allowed under this  
13 subsection. The amount of reimbursement due each county shall  
14 be paid by the director of revenue and finance on October 20  
15 of each year, drawn upon warrants payable to the respective  
16 treasurer. There is appropriated annually from the general  
17 fund of the state to the department of revenue and finance an  
18 amount sufficient to carry out the provisions of this  
19 subsection. The treasurer shall credit any moneys received  
20 from the department against the amount of the unpaid special  
21 assessment due and payable on the homestead of the claimant.

22 Sec. 6. Section 425.39, Code 1993, is amended to read as  
23 follows:

24 425.39 FUND CREATED -- APPROPRIATION.

25 1. The extraordinary property tax credit and reimbursement  
26 fund is created. There is appropriated annually from the  
27 general fund of the state to the department of revenue and  
28 finance to be credited to the extraordinary property tax  
29 credit and reimbursement fund, from funds not otherwise  
30 appropriated, an-amount-sufficient-to-implement-this-division  
31 the sum of ten million eight hundred thousand dollars to pay  
32 credits and reimbursements for all claimants for which partial  
33 funding is not provided from an appropriation made to the fund  
34 created in section 425.40.

35 2. If the amount appropriated under subsection 1, as

1 limited by section 8.59, plus any supplemental appropriation  
2 made for purposes of this section for a fiscal year is  
3 insufficient to pay all claims in full, the director shall  
4 pay, in full, all claims to be paid during the fiscal year for  
5 reimbursement of rent constituting property taxes paid or if  
6 moneys are insufficient to pay all such claims on a pro rata  
7 basis. If the amount of claims for credit for property taxes  
8 due to be paid during the fiscal year exceed the amount  
9 remaining after payment to renters, the director of revenue  
10 and finance shall prorate the payments to the counties for the  
11 property tax credit. In order for the director to carry out  
12 the requirements of this subsection, notwithstanding any  
13 provision to the contrary in this division, claims for  
14 reimbursement for rent constituting property taxes paid filed  
15 before May 1 of the fiscal year shall be eligible to be paid  
16 in full during the fiscal year and those claims filed on or  
17 after May 1 of the fiscal year shall be eligible to be paid  
18 during the following fiscal year and the director is not  
19 required to make payments to counties for the property tax  
20 credit before June 15 of the fiscal year.

21 Sec. 7. NEW SECTION. 425.40 LOW-INCOME FUND CREATED --  
22 APPROPRIATION.

23 1. A low-income tax credit and reimbursement fund is  
24 created. Beginning July 1, 1994, there is appropriated  
25 annually from the general fund of the state to the department  
26 of revenue and finance to be credited to the low-income tax  
27 credit and reimbursement fund the sum of thirteen million five  
28 hundred thousand dollars to pay credits and reimbursements for  
29 claimants described in section 425.17, subsection 2, paragraph  
30 "b".

31 2. If the amount appropriated under subsection 1 plus any  
32 supplemental appropriation made for purposes of this section  
33 for a fiscal year is insufficient to pay all claims in full,  
34 the director shall pay, in full, all claims to be paid during  
35 the fiscal year for reimbursement of rent constituting

1 property taxes paid or if moneys are insufficient to pay all  
2 such claims on a pro rata basis. If the amount of claims for  
3 credit for property taxes due to be paid during the fiscal  
4 year exceed the amount remaining after payment to renters, the  
5 director of revenue and finance shall prorate the payments to  
6 the counties for the property tax credit. In order for the  
7 director to carry out the requirements of this subsection,  
8 notwithstanding any provision to the contrary in this  
9 division, claims for reimbursement for rent constituting  
10 property taxes paid filed before May 1 of the fiscal year  
11 shall be eligible to be paid in full during the fiscal year  
12 and those claims filed on or after May 1 of the fiscal year  
13 shall be eligible to be paid during the following fiscal year  
14 and the director is not required to make payments to counties  
15 for the property tax credit before June 15 of the fiscal year.

16 Sec. 8. Section 425A.1, Code 1993, is amended to read as  
17 follows:

18 425A.1 FAMILY FARM TAX CREDIT FUND.

19 The family farm tax credit fund is created in the office of  
20 the treasurer of state. There ~~is appropriated~~ shall be  
21 transferred annually to the fund from funds in the general  
22 fund not otherwise appropriated the sum of the first ten  
23 million dollars of the amount annually appropriated to the  
24 agricultural land credit fund, provided in section 426.1. Any  
25 balance in the fund on June 30 shall revert to the general  
26 fund.

27 Sec. 9. Section 426.1, Code 1993, is amended to read as  
28 follows:

29 426.1 AGRICULTURAL LAND CREDIT FUND.

30 There is hereby created as a permanent fund in the office  
31 of the treasurer of state a fund to be known as the  
32 agricultural land credit fund, and for the purpose of  
33 establishing and maintaining ~~said~~ this fund for each fiscal  
34 year there is appropriated thereto from funds in the general  
35 fund not otherwise appropriated the sum of ~~forty-three~~ thirty-



1 nine million five one hundred thousand dollars of which the  
2 first ten million dollars shall be transferred to and  
3 deposited into the family farm tax credit fund created in  
4 section 425A.1. Any balance in said fund on June 30 shall  
5 revert to the general fund.

6 Sec. 10. Section 427B.17, Code 1993, is amended to read as  
7 follows:

8 427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.

9 For property defined in section 427A.1, subsection 1,  
10 paragraphs "e" and "j", acquired or initially leased on or  
11 after January 1, ~~1985~~ 1982, the taxpayer's valuation shall be  
12 limited to thirty percent of the net acquisition cost of the  
13 property. For purposes of this section, "net acquisition  
14 cost" means the acquired cost of the property including all  
15 foundations and installation cost less any excess cost  
16 adjustment.

17 For purposes of this section:

18 1. Property assessed by the department of revenue and  
19 finance pursuant to sections 428.24 to 428.29, or chapters  
20 433, 434 and 436 to 438 shall not receive the benefits of this  
21 section.

22 2. Property acquired ~~on or~~ before January 1, ~~1985~~ 1982,  
23 which was owned or used ~~on or~~ before January 1, ~~1985~~ 1982, by  
24 a related person shall not receive the benefits of this  
25 section.

26 3. Property acquired on or after January 1, ~~1985~~ 1982,  
27 which was owned and used by a related person shall not receive  
28 any additional benefits under this section.

29 4. Property which was owned or used ~~on or~~ before January  
30 1, ~~1985~~ 1982, and subsequently acquired by an exchange of like  
31 property shall not receive the benefits of this section.

32 5. Property which was acquired on or after January 1, ~~1985~~  
33 1982, and subsequently exchanged for like property shall not  
34 receive any additional benefits under this section.

35 6. Property acquired ~~on or~~ before January 1, ~~1985~~ 1982,

1 which is subsequently leased to a taxpayer or related person  
2 who previously owned the property shall not receive the  
3 benefits of this section.

4 7. Property acquired on or after January 1, ~~1985~~ 1982,  
5 which is subsequently leased to a taxpayer or related person  
6 who previously owned the property shall not receive any  
7 additional benefits under this section.

8 For purposes of this section, "related person" means a  
9 person who owns or controls the taxpayer's business and  
10 another business entity from which property is acquired or  
11 leased or to which property is sold or leased. Business  
12 entities are owned or controlled by the same person if the  
13 same person directly or indirectly owns or controls fifty  
14 percent or more of the assets or any class of stock or who  
15 directly or indirectly has an interest of fifty percent or  
16 more in the ownership or profits.

17 Property assessed pursuant to this section shall not be  
18 eligible to receive a partial exemption under sections 427B.1  
19 to 427B.6.

20 Sec. 11. Section 453A.7, unnumbered paragraph 2, Code  
21 1993, is amended to read as follows:

22 There is hereby appropriated ~~out-of-any-funds-in-the-state~~  
23 ~~treasury-not-otherwise-appropriated-sufficient-funds~~ annually  
24 from the general fund of the state the sum of one hundred  
25 fifteen thousand dollars to carry out the provisions of this  
26 section.

27 Sec. 12. Notwithstanding the standing appropriation in  
28 section 285.2, there is appropriated pursuant to section 285.2  
29 from the general fund of the state to the department of  
30 education for the fiscal year beginning July 1, 1993, and  
31 ending June 30, 1994, the following amount, or so much thereof  
32 as may be necessary, to be used for the purpose designated:

33 To provide funds for costs of providing transportation  
34 services to nonpublic school pupils as authorized by section  
35 285.2:

1 ..... \$ 6,894,293

2 Sec. 13. 1992 Iowa Acts, 2nd Extraordinary Session,  
3 chapter 1001, section 225, is amended to read as follows:

4 SEC. 225. Section 215, and 216, 220, 221, 222, and 223 of  
5 this Act take effect January 1, 1993, for mobile home tax  
6 ~~claims and property tax claims~~ filed on or after that date.  
7 Sections 220, 221, 222, and 223 of this Act take effect  
8 January 1, 1994, for property tax claims filed on or after  
9 that date. Sections 220, 221, and 222 of this Act are  
10 applicable to rent reimbursement claims filed on or after  
11 January 1, ~~1994~~ 1995.

12 Sec. 14. Notwithstanding the provisions in 1990 Iowa Acts,  
13 chapter 1250, sections 6, 8, 9, and 21; 1991 Iowa Acts,  
14 chapter 267, sections 524 and 529; and 1992 Iowa Acts, 2nd  
15 Extraordinary Session, chapter 1001, section 225; authorizing  
16 property tax credits or rent reimbursements for persons whose  
17 income is less than \$14,000 and who have not obtained the age  
18 of 65 or are not totally disabled on or before December 31 of  
19 the base year, as defined in section 425.17, or are not  
20 surviving spouses who have attained the age of 55 on or before  
21 December 31, 1988, such persons shall not be entitled to a  
22 property tax credit or rent reimbursement pursuant to sections  
23 425.17 through 425.39 prior to the effective date of sections  
24 3 through 7 of this Act, as applicable, and all claims for  
25 such property tax credit filed before January 1, 1994, and for  
26 such rent reimbursement filed before January 1, 1995, shall  
27 not be allowed.

28 Sec. 15. Notwithstanding the standing appropriation in  
29 section 331.660, there is appropriated pursuant to section  
30 331.660 from the general fund of the state to the county of  
31 Tama for the fiscal year beginning July 1, 1993, and ending  
32 June 30, 1994, the following amount, or so much thereof as is  
33 necessary, to be used for the purpose designated:

34 For the payment of salary and expenses of a deputy sheriff  
35 responsible for law enforcement on the Indian settlement as

1 provided in section 331.660:

2 ..... \$ 58,750

3 Sec. 16. Sections 427B.10 through 427B.12 and 427B.14,  
4 Code 1993, are repealed.

5 Sec. 17. Sections 3 through 7 of this Act take effect  
6 January 1, 1994, for property tax claims filed on or after  
7 that date. Sections 3, 4, 6, and 7 of this Act are applicable  
8 to rent reimbursement claims filed on or after January 1,  
9 1995.

10 Sec. 18. Sections 13 and 14 of this Act, being deemed of  
11 immediate importance, take effect upon enactment and apply  
12 retroactively to January 1, 1993.

13 DIVISION II  
14 CAPITAL PROJECTS

15 DEPARTMENT OF COMMERCE

16 Sec. 19. There is appropriated from the general fund of  
17 the state to the department of commerce for the fiscal year  
18 beginning July 1, 1993, and ending June 30, 1994, the follow-  
19 ing amount, or so much thereof as is necessary, to be used for  
20 the purpose designated:

21 For roof repair on the liquor warehouse:  
22 ..... \$ 350,000

23 DEPARTMENT OF CORRECTIONS

24 Sec. 20. There is appropriated from the general fund of  
25 the state to the department of corrections for the fiscal year  
26 beginning July 1, 1993, and ending June 30, 1994, the follow-  
27 ing amount, or so much thereof as is necessary, to be used for  
28 the purpose designated:

29 For critical maintenance needs at correctional facilities:  
30 ..... \$ 300,000

31 DEPARTMENT OF EDUCATION

32 Sec. 21. There is appropriated from the general fund of  
33 the state to the department of education for the fiscal year  
34 beginning July 1, 1993, and ending June 30, 1994, the follow-  
35 ing amount, or so much thereof as is necessary, to be used for

1 the purpose designated:

2 For roof repair on the building housing the division of  
3 vocational rehabilitation:

4 ..... \$ 30,000

5 DEPARTMENT OF HUMAN SERVICES

6 Sec. 22. There is appropriated from the general fund of  
7 the state to the department of human services for the fiscal  
8 year beginning July 1, 1993, and ending June 30, 1994, the  
9 following amount, or so much thereof as is necessary, to be  
10 used for the purpose designated:

11 For critical maintenance needs:

12 ..... \$ 300,000

13 DEPARTMENT OF PUBLIC DEFENSE

14 Sec. 23. There is appropriated from the general fund of  
15 the state to the department of public defense for the fiscal  
16 year beginning July 1, 1993, and ending June 30, 1994, the  
17 following amount, or so much thereof as is necessary, to be  
18 used for the purpose designated:

19 For capital repairs at the Boone armory:

20 ..... \$ 108,000

21 DEPARTMENT OF NATURAL RESOURCES

22 Sec. 24. There is appropriated from the marine fuel tax  
23 receipts deposited in the general fund of the state to the  
24 department of natural resources for the fiscal year beginning  
25 July 1, 1993, and ending June 30, 1994, the following amounts,  
26 or so much thereof as is necessary, to be used for the purpose  
27 designated:

28 For purposes of funding capitals traditionally funded from  
29 marine fuel tax receipts for the purposes specified in section  
30 452A.79:

31 ..... \$ 1,650,000

32 1. Of the moneys appropriated in this section, \$200,000  
33 shall be used to support natural lake preservation. The  
34 department shall award the amount allocated in this subsection  
35 to a city as defined in section 362.2 on a matching basis with

1 the department contributing one dollar for each one dollar  
2 dedicated by the city, or the city acting in conjunction with  
3 a county, for natural lake preservation, if the money is  
4 dedicated on or after March 1, 1991. However, the city, or  
5 the city and county, must have dedicated at least \$200,000 of  
6 local funds in order to qualify for the award. The city must  
7 also be located in a county having a population of less than  
8 12,000.

9 2. Of the moneys appropriated in this section, \$225,000  
10 shall be used for the renovation of Lake Ahquabi.

11 3. Notwithstanding section 8.33, the unencumbered or  
12 unobligated moneys remaining on June 30, 1994, from moneys  
13 appropriated for purposes of funding capitals traditionally  
14 funded from marine fuel tax receipts as provided in this  
15 section for the fiscal year beginning July 1, 1993, shall  
16 revert to the general fund of the state on September 30, 1995.

17 STATE FAIR -- NATURAL RESOURCES -- CAPITOL COMPLEX

18 Sec. 25. Notwithstanding 1992 Iowa Acts, chapter 1247,  
19 section 45, of the lottery revenues remaining after  
20 \$42,300,000 are transferred and credited to the general fund  
21 of the state, the following amounts shall be transferred in  
22 descending priority order as follows:

23 1. To the Iowa state fair board for deposit in the  
24 foundation fund under the control of the board as provided in  
25 section 173.22 for purposes of supporting capital improvements  
26 to the Iowa state fairgrounds, including the repair and  
27 renovation of structures and the repair or replacement of  
28 essential items related to the infrastructure of the  
29 fairgrounds:

30 ..... \$ 500,000

31 The moneys deposited pursuant to this subsection shall be  
32 expended by the foundation on a one dollar to two dollar  
33 matching basis with moneys contributed to the foundation by  
34 private sources. Notwithstanding section 8.33, the  
35 unencumbered or unobligated moneys remaining on June 30, 1994,

1 from moneys deposited under this subsection shall remain in  
2 the Iowa state fair foundation fund.

3 2. To the department of natural resources for construction  
4 of a fishing pier which is accessible to persons with  
5 disabilities at Frog Hollow Creek Lake in Volga River  
6 Recreation Area:

7 ..... \$ 80,000

8 Moneys transferred pursuant to this subsection which remain  
9 unencumbered or unobligated shall revert to the general fund  
10 of the state on September 30, 1995.

11 3. To the department of general services for the fiscal  
12 year beginning July 1, 1992, and ending June 30, 1993, and  
13 used for the purposes designated:

14 a. For continued restoration of the exterior of the state  
15 capitol building:

16 ..... \$ 814,957

17 b. For facility remodeling to be in compliance with the  
18 federal Americans with Disabilities Act:

19 ..... \$ 100,000

20 c. For roof repair on the capitol annex:

21 ..... \$ 60,000

22 d. For roof repair on the Hoover building:

23 ..... \$ 30,000

24 e. For deck repair at the Wallace building:

25 ..... \$ 15,500

26 Sec. 26. Section 99E.10, subsection 1, is amended by  
27 adding the following new paragraph:

28 NEW PARAGRAPH. e. For the fiscal year beginning July 1,  
29 1993, after the first \$33,000,000 is transferred to the  
30 general fund of the state, \$500,000 shall be deposited in the  
31 Iowa state fair foundation in the office of the treasurer of  
32 state to be used by the foundation fund for capital projects  
33 or major maintenance improvements at the Iowa state  
34 fairgrounds. For the fiscal period beginning July 1, 1994,  
35 and ending June 30, 1998, \$500,000 shall annually be deposited

1 in the Iowa state fair foundation fund in the office of the  
2 treasurer of state to be used by the foundation for capital  
3 projects or major maintenance improvements at the Iowa state  
4 fairgrounds. Matching funds from other sources shall not be  
5 required for expenditure of funds deposited pursuant to this  
6 subsection.

7 Sec. 27. BACKBONE PARK STUDY. The department of natural  
8 resources shall conduct a study to determine the feasibility  
9 of dredging Backbone Lake. The study shall include but is not  
10 limited to a review and update of the study of the lake  
11 performed in 1974. The department shall report concerning the  
12 study to the general assembly by January 30, 1994.

13 Sec. 28. EFFECTIVE DATE. Section 25 of this division,  
14 being deemed of immediate importance, takes effect upon  
15 enactment.

16 DIVISION III

17 ECONOMIC DEVELOPMENT PROVISIONS

18 Sec. 29. Section 15.108, subsection 5, Code 1993, is  
19 amended by adding the following paragraph:

20 NEW PARAGRAPH. o. Establish a revolving fund to receive  
21 contributions to be used for cooperative advertising efforts.  
22 Fees and royalties obtained as a result of licensing the use  
23 of logos and other creative materials for sale by private  
24 vendors on selected products may be deposited in the fund.  
25 The department shall adopt by rule a schedule for fees and  
26 royalties to be charged.

27 Sec. 30. Section 15.287, unnumbered paragraph 2, Code  
28 1993, is amended to read as follows:

29 Notwithstanding the restrictions on the use of the  
30 revolving fund in this section, the director may use  
31 unallocated repayments to the revolving fund to pay for  
32 administration of programs and to provide matching funds under  
33 the Cranston-Gonzalez National Affordable Housing Act of 1990,  
34 Pub. L. No. 101-625.

35 Sec. 31. Section 15E.169, subsection 1, Code 1993, is



1 amended to read as follows:

2 1. The purpose of this section is to provide for or  
3 facilitate the development of organizations, structures, or  
4 other entities organized to provide capital or technical or  
5 other assistance to start new Iowa businesses or to help  
6 existing Iowa businesses remain viable or expand through the  
7 incorporation under chapter 504A of a nonprofit corporation to  
8 organize, capitalize, and fund an the following:

9 a. An Iowa-based small business investment company which  
10 shall have the purpose of increasing the availability of funds  
11 for investment in and loans to Iowa small businesses on a  
12 regional basis. The small business investment company shall  
13 be incorporated under the Iowa law.

14 b. An Iowa-based Iowa development bank or other community  
15 development entity organized to take advantage of the  
16 availability of federal programs, funds, guarantees, or other  
17 initiatives for the benefit of Iowa communities and small  
18 businesses.

19 Sec. 32. Section 260F.8, Code 1993, is amended to read as  
20 follows:

21 260F.8 ALLOCATION.

22 1. For the fiscal year beginning July 1, 1992, only and  
23 subsequent years, the department of economic development shall  
24 make funds available to the community colleges as follows:

25 a. ~~Retraining-projects.~~ The department shall ~~set-aside~~  
26 allocate by formula at the beginning of the fiscal year from  
27 the moneys ~~newly-appropriated-to~~ in the fund an amount for  
28 each merged area to be used to provide the financial  
29 assistance for ~~retraining~~ proposals of businesses located in  
30 the merged area whose applications have been approved by the  
31 department. The financial assistance shall be provided by the  
32 department from the amount set aside for that merged area. If  
33 any portion of the moneys set aside for a merged area have not  
34 been used or committed by March 1 of the fiscal year, that  
35 portion is available for use by the department to provide

1 financial assistance to businesses located in other merged  
2 areas. The department shall adopt by rule a formula for this  
3 set-aside based on population and per capita income of the  
4 merged area.

5 ~~b.--New-jobs-training-projects:--The-department-shall-make~~  
6 ~~available-financial-assistance-for-new-jobs-training-projects~~  
7 ~~from-repayments-and-interest-in-the-fund-from-previously~~  
8 ~~funded-new-jobs-training-projects:--Funds-shall-be-awarded-to~~  
9 ~~projects-based-on-the-order-proposals-are-received-and~~  
10 ~~approved.~~

11 2. Moneys available to the community colleges for this  
12 program may be used to provide grants to train for new jobs or  
13 retain existing jobs when the project costs are less than five  
14 thousand dollars. If the project is for a consortium of  
15 businesses, project costs shall not exceed an average of five  
16 thousand dollars per business.

17 ~~3.--The-department-shall-include-with-its-budget-request~~  
18 ~~for-the-fiscal-year-beginning-July-17-1993,-a-preliminary~~  
19 ~~recommendation-for-the-allocation-of-moneys-in-the-job~~  
20 ~~training-fund-for-the-fiscal-year-beginning-July-17-1993,-and~~  
21 ~~succeeding-fiscal-years:--The-department-shall-seek-input-from~~  
22 ~~representatives-of-the-community-colleges-in-preparing-the~~  
23 ~~recommendation.~~

24 Sec. 33. Section 455B.310, subsection 2, paragraph b,  
25 subparagraph (5), Code 1993, is amended to read as follows:

26 (5) Five cents per ton per year is appropriated to the  
27 department of economic development to establish, in  
28 cooperation with the department of natural resources, a  
29 marketing initiative to assist Iowa businesses producing  
30 recycling or reclamation equipment or services, recyclable  
31 products, or products from recycled materials to expand into  
32 national markets. Efforts shall include the reuse and  
33 recycling of sawdust. ~~For-each-fiscal-year-beginning-July-17~~  
34 ~~1991,-and-ending-June-30,-1992,-and-beginning-July-17-1992,~~  
35 ~~and-ending-June-30,-1993,-fifty-thousand-dollars-of-the-moneys~~

1 appropriated-under-this-subparagraph-shall-be-allocated-for  
2 the-purposes-of-developing-advanced-microbiological  
3 technologies-for-reduction,-destruction,-or-disposal-of-wet  
4 solid-waste.--For-each-fiscal-year-beginning-July-1,-1993,-and  
5 thereafter,-fifty-thousand-dollars-of-the-moneys-appropriated  
6 under-this-subparagraph-shall-be-used-by-the-department-of  
7 economic-development-to-provide-grants-or-loans-to-Iowa  
8 businesses-which-have-participated-in-the-waste-reduction  
9 assistance-program-of-the-department-of-natural-resources-or  
10 the-program-provided-by-the-waste-reduction-center-at-the  
11 university-of-northern-Iowa,-and-which-have-identified-needs  
12 for-equipment-or-retooling-to-achieve-waste-reduction-

13 Sec. 34. 1992 Iowa Acts, chapter 1244, section 1,  
14 subsection 2, paragraph e, is amended to read as follows:

15 e. Small business investment company capitalization  
16 For transfer to the treasurer of state for the purpose of  
17 facilitating the organization and private capitalization of  
18 the small business investment company or other entity under  
19 sections 28-162 15E.169 through 28-164 15E.171. If the small  
20 business investment company or another entity for which the  
21 funds are to be used is not organized within eighteen twenty-  
22 four months of the effective date of this Act, unused funds  
23 shall revert to the general fund of the state:

24 ..... \$ 200,000

25 DIVISION IV  
26 MEDICAL ASSISTANCE LIEN

27 Sec. 35. Section 249A.6, Code 1993, is amended to read as  
28 follows:

29 249A.6 SUBROGATION LIEN.

30 1. When payment is made by the department for medical care  
31 or expenses through the medical assistance program on behalf  
32 of a recipient, the department is-subrogated shall have a  
33 lien, to the extent of those payments, to all monetary claims  
34 which the recipient may have against third parties. A lien  
35 under this section is not effective unless the department

1 files a notice of lien with the clerk of the district court in  
2 the county where the recipient resides when the recipient's  
3 eligibility for medical assistance is established. The notice  
4 of lien shall be filed before the third party has concluded a  
5 final settlement with the recipient, the recipient's attorney,  
6 or other representative. The third party shall obtain a  
7 written determination from the department concerning the  
8 amount of the lien before a settlement is deemed final for  
9 purposes of this section. A compromise, including but not  
10 limited to a settlement, waiver or release, of a claim to  
11 ~~which-the-department-is-subrogated~~ under this section does not  
12 defeat the department's right-of-recovery lien except pursuant  
13 to the written agreement of the director or the director's  
14 ~~designee or-except-as-provided-in-this-section.~~ A settlement,  
15 award, or judgment structured in any manner not to include  
16 medical expenses or an action brought by a recipient or on  
17 behalf of a recipient which fails to state a claim for  
18 recovery of medical expenses does not defeat the department's  
19 right-of-subrogation lien if there is any recovery on the  
20 recipient's claim ~~unless-the-claim-for-recovery-of-medical~~  
21 ~~expenses-is-barred-by-an-applicable-statute-of-limitation,-or~~  
22 ~~the-legal-representative-of-the-medical-assistance-recipient~~  
23 ~~does-not-represent-the-person-or-persons-who-have-legal~~  
24 ~~standing-to-bring-the-claim-for-recovery-of-medical-expenses-~~  
25 ~~in-such-situations,-the-legal-representative-shall-notify-the~~  
26 ~~department-of-the-situation,-the-department-may-then-notify~~  
27 ~~the-person-or-persons-having-legal-standing-to-bring-the-claim~~  
28 ~~of-the-right-to-proceed-with-the-claim-against-the-third-party~~  
29 ~~tort-feasor.---Should-the-person-or-persons-elect-not-to~~  
30 ~~proceed,-the-department-may-then-proceed-in-a-separate-action~~  
31 ~~with-a-claim-to-recover-its-subrogation-interest.~~

32 2. The department shall be given notice of monetary claims  
33 against third parties as follows:

34 a. Applicants for medical assistance shall notify the  
35 department of any possible claims against third parties upon

1 submitting the application. Recipients of medical assistance  
2 shall notify the department of any possible claims when those  
3 claims arise.

4 b. A person who provides health care services to a person  
5 receiving assistance through the medical assistance program  
6 shall notify the department whenever the person has reason to  
7 believe that third parties may be liable for payment of the  
8 costs of those health care services.

9 c. An attorney representing an applicant for or recipient  
10 of assistance on a claim to which the department ~~is-subrogated~~  
11 has a lien under this section shall notify the department of  
12 the claim of which the attorney has actual knowledge, prior to  
13 filing a claim, commencing an action or negotiating a  
14 settlement offer.

15 The mailing and deposit in a United States post office or  
16 public mailing box of the notice, addressed to the department  
17 at its state or district office location, is adequate legal  
18 notice of the claim.

19 3. ~~The subrogation-rights-of-the-department-are~~  
20 department's lien is valid and binding on an attorney,  
21 insurer, or other third party only upon notice by the  
22 department or unless the attorney, insurer, or third party has  
23 actual notice that the recipient is receiving medical  
24 assistance from the department and only to the extent to which  
25 the attorney, insurer, or third party has not made payment to  
26 the recipient or an assignee of the recipient prior to the  
27 notice. Payment of benefits by an insurer or third party  
28 pursuant to the ~~subrogation~~ rights of the lienholder in this  
29 section discharges the attorney, insurer, or third party from  
30 liability to the recipient or the recipient's assignee to the  
31 extent of the payment to the department.

32 4. If a recipient of assistance through the medical  
33 assistance program incurs the obligation to pay attorney fees  
34 and court costs for the purpose of enforcing a monetary claim  
35 to which the department ~~is-subrogated~~ has a lien under this

1 section, upon the receipt of a the judgment or settlement of  
2 the total claim, of which the lien for medical assistance  
3 payments is a part, the court costs and reasonable attorney  
4 fees shall first be deducted from the this total judgment or  
5 settlement. One-third of the remaining balance shall then be  
6 deducted and paid to the recipient. From the remaining  
7 balance, the claim lien of the department shall be paid. Any  
8 amount remaining shall be paid to the recipient. An attorney  
9 acting on behalf of a recipient of medical assistance for the  
10 purpose of enforcing a claim to which the department is  
11 subrogated has a lien shall not collect from the recipient any  
12 amount as attorney fees which is in excess of the amount which  
13 the attorney customarily would collect on claims not subject  
14 to this section.

15 5. For purposes of this section the term "third party"  
16 includes an attorney, individual, institution, corporation, or  
17 public or private agency which is or may be liable to pay part  
18 or all of the medical costs incurred as a result of injury,  
19 disease or disability by or on behalf of an applicant for or  
20 recipient of assistance under the medical assistance program.

21 6. The department may enforce its lien by a civil action  
22 against any liable third party.

23 Sec. 36. Section 602.8102, subsection 82, Code 1993, is  
24 amended to read as follows:

25 82. Carry out duties relating to liens as provided in  
26 chapters 249A, 570, 571, 572, 574, 580, 581, 582, and 584.

27 Sec. 37. EMERGENCY RULES. The department of human  
28 services may adopt administrative rules under section 17A.4,  
29 subsection 2, and section 17A.5, subsection 2, paragraph "b",  
30 to implement the provisions of this division. The rules shall  
31 become effective immediately upon filing, unless a later  
32 effective date is specified in the rules, and the rules shall  
33 be in effect for a period of 180 days following the date the  
34 rules take effect. Any rules adopted in accordance with the  
35 provisions of this section shall also be published as notice

1 of intended action as provided in section 17A.4.

2 DIVISION V

3 RAILROAD SANITATION AND LABOR PROVISIONS

4 Sec. 38. Section 84A.2, subsection 2, Code 1993, is  
5 amended to read as follows:

6 2. The division of labor services is responsible for the  
7 administration of the laws of this state relating to  
8 occupational health and safety, the inspection of amusement  
9 rides, the removal and encapsulation of asbestos, the  
10 inspection of boilers, wage payment collection, registration  
11 of construction contractors, the minimum wage, non-English  
12 speaking employees, child labor, employment agency licensing,  
13 boxing and wrestling, inspection of elevators, and hazardous  
14 chemical risks under chapters 88, 88A, 88B, 89, 89A, 89B, 90A,  
15 91, 91A, 91B, 91C, 91D, 91E, 92, 94, and 95, ~~and section~~  
16 ~~327F-37~~. The executive head of the division is the labor  
17 commissioner, appointed pursuant to section 91.2.

18 Sec. 39. Section 88.5, Code 1993, is amended by adding the  
19 following new subsection:

20 NEW SUBSECTION. 12. RAILWAY SANITATION, SHELTER, AND  
21 POTABLE WATER. A railway corporation within the state shall  
22 provide adequate sanitation and shelter for all railway  
23 employees. The commissioner shall adopt rules requiring  
24 railway corporations within the state to provide a safe and  
25 healthy work place. For purposes of this section, a  
26 locomotive engine includes all railway engines used in train  
27 or yard service. The commissioner shall enforce the  
28 requirements of this section upon the receipt of a written  
29 complaint.

30 Sec. 40. Section 88.8, subsection 3, unnumbered paragraph  
31 1, Code 1993, is amended to read as follows:

32 If an employer notifies the commissioner that the employer  
33 intends to contest a citation issued under section 88.7, or  
34 notification issued under subsection 1 or 2 of this section or  
35 if, within fifteen working days of the issuance of a citation

1 under section 88.7, any employee or authorized employee  
2 representative files a notice with the commissioner alleging  
3 that the period of time fixed in the citation for the  
4 abatement of the violation is unreasonable, the commissioner  
5 shall immediately advise the appeal board of such  
6 notification, and the appeal board shall afford an opportunity  
7 for a hearing. At the hearing, the appeal board shall act as  
8 an adjudicatory body. The appeal board shall thereafter issue  
9 an order, based on findings of fact, affirming, modifying, or  
10 vacating the commissioner's citation or proposed penalty or  
11 directing other appropriate relief, and such order shall  
12 become final thirty days after its issuance. Upon a showing  
13 by an employer of a good faith effort to comply with the  
14 abatement requirements of a citation, and that abatement has  
15 not been completed because of factors beyond the employer's  
16 reasonable control, the commissioner, after an opportunity for  
17 a hearing shall issue an order affirming or modifying the  
18 abatement requirements in such citation. The rules of  
19 procedure prescribed by the appeal board shall provide  
20 affected employees or representatives of affected employees an  
21 opportunity to participate as parties to hearings under this  
22 subsection, and shall conform to rules of procedure  
23 promulgated-and adopted under the federal law by federal  
24 authorities insofar as the same federal rules of procedure do  
25 not conflict with state law.

26 Sec. 41. Section 88.9, subsection 1, Code 1993, is amended  
27 by adding the following new unnumbered paragraphs:

28 NEW UNNUMBERED PARAGRAPH. The commissioner may obtain  
29 judicial review or enforcement of any final order or decision  
30 of the appeal board by filing a petition in the district court  
31 of the county in which the alleged violation occurred or in  
32 which the employer has its principal office. The judicial  
33 review provisions of chapter 17A shall govern such proceedings  
34 to the extent applicable.

35 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 10A.601,



1 subsection 7, the commissioner has the exclusive right to  
2 represent the appeal board in any judicial review of an appeal  
3 board decision under this chapter in which the commissioner  
4 does not appeal the appeal board decision, except as provided  
5 by section 88.17. Notwithstanding chapter 17A, the Iowa  
6 administrative procedure Act, the party in support of the  
7 appeal board decision shall be named the respondent and the  
8 appeal board shall not be named as respondent.

9 Sec. 42. Section 88.9, subsection 2, Code 1993, is amended  
10 to read as follows:

11 2. UNCONTESTED APPEAL BOARD ORDERS. ~~The commissioner may~~  
12 ~~also obtain review or enforcement of any final order of the~~  
13 ~~appeal board by filing a petition for such relief in the~~  
14 ~~district court of the county in which the alleged violation~~  
15 ~~occurred or in which the employer has its principal office and~~  
16 ~~the judicial review provisions of the Iowa administrative~~  
17 ~~procedure Act shall govern such proceedings to the extent~~  
18 ~~applicable.~~ If no petition for judicial review is filed  
19 within sixty days after service of the appeal board's order,  
20 the appeal board's findings of fact and order shall be  
21 conclusive in connection with any petition for enforcement  
22 which is filed by the commissioner after the expiration of  
23 such sixty-day period. In any such case, as well as in the  
24 case of a noncontested citation or notification by the  
25 commissioner which has become a final order of the appeal  
26 board under section 88.8, subsection 1 or 2, the clerk of the  
27 district court, unless otherwise ordered by the court, shall  
28 forthwith enter a decree enforcing the order and shall  
29 transmit a copy of such decree to the appeal board and the  
30 employer named in the petition. In any contempt proceeding  
31 brought to enforce a decree of a district court entered  
32 pursuant to this subsection or subsection 1 ~~of this section,~~  
33 the district court may assess the penalties provided in  
34 section 88.14 in addition to invoking any other available  
35 remedies.

1 Sec. 43. Section 91.4, subsection 5, Code 1993, is amended  
2 to read as follows:

3 5. The director of the department of employment services,  
4 in consultation with the labor commissioner, shall, at the  
5 time provided by law, make an annual report to the governor  
6 setting forth in appropriate form the business and expense of  
7 the division of labor services for the preceding year, the  
8 number of disputes or violations processed by the division and  
9 the disposition of the disputes or violations, and other  
10 matters pertaining to the division which are of public  
11 interest, together with recommendations for change or  
12 amendment of the laws in this chapter and chapters 88, 88A,  
13 88B, 89, 89A, 89B, 90A, 91A, 91B, 91C, 91D, 91E, 92, 94, and  
14 95, ~~and in section 327F.37~~, and the recommendations, if any,  
15 shall be transmitted by the governor to the first general  
16 assembly in session after the report is filed.

17 Sec. 44. Sections 327F.37 and 327F.38, Code 1993, are  
18 repealed.

19 DIVISION VI

20 MISCELLANEOUS PROVISIONS

21 Sec. 45. WORLD FOOD PRIZE. Notwithstanding the  
22 requirement in section 99E.10, subsection 1, to transfer  
23 lottery revenue remaining after expenses are deducted, before  
24 the transfer of the revenue there is appropriated from the  
25 lottery fund to the treasurer of state for the fiscal year  
26 beginning July 1, 1993, and ending June 30, 1994, the  
27 following amount, or so much thereof as is necessary, to be  
28 used for the purpose designated:

29 For the continued funding of Iowa's participation in the  
30 funding of the world food prize:

31 ..... \$ 250,000

32 It is the intent of the general assembly that this  
33 appropriation of public funds will result in a commitment for  
34 additional funding for the world food prize from private  
35 sources.

1 The treasurer of state shall only provide the funds  
2 appropriated in this section to the world food prize  
3 foundation if sufficient private funds are raised to maintain  
4 the world food prize foundation in Iowa and the foundation is  
5 structured to include representation that reflects  
6 environmental concerns and sustainable agriculture.

7 Sec. 46. IMAGES. There is appropriated from the general  
8 fund of the state to the department of education for the  
9 fiscal year beginning July 1, 1993, and ending June 30, 1994,  
10 the amount of \$60,000 to be allocated to Merged Area XI, to be  
11 used for the purposes of grants to students for the Iowa  
12 minority academic grants for economic success program under  
13 sections 261.101 through 261.105.

14 Sec. 47. IOWA COMPUTER INITIATIVE. There is appropriated  
15 from the general fund of the state to the department of  
16 education for the fiscal year beginning July 1, 1993, and  
17 ending June 30, 1994, the sum of \$250,000 to be used for the  
18 Iowa computer initiative and establishment of an educational  
19 technology consortium which may enter into contracts for  
20 services to fulfill the duties of the consortium.

21 Notwithstanding section 8.33, the funds appropriated in this  
22 section for the Iowa computer initiative shall not revert at  
23 the end of the fiscal year, but may be expended in the next  
24 fiscal year for the same purposes for which they were  
25 appropriated.

26 Sec. 48. DRUG ABUSE RESISTANCE EDUCATION. Notwithstanding  
27 section 8.33, of the funds appropriated to the department of  
28 public safety pursuant to 1992 Iowa Acts, Second Extraordinary  
29 Session, chapter 1001, section 404, \$15,000 shall not revert  
30 to the general fund of the state on June 30, 1993, but shall  
31 be considered encumbered and shall be transferred to the law  
32 enforcement academy and used during the fiscal year beginning  
33 July 1, 1993, to enhance project D.A.R.E. (drug abuse  
34 resistance education) activities.

35 Sec. 49. NATIONAL HERITAGE LANDSCAPE. Notwithstanding

1 other provisions of law to the contrary, \$50,000 of the moneys  
2 deposited in the rural community 2000 revolving fund created  
3 in section 15.287 during the fiscal year beginning July 1,  
4 1992, shall be carried forward into the fiscal year beginning  
5 July 1, 1993, and is appropriated for that year to the  
6 department of economic development to coordinate promotion of  
7 state and local efforts to establish a national heritage  
8 landscape in northeast Iowa, including the payment of expenses  
9 of the department and other state agencies related to this  
10 project.

11 Notwithstanding section 8.33, moneys for the national  
12 heritage landscape remaining unencumbered or unobligated on  
13 June 30, 1994, shall not revert and shall be available for  
14 expenditure during the fiscal year beginning July 1, 1994, for  
15 the same purpose.

16 Sec. 50. LUCAS STATE OFFICE BUILDING.

17 1. The division of insurance of the department of commerce  
18 and the department of general services shall continue the  
19 fire, safety, and federal Americans with Disabilities Act  
20 renovations initiated pursuant to 1990 Iowa Acts, chapter  
21 1266, section 13, subsection 7, for the Lucas state office  
22 building.

23 2. Funds for the renovations shall be made available for  
24 the purposes of subsection 1 to the extent the revenue of the  
25 division of insurance exceeds state revenue projections for  
26 fiscal year 1992-1993, and all other appropriations from that  
27 revenue are satisfied. In no event shall expenditures exceed  
28 the amount necessary for the Lucas state office building to  
29 meet minimum fire, safety, and federal Americans with  
30 Disabilities Act requirements.

31 3. It is the intent of the general assembly that the  
32 requirements of this section shall be accomplished as soon  
33 after the effective date of this section as practically  
34 feasible.

35 Sec. 51. COOPERATIVE ACTIVITIES -- DEPARTMENTS OF HUMAN

## 1 SERVICES AND PUBLIC HEALTH.

2 1. The department of human services and the Iowa  
3 department of public health shall request technical assistance  
4 from outside state government in order to jointly examine the  
5 potential for increasing federal funding under the medical  
6 assistance program for the provision of community-based  
7 substance abuse treatment. The departments shall periodically  
8 report to the legislative fiscal bureau concerning the outside  
9 technical assistance.

10 2. The department of human services and the Iowa  
11 department of public health shall cooperate in developing  
12 additional marketing and advertising materials targeted to  
13 families with children covered under the medical assistance  
14 program. The materials shall be designed to publicize the  
15 importance of preventive health services, including but not  
16 limited to scheduled screenings covered under the early and  
17 periodic screening, diagnosis, and treatment (EPSDT)  
18 provisions and periodic immunizations. The departments shall  
19 jointly seek the assistance of the private sector in designing  
20 these materials and shall periodically report to the  
21 legislative fiscal bureau.

22 Sec. 52. DIVISION OF NARCOTICS ENFORCEMENT -- VEHICLE  
23 PURCHASE. It is the intent of the general assembly that the  
24 division of narcotics enforcement of the department of public  
25 safety shall purchase no more than five motor vehicles of the  
26 same make or model based upon specifications submitted by the  
27 department.

28 Sec. 53. Section 159A.7, subsection 3, as enacted in 1992  
29 Iowa Acts, chapter 1099, section 4, is amended to read as  
30 follows:

31 3. Moneys shall be deposited in the ethanol production  
32 incentive account as provided in section 423.24. Two percent  
33 of the moneys deposited in the account during each quarter  
34 shall be allocated to the department for administration of the  
35 office. The Remaining moneys shall be allocated to provide

1 financial incentives to support the increased production of  
2 ethanol derived from an organic compound, including a  
3 photosynthate, as provided in section 159A.8.

4 Sec. 54. Section 331.441, subsection 2, paragraph b, Code  
5 1993, is amended by adding the following new subparagraph:

6 NEW SUBPARAGRAPH. (13) The acquisition, pursuant to a  
7 chapter 28E agreement, of a city convention center or veterans  
8 memorial auditorium, including the renovation, remodeling,  
9 reconstruction, expansion, improvement, or equipping of such a  
10 center or auditorium.

11 Sec. 55. 1990 Iowa Acts, chapter 1267, section 9,  
12 subsection 2, as amended by 1992 Iowa Acts, chapter 1238,  
13 section 39, is amended to read as follows:

14 2. To be used to implement section 306D.3:

15 ..... \$ 500,000

16 Notwithstanding section 8.33, the funds appropriated in  
17 this subsection shall remain available for obligation until  
18 June 30, ~~1993~~ 1994, and once obligated shall remain available  
19 until expended. Public or private entities willing to donate  
20 land for scenic highway projects shall be given preference in  
21 project selection if the land is accepted by the department.

22 Sec. 56. 1993 Iowa Acts, Senate File 343, section 2,  
23 subsection 2, paragraph b, is amended to read as follows:

24 b. The coordinate system south zone is a Lambert conformal  
25 conic project projection of the north American datum of 1983,  
26 having standard parallels at north latitudes forty degrees,  
27 thirty-seven minutes, and forty-one degrees, forty-seven  
28 minutes, along which parallels the scale shall be exact. The  
29 origin of coordinates is at the intersection of the meridian  
30 ninety-three degrees, thirty minutes west of Greenwich, and  
31 the parallel forty degrees, zero minutes north latitude. This  
32 origin is given the coordinates: x equals five hundred  
33 thousand meters exact and y equals zero meters exact.

34 Sec. 57. OPEN ENROLLMENT STUDY. The legislative council  
35 is requested to contract with the north central regional

1 education laboratory to conduct a study of the effects of open  
2 enrollment under section 282.18 upon the education system of  
3 this state and upon the school districts affected by open  
4 enrollment.

5 Sec. 58. EFFECTIVE DATE. Sections 48, 49, 50, 55, and 56  
6 of this division, being deemed of immediate importance, take  
7 effect upon enactment.

8  
9

DIVISION VII  
LIENS

10 Sec. 59. Section 554.9310, Code 1993, is amended by adding  
11 the following new unnumbered paragraph:

12 NEW UNNUMBERED PARAGRAPH. A perfected security interest in  
13 collateral takes priority over any lien that is given equal  
14 precedence with ordinary taxes under chapter 260E or 260F, or  
15 its successor provisions, except for a lien under chapter 260E  
16 or 260F upon the collateral described in a financing statement  
17 or a job training agreement satisfying the requirements for a  
18 financing statement under section 554.9402, subsection 1,  
19 which is perfected by filing the financing statement or the  
20 job training agreement with the secretary of state prior to  
21 the perfection of a conflicting security interest, and a  
22 subordinate lien under chapter 260E or 260F may be divested or  
23 discharged by judicial sale, as provided in part 5 of this  
24 article 9 or by other available legal remedy notwithstanding  
25 any provision to the contrary contained in chapter 260E or  
26 260F, or its successor provisions. Nothing in this section  
27 shall abrogate the collection of, or any lien for, unpaid  
28 property taxes which have attached to real estate pursuant to  
29 chapter 445, including taxes levied against tangible property  
30 that is assessed and taxed as real property pursuant to  
31 chapter 427A, or the collection of, or any lien for, unpaid  
32 taxes for which notice of lien has been properly recorded or  
33 filed pursuant to section 422.26.

34 Sec. 60. Section 554.9402, subsection 1, Code 1993, is  
35 amended to read as follows:

1 1. A financing statement is sufficient if it gives the  
2 names of the debtor and the secured party, is signed by the  
3 debtor, gives an address of the secured party from which  
4 information concerning the security interest may be obtained,  
5 gives a mailing address of the debtor and contains a statement  
6 indicating the types, or describing the items, of collateral.  
7 A financing statement may be filed before a security  
8 agreement is made or a security interest otherwise attaches.  
9 When the financing statement covers crops growing or to be  
10 grown, the statement must also contain a description of the  
11 real estate concerned. When the financing statement covers  
12 timber to be cut or covers minerals or the like (including oil  
13 and gas) or accounts subject to section 554.9103, subsection  
14 5, or when the financing statement is filed as a fixture  
15 filing (section 554.9313) and the collateral is goods which  
16 are or are to become fixtures, the statement must also comply  
17 with subsection 5. A copy of the security agreement is  
18 sufficient as a financing statement if it contains the above  
19 information and is signed by the debtor. A copy of a jobs  
20 training agreement entered into under chapter 260E or 260F  
21 between an employer and a community college is sufficient as a  
22 financing statement if it contains the information required by  
23 this section and is signed by the employer. A carbon,  
24 photographic or other reproduction of a security agreement or  
25 a financing statement is sufficient as a financing statement  
26 if the security agreement so provides or if the original has  
27 been filed in this state. The secretary of state must accept  
28 for filing a copy of a signature required by this section.  
29 The secretary of state may adopt rules for the electronic  
30 filing of a financing statement.

31 Sec. 61. Section 558.1, Code 1993, is amended to read as  
32 follows:

33 558.1 "INSTRUMENTS AFFECTING REAL ESTATE" DEFINED --  
34 REVOCATION.

35 All instruments containing a power to convey, or in any



1 manner relating to real estate, including certified copies of  
2 petitions in bankruptcy with or without the schedules  
3 appended, of decrees of adjudication in bankruptcy, and of  
4 orders approving trustees' bonds in bankruptcy, and a jobs  
5 training agreement entered into under chapter 260E or 260F  
6 between an employer and community college which contains a  
7 description of the real estate affected, shall be held to be  
8 instruments affecting the same; and no such instrument, when  
9 acknowledged or certified and recorded as in this chapter  
10 prescribed, can be revoked as to third parties by any act of  
11 the parties by whom it was executed, until the instrument  
12 containing such revocation is acknowledged and filed for  
13 record in the same office in which the instrument containing  
14 such power is recorded, except that uniform commercial code  
15 financing statements and financing statement changes need not  
16 be thus acknowledged.

17 Sec. 62. Section 558.41, Code 1993, is amended by adding  
18 the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. An interest in real estate  
20 evidenced by an instrument so filed shall have priority over  
21 any lien that is given equal precedence with ordinary taxes  
22 under chapter 260E or 260F, or its successor provisions,  
23 except for a lien under chapter 260E or 260F upon the real  
24 estate described in an instrument or job training agreement  
25 filed in the office of the recorder of the county in which the  
26 real estate is located prior to the filing of a conflicting  
27 instrument affecting the real estate, and a subordinate lien  
28 under chapter 260E or 260F may be divested or discharged by  
29 judicial sale or by other available legal remedy  
30 notwithstanding any provision to the contrary contained in  
31 chapter 260E or 260F, or its successor provisions. Nothing in  
32 this section shall abrogate the collection of, or any lien  
33 for, unpaid property taxes which have attached to real estate  
34 pursuant to chapter 445, including taxes levied against  
35 tangible property that is assessed and taxed as real property

1 pursuant to chapter 427A, or the collection of, or any lien  
2 for, unpaid taxes for which notice of lien has been properly  
3 recorded pursuant to section 422.26.

4 EXPLANATION

5 Division I

6 This division of the bill makes Code changes involving  
7 state finances as follows: freezes the amount of personal  
8 property tax replacement payable to local governments at 1992-  
9 93 fiscal year level; establishes standing limited  
10 appropriations for the agricultural land tax credit, family  
11 farm tax credit, amount of franchise tax to be paid to cities  
12 and counties, and printing costs for cigarette tax stamps;  
13 provides the additional homestead credit and reimbursement  
14 applicable to persons 65 or over, disabled, or surviving  
15 spouses payable out of a separate fund and appropriates to  
16 another fund \$13,500,000 beginning with the fiscal year  
17 beginning July 1, 1994, to be used for all other low-income  
18 persons' claims; and eliminates the provision for local  
19 government reimbursement for reduced taxable value of certain  
20 machinery and computers. The division also limits for the  
21 1993-1994 fiscal year the amount available for claims of  
22 school districts for transportation costs for nonpublic  
23 students.

24 The division contains effective and applicability date  
25 provisions.

26 Division II

27 This division provides capital appropriations for  
28 remodeling, repairs, and maintenance for various state  
29 agencies and purposes.

30 Division III

31 This division of this bill provides for a revolving fund to  
32 be used for cooperative advertising efforts; allows the  
33 director of the department of economic development to use  
34 unallocated repayments to the rural community 2000 revolving  
35 fund for matching funds under the federal Cranston-Gonzalez

1 National Affordable Housing Act of 1990, Pub. L. No. 101-625,  
2 also known as the HOME program; makes permanent the funding  
3 allocation to community colleges for retraining and new jobs  
4 training projects in 1992 Iowa Acts, chapter 1042, section 9  
5 and also deletes the requirement that the department make  
6 financial assistance available for new jobs training projects  
7 from repayments and interest from previously funded projects  
8 and the requirement that the department include in its budget  
9 request a preliminary recommendation for the allocation of  
10 moneys in the job training fund; authorizes the Iowa business  
11 investment corporation to organize, capitalize, and fund an  
12 Iowa-based development bank or other entity to take advantage  
13 of available federal funds; and deletes the requirement that  
14 the department provide grants for retooling or equipment to  
15 achieve waste reduction.

16 Division IV

17 This division of this bill provides that the department of  
18 human services shall have a right to file a lien, and pursue a  
19 civil action on the lien, against monetary claims which a  
20 recipient of medical assistance benefits may have against  
21 third parties. Currently, the department has a right of  
22 subrogation against claims a recipient might have against  
23 third parties. The division provides that the department must  
24 file its lien prior to a final settlement of a claim with the  
25 third party and third parties must ascertain the extent of the  
26 department's lien prior to a final settlement. Rules adopted  
27 pursuant to this division may take effect immediately.

28 Division V

29 This division incorporates the railroad sanitation law into  
30 the occupational safety and health laws and provides that the  
31 labor commissioner has enforcement authority. The division  
32 provides that the labor commissioner has the exclusive right  
33 to represent the appeal board when the commissioner supports  
34 the appeal board decision in a judicial review proceeding and  
35 that the prevailing party, and not the appeal board, is

1 considered the respondent in such a proceeding. The division  
2 incorporates the commission's ability to seek review of an  
3 appeal board decision under section 88.9, subsection 1. The  
4 division provides that the appeal board is an adjudicatory  
5 body when conducting a hearing pursuant to section 88.8,  
6 subsection 3. The division also makes some technical changes  
7 to reflect the responsibilities of the division of labor  
8 services by specifically referring to the division's duties  
9 under chapters 91C, 91D, and 91E.

10

Division VI

11 This division contains miscellaneous appropriations and  
12 statutory changes including the following: an appropriation  
13 for the world food prize; an appropriation for the Iowa  
14 minority academic grants for economic success program  
15 (IMAGES); an appropriation for the Iowa computer initiative;  
16 encumbrance and transfer for use in fiscal year 1993-1994 of  
17 moneys for project D.A.R.E. (drug abuse resistance education);  
18 a provision to carry forward rural community 2000 revolving  
19 fund moneys to fiscal year 1993-1994 for the national heritage  
20 landscape in northeast Iowa; authorization for use of certain  
21 insurance funds for renovation of the Lucas state office  
22 building; requiring certain cooperative activities between the  
23 department of human services and the Iowa department of public  
24 health involving substance abuse and child health; legislative  
25 intent involving purchase of vehicles by the division of  
26 narcotics enforcement; provision of administrative moneys  
27 relating to the ethanol production incentive account;  
28 authority for a county to issue essential county purpose bonds  
29 relating to a city convention center or veterans memorial  
30 auditorium; a provision that moneys appropriated for scenic  
31 highway projects do not revert; a technical correction in  
32 Senate File 343, relating to establishment of an Iowa  
33 coordinate system; and requesting a legislative council study  
34 of open enrollment.

35

Division VII

1 This division provides that a perfected security interest  
2 in collateral or interest in real estate evidenced by a filed  
3 instrument has priority over any lien equal in precedence with  
4 ordinary taxes under chapter 260E or 260F. The division also  
5 provides that a jobs training agreement under chapter 260E or  
6 260F is sufficient as a financing statement or instrument if  
7 it meets the requirements for a financing statement or  
8 instrument affecting real estate.

9 The bill provides effective dates for certain sections of  
10 the bill.

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SENATE FILE 425

S-3744

1 Amend Senate File 425 as follows:  
 2 1. Page 14, by inserting after line 25 the  
 3 following:  
 4 "Sec. \_\_\_\_ . BONDING FOR CAPITAL IMPROVEMENTS. The  
 5 Iowa finance authority, at the request of the  
 6 department of general services, shall issue negotiable  
 7 bonds and notes pursuant to section 16.26 in the  
 8 following amounts and for the following purposes:  
 9 1. For the restoration of the interior of the  
 10 state capitol building, including but not limited to:  
 11 replacement of the electrical system, removal of  
 12 asbestos, provide handicap accessibility, and comply  
 13 with orders from the state fire marshal:  
 14 ..... \$ 8,328,552  
 15 2. To connect the state capitol building tunnel to  
 16 the Grand Avenue tunnel:  
 17 ..... \$ 400,000  
 18 3. For restoration of the old historical building:  
 19 ..... \$ 7,900,000".

By RAY TAYLOR  
 WILLIAM W. DIELEMAN  
 JOHN W. JENSEN

S-3744 FILED APRIL 30, 1993  
 WITHDRAWN (p.1490)

SENATE FILE 425

S-3745

1 Amend Senate File 425 as follows:  
 2 1. Page 14, by inserting after line 25 the  
 3 following:  
 4 "Sec. \_\_\_\_ . BONDING FOR CAPITAL IMPROVEMENTS. The  
 5 Iowa finance authority, at the request of the  
 6 department of general services, shall issue negotiable  
 7 bonds and notes pursuant to section 16.26 in the  
 8 following amounts and for the restoration of the  
 9 exterior of the state capitol building:  
 10 ..... \$ 23,024,723".

By RAY TAYLOR  
 WILLIAM W. DIELEMAN  
 JOHN W. JENSEN

S-3745 FILED APRIL 30, 1993  
 LOST (p.1490)

## SENATE FILE 425

S-3740

1 Amend Senate File 425 as follows:

2 1. Page 15, by inserting after line 26 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 15.108, subsection 5, Code  
5 1993, is amended by adding the following new  
6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. The department may  
8 establish a revolving fund to receive contributions  
9 and funds from the product sales center to be used for  
10 startup or expansion of tourism special events, fairs,  
11 and festivals.

12 Sec. \_\_\_\_\_. Section 15.111, subsection 1, Code 1993,  
13 is amended by striking the subsection.

14 Sec. \_\_\_\_\_. Section 15.111, subsection 2, paragraph  
15 a, Code 1993, is amended by striking the paragraph.

16 Sec. \_\_\_\_\_. NEW SECTION. 15.112 FARMWORKS MATCHING  
17 FUNDS.

18 If the federal government funds the "farmworks"  
19 national demonstration project for distressed family  
20 farmers, the department shall allocate to the project  
21 from the rural enterprise fund or another fund, an  
22 amount equal to four percent of the federal funding  
23 each year for a three-year period on a dollar-for-  
24 dollar matching basis with local or private  
25 contributions.

26 Sec. \_\_\_\_\_. Section 15.225, subsection 1, Code 1993,  
27 is amended by adding the following new paragraph:

28 NEW PARAGRAPH. f. Apprenticeship opportunities in  
29 conjunction with paragraphs "a" through "d" or in  
30 accordance with rules adopted by the board.

31 Sec. \_\_\_\_\_. Section 15.251, subsection 2, Code 1993,  
32 is amended to read as follows:

33 2. The department may charge, within thirty days  
34 following the sale of certificates under chapter 280B  
35 260E, the board of directors of the merged area a fee  
36 of up to one percent of the gross sale amount of the  
37 certificates issued. The amount of this fee shall be  
38 deposited into a job training fund created in the  
39 ~~office-of-the-treasurer-of-state~~ department and may be  
40 used by the department to cover the costs of  
41 management of chapter 280B 260E and to support other  
42 efforts by the community colleges related to providing  
43 productivity and quality enhancement training. Funds  
44 deposited under this subsection into the job training  
45 fund during a fiscal year which are not expended by  
46 the department in that fiscal year are available for  
47 use by the department under this subsection for  
48 subsequent fiscal years."

49 2. Page 15, by inserting after line 34 the  
50 following:

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Page 2

1 "Sec. \_\_\_\_\_. Section 15E.92, Code 1993, is amended  
2 to read as follows:

3 15E.92 REPORTING AND FUND SOLVENCY.

4 The chairperson of the corporation on or before  
5 ~~July-30~~ December 31 of each fiscal year shall make and  
6 deliver a report to the governor and the legislative  
7 fiscal committee. The report shall include all  
8 transactions conducted by the corporation in the  
9 preceding fiscal year. The report shall also include  
10 a balance sheet outlining the financial solvency of  
11 the Iowa product development corporation fund, a  
12 certified copy of any audits of the corporation  
13 conducted in the preceding fiscal year, and other  
14 information requested by the governor or the  
15 legislative fiscal committee."

16 3. Page 16, by inserting after line 18 the  
17 following:

18 "Sec. \_\_\_\_\_. Section 260F.6, subsection 1, Code  
19 1993, is amended to read as follows:

20 1. There is established for the community colleges  
21 a community college job training fund ~~under the~~  
22 ~~supervision of the treasurer of state in the~~  
23 department of economic development. The community  
24 college job training fund consists of moneys  
25 appropriated for the fiscal year beginning July 1,  
26 1987, and for succeeding fiscal years for the purposes  
27 of this chapter plus the interest and principal from  
28 repayment of advances made to businesses for program  
29 costs, moneys transferred from the Iowa employment  
30 retraining fund to the community college job training  
31 fund on July 1, 1992, plus the repayments, including  
32 interest, of loans made from that retraining fund, and  
33 interest earned from moneys in the community college  
34 job training fund."

35 4. By striking page 17, line 24 through page 18,  
36 line 12.

37 5. Page 18, by inserting after line 24 the  
38 following:

39 "Sec. \_\_\_\_\_. 1993 Iowa Acts, Senate File 227,  
40 section 8, is amended to read as follows:

41 SEC. 8. Notwithstanding other provisions of law to  
42 the contrary, \$50,000 of the moneys collected in the  
43 rural community 2000 revolving fund created in section  
44 15.287 during fiscal year ~~±993~~ 1992-1993 shall be  
45 carried forward and deposited in the economic  
46 development deaf interpreters revolving fund created  
47 in section 15.108, subsection 7, paragraph "j" on July  
48 1, ~~±994~~ 1993.

49 Sec. \_\_\_\_\_. 1993 Iowa Acts, Senate File 227, section  
50 8, as amended by this Act, takes effect upon the

S-3740



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Page 3.

1 enactment of this Act."

By JIM RIORDAN  
TOM VILSACK  
TONY BISIGNANO

S-3740 FILED APRIL 30, 1993

ADOPTED (p.1489)

## SENATE FILE 425

S-3741

1 Amend Senate File 425 as follows:

2 1. Page 26, by striking lines 14 through 25.

By BERL E. PRIEBE

S-3741 FILED APRIL 30, 1993

WITHDRAWN (p.1491)

## SENATE FILE 425

S-3742

1 Amend Senate File 425 as follows:

2 1. Page 19, line 2, by inserting after the word

3 "resides" the following: "and with the recipient's4 attorney".

5 2. Page 20, line 14, by inserting after the word

6 "offer." the following: "Actual knowledge under this7 section shall include the notice to the attorney8 pursuant to subsection 1."

By TOM VILSACK

S-3742 FILED APRIL 30, 1993

ADOPTED (p.1489)

## SENATE FILE 425

S-3743

1 Amend Senate File 425 as follows:

2 1. Page 7, line 22, by striking the word "ten"

3 and inserting the following: "ten twenty".4 2. Page 8, line 2, by striking the word "ten" and5 inserting the following: "twenty".

By JAMES R. RIORDAN

S-3743 FILED APRIL 30, 1993

LOST (p.1490)

## SENATE FILE 425

S-3735

1 Amend Senate File 425 as follows:  
2 1. Page 27, by inserting after line 15 the  
3 following:  
4 "Sec. \_\_\_\_\_. There is appropriated from the general  
5 fund of the state to the division of inspections of  
6 the department of inspections and appeals, if House  
7 File 659 is enacted by the 75th General Assembly, 1993  
8 Session, for the fiscal year beginning July 1, 1993,  
9 the sum of \$10,000, or so much thereof as is  
10 necessary, for data processing services for  
11 implementation of House File 659, if so enacted. This  
12 appropriation is in addition to any other  
13 appropriation made to the department of inspections  
14 and appeals.  
15 Sec. \_\_\_\_\_. If Senate File 394 is enacted by the  
16 75th General Assembly, 1993 Session, the division of  
17 investigations of the department of inspections and  
18 appeals is authorized an additional 1.0 full-time  
19 equivalent position for implementation of Senate File  
20 394, if so enacted."

By TOM VILSACK  
LARRY MURPHY  
WILMER RENSINK

S-3735 FILED APRIL 30, 1993  
ADOPTED (p. 1489)

## SENATE FILE 425

S-3736

1 Amend Senate File 425 as follows:  
2 1. Page 11, by inserting after line 2 the  
3 following:  
4 "Sec. \_\_\_\_\_. EDUCATIONAL EXCELLENCE. For the fiscal  
5 year beginning July 1, 1993, and ending June 30, 1994,  
6 the appropriation made to the department of education  
7 pursuant to section 294A.25, subsection 1, shall be  
8 reduced by \$750,000."  
9 2. By renumbering as necessary.

By LARRY MURPHY JIM LIND  
MIKE CONNOLLY JOHN P. KIBBIE

S-3736 FILED APRIL 30, 1993  
ADOPTED (p. 1488)

SENATE FILE 425

S-3737

1 Amend Senate File 425 as follows:

2 1. Page 14, by inserting after line 25 the  
3 following:

4 " \_\_\_\_ . To the following entities of state  
5 government:

6 a. To the department of economic development for  
7 the fiscal year beginning July 1, 1993, and ending  
8 June 30, 1994, in addition to other appropriations  
9 made to the department for that fiscal year, the  
10 following amount, or so much thereof as is necessary,  
11 to be used for the purpose designated:

12 For conducting a study to develop a plan for the  
13 utilization of state institutions and their physical  
14 and human resources and entering into contracts and  
15 chapter 28E agreements as specified in paragraph "c":

16 ..... \$ 25,000

17 b. To the university of northern Iowa for the  
18 decision-making institute for the fiscal year  
19 beginning July 1, 1993, and ending June 30, 1994, in  
20 addition to other appropriations made to the  
21 university for that fiscal year, the following amount,  
22 or so much thereof as is necessary, to be used for the  
23 purpose designated:

24 For conducting a study to develop a plan for the  
25 utilization of state institutions and their physical  
26 and human resources and entering into contracts and  
27 chapter 28E agreements as specified in paragraph "c":

28 ..... \$ 25,000

29 c. The department of economic development and the  
30 institute for decision-making at the university of  
31 northern Iowa, in consultation with the department of  
32 human services and the department of corrections,  
33 shall conduct a study to develop a plan for the  
34 utilization of the physical and human resources of  
35 communities containing state institutions which are  
36 undergoing or may undergo substantial changes in  
37 mission, scope, and size of operations. The  
38 communities and state institutions examined in the  
39 study and included in the plan shall include those  
40 specified in sections 218.1 and 904.102. The  
41 department of economic development and the decision-  
42 making institute may use the funds appropriated  
43 pursuant to this subsection to enter into contracts or  
44 chapter 28E agreements with political subdivisions,  
45 other state departments or state institutions, or  
46 other persons in the affected communities to assist in  
47 the planning process. The plan shall consider the  
48 interests of the communities in providing for economic  
49 development, the interests of the affected workers in  
50 the institutions, the necessity of providing state

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Page 2

1 services on a statewide basis and the impact of any  
 2 action in one institution upon other state  
 3 institutions providing similar services, and the  
 4 effect of the plan upon state resources. The  
 5 department of economic development and the decision-  
 6 making institute shall submit a report detailing the  
 7 plan to the governor and the general assembly on or  
 8 before January 15, 1994.

9 d. Notwithstanding section 8.39, the department of  
 10 economic development and the decision-making institute  
 11 of the university of northern Iowa may transfer the  
 12 funds appropriated pursuant to this subsection as  
 13 necessary to effectuate the purposes of this  
 14 subsection."

15 2. By renumbering and correcting internal  
 16 references as necessary.

By RICHARD VARN  
 LEONARD L. BOSWELL  
 LARRY MURPHY

TOM VILSACK  
 DERRYL MCLAREN

S-3737 FILED APRIL 30, 1993  
 ADOPTED (p.1489)

## SENATE FILE 425

S-3733

1 Amend Senate File 425 as follows:

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

4 "Sec. 80. Section 425.1, subsections 1 through 5,  
5 Code 1993, are amended to read as follows:

6 1. A homestead credit fund is created. There is  
7 appropriated annually from the general fund of the  
8 state to the department of revenue and finance to be  
9 credited to the homestead credit fund, ~~an amount~~  
10 ~~sufficient to implement this chapter~~ the amount as  
11 provided in section 8.59.

12 The director of revenue and finance shall issue  
13 warrants on the homestead credit fund payable to the  
14 county treasurers of the several counties of the state  
15 under this chapter.

16 2. The homestead credit fund shall be apportioned  
17 each year so as to give a credit against the tax on  
18 each eligible homestead in the state in an amount  
19 equal to the actual levy on the ~~first-four-thousand~~  
20 ~~eight-hundred-fifty-dollars-of-actual-value-for-each~~  
21 homestead allowable homestead value.

22 3. For purposes of this chapter, the "allowable  
23 homestead value" means for the fiscal year beginning  
24 July 1, 1994, the amount equal to the appropriation  
25 made in subsection 1 for the fiscal year beginning  
26 July 1, 1994, divided by the actual amount of  
27 homestead claims for taxes due in the fiscal year  
28 beginning July 1, 1993, times four thousand eight  
29 hundred fifty dollars. For succeeding fiscal years,  
30 the allowable homestead value equals the appropriation  
31 for that fiscal year divided by the actual amount of  
32 homestead claims for taxes due in the previous fiscal  
33 year times the allowable homestead value calculated  
34 under this subsection for the previous fiscal year.

35 3 4. The amount due each county shall be paid by  
36 the department of revenue and finance in two payments  
37 on November 15 and March 15 of each fiscal year, drawn  
38 upon warrants payable to the respective county  
39 treasurers. The two payments shall be as nearly equal  
40 as possible.

41 4 5. ~~Annually the department of revenue and~~  
42 ~~finance shall estimate the credit not to exceed the~~  
43 ~~actual levy on the first-four-thousand-eight-hundred~~  
44 ~~fifty-dollars-of-actual-value-of-each-eligible~~  
45 ~~homestead, and shall certify to the county auditor of~~  
46 ~~each county the credit and its amount in dollars. The~~  
47 director of revenue and finance shall certify to the  
48 county auditor of each county, by April 15 preceding  
49 the fiscal year in which the credit is to be paid, the  
50 amount of allowable homestead value. Each county

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Page 2

1 auditor shall then enter the credit against the tax  
 2 levied on each eligible homestead in each county  
 3 payable during the ensuing year, designating on the  
 4 tax lists the credit as being from the homestead  
 5 credit fund, and credit shall then be given to the  
 6 several taxing districts in which eligible homesteads  
 7 are located in an amount equal to the credits allowed  
 8 on the taxes of the homesteads. The amount of credits  
 9 shall be apportioned by each county treasurer to the  
 10 several taxing districts as provided by law, in the  
 11 same manner as though the amount of the credit had  
 12 been paid by the owners of the homesteads. However,  
 13 the several taxing districts shall not draw the funds  
 14 so credited until after the semiannual allocations  
 15 have been received by the county treasurer, as  
 16 provided in this chapter. Each county treasurer shall  
 17 show on each tax receipt the amount of credit received  
 18 from the homestead credit fund.

19 If the appropriation made in subsection 1 is  
 20 insufficient to pay all claims in full, the director  
 21 shall prorate the amount available to each county.

22 ~~5.---If the homestead tax credit computed under this~~  
 23 ~~section is less than sixty-two dollars and fifty~~  
 24 ~~cents, the amount of homestead tax credit on that~~  
 25 ~~eligible homestead shall be sixty-two dollars and~~  
 26 ~~fifty cents subject to the limitation imposed in this~~  
 27 ~~section."~~

28 2. Page 11, by inserting after line 4 the  
 29 following:

30 "Sec. \_\_\_\_ . Section 80 of this division takes  
 31 effect January 1, 1994, for homestead credit claims  
 32 for property taxes payable on or after July 1, 1994."

By JOHN P. KIBBIE  
 SHELDON RITTMER

S-3733 FILED APRIL 30, 1993  
 ADOPTED (p.1487)

SENATE FILE 425

S-3734

1 Amend Senate File 425 as follows:

2 1. Page 14, by inserting after line 25 the  
 3 following:

4 "4. To the department of cultural affairs, for a  
 5 grant for purposes of conducting an international  
 6 children's choir festival in the city of Des Moines  
 7 June 29 through July 4, 1993, that is sponsored by a  
 8 local choral society:

9 ..... \$ 15,000".

By MARY E. KRAMER  
 FLORENCE BUHR  
 ELAINE SZYMONIAK

TONY BISIGNANO  
 LEONARD L. BOSWELL  
 WILLIAM D. PALMER

S-3734 FILED APRIL 30, 1993  
 LOST, RECONSIDERED & WITHDRAWN  
 (p.1488) (p.1491)

## SENATE FILE 425

S-3728

1 Amend Senate File 425 as follows:

2 1. Page 29, by inserting after line 33 the  
3 following:

4 "Sec. 100. Section 135H.4, Code 1993, as amended  
5 by 1993 Iowa Acts, House File 518, section 29, is  
6 amended to read as follows:

7 135H.4 LICENSURE.

8 A person shall not establish, operate, or maintain  
9 a psychiatric medical institution for children unless  
10 the person obtains a license for the institution under  
11 this chapter and either holds a license under section  
12 237.3, subsection 2, paragraph "a", as a comprehensive  
13 residential facility for children or holds a license  
14 under section 125.13, if the facility provides  
15 substance abuse treatment.

16 Sec. 200. Section 135H.6, subsection 6, Code 1993,  
17 as amended by 1993 Iowa Acts, House File 518, section  
18 30, is amended to read as follows:

19 6. The proposed psychiatric institution is under  
20 the direction of an agency which has operated a  
21 facility licensed under section 237.3, subsection 2,  
22 paragraph "a", as a comprehensive residential facility  
23 for children for three years or of an agency which has  
24 operated a facility for three years providing  
25 psychiatric services exclusively to children or  
26 adolescents and the facility meets or exceeds  
27 requirements for licensure under section 237.3,  
28 subsection 2, paragraph "a", as a comprehensive  
29 residential facility for children."

30 2. Page 30, line 5, by striking the word and  
31 figure "and 56" and inserting the following: "56,  
32 100, and 200".

33 3. By renumbering as necessary.

By MAGGIE TINSMAN  
RICHARD VARN

S-3728 FILED APRIL 30, 1993

ADOPTED (p.1486)

## SENATE FILE 425

S-3732

1 Amend Senate File 425 as follows:

2 1. Page 27, by inserting after line 15 the  
3 following:

4 "Sec. \_\_\_\_ . REGENTS MERIT EXEMPT PAY ADJUSTMENTS.

5 Of the funds appropriated to the state board of

6 regents for the fiscal year beginning July 1, 1993,

7 and ending June 30, 1994, the sum of \$125,000, or so

8 much thereof as necessary, shall be used to provide

9 pay adjustments for regents merit exempt employees.

10 The funds shall be used to adjust pay disparities

11 resulting from pay adjustments provided to regents

12 employees covered by collective bargaining agreements

13 and pay adjustments provided for regent merit exempt

14 employees."

By JEAN LLOYD-JONES

RICHARD J. VARN

HARRY G. SLIFE

JIM LIND

RALPH ROSENBERG

S-3732 FILED APRIL 30, 1993

ADOPTED (p.1486)



## SENATE FILE 425

S-3729

1 Amend Senate File 425 as follows:

2 1. Page 28, by inserting after line 27 the  
3 following:

4 "Sec. \_\_\_\_ . Section 25.1, Code 1993, is amended to  
5 read as follows:

6 25.1 RECEIPT, INVESTIGATION, AND REPORT.

7 When a claim is filed or made against the state, on  
8 which in the judgment of the director of management  
9 the state would be liable except for the fact of its  
10 sovereignty or which has no appropriation available  
11 for its payment, the director of management shall  
12 deliver ~~said~~ that claim to the state appeal board.  
13 The state appeal board shall make a record of the  
14 receipt of ~~said~~ that claim and forthwith deliver ~~same~~  
15 it to the special assistant attorney general for  
16 claims who shall, with a view to determining the  
17 merits and legality ~~thereof~~ of it, fully investigate  
18 ~~said~~ the claim, including the facts upon which it is  
19 based and report in duplicate findings and conclusions  
20 of law to the state appeal board. To help defray the  
21 initial costs of processing a claim, the department of  
22 management may assess a processing fee against the  
23 state agency which incurred the liability of the  
24 claim.

25 Sec. \_\_\_\_ . Section 25.2, Code 1993, is amended to  
26 read as follows:

27 25.2 EXAMINATION OF REPORT -- APPROVAL OR  
28 REJECTION -- PAYMENT.

29 The state appeal board with the recommendation of  
30 the special assistant attorney general for claims may  
31 approve or reject claims against the state of less  
32 than ten years covering the following: Outdated  
33 warrants; outdated sales and use tax refunds; license  
34 refunds; additional agricultural land tax credits;  
35 outdated invoices; fuel and gas tax refunds; outdated  
36 homestead and veterans' exemptions; outdated funeral  
37 service claims; tractor fees; registration permits;  
38 outdated bills for merchandise; services furnished to  
39 the state; claims by any county or county official  
40 relating to the personal property tax credit; and  
41 refunds of fees collected by the state. Payments  
42 authorized by the state appeal board shall be paid  
43 from the appropriation or fund of original  
44 certification of the claim; ~~except; that if such.~~  
45 However, if that appropriation or fund has since  
46 reverted under section 8.33 then such payment  
47 authorized by the state appeal board shall be out of  
48 any money in the state treasury not otherwise  
49 appropriated. Notwithstanding the provisions of this  
50 section, the director of revenue and finance may

S-3729

-1-

S-3729

Page 2

1 reissue outdated warrants."

By JIM LIND

S-3729 FILED APRIL 30, 1993

ADOPTED (p. 1489)

SENATE FILE 425

S-3730

1 Amend Senate File 425 as follows:

2 1. By striking page 17, line 24 through page 18,  
3 line 12.

4 2. By renumbering as necessary.

By LARRY MURPHY

S-3730 FILED APRIL 30, 1993

ADOPTED (p. 1489)

SENATE FILE 425

S-3731

1 Amend Senate File 425 as follows:

2 1. Page 14, by inserting after line 25 the  
3 following:

4 "Sec. \_\_\_\_ . BONDING FOR CAPITAL IMPROVEMENTS. The  
5 Iowa finance authority, at the request of the  
6 department of general services, shall issue negotiable  
7 bonds and notes pursuant to section 16.26 in the  
8 following amounts and for the following purposes:

9 1. For the restoration of the exterior of the  
10 state capitol building:

11 ..... \$ 23,024,723

12 2. For the restoration of the interior of the  
13 state capitol building, including but not limited to:  
14 replacement of the electrical system, removal of  
15 asbestos, provide handicap accessibility, and comply  
16 with orders from the state fire marshal:

17 ..... \$ 8,328,552

18 3. To connect the state capitol building tunnel to  
19 the Grand Avenue tunnel:

20 ..... \$ 400,000

21 4. For restoration of the old historical building:

22 ..... \$ 7,900,000".

By RAY TAYLOR  
WILLIAM DIELEMAN  
JOHN JENSEN

S-3731 FILED APRIL 30, 1993

WITHDRAWN

SENATE FILE 425

S-3718

1 Amend Senate File 425 as follows:  
 2 1. Page 17, by striking lines 5 through 10 and  
 3 inserting the following:  
 4 "b. New jobs training projects. The department  
 5 shall make available financial assistance for new jobs  
 6 training projects from repayments and interest in the  
 7 fund from previously funded new jobs training  
 8 projects. Funds shall be awarded to projects based on  
 9 the order proposals are received and approved."

By MIKE CONNOLLY

S-3718 FILED APRIL 30, 1993  
WITHDRAWN (p. 1490)

SENATE FILE 425

S-3720

1 Amend Senate File 425 as follows:  
 2 1. Page 13, line 20, by striking the figure  
 3 "\$42,300,000" and inserting the following:  
 4 "\$43,200,000".

By LARRY MURPHY

S-3720 FILED APRIL 30, 1993  
ADOPTED (p. 1486)

SENATE FILE 425

S-3722

1 Amend Senate File 425 as follows:  
 2 1. Page 18, by striking line 25 through page 22,  
 3 line 1.

By TOM VILSACK

S-3722 FILED APRIL 30, 1993  
WITHDRAWN (p. 1489)

SENATE FILE 425

S-3724

1 Amend Senate File 425 as follows:  
 2 1. Page 26, by inserting after line 13 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. There is appropriated from the general  
 5 fund of the state to the Iowa special olympics,  
 6 incorporated for the fiscal year beginning July 1,  
 7 1993, the sum of \$15,000 to be used for Iowa special  
 8 olympics programs benefiting the citizens of Iowa with  
 9 disabilities."

By EMIL J. HUSAK  
LARRY MURPHY

S-3724 FILED APRIL 30, 1993  
ADOPTED (p. 1486)

## SENATE FILE 425

S-3726

- 1 Amend Senate File 425 as follows:  
2 1. Page 28, by inserting after line 21 the  
3 following:  
4 "Sec. 100. 1993 Iowa Acts, House File 518, section  
5 25, subsection 1, paragraph 1, is amended by striking  
6 the paragraph and inserting in lieu thereof the  
7 following:  
8 i. The basis for establishing the maximum medical  
9 assistance reimbursement rate for nursing facilities  
10 shall be the 70th percentile of facility costs as  
11 calculated from the June 30, 1993, unaudited  
12 compilation of cost and statistical data."  
13 2. Page 30, line 5, by inserting after the figure  
14 "50," the following: "100,".  
15 3. By renumbering as necessary.

By BERL E. PRIEBE

S-3726 FILED APRIL 30, 1993

WITHDRAWN (p. 1490)

## SENATE FILE 425

S-3727

- 1 Amend Senate File 425 as follows:  
2 1. Page 11, by inserting after line 2 the  
3 following:  
4 "Sec. 100. GAAP PURPOSES. Commencing with the  
5 fiscal year beginning July 1, 1992, and in succeeding  
6 fiscal years, if the provisions of section 8.57 are  
7 applied and a balance is available which exceeds the  
8 succeeding fiscal year's cash reserve goal percentage,  
9 the excess amount shall be applied to the GAAP deficit  
10 reduction account and used to reduce the GAAP deficit  
11 in the fiscal year in which the balance is available."  
12 2. Page 11, by inserting after line 12 the  
13 following:  
14 "Sec. \_\_\_\_ . Section 100 of this Act, being deemed  
15 of immediate importance, takes effect upon enactment."  
16 3. By renumbering as necessary.

By JIM LIND

S-3727 FILED APRIL 30, 1993

LOST (p. 1488)

*Plac Approps. 4/30  
4/30/93 House - Do Pass*

SENATE FILE 425  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 2688XC)

(AS AMENDED AND PASSED BY THE SENATE APRIL 30, 1993)

~~\_\_\_\_\_~~ - New Language by the Senate  
\* - Language Stricken by the Senate

Passed Senate, Date 5/1/93 Passed House, Date 5/1/93  
Vote: Ayes 27 Nays 22 Vote: Ayes 52 Nays 46  
Approved *5/28/93* *(P. 1920)*  
*Referred 5/2/93* *54/44*  
*(P. 1967)*

A BILL FOR

1 An Act relating to and making appropriations to finance state  
2 government, its regulatory functions, and its obligations, and  
3 providing effective and applicability date provisions.

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

- 5
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DIVISION I  
STANDING APPROPRIATIONS

1  
2  
3 Section 1. Section 8.59, Code 1993, is amended to read as  
4 follows:

5 8.59 APPROPRIATIONS FREEZE.

6 Notwithstanding contrary provisions of the Code, the  
7 amounts appropriated under the applicable sections of the Code  
8 for fiscal years commencing on or after July 1, 1993, are  
9 limited to those amounts expended under those sections for the  
10 fiscal year commencing July 1, 1992. If an applicable section  
11 appropriates moneys to be distributed to different recipients  
12 and the operation of this section reduces the total amount to  
13 be distributed under the applicable section, the moneys shall  
14 be prorated among the recipients. As used in this section,  
15 "applicable sections" means the following sections: 53.50,  
16 229.35, 230.8, 230.11, 405A.8, 411.20, 425.1, 425.39, 426A.1,  
17 ~~453A-77~~ 663.44, and 822.5.

18 Sec. 2. Section 422.65, unnumbered paragraph 1, Code 1993,  
19 is amended to read as follows:

20 All moneys received from the franchise tax shall be  
21 deposited in the state general fund. ~~Forty-five-percent-of~~  
22 and Commencing with the fiscal year beginning July 1, 1993,  
23 there is appropriated for each fiscal year from the franchise  
24 tax money received and deposited in the state general fund the  
25 sum of eight million eight hundred thousand dollars which  
26 shall be paid quarterly on warrants by the director, after  
27 certification by the director, as follows:

28 Sec. 3. Section 425.1, subsections 1 through 5, Code 1993,  
29 are amended to read as follows:

30 1. A homestead credit fund is created. There is  
31 appropriated annually from the general fund of the state to  
32 the department of revenue and finance to be credited to the  
33 homestead credit fund, an amount sufficient to implement this  
34 chapter the amount as provided in section 8.59.

35 The director of revenue and finance shall issue warrants on

1 the homestead credit fund payable to the county treasurers of  
2 the several counties of the state under this chapter.

3 2. The homestead credit fund shall be apportioned each  
4 year so as to give a credit against the tax on each eligible  
5 homestead in the state in an amount equal to the actual levy  
6 on the ~~first-four-thousand-eight-hundred-fifty-dollars-of~~  
7 ~~actual-value-for-each-homestead~~ allowable homestead value.

8 3. For purposes of this chapter, the "allowable homestead  
9 value" means for the fiscal year beginning July 1, 1994, the  
10 amount equal to the appropriation made in subsection 1 for the  
11 fiscal year beginning July 1, 1994, divided by the actual  
12 amount of homestead claims for taxes due in the fiscal year  
13 beginning July 1, 1993, times four thousand eight hundred  
14 fifty dollars. For succeeding fiscal years, the allowable  
15 homestead value equals the appropriation for that fiscal year  
16 divided by the actual amount of homestead claims for taxes due  
17 in the previous fiscal year times the allowable homestead  
18 value calculated under this subsection for the previous fiscal  
19 year.

20 4. The amount due each county shall be paid by the  
21 department of revenue and finance in two payments on November  
22 15 and March 15 of each fiscal year, drawn upon warrants  
23 payable to the respective county treasurers. The two payments  
24 shall be as nearly equal as possible.

25 ~~4 5. Annually-the-department-of-revenue-and-finance-shall~~  
26 ~~estimate-the-credit-not-to-exceed-the-actual-levy-on-the-first~~  
27 ~~four-thousand-eight-hundred-fifty-dollars-of-actual-value-of~~  
28 ~~each-eligible-homestead,-and-shall-certify-to-the-county~~  
29 ~~auditor-of-each-county-the-credit-and-its-amount-in-dollars.~~  
30 The director of revenue and finance shall certify to the  
31 county auditor of each county, by April 15 preceding the  
32 fiscal year in which the credit is to be paid, the amount of  
33 allowable homestead value. Each county auditor shall then  
34 enter the credit against the tax levied on each eligible  
35 homestead in each county payable during the ensuing year,

1 designating on the tax lists the credit as being from the  
2 homestead credit fund, and credit shall then be given to the  
3 several taxing districts in which eligible homesteads are  
4 located in an amount equal to the credits allowed on the taxes  
5 of the homesteads. The amount of credits shall be apportioned  
6 by each county treasurer to the several taxing districts as  
7 provided by law, in the same manner as though the amount of  
8 the credit had been paid by the owners of the homesteads.  
9 However, the several taxing districts shall not draw the funds  
10 so credited until after the semiannual allocations have been  
11 received by the county treasurer, as provided in this chapter.  
12 Each county treasurer shall show on each tax receipt the  
13 amount of credit received from the homestead credit fund.  
14 If the appropriation made in subsection 1 is insufficient  
15 to pay all claims in full, the director shall prorate the  
16 amount available to each county.

17 ~~5. --if the homestead tax credit computed under this section~~  
18 ~~is less than sixty-two dollars and fifty cents, the amount of~~  
19 ~~homestead tax credit on that eligible homestead shall be~~  
20 ~~sixty-two dollars and fifty cents subject to the limitation~~  
21 ~~imposed in this section.~~

22 Sec. 4. Section 425.17, subsection 2, Code 1993, is  
23 amended to read as follows:

24 2. "Claimant" means a either of the following:

25 a. A person filing a claim for credit or reimbursement  
26 under this division who has attained the age of eighteen  
27 sixty-five years on or before December 31 of the base year,  
28 who is a surviving spouse having attained the age of fifty-  
29 five years on or before December 31, 1988, or who is totally  
30 disabled and was totally disabled on or before December 31 of  
31 the base year, and was domiciled in this state during the  
32 entire base year, and is domiciled in this state at the time  
33 the claim is filed or at the time of the person's death in the  
34 case of a claim filed by the executor or administrator of the  
35 claimant's estate and, in the case of a person who is not



1 disabled-and-has-not-reached-the-age-of-sixty-five, was not  
2 claimed-as-a-dependent-on-any-other-person's-tax-return-for  
3 the-base-year.

4 b. A person filing a claim for credit or reimbursement  
5 under this division who has attained the age of eighteen years  
6 on or before December 31 of the base year but has not attained  
7 the age or disability status described in paragraph "a", and  
8 was domiciled in this state during the entire base year, and  
9 is domiciled in this state at the time the claim is filed or  
10 at the time of the person's death in the case of a claim filed  
11 by the executor or administrator of the claimant's estate, and  
12 was not claimed as a dependent on any other person's tax  
13 return for the base year.

14 "Claimant" under paragraph "a" or "b" includes a vendee in  
15 possession under a contract for deed and may include one or  
16 more joint tenants or tenants in common. In the case of a  
17 claim for rent constituting property taxes paid, the claimant  
18 shall have rented the property during any part of the base  
19 year. If a homestead is occupied by two or more persons, and  
20 more than one person is able to qualify as a claimant, the  
21 persons may determine among them who will be the claimant. If  
22 they are unable to agree, the matter shall be referred to the  
23 director of revenue and finance not later than October 31 of  
24 each year and the director's decision is final.

25 Sec. 5. Section 425.23, subsection 1, Code 1993, is  
26 amended to read as follows:

27 1. a. The tentative credit or reimbursement for a  
28 claimant described in section 425.17, subsection 2, paragraph  
29 "a" and paragraph "b" if no appropriation is made to the fund  
30 created in section 425.40 shall be determined in accordance  
31 with the following schedule:

32	Percent of property taxes
33	due or rent constituting
34	property taxes paid
35	If the household allowed as a credit or

1	income is:	reimbursement:
2	\$ 0 -- 5,999.99 .....	100%
3	6,000 -- 6,999.99 .....	85
4	7,000 -- 7,999.99 .....	70
5	8,000 -- 9,999.99 .....	50
6	10,000 -- 11,999.99 .....	35
7	12,000 -- 13,999.99 .....	25

8 b. If moneys have been appropriated to the fund created in  
9 section 425.40, the tentative credit or reimbursement for a  
10 claimant described in section 425.17, subsection 2, paragraph  
11 "b", shall be determined as follows:

12 (1) If the amount appropriated under section 425.40 plus  
13 any supplemental appropriation made for a fiscal year for  
14 purposes of this lettered paragraph is at least twenty-seven  
15 million dollars, the tentative credit or reimbursement shall  
16 be determined in accordance with the following schedule:

17 Percent of property taxes  
18 due or rent constituting  
19 property taxes paid

20 If the household allowed as a credit or  
21 income is: reimbursement:

22	\$ 0 -- 5,999.99 .....	100%
23	6,000 -- 6,999.99 .....	85
24	7,000 -- 7,999.99 .....	70
25	8,000 -- 9,999.99 .....	50
26	10,000 -- 11,999.99 .....	35
27	12,000 -- 13,999.99 .....	25

28 (2) If the amount appropriated under section 425.40 plus  
29 any supplemental appropriation made for a fiscal year for  
30 purposes of this lettered paragraph is less than twenty-seven  
31 million dollars the tentative credit or reimbursement shall be  
32 determined in accordance with the following schedule:

33 Percent of property taxes  
34 due or rent constituting  
35 property taxes paid

1	<u>If the household</u>	<u>allowed as a credit or</u>
2	<u>income is:</u>	<u>reimbursement:</u>
3	\$ 0 -- 5,999.99 .....	50%
4	6,000 -- 6,999.99 .....	42
5	7,000 -- 7,999.99 .....	35
6	8,000 -- 9,999.99 .....	25
7	10,000 -- 11,999.99 .....	17
8	12,000 -- 13,999.99 .....	12

9 Sec. 6. Section 425.23, subsection 3, paragraph a, Code  
 10 1993, is amended to read as follows:

11 a. A person who is eligible to file a claim for credit for  
 12 property taxes due and who has a household income of six  
 13 thousand dollars or less and who has an unpaid special  
 14 assessment levied against the homestead may file a claim with  
 15 the county treasurer that the claimant had a household income  
 16 of six thousand dollars or less and that an unpaid special  
 17 assessment is presently levied against the homestead. The  
 18 department shall provide to the respective treasurers the  
 19 forms necessary for the administration of this subsection.  
 20 The claim shall be filed not later than September 30 of each  
 21 year. Upon the filing of the claim, interest for late payment  
 22 shall not accrue against the amount of the unpaid special  
 23 assessment due and payable. The claim filed by the claimant  
 24 constitutes a claim for credit of an amount equal to the  
 25 actual amount due upon the unpaid special assessment, plus  
 26 interest, payable during the fiscal year for which the claim  
 27 is filed against the homestead of the claimant. However,  
 28 where the claimant is an individual described in section  
 29 425.17, subsection 2, paragraph "b", and the tentative credit  
 30 is determined according to the schedule in section 425.23,  
 31 subsection 1, paragraph "b", subparagraph (2), the claim filed  
 32 constitutes a claim for credit of an amount equal to one-half  
 33 of the actual amount due and payable during the fiscal year.  
 34 The department of revenue and finance shall, upon the filing  
 35 of the claim with the department by the treasurer, pay that

1 amount of the unpaid special assessment during the current  
2 fiscal year to the treasurer. The treasurer shall submit the  
3 claims to the director of revenue and finance not later than  
4 October 15 of each year. The director of revenue and finance  
5 shall certify the amount of reimbursement due each county for  
6 unpaid special assessment credits allowed under this  
7 subsection. The amount of reimbursement due each county shall  
8 be paid by the director of revenue and finance on October 20  
9 of each year, drawn upon warrants payable to the respective  
10 treasurer. There is appropriated annually from the general  
11 fund of the state to the department of revenue and finance an  
12 amount sufficient to carry out the provisions of this  
13 subsection. The treasurer shall credit any moneys received  
14 from the department against the amount of the unpaid special  
15 assessment due and payable on the homestead of the claimant.

16 Sec. 7. Section 425.39, Code 1993, is amended to read as  
17 follows:

18 425.39 FUND CREATED -- APPROPRIATION.

19 1. The extraordinary property tax credit and reimbursement  
20 fund is created. There is appropriated annually from the  
21 general fund of the state to the department of revenue and  
22 finance to be credited to the extraordinary property tax  
23 credit and reimbursement fund, from funds not otherwise  
24 appropriated, ~~an amount sufficient to implement this division~~  
25 the sum of ten million eight hundred thousand dollars to pay  
26 credits and reimbursements for all claimants for which partial  
27 funding is not provided from an appropriation made to the fund  
28 created in section 425.40.

29 2. If the amount appropriated under subsection 1, as  
30 limited by section 8.59, plus any supplemental appropriation  
31 made for purposes of this section for a fiscal year is  
32 insufficient to pay all claims in full, the director shall  
33 pay, in full, all claims to be paid during the fiscal year for  
34 reimbursement of rent constituting property taxes paid or if  
35 moneys are insufficient to pay all such claims on a pro rata

1 basis. If the amount of claims for credit for property taxes  
2 due to be paid during the fiscal year exceed the amount  
3 remaining after payment to renters, the director of revenue  
4 and finance shall prorate the payments to the counties for the  
5 property tax credit. In order for the director to carry out  
6 the requirements of this subsection, notwithstanding any  
7 provision to the contrary in this division, claims for  
8 reimbursement for rent constituting property taxes paid filed  
9 before May 1 of the fiscal year shall be eligible to be paid  
10 in full during the fiscal year and those claims filed on or  
11 after May 1 of the fiscal year shall be eligible to be paid  
12 during the following fiscal year and the director is not  
13 required to make payments to counties for the property tax  
14 credit before June 15 of the fiscal year.

15 Sec. 8. NEW SECTION. 425.40 LOW-INCOME FUND CREATED --  
16 APPROPRIATION.

17 1. A low-income tax credit and reimbursement fund is  
18 created. Beginning July 1, 1994, there is appropriated  
19 annually from the general fund of the state to the department  
20 of revenue and finance to be credited to the low-income tax  
21 credit and reimbursement fund the sum of thirteen million five  
22 hundred thousand dollars to pay credits and reimbursements for  
23 claimants described in section 425.17, subsection 2, paragraph  
24 "b".

25 2. If the amount appropriated under subsection 1 plus any  
26 supplemental appropriation made for purposes of this section  
27 for a fiscal year is insufficient to pay all claims in full,  
28 the director shall pay, in full, all claims to be paid during  
29 the fiscal year for reimbursement of rent constituting  
30 property taxes paid or if moneys are insufficient to pay all  
31 such claims on a pro rata basis. If the amount of claims for  
32 credit for property taxes due to be paid during the fiscal  
33 year exceed the amount remaining after payment to renters, the  
34 director of revenue and finance shall prorate the payments to  
35 the counties for the property tax credit. In order for the

1 director to carry out the requirements of this subsection,  
2 notwithstanding any provision to the contrary in this  
3 division, claims for reimbursement for rent constituting  
4 property taxes paid filed before May 1 of the fiscal year  
5 shall be eligible to be paid in full during the fiscal year  
6 and those claims filed on or after May 1 of the fiscal year  
7 shall be eligible to be paid during the following fiscal year  
8 and the director is not required to make payments to counties  
9 for the property tax credit before June 15 of the fiscal year.

10 Sec. 9. Section 425A.1, Code 1993, is amended to read as  
11 follows:

12 425A.1 FAMILY FARM TAX CREDIT FUND.

13 The family farm tax credit fund is created in the office of  
14 the treasurer of state. ~~There is appropriated~~ shall be  
15 transferred annually to the fund ~~from funds in the general~~  
16 ~~fund not otherwise appropriated the sum of~~ the first ten  
17 million dollars of the amount annually appropriated to the  
18 agricultural land credit fund, provided in section 426.1. Any  
19 balance in the fund on June 30 shall revert to the general  
20 fund.

21 Sec. 10. Section 426.1, Code 1993, is amended to read as  
22 follows:

23 426.1 AGRICULTURAL LAND CREDIT FUND.

24 There is ~~hereby~~ created as a permanent fund in the office  
25 of the treasurer of state a fund to be known as the  
26 agricultural land credit fund, and for the purpose of  
27 establishing and maintaining ~~said~~ this fund for each fiscal  
28 year there is appropriated thereto from funds in the general  
29 fund not otherwise appropriated the sum of ~~forty-three~~ thirty-  
30 nine million ~~five~~ one hundred thousand dollars of which the  
31 first ten million dollars shall be transferred to and  
32 deposited into the family farm tax credit fund created in  
33 section 425A.1. Any balance in said fund on June 30 shall  
34 revert to the general fund.

35 Sec. 11. Section 427B.17, Code 1993, is amended to read as

1 follows:

2 427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.

3 For property defined in section 427A.1, subsection 1,  
4 paragraphs "e" and "j", acquired or initially leased on or  
5 after January 1, ~~1985~~ 1982, the taxpayer's valuation shall be  
6 limited to thirty percent of the net acquisition cost of the  
7 property. For purposes of this section, "net acquisition  
8 cost" means the acquired cost of the property including all  
9 foundations and installation cost less any excess cost  
10 adjustment.

11 For purposes of this section:

12 1. Property assessed by the department of revenue and  
13 finance pursuant to sections 428.24 to 428.29, or chapters  
14 433, 434 and 436 to 438 shall not receive the benefits of this  
15 section.

16 2. Property acquired ~~on-or~~ before January 1, ~~1985~~ 1982,  
17 which was owned or used ~~on-or~~ before January 1, ~~1985~~ 1982, by  
18 a related person shall not receive the benefits of this  
19 section.

20 3. Property acquired on or after January 1, ~~1985~~ 1982,  
21 which was owned and used by a related person shall not receive  
22 any additional benefits under this section.

23 4. Property which was owned or used ~~on-or~~ before January  
24 1, ~~1985~~ 1982, and subsequently acquired by an exchange of like  
25 property shall not receive the benefits of this section.

26 5. Property which was acquired on or after January 1, ~~1985~~  
27 1982, and subsequently exchanged for like property shall not  
28 receive any additional benefits under this section.

29 6. Property acquired ~~on-or~~ before January 1, ~~1985~~ 1982,  
30 which is subsequently leased to a taxpayer or related person  
31 who previously owned the property shall not receive the  
32 benefits of this section.

33 7. Property acquired on or after January 1, ~~1985~~ 1982,  
34 which is subsequently leased to a taxpayer or related person  
35 who previously owned the property shall not receive any

1 additional benefits under this section.

2 For purposes of this section, "related person" means a  
3 person who owns or controls the taxpayer's business and  
4 another business entity from which property is acquired or  
5 leased or to which property is sold or leased. Business  
6 entities are owned or controlled by the same person if the  
7 same person directly or indirectly owns or controls fifty  
8 percent or more of the assets or any class of stock or who  
9 directly or indirectly has an interest of fifty percent or  
10 more in the ownership or profits.

11 Property assessed pursuant to this section shall not be  
12 eligible to receive a partial exemption under sections 427B.1  
13 to 427B.6.

14 Sec. 12. Section 453A.7, unnumbered paragraph 2, Code  
15 1993, is amended to read as follows:

16 There is hereby appropriated ~~out-of-any-funds-in-the-state~~  
17 ~~treasury-not-otherwise-appropriated-sufficient-funds~~ annually  
18 from the general fund of the state the sum of one hundred  
19 fifteen thousand dollars to carry out the provisions of this  
20 section.

21 Sec. 13. Notwithstanding the standing appropriation in  
22 section 285.2, there is appropriated pursuant to section 285.2  
23 from the general fund of the state to the department of  
24 education for the fiscal year beginning July 1, 1993, and  
25 ending June 30, 1994, the following amount, or so much thereof  
26 as may be necessary, to be used for the purpose designated:

27 To provide funds for costs of providing transportation  
28 services to nonpublic school pupils as authorized by section  
29 285.2:  
30 ..... \$ 6,894,293

31 Sec. 14. 1992 Iowa Acts, 2nd Extraordinary Session,  
32 chapter 1001, section 225, is amended to read as follows:

33 SEC. 225. Section 215, and ~~216-220-221-222-and-223~~ of  
34 this Act take effect January 1, 1993, for mobile home tax  
35 ~~claims and-property-tax-claims~~ filed on or after that date.



1 Sections 220, 221, 222, and 223 of this Act take effect  
2 January 1, 1994, for property tax claims filed on or after  
3 that date. Sections 220, 221, and 222 of this Act are  
4 applicable to rent reimbursement claims filed on or after  
5 January 1, ~~1994~~ 1995.

6 Sec. 15. Notwithstanding the provisions in 1990 Iowa Acts,  
7 chapter 1250, sections 6, 8, 9, and 21; 1991 Iowa Acts,  
8 chapter 267, sections 524 and 529; and 1992 Iowa Acts, 2nd  
9 Extraordinary Session, chapter 1001, section 225; authorizing  
10 property tax credits or rent reimbursements for persons whose  
11 income is less than \$14,000 and who have not obtained the age  
12 of 65 or are not totally disabled on or before December 31 of  
13 the base year, as defined in section 425.17, or are not  
14 surviving spouses who have attained the age of 55 on or before  
15 December 31, 1988, such persons shall not be entitled to a  
16 property tax credit or rent reimbursement pursuant to sections  
17 425.17 through 425.39 prior to the effective date of sections  
18 4 through 8 of this Act, as applicable, and all claims for  
19 such property tax credit filed before January 1, 1994, and for  
20 such rent reimbursement filed before January 1, 1995, shall  
21 not be allowed.

22 Sec. 16. Notwithstanding the standing appropriation in  
23 section 331.660, there is appropriated pursuant to section  
24 331.660 from the general fund of the state to the county of  
25 Tama for the fiscal year beginning July 1, 1993, and ending  
26 June 30, 1994, the following amount, or so much thereof as is  
27 necessary, to be used for the purpose designated:

28 For the payment of salary and expenses of a deputy sheriff  
29 responsible for law enforcement on the Indian settlement as  
30 provided in section 331.660:

31 ..... \$ 58,750

32 Sec. 17. EDUCATIONAL EXCELLENCE. For the fiscal year  
33 beginning July 1, 1993, and ending June 30, 1994, the  
34 appropriation made to the department of education pursuant to  
35 section 294A.25, subsection 1, shall be reduced by \$750,000.

1 Sec. 18. Sections 427B.10 through 427B.12 and 427B.14,  
2 Code 1993, are repealed.

3 Sec. 19. Section 3 of this division takes effect January  
4 1, 1994, for homestead credit claims for property taxes  
5 payable on or after July 1, 1994.

6 Sec. 20. Sections 4 through 8 of this Act take effect  
7 January 1, 1994, for property tax claims filed on or after  
8 that date. Sections 4, 5, 7, and 8 of this Act are applicable  
9 to rent reimbursement claims filed on or after January 1,  
10 1995.

11 Sec. 21. Sections 14 and 15 of this Act, being deemed of  
12 immediate importance, take effect upon enactment and apply  
13 retroactively to January 1, 1993.

14 DIVISION II  
15 CAPITAL PROJECTS

16 DEPARTMENT OF COMMERCE

17 Sec. 22. There is appropriated from the general fund of  
18 the state to the department of commerce for the fiscal year  
19 beginning July 1, 1993, and ending June 30, 1994, the follow-  
20 ing amount, or so much thereof as is necessary, to be used for  
21 the purpose designated:

22 For roof repair on the liquor warehouse:  
23 ..... \$ 350,000

24 DEPARTMENT OF CORRECTIONS

25 Sec. 23. There is appropriated from the general fund of  
26 the state to the department of corrections for the fiscal year  
27 beginning July 1, 1993, and ending June 30, 1994, the follow-  
28 ing amount, or so much thereof as is necessary, to be used for  
29 the purpose designated:

30 For critical maintenance needs at correctional facilities:  
31 ..... \$ 300,000

32 DEPARTMENT OF EDUCATION

33 Sec. 24. There is appropriated from the general fund of  
34 the state to the department of education for the fiscal year  
35 beginning July 1, 1993, and ending June 30, 1994, the follow-

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

3 For roof repair on the building housing the division of  
4 vocational rehabilitation:

5 ..... \$ 30,000

6 DEPARTMENT OF HUMAN SERVICES

7 Sec. 25. There is appropriated from the general fund of  
8 the state to the department of human services for the fiscal  
9 year beginning July 1, 1993, and ending June 30, 1994, the  
10 following amount, or so much thereof as is necessary, to be  
11 used for the purpose designated:

12 For critical maintenance needs:

13 ..... \$ 300,000

14 DEPARTMENT OF PUBLIC DEFENSE

15 Sec. 26. There is appropriated from the general fund of  
16 the state to the department of public defense for the fiscal  
17 year beginning July 1, 1993, and ending June 30, 1994, the  
18 following amount, or so much thereof as is necessary, to be  
19 used for the purpose designated:

20 For capital repairs at the Boone armory:

21 ..... \$ 108,000

22 DEPARTMENT OF NATURAL RESOURCES

23 Sec. 27. There is appropriated from the marine fuel tax  
24 receipts deposited in the general fund of the state to the  
25 department of natural resources for the fiscal year beginning  
26 July 1, 1993, and ending June 30, 1994, the following amounts,  
27 or so much thereof as is necessary, to be used for the purpose  
28 designated:

29 For purposes of funding capitals traditionally funded from  
30 marine fuel tax receipts for the purposes specified in section  
31 452A.79:

32 ..... \$ 1,650,000

33 1. Of the moneys appropriated in this section, \$200,000  
34 shall be used to support natural lake preservation. The  
35 department shall award the amount allocated in this subsection

1 to a city as defined in section 362.2 on a matching basis with  
2 the department contributing one dollar for each one dollar  
3 dedicated by the city, or the city acting in conjunction with  
4 a county, for natural lake preservation, if the money is  
5 dedicated on or after March 1, 1991. However, the city, or  
6 the city and county, must have dedicated at least \$200,000 of  
7 local funds in order to qualify for the award. The city must  
8 also be located in a county having a population of less than  
9 12,000.

10 2. Of the moneys appropriated in this section, \$225,000  
11 shall be used for the renovation of Lake Ahquabi.

12 3. Notwithstanding section 8.33, the unencumbered or  
13 unobligated moneys remaining on June 30, 1994, from moneys  
14 appropriated for purposes of funding capitals traditionally  
15 funded from marine fuel tax receipts as provided in this  
16 section for the fiscal year beginning July 1, 1993, shall  
17 revert to the general fund of the state on September 30, 1995.

18 STATE FAIR -- NATURAL RESOURCES -- CAPITOL COMPLEX

19 Sec. 28. Notwithstanding 1992 Iowa Acts, chapter 1247,  
20 section 45, of the lottery revenues remaining after  
21 \$43,200,000 are transferred and credited to the general fund  
22 of the state, the following amounts shall be transferred in  
23 descending priority order as follows:

24 1. To the Iowa state fair board for deposit in the  
25 foundation fund under the control of the board as provided in  
26 section 173.22 for purposes of supporting capital improvements  
27 to the Iowa state fairgrounds, including the repair and  
28 renovation of structures and the repair or replacement of  
29 essential items related to the infrastructure of the  
30 fairgrounds:

31 ..... \$ 500,000

32 The moneys deposited pursuant to this subsection shall be  
33 expended by the foundation on a one dollar to two dollar  
34 matching basis with moneys contributed to the foundation by  
35 private sources. Notwithstanding section 8.33, the

1 unencumbered or unobligated moneys remaining on June 30, 1994,  
2 from moneys deposited under this subsection shall remain in  
3 the Iowa state fair foundation fund.

4 2. To the department of natural resources for construction  
5 of a fishing pier which is accessible to persons with  
6 disabilities at Frog Hollow Creek Lake in Volga River  
7 Recreation Area:

8 ..... \$ 80,000

9 Moneys transferred pursuant to this subsection which remain  
10 unencumbered or unobligated shall revert to the general fund  
11 of the state on September 30, 1995.

12 3. To the department of general services for the fiscal  
13 year beginning July 1, 1992, and ending June 30, 1993, and  
14 used for the purposes designated:

15 a. For continued restoration of the exterior of the state  
16 capitol building:

17 ..... \$ 814,957

18 b. For facility remodeling to be in compliance with the  
19 federal Americans with Disabilities Act:

20 ..... \$ 100,000

21 c. For roof repair on the capitol annex:

22 ..... \$ 60,000

23 d. For roof repair on the Hoover building:

24 ..... \$ 30,000

25 e. For deck repair at the Wallace building:

26 ..... \$ 15,500

27 4. To the following entities of state government:

28 a. To the department of economic development for the  
29 fiscal year beginning July 1, 1993, and ending June 30, 1994,  
30 in addition to other appropriations made to the department for  
31 that fiscal year, the following amount, or so much thereof as  
32 is necessary, to be used for the purpose designated:

33 For conducting a study to develop a plan for the  
34 utilization of state institutions and their physical and human  
35 resources and entering into contracts and chapter 28E

1 agreements as specified in paragraph "c":

2 ..... \$ 25,000

3 b. To the university of northern Iowa for the decision-  
4 making institute for the fiscal year beginning July 1, 1993,  
5 and ending June 30, 1994, in addition to other appropriations  
6 made to the university for that fiscal year, the following  
7 amount, or so much thereof as is necessary, to be used for the  
8 purpose designated:

9 For conducting a study to develop a plan for the  
10 utilization of state institutions and their physical and human  
11 resources and entering into contracts and chapter 28E  
12 agreements as specified in paragraph "c":

13 ..... \$ 25,000

14 c. The department of economic development and the  
15 institute for decision-making at the university of northern  
16 Iowa, in consultation with the department of human services  
17 and the department of corrections, shall conduct a study to  
18 develop a plan for the utilization of the physical and human  
19 resources of communities containing state institutions which  
20 are undergoing or may undergo substantial changes in mission,  
21 scope, and size of operations. The communities and state  
22 institutions examined in the study and included in the plan  
23 shall include those specified in sections 218.1 and 904.102.  
24 The department of economic development and the decision-making  
25 institute may use the funds appropriated pursuant to this  
26 subsection to enter into contracts or chapter 28E agreements  
27 with political subdivisions, other state departments or state  
28 institutions, or other persons in the affected communities to  
29 assist in the planning process. The plan shall consider the  
30 interests of the communities in providing for economic  
31 development, the interests of the affected workers in the  
32 institutions, the necessity of providing state services on a  
33 statewide basis and the impact of any action in one  
34 institution upon other state institutions providing similar  
35 services, and the effect of the plan upon state resources.

1 The department of economic development and the decision-making  
2 institute shall submit a report detailing the plan to the  
3 governor and the general assembly on or before January 15,  
4 1994.

5 d. Notwithstanding section 8.39, the department of  
6 economic development and the decision-making institute of the  
7 university of northern Iowa may transfer the funds  
8 appropriated pursuant to this subsection as necessary to  
9 effectuate the purposes of this subsection.

10 Sec. 29. Section 99E.10, subsection 1, is amended by  
11 adding the following new paragraph:

12 NEW PARAGRAPH. e. For the fiscal year beginning July 1,  
13 1993, after the first \$33,000,000 is transferred to the  
14 general fund of the state, \$500,000 shall be deposited in the  
15 Iowa state fair foundation in the office of the treasurer of  
16 state to be used by the foundation fund for capital projects  
17 or major maintenance improvements at the Iowa state  
18 fairgrounds. For the fiscal period beginning July 1, 1994,  
19 and ending June 30, 1998, \$500,000 shall annually be deposited  
20 in the Iowa state fair foundation fund in the office of the  
21 treasurer of state to be used by the foundation for capital  
22 projects or major maintenance improvements at the Iowa state  
23 fairgrounds. Matching funds from other sources shall not be  
24 required for expenditure of funds deposited pursuant to this  
25 subsection.

26 Sec. 30. BACKBONE PARK STUDY. The department of natural  
27 resources shall conduct a study to determine the feasibility  
28 of dredging Backbone Lake. The study shall include but is not  
29 limited to a review and update of the study of the lake  
30 performed in 1974. The department shall report concerning the  
31 study to the general assembly by January 30, 1994.

32 Sec. 31. EFFECTIVE DATE. Section 28 of this division,  
33 being deemed of immediate importance, takes effect upon  
34 enactment.

35

DIVISION III

1 ECONOMIC DEVELOPMENT PROVISIONS

2 Sec. 32. Section 15.108, subsection 5, Code 1993, is  
3 amended by adding the following paragraph:

4 NEW PARAGRAPH. o. Establish a revolving fund to receive  
5 contributions to be used for cooperative advertising efforts.  
6 Fees and royalties obtained as a result of licensing the use  
7 of logos and other creative materials for sale by private  
8 vendors on selected products may be deposited in the fund.  
9 The department shall adopt by rule a schedule for fees and  
10 royalties to be charged.

11 Sec. 33. Section 15.108, subsection 5, Code 1993, is  
12 amended by adding the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. The department may establish a  
14 revolving fund to receive contributions and funds from the  
15 product sales center to be used for startup or expansion of  
16 tourism special events, fairs, and festivals.

17 Sec. 34. Section 15.111, subsection 1, Code 1993, is  
18 amended by striking the subsection.

19 Sec. 35. Section 15.111, subsection 2, paragraph a, Code  
20 1993, is amended by striking the paragraph.

21 Sec. 36. NEW SECTION. 15.112 FARMWORKS MATCHING FUNDS.

22 If the federal government funds the "farmworks" national  
23 demonstration project for distressed family farmers, the  
24 department shall allocate to the project from the rural  
25 enterprise fund or another fund, an amount equal to four  
26 percent of the federal funding each year for a three-year  
27 period on a dollar-for-dollar matching basis with local or  
28 private contributions.

29 Sec. 37. Section 15.225, subsection 1, Code 1993, is  
30 amended by adding the following new paragraph:

31 NEW PARAGRAPH. f. Apprenticeship opportunities in  
32 conjunction with paragraphs "a" through "d" or in accordance  
33 with rules adopted by the board.

34 Sec. 38. Section 15.251, subsection 2, Code 1993, is  
35 amended to read as follows:



1     2. The department may charge, within thirty days following  
2 the sale of certificates under chapter ~~200B~~ 260E, the board of  
3 ~~directors of the merged area~~ a fee of up to one percent of the  
4 gross sale amount of the certificates issued. The amount of  
5 this fee shall be deposited into a job training fund created  
6 in the ~~office-of-the-treasurer-of-state~~ department and may be  
7 used by the department to cover the costs of management of  
8 ~~chapter 200B 260E~~ and to support other efforts by the  
9 ~~community colleges related to providing productivity and~~  
10 ~~quality enhancement training.~~ Funds deposited under this  
11 subsection into the job training fund during a fiscal year  
12 which are not expended by the department in that fiscal year  
13 are available for use by the department under this subsection  
14 for subsequent fiscal years.

15     Sec. 39. Section 15.287, unnumbered paragraph 2, Code  
16 1993, is amended to read as follows:

17     Notwithstanding the restrictions on the use of the  
18 revolving fund in this section, the director may use  
19 unallocated repayments to the revolving fund to pay for  
20 administration of programs and to provide matching funds under  
21 the Cranston-Gonzalez National Affordable Housing Act of 1990,  
22 Pub. L. No. 101-625.

23     Sec. 40. Section 15E.92, Code 1993, is amended to read as  
24 follows:

25     15E.92 REPORTING AND FUND SOLVENCY.

26     The chairperson of the corporation on or before July-30  
27 December 31 of each fiscal year shall make and deliver a  
28 report to the governor and the legislative fiscal committee.  
29 The report shall include all transactions conducted by the  
30 corporation in the preceding fiscal year. The report shall  
31 also include a balance sheet outlining the financial solvency  
32 of the Iowa product development corporation fund, a certified  
33 copy of any audits of the corporation conducted in the  
34 preceding fiscal year, and other information requested by the  
35 governor or the legislative fiscal committee.

1     Sec. 41. Section 15E.169, subsection 1, Code 1993, is  
2 amended to read as follows:

3     1. The purpose of this section is to provide for or  
4 facilitate the development of organizations, structures, or  
5 other entities organized to provide capital or technical or  
6 other assistance to start new Iowa businesses or to help  
7 existing Iowa businesses remain viable or expand through the  
8 incorporation under chapter 504A of a nonprofit corporation to  
9 organize, capitalize, and fund an the following:

10     a. An Iowa-based small business investment company which  
11 shall have the purpose of increasing the availability of funds  
12 for investment in and loans to Iowa small businesses on a  
13 regional basis. The small business investment company shall  
14 be incorporated under the Iowa law.

15     b. An Iowa-based Iowa development bank or other community  
16 development entity organized to take advantage of the  
17 availability of federal programs, funds, guarantees, or other  
18 initiatives for the benefit of Iowa communities and small  
19 businesses.

20     Sec. 42. Section 260F.6, subsection 1, Code 1993, is  
21 amended to read as follows:

22     1. There is established for the community colleges a  
23 community college job training fund under-the-supervision-of  
24 the-treasurer-of-state in the department of economic  
25 development. The community college job training fund consists  
26 of moneys appropriated for the fiscal year beginning July 1,  
27 1987, and for succeeding fiscal years for the purposes of this  
28 chapter plus the interest and principal from repayment of  
29 advances made to businesses for program costs, moneys  
30 transferred from the Iowa employment retraining fund to the  
31 community college job training fund on July 1, 1992, plus the  
32 repayments, including interest, of loans made from that  
33 retraining fund, and interest earned from moneys in the  
34 community college job training fund.

35     Sec. 43. Section 260F.8, Code 1993, is amended to read as

1 follows:

2 260F.8 ALLOCATION.

3 1. For the fiscal year beginning July 1, 1992, only and  
4 subsequent years, the department of economic development shall  
5 make funds available to the community colleges ~~as follows:~~  
6 ~~a.--Retraining-projects.~~ The department shall ~~set-aside~~  
7 allocate by formula at the beginning of the fiscal year from  
8 the moneys ~~newly-appropriated-to~~ in the fund an amount for  
9 each merged area to be used to provide the financial  
10 assistance for ~~retraining~~ proposals of businesses located in  
11 the merged area whose applications have been approved by the  
12 department. The financial assistance shall be provided by the  
13 department from the amount set aside for that merged area. If  
14 any portion of the moneys set aside for a merged area have not  
15 been used or committed by March 1 of the fiscal year, that  
16 portion is available for use by the department to provide  
17 financial assistance to businesses located in other merged  
18 areas. The department shall adopt by rule a formula for this  
19 set-aside based on population and per capita income of the  
20 merged area.

21 ~~b.--New-jobs-training-projects.--The-department-shall-make~~  
22 ~~available-financial-assistance-for-new-jobs-training-projects~~  
23 ~~from-repayments-and-interest-in-the-fund-from-previously~~  
24 ~~funded-new-jobs-training-projects.--Funds-shall-be-awarded-to~~  
25 ~~projects-based-on-the-order-proposals-are-received-and~~  
26 ~~approved.~~

27 2. Moneys available to the community colleges for this  
28 program may be used to provide grants to train for new jobs or  
29 retain existing jobs when the project costs are less than five  
30 thousand dollars. If the project is for a consortium of  
31 businesses, project costs shall not exceed an average of five  
32 thousand dollars per business.

33 ~~3.--The-department-shall-include-with-its-budget-request~~  
34 ~~for-the-fiscal-year-beginning-July-17-1993,-a-preliminary~~  
35 ~~recommendation-for-the-allocation-of-moneys-in-the-job~~

1 training-fund-for-the-fiscal-year-beginning-July-1,--1993,--and  
2 succeeding-fiscal-years.--The-department-shall-see-input-from  
3 representatives-of-the-community-colleges-in-preparing-the  
4 recommendation-

5 Sec. 44. 1992 Iowa Acts, chapter 1244, section 1,  
6 subsection 2, paragraph e, is amended to read as follows:

7 e. Small business investment company capitalization

8 For transfer to the treasurer of state for the purpose of  
9 facilitating the organization and private capitalization of  
10 the small business investment company or other entity under  
11 sections ~~28-162~~ 15E.169 through ~~28-164~~ 15E.171. If the small  
12 business investment company or another entity for which the  
13 funds are to be used is not organized within eighteen twenty-  
14 four months of the effective date of this Act, unused funds  
15 shall revert to the general fund of the state:

16 ..... \$ 200,000

17 Sec. 45. 1993 Iowa Acts, Senate File 227, section 8, is  
18 amended to read as follows:

19 SEC. 8. Notwithstanding other provisions of law to the  
20 contrary, \$50,000 of the moneys collected in the rural  
21 community 2000 revolving fund created in section 15.287 during  
22 fiscal year ~~1993~~ 1992-1993 shall be carried forward and  
23 deposited in the economic development deaf interpreters  
24 revolving fund created in section 15.108, subsection 7,  
25 paragraph "j" on July 1, ~~1994~~ 1993.

26 Sec. 46. 1993 Iowa Acts, Senate File 227, section 8, as  
27 amended by this Act, takes effect upon the enactment of this  
28 Act.

29 DIVISION IV

30 MEDICAL ASSISTANCE LIEN

31 Sec. 47. Section 249A.6, Code 1993, is amended to read as  
32 follows:

33 249A.6 SUBROGATION LIEN.

34 1. When payment is made by the department for medical care  
35 or expenses through the medical assistance program on behalf

1 of a recipient, the department ~~is-subrogated~~ shall have a  
2 lien, to the extent of those payments, to all monetary claims  
3 which the recipient may have against third parties. A lien  
4 under this section is not effective unless the department  
5 files a notice of lien with the clerk of the district court in  
6 the county where the recipient resides and with the  
7 recipient's attorney when the recipient's eligibility for  
8 medical assistance is established. The notice of lien shall  
9 be filed before the third party has concluded a final  
10 settlement with the recipient, the recipient's attorney, or  
11 other representative. The third party shall obtain a written  
12 determination from the department concerning the amount of the  
13 lien before a settlement is deemed final for purposes of this  
14 section. A compromise, including but not limited to a  
15 settlement, waiver or release, of a claim ~~to-which-the~~  
16 ~~department-is-subrogated~~ under this section does not defeat  
17 the department's ~~right-of-recovery~~ lien except pursuant to the  
18 written agreement of the director or the director's designee  
19 ~~or-except-as-provided-in-this-section.~~ A settlement, award,  
20 or judgment structured in any manner not to include medical  
21 expenses or an action brought by a recipient or on behalf of a  
22 recipient which fails to state a claim for recovery of medical  
23 expenses does not defeat the department's ~~right-of-subrogation~~  
24 lien if there is any recovery on the recipient's claim ~~unless~~  
25 ~~the-claim-for-recovery-of-medical-expenses-is-barred-by-an~~  
26 ~~applicable-statute-of-limitation,-or-the-legal-representative~~  
27 ~~of-the-medical-assistance-recipient-does-not-represent-the~~  
28 ~~person-or-persons-who-have-legal-standing-to-bring-the-claim~~  
29 ~~for-recovery-of-medical-expenses.--In-such-situations,-the~~  
30 ~~legal-representative-shall-notify-the-department-of-the~~  
31 ~~situation,-the-department-may-then-notify-the-person-or~~  
32 ~~persons-having-legal-standing-to-bring-the-claim-of-the-right~~  
33 ~~to-proceed-with-the-claim-against-the-third-party-tort-feasor,-~~  
34 ~~Should-the-person-or-persons-elect-not-to-proceed,-the~~  
35 ~~department-may-then-proceed-in-a-separate-action-with-a-claim~~

1 ~~to-recover-its-subrogation-interest.~~

2 2. The department shall be given notice of monetary claims  
3 against third parties as follows:

4 a. Applicants for medical assistance shall notify the  
5 department of any possible claims against third parties upon  
6 submitting the application. Recipients of medical assistance  
7 shall notify the department of any possible claims when those  
8 claims arise.

9 b. A person who provides health care services to a person  
10 receiving assistance through the medical assistance program  
11 shall notify the department whenever the person has reason to  
12 believe that third parties may be liable for payment of the  
13 costs of those health care services.

14 c. An attorney representing an applicant for or recipient  
15 of assistance on a claim to which the department ~~is-subrogated~~  
16 has a lien under this section shall notify the department of  
17 the claim of which the attorney has actual knowledge, prior to  
18 filing a claim, commencing an action or negotiating a  
19 settlement offer. Actual knowledge under this section shall  
20 include the notice to the attorney pursuant to subsection 1.

21 The mailing and deposit in a United States post office or  
22 public mailing box of the notice, addressed to the department  
23 at its state or district office location, is adequate legal  
24 notice of the claim.

25 3. The ~~subrogation-rights-of-the-department-are~~  
26 department's lien is valid and binding on an attorney,  
27 insurer, or other third party only upon notice by the  
28 department or unless the attorney, insurer, or third party has  
29 actual notice that the recipient is receiving medical  
30 assistance from the department and only to the extent to which  
31 the attorney, insurer, or third party has not made payment to  
32 the recipient or an assignee of the recipient prior to the  
33 notice. Payment of benefits by an insurer or third party  
34 pursuant to the ~~subrogation~~ rights of the lienholder in this  
35 section discharges the attorney, insurer, or third party from

1 liability to the recipient or the recipient's assignee to the  
2 extent of the payment to the department.

3 4. If a recipient of assistance through the medical  
4 assistance program incurs the obligation to pay attorney fees  
5 and court costs for the purpose of enforcing a monetary claim  
6 to which the department ~~is subrogated~~ has a lien under this  
7 section, upon the receipt of a the judgment or settlement of  
8 the total claim, of which the lien for medical assistance  
9 payments is a part, the court costs and reasonable attorney  
10 fees shall first be deducted from the this total judgment or  
11 settlement. One-third of the remaining balance shall then be  
12 deducted and paid to the recipient. From the remaining  
13 balance, the ~~claim~~ lien of the department shall be paid. Any  
14 amount remaining shall be paid to the recipient. An attorney  
15 acting on behalf of a recipient of medical assistance for the  
16 purpose of enforcing a claim to which the department ~~is~~  
17 subrogated has a lien shall not collect from the recipient any  
18 amount as attorney fees which is in excess of the amount which  
19 the attorney customarily would collect on claims not subject  
20 to this section.

21 5. For purposes of this section the term "third party"  
22 includes an attorney, individual, institution, corporation, or  
23 public or private agency which is or may be liable to pay part  
24 or all of the medical costs incurred as a result of injury,  
25 disease or disability by or on behalf of an applicant for or  
26 recipient of assistance under the medical assistance program.

27 6. The department may enforce its lien by a civil action  
28 against any liable third party.

29 Sec. 48. Section 602.8102, subsection 82, Code 1993, is  
30 amended to read as follows:

31 82. Carry out duties relating to liens as provided in  
32 chapters 249A, 570, 571, 572, 574, 580, 581, 582, and 584.

33 Sec. 49. EMERGENCY RULES. The department of human  
34 services may adopt administrative rules under section 17A.4,  
35 subsection 2, and section 17A.5, subsection 2, paragraph "b",

1 to implement the provisions of this division. The rules shall  
2 become effective immediately upon filing, unless a later  
3 effective date is specified in the rules, and the rules shall  
4 be in effect for a period of 180 days following the date the  
5 rules take effect. Any rules adopted in accordance with the  
6 provisions of this section shall also be published as notice  
7 of intended action as provided in section 17A.4.

8 DIVISION V

9 RAILROAD SANITATION AND LABOR PROVISIONS

10 Sec. 50. Section 84A.2, subsection 2, Code 1993, is  
11 amended to read as follows:

12 2. The division of labor services is responsible for the  
13 administration of the laws of this state relating to  
14 occupational health and safety, the inspection of amusement  
15 rides, the removal and encapsulation of asbestos, the  
16 inspection of boilers, wage payment collection, registration  
17 of construction contractors, the minimum wage, non-English  
18 speaking employees, child labor, employment agency licensing,  
19 boxing and wrestling, inspection of elevators, and hazardous  
20 chemical risks under chapters 88, 88A, 88B, 89, 89A, 89B, 90A,  
21 91, 91A, 91B, 91C, 91D, 91E, 92, 94, and 95, ~~and section~~  
22 ~~327F-37~~. The executive head of the division is the labor  
23 commissioner, appointed pursuant to section 91.2.

24 Sec. 51. Section 88.5, Code 1993, is amended by adding the  
25 following new subsection:

26 NEW SUBSECTION. 12. RAILWAY SANITATION, SHELTER, AND  
27 POTABLE WATER. A railway corporation within the state shall  
28 provide adequate sanitation and shelter for all railway  
29 employees. The commissioner shall adopt rules requiring  
30 railway corporations within the state to provide a safe and  
31 healthy work place. For purposes of this section, a  
32 locomotive engine includes all railway engines used in train  
33 or yard service. The commissioner shall enforce the  
34 requirements of this section upon the receipt of a written  
35 complaint.



1 Sec. 52. Section 88.8, subsection 3, unnumbered paragraph  
2 1, Code 1993, is amended to read as follows:

3 If an employer notifies the commissioner that the employer  
4 intends to contest a citation issued under section 88.7, or  
5 notification issued under subsection 1 or 2 of this section or  
6 if, within fifteen working days of the issuance of a citation  
7 under section 88.7, any employee or authorized employee  
8 representative files a notice with the commissioner alleging  
9 that the period of time fixed in the citation for the  
10 abatement of the violation is unreasonable, the commissioner  
11 shall immediately advise the appeal board of such  
12 notification, and the appeal board shall afford an opportunity  
13 for a hearing. At the hearing, the appeal board shall act as  
14 an adjudicatory body. The appeal board shall thereafter issue  
15 an order, based on findings of fact, affirming, modifying, or  
16 vacating the commissioner's citation or proposed penalty or  
17 directing other appropriate relief, and such order shall  
18 become final thirty days after its issuance. Upon a showing  
19 by an employer of a good faith effort to comply with the  
20 abatement requirements of a citation, and that abatement has  
21 not been completed because of factors beyond the employer's  
22 reasonable control, the commissioner, after an opportunity for  
23 a hearing shall issue an order affirming or modifying the  
24 abatement requirements in such citation. The rules of  
25 procedure prescribed by the appeal board shall provide  
26 affected employees or representatives of affected employees an  
27 opportunity to participate as parties to hearings under this  
28 subsection, and shall conform to rules of procedure  
29 promulgated-and adopted under the federal law by federal  
30 authorities insofar as the same federal rules of procedure do  
31 not conflict with state law.

32 Sec. 53. Section 88.9, subsection 1, Code 1993, is amended  
33 by adding the following new unnumbered paragraphs:

34 NEW UNNUMBERED PARAGRAPH. The commissioner may obtain  
35 judicial review or enforcement of any final order or decision

1 of the appeal board by filing a petition in the district court  
2 of the county in which the alleged violation occurred or in  
3 which the employer has its principal office. The judicial  
4 review provisions of chapter 17A shall govern such proceedings  
5 to the extent applicable.

6 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 10A.601,  
7 subsection 7, the commissioner has the exclusive right to  
8 represent the appeal board in any judicial review of an appeal  
9 board decision under this chapter in which the commissioner  
10 does not appeal the appeal board decision, except as provided  
11 by section 88.17. Notwithstanding chapter 17A, the Iowa  
12 administrative procedure Act, the party in support of the  
13 appeal board decision shall be named the respondent and the  
14 appeal board shall not be named as respondent.

15 Sec. 54. Section 88.9, subsection 2, Code 1993, is amended  
16 to read as follows:

17 2. UNCONTESTED APPEAL BOARD ORDERS. ~~The commissioner may~~  
18 ~~also obtain review or enforcement of any final order of the~~  
19 ~~appeal board by filing a petition for such relief in the~~  
20 ~~district court of the county in which the alleged violation~~  
21 ~~occurred or in which the employer has its principal office and~~  
22 ~~the judicial review provisions of the Iowa administrative~~  
23 ~~procedure Act shall govern such proceedings to the extent~~  
24 ~~applicable.~~ If no petition for judicial review is filed  
25 within sixty days after service of the appeal board's order,  
26 the appeal board's findings of fact and order shall be  
27 conclusive in connection with any petition for enforcement  
28 which is filed by the commissioner after the expiration of  
29 such sixty-day period. In any such case, as well as in the  
30 case of a noncontested citation or notification by the  
31 commissioner which has become a final order of the appeal  
32 board under section 88.8, subsection 1 or 2, the clerk of the  
33 district court, unless otherwise ordered by the court, shall  
34 forthwith enter a decree enforcing the order and shall  
35 transmit a copy of such decree to the appeal board and the

1 employer named in the petition. In any contempt proceeding  
2 brought to enforce a decree of a district court entered  
3 pursuant to this subsection or subsection 1 of this section,  
4 the district court may assess the penalties provided in  
5 section 88.14 in addition to invoking any other available  
6 remedies.

7 Sec. 55. Section 91.4, subsection 5, Code 1993, is amended  
8 to read as follows:

9 5. The director of the department of employment services,  
10 in consultation with the labor commissioner, shall, at the  
11 time provided by law, make an annual report to the governor  
12 setting forth in appropriate form the business and expense of  
13 the division of labor services for the preceding year, the  
14 number of disputes or violations processed by the division and  
15 the disposition of the disputes or violations, and other  
16 matters pertaining to the division which are of public  
17 interest, together with recommendations for change or  
18 amendment of the laws in this chapter and chapters 88, 88A,  
19 88B, 89, 89A, 89B, 90A, 91A, 91B, 91C, 91D, 91E, 92, 94, and  
20 95, ~~and in section 327F.37~~, and the recommendations, if any,  
21 shall be transmitted by the governor to the first general  
22 assembly in session after the report is filed.

23 Sec. 56. Sections 327F.37 and 327F.38, Code 1993, are  
24 repealed.

25 DIVISION VI

26 MISCELLANEOUS PROVISIONS

27 Sec. 57. WORLD FOOD PRIZE. Notwithstanding the  
28 requirement in section 99E.10, subsection 1, to transfer  
29 lottery revenue remaining after expenses are deducted, before  
30 the transfer of the revenue there is appropriated from the  
31 lottery fund to the treasurer of state for the fiscal year  
32 beginning July 1, 1993, and ending June 30, 1994, the  
33 following amount, or so much thereof as is necessary, to be  
34 used for the purpose designated:

35 For the continued funding of Iowa's participation in the

1 funding of the world food prize:

2 ..... \$ 250,000

3 It is the intent of the general assembly that this  
4 appropriation of public funds will result in a commitment for  
5 additional funding for the world food prize from private  
6 sources.

7 The treasurer of state shall only provide the funds  
8 appropriated in this section to the world food prize  
9 foundation if sufficient private funds are raised to maintain  
10 the world food prize foundation in Iowa and the foundation is  
11 structured to include representation that reflects  
12 environmental concerns and sustainable agriculture.

13 Sec. 58. IMAGES. There is appropriated from the general  
14 fund of the state to the department of education for the  
15 fiscal year beginning July 1, 1993, and ending June 30, 1994,  
16 the amount of \$60,000 to be allocated to Merged Area XI, to be  
17 used for the purposes of grants to students for the Iowa  
18 minority academic grants for economic success program under  
19 sections 261.101 through 261.105.

20 Sec. 59. There is appropriated from the general fund of  
21 the state to the Iowa special olympics, incorporated for the  
22 fiscal year beginning July 1, 1993, the sum of \$15,000 to be  
23 used for Iowa special olympics programs benefiting the  
24 citizens of Iowa with disabilities.

25 Sec. 60. IOWA COMPUTER INITIATIVE. There is appropriated  
26 from the general fund of the state to the department of  
27 education for the fiscal year beginning July 1, 1993, and  
28 ending June 30, 1994, the sum of \$250,000 to be used for the  
29 Iowa computer initiative and establishment of an educational  
30 technology consortium which may enter into contracts for  
31 services to fulfill the duties of the consortium.  
32 Notwithstanding section 8.33, the funds appropriated in this  
33 section for the Iowa computer initiative shall not revert at  
34 the end of the fiscal year, but may be expended in the next  
35 fiscal year for the same purposes for which they were

1 appropriated.

2 Sec. 61. DRUG ABUSE RESISTANCE EDUCATION. Notwithstanding  
3 section 8.33, of the funds appropriated to the department of  
4 public safety pursuant to 1992 Iowa Acts, Second Extraordinary  
5 Session, chapter 1001, section 404, \$15,000 shall not revert  
6 to the general fund of the state on June 30, 1993, but shall  
7 be considered encumbered and shall be transferred to the law  
8 enforcement academy and used during the fiscal year beginning  
9 July 1, 1993, to enhance project D.A.R.E. (drug abuse  
10 resistance education) activities.

11 Sec. 62. NATIONAL HERITAGE LANDSCAPE. Notwithstanding  
12 other provisions of law to the contrary, \$50,000 of the moneys  
13 deposited in the rural community 2000 revolving fund created  
14 in section 15.287 during the fiscal year beginning July 1,  
15 1992, shall be carried forward into the fiscal year beginning  
16 July 1, 1993, and is appropriated for that year to the  
17 department of economic development to coordinate promotion of  
18 state and local efforts to establish a national heritage  
19 landscape in northeast Iowa, including the payment of expenses  
20 of the department and other state agencies related to this  
21 project.

22 Notwithstanding section 8.33, moneys for the national  
23 heritage landscape remaining unencumbered or unobligated on  
24 June 30, 1994, shall not revert and shall be available for  
25 expenditure during the fiscal year beginning July 1, 1994, for  
26 the same purpose.

27 Sec. 63. REGENTS MERIT EXEMPT PAY ADJUSTMENTS. Of the  
28 funds appropriated to the state board of regents for the  
29 fiscal year beginning July 1, 1993, and ending June 30, 1994,  
30 the sum of \$125,000, or so much thereof as necessary, shall be  
31 used to provide pay adjustments for regents merit exempt  
32 employees. The funds shall be used to adjust pay disparities  
33 resulting from pay adjustments provided to regents employees  
34 covered by collective bargaining agreements and pay  
35 adjustments provided for regent merit exempt employees.

1     Sec. 64. There is appropriated from the general fund of  
2 the state to the division of inspections of the department of  
3 inspections and appeals, if House File 659 is enacted by the  
4 75th General Assembly, 1993 Session, for the fiscal year  
5 beginning July 1, 1993, the sum of \$10,000, or so much thereof  
6 as is necessary, for data processing services for  
7 implementation of House File 659, if so enacted. This  
8 appropriation is in addition to any other appropriation made  
9 to the department of inspections and appeals.

10    Sec. 65. If Senate File 394 is enacted by the 75th General  
11 Assembly, 1993 Session, the division of investigations of the  
12 department of inspections and appeals is authorized an  
13 additional 1.0 full-time equivalent position for  
14 implementation of Senate File 394, if so enacted.

15    Sec. 66. LUCAS STATE OFFICE BUILDING.

16    1. The division of insurance of the department of commerce  
17 and the department of general services shall continue the  
18 fire, safety, and federal Americans with Disabilities Act  
19 renovations initiated pursuant to 1990 Iowa Acts, chapter  
20 1266, section 13, subsection 7, for the Lucas state office  
21 building.

22    2. Funds for the renovations shall be made available for  
23 the purposes of subsection 1 to the extent the revenue of the  
24 division of insurance exceeds state revenue projections for  
25 fiscal year 1992-1993, and all other appropriations from that  
26 revenue are satisfied. In no event shall expenditures exceed  
27 the amount necessary for the Lucas state office building to  
28 meet minimum fire, safety, and federal Americans with  
29 Disabilities Act requirements.

30    3. It is the intent of the general assembly that the  
31 requirements of this section shall be accomplished as soon  
32 after the effective date of this section as practically  
33 feasible.

34    Sec. 67. COOPERATIVE ACTIVITIES -- DEPARTMENTS OF HUMAN  
35 SERVICES AND PUBLIC HEALTH.

1 1. The department of human services and the Iowa  
2 department of public health shall request technical assistance  
3 from outside state government in order to jointly examine the  
4 potential for increasing federal funding under the medical  
5 assistance program for the provision of community-based  
6 substance abuse treatment. The departments shall periodically  
7 report to the legislative fiscal bureau concerning the outside  
8 technical assistance.

9 2. The department of human services and the Iowa  
10 department of public health shall cooperate in developing  
11 additional marketing and advertising materials targeted to  
12 families with children covered under the medical assistance  
13 program. The materials shall be designed to publicize the  
14 importance of preventive health services, including but not  
15 limited to scheduled screenings covered under the early and  
16 periodic screening, diagnosis, and treatment (EPSDT)  
17 provisions and periodic immunizations. The departments shall  
18 jointly seek the assistance of the private sector in designing  
19 these materials and shall periodically report to the  
20 legislative fiscal bureau.

21 Sec. 68. DIVISION OF NARCOTICS ENFORCEMENT -- VEHICLE  
22 PURCHASE. It is the intent of the general assembly that the  
23 division of narcotics enforcement of the department of public  
24 safety shall purchase no more than five motor vehicles of the  
25 same make or model based upon specifications submitted by the  
26 department.

27 Sec. 69. Section 25.1, Code 1993, is amended to read as  
28 follows:

29 25.1 RECEIPT, INVESTIGATION, AND REPORT.

30 When a claim is filed or made against the state, on which  
31 in the judgment of the director of management the state would  
32 be liable except for the fact of its sovereignty or which has  
33 no appropriation available for its payment, the director of  
34 management shall deliver said that claim to the state appeal  
35 board. The state appeal board shall make a record of the

1 receipt of said that claim and forthwith deliver same it to  
2 the special assistant attorney general for claims who shall,  
3 with a view to determining the merits and legality thereof of  
4 it, fully investigate said the claim, including the facts upon  
5 which it is based and report in duplicate findings and  
6 conclusions of law to the state appeal board. To help defray  
7 the initial costs of processing a claim, the department of  
8 management may assess a processing fee against the state  
9 agency which incurred the liability of the claim.

10 Sec. 70. Section 25.2, Code 1993, is amended to read as  
11 follows:

12 25.2 EXAMINATION OF REPORT -- APPROVAL OR REJECTION --  
13 PAYMENT.

14 The state appeal board with the recommendation of the  
15 special assistant attorney general for claims may approve or  
16 reject claims against the state of less than ten years  
17 covering the following: Outdated warrants; outdated sales and  
18 use tax refunds; license refunds; additional agricultural land  
19 tax credits; outdated invoices; fuel and gas tax refunds;  
20 outdated homestead and veterans' exemptions; outdated funeral  
21 service claims; tractor fees; registration permits; outdated  
22 bills for merchandise; services furnished to the state; claims  
23 by any county or county official relating to the personal  
24 property tax credit; and refunds of fees collected by the  
25 state. Payments authorized by the state appeal board shall be  
26 paid from the appropriation or fund of original certification  
27 of the claim, ~~except, that if such.~~ However, if that  
28 appropriation or fund has since reverted under section 8.33  
29 then such payment authorized by the state appeal board shall  
30 be out of any money in the state treasury not otherwise  
31 appropriated. Notwithstanding the provisions of this section,  
32 the director of revenue and finance may reissue outdated  
33 warrants.

34 Sec. 71. Section 159A.7, subsection 3, as enacted in 1992  
35 Iowa Acts, chapter 1099, section 4, is amended to read as



1 follows:

2 3. Moneys shall be deposited in the ethanol production  
3 incentive account as provided in section 423.24. Two percent  
4 of the moneys deposited in the account during each quarter  
5 shall be allocated to the department for administration of the  
6 office. The Remaining moneys shall be allocated to provide  
7 financial incentives to support the increased production of  
8 ethanol derived from an organic compound, including a  
9 photosynthate, as provided in section 159A.8.

10 Sec. 72. Section 331.441, subsection 2, paragraph b, Code  
11 1993, is amended by adding the following new subparagraph:

12 NEW SUBPARAGRAPH. (13) The acquisition, pursuant to a  
13 chapter 28E agreement, of a city convention center or veterans  
14 memorial auditorium, including the renovation, remodeling,  
15 reconstruction, expansion, improvement, or equipping of such a  
16 center or auditorium.

17 Sec. 73. 1990 Iowa Acts, chapter 1267, section 9,  
18 subsection 2, as amended by 1992 Iowa Acts, chapter 1238,  
19 section 39, is amended to read as follows:

20 2. To be used to implement section 306D.3:  
21 ..... \$ 500,000

22 Notwithstanding section 8.33, the funds appropriated in  
23 this subsection shall remain available for obligation until  
24 June 30, ~~1993~~ 1994, and once obligated shall remain available  
25 until expended. Public or private entities willing to donate  
26 land for scenic highway projects shall be given preference in  
27 project selection if the land is accepted by the department.

28 Sec. 74. 1993 Iowa Acts, Senate File 343, section 2,  
29 subsection 2, paragraph b, is amended to read as follows:

30 b. The coordinate system south zone is a Lambert conformal  
31 conic project projection of the north American datum of 1983,  
32 having standard parallels at north latitudes forty degrees,  
33 thirty-seven minutes, and forty-one degrees, forty-seven  
34 minutes, along which parallels the scale shall be exact. The  
35 origin of coordinates is at the intersection of the meridian

1 ninety-three degrees, thirty minutes west of Greenwich, and  
2 the parallel forty degrees, zero minutes north latitude. This  
3 origin is given the coordinates: x equals five hundred  
4 thousand meters exact and y equals zero meters exact.

5 Sec. 75. Section 135H.4, Code 1993, as amended by 1993  
6 Iowa Acts, House File 518, section 29, is amended to read as  
7 follows:

8 135H.4 LICENSURE.

9 A person shall not establish, operate, or maintain a  
10 psychiatric medical institution for children unless the person  
11 obtains a license for the institution under this chapter and  
12 either holds a license under section 237.3, subsection 2,  
13 paragraph "a", as a comprehensive residential facility for  
14 children or holds a license under section 125.13, if the  
15 facility provides substance abuse treatment.

16 Sec. 76. Section 135H.6, subsection 6, Code 1993, as  
17 amended by 1993 Iowa Acts, House File 518, section 30, is  
18 amended to read as follows:

19 6. The proposed psychiatric institution is under the  
20 direction of an agency which has operated a facility licensed  
21 under section 237.3, subsection 2, paragraph "a", as a  
22 comprehensive residential facility for children for three  
23 years or of an agency which has operated a facility for three  
24 years providing psychiatric services exclusively to children  
25 or adolescents and the facility meets or exceeds requirements  
26 for licensure under section 237.3, subsection 2, paragraph  
27 "a", as a comprehensive residential facility for children.

28 Sec. 77. OPEN ENROLLMENT STUDY. The legislative council  
29 is requested to contract with the north central regional  
30 education laboratory to conduct a study of the effects of open  
31 enrollment under section 282.18 upon the education system of  
32 this state and upon the school districts affected by open  
33 enrollment.

34 Sec. 78. EFFECTIVE DATE. Sections 61, 62, 66, 73, 74, 75,  
35 and 76 of this division, being deemed of immediate importance,

1 take effect upon enactment.

2

DIVISION VII

3

LIENS

4 Sec. 79. Section 554.9310, Code 1993, is amended by adding  
5 the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. A perfected security interest in  
7 collateral takes priority over any lien that is given equal  
8 precedence with ordinary taxes under chapter 260E or 260F, or  
9 its successor provisions, except for a lien under chapter 260E  
10 or 260F upon the collateral described in a financing statement  
11 or a job training agreement satisfying the requirements for a  
12 financing statement under section 554.9402, subsection 1,  
13 which is perfected by filing the financing statement or the  
14 job training agreement with the secretary of state prior to  
15 the perfection of a conflicting security interest, and a  
16 subordinate lien under chapter 260E or 260F may be divested or  
17 discharged by judicial sale, as provided in part 5 of this  
18 article 9 or by other available legal remedy notwithstanding  
19 any provision to the contrary contained in chapter 260E or  
20 260F, or its successor provisions. Nothing in this section  
21 shall abrogate the collection of, or any lien for, unpaid  
22 property taxes which have attached to real estate pursuant to  
23 chapter 445, including taxes levied against tangible property  
24 that is assessed and taxed as real property pursuant to  
25 chapter 427A, or the collection of, or any lien for, unpaid  
26 taxes for which notice of lien has been properly recorded or  
27 filed pursuant to section 422.26.

28 Sec. 80. Section 554.9402, subsection 1, Code 1993, is  
29 amended to read as follows:

30 1. A financing statement is sufficient if it gives the  
31 names of the debtor and the secured party, is signed by the  
32 debtor, gives an address of the secured party from which  
33 information concerning the security interest may be obtained,  
34 gives a mailing address of the debtor and contains a statement  
35 indicating the types, or describing the items, of collateral.

1 A financing statement may be filed before a security  
2 agreement is made or a security interest otherwise attaches.  
3 When the financing statement covers crops growing or to be  
4 grown, the statement must also contain a description of the  
5 real estate concerned. When the financing statement covers  
6 timber to be cut or covers minerals or the like (including oil  
7 and gas) or accounts subject to section 554.9103, subsection  
8 5, or when the financing statement is filed as a fixture  
9 filing (section 554.9313) and the collateral is goods which  
10 are or are to become fixtures, the statement must also comply  
11 with subsection 5. A copy of the security agreement is  
12 sufficient as a financing statement if it contains the above  
13 information and is signed by the debtor. A copy of a jobs  
14 training agreement entered into under chapter 260E or 260F  
15 between an employer and a community college is sufficient as a  
16 financing statement if it contains the information required by  
17 this section and is signed by the employer. A carbon,  
18 photographic or other reproduction of a security agreement or  
19 a financing statement is sufficient as a financing statement  
20 if the security agreement so provides or if the original has  
21 been filed in this state. The secretary of state must accept  
22 for filing a copy of a signature required by this section.  
23 The secretary of state may adopt rules for the electronic  
24 filing of a financing statement.

25 Sec. 81. Section 558.1, Code 1993, is amended to read as  
26 follows:

27 558.1 "INSTRUMENTS AFFECTING REAL ESTATE" DEFINED --  
28 REVOCATION.

29 All instruments containing a power to convey, or in any  
30 manner relating to real estate, including certified copies of  
31 petitions in bankruptcy with or without the schedules  
32 appended, of decrees of adjudication in bankruptcy, and of  
33 orders approving trustees' bonds in bankruptcy, and a jobs  
34 training agreement entered into under chapter 260E or 260F  
35 between an employer and community college which contains a

1 description of the real estate affected, shall be held to be  
2 instruments affecting the same; and no such instrument, when  
3 acknowledged or certified and recorded as in this chapter  
4 prescribed, can be revoked as to third parties by any act of  
5 the parties by whom it was executed, until the instrument  
6 containing such revocation is acknowledged and filed for  
7 record in the same office in which the instrument containing  
8 such power is recorded, except that uniform commercial code  
9 financing statements and financing statement changes need not  
10 be thus acknowledged.

11 Sec. 82. Section 558.41, Code 1993, is amended by adding  
12 the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. An interest in real estate  
14 evidenced by an instrument so filed shall have priority over  
15 any lien that is given equal precedence with ordinary taxes  
16 under chapter 260E or 260F, or its successor provisions,  
17 except for a lien under chapter 260E or 260F upon the real  
18 estate described in an instrument or job training agreement  
19 filed in the office of the recorder of the county in which the  
20 real estate is located prior to the filing of a conflicting  
21 instrument affecting the real estate, and a subordinate lien  
22 under chapter 260E or 260F may be divested or discharged by  
23 judicial sale or by other available legal remedy  
24 notwithstanding any provision to the contrary contained in  
25 chapter 260E or 260F, or its successor provisions. Nothing in  
26 this section shall abrogate the collection of, or any lien  
27 for, unpaid property taxes which have attached to real estate  
28 pursuant to chapter 445, including taxes levied against  
29 tangible property that is assessed and taxed as real property  
30 pursuant to chapter 427A, or the collection of, or any lien  
31 for, unpaid taxes for which notice of lien has been properly  
32 recorded pursuant to section 422.26.

33  
34  
35

## SENATE FILE 425

H-4402

1 Amend the amendment, H-4397, to Senate File 425, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. By striking page 1, line 3, through page 3,  
5 line 28 and inserting the following:

6 " . Page 35, by inserting before line 34 the  
7 following:

8 "Sec. 100. Section 99B.6, subsection 1, paragraph  
9 k, Code 1993, is amended to read as follows:

10 k. No A person under the age of eighteen twenty-  
11 one years may shall not participate in the gambling  
12 except pursuant to sections 99B.3, 99B.4, 99B.5, and  
13 99B.7. Any licensee knowingly allowing a person under  
14 the age of eighteen twenty-one to participate in the  
15 gambling prohibited by this paragraph or any person  
16 knowingly participating in such gambling with a person  
17 under the age of eighteen twenty-one, shall-be is  
18 guilty of a simple misdemeanor.

19 Sec. 101. Section 99D.11, subsection 6, paragraph  
20 b, Code 1993, is amended to read as follows:

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

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1 televised by a licensee for purposes of pari-mutuel  
2 wagering shall be treated as if the races were held at  
3 the racetrack of the licensee.

4 Sec. 102. Section 99D.11, subsection 6, Code 1993,  
5 is amended by adding the following new paragraph:

6 NEW PARAGRAPH. c. The commission shall provide,  
7 by rule, for the use and regulation of slot machines  
8 at pari-mutuel racetracks licensed under this chapter  
9 subject to approval in each affected county by a  
10 county-wide referendum. As a part of its regulatory  
11 authority, the commission shall require that pari-  
12 mutuel racing purses are enhanced from on-site  
13 gambling revenues based on negotiations between the  
14 horse and dog breeders and the licensees of the  
15 racetracks.

16 Sec. 103. Section 99D.11, subsection 7, Code 1993,  
17 is amended to read as follows:

18 7. A person under the age of eighteen twenty-one  
19 years shall not make a pari-mutuel wager.

20 Sec. 104. Section 99D.24, subsection 2, Code 1993,  
21 is amended to read as follows:

22 2. A person knowingly permitting a person under  
23 the age of eighteen twenty-one years to make a pari-  
24 mutuel wager is guilty of a simple misdemeanor.

25 Sec. 105. Section 99E.18, subsection 2, Code 1993,  
26 is amended to read as follows:

27 2. A ticket or share shall not be sold to a person  
28 who has not reached the age of eighteen twenty-one.  
29 This does not prohibit the lawful purchase of a ticket  
30 or share for the purpose of making a gift to a person  
31 who has not reached the age of eighteen twenty-one. A  
32 licensee or a licensee's employee who knowingly sells  
33 or offers to sell a lottery ticket or share to a  
34 person who has not reached the age of eighteen twenty-  
35 one is guilty of a simple misdemeanor. In addition  
36 the license of a licensee shall be suspended. A prize  
37 won by a person who has not reached the age of  
38 eighteen twenty-one but who purchases a winning ticket  
39 or share in violation of this subsection shall be  
40 forfeited.

41 Sec. 106. Section 99F.4, subsection 4, Code 1993,  
42 is amended to read as follows:

43 4. To regulate the wagering structure for gambling  
44 excursions including providing a maximum wager-of-five  
45 dollars-per-hand-or-play-and-maximum loss of two  
46 hundred one thousand dollars per individual player per  
47 gambling excursion.

48 Sec. 107. Section 99F.4, subsection 17, Code 1993,  
49 is amended to read as follows:

50 17. To define the duration of an excursion which

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1 shall be at least three hours during the excursion  
2 season. ~~For the off-season, the commission shall~~  
3 ~~adopt rules limiting times of admission to excursion~~  
4 ~~gambling boats consistent with maximum loss per player~~  
5 ~~per gambling excursion specified in subsection 4.~~

6 Sec. 108. Section 99F.4, Code 1993, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 23. To regulate passenger  
9 admissions to the excursion boats at the time gambling  
10 is allowed while the excursion boat is docked during  
11 the excursion season and off season.

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

15 a. The square footage allowed to be used for  
16 gambling activity shall be determined by the  
17 commission.

18 Sec. 110. Section 99F.9, subsection 2, Code 1993,  
19 is amended to read as follows:

20 2. Licensees shall only allow a maximum wager of  
21 ~~five dollars per hand or play and a maximum~~ loss of  
22 ~~two hundred one thousand~~ one thousand dollars per person during  
23 each gambling excursion. ~~However, the commission may~~  
24 ~~adopt rules allowing additional wagers consistent with~~  
25 ~~generally accepted wagering options in the games of~~  
26 ~~twenty-one and dice.~~

27 Sec. 111. Section 99F.9, subsection 6, Code 1993,  
28 is amended to read as follows:

29 6. A person under the age of ~~eighteen~~ twenty-one  
30 years shall not make a wager on an excursion gambling  
31 boat and shall not be allowed in the area of the  
32 excursion boat where gambling is being conducted.  
33 However, a person eighteen years of age or older may  
34 be employed to work in a gambling area.

35 Sec. 112. Section 99F.15, subsection 2, Code 1993,  
36 is amended to read as follows:

37 2. A person knowingly permitting a person under  
38 the age of ~~eighteen~~ twenty-one years to make a wager  
39 is guilty of a simple misdemeanor.

40 Sec. \_\_\_\_\_. Sections 100 through 112 of this Act,  
41 and this section, being deemed of immediate  
42 importance, take effect upon enactment."

By HALVORSON of Clayton

H-4402 FILED MAY 1, 1993

LOST



SENATE FILE 425

H-4403

1 Amend Senate File 425, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 35, by inserting after line 33 the  
 4 following:  
 5 "Sec. \_\_\_\_ . REDUCTION IN LIVE HORSE RACES.  
 6 Notwithstanding section 99D.11, subsection 6,  
 7 paragraph "b", for the calendar year 1993, there shall  
 8 be not less than 60 performances of nine live races  
 9 each day for pari-mutuel horse racetracks."

By O'BRIEN of Boone

H-4403 FILED MAY 1, 1993

LOST

SENATE FILE 425

H-4404

1 Amend Senate File 425, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 3, line 22, by striking the words and  
 4 figures "subsection 2, Code 1993, is" and inserting  
 5 the following: "subsections 2 and 7, Code 1993, are".  
 6 2. Page 4, line 5, by striking the word  
 7 "eighteen" and inserting the following: "twenty-  
 8 three".  
 9 3. Page 4, line 6, by inserting after the word  
 10 "year" the following: "or was a head of household on  
 11 December 31 of the base year, as defined in the  
 12 Internal Revenue Code,".  
 13 4. Page 4, by inserting after line 24 the follow-  
 14 ing:  
 15 "7. "Income" means the sum of Iowa net income as  
 16 defined in section 422.7, plus all of the following to  
 17 the extent not already included in Iowa net income:  
 18 Capital gains, alimony, child support money, cash  
 19 public assistance and relief, except property tax  
 20 relief granted under this division, amount of in-kind  
 21 assistance for housing expenses, the gross amount of  
 22 any pension or annuity, including but not limited to  
 23 railroad retirement benefits, all payments received  
 24 under the federal social security Act, and all  
 25 military retirement and veterans' disability pensions,  
 26 interest received from the state or federal government  
 27 or any of its instrumentalities, workers' compensation  
 28 and the gross amount of disability income or "loss of  
 29 time" insurance. "Income" does not include gifts from  
 30 nongovernmental sources, or surplus foods or other  
 31 relief in kind supplied by a governmental agency. In  
 32 determining income net operating losses and net  
 33 capital losses shall not be considered."

By HANSON of Delaware  
BERNAU of Story

OSTERBERG of Linn  
CORBETT of Linn

H-4404 FILED MAY 1, 1993

ADOPTED

## SENATE FILE 425

H-4400

1 Amend the amendment, H-4397, to Senate File 425, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. By striking page 1, line 3, through page 3,  
5 line 22 and inserting the following:

6 " . Page 35, by inserting before line 34 the  
7 following:

8 "Sec. 100. Section 99B.6, subsection 1, paragraph  
9 k, Code 1993, is amended to read as follows:

10 k. ~~No A~~ A person under the age of ~~eighteen~~ twenty-  
11 one years ~~may~~ shall not participate in the gambling  
12 except pursuant to sections 99B.3, 99B.4, 99B.5, and  
13 99B.7. Any licensee knowingly allowing a person under  
14 the age of ~~eighteen~~ twenty-one to participate in the  
15 gambling ~~prohibited~~ prohibited by this paragraph or any person  
16 knowingly participating in such gambling with a person  
17 under the age of ~~eighteen~~ twenty-one, ~~shall be~~ is  
18 guilty of a simple misdemeanor.

19 Sec. 101. Section 99D.11, subsection 6, paragraph  
20 b, Code 1993, is amended to read as follows:

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

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1 televised by a licensee for purposes of pari-mutuel  
2 wagering shall be treated as if the races were held at  
3 the racetrack of the licensee.

4 Sec. 102. Section 99D.11, subsection 6, Code 1993,  
5 is amended by adding the following new paragraph:

6 NEW PARAGRAPH. c. The commission shall provide,  
7 by rule, for the use and regulation of slot machines  
8 at pari-mutuel racetracks licensed under this chapter  
9 subject to approval in each affected county by a  
10 county-wide referendum. As a part of its regulatory  
11 authority, the commission shall require that pari-  
12 mutuel racing purses are enhanced from on-site  
13 gambling revenues based on negotiations between the  
14 horse and dog breeders and the licensees of the  
15 racetracks.

16 Sec. 103. Section 99D.11, subsection 7, Code 1993,  
17 is amended to read as follows:

18 7. A person under the age of eighteen twenty-one  
19 years shall not make a pari-mutuel wager.

20 Sec. 104. Section 99D.24, subsection 2, Code 1993,  
21 is amended to read as follows:

22 2. A person knowingly permitting a person under  
23 the age of eighteen twenty-one years to make a pari-  
24 mutuel wager is guilty of a simple misdemeanor.

25 Sec. 105. Section 99E.18, subsection 2, Code 1993,  
26 is amended to read as follows:

27 2. A ticket or share shall not be sold to a person  
28 who has not reached the age of eighteen twenty-one.  
29 This does not prohibit the lawful purchase of a ticket  
30 or share for the purpose of making a gift to a person  
31 who has not reached the age of eighteen twenty-one. A  
32 licensee or a licensee's employee who knowingly sells  
33 or offers to sell a lottery ticket or share to a  
34 person who has not reached the age of eighteen twenty-  
35 one is guilty of a simple misdemeanor. In addition  
36 the license of a licensee shall be suspended. A prize  
37 won by a person who has not reached the age of  
38 eighteen twenty-one but who purchases a winning ticket  
39 or share in violation of this subsection shall be  
40 forfeited.

41 Sec. 106. Section 99F.4, subsection 4, Code 1993,  
42 is amended to read as follows:

43 4. To regulate the wagering structure for gambling  
44 excursions including providing a maximum ~~wager-of-five~~  
45 ~~dollars-per-hand-or-play-and-maximum~~ loss of two  
46 hundred one thousand dollars per individual player per  
47 gambling excursion.

48 Sec. 107. Section 99F.4, subsection 17, Code 1993,  
49 is amended to read as follows:

50 17. To define the duration of an excursion which

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1 shall be at least three hours during the excursion  
2 season. ~~For the off-season, the commission shall~~  
3 ~~adopt rules limiting times of admission to excursion~~  
4 ~~gambling boats consistent with maximum loss per player~~  
5 ~~per gambling excursion specified in subsection 4.~~

6 Sec. 108. Section 99F.4, Code 1993, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 23. To regulate passenger  
9 admissions to the excursion boats at the time gambling  
10 is allowed while the excursion boat is docked during  
11 the excursion season and off season.

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

15 a. The square footage allowed to be used for  
16 gambling activity shall be determined by the  
17 commission.

18 Sec. 110. Section 99F.9, subsection 2, Code 1993,  
19 is amended to read as follows:

20 2. Licensees shall only allow a maximum wager of  
21 five dollars per hand or play and a maximum loss of  
22 two hundred one thousand dollars per person during  
23 each gambling excursion. ~~However, the commission may~~  
24 ~~adopt rules allowing additional wagers consistent with~~  
25 ~~generally accepted wagering options in the games of~~  
26 ~~twenty-one and dice.~~

27 Sec. 111. Section 99F.9, subsection 6, Code 1993,  
28 is amended to read as follows:

29 6. A person under the age of eighteen twenty-one  
30 years shall not make a wager on an excursion gambling  
31 boat and shall not be allowed in the area of the  
32 excursion boat where gambling is being conducted.  
33 However, a person eighteen years of age or older may  
34 be employed to work in a gambling area.

35 Sec. 112. Section 99F.15, subsection 2, Code 1993,  
36 is amended to read as follows:

37 2. A person knowingly permitting a person under  
38 the age of eighteen twenty-one years to make a wager  
39 is guilty of a simple misdemeanor.

40 Sec. \_\_\_\_\_. Sections 100 through 112 of this Act,  
41 and this section, being deemed of immediate  
42 importance, take effect upon enactment."

By HALVORSON of Clayton

H-4400 FILED MAY 1, 1993  
WITHDRAWN

## SENATE FILE 425

H-4401

1 Amend the amendment, H-4397, to Senate File 425, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, by inserting after line 17 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 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-4401 FILED MAY 1, 1993

WITHDRAWN

## SENATE FILE 425

H-4397

1 Amend Senate File 425, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 35, by inserting before line 34 the  
4 following:

5 "Sec. 100. Section 99B.6, subsection 1, paragraph  
6 k, Code 1993, is amended to read as follows:

7 k. No A person under the age of eighteen twenty-  
8 one years may shall not participate in the gambling  
9 except pursuant to sections 99B.3, 99B.4, 99B.5, and  
10 99B.7. Any licensee knowingly allowing a person under  
11 the age of eighteen twenty-one to participate in the  
12 gambling prohibited by this paragraph or any person  
13 knowingly participating in such gambling with a person  
14 under the age of eighteen twenty-one, shall-be is  
15 guilty of a simple misdemeanor.

16 Sec. 101. Section 99D.11, subsection 6, paragraph  
17 b, Code 1993, is amended to read as follows:

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

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1 Sec. 102. Section 99D.11, subsection 6, Code 1993,  
2 is amended by adding the following new paragraph:  
3 NEW PARAGRAPH. c. The commission shall provide,  
4 by rule, for the conduct of casino style gambling  
5 including but not limited to slot machines, blackjack,  
6 dice, keno, roulette, and other gambling games  
7 associated with casino gambling, at pari-mutuel  
8 racetracks licensed under this chapter subject to  
9 approval in each affected county by a county-wide  
10 referendum. As a part of its regulatory authority,  
11 the commission may require that pari-mutuel racing  
12 purses are supplemented from on-site gambling  
13 revenues.

14 Sec. 103. Section 99D.11, subsection 7, Code 1993,  
15 is amended to read as follows:

16 7. A person under the age of eighteen twenty-one  
17 years shall not make a pari-mutuel wager.

18 Sec. 104. Section 99D.24, subsection 2, Code 1993,  
19 is amended to read as follows:

20 2. A person knowingly permitting a person under  
21 the age of eighteen twenty-one years to make a pari-  
22 mutuel wager is guilty of a simple misdemeanor.

23 Sec. 105. Section 99E.18, subsection 2, Code 1993,  
24 is amended to read as follows:

25 2. A ticket or share shall not be sold to a person  
26 who has not reached the age of eighteen twenty-one.  
27 This does not prohibit the lawful purchase of a ticket  
28 or share for the purpose of making a gift to a person  
29 who has not reached the age of eighteen twenty-one. A  
30 licensee or a licensee's employee who knowingly sells  
31 or offers to sell a lottery ticket or share to a  
32 person who has not reached the age of eighteen twenty-  
33 one is guilty of a simple misdemeanor. In addition  
34 the license of a licensee shall be suspended. A prize  
35 won by a person who has not reached the age of  
36 eighteen twenty-one but who purchases a winning ticket  
37 or share in violation of this subsection shall be  
38 forfeited.

39 Sec. 106. Section 99F.4, subsection 4, Code 1993,  
40 is amended by striking the subsection.

41 Sec. 107. Section 99F.4, subsection 17, Code 1993,  
42 is amended to read as follows:

43 17. To define the duration of an excursion which  
44 shall be at least three hours during the excursion  
45 season. ~~For-the-off-season,-the-commission-shall~~  
46 ~~adopt-rules-limiting-times-of-admission-to-excursion~~  
47 ~~gambling-seats-consistent-with-maximum-loss-per-player~~  
48 ~~per-gambling-excursion-specified-in-subsection-4-~~

49 Sec. 108. Section 99F.4, Code 1993, is amended by  
50 adding the following new subsection:

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1 NEW SUBSECTION. 23. To regulate passenger  
2 admissions to the excursion boats at the time gambling  
3 is allowed while the excursion boat is docked during  
4 the excursion season and off season.  
5 Sec. 109. Section 99F.7, subsection 5, paragraph  
6 a, Code 1993, is amended by striking the paragraph and  
7 inserting in lieu thereof the following:  
8 a. The square footage allowed to be used for  
9 gambling activity shall be determined by the  
10 commission.  
11 Sec. 110. Section 99F.9, subsection 2, Code 1993,  
12 is amended by striking the subsection.  
13 Sec. 111. Section 99F.9, subsection 6, Code 1993,  
14 is amended to read as follows:  
15 6. A person under the age of eighteen twenty-one  
16 years shall not make a wager on an excursion gambling  
17 boat and shall not be allowed in the area of the  
18 excursion boat where gambling is being conducted.  
19 However, a person eighteen years of age or older may  
20 be employed to work in a gambling area.  
21 Sec. 112. Section 99F.15, subsection 2, Code 1993,  
22 is amended to read as follows:  
23 2. A person knowingly permitting a person under  
24 the age of eighteen twenty-one years to make a wager  
25 is guilty of a simple misdemeanor.  
26 Sec. \_\_\_\_\_. Sections 100 through 112 of this Act,  
27 and this section, being deemed of immediate  
28 importance, take effect upon enactment."

By McCOY of Polk  
MILLAGE of Scott

H-4397 FILED MAY 1, 1993  
WITHDRAWN

## SENATE FILE 425

H-4398

1 Amend Senate File 425, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Title page, by striking lines 1 through 3 and  
4 inserting the following: "An Act to make a mockery of  
5 article III, section 29 of the Constitution of the  
6 State of Iowa."

By HALVORSON of Webster  
FALLON of Polk

H-4398 FILED MAY 1, 1993  
WITHDRAWN



SENATE FILE 425

H-4399

1 Amend Senate File 425, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 23, by inserting before line 29 the  
4 following:

5 "DIVISION

6 TOOLS OF THE TRADE

7 Sec. \_\_\_\_ . AID TO DEPENDENT CHILDREN -- TOOLS OF  
8 THE TRADE DISREGARD. There is appropriated from the  
9 general fund of the state to the department of human  
10 services for the fiscal year beginning July 1, 1993,  
11 and ending June 30, 1994, the following amount, or so  
12 much thereof as is necessary, to be used for the  
13 purpose designated:

14 For costs associated with disregard of a self-  
15 employed individual's tools of the trade or capital  
16 assets under the aid to dependent children program in  
17 accordance with the provisions of 1993 Iowa Acts,  
18 Senate File 268, as approved for implementation by the  
19 federal government:

20 ..... \$ 427,000".

21 2. By renumbering as necessary.

By PLASIER of Sioux

H-4399 FILED MAY 1, 1993

ADOPTED

## SENATE FILE 425

H-4395

1 Amend the amendment, H-4391, to Senate File 425, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. By striking page 1, line 3, through page 3,  
5 line 22 and inserting the following:

6 " . Page 35, by inserting before line 34 the  
7 following:

8 "Sec. 100. Section 99B.6, subsection 1, paragraph  
9 k, Code 1993, is amended to read as follows:

10 k. No A person under the age of eighteen twenty-  
11 one years may shall not participate in the gambling  
12 except pursuant to sections 99B.3, 99B.4, 99B.5, and  
13 99B.7. Any licensee knowingly allowing a person under  
14 the age of eighteen twenty-one to participate in the  
15 gambling prohibited by this paragraph or any person  
16 knowingly participating in such gambling with a person  
17 under the age of eighteen twenty-one, shall-be is  
18 guilty of a simple misdemeanor.

19 Sec. 101. Section 99D.11, subsection 6, paragraph  
20 b, Code 1993, is amended to read as follows:

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

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1 televised by a licensee for purposes of pari-mutuel  
2 wagering shall be treated as if the races were held at  
3 the racetrack of the licensee.

4 Sec. 102. Section 99D.11, subsection 6, Code 1993,  
5 is amended by adding the following new paragraph:

6 NEW PARAGRAPH. c. The commission shall provide,  
7 by rule, for the use and regulation of slot machines  
8 at pari-mutuel racetracks licensed under this chapter  
9 subject to approval in each affected county by a  
10 county-wide referendum. As a part of its regulatory  
11 authority, the commission shall require that pari-  
12 mutuel racing purses are enhanced from on-site  
13 gambling revenues based on negotiations between the  
14 horse and dog breeders and the licensees of the  
15 racetracks.

16 Sec. 103. Section 99D.11, subsection 7, Code 1993,  
17 is amended to read as follows:

18 7. A person under the age of eighteen twenty-one  
19 years shall not make a pari-mutuel wager.

20 Sec. 104. Section 99D.24, subsection 2, Code 1993,  
21 is amended to read as follows:

22 2. A person knowingly permitting a person under  
23 the age of eighteen twenty-one years to make a pari-  
24 mutuel wager is guilty of a simple misdemeanor.

25 Sec. 105. Section 99E.18, subsection 2, Code 1993,  
26 is amended to read as follows:

27 2. A ticket or share shall not be sold to a person  
28 who has not reached the age of eighteen twenty-one.  
29 This does not prohibit the lawful purchase of a ticket  
30 or share for the purpose of making a gift to a person  
31 who has not reached the age of eighteen twenty-one. A  
32 licensee or a licensee's employee who knowingly sells  
33 or offers to sell a lottery ticket or share to a  
34 person who has not reached the age of eighteen twenty-  
35 one is guilty of a simple misdemeanor. In addition  
36 the license of a licensee shall be suspended. A prize  
37 won by a person who has not reached the age of  
38 eighteen twenty-one but who purchases a winning ticket  
39 or share in violation of this subsection shall be  
40 forfeited.

41 Sec. 106. Section 99F.4, subsection 4, Code 1993,  
42 is amended to read as follows:

43 4. To regulate the wagering structure for gambling  
44 excursions including providing a maximum ~~wager-of-five~~  
45 ~~dollars-per-hand-or-play-and-maximum~~ loss of two  
46 ~~hundred one thousand~~ dollars per individual player per  
47 gambling excursion.

48 Sec. 107. Section 99F.4, subsection 17, Code 1993,  
49 is amended to read as follows:

50 17. To define the duration of an excursion which

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1 shall be at least three hours during the excursion  
2 season. ~~For the off-season, the commission shall~~  
3 ~~adopt rules limiting times of admission to excursion~~  
4 ~~gambling boats consistent with maximum loss per player~~  
5 ~~per gambling excursion specified in subsection 4.~~

6 Sec. 108. Section 99F.7, subsection 5, paragraph  
7 a, Code 1993, is amended by striking the paragraph and  
8 inserting in lieu thereof the following:

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

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

14 2. Licensees shall only allow a maximum ~~wager of~~  
15 ~~five dollars per hand or play and a maximum~~ loss of  
16 two hundred one thousand dollars per person during  
17 each gambling excursion. ~~However, the commission may~~  
18 ~~adopt rules allowing additional wagers consistent with~~  
19 ~~generally accepted wagering options in the games of~~  
20 ~~twenty one and dice.~~

21 Sec. 110. Section 99F.9, subsection 6, Code 1993,  
22 is amended to read as follows:

23 6. A person under the age of eighteen twenty-one  
24 years shall not make a wager on an excursion gambling  
25 boat and shall not be allowed in the area of the  
26 excursion boat where gambling is being conducted.  
27 However, a person eighteen years of age or older may  
28 be employed to work in a gambling area.

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

31 2. A person knowingly permitting a person under  
32 the age of eighteen twenty-one years to make a wager  
33 is guilty of a simple misdemeanor.

34 Sec. \_\_\_\_\_. Sections 100 through 111 of this Act,  
35 and this section, being deemed of immediate  
36 importance, take effect upon enactment."

By HALVORSON of Clayton

H-4395 FILED MAY 1, 1993

OUT OF ORDER

## SENATE FILE 425

H-4396

1 Amend Senate File 425, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 35, by inserting before line 34 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 99D.11, subsection 6, paragraph  
6 b, Code 1993, is amended to read as follows:  
7 b. The commission may authorize the licensee to  
8 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. It is the responsibility of each  
12 licensee to obtain the consent of appropriate racing  
13 officials in other states as required by the federal  
14 Interstate Horseracing Act of 1978, 15 U.S.C. § 3001-  
15 3007, to televise races for the purpose of conducting  
16 pari-mutuel wagering. A licensee may also obtain the  
17 permission of a person licensed by the commission to  
18 conduct horse or dog races in this state to televise  
19 races conducted by that person for the purpose of  
20 conducting pari-mutuel racing. However, arrangements  
21 made by a licensee to televise any race for the  
22 purpose of conducting pari-mutuel wagering are subject  
23 to the approval of the commission, and the commission  
24 shall select the races to be televised. The races  
25 selected by the commission shall be the same for all  
26 licensees approved by the commission to televise races  
27 for the purpose of conducting pari-mutuel wagering.  
28 The commission shall not authorize the simultaneous  
29 telecast or televising of and a licensee shall not  
30 simultaneously telecast or televise any horse or dog  
31 race for the purpose of conducting pari-mutuel  
32 wagering unless the simultaneous telecast or  
33 televising is done at the racetrack of a licensee that  
34 schedules no less than ~~ninety~~ sixty performances of  
35 nine live races each day of the season. For purposes  
36 of the taxes imposed under this chapter, races  
37 televised by a licensee for purposes of pari-mutuel  
38 wagering shall be treated as if the races were held at  
39 the racetrack of the licensee."

By O'BRIEN of Boone

H-4396 FILED MAY 1, 1993  
NOT GERMANE

## SENATE FILE 425

H-4391

1 Amend Senate File 425, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 35, by inserting before line 34 the  
4 following:  
5 "Sec. 100. Section 99B.6, subsection 1, paragraph  
6 k, Code 1993, is amended to read as follows:  
7 k. No ~~A~~ person under the age of ~~eighteen~~ twenty-  
8 one years ~~may~~ shall not participate in the gambling  
9 except pursuant to sections 99B.3, 99B.4, 99B.5, and  
10 99B.7. Any licensee knowingly allowing a person under  
11 the age of ~~eighteen~~ twenty-one to participate in the  
12 gambling prohibited by this paragraph or any person  
13 knowingly participating in such gambling with a person  
14 under the age of ~~eighteen~~ twenty-one, ~~shall be is~~  
15 guilty of a simple misdemeanor.  
16 Sec. 101. Section 99D.11, subsection 6, paragraph  
17 b, Code 1993, is amended to read as follows:  
18 b. The commission may authorize the licensee to  
19 simultaneously telecast within the racetrack  
20 enclosure, for the purpose of pari-mutuel wagering, a  
21 horse or dog race licensed by the racing authority of  
22 another state. It is the responsibility of each  
23 licensee to obtain the consent of appropriate racing  
24 officials in other states as required by the federal  
25 Interstate Horseracing Act of 1978, 15 U.S.C. § 3001-  
26 3007, to televise races for the purpose of conducting  
27 pari-mutuel wagering. A licensee may also obtain the  
28 permission of a person licensed by the commission to  
29 conduct horse or dog races in this state to televise  
30 races conducted by that person for the purpose of  
31 conducting pari-mutuel racing. However, arrangements  
32 made by a licensee to televise any race for the  
33 purpose of conducting pari-mutuel wagering are subject  
34 to the approval of the commission, and the commission  
35 shall select the races to be televised. The races  
36 selected by the commission shall be the same for all  
37 licensees approved by the commission to televise races  
38 for the purpose of conducting pari-mutuel wagering.  
39 The commission shall not authorize the simultaneous  
40 telecast or televising of and a licensee shall not  
41 simultaneously telecast or televise any horse or dog  
42 race for the purpose of conducting pari-mutuel  
43 wagering unless the simultaneous telecast or  
44 televising is done at the racetrack of a licensee that  
45 schedules no less than ~~ninety~~ sixty performances of  
46 nine live races each day of the season. For purposes  
47 of the taxes imposed under this chapter, races  
48 televised by a licensee for purposes of pari-mutuel  
49 wagering shall be treated as if the races were held at  
50 the racetrack of the licensee.

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1 Sec. 102. Section 99D.11, subsection 6, Code 1993,  
2 is amended by adding the following new paragraph:  
3 NEW PARAGRAPH. c. The commission shall provide,  
4 by rule, for the conduct of casino style gambling  
5 including but not limited to slot machines, blackjack,  
6 dice, keno, roulette, and other gambling games  
7 associated with casino gambling, at pari-mutuel  
8 racetracks licensed under this chapter subject to  
9 approval in each affected county by a county-wide  
10 referendum. As a part of its regulatory authority,  
11 the commission may require that pari-mutuel racing  
12 purses are supplemented from on-site gambling  
13 revenues.

14 Sec. 103. Section 99D.11, subsection 7, Code 1993,  
15 is amended to read as follows:

16 7. A person under the age of eighteen twenty-one  
17 years shall not make a pari-mutuel wager.

18 Sec. 104. Section 99D.24, subsection 2, Code 1993,  
19 is amended to read as follows:

20 2. A person knowingly permitting a person under  
21 the age of eighteen twenty-one years to make a pari-  
22 mutuel wager is guilty of a simple misdemeanor.

23 Sec. 105. Section 99E.18, subsection 2, Code 1993,  
24 is amended to read as follows:

25 2. A ticket or share shall not be sold to a person  
26 who has not reached the age of eighteen twenty-one.  
27 This does not prohibit the lawful purchase of a ticket  
28 or share for the purpose of making a gift to a person  
29 who has not reached the age of eighteen twenty-one. A  
30 licensee or a licensee's employee who knowingly sells  
31 or offers to sell a lottery ticket or share to a  
32 person who has not reached the age of eighteen twenty-  
33 one is guilty of a simple misdemeanor. In addition  
34 the license of a licensee shall be suspended. A prize  
35 won by a person who has not reached the age of  
36 eighteen twenty-one but who purchases a winning ticket  
37 or share in violation of this subsection shall be  
38 forfeited.

39 Sec. 106. Section 99F.4, subsection 4, Code 1993,  
40 is amended by striking the subsection.

41 Sec. 107. Section 99F.4, subsection 17, Code 1993,  
42 is amended to read as follows:

43 17. To define the duration of an excursion which  
44 shall be at least three hours during the excursion  
45 season. ~~For-the-off-season,-the-commission-shall~~  
46 ~~adopt-rates-limiting-times-of-admission-to-excursion~~  
47 ~~gambling-seats-consistent-with-maximum-loss-per-player~~  
48 ~~per-gambling-excursion-specified-in-subsection-4-~~

49 Sec. 108. Section 99F.7, subsection 5, paragraph  
50 a, Code 1993, is amended by striking the paragraph and

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1 inserting in lieu thereof the following:

2 a. The square footage allowed to be used for  
3 gambling activity shall be determined by the  
4 commission.

5 Sec. 109. Section 99F.9, subsection 2, Code 1993,  
6 is amended by striking the subsection.

7 Sec. 110. Section 99F.9, subsection 6, Code 1993,  
8 is amended to read as follows:

9 6. A person under the age of eighteen twenty-one  
10 years shall not make a wager on an excursion gambling  
11 boat and shall not be allowed in the area of the  
12 excursion boat where gambling is being conducted.  
13 However, a person eighteen years of age or older may  
14 be employed to work in a gambling area.

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

17 2. A person knowingly permitting a person under  
18 the age of eighteen twenty-one years to make a wager  
19 is guilty of a simple misdemeanor.

20 Sec. \_\_\_\_\_. Sections 100 through 111 of this Act,  
21 and this section, being deemed of immediate  
22 importance, take effect upon enactment."

By McCOY of Polk

MILLAGE OF Scott

H-4391 FILED MAY 1, 1993

WITHDRAWN

SENATE FILE 425

H-4393

1 Amend the amendment, H-4370, to Senate File 425, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 8, by striking lines 26 through 42.

5 2. By renumbering as necessary.

By FALLON of Polk

HAMMOND of Story

WITT of Black Hawk

OSTERBERG of Linn

H-4393 FILED MAY 1, 1993

LOST

SENATE FILE 425

H-4394

1 Amend the amendment, H-4370, to Senate File 425, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. By striking page 5, line 50 through page 6,  
5 line 7.

By CORBETT of Linn

H-4394 FILED MAY 1, 1993

ADOPTED



SENATE FILE 425

H-4390

1 Amend Senate File 425, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 38, by inserting after line 2 the  
4 following:

5 "Sec. \_\_\_\_\_. The legislative council shall authorize  
6 a study committee on privatization of state functions.  
7 The committee would consider the recommendations of  
8 the Fisher commission, the senate appropriations  
9 subcommittee on privatization, receive information and  
10 testimony from other sources, and make  
11 recommendations.

12 The committee membership would be as follows:

13 1. Three senators, two appointed by the majority  
14 leader, one appointed by the minority leader.

15 2. Three representatives, two appointed by the  
16 speaker of the house of representatives, one appointed  
17 by the minority leader.

18 The legislative council shall designate temporary  
19 co-chairpersons from among the legislative members.

20 3. One ex officio, nonvoting member who shall be  
21 the director of the department of management or the  
22 director's designee.

23 4. One member each representing private business  
24 and a state employee labor organization appointed by  
25 the legislative council. Members appointed under this  
26 subsection will be entitled to receive their actual  
27 expenses for attending meetings of the committee.

28 The committee shall present its recommendations by  
29 November 15, 1993.

30 Sec. \_\_\_\_\_. PRIVATIZATION -- STATE EMPLOYEE  
31 CONSULTATION. A state agency or department shall  
32 consult with and consider alternatives proposed by  
33 employees of the department or organizations  
34 representing state employees prior to privatizing  
35 functions provided by the agency or department."

By SPENNER of Henry

H-4390 FILED MAY 1, 1993

ADOPTED

## SENATE FILE 425

H-4386

1 Amend Senate File 425, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 35, line 7, by inserting after the word  
4 "claim" the following: "and the costs of  
5 investigating a claim".  
6 2. Page 35, line 8, by inserting after the word  
7 "fee" the following: "and a fee to reimburse the  
8 office of the attorney general for the costs of the  
9 claim investigation".

By DVORSKY of Johnson

H-4386 FILED MAY 1, 1993  
ADOPTED

## SENATE FILE 425

H-4387

1 Amend the amendment, H-4370, to Senate File 425, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 5, line 29, by inserting after the word  
5 "state." the following: "However, enforcement of this  
6 chapter shall not supersede, limit, or otherwise  
7 affect any provision of a collective bargaining  
8 agreement.".

By BRAMMER of Linn

H-4387 FILED MAY 1, 1993  
LOST

## SENATE FILE 425

H-4388

1 Amend the amendment, H-4370, to Senate File 425, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 5, line 29, by inserting after the word  
5 "state." the following: "However, the enforcement of  
6 this chapter shall not result in the derogation or  
7 negation of any provision in a collective bargaining  
8 agreement which relates to the issue of smoking in the  
9 workplace.".

By HALVORSON of Webster

H-4388 FILED MAY 1, 1993  
WITHDRAWN

## SENATE FILE 425

H-4383

- 1 Amend the amendment, H-4370, to Senate File 425, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 5, by striking line 47 and inserting the  
5 following:  
6 "\_\_\_\_\_. Page 37, line 33, by inserting after the  
7 word "enrollment." the following: "Fifty percent of  
8 the costs of the contract shall be provided by a  
9 source other than the legislative council."  
10 2. By renumbering as necessary.

By GRUNDBERG of Polk

H-4383 FILED MAY 1, 1993  
ADOPTED

## SENATE FILE 425

H-4384

- 1 Amend Senate File 425, as amended, passed, and re-  
2 printed by the Senate, as follows:  
3 1. Page 15, by inserting after line 11 the  
4 following:  
5 "\_\_\_\_\_. Of the moneys appropriated in this section  
6 \$50,000 shall be used for purposes of repairing the  
7 gates of the dam located in or near the city of  
8 Mitchell. Each four dollars provided pursuant to this  
9 subsection shall be matched by one dollar contributed  
10 by a source other than the state."  
11 2. By renumbering as necessary.

By KEONIGS of Mitchell

H-4384 FILED MAY 1, 1993  
ADOPTED

## SENATE FILE 425

H-4385

- 1 Amend the amendment, H-4370, to Senate File 425, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 6, line 7, by inserting after the figure  
5 "\$11,500,000." the following: "This section shall not  
6 be construed as providing authority to reduce  
7 quarterly allotments of an appropriation."

By CORBETT of Linn

PETERSON of Carroll

H-4385 FILED MAY 1, 1993  
WITHDRAWN

## SENATE FILE 425

H-4378

1 Amend Senate File 425, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 36, by inserting after line 9 the  
4 following:

5 "Sec. \_\_\_\_ Section 272C.2, subsection 5, Code  
6 1993, is amended to read as follows:

7 5. A person licensed to sell real estate in this  
8 state shall be deemed to have complied with the  
9 continuing education requirements of this state during  
10 periods that the person serves honorably on active  
11 duty in the military services, or for periods that the  
12 person is a resident of another state or district  
13 having a continuing education requirement for the  
14 occupation or profession and meets all requirements of  
15 that state or district for practice therein, if the  
16 state or district accords the same privilege to Iowa  
17 residents, or for periods that the person is a  
18 government employee working in the person's licensed  
19 specialty and assigned to duty outside of the United  
20 States, or for other periods of active practice and  
21 absence from the state approved by the appropriate  
22 board of examiners or if the person has been licensed  
23 to sell real estate in this state for fifteen years or  
24 more."

By GRUBBS of Scott

H-4378 FILED MAY 1, 1993  
NOT GERMANE

## SENATE FILE 425

H-4380

1 Amend Senate File 425, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking page 38, line 2 through page 40,  
4 line 32.

By MURPHY of Dubuque

H-4380 FILED MAY 1, 1993  
WITHDRAWN

## SENATE FILE 425

H-4382

1 Amend Senate File 425, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 31, line 21, by striking the words  
4 "special olympics, incorporated" and inserting the  
5 following: "Special Olympics, Incorporated,".

By HANSON of Delaware

H-4382 FILED MAY 1, 1993  
ADOPTED

## SENATE FILE 425

H-4376

1 Amend Senate File 425, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 31, by inserting before line 13 the  
4 following:  
5 "Sec. \_\_\_\_ . GAMBLERS ASSISTANCE FUND. If the  
6 gaming laws of this state are expanded, including, but  
7 not limited to, more methods of gambling, higher  
8 stakes, or new types of gambling games,  
9 notwithstanding the requirement in section 99E.10,  
10 subsection 1, to transfer lottery revenue remaining  
11 after expenses and the amount to be deposited into the  
12 gamblers assistance fund are deducted, before the  
13 transfer of the revenue there is appropriated from the  
14 lottery fund to the treasurer of state for the fiscal  
15 year beginning July 1, 1993, and ending June 30, 1994,  
16 to the gamblers assistance fund, in addition to any  
17 other moneys appropriated to the fund, the sum of  
18 \$100,000 for purposes of that fund."

By FALLON of Polk  
HAMMOND of Story

H-4376 FILED MAY 1, 1993  
WITHDRAWN

## SENATE FILE 425

H-4377

1 Amend Senate File 425, as amended, passed, and re-  
2 printed by the Senate, as follows:  
3 1. Page 32, by striking lines 11 through 26.  
4 2. Page 37, line 34, by striking the figure  
5 "62,".

By FALLON of Polk

H-4377 FILED MAY 1, 1993  
LOST

SENATE FILE 425

H-4374

1 Amend Senate File 425, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 32, line 11, by inserting after the word  
 4 "LANDSCAPE" the following: "AND BLOOD RUN  
 5 ARCHAEOLOGICAL SITE".  
 6 2. Page 32, line 12, by striking the figure  
 7 "50,000" and inserting the following: "100,000".  
 8 3. Page 32, line 19, by inserting after the word  
 9 "Iowa" the following: "and to develop the Blood Run  
 10 archaeological site in Lyon county".  
 11 4. Page 32, line 20, by striking the word "this"  
 12 and inserting the following: "the national heritage  
 13 landscape project and the Blood Run archaeological  
 14 site".  
 15 5. Page 32, by inserting after line 21 the  
 16 following: "Of the funds appropriated in this  
 17 section, \$50,000 shall be allocated to the national  
 18 heritage landscape and \$50,000 shall be allocated to  
 19 the Blood Run archaeological site."

By BLACK of Jasper  
 VANDE HOEF of Osceola

H-4374 FILED MAY 1, 1993  
 WITHDRAWN

SENATE FILE 425

H-4375

1 Amend Senate File 425, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 31, by inserting after line 12 the  
 4 following:  
 5 "Sec. \_\_\_\_ . DAM PROJECT -- MITCHELL COUNTY. There  
 6 is appropriated from the marine tax receipts deposited  
 7 in the general fund of the state to Mitchell county  
 8 for the fiscal year beginning July 1, 1993, and ending  
 9 June 30, 1994, the following amount, or so much  
 10 thereof as is necessary, to be used for the purposes  
 11 designated:  
 12 For purposes of repairing the gates of the dam  
 13 located in or near the city of Mitchell:  
 14 ..... \$ 50,000  
 15 As a condition of this appropriation, each three  
 16 dollars appropriated pursuant to this section shall be  
 17 matched by one dollar contributed by a source other  
 18 than the state."  
 19 2. By renumbering as necessary.

By KOENIGS of Mitchell  
 PETERSON of Carroll  
 CORBETT of Linn

H-4375 FILED MAY 1, 1993  
 WITHDRAWN

SENATE FILE 425

H-4371

1 Amend Senate File 425, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 i. Page 18, by inserting before line 32 the  
 4 following:  
 5 "Sec. \_\_\_\_ . CLEAR CREEK STUDY. The department of  
 6 natural resources shall conduct a study to determine  
 7 the feasibility of creating a lake from the  
 8 impoundment of the flow of clear creek in Marshall  
 9 county. The study shall include but is not limited to  
 10 a review and update of any previous study. The  
 11 department shall report to the general assembly by  
 12 January 30, 1994, on the results of the study."

By GARMAN of Story

H-4371 FILED MAY 1, 1993  
WITHDRAWN

SENATE FILE 425

H-4372

1 Amend Senate File 425, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 i. By striking page 30, line 31, through page 31,  
 4 line 12, and inserting the following: "lottery fund  
 5 to the Iowa state university of science and technology  
 6 for the fiscal year beginning July 1, 1993, and ending  
 7 June 30, 1994, the following amount, or so much  
 8 thereof as is necessary, to be used for the purposes  
 9 designated:  
 10 For establishing and funding a new small business  
 11 development center at the most appropriate community  
 12 college which does not have a small business  
 13 development center:

14 .....	\$	75,000
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15  
16  
17

18 HALVORSON of Webster

H-4372 FILED MAY 1, 1993  
LOST

## SENATE FILE 425

H-4370

1 Amend Senate File 425, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 3, by striking lines 24 and 25 and  
4 inserting the following:

5 "2. "Claimant" means a person filing a claim for  
6 credit or reimbursement".

7 2. Page 4, by striking lines 4 through 13.

8 3. Page 4, line 14, by striking the words "under  
9 paragraph "a" or "b"".

A 10 4. By striking page 4, line 25 through page 7,  
11 line 15.

12 5. Page 7, by inserting before line 16 the  
13 following:

14 "Sec. \_\_\_\_ . Section 423.24, Code 1993, is amended  
15 by adding the following new subsection:

B 16 NEW SUBSECTION. 1A. Twenty percent of all revenue  
17 derived from the use tax on motor vehicles, trailers,  
18 and motor vehicle accessories and equipment as  
19 collected pursuant to section 423.7 shall be deposited  
20 in the GAAP deficit reduction account established in  
21 the department of management pursuant to section 8.57,  
22 subsection 2, and shall be used in accordance with the  
23 provisions of that section."

24 6. Page 7, by striking lines 24 through 28 and  
25 inserting the following: "appropriated, an amount  
26 sufficient to implement this division."

A 27 7. By striking page 8, line 15 through page 9,  
28 line 9.

29 8. Page 11, by inserting before line 14 the  
30 following:

31 "Sec. 11A. Section 435.22, subsection 2, Code  
32 1993, is amended to read as follows:

33 2. If the owner of the mobile home is an Iowa  
34 resident, was totally disabled, as defined in section  
35 425.17, on or before December 31 of the base year, is  
36 a surviving spouse having attained the age of fifty-  
37 five years on or before December 31, 1988, or has  
38 attained the age of ~~eighteen~~ sixty-five years on or  
39 before December 31 of the base year, and has an income  
40 when included with that of a spouse which is less than  
41 six thousand dollars per year, the annual tax shall  
42 not be imposed on the mobile home. If the income is  
43 six thousand dollars or more but less than fourteen  
44 thousand dollars, the annual tax shall be computed as  
45 follows:

46	If the Household	Annual Tax Per
47	Income is:	Square Foot:
48	\$ 6,000 -- 6,999.99	3.0 cents
49	7,000 -- 7,999.99	6.0
50	8,000 -- 9,999.99	10.0

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Page 2

1 10,000 -- 11,999.99 13.0  
 2 12,000 -- 13,999.99 15.0

3 For purposes of this subsection "income" means  
 4 income as defined in section 425.17, subsection 7, and  
 5 "base year" means the calendar year preceding the year  
 6 in which the claim for a reduced rate of tax is filed.  
 7 The mobile home reduced rate of tax shall only be  
 8 allowed on the mobile home in which the claimant is  
 9 residing at the time in which the claim for a reduced  
 10 rate of tax is filed."

11 9. Page 11, by inserting after line 20 the  
 12 following:

13 "Sec. \_\_\_\_ . NEW SECTION. 541A.5 INDIVIDUAL  
 14 DEVELOPMENT ACCOUNTS -- SAVINGS REFUND APPROPRIATION.

15 1. There is appropriated from the general fund of  
 16 the state to the department of revenue and finance for  
 17 the fiscal year beginning July 1, 1994, and ending  
 18 June 30, 1995, two million five hundred thousand  
 19 dollars, or so much thereof as is necessary, for the  
 20 payment of savings refunds pursuant to section 541A.3.

21 2. There is appropriated from the general fund of  
 22 the state to the department of revenue and finance for  
 23 the fiscal year beginning July 1, 1995, and ending  
 24 June 30, 1996, and for each succeeding fiscal year,  
 25 four million dollars, or so much thereof as is  
 26 necessary, for the payment of savings refunds pursuant  
 27 to section 541A.3."

28 10. Page 11, line 34, by striking the figure  
 29 "1993" and inserting the following: "1993 1994".

30 11. Page 12, line 7, by inserting after the word  
 31 "sections" the following: "1,".

32 12. Page 12, line 8, by striking the figure "524"  
 33 and inserting the following: "513, 524,".

34 13. Page 12, line 10, by inserting after the word  
 35 "credits" the following: ", mobile home tax claims,".

36 14. Page 12, line 16, by inserting after the word  
 37 "credit" the following: ", mobile home tax claim,".

38 15. Page 12, line 18, by inserting before the  
 39 word "of" the following: "and 11A".

40 16. Page 12, line 19, by inserting after the word  
 41 "credit" the following: "or mobile home tax claim".

42 17. Page 13, line 6, by striking the figure "8"  
 43 and inserting the following: "7 and 11A".

44 18. Page 13, line 7, by inserting after the word  
 45 "claims" the following: "and mobile home tax claims".

46 19. Page 13, line 8, by striking the word and  
 47 figures "5, 7, and 8" and inserting the following:  
 48 "and 7".

49 20. Page 16, by inserting after line 3 the  
 50 following:

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Page 3

1 "\_\_\_\_. To the treasurer of state for purposes of  
 2 allocating moneys to assist each of the 103 county  
 3 fairs which are members of the association of Iowa  
 4 fairs, for purposes of supporting annual county fairs  
 5 and improvements to the county fairgrounds:  
 6 ..... \$ 206,000

7 The treasurer of state shall allocate an equal  
 8 amount to each fair qualified to receive assistance.  
 9 However, moneys must be expended by a county fair on a  
 10 dollar-for-dollar matching basis with moneys received  
 11 from donations contributed to the county fair from  
 12 private sources or moneys contributed by a county to  
 13 aid the county fair pursuant to section 174.14.  
 14 Notwithstanding section 8.33, moneys transferred  
 15 pursuant to this subsection which remain unobligated  
 16 or unexpended on June 30, 1993, shall not revert to  
 17 the general fund of the state but shall remain  
 18 available in the succeeding fiscal year for use as  
 19 provided in this subsection."

E

20 21. Page 16, by inserting after line 26 the  
 21 following:

22 "As provided in section 8.33, the moneys  
 23 transferred pursuant to this subsection shall not  
 24 revert to the general fund of the state at the end of  
 25 any fiscal year but shall continue to be available  
 26 until the projects are completed."

27 22. By striking page 16, line 27, through page  
 28 18, line 9.

29 23. Page 30, by inserting after line 26 the fol-  
 30 lowing:

31 "Sec. \_\_\_\_ . There is appropriated from the general  
 32 fund of the state to the department of management for  
 33 the fiscal year beginning July 1, 1993, and ending  
 34 June 30, 1994, the following amounts, or so much  
 35 thereof as is necessary, to be used for the purposes  
 36 designated:

37 1. CASH RESERVE FUND

38 For deposit in the cash reserve fund created in  
 39 section 8.56:

40 ..... \$ 2,700,000

41 2. GAAP FUND

42 For deposit in the GAAP deficit reduction account  
 43 established in section 8.57, subsection 2, which shall  
 44 be spent during the fiscal year beginning July 1,  
 45 1993, and ending June 30, 1994, for the items on the  
 46 schedule submitted to the general assembly by the  
 47 governor in accordance with the provisions of sections  
 48 8.53 and 8.57:

49 ..... \$ 8,500,000

50 Sec. \_\_\_\_ . COUNCIL ON HUMAN INVESTMENT -- AD-

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1 MINISTRATIVE COSTS. There is appropriated from the  
2 general fund of the state to the department of human  
3 services for the fiscal year beginning July 1, 1993,  
4 and ending June 30, 1994, the following amount, or so  
5 much thereof as is necessary, to be used for the  
6 purpose designated:

7 For administrative costs relating to the council on  
8 human investment in fiscal year 1993-1994, in  
9 accordance with the provisions of 1993 Iowa Acts,  
10 Senate File 268:

11 ..... \$ 123,000".

12 24. By striking page 31, line 25 through page 32,  
13 line 1.

14 25. Page 32, line 21, by inserting after the word  
15 "project." the following: "The department shall  
16 disburse only those funds which are matched by an  
17 equivalent amount of funds from local communities,  
18 businesses, or other nonstate funds."

*Dir.*  
*E*

19 26. Page 32, by striking lines 27 through 35.

20 27. Page 34, by striking lines 21 through 26.

21 28. Page 35, by inserting after line 33 the  
22 following:

23 "Sec. \_\_\_\_ . Section 142B.1, subsection 3, Code  
24 1993, is amended to read as follows:

25 3. "Public place" means any enclosed indoor area  
26 used by the general public or serving as a place of  
27 ~~work containing two-hundred-fifty-or-more-square-feet~~  
28 ~~of-floor-space~~, including, but not limited to, all  
29 ~~restaurants with-a-seating-capacity-greater-than~~  
30 ~~fifty~~, all retail stores, lobbies and malls, offices,  
31 including waiting rooms, and other commercial  
32 establishments; public conveyances with departures,  
33 travel, and destination entirely within this state;  
34 educational facilities; hospitals, clinics, nursing  
35 homes, and other health care and medical facilities;  
36 licensed child care centers, as defined in section  
37 237A.1; and auditoriums, elevators, theaters,  
38 libraries, art museums, concert halls, indoor arenas,  
39 and meeting rooms. "Public place" does not include a  
40 retail store at which fifty percent or more of the  
41 sales result from the sale of tobacco or tobacco  
42 products, the portion of a retail store where tobacco  
43 or tobacco products are sold, a private, enclosed  
44 office occupied exclusively by smokers even though the  
45 office may be visited by nonsmokers, a room used  
46 primarily as the residence of students or other  
47 persons at an educational facility, a sleeping room in  
48 a motel or hotel, or each resident's room in a health  
49 care facility. The person in custody or control of  
50 the facility shall provide a sufficient number of

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1 rooms in which smoking is not permitted to accommodate  
2 all persons who desire such rooms.

3 Sec. \_\_\_\_ . Section 142B.2, subsection 3, unnumbered  
4 paragraph 1, Code 1993, is amended to read as follows:

5 ~~Where smoking areas are designated, existing~~  
6 ~~physical barriers and existing ventilation systems~~  
7 ~~shall be used to minimize the toxic effect of smoke in~~  
8 ~~adjacent nonsmoking areas. In the case of public~~  
9 ~~places consisting of a single room, the provisions of~~  
10 ~~this law shall be considered met if one side of the~~  
11 ~~room is reserved and posted as a no smoking area. A~~  
12 designated smoking area shall only be designated if  
13 transmission of environmental tobacco smoke to  
14 adjacent areas can be completely eliminated. No  
15 public place other than a bar shall be designated as a  
16 smoking area in its entirety. If a bar has within its  
17 premises a nonsmoking area, this designation shall be  
18 posted on all entrances normally used by the public.

19 Sec. \_\_\_\_ . Section 142B.2, Code 1993, is amended by  
20 adding the following new subsection:

21 NEW SUBSECTION. 5. Notwithstanding the provisions  
22 of this section, no place in the state capitol  
23 building shall be designated as a smoking area.

24 Sec. \_\_\_\_ . Section 142B.6, unnumbered paragraph 3,  
25 Code 1993, is amended to read as follows:

26 The Iowa department of public health shall adopt  
27 rules to enforce this chapter. Enforcement of this  
28 chapter shall be implemented in an equitable manner  
29 throughout the state. For the purpose of equitable  
30 and uniform implementation, application, and  
31 enforcement of state and local laws and regulations,  
32 the provisions of this chapter shall supersede any  
33 local law or regulation which is inconsistent with or  
34 conflicts with the provisions of this chapter."

*Dev*  
I

F 35 29. By striking page 35, line 34, through page  
36 36, line 9.

37 30. Page 36, by inserting after line 9 the  
38 following:

39 "Sec. \_\_\_\_ . Section 285.1, subsection 3, unnumbered  
40 paragraph 2, Code 1993, is amended to read as follows:

G 41 However, a parent or guardian shall not receive  
42 reimbursement for furnishing transportation for more  
43 than three one family members member who attend  
44 attends elementary school and one family member who  
45 attends high school."

46 31. Page 36, by striking lines 10 through 16.

E 47 32. Page 37, by striking lines 28 through 33.

48 33. Page 37, by inserting before line 34 the  
49 following:

50 "Sec. \_\_\_\_ . REVERSIONS. The department of

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1 management shall implement cost savings programs and  
 2 efficiencies to achieve savings in appropriations made  
 3 from the general fund of the state to departments and  
 4 establishments subject to the provisions of section  
 5 8.31, for the fiscal year beginning July 1, 1993, to  
 6 attain reversions to the general fund of the state in  
 7 the amount of at least \$11,500,000.

8 Sec. 100. Notwithstanding section 291.13, if the  
 9 moneys credited to the schoolhouse fund of a school  
 10 district from tax revenues collected under the  
 11 physical plant and equipment levy during the fiscal  
 12 year beginning July 1, 1992, are insufficient to pay  
 13 the costs specified in a contract for renovating a  
 14 high school building located in the district for use  
 15 by grade school students pursuant to a school reor-  
 16 ganization contract, and the board has not received  
 17 authorization from the school budget review committee  
 18 under section 257.31, subsection 7, the board of the  
 19 school district may expend an amount not to exceed one  
 20 hundred thousand dollars of moneys in the district's  
 21 general fund for purposes of the school building  
 22 renovation.

23 Sec. \_\_\_\_\_. EFFECTIVE DATE AND APPLICABILITY.  
 24 Section 100 of this division, being deemed of  
 25 immediate importance, takes effect upon enactment and  
 26 is applicable to the school budget year beginning July  
 27 1, 1992."

28 34. Page 40, by inserting after line 32 the  
 29 following:

30 "DIVISION

31 REORGANIZE SCHOOL DISTRICTS

32 Sec. \_\_\_\_\_. Section 257.3, subsection 1, Code 1993,  
 33 is amended to read as follows:

34 1. AMOUNT OF TAX. Except as provided in  
 35 ~~subsection subsections 2 and 2A~~, a school district  
 36 shall cause to be levied each year, for the school  
 37 general fund, a foundation property tax equal to five  
 38 dollars and forty cents per thousand dollars of  
 39 assessed valuation on all taxable property in the  
 40 district. The county auditor shall spread the  
 41 foundation levy over all taxable property in the  
 42 district.

43 Sec. \_\_\_\_\_. Section 257.3, subsection 2, Code 1993,  
 44 is amended by adding the following new unnumbered  
 45 paragraph after unnumbered paragraph 2:

46 NEW UNNUMBERED PARAGRAPH. A reorganized school  
 47 district which meets the requirements of this section  
 48 for reduced property tax rates, but failed to vote on  
 49 reorganization or dissolution prior to November 30,  
 50 1990, and failed to certify such action to the

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*Dir*  
*g*

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1 department of education by September 1, 1991, shall  
2 cause to be levied a foundation property tax of four  
3 dollars and sixty cents per thousand dollars of  
4 assessed valuation on all eligible taxable property  
5 pursuant to this section. In succeeding school years,  
6 the foundation property tax levy on that portion shall  
7 be increased twenty cents per year until it reaches  
8 the rate of five dollars and forty cents per thousand  
9 dollars of assessed valuation.

10 Sec. \_\_\_\_\_. Section 257.3, Code 1993, is amended by  
11 adding the following new subsection:

12 NEW SUBSECTION. 2A. If a reorganized school  
13 district, whose foundation property tax is reduced  
14 under subsection 2, reorganizes within five school  
15 years from the time of its original reorganization to  
16 which subsection 2 applies, the resulting reorganized  
17 school district shall cause to be levied a foundation  
18 property tax on the taxable property in that portion  
19 of the new reorganized district which, in the year  
20 preceding the latest reorganization, was within the  
21 original reorganized school district to which  
22 subsection 2 applies equal to one dollar per thousand  
23 dollars of assessed value less than the rate the  
24 original reorganized district would have levied under  
25 subsection 2 for the same school year if there had  
26 been no new reorganization. In succeeding school  
27 years, the foundation property tax on that portion of  
28 the new reorganized school district shall be increased  
29 by forty cents for the first succeeding year and by  
30 twenty cents per year thereafter until it reaches the  
31 rate of five dollars and forty cents per thousand  
32 dollars of assessed valuation.

33 Sec. \_\_\_\_\_. Section 257.3, subsection 3, Code 1993,  
34 is amended to read as follows:

35 3. RAILWAY CORPORATIONS. For purposes of section  
36 257.1, the "amount per pupil of foundation property  
37 tax" does not include the tax levied under subsection  
38 1, or 2, or 2A on the property of a railway  
39 corporation, or on its trustee if the corporation has  
40 been declared bankrupt or is in bankruptcy  
41 proceedings.

42 Sec. \_\_\_\_\_. Section 257.11, subsection 2, Code 1993,  
43 is amended by adding the following new unnumbered  
44 paragraph:

45 NEW UNNUMBERED PARAGRAPH. School districts that  
46 have executed whole grade sharing agreements under  
47 section 282.10 through 282.12 beginning with the  
48 budget year beginning on July 1, 1993, and that  
49 received supplementary weighting for shared teachers  
50 or classes under this subsection for the school year

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*Dir.*  
*E*

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1 ending prior to the effective date of the whole grade  
 2 sharing agreement shall include in its supplementary  
 3 weighting amount additional pupils added by the  
 4 application of the supplementary weighting plan, equal  
 5 to the pupils added by the application of the  
 6 supplementary weighting plan pursuant to this  
 7 subsection in the budget year beginning July 1, 1992.  
 8 If at any time after July 1, 1993, a district ends a  
 9 whole grade sharing agreement with the original  
 10 district, the agreement was entered and does not enter  
 11 into a whole grade sharing agreement with an  
 12 alternative district, the school district shall reduce  
 13 its supplementary weighting amount by the number of  
 14 pupils added by the application of the supplementary  
 15 weighting in this subsection in the budget year  
 16 beginning July 1, 1992, in the budget year that the  
 17 whole grade sharing agreement is terminated.

18 Sec. \_\_\_\_ EFFECTIVE DATE. If the total taxable  
 19 valuation of real property in the state increases by  
 20 at least one-half of one percent over last year then,  
 21 this division, being deemed of immediate importance,  
 22 takes effect upon its enactment for the purpose of  
 23 computations required for payment of state aid and  
 24 levying of property taxes by school districts for the  
 25 budget year beginning July 1, 1993.

*Dir*  
*E*

DIVISION

RECYCLING -- PACKAGING

28 "Sec. \_\_\_\_ Section 455D.16, Code 1993, is amended  
 29 to read as follows:

30 455D.16 PACKAGING PRODUCTS -- RECYCLING -- PRO-  
 31 HIBITION OF POLYSTYRENE PRODUCTS.

32 The department, in cooperation with businesses  
 33 involved in the manufacturing and use of packaging  
 34 products or food service items, shall establish a  
 35 recycling program to increase the recycling of  
 36 packaging products or food service items by twenty-  
 37 five percent by July 1, 1993, and by fifty percent by  
 38 July 1, 1994. If the recycling goals are not reached,  
 39 beginning January 1, 1995 1996, a person shall not  
 40 manufacture, offer for sale, sell, or use any  
 41 polystyrene packaging products or food service items  
 42 in this state."

43 35. By renumbering, relettering, or redesignating  
 44 and correcting internal references as necessary.

By CORBETT of Linn

E-4370 FILED MAY 1, 1993

DIV. A, C, D, - WITHDRAWN B-ADOPTED E-ADOPTED

*F. adopted 5/1/93*  
*G. adopted 5/1/93*  
*H. adopted 5/1/93*  
*I. Dist. Burmore 5/3*  
*(P. 1906)*

SENATE FILE 425

H-4368

- 1 Amend Senate File 425, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 32, line 19, by striking the word
- 4 "northeast".

By BLACK of Jasper  
VANDE HOEF of Osceola

H-4368 FILED MAY 1, 1993  
ADOPTED

SENATE FILE 425

H-4369

- 1 Amend Senate File 425, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 18, by striking lines 26 through 31.
- 4 2. By renumbering as necessary.

By BLACK of Jasper

H-4369 FILED MAY 1, 1993  
ADOPTED

SENATE FILE 425

H-4356

- 1 Amend Senate File 425, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 16, line 17, by striking the figure
- 4 "814,957" and inserting the following: "750,000".
- 5 2. Page 37, by inserting after line 33 the
- 6 following:
- 7 "Sec. \_\_\_\_ . GERIATRIC PATIENTS -- MENTAL ILLNESS --
- 8 PLACEMENTS.

9 There is appropriated from the general fund of the  
 10 state to the department of human services for the  
 11 fiscal year beginning July 1, 1993, and ending June  
 12 30, 1994, the following amount, or so much thereof as  
 13 is necessary, to be used for the purpose designated:

14 For the establishment of pilot projects for  
 15 placement of geriatric patients who have a mental  
 16 illness and for the funding of a coordinator to work  
 17 with hospitals and nursing homes concerning placements  
 18 of geriatric patients who have a mental illness:

19 ..... \$ 64,957".  
 20 3. By renumbering as necessary.

By MURPHY of Dubuque

H-4356 FILED MAY 1, 1993  
NOT GERMANE, MOTION TO SUSPEND RULES, LOST



## SENATE FILE 425

H-4364

1 Amend Senate File 425, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 12, by inserting after line 21 the  
4 following:  
5 "Sec. \_\_\_\_ . LOTTERY TRANSFER. Notwithstanding the  
6 requirement in section 99E.10, subsection 1, to  
7 transfer lottery revenue remaining after expenses are  
8 deducted, notwithstanding the requirement under  
9 section 99E.20, subsection 2, for the commissioner to  
10 certify and transfer a portion of the lottery fund to  
11 the CLEAN fund, and notwithstanding the appropriations  
12 and allocations in section 99E.34, all lottery  
13 revenues received during the fiscal year beginning  
14 July 1, 1993, and ending June 30, 1994, after  
15 deductions for expenses as provided in section 99E.10,  
16 subsection 1, and as appropriated under any Act of the  
17 75th General Assembly, 1993 Session, shall not be  
18 transferred to and deposited into the CLEAN fund but  
19 shall be transferred and credited to the general fund  
20 of the state."

By CORBETT of Linn

H-4364 FILED MAY 1, 1993

ADOPTED

## SENATE FILE 425

H-4366

1 Amend Senate File 425, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking page 14, line 33 through page 15,  
4 line 11.

By HAHN of Muscatine  
BLACK of Jasper

H-4366 FILED MAY 1, 1993

ADOPTED

## SENATE FILE 425

H-4367

1 Amend Senate File 425, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 18, by striking lines 10 through 25.

By METCALF of Polk

H-4367 FILED MAY 1, 1993

OUT OF ORDER

## SENATE FILE 425

H-4362

- 1 Amend Senate File 425, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 27, line 9, by striking the words
- 4 "RAILROAD SANITATION AND".
- 5 2. Page 27, lines 21 and 22, by striking the
- 6 words and figure "~~7-and-section-327F-37~~" and inserting
- 7 the following: ", and section 327F.37".
- 8 3. Page 27, by striking lines 24 through 35.
- 9 4. Page 30, line 20, by striking the words and
- 10 figure "~~and-in-section-327F-37,~~" and inserting the
- 11 following: "and in section 327F.37,".
- 12 5. Page 30, by striking lines 23 through 24.
- 13 6. By renumbering as necessary.

By McNEAL of Gardin

H-4362 FILED MAY 1, 1993  
ADOPTED

## SENATE FILE 425

H-4363

- 1 Amend Senate File 425, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 32, line 11, by inserting after the word
- 4 "LANDSCAPE" the following: "AND BLOOD RUN
- 5 ARCHAEOLOGICAL SITE".
- 6 2. Page 32, line 12, by striking the figure
- 7 "50,000" and inserting the following: "100,000".
- 8 3. Page 32, line 19, by inserting after the word
- 9 "Iowa" the following: "and to develop the Blood Run
- 10 archaeological site in Lyon county".
- 11 4. Page 32, lines 20 and 21, by striking the
- 12 words "this project." and inserting the following:
- 13 "these projects. Of the funds appropriated in this
- 14 section, \$50,000 shall be allocated to the national
- 15 heritage landscape and \$50,000 shall be allocated to
- 16 the Blood Run archaeological site."

By BLACK of Jasper

VANDE HOEF of Osceola

H-4363 FILED MAY 1, 1993  
WITHDRAWN

## SENATE FILE 425

H-4357

- 1 Amend Senate File 425, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 19, line 16, by inserting after the word
- 4 "festivals" the following: "as established by
- 5 department rule".

By METCALF of Polk

H-4357 FILED MAY 1, 1993

ADOPTED

## SENATE FILE 425

H-4358

- 1 Amend Senate File 425, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 18, by striking lines 10 through 25.
- 4 2. By renumbering as necessary.

By FALLON of Polk

H-4358 FILED MAY 1, 1993

ADOPTED - R/C - ADOPTED

## SENATE FILE 425

H-4359

- 1 Amend Senate File 425 as follows:
- 2 1. Page 36, by inserting after line 9, the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 312.2, subsection 19, paragraph
- 5 a, Code 1993, is amended to read as follows:
- 6 a. The treasurer of state, before making the
- 7 allotments provided for in this section, for the
- 8 fiscal year beginning July 1, 1990, and each
- 9 succeeding fiscal year, credit from the road use tax
- 10 fund two million dollars to the county bridge
- 11 construction fund, which is hereby created. Moneys
- 12 credited to the county bridge construction fund shall
- 13 be allocated to counties by the department for bridge
- 14 construction, and reconstruction, replacement, or
- 15 realignment based on needs in accordance with rules
- 16 adopted by the department."

By BRUNKHORST of Bremer  
SPENNER of Henry

H-4359 FILED MAY 1, 1993

ADOPTED

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 425  
H-4405

1 Amend the House amendment, S-3766, to Senate File  
2 425, as amended, passed, and reprinted by the Senate,  
3 as follows:

- 4 1. Page 2, by striking lines 14 and 15.
- 5 2. Page 2, by striking lines 18 through 25.
- 6 3. Page 3, by striking lines 5 and 6.
- 7 4. Page 3, by striking line 7 and inserting the

8 following:

9 "\_\_\_\_\_. Page 18, line 19, by striking the figure  
10 "1998" and inserting the following: "1996"."

11 5. Page 3, by inserting before line 7 the

12 following:

13 "\_\_\_\_\_. Page 18, by inserting before line 10 the  
14 following:

15 "To the department of natural resources for the  
16 fiscal year beginning July 1, 1993, and ending June  
17 30, 1994, to be used as provided in this subsection:

18 ..... \$ 200,000

19 The moneys appropriated in this section shall be  
20 used to support natural lake preservation. The  
21 department shall award the amount appropriated in this  
22 subsection to a city as defined in section 362.2 on a  
23 matching basis with the department contributing one  
24 dollar for each one dollar dedicated by the city, or  
25 the city acting in conjunction with a county, for  
26 natural lake preservation, if the money is dedicated  
27 on or after March 1, 1991. However, the city, or the  
28 city and county, must have dedicated at least \$200,000  
29 of local funds in order to qualify for the award. The  
30 city must also be located in a county having a  
31 population of less than 12,000."

32 6. Page 3, by striking line 8.

33 7. Page 3, by striking lines 16 through 29 and  
34 inserting the following:

35 "Sec. \_\_\_\_\_. AID TO DEPENDENT CHILDREN -- TOOLS OF  
36 THE TRADE DISREGARD. Of the funds appropriated for  
37 medical assistance in 1993 Iowa Acts, House File 518,  
38 section 3, \$427,000 is allocated for costs associated  
39 with disregard of a self-employed individual's tools  
40 of the trade or capital assets under the aid to  
41 dependent children program in accordance with the  
42 provisions of 1993 Iowa Acts, Senate File 268, as  
43 approved for implementation by the federal  
44 government."

45 8. Page 3, by striking lines 30 through 35.

46 9. Page 3, by striking lines 40 through 43.

47 10. By striking page 3, line 46 through page 4,  
48 line 14.

49 11. Page 4, by striking lines 27 and 28 and

50 inserting the following:

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- 1 "\_\_\_\_. Page 31, line 2, by striking the figure  
2 "250,000" and inserting the following: "125,000".  
3 12. Page 4, by striking lines 32 and 33 and  
4 inserting the following:  
5 "\_\_\_\_. Page 31, by striking lines 25 through 28  
6 and inserting the following:  
7 "Sec. \_\_\_\_ . IOWA COMPUTER INITIATIVE.  
8 Notwithstanding the requirement in section 99E.10,  
9 subsection 1, to transfer lottery revenue remaining  
10 after expenses are deducted, following the transfer of  
11 revenues in the amount of \$33,000,000, the next  
12 \$250,000 is appropriated from the lottery fund to the  
13 department of education for the fiscal year beginning  
14 July 1, 1993, and ending June 30, 1994, to be used for  
15 the".  
16 13. Page 4, by striking line 42.  
17 14. By striking page 4, line 50 through page 5,  
18 line 10 and inserting the following:  
19 "\_\_\_\_. Page 36, line 3, by striking the word "Two"  
20 and inserting the following: "One".  
21 15. Page 5, by striking line 26 and inserting the  
22 following:  
23 "\_\_\_\_. Page 36, line 16, by inserting after the  
24 word "auditorium" the following: "provided, that debt  
25 service funds shall not be derived from the division  
26 of taxes under section 403.19".  
27 16. Page 8, line 34, by striking the words ", the  
28 agreement was entered".  
29 17. Page 8, by striking lines 42 through 44 and  
30 inserting the following:  
31 "Sec. \_\_\_\_ . CONTINGENT EFFECTIVE DATE. If the  
32 actual taxable valuation of real property located in  
33 this state, based upon January 1, 1992, assessments,  
34 which is used in the computation of property taxes  
35 payable in the fiscal year beginning July 1, 1993,  
36 increases from the estimate of such taxable valuation  
37 then 1993 Iowa Acts, House File 496, if enacted, takes  
38 effect July 1, 1993, and then".  
39 18. By renumbering, relettering, or redesignating  
40 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4405 FILED MAY 2, 1993

CONCURRED

## SENATE FILE 425

H-4354

1 Amend Senate File 425 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 37, by inserting after line 27, the  
4 following:

5 "Sec. 100. Section 232.52, subsection 2A, Code  
6 1993, is amended by striking the subsection.

7 Sec. 200. Section 232.102, subsection 1A, Code  
8 1993, is amended by striking the subsection.

9 Sec. 300. Section 232.117, subsection 3A, Code  
10 1993, is amended by striking the subsection.

11 Sec. 400. Section 232.127, subsection 8, Code  
12 1993, is amended by striking the subsection.

13 Sec. 500. Section 232.182, subsection 7, Code  
14 1993, is amended by striking the subsection.

15 Sec. 600. Section 234.35, subsection 1, paragraph  
16 e, Code 1993, is amended to read as follows:

17 e. When a court has entered an order transferring  
18 the legal custody of the child to a foster care  
19 placement pursuant to section 232.52, subsection 2,  
20 paragraph "d", or section 232.102, subsection 1.

21 ~~However, payment for a group foster care placement~~  
22 ~~shall be limited to those placements which conform to~~  
23 ~~a regional group foster plan established pursuant to~~  
24 ~~section 232.143.~~

25 Sec. 700. Section 232.143, Code 1993, is repealed.

26 Sec. 800. 1993 Iowa Acts, House File 518, section  
27 11, subsection 8, is amended by striking the  
28 subsection and inserting in lieu thereof the  
29 following:

30 8. a. Of the funds appropriated in this section,  
31 up to \$21,161,299 is allocated for group foster care  
32 maintenance and services. The department and the  
33 courts shall work together to ensure that a region's  
34 group foster care expenditures shall not exceed the  
35 funds allocated to the region for group foster care in  
36 the 1993-1994 fiscal year. The department may adopt  
37 emergency rules in order to implement the provisions  
38 of this paragraph.

39 b. The reimbursement rates paid for placement of  
40 children out-of-state shall not exceed the maximum  
41 reimbursement rate established by the general assembly  
42 for group foster care placements in this state unless  
43 the director determines that appropriate care cannot  
44 be provided within the state. The department shall  
45 adopt emergency rules defining the criteria and  
46 process for making the determination of need for out-  
47 of-state care.

48 c. Effective November 1, 1993, all potential group  
49 foster care referrals shall be reviewed by a clinical  
50 assessment and consultation team prior to submission

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1 of a recommendation for group foster care placement to  
2 the court. Prior to November 1, 1993, all group  
3 foster care referrals shall be reviewed jointly by a  
4 team that includes representatives appointed by the  
5 department and the juvenile court."

6 2. Page 37, line 35, by striking the word and  
7 figure "and 76" and inserting the following: "76, and  
8 100 through 700".

9 3. By renumbering as necessary.

- |                      |                         |
|----------------------|-------------------------|
| By HAMMOND of Story  | FOGARTY of Palo Alto    |
| COHOON of Des Moines | DODERER of Johnson      |
| DVORSKY of Johnson   | RUNNING of Linn         |
| MURPHY of Dubuque    | McKINNEY of Dallas      |
| BELL of Jasper       | McCOY of Polk           |
| CATALDO of Polk      | HANSEN of Woodbury      |
| BAKER of Polk        | PETERSON of Carroll     |
| HOLVECK of Polk      | HARPER of Black Hawk    |
| MAY of Worth         | WITT of Black Hawk      |
| MUNDIE of Webster    | JOCHUM of Dubuque       |
| MERTZ of Kossuth     | NELSON of Pottawattamie |
| BURKE of Marshall    | OLLIE of Clinton        |
| DICKINSON of Jackson | NEUHAUSER of Johnson    |
| GILL of Woodbury     | HENDERSON of Scott      |
| OSTERBERG of Linn    | HAVERLAND of Polk       |
| HALVORSON of Webster | FALLON of Polk          |
| LARKIN of Lee        | BRAND of Benton         |
| KREIMAN of Davis     | BEATTY of Warren        |
| KOENIGS of Mitchell  | SHOULTZ of Black Hawk   |
| MORELAND of Wapello  | RENAUD of Polk          |

H-4354 FILED APRIL 30, 1993

*Not German  
5/1/93 (P. 1891)*

## SENATE FILE 425

H-4350

- 1 Amend Senate File 425, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 15, by striking line 23 and inserting the
- 4 following: "reverse numerical order of priority, as
- 5 follows:".

By HALVORSON of Webster

H-4350 FILED APRIL 30, 1993

*lost 5/1/93  
(P. 1881)*

## SENATE FILE 425

H-4351

- 1 Amend Senate File 425, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 16, line 17, by striking the figure
- 4 "814,957" and inserting the following: "920,457".

By HALVORSON of Webster

H-4351 FILED APRIL 30, 1993

*lost 5/1/93 (P. 1882)*

## SENATE FILE 425

H-4352

- 1 Amend Senate File 425, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 29, line 7, by inserting after the figure
- 4 "7," the following: "and chapter 17A,".
- 5 2. Page 29, by striking lines 11 through 14 and
- 6 inserting the following: "by section 88.17."

By McNEAL of Hardin

RUNNING of Linn

MORELAND of Wapello

H-4352 FILED APRIL 30, 1993

*adopted 5/1/93 (P. 1885)*

## SENATE FILE 425

H-4353

- 1 Amend Senate File 425, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 30, line 27 through page 31,
- 4 line 12.
- 5 2. By renumbering as necessary.

By HALVORSON of Webster

FALLON of Polk

H-4353 FILED APRIL 30, 1993

*adopted  
5/1/93  
(P. 1886)*



## SENATE FILE 425

H-4347

- 1 Amend Senate File 425, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 36, line 10, by striking the letter "b"  
 4 and inserting the following: "c".  
 5 2. Page 36, line 12, by striking the figure "13"  
 6 and inserting the following: "12".

By FALLON of Polk

H-4347 FILED APRIL 30, 1993

## SENATE FILE 425

H-4348

- 1 Amend Senate File 425, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 37, by inserting after line 33 the  
 4 following:  
 5 "Sec. \_\_\_\_ . STATE AUDIT. The auditor of state  
 6 shall conduct a comprehensive audit, as described in  
 7 section 11.4, of the expenditures made from the state  
 8 communications network fund and the actions taken by  
 9 the Iowa public broadcasting board and the department  
 10 of general services in relation to the state  
 11 communications network. The auditor shall have access  
 12 and authority to examine any and all records necessary  
 13 to complete the comprehensive audit. Any moneys  
 14 necessary to conduct the audit shall be paid from the  
 15 state communications network fund. The auditor shall  
 16 complete the audit and present a copy of the findings  
 17 to the general assembly and the governor by January 1,  
 18 1994."  
 19 2. By renumbering as necessary.

By MCKINNEY of Dallas  
 HANSEN of Woodbury  
 NEUHAUSER of Johnson

*Adopted 5/1/93 (P. 1891)*  
 H-4348 FILED APRIL 30, 1993

## SENATE FILE 425

H-4349

- 1 Amend Senate File 425, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 12, by striking lines 32 through 35.  
 4 2. By renumbering and correcting internal  
 5 references as necessary.

By HALVORSON of Webster

*Lost 5/1/93 (P. 1881)*  
 H-4349 FILED APRIL 30, 1993

SENATE FILE 425

H-4344

1 Amend Senate File 425, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 12, line 31, by striking the figure  
4 "58,750" and inserting the following: "25,000".

By FALLON of Polk

H-4344 FILED APRIL 30, 1993

*Adopted 5/2/93*  
*(P. 1880)*

SENATE FILE 425

H-4345

1 Amend Senate File 425, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 16, by striking lines 4 through 11.

By FALLON of Polk

H-4345 FILED APRIL 30, 1993

*Adopted 5/1/93*  
*(P. 1881)*

SENATE FILE 425

H-4346

1 Amend Senate File 425, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 34, by inserting before line 27 the  
4 following:

5 "Sec. \_\_\_\_ . Section 18.8, unnumbered paragraph 1,  
6 Code 1993, is amended to read as follows:

7 The director shall provide necessary telephone,  
8 telegraph, lighting, fuel, and water services for the  
9 state buildings and grounds located at the seat of  
10 government, except the buildings and grounds referred  
11 to in section 60~~25-3~~ 216B.3, subsection 6. However,  
12 the director shall not provide outdoor lighting of the  
13 capitol buildings and grounds which is purely  
14 decorative unless, using generally accepted accounting  
15 principles, the state budget deficit is completely  
16 eliminated, as determined by the director of the  
17 department of management, and funds are available for  
18 the decorative lighting."

By FALLON of Polk

H-4346 FILED APRIL 30, 1993

*Lot 5/1/93*  
*(P. 1888)*

## SENATE FILE 425

S-3775

1 Amend the House amendment, S-3766, to Senate File  
2 425, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 2, by striking lines 14 and 15.

C 5 2. Page 2, by striking lines 18 through 25.

B 6 3. Page 3, by striking lines 5 and 6.

7 4. Page 3, by striking line 7 and inserting the  
8 following:

9 "\_\_\_\_". Page 18, line 19, by striking the figure  
10 "1998" and inserting the following: "1996".

11 5. Page 3, by striking line 8.

12 6. Page 3, by striking lines 16 through 29 and  
13 inserting the following:

14 "Sec. \_\_\_\_ . AID TO DEPENDENT CHILDREN -- TOOLS OF  
15 THE TRADE DISREGARD. Of the funds appropriated for  
16 medical assistance in 1993 Iowa Acts, House File 518,  
17 section 3, \$427,000 is allocated for costs associated  
18 with disregard of a self-employed individual's tools  
19 of the trade or capital assets under the aid to  
20 dependent children program in accordance with the  
21 provisions of 1993 Iowa Acts, Senate File 268, as  
22 approved for implementation by the federal  
23 government." "

24 7. Page 3, by striking lines 30 through 35.

25 8. Page 3, by striking lines 40 through 43.

A 26 9. By striking page 3, line 46 through page 4,  
27 line 14.

B 28 10. Page 4, by striking lines 27 and 28 and  
29 inserting the following:

30 "\_\_\_\_". Page 31, line 2, by striking the figure  
31 "250,000" and inserting the following: "125,000".

32 11. Page 4, by striking lines 32 and 33 and  
33 inserting the following:

34 "\_\_\_\_". Page 31, by striking lines 25 through 28  
35 and inserting the following:

36 "Sec. \_\_\_\_ . IOWA COMPUTER INITIATIVE.  
37 Notwithstanding the requirement in section 99E.10,  
38 subsection 1, to transfer lottery revenue remaining  
39 after expenses are deducted, following the transfer of  
40 revenues in the amount of \$33,000,000, the next  
41 \$250,000 is appropriated from the lottery fund to the  
42 department of education for the fiscal year beginning  
43 July 1, 1993, and ending June 30, 1994, to be used for  
44 the". "

45 12. Page 4, by striking line 42.

46 13. By striking page 4, line 50 through page 5,  
47 line 10 and inserting the following:

48 "\_\_\_\_". Page 36, line 3, by striking the word "Two"  
49 and inserting the following: "One". "

50 14. Page 8, line 34, by striking the words ", the

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B 1 agreement was entered".  
 2 15. Page 8, by striking lines 42 through 44 and  
 3 inserting the following:  
 4 "Sec. \_\_\_\_ . CONTINGENT EFFECTIVE DATE. If the  
 5 actual taxable valuation of real property located in  
 6 this state, based upon January 1, 1992, assessments,  
 7 which is used in the computation of property taxes  
 8 payable in the fiscal year beginning July 1, 1993,  
 9 increases from the estimate of such taxable valuation  
 10 then 1993 Iowa Acts, House File 496, if enacted, takes  
 11 effect July 1, 1993, and then".

By LARRY MURPHY

S-3775 FILED MAY 2, 1993

DIV. A-ADOPTED, DIV. B-ADOPTED, DIV. C-ADOPTED

SENATE FILE 425

S-3779

1 Amend the House amendment, S-3766, to Senate File  
 2 425, as amended, passed, and reprinted by the Senate,  
 3 as follows:

4 1. Page 3, by inserting before line 7 the  
 5 following:

6 " \_\_\_\_ . Page 18, by inserting before line 10 the  
 7 following:

8 "To the department of natural resources for the  
 9 fiscal year beginning July 1, 1993, and ending June  
 10 30, 1994, to be used as provided in this subsection:

11 ..... \$ 200,000

12 The moneys appropriated in this section shall be  
 13 used to support natural lake preservation. The  
 14 department shall award the amount appropriated in this  
 15 subsection to a city as defined in section 362.2 on a  
 16 matching basis with the department contributing one  
 17 dollar for each one dollar dedicated by the city, or  
 18 the city acting in conjunction with a county, for  
 19 natural lake preservation, if the money is dedicated  
 20 on or after March 1, 1991. However, the city, or the  
 21 city and county, must have dedicated at least \$200,000  
 22 of local funds in order to qualify for the award. The  
 23 city must also be located in a county having a  
 24 population of less than 12,000."

25 2. By renumbering as necessary.

By LARRY MURPHY

S-3779 FILED MAY 2, 1993

ADOPTED

## SENATE FILE 425

S-3771

1 Amend the House amendment, S-3766, to Senate File  
2 425, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 4, by inserting after line 42 the  
5 following:

6 "\_\_\_\_. Page 34, by inserting before line 27 the  
7 following:

8 "Sec. \_\_\_\_ Section 18.136, Code 1993, is amended  
9 by adding the following new subsection:

10 NEW SUBSECTION. 13A. Access to the network shall  
11 be offered to agencies of the federal government, not  
12 including the United States postal service or any  
13 United States post office. An agency of the federal  
14 government shall contribute, at a minimum, an amount  
15 consistent with its share of use for the part of the  
16 system in which the entity participates, as determined  
17 by the Iowa communications network board. Access to  
18 the network shall be provided pursuant to a lease  
19 unless such lease would be prohibited by any of the  
20 following:

21 a. Federal law.

22 b. Rule or regulation of the federal agency.

23 c. Policy of the federal agency.

24 d. Lack of funding which prevents an ongoing lease  
25 arrangement from being entered into.

26 If the Iowa communications network board determines  
27 that a lease is prohibited as provided in this  
28 subsection, the board may still permit an agency of  
29 the federal government access to the network upon a  
30 showing by the federal agency to the board that  
31 sufficient federal funding is available to pay for the  
32 costs of connection to the network."

By JOE WELSH

S-3771 FILED MAY 1, 1993  
WITHDRAWN

## SENATE FILE 425

S-3772

1 Amend the House amendment, S-3766, to Senate File  
2 425, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 5, by striking line 26 and inserting the  
5 following:

6 "\_\_\_\_. Page 36, line 16, by inserting after the  
7 word "auditorium" the following: "provided, that debt  
8 service funds shall not be derived from the division  
9 of taxes under section 403.19"."

By ELAINE SZYMONIAK  
MARY E. KRAMER  
O. GENE MADDOX

JAMES R. RIORDAN  
DERRYL McLAREN  
FLORENCE D. BUHR

S-3772 FILED MAY 1, 1993  
ADOPTED

HOUSE AMENDMENT TO  
SENATE FILE 425

S-3766

1 Amend Senate File 425, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 3, line 22, by striking the words and  
4 figures "subsection 2, Code 1993, is" and inserting  
5 the following: "subsections 2 and 7, Code 1993, are".

6 2. Page 4, line 5, by striking the word  
7 "eighteen" and inserting the following: "twenty-  
8 three".

9 3. Page 4, line 6, by inserting after the word  
10 "year" the following: "or was a head of household on  
11 December 31 of the base year, as defined in the  
12 Internal Revenue Code,".

13 4. Page 4, by inserting after line 24 the follow-  
14 ing:

15 "7. "Income" means the sum of Iowa net income as  
16 defined in section 422.7, plus all of the following to  
17 the extent not already included in Iowa net income:  
18 Capital gains, alimony, child support money, cash  
19 public assistance and relief, except property tax  
20 relief granted under this division, amount of in-kind  
21 assistance for housing expenses, the gross amount of  
22 any pension or annuity, including but not limited to  
23 railroad retirement benefits, all payments received  
24 under the federal social security Act, and all  
25 military retirement and veterans' disability pensions,  
26 interest received from the state or federal government  
27 or any of its instrumentalities, workers' compensation  
28 and the gross amount of disability income or "loss of  
29 time" insurance. "Income" does not include gifts from  
30 nongovernmental sources, or surplus foods or other  
31 relief in kind supplied by a governmental agency. In  
32 determining income net operating losses and net  
33 capital losses shall not be considered."

34 5. Page 7, by inserting before line 16 the  
35 following:

36 "Sec. \_\_\_\_ . Section 423.24, Code 1993, is amended  
37 by adding the following new subsection:

38 NEW SUBSECTION. 1A. Twenty percent of all revenue  
39 derived from the use tax on motor vehicles, trailers,  
40 and motor vehicle accessories and equipment as  
41 collected pursuant to section 423.7 shall be deposited  
42 in the GAAP deficit reduction account established in  
43 the department of management pursuant to section 8.57,  
44 subsection 2, and shall be used in accordance with the  
45 provisions of that section."

46 6. Page 12, by inserting after line 21 the  
47 following:

48 "Sec. \_\_\_\_ . LOTTERY TRANSFER. Notwithstanding the  
49 requirement in section 99E.10, subsection 1, to  
50 transfer lottery revenue remaining after expenses are

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Page 2

1 deducted, notwithstanding the requirement under  
 2 section 99E.20, subsection 2, for the commissioner to  
 3 certify and transfer a portion of the lottery fund to  
 4 the CLEAN fund, and notwithstanding the appropriations  
 5 and allocations in section 99E.34, all lottery  
 6 revenues received during the fiscal year beginning  
 7 July 1, 1993, and ending June 30, 1994, after  
 8 deductions for expenses as provided in section 99E.10,  
 9 subsection 1, and as appropriated under any Act of the  
 10 75th General Assembly, 1993 Session, shall not be  
 11 transferred to and deposited into the CLEAN fund but  
 12 shall be transferred and credited to the general fund  
 13 of the state."

14 7. Page 12, line 31, by striking the figure  
 15 "58,750" and inserting the following: "25,000".

16 8. By striking page 14, line 33 through page 15,  
 17 line 11.

18 9. Page 15, by inserting after line 11 the  
 19 following:

20 "\_\_\_\_\_. Of the moneys appropriated in this section  
 21 \$50,000 shall be used for purposes of repairing the  
 22 gates of the dam located in or near the city of  
 23 Mitchell. Each four dollars provided pursuant to this  
 24 subsection shall be matched by one dollar contributed  
 25 by a source other than the state."

26 10. Page 16, by inserting after line 3 the  
 27 following:

28 "\_\_\_\_\_. To the treasurer of state for purposes of  
 29 allocating moneys to assist each of the 103 county  
 30 fairs which are members of the association of Iowa  
 31 fairs, for purposes of supporting annual county fairs  
 32 and improvements to the county fairgrounds:

33 ..... \$ 206,000

34 The treasurer of state shall allocate an equal  
 35 amount to each fair qualified to receive assistance.  
 36 However, moneys must be expended by a county fair on a  
 37 dollar-for-dollar matching basis with moneys received  
 38 from donations contributed to the county fair from  
 39 private sources or moneys contributed by a county to  
 40 aid the county fair pursuant to section 174.14.  
 41 Notwithstanding section 8.33, moneys transferred  
 42 pursuant to this subsection which remain unobligated  
 43 or unexpended on June 30, 1993, shall not revert to  
 44 the general fund of the state but shall remain  
 45 available in the succeeding fiscal year for use as  
 46 provided in this subsection."

47 11. Page 16, by striking lines 4 through 11.

48 12. Page 16, by inserting after line 26 the  
 49 following:

50 "As provided in section 8.33, the moneys

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Page 3

1 transferred pursuant to this subsection shall not  
2 revert to the general fund of the state at the end of  
3 any fiscal year but shall continue to be available  
4 until the projects are completed."

5 13. By striking page 16, line 27, through page  
6 18, line 9.

7 14. Page 18, by striking lines 10 through 25.

8 15. Page 18, by striking lines 26 through 31.

9 16. Page 19, line 16, by inserting after the word  
10 "festivals" the following: "as established by  
11 department rule".

12 17. Page 23, by inserting before line 29 the  
13 following:

14 "DIVISION  
15 TOOLS OF THE TRADE

16 Sec. \_\_\_\_ . AID TO DEPENDENT CHILDREN -- TOOLS OF  
17 THE TRADE DISREGARD. There is appropriated from the  
18 general fund of the state to the department of human  
19 services for the fiscal year beginning July 1, 1993,  
20 and ending June 30, 1994, the following amount, or so  
21 much thereof as is necessary, to be used for the  
22 purpose designated:

23 For costs associated with disregard of a self-  
24 employed individual's tools of the trade or capital  
25 assets under the aid to dependent children program in  
26 accordance with the provisions of 1993 Iowa Acts,  
27 Senate File 268, as approved for implementation by the  
28 federal government:

29 ..... \$ 427,000".

30 18. Page 27, line 9, by striking the words  
31 "RAILROAD SANITATION AND".

32 19. Page 27, lines 21 and 22, by striking the  
33 words and figure "~~7-and-section-327F.37~~" and inserting  
34 the following: ", and section 327F.37".

35 20. Page 27, by striking lines 24 through 35.

36 21. Page 29, line 7, by inserting after the figure  
37 "7," the following: "and chapter 17A,".

38 22. Page 29, by striking lines 11 through 14 and  
39 inserting the following: "by section 88.17."

40 23. Page 30, line 20, by striking the words and  
41 figure "~~and-in-section-327F.37,~~" and inserting the  
42 following: "and in section 327F.37,".

43 24. Page 30, by striking lines 23 through 24.

44 25. Page 30, by inserting after line 26 the fol-  
45 lowing:

46 "Sec. \_\_\_\_ . There is appropriated from the general  
47 fund of the state to the department of management for  
48 the fiscal year beginning July 1, 1993, and ending  
49 June 30, 1994, the following amounts, or so much  
50 thereof as is necessary, to be used for the purposes

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Page 4

1 designated:  
 2 1. CASH RESERVE FUND  
 3 For deposit in the cash reserve fund created in  
 4 section 8.56:  
 5 ..... \$ 2,700,000

6 2. GAAP FUND  
 7 For deposit in the GAAP deficit reduction account  
 8 established in section 8.57, subsection 2, which shall  
 9 be spent during the fiscal year beginning July 1,  
 10 1993, and ending June 30, 1994, for the items on the  
 11 schedule submitted to the general assembly by the  
 12 governor in accordance with the provisions of sections  
 13 8.53 and 8.57:  
 14 ..... \$ 8,500,000

15 Sec. \_\_\_\_ COUNCIL ON HUMAN INVESTMENT -- AD-  
 16 MINISTRATIVE COSTS. There is appropriated from the  
 17 general fund of the state to the department of human  
 18 services for the fiscal year beginning July 1, 1993,  
 19 and ending June 30, 1994, the following amount, or so  
 20 much thereof as is necessary, to be used for the  
 21 purpose designated:

22 For administrative costs relating to the council on  
 23 human investment in fiscal year 1993-1994, in  
 24 accordance with the provisions of 1993 Iowa Acts,  
 25 Senate File 268:  
 26 ..... \$ 123,000".

27 26. By striking page 30, line 27 through page 31,  
 28 line 12.

29 27. Page 31, line 21, by striking the words  
 30 "special olympics, incorporated" and inserting the  
 31 following: "Special Olympics, Incorporated,".

32 28. By striking page 31, line 25 through page 32,  
 33 line 1.

34 29. Page 32, line 19, by striking the word  
 35 "northeast".

36 30. Page 32, line 21, by inserting after the word  
 37 "project." the following: "The department shall  
 38 disburse only those funds which are matched by an  
 39 equivalent amount of funds from local communities,  
 40 businesses, or other nonstate funds."

41 31. Page 32, by striking lines 27 through 35.

42 32. Page 34, by striking lines 21 through 26.

43 33. Page 35, line 7, by inserting after the word  
 44 "claim" the following: "and the costs of  
 45 investigating a claim".

46 34. Page 35, line 8, by inserting after the word  
 47 "fee" the following: "and a fee to reimburse the  
 48 office of the attorney general for the costs of the  
 49 claim investigation".

50 35. By striking page 35, line 34, through page

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1 36, line 9.

2 36. Page 36, by inserting after line 9 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 285.1, subsection 3, unnumbered  
5 paragraph 2, Code 1993, is amended to read as follows:

6 However, a parent or guardian shall not receive  
7 reimbursement for furnishing transportation for more  
8 than ~~three one family members member, who attend~~  
9 ~~attends~~ elementary school and ~~one family member who~~  
10 ~~attends~~ high school."

11 37. Page 36, by inserting after line 9, the  
12 following:

13 "Sec. \_\_\_\_\_. Section 312.2, subsection 19, paragraph  
14 a, Code 1993, is amended to read as follows:

15 a. The treasurer of state, before making the  
16 allotments provided for in this section, for the  
17 fiscal year beginning July 1, 1990, and each  
18 succeeding fiscal year, credit from the road use tax  
19 fund two million dollars to the county bridge  
20 construction fund, which is hereby created. Moneys  
21 credited to the county bridge construction fund shall  
22 be allocated to counties by the department for bridge  
23 construction, ~~and reconstruction, replacement, or~~  
24 ~~realignment~~ based on needs in accordance with rules  
25 adopted by the department."

26 38. Page 36, by striking lines 10 through 16.

27 39. Page 37, line 33, by inserting after the word  
28 "enrollment." the following: "Fifty percent of the  
29 costs of the contract shall be provided by a source  
30 other than the legislative council."

31 40. Page 37, by inserting after line 33 the  
32 following:

33 "Sec. \_\_\_\_\_. STATE AUDIT. The auditor of state  
34 shall conduct a comprehensive audit, as described in  
35 section 11.4, of the expenditures made from the state  
36 communications network fund and the actions taken by  
37 the Iowa public broadcasting board and the department  
38 of general services in relation to the state  
39 communications network. The auditor shall have access  
40 and authority to examine any and all records necessary  
41 to complete the comprehensive audit. Any moneys  
42 necessary to conduct the audit shall be paid from the  
43 state communications network fund. The auditor shall  
44 complete the audit and present a copy of the findings  
45 to the general assembly and the governor by January 1,  
46 1994."

47 41. Page 37, by inserting before line 34 the  
48 following:

49 Sec. 100. Notwithstanding section 291.13, if the  
50 moneys credited to the schoolhouse fund of a school

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1 district from tax revenues collected under the  
2 physical plant and equipment levy during the fiscal  
3 year beginning July 1, 1992, are insufficient to pay  
4 the costs specified in a contract for renovating a  
5 high school building located in the district for use  
6 by grade school students pursuant to a school reor-  
7 ganization contract, and the board has not received  
8 authorization from the school budget review committee  
9 under section 257.31, subsection 7, the board of the  
10 school district may expend an amount not to exceed one  
11 hundred thousand dollars of moneys in the district's  
12 general fund for purposes of the school building  
13 renovation.

14 Sec. \_\_\_\_\_. EFFECTIVE DATE AND APPLICABILITY.  
15 Section 100 of this division, being deemed of  
16 immediate importance, takes effect upon enactment and  
17 is applicable to the school budget year beginning July  
18 1, 1992."

19 42. Page 38, by inserting after line 2 the  
20 following:

21 "Sec. \_\_\_\_\_. The legislative council shall authorize  
22 a study committee on privatization of state functions.  
23 The committee would consider the recommendations of  
24 the Fisher commission, the senate appropriations  
25 subcommittee on privatization, receive information and  
26 testimony from other sources, and make  
27 recommendations.

28 The committee membership would be as follows:

29 1. Three senators, two appointed by the majority  
30 leader, one appointed by the minority leader.

31 2. Three representatives, two appointed by the  
32 speaker of the house of representatives, one appointed  
33 by the minority leader.

34 The legislative council shall designate temporary  
35 co-chairpersons from among the legislative members.

36 3. One ex officio, nonvoting member who shall be  
37 the director of the department of management or the  
38 director's designee.

39 4. One member each representing private business  
40 and a state employee labor organization appointed by  
41 the legislative council. Members appointed under this  
42 subsection will be entitled to receive their actual  
43 expenses for attending meetings of the committee.

44 The committee shall present its recommendations by  
45 November 15, 1993.

46 Sec. \_\_\_\_\_. PRIVATIZATION -- STATE EMPLOYEE  
47 CONSULTATION. A state agency or department shall  
48 consult with and consider alternatives proposed by  
49 employees of the department or organizations  
50 representing state employees prior to privatizing

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1 functions provided by the agency or department."  
2 43. Page 40, by inserting after line 32 the  
3 following:

4 "DIVISION

5 REORGANIZE SCHOOL DISTRICTS

6 Sec. \_\_\_\_\_. Section 257.3, subsection 1, Code 1993,  
7 is amended to read as follows:

8 1. AMOUNT OF TAX. Except as provided in  
9 subsection subsections 2 and 2A, a school district  
10 shall cause to be levied each year, for the school  
11 general fund, a foundation property tax equal to five  
12 dollars and forty cents per thousand dollars of  
13 assessed valuation on all taxable property in the  
14 district. The county auditor shall spread the  
15 foundation levy over all taxable property in the  
16 district.

17 Sec. \_\_\_\_\_. Section 257.3, subsection 2, Code 1993,  
18 is amended by adding the following new unnumbered  
19 paragraph after unnumbered paragraph 2:

20 NEW UNNUMBERED PARAGRAPH. A reorganized school  
21 district which meets the requirements of this section  
22 for reduced property tax rates, but failed to vote on  
23 reorganization or dissolution prior to November 30,  
24 1990, and failed to certify such action to the  
25 department of education by September 1, 1991, shall  
26 cause to be levied a foundation property tax of four  
27 dollars and sixty cents per thousand dollars of  
28 assessed valuation on all eligible taxable property  
29 pursuant to this section. In succeeding school years,  
30 the foundation property tax levy on that portion shall  
31 be increased twenty cents per year until it reaches  
32 the rate of five dollars and forty cents per thousand  
33 dollars of assessed valuation.

34 Sec. \_\_\_\_\_. Section 257.3, Code 1993, is amended by  
35 adding the following new subsection:

36 NEW SUBSECTION. 2A. If a reorganized school  
37 district, whose foundation property tax is reduced  
38 under subsection 2, reorganizes within five school  
39 years from the time of its original reorganization to  
40 which subsection 2 applies, the resulting reorganized  
41 school district shall cause to be levied a foundation  
42 property tax on the taxable property in that portion  
43 of the new reorganized district which, in the year  
44 preceding the latest reorganization, was within the  
45 original reorganized school district to which  
46 subsection 2 applies equal to one dollar per thousand  
47 dollars of assessed value less than the rate the  
48 original reorganized district would have levied under  
49 subsection 2 for the same school year if there had  
50 been no new reorganization. In succeeding school

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1 years, the foundation property tax on that portion of  
2 the new reorganized school district shall be increased  
3 by forty cents for the first succeeding year and by  
4 twenty cents per year thereafter until it reaches the  
5 rate of five dollars and forty cents per thousand  
6 dollars of assessed valuation.

7 Sec. \_\_\_\_\_. Section 257.3, subsection 3, Code 1993,  
8 is amended to read as follows:

9 3. RAILWAY CORPORATIONS. For purposes of section  
10 257.1, the "amount per pupil of foundation property  
11 tax" does not include the tax levied under subsection  
12 1, or 2, or 2A on the property of a railway  
13 corporation, or on its trustee if the corporation has  
14 been declared bankrupt or is in bankruptcy  
15 proceedings.

16 Sec. \_\_\_\_\_. Section 257.11, subsection 2, Code 1993,  
17 is amended by adding the following new unnumbered  
18 paragraph:

19 NEW UNNUMBERED PARAGRAPH. School districts that  
20 have executed whole grade sharing agreements under  
21 section 282.10 through 282.12 beginning with the  
22 budget year beginning on July 1, 1993, and that  
23 received supplementary weighting for shared teachers  
24 or classes under this subsection for the school year  
25 ending prior to the effective date of the whole grade  
26 sharing agreement shall include in its supplementary  
27 weighting amount additional pupils added by the  
28 application of the supplementary weighting plan, equal  
29 to the pupils added by the application of the  
30 supplementary weighting plan pursuant to this  
31 subsection in the budget year beginning July 1, 1992.  
32 If at any time after July 1, 1993, a district ends a  
33 whole grade sharing agreement with the original  
34 district, the agreement was entered and does not enter  
35 into a whole grade sharing agreement with an  
36 alternative district, the school district shall reduce  
37 its supplementary weighting amount by the number of  
38 pupils added by the application of the supplementary  
39 weighting in this subsection in the budget year  
40 beginning July 1, 1992, in the budget year that the  
41 whole grade sharing agreement is terminated.

42 Sec. \_\_\_\_\_. EFFECTIVE DATE. If the total taxable  
43 valuation of real property in the state increases by  
44 at least one-half of one percent over last year then,  
45 this division, being deemed of immediate importance,  
46 takes effect upon its enactment for the purpose of  
47 computations required for payment of state aid and  
48 levying of property taxes by school districts for the  
49 budget year beginning July 1, 1993.

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DIVISION \_\_\_\_\_

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1 RECYCLING -- PACKAGING

2 "Sec. \_\_\_\_ . Section 455D.16, Code 1993, is amended  
3 to read as follows:4 455D.16 PACKAGING PRODUCTS -- RECYCLING -- PRO-  
5 HIBITION OF POLYSTYRENE PRODUCTS.6 The department, in cooperation with businesses  
7 involved in the manufacturing and use of packaging  
8 products or food service items, shall establish a  
9 recycling program to increase the recycling of  
10 packaging products or food service items by twenty-  
11 five percent by July 1, 1993, and by fifty percent by  
12 July 1, 1994. If the recycling goals are not reached,  
13 beginning January 1, ~~1995~~ 1996, a person shall not  
14 manufacture, offer for sale, sell, or use any  
15 polystyrene packaging products or food service items  
16 in this state."17 44. By renumbering, relettering, or redesignating  
18 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3766 FILED MAY 1, 1993

CONCURRED

SENATE FILE 425

AN ACT

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

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

DIVISION I  
STANDING APPROPRIATIONS

Section 1. Section 8.59, Code 1993, is amended to read as follows:

8.59 APPROPRIATIONS FREEZE.

Notwithstanding contrary provisions of the Code, the amounts appropriated under the applicable sections of the Code for fiscal years commencing on or after July 1, 1993, are limited to those amounts expended under those sections for the fiscal year commencing July 1, 1992. If an applicable section appropriates moneys to be distributed to different recipients and the operation of this section reduces the total amount to be distributed under the applicable section, the moneys shall be prorated among the recipients. As used in this section, "applicable sections" means the following sections: 53.50, 229.35, 230.8, 230.11, 405A.8, 411.20, 425.1, 425.39, 426A.1, 459A.7, 663.44, and 822.5.

Sec. 2. Section 422.65, unnumbered paragraph 1, Code 1993, is amended to read as follows:

All moneys received from the franchise tax shall be deposited in the state general fund. Forty-five-percent-of all commencing with the fiscal year beginning July 1, 1993, there is appropriated for each fiscal year from the franchise tax money received and deposited in the state general fund the sum of eight million eight hundred thousand dollars which shall be paid quarterly on warrants by the director, after

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certification by the director, as follows:

Sec. 3. Section 425.1, subsections 1 through 5, Code 1993, are amended to read as follows:

1. A homestead credit fund is created. There is appropriated annually from the general fund of the state to the department of revenue and finance to be credited to the homestead credit fund, ~~an amount sufficient to implement this chapter the amount as provided in section 8.59.~~

The director of revenue and finance shall issue warrants on the homestead credit fund payable to the county treasurers of the several counties of the state under this chapter.

2. The homestead credit fund shall be apportioned each year so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the ~~first-four-thousand-eight-hundred-fifty-dollars-of actual value for each homestead allowable homestead value.~~

3. For purposes of this chapter, the "allowable homestead value" means for the fiscal year beginning July 1, 1994, the amount equal to the appropriation made in subsection 1 for the fiscal year beginning July 1, 1994, divided by the actual amount of homestead claims for taxes due in the fiscal year beginning July 1, 1993, times four thousand eight hundred fifty dollars. For succeeding fiscal years, the allowable homestead value equals the appropriation for that fiscal year divided by the actual amount of homestead claims for taxes due in the previous fiscal year times the allowable homestead value calculated under this subsection for the previous fiscal year.

3 4. The amount due each county shall be paid by the department of revenue and finance in two payments on November 15 and March 15 of each fiscal year, drawn upon warrants payable to the respective county treasurers. The two payments shall be as nearly equal as possible.

4 5. Annually the department of revenue and finance shall estimate the credit not to exceed the actual levy on the first

~~four-thousand-eight-hundred-fifty-dollars-of-actual-value-of each-eligible-homestead-and-shall-certify-to-the-county auditor-of-each-county-the-credit-and-its-amount-in-dollars. The director of revenue and finance shall certify to the county auditor of each county, by April 15 preceding the fiscal year in which the credit is to be paid, the amount of allowable homestead value.~~ Each county auditor shall then enter the credit against the tax levied on each eligible homestead in each county payable during the ensuing year, designating on the tax lists the credit as being from the homestead credit fund, and credit shall then be given to the several taxing districts in which eligible homesteads are located in an amount equal to the credits allowed on the taxes of the homesteads. The amount of credits shall be apportioned by each county treasurer to the several taxing districts as provided by law, in the same manner as though the amount of the credit had been paid by the owners of the homesteads. However, the several taxing districts shall not draw the funds so credited until after the semiannual allocations have been received by the county treasurer, as provided in this chapter. Each county treasurer shall show on each tax receipt the amount of credit received from the homestead credit fund.

~~If the appropriation made in subsection 1 is insufficient to pay all claims in full, the director shall prorate the amount available to each county.~~

~~5--If the homestead-tax-credit-computed-under-this-section is less than sixty-two-dollars-and-fifty-cents, the amount of homestead-tax-credit on that-eligible-homestead-shall-be sixty-two-dollars-and-fifty-cents-subject-to-the-limitation imposed-in-this-section:~~

Sec. 4. Section 425.17, subsections 2 and 7, Code 1993, are amended to read as follows:

2. "Claimant" means a either of the following:

a. A person filing a claim for credit or reimbursement under this division who has attained the age of eighteen

*Item  
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sixty-five years on or before December 31 of the base year, who is a surviving spouse having attained the age of fifty-five years on or before December 31, 1988, or who is totally disabled and was totally disabled on or before December 31 of the base year, and was domiciled in this state during the entire base year, and is domiciled in this state at the time the claim is filed or at the time of the person's death in the case of a claim filed by the executor or administrator of the claimant's estate and, in the case of a person who is not disabled and has not reached the age of sixty-five, was not claimed as a dependent on any other person's tax return for the base year.

b. A person filing a claim for credit or reimbursement under this division who has attained the age of twenty-three years on or before December 31 of the base year or was a head of household on December 31 of the base year, as defined in the Internal Revenue Code, but has not attained the age or disability status described in paragraph "a", and was domiciled in this state during the entire base year, and is domiciled in this state at the time the claim is filed or at the time of the person's death in the case of a claim filed by the executor or administrator of the claimant's estate, and was not claimed as a dependent on any other person's tax return for the base year.

"Claimant" under paragraph "a" or "b" includes a vendee in possession under a contract for deed and may include one or more joint tenants or tenants in common. In the case of a claim for rent constituting property taxes paid, the claimant shall have rented the property during any part of the base year. If a homestead is occupied by two or more persons, and more than one person is able to qualify as a claimant, the persons may determine among them who will be the claimant. If they are unable to agree, the matter shall be referred to the director of revenue and finance not later than October 31 of each year and the director's decision is final.



7. "Income" means the sum of Iowa net income as defined in section 422.7, plus all of the following to the extent not already included in Iowa net income: Capital gains, alimony, child support money, cash public assistance and relief, except property tax relief granted under this division, amount of in-kind assistance for housing expenses, the gross amount of any pension or annuity, including but not limited to railroad retirement benefits, all payments received under the federal social security Act, and all military retirement and veterans' disability pensions, interest received from the state or federal government or any of its instrumentalities, workers' compensation and the gross amount of disability income or "loss of time" insurance. "Income" does not include gifts from nongovernmental sources, or surplus foods or other relief in kind supplied by a governmental agency. In determining income net operating losses and net capital losses shall not be considered.

Sec. 5. Section 425.23, subsection 1, Code 1993, is amended to read as follows:

1. a. The tentative credit or reimbursement for a claimant described in section 425.17, subsection 2, paragraph "a" and paragraph "b" if no appropriation is made to the fund created in section 425.40 shall be determined in accordance with the following schedule:

If the household income is:	Percent of property taxes due or rent constituting property taxes paid allowed as a credit or reimbursement:
\$ 0 -- 5,999.99 .....	100%
6,000 -- 6,999.99 .....	85
7,000 -- 7,999.99 .....	70
8,000 -- 9,999.99 .....	50
10,000 -- 11,999.99 .....	35
12,000 -- 13,999.99 .....	25

b. If moneys have been appropriated to the fund created in section 425.40, the tentative credit or reimbursement for a claimant described in section 425.17, subsection 2, paragraph "b", shall be determined as follows:

(1) If the amount appropriated under section 425.40 plus any supplemental appropriation made for a fiscal year for purposes of this lettered paragraph is at least twenty seven million dollars, the tentative credit or reimbursement shall be determined in accordance with the following schedule:

If the household income is:	Percent of property taxes due or rent constituting property taxes paid allowed as a credit or reimbursement:
\$ 0 -- 5,999.99 .....	100%
6,000 -- 6,999.99 .....	85
7,000 -- 7,999.99 .....	70
8,000 -- 9,999.99 .....	50
10,000 -- 11,999.99 .....	35
12,000 -- 13,999.99 .....	25

(2) If the amount appropriated under section 425.40 plus any supplemental appropriation made for a fiscal year for purposes of this lettered paragraph is less than twenty-seven million dollars the tentative credit or reimbursement shall be determined in accordance with the following schedule:

If the household income is:	Percent of property taxes due or rent constituting property taxes paid allowed as a credit or reimbursement:
\$ 0 -- 5,999.99 .....	50%
6,000 -- 6,999.99 .....	42
7,000 -- 7,999.99 .....	35
8,000 -- 9,999.99 .....	25
10,000 -- 11,999.99 .....	17

12,000 -- 13,999.99 ..... 12

Sec. 6. Section 425.23, subsection 3, paragraph a, Code 1993, is amended to read as follows:

a. A person who is eligible to file a claim for credit for property taxes due and who has a household income of six thousand dollars or less and who has an unpaid special assessment levied against the homestead may file a claim with the county treasurer that the claimant had a household income of six thousand dollars or less and that an unpaid special assessment is presently levied against the homestead. The department shall provide to the respective treasurers the forms necessary for the administration of this subsection. The claim shall be filed not later than September 30 of each year. Upon the filing of the claim, interest for late payment shall not accrue against the amount of the unpaid special assessment due and payable. The claim filed by the claimant constitutes a claim for credit of an amount equal to the actual amount due upon the unpaid special assessment, plus interest, payable during the fiscal year for which the claim is filed against the homestead of the claimant. However, where the claimant is an individual described in section 425.17, subsection 2, paragraph "b", and the tentative credit is determined according to the schedule in section 425.23, subsection 1, paragraph "b", subparagraph (2), the claim filed constitutes a claim for credit of an amount equal to one-half of the actual amount due and payable during the fiscal year. The department of revenue and finance shall, upon the filing of the claim with the department by the treasurer, pay that amount of the unpaid special assessment during the current fiscal year to the treasurer. The treasurer shall submit the claims to the director of revenue and finance not later than October 15 of each year. The director of revenue and finance shall certify the amount of reimbursement due each county for unpaid special assessment credits allowed under this subsection. The amount of reimbursement due each county shall

be paid by the director of revenue and finance on October 20 of each year, drawn upon warrants payable to the respective treasurer. There is appropriated annually from the general fund of the state to the department of revenue and finance an amount sufficient to carry out the provisions of this subsection. The treasurer shall credit any moneys received from the department against the amount of the unpaid special assessment due and payable on the homestead of the claimant.

Sec. 7. Section 423.24, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Twenty percent of all revenue derived from the use tax on motor vehicles, trailers, and motor vehicle accessories and equipment as collected pursuant to section 423.7 shall be deposited in the GAAP deficit reduction account established in the department of management pursuant to section 8.57, subsection 2, and shall be used in accordance with the provisions of that section.

Sec. 8. Section 425.39, Code 1993, is amended to read as follows:

425.39 FUND CREATED -- APPROPRIATION.

1. The extraordinary property tax credit and reimbursement fund is created. There is appropriated annually from the general fund of the state to the department of revenue and finance to be credited to the extraordinary property tax credit and reimbursement fund, from funds not otherwise appropriated, an amount sufficient to implement this division the sum of ten million eight hundred thousand dollars to pay credits and reimbursements for all claimants for which partial funding is not provided from an appropriation made to the fund created in section 425.40.

2. If the amount appropriated under subsection 1, as limited by section 8.59, plus any supplemental appropriation made for purposes of this section for a fiscal year is insufficient to pay all claims in full, the director shall pay, in full, all claims to be paid during the fiscal year for

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reimbursement of rent constituting property taxes paid or if moneys are insufficient to pay all such claims on a pro rata basis. If the amount of claims for credit for property taxes due to be paid during the fiscal year exceed the amount remaining after payment to renters, the director of revenue and finance shall prorate the payments to the counties for the property tax credit. In order for the director to carry out the requirements of this subsection, notwithstanding any provision to the contrary in this division, claims for reimbursement for rent constituting property taxes paid filed before May 1 of the fiscal year shall be eligible to be paid in full during the fiscal year and those claims filed on or after May 1 of the fiscal year shall be eligible to be paid during the following fiscal year and the director is not required to make payments to counties for the property tax credit before June 15 of the fiscal year.

Sec. 9. NEW SECTION. 425.40 LOW-INCOME FUND CREATED -- APPROPRIATION.

1. A low-income tax credit and reimbursement fund is created. Beginning July 1, 1994, there is appropriated annually from the general fund of the state to the department of revenue and finance to be credited to the low-income tax credit and reimbursement fund the sum of thirteen million five hundred thousand dollars to pay credits and reimbursements for claimants described in section 425.17, subsection 2, paragraph "b".

2. If the amount appropriated under subsection 1 plus any supplemental appropriation made for purposes of this section for a fiscal year is insufficient to pay all claims in full, the director shall pay, in full, all claims to be paid during the fiscal year for reimbursement of rent constituting property taxes paid or if moneys are insufficient to pay all such claims on a pro rata basis. If the amount of claims for credit for property taxes due to be paid during the fiscal year exceed the amount remaining after payment to renters, the

director of revenue and finance shall prorate the payments to the counties for the property tax credit. In order for the director to carry out the requirements of this subsection, notwithstanding any provision to the contrary in this division, claims for reimbursement for rent constituting property taxes paid filed before May 1 of the fiscal year shall be eligible to be paid in full during the fiscal year and those claims filed on or after May 1 of the fiscal year shall be eligible to be paid during the following fiscal year and the director is not required to make payments to counties for the property tax credit before June 15 of the fiscal year.

Sec. 10. Section 425A.1, Code 1993, is amended to read as follows:

425A.1 FAMILY FARM TAX CREDIT FUND.

The family farm tax credit fund is created in the office of the treasurer of state. ~~There is appropriated shall be transferred annually to the fund from funds in the general fund not otherwise appropriated the sum of the first ten million dollars of the amount annually appropriated to the agricultural land credit fund, provided in section 426.1.~~ Any balance in the fund on June 30 shall revert to the general fund.

Sec. 11. Section 426.1, Code 1993, is amended to read as follows:

426.1 AGRICULTURAL LAND CREDIT FUND.

There is hereby created as a permanent fund in the office of the treasurer of state a fund to be known as the agricultural land credit fund, and for the purpose of establishing and maintaining said this fund for each fiscal year there is appropriated thereto from funds in the general fund not otherwise appropriated the sum of forty-three thirty-nine million five one hundred thousand dollars of which the first ten million dollars shall be transferred to and deposited into the family farm tax credit fund created in section 425A.1. Any balance in said fund on June 30 shall revert to the general fund.

Sec. 12. Section 427B.17, Code 1993, is amended to read as follows:

427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.

For property defined in section 427A.1, subsection 1, paragraphs "e" and "j", acquired or initially leased on or after January 1, 1985 1982, the taxpayer's valuation shall be limited to thirty percent of the net acquisition cost of the property. For purposes of this section, "net acquisition cost" means the acquired cost of the property including all foundations and installation cost less any excess cost adjustment.

For purposes of this section:

1. Property assessed by the department of revenue and finance pursuant to sections 428.24 to 428.29, or chapters 433, 434 and 436 to 438 shall not receive the benefits of this section.
2. Property acquired on or before January 1, 1985 1982, which was owned or used on or before January 1, 1985 1982, by a related person shall not receive the benefits of this section.
3. Property acquired on or after January 1, 1985 1982, which was owned and used by a related person shall not receive any additional benefits under this section.
4. Property which was owned or used on or before January 1, 1985 1982, and subsequently acquired by an exchange of like property shall not receive the benefits of this section.
5. Property which was acquired on or after January 1, 1985 1982, and subsequently exchanged for like property shall not receive any additional benefits under this section.
6. Property acquired on or before January 1, 1985 1982, which is subsequently leased to a taxpayer or related person who previously owned the property shall not receive the benefits of this section.
7. Property acquired on or after January 1, 1985 1982, which is subsequently leased to a taxpayer or related person

who previously owned the property shall not receive any additional benefits under this section.

For purposes of this section, "related person" means a person who owns or controls the taxpayer's business and another business entity from which property is acquired or leased or to which property is sold or leased. Business entities are owned or controlled by the same person if the same person directly or indirectly owns or controls fifty percent or more of the assets or any class of stock or who directly or indirectly has an interest of fifty percent or more in the ownership or profits.

Property assessed pursuant to this section shall not be eligible to receive a partial exemption under sections 427B.1 to 427B.6.

Sec. 13. Section 453A.7, unnumbered paragraph 2, Code 1993, is amended to read as follows:

There is hereby appropriated out-of-any-funds-in-the-state treasury-not-otherwise-appropriated-sufficient-funds annually from the general fund of the state the sum of one hundred fifteen thousand dollars to carry out the provisions of this section.

Sec. 14. Notwithstanding the standing appropriation in section 285.2, there is appropriated pursuant to section 285.2 from the general fund of the state to the department of education for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

To provide funds for costs of providing transportation services to nonpublic school pupils as authorized by section 285.2:  
..... \$ 6,894,293

Sec. 15. 1992 Iowa Acts, 2nd Extraordinary Session, chapter 1001, section 225, is amended to read as follows:

SEC. 225. Section 215, and 216, 220, 221, 222, and 223 of this Act take effect January 1, 1993, for mobile home tax

claims and property tax claims filed on or after that date. Sections 220, 221, 222, and 223 of this Act take effect January 1, 1994, for property tax claims filed on or after that date. Sections 220, 221, and 222 of this Act are applicable to rent reimbursement claims filed on or after January 1, 1994 1995.

Sec. 16. Notwithstanding the provisions in 1990 Iowa Acts, chapter 1250, sections 6, 8, 9, and 21; 1991 Iowa Acts, chapter 267, sections 524 and 529; and 1992 Iowa Acts, 2nd Extraordinary Session, chapter 1001, section 225; authorizing property tax credits or rent reimbursements for persons whose income is less than \$14,000 and who have not obtained the age of 65 or are not totally disabled on or before December 31 of the base year, as defined in section 425.17, or are not surviving spouses who have attained the age of 55 on or before December 31, 1988, such persons shall not be entitled to a property tax credit or rent reimbursement pursuant to sections 425.17 through 425.39 prior to the effective date of sections 4 through 6 and 8 and 9 of this Act, as applicable, and all claims for such property tax credit filed before January 1, 1994, and for such rent reimbursement filed before January 1, 1995, shall not be allowed.

Sec. 17. LOTTERY TRANSPER. Notwithstanding the requirement in section 99E.10, subsection 1, to transfer lottery revenue remaining after expenses are deducted, notwithstanding the requirement under section 99E.20, subsection 2, for the commissioner to certify and transfer a portion of the lottery fund to the CLEAN fund, and notwithstanding the appropriations and allocations in section 99E.34, all lottery revenues received during the fiscal year beginning July 1, 1993, and ending June 30, 1994, after deductions for expenses as provided in section 99E.10, subsection 1, and as appropriated under any Act of the 75th General Assembly, 1993 Session, shall not be transferred to and deposited into the CLEAN fund but shall be transferred and credited to the general fund of the state.

Sec. 18. Notwithstanding the standing appropriation in section 331.660, there is appropriated pursuant to section 331.660 from the general fund of the state to the county of Tama 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 purpose designated:

For the payment of salary and expenses of a deputy sheriff responsible for law enforcement on the Indian settlement as provided in section 331.660:

..... \$ 58,750

Sec. 19. EDUCATIONAL EXCELLENCE. For the fiscal year beginning July 1, 1993, and ending June 30, 1994, the appropriation made to the department of education pursuant to section 294A.25, subsection 1, shall be reduced by \$750,000.

Sec. 20. Sections 427B.10 through 427B.12 and 427B.14, Code 1993, are repealed.

Sec. 21. Section 3 of this division takes effect January 1, 1994, for homestead credit claims for property taxes payable on or after July 1, 1994. *Vetoed Sect. 21*

Sec. 22. Sections 4 through 6 (and 8) and 9 of this Act take effect January 1, 1994, for property tax claims filed on or after that date. Sections 4, 5, (8), and 9 of this Act are applicable to rent reimbursement claims filed on or after January 1, 1995. *Vetoed Sect. 22 only*

Sec. 23. Sections 15 and 16 of this Act, being deemed of immediate importance, take effect upon enactment and apply retroactively to January 1, 1993.

DIVISION II  
CAPITAL PROJECTS  
DEPARTMENT OF COMMERCE

Sec. 24. 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 amount, or so much thereof as is necessary, to be used for the purpose designated:

For roof repair on the liquor warehouse.

..... \$ 350,000

DEPARTMENT OF CORRECTIONS

Sec. 25. There is appropriated from the general fund of the state to the department of corrections 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 purpose designated:

For critical maintenance needs at correctional facilities:

..... \$ 300,000

DEPARTMENT OF EDUCATION

Sec. 26. There is appropriated from the general fund of the state to the department of education 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 purpose designated:

For roof repair on the building housing the division of vocational rehabilitation:

..... \$ 30,000

DEPARTMENT OF HUMAN SERVICES

Sec. 27. There is appropriated from the general fund of the state to the department of human services 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 purpose designated:

For critical maintenance needs:

..... \$ 300,000

DEPARTMENT OF PUBLIC DEFENSE

Sec. 28. There is appropriated from the general fund of the state to the department of public defense 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 purpose designated:

For capital repairs at the Boone armory:

..... \$ 108,000

DEPARTMENT OF NATURAL RESOURCES

Sec. 29. There is appropriated from the marine fuel tax receipts deposited in the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of funding capitals traditionally funded from marine fuel tax receipts for the purposes specified in section 452A.79:

..... \$ 1,650,000

Notwithstanding section 8.33, the unencumbered or unobligated moneys remaining on June 30, 1994, from moneys appropriated for purposes of funding capitals traditionally funded from marine fuel tax receipts as provided in this section for the fiscal year beginning July 1, 1993, shall revert to the general fund of the state on September 30, 1995.

STATE FAIR -- NATURAL RESOURCES -- CAPITOL COMPLEX

Sec. 30. Notwithstanding 1992 Iowa Acts, chapter 1247, section 45, of the lottery revenues remaining after \$43,200,000 are transferred and credited to the general fund of the state, the following amounts shall be transferred in descending priority order as follows:

1. To the Iowa state fair board for deposit in the foundation fund under the control of the board as provided in section 173.22 for purposes of supporting capital improvements to the Iowa state fairgrounds, including the repair and renovation of structures and the repair or replacement of essential items related to the infrastructure of the fairgrounds:

..... \$ 500,000

The moneys deposited pursuant to this subsection shall be expended by the foundation on a one dollar to two dollar matching basis with moneys contributed to the foundation by private sources. Notwithstanding section 8.33, the unencumbered or unobligated moneys remaining on June 30, 1994,

shall include those specified in sections 218.1 and 904.102. The department of economic development and the decision-making institute may use the funds appropriated pursuant to this subsection to enter into contracts or chapter 28E agreements with political subdivisions, other state departments or state institutions, or other persons in the affected communities to assist in the planning process. The plan shall consider the interests of the communities in providing for economic development, the interests of the affected workers in the institutions, the necessity of providing state services on a statewide basis and the impact of any action in one institution upon other state institutions providing similar services, and the effect of the plan upon state resources. The department of economic development and the decision-making institute shall submit a report detailing the plan to the governor and the general assembly on or before January 15, 1994.

d. Notwithstanding section 8.39, the department of economic development and the decision-making institute of the university of northern Iowa may transfer the funds appropriated pursuant to this subsection as necessary to effectuate the purposes of this subsection.

5. To the department of natural resources for the fiscal year beginning July 1, 1993, and ending June 30, 1994, to be used as provided in this subsection:

..... \$ 200,000

The moneys appropriated in this section shall be used to support natural lake preservation. The department shall award the amount appropriated in this subsection to a city as defined in section 362.2 on a matching basis with the department contributing one dollar for each one dollar dedicated by the city, or the city acting in conjunction with a county, for natural lake preservation, if the money is dedicated on or after March 1, 1991. However, the city, or the city and county, must have dedicated at least \$200,000 of

local funds in order to qualify for the award. The city must also be located in a county having a population of less than 12,000.

Sec. 31. Section 99E.10, subsection 1, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. For the fiscal year beginning July 1, 1993, after the first \$33,000,000 is transferred to the general fund of the state, \$500,000 shall be deposited in the Iowa state fair foundation in the office of the treasurer of state to be used by the foundation fund for capital projects or major maintenance improvements at the Iowa state fairgrounds. For the fiscal period beginning July 1, 1994, and ending June 30, 1996, \$500,000 shall annually be deposited in the Iowa state fair foundation fund in the office of the treasurer of state to be used by the foundation for capital projects or major maintenance improvements at the Iowa state fairgrounds. Matching funds from other sources shall not be required for expenditure of funds deposited pursuant to this subsection.

Sec. 32. BACKBONE PARK STUDY. The department of natural resources shall conduct a study to determine the feasibility of dredging Backbone Lake. The study shall include but is not limited to a review and update of the study of the lake performed in 1974. The department shall report concerning the study to the general assembly by January 30, 1994.

Sec. 33. EFFECTIVE DATE. Section 30 of this division, being deemed of immediate importance, takes effect upon enactment.

DIVISION III

ECONOMIC DEVELOPMENT PROVISIONS

Sec. 34. Section 15.108, subsection 5, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. o. Establish a revolving fund to receive contributions to be used for cooperative advertising efforts. Fees and royalties obtained as a result of licensing the use

from moneys deposited under this subsection shall remain in the Iowa state fair foundation fund.

2. To the treasurer of state for purposes of allocating moneys to assist each of the 103 county fairs which are members of the association of Iowa fairs, for purposes of supporting annual county fairs and improvements to the county fairgrounds:

..... \$ 206,000

The treasurer of state shall allocate an equal amount to each fair qualified to receive assistance. However, moneys must be expended by a county fair on a dollar-for-dollar matching basis with moneys received from donations contributed to the county fair from private sources or moneys contributed by a county to aid the county fair pursuant to section 174.14. Notwithstanding section 8.33, moneys transferred pursuant to this subsection which remain unobligated or unexpended on June 30, 1993, shall not revert to the general fund of the state but shall remain available in the succeeding fiscal year for use as provided in this subsection.

3. To the department of general services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, and used for the purposes designated:

a. For continued restoration of the exterior of the state capitol building:

..... \$ 814,957

b. For facility remodeling to be in compliance with the federal Americans with Disabilities Act:

..... \$ 100,000

c. For roof repair on the capitol annex:

..... \$ 60,000

d. For roof repair on the Hoover building:

..... \$ 30,000

e. For deck repair at the Wallace building:

..... \$ 15,500

As provided in section 8.33, the moneys transferred pursuant to this subsection shall not revert to the general fund of the state at the end of any fiscal year but shall continue to be available until the projects are completed.

4. To the following entities of state government:

a. To the department of economic development for the fiscal year beginning July 1, 1993, and ending June 30, 1994, in addition to other appropriations made to the department for that fiscal year, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For conducting a study to develop a plan for the utilization of state institutions and their physical and human resources and entering into contracts and chapter 28E agreements as specified in paragraph "c":

..... \$ 25,000

b. To the university of northern Iowa for the decision-making institute for the fiscal year beginning July 1, 1993, and ending June 30, 1994, in addition to other appropriations made to the university for that fiscal year, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For conducting a study to develop a plan for the utilization of state institutions and their physical and human resources and entering into contracts and chapter 28E agreements as specified in paragraph "c":

..... \$ 25,000

c. The department of economic development and the institute for decision-making at the university of northern Iowa, in consultation with the department of human services and the department of corrections, shall conduct a study to develop a plan for the utilization of the physical and human resources of communities containing state institutions which are undergoing or may undergo substantial changes in mission, scope, and size of operations. The communities and state institutions examined in the study and included in the plan



of logos and other creative materials for sale by private vendors on selected products may be deposited in the fund. The department shall adopt by rule a schedule for fees and royalties to be charged.

Sec. 35. Section 15.108, subsection 5, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department may establish a revolving fund to receive contributions and funds from the product sales center to be used for startup or expansion of tourism special events, fairs, and festivals as established by department rule.

Sec. 36. Section 15.111, subsection 1, Code 1993, is amended by striking the subsection.

Sec. 37. Section 15.111, subsection 2, paragraph a, Code 1993, is amended by striking the paragraph.

Sec. 38. NEW SECTION. 15.112 PARMWORKS MATCHING FUNDS.

If the federal government funds the "farmworks" national demonstration project for distressed family farmers, the department shall allocate to the project from the rural enterprise fund or another fund, an amount equal to four percent of the federal funding each year for a three-year period on a dollar-for-dollar matching basis with local or private contributions.

Sec. 39. Section 15.225, subsection 1, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Apprenticeship opportunities in conjunction with paragraphs "a" through "d" or in accordance with rules adopted by the board.

Sec. 40. Section 15.251, subsection 2, Code 1993, is amended to read as follows:

2. The department may charge, within thirty days following the sale of certificates under chapter 280B 260E, the board of directors of the merged area a fee of up to one percent of the gross sale amount of the certificates issued. The amount of this fee shall be deposited into a job training fund created

in the ~~office-of-the-treasurer-of-state~~ department and may be used by the department to cover the costs of management of chapter 280B 260E and to support other efforts by the community colleges related to providing productivity and quality enhancement training. Funds deposited under this subsection into the job training fund during a fiscal year which are not expended by the department in that fiscal year are available for use by the department under this subsection for subsequent fiscal years.

Sec. 41. Section 15.287, unnumbered paragraph 2, Code 1993, is amended to read as follows:

Notwithstanding the restrictions on the use of the revolving fund in this section, the director may use unallocated repayments to the revolving fund to pay for administration of programs and to provide matching funds under the Cranston-Gonzalez National Affordable Housing Act of 1990, Pub. L. No. 101-625.

Sec. 42. Section 15E.92, Code 1993, is amended to read as follows:

15E.92 REPORTING AND FUND SOLVENCY.

The chairperson of the corporation on or before ~~July-30~~ December 31 of each fiscal year shall make and deliver a report to the governor and the legislative fiscal committee. The report shall include all transactions conducted by the corporation in the preceding fiscal year. The report shall also include a balance sheet outlining the financial solvency of the Iowa product development corporation fund, a certified copy of any audits of the corporation conducted in the preceding fiscal year, and other information requested by the governor or the legislative fiscal committee.

Sec. 43. Section 15E.169, subsection 1, Code 1993, is amended to read as follows:

1. The purpose of this section is to provide for or facilitate the development of organizations, structures, or other entities organized to provide capital or technical or

other assistance to start new Iowa businesses or to help existing Iowa businesses remain viable or expand through the incorporation under chapter 504A of a nonprofit corporation to organize, capitalize, and fund as follows:

a. An Iowa-based small business investment company which shall have the purpose of increasing the availability of funds for investment in and loans to Iowa small businesses on a regional basis. The small business investment company shall be incorporated under the Iowa law.

b. An Iowa-based Iowa development bank or other community development entity organized to take advantage of the availability of federal programs, funds, guarantees, or other initiatives for the benefit of Iowa communities and small businesses.

Sec. 44. Section 260F.6, subsection 1, Code 1993, is amended to read as follows:

1. There is established for the community colleges a community college job training fund under the supervision of the treasurer of state in the department of economic development. The community college job training fund consists of moneys appropriated for the fiscal year beginning July 1, 1987, and for succeeding fiscal years for the purposes of this chapter plus the interest and principal from repayment of advances made to businesses for program costs, moneys transferred from the Iowa employment retraining fund to the community college job training fund on July 1, 1992, plus the repayments, including interest, of loans made from that retraining fund, and interest earned from moneys in the community college job training fund.

Sec. 45. Section 260F.8, Code 1993, is amended to read as follows:

260F.8 ALLOCATION.

1. For the fiscal year beginning July 1, 1992, only and subsequent years, the department of economic development shall make funds available to the community colleges as follows:

a.--Retraining-projects. The department shall ~~set aside~~ allocate by formula at the beginning of the fiscal year from the moneys ~~newly-appropriated-to~~ in the fund an amount for each merged area to be used to provide the financial assistance for retraining proposals of businesses located in the merged area whose applications have been approved by the department. The financial assistance shall be provided by the department from the amount set aside for that merged area. If any portion of the moneys set aside for a merged area have not been used or committed by March 1 of the fiscal year, that portion is available for use by the department to provide financial assistance to businesses located in other merged areas. The department shall adopt by rule a formula for this set-aside based on population and per capita income of the merged area.

b.--New-jobs-training-projects.--~~The department shall make available financial assistance for new jobs training projects from repayments and interest in the fund from previously funded new jobs training projects.--Funds shall be awarded to projects based on the order proposals are received and approved.~~

2. Moneys available to the community colleges for this program may be used to provide grants to train for new jobs or retain existing jobs when the project costs are less than five thousand dollars. If the project is for a consortium of businesses, project costs shall not exceed an average of five thousand dollars per business.

3.--~~The department shall include with its budget request for the fiscal year beginning July 1, 1993, a preliminary recommendation for the allocation of moneys in the job training fund for the fiscal year beginning July 1, 1993, and succeeding fiscal years.--The department shall seek input from representatives of the community colleges in preparing the recommendation.~~

Sec. 46. 1992 Iowa Acts, chapter 1244, section 1, subsection 2, paragraph e, is amended to read as follows:

e. Small business investment company capitalization

For transfer to the treasurer of state for the purpose of facilitating the organization and private capitalization of the small business investment company or other entity under sections ~~28-162~~ 15E.169 through ~~28-164~~ 15E.171. If the small business investment company or another entity for which the funds are to be used is not organized within ~~eighteen~~ twenty-four months of the effective date of this Act, unused funds shall revert to the general fund of the state:

..... \$ 200,000

Sec. 47. 1993 Iowa Acts, Senate File 227, section 8, is amended to read as follows:

SEC. 8. Notwithstanding other provisions of law to the contrary, \$50,000 of the moneys collected in the rural community 2000 revolving fund created in section 15.287 during fiscal year ~~1993~~ 1992-1993 shall be carried forward and deposited in the economic development deaf interpreters revolving fund created in section 15.108, subsection 7, paragraph "j" on July 1, 1994 1993.

Sec. 48. 1993 Iowa Acts, Senate File 227, section 8, as amended by this Act, takes effect upon the enactment of this Act.

DIVISION IV

TOOLS OF THE TRADE

Sec. 49. AID TO DEPENDENT CHILDREN -- TOOLS OF THE TRADE DISREGARD. Of the funds appropriated for medical assistance in 1993 Iowa Acts, House File 518, section 3, \$427,000 is allocated for costs associated with disregard of a self-employed individual's tools of the trade or capital assets under the aid to dependent children program in accordance with the provisions of 1993 Iowa Acts, Senate file 268, as approved for implementation by the federal government.

DIVISION V

MEDICAL ASSISTANCE LIEN

Sec. 50. Section 249A.6, Code 1993, is amended to read as follows:

249A.6 SUBROGATION LIEN.

1. When payment is made by the department for medical care or expenses through the medical assistance program on behalf of a recipient, the department ~~is subrogated~~ shall have a lien, to the extent of those payments, to all monetary claims which the recipient may have against third parties. A lien under this section is not effective unless the department files a notice of lien with the clerk of the district court in the county where the recipient resides and with the recipient's attorney when the recipient's eligibility for medical assistance is established. The notice of lien shall be filed before the third party has concluded a final settlement with the recipient, the recipient's attorney, or other representative. The third party shall obtain a written determination from the department concerning the amount of the lien before a settlement is deemed final for purposes of this section. A compromise, including but not limited to a settlement, waiver or release, of a claim ~~to which the department is subrogated~~ under this section does not defeat the department's right-of-recovery lien except pursuant to the written agreement of the director or the director's designee ~~or except as provided in this section~~. A settlement, award, or judgment structured in any manner not to include medical expenses or an action brought by a recipient or on behalf of a recipient which fails to state a claim for recovery of medical expenses does not defeat the department's right-of-subrogation lien if there is any recovery on the recipient's claim ~~unless the claim for recovery of medical expenses is barred by an applicable statute of limitation, or the legal representative of the medical assistance recipient does not represent the person or persons who have legal standing to bring the claim for recovery of medical expenses, in such situations, the legal representative shall notify the department of the~~

situation; the department may then notify the person or persons having legal standing to bring the claim of the right to proceed with the claim against the third party tortfeasor. Should the person or persons elect not to proceed, the department may then proceed in a separate action with a claim to recover its subrogation interest.

2. The department shall be given notice of monetary claims against third parties as follows:

a. Applicants for medical assistance shall notify the department of any possible claims against third parties upon submitting the application. Recipients of medical assistance shall notify the department of any possible claims when those claims arise.

b. A person who provides health care services to a person receiving assistance through the medical assistance program shall notify the department whenever the person has reason to believe that third parties may be liable for payment of the costs of those health care services.

c. An attorney representing an applicant for or recipient of assistance on a claim to which the department is subrogated has a lien under this section shall notify the department of the claim of which the attorney has actual knowledge, prior to filing a claim, commencing an action or negotiating a settlement offer. Actual knowledge under this section shall include the notice to the attorney pursuant to subsection 1.

The mailing and deposit in a United States post office or public mailing box of the notice, addressed to the department at its state or district office location, is adequate legal notice of the claim.

3. ~~The subrogation rights of the department are~~ department's lien is valid and binding on an attorney, insurer, or other third party only upon notice by the department or unless the attorney, insurer, or third party has actual notice that the recipient is receiving medical assistance from the department and only to the extent to which

the attorney, insurer, or third party has not made payment to the recipient or an assignee of the recipient prior to the notice. Payment of benefits by an insurer or third party pursuant to the subrogation rights of the lienholder in this section discharges the attorney, insurer, or third party from liability to the recipient or the recipient's assignee to the extent of the payment to the department.

4. If a recipient of assistance through the medical assistance program incurs the obligation to pay attorney fees and court costs for the purpose of enforcing a monetary claim to which the department ~~is subrogated~~ has a lien under this section, upon the receipt of a the judgment or settlement of the total claim, of which the lien for medical assistance payments is a part, the court costs and reasonable attorney fees shall first be deducted from the this total judgment or settlement. One-third of the remaining balance shall then be deducted and paid to the recipient. From the remaining balance, the claim lien of the department shall be paid. Any amount remaining shall be paid to the recipient. An attorney acting on behalf of a recipient of medical assistance for the purpose of enforcing a claim to which the department ~~is subrogated~~ has a lien shall not collect from the recipient any amount as attorney fees which is in excess of the amount which the attorney customarily would collect on claims not subject to this section.

5. For purposes of this section the term "third party" includes an attorney, individual, institution, corporation, or public or private agency which is or may be liable to pay part or all of the medical costs incurred as a result of injury, disease or disability by or on behalf of an applicant for or recipient of assistance under the medical assistance program.

6. The department may enforce its lien by a civil action against any liable third party.

Sec. 51. Section 602.8102, subsection 82, Code 1993, is amended to read as follows:

82. Carry out duties relating to liens as provided in chapters 249A, 570, 571, 572, 574, 580, 581, 582, and 584.

Sec. 52. EMERGENCY RULES. The department of human services may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this division. The rules shall become effective immediately upon filing, unless a later effective date is specified in the rules, and the rules shall be in effect for a period of 180 days following the date the rules take effect. Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

#### DIVISION VI

##### RAILROAD SANITATION AND LABOR PROVISIONS

Sec. 53. Section 84A.2, subsection 2, Code 1993, is amended to read as follows:

2. The division of labor services is responsible for the administration of the laws of this state relating to occupational health and safety, the inspection of amusement rides, the removal and encapsulation of asbestos, the inspection of boilers, wage payment collection, registration of construction contractors, the minimum wage, non-English speaking employees, child labor, employment agency licensing, boxing and wrestling, inspection of elevators, and hazardous chemical risks under chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91B, 91C, 91D, 91E, 92, 94, and 95, ~~and section 327P-37.~~ The executive head of the division is the labor commissioner, appointed pursuant to section 91.2.

Sec. 54. Section 88.5, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 12. RAILWAY SANITATION, SHELTER, AND POTABLE WATER. A railway corporation within the state shall provide adequate sanitation and shelter for all railway employees. The commissioner shall adopt rules requiring railway corporations within the state to provide a safe and

healthy workplace. For purposes of this section, a locomotive engine includes all railway engines used in train or yard service. The commissioner shall enforce the requirements of this section upon the receipt of a written complaint.

Sec. 55. Section 88.8, subsection 3, unnumbered paragraph 1, Code 1993, is amended to read as follows:

If an employer notifies the commissioner that the employer intends to contest a citation issued under section 88.7, or notification issued under subsection 1 or 2 of this section or if, within fifteen working days of the issuance of a citation under section 88.7, any employee or authorized employee representative files a notice with the commissioner alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the commissioner shall immediately advise the appeal board of such notification, and the appeal board shall afford an opportunity for a hearing. At the hearing, the appeal board shall act as an adjudicatory body. The appeal board shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the commissioner's citation or proposed penalty or directing other appropriate relief, and such order shall become final thirty days after its issuance. Upon a showing by an employer of a good faith effort to comply with the abatement requirements of a citation, and that abatement has not been completed because of factors beyond the employer's reasonable control, the commissioner, after an opportunity for a hearing shall issue an order affirming or modifying the abatement requirements in such citation. The rules of procedure prescribed by the appeal board shall provide affected employees or representatives of affected employees an opportunity to participate as parties to hearings under this subsection, and shall conform to rules of procedure ~~promulgated and~~ adopted under the federal law by federal authorities insofar as the same federal rules of procedure do not conflict with state law.

Sec. 56. Section 88.9, subsection 1, Code 1993, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The commissioner may obtain judicial review or enforcement of any final order or decision of the appeal board by filing a petition in the district court of the county in which the alleged violation occurred or in which the employer has its principal office. The judicial review provisions of chapter 17A shall govern such proceedings to the extent applicable.

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 10A.601, subsection 7, and chapter 17A, the commissioner has the exclusive right to represent the appeal board in any judicial review of an appeal board decision under this chapter in which the commissioner does not appeal the appeal board decision, except as provided by section 88.17.

Sec. 57. Section 88.9, subsection 2, Code 1993, is amended to read as follows:

2. UNCONTESTED APPEAL BOARD ORDERS. ~~The commissioner may also obtain review or enforcement of any final order of the appeal board by filing a petition for such relief in the district court of the county in which the alleged violation occurred or in which the employer has its principal office and the judicial review provisions of the Iowa administrative procedure Act shall govern such proceedings to the extent applicable.~~ If no petition for judicial review is filed within sixty days after service of the appeal board's order, the appeal board's findings of fact and order shall be conclusive in connection with any petition for enforcement which is filed by the commissioner after the expiration of such sixty-day period. In any such case, as well as in the case of a noncontested citation or notification by the commissioner which has become a final order of the appeal board under section 88.8, subsection 1 or 2, the clerk of the district court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order and shall

transmit a copy of such decree to the appeal board and the employer named in the petition. In any contempt proceeding brought to enforce a decree of a district court entered pursuant to this subsection or subsection 1 of this section, the district court may assess the penalties provided in section 88.14 in addition to invoking any other available remedies.

Sec. 58. Section 91.4, subsection 5, Code 1993, is amended to read as follows:

5. The director of the department of employment services, in consultation with the labor commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division of labor services for the preceding year, the number of disputes or violations processed by the division and the disposition of the disputes or violations, and other matters pertaining to the division which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91B, 91C, 91D, 91E, 92, 94, and 95, and in section 327P.37, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

Sec. 59. Sections 327F.37 and 327F.38, Code 1993, are repealed.

DIVISION VII  
MISCELLANEOUS PROVISIONS

Sec. 60. COUNCIL ON HUMAN INVESTMENT -- ADMINISTRATIVE COSTS. There is appropriated from the general fund of the state to the department of human services 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 purpose designated:

For administrative costs relating to the council on human investment in fiscal year 1993-1994, in accordance with the provisions of 1993 Iowa Acts, Senate File 268:

..... \$ 123,000

Sec. 61. WORLD FOOD PRIZE. Notwithstanding the requirement in section 99E.10, subsection 1, to transfer lottery revenue remaining after expenses are deducted, before the transfer of the revenue there is appropriated from the lottery fund to the treasurer 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 purpose designated:

For the continued funding of Iowa's participation in the funding of the world food prize:

..... \$ 125,000

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

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

Sec. 62. IMAGES. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the amount of \$60,000 to be allocated to Merged Area XI, to be used for the purposes of grants to students for the Iowa minority academic grants for economic success program under sections 261.101 through 261.105.

Sec. 63. There is appropriated from the general fund of the state to the Iowa Special Olympics, Incorporated, for the fiscal year beginning July 1, 1993, the sum of \$15,000 to be used for Iowa special olympics programs benefiting the citizens of Iowa with disabilities.

Sec. 64. IOWA COMPUTER INITIATIVE. Notwithstanding the requirement in section 99E.10, subsection 1, to transfer lottery revenue remaining after expenses are deducted, following the transfer of revenues in the amount of \$33,000,000, the next \$250,000 is appropriated from the lottery fund to the department of education for the fiscal year beginning July 1, 1993, and ending June 30, 1994, to be used for the Iowa computer initiative and establishment of an educational technology consortium which may enter into contracts for services to fulfill the duties of the consortium. Notwithstanding section 8.33, the funds appropriated in this section for the Iowa computer initiative shall not revert at the end of the fiscal year, but may be expended in the next fiscal year for the same purposes for which they were appropriated.

Sec. 65. DRUG ABUSE RESISTANCE EDUCATION. Notwithstanding section 8.33, of the funds appropriated to the department of public safety pursuant to 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 404, \$15,000 shall not revert to the general fund of the state on June 30, 1993, but shall be considered encumbered and shall be transferred to the law enforcement academy and used during the fiscal year beginning July 1, 1993, to enhance project D.A.R.E. (drug abuse resistance education) activities.

Sec. 66. NATIONAL HERITAGE LANDSCAPE. Notwithstanding other provisions of law to the contrary, \$50,000 of the moneys deposited in the rural community 2000 revolving fund created in section 15.287 during the fiscal year beginning July 1, 1992, shall be carried forward into the fiscal year beginning July 1, 1993, and is appropriated for that year to the department of economic development to coordinate promotion of state and local efforts to establish a national heritage landscape in Iowa, including the payment of expenses of the department and other state agencies related to this project. The department shall disburse only those funds which are

matched by an equivalent amount of funds from local communities, businesses, or other nonstate funds.

Notwithstanding section 8.33, moneys for the national heritage landscape remaining unencumbered or unobligated on June 30, 1994, shall not revert and shall be available for expenditure during the fiscal year beginning July 1, 1994, for the same purpose.

Sec. 67. There is appropriated from the general fund of the state to the division of inspections of the department of inspections and appeals, if House File 659 is enacted by the 75th General Assembly, 1993 Session, for the fiscal year beginning July 1, 1993, the sum of \$10,000, or so much thereof as is necessary, for data processing services for implementation of House File 659, if so enacted. This appropriation is in addition to any other appropriation made to the department of inspections and appeals.

Sec. 68. If Senate File 394 is enacted by the 75th General Assembly, 1993 Session, the division of investigations of the department of inspections and appeals is authorized an additional 1.0 full-time equivalent position for implementation of Senate File 394, if so enacted.

Sec. 69. LUCAS STATE OFFICE BUILDING.

1. The division of insurance of the department of commerce and the department of general services shall continue the fire, safety, and federal Americans with Disabilities Act renovations initiated pursuant to 1990 Iowa Acts, chapter 1266, section 13, subsection 7, for the Lucas state office building.

2. Funds for the renovations shall be made available for the purposes of subsection 1 to the extent the revenue of the division of insurance exceeds state revenue projections for fiscal year 1992-1993, and all other appropriations from that revenue are satisfied. In no event shall expenditures exceed the amount necessary for the Lucas state office building to meet minimum fire, safety, and federal Americans with Disabilities Act requirements.

3. It is the intent of the general assembly that the requirements of this section shall be accomplished as soon after the effective date of this section as practically feasible.

Sec. 70. COOPERATIVE ACTIVITIES -- DEPARTMENTS OF HUMAN SERVICES AND PUBLIC HEALTH.

1. The department of human services and the Iowa department of public health shall request technical assistance from outside state government in order to jointly examine the potential for increasing federal funding under the medical assistance program for the provision of community-based substance abuse treatment. The departments shall periodically report to the legislative fiscal bureau concerning the outside technical assistance.

2. The department of human services and the Iowa department of public health shall cooperate in developing additional marketing and advertising materials targeted to families with children covered under the medical assistance program. The materials shall be designed to publicize the importance of preventive health services, including but not limited to scheduled screenings covered under the early and periodic screening, diagnosis, and treatment (EPSDT) provisions and periodic immunizations. The departments shall jointly seek the assistance of the private sector in designing these materials and shall periodically report to the legislative fiscal bureau.

Sec. 71. DIVISION OF NARCOTICS ENFORCEMENT -- VEHICLE PURCHASE. It is the intent of the general assembly that the division of narcotics enforcement of the department of public safety shall purchase no more than five motor vehicles of the same make or model based upon specifications submitted by the department.

Sec. 72. Section 25.1, Code 1993, is amended to read as follows:

25.1 RECEIPT, INVESTIGATION, AND REPORT.



When a claim is filed or made against the state, on which in the judgment of the director of management the state would be liable except for the fact of its sovereignty or which has no appropriation available for its payment, the director of management shall deliver said that claim to the state appeal board. The state appeal board shall make a record of the receipt of said that claim and forthwith deliver same it to the special assistant attorney general for claims who shall, with a view to determining the merits and legality thereof of it, fully investigate said the claim, including the facts upon which it is based and report in duplicate findings and conclusions of law to the state appeal board. To help defray the initial costs of processing a claim and the costs of investigating a claim, the department of management may assess a processing fee and a fee to reimburse the office of the attorney general for the costs of the claim investigation against the state agency which incurred the liability of the claim.

Sec. 73. Section 25.2, Code 1993, is amended to read as follows:

25.2 EXAMINATION OF REPORT -- APPROVAL OR REJECTION -- PAYMENT.

The state appeal board with the recommendation of the special assistant attorney general for claims may approve or reject claims against the state of less than ten years covering the following: Outdated warrants; outdated sales and use tax refunds; license refunds; additional agricultural land tax credits; outdated invoices; fuel and gas tax refunds; outdated homestead and veterans' exemptions; outdated funeral service claims; tractor fees; registration permits; outdated bills for merchandise; services furnished to the state; claims by any county or county official relating to the personal property tax credit; and refunds of fees collected by the state. Payments authorized by the state appeal board shall be paid from the appropriation or fund of original certification

of the claim; ~~except that if such.~~ However, if that appropriation or fund has since reverted under section 8.33 then such payment authorized by the state appeal board shall be out of any money in the state treasury not otherwise appropriated. Notwithstanding the provisions of this section, the director of revenue and finance may reissue outdated warrants.

Sec. 74. Section 159A.7, subsection 3, as enacted in 1992 Iowa Acts, chapter 1099, section 4, is amended to read as follows:

3. Moneys shall be deposited in the ethanol production incentive account as provided in section 423.24. One percent of the moneys deposited in the account during each quarter shall be allocated to the department for administration of the office. The remaining moneys shall be allocated to provide financial incentives to support the increased production of ethanol derived from an organic compound, including a photosynthate, as provided in section 159A.8.

Sec. 75. Section 312.2, subsection 19, paragraph a, Code 1993, is amended to read as follows:

a. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, credit from the road use tax fund two million dollars to the county bridge construction fund, which is hereby created. Moneys credited to the county bridge construction fund shall be allocated to counties by the department for bridge construction, and reconstruction, replacement, or realignment based on needs in accordance with rules adopted by the department.

Sec. 76. Section 331.441, subsection 2, paragraph b, Code 1993, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (13) The acquisition, pursuant to a chapter 28E agreement, of a city convention center or veterans memorial auditorium, including the renovation, remodeling, reconstruction, expansion, improvement, or equipping of such a

center or auditorium provided, that debt service funds shall not be derived from the division of taxes under section 403.19.

Sec. 77. 1990 Iowa Acts, chapter 1267, section 9, subsection 2, as amended by 1992 Iowa Acts, chapter 1238, section 39, is amended to read as follows:

2. To be used to implement section 306D.3:

..... \$ 500,000

Notwithstanding section 8.33, the funds appropriated in this subsection shall remain available for obligation until June 30, 1993 1994, and once obligated shall remain available until expended. Public or private entities willing to donate land for scenic highway projects shall be given preference in project selection if the land is accepted by the department.

Sec. 78. 1993 Iowa Acts, Senate File 343, section 2, subsection 2, paragraph b, is amended to read as follows:

b. The coordinate system south zone is a Lambert conformal conic project projection of the north American datum of 1983, having standard parallels at north latitudes forty degrees, thirty-seven minutes, and forty-one degrees, forty-seven minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian ninety-three degrees, thirty minutes west of Greenwich, and the parallel forty degrees, zero minutes north latitude. This origin is given the coordinates: x equals five hundred thousand meters exact and y equals zero meters exact.

Sec. 79. Section 135H.4, Code 1993, as amended by 1993 Iowa Acts, House File 518, section 29, is amended to read as follows:

135H.4 LICENSURE.

A person shall not establish, operate, or maintain a psychiatric medical institution for children unless the person obtains a license for the institution under this chapter and either holds a license under section 237.3, subsection 2, paragraph "a", as a comprehensive residential facility for

children or holds a license under section 125.13, if the facility provides substance abuse treatment.

Sec. 80. Section 135H.6, subsection 6, Code 1993, as amended by 1993 Iowa Acts, House File 518, section 30, is amended to read as follows:

6. The proposed psychiatric institution is under the direction of an agency which has operated a facility licensed under section 237.3, subsection 2, paragraph "a", as a comprehensive residential facility for children for three years or of an agency which has operated a facility for three years providing psychiatric services exclusively to children or adolescents and the facility meets or exceeds requirements for licensure under section 237.3, subsection 2, paragraph "a", as a comprehensive residential facility for children.

Sec. 81. OPEN ENROLLMENT STUDY. The legislative council is requested to contract with the North central regional education laboratory to conduct a study of the effects of open enrollment under section 282.18 upon the education system of this state and upon the school districts affected by open enrollment. Fifty percent of the costs of the contract shall be provided by a source other than the legislative council.

Sec. 82. STATE AUDIT. The auditor of state shall conduct a comprehensive audit, as described in section 11.4, of the expenditures made from the state communications network fund and the actions taken by the Iowa public broadcasting board and the department of general services in relation to the state communications network. The auditor shall have access and authority to examine any and all records necessary to complete the comprehensive audit. Any moneys necessary to conduct the audit shall be paid from the state communications network fund. The auditor shall complete the audit and present a copy of the findings to the general assembly and the governor by January 1, 1994.

Sec. 83. Notwithstanding section 291.13, if the moneys credited to the schoolhouse fund of a school district from tax

revenues collected under the physical plant and equipment levy during the fiscal year beginning July 1, 1992, are insufficient to pay the costs specified in a contract for renovating a high school building located in the district for use by grade school students pursuant to a school reorganization contract, and the board has not received authorization from the school budget review committee under section 257.31, subsection 7, the board of the school district may expend an amount not to exceed one hundred thousand dollars of moneys in the district's general fund for purposes of the school building renovation.

Sec. 84. EFFECTIVE DATE AND APPLICABILITY. Section 83 of this division, being deemed of immediate importance, takes effect upon enactment and is applicable to the school budget year beginning July 1, 1992.

Sec. 85. EFFECTIVE DATE. Sections 65, 66, 69, 77, 78, 79, and 80 of this division, being deemed of immediate importance, take effect upon enactment.

Sec. 86. The legislative council shall authorize a study committee on privatization of state functions. The committee would consider the recommendations of the Fisher commission, the senate appropriations subcommittee on privatization, receive information and testimony from other sources, and make recommendations.

The committee membership would be as follows:

1. Three senators, two appointed by the majority leader, one appointed by the minority leader.
2. Three representatives, two appointed by the speaker of the house of representatives, one appointed by the minority leader.

The legislative council shall designate temporary co-chairpersons from among the legislative members.

3. One ex officio, nonvoting member who shall be the director of the department of management or the director's designee.

*vetoed*

*vetoed*

*vetoed*

4. One member each representing private business and a state employee labor organization appointed by the legislative council. Members appointed under this subsection will be entitled to receive their actual expenses for attending meetings of the committee.

The committee shall present its recommendations by November 15, 1993.

Sec. 87. PRIVATIZATION -- STATE EMPLOYEE CONSULTATION. A state agency or department shall consult with and consider alternatives proposed by employees of the department or organizations representing state employees prior to privatizing functions provided by the agency or department.

DIVISION VIII

LIENS

Sec. 88. Section 554.9310, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A perfected security interest in collateral takes priority over any lien that is given equal precedence with ordinary taxes under chapter 260E or 260F, or its successor provisions, except for a lien under chapter 260E or 260F upon the collateral described in a financing statement or a job training agreement satisfying the requirements for a financing statement under section 554.9402, subsection 1, which is perfected by filing the financing statement or the job training agreement with the secretary of state prior to the perfection of a conflicting security interest, and a subordinate lien under chapter 260E or 260F may be divested or discharged by judicial sale, as provided in part 5 of this article 9 or by other available legal remedy notwithstanding any provision to the contrary contained in chapter 260E or 260F, or its successor provisions. Nothing in this section shall abrogate the collection of, or any lien for, unpaid property taxes which have attached to real estate pursuant to chapter 445, including taxes levied against tangible property that is assessed and taxed as real property pursuant to

chapter 427A, or the collection of, or any lien for, unpaid taxes for which notice of lien has been properly recorded or filed pursuant to section 422.26.

Sec. 89. Section 554.9402, subsection 1, Code 1993, is amended to read as follows:

1. A financing statement is sufficient if it gives the names of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown, the statement must also contain a description of the real estate concerned. When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to section 554.9103, subsection 5, or when the financing statement is filed as a fixture filing (section 554.9313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection 5. A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A copy of a jobs training agreement entered into under chapter 260E or 260F between an employer and a community college is sufficient as a financing statement if it contains the information required by this section and is signed by the employer. A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state. The secretary of state must accept for filing a copy of a signature required by this section. The secretary of state may adopt rules for the electronic filing of a financing statement.

Sec. 90. Section 558.1, Code 1993, is amended to read as follows:

558.1 "INSTRUMENTS AFFECTING REAL ESTATE" DEFINED -- REVOCATION.

All instruments containing a power to convey, or in any manner relating to real estate, including certified copies of petitions in bankruptcy with or without the schedules appended, of decrees of adjudication in bankruptcy, and of orders approving trustees' bonds in bankruptcy, and a jobs training agreement entered into under chapter 260E or 260F between an employer and community college which contains a description of the real estate affected, shall be held to be instruments affecting the same; and no such instrument, when acknowledged or certified and recorded as in this chapter prescribed, can be revoked as to third parties by any act of the parties by whom it was executed, until the instrument containing such revocation is acknowledged and filed for record in the same office in which the instrument containing such power is recorded, except that uniform commercial code financing statements and financing statement changes need not be thus acknowledged.

Sec. 91. Section 558.41, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An interest in real estate evidenced by an instrument so filed shall have priority over any lien that is given equal precedence with ordinary taxes under chapter 260E or 260F, or its successor provisions, except for a lien under chapter 260E or 260F upon the real estate described in an instrument or job training agreement filed in the office of the recorder of the county in which the real estate is located prior to the filing of a conflicting instrument affecting the real estate, and a subordinate lien under chapter 260E or 260F may be divested or discharged by judicial sale or by other available legal remedy notwithstanding any provision to the contrary contained in

chapter 260E or 260F, or its successor provisions. Nothing in this section shall abrogate the collection of, or any lien for, unpaid property taxes which have attached to real estate pursuant to chapter 445, including taxes levied against tangible property that is assessed and taxed as real property pursuant to chapter 427A, or the collection of, or any lien for, unpaid taxes for which notice of lien has been properly recorded pursuant to section 422.26.

## DIVISION IX

## REORGANIZE SCHOOL DISTRICTS

Sec. 92. Section 257.3, subsection 1, Code 1993, is amended to read as follows:

1. AMOUNT OF TAX. Except as provided in subsection 2 and 2A, a school district shall cause to be levied each year, for the school general fund, a foundation property tax equal to five dollars and forty cents per thousand dollars of assessed valuation on all taxable property in the district. The county auditor shall spread the foundation levy over all taxable property in the district.

Sec. 93. Section 257.3, subsection 2, Code 1993, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. A reorganized school district which meets the requirements of this section for reduced property tax rates, but failed to vote on reorganization or dissolution prior to November 30, 1990, and failed to certify such action to the department of education by September 1, 1991, shall cause to be levied a foundation property tax of four dollars and sixty cents per thousand dollars of assessed valuation on all eligible taxable property pursuant to this section. In succeeding school years, the foundation property tax levy on that portion shall be increased twenty cents per year until it reaches the rate of five dollars and forty cents per thousand dollars of assessed valuation.

Sec. 94. Section 257.3, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. If a reorganized school district, whose foundation property tax is reduced under subsection 2, reorganizes within five school years from the time of its original reorganization to which subsection 2 applies, the resulting reorganized school district shall cause to be levied a foundation property tax on the taxable property in that portion of the new reorganized district which, in the year preceding the latest reorganization, was within the original reorganized school district to which subsection 2 applies equal to one dollar per thousand dollars of assessed value less than the rate the original reorganized district would have levied under subsection 2 for the same school year if there had been no new reorganization. In succeeding school years, the foundation property tax on that portion of the new reorganized school district shall be increased by forty cents for the first succeeding year and by twenty cents per year thereafter until it reaches the rate of five dollars and forty cents per thousand dollars of assessed valuation.

Sec. 95. Section 257.3, subsection 3, Code 1993, is amended to read as follows:

3. RAILWAY CORPORATIONS. For purposes of section 257.1, the "amount per pupil of foundation property tax" does not include the tax levied under subsection 1, or 2, or 2A on the property of a railway corporation, or on its trustee if the corporation has been declared bankrupt or is in bankruptcy proceedings.

Sec. 96. Section 257.11, subsection 2, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. School districts that have executed whole grade sharing agreements under section 282.10 through 282.12 beginning with the budget year beginning on July 1, 1993, and that received supplementary weighting for shared teachers or classes under this subsection for the

school year ending prior to the effective date of the whole grade sharing agreement shall include in its supplementary weighting amount additional pupils added by the application of the supplementary weighting plan, equal to the pupils added by the application of the supplementary weighting plan pursuant to this subsection in the budget year beginning July 1, 1992. If at any time after July 1, 1993, a district ends a whole grade sharing agreement with the original district and does not enter into a whole grade sharing agreement with an alternative district, the school district shall reduce its supplementary weighting amount by the number of pupils added by the application of the supplementary weighting in this subsection in the budget year beginning July 1, 1992, in the budget year that the whole grade sharing agreement is terminated.

Sec. 97. CONTINGENT EFFECTIVE DATE. If the actual taxable valuation of real property located in this state, based upon January 1, 1992, assessments, which is used in the computation of property taxes payable in the fiscal year beginning July 1, 1993, increases from the estimate of such taxable valuation then 1993 Iowa Acts, House File 496, if enacted, takes effect July 1, 1993, and then this division, being deemed of immediate importance, takes effect upon its enactment for the purpose of computations required for payment of state aid and levying of property taxes by school districts for the budget year beginning July 1, 1993.

## DIVISION X

## RECYCLING -- PACKAGING

Sec. 98. Section 455D.16, Code 1993, is amended to read as follows:

455D.16 PACKAGING PRODUCTS -- RECYCLING -- PROHIBITION OF POLYSTYRENE PRODUCTS.

The department, in cooperation with businesses involved in the manufacturing and use of packaging products or food service items, shall establish a recycling program to increase

the recycling of packaging products or food service items by twenty-five percent by July 1, 1993, and by fifty percent by July 1, 1994. If the recycling goals are not reached, beginning January 1, 1995 1996, a person shall not manufacture, offer for sale, sell, or use any polystyrene packaging products or food service items in this state.

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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 425, Seventy-fifth General Assembly.

\_\_\_\_\_  
JOHN F. DWYER  
Secretary of the Senate

Approved *John Wetzel* 5/28, 1993

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TERRY E. BRANSTAD  
Governor