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FEB 23 1998

APPROPRIATIONS CALENDAR

HOUSE FILE 2395
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 572)

Passed House, Date ^(p. 402) 3/2/98 Passed Senate, Date ^(p. 1462) 4/22/98
Vote: Ayes 55 Nays 41 Vote: Ayes 30 Nays 18
Approved Item Vetoes 5/21/98

A BILL FOR

1 An Act relating to and making supplemental and other
2 appropriations for the fiscal year beginning July 1, 1997, and
3 providing an effective date.

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

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HF 2395

1 Section 1. DEPARTMENT OF GENERAL SERVICES. There is
 2 appropriated from the general fund of the state to the
 3 department of general services for the fiscal year beginning
 4 July 1, 1997, and ending June 30, 1998, to supplement the
 5 appropriations made in 1997 Iowa Acts, chapter 211, section 6,
 6 subsection 5, the following amount, or so much thereof as is
 7 necessary, to be used for the purpose designated:

8 For utility costs:
 9 \$ 60,000

10 Sec. 2. 1997 Iowa Acts, chapter 215, section 2,
 11 subsections 6 and 7, are amended to read as follows:

12 6. For the installation of storm drainage, grading, new
 13 asphalt, new lighting, and ~~striping of capitol complex parking~~
 14 ~~lots 4 and 5 in accordance with capitol complex renovation~~
 15 ~~plans, provided that not more than \$450,000 shall be used for~~
 16 ~~lot 4 and not more than \$105,000 shall be used for lot 5 and~~
 17 ~~provided that existing capitol complex construction plans do~~
 18 ~~not conflict with the parking lot improvements:~~

19 \$ ---555,000

20 ---7---For filling cracks, resurfacing, new handicapped
 21 parking signs which comply with the provisions of chapter
 22 321L, as amended by 1997 Iowa Acts, House File 688, and
 23 striping capitol complex parking lots 13, 4, 5, and 15 in
 24 accordance with capitol complex renovation plans, provided
 25 ~~that not more than \$100,750 shall be used for lot 13 and not~~
 26 ~~more than \$75,000 shall be used for lot 15 and provided that~~
 27 existing capitol complex construction plans do not conflict
 28 with the parking lot improvements:

29 \$ 175,750
 30 730,750

31 Sec. 3. DEPARTMENT OF CORRECTIONS. There is appropriated
 32 from the rebuild Iowa infrastructure fund to the department of
 33 corrections for the fiscal year beginning July 1, 1997, and
 34 ending June 30, 1998, the following amount, or so much thereof
 35 as is necessary, to be used for the purpose designated:

1 For construction of buildings to provide work space for
2 prisoners:
3 \$ 2,200,000

4 Notwithstanding section 8.33, unencumbered or unobligated
5 funds remaining on June 30, 2000, from the funds appropriated
6 in this section shall revert to the rebuild Iowa
7 infrastructure fund.

8 Sec. 4. DEPARTMENT OF EDUCATION -- SUBSIDIZATION FUND.

9 There is appropriated from the general fund of the state to
10 the department of education for the fiscal year beginning July
11 1, 1997, and ending June 30, 1998, to supplement the
12 appropriations made in 1997 Iowa Acts, chapter 210, section 2,
13 subsection 2, paragraph "a", the following amount, or so much
14 thereof as is necessary, to be used for the purpose
15 designated:

16 For the subsidization of video rates:
17 \$ 616,000

18 Sec. 5. DEPARTMENT OF EDUCATION. There is appropriated
19 from the general fund of the state to the public broadcasting
20 division of the department of education for the fiscal year
21 beginning July 1, 1997, and ending June 30, 1998, to
22 supplement the appropriations made in 1997 Iowa Acts, chapter
23 212, section 7, subsection 7, the following amount, or so much
24 thereof as is necessary, to be used for the purpose
25 designated:

26 For a study of the digital television conversion:
27 \$ 150,000

28 Notwithstanding section 8.33, any unobligated or
29 unencumbered funds remaining at the end of the fiscal year
30 shall not revert to the general fund of the state but shall be
31 available for expenditure during the following fiscal year for
32 the purpose designated in this section.

33 Sec. 6. DEPARTMENT OF NATURAL RESOURCES. There is
34 appropriated from the general fund of the state to the
35 department of natural resources for the fiscal year beginning

1 July 1, 1997, and ending June 30, 1998, the following amount,
2 or so much thereof as is necessary, to be used for the purpose
3 designated:

4 For the value of sick leave pay that needs to be paid out
5 due to retirement of personnel in the parks and preserves
6 division:

7 \$ 350,000

8 Sec. 7. DEPARTMENT OF NATURAL RESOURCES. There is
9 appropriated from the state fish and game protection fund
10 created in section 456A.17 to the department of natural
11 resources for the fiscal year beginning July 1, 1997, and
12 ending June 30, 1998, the following amount, or so much thereof
13 as is necessary, to be used for the purpose designated:

14 For the value of sick leave pay that needs to be paid out
15 due to retirement of personnel in the fish and wildlife
16 division:

17 \$ 245,000

18 Sec. 8. ENHANCED COURT COLLECTIONS FUND. Notwithstanding
19 section 602.1304, subsection 2, for the fiscal year beginning
20 July 1, 1997, and ending June 30, 1998, the maximum deposit
21 amount for the enhanced court collections fund shall be
22 \$6,000,000. For succeeding fiscal years, the maximum deposit
23 amount shall be determined in accordance with section
24 602.1304, subsection 2, and the maximum deposit amount shall
25 not be increased due to the increase made in this section.

26 Sec. 9. EFFECTIVE DATE. This Act, being deemed of
27 immediate importance, takes effect upon enactment.

28 EXPLANATION

29 The bill makes supplemental appropriations for the 1997-
30 1998 fiscal year from the state general fund to the
31 departments of education, general services, and natural
32 resources, from the rebuild Iowa infrastructure fund to the
33 department of corrections, and from the state fish and game
34 protection fund to the department of natural resources. In
35 addition, the bill amends a previous appropriation from the

1 rebuild Iowa infrastructure fund to the department of general
2 services and provides for an increase in moneys which may be
3 retained for the enhanced court collections fund.

4 The bill takes effect upon enactment.

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HOUSE FILE 2395

H-8125

1 Amend House File 2395 as follows:

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

4 "Sec. ____ . JUDICIAL DEPARTMENT. There is
5 appropriated from the rebuild Iowa infrastructure fund
6 to the judicial department for the fiscal year
7 beginning July 1, 1997, and ending June 30, 1998, the
8 following amount, or so much thereof as is necessary,
9 to be used for the purpose designated:

10 For design and development of a new judicial
11 building:

12 \$ 1,700,000

13 Notwithstanding section 8.33, unencumbered or
14 unobligated funds remaining on June 30, 2000, from the
15 funds appropriated in this section shall revert to the
16 rebuild Iowa infrastructure fund on August 31, 2000."

17 2. By renumbering as necessary.

By MILLAGE of Scott

H-8125 FILED FEBRUARY 26, 1998

Adopted
3/2/98 (p.401)

HOUSE FILE 2395

H-8128

1 Amend House File 2395 as follows:

2 1. Page 2, line 2, by inserting after the word
3 "prisoners" the following: ", provided that any
4 requirement applicable to the general population of a
5 correctional facility, including but not limited to a
6 general lock down, shall apply without exception to
7 the prisoners working in these buildings and in other
8 work programs employing prisoners".

By LARKIN of Lee

H-8128 FILED FEBRUARY 26, 1998

Lost 3/2/98
(p.402)

HOUSE FILE 2395

H-8132

1 Amend House File 2395 as follows:

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

4 "Sec. ____ . CHILD HEALTH CARE PROGRAM. There is
5 appropriated from the general fund of the state to the
6 department of human services for the fiscal year
7 beginning July 1, 1997, and ending June 30, 1998, the
8 following amount, or so much thereof as is necessary,
9 to be used for the purpose designated:

10 For outreach and other costs for implementation of
11 the child health care program, including salaries,
12 support, maintenance, miscellaneous purposes, and for
13 not more than the following full-time equivalent
14 positions:

15	\$	500,000
16	FTEs	6.00

17 Notwithstanding section 8.33, moneys appropriated
18 in this section which remain unexpended or unobligated
19 at the close of the fiscal year shall not revert to
20 the general fund of the state but shall remain
21 available for expenditure for the purpose designated
22 in the succeeding fiscal year."

23 2. By renumbering as necessary.

By OSTERHAUS of Jackson

FOEGE of Linn

MURPHY of Dubuque

JOCHUM of Dubuque

H-8132 FILED FEBRUARY 26, 1998

Lost 3/2/98

(p. 400)

ANTI-W

HOUSE FILE 2395

H-8129

1 Amend House File 2395 as follows:

2 1. Page 2, line 17, by striking the figure

3 "616,000" and inserting the following: "900,000".

By FALCK of Fayette

CHAPMAN of Linn

COHOON of Des Moines

DOTZLER of Black Hawk

FOEGE of Linn

HUSER of Polk

JOCHUM of Dubuque

LARKIN of Lee

MASCHER of Johnson

MORELAND of Wapello

MURPHY of Dubuque

OSTERHAUS of Jackson

SCHERRMAN of Dubuque

SCHRADER of Marion

SHOULTZ of Black Hawk

TAYLOR of Linn

THOMAS of Clayton

WEIGEL of Chickasaw

WHITEAD of Woodbury

WISE of Lee

H-8129 FILED FEBRUARY 26, 1998

*Adopted 3/2/98**(p. 402)*

HOUSE FILE 2395

H-8130

1 Amend House File 2395 as follows:

2 1. By striking page 1, line 31, through page 2,

3 line 7.

4 2. By renumbering as necessary.

By MURPHY of Dubuque

H-8130 FILED FEBRUARY 26, 1998

Just 3/2/98 (p. 398)

HOUSE FILE 2395

H-8131

1 Amend House File 2395 as follows:

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

3 following:

4 "Sec. ____ . Section 904.805, Code 1997, is amended

5 by adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. If the state director is

7 the designee of the director of the Iowa department of

8 corrections, the appointment of the state director is

9 subject to confirmation by the senate."

10 2. By renumbering as necessary.

By HUSER of Polk

H-8131 FILED FEBRUARY 26, 1998

WITHDRAWN*3/2/98**(p. 401)*

HOUSE FILE 2395

H-8142

1 Amend House File 2395 as follows:
2 1. Page 2, line 2, by inserting after the word
3 "prisoners" the following: ", provided that the
4 person serving as the state director of Iowa state
5 industries, who shall administer the construction and
6 operation of the buildings for which moneys are
7 appropriated in this section, shall be subject to
8 confirmation by the senate every four years beginning
9 with the regular session of the general assembly in
10 progress or convening on or after the effective date
11 of this Act, whichever is earlier".

By WARNSTADT of Woodbury

H-8142 FILED FEBRUARY 27, 1998

W.INDRAWN 3/2/98 (P. 397)
HOUSE FILE 2395

H-8133

1 Amend House File 2395 as follows:
2 1. Page 2, line 2, by inserting after the word
3 "prisoners" the following: "provided the lease
4 negotiated with the private corporation shall be in
5 accordance with section 904.809 and, if the property
6 is totally or partially exempt from property taxation,
7 the lease shall require the private corporation to
8 make payments in lieu of property taxes to the
9 applicable local government in an amount equal to the
10 amount of tax moneys that would be collected for that
11 local government if the property was not exempt".

By HUSER of Polk
LAMBERTI of Polk

H-8133 FILED FEBRUARY 27, 1998

lost 3/2/98 (P 396)

WITHDRAWN

HOUSE FILE 2395

H-8134

1 Amend House File 2395 as follows:
 2 1. Page 2, line 2, by inserting after the word
 3 "prisoners" the following: ", provided that at least
 4 twenty-one calendar days prior to the signing of any
 5 lease for the building space or a contract for use of
 6 prisoner labor in the building space, the department
 7 shall notify the chairpersons and ranking members of
 8 the general assembly's joint appropriations
 9 subcommittee on the justice system of the name of the
 10 person entering into the lease or contract, the number
 11 of prisoners to be employed, and the hourly wage
 12 allowances to be paid".

By HUSER of Polk

H-8134 FILED FEBRUARY 27, 1998

lost 3/2/98

HOUSE FILE 2395

H-8135

1 Amend House File 2395 as follows:
 2 1. Page 2, line 2, by inserting after the word
 3 "prisoners" the following: ", provided that any
 4 shortfall in budgeted revenues to be recouped by a
 5 correctional facility from inmate work earnings shall
 6 not be covered by failing to fill authorized
 7 correctional officer positions".

By TAYLOR of Linn

H-8135 FILED FEBRUARY 27, 1998

*lost 3/2/98
(p. 397)*

HOUSE FILE 2395

H-8136

1 Amend House File 2395 as follows:
 2 1. Page 2, line 2, by inserting after the word
 3 "prisoners" the following: ", provided that any lease
 4 for the building space or contract for use of prisoner
 5 labor in the building space shall require compliance
 6 with provisions equivalent to the federal Davis-Bacon
 7 Act if the Act were applicable to the leases or
 8 contracts, including but not limited to payment of
 9 allowances to prisoners in amounts commensurate with
 10 those wages paid persons in similar jobs outside the
 11 correctional facilities".

By TAYLOR of Linn

H-8136 FILED FEBRUARY 27, 1998

WITHDRAWN

*3/2/98
(p. 402)*

HOUSE FILE 2395

47

1 Amend the amendment, H-8133, to House File 2395, as
2 follows:

3 1. Page 1, line 3, by inserting after the word
4 "lease" the following: "or contract".

5 2. Page 1, by striking line 7, and inserting the
6 following: "the terms of the lease or contract shall
7 require the private corporation or the department to".

8 3. Page 1, line 9, by inserting after the word
9 "amount" the following: "determined by the department
10 based upon criteria which shall include, but is not
11 limited to, the investment amount required of the
12 private corporation to use the building space, up to a
13 maximum amount which is".

14 4. Page 1, line 11, by inserting after the word
15 "exempt" the following: ", and provided further that
16 at least twenty-one calendar days prior to the signing
17 of any lease for the building space or a contract for
18 the use of prisoner labor in the building space, the
19 department shall notify the chairpersons and ranking
20 members of the general assembly's joint appropriations
21 subcommittee on the justice system of the name of the
22 person entering into the lease or contract and the
23 terms of the lease or contract".

By LAMBERTI of Polk
HUSER of Polk

H-8147 FILED MARCH 2, 1998

Adopted 3/2/98
(P. 396)

HOUSE FILE 2395

H-8148

1 Amend the amendment, H-8129, to House File 2395 as
2 follows:

3 1. Page 1, line 3, by striking the figure
4 "900,000" and inserting the following: "720,000".

By JACOBS of Polk

H-8148 FILED MARCH 2, 1998

Adopted 3/2/98 (P. 399)

HOUSE FILE 2395

H-8150

1 Amend the amendment, H-8128, to House File 2395, as
2 follows:

3 1. Page 1, line 8, by inserting after the word
4 "prisoners" the following: "under section 904.809".

By LARKIN of Lee

H-8150 FILED MARCH 2, 1998

Adopted
3/2/98
(P. 401)

15/10
5-4/22/98 MTR by Iverson

HOUSE FILE **2395**
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 572)

(As Amended and Passed by the House, March 2, 1998)

Passed House, Date ^(p.1952) 4/22/98
Vote: Ayes 78 Nays 18
Approved Item Vote

Passed Senate, Date ^(p.1462) 4/22/98
Vote: Ayes 20 Nays 18
5/21/98

^(p.1472) Passed 4/22/98
vote 26-16

A BILL FOR

1 An Act relating to and making supplemental and other
2 appropriations for the fiscal year beginning July 1, 1997, and
3 providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

New Language _____

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1 Section 1. DEPARTMENT OF GENERAL SERVICES. There is
 2 appropriated from the general fund of the state to the
 3 department of general services for the fiscal year beginning
 4 July 1, 1997, and ending June 30, 1998, to supplement the
 5 appropriations made in 1997 Iowa Acts, chapter 211, section 6,
 6 subsection 5, the following amount, or so much thereof as is
 7 necessary, to be used for the purpose designated:

8 For utility costs:

9 \$ 60,000

10 Sec. 2. 1997 Iowa Acts, chapter 215, section 2,
 11 subsections 6 and 7, are amended to read as follows:

12 6. For the installation of storm drainage, grading, new
 13 asphalt, new lighting, and ~~striping of capitol complex parking~~
 14 ~~lots 4 and 5 in accordance with capitol complex renovation~~
 15 ~~plans, provided that not more than \$450,000 shall be used for~~
 16 ~~lot 4 and not more than \$105,000 shall be used for lot 5, and~~
 17 ~~provided that existing capitol complex construction plans do~~
 18 ~~not conflict with the parking lot improvements:~~

19\$----555,000

20 ---7.---Per filling cracks, resurfacing, new handicapped
 21 parking signs which comply with the provisions of chapter
 22 321L, as amended by 1997 Iowa Acts, House File 688, and
 23 striping capitol complex parking lots 13, 4, 5, and 15 in
 24 accordance with capitol complex renovation plans, provided
 25 ~~that not more than \$100,750 shall be used for lot 13 and not~~
 26 ~~more than \$75,000 shall be used for lot 15, and provided that~~
 27 existing capitol complex construction plans do not conflict
 28 with the parking lot improvements:

29 \$ 175,750

30 730,750

31 Sec. 3. DEPARTMENT OF CORRECTIONS. There is appropriated
 32 from the rebuild Iowa infrastructure fund to the department of
 33 corrections for the fiscal year beginning July 1, 1997, and
 34 ending June 30, 1998, the following amount, or so much thereof
 35 as is necessary, to be used for the purpose designated:

1 For construction of buildings to provide work space for
2 prisoners:
3 \$ 2,200,000

4 Notwithstanding section 8.33, unencumbered or unobligated
5 funds remaining on June 30, 2000, from the funds appropriated
6 in this section shall revert to the rebuild Iowa
7 infrastructure fund.

8 Sec. 4. DEPARTMENT OF EDUCATION -- SUBSIDIZATION FUND.

9 There is appropriated from the general fund of the state to
10 the department of education for the fiscal year beginning July
11 1, 1997, and ending June 30, 1998, to supplement the
12 appropriations made in 1997 Iowa Acts, chapter 210, section 2,
13 subsection 2, paragraph "a", the following amount, or so much
14 thereof as is necessary, to be used for the purpose
15 designated:

16 For the subsidization of video rates:
17 \$ 720,000

18 Sec. 5. DEPARTMENT OF EDUCATION. There is appropriated
19 from the general fund of the state to the public broadcasting
20 division of the department of education for the fiscal year
21 beginning July 1, 1997, and ending June 30, 1998, to
22 supplement the appropriations made in 1997 Iowa Acts, chapter
23 212, section 7, subsection 7, the following amount, or so much
24 thereof as is necessary, to be used for the purpose
25 designated:

26 For a study of the digital television conversion:
27 \$ 150,000

28 Notwithstanding section 8.33, any unobligated or
29 unencumbered funds remaining at the end of the fiscal year
30 shall not revert to the general fund of the state but shall be
31 available for expenditure during the following fiscal year for
32 the purpose designated in this section.

33 Sec. 6. DEPARTMENT OF NATURAL RESOURCES. There is
34 appropriated from the general fund of the state to the
35 department of natural resources for the fiscal year beginning

1 July 1, 1997, and ending June 30, 1998, the following amount,
2 or so much thereof as is necessary, to be used for the purpose
3 designated:

4 For the value of sick leave pay that needs to be paid out
5 due to retirement of personnel in the parks and preserves
6 division:
7 \$ 350,000

8 Sec. 7. DEPARTMENT OF NATURAL RESOURCES. There is
9 appropriated from the state fish and game protection fund
10 created in section 456A.17 to the department of natural
11 resources for the fiscal year beginning July 1, 1997, and
12 ending June 30, 1998, the following amount, or so much thereof
13 as is necessary, to be used for the purpose designated:

14 For the value of sick leave pay that needs to be paid out
15 due to retirement of personnel in the fish and wildlife
16 division:
17 \$ 245,000

18 Sec. 8. JUDICIAL DEPARTMENT. There is appropriated from
19 the rebuild Iowa infrastructure fund to the judicial
20 department for the fiscal year beginning July 1, 1997, and
21 ending June 30, 1998, the following amount, or so much thereof
22 as is necessary, to be used for the purpose designated:

23 For design and development of a new judicial building:
24 \$ 1,700,000

25 Notwithstanding section 8.33, unencumbered or unobligated
26 funds remaining on June 30, 2000, from the funds appropriated
27 in this section shall revert to the rebuild Iowa
28 infrastructure fund on August 31, 2000.

29 Sec. 9. ENHANCED COURT COLLECTIONS FUND. Notwithstanding
30 section 602.1304, subsection 2, for the fiscal year beginning
31 July 1, 1997, and ending June 30, 1998, the maximum deposit
32 amount for the enhanced court collections fund shall be
33 \$6,000,000. For succeeding fiscal years, the maximum deposit
34 amount shall be determined in accordance with section
35 602.1304, subsection 2, and the maximum deposit amount shall

1 not be increased due to the increase made in this section.
2 Sec. 10. EFFECTIVE DATE. This Act, being deemed of
3 immediate importance, takes effect upon enactment.

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HOUSE FILE 2395

S-5680

1 Amend House File 2395, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "DIVISION I"

6 2. Page 4, by inserting after line 1 the
7 following:

8 "Sec. _____. 1997 Iowa Acts, chapter 215, section
9 11, is amended to read as follows:

10 SEC. 11. There is appropriated from the marine
11 fuel tax receipts deposited in the general fund of the
12 state to the department of natural resources for the
13 fiscal year beginning July 1, 1997, and ending June
14 30, 1998, the following amount, or so much thereof as
15 is necessary, to be used for the purpose designated:

16 For the purpose of funding capital projects funded
17 from marine fuel tax receipts for the purposes
18 specified in section 452A.79:

19 \$ 1,800,000

20 Notwithstanding section 8.33, unencumbered or
21 unobligated funds remaining on June 30, ~~1998~~ 1999,
22 from the funds appropriated in this section, shall
23 revert to the general fund of the state on August 31,
24 ~~1998~~ 1999."

25 3. Page 4, line 2, by striking the word "This"
26 and inserting the following: "This division of this".

27 4. Page 4, by inserting after line 3 the
28 following:

29 "DIVISION II

30 Sec. _____. EXCESS LOTTERY REVENUES FISCAL YEAR
31 1994-1995. Of the lottery revenues received during
32 the fiscal year beginning July 1, 1994, which remain
33 in the lottery fund following the transfers made
34 pursuant to 1995 Iowa Acts, chapter 220, section 16,
35 1996 Iowa Acts, chapter 1219, section 14, and 1997
36 Iowa Acts, chapter 209, section 10, the following
37 amounts are appropriated or so much thereof as is
38 necessary, for the fiscal year beginning July 1, 1997,
39 and ending June 30, 1998, to be used for the purposes
40 designated:

41 1. To the department of general services, division
42 of information and technology services, for
43 development and other start-up costs to establish a
44 single contact repository implementing the provisions
45 of this Act requiring the establishment of a single
46 contact repository and first-year operational costs of
47 the repository:

48 \$ 125,000

49 2. To the department of human services for a grant
50 to a county with a population between 168,000 and

S-5680

S-5680

Page 2

1 175,000 for implementation of the county's runaway
 2 assessment and treatment plan under section 232.195:
 3 \$ 125,000

4 The grant shall be administered by the county's
 5 board of supervisors in consultation with the local
 6 runaway and treatment task force.

7 3. To the state department of transportation for
 8 an automated weather observation system at the city of
 9 Harlan airport:

10 \$ 55,000

11 4. To the department of economic development for
 12 the welcome center at Dows:

13 \$ 10,000

14 5. To the department of personnel for support of
 15 2.00 FTEs in program administration and development
 16 for the deferred compensation program in addition to
 17 other authorized full-time equivalent positions in
 18 fiscal year 1998-1999:

19 \$ 125,000

20 6. To the department of agriculture and land
 21 stewardship for the state-federal laboratory for
 22 operation and testing:

23 \$ 50,000

24 7. To the department of education to be awarded to
 25 the Iowa high school band selected to participate in
 26 the national independence day parade in Washington,
 27 D.C.:

28 \$ 5,000

29 8. To the historical division of the department of
 30 cultural affairs to be used for the purchase and
 31 renovation of a historical community center in Farley:

32 \$ 24,000

33 Notwithstanding section 8.33, moneys appropriated
 34 in this section which remain unobligated or unexpended
 35 for the purpose designated shall not revert at the end
 36 of the fiscal year beginning July 1, 1997, but shall
 37 remain available for the purpose designated in the
 38 succeeding fiscal year.

39 Sec. ____ FISCAL YEAR 1998-1999 LOTTERY TRANSFER.

40 Notwithstanding the requirement in section 99E.10,
 41 subsection 1, to transfer lottery revenue remaining
 42 after expenses are deducted, notwithstanding the
 43 requirement under section 99E.20, subsection 2, for
 44 the commissioner to certify and transfer a portion of
 45 the lottery fund to the CLEAN fund, and
 46 notwithstanding the appropriations and allocations in
 47 section 99E.34, all lottery revenues received during
 48 the fiscal year beginning July 1, 1998, and ending
 49 June 30, 1999, after deductions as provided in section
 50 99E.10, subsection 1, and as appropriated under any

S-5680

S-5680

Page 3

1 Act of the Seventy-seventh General Assembly, 1998
2 Session, shall not be transferred to and deposited
3 into the CLEAN fund but shall be transferred and
4 credited to the general fund of the state.

5 Sec. _____. EFFECTIVE DATE. This division of this
6 Act, being deemed of immediate importance, takes
7 effect upon enactment.

8 DIVISION III

9 Sec. _____. Section 15.241, subsection 1, unnumbered
10 paragraph 4, as enacted by 1998 Iowa Acts, House File
11 2435, section 1, is amended to read as follows:

12 Payments of interest, recaptures of awards, and
13 repayments of moneys loaned under this program shall
14 be deposited into the strategic investment fund.
15 Receipts from loans or grants under the business
16 development initiative for entrepreneurs with
17 disabilities program may be maintained in a separate
18 account within the fund.

19 Sec. 100. Section 69.2, subsection 7, Code 1997,
20 is amended to read as follows:

21 7. The board of supervisors declares a vacancy in
22 an elected county office upon finding that the county
23 officer has been physically absent from the county for
24 sixty consecutive days except in the case of a medical
25 emergency; temporary active military duty; or
26 temporary service with another government service,
27 agency, or department.

28 Sec. _____. Section 135C.33, subsection 5, if
29 enacted by 1998 Iowa Acts, House File 2275, is amended
30 by adding the following new paragraphs:

31 NEW PARAGRAPH. d. An employee of an elder group
32 home certified under chapter 231B, if the employee
33 provides direct services to consumers.

34 NEW PARAGRAPH. e. An employee of an assisted
35 living facility certified or voluntarily accredited
36 under chapter 231C, if the employee provides direct
37 services to consumers.

38 Sec. _____. Section 135C.33, Code Supplement 1997,
39 is amended by adding the following new subsection:

40 NEW SUBSECTION. 6. The department of inspections
41 and appeals, in conjunction with other departments and
42 agencies of state government involved with criminal
43 history and abuse registry information, shall
44 establish a single contact repository for facilities
45 and other providers to have electronic access to data
46 to perform background checks for purposes of
47 employment, as required of the facilities and other
48 providers under this section.

49 Sec. 200. Section 200.14, subsection 1A, as
50 enacted by 1998 Iowa Acts, Senate File 2082, section

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1 1, is amended to read as follows:

2 1A. Anhydrous ammonia equipment shall be installed
3 and maintained in a safe operating condition and in
4 conformity with rules adopted by the secretary. A
5 person shall not intentionally tamper with anhydrous
6 ammonia equipment. Tampering occurs when a person who
7 is not authorized by the owner of anhydrous ammonia
8 equipment uses the equipment in violation of a
9 provision of this chapter, including a rule adopted by
10 the secretary. A person shall not in any manner or
11 for any purpose sell, fill, refill, deliver, permit to
12 be delivered, or use an anhydrous ammonia container or
13 receptacle, including for the storage of any gas or
14 compound, unless the person owns the container or
15 receptacle or is authorized to do so by the owner. A
16 person shall not possess or transport anhydrous
17 ammonia in a container or receptacle which is not
18 authorized by the secretary to hold anhydrous ammonia.

19 Sec. _____. Section 260A.1, subsection 2, Code
20 Supplement 1997, is amended to read as follows:

21 2. Moneys appropriated in subsection 1 shall be
22 allocated by the department of education to each
23 community college ~~in the proportion that the~~
24 ~~allocation to that community college in 1996 Iowa~~
25 ~~Acts, chapter 1215, section 6, subsection 15, bears to~~
26 ~~the total appropriation made in 1996 Iowa Acts,~~
27 ~~chapter 1215, section 6, subsection 15, to all~~
28 community colleges on the basis of each community
29 college's share of overall community college student
30 enrollment. The overall enrollment and each community
31 college district's share of the overall enrollment
32 shall be determined utilizing refined enrollment
33 reporting methods approved by the department of
34 education using data from the most recently concluded
35 fiscal year. The department of education shall
36 determine enrollment share percentages for each
37 community college district for purposes of allocating
38 the moneys.

39 Sec. _____. Section 279.51, subsection 1, unnumbered
40 paragraph 1, Code Supplement 1997, is amended to read
41 as follows:

42 There is appropriated from the general fund of the
43 state to the department of education for the fiscal
44 year beginning July 1, ~~1997~~ 1998, and each succeeding
45 fiscal year, the sum of fifteen million ~~one~~ three
46 hundred ~~seventy~~ sixty thousand dollars.

47 Sec. _____. Section 279.51, subsection 1, paragraph
48 b, Code Supplement 1997, is amended to read as
49 follows:

50 b. For the fiscal year beginning July 1, 1997

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1 1998, and for each succeeding fiscal year, eight
2 million three five hundred twenty ten thousand dollars
3 of the funds appropriated shall be allocated to the
4 child development coordinating council established in
5 chapter 256A for the purposes set out in subsection 2
6 of this section and section 256A.3.

7 Sec. ____ . Section 321.453, Code 1997, as amended
8 by 1998 Iowa Acts, Senate File 2081, section 1, is
9 amended to read as follows:

10 321.453 EXCEPTIONS.

11 The provisions of this chapter governing size,
12 weight, and load, and the permit requirements of
13 chapter 321E do not apply to fire apparatus, to road
14 maintenance equipment owned by or under lease to any
15 state or local authority, implements of husbandry
16 temporarily moved upon a highway, implements of
17 husbandry moved from farm site to farm site or between
18 the retail seller and a farm purchaser, implements of
19 husbandry moved between any site and the site of an
20 agricultural exposition or a fair administered
21 pursuant to chapter 173 or 174, indivisible implements
22 of husbandry temporarily moved between the place of
23 manufacture and a retail seller or a farm purchaser,
24 implements of husbandry received and moved by a retail
25 seller of implements of husbandry in exchange for a
26 purchased implement, or implements of husbandry moved
27 for repairs, except on any part of the interstate
28 highway system. A vehicle, carrying an implement of
29 husbandry, which is exempted from the permit
30 requirements under this section shall be equipped with
31 an amber flashing light under section 321.423, shall
32 be equipped with warning flags on that portion of the
33 vehicle which protrudes into oncoming traffic, and
34 shall only operate from thirty minutes prior to
35 sunrise to thirty minutes following sunset. The one
36 hundred mile distance restriction contained in the
37 definition of implement of husbandry in section 321.1
38 does not apply to this section.

39 Sec. ____ . Section 692A.13, Code 1997, is amended
40 by adding the following new subsection:

41 NEW SUBSECTION. 9. The department shall provide
42 information for purposes of the single contact
43 repository established pursuant to section 135C.33, in
44 accordance with rules adopted by the department.

45 Sec. ____ . EFFECTIVE DATE. The following
46 provisions of this division of this Act, being deemed
47 of immediate importance, take effect upon enactment:

- 48 1. Section 100, amending section 69.2.
- 49 2. Section 200, amending section 200.14."
- 50 5. Title page, line 1, by inserting after the

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- 1 word "to" the following: "public expenditure and
- 2 regulatory matters".
- 3 6. Title page, line 3, by striking the words
- 4 "providing an effective date" and inserting the
- 5 following: "subsequent fiscal years, and providing
- 6 effective dates".

By COMMITTEE ON APPROPRIATIONS
DERRYL McLAREN, Chairperson

S-5680 FILED APRIL 15, 1998

HOUSE FILE 2395

*4/22/98 adopted
P. 1457*

S-5687

- 1 Amend House File 2395, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 2, by striking the word
- 4 "prisoners" and inserting the following: "inmates
- 5 provided that any lease for the building space or
- 6 contract for use of inmate labor in the building space
- 7 shall require provision of ten hours of training or
- 8 education to an inmate within each forty-hour work
- 9 week".

By TOM VILSACK

S-5687 FILED APRIL 15, 1998

Adopt 4/22/98 (P. 1457)

HOUSE FILE 2395

S-5688

- 1 Amend House File 2395, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 2, by striking the word
- 4 "prisoners" and inserting the following: "inmates
- 5 employed in Iowa state industries, in providing
- 6 services to institutions or in public service under
- 7 section 904.703, or in another work program which does
- 8 not involve private industry employment of inmates of
- 9 correctional facilities".

By TOM VILSACK

S-5688 FILED APRIL 15, 1998

*Adopt 4/22/98
(P. 1458)*

HOUSE FILE 2395

S-5692

1 Amend House File 2395, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 2, by inserting after the word
4 "prisoners" the following: "provided the lease
5 negotiated with the private corporation shall be in
6 accordance with section 904.809 and, if the property
7 is totally or partially exempt from property taxation,
8 the lease shall require the private corporation to
9 make payments in lieu of property taxes to the
10 applicable local government in an amount equal to the
11 amount of tax moneys that would be collected for that
12 local government if the property was not exempt".

By TOM VILSACK

S-5692 FILED APRIL 15, 1998

File 4/22/98 (P. 1461)

HOUSE FILE 2395

S-5728

1 Amend the amendment, S-5680, to House File 2395, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, line 33, by inserting before the word
5 "Notwithstanding" the following: "Any lottery
6 revenues remaining in the lottery fund at the end of
7 the fiscal year beginning July 1, 1997, as a result of
8 not being appropriated or as a result of a veto of any
9 appropriation made in this section shall be
10 transferred to the general fund of the state."
11 2. Page 2, line 38, by inserting after the word
12 "year." the following: "Moneys which revert at the
13 end of the succeeding fiscal year shall be transferred
14 to the general fund of the state."
15 3. By renumbering as necessary.

By DERRYL MCLAREN

S-5728 FILED APRIL 15, 1998

*o/orden**4/22/98**<P.1452>*

HOUSE FILE 2395

S-5689

1 Amend House File 2395, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 2, by striking the word
4 "prisoners" and inserting the following: "inmates,
5 provided for the fiscal years beginning July 1, 1997,
6 and July 1, 1998, notwithstanding any contrary
7 provision in law, revenues recouped from inmate work
8 allowances by correctional facilities shall not be
9 retained and used for budgeted operational expenses of
10 the facilities but shall be deposited in the general
11 fund of the state for appropriation for department of
12 corrections' expenses or other purpose by the general
13 assembly".

By TOM VILSACK

Lost 4/22/98 (P. 1459)
S-5689 FILED APRIL 15, 1998

HOUSE FILE 2395

S-5690

1 Amend House File 2395, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 2, by inserting after the word
4 "prisoners" the following: ", provided that any
5 requirement applicable to the general population of a
6 correctional facility, including but not limited to a
7 general lock down, shall apply without exception to
8 the prisoners working in these buildings and in other
9 work programs employing prisoners subject to the
10 requirements of section 904.809".

By TOM VILSACK

S-5690 FILED APRIL 15, 1998

Lost 4/22/98 (P. 1460)
HOUSE FILE 2395

S-5691

1 Amend House File 2395, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 2, by inserting after the word
4 "prisoners" the following: ", provided that any
5 shortfall in budgeted revenues to be recouped by a
6 correctional facility from inmate work allowances
7 shall not be covered by failing to fill authorized
8 correctional officer positions or other authorized FTE
9 positions".

By TOM VILSACK

S-5691 FILED APRIL 15, 1998

*Lost 4/22/98
(P. 1461)*

HOUSE FILE 2395

S-5812

1 Amend the amendment, S-5680, to House File 2395, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by striking lines 7 through 13.
5 2. Page 2, line 23, by striking the figure
6 "50,000" and inserting the following: "109,000".
7 3. Page 2, by striking lines 29 through 32.
8 4. Page 2, line 33, by inserting before the word
9 "Notwithstanding" the following: "Any lottery
10 revenues remaining in the lottery fund at the end of
11 the fiscal year beginning July 1, 1997, as a result of
12 not being appropriated or as a result of a veto of any
13 appropriation made in this section shall be
14 transferred to the general fund of the state."

15 5. Page 2, line 38, by inserting after the word
16 "year." the following: "Moneys which revert at the
17 end of the succeeding fiscal year shall be transferred
18 to the general fund of the state."

19 6. Page 3, by inserting after line 27 the
20 following:

21 "Sec. _____. Section 97B.49B, subsection 3,
22 paragraph b, subparagraph (6), if enacted in 1998 Iowa
23 Acts, House File 2496, section 36, is amended to read
24 as follows:

25 (6) For the fiscal year commencing July 1, 1994,
26 and each succeeding fiscal year through the fiscal
27 year ending June 30, 1998, each judicial district
28 department of correctional services shall pay to the
29 department of personnel from funds appropriated to
30 that judicial district department of correctional
31 services, the amount necessary to pay the employer
32 share of the cost of the additional benefits provided
33 to employees covered under ~~subsection 17, paragraph~~
34 ~~"d", subparagraph (7) of a judicial district~~
35 department of correctional services who are employed
36 as a probation officer III or a parole officer III."

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

39 "Sec. _____. If the amendment to section 421.40,
40 unnumbered paragraph 3, Code 1997, contained in 1998
41 Iowa Acts, House File 2530 is enacted, that amendment
42 shall prevail over the amendment to section 421.40,
43 unnumbered paragraph 3, Code 1997, contained in 1998
44 Iowa Acts, Senate File 518, section 39.

45 Sec. _____. 1998 Iowa Acts, House File 2290, section
46 7, if enacted, is amended to read as follows:

47 SEC. 7. EFFECTIVE DATE. Section 6 of this Act,
48 being deemed of immediate importance, takes effect
49 upon enactment. Section 5 of this Act takes effect
50 December 15, 1998, and applies to nonresident deer

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1 hunting licenses for calendar years beginning on or
2 after January 1, 1999.

3 Sec. ____ . Section 483A.8, subsection 3, Code 1997,
4 as amended by 1998 Iowa Acts, Senate File 187, section
5 10, is amended to read as follows:

6 3. A nonresident hunting deer is required to have
7 a nonresident deer license and must pay the wildlife
8 habitat fee. The commission shall annually limit to
9 six seven thousand five hundred licenses the number of
10 nonresidents allowed to have deer hunting licenses.
11 The number of nonresident deer hunting licenses shall
12 be determined as provided in section 481A.38. The
13 commission shall allocate the nonresident deer hunting
14 licenses issued among the zones based on the
15 populations of deer. However, a nonresident applicant
16 may request one or more hunting zones, in order of
17 preference, in which the applicant wishes to hunt. If
18 the request cannot be fulfilled, the applicable fees
19 shall be returned to the applicant. A nonresident
20 applying for a deer hunting license must exhibit proof
21 of having successfully completed a hunter safety and
22 ethics education program as provided in section
23 483A.27 or its equivalent as determined by the
24 department before the license is issued.

25 Sec. ____ . 1998 Iowa Acts, Senate File 187, section
26 27, if enacted, is amended to read as follows:

27 SEC. 27. EFFECTIVE AND APPLICABILITY DATES. This
28 Act takes effect December 15, 1998, and applies to
29 licenses and fees for hunting, fishing, fur
30 harvesting, and related wildlife and game activities
31 for the calendar year years beginning on or after
32 January 1, 1999."

33 8. Page 5, by inserting after line 44 the
34 following:

35 "Sec. 300. 1998 Iowa Acts, Senate File 2406,
36 section 13, if enacted, is amended to read as follows:

37 SEC. 13. IOWA EMPOWERMENT BOARD. The Iowa
38 empowerment board shall adopt rules, arrange for
39 technical assistance, provide guidance, and take other
40 actions needed to assist the designation of community
41 empowerment areas and creation of community
42 empowerment boards and to enable the community
43 empowerment area boards to submit school ready
44 children grant plans in a timely manner for the
45 initial grants to be awarded and grant moneys to be
46 paid. For the initial grants, plans shall be
47 submitted by September 1, 1998, or by ~~January 1, 1999~~
48 December 1, 1998, in accordance with criteria
49 established by the board. The Iowa board shall submit
50 to the governor and the general assembly a proposed

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1 funding formula for distribution of school ready
2 children grant moneys as necessary for statewide
3 implementation of the grant program for the fiscal
4 year beginning July 1, 1999, and subsequent fiscal
5 years.

6 Sec. 400. 1998 Iowa Acts, Senate File 2410,
7 section 83, subsection 7, if enacted, is amended to
8 read as follows:

9 7. Section 15, subsection 19, paragraph "b" "a",
10 relating to authority to use moneys for support of the
11 child welfare services work group.

12 Sec. 500. Section 514I.7, subsection 2, paragraph
13 e, if enacted by 1998 Iowa Acts, House File 2517,
14 section 9, is amended to read as follows:

15 e. Is not currently covered under or was not
16 covered within the prior six months under a group
17 health plan as defined in 42 U.S.C. § ~~3006gg-91(a)(1)~~
18 300gg-91(a)(1) or other health benefit plan, unless
19 the coverage was involuntarily lost or unless dropping
20 the coverage is allowed by rule of the board.

21 Sec. _____. 1998 Iowa Acts, House File 2162,
22 sections 34 and 42, are repealed."

23 9. Page 5, by inserting after line 49 the
24 following:

25 "_____. Section 300, amending 1998 Iowa Acts, Senate
26 File 2406, section 13.

27 _____. Section 400, amending 1998 Iowa Acts, Senate
28 File 2410, section 83, subsection 7.

29 _____. Section 500, amending section 514I.7, if
30 enacted by 1998 Iowa Acts, House File 2517, section
31 9."

32 10. By renumbering, relettering, or redesignating
33 and correcting internal references as necessary.

By DERRYL McLAREN

S-5812 FILED APRIL 21, 1998

adopted
4/22/98 (P. 1452)

HOUSE FILE 2395

S-5802

1 Amend the amendment, S-5680, to House File 2395, as
2 amended, passed, and reprinted by the House, as
3 follows:

- 4 1. Page 2, by striking lines 11 through 13.
- 5 2. Page 2, by striking lines 24 through 28.
- 6 3. By renumbering as necessary.

By STEVEN D. HANSEN

S-5802 FILED APRIL 21, 1998

ordered
4/22/98 (P. 1452)

HOUSE FILE 2395

S-5734

1 Amend the amendment, S-5680, to House File 2395, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 5, by inserting after line 49 the
5 following:

6 "DIVISION
7 Sec. ____ . NEW SECTION. 327H.20A RAILROAD
8 REVOLVING LOAN FUND.

9 A railroad revolving loan fund is established in
10 the office of the treasurer of state under the control
11 of the department. Moneys in this fund shall be
12 expended for loans to provide assistance for the
13 restoration, conservation, improvement, and
14 construction of railroad main lines, branch lines,
15 switching yards, sidings, rail connections, intermodal
16 yards, highway grade separations, and other railroad-
17 related improvements. The department shall administer
18 a program for the granting and administration of loans
19 under this section. The department may enter into
20 agreements with railroad corporations, the United
21 States government, cities, counties, and other persons
22 for carrying out the purposes of this section. Moneys
23 received as loan repayments shall be credited to the
24 railroad revolving loan fund. Notwithstanding section
25 8.33, moneys in the railroad revolving loan fund shall
26 not revert to the general fund of the state but shall
27 remain available indefinitely for expenditure under
28 this section.

29 Sec. ____ . RAILROAD REVOLVING FUND. There is
30 appropriated from the general fund of the state to the
31 state department of transportation for the fiscal year
32 beginning July 1, 1998, and ending June 30, 1999, for
33 deposit in the railroad revolving loan fund
34 established in section 327H.20A, an amount equal to
35 the amount of loan repayments made under section
36 327H.18 and chapter 327I that exceed one million one
37 hundred ninety thousand dollars during fiscal year
38 1998-1999."

39 2. By renumbering as necessary.

By MARY LOU FREEMAN
RICHARD F. DRAKE

S-5734 FILED APRIL 16, 1998

Adopted
4.22-98
(P. 1452)

HOUSE FILE 2395

S-5804

1 Amend the amendment, S-5680, to House File 2395, as
2 amended, passed, and reprinted by the House, as
3 follows:

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

6 "____. Page 2, by striking lines 18 through 32 and
7 inserting the following:

8 "Sec. ____ . SCHOOLS FUND. There is appropriated
9 from the general fund of the state to the SCHOOLS fund
10 for the fiscal year beginning July 1, 1997, and ending
11 June 30, 1998, the following amount, or so much
12 thereof as is necessary, to be used for the purpose
13 designated:

14 For use as provided in chapter 257D, as enacted by
15 this Act:

16 \$ 150,000"

17 2. Page 3, line 4, by striking the words "general
18 fund of the state" and inserting the following:

19 "SCHOOLS fund created in chapter 257D, as enacted by
20 this Act".

21 3. Page 4, by inserting after line 18 the
22 following:

23 "Sec. 300. NEW SECTION. 257D.1 TITLE.

24 This chapter may be cited as the "Support
25 Construction and Habilitation of Our Local Schools
26 Act".

27 Sec. 400. NEW SECTION. 257D.2 SUPPORT
28 CONSTRUCTION AND HABILITATION OF OUR LOCAL SCHOOLS
29 FUND.

30 1. a. A support construction and habilitation of
31 our local schools (SCHOOLS) fund is created within the
32 state treasury under the control of the department of
33 education. For the fiscal year beginning July 1,
34 1997, and each subsequent fiscal year there shall be
35 appropriated from the rebuild Iowa infrastructure fund
36 to the SCHOOLS fund all moneys transferred to the
37 rebuild Iowa infrastructure fund pursuant to sections
38 99E.10 and 99E.20. In addition to moneys appropriated
39 from the rebuild Iowa infrastructure fund, the SCHOOLS
40 fund shall include any other moneys available to and
41 obtained or accepted by the department from the
42 federal government or private sources for placement in
43 the SCHOOLS fund. The assets of the SCHOOLS fund
44 shall be used by the department as provided in
45 subsection 2.

46 b. Payments of interest, recaptures of grants, or
47 repayments of moneys granted shall be deposited in the
48 fund. Section 8.33 does not apply to any moneys in
49 the fund.

50 c. The fund is subject to an annual audit by the

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1 auditor of state. Moneys in the fund, which may be
2 subject to warrants written by the director of revenue
3 and finance, shall be drawn upon the written
4 requisition of the director of the department of
5 education or an authorized representative of the
6 director.

7 d. As used in this chapter, "vertical
8 infrastructure" has the same meaning as in section
9 8.57, subsection 5, except that "vertical
10 infrastructure" shall not include recreational trails.
11 A matching grant shall only be awarded for specific
12 vertical infrastructure projects certified to the
13 department in the application.

14 2. Moneys in the SCHOOLS fund shall be distributed
15 to school districts based on the actual enrollment of
16 students in the district as certified pursuant to
17 section 257.6."

18 4. Page 5, by inserting after line 49 the
19 following:

20 "____. Sections 300 and 400, enacting sections
21 257D.1 and 257D.2."

22 5. By renumbering as necessary.

By STEVEN D. HANSEN

S-5804 FILED APRIL 21, 1998

o/orden
4/22/98
(p. 1452)

HOUSE FILE 2395

S-5818

1 Amend the amendment, S-5680, to House File 2395, as
2 amended, passed, and reprinted by the House, as
3 follows:

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

6 "Sec. ____ . BUILDING INSPECTION.

7 1. The appropriation made in 1998 Iowa Acts, House
8 File 2498, if enacted, to the department of
9 inspections and appeals, health facilities division,
10 is reduced by \$90,000. The requirement in that
11 appropriation for the health facilities division to
12 use \$90,000 to pay the salary, support, and
13 miscellaneous expenses of a building inspector
14 position is void and the provisions of subsection 2
15 are substituted in lieu of that requirement.

16 2. Notwithstanding section 8.33 and the
17 reversionary provisions of 1997 Iowa Acts, chapter
18 209, section 10, unnumbered paragraph 2, of the moneys
19 appropriated in 1997 Iowa Acts, chapter 209, section
20 10, subsection 5, which remain unobligated or
21 unexpended at the close of the fiscal year beginning
22 July 1, 1997, \$90,000, or so much thereof as is
23 available, shall not revert but shall be transferred
24 to the department of inspections and appeals, health
25 facilities division. The transferred moneys shall be
26 used in the succeeding fiscal year to contract for the
27 performance of building inspections. Moneys
28 transferred pursuant to this section which revert at
29 the end of the fiscal year beginning July 1, 1998,
30 shall be transferred to the general fund of the
31 state."

32 2. By renumbering as necessary.

By DERRYL McLAREN

S-5818 FILED APRIL 22, 1998

ADOPTED

(P.1452)

HOUSE FILE 2395

S-5820

1 Amend House File 2395, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Sec. ____ . MUSSEL FISHING -- SEASON.

6 Notwithstanding sections 481A.38, 481A.39, 482.1, and
7 482.12, the open season for taking washboard mussel on
8 the Mississippi river and its connected backwaters in
9 calendar year 1998 shall be from April 1 to August 31.
10 The washboard mussel shall be taken only during the
11 hours between sunrise and sunset. The minimum size
12 limit on washboard mussel shall be four inches."

By ALLEN BORLAUG

S-5820 FILED APRIL 22, 1998

RULED OUT OF ORDER

(p.1462)

HOUSE FILE 2395

S-5817

1 Amend the amendment, S-5680, to House File 2395, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, by inserting after line 18 the
5 following:

6 "Sec. _____. Section 15E.195, Code Supplement 1997,
7 is amended to read as follows:

8 15E.195 ENTERPRISE ZONE COMMISSION.

9 1. A county which designates an enterprise zone
10 pursuant to section 15E.194, subsection 1, and in
11 which an eligible enterprise zone is certified shall
12 establish an enterprise zone commission to review
13 applications from qualified businesses located within
14 or requesting to locate within an enterprise zone
15 designated pursuant to section 15E.194, subsection 1,
16 to receive incentives or assistance as provided in
17 section 15E.196. The enterprise zone commission shall
18 also review applications from qualified housing
19 businesses requesting to receive incentives or
20 assistance as provided in section 15E.193A. The
21 commission shall consist of nine members. Five of
22 these members shall consist of one representative of
23 the board of supervisors, one member with economic
24 development expertise chosen by the department of
25 economic development, one representative of the county
26 zoning board, one member of the local community
27 college board of directors, and one representative of
28 the local workforce development center. These five
29 members shall select the remaining four members. If
30 the enterprise zone consists of an area meeting the
31 requirements for eligibility for an urban or rural
32 enterprise community under Title XIII of the federal
33 Omnibus Budget Reconciliation Act of 1993, one of the
34 remaining four members shall be a representative of
35 that zone community. However, if the enterprise zone
36 qualifies under the city criteria, one of the four
37 members shall be a representative of an international
38 labor organization and if an enterprise zone is
39 located in any city, a representative, chosen by the
40 city council, of each such city may be a member of the
41 commission. A county shall have only one enterprise
42 zone commission to review applications for incentives
43 and assistance for businesses located within or
44 requesting to locate within a certified enterprise
45 zone designated pursuant to section 15E.194,
46 subsection 1.

47 2. The commission may adopt more stringent
48 requirements, including requirements related to
49 compensation and benefits, for a business to be
50 eligible for incentives or assistance than provided in

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1 section sections 15E.193 and 15E.193A. The commission
2 may develop as an additional requirement that
3 preference in hiring be given to individuals who live
4 within the enterprise zone. The commission shall work
5 with the local workforce development center to
6 determine the labor availability in the area. The
7 commission shall examine and evaluate building codes
8 and zoning in the enterprise zone and make
9 recommendations to the appropriate governing body in
10 an effort to promote more affordable housing
11 development.

12 3. If the enterprise zone commission determines
13 that a business qualifies ~~for inclusion in an~~
14 ~~enterprise zone~~ and is eligible to receive incentives
15 or assistance as provided in either section 15E.193A
16 or section 15E.196, the commission shall submit an
17 application for incentives or assistance to the
18 department of economic development. The department
19 may approve, defer, or deny the application.

20 4. In making its decision, the commission or
21 department shall consider the impact of the eligible
22 business on other businesses in competition with it
23 and compare the compensation package of businesses in
24 competition with the business being considered for
25 incentives or assistance. The commission or
26 department shall make a good faith effort to identify
27 existing Iowa businesses within an industry in
28 competition with the business being considered for
29 incentives or assistance. The commission or
30 department shall also make a good faith effort to
31 determine the probability that the proposed incentives
32 or assistance will displace employees of existing
33 businesses. In determining the impact on businesses
34 in competition with the business seeking incentives or
35 assistance, jobs created as a result of other jobs
36 being displaced elsewhere in the state shall not be
37 considered direct jobs created.

38 However, if the commission or department finds that
39 an eligible business has a record of violations of the
40 law, including but not limited to environmental and
41 worker safety statutes, rules, and regulations, over a
42 period of time that tends to show a consistent
43 pattern, the eligible business shall not qualify for
44 incentives or assistance under section 15E.193A or
45 section 15E.196, unless the commission or department
46 finds that the violations did not seriously affect
47 public health or safety or the environment, or if it
48 did that there were mitigating circumstances. In
49 making the findings and determinations regarding
50 violations, mitigating circumstances, and whether an

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1 eligible business is eligible for incentives or
 2 assistance under section 15E.193A or section 15E.196,
 3 the commission or department shall be exempt from
 4 chapter 17A. If requested by the commission or
 5 department, the business shall provide copies of
 6 materials documenting the type of violation, any fees
 7 or penalties assessed, court filings, final
 8 disposition of any findings and any other information
 9 which would assist the commission or department in
 10 assessing the nature of any violation.

11 5. A business that is approved to receive
 12 incentives or assistance shall, for the length of its
 13 designation as an enterprise zone business, certify
 14 annually to the county or city, as applicable, and the
 15 department of economic development its compliance with
 16 the requirements of either section 15E.193 or section
 17 15E.193A."

18 2. Page 5, by inserting after line 44 the
 19 following:

20 "Sec. _____. 1998 Iowa Acts, House File 2538,
 21 section 2, amending section 15E.195, is repealed.

22 Sec. _____. 1998 Iowa Acts, House File 2164, section
 23 11, amending section 15E.195, subsection 1, is
 24 repealed."

25 3. By renumbering as necessary.

By DERRYL McLAREN

S-5817 FILED APRIL 22, 1998

ADOPTED

(P. 1452)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
 HOUSE FILE 2395

S-5825

1 Amend the Senate amendment, H-9333, to House File
 2 2395, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. Page 2, by striking lines 17 through 21.

5 2. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5825 FILED APRIL 22, 1998

CONCURRED

(P. 1471)

HOUSE FILE 2395

S-5822

1 Amend House File 2395, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. ATTORNEY GENERAL. There is
6 appropriated from the general fund of the state to the
7 department of justice for the fiscal year beginning
8 July 1, 1997, and ending June 30, 1998, to supplement
9 the appropriations made in 1997 Iowa Acts, chapter
10 205, section 1, the following amount, or so much
11 thereof as is necessary, to be used for the purpose
12 designated:

13 For the office of the attorney general to be used
14 in accordance with this section:

15 \$ 10,000

16 The moneys appropriated in this section shall be
17 used by the office of the attorney general to
18 facilitate coordination with the department of human
19 services and the Iowa department of public health
20 regarding the existence of, prevalence of, and causal
21 linkage between injury, disease, or disability and the
22 use of tobacco by recipients of medical assistance.
23 The moneys shall also be used by the office of the
24 attorney general in litigation efforts for state
25 recovery of tobacco-related medical assistance
26 payments pursuant to section 100 of this Act."

27 2. Page 4, by inserting after line 1 the
28 following:

29 "Sec. 100. NEW SECTION. 249A.50 STATE RECOVERY
30 OF TOBACCO-RELATED MEDICAL ASSISTANCE PAYMENTS.

31 1. For purposes of this section:

32 a. "Manufacturer" means any person engaged in the
33 process of designing, fabricating, assembling,
34 producing, constructing, or otherwise preparing a
35 product containing tobacco, including any packaging or
36 labeling or repackaging or relabeling of such a
37 product, with the intention of selling the product for
38 gain or profit. "Manufacturer" does not include
39 persons whose activity is limited to growing natural
40 leaf tobacco or to selling tobacco products at
41 wholesale or retail to consumers.

42 b. "Tobacco" means any tobacco product, including
43 but not limited to loose tobacco suitable for smoking,
44 snuff, snuff flour, cavendish, plug and twist tobacco,
45 fine cuts and other chewing tobaccos, shorts, refuse
46 scraps, clippings, cuttings, and sweepings of tobacco,
47 and other kinds and forms of tobacco suitable for
48 chewing and smoking, including cigars and cigarettes.

49 2. The department of human services may coordinate
50 with the Iowa department of public health with regard

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1 to the existence of, prevalence of, and causal linkage
2 between injury, disease, or disability and the use of
3 tobacco by recipients of medical assistance.

4 3. The state and the department shall be entitled
5 to bring an action against and recover in full from
6 any manufacturer which caused in fact any injury,
7 disease, or disability arising from or connected with
8 the use of tobacco by recipients of medical
9 assistance, for the full amount of medical assistance
10 paid under this chapter on behalf of such recipients,
11 and for other relief, including legal and
12 administrative fees and expenses. The attorney
13 general may institute a civil action to enforce the
14 rights conferred by this section. The right of
15 recovery of the state and the department under this
16 section is independent from and not derivative of any
17 right or claim of the individual recipients of medical
18 assistance.

19 a. The court shall do all of the following:

20 (1) Shall permit evidence, proof, and argument as
21 to causation and amount of damages by and through
22 statistical analysis or other methods of scientific or
23 statistical proof.

24 (2) Shall not require proof of causation and
25 damages as to individual recipients.

26 b. The state or department may recover damages
27 against manufacturers based upon an aggregation of or
28 a reasonable estimation of payments made on behalf of
29 recipients of medical assistance. Apportionment of
30 damages among defendants shall be according to a
31 manufacturer's respective share of the market for
32 tobacco within the state.

33 c. Trial shall be by jury, if either party demands
34 a jury."

35 3. Page 4, line 2, by striking the word "DATE."
36 and inserting the following: "DATE AND
37 APPLICABILITY."

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

40 "Section 100 of this Act, being deemed of immediate
41 importance, takes effect upon enactment and applies to
42 medical assistance paid on or after the effective date
43 of this Act. Section 100 of this Act shall not affect
44 the common law rights of the state or the department,
45 if any."

46 5. By renumbering as necessary.

By TOM VILSACK

S-5822 FILED APRIL 22, 1998

LOST

(P.1453)

SENATE AMENDMENT TO HOUSE FILE 2395

H-9333

1 Amend House File 2395, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "DIVISION I"

6 2. Page 4, by inserting after line 1 the
7 following:

8 "Sec. _____. 1997 Iowa Acts, chapter 215, section
9 11, is amended to read as follows:

10 SEC. 11. There is appropriated from the marine
11 fuel tax receipts deposited in the general fund of the
12 state to the department of natural resources for the
13 fiscal year beginning July 1, 1997, and ending June
14 30, 1998, the following amount, or so much thereof as
15 is necessary, to be used for the purpose designated:

16 For the purpose of funding capital projects funded
17 from marine fuel tax receipts for the purposes
18 specified in section 452A.79:

19 \$ 1,800,000

20 Notwithstanding section 8.33, unencumbered or
21 unobligated funds remaining on June 30, ~~1998~~ 1999,
22 from the funds appropriated in this section, shall
23 revert to the general fund of the state on August 31,
24 ~~1998~~ 1999."

25 3. Page 4, line 2, by striking the word "This"
26 and inserting the following: "This division of this".

27 4. Page 4, by inserting after line 3 the
28 following:

29 "DIVISION II

30 Sec. _____. EXCESS LOTTERY REVENUES FISCAL YEAR
31 1994-1995. Of the lottery revenues received during
32 the fiscal year beginning July 1, 1994, which remain
33 in the lottery fund following the transfers made
34 pursuant to 1995 Iowa Acts, chapter 220, section 16,
35 1996 Iowa Acts, chapter 1219, section 14, and 1997
36 Iowa Acts, chapter 209, section 10, the following
37 amounts are appropriated or so much thereof as is
38 necessary, for the fiscal year beginning July 1, 1997,
39 and ending June 30, 1998, to be used for the purposes
40 designated:

41 1. To the department of general services, division
42 of information and technology services, for
43 development and other start-up costs to establish a
44 single contact repository implementing the provisions
45 of this Act requiring the establishment of a single
46 contact repository and first-year operational costs of
47 the repository:

48 \$ 125,000

49 2. To the department of human services for a grant
50 to a county with a population between 168,000 and

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1 175,000 for implementation of the county's runaway
 2 assessment and treatment plan under section 232.195:
 3 \$ 125,000

4 The grant shall be administered by the county's
 5 board of supervisors in consultation with the local
 6 runaway and treatment task force.

7 3. To the department of personnel for support of
 8 2.00 FTEs in program administration and development
 9 for the deferred compensation program in addition to
 10 other authorized full-time equivalent positions in
 11 fiscal year 1998-1999:
 12 \$ 125,000

13 4. To the department of agriculture and land
 14 stewardship for the state-federal laboratory for
 15 operation and testing:
 16 \$ 109,000

17 5. To the department of education to be awarded to
 18 the Iowa high school band selected to participate in
 19 the national independence day parade in Washington,
 20 D.C.:
 21 \$ 5,000

22 Any lottery revenues remaining in the lottery fund
 23 at the end of the fiscal year beginning July 1, 1997,
 24 as a result of not being appropriated or as a result
 25 of a veto of any appropriation made in this section
 26 shall be transferred to the general fund of the state.
 27 Notwithstanding section 8.33, moneys appropriated in
 28 this section which remain unobligated or unexpended
 29 for the purpose designated shall not revert at the end
 30 of the fiscal year beginning July 1, 1997, but shall
 31 remain available for the purpose designated in the
 32 succeeding fiscal year. Moneys which revert at the
 33 end of the succeeding fiscal year shall be transferred
 34 to the general fund of the state.

35 Sec. ____ . BUILDING INSPECTION.

36 1. The appropriation made in 1998 Iowa Acts, House
 37 File 2498, if enacted, to the department of
 38 inspections and appeals, health facilities division,
 39 is reduced by \$90,000. The requirement in that
 40 appropriation for the health facilities division to
 41 use \$90,000 to pay the salary, support, and
 42 miscellaneous expenses of a building inspector
 43 position is void and the provisions of subsection 2
 44 are substituted in lieu of that requirement.

45 2. Notwithstanding section 8.33 and the
 46 reversionary provisions of 1997 Iowa Acts, chapter
 47 209, section 10, unnumbered paragraph 2, of the moneys
 48 appropriated in 1997 Iowa Acts, chapter 209, section
 49 10, subsection 5, which remain unobligated or
 50 unexpended at the close of the fiscal year beginning

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1 July 1, 1997, \$90,000, or so much thereof as is
2 available, shall not revert but shall be transferred
3 to the department of inspections and appeals, health
4 facilities division. The transferred moneys shall be
5 used in the succeeding fiscal year to contract for the
6 performance of building inspections. Moneys
7 transferred pursuant to this section which revert at
8 the end of the fiscal year beginning July 1, 1998,
9 shall be transferred to the general fund of the state.

10 Sec. _____. FISCAL YEAR 1998-1999 LOTTERY TRANSFER.
11 Notwithstanding the requirement in section 99E.10,
12 subsection 1, to transfer lottery revenue remaining
13 after expenses are deducted, notwithstanding the
14 requirement under section 99E.20, subsection 2, for
15 the commissioner to certify and transfer a portion of
16 the lottery fund to the CLEAN fund, and
17 notwithstanding the appropriations and allocations in
18 section 99E.34, all lottery revenues received during
19 the fiscal year beginning July 1, 1998, and ending
20 June 30, 1999, after deductions as provided in section
21 99E.10, subsection 1, and as appropriated under any
22 Act of the Seventy-seventh General Assembly, 1998
23 Session, shall not be transferred to and deposited
24 into the CLEAN fund but shall be transferred and
25 credited to the general fund of the state.

26 Sec. _____. EFFECTIVE DATE. This division of this
27 Act, being deemed of immediate importance, takes
28 effect upon enactment.

29 DIVISION III

30 Sec. _____. Section 15.241, subsection 1, unnumbered
31 paragraph 4, as enacted by 1998 Iowa Acts, House File
32 2435, section 1, is amended to read as follows:

33 Payments of interest, recaptures of awards, and
34 repayments of moneys loaned under this program shall
35 be deposited into the strategic investment fund.
36 Receipts from loans or grants under the business
37 development initiative for entrepreneurs with
38 disabilities program may be maintained in a separate
39 account within the fund.

40 Sec. _____. Section 15E.195, Code Supplement 1997,
41 is amended to read as follows:

42 15E.195 ENTERPRISE ZONE COMMISSION.

43 1. A county which designates an enterprise zone
44 pursuant to section 15E.194, subsection 1, and in
45 which an eligible enterprise zone is certified shall
46 establish an enterprise zone commission to review
47 applications from qualified businesses located within
48 or requesting to locate within an enterprise zone
49 designated pursuant to section 15E.194, subsection 1,
50 to receive incentives or assistance as provided in

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1 section 15E.196. The enterprise zone commission shall
2 also review applications from qualified housing
3 businesses requesting to receive incentives or
4 assistance as provided in section 15E.193A. The
5 commission shall consist of nine members. Five of
6 these members shall consist of one representative of
7 the board of supervisors, one member with economic
8 development expertise chosen by the department of
9 economic development, one representative of the county
10 zoning board, one member of the local community
11 college board of directors, and one representative of
12 the local workforce development center. These five
13 members shall select the remaining four members. If
14 the enterprise zone consists of an area meeting the
15 requirements for eligibility for an urban or rural
16 enterprise community under Title XIII of the federal
17 Omnibus Budget Reconciliation Act of 1993, one of the
18 remaining four members shall be a representative of
19 that zone community. However, if the enterprise zone
20 ~~qualifies under the city criteria, one of the four~~
21 ~~members shall be a representative of an international~~
22 ~~labor organization and if an enterprise zone is~~
23 ~~located in any city, a representative, chosen by the~~
24 ~~city council, of each such city may be a member of the~~
25 ~~commission.~~ A county shall have only one enterprise
26 zone commission to review applications for incentives
27 and assistance for businesses located within or
28 requesting to locate within a certified enterprise
29 zone designated pursuant to section 15E.194,
30 subsection 1.

31 2. The commission may adopt more stringent
32 requirements, including requirements related to
33 compensation and benefits, for a business to be
34 eligible for incentives or assistance than provided in
35 section sections 15E.193 and 15E.193A. The commission
36 may develop as an additional requirement that
37 preference in hiring be given to individuals who live
38 within the enterprise zone. The commission shall work
39 with the local workforce development center to
40 determine the labor availability in the area. The
41 commission shall examine and evaluate building codes
42 and zoning in the enterprise zone and make
43 recommendations to the appropriate governing body in
44 an effort to promote more affordable housing
45 development.

46 3. If the enterprise zone commission determines
47 that a business qualifies ~~for inclusion in an~~
48 ~~enterprise zone~~ and is eligible to receive incentives
49 or assistance as provided in either section 15E.193A
50 or section 15E.196, the commission shall submit an

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1 application for incentives or assistance to the
2 department of economic development. The department
3 may approve, defer, or deny the application.

4 4. In making its decision, the commission or
5 department shall consider the impact of the eligible
6 business on other businesses in competition with it
7 and compare the compensation package of businesses in
8 competition with the business being considered for
9 incentives or assistance. The commission or
10 department shall make a good faith effort to identify
11 existing Iowa businesses within an industry in
12 competition with the business being considered for
13 incentives or assistance. The commission or
14 department shall also make a good faith effort to
15 determine the probability that the proposed incentives
16 or assistance will displace employees of existing
17 businesses. In determining the impact on businesses
18 in competition with the business seeking incentives or
19 assistance, jobs created as a result of other jobs
20 being displaced elsewhere in the state shall not be
21 considered direct jobs created.

22 However, if the commission or department finds that
23 an eligible business has a record of violations of the
24 law, including but not limited to environmental and
25 worker safety statutes, rules, and regulations, over a
26 period of time that tends to show a consistent
27 pattern, the eligible business shall not qualify for
28 incentives or assistance under section 15E.193A or
29 section 15E.196, unless the commission or department
30 finds that the violations did not seriously affect
31 public health or safety or the environment, or if it
32 did that there were mitigating circumstances. In
33 making the findings and determinations regarding
34 violations, mitigating circumstances, and whether an
35 eligible business is eligible for incentives or
36 assistance under section 15E.193A or section 15E.196,
37 the commission or department shall be exempt from
38 chapter 17A. If requested by the commission or
39 department, the business shall provide copies of
40 materials documenting the type of violation, any fees
41 or penalties assessed, court filings, final
42 disposition of any findings and any other information
43 which would assist the commission or department in
44 assessing the nature of any violation.

45 5. A business that is approved to receive
46 incentives or assistance shall, for the length of its
47 designation as an enterprise zone business, certify
48 annually to the county or city, as applicable, and the
49 department of economic development its compliance with
50 the requirements of either section 15E.193 or section

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1 15E.193A.2 Sec. 100. Section 69.2, subsection 7, Code 1997,
3 is amended to read as follows:4 7. The board of supervisors declares a vacancy in
5 an elected county office upon finding that the county
6 officer has been physically absent from the county for
7 sixty consecutive days except in the case of a medical
8 emergency; temporary active military duty; or
9 temporary service with another government service,
10 agency, or department.11 Sec. _____. Section 97B.49B, subsection 3, paragraph
12 b, subparagraph (6), if enacted in 1998 Iowa Acts,
13 House File 2496, section 36, is amended to read as
14 follows:15 (6) For the fiscal year commencing July 1, 1994,
16 and each succeeding fiscal year through the fiscal
17 year ending June 30, 1998, each judicial district
18 department of correctional services shall pay to the
19 department of personnel from funds appropriated to
20 that judicial district department of correctional
21 services, the amount necessary to pay the employer
22 share of the cost of the additional benefits provided
23 to employees covered under subsection 1, paragraph
24 "d", subparagraph (7) of a judicial district
25 department of correctional services who are employed
26 as a probation officer III or a parole officer III.27 Sec. _____. Section 135C.33, subsection 5, if
28 enacted by 1998 Iowa Acts, House File 2275, is amended
29 by adding the following new paragraphs:30 NEW PARAGRAPH. d. An employee of an elder group
31 home certified under chapter 231B, if the employee
32 provides direct services to consumers.33 NEW PARAGRAPH. e. An employee of an assisted
34 living facility certified or voluntarily accredited
35 under chapter 231C, if the employee provides direct
36 services to consumers.37 Sec. _____. Section 135C.33, Code Supplement 1997,
38 is amended by adding the following new subsection:39 NEW SUBSECTION. 6. The department of inspections
40 and appeals, in conjunction with other departments and
41 agencies of state government involved with criminal
42 history and abuse registry information, shall
43 establish a single contact repository for facilities
44 and other providers to have electronic access to data
45 to perform background checks for purposes of
46 employment, as required of the facilities and other
47 providers under this section.48 Sec. 200. Section 200.14, subsection 1A, as
49 enacted by 1998 Iowa Acts, Senate File 2082, section
50 1, is amended to read as follows:

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1 1A. Anhydrous ammonia equipment shall be installed
2 and maintained in a safe operating condition and in
3 conformity with rules adopted by the secretary. A
4 person shall not intentionally tamper with anhydrous
5 ammonia equipment. Tampering occurs when a person who
6 is not authorized by the owner of anhydrous ammonia
7 equipment uses the equipment in violation of a
8 provision of this chapter, including a rule adopted by
9 the secretary. A person shall not in any manner or
10 for any purpose sell, fill, refill, deliver, permit to
11 be delivered, or use an anhydrous ammonia container or
12 receptacle, including for the storage of any gas or
13 compound, unless the person owns the container or
14 receptacle or is authorized to do so by the owner. A
15 person shall not possess or transport anhydrous
16 ammonia in a container or receptacle which is not
17 authorized by the secretary to hold anhydrous ammonia.

18 Sec. _____. Section 260A.1, subsection 2, Code
19 Supplement 1997, is amended to read as follows:

20 2. Moneys appropriated in subsection 1 shall be
21 allocated by the department of education to each
22 community college ~~in the proportion that the~~
23 ~~allocation to that community college in 1996-Iowa~~
24 ~~Acts, chapter 1215, section 6, subsection 15, bears to~~
25 ~~the total appropriation made in 1996-Iowa Acts,~~
26 ~~chapter 1215, section 6, subsection 15, to all~~
27 community colleges on the basis of each community
28 college's share of overall community college student
29 enrollment. The overall enrollment and each community
30 college district's share of the overall enrollment
31 shall be determined utilizing refined enrollment
32 reporting methods approved by the department of
33 education using data from the most recently concluded
34 fiscal year. The department of education shall
35 determine enrollment share percentages for each
36 community college district for purposes of allocating
37 the moneys.

38 Sec. _____. Section 279.51, subsection 1, unnumbered
39 paragraph 1, Code Supplement 1997, is amended to read
40 as follows:

41 There is appropriated from the general fund of the
42 state to the department of education for the fiscal
43 year beginning July 1, ~~1997~~ 1998, and each succeeding
44 fiscal year, the sum of fifteen million ~~one~~ three
45 hundred ~~seventy~~ sixty thousand dollars.

46 Sec. _____. Section 279.51, subsection 1, paragraph
47 b, Code Supplement 1997, is amended to read as
48 follows:

49 b. For the fiscal year beginning July 1, ~~1997~~
50 1998, and for each succeeding fiscal year, eight

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1 million three five hundred twenty ten thousand dollars
2 of the funds appropriated shall be allocated to the
3 child development coordinating council established in
4 chapter 256A for the purposes set out in subsection 2
5 of this section and section 256A.3.

6 Sec. _____. Section 321.453, Code 1997, as amended
7 by 1998 Iowa Acts, Senate File 2081, section 1, is
8 amended to read as follows:

9 321.453 EXCEPTIONS.

10 The provisions of this chapter governing size,
11 weight, and load, and the permit requirements of
12 chapter 321E do not apply to fire apparatus, ~~to~~ road
13 maintenance equipment owned by or under lease to any
14 state or local authority, implements of husbandry
15 temporarily moved upon a highway, implements of
16 husbandry moved from farm site to farm site or between
17 the retail seller and a farm purchaser, implements of
18 husbandry moved between any site and the site of an
19 agricultural exposition or a fair administered
20 pursuant to chapter 173 or 174, indivisible implements
21 of husbandry temporarily moved between the place of
22 manufacture and a retail seller or a farm purchaser,
23 implements of husbandry received and moved by a retail
24 seller of implements of husbandry in exchange for a
25 purchased implement, or implements of husbandry moved
26 for repairs, except on any part of the interstate
27 highway system. A vehicle, carrying an implement of
28 husbandry, which is exempted from the permit
29 requirements under this section shall be equipped with
30 an amber flashing light under section 321.423, shall
31 be equipped with warning flags on that portion of the
32 vehicle which protrudes into oncoming traffic, and
33 shall only operate from thirty minutes prior to
34 sunrise to thirty minutes following sunset. The one
35 hundred mile distance restriction contained in the
36 definition of implement of husbandry in section 321.1
37 does not apply to this section.

38 Sec. _____. If the amendment to section 421.40,
39 unnumbered paragraph 3, Code 1997, contained in 1998
40 Iowa Acts, House File 2530 is enacted, that amendment
41 shall prevail over the amendment to section 421.40,
42 unnumbered paragraph 3, Code 1997, contained in 1998
43 Iowa Acts, Senate File 518, section 39.

44 Sec. _____. 1998 Iowa Acts, House File 2290, section
45 7, if enacted, is amended to read as follows:

46 SEC. 7. EFFECTIVE DATE. Section 6 of this Act,
47 being deemed of immediate importance, takes effect
48 upon enactment. Section 5 of this Act takes effect
49 December 15, 1998, and applies to nonresident deer
50 hunting licenses for calendar years beginning on or

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1 after January 1, 1999.

2 Sec. _____. Section 483A.8, subsection 3, Code 1997,
3 as amended by 1998 Iowa Acts, Senate File 187, section
4 10, is amended to read as follows:

5 3. A nonresident hunting deer is required to have
6 a nonresident deer license and must pay the wildlife
7 habitat fee. The commission shall annually limit to
8 ~~six~~ seven thousand five hundred licenses the number of
9 nonresidents allowed to have deer hunting licenses.
10 The number of nonresident deer hunting licenses shall
11 be determined as provided in section 481A.38. The
12 commission shall allocate the nonresident deer hunting
13 licenses issued among the zones based on the
14 populations of deer. However, a nonresident applicant
15 may request one or more hunting zones, in order of
16 preference, in which the applicant wishes to hunt. If
17 the request cannot be fulfilled, the applicable fees
18 shall be returned to the applicant. A nonresident
19 applying for a deer hunting license must exhibit proof
20 of having successfully completed a hunter safety and
21 ethics education program as provided in section
22 483A.27 or its equivalent as determined by the
23 department before the license is issued.

24 Sec. _____. 1998 Iowa Acts, Senate File 187, section
25 27, if enacted, is amended to read as follows:

26 SEC. 27. EFFECTIVE AND APPLICABILITY DATES. This
27 Act takes effect December 15, 1998, and applies to
28 licenses and fees for hunting, fishing, fur
29 harvesting, and related wildlife and game activities
30 for the calendar year years beginning on or after
31 January 1, 1999.

32 Sec. _____. Section 692A.13, Code 1997, is amended
33 by adding the following new subsection:

34 NEW SUBSECTION. 9. The department shall provide
35 information for purposes of the single contact
36 repository established pursuant to section 135C.33, in
37 accordance with rules adopted by the department.

38 Sec. 300. 1998 Iowa Acts, Senate File 2406,
39 section 13, if enacted, is amended to read as follows:

40 SEC. 13. IOWA EMPOWERMENT BOARD. The Iowa
41 empowerment board shall adopt rules, arrange for
42 technical assistance, provide guidance, and take other
43 actions needed to assist the designation of community
44 empowerment areas and creation of community
45 empowerment boards and to enable the community
46 empowerment area boards to submit school ready
47 children grant plans in a timely manner for the
48 initial grants to be awarded and grant moneys to be
49 paid. For the initial grants, plans shall be
50 submitted by September 1, 1998, or by ~~January 1, 1999~~

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1 December 1, 1998, in accordance with criteria
2 established by the board. The Iowa board shall submit
3 to the governor and the general assembly a proposed
4 funding formula for distribution of school ready
5 children grant moneys as necessary for statewide
6 implementation of the grant program for the fiscal
7 year beginning July 1, 1999, and subsequent fiscal
8 years.

9 Sec. 400. 1998 Iowa Acts, Senate File 2410,
10 section 83, subsection 7, if enacted, is amended to
11 read as follows:

12 7. Section 15, subsection 19, paragraph "b" "a",
13 relating to authority to use moneys for support of the
14 child welfare services work group.

15 Sec. 500. Section 514I.7, subsection 2, paragraph
16 e, if enacted by 1998 Iowa Acts, House File 2517,
17 section 9, is amended to read as follows:

18 e. Is not currently covered under or was not
19 covered within the prior six months under a group
20 health plan as defined in 42 U.S.C. § ~~3006gg-91(a)(1)~~
21 300gg-91(a)(1) or other health benefit plan, unless
22 the coverage was involuntarily lost or unless dropping
23 the coverage is allowed by rule of the board.

24 Sec. _____. 1998 Iowa Acts, House File 2162,
25 sections ~~34~~ and 42, are repealed.

26 Sec. _____. 1998 Iowa Acts, House File 2538, section
27 2, amending section 15E.195, is repealed.

28 Sec. _____. 1998 Iowa Acts, House File 2164, section
29 11, amending section 15E.195, subsection 1, is
30 repealed.

31 Sec. _____. EFFECTIVE DATE. The following
32 provisions of this division of this Act, being deemed
33 of immediate importance, take effect upon enactment:

34 1. Section 100, amending section 69.2.

35 2. Section 200, amending section 200.14."

36 _____. Section 300, amending 1998 Iowa Acts, Senate
37 File 2406, section 13.

38 _____. Section 400, amending 1998 Iowa Acts, Senate
39 File 2410, section 83, subsection 7.

40 _____. Section 500, amending section 514I.7, if
41 enacted by 1998 Iowa Acts, House File 2517, section 9.

42 DIVISION IV

43 Sec. _____. NEW SECTION. 327H.20A RAILROAD
44 REVOLVING LOAN FUND.

45 A railroad revolving loan fund is established in
46 the office of the treasurer of state under the control
47 of the department. Moneys in this fund shall be
48 expended for loans to provide assistance for the
49 restoration, conservation, improvement, and
50 construction of railroad main lines, branch lines,

H-9333

-10-

H-9333

Page 11

1 switching yards, sidings, rail connections, intermodal
2 yards, highway grade separations, and other railroad-
3 related improvements. The department shall administer
4 a program for the granting and administration of loans
5 under this section. The department may enter into
6 agreements with railroad corporations, the United
7 States government, cities, counties, and other persons
8 for carrying out the purposes of this section. Moneys
9 received as loan repayments shall be credited to the
10 railroad revolving loan fund. Notwithstanding section
11 8.33, moneys in the railroad revolving loan fund shall
12 not revert to the general fund of the state but shall
13 remain available indefinitely for expenditure under
14 this section.

15 Sec. ____ RAILROAD REVOLVING FUND. There is
16 appropriated from the general fund of the state to the
17 state department of transportation for the fiscal year
18 beginning July 1, 1998, and ending June 30, 1999, for
19 deposit in the railroad revolving loan fund
20 established in section 327H.20A, an amount equal to
21 the amount of loan repayments made under section
22 327H.18 and chapter 327I that exceed one million one
23 hundred ninety thousand dollars during fiscal year
24 1998-1999."

25 5. Title page, line 1, by inserting after the
26 word "to" the following: "public expenditure and
27 regulatory matters".

28 6. Title page, line 3, by striking the words
29 "providing an effective date" and inserting the
30 following: "subsequent fiscal years, and providing
31 effective dates".

RECEIVED FROM THE SENATE

H-9333 FILED APRIL 22, 1998
HOUSE CONCURRED AS AMENDED

(p.1951)

HOUSE FILE 2395

H-9334

1 Amend the Senate amendment, H-9333, to House File
2 2395, as amended, passed, and reprinted by the House,
3 as follows:

- 4 1. Page 2, by striking lines 17 through 21.
- 5 2. By renumbering as necessary.

By MILLAGE of Scott

H-9334 FILED APRIL 22, 1998
ADOPTED

p.1951

ASB 572

APPROPRIATIONS

Millage, Ch
Sukup
Murphy

Succeeded By

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON MILLAGE)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to and making supplemental and other
2 appropriations for the fiscal year beginning July 1, 1997, and
3 providing an effective date.

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

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1 Section 1. 1997 Iowa Acts, chapter 215, section 2,
2 subsections 6 and 7, are amended to read as follows:

3 6. For the installation of storm drainage, grading, new
4 asphalt, new lighting, and striping of capitol complex parking
5 lots 4 and 5 in accordance with capitol complex renovation
6 plans, provided that not more than \$450,000 shall be used for
7 lot 4 and not more than \$105,000 shall be used for lot 5, and
8 provided that existing capitol complex construction plans do
9 not conflict with the parking lot improvements:

10\$----555,000

11 ---7---For filling cracks, resurfacing, new handicapped
12 parking signs which comply with the provisions of chapter
13 321L, as amended by 1997 Iowa Acts, House File 688, and
14 striping capitol complex parking lots 13, 4, 5, and 15 in
15 accordance with capitol complex renovation plans, provided
16 that not more than \$100,750 shall be used for lot 13 and not
17 more than \$75,000 shall be used for lot 15, and provided that
18 existing capitol complex construction plans do not conflict
19 with the parking lot improvements:

20 \$ 175,750
21 730,750

22 Sec. 2. DEPARTMENT OF CORRECTIONS. There is appropriated
23 from the rebuild Iowa infrastructure fund to the department of
24 corrections for the fiscal year beginning July 1, 1997, and
25 ending June 30, 1998, the following amount, or so much thereof
26 as is necessary, to be used for the purpose designated:

27 For construction of buildings to provide work space for
28 prisoners:

29 \$ 2,200,000

30 Notwithstanding section 8.33, unencumbered or unobligated
31 funds remaining on June 30, 2000, from the funds appropriated
32 in this section shall revert to the rebuild Iowa
33 infrastructure fund.

34 Sec. 3. DEPARTMENT OF EDUCATION -- SUBSIDIZATION FUND.

35 There is appropriated from the general fund of the state to

1 the department of education for the fiscal year beginning July
2 1, 1997, and ending June 30, 1998, to supplement the
3 appropriations made in 1997 Iowa Acts, chapter 210, section 2,
4 subsection 2, paragraph "a", the following amount, or so much
5 thereof as is necessary, to be used for the purpose
6 designated:

7 For the subsidization of video rates:

8 \$ 300,000

9 Sec. 4. DEPARTMENT OF EDUCATION. There is appropriated
10 from the general fund of the state to the public broadcasting
11 division of the department of education for the fiscal year
12 beginning July 1, 1997, and ending June 30, 1998, to
13 supplement the appropriations made in 1997 Iowa Acts, chapter
14 212, section 7, subsection 7, the following amount, or so much
15 thereof as is necessary, to be used for the purpose
16 designated:

17 For a study of the digital television conversion:

18 \$ 150,000

19 Notwithstanding section 8.33, any unobligated or
20 unencumbered funds remaining at the end of the fiscal year
21 shall not revert to the general fund of the state but shall be
22 available for expenditure during the following fiscal year for
23 the purpose designated in this section.

24 Sec. 5. DEPARTMENT OF NATURAL RESOURCES. There is
25 appropriated from the general fund of the state to the
26 department of natural resources for the fiscal year beginning
27 July 1, 1997, and ending June 30, 1998, the following amount,
28 or so much thereof as is necessary, to be used for the purpose
29 designated:

30 For the value of sick leave pay that needs to be paid out
31 due to retirement of personnel in the parks and preserves
32 division:

33 \$ 350,000

34 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
35 immediate importance, takes effect upon enactment.

EXPLANATION

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The bill makes supplemental appropriations for the 1997-1998 fiscal year from the state general fund to the departments of education and natural resources, and from the rebuild Iowa infrastructure fund to the department of corrections. In addition, the bill amends a previous appropriation from the rebuild Iowa infrastructure fund to the department of general services.

The bill takes effect upon enactment.



OFFICE OF THE GOVERNOR

STATE CAPITOL
DES MOINES, IOWA 50319
515 281-5211

TERRY E. BRANSTAD
GOVERNOR

May 21, 1998

MAY 21 1998

The Honorable Paul Pate
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit House File 2395, an act relating to public expenditure and regulatory matters and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and subsequent fiscal years, and providing effective dates.

House File 2395 is, therefore, approved on this date with the following exception, which I hereby disapprove.

I am unable to approve the designated portion of Section 12, subsection 4. This item would appropriate unspent fiscal year 1995 lottery funds for operating and testing costs of the state-federal animal health laboratory. It is inappropriate to use one-time funding for ongoing operational expenses.

For the above reason, I hereby respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2395 are hereby approved as of this date.

Sincerely,

Terry E. Branstad
Governor

TEB/ps

cc Secretary of the Senate
Chief Clerk of the House

Item Vetoed

HOUSE FILE 2395

AN ACT
RELATING TO PUBLIC EXPENDITURE AND REGULATORY MATTERS AND
MAKING SUPPLEMENTAL AND OTHER APPROPRIATIONS FOR THE
FISCAL YEAR BEGINNING JULY 1, 1997, AND SUBSEQUENT
FISCAL YEARS, AND PROVIDING EFFECTIVE DATES.

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

DIVISION I

Section 1. DEPARTMENT OF GENERAL SERVICES. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1997, and ending June 30, 1998, to supplement the appropriations made in 1997 Iowa Acts, chapter 211, section 6, subsection 5, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For utility costs:

..... \$ 60,000

Sec. 2. 1997 Iowa Acts, chapter 215, section 2, subsections 6 and 7, are amended to read as follows:

6. For the installation of storm drainage, grading, new asphalt, new lighting, and ~~striping of capitol complex parking lots 4 and 5 in accordance with capitol complex renovation plans, provided that not more than \$450,000 shall be used for lot 4 and not more than \$105,000 shall be used for lot 5 and provided that existing capitol complex construction plans do not conflict with the parking lot improvements:~~

..... \$ 555,000

7. For filling cracks, resurfacing, new handicapped parking signs which comply with the provisions of chapter 321L, as amended by 1997 Iowa Acts, House File 688, and striping capitol complex parking lots 13, 4, 5, and 15 in accordance with capitol complex renovation plans, provided

~~that not more than \$100,750 shall be used for lot 13 and not more than \$75,000 shall be used for lot 15 and provided that existing capitol complex construction plans do not conflict with the parking lot improvements:~~

..... \$ 175,750
730,750

Sec. 3. DEPARTMENT OF CORRECTIONS. There is appropriated from the rebuild Iowa infrastructure fund to the department of corrections for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For construction of buildings to provide work space for prisoners:

..... \$ 2,200,000

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, 2000, from the funds appropriated in this section shall revert to the rebuild Iowa infrastructure fund.

Sec. 4. DEPARTMENT OF EDUCATION -- SUBSIDIZATION FUND.

There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1997, and ending June 30, 1998, to supplement the appropriations made in 1997 Iowa Acts, chapter 210, section 2, subsection 2, paragraph "a", the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the subsidization of video rates:

..... \$ 720,000

Sec. 5. DEPARTMENT OF EDUCATION. There is appropriated from the general fund of the state to the public broadcasting division of the department of education for the fiscal year beginning July 1, 1997, and ending June 30, 1998, to supplement the appropriations made in 1997 Iowa Acts, chapter 212, section 7, subsection 7, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For a study of the digital television conversion:

..... \$ 150,000

Notwithstanding section 8.33, any unobligated or unencumbered funds remaining at the end of the fiscal year shall not revert to the general fund of the state but shall be available for expenditure during the following fiscal year for the purpose designated in this section.

Sec. 6. DEPARTMENT OF NATURAL RESOURCES. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the value of sick leave pay that needs to be paid out due to retirement of personnel in the parks and preserves division:

..... \$ 350,000

Sec. 7. DEPARTMENT OF NATURAL RESOURCES. There is appropriated from the state fish and game protection fund created in section 456A.17 to the department of natural resources for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the value of sick leave pay that needs to be paid out due to retirement of personnel in the fish and wildlife division:

..... \$ 245,000

Sec. 8. JUDICIAL DEPARTMENT. There is appropriated from the rebuild Iowa infrastructure fund to the judicial department for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For design and development of a new judicial building:

..... \$ 1,700,000

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, 2000, from the funds appropriated in this section shall revert to the rebuild Iowa infrastructure fund on August 31, 2000.

Sec. 9. ENHANCED COURT COLLECTIONS FUND. Notwithstanding section 602.1304, subsection 2, for the fiscal year beginning July 1, 1997, and ending June 30, 1998, the maximum deposit amount for the enhanced court collections fund shall be \$6,000,000. For succeeding fiscal years, the maximum deposit amount shall be determined in accordance with section 602.1304, subsection 2, and the maximum deposit amount shall not be increased due to the increase made in this section.

Sec. 10. 1997 Iowa Acts, chapter 215, section 11, is amended to read as follows:

SEC. 11. 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, 1997, and ending June 30, 1998, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of funding capital projects funded from marine fuel tax receipts for the purposes specified in section 452A.79:

..... \$ 1,800,000

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, ~~1998~~ 1999, from the funds appropriated in this section, shall revert to the general fund of the state on August 31, ~~1998~~ 1999.

Sec. 11. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II

Sec. 12. EXCESS LOTTERY REVENUES FISCAL YEAR 1994-1995. Of the lottery revenues received during the fiscal year beginning July 1, 1994, which remain in the lottery fund following the transfers made pursuant to 1995 Iowa Acts,

chapter 220, section 16, 1996 Iowa Acts, chapter 1219, section 14, and 1997 Iowa Acts, chapter 209, section 10, the following amounts are appropriated or so much thereof as is necessary, for the fiscal year beginning July 1, 1997, and ending June 30, 1998, to be used for the purposes designated:

1. To the department of general services, division of information and technology services, for development and other start-up costs to establish a single contact repository implementing the provisions of this Act requiring the establishment of a single contact repository and first-year operational costs of the repository:

..... \$ 125,000

2. To the department of human services for a grant to a county with a population between 168,000 and 175,000 for implementation of the county's runaway assessment and treatment plan under section 232.195:

..... \$ 125,000

The grant shall be administered by the county's board of supervisors in consultation with the local runaway and treatment task force.

3. To the department of personnel for support of 2.00 FTEs in program administration and development for the deferred compensation program in addition to other authorized full-time equivalent positions in fiscal year 1998-1999:

..... \$ 125,000

4. To the department of agriculture and land stewardship for the state-federal laboratory for operation and testing:

..... \$ 109,000

Any lottery revenues remaining in the lottery fund at the end of the fiscal year beginning July 1, 1997, as a result of not being appropriated or as a result of a veto of any appropriation made in this section shall be transferred to the general fund of the state. Notwithstanding section 8.33, moneys appropriated in this section which remain unobligated or unexpended for the purpose designated shall not revert at

Vetoed

the end of the fiscal year beginning July 1, 1997, but shall remain available for the purpose designated in the succeeding fiscal year. Moneys which revert at the end of the succeeding fiscal year shall be transferred to the general fund of the state.

Sec. 13. BUILDING INSPECTION.

1. The appropriation made in 1998 Iowa Acts, House File 2498, if enacted, to the department of inspections and appeals, health facilities division, is reduced by \$90,000. The requirement in that appropriation for the health facilities division to use \$90,000 to pay the salary, support, and miscellaneous expenses of a building inspector position is void and the provisions of subsection 2 are substituted in lieu of that requirement.

2. Notwithstanding section 8.33 and the reversionary provisions of 1997 Iowa Acts, chapter 209, section 10, unnumbered paragraph 2, of the moneys appropriated in 1997 Iowa Acts, chapter 209, section 10, subsection 5, which remain unobligated or unexpended at the close of the fiscal year beginning July 1, 1997, \$90,000, or so much thereof as is available, shall not revert but shall be transferred to the department of inspections and appeals, health facilities division. The transferred moneys shall be used in the succeeding fiscal year to contract for the performance of building inspections. Moneys transferred pursuant to this section which revert at the end of the fiscal year beginning July 1, 1998, shall be transferred to the general fund of the state.

Sec. 14. FISCAL YEAR 1998-1999 LOTTERY TRANSFER. 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, 1998, and ending June 30, 1999, after deductions as provided in section 99E.10, subsection 1, and as appropriated under any Act of the Seventy-seventh General Assembly, 1998 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. 15. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION III

Sec. 16. Section 15.241, subsection 1, unnumbered paragraph 4, as enacted by 1998 Iowa Acts, House File 2435, section 1, is amended to read as follows:

Payments of interest, recaptures of awards, and repayments of moneys loaned under this program shall be deposited into the strategic investment fund. Receipts from loans or grants under the business development initiative for entrepreneurs with disabilities program may be maintained in a separate account within the fund.

Sec. 17. Section 15E.195, Code Supplement 1997, is amended to read as follows:

15E.195 ENTERPRISE ZONE COMMISSION.

1. A county which designates an enterprise zone pursuant to section 15E.194, subsection 1, and in which an eligible enterprise zone is certified shall establish an enterprise zone commission to review applications from qualified businesses located within or requesting to locate within an enterprise zone designated pursuant to section 15E.194, subsection 1, to receive incentives or assistance as provided in section 15E.196. The enterprise zone commission shall also review applications from qualified housing businesses requesting to receive incentives or assistance as provided in section 15E.193A. The commission shall consist of nine members. Five of these members shall consist of one representative of the board of supervisors, one member with

economic development expertise chosen by the department of economic development, one representative of the county zoning board, one member of the local community college board of directors, and one representative of the local workforce development center. These five members shall select the remaining four members. If the enterprise zone consists of an area meeting the requirements for eligibility for an urban or rural enterprise community under Title XIII of the federal Omnibus Budget Reconciliation Act of 1993, one of the remaining four members shall be a representative of that zone community. However, if the enterprise zone qualifies under the city criteria, one of the four members shall be a representative of an international labor organization and if an enterprise zone is located in any city, a representative chosen by the city council; of each such city may be a member of the commission. A county shall have only one enterprise zone commission to review applications for incentives and assistance for businesses located within or requesting to locate within a certified enterprise zone designated pursuant to section 15E.194, subsection 1.

2. The commission may adopt more stringent requirements, including requirements related to compensation and benefits, for a business to be eligible for incentives or assistance than provided in section sections 15E.193 and 15E.193A. The commission may develop as an additional requirement that preference in hiring be given to individuals who live within the enterprise zone. The commission shall work with the local workforce development center to determine the labor availability in the area. The commission shall examine and evaluate building codes and zoning in the enterprise zone and make recommendations to the appropriate governing body in an effort to promote more affordable housing development.

3. If the enterprise zone commission determines that a business qualifies for inclusion in an enterprise zone and is eligible to receive incentives or assistance as provided in

either section 15E.193A or section 15E.196, the commission shall submit an application for incentives or assistance to the department of economic development. The department may approve, defer, or deny the application.

4. In making its decision, the commission or department shall consider the impact of the eligible business on other businesses in competition with it and compare the compensation package of businesses in competition with the business being considered for incentives or assistance. The commission or department shall make a good faith effort to identify existing Iowa businesses within an industry in competition with the business being considered for incentives or assistance. The commission or department shall also make a good faith effort to determine the probability that the proposed incentives or assistance will displace employees of existing businesses. In determining the impact on businesses in competition with the business seeking incentives or assistance, jobs created as a result of other jobs being displaced elsewhere in the state shall not be considered direct jobs created.

However, if the commission or department finds that an eligible business has a record of violations of the law, including but not limited to environmental and worker safety statutes, rules, and regulations, over a period of time that tends to show a consistent pattern, the eligible business shall not qualify for incentives or assistance under section 15E.193A or section 15E.196, unless the commission or department finds that the violations did not seriously affect public health or safety or the environment, or if it did that there were mitigating circumstances. In making the findings and determinations regarding violations, mitigating circumstances, and whether an eligible business is eligible for incentives or assistance under section 15E.193A or section 15E.196, the commission or department shall be exempt from chapter 17A. If requested by the commission or department, the business shall provide copies of materials documenting the

type of violation, any fees or penalties assessed, court filings, final disposition of any findings and any other information which would assist the commission or department in assessing the nature of any violation.

5. A business that is approved to receive incentives or assistance shall, for the length of its designation as an enterprise zone business, certify annually to the county or city, as applicable, and the department of economic development its compliance with the requirements of either section 15E.193 or section 15E.193A.

Sec. 18. Section 69.2, subsection 7, Code 1997, is amended to read as follows:

7. The board of supervisors declares a vacancy in an elected county office upon finding that the county officer has been physically absent from the county for sixty consecutive days except in the case of a medical emergency; temporary active military duty; or temporary service with another government service, agency, or department.

Sec. 19. Section 97B.49B, subsection 3, paragraph b, subparagraph (6), if enacted in 1998 Iowa Acts, House File 2496, section 36, is amended to read as follows:

(6) For the fiscal year commencing July 1, 1994, and each succeeding fiscal year through the fiscal year ending June 30, 1998, each judicial district department of correctional services shall pay to the department of personnel from funds appropriated to that judicial district department of correctional services, the amount necessary to pay the employer share of the cost of the additional benefits provided to employees ~~covered under subsection 17-paragraph "d", subparagraph (7)~~ of a judicial district department of correctional services who are employed as a probation officer III or a parole officer III.

Sec. 20. Section 135C.33, subsection 5, if enacted by 1998 Iowa Acts, House File 2275, is amended by adding the following new paragraphs:

NEW PARAGRAPH. d. An employee of an elder group home certified under chapter 231B, if the employee provides direct services to consumers.

NEW PARAGRAPH. e. An employee of an assisted living facility certified or voluntarily accredited under chapter 231C, if the employee provides direct services to consumers.

Sec. 21. Section 135C.33, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The department of inspections and appeals, in conjunction with other departments and agencies of state government involved with criminal history and abuse registry information, shall establish a single contact repository for facilities and other providers to have electronic access to data to perform background checks for purposes of employment, as required of the facilities and other providers under this section.

Sec. 22. Section 200.14, subsection 1A, as enacted by 1998 Iowa Acts, Senate File 2082, section 1, is amended to read as follows:

1A. Anhydrous ammonia equipment shall be installed and maintained in a safe operating condition and in conformity with rules adopted by the secretary. A person shall not intentionally tamper with anhydrous ammonia equipment. Tampering occurs when a person who is not authorized by the owner of anhydrous ammonia equipment uses the equipment in violation of a provision of this chapter, including a rule adopted by the secretary. A person shall not in any manner or for any purpose sell, fill, refill, deliver, permit to be delivered, or use an anhydrous ammonia container or receptacle, including for the storage of any gas or compound, unless the person owns the container or receptacle or is authorized to do so by the owner. A person shall not possess or transport anhydrous ammonia in a container or receptacle which is not authorized by the secretary to hold anhydrous ammonia.

Sec. 23. Section 260A.1, subsection 2, Code Supplement 1997, is amended to read as follows:

2. Moneys appropriated in subsection 1 shall be allocated by the department of education to each community college in ~~the proportion that the allocation to that community college in 1996 Iowa Acts, chapter 1215, section 67, subsection 15, bears to the total appropriation made in 1996 Iowa Acts, chapter 1215, section 67, subsection 15 to all community colleges~~ on the basis of each community college's share of overall community college student enrollment. The overall enrollment and each community college district's share of the overall enrollment shall be determined utilizing refined enrollment reporting methods approved by the department of education using data from the most recently concluded fiscal year. The department of education shall determine enrollment share percentages for each community college district for purposes of allocating the moneys.

Sec. 24. Section 279.51, subsection 1, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1997 1998, and each succeeding fiscal year, the sum of fifteen million one three hundred seventy sixty thousand dollars.

Sec. 25. Section 279.51, subsection 1, paragraph b, Code Supplement 1997, is amended to read as follows:

b. For the fiscal year beginning July 1, 1997 1998, and for each succeeding fiscal year, eight million three five hundred twenty ten thousand dollars of the funds appropriated shall be allocated to the child development coordinating council established in chapter 256A for the purposes set out in subsection 2 of this section and section 256A.3.

Sec. 26. Section 321.453, Code 1997, as amended by 1998 Iowa Acts, Senate File 2081, section 1, is amended to read as follows:

321.453 EXCEPTIONS.

The provisions of this chapter governing size, weight, and load, and the permit requirements of chapter 321E do not apply to fire apparatus, to road maintenance equipment owned by or under lease to any state or local authority, implements of husbandry temporarily moved upon a highway, implements of husbandry moved from farm site to farm site or between the retail seller and a farm purchaser, implements of husbandry moved between any site and the site of an agricultural exposition or a fair administered pursuant to chapter 173 or 174, indivisible implements of husbandry temporarily moved between the place of manufacture and a retail seller or a farm purchaser, implements of husbandry received and moved by a retail seller of implements of husbandry in exchange for a purchased implement, or implements of husbandry moved for repairs, except on any part of the interstate highway system. A vehicle, carrying an implement of husbandry, which is exempted from the permit requirements under this section shall be equipped with an amber flashing light under section 321.423, shall be equipped with warning flags on that portion of the vehicle which protrudes into oncoming traffic, and shall only operate from thirty minutes prior to sunrise to thirty minutes following sunset. The one hundred-mile distance restriction contained in the definition of implement of husbandry in section 321.1 does not apply to this section.

Sec. 27. If the amendment to section 421.40, unnumbered paragraph 3, Code 1997, contained in 1998 Iowa Acts, House File 2530, is enacted, that amendment shall prevail over the amendment to section 421.40, unnumbered paragraph 3, Code 1997, contained in 1998 Iowa Acts, Senate File 518, section 39.

Sec. 28. 1998 Iowa Acts, House File 2290, section 7, if enacted, is amended to read as follows:

SEC. 7. EFFECTIVE DATE. Section 6 of this Act, being deemed of immediate importance, takes effect upon enactment.

Section 5 of this Act takes effect December 15, 1998, and applies to nonresident deer hunting licenses for calendar years beginning on or after January 1, 1999.

Sec. 29. Section 483A.8, subsection 3, Code 1997, as amended by 1998 Iowa Acts, Senate File 187, section 10, is amended to read as follows:

3. A nonresident hunting deer is required to have a nonresident deer license and must pay the wildlife habitat fee. The commission shall annually limit to ~~six~~ seven thousand five hundred licenses the number of nonresidents allowed to have deer hunting licenses. The number of nonresident deer hunting licenses shall be determined as provided in section 481A.38. The commission shall allocate the nonresident deer hunting licenses issued among the zones based on the populations of deer. However, a nonresident applicant may request one or more hunting zones, in order of preference, in which the applicant wishes to hunt. If the request cannot be fulfilled, the applicable fees shall be returned to the applicant. A nonresident applying for a deer hunting license must exhibit proof of having successfully completed a hunter safety and ethics education program as provided in section 483A.27 or its equivalent as determined by the department before the license is issued.

Sec. 30. 1998 Iowa Acts, Senate File 187, section 27, if enacted, is amended to read as follows:

SEC. 27. EFFECTIVE AND APPLICABILITY DATES. This Act takes effect December 15, 1998, and applies to licenses and fees for hunting, fishing, fur harvesting, and related wildlife and game activities for the calendar year years beginning on or after January 1, 1999.

Sec. 31. Section 692A.13, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The department shall provide information for purposes of the single contact repository established pursuant to section 135C.33, in accordance with rules adopted by the department.

Sec. 32. 1998 Iowa Acts, Senate File 2406, section 13, if enacted, is amended to read as follows:

SEC. 13. IOWA EMPOWERMENT BOARD. The Iowa empowerment board shall adopt rules, arrange for technical assistance, provide guidance, and take other actions needed to assist the designation of community empowerment areas and creation of community empowerment boards and to enable the community empowerment area boards to submit school ready children grant plans in a timely manner for the initial grants to be awarded and grant moneys to be paid. For the initial grants, plans shall be submitted by September 1, 1998, or by ~~January 1, 1999~~ December 1, 1998, in accordance with criteria established by the board. The Iowa board shall submit to the governor and the general assembly a proposed funding formula for distribution of school ready children grant moneys as necessary for statewide implementation of the grant program for the fiscal year beginning July 1, 1999, and subsequent fiscal years.

Sec. 33. 1998 Iowa Acts, Senate File 2410, section 83, subsection 7, if enacted, is amended to read as follows:

7. Section 15, subsection 19, paragraph "b" "a", relating to authority to use moneys for support of the child welfare services work group.

Sec. 34. Section 514I.7, subsection 2, paragraph e, if enacted by 1998 Iowa Acts, House File 2517, section 9, is amended to read as follows:

e. Is not currently covered under or was not covered within the prior six months under a group health plan as defined in 42 U.S.C. § ~~300gg-91(a)(1)~~ 300gg-91(a)(1) or other health benefit plan, unless the coverage was involuntarily lost or unless dropping the coverage is allowed by rule of the board.

Sec. 35. 1998 Iowa Acts, House File 2162, sections 34 and 42, are repealed.

Sec. 36. 1998 Iowa Acts, House File 2538, section 2, amending section 15E.195, is repealed.

Sec. 37. 1998 Iowa Acts, House File 2164, section 11, amending section 15E.195, subsection 1, is repealed.

Sec. 38. EFFECTIVE DATE. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. Section 18, amending section 69.2.
2. Section 22, amending section 200.14.
3. Section 32, amending 1998 Iowa Acts, Senate File 2406, section 13.
4. Section 33, amending 1998 Iowa Acts, Senate File 2410, section 83, subsection 7.
5. Section 34, amending section 514I.7, if enacted by 1998 Iowa Acts, House File 2517, section 9.

DIVISION IV

Sec. 39. NEW SECTION. 327H.20A RAILROAD REVOLVING LOAN FUND.

A railroad revolving loan fund is established in the office of the treasurer of state under the control of the department. Moneys in this fund shall be expended for loans to provide assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, sidings, rail connections, intermodal yards, highway grade separations, and other railroad-related improvements. The department shall administer a program for the granting and administration of loans under this section. The department may enter into agreements with railroad corporations, the United States government, cities, counties, and other persons for carrying out the purposes of this section. Moneys received as loan repayments shall be credited to the railroad revolving loan fund. Notwithstanding section 8.33, moneys in the railroad revolving loan fund shall not revert to the general fund of the state but shall remain available indefinitely for expenditure under this section.

Sec. 40. RAILROAD REVOLVING FUND. There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1998, and ending June 30, 1999, for deposit in the railroad revolving loan fund established in section 327H.20A, an amount equal to the amount of loan repayments made under section 327H.18 and chapter 327I that exceed one million one hundred ninety thousand dollars during fiscal year 1998-1999.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2395, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Item Veto
Approved 5/21/98, 1998

TERRY E. BRANSTAD
Governor

HF 2395