

FILED JAN 29 1998

STATE GOVERNMENT

SENATE FILE 2083

BY GRONSTAL

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to state funds and accounts by creating and
2 reestablishing various state funds and accounts, directing the
3 expenditure of receipts, and making appropriations and
4 appropriation reductions.

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

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S.F. 2083

1 Section 1. Section 8.60, unnumbered paragraph 1, Code
2 Supplement 1997, is amended to read as follows:

3 Moneys credited to or deposited in the general fund of the
4 state ~~on-or-after~~ during the period beginning July 1, 1993,
5 and ending June 30, 1998, which under law were previously
6 collected to be used for specific purposes, or to be credited
7 to, or be deposited to a particular account or fund shall only
8 be used for the purposes for which the moneys were collected,
9 including but not limited to moneys collected in accordance
10 with any of the following provisions:

11 Sec. 2. Section 15E.112, subsection 1, Code 1997, is
12 amended to read as follows:

13 1. A value-added agricultural products and processes
14 financial assistance fund is created within the state treasury
15 under the control of the department. The fund shall consist
16 of any money appropriated by the general assembly and any
17 other moneys available to and obtained or accepted by the
18 department from the federal government or private sources for
19 placement in the fund. Notwithstanding section 12C.7,
20 subsection 2, interest or earnings on moneys in the fund shall
21 be credited to the fund. The assets of the fund shall be used
22 by the department only for carrying out the purposes of
23 section 15E.111.

24 Sec. 3. Section 99D.17, Code 1997, is amended to read as
25 follows:

26 99D.17 PARI-MUTUEL REGULATION FUND -- USE OF FUNDS.

27 A pari-mutuel regulation fund is created in the state
28 treasury under the control of the racing and gaming
29 commission. Funds Moneys received pursuant to sections 99D.14
30 and 99D.15 shall be deposited in the general pari-mutuel
31 regulation fund of-the-state-and-shall-be-subject-to-the
32 requirements-of-section-8-60. These funds moneys shall first
33 be used to the extent appropriated by the general assembly.
34 The commission is subject to the budget requirements of
35 chapter 8 and the applicable auditing requirements and

1 procedures of chapter 11.

2 Sec. 4. Section 99F.4, subsection 2, Code 1997, is amended
3 to read as follows:

4 2. To license qualified sponsoring organizations, to
5 license the operators of excursion gambling boats, to identify
6 occupations within the excursion gambling boat operations
7 which require licensing, and to adopt standards for licensing
8 the occupations including establishing fees for the
9 occupational licenses and licenses for qualified sponsoring
10 organizations. ~~The fees shall be paid to the commission and~~
11 ~~deposited in the general fund of the state.~~ An excursion
12 gambling boat special account is created in the state treasury
13 under the control of the commission. All revenue received by
14 the commission under this chapter from license fees and
15 admission fees shall be deposited in ~~the general fund of the~~
16 ~~state and shall be subject to the requirements of section 8.60~~
17 the special account.

18 Sec. 5. Section 99F.17, subsection 1, Code 1997, is
19 amended to read as follows:

20 1. A manufacturer or distributor of gambling games or
21 implements of gambling shall annually apply for a license upon
22 a form prescribed by the commission before the first day of
23 April in each year and shall submit the appropriate license
24 fee. An applicant shall provide the necessary information as
25 the commission requires. The license fee for a distributor is
26 one thousand dollars, and the license fee for a manufacturer
27 is two hundred fifty dollars. The license fees shall be
28 credited to the ~~general fund of the state~~ excursion gambling
29 boat special account as provided for in section 99F.4,
30 subsection 2.

31 Sec. 6. Section 147.82, Code 1997, is amended to read as
32 follows:

33 147.82 FEES.

34 1. A health-related professional license fund is created
35 in the state treasury under the control of the department.

1 All fees shall be collected by the department and shall be
2 paid to the treasurer of state and deposited in the general
3 ~~fund of the state, except as provided in sections 147.94 and~~
4 ~~147.102.~~ Moneys deposited in the fund are not subject to
5 transfer to the general fund of the state or any other fund
6 except as provided by law.

7 2. An account shall be established within the fund for
8 each examining board. The fees and other charges collected
9 under this chapter attributable to each examining board shall
10 be credited to the examining board's account. Moneys credited
11 to an account are subject to appropriation by the general
12 assembly for employee and other costs attributable to the
13 examining board for which the account was established. The
14 department's administrative costs attributable to the
15 examining boards shall be appropriated from the fund. Moneys
16 credited to an account are subject to expenditure by warrant
17 for expenditures authorized by law and requisitioned by the
18 examining board for which the account was established.

19 Sec. 7. Section 147.94, subsection 4, Code 1997, is
20 amended to read as follows:

21 4. All license and renewal fees exacted from persons
22 licensed to practice pharmacy shall be paid to and collected
23 by the secretary of the pharmacy examiners. The moneys paid
24 to and collected shall be credited to the account of the
25 health-related professional license fund established for the
26 board of pharmacy examiners.

27 Sec. 8. Section 147.102, Code 1997, is amended to read as
28 follows:

29 147.102 PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS.

30 Notwithstanding the provisions of this subtitle, every
31 application for a license to practice psychology,
32 chiropractic, or dentistry shall be made directly to the
33 chairperson, executive director, or secretary of the examining
34 board of such the profession, and every reciprocal agreement
35 for the recognition of any such license issued in another

1 state shall be negotiated by the examining board for such the
2 profession. All examination, license, and renewal fees
3 received from persons licensed to practice any of such the
4 professions shall be paid to and collected by the chairperson,
5 executive director, or secretary of the examining board of
6 such the profession, who shall transmit the fees to the
7 treasurer of state for deposit into the general health-related
8 professional license fund of-the-state to the credit of the
9 examining board's account. The salary of the secretary shall
10 be established by the governor with the approval of the
11 executive council pursuant to section 19A.9, subsection 2,
12 under the pay plan for exempt positions in the executive
13 branch of government.

14 Sec. 9. Section 192.111, subsection 3, paragraph a, Code
15 Supplement 1997, is amended to read as follows:

16 a. A milk fund is created in the state treasury under the
17 control of the secretary. All moneys in the milk fund are
18 subject to audit by the auditor of state. Notwithstanding
19 section 8.33, moneys in the milk fund shall not revert to any
20 other fund. Notwithstanding section 12C.7, subsection 2,
21 interest or earnings on moneys in the fund shall be credited
22 to the fund. Fees collected under this section and sections
23 192.133, 194.14, 194.19, and 194.20 shall be deposited in the
24 general milk fund of-the-state. All moneys deposited under
25 this-section in the milk fund are appropriated to the
26 department for the costs of inspection, sampling, analysis,
27 and other expenses necessary for the administration of this
28 chapter and chapter 194, ~~and shall be subject to the~~
29 ~~requirements of section 8-60.~~

30 Sec. 10. Section 192A.30, unnumbered paragraph 2, Code
31 1997, is amended to read as follows:

32 A dairy trade practices trust fund is created in the state
33 treasury under the control of the secretary. Fees paid to the
34 secretary shall be deposited into the general trust fund of
35 ~~the-state-and-shall-be-subject-to-the-requirements-of-section~~

1 ~~8-60~~ and are appropriated to the department for the purposes
2 of administering and enforcing this chapter.

3 Sec. 11. Section 198.9, subsection 3, unnumbered paragraph
4 1, Code 1997, is amended to read as follows:

5 A commercial feed fund is created in the state treasury
6 under the control of the secretary. Fees collected shall be
7 deposited in the ~~general~~ commercial feed fund of-the-state and
8 ~~shall-be-subject-to-the-requirements-of-section-8-60~~
9 appropriated to the department to be used as provided in this
10 section. Moneys deposited under this section shall be used
11 for the payment of the costs of inspection, sampling,
12 analysis, supportive research, and other expenses necessary
13 for the administration of this chapter.

14 Sec. 12. Section 200.8, subsection 3, Code 1997, is
15 amended to read as follows:

16 3. If there is an unencumbered balance of ~~funds-from-the~~
17 ~~amount-of-the-fees-deposited~~ moneys in the ~~general~~ fertilizer
18 fund pursuant-to-sections-200.9-and-201A.11 created in section
19 200.9 on June 30 of any fiscal year equal to or exceeding
20 three hundred fifty thousand dollars, the secretary of
21 agriculture shall reduce the per ton fee provided for in
22 subsection 1 and the annual license fee established pursuant
23 to section 201A.3 for the next fiscal year in such amount as
24 will result in an ending estimated balance of such ~~funds~~
25 moneys for June 30 of the next fiscal year of three hundred
26 fifty thousand dollars.

27 Sec. 13. Section 200.9, Code 1997, is amended to read as
28 follows:

29 200.9 FERTILIZER FEES.

30 A fertilizer fund is created in the state treasury under
31 the control of the secretary. Fees collected for licenses and
32 inspection fees under sections 200.4 and 200.8, with the
33 exception of those fees collected for deposit in the
34 agriculture management account of the groundwater protection
35 fund, shall be deposited in the ~~general~~ fertilizer fund of-the

1 ~~state and shall be subject to the requirements of section~~
2 ~~8-60. Moneys deposited under this section to the general in~~
3 ~~the fertilizer fund shall be used only by~~ are appropriated to
4 the department to be used for the purpose of inspection,
5 sampling, analysis, preparation, and publishing of reports and
6 other expenses necessary for administration of this chapter.
7 The secretary may assign moneys to the Iowa agricultural
8 experiment station for research, work projects, and
9 investigations as needed for the specific purpose of improving
10 the regulatory functions for enforcement of this chapter.

11 Sec. 14. Section 201A.11, Code 1997, is amended to read as
12 follows:

13 201A.11 FEES AND APPROPRIATION.

14 Fees collected under this chapter shall be deposited in the
15 ~~general fertilizer fund of the state and shall be subject to~~
16 ~~the requirements of section 8-60~~ created in section 200.9.

17 Moneys deposited under this section ~~to~~ in the general
18 fertilizer fund shall are appropriated to the department to be
19 used only by the department for the purpose of administering
20 and enforcing the provisions of this chapter, including
21 inspection, sampling, analysis, and the preparation and
22 publishing of reports.

23 Sec. 15. Section 206.12, subsection 3, Code 1997, is
24 amended to read as follows:

25 3. a. The registrant, before selling or offering for sale
26 any pesticide for use in this state, shall register each brand
27 and grade of such pesticide with the secretary upon forms
28 furnished by the secretary, and the secretary shall set the
29 registration fee annually at one-fifth of one percent of gross
30 sales within this state with a minimum fee of two hundred
31 fifty dollars and a maximum fee of three thousand dollars for
32 each and every brand and grade to be offered for sale in this
33 state except as otherwise provided. The annual registration
34 fee for products with gross annual sales in this state of less
35 than one million five hundred thousand dollars shall be the

1 greater of two hundred fifty dollars or one-fifth of one
2 percent of the gross annual sales as established by affidavit
3 of the registrant. The secretary shall adopt by rule
4 exemptions to the minimum fee.

5 b. A pesticide fund is created in the state treasury under
6 the control of the secretary. Moneys in the pesticide fund
7 are appropriated to the department to be used as provided in
8 this paragraph. Fifty dollars of each fee collected shall be
9 deposited in the ~~general~~ pesticide fund of ~~the state, shall be~~
10 ~~subject to the requirements of section 8-607, and.~~ Moneys
11 deposited in the pesticide fund shall be used only for the
12 purpose of enforcing the provisions of this chapter and the
13 remainder of each fee collected shall be placed in the
14 agriculture management account of the groundwater protection
15 fund.

16 Sec. 16. Section 312.2, subsections 13 and 15, Code 1997,
17 are amended to read as follows:

18 13. The treasurer of state, before making the allotments
19 provided for in this section, shall credit annually to the
20 ~~general fund of the state~~ motor vehicle fraud account under
21 the control of the department of justice from revenues
22 credited to the road use tax fund under section 423.24,
23 subsection 1, paragraph "d", an amount equal to twenty-five
24 cents on each title issuance for motor vehicle fraud law
25 enforcement and prosecution purposes including, but not
26 limited to, the enforcement of state and federal odometer
27 laws. ~~Moneys deposited to the general fund under this~~
28 ~~subsection are subject to the requirements of section 8-607.~~

29 15. The treasurer of state, before making the allotments
30 provided for in this section, shall credit monthly from the
31 road use tax fund to the ~~general~~ public transit assistance
32 ~~fund of the state~~ created in section 324A.6 from revenue
33 credited to the road use tax fund under section 423.24,
34 subsection 1, paragraph "d", an amount equal to one-twentieth
35 of eighty percent of the revenue from the operation of section

1 423.7.

2 There-is-appropriated-from-the-general-fund-of-the-state
3 for-each-fiscal-year-to-the-state-department-of-transportation
4 the-amount-of-revenues-credited-to-the-general-fund-of-the
5 state-during-the-fiscal-year-under-this-subsection-to-be-used
6 for-purposes-of-public-transit-assistance-under-chapter-324A-
7 Sec. 17. Section 321.52, subsection 4, paragraph c, Code
8 Supplement 1997, is amended to read as follows:

9 c. (1) A salvage theft examination shall be made by a
10 peace officer who has been specially certified and recertified
11 when required by the Iowa law enforcement academy to do
12 salvage theft examinations. The Iowa law enforcement academy
13 shall determine standards for training and certification,
14 conduct training, and may approve alternative training
15 programs which satisfy the academy's standards for training
16 and certification.

17 (2) The owner of the salvage vehicle shall make the
18 vehicle available for examination at a time and location
19 designated by the peace officer doing the examination. The
20 owner may obtain a permit to drive the vehicle to and from the
21 examination location by submitting a repair affidavit to the
22 agency performing the examination stating that the vehicle is
23 reasonably safe for operation and listing the repairs which
24 have been made to the vehicle. The owner must be present for
25 the examination and have available for inspection the salvage
26 title, bills of sale for all essential parts changed, and the
27 repair affidavit. The examination shall be for the purposes
28 of determining whether the vehicle or repair components have
29 been stolen. The examination is not a safety inspection and a
30 signed salvage theft examination certificate shall not be
31 construed by any court of law to be a certification that the
32 vehicle is safe to be operated. There shall be no cause of
33 action against the peace officer or the agency conducting the
34 examination or the county treasurer for failure to discover or
35 note safety defects.

1 (3) If the vehicle passes the theft examination, the peace
2 officer shall indicate that the vehicle passed examination on
3 the salvage theft examination certificate. The permit and
4 salvage theft examination certificate shall be on controlled
5 forms prescribed and furnished by the department. The owner
6 shall pay a fee of thirty dollars upon completion of the
7 examination. The agency performing the examinations shall
8 retain twenty dollars of the fee and shall pay five dollars of
9 the fee to the department and five dollars of the fee to the
10 treasurer of state for deposit in ~~the general fund of the~~
11 state a motor vehicle fund account created in the state
12 treasury under the control of the Iowa law enforcement
13 academy. ~~Moneys deposited to the general fund under this~~
14 ~~paragraph are subject to the requirements of section 8.60 and~~
15 ~~shall be used by~~ in the motor vehicle fraud account are
16 appropriated to the Iowa law enforcement academy to provide
17 for the special training, certification, and recertification
18 of officers as required by this subsection.

19 (4) The state department of transportation shall adopt
20 rules in accordance with chapter 17A to carry out this
21 section.

22 Sec. 18. Section 324A.6, subsection 1, Code 1997, is
23 amended to read as follows:

24 1. A public transit assistance fund is created in the
25 state treasury under the control of the department. ~~Moneys~~
26 ~~appropriated for purposes of public transit assistance under~~
27 ~~this chapter~~ credited to the fund shall be expended for
28 providing assistance to public transit for the development,
29 improvement, and maintenance of public transit systems.
30 Unencumbered moneys appropriated by the general assembly for
31 the implementation of a state assistance plan shall be
32 deposited in the fund. Moneys deposited in the fund are not
33 subject to the provisions of sections 8.33 and 8.39. ~~Moneys~~
34 received by the department by agreements, grants, gifts, or
35 other means from individuals, companies or other business

1 entities, or cities and counties for the purposes stated in
2 this section shall be credited to the ~~general~~ fund of the
3 state.

4 ~~Moneys received by the department by agreements, grants,~~
5 ~~gifts, or other means and deposited into the state general~~
6 ~~fund as a result of this subsection are appropriated to the~~
7 ~~department for purposes of this subsection.~~

8 Sec. 19. Section 327H.18, Code 1997, is amended to read as
9 follows:

10 327H.18 RAILROAD ASSISTANCE FUND.

11 A railroad assistance fund is created in the state treasury
12 under the control of the state department of transportation.

13 ~~Moneys provided to the department for railroad assistance~~
14 ~~under this chapter credited to the fund~~ shall be expended for
15 providing assistance for the restoration, conservation,
16 improvement, and construction of railroad main lines, branch
17 lines, switching yards and sidings. Any unencumbered moneys
18 appropriated by the general assembly for branch line railroad
19 assistance shall be deposited in the fund. However, not more
20 than twenty percent of the funds appropriated to the
21 ~~department for railroad assistance from the general~~ fund of
22 ~~the state~~ in any fiscal year shall be used for restoration,
23 conservation, improvement, and construction of railroad main
24 lines, switching yards and sidings. Any moneys received by
25 the department by agreements, grants, gifts, or other means
26 from individuals, companies, business entities, cities, or
27 counties for the purposes of this section shall be credited to
28 the ~~general~~ fund of the state. Moneys deposited in the fund
29 are not subject to the provisions of sections 8.33 and 8.39.
30 Notwithstanding section 12C.7, subsection 2, interest and
31 earnings on moneys deposited in the railroad assistance fund
32 shall be credited to the fund. Interest and earnings credited
33 to the fund may be expended as loans or nonreimbursable
34 grants.

35 ~~Moneys received by or reimbursements made to the department~~

1 pursuant-to-this-section-and-sections-327H-7,-subsection-14,
2 and-327H-20-shall-be-deposited-into-the-general-fund-of-the
3 state-and-all-moneys-received-by-the-department-by-agreements,
4 grants,-gifts,-or-other-means-which-were-deposited-into-the
5 state-general-fund-as-a-result-of-this-section-are
6 appropriated-for-state-railroad-assistance-under-this-chapter-
7 Moneys-deposited-into-the-general-fund-of-the-state-pursuant
8 to-this-section-are-subject-to-the-requirements-of-section
9 8-60-

10 Sec. 20. Section 327H.20, Code 1997, is amended to read as
11 follows:

12 327H.20 ASSISTANCE AGREEMENTS.

13 1. The department may enter into agreements with railroad
14 corporations, the United States government, cities, counties,
15 and other persons for carrying out the purposes of this
16 chapter. Agreements entered into between the department and
17 railroad corporations under this section may require a
18 railroad corporation to reimburse all or part of the costs
19 paid from funds-provided-by-the-department the railroad
20 assistance fund from revenue derived from all railroad cars
21 and traffic using the main line, branch line, switching yard
22 or sidings defined in the agreement. An agreement which does
23 not require the repayment of railroad assistance funds used
24 for rehabilitation projects shall require the railroad
25 corporation to establish and maintain a separate corporation
26 account to which an amount equal to all or part of the costs
27 paid from funds-provided-by-the-department the railroad
28 assistance fund shall be credited from revenue derived from
29 all railroad cars and traffic using the main line, branch
30 line, switching yard, or siding defined in the agreement.
31 Credits to the corporation account by the railroad corporation
32 may be used for the restoration, conservation, improvement,
33 and construction of the railroad corporation's main line,
34 branch lines, switching yards, and sidings within the state.
35 The agreement shall stipulate the terms and conditions

1 governing the use of credits to the corporation account as
2 well as a penalty for the use of the account in a manner other
3 than as provided in the agreement.

4 2. With the department's approval, a city may appropriate
5 money from its general fund to the department railroad
6 assistance fund. The department may agree to pay partial or
7 total reimbursement to a city or county which appropriates
8 money to the department. Money appropriated to the department
9 from a city or county shall be used only as provided in
10 section 327H.18 and within the city or county providing the
11 money.

12 3. Moneys appropriated to the department railroad
13 assistance fund by a city, county, or railroad district which
14 are unexpended or unobligated following the expiration of an
15 agreement shall be repaid to the city, county, or railroad
16 district.

17 Sec. 21. Section 327I.4, subsection 11, Code 1997, is
18 amended to read as follows:

19 11. "Pledged receipts" means the revenues and receipts
20 received or to be received by the authority from the lease,
21 operation or sale or disposition of railway facilities; from
22 loan or other agreements relating to financial assistance;
23 from grants, gifts or payments on guarantees made to the
24 authority by any person; from accrued interest received from
25 the sale of obligations; from income from the investment of
26 special funds of the authority, including the special railroad
27 facility fund; from the revenues and receipts deposited in the
28 special railroad facility fund; and from any other moneys
29 which are available for the payment of bond service charges.

30 Sec. 22. Section 327I.4, Code 1997, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 15. "Special railroad facility fund"
33 means the fund created in section 327I.23.

34 Sec. 23. Section 327I.7, subsection 14, Code 1997, is
35 amended to read as follows:

1 14. Extend financial assistance for the purpose of
2 providing for project costs. Make interest-free loans for
3 rehabilitation of railway tracks, roadbeds, or trestles to
4 persons which have repaid in part the original loan from the
5 authority which was made for the purpose of the acquisition or
6 rehabilitation of railway tracks, roadbeds, or trestles.
7 However, an interest-free loan to a person shall not exceed
8 the amount repaid of the original loan made to that person and
9 one-half of the amount of the interest-free loan repaid to the
10 authority shall be credited to the general railroad assistance
11 fund of-the-state created in section 327H.18.

12 Sec. 24. Section 327I.7, Code 1997, is amended by adding
13 the following new subsections:

14 NEW SUBSECTION. 24. Pledge any funds contained in the
15 special railroad facility fund to the payment of and as
16 security for obligations issued under this chapter.

17 NEW SUBSECTION. 25. Invest moneys in the special railroad
18 facility fund in general or limited partnership interests in a
19 partnership formed to purchase, renovate, and operate a
20 railway facility.

21 Sec. 25. Section 327I.9, unnumbered paragraph 1, Code
22 1997, is amended to read as follows:

23 Except as provided in this chapter, all obligations are
24 payable solely out of the pledged receipts as designated in
25 the bond proceedings. Tax funds which the authority receives
26 from a political subdivision of the state shall not be pledged
27 for payment of the obligations. Except for those tax funds
28 deposited in the general special railroad facility fund of-the
29 state as provided in section 327I.23, subsection 2, or other
30 tax funds available pursuant to section 327I.26, the state
31 shall not appropriate tax funds, directly or indirectly, to
32 the authority for the purpose of payment of obligations of the
33 authority. Obligations shall be authorized by resolution of
34 the board and bond proceedings shall provide for the purpose
35 of the obligations, the principal amount, the principal

1 maturity or maturities, not exceeding twenty-five years from
2 the date of issuance, the interest rate or rates or the
3 maximum interest rate, the date of the obligations and the
4 dates of payment of interest on them, their denomination, and
5 the establishment within or without the state of a place or
6 places of payment of bond service charges. As much as is
7 practicable within the legal and fiscal limitations inherent
8 in bond issuance, a portion of the bonds shall be issued in
9 denominations of five thousand dollars and smaller, in order
10 to allow smaller investors in the state to purchase the bonds.

11 Sec. 26. Section 327I.12, Code 1997, is amended to read as
12 follows:

13 327I.12 PAYMENT OF OBLIGATIONS -- NONLIABILITY OF STATE.

14 Obligations issued under this chapter, and judgments based
15 on contract or tort arising from the activities of the
16 authority or persons acting on its behalf, are not a debt or
17 liability of the state or of any political subdivision within
18 the meaning of any constitutional or statutory debt limitation
19 and are not a pledge of the state's credit or taxing power
20 within the meaning of any constitutional or statutory
21 limitation or provision and no appropriation shall be made,
22 directly or indirectly, by the state or any political
23 subdivision of the state for the payment of the obligations or
24 judgments or to fund any deficiency in any special funds, or
25 for the indemnification of a person subject to a judgment
26 arising from that person's actions on the authority's behalf.
27 These obligations and judgments are special obligations of the
28 authority payable solely ~~and-only~~ from the sources and special
29 funds provided in this chapter. Funds from the general fund
30 of the state shall not be used to pay interest or principal on
31 obligations of the authority in the event that receipts from
32 the taxes ~~available~~ designated for deposit in the special
33 railroad facility fund, as provided in section 327I.23,
34 subsection 2, and section 327I.26, are insufficient.

35 Sec. 27. Section 327I.23, subsections 1 and 2, Code 1997,

1 are amended to read as follows:

2 1. ~~Moneys available, by appropriation or otherwise, to the~~
3 ~~authority for purposes of this chapter~~ A special railroad
4 facility fund is created in the state treasury. This fund
5 shall include the moneys which by law may be credited to the
6 special railroad facility fund. The moneys in the special
7 railroad facility fund are appropriated to and for the
8 purposes of the authority as provided in this chapter. The
9 moneys in the special railroad facility fund shall not be
10 considered as a part of the general fund of the state, are not
11 subject to appropriation for any other purpose by the general
12 assembly, and in determining a general fund balance shall not
13 be included in the general fund of the state but shall remain
14 in the special railroad facility fund to be used for the
15 purposes set forth in this section. The treasurer of state
16 shall act as custodian of the fund and disburse amounts
17 contained in the fund as directed by the authority. The
18 treasurer of state is authorized to invest the moneys
19 deposited in the special railroad facility fund at the
20 direction of the authority and subject to any limitations
21 contained in the bond proceedings. Notwithstanding section
22 12C.7, subsection 2, interest or earnings on moneys deposited
23 in the special railroad facility fund shall be credited to the
24 fund. The fund shall be administered by the authority and may
25 be used to purchase or upgrade railroad right-of-way and
26 trackage facilities or to purchase general or limited
27 partnership interests in a partnership formed to purchase,
28 upgrade, or operate railroad right-of-way and trackage
29 facilities, to pay or secure obligations issued by the
30 authority, to pay obligations, judgments, or debts for which
31 the authority becomes liable in its capacity as a general
32 partner, or for any other use authorized under this chapter.
33 The moneys fund may also be used to purchase or upgrade
34 railroad right-of-way and trackage facilities for the
35 development of railroad passenger tourism.

1 2. Moneys received from repayment from heartland rail
2 corporation as provided in 1983 Iowa Acts, chapter 198,
3 section 32, as amended by 1987 Iowa Acts, chapter 232, section
4 28, and 1988 Iowa Acts, chapter 1211, section 6, shall be
5 deposited in a separate account within the ~~general-fund-of-the~~
6 ~~state-and-are-appropriated-to-the-authority-to~~ special
7 railroad facility fund and shall be used by the authority only
8 for debt service or rehabilitation on branch rail lines whose
9 total projected traffic is at least fifty percent agricultural
10 products.

11 Sec. 28. Section 327I.25, unnumbered paragraph 1, Code
12 1997, is amended to read as follows:

13 The authority shall certify to the treasurer of state
14 amounts of money necessary for payment of principal and
15 interest by the authority on obligations issued on or after
16 July 1, 1988, or to make payments on leases guaranteed by the
17 authority on or after July 1, 1988. However, certification
18 shall only be made under this section when there are
19 insufficient moneys available to the authority for the payment
20 of ~~such~~ the principal and interest or the payment of ~~such~~ the
21 leases from moneys credited to the special railroad facility
22 fund or other sources available to the authority.

23 Sec. 29. Section 327I.26, Code 1997, is amended to read as
24 follows:

25 327I.26 APPROPRIATION TO AUTHORITY.

26 Notwithstanding section 423.24 and prior to the application
27 of section 423.24, subsection 1, paragraph "d", there ~~shall-be~~
28 ~~deposited-into-the-general-fund-of-the-state-and~~ is
29 appropriated to the authority from eighty percent of the
30 revenues derived from the operation of section 423.7 the
31 amounts certified by the authority under section 327I.25.
32 However, the total amount ~~deposited-into-the-general-fund-and~~
33 ~~appropriated~~ credited to the Iowa railway finance authority
34 under this section shall not exceed two million dollars
35 annually. Moneys ~~appropriated~~ credited to the Iowa railway

1 finance authority under this section are appropriated only for
2 the payment of principal and interest on obligations or the
3 payment of leases guaranteed by the authority as provided
4 under section 327I.25.

5 Sec. 30. Section 328.12, subsection 1, Code 1997, is
6 amended to read as follows:

7 1. PROMOTION OF AERONAUTICS. Encourage, foster, and
8 assist in the general development and promotion of aeronautics
9 in this state, and make disbursements from ~~moneys-available~~
10 the state aviation fund created in section 328.36 for such
11 purposes.

12 Sec. 31. Section 328.24, Code 1997, is amended to read as
13 follows:

14 328.24 REFUNDS OF FEES.

15 1. If, during the year for which an aircraft, except
16 nonresident aircraft used for the application of herbicides
17 and pesticides, was registered and the required fee paid the
18 aircraft is destroyed by fire or accident or junked, and its
19 identity as an aircraft entirely eliminated, or it is removed
20 and continuously used beyond the boundaries of the state, then
21 the owner in whose name it was registered at the time of
22 destruction, dismantling, or removal from the state shall
23 return the certificate of registration to the department
24 within ten days and make affidavit of the destruction,
25 dismantling, or removal and make claim for the refund. The
26 refund shall be paid from the ~~general~~ state aviation fund of
27 ~~the-state~~ pursuant to section 328.36.

28 2. The registration fee for the unexpired portion of the
29 year shall be refunded pro rata to the nearest full calendar
30 month, except that a refund shall not be allowed if the unused
31 portion of the fee is less than thirty-five dollars per
32 aircraft.

33 Sec. 32. Section 328.36, Code 1997, is amended by striking
34 the section and inserting in lieu thereof the following:

35 328.36 STATE AVIATION FUND.

1 A state aviation fund is created in the state treasury
2 under the control of the department. All moneys received by
3 the department pursuant to section 328.21 or other sections of
4 this chapter and those moneys remaining after the cost of
5 administering the aviation fuel tax fund as provided in
6 section 452A.82 shall be deposited into the state aviation
7 fund. Notwithstanding section 12C.7, subsection 2, interest
8 or earnings on moneys deposited in the state aviation fund
9 shall be credited to the fund.

10 Sec. 33. Section 452A.79, unnumbered paragraph 2, Code
11 1997, is amended to read as follows:

12 A marine fuel tax fund is created in the state treasury
13 under the control of the department. All moneys derived from
14 the excise tax on the sale of motor fuel used in watercraft
15 shall be deposited in the general marine fuel tax fund of the
16 state. ~~Moneys deposited to the general fund under this~~
17 ~~section and section 452A.84 are subject to the requirements of~~
18 ~~section 8-60 and~~ in the fund are subject to appropriation by
19 the general assembly to the department of natural resources
20 for use in its recreational boating program, which may include
21 but is not limited to:

22 Sec. 34. Section 452A.82, Code 1997, is amended to read as
23 follows:

24 452A.82 AVIATION FUEL TAX FUND.

25 An aviation fuel tax fund is created in the state treasury
26 under the control of the department. The portion of the
27 moneys collected under this chapter received on account of
28 aviation gasoline and special fuel used in aircraft shall be
29 deposited in ~~a separate fund to be maintained by the treasurer~~
30 the aviation fuel tax fund. All moneys remaining in the
31 separate aviation fuel tax fund after the cost of
32 administering the fund has been paid shall be credited to the
33 general state aviation fund of the state.

34 Sec. 35. Section 452A.84, Code 1997, is amended to read as
35 follows:

1 452A.84 TRANSFER TO STATE-GENERAL MARINE FUEL TAX FUND.

2 The treasurer of state shall transfer from the motor fuel
3 tax fund to the ~~general-fund-of-the-state~~ marine fuel tax fund
4 created in section 452A.79 that portion of moneys collected
5 under this chapter attributable to motor fuel used in
6 watercraft computed as follows:

7 1. Determine monthly the total amount of motor fuel tax
8 collected under this chapter and multiply the amount by nine-
9 tenths of one percent.

10 2. Subtract from the figure computed pursuant to
11 subsection 1 of this section three percent of the figure for
12 administrative costs and further subtract from the figure the
13 amounts refunded to commercial fishers pursuant to section
14 452A.17, subsection 1, paragraph "a", subparagraph (7). All
15 moneys remaining after claims for refund and the cost of
16 administration have been made shall be transferred to the
17 ~~general~~ marine fuel tax fund of-the-state.

18 Sec. 36. Section 456A.17, Code 1997, unnumbered paragraph
19 1, Code 1997, is amended to read as follows:

20 The following four funds are created in the state treasury:

21 Sec. 37. Section 456A.17, Code 1977, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 5. A public outdoor recreation and
24 resources fund.

25 Sec. 38. Section 456A.17, unnumbered paragraphs 2 and 3,
26 Code 1997, are amended to read as follows:

27 The state fish and game protection fund, except as
28 otherwise provided, consists of all moneys accruing from
29 license fees and all other sources of revenue arising under
30 the fish and wildlife division. Notwithstanding section
31 12C.7, subsection 2, interest or earnings on investments or
32 time deposits of the moneys in the state fish and game
33 protection fund and the public outdoor recreation and
34 resources fund shall be credited to ~~that-fund~~ those funds
35 respectively.

1 The public outdoor recreation and resources fund and the
2 county conservation board fund ~~consists~~ consist of all moneys
3 credited to ~~it~~ the funds by law or appropriated to ~~it~~ the
4 funds by the general assembly.

5 Sec. 39. Section 461A.79, Code 1997, is amended to read as
6 follows:

7 461A.79 PUBLIC OUTDOOR RECREATION AND RESOURCES FUND.

8 1. ~~Fifty percent of the funds-appropriated-for-purposes-of~~
9 ~~this-section-for~~ moneys credited to the public outdoor
10 recreation and resources fund shall be expended on land
11 acquisition and capital improvements in carrying out this
12 chapter. Acquisition projects, both fee-simple and less-than-
13 fee, from willing sellers, may be for purposes of
14 establishment or expansion of state parks, public hunting
15 areas, natural areas, public fishing areas, water access
16 sites, trail corridors, and other acquisition projects that
17 are in accord with this chapter. Notwithstanding the
18 exemption provided by section 427.1, land acquired under this
19 subsection is subject to the full consolidated levy of
20 property taxes which shall be paid from revenues available to
21 be expended under this subsection. Capital improvements may
22 be either new developments or rehabilitative in nature. Lake
23 and watershed restoration projects are eligible for funding
24 under this subsection. Not more than fifty percent of the
25 revenues moneys available to be expended under this subsection
26 may be used by the commission to enter into agreements with
27 county conservation boards and county boards of supervisors in
28 those counties without conservation boards to carry out the
29 purposes of this subsection. The agreement shall not provide
30 for the payment by the commission of more than seventy-five
31 percent of the cost of the project and the agreement shall
32 specify that the county conservation board or county board of
33 supervisors, whichever is applicable, shall provide funds for
34 the remaining cost of the project covered by the agreement.
35 Moneys available to be expended under this subsection may be

1 used for the matching of federal funds.

2 2. Forty-five percent of the ~~funds-appropriated-for~~
3 ~~purposes-of-this-section-for~~ moneys credited to the public
4 outdoor recreation and resources fund shall be expended on the
5 state recreation tourism grant program. This program shall
6 provide matching grants to cities and unincorporated
7 communities for purposes of developing or improving
8 recreational projects or tourist attractions. A city or
9 unincorporated community may submit an application to the
10 commission for a matching grant, except that an unincorporated
11 community shall submit the application through the county
12 board of supervisors. Applications shall be reviewed by the
13 advisory council for the public outdoor recreation and
14 resources fund. The advisory council shall submit
15 recommendations to the commission regarding possible
16 recipients and grant amounts. Grants made to an
17 unincorporated community shall be paid to the county board of
18 supervisors to be used for the project of the unincorporated
19 community. The amount of the grant shall not exceed fifty
20 percent of the cost of the development or improvement to be
21 made and the application must demonstrate that the city or
22 unincorporated community will provide the required matching
23 funds.

24 3. Five percent of the ~~funds-appropriated-for-purposes-of~~
25 ~~this-section-for~~ moneys credited to the public outdoor
26 recreation and resources fund shall be expended on advertising
27 which shall promote the use of recreational facilities and
28 tourist attractions in the state. The commission shall enter
29 into an agreement with the Iowa department of economic
30 development for the expenditure of these funds for this
31 purpose.

32 ~~4.--Moneys-available-to-be-expended-for-purposes-of-this~~
33 ~~section-for-public-outdoor-recreation-and-resources-shall-be~~
34 ~~credited-to-or-deposited-to-the-general-fund-of-the-state-and~~
35 ~~appropriations-made-for-purposes-of-this-section-shall-be~~

1 allocated-as-provided-in-this-section---Moneys-credited-to-or
2 deposited-to-the-general-fund-of-the-state-pursuant-to-this
3 subsection-are-subject-to-the-requirements-of-section-8-60-

4 Sec. 40. Section 461A.80, subsections 1 and 2, Code 1997,
5 are amended to read as follows:

6 1. An advisory council for the public outdoor recreation
7 and resources ~~appropriations-made-for-the-purposes-of-section~~
8 ~~461A-79~~ fund is created. The council shall consist of a
9 public member appointed by the governor from each
10 congressional district, the chairperson of the commission, the
11 director, and a designee of the Iowa department of economic
12 development. No more than three public members shall belong
13 to the same political party. The council shall elect a
14 chairperson annually from among the council's members, and the
15 director shall serve as council secretary. Persons already
16 serving in an elected or appointed governmental capacity are
17 not eligible to serve as council members.

18 2. The advisory council shall meet annually, in July, and
19 upon the call of the chairperson of the advisory council. The
20 advisory council shall make policy recommendations to the
21 commission regarding the projects and programs to be funded
22 from ~~funds-available-for~~ the public outdoor recreation and
23 resources ~~from-appropriations-made-for-the-purposes-of-section~~
24 ~~461A-79~~ fund.

25 Sec. 41. Section 473.11, subsection 1, paragraph f, Code
26 1997, is amended to read as follows:

27 f. The moneys deposited under section 473.16 in the
28 general energy research and development fund of the state
29 shall be used for research and development of selected
30 projects to improve Iowa's energy independence by developing
31 improved methods of energy efficiency, or by increased
32 development and use of Iowa's renewable nonresource-depleting
33 energy resources. The moneys credited to the general fund of
34 the state under section 556.18, subsection 3, shall be used
35 for energy conservation and alternative energy resource

1 projects. The projects shall be selected by the director and
2 administered by the department. Selection criteria for funded
3 projects shall include consideration of indirect restitution
4 to those persons in the state in the utility customer classes
5 and the utility service territories affected by unclaimed
6 utility refunds or deposits.

7 ~~Moneys-deposited-into-the-general-fund-of-the-state-under~~
8 ~~sections-473.16, 476.51, and 556.18, subsection 3, are subject~~
9 ~~to the requirements of section 8.60.~~

10 Sec. 42. Section 473.16, Code 1997, is amended to read as
11 follows:

12 473.16 ENERGY RESEARCH AND DEVELOPMENT FUND -- ADDITIONAL
13 FUNDS.

14 An energy research and development fund is created in the
15 state treasury under the control of the department. The
16 department may accept funds moneys from state and local
17 sources and shall take steps necessary to obtain federal funds
18 allotted and appropriated for the purpose of the above
19 described energy-related programs. These funds moneys shall
20 be deposited in the general energy research and development
21 ~~fund of the state and shall be subject to the requirements of~~
22 section 8.60. Federal funds moneys received under the
23 provisions of this section are appropriated for the purposes
24 set forth in the federal grants.

25 Sec. 43. Section 475A.3, subsection 3, Code 1997, is
26 amended to read as follows:

27 3. SALARIES, EXPENSES, AND APPROPRIATION. The salary of
28 the consumer advocate shall be fixed by the attorney general
29 within the salary range set by the general assembly. The
30 salaries of employees of the consumer advocate shall be at
31 rates of compensation consistent with current standards in
32 industry. The reimbursement of expenses for the employees and
33 the consumer advocate is as provided by law. The
34 appropriation for the office of consumer advocate shall be a
35 separate line item contained in the appropriation from the

1 general utilities trust fund of the state created in section
2 476.10.

3 Sec. 44. Section 476.10, unnumbered paragraph 5, Code
4 1997, is amended by striking the paragraph and inserting in
5 lieu thereof the following:

6 Fees paid to the utilities division shall be deposited in a
7 utilities trust fund. The treasurer of state shall hold these
8 moneys in an account that shall be established in the names of
9 the administrator of the utilities division and the consumer
10 advocate for the payment, upon appropriation by the general
11 assembly, of the expenses of the utilities division and the
12 consumer advocate division of the department of justice. This
13 fund is subject at all times to the warrant of the director of
14 revenue and finance, drawn upon written requisition of the
15 administrator of the utilities division, the administrator's
16 designated representative, the consumer advocate, or the
17 consumer advocate's designated representative for the payment
18 of all salaries and other expenses necessary to carry out the
19 duties of the utilities division or the consumer advocate
20 division. Subject to this section, the utilities division or
21 the consumer advocate division may keep on hand with the
22 treasurer of state moneys in excess of the current needs of
23 the utilities division or the consumer advocate division.
24 Transfers shall not be made from the general fund of the state
25 or any other fund for the payment of the expenses of the
26 divisions. No part of the moneys held by the treasurer of
27 state for the account shall be transferred to the general fund
28 of the state or any other fund. The moneys held by the
29 treasurer of state for the account shall be invested by the
30 treasurer of state and the income derived from these
31 investments shall be credited to the general fund of the
32 state. The authority to modify allotments provided in section
33 8.31 shall not apply to moneys appropriated from the fund
34 created in this section.

35 Sec. 45. Section 476.10, Code 1997, is amended by adding

1 the following new unnumbered paragraph after unnumbered
2 paragraph 5:

3 NEW UNNUMBERED PARAGRAPH. The utilities division shall
4 transfer at the beginning of each fiscal quarter from
5 appropriated trust funds to the administrative services trust
6 fund an amount which represents the division's share of the
7 estimated cost of consolidated administrative services within
8 the department of commerce, such share to be in the same
9 proportion as established by agreement in the fiscal year
10 beginning July 1, 1986, and ending June 30, 1987, with the
11 first quarterly transfer to occur between July 1, and July 31
12 annually. At the close of the fiscal year, actual versus
13 estimated expenditures shall be reconciled and any overpayment
14 shall be returned to the division or any underpayment shall be
15 paid by the division.

16 Sec. 46. Section 476.10, unnumbered paragraph 7, Code
17 1997, is amended by striking the unnumbered paragraph.

18 Sec. 47. Section 476.51, unnumbered paragraph 5, Code
19 1997, is amended to read as follows:

20 Civil penalties collected pursuant to this section shall be
21 forwarded by the executive secretary of the board to the
22 treasurer of state to be credited to the ~~general~~ energy
23 research and development fund ~~of-the-state~~ and to be used only
24 for the low income home energy assistance program and the
25 weatherization assistance program administered by the division
26 of community action agencies of the department of human
27 rights. Penalties paid by a rate-regulated public utility
28 pursuant to this section shall be excluded from the utility's
29 costs when determining the utility's revenue requirement, and
30 shall not be included either directly or indirectly in the
31 utility's rates or charges to customers.

32 Sec. 48. Section 478.4, Code 1997, is amended to read as
33 follows:

34 478.4 FRANCHISE -- HEARING.

35 The utilities board shall consider the petition and any

1 objections filed to it in the manner provided. It shall
2 examine the proposed route or cause any engineer selected by
3 it to do so. If a hearing is held on the petition it may hear
4 testimony as may aid it in determining the propriety of
5 granting the franchise. It may grant the franchise in whole
6 or in part upon the terms, conditions, and restrictions, and
7 with the modifications as to location and route as may seem to
8 it just and proper. Before granting the franchise, the
9 utilities board shall make a finding that the proposed line or
10 lines are necessary to serve a public use and represents a
11 reasonable relationship to an overall plan of transmitting
12 electricity in the public interest. A franchise shall not
13 become effective until the petitioners shall pay, or file an
14 agreement to pay, all costs and expenses of the franchise
15 proceeding, whether or not objections are filed, including
16 costs of inspections or examinations of the route, hearing,
17 salaries, publishing of notice, and any other expenses
18 reasonably attributable to it. The funds received for the
19 costs and the expenses of the franchise proceeding shall be
20 remitted to the treasurer of state for deposit in the general
21 utilities trust fund of-the-state-as-provided created in
22 section 476.10.

23 Sec. 49. Section 479.16, Code 1997, is amended to read as
24 follows:

25 479.16 RECEIPT OF FUNDS.

26 All moneys received under this chapter shall be remitted
27 monthly to the treasurer of state and credited to the general
28 utilities trust fund of-the-state-as-provided created in
29 section 476.10.

30 Sec. 50. Section 479A.9, Code 1997, is amended to read as
31 follows:

32 479A.9 DEPOSIT OF FUNDS.

33 Except as otherwise provided in section 479A.14, subsection
34 8, moneys received under this chapter shall be credited to the
35 general utilities trust fund of-the-state-as-provided created

1 in section 476.10.

2 Sec. 51. Section 524.207, Code 1997, is amended by
3 striking the section and inserting in lieu thereof the
4 following:

5 524.207 EXPENSES OF THE BANKING DIVISION -- FEES.

6 1. A banking revolving fund is established in the state
7 treasury under the control of the superintendent. All
8 expenses required in the discharge of the duties and
9 responsibilities imposed upon the banking division of the
10 department of commerce, the superintendent, and the state
11 banking board by the laws of this state shall be paid from
12 fees provided by the laws of this state and appropriated by
13 the general assembly from the banking revolving fund. All of
14 these fees are payable to the superintendent. The
15 superintendent shall pay all the fees and other money received
16 by the superintendent to the treasurer of state within the
17 time required by section 12.10. This fund is subject to the
18 warrant of the department of revenue and finance, drawn upon
19 written requisition of the superintendent or the
20 superintendent's designated representative, for the payment of
21 all salaries and other expenses necessary to carry out the
22 duties of the banking division of the department of commerce.
23 The superintendent may keep on hand with the treasurer of
24 state moneys in excess of the current needs of the division to
25 the extent approved by the state banking board. Transfers
26 shall not be made from the general fund of the state or any
27 other fund for the payment of the expenses of the division.
28 The moneys held by the treasurer of state for the account of
29 the superintendent shall not be transferred to the general
30 fund of the state or any other fund, except that sixty
31 thousand dollars each fiscal year shall be transferred to the
32 general fund of the state. That amount shall be considered as
33 one of the costs of the division. The moneys held by the
34 treasurer of state for the account of the superintendent shall
35 be invested by the treasurer of state and the income derived

1 from these investments shall be credited to the general fund
2 of the state.

3 2. The authority to modify allotments provided in section
4 8.31 shall not apply to funds appropriated from the fund
5 created in this section and held for the superintendent.

6 3. The superintendent shall account for receipts and
7 disbursements according to the separate duties imposed upon
8 the superintendent by the laws of this state and each separate
9 duty shall be fiscally self-sustaining.

10 4. The banking division shall transfer at the beginning of
11 each fiscal quarter from appropriated moneys in the banking
12 revolving fund to the administrative services trust fund an
13 amount which represents the division's share of the estimated
14 cost of consolidated administrative services within the
15 department of commerce, such share to be in the same
16 proportion as established by agreement in the fiscal year
17 beginning July 1, 1986, and ending June 30, 1987, with the
18 first quarterly transfer to occur between July 1, and July 31
19 annually. At the close of the fiscal year, actual versus
20 estimated expenditures shall be reconciled and any overpayment
21 shall be returned to the division or any underpayment shall be
22 paid by the division.

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

1 department of management, the division may expend and encumber
2 funds for excess examination expenses. The amounts necessary
3 to fund the excess examination expenses shall be collected
4 from those banks being regulated which caused the excess
5 expenditures, and the collections shall be treated as
6 repayment receipts as defined in section 8.2.

7 Sec. 52. Section 533.67, Code 1997, is amended by striking
8 the section and inserting in lieu thereof the following:

9 533.67 EXPENSES OF THE CREDIT UNION DIVISION -- FEES.

10 1. A credit union revolving fund is created in the office
11 of the treasurer of state under the authority of the
12 superintendent for the payment of the expenses of the
13 division. All expenses required in the discharge of duties
14 and responsibilities imposed upon the credit union division,
15 the superintendent, and the credit union review board by the
16 laws of this state shall be paid from fees provided by the
17 laws of this state and appropriated by the general assembly
18 from the revolving fund. All of these fees are payable to the
19 superintendent. The superintendent shall pay all the fees and
20 other money received by the superintendent to the treasurer of
21 state for deposit in the revolving fund within the time
22 required by section 12.10. The revolving fund is subject to
23 the warrant of the department of revenue and finance, drawn
24 upon written requisition of the superintendent or the
25 superintendent's designated representative, for the payment of
26 all salaries and other expenses necessary to carry out the
27 duties of the division. The superintendent may keep on hand
28 with the treasurer of state funds in excess of the current
29 needs of the division to the extent approved by the credit
30 union review board. A transfer shall not be made from the
31 general fund of the state or any other fund for the payment of
32 the expenses of the division. The moneys in the revolving
33 fund shall not be transferred to the general fund of the state
34 or any other fund, except thirty thousand dollars each fiscal
35 year shall be transferred to the general fund of the state.

1 The amount shall be considered as one of the costs of the
2 division. The funds held by the treasurer of state for the
3 account of the superintendent shall be invested by the
4 treasurer of state and the income derived from these
5 investments shall be credited to the general fund of the
6 state.

7 2. The authority to modify allotments provided in section
8 8.31 shall not apply to funds appropriated from the fund
9 created in this section and held for the superintendent.

10 3. The superintendent shall account for receipts and
11 disbursements according to the separate duties imposed upon
12 the superintendent by the laws of this state and each separate
13 duty shall be fiscally self-sustaining.

14 4. The credit union division shall transfer at the
15 beginning of each fiscal quarter from appropriated trust funds
16 to the administrative services trust fund an amount which
17 represents the division's share of the estimated cost of
18 consolidated administrative services within the department of
19 commerce, such share to be in the same proportion as
20 established by agreement in the fiscal year beginning July 1,
21 1986, and ending June 30, 1987, with the first quarterly
22 transfer to occur between July 1 and July 31 annually. At the
23 close of the fiscal year, actual versus estimated expenditures
24 shall be reconciled and any overpayment shall be returned to
25 the division or any underpayment shall be paid by the
26 division.

27 5. The credit union division may expend additional funds,
28 including funds for additional personnel, if the additional
29 expenditures are actual expenses which exceed the funds
30 budgeted for credit union examinations and directly result
31 from examinations of credit unions. Before the division
32 expends or encumbers an amount in excess of the funds budgeted
33 for examinations, the director of the department of management
34 shall approve the expenditure or encumbrance. Before approval
35 is given, the director of the department of management shall

1 determine the examination exceeds the funds budgeted by the
2 general assembly to the division and that the division does
3 not have other funds from which examination expenses can be
4 paid. Upon approval of the director of the department of
5 management, the division may expend and encumber funds for
6 excess examinations expenses. The amounts necessary to fund
7 the excess examination expenses shall be collected from those
8 credit unions being regulated which caused the excess
9 expenditures, and the collections shall be treated as
10 repayment receipts as defined in section 8.2.

11 6. The division may accept reimbursement of expenses
12 related to the examination of a credit union from the national
13 credit union administration or any other share guarantor or
14 insurance plan authorized by this chapter.

15 Sec. 53. Section 542B.12, Code 1997, is amended to read as
16 follows:

17 542B.12 DISPOSITION OF FEES.

18 The staff shall collect and account for all fees provided
19 for by this chapter and pay the fees to the treasurer of state
20 who shall deposit the fees in the ~~general~~ professional
21 licensing revolving fund of-the-state created in section
22 546.10, subsection 5.

23 Sec. 54. Section 542C.3, subsection 3, unnumbered
24 paragraph 1, Code Supplement 1997, is amended to read as
25 follows:

26 All fees and other moneys received by the board, pursuant
27 to this chapter, shall be paid monthly to the treasurer of
28 state for deposit in the ~~general~~ professional licensing
29 revolving fund of-the-state created in section 546.10,
30 subsection 5.

31 Sec. 55. Section 543B.14, Code 1997, is amended to read as
32 follows:

33 543B.14 FEES AND EXPENSES -- FUNDS.

34 All fees and charges collected by the real estate
35 commission under this chapter shall be paid into the ~~general~~

1 professional licensing revolving fund of-the-state created in
2 section 546.10, subsection 5, except that the equivalent of
3 the greater of ten dollars or forty percent per year of the
4 fees for each real estate salesperson's license, plus the
5 equivalent of the greater of ten dollars or twenty-five
6 percent per year of the fees for each broker's license shall
7 be paid into the Iowa real estate education fund created in
8 section 543B.54. All expenses incurred by the commission
9 under this chapter, including compensation of staff assigned
10 to the commission, shall be paid ~~from funds appropriated for~~
11 these purposes out of the professional licensing revolving
12 fund, except for expenses incurred and compensation paid for
13 the real estate education director, which shall be paid out of
14 the real estate education fund.

15 Sec. 56. Section 543D.6, subsection 2, Code 1997, is
16 amended to read as follows:

17 2. Fees collected by the board shall be transmitted to the
18 treasurer of state who shall deposit the fees in the ~~general~~
19 professional licensing revolving fund of-the-state created in
20 section 546.10, subsection 5.

21 Sec. 57. Section 544A.11, unnumbered paragraph 2, Code
22 1997, is amended to read as follows:

23 All fees shall be paid to the treasurer of state and
24 deposited in the ~~general~~ professional licensing revolving fund
25 of-the-state created in section 546.10, subsection 5.

26 Sec. 58. Section 544B.14, unnumbered paragraph 2, Code
27 1997, is amended to read as follows:

28 All fees shall be collected by the secretary, paid to the
29 treasurer of state and deposited in the ~~general~~ professional
30 licensing revolving fund of-the-state created in section
31 546.10, subsection 5.

32 Sec. 59. Section 546.9, Code 1997, is amended by adding
33 the following new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. The alcoholic beverages division
35 shall transfer at the beginning of each fiscal quarter from

1 appropriated funds to the administrative services trust fund
2 an amount which represents the division's share of the
3 estimated cost of consolidated administrative services within
4 the department. The share shall be in the same proportion as
5 established by agreement in the fiscal year beginning July 1,
6 1986, and ending June 30, 1987, with the first quarterly
7 transfer to occur between July 1 and July 31 annually. At the
8 close of the fiscal year, actual versus estimated expenditures
9 shall be reconciled and any overpayment shall be returned to
10 the division or any underpayment shall be paid by the
11 division.

12 Sec. 60. Section 546.10, subsection 5, Code 1997, is
13 amended by striking the subsection and inserting in lieu
14 thereof the following:

15 5. There is created in the office of the treasurer of
16 state a professional licensing revolving fund. Fees collected
17 under chapters 542B, 542C, 543B, 543D, 544A, and 544B shall be
18 paid to the treasurer of state and credited to the
19 professional licensing revolving fund. All expenses required
20 in the discharge of the duties and responsibilities imposed
21 upon the professional licensing division of the department of
22 commerce, the administrator, and the licensing boards by the
23 law of this state shall be paid from the revolving fund and
24 appropriated by the general assembly from the fund. Transfers
25 shall not be made from the general fund of the state or any
26 other fund for the payment of expenses of the division. Fees
27 collected by the division shall not be transferred to the
28 general fund. The funds held by the treasurer of state for
29 the professional licensing division of the department of
30 commerce shall be invested by the treasurer of state and the
31 income derived from the investments shall be credited to the
32 general fund of the state.

33 Sec. 61. Section 546.10, Code 1997, is amended by adding
34 the following new subsection:

35 NEW SUBSECTION. 5A. The professional licensing and

1 regulation division shall transfer at the beginning of each
2 fiscal quarter from appropriated funds to the administrative
3 services trust fund an amount which represents the division's
4 share of the estimated cost of consolidated administrative
5 services within the department, such share to be in the same
6 proportion as established by agreement in the fiscal year
7 beginning July 1, 1986, and ending June 30, 1987, with the
8 first quarterly transfer to occur between July 1 and July 31
9 annually. At the close of the fiscal year, actual versus
10 estimated expenditures shall be reconciled and any overpayment
11 shall be returned to the division or any underpayment shall be
12 paid by the division.

13 Sec. 62. NEW SECTION. 546.12 ADMINISTRATIVE SERVICES
14 TRUST FUND.

15 An administrative services trust fund is created in the
16 state treasury under the control of the department of
17 commerce. Moneys paid by the department's divisions for
18 administrative services shall be credited to the fund. All
19 costs for administrative services provided by the department
20 to the respective divisions shall be paid from the fund,
21 subject to appropriation by the general assembly.

22 Sec. 63. Section 556.18, subsection 3, Code 1997, is
23 amended to read as follows:

24 3. The treasurer of state shall annually credit all moneys
25 received under section 556.4 to the ~~general-fund-of-the-state~~
26 energy research and development fund created in section
27 473.16. ~~Moneys-credited-to-the-general-fund-of-the-state~~
28 ~~pursuant-to-this-subsection-are-subject-to-the-requirements-of~~
29 ~~subsections-1-and-2-and-section-8-60-~~

30 Sec. 64. APPROPRIATIONS -- REDUCTIONS. Moneys deposited
31 in a fund or account created in this Act during the fiscal
32 year beginning July 1, 1998, and ending June 30, 1999, are
33 appropriated for that fiscal year to the department or agency
34 with authority over the fund or account. An appropriation
35 made for the fiscal year beginning July 1, 1998, and ending

1 June 30, 1999, by the Seventy-seventh General Assembly, 1998
2 Session, for the same purpose as provided for an agency,
3 department, fund, or account created in this Act, shall be
4 reduced in an amount equal to the fees or other revenues
5 deposited into the fund or account during the fiscal year
6 beginning July 1, 1998, and ending June 30, 1999.

7 EXPLANATION

8 This bill reestablishes various state funds and accounts
9 that were repealed, appropriates moneys deposited in the funds
10 and accounts for the fiscal year beginning July 1, 1997, and
11 reduces appropriations made for the same purposes from the
12 general fund of the state.

13 Code section 8.60, which limits the purposes for which
14 moneys collected for various repealed funds and accounts may
15 be used, is amended to provide that the limitations only apply
16 to moneys collected and deposited in the general fund of the
17 state during the period beginning July 1, 1993, and ending
18 June 30, 1997.

19 Code section 15E.112 is amended to provide that the value-
20 added agricultural products and processes financial assistance
21 fund shall retain interest and earnings.

22 The following funds, authority, and accounts are recreated
23 or credited by the bill: the pari-mutuel regulation fund;
24 excursion gambling boat special account; milk fund; dairy
25 trade practices trust fund; commercial feed fund; fertilizer
26 fund; pesticide fund; motor vehicle fraud account; public
27 transit assistance fund; railroad assistance fund; special
28 railroad facility fund; state aviation fund; marine fuel tax
29 fund; aviation fuel tax fund; public outdoor recreation and
30 resources fund; energy research and development fund;
31 utilities trust fund; banking revolving fund; credit union
32 revolving fund; administrative services trust fund; and
33 professional licensing revolving fund. Moneys from abandoned
34 utility deposits and refunds are to be deposited in the energy
35 research and development fund.

1 In addition, the bill creates a health-related professional
2 license fund under the Iowa department of public health. Each
3 health profession examining board has an account within the
4 fund for crediting of fees and other revenues attributable to
5 the board.

6 The bill appropriates all revenues received under the
7 various funds, accounts, and authorizations for fiscal year
8 1998-1999 and reduces general fund appropriations accordingly.

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