

State of Iowa

64th General Assembly

APPROPRIATIONS REPORT 1981-83 BIENNIUM

Including Enrolled Bills

Legislative Fiscal Bureau June 1982



GERRY D. RANKIN
DIRECTOR
515/281-5279

STATE CAPITOL
DES MOINES, IOWA
50319

STATE OF IOWA
LEGISLATIVE FISCAL BUREAU

June 28, 1982

Members of the 69th G. A. of Iowa
and Other Interested Citizens:

The appropriations process of the General Assembly began this year in January of 1982 and was not completed until the end of the session in April, 1982. The Legislative Fiscal Bureau is responsible for providing both fiscal and program information to the members of the General Assembly to assist them in their decision-making process.

The purpose of the Fiscal Report - 1982 Session is to assist legislators, state officials, and others to locate and understand the action of the General Assembly. The Report draws together the appropriations and Ways and Means actions in a meaningful and organized fashion. I think this is a useful and reasonably comprehensive reference; I hope you will find it so.

If you have additional and more detailed questions, I invite you to contact and visit with my staff.

It is my sincere hope that this document will be of assistance to you.

Yours very truly,

Gerry D. Rankin
Director

C O N T E N T S

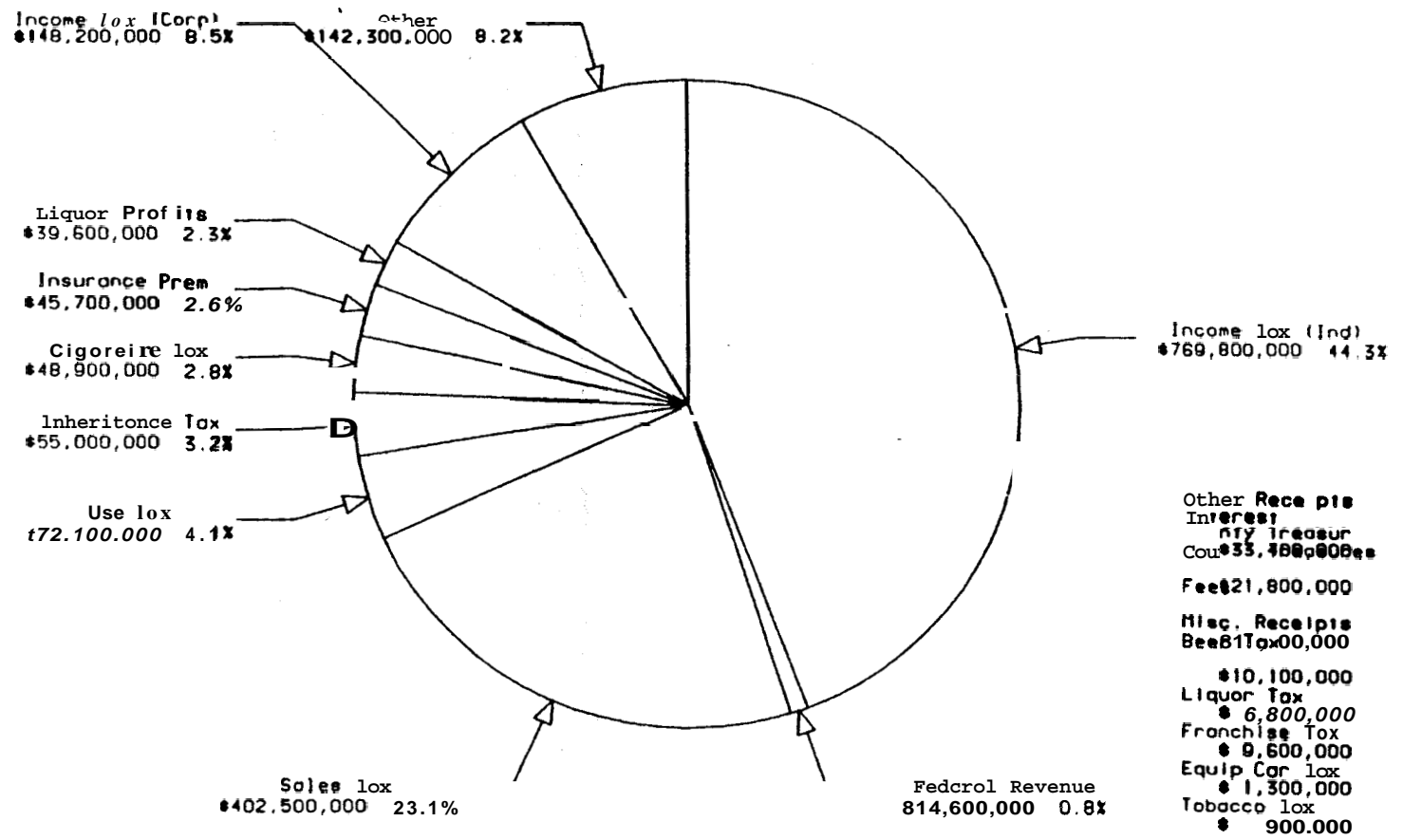
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ENROLLED BILLS	
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FISCAL INFORMATION

Fiscal Year 1981 General Fund Receipts

Actual Receipts

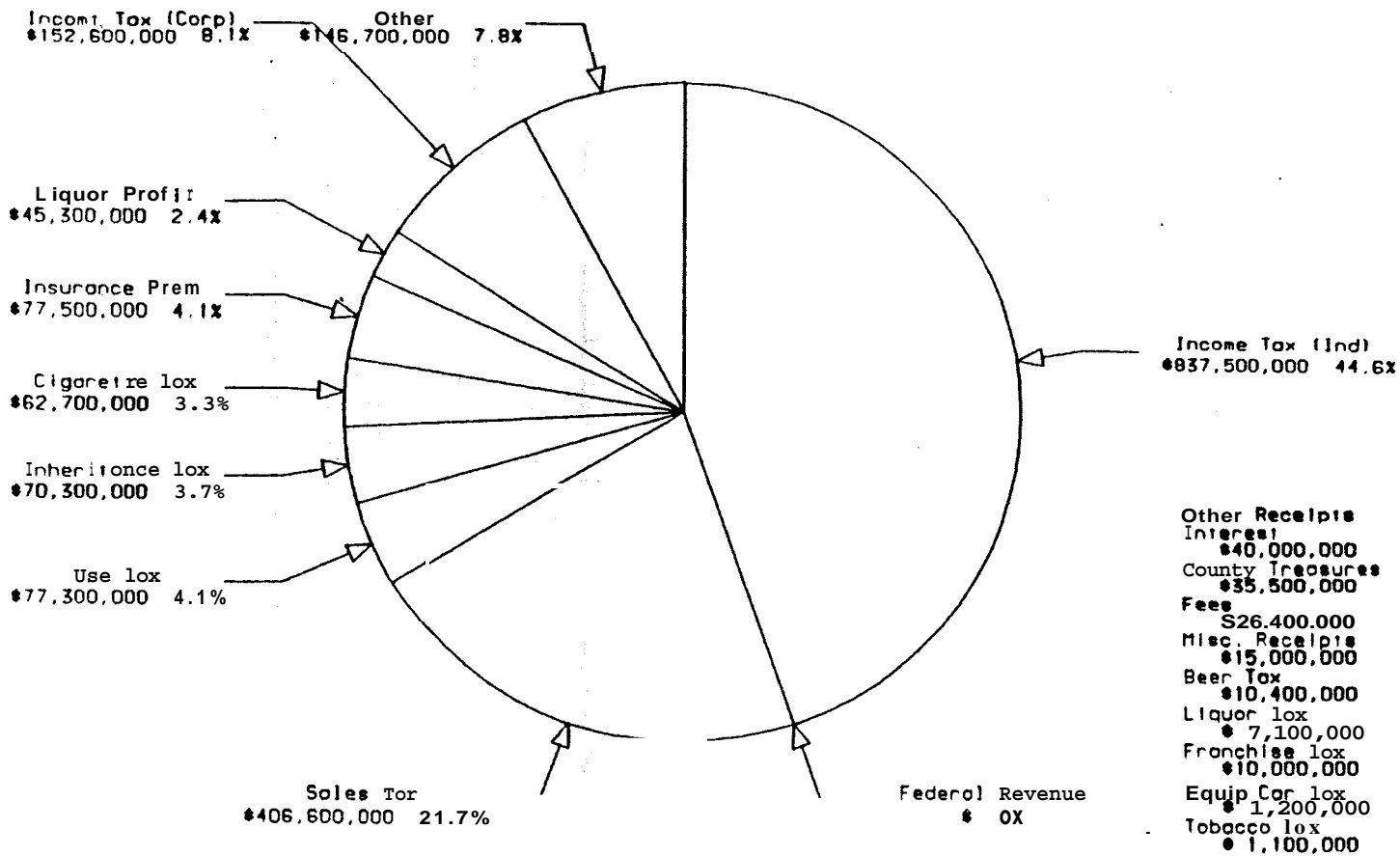
Total \$1,738,700,000



Fiscal Year 1982 General Fund Receipts

Estimated as of March 31, 1982

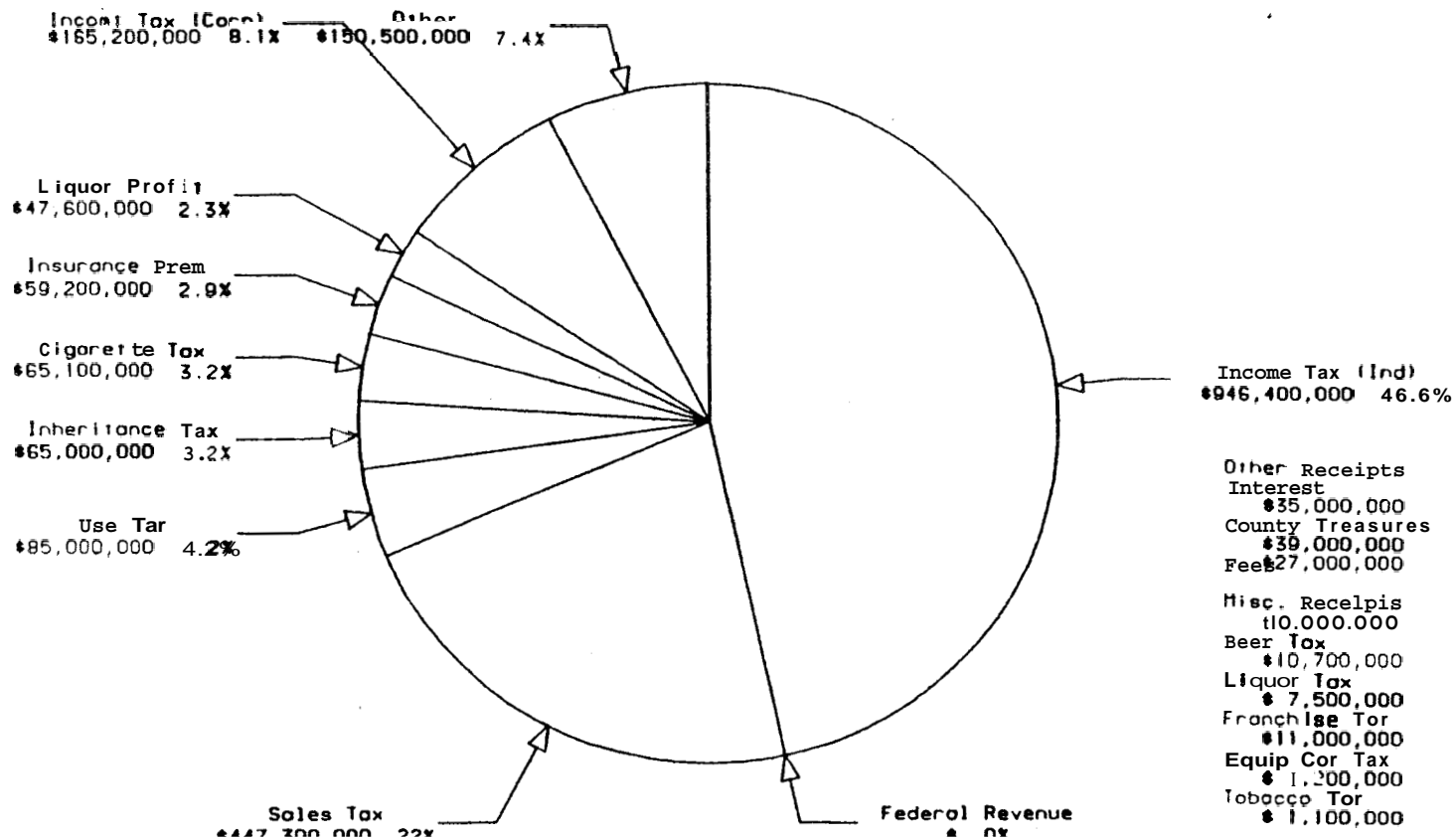
Total \$1,876,500,000



Fiscal Year 1983 General Fund Receipts

Estimated as of March 31, 1982

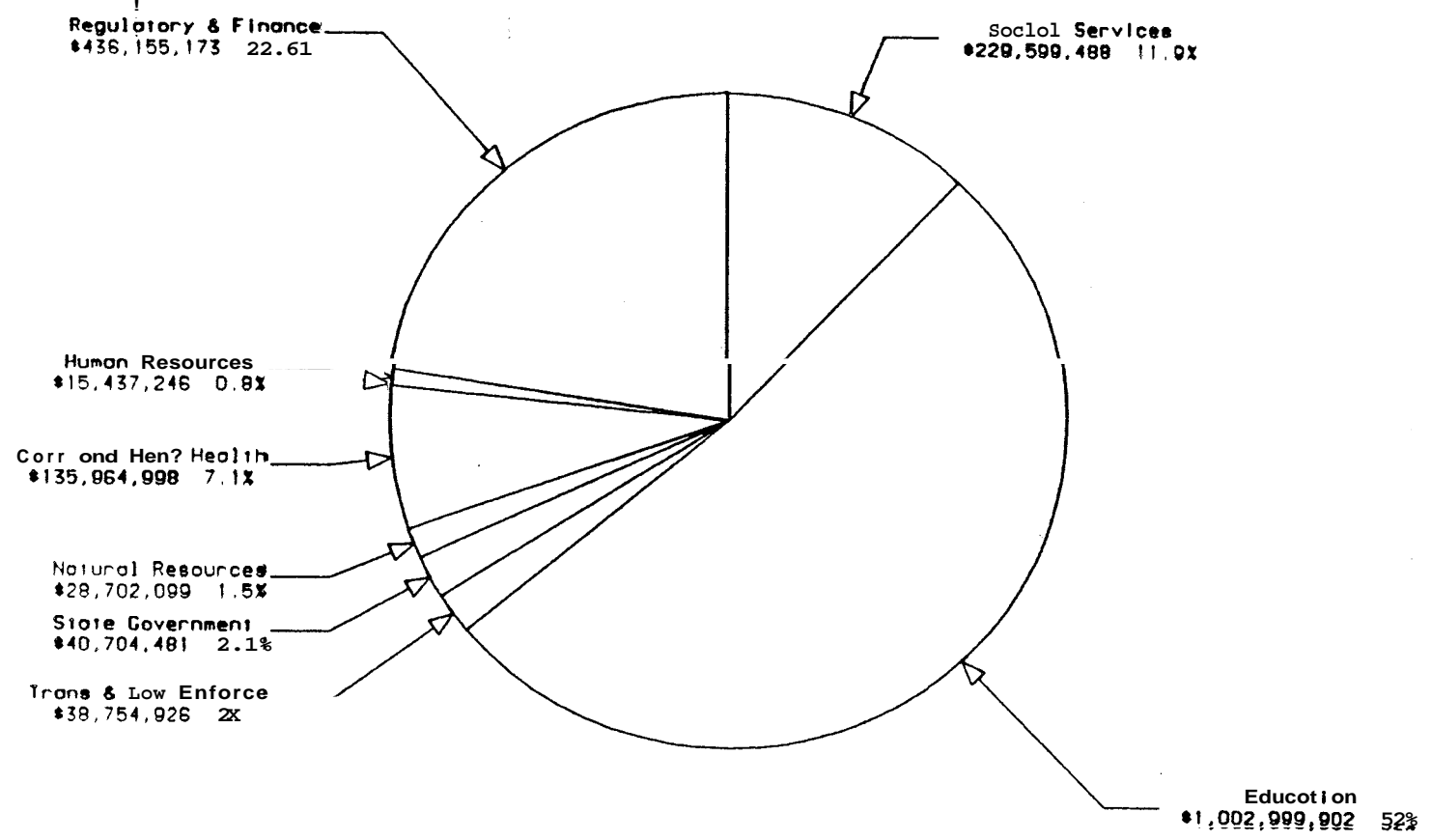
Total \$2,031,300,000



General Fund Estimated Appropriations

Fiscal Year 1982

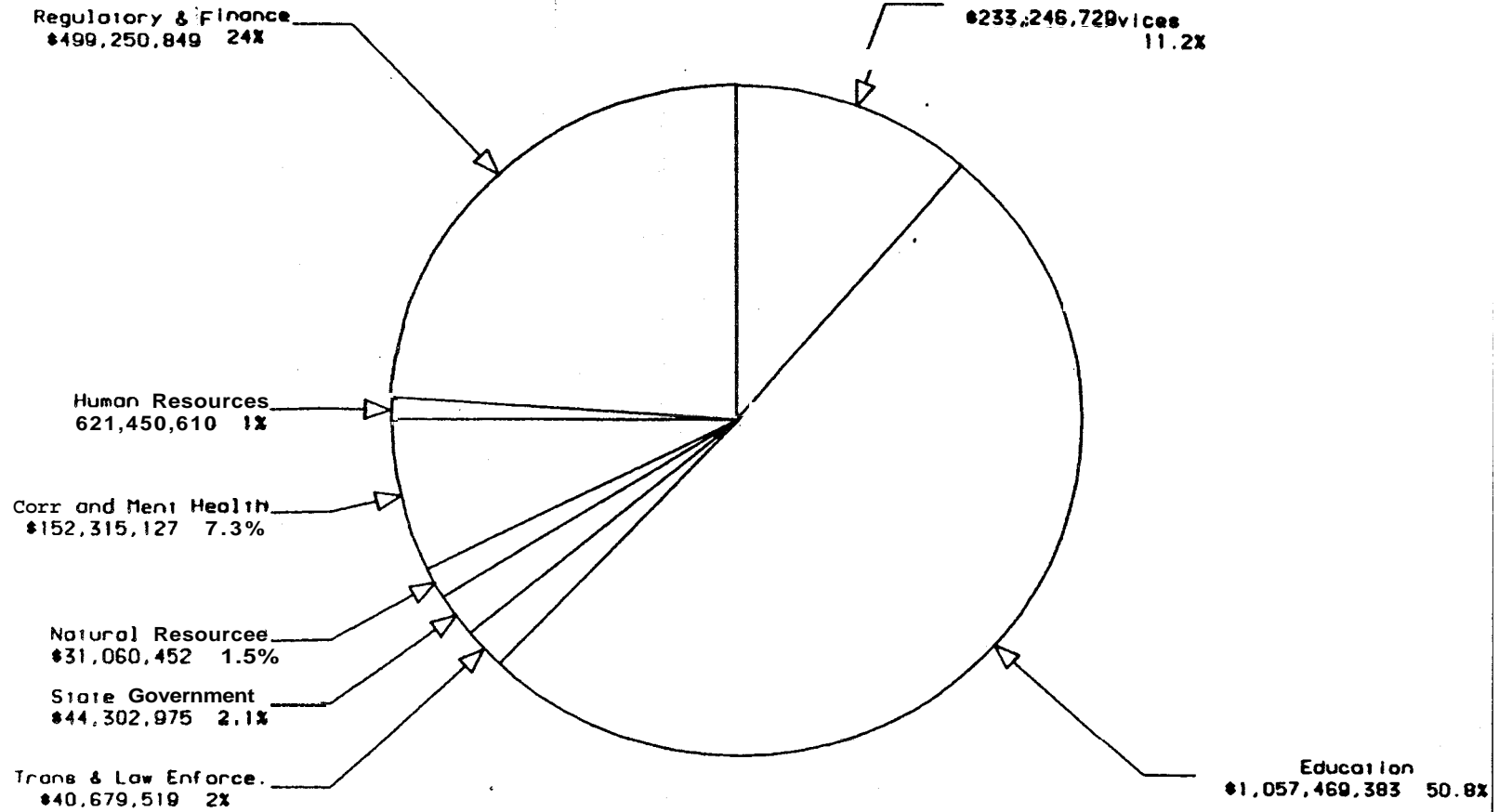
Total \$1,928,318,313



General Fund Estimated Appropriations

Fiscal Year 1983

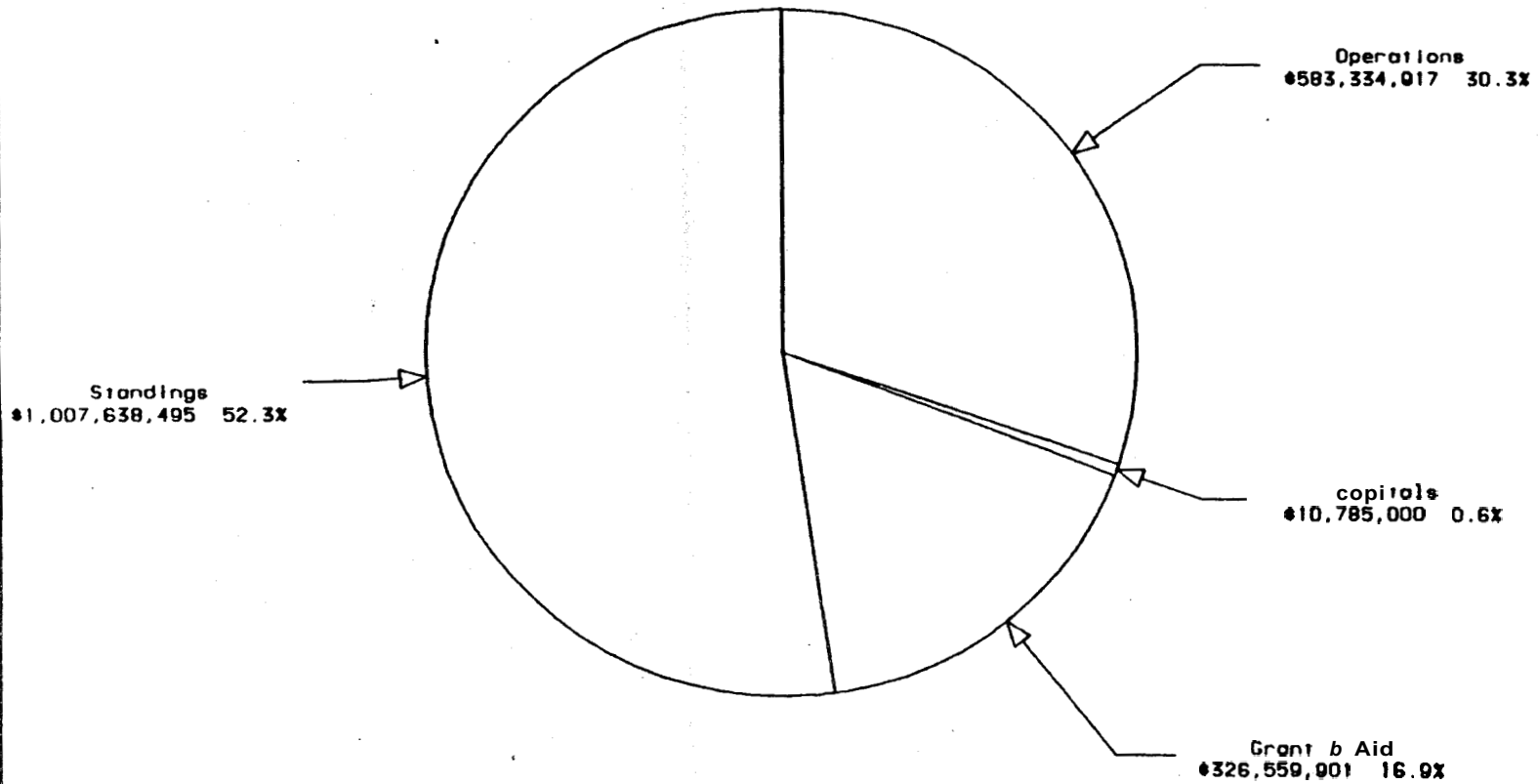
Total \$2,079,775,644



General Fund Estimated Appropriation

Fiscal Year 1982

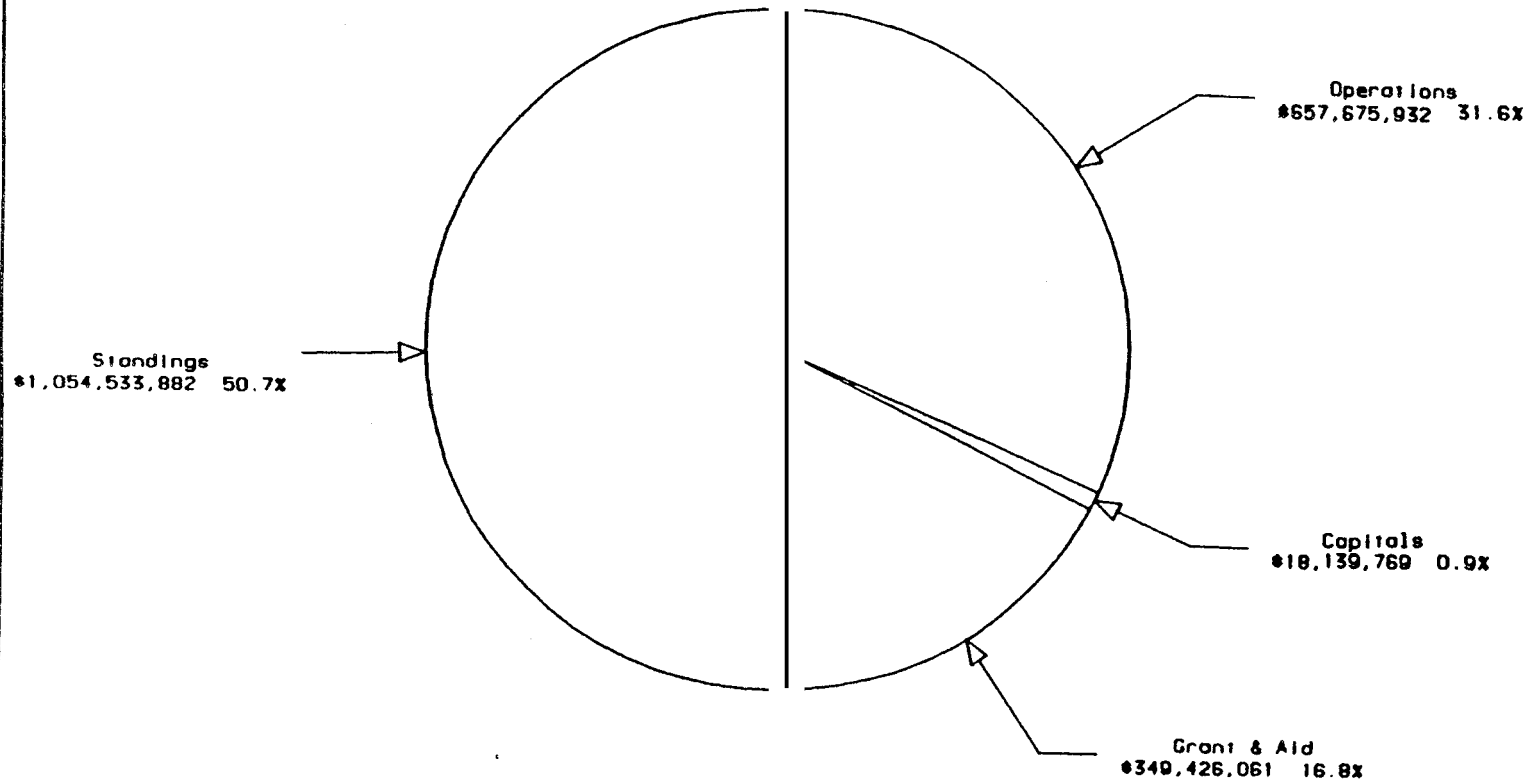
Total \$1,028,318,313



General Fund Estimated Appropriation

Fiscal Year 1983

Total \$2,070,775,644



General Fund Appropriations
Legislative Fiscal Bureau

	Original		Governor's Request		Final Passage		Bill Number		Adjusted	
	1982	1983	1982	1983	1982	1983	1982	1983	1982	1983
Corr and Ment Health	135,564,998	146,622,877	220,000	5,351,750	400,000	5,692,250			135,964,998	152,315,127
Education	1,002,260,815	1,048,828,441	971,190	8,774,813	739,087	8,640,942			1,002,999,902	1,057,469,383
Human Resources	15,408,511	13,444,247	302,459	6,174,263	28,735	8,006,363			15,437,246	21,450,610
Natural Resources	28,611,174	29,961,729	30,925	1,099,416	30,925	1,098,723			28,702,099	31,060,452
Regulatory and Finance,	435,777,613	499,042,349	311,500	263,500	377,500	208,500			436,155,173	499,250,849
Social Services	217,463,688	215,858,029	12,234,864	17,881,816	12,135,800	17,388,700			229,599,488	233,246,729
State Government	40,697,131	40,944,194	0	3,311,680	7,350	3,358,781			40,704,481	44,302,975
Trans and Law Enforcement	38,620,017	39,645,555	134,909	1,277,614	134,909	1,033,964			38,754,926	40,679,519
Total	1,914,464,007	2,034,347,421	14,271,847	44,134,852	13,854,306	45,428,223			1,928,318,313	2,079,775,644
Operations	581,704,686	646,909,243	1,823,305	12,148,246	1,630,231	10,766,689			583,334,917	657,675,932
Grant and Aid	315,358,826	320,268,796	11,287,364	25,842,966	11,201,075	29,151,265			326,559,901	349,426,061
Capitals	10,385,000	15,900,000	300,000	2,643,269	400,000	2,239,769			10,785,000	18,139,769
Standings	1,007,015,495	1,051,269,382	861,178	3,500,371	623,000	3,264,500			1,007,638,495	1,054,533,882
Total	1,914,464,007	2,034,347,421	14,271,847	44,134,852	13,854,306	45,428,223			1,928,318,313	2,079,775,644

General Fund Appropriations
Legislative Fiscal Bureau

	Original		Governor's Request		Final Passage		Bill Number		Adjusted	
	1982	1983	1982	1983	1982	1983	1982	1983	1982	1983
Corr and Ment Health										
Mental Health Adv Cm Mental Health Adv Cm Salaries, Supp, Maint.	52,502	0							52,502	0
Mental Health Auth. Salaries, Supp, Maint.	231,000	0							231,000	0
Social Services, Dept General Admin. Moving Costs Standings	80,000 542,000	542,000		-440,000		-440,000	SF. 2304		80,000 542,000	0 102,000
Family & Children Sv Juv Institution Marshalltown Vet Hom CINA fund	622,000 7,540,941 12,636,793	542,000 7,561,628 15,517,432	0 -80,000	-440,000 -489,919 600,000	0 0	-440,000 -523,519 600,000	SF. 2304 S.F. 2304		622,000 7,540,941 12,636,793	102,000 7,038,109 16,117,432
Adult Correction Ser Correctional Inst. Parole Cntrl Classification Training Academy Comm Corr-Pgm 6 Serv Legal Services County Confinement	20,577,734 37,511,666 1,043,624 50,000 11,217,000 23,850 45,315	23,479,060 37,899,565 1,046,081 0 12,372,000 25,000 47,500	-80,000 0	110,081 3,931,000 150,000 60,000 275,000	0 0	76,481 3,665,000 150,000 80,000 275,000	SF. 2304 S.F. 2304 H.F. 2493 S.F. 2304		20,577,734 37,511,666 1,043,624 50,000 11,217,000 23,850 45,315	23,555,541 41,564,565 1,046,081 150,000 80,000 12,647,000 25,000 47,500
Mental Health Serv Mental Health Inst County MH Care Mental Health Fund	49,891,455 29,661,637 370,000	51,390,146 30,691,912 370,000	0	4,436,000 -370,000 400,000	0	4,170,000 -370,000 1,360,000	S.F. 2304 S.F. 2304		49,891,455 29,661,637 370,000	55,560,146 30,691,912 1,360,000
MENTAL RETARDATION Mental Retard Sch Cap Itals Capital Improvements Fort Madison Capital Mt Pleasant Const New Corrections Rockwell City Cap Corrections Capitals Municipal Waste	30,031,637 27,873,670 650,000 2,000,000 3,500,000 135,000	31,061,912 29,149,759 800,000 1,200,000 1,730,000 7,270,000	0	30,000 744,900 470,769	0	990,000 400,000 425,000 470,769	SF. 2203 SF. 2304		30,031,637 27,873,670 650,000 2,000,000 3,500,000 135,000	32,051,912 29,149,759 800,000 1,200,000 1,730,000 7,270,000
Social Services, Dept	6,285,000 135,281,496	11,000,000 146,622,877	300,000	1,215,669 5,351,750	400,000	895,769 5,692,250		6,685,000 135,681,496	11,895,769 152,315,127	
Operations Grant and Aid Capitals Standings	116,681,833 12,056,165 6,685,000 542,000	121,866,377 13,214,500 11,000,000 542,000	-80,000 0 300,000 0	4,271,081 305,000 1,215,669 -440,000	0 0 400,000 0	3,971,481 1,265,000 895,769 -440,000		116,681,833 12,056,165 6,685,000 542,000	125,837,858 14,479,500 11,895,769 102,000	
Total	135,564,998	146,622,877	220,000	5,351,750	400,000	5,692,250		135,964,998	152,315,127	

	Original		Governor's Request		Final Passage		Bill Number		Adjusted	
	1982	1983	1982	1983	1982	1983	1982	1983	1982	1983
Education										
Blind, Iowa Comm for Blind, Iowa Comm for Salaries, Supp, Maint	946,011	975,502	110,012	0	110,012		0 HF. 2336		1,056,023	975,502
Educ Radio and TV IPBN Salaries, Supp, Maint Capital Improvements	5,002,602 100,000	5,237,107 0							5,002,602 100,000	5,237,107 0
	5,102,602	5,237,107	0	0	0	0			5,102,602	5,237,107
College Aid Comm College Aid Comm Salaries, Supp, Maint Tuition Grant Prog Voc Tech Tuition Gr Aid to Medical Schl Optometry Admis-Educ Natl Guard Enlist Pr Podiatrist Admis Tuition Grant Stand Scholarship Prog St Voc Tech Grant Stand	332,931 2,071,500 459,500 90,000 25,000 40,000 12,000,000 333,900 350,000	359,299 2,100,000 450,000 60,000 25,000 20,000 12,000,000 350,000 350,000		2,105 900,000 100,000		2,105 900,000 100,000		SF. 2304 S.F. 2304 S.F. 2304	332,931 2,071,500 450,000 90,000 25,000 20,000 12,000,000 333,900 350,000	361,404 3,650,000 200,000 450,000 25,000 25,000 20,000 12,000,000 350,000 350,000
	15,772,631	16,464,299	0	1,002,105	0	1,002,105			15,772,631	17,466,404
Public Instruction General Office Salaries, Supp, Maint Prof Teaching Prac	3,261,511 51,963	3,424,795 54,494							3,261,511 51,963	3,424,795 54,494
	3,319,474	3,479,289	0	0	0	0			3,319,474	3,479,289
Merged Area Schools Voc Educ Sai 6 Supp General Aid Voc Youth Org Fund Federal Match Funds Area I Radio Area XII Radio Area XIII Radio Industrial Startup	929,568 50,037,791 2,540 8,288,898 98,898 98,898 0	868,625 55,744,500 10,000 8,700,000 103,667 103,667 0		275,000		275,000		SF. 2304	829,568 50,037,791 10,000 8,288,898 98,898 103,667 98,898 0	868,625 55,744,500 10,000 8,700,000 103,667 103,667 0 275,000
	59,472,393	65,634,126	0	275,000	0	275,000			59,472,393	65,909,126
Elementary 6 Second School Lunch Assist SERC Regular Voc Educ Sec Schools Am. Language Skills AEA 6 6 7 Spec Ed Child Foster Care Fc Certification Fee Fd School Aid Foundatn AEA Juvenile Homes AEA District Court AEA Certain Children	3,300,000 200,000 3,574,638 193,594 525,000 620,280,000 455,000 170,000 85,000	3,300,000 200,000 3,747,000 0 257,000 645,310,222 500,000 200,000 145,000		200,000 2,860,000		200,000 2,860,000		SF. 2304 SF. 2146	3,300,000 200,000 3,574,638 0 545,000 620,280,000 455,000 170,000 85,000	3,300,000 200,000 3,747,000 200,000 257,000 648,170,222 500,000 200,000 145,000
	628,808,432	653,662,922	0	3,060,000	0	3,060,000			628,808,432	656,722,922
Other Grants and Aid Non Public Textbooks Fire Service Educ Non Public Transport	381,600 190,800 4,437,000	400,000 200,000 4,650,900		861,178 1,080,371		623,000 800,000		H.F. 2336 S.F. 2304	381,600 190,800 5,060,000	400,000 200,000 5,450,900
	5,009,400	5,250,900	861,178	1,080,371	623,000	800,000			5,632,400	6,050,900
Public Instruction Vocational Rehab Vocational Rehab Salaries, Supp, Maint	696,609,699	728,027,237	861,178	4,415,371	623,000	4,135,000			697,232,699	732,162,237
	2,622,122	2,748,562							2,622,122	2,748,562

	Original		Governor's Request		Final Passage		Bill Number		Adjusted	
	1902	1903	1982	1983	1982	1903	1982	1983	1902	1983
Education										
Regents, Board of General Office										
Salaries, Supp, Maint	396,599	415,300		0		0			396,599	415,300
Utility Price Inflat				1,277,331		1,277,337	S.F.	2304	0	1,277,337
Continuing Education	95,400	100,000							95,400	100,000
Capital Replacements	4,000,000	4,900,000		80,000		0			4,000,000	4,900,000
Tuition Replacements										
State Univ of Iowa	4,491,999	5,415,308	0	1,357,331	0	1,277,337			4,491,999	6,692,645
Salaries, Supp, Maint	100,643,314	105,540,953		1,000,000		1,000,000	S.F.	2304	100,643,314	106,540,953
SUI University Hosp										
Indigent Patient	22,276,702	23,503,294		0		165,000	S.F.	2304	22,276,702	23,668,294
Family Practice Prog	1,182,530	1,280,000		0		0			1,182,530	1,280,000
Spec Child Health Se			0		6,075	11,000	HF.	2336 SF.	6,075	17,000
Excess Ind Patient	20,000	0		0		0			20,000	0
SUI Psychiatric Hosp	23,479,232	24,783,294	0	0	6,075	102,000			23,405,301	24,965,294
Salaries, Supp, Maint	4,181,163	4,992,477		0		0			4,701,163	4,992,477
SUI Hygenic Lab										
Salaries, Supp, Maint	1,837,232	1,919,182		0		0			1,037,232	1,919,182
SUI Hosp Sch Handlcp										
Salaries, Supp, Maint	3,420,499	3,571,420		0		0			3,420,499	3,571,428
SUI Oakdale Campus										
Salaries, Supp, Maint	2,031,629	2,122,743		0		0			2,037,629	2,122,743
ISU Science and Tech										
Salaries, Supp, Maint	83,735,430	87,600,317		833,000		033,000	S.F.	2304	03,735,438	88,521,317
Livestock Disease	100,000	150,000				44,500	S.F.	2304	100,000	194,500
ISU Ag-Home Exp St	83,835,430	07,838,317	0	033,000	0	077,500			83,035,438	88,715,817
Salaries, Supp, Maint	9,097,930	9,504,814		0		0			9,097,930	9,504,014
ISU Coop Exten Serv										
Salaries, Supp, Maint	8,678,957	9,067,032		0		0			0,670,957	9,067,032
Univ of Northern Ia										
Salaries, Supp, Maint	32,722,958	34,165,603		167,000		167,000	SF.	2304	32,722,950	34,332,603
Iowa Braille & Sight										
Salaries, Supp, Maint	2,159,615	2,257,184		0		0			2,159,615	2,257,104
Standings	3,000	3,000							3,000	3,000
Ia Sch for the Deaf										
Salaries, Supp, Maint	2,162,615	2,260,184	0	0	0	0			2,162,615	2,260,184
Standings	4,007,784	4,183,399		0		0			4,007,704	4,103,399
	11,000	11,000							11,000	11,000
	4,010,784	4,194,399	0	0	0	0			4,018,704	4,194,399
Regents, Board of	281,207,150	295,375,734	0	3,357,337	6,075	3,503,837			201,213,025	298,079,571
Operations	288,847,528	302,600,118	110,012	3,279,442	110,012	3,444,442			288,957,540	306,044,560
Grant and Aid	70,528,187	77,397,501	0	1,475,000	6,075	1,492,000			70,524,262	78,009,501
Capitals	4,100,000	4,900,000	0	80,000	0	0			4,100,000	4,900,000
Standings	638,751,00	663,950,822	061,178	3,940,371	623,000	3,704,500			639,418,100	667,635,322
Total	1,002,260,015	1,048,828,441	971,190	0,774,013	739,007	8,640,942			1,002,999,902	1,051,469,303

	Original		Governor's Request		Final Passage		Bill Number		Adjusted	
	1982	1983	1982	1983	1982	1983	1982	1983	1982	1983
Human Resources										
Aging, Commission on										
Aging, Commission on										
Salaries, Supp, Maint	197,460	206,395		0					197,460	206,395
Older Iowans Leg	13,356	14,000							13,356	14,000
Elderly Serv. Prog.	763,200	800,000							763,200	800,000
Title III Grants	112,100	117,600							112,130	117,600
Retired Iowan Empl. . .	103,032	108,000							103,032	108,000
	1,189,238	1,245,995	0	0	0	0			1,189,238	1,245,995
Civil Rights Comm										
Civil Rights Comm										
Salaries, Supp, Maint	629,493	658,317							629,493	658,317
Salaries, supp, SSPC	33,378	34,979							33,378	34,979
	662,871	693,296	0	0	0	0			662,871	693,296
Employment Handicap										
Employment Handicap										
Salaries, Supp, Maint	115,303	120,732							115,303	120,732
Health, Dept of										
Administration										
Salaries, Supp, Maint	901,733	945,272	275,824		0				901,733	945,272
Standing	7,200	7,400							7,200	7,400
	908,933	952,672	275,824	0	0	0			908,933	952,672
Hlth Facilities Serv										
Salaries, Supp, Maint	592,715	622,106	20,135		20,135		HF. 2336		612,850	622,106
Health Planning Div										
Salaries, Supp, Maint	247,564	260,552							247,564	260,552
Disease Prevention O										
Salaries, Supp, Maint	908,880	952,992							908,880	952,992
Licen & Certificatn										
Salaries, Supp, Maint	546,938	565,358	6,500	66,730	8,600	68,830	HF. 2336 SF. 2304		555,538	634,188
Personal & Family HI										
Salaries, Supp, Maint	623,505	653,107							623,505	653,107
Community Hlth Serv										
Salaries, Supp, Maint	1,485,753	1,525,478		250,000		250,000		SF. 2304	1,485,753	1,775,478
Sex Abuse Invest	40,500	40,500							40,500	40,500
Sudden Inf Deith Atpy	25,200	25,200							25,200	25,200
Well Elderly Clinics	202,248	212,000							202,248	212,000
Homemaker home hlth	1,074,447	1,851,710		3,336,000		4,766,000		S. F. 2304	1,674,447	6,617,710
Public Health Nursin	1,757,779	1,960,250							1,757,779	1,960,250
	5,185,927	5,615,138	0	3,586,000	0	5,016,000			5,185,927	10,631,138
Health, Dept of	9,014,462	9,621,925	302,459	3,652,730	28,735	5,084,830			9,043,197	14,706,755
Medical Exam, Board										
Medical Exam, Board										
Salaries, Supp, Maint	382,123	372,025							382,123	372,025
Nurse Exam, Board										
Nurse Exam, Board										
Salaries, Supp, Maint	466,451	491,760							466,451	491,760
Parole, Board of										
Parole, Board of										
Salaries, Supp, Maint	329,923	343,651		17,415		17,415		SF. 2304	329,923	361,066
Pharmacy Examiners										
Pharmacy Examiners										
Salaries, Supp, Maint	305,961	306,853							305,961	306,853

	<u>Original</u>		<u>Governor's Request</u>		<u>Final Passage</u>		<u>BI II Number</u>		<u>Adjusted</u>	
	<u>1982</u>	<u>1983</u>	<u>1982</u>	<u>1983</u>	<u>1982</u>	<u>1983</u>	<u>1982</u>	<u>1983</u>	<u>1982</u>	<u>1983</u>
Human Resources										
Status of Women										
Status of Women										
Salaries, Supp, Maint	94,232	98,327							94,232	98,327
Substance Abuse										
Substance Abuse										
Operations	150,950	8,235		142,968		142,968	S. E. 2304		150,950	151,203
Grants and Aids	2,561,150	0		2,361,150		2,761,150	S. F. 2304		2,561,150	2,761,150
	2,712,100	8,235	0	2,504,118	0	2,904,118			27 12,100	29 12,353
Veterans Affairs										
Veterans Affairs										
Salaries, Supp, Maint	107,841	109,448							107,841	109,448
War Orphans Educ	28,000	32,000							28,000	32,000
	135,841	141,448	0	0	0	0			135,841	141,448
Operations	8,896,765	9,089,587	302,459	477,113	28,735	479,212			8,925,500	9,568,800
Grant and Aid	6,504,546	4,347,260	0	5,697,150	0	7,527,150			6,504,546	11,874,410
Capitals			0	0	0	0				
Standings	7,205	7,406	0	6	0	0			7,200	7,400
Total	15,408,511	13,444,247	302,459	6,174,263	20,735	8,006,363			15,437,246	21,450,610

	Original		Governor's Request		Final Passage		Bill Number		Adjusted	
	1982	1983	1982	1983	1982	1983	1982	1983	1982	1983
Natural Resources										
Agriculture Dept of Administration Div Salaries Supp, Maint	1,150,373	1,207,059							1,150,373	1,207,059
Regulatory Division Salaries, Supp, Maint Brucellosis Indemn.	3,272,324 23,850	3,428,253 25,000	0	0	0	0			3,272,324 23,850	3,428,253 25,000
Laboratory Division Salaries, Supp, Maint.	3,296,174 543,705	3,453,253 569,584	0	0	0	0			3,296,174 543,705	3,453,253 569,584
Agriculture, Dept of	4,990,252	5,229,896	0	0	0	0			4,990,252	5,229,896
Conservation Comm Conservation Comm Lands and Waters Advisory Bd-Prserves Open Space Tax Repl River Basin Commisn Green Thumb Program Capital Improvements	5,660,585 41,799 33,390 45,792 141,984 0	5,987,800 43,802 35,000 48,000 148,830 0			0				5,660,585 41,799 33,390 45,792 141,984 0	5,987,800 43,802 35,000 48,000 148,830 0
				-48,000		-48,000	SF. 2304			0
				747,600		744,000	S. F. 2307			744,000
	5,923,550	6,263,432	0	699,600	0	696,000			5,923,550	6,959,432
Development Comm Development Comm Salaries, Supp, Maint European Office	2,331,636 0	2,402,170 0		117,500 95,615		107,500 0	S. F. 2304		2,331,636 0	2,509,670 0
	2,331,636	2,402,170	0	213,115	0	107,500			2,331,636	2,509,670
Energy Policy Council Energy Policy Council General Office Pub Buid Energy Con State Set-Aside	255,198 102,031 100,000	272,176 106,249 100,000							255,198 102,031 100,000	272,176 106,249 100,000
	457,229	478,425	0	0	0	0			457,229	478,425
Environment Quality Environment Quality Salaries, Supp, Maint Sewage Works 5% Grts	2,106,371 2,000,000	2,227,102 2,000,000	30,925	138,701	30,925	112,223	HF. 2336 SF. 2304		2,137,296 2,000,000	2,339,325 2,000,000
	4,106,371	4,227,102	30,925	138,701	30,925	112,223			4,137,296	4,339,325
Fair Board, Iowa St Fair Board, Iowa St Bldg 6 Grounds Maint Premiums Agr Societies-Fairs	76,500 9,000 189,000	76,500 9,000 189,000							76,500 9,000 189,000	76,500 9,000 189,000
	274,500	274,500	0	0	0	0			274,500	274,500
Geological Survey Geological Survey Salaries, Supp, Maint	1,226,962	1,274,981							1,226,962	1,274,981
Natural Resources C Natural Resources C Salaries, Supp, Maint	698,836	734,590		48,000		48,000	S.F. 2304		698,836	782,590
Soil Conservation Soil Conservation Salaries, Supp, Maint ST-Fed Watershed P&D	2,933,640 23,850	3,072,633 25,000							2,933,640 23,850	3,072,633 25,000

General Fund Appropriations
Legislative Fiscal Bureau

	Original		Governor's Request		Final Passage		Bill Number		Adjusted	
	1982	1983	1982	1983	1982	1983	1982	1983	1982	1983
Natural Resources										
Soil Conservation										
Soil Conservation	330,000	345,000							330,000	345,000
Soil Survey IA Land	3,374,348	5,634,000							5,374,348	5,634,000
Conserv incentives										
	8,661,838	9,076,633	0	0	0	0			8,661,838	9,076,633
Water Resource Res										
Water Resource Res						135,000	S.F. 2304		0	135,000
Grant and Aid										
Operations	20,456,850	21,461,399	30,925	399,816	30,925	267,723			20,487,775	21,729,122
Grant and Aid	8,214,324	8,500,330	0	48,000	0	87,000			8,214,324	8,587,650
Capitals	0	0	0	747,600	0	744,000			0	8,287,650
Standings	0	0	0	0	0	0			0	0
Total	28,671,174	29,961,129	30,925	1,099,416	30,925	1,098,723			28,702,099	31,060,452

	Original		Governor's Request		Final Passage		Bill Number		Adjusted		
	1982	1983	1982	1983	1982	1983	1982	1983	1982	1983	
Regulatory & Finance											
Accountancy, Board Accountancy, Board General Office	270,475	296,967							270,475	296,967	
Architectural Exam Architectural Exam General Office	47,100	47,647							47,100	47,647	
Auditor of State Auditor of State Salaries, Supp, Maint	1,647,036	1,724,247							1,647,036	1,724,247	
Banking Department Banking Department General Office	2,840,423	2,941,498							2,840,423	2,941,498	
Beer 6 Liquor Contrl Beer 6 Liquor Contrl General Operations Beer Barr Tax Rebate	16,927,671 50,000	17,719,141 50,000	80,000	260,000	80,000	180,000 HF.	2336 S.F. 2304		17,007,671 50,000	17,899,141 50,000	
	16,977,671	17,769,141	80,000	260,000	80,000	180,000			17,057,671	17,949,141	
Campaign Finc Disc Campaign Finc Disc Salaries, Supp, Maint	113,383	118,578							113,383	118,578	
Commerce Commission General Admin Salaries, Supp, Maint	443,842	426,380							443,842	426,380	
Warehouse Division Salaries, Supp, Maint	921,118	860,032							921,118	860,032	
Utilities Division Salaries, Supp, Maint Rate Reg & Review	2,916,838 600,000	2,692,602 450,000							2,916,838 600,000	2,692,602 450,000	
	3,516,838	3,142,602	0	0	0	0			3,516,838	3,142,602	
Commerce Commission	4,881,798	4,429,014	0	0	0	0			4,881,798	4,429,014	
Comptroller, Office General Office Salaries, Supp, Maint Salary Adjustment Fd County Finance Comm Municipal Assist Fnd County Assistance St Unemploy Compens St Employees Compens Agr Land Tax Credit Persn Prop Tax Repl Prop Tax Repl Llvstk Peace Off Retire Man	1,318,515 1,737,985 2,770 13,976,100 5,103,900 480,000 1,260,000 43,500,000 42,400,000 8,000,000 2,299,140	1,382,472 43,527,853 2,898 14,650,000 5,350,000 500,000 1,600,000 43,500,000 46,200,000 8,000,000 2,410,000								1,318,515 1,737,985 2,770 13,976,100 5,103,900 480,000 1,260,000 43,500,000 42,400,000 8,000,000 2,299,140	1,382,472 43,527,853 2,898 14,650,000 5,350,000 500,000 1,600,000 43,500,000 46,200,000 8,000,000 2,410,000
	120,078,410	167,123,223	0	0	0	0			120,078,410	167,123,223	
Data Processing Salaries, Supp, Maint	6,096,161	6,308,394							6,096,161	6,308,394	
Comptroller, Office	126,174,571	173,431,617	0	0	0	0			126,174,571	173,431,617	
Credit Union Dept Credit Union Dept General Operations	485,272	516,826							485,272	516,826	

	Original		Governor's Request		Final Passage		Bill Number		Adjusted	
	1982	1983	1982	1983	1982	1983	1982	1983	1982	1983
Regulatory 6 Finance										
Engineering Exam, Bd Engineering Exam, Bd General Office	121,520	131,191	0	0	0	0			121,520	131,191
Industrial Commissr Industrial Commissr Salaries, Supp, Maint Work Comp-Peace Off	944,262 1,200	986,497 8,400							944,262 7,200	986,497 8,400
	951,462	994,897	0	0	0	0			951,462	994,897
Insurance, Dept of Insurance, Dept of Salaries, Supp, Maint	2,558,812	2,609,522	60,000		60,000		HF. 2336		2,618,812	2,609,522
Job Service of Iowa Job Service of Iowa FOAB and IOAS: Admn Teacher Retiree Allw IPERS Prior Ser 1953 Non Teacher Ret All Current Retirees All Conserv. Peace Offces IPERS Prior Ser 1975	139,400 275,000 291,000 22,500 6,400,000 211,000 500,000	145,708 230,000 274,000 20,000 5,980,000 245,000 500,000							139,400 275,000 274,000 22,500 6,400,000 277,000 500,000	145,708 230,000 274,000 20,000 5,980,000 245,000 500,000
	1,904,900	7,394,100	0	0	0	0			7,904,900	7,394,108
Landscape Arch Exam Landscape Arch Exam General Office	15,792	11,360							15,792	17,360
Occ Sfty & Hlth Rewv Occ Sfty & Hlth Rewv OSHA Review Comm	48,593	50,567							48,593	50,567
Publ Employ Relation Publ Employ Relation Per Board	579,870	607,801							579,810	607,801
Real Estate Comm Real Estate Comm Salaries, Supp, Maint	211,571	284,214		3,500		3,500	SF. 2304		271,571	287,714
Revenue, Dept of Revenue, Dept of Salaries, Supp, Maint Homestead Tax Credit Extra Prop Tax Relm Tax Refunds Military Tax Credit	14,197,652 95,000,000 12,250,000 141,150,000 3,340,000	14,837,995 99,000,000 13,200,000 154,525,000 0	237,500		237,500	25,000	HF. 2336 SF. 2304		14,435,152 95,000,000 13,200,000 141,150,000 3,340,000	14,862,995 99,000,000 13,200,000 154,525,000 0
	265,937,652	281,562,995	237,500	0	237,500	25,000			266,175,152	281,587,995
Secretary of State Secretary of State Salaries, Supp, Maint Computerization Servmans Ballot Comm Constitutional Amend	773,361 355,000 3,000 1,000	810,249 353,000 3,000 1,000							173,361 355,000 3,000 1,000	810,249 353,000 3,000 1,000
	1,132,361	1,167,249	0	0	0	0			1,132,361	1,167,249
Treasurer of State Treasurer of State Salaries, Supp, Maint	415,055	434,718							415,055	434,718

	<u>Original</u>		<u>Governor's Request</u>		<u>Final Passage</u>		<u>Bill Number</u>		<u>Adjusted</u>	
	<u>1982</u>	<u>1983</u>	<u>1982</u>	<u>1983</u>	<u>1982</u>	<u>1983</u>	<u>1982</u>	<u>1983</u>	<u>1982</u>	<u>1983</u>
Regulatory 6 Finance										
Treasurer of State										
Treasurer of State										
Money 6 Crdt Replc F	2,385,000	2,500,000							2,385,000	2,500,000
	2,800,055	2,934,718	0	0	0	0			2,800,055	2,934,718
Watchmaking Examiner										
Watchmaking Examiner										
General Office	11,356	11,592							11,356	11,592
Operations	56,206,833	99,845,949	377,500	263,500	377,500	208,500			56,584,333	100,054,449
Grant and Aid	21,465,000	22,500,000	0	0	0	0			21,465,000	22,500,000
Capitals	0	0	0	0	0	0			0	0
Standings	358,105,840	376,696,400	0	0	0	0			358,105,846	376,696,400
Total	435,777,673	499,042,349	377,500	263,500	377,500	208,500			436,155,173	499,250,849

	Original		Governor's Request		Final Passage		Bill Number			Adjusted	
	1982	1983	1982	1983	1982	1983	1982	1983	1982	1983	
Social Services											
Social Services, Dept											
Area Serv and Admin	17,129,620	17,320,083	1,481,700	-41,000	1,475,000	-1,104,300	HF. 2336	SF. 2304		18,604,620	16,215,783
General Admin.											
General Admin	7,485,287	7,796,750	-534,200	-491,000	-534,200	-491,000	HF. 2336	SF. 2304		6,951,087	7,305,750
Adult Abuse						200,000		SF. 2304		0	200,000
	7,485,281	7,796,750	-534,200	-491,000	-534,200	-291,000				6,951,087	7,505,750
Income Maint Service										644,781	646,196
Child Support Recovr	55,522,000	55,522,000		-3,301,000		-773,000		S.F. 2304		55,327,000	54,528,000
Aid to Depend Child											34,000
Aid to indians Sett	34,000	34,000									
Medical Assistance	101,235,000	100,208,000	9,731,900	12,460,256	9,735,000	14,163,000	HF. 2336	SF. 2304		110,970,000	114,369,000
Contractual Services	1,318,000	1,318,000	347,564	375,573	348,000	421,000	HF. 2336	S.F. 2304		1,666,000	1,739,000
Work & Training Prog	62,000	62,000				-53,000		S.F. 2304		62,000	9,000
State Supplementain	6,721,000	6,721,000	150,000	150,000	150,000	150,000	H.F. 2336	S.F. 2304		6,881,000	6,881,000
Foster Care	17,558,000	17,558,000	104,000	5,143,667	104,000	4,843,000	H.F. 2336	S.F. 2304		17,662,000	22,401,000
Community Based SR	1,508,000	1,508,000	82,400	241,000	85,000	131,000	H.F. 2336	S.F. 2304		1,593,000	1,639,000
Homebased Services	7,351,000	7,351,000	95,400	-2,841,880	0	-4,514,000		SF. 2304		7,351,000	2,837,000
Rent Subsidy Program	1,080,000		-200,000	1,771,880	-200,000	0	H.F. 2336	S.F. 2304		890,888	0
Block Grant Supplem			973,200	4,415,000	973,000	4,006,000	H.F. 2336	S.F. 2304		973,000	4,006,000
Child Abuse Preventi						110,000		H.F. 2393		0	110,000
Sheltered Work/Activ						300,000		S.F. 2304		0	300,000
	192,848,781	190,741,196	11,287,364	18,413,816	11,195,000	18,784,000				204,043,781	209,525,196
Social Services, Dept	217,463,688	215,858,029	12,234,864	17,881,816	12,135,800	17,388,700				229,599,488	233,246,729
Operations	25,259,688	25,763,029	947,500	-532,000	940,800	-1,395,300				26,200,488	24,367,729
Grant and Aid	192,204,000	190,099,000	11,287,364	18,413,816	11,195,000	18,784,000				203,399,000	208,879,000
Capitais	0	0	0	0	0	0				0	0
Standings	0	0	0	0	0	0				0	0
Total	217,463,688	215,858,029	12,234,864	17,881,816	12,135,800	17,388,700				229,599,488	233,246,729

	Original		Governor's Request		Final Passage		Bill Number		Adjusted	
	1982	1983	1982	1983	1982	1983	1982	1983	1982	1983
State Government										
Admin Rules CoordInt										
Admin Rules CoordInt										
Salaries, Supp, Maint	64,271	67,280							64,271	67,280
Appeal Board										
Appeal Board										
Salaries, Supp, Maint	1,000,000	1,500,000							1,000,000	1,500,000
Appellate Defender										
Appellate Defender										
Salaries, Supp, Maint	100,000	0				50,000	SF. 2304		100,000	50,000
Arts Council										
Arts Council										
Salaries, Supp, Maint	304,752	319,194	0	0	0	38,000	SF. 2304		304,752	357,194
Attorney General										
Attorney General										
General Office	2,377,052	2,490,470				36,856	SF. 2304		2,377,052	2,527,326
Prosecuting Att	59,058	62,164				8,000	SF. 2304		59,058	70,164
Prosecutor Intern Pr	57,466	57,682							57,466	57,682
	2,493,576	2,610,316	0	44,856	0	44,856			2,493,576	2,655,172
Capitol Planning Com										
Capitol Planning Com										
Salaries, Supp, Maint	3,500	3,500							3,500	3,500
Citizens' Aid										
Citizens' Aid										
Salaries, Supp, Maint	217,193	227,698							217,193	227,698
Council of St Govt										
Council of St Govt										
Support of Council	41,200	44,600							41,200	44,600
Executive Council										
Executive Council										
Salaries, Supp, Maint	58,652	61,455							58,652	61,455
Performance of Duty	1,500,000	900,000							1,500,000	900,000
Misc Standings	105,000	104,000							105,000	104,000
	1,663,652	1,065,455	0	0	0	0			1,663,652	1,065,455
General Services										
Pri Office of Director										
Capitol Renovation						600,000	SF. 2304		0	600,000
General Admin										
Utilities	2,098,375	2,090,375							2,098,375	2,098,375
General Operations	4,531,097	4,762,226							4,531,097	4,762,226
	6,629,472	6,860,601	0	0	0	0			6,629,472	6,860,601
General Services	6,629,472	6,860,601	0	600,000	0	600,000			6,629,472	7,460,601
Governor										
Governor										
Salaries, Supp, Maint	607,032	633,973							607,032	633,973
Terrace Hill	187,815	196,665							187,815	196,665
Governor's Expenses	5,724	6,000							5,724	6,000
Governor's Ad Hoc Cm	25,000	25,000							25,000	25,000
Legal Serv Study						10,000	S E 2304		0	10,000
Governor Exec Exps		10,000							0	10,000
Interstate Extraditi	5,000								5,000	0
	830,571	871,638	0	0	0	10,000			830,571	881,638

	Original		Governor's Request		Final Passage		Bill Number		Adjusted	
	1982	1983	1982	1983	1982	1983	1982	1983	1982	1983
State Government										
Governor, Lieutenant Governor, Lieutenant Office Interim Exps	90,461	94,761							90,461	94,161
Historical Dept										
Hoover Birth Found Grant and Aid	500	500							500	500
Historical Board	13,500	13,565							13,500	13,565
Historical Society Salaries, Supp, Maint	436,375	453,729							436,375	453,129
Historical Presery Salaries, Supp, Maint	187,251	195,912							181,251	195,912
Historic Mus & Archl Salaries, Supp, Maint	517,458	542,010							511,458	542,010
Historical Dept	1,155,090	1,205,716	0	0	0	0			1,155,090	1,205,716
Indian Settlement Ofcr Indian Settlement Ofcr Indian Settlement Off	3,500	3,500							3,500	3,500
Judicial Departments										
Courts										
Operations	10,233,185	10,944,551		325,600		0	SF. 2304	10,233,185	10,944,551	
District Courts	712,500	950,000		0		445,000				
Judicial System Study				200,000		0			0	0
Administration	10,945,685	11,894,551	0	525,600	0	445,000		10,945,685	12,339,551	
Operations	623,031	624,975				100,000	SF. 2304	623,031	724,975	
Boards & Commissions Grants and Aids	54,258	54,695						54,258	54,695	
Judicial Departments	11,622,980	12,574,221	0	525,600	0	545,000		11,622,980	13,119,221	
Code Editor Code Editor Code Work	925,000	1,000,000						925,000	1,000,000	
Labor, Bureau of Labor, Bureau of Salaries, Supp, Maint	1,300,805	1,362,555		69,850		69,850	S. F. 2304	1,300,805	1,432,405	
Leg Fiscal Bureau Leg Fiscal Bureau General Office	488,600	520,989						488,600	520,989	
Leg Service Bureau Leg Service Bureau Salaries, Supp, Maint Draft Res Code Dp	822,850 14,310	862,313 15,000						822,850 14,310	862,313 15,000	
	837,160	877,373	0	0	0	0		837,160	871,313	
Legislature										
Legislature										
Corr & Ment Helt St	10,000							10,000		0
Nati Conf State Leg	45,000	45,000						45,000	45,000	
Claims	4,610							4,610		2,115
Session Expenses	3,404,300	3,618,900				2,115	HF. 2491	3,404,300	3,618,900	
Interim Expenses	279,600	306,000						279,600	306,000	

	Original		Governor's Request		Final Passage		Bill Number		Adjusted	
	1982	1983	1982	1983	1982	1983	1982	1983	1982	1983
State Government										
Legislature										
Legislature										
Staff Compensation	1,996,800	2,292,000							1,996,800	2,292,000
Renov & Office Exps	45,000	55,000							45,000	55,000
Legislative Publicatn	4,770	5,000							4,770	5,000
Dept Rules Committee	40,985	42,960							40,985	42,960
	5,831,065	6,364,860	0	0	0	2,115			5,831,065	6,366,975
Librar Commission										
LAW library Commission										
Salaries, Supp, Maint	759,505	795,459							759,505	795,459
Regional Library	1,083,390	1,130,808							1,083,390	1,130,808
	1,842,895	1,926,267	0	0	0	0			1,842,895	1,926,267
Merit Employment										
Merit Employment										
Salaries, Supp, Maint	1,265,234	1,249,266	0	77,260	7,350	77,260	HF. 2336 SF. 2304		1,272,584	1,326,526
Pioneer Lawmakers										
Pioneer Lawmakers										
Support, Maint, Misc	250	750							250	750
Planning & Programng										
Planning & Programng										
Community Affairs Sc	145,743	0							145,743	0
Iowa Youth Services	71,837	0							71,837	0
Admininstraton	373,891	67,470		131,187		129,400	SF. 2304		373,891	196,870
Hud Compensalon	135,932	0							135,932	0
1975 Iowa Cons Prog	131,862	0							131,862	0
Iowa Council for Ch	57,063	0							57,063	0
Economic Develop	24,000	0							24,000	0
State Econ Office	10,750	0							10,750	0
Stat Analyst Center	104,887	110,500		65,000		0			104,887	110,500
Fed Highway Safety	71,751	2,384		320,000		320,000	HF. 2493		71,751	322,384
interagency Planning	715,500	0		1,099,850		1,099,850	S.F. 2304		715,500	1,099,850
Intergovernmental As	30,000	0		392,046		372,450	S.F. 2304		30,000	372,450
EOA Grant										
Juvenile Victim Res	100,000	0							100,000	0
	1,973,216	180,354	0	1,994,114	0	1,921,700			1,973,216	2,102,054
Science, la Academy										
Science la Academy										
Grants and Aids	4,293	4,500							4,293	4,500
Uniform State Laws										
Uniform State Laws										
Support of Confernce	8,395	8,800							8,395	8,800
Operations	29,998,572	29,800,629	0	2,711,680	7,350	2,756,666			30,005,922	32,557,295
Grant and Aid	1,388,604	1,306,205	0	0	0	2,115			1,388,604	1,308,320
Capitals	0	0	0	600,000	0	600,000			0	600,000
Standlngs	9,309,955	9,837,360	0	0	0	0			9,309,955	9,600,000
Total	40,697,131	40,944,194	0	3,311,680	7,350	3,358,781			40,704,481	44,302,975

	Original		Governor's Request		Final Passage		Bill Number		Adjusted	
	1982	1983	1982	1983	1982	1983	1982	1983	1982	1983
Trans 6 Law Enforce										
Crime Commission, la										
Crime Commission, la										
Juvenile Justice	39,790	51,491							39,790	51,491
Criminal Justice	248,037	275,724				-143,650	SF. 464		248,037	132,074
Jail Standards	100,000	0							100,000	0
	387,827	327,215	0	0	0	-143,650			387,827	183,565
Law Enforcement Acad										
Law Enforcement Acad										
Salaries, Supp, Maint	706,642	729,002	3,900	3,900	3,900	3,900	HF. 2336 S.F. 2304		710,542	732,902
Local Police Trainin				120,000		80,000	H.F. 2493		0	80,000
	706,642	729,002	3,900	123,900	3,900	83,900			710,542	812,902
Mississippi River Pk										
Mississippi River Pk										
Salaries, Supp, Maint	15,000	15,000							15,000	15,000
Public Defense, Dept										
Military Division										
Salaries, Supp, Maint	2,350,082	2,449,478		240,944		240,944	SF. 2304		2,350,082	2,690,422
Adjutant Gen & Staff	229,255	240,985							229,255	240,985
Standings	100,000	100,000							100,000	100,000
	2,679,341	2,790,463	0	240,944	0	240,944			2,679,341	3,031,407
St Offc of Disaster										
Salaries, Supp, Maint	123,505	123,996		0		0			123,505	123,996
	2,802,846	2,914,459	0	240,944	0	240,944			2,802,846	3,155,403
Public Defense, Dept										
Public Safety, Dept										
Administration										
Salaries, Supp, Maint	4,361,824	4,558,815		260,000		200,000	HF. 2493		4,367,824	4,558,815
Victim Compensation									0	200,000
	4,367,824	4,558,815	0	260,000	0	200,000			4,367,824	4,758,815
Criminal Invest										
Salaries, Supp, Maint	3,956,873	4,108,744		400,000		400,000	HF. 2493		3,956,873	4,508,744
Lease Equipment	26,250	26,250							26,250	26,250
Crime Laboratory	180,000	180,000							180,000	180,000
	4,163,123	4,314,994	0	400,000	0	400,000			4,163,123	4,714,994
Inspection 6 Security										
Salaries, Supp, Maint	1,391,735	1,470,168	131,009	152,770	131,009	152,770	HF. 2336 SF. 2304		1,522,744	1,622,938
Highway Patrol										
Salaries, Supp, Mant	16,017,700	16,433,555		100,000		100,000	HF. 2493		16,017,700	16,533,555
Fuel Contingency	100,000	100,000							100,000	100,000
	16,117,700	16,533,555	0	100,000	0	100,000			16,117,700	16,633,555
Public Safety, Dept	26,040,382	26,877,532	131,009	912,770	131,009	852,770			26,171,391	27,730,302
Transportation, Dept										
Transportation, Dept										
Salaries, Supp, Maint	5,603,920	5,718,947							5,603,920	5,718,947
RR improvement Prog	1,000,000	1,000,000							1,000,000	1,000,000
Public Transit Aid	1,908,000	1,908,000							1,908,000	1,908,000
Great River Road	95,400	95,400							95,400	95,400
Personal Deiev Serv	60,000	60,000							60,000	60,000
	8,667,320	8,782,347	0	0	0	0			8,667,320	8,782,347
Operations	35,356,617	36,482,155	134,909	1,277,614	134,909	1,033,964			35,491,526	37,516,119
Grant and Aid	3,008,000	2,908,000	0	0	0	0			3,008,000	2,908,000
Capitals			0	0	0	0			0	0
Standings	255,406	255,406	0	0	0	0			255,406	255,406
Total	38,620,017	39,645,555	134,909	1,277,614	134,909	1,033,964			38,754,926	40,679,519

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APPROPRIATIONS BILL SUMMARY

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APPELLATE DEFENDER, OFFICE OF:

S.F. 2304
Sec. 73 Appropriates \$50,000 to supplement the revolving fund for the Office of Appellate Defender that was established by the 1981 Session of the Iowa General Assembly..

ARTS COUNCIL, IOWA:

S.F. 2304
Sec. 74 Appropriates \$38,000 to supplement the FY 1983 appropriation to the Iowa Arts Council. These funds replace federal funds cutback.

BEER AND LIQUOR CONTROL DEPARTMENT, IOWA:

H.F. 2336
Sec. 10 Appropriates an additional \$80,000 for FY 1982 for warehouse equipment maintenance, truck operating repairs, and replacement of five trailers.

S.F. 2304
Sec. 70 Appropriates \$180,000 to the Department for FY 1983 to replace four semi-tractors and five trailers. This appropriation also includes \$10,000 for warehouse equipment maintenance.

BLIND COMMISSION, IOWA:

H.F. 2336
Sec. 1 Provides a supplemental appropriation of \$110,012 to be used during the FY 1981-1983 Biennium to support six staff positions in the **Library Services Program**. This appropriation supplements the FY 1982 appropriation of \$893,000 and the FY 1983 appropriation of \$920,800.

COLLEGE AID COMMISSION:

S.F. 2304
Sec. 38.1 **Commission Office** appropriation for FY 1983 is supplemented by \$2.105 to cover an unanticipated increase in building rental rates. Total FY 1983 appropriation is \$343,809.

Sec. 38.2 **Iowa Tuition Grant Program** funding is increased by \$900,000 in FY 1983 to provide grants to an additional 585 Iowa students attending independent Iowa colleges and universities. Total FY 1983 appropriation for tuition grants: Annual \$3,650,000; standing \$12,000,000.

Sec. 38.3 **Vocational Technical Tuition Grant Program** funding is increased \$100,000 in FY 1983 to provide **500** additional grants to students enrolled in Vocational Technical Programs at Iowa's Merged Area Schools. Total FY 1983 appropriation: Annual \$200,000; Standing \$350,000.

CONSERVATION COMMISSION, STATE:

S.F. 2304
Sec. 62 Makes retroactive to the 1981-83 Biennium beginning July 1, 1981 the credit on the interest earned on State Fish and Game Protection Fund moneys to go to the Fish and Game Protection Fund.

H.F. 2494
Sec. 1 Appropriates \$744,000 from the General Fund in FY 1983 to be expended by the Conservation Commission for **capital projects** highest on the priority list submitted to the Joint Appropriations Subcommittee on Natural Resources.

CRIME COMMISSION, IOWA:

S.F. 2304
Sec. 128 Strikes language voiding FY 1982 and FY 1983 appropriations to the Iowa Crime Commission if the Criminal Justice Improvement Fund becomes law.

S.F. 464
Sec. 9.1a Reduces the FY 1983 appropriation to the Iowa Crime Commission by \$143,650 for criminal justice planning.

DEVELOPMENT COMMISSION, IOWA:

S.F. 2304
Sec. 63 Appropriates an additional \$107,500 for FY 1983 for salaries, support, and maintenance and miscellaneous purposes.

ENVIRONMENTAL QUALITY, DEPARTMENT OF:

S.F. 2336
Sec. 8 Appropriates an additional \$30,925 for **FY 1982**. It was intended that these funds be used to **reinstate the Water Supply Program**.

Sec. 9 **Requires a fee** scheduled for the Water Supply Program, as called for by Section 455b.32, subsection 6, **1981 Code**, be implemented.

S.F. 2304
Sec. 64 Appropriates an additional \$112,223 for FY 1983. It was intended that these funds be used to reinstate the **Water Supply Program**.

Sec. 65 **Requires a fee** scheduled for the Water Supply Program, as call for by Section 455b.32, subsection 6, **1981 Code**, be implemented.

GENERAL SERVICES, DEPARTMENT OF:

S.F. 2304
Sec. 77 Appropriates \$600,000 to begin the State Capitol exterior restoration.

GOVERNOR, OFFICE OF THE:

S.F. 2304
Sec. 85 Appropriates \$10,000 to study the effect of the **loss** of federal funds on the legal services provided by the Legal Services Corporation. The section lists some of the criteria for the study and states the results shall be submitted to the State Government Joint Appropriations Subcommittee by February 1, 1983.

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HEALTH, DEPARTMENT OF:

S.F. 2336
Sec. 5 Appropriates an additional \$20,135 to the Health Facilities Division for the purpose of reimbursing the federal government for exceptions found during audits of nursing home inspections performed by the Department.

Sec. 6 Appropriates an additional \$8,600 to the Licensing and Certification Division. Of the total funds, \$6,500 is allocated to the Board of Physical and Occupational Therapy Examiners and \$2,100 is allocated to the Board of Mortuary Science to cover an anticipated deficit.

Sec. 7 Requires county boards of health to identify excess Homemaker-Home Health Aide funds for the current fiscal year and allows the Department to reallocate any excess to counties whose allocations are substantially insufficient to pay for Homemaker-Home Health Aide services during FY 1982.

S.F. 2304
Sec. 50 Appropriates an additional \$68,830 to the Licensing and Certification Division. It provides \$61,730 for two FTE's for the Board of Dental Examiners. Of the remaining funds, **\$5,000** is allocated to the Board of Physical and Occupational Therapy Examiners and \$2,100 to the Board of Mortuary Science to cover an anticipated deficit.

Sec. 52 Appropriates \$250,000 to the Community Health Division for the administration of the Homemaker/Chore Program.

Sec. 53 Strikes the original FY 1983 appropriations for the Homemaker-Home Health Aide Program and the Public Health Nursing Program.

Sec. 54 Appropriates \$1,719,098 for grants to local boards of health for Public Health Nursing services and it also specifies general provisions for the program. In addition, this section appropriates \$6,387,862 to county boards of supervisors for the Homemaker-Home Health Aide/Chore Program. Of these funds, 15 percent will be distributed equally to all 99 counties. Then, of the total remaining Homemaker and Chore Funds, each county would receive 75 percent of the FY 1982 Homemaker Funds in FY 1983, **50** percent of the FY

1982 Homemaker Funds in the following year, and 25 percent of its FY 1982 Homemaker Funds in the third year. The remaining amount of funds in each year will be allocated to counties on a proportionate basis representing each county's percentage of the state's population of low-income and elderly persons and each county's number of substantiated child abuse cases. This section also enumerates state policy for the Homemaker-Home Health Aide Program by requiring the Department to establish rules and submit a report to the General Assembly by January 10, 1983.

Sec. 55 Adds new legislation to the Department of Health by authorizing them to have responsibility for administering the statewide Public Health Nursing and Homemaker-Home Health Aide Programs.

HISTORICAL DEPARTMENT:

H.F. 2336
Sec. 29 Transfers the balance of approximately \$10,000 remaining in the Life Membership Trust Fund to the Historical Department for their expenditure as they deem necessary.

INSURANCE DEPARTMENT:

H.F. 2336
Sec. 11 Appropriates an additional \$60,000 to the Insurance Department to examine AGO Holding N.V. and AGO International B.V. in Amsterdam. This holding company is purchasing Life Investors, Inc.

JUDICIAL BRANCH:

S.F. 2304
Sec. 78 Strikes language reducing FY 1982 and FY 1983 appropriations by \$69,695 and \$78,971 respectively to the Judicial Branch if the Criminal Justice Improvement Fund becomes law.

Sec. 83 Appropriates supplemental funds of \$425,000 for FY 1983. Of this amount, \$320,000 is to be used for sixteen law clerks, or approximately one law clerk per six judges, and \$105,000 is to be used for district court administration. This section also prohibits counties from contributing funds for salaries, support and miscellaneous purposes for the district court administration.

Sec. 84 Appropriates \$100,000 to the Court Administrator to establish or improve dispute resolution programs throughout the state to provide mediation and conciliation services. The Court Administrator is to submit a progress report to the Joint Appropriations Subcommittee on State Government by February 1, 1983.

JUSTICE, DEPARTMENT OF:

- H.F. 2336
Sec. 30 Allows the Department of Justice to accept and expend up to \$95,000 each fiscal year of any funds received in a civil antitrust judgement awarded to the state.
- S.F. 2304
Sec. 75 Attorney General: Appropriates \$36,856 for the Criminal Division for two FTE's to deal with an increased workload. Prosecuting Attorney Training Program: Appropriates \$8,000 to help train newly elected county attorneys. Federal funds were previously used to supplement the training function.
- Sec. 76 Strikes language reducing FY 1982 and FY 1983 appropriations to the Department of Justice if the Criminal Justice Improvement Fund becomes law.

LABOR, BUREAU OF:

- S.F. 2304
Sec. 79 Appropriates supplemental funds of \$69,850 for FY 1983 to increase the Elevator Inspection Division by two FTE's. These funds will be returned to the General Fund through the collection of inspection fees.

LAW ENFORCEMENT ACADEMY, IOWA:

- H.F. 2336
Sec. 33 Appropriates supplemental funds of \$3,900 for FY 1982 to cover increased utility costs.
- S.F. 2304
Sec. 125 Appropriates supplemental funds of \$3,900 for FY 1983 to cover increased utility costs. The bill also strikes language reducing FY 1982 and FY 1983 appropriations by \$139,962 and \$148,871 respectively to the Law Enforcement Academy if the Criminal Justice Improvement Fund becomes law.
- H.F. 2493
Sec. 24.2 Appropriates \$00,000 for FY 1983 to the Iowa Law Enforcement Academy for increased local police training.

MERIT EMPLOYMENT DEPARTMENT:

- H.F. 2336
Sec. 31 Appropriates \$7,350 to supplement FY 1982 funds to be used in replacement of services provided by the Iowa Department of Job Service for testing applicants through their access centers.
- S.F. 2304
Sec. 82 Appropriates supplemental funds of \$77,260 for FY 1983 with the intent that some of these funds will be used to administer the merit test throughout the state which was previously administered by the Iowa Department of Job Service.

NATURAL RESOURCE COUNCIL, IOWA:

- S.F. 2304
Sec. 66 Appropriates \$48,000 for FY 1983 for the salary, support and maintenance of the Missouri River coordinator and the support of the Missouri Basin States Association and the Upper Mississippi River Basin Association.
- Sec. 67 Strikes from the Acts of the 69th G.A., 1981 session, Chapter 12, Section 3, subsection 4. This subsection had appropriated \$48,000 for FY 1983 to the Missouri and Mississippi River Basin Commissions which are no longer in existence due to the withdrawal of federal funds.

PAROLE, BOARD OF:

- S.F. 2304
Sec. 49 Appropriates an additional \$17,415 for the salary and support of one FTE clerical position needed because of increased workload for the Board.

PLANNING AND PROGRAMMING, OFFICE FOR:

- S.F. 2304
Sec. 80
• ITEM
VETO Appropriates \$1,601,700 for FY 1983 for salaries, support and miscellaneous purposes. Intent language is included that OPP shall comply with the reorganization recommendation of the Legislative Fiscal Bureau Program Evaluation. This section also requires that \$7,600 of the appropriated funds shall be used to pay mileage, meals and other necessary expenses of the Advisory Commission on Intergovernmental Relations.
- Sec. 81 Amends the 1981 bill for the Juvenile Victim Restitution Program to allow the Office for Planning and Programming to carry over appropriated funds until July 1, 1983 instead of June 30, 1982.
- H.F. 2493
Sec. 24.4 Appropriates \$320,000 to the Office for Planning and Programming to replace lost federal funds for grants to local staff for pre-sentence investigation and probation supervision of persons accused of operating a motor vehicle while intoxicated or drugged.

PUBLIC INSTRUCTION, DEPARTMENT OF:

- S.F. 2146 Elementary-Secondary School Funding: Increases the adjustment to state cost per pupil by \$8 for the budget year beginning July 1, 1982. A corresponding adjustment is made to local district cost depending upon the difference in district cost and state cost. If district cost is \$6 or more less than new state cost, then district cost is increased \$6. If district cost is \$1 to \$5 less than new state cost, district cost is increased by the difference. If district cost is equal to or exceeds new state cost, district cost is not changed. The effect of the bill is to decrease the variation in district cost per pupil between low spending schools and high spending schools, and to provide more state aid to all districts except those eight districts who receive the minimum \$200 per student. The bill is expected to increase state aid \$2,860,000 in FY 1983. In the districts that are allowed to increase district cost per pupil, FY 1983 property taxes will increase by approximately \$800,000. Total FY 1983 state aid is estimated to be \$648,170,222.
- S.F. 2302 Elementary - Secondary School Funding; Provides a continuation of the 100 percent budget guarantee of school districts to include the 1983-1984 school year. The guarantee provides that a school district's budget, not including the cost of special education support services, will be at least equal to its 1982-1983 budget. Estimations of 1983-1984 school funding indicate that 22 to 33 districts would benefit from the guarantee. The controlled budget increase of these schools is estimated to range from \$461,000 to \$1,100,000. The state aid portion is estimated to range from \$363,000 to \$750,000 and the local property tax portion is estimated to range from \$98,000 to \$350,000.
- S.F. 2304
Sec. 39 Merged Area Schools - Industrial Start Up Program: Provides \$275,000 in FY 1983 for training programs for employees of companies locating or expanding in Iowa.
- H.F. 2336
Sec. 2 Non-Public School Student Transportation: Provides an appropriation of \$623,000 in FY 1982 to supplement the funding of Chapter 8, Section 18, Acts of the 69th General Assembly. The supplemental brings the total FY 1982 appropriation to \$5,060,000, which will fully fund the year's claims for non-public transportation reimbursement.
- S.F. 2304
Sec. 45 Non-Public School Student Transportation: Increases the FY 1983 appropriation by \$000,000. The new total is expected to fully fund FY 1983 claims for non-public transportation reimbursement. The total FY 1983 appropriation is \$5,450,900.

Sec. 47
Sec. 48

School Budget Review Committee - Limited English Speaking Programs: Appropriates \$200,000 in FY 1983 to the SBRC to provide grants to public and non-public schools to provide special instruction to non-English speaking students.

PUBLIC SAFETY, DEPARTMENT OF:

- H.F. 2336
Sec. 34 Appropriates \$131,009 to the Department of Public Safety for FY 1982 to repay the federal government for overpayments received for intermediate care facility inspections done from FY 1975 through FY 1979.
- S.F. 2304
Sec. 126 Appropriates \$152,770 to the Inspection and Security Division for the administration of the State Building Code. The State Building Code inspectors were transferred from the Office for Planning and Programming to the State Fire Marshal's Office in March, 1982.
- Sec. 127 Strikes language reducing FY 1982 and FY 1983 appropriations by \$180,000 each fiscal year to the Criminalistics Laboratory in the Division of Criminal Investigation if the Criminal Justice Improvement Fund becomes law.
- H.F. 2493
Sec. 24.1a Appropriates \$200,000 for FY 1983 to the Division of Criminal Investigation for undercover purchases of drugs. One-half of the appropriation will go to local law enforcement agencies.
- Sec. 24.1b Appropriates \$200,000 for FY 1983 to the Criminalistics Laboratory in the Division of Criminal Investigation for improvement of laboratory services to local law enforcement agencies.
- Sec. 24.1c Appropriates \$200,000 for FY 1983 to the Department of Public Safety for the development and operation of a pilot program for crime victim reparation.
- Sec. 24.1d Appropriates \$60,000 for FY 1983 to the Department of Public Safety for public interest crime prevention programs.
- Sec. 24.1e Appropriates \$40,000 for FY 1983 to the Iowa State Highway Patrol for the purchase of preliminary breath test equipment.

RAILWAY FINANCE AUTHORITY, IOWA:

H.F. 2336
 Sec. 32 Extends the appropriation to the Iowa Railway Finance Authority from June 30, 1982 to June 30, 1983. The bill also strikes language transferring unencumbered and unobligated funds at July 1, 1982 to the Railroad Assistance Fund.

S.F. 2304
 Sec. 60 Amends ~~the~~ Acts of the 69th General Assembly, Second Extraordinary Session, Chapter 3, Section 23. The **responsibility for sealing and approving the accuracy of train fuel meters** was changed to the Iowa Railway Finance Authority from the Department of Agriculture.

Sec. 61 Allows those rail companies paying less than \$1,200 a year in rail fuel taxes to **pay taxes annually** instead of monthly.

REAL ESTATE COMMISSION, IOWA:

S.F. 2304
 Sec. 71 Appropriates \$3,500 to the Real Estate Commission to supplement funds to computerize their records, licensing, and renewals.

REGENTS, STATE BOARD OF:

H.F. 2336
 Sec. 3 Allows the Board of Regents to **carryover up to \$798,881 of funds allocated in FY 1982 for fuel and purchased electricity** for all of the institutions under its control into FY 1983. The FY 1982 allocation for fuel and purchased electricity is determined to be \$21,359,926.

S.F. 2304
 Sec. 46 State Board of Regents: Provides an appropriation of \$1,277,337 to the Board to offset inflationary increases in the cost of **fuel and purchased electricity** for the institutions under its control.

Sec. 42 Iowa State University - General University: Provides supplemental funding of \$833,000 in FY 1983 to **establish additional sections of classes** experiencing increasing enrollments. Total FY 1983 appropriation is \$80,994,263.

Sec. 44 Iowa State University - **Livestock Disease Research**: During the 1981 Session, the standing appropriation of \$300,000 was limited to \$100,000 in FY 1982 and to \$150,000 in FY 1983. The bill supplements the FY 1983 appropriation by \$44,500, which will allow the continuation of some research projects.

Sec. 68 Iowa State University - **Water Resource Research Development**: Appropriates \$135,000 for research which was formerly funded by federal dollars.

Sec. 69 Provides for the **establishment of a panel** of state agencies to advise on areas of research.

Sec. 40 State University of Iowa - General University: Provides a supplemental appropriation of \$1,000,000 in FY 1983 to be used by the **College of Medicine to stabilize instructional funding** and to reduce reliance by the College on fee income from faculty members' patient services. Total FY 1983 appropriation is \$98,294,990.

Sec. 41 State University of Iowa Hospitals: Supplements funding for the **indigent patient program** (Sec. 255, 1981 Code) by \$165,000 in FY 1983. Total FY 1983 appropriation is \$22,211,392.

H.F. 2336
 Sec. 4 State University of Iowa Hospitals: The **Specialized Child Health Services** Program is appropriated \$6,075 in FY 1982 to replace lost federal funds to be used for the **purchase of lofenalac for the treatment of phenylketonuria**.

S.F. 2304
 Sec. 51 State University of Iowa Hospitals: Appropriates \$17,000 in FY 1983 to **Specialized Child Health Services** at the University of Iowa Hospitals for the Phenylketonuria (PKU) Program. The funds are to be used only to **purchase lofenalac needed for the treatment of PKU**, and the program is required to establish a sliding fee scale for its services.

Sec. 43 University of Northern Iowa: Provides a supplemental appropriation of \$167,000 in FY 1983 to **establish additional sections of classes** experiencing increasing enrollments. Total FY 1983 appropriation is \$31,595,042.

REVENUE, DEPARTMENT OF:

H.F. 2336
 Sec. 12 Appropriates an additional \$237,500 for FY 1982. This is to pay the attorney fees, witness fees, travel and other legal fees for three pipeline cases in litigation before the State Board of Tax Review. These cases involve valuation of property for tax purposes.

S.F. 2304
 Sec. 72 Appropriates **\$25,000** to the Revenue Department to conduct a study of the stress days and grain price differentials for use in determining agricultural productivity for purposes of valuing agricultural land.

SOCIAL SERVICES, DEPARTMENT OF:

- S.F. 2203
Sec. 1 Supplements the appropriation for FY 1982 for capital expenditures by \$400,000 to make the necessary changes to convert the Mitchellville campus to the Women's Correctional Facility and the Rockwell City campus to a **medium security men's correctional facility**.
- Sec. 2 Authorizes the use of \$7,270,000 appropriated during the 1981 Session for the construction of a 200 bed medium security correctional addition on the Oakdale campus.
- H. F. 2336
Sec. 13 Transfers \$1,600,000 from the Low-Income Home Energy Assistance Block Grant to the **Social Services Block Grant** to replace the loss of federal funds to the Department of Social Services.
- Sec. 14 Appropriates those federal **Social Services Block Grant** funds transferred from federal Energy Assistance Block Grant funds to the Department of Social Services to supplement funds appropriated to the following areas: General Administration, \$99,800; Field Operations, \$649,800; Home-Based Services, \$7,400; Foster Care, \$236,400; and Community-Based Corrections, \$6,400.
- Sec. 15 Appropriates \$600,200 of the federal **Social Services Block Grant** funds transferred from Energy Assistance Block Grant funds to the Department of Social Services to supplement funds allocated for local county administration, local purchase and local day care services.
- Sec. 16 Requires the Department of Social Services to maintain income eligibility under the **Social Services Block Grant** at 41.2 percent of the federal median income.
- Sec. 17 Reduces the FY 1982 appropriation by \$534,200. The reduction in the **General Administration** appropriation results from a surplus created by a more favorable federal match than was originally anticipated.
- Sec. 18 Appropriates a supplemental of \$1,475,000 for FY 1982 to replace the loss in federal funding related to **Field Operations**.
- Sec. 19 Appropriates a supplemental of \$9,735,000 for **Medical Assistance** for FY 1982. The supplemental replaces lost federal funding of \$3,000,000, increased utilization and inflation of \$4,400,000 and state funding withheld due to S.F. 563 of \$2,400,000. The supplemental also includes funding of \$300,000 to extend the Child Medical Assistance Program through June 30, 1982.
- Sec. 19.1 Extends the date for the **Child Medical Assistance** Program from March 31, 1982 to June 30, 1982.

- Sec. 19.2 Requires the Department of Social Services to place the maximum **co-pay** allowable by federal law on all optional services except for certain services identified in this section.
- Sec. 19.3 Reduces the medical assistance reimbursement rate for **reserve bed days** from eighty percent to seventy-five percent of the allowable audited cost for those beds.
- Sec. 19.4 Requires the Department to ensure that payments made for **inpatient hospital services** are appropriate.
- Sec. 19.5 Changes the basis for reimbursing hospitals, skilled nursing facilities, and intermediate care facilities to the **level of care required**, rather than the level of care the facility is certified to provide under the Medical Assistance Program.
- Sec. 19.6 Reduces all mandatory and optional services under the Medical Assistance Program by **two and one-half percent** as a cost containment measure. This reduction does not apply to intermediate care facility services, intermediate care facility services for the mentally retarded, services provided to recipient's in State Mental Health Institutes, medical transportation services other than ambulance services, and ingredient cost of prescription drugs and hospital reimbursements.
- Sec. 19.7 Requires the Department of Social Services to ensure that current procedures relating to **prior authorizations** result in the most effective provision of needed services.
- Sec. 20 Appropriates a supplemental of \$348,000 for **contractual services-medical carrier** for FY 1982. The supplemental covers increased costs due to greater utilization, drug capitation, and the 25 percent state match required by federal law for the PSRO contract. The supplemental also includes funding due to federal funds loss.
- Sec. 21 Appropriates a supplemental of \$150,000 for **state supplementary assistance** for FY 1982 to cover increased cost due to greater utilization.
- Sec. 22 Appropriates a supplemental of \$104,000 for FY 1982 to cover additional costs due to increased **foster care** utilization and federal funds loss.
- Sec. 23 Appropriates a supplemental of \$85,000 for FY 1982 to cover the additional cost to **community-based services** due to loss of federal funding and an increase in the number of state cases.
- Sec. 24.1 Reduces the FY 1982 appropriation for **Shelter Assistance** by \$200,000 which was identified as a surplus.

Social Services, cont'd. :

H.F. 2336

Sec. 24.2 Extends the **Shelter Assistance Program** from March 31, 1982 to June 30, 1982.

Sec. 25 Appropriates a supplemental of \$973,000 to the Department of Social Services for FY 1982. The appropriation is a supplement to **Social Services Block Grant** funds allocated for local purchase of service (\$665,700), local day care (\$27,300), and local county administration (\$280,000).

Sec. 26 Repeals the requirement that the Department of Social Services establish pilot projects prior to implementing **monthly reporting and prior month budgeting** statewide.

Sec. 21 Provides for **emergency rules** making authority relating to the implementation of certain sections of the bill.

Sec. 28 Directs the Department of Social Services, if federal law or regulation requires, to impose a fee on an individual who owes a support obligation for **support collection services** provided by the Department.

S.F. 2304

Sec. 1 Reduces the appropriation for **juvenile institutions** for FY 1983 by \$523,519 and supplements the appropriation to the **Iowa Veterans' Home** for FY 1983 by \$600,000.

Sec. 2 Supplements the appropriation for operations of adult correctional institutions by \$3,815,000 for FY 1983 and increases the **cap on the prison population** by 130.

Sec. 3 **Repeals language** referring to a Criminal Justice Improvement Fund that was passed during the 1981 Session.

Sec. 4 Supplements the appropriation to **Community-Based Corrections** by \$275,000 for FY 1983.

Sec. 5 Repeals the appropriation of 5440,000 to the **Mental Aid Fund** for FY 1983.

Sec. 6 Supplements the appropriation to the Department of Social Services for **capital projects at institutions** under its jurisdiction by \$425,000 for FY 1983.

Sec. 7 Supplements the capital appropriation for FY 1983 by \$470,769 for **municipal waste treatment facilities** at Glenwood, Eldora and Independence and appropriates \$500,000 for FY 1983 for **capital improvement at the Men's Penitentiary** at Fort Madison contingent upon the deauthorization of \$500,000 to the Department by the Executive Council.

Sec. 8 Allows funds appropriated in FY 1983 for capital projects to **revert** on September 30, 1986 instead of September 30, 1985.

Sec. 9 Allows purchases of \$5,000 or less from the **Revolving Farm Fund** to be exempted from general purchasing requirements of Chapter 18, 1981 Code.

Sec. 10 Eliminates the provision for reimbursement to counties for **local inpatient mental health care and treatment** for FY 1983.

Sec. 11 Repeals the appropriation of \$370,000 for reimbursement to counties for **local mental health care and treatment** for FY 1983.

Sec. 12 Ensures that every county will receive at least as much from the **State Community Mental Health and Mental Retardation Services Fund** as the county received in FY 1981 from a combination of the State Mental Aid Fund and the fund for Partial Reimbursement to Counties for Mental Health Care and Treatment.

Sec. 13 Appropriates \$1,360,000 to the **Community Mental Health and Mental Retardation Fund**.

Sec. 14 Requires the Mental Health and Mental Retardation Commission and the Commission on Substance Abuse to establish a **memorandum of understanding** to coordinate administrative activities.

Sec. 15 Requires the Director of the Division of Adult Corrections to estimate the costs of developing and updating a **five year corrections master plan**.

Sec. 16-
Sec. 37

These sections make the **necessary statutory changes** to establish the Women's Correctional Facility at Mitchellville, a men's medium security correctional facility at Rockwell City, and a unit for delinquent juveniles at the Iowa Juvenile Home at Toledo.

Sec. 86
*ITEM
VETO
Establishes a **community work program** in each county for unemployed parents during FY 1983. The County Boards of Supervisors or designated local organizations shall work within community groups to develop work assignments to fully utilize public resources to meet public needs and to allow unemployed parents to contribute to the betterment of the community.

Sec. 87.1 Reduces the FY 1983 **General Administration** appropriation by \$491,000. The reduction is due to a more favorable federal match than originally was anticipated.

Sec. 88 Reduces the FY 1983 **Field Operations** Appropriation by \$1,104,300. The reduction is due to savings resulting from the transferring of the Homemaker and Chore Programs as well as the elimination of the Work Incentive Program.

Social Services, cont'd:

- S.E. 2304
Sec. 89 Deletes the requirement that the Department of Social Services phase out **direct Homemaker Services** and move to purchase of service. Homemaker Services will no longer be provided by the Department of Social Services effective July 1, 1982.
- Sec. 90 Reduces the FY 1983 **Aid to Families with Dependent Children**, appropriation by \$773,000. The reduction is due to a surplus created by a smaller caseload which resulted when federal changes in eligibility were implemented October 1, 1981.
- Sec. 91 Established an **Unemployed Parent Program** under the ADC Program. The spouse is not included in the grant but is eligible to receive medical benefits under the Medical Assistance Program. Recipients must meet certain job search and work assignment requirements.
- Sec. 92.1 Increases the ADC **standard of need** for families sized two and above by fifteen percent. The actual grant payment under the ADC program is not increased.
- Sec. 92.2 Requires the Department of Social Services to provide instruction on **retrospective budgeting** and **monthly reporting** to current recipients as well as applicants under the ADC program.
- Sec. 92.3 Directs the Department of Social Services to request a waiver from the Department of Health to exclude from **monthly reporting** those individuals who are likely to have a change in circumstance. The Department is also required to provide monthly reporting forms that are easy to understand.
- Sec. 92.4 Allows the Department of Social Services to utilize \$334,000 from the ADC appropriation to establish a **Coordinated Manpower Services Demonstration Project** for recipients of ADC in Sioux City and Marshalltown. The project is designed to help recipients back into the job market.
- Sec. 93
*ITEM
VETO Provides that funds appropriated for **medical assistance** shall not be transferred or used for any other purposes.
- Sec. 94e Appropriates a supplemental of \$13,703,000 for **medical assistance** for FY 1983 to cover the loss of federal funds, increased utilization and inflation, continuation of the Child Medical Assistance Program and reinstatement of the Unemployed Parent Program.
- Sec. 94.e1 Extends the **Child Medical Assistance Program** through March 31, 1983.
- Sec. 94.e2 Allows the Department to utilize \$30,000 of the Title XIX appropriation to add **three FTE's** to review the availability of workers' compensation, medicare, major medical insurance and other **third**

- party liability sources for payment of medical assistance claims.
- Sec. 95 Appropriates \$460,000 to supplement funds appropriated for the Medical Assistance Program for FY 1983 to cover the cost of delaying **Hospital Prospective Rate Reimbursement** until October 1, 1982.
- Sec. 96 Requires that pharmacies which reduce the charges for prescription drugs to persons participating in private, third-party pay, or prescription drug insurance or benefit plans also reduce by the same amount the charges to persons participating in the Medical Assistance Program. This section **also** provides for a **drug incentive program** for pharmacies who purchase lower cost equivalent drug products.
- Sec. 97 Maintains the maximum **intermediate care facility reimbursement** rate at \$26.50 per day.
- Sec. 98.1 Establishes **hospital reimbursement** on a prospective basis effective October 1, 1982.
- Sec. 98.2 States that medical assistance payments shall not be made for **inpatient hospital services** which can effectively and safely be performed on an outpatient basis.
- Sec. 98.3 Limits **inpatient hospital reimbursement** based on the length of stay as determined annually by the Professional Activities Study for the North Central Region of the United States.
- Sec. 98.4 Bases reimbursement to hospital, skilled nursing and intermediate care facilities on the lowest **level of care medically required**, rather than the level of care a facility is certified to provide under the Medical Assistance Program.
- Sec. 98.5 Reduces the reimbursement to ICF facilities for **reserve bed days** for patients who are hospitalized or on a home visit from 80 percent to 75 percent.
- Sec. 98.6 Limits **physician reimbursement** increases to five percent annually.
- Sec. 98.7 Reduces payments for all mandatory and optional services, except for intermediate care facilities, intermediate care facilities for the mentally retarded, recipients at state mental health institutions, medical transportation other than ambulance services, and ingredient cost of prescription drugs, by a factor of 2.5 percent for FY 1983. The **two and one-half percent reduction** will not apply to hospital reimbursement beginning October 1, 1982.
- Sec. 98.8 Requires the Department to apply the maximum **co-payment** allowed by federal law or regulation on all optional services under the Medical Assistance Program. This section also exempts certain services from the co-pay requirement.

Social Services, cont'd:

S.F. 2304

- Sec. 98.9 Requires the Department to insure that the process of prior authorization results in the most effective provision of needed services.
- Sec. 98.10 Allows the Department to establish one or more in-home pilot projects under the Medical Assistance Program to provide in-home care to persons who would otherwise be institutionalized. Federal financial participation must be available.
- Sec. 99 Appropriates a supplemental of \$421,000 for contractual services - medical carrier for FY 1983 to replace the loss of federal funds and to cover the state's 25 percent share of the Professional Services Review Organization's cost as required by federal law. The supplemental also includes \$46,000 to cover the additional cost of reinstating the Unemployed Parent Program.
- Sec. 100 Reduces the FY 1983 WIN appropriation by \$53,000. The reduction is in anticipation of the federal elimination of five additional WIN projects during EY 3983.
- Sec. 101 Directs the Commissioner of the Department of Social Services, if federal law or regulation requires, to impose a fee on an individual who owes a support obligation for support collection services provided by the Department.
- Sec. 102 Appropriates a supplemental of \$150,000 for the State Supplementary Assistance Program for FY 1983. The supplemental provides for an increase in the maximum cost-related reimbursement rate for residential care facilities from \$15.00 to \$15.90 per day and the flat rate from \$10.00 to \$10.90 per day.
- Sec. 103.a Reduces the FY 1983 appropriation for Home-Based Services by \$4,514,000. The reduction results from the transferring of the Homemaker and Chore Programs to the Department of Health (\$4,766,000) and an eight percent inflation factor cap placed on all purchase-of-service contracts (\$85,000). This section also provides for the replacement of lost federal funding.
- Sec. 103.b Limits certain changes in the Homemaker Program to FY 1982 and not FY 1983 due to the transfer of the Homemaker Program to the Department of Health.
- Sec. 103.c
- Sec. 104 Appropriates a supplemental of \$4,843,000 for Foster Care for FY 1983 to cover the loss of federal funding and increased utilization and inflation.
- Sec. 105.1 Requires the Department of Social Services to ensure that no more than 50 percent of the children in foster care funded under Title IV, Part E of the federal Social Security Act shall have been in foster care for more than 24 months.
- Sec. 105.2 Directs the Department to first place a child in a private foster care home unless the court orders an alternative placement.
- Sec. 106 Appropriates a supplemental of \$131,000 to Community Based Services for FY 1983 to cover increased costs due to loss of federal funding and an increase in the number of state cases.
- Sec. 107 Directs the Department of Social Services to study the feasibility of providing adoption services through purchase of service contracts with licensed private providers. The Department is to make recommendations to the General Assembly by January 15, 1983.
- Sec. 108 Appropriates \$4,006,000 for FY 1983 to supplement federal Social Services Block Grant funding for county administration, local purchase, and day care. This section allocates block grant funds directly to the counties. This section also requires counties to provide a 25 percent match to receive block grant funding relating to day care services.
- Sec. 109 Maintains income eligibility for services funded under the Social Services Block Grant at 41.2 percent of federal median income. This section also establishes the procedure for adjusting eligibility and services under the Social Services Block Grant in the case of a reduction in federal funding.
- Sec. 110 Limits reimbursement increases to purchase of service providers up to eight percent annually. This limitation does not apply to foster residential care and foster group home providers receiving the maximum reimbursements, but does apply to providers below the maximum reimbursement levels.
- Sec. 111 Requires the Department to examine cost containment alternatives for reimbursing purchase of service providers and to report the alternatives to the Joint Appropriations Subcommittee on Social Services during the 1983 Session.
- Sec. 132 Requires the Department of Social Services to examine alternatives for disregarding income from sheltered workshop earnings received by individuals participating in sheltered work and work activity centers. The Department is to report the alternatives to the Social Services Appropriation Subcommittee by January 15, 1983.
- Sec. 113 Appropriates a supplemental of \$300,000 for Sheltered Work and Work Activity services for FY 1983. The supplemental funds individuals who would otherwise be ineligible for funding under the Social Services Block Grant due to the 41.2 percent of federal median income limitation. This section also requires the Department of Social Services to disregard a portion of Sheltered Work/Work Activity earnings in determining eligibility. Counties must provide a 25 percent match to receive supplemental funding.

S.F. 2304
 Sec. 114-
 Sec. 116 Limits the liability of persons legally liable for the support of a mentally ill or mentally retarded person who is in a state institution or county care facility.

Sec. 117 Appropriates \$200,000 to implement a new Dependent Adult Abuse Program effective January 1, 1983. The program will emphasize the reporting and evaluation of dependent adult abuse of adults who are unable to protect their own interests or unable to perform or obtain issential services.

Sec. 118
 Sec. 119 Eliminate reimbursement for Homemaker Services through the Department of Social Services under Section 232.141 of the 1981 Code. Effective July 1, 1982, the Homemaker Program will be transfered from the Department of Social Services to the Health Department. Reimbursement for Homemaker Services for FY 1983 will be provided for in a direct appropriation to the Health Department.

Sec. 120 Makes a person guilty of a fraudulent practice who acquires, alters, transfers, or redeems food stamp coupons or possesses coupons knowing the coupons have been received, transferred, or used in violation of Section 234.13, 1981 Code, or federal law or regulation.

Sec. 121
 Sec. 122 Changes the language relating to reimbursement under the Medical Assistance Program. The amended language is more general and provides greater flexibility in implementing specific changes in Title XIX reimbursement.

Sec. 123 Requires the Department of Social Services to determine periodically whether an individual receiving unemployment compensation benefits also owes child support.

Sec. 124 Allows the Department to utilize emergency rule in implementing certain sections of the bill.

H.F. 2393
 Sec. 1.1 Establishes the **Child Abuse Prevention Program** within the Department of Social Services. This section also identifies what types of programs are eligible for funding.

Sec. 1.2 Allows the Commissioner of the Department of Social Services to receive grants and gifts for the purposes of child abuse prevention.

Sec. 1.3 Establishes the Child Abuse Prevention Program Advisory Council.

Sec. 1.4 Outlines the duties of the Child Abuse Prevention Program Advisory Council.

Sec. 2 Increases the fee for marriage license from five dollars to ten dollars. The Clerk of District Court

is directed to remit to the Treasurer of State five dollars for each marriage license issued.

Sec. 3 Appropriates \$110,000 for FY 1983 to implement the Child Abuse Prevention Program.

H.F. 2493
 Sec. 24.3 Appropriates \$80,000 to the Department of Social Services for FY 1983 for operational expenses of a correctional officers training academy at the Mt. Pleasant State Institution.

SUBSTANCE ABUSE, DEPARTMENT OF:

S.F. 2304
 Sec. 56 Appropriates funds to the Iowa Department of Substance Abuse that were not budgeted last year due to sunset legislation. The bill appropriates \$142,968 for salaries and support and \$2,361,150 for grants to local substance abuse programs.

Sec. 57 Requires the Commission on Substance Abuse and the Mental Health and Retardation Commission to establish a memorandum of understanding to coordinate compatible administrative activities.

Sec. 58 Reduces the amount appropriated to the General Fund for the Salary Adjustment Fund by \$400,000.

Sec. 59 Specifically appropriates \$400,000 to local Substance Abuse Programs receiving substance abuse treatment grants for the state's share of salary increases to program employees. This amount corresponds to the same amount of funds reduced from the Salary Adjustment Fund in Section 58.

1000

WAYS AND MEANS BILL SUMMARY

CORPORATE INCOME TAX:

- S.F. 2293 Clarifies present treatment of apportionment of net income by providing for the combination of all net business income and applying to it an apportionment formula which contains aspects associated with each type of net business income, except capital gains and losses, included in the net business apportionment base of the taxpayer. FISCAL IMPACT: None.
- M.F. 2419 Disallows the deduction of the federal windfall profits taxes in computing state corporate income taxes. The bill is retroactive to January 1, 1981 for tax years beginning on or after January 1, 1981 and is effective upon publication. FISCAL IMPACT: An increase of \$5.5 million in state revenues will be generated in FY 1983 including the effects of the enactment date. In future years an additional \$2.5 million will be the annual effect.

GENERAL TAXATION AND ADMINISTRATION :

- S.F. 2000 Changes the payment of taxes as follows:
- Sales Tax: Those retailers who collect more than \$4,000 in retail sales tax in a semi-monthly period will be required to pay a semi-monthly deposit. The deposit may consist of the amount collected or an amount equal to and not less than one-sixth of the tax collected and paid during the previous quarter. This section of the bill takes effect January 1, 1983.
 - Use Tax: Those retailers who collect or owe more than \$1,500 in use taxes in a month will be required to pay a monthly deposit. This section of the bill takes effect April 1, 1982.
 - Withholding Tax: Those agents withholding more than \$8,000 in a semi-monthly period will be required to pay a semi-monthly deposit. This section of the bill takes effect April 1, 1982.
- FISCAL IMPACT: Results in a one-time windfall to the General Fund of approximately \$13 million in withholding tax receipts and \$6 million in use tax receipts in FY 1982, and \$6 million in sales tax receipts in FY 1983.

U.F. 2475 Corrects S.F. 2080 which required retailers who must remit sales tax on a semi-monthly basis to remit the sales tax for the last semi-monthly period of a calendar quarter on the fifteenth day of the following month. The bill requires that these retailers must file the tax and the quarterly report on the last day of the following month, bringing the payment into line with those required for use and withholding taxes. The bill is effective January 1, 1983. FISCAL IMPACT: No change from S.F. 2080.

S.F. 2191 Authorizes the director of revenue to employ, subject to the approval of the Governor, collection agencies for delinquent taxes. Fees or other remuneration paid to these collection agencies will be based upon the amount of taxes, interest, and penalties actually collected. These fees or other remuneration paid to the collection agencies will be from the General Fund and not from appropriations specifically made to the Department of Revenue. The bill also provides that the requirements and penalties of the state tax confidentiality laws apply to the collection agencies. The bill is effective upon publication. FISCAL IMPACT: Exact effect unknown, but additional income to the General Fund will be generated.

H.F. 2362 Amends penalty provisions for motor fuel, income, franchise, inheritance and estate, and freight line and equipment car tax laws by providing that if ninety percent of the tax due is paid with the timely filing of the return, no additional civil penalty will be assessed for failing to pay the total tax due. The bill also provides for a variable interest rate for underpayment or overpayment of corporate income and franchise taxes, a change from previous law using a fixed rate of three-fourths of one percent per month. The bill is retroactive to January 1, 1982, effective upon publication. FISCAL IMPACT: No specific estimate possible.

H.F. 2495 Establishes the procedure for direct deposit of tax revenue by a county treasurer into the depository and account designated by the appropriate local government officer of the school board or city for which the tax is collected. The amounts shall be sent before the fifteenth day of each month for each fund through the last day of the preceding month. The county treasurer shall send a notice at the same time to the tax recipients stating the amount deposited, date, amount to be credited to each fund according to the budget, and the source of the revenue. FISCAL IMPACT: Depending upon the rate of accrual of interest, minor decreases in interest from the county and minor increases in interest to the tax recipient might result.

INDIVIDUAL INCOME TAX:

- S.F. 400 Provides that the state income tax on the ordinary income portions of **lump sum distributions** that are subject to the federal ten year averaging method shall be equal to 26 percent of the federal tax on that income. The bill is retroactive to January 1, 1982. FISCAL IMPACT: Minimal effect on state receipts.

- S.F. 2180 Setq procedures through which the College Aid Commission may **recover defaulted student loans** by offsetting such debts against any income tax refund owed to the Department. FISCAL IMPACT: A pilot match showed 21 of 131 defaulters had tax refunds or rebates totalling \$1,600 that could be withheld. As of December 21, 1981, the College Aid Commission had paid default claims totalling \$368,912, which is 2.03 percent of the total loans in repayment status. The administrative costs associated with the procedure is not known. However, it is not expected to require any additional staff.

- S.F. 2305 Allows a deduction not to exceed **\$5,000** to a taxpayer for **expenses incurred for the care of a grandchild, child, parent, or grandparent** of the taxpayer or taxpayer's spouse from the state individual income tax of that taxpayer. The specified dependent must be cared for in the home of the taxpayer and additionally must be unable by reason of physical or mental disability to live independently. The specified dependent must be receiving or be eligible to receive certain public assistance. If the person being cared for is receiving assistance benefits under Chapter 239, the deductible expenses shall be the net difference between expenses incurred and the assistance benefits received. The bill is effective January 1, 1983. FISCAL IMPACT: Results in a reduction in the state income tax receipts by an unknown amount.

- S.F. 2309 Provides that a **nonresident or part-year resident** computes state individual income tax by determining the amount of tax on total net income and then paying a portion of that amount. The portion that is due is determined by multiplying the amount of tax determined on total Iowa net income by a fraction equal to a ratio of net income allocated to Iowa total income. The bill is retroactive to January 1, 1982 for tax years beginning on or after January 1, 1982. FISCAL IMPACT: An \$8.5 million increase in state revenues is estimated for F.Y. 1983.

INDUSTRIAL REVENUE BONDS:

- H.F. 210 Authorizes a city or county to issue revenue bonds to finance the acquisition of land, buildings, or improvements to be used by or for **fairs or expositions**. FISCAL IMPACT: No effect on state revenues.

- S.F. 579 Expands the purposes for which cities and counties may issue revenue bonds to include **portable pollution control equipment**. The bill requires that the equipment maintain substantial connection with the building or improvement or site where installed, placed, or based. The principal place of business of the owner of such equipment must be within the city or within eight miles of its corporate limits. FISCAL IMPACT: No effect on state revenues.

- S.F. 2312 Authorizes cities and counties to issue revenue bonds to finance the acquisition of **grain and soybean facilities**, effective upon publication. FISCAL IMPACT: No effect on state revenues.

- H.F. 2377 Provides for the establishment of the **Higher Education Loan Authority**. The Authority, comprised of a five member board appointed by the governor, can issue industrial revenue bonds that are financed from private capital markets.
01590 The participating institutions are required to pledge endowments sufficient to underwrite their share of a particular bond issue. The legislation provides that the income of the authority is tax-exempt and that if the Authority acquires property the property maintains the same tax status it had before its control passed to the Authority. FISCAL IMPACT: No state or local fiscal effects.

- H.F. 2478 Extends the time before which bonds payable from the **hotel and motel tax** at an election held before July 1, 1979 may be issued for memorial buildings, civic centers, auditoriums, convention facilities, and related facilities without a bond election. The time is extended from previous law of November 1, 1982 to November 1, 1984. FISCAL IMPACT: No effect on state revenues. Allows local governmental units to take advantage of possible lower interest rates that might occur between November 1, 1982 and November 1, 1984.

INSURANCE LICENSING FEES:

- S.F. 2288 Specifies regulatory activities of the **Department of Insurance** and the fees payable by persons subject to the regulations. FISCAL IMPACT: A savings to the General Fund of approximately \$26 million which represents the one-time loss in FY 1983 from previous sunset legislation of the semiannual prepayment of these taxes.

INTERNAL REVENUE CODE UPDATE AND GENERAL TAXATION:

H.F. 2171 Relates to various updating references to the Internal Revenue Code; provides that for industrial machinery and equipment and computers acquired after January 1, 1982 the taxpayer's valuation is limited to 30 percent of the net acquisition cost of the **property** (with provision for reimbursement for local taxing jurisdictions for revenues not collected by an annually appropriated amount, which may be prorated); and provides for an increase in the personal property tax credit to be allowed for taxes payable in the fiscal year beginning July 1, 1982 and ending June 30, 1983 even if there is no five and one-half percent growth in the general fund revenue. FISCAL IMPACT: There is a windfall effect in the Economic Recovery Tax Act of 1981 by federal provisions which automatically benefit the state of \$8.5 million in F.Y. 1982 and \$38.8 million in F.Y. 1983. Aside from those provisions, the total effect of the bill, for all those areas where an estimate is possible and effective for the relevant fiscal year, is a \$7.75 million decrease in state revenues for F.Y. 1982 and a \$3.00 million increase in state revenues for F.Y. 1983. Areas of larger impact include the following. (dollars in millions):

Provision	F.Y. '82	F.Y. '83
Accelerated Cost Recovery System (ACRS)	-\$11.00	-520.00
Dividend and Interest Exclusion	--	+\$ 3.50
Interest Retirement Accounts	minimal	-\$ 5.15
Exclusion of Sale-Leaseback	--	+\$ 2.25
Increase in Corporate Taxes (over \$230,000)	+\$ 3.70	+\$18.50

H.F. 2474 **Corrects H.F. 2171** to allow the provisions of the Economic Recovery Tax Act of 1981 that are applicable for tax years ending on or after January 1, 1981 for federal tax purposes to be applicable for **tax** years ending on or after January 1, 1981 for Iowa tax purposes. The specific provisions affected include the Accelerated Cost Recovery System (ACRS) and the disallowance of certain deductions under sale-leaseback transactions. The bill is effective upon publication. FISCAL IMPACT: Included in the figures for H.F. 2171.

MOBILE HOME TAX:

H.F. 2484 Provides that the **payment and delinquency dates for mobile home taxes** are to be the same as for real property and that the collection of the taxes by means of a tax sale is to be in the same manner as for real property. The bill also provides that certificate of title to a mobile home can be transferred only when there are no taxes on the mobile home owing and that mobile homes are no longer subject to annual registration. Further provisions are made for tax clearance for mobile home transportation and for coordinating amendments continuing to subject mobile homes to use tax as in previous Law. The bill is effective January 1, 1983. FISCAL IMPACT: An increase in state-wide property taxes collected on mobile homes is expected with enforcement and collection of taxes more easily administered. The exact amount of this increase is unknown. The elimination of the semiannual registration fee is estimated to decrease the Road Use Tax Fund by approximately \$325,000 annually.

MOTOR FUEL AND SPECIAL FUEL TAX:

S.F. 2091 Increases the rate of the **excise tax on gasohol** as follows: to 80 per gallon May 1, 1982, to 10¢ per gallon July 1, 1983, to 11¢ per gallon July 1, 1984, to 120 per gallon July 1, 1985, and to 13¢ per gallon (the current tax on all other grades of gasoline) July 1, 1986. The bill also provides that gasoline shall not contain a mixture of more than 13% ethanol and that stations dispensing gasohol shall label their containers or pumps accordingly. The bill is effective upon publication. FISCAL IMPACT: Results in approximately \$3.5 to **\$4.0** million in increased revenue for the Road Use Tax Fund.

S.F. 2251 Provides procedures for the implementation of taxation of **natural gas as a special fuel**, including procedures for county treasurers and distributors. The bill also provides a tax rate and a method for collecting the tax for natural gas as a special fuel. The rate of 10 1/20 per 100 cubic feet is the equivalent in terms of energy to the 13¢ per gallon rate for grades of gasoline other than gasohol. Refunds for sales tax paid are provided for in existing law. FISCAL IMPACT: Currently minimal as only tax-exempt fleets are now using natural gas as a special fuel. Impact will change as consumer usage increases.

H.F. 2395 Allows fuel for the production of **denatured alcohol** to be eligible for refund of any motor fuel taxes paid either through the motor vehicle fuel tax refund system or through the income tax refund system. FISCAL IMPACT: No specific estimate, although a minimal loss to the Road Use Tax Fund revenue is expected.

PROPERTY TAXES:

S.F. 312 Provides that passive solar energy systems shall receive a property tax exemption for a period of five years by not adding any value to a building due to installation of a passive solar energy system. The bill is retroactive to January 1, 1981. FISCAL IMPACT: Minimal decreasing effect on tax receipts of local governments.

S.F. 549 Specifies that the Department of Transportation or the related city or county is not liable for property taxes on land acquired for highway use. The bill requires that the Department of Transportation or the related city or county assist in the collection of property taxes concurrent with negotiations for sale of land. FISCAL IMPACT: An estimated \$100,000 in additional property tax revenues will be received by counties.

S.F. 558 Permits county treasurers to round individual property tax bills to the nearest whole dollar amount. FISCAL IMPACT: No dollar effect beyond some administrative savings at the local level.

S.E. 559 Eliminates the minimum population requirement from Chapter 364A which allows counties with populations of 70,000 or more persons to levy a property tax of not more than \$4¢ per \$1,000 valuation for the operation, maintenance, and management of a health center. The removal of the population requirement allows any county to utilize the levy. FISCAL IMPACT: No state effect; local impact dependent upon imposition.

A.F. 833 Changes the beginning and ending dates of the Vietnam Conflict for purposes of qualifying for the military service property tax exemption. The bill sets the dates from December 22, 1961 to May 7, 1975, which are the same dates recognized by the federal government. FISCAL IMPACT: The cost to the state is a maximum reimbursement credit of \$12.50 per credit with an estimated state cost of \$110,000 annually.

H.F. 844 Allows for one-time filing of a claim for homestead credit or military service tax exemption with the credit or exemption granted without refiling a claim as long as the person or person's spouse owns the property designated for the credit or exemption. The bill becomes effective January 1, 1983. FISCAL IMPACT: No dollar effect beyond some administrative savings at the local level.

H.F. 858 Provides the guidelines and processes for the establishment of a benefitted law enforcement district. The bill additionally provides for the dissolution of the district and incorporation of district land by a city. FISCAL IMPACT: Estimated costs for the establishment of a single district are approximately \$6,100. Total fiscal impact cannot be estimated as the number of benefitted law enforcement districts is unknown. If the district gains final voter approval, the costs can be billed to the new benefitted district; if the action fails, the costs are borne by the county through general property taxes.

H.F. 861 Provides that an individual who is confined to a hospital or nursing care facility and continues to own a homestead will be eligible to claim the additional homestead tax credit (the elderly and disabled tax credit) on the homestead if the person does not lease, rent or otherwise receive and profit from the homestead. The bill also allows the executor or administrator of a claimant's estate to file a claim on behalf of the claimant for reimbursement for rent constituting property taxes paid. The bill takes effect January 1, 1983. FISCAL IMPACT: No estimate of the additional state cost is available.

S.F. 2088 Permits school districts to levy for a cash reserve with provision for the School Budget Review Committee (SBRC) to review the levies. If the Committee finds a district's cash reserve excessive it can order a reduction of the district's additional property tax levy for the next school year. During the 1981 legislative session, a provision for cash reserve levy was adopted. However, the cash balance had to be less than 7.5 percent of expenditures before the levy was allowed. The bill removes that restriction. The legislation is effective upon publication. FISCAL IMPACT: Will depend on local district conditions and actions.

S.F. 2291 Provides for one-time filing of claims for the personal property tax credit by taxpayers. The valuation listed on the claim will be used in future years unless the taxpayer subsequently files an additional claim listing additions or deletions of personal property. The bill also provides that an assessor need not obtain a listing of personal property from a taxpayer where the assessor has determined that the taxpayer's personal property valuation does not exceed the amount of the credit. FISCAL IMPACT: Some savings to individual counties for administrative costs.

Property Taxes, cont'd:

H.F. 2351 Exempts from property tax certain agricultural lands which are used for purposes as wetland, recreational lakes, forest cover, forest reservations, rivers and streams, river and stream banks, wildlife habitats, native prairies, and open prairies within provided guidelines and limitations. The bill further increases the amount of acres to be exempted for certain organizations whose primary objective is to preserve land in its natural state and increases the assessed value of fruit tree and forest reservations. FISCAL IMPACT: The effect of the bill depends on the extent of the usage of the exemption and the taxes currently paid on the property. Much of the revenue losses due to the exemptions would be made up through the increased valuation of forest and fruit tree reservations and also from a shifting in tax burden to other agricultural property in the amount of assessment rollback provided by statutory limitation.

REAL ESTATE TRANSFER TAX:

S.F. 217 Exempts from the real estate transfer tax and its associated filing requirements the transfer of property between former spouses pursuant to a decree for dissolution of marriage, tax deeds transferring easements and deeds giving back property to lien holders in lieu of forfeitures or foreclosures, and deeds between a partnership or limited partnership and its partners pursuant to partnership organization or dissolution. The bill also removes the requirement that records of declaration of value be maintained by the county recorder. FISCAL IMPACT: Minimal decreases in state and county revenues.

SALES, USE AND SERVICE TAX:

S.F. 362 Corrects a reference in the law on the refusal of vehicle title issuance for sales to use, authorizes retailers to provide their own sales tax exemption certificates to purchasers buying for resale or processing, and provides that payments of use tax owed be first credited toward any accrued penalty and interest. FISCAL IMPACT: Minimal administrative savings for the Department of Revenue.

S.F. 574 Exempts from taxation tangible personal property of the type normally sold in the regular course of the retailer's business traded to the retailer. The bill also requires that the retailer intend that the property will ultimately be sold at retail and subject to taxation when sold. Allowed exemptions from use tax include all vehicles subject to registration when a vehicle is traded for another for either an equal or lesser value. FISCAL IMPACT:

With the provision relating to use tax on motor vehicles there would be a decrease in tax collections and with the other provisions a slight increase in collections. The exact amount is unknown.

S.F. 2153
*VETOED

Provides an exemption of various photographic and printing materials which are sales by a trade shop to a printer that are used to complete a finished product for sale at retail by the printer from sales, use and service taxation. The bill further provides a definition of "trade shop" and limits the amount of claims for refund to \$50,000. The bill provides that any rules or written pronouncements interpreting revenue laws made by the Director of Revenue prior to the effective date of the Iowa Administrative Procedure Act shall be deemed to have been and continue to be in full force and effect until reversed, repealed or modified in accordance with the provisions of the Administrative Procedure Act or by law. FISCAL IMPACT: A one-time cost of \$50,000 for claims for refund and an approximate annual cost of \$35,000 in lost sales, use and service tax revenues.

S.F. 2292

Corrects previous legislation defining service and warranty contracts as tangible property restricted to the definition of Iowa sales tax statutes. This bill imposes a use tax on the total purchase price of optional service or warranty contracts furnished or delivered to a user in the state. FISCAL IMPACT: The effect of this bill is an increase to the General Fund by an unknown amount.

H.F. 2396

Provides that services rendered or furnished by private employment agencies in placing a person in employment outside of the state are not subject to the state sales, use and service tax. FISCAL IMPACT: No specific estimate possible, although revenue loss is expected.

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BLOCK GRANT BILL SUMMARY

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES:

- H. F. 2477
Sec. 7.1 This subsection appropriates \$2,048,000 to the Iowa Department of Substance Abuse to be expended in accordance with Public Law 97-35, Title IX, Subtitle A for the Alcohol, Drug Abuse and Mental Health Block Grant, . . .
- Sec. 7.2 This subsection limits the amount of funds the Department may expend on administration of the block grant to \$201,400 and requires that audit costs be included.
- Sec. 7.3 This subsection sets forth the proportions to be used in allocating funds to programs within the block grant: For drug abuse programs, 38.17 percent; for alcohol abuse programs, 38.17 percent; for prevention programs, 21.81 percent; and for community mental health centers, 1.85 percent.

COMMUNITY DEVELOPMENT:

- H. F. 2477
Sec. 3 This section appropriates \$24,908,000 allocated to the state by Public Law 97-35. The Office for Planning and Programming shall expend the funds in accordance with Public Law 97-35 and Chapter 17A, 1981 Code. OPP can expend 5747,000 for administration or a limit of three percent. The administrative funds are 50 percent from block grant money and 50 percent state funds.

COMMUNITY SERVICES:

- H. F. 2477
Sec. 1 This section appropriates \$3,887,000 to the Office of Planning and Programming for FY 1983. OPP shall expend the funds in accordance with Public Law 97-35 and Chapter 17A, 1981 Code. OPP can expend up to \$126,000 of these funds for administration of the Community Services Block Grant.
- Sec. 2 This section appropriates five percent of the FY 1982 funds made available under Public Law 97-35. The other 95 percent was appropriated by the federal government.

EDUCATION:

- H. F. 2477
Sec. 11.1 This subsection appropriates to the Department of Public Instruction whatever funds are received from Public Law 97-35, up to \$5,338,000.
- Sec. 11.2 This subsection allocates 20 percent of the funds appropriated, not to exceed \$1,067,000, to the Department of Public Instruction to be used for basic skills development, state leadership and support services, educational improvement and support services, special projects and state administrative expenses and auditing. State administrative expenses of the Department are limited to \$250,000. If the total funds received under the block grant exceed \$5,338,000, then 20 percent of the excess will be held in a special fund awaiting further legislative action (Sec. 14.2).
- Sec. 11.3 This subsection allocates 80 percent of the funds received, up to \$4,270,000, to local education agencies according to the following percentages and enrollments:
- 75 percent on enrollment of public and approved non-public schools, up to \$3,202,800;
- 20 percent on disadvantaged students in school whose incidence of disadvantaged students is above average, up to \$854,000; and
- 5 percent on the number of limited English speaking students whose language imposes a barrier to learning, up to \$213,520.
If the total funds received from the block grant exceed \$5,338,000, then eighty percent of the excess is allocated to the local education agencies based on the above formula (Sec. 14.1).
- Sec. 12 This section requires that funds appropriated in Sec. 11 not be used to aid schools or programs that illegally discriminate in employment or educational programs on the basis of sex, race, color, national origin, or disability.

LOW-INCOME HOME ENERGY ASSISTANCE:

- H. F. 2482
Sec. 1.1 This subsection appropriates \$34,845,178 to the Iowa Energy Policy Council and makes the Council responsible for expending those federal funds received under Public Law 97-35 in FY 1982.
- Sec. 1.2 This subsection allows the Council to spend up to \$2,600,000 of those funds used for low-income home energy assistance to be expended for administrative expenses which is to include the cost of an audit.
- Sec. 1.3 This subsection requires that at least 12.5 percent and not more than 15 percent of the block grant funds eligible shall be appropriated to the Low-Income Residential Weatherization Program.

- H.E. 2471
Sec. 4.1 This subsection appropriates \$32,500,000 to the Iowa Energy Policy Council and makes the Council responsible for expending those federal funds received under Public Law 97-35.
- Sec. 4.2 This subsection allows the Council to spend \$2,437,500 or nine percent of those funds appropriated, whichever is less, for administrative expenses. This is also to include the cost of an audit.
- Sec. 4.3 This subsection requires at least 10 percent and not more than 15 percent of those block grant funds eligible shall be appropriated to the Low-Income Residential Weatherization Program.

MATERNAL AND CHILD HEALTH SERVICES:

- H.F. 2477
Sec. 8.1 This subsection appropriates \$3,970,467 to the Department of Health to be expended in accordance with Public Law 97-35.
- Sec. 8.2 This subsection sets forth the proportions which are to be used in allocating funds to programs within the block grant: For sudden infant death counseling, one percent; for maternal and child health formula grants, 62 percent; and for specialized child health services at the University of Iowa hospitals and clinics, 37 percent.
- Sec. 8.3 This subsection limits the amount of funds the Department may expend on the administration of the block grant to \$112,200 and requires that audit costs be included.
- Sec. 8.4 This subsection makes provisions for the appropriation of funds in the event that the federal government consolidates the Women, Infants and Children Nutrition Program into the block grant.
- Sec. 0.5 This subsection requires the Department of Health, the Department of Social Services, and Iowa Specialized Child Health Services to develop a plan for integration and coordination of Maternal and Child Health Programs in the state, and to submit the plan by January 31, 1983.
- Sec. 9 This section states that funds transferred from the Preventive Health and Health Services Block Grant to the Maternal and Child Health Services Block Grant shall be transferred from the Department of Health to the University of Iowa hospitals and clinics for specialized child health services.

PREVENTIVE HEALTH AND HEALTH SERVICES:

- H.F. 2477
Sec. 10.1 This subsection appropriates \$1,061,000 to the Department of Health to be expended in accordance with Public Law 97-35.
- Sec. 10.2 This subsection limits the amount of funds that the Department may expend on the administration of the block grant to \$98,700 and requires that audit costs be included.
- Sec. 10.3 This subsection requires that funds specifically designated by the federal government for rape prevention must be spent on that program.
- Sec. 10.4 This subsection specifies that seven percent of the funds appropriated in Sec. 10.1 are transferred to the Maternal and Child Health Services Block Grant to be used in accordance with Sec. 9 of this Act.
- Sec. 10.5 This subsection sets forth the proportions to be used in allocating funds to programs within the block grant: For hypertension grants, 15.2 percent; for risk reduction services, 21 percent; for health incentive grants, 17.9 percent; for emergency medical services, 30 percent; and for fluoridation grants, 15.9 percent.

SOCIAL SERVICES:

- H.F. 2477
Sec. 5.1 This subsection appropriates \$30,674,000 in Social Services Block Grant funds to the Department of Social Services for the federal fiscal year beginning October 1, 1982 and ending September 30, 1983.
- Sec. 5.2 This subsection allocates no more than \$1,901,788 of the funds appropriated in Sec. 5.1 for the purposes of general administration. This subsection also provides for payment to the State Auditor for the cost of auditing the block grant.
- Sec. 5.3 This subsection allocates Social Services Block Grant funds appropriated in Sec. 5.1 to the following programs: For field operations, \$12,453,644; for home-based services, \$153,370; for foster care, \$4,539,752; for community-based services, \$122,696; and for local administrative costs and purchase of day care and other local services, \$11,502,750.

Social Services, cont'd. :

Sec. 6 This section directs the Department of Social Services to develop a plan for the utilization of Social Services Block Grant funds for FY 1984. The plan is to include all state programs and services to be funded with Social Services Block Grant funds, and identify state and other funds to be used to fund state programs and services. The plan shall also include funding for local programs and services.

H.F. 2336

Sec. 13 This section transfers \$1,600,000 from the Low-Income Home Energy Assistance Block Grant to the Social Services Block Grant to replace the loss of federal funds to the Department of Social Services.

Sec. 14 This section appropriates those federal Social Services Block Grant funds transferred from federal Energy Assistance Block Grant funds to the Department of Social Services to supplement funds appropriated to the following areas: General Administration, \$99,800; Field Operations, \$649,800; Home-Based Services, \$7,400; Foster Care, \$236,400; and Community-Based Corrections, \$6,400.

Sec. 45 This section appropriates \$600,200 of the federal Social Services Block Grant funds transferred from Energy Assistance Block Grant funds to the Department of Social Services to supplement funds allocated for local county administration, local purchase and local day care services.

Sec. 16 This section requires the Department of Social Services to maintain income eligibility under the Social Services Block Grant at 41.2 percent of the federal median income.

Sec. 25 This section appropriates a supplemental of \$973,000 to the Department of Social Services for FY 1982. The appropriation is a supplement to the Social Services Block Grant funds allocated for local purchase of \$665,700, local day care of \$27,300, and local county administration of \$280,000.

S.F. 2304

Sec. 108 This section appropriates \$4,006,000 for FY 1983 to supplement federal Social Services Block Grant funding for county administration, local purchase, and day care. This section allocates block grant funds directly to the counties. This section also requires counties to provide a 25 percent match to receive block grant funding relating to day care services.

Sec. 109 This section maintains income eligibility for services funded under the Social Services Block Grant at 41.2 percent of federal median income. This section also establishes the procedure for adjusting eligibility and services under the Social Services Block Grant in the case of a reduction in federal funding.

ENROLLED BILLS

1.1.4

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SENATE FILE 217

. AN ACT

TO PROVIDE CERTAIN EXEMPTIONS FROM THE REAL ESTATE TRANSFER TAX AND THE REQUIREMENTS RELATING TO THE FILING OF A DECLARATION OF VALUE.

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

Section 1. Section 428A.1, unnumbered paragraph 2, Code 1981, is amended to read as follows:

At the time each deed, instrument, or writing by which any real property in this state shall be is granted, assigned, transferred, or otherwise conveyed is presented for recording to the county recorder, a declaration of value signed by at least one of the sellers or one of the buyers or their agents shall be submitted to the county recorder. A declaration of value shall is not Be required for those instruments described in section 428A.2, subsections 2 to 13 and 16 to

18, or where any transfer is the result of acquisition of lands, whether by contract or condemnation, for public purposes through an exercise of the power of eminent domain. The declaration of value shall state the full consideration paid for the real property transferred. If agricultural land, as defined in section 172C.1, is purchased by a corporation, limited partnership, trust, alien or nonresident alien, the declaration of value shall include the name and address of the buyer, the name and address of the seller, a legal description of the agricultural land, and identify the buyer as a corporation, limited partnership, trust, alien, or nonresident alien. The county recorder shall not record the declaration of value, but shall enter on the declaration of value such information as the director of revenue may-fewire rewires for the production of the sales/assessment ratio study and transmit all declarations of value to the city or county assessor in whose jurisdiction the property is located. The city or county assessor shall enter on the declaration of value such the information as the director of revenue may require requires for the production of the sales/assessment ratio study and transmit all declarations of value to the director of revenue, at such times as directed by the director of revenue. The director of revenue shall, upon receipt of the information required to be filed under the-provisions of this chapter by the city or county assessor, send to the office of the secretary of state that part of the declaration of value which identifies a corporation, limited partnership, trust, alien, or nonresident alien as a purchaser of agricultural land as defined in section 172C.1. The-county recorder-shall-retain-a-copy-of-the-declaration-of-value-for-the-recorder's-records,-which-shall-be-available-for-public-inspection.

Sec. 2. Section 428A.2, subsection 11, Code 1981. is amended to read as follows: .

S.F. 217

11. Deeds ~~between~~ husband and wife, or parent and child, without actual consideration. A cancellation of indebtedness alone which is secured by the property being transferred and which is not greater than the fair market value of the property being transferred is not actual consideration within the meaning of this subsection.

Sec. 3. Section 428A.2, subsection 15, Code 1981, is amended to read as follows:

15. Deeds between a family corporation, partnership, or limited partnership and its stockholders or partners for the purpose of transferring real property in an incorporation or corporate dissolution or the organization or dissolution of a partnership or limited partnership under the laws of this state, where the deeds are given for no actual consideration other than for shares ~~of stock~~ or for debt securities of the corporation, partnership, or limited partnership. For purposes of this subsection a family corporation, partnership, or limited partnership is a corporation, partnership, or limited partnership where the majority of the voting stock of the corporation, or of the ownership shares of the partnership or limited partnership is held by and the majority of the stockholders or partners are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related and where all of its stockholders or partners are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons.

Sec. 4. Section 428A.2, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. 16. Deeds for the transfer of property or the transfer of an interest in property ~~when~~ the deed is executed between former spouses pursuant to a decree of dissolution of marriage.

NEW SUBSECTION. 17. Deeds transferring easements.

NEW SUBSECTION. 18. Deeds giving back real property to lienholders in lieu of forfeitures or foreclosures.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 217, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

SENATE FILE 312

AN ACT

PROVIDING THAT PASSIVE SOLAR ENERGY SYSTEMS ADDED AS IMPROVEMENTS TO BUILDINGS SHALL NOT INCREASE THE ACTUAL ASSESSED AND TAXABLE VALUE OF THE PROPERTY FOR DESIGNATED ASSESSMENT YEARS, AND MAKING CERTAIN PROVISIONS OF THE ACT RETROACTIVE.

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

Section 1. Section 441.21, subsection 13, paragraph b, Code 1981, is amended to read as follows:

b. Notwithstanding paragraph "a" of this subsection, any construction or installation of ~~a solar energy system or~~ gas production systems using waste or manure to produce gas completed on property classified as agricultural, residential, commercial, or industrial property shall not increase the actual, assessed and taxable values of ~~such~~ the property for assessment years beginning on January 1, 1979 and ending on or before December 31, 1985. In addition, notwithstanding paragraph a of this subsection, any construction or installation of a solar energy system on property so classified shall not increase the actual, assessed and taxable values of the property for five full assessment years.

Sec. 2. Section 441.21, subsection 13, paragraph c, Code 1981, is amended by striking the paragraph and inserting in lieu thereof the following:

c. As used in this subsection "solar energy system" means either of the following:

(1) A system of equipment capable of collecting and converting incident solar radiation or wind energy into thermal, mechanical or electrical energy and transforming these forms of energy by a separate apparatus to storage or to a point of use which is constructed or installed after January 1, 1978.

(2) A system that uses the basic design of the building to maximize solar heat gain during the cold season and to minimize solar heat gain in the hot season and that uses natural means to collect, store and distribute solar energy which is constructed or installed after January 1, 1981.

In assessing and valuing the property for tax purposes, the assessor shall disregard any market value added by a solar energy system to a building. The director of revenue shall adopt rules, after consultation with the energy policy council, specifying the types of equipment and structural components to be included under the guidelines provided in this subsection.

Sec. 3. This Act becomes effective for assessment years beginning on or after January 1, 1982 and to that extent this Act is retroactive.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 312, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

SENATE FILE 362

: ANACT

RELATING TO THE STATE SALES, SERVICES AND USE TAX BY ALLOWING RETAILERS TO PROVIDE THEIR OWN TAX EXEMPTION CERTIFICATE, BY REQUIRING PAYMENTS OF USE TAXES TO BE APPLIED FIRST TO ACCRUED PENALTY AND INTEREST AND BY MAKING CORRECTIVE CHANGES.

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

Section 1. Section 321.30, subsection 6, Code 1981, is amended to read as follows:

6. That the required ~~sales~~ **use** tax has not been paid.

Sec. 2. Section 422.47, subsection 4, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The department shall issue ~~or the seller may separately provide~~ exemption certificates in ~~such~~ **the** form as ~~prescribed by~~ the director may require to assist retailers in properly accounting for nontaxable sales of tangible personal property or services to ~~buyers~~ **purchasers** for purposes of resale or for processing.

Sec. 3. Section 422.47, subsection 4, paragraphs a and c, Code 1981, are amended to read as follows:

a. A valid exemption certificate is an exemption certificate ~~as required and supplied by the department,~~ which is complete and correct according to the requirements of the director.

~~c. The certificate shall state that there is no penalty for perjury if the purchaser has completed the certificate in good faith based upon the facts known at the time of its completion.~~ If the circumstances ~~should~~ change and the tangible personal property or services are used or disposed of by the purchaser in a nonexempt manner, the purchaser **shall be is** liable solely for the taxes and shall remit said **the** taxes directly to the department in accordance with **this** subsection.

Sec. 4. Section 423.23, Code 1981, is amended to read as follows:

423.23 STATUTES APPLICABLE. The director is hereby ~~chaiged with the enforcement of the provisions of~~ shall enforce this chapter, and the director and employees of the department shall administer this chapter and the taxes imposed by this chapter in the same manner and subject to all of the provisions of, and all of the powers, duties, authority, and restrictions contained in section 422.25, subsection 4, section 422.30 and sections 422.67 to 422.75 ~~or any amendments which may hereafter be made thereto, all of which sections are by this reference incorporated herein.~~

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 362, sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

SF 362

Sec. 2. This Act is retroactive to January 1, 1982 for tax years beginning on or after January 1, 1982.

SENATE FILE 400

AN ACT

PROVIDING FOR THE TAXATION OF A LUMP SUM DISTRIBUTION OF AN INDIVIDUAL, ESTATE OR TRUST WHO HAS ELECTED TO HAVE THE DISTRIBUTION SEPARATELY TAXED UNDER THE INTERNAL REVENUE CODE OF 1954 AND PROVIDING FOR A RETROACTIVE EFFECTIVE DATE.

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

Section 1. Section 422.5, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition to the other taxes imposed by this section, a tax is imposed on the amount of a lump sum distribution for which the taxpayer has elected under section 402(e) of the Internal Revenue Code of 1954 to be separately taxed for federal income tax purposes for the tax year. The rate of tax is equal to twenty-five percent of the separate federal tax imposed on the amount of the lump sum distribution. A nonresident is liable for this tax only on that portion of the lump sum distribution allocable to Iowa. The total amount of the lump sum distribution subject to separate federal tax shall be included in net income for purposes of determining eligibility under the five thousand dollar or less exclusion.

TERRY E. BRANSTAD
President of the Senate

DELRWIN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 400, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

S.F. 400

which shall include ten, fifteen, and twenty year goals and a comprehensive ~~five year plan~~ for criminal and juvenile justice programs. The five year plan shall be updated annually and each twenty year plan and annual updates of the five year plan shall be submitted to the governor and the general assembly by February 1.

Sec. 5. Section 7A.10, subsection 1, Code 1981, is amended to read as follows:

1. There is created a juvenile victim restitution program which shall be funded through funds appropriated by the general assembly to the ~~office-for-planning-and-programming~~ criminal and juvenile justice planning agency. The primary purpose of the program is to provide funds to compensate victims for losses due to the delinquent acts of juveniles.

Sec. 6. The Code editor shall transfer section 7A.10 to the same chapter in which sections 1 through 4 of this Act are placed.

Sec. 7. Chapter 80C, Code 1981, is repealed.

Sec. 8. On the effective date of this Act all property, programs, grants, and other funds of the Iowa crime commission are transferred to the criminal and juvenile justice planning agency.

Sec. 9. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 14, section 3, subsections 1, 2, and 3 are amended to read as follows:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. IOWA CRIME COMMISSION, OR ITS SUCCESSOR AGWCY		
a. Criminal justice planning \$	234,000	\$ 260,000 <u>116,350</u>
b. Juvenile justice planning \$	37,840	\$ 48,935
c. Jail standards develop- ment, jail training, and technical assistance	\$ 100,000	\$

2. It is the intent of the general assembly that if the duties of the Iowa crime commission specified in subsection

1 of this section and for which funds are appropriated are subsequently transferred to another agency, the funds appropriated in subsection 1 of this section are appropriated to the ~~successor-agency~~ criminal and juvenile justice planning agency to be expended only for the purposes specified in subsection 1 of this section.

~~3. If legislation creating a criminal justice improvement fund is enacted and becomes law, the appropriations in subsection 1 of this section for each year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 are void.~~

TERRY E. BRANSTAD
President of the Senate

DELWYN SIRCNER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 464, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

authority shall assist in the collection of property taxes and special assessments. However, assistance in the collection of the property taxes and special assessments does not require the payment of property taxes and special assessments on the property acquired which exceed the amount of just compensation offered as required by section 472.45 for the acquisition of the property.

NEW UNNUMBERED PARAGRAPH. The property owner shall pay all property taxes and special assessments which are due and payable when the property owner surrenders possession of the property acquired and also those which become due and payable for the fiscal year the property is acquired in an amount equal to one-twelfth of the taxes and assessments due and payable on the property acquired for the preceding fiscal year multiplied by the number of months in the fiscal year in which the property was acquired which elapsed prior to the month in which the property owner surrenders possession, including that month if the surrender of possession occurs after the fifteenth day of a month. For purposes of computing the payments, the property owner has surrendered possession of property acquired by eminent domain proceedings when the acquiring authority has the right to obtain possession of the acquired property by authority of section 472.26. When part but not all of the property is acquired for public road purposes, taxing authorities may collect property taxes and special assessments which the property owner is obligated to pay, in accordance with chapter 446, from that part of the property which is not acquired. The county treasurer shall collect and accept the payment received on property acquired for road purposes as full and final payment of all property tax and special assessments on the property and apportion the payment on the basis of the levy in effect in the fiscal year in which the property is acquired.

NEW UNNUMBERED PARAGRAPH. For that portion of the prorated year for which the acquiring authority has possession of the

SENATE FILE 549

AN ACT

RELATING TO THE TAXABLE STATUS OF PROPERTY ACQUIRED IN CONNECTION WITH THE ESTABLISHMENT, IMPROVEMENT, AND MAINTENANCE OF A PUBLIC ROAD AND THE COLLECTION OF PROPERTY TAXES ON THE PROPERTY.

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

Section 1. Section 427.2, Code 1981, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. When land or rights in land are acquired in connection with the establishment or maintenance or improvement of a public road, the acquiring

property or part of the property acquired in connection with the establishment or improvement' or maintenance of a public road, all taxes and special assessments shall be canceled.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 549, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

total amount of tax due and payable on the property to the nearest even whole dollar.

SENATE FILE 558

TERRY E. BRANSTAD
President of the Senate

AN ACT

TO REQUIRE THE COUNTY AUDITOR TO ROUND TO THE NEAREST EVEN WHOLE DOLLAR THE PROPERTY TAX BILL FOR EACH PROPERTY TAXPAYER.

DELWYN STROMER
Speaker of the House

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

I hereby certify that this bill originated in the Senate and is known as Senate File 558, Sixty-ninth General Assembly.

Section 1. Section 443.2, unnumbered paragraph 1, Code 1981, is amended to read as follows:

K. MARIE THAYER
Secretary of the Senate

Before the first day of July in each year, the county auditor shall transcribe the assessments of the ~~several~~ townships ~~of~~ and cities into a book or record, to be known as the tax list, properly ruled and headed, with separate columns, in which shall be entered the names of the taxpayers, descriptions of lands, number of acres and value, numbers of city lots and value, value of personal property and each description of tax, with a column for polls and one for payments, and shall complete ~~the same~~ it by entering the amount due on each installment, separately, and carrying out the total of both installments. The total of all columns of each page of each book or other record shall balance with the tax totals. After computing the amount of tax due and payable on each property, the county auditor shall round the

Approved _____, 1982

ROBERT D. RAY
Governor

SENATE FILE 559

! AN ACT

DELETING THE POPULATION REQUIREMENT FOR COUNTIES TO LEVY A TAX FOR THE OPERATION, MAINTENANCE, AND MANAGEMENT OF A HEALTH CENTER.

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

Section 1. Section 346A.1, subsection 2, Code 1981, is amended to read as follows:

2. "Health center" means a building or buildings, together with necessary equipment, furnishings, facilities, accessories and appurtenances and the site or sites therefor used primarily for the purposes of providing centralized locations, at which a county ~~having a population as required by section 346A.2~~ may:

Sec. 2. Section 346A.2, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 1060, is amended to read as follows:

346A.2 AUTHORIZED IN CERTAIN COUNTIES. Counties ~~having a population over seventy thousand, as determined by the last official United States census,~~ may undertake and carry out any project as defined in section 346A.1, and the boards may operate, control, maintain and manage health centers and additions to and facilities for health centers. The boards may appoint committees, groups, or operating boards as they may deem necessary and advisable to facilitate the operation and management of health centers, additions and facilities. A board may lease space in any health center to other public corporations, public agencies and private nonprofit agencies engaged in furnishing health, welfare and social services which lease shall be on terms and conditions as the board deems advisable. All contracts for the construction, reconstruction, completion, equipment, improvement, repair or remodeling of any buildings, additions or facilities shall be let in accordance with section 340, subsection 1, of this Act. To pay the cost of operating, maintaining and managing

a health center the board of any such county may levy an annual tax in accordance with section 421, subsection 21, of this Act.

Sec. 3. Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 421, subsection 21, is amended to read as follows:

21. For operation, maintenance, and management of a health center ~~in a county of over seventy thousand population,~~ not to exceed fifty-four cents per thousand dollars, in addition to all other levies authorized by law for similar purposes.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 559, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

SF 559

SENATE FILE 574

AN ACT

RELATING TO THE CALCULATION OF THE SALES, SERVICES, AND USE TAX ON TRANSACTIONS INVOLVING THE TRADE-IN OF TANGIBLE PERSONAL PROPERTY.

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

Section 1. Section 422.42, subsection 6, paragraph b, Code 1981, is amended by striking the paragraph and inserting in lieu thereof the following:

b. That in transactions in which tangible personal property is traded toward the purchase price of other tangible personal property the gross receipts are only that portion of the purchase price which is payable in money to the retailer if the following conditions are met:

(1) The tangible personal property traded to the retailer is the type of property normally sold in the regular course of the retailer's business.

(2) The tangible personal property traded to the retailer is intended by the retailer to be ultimately sold at retail and will be subject to the tax under section 422.43 when sold.

Sec. 2. Section 423.1, subsection 3, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

3. "Purchase price" means the total amount for which tangible personal property is sold, valued in money, whether paid in money or otherwise; provided:

a. That cash discounts taken on sales are not included.

b. That in transactions, except those subject to paragraph c, in which tangible personal property is traded toward the purchase price of other tangible personal property the purchase price is only that portion of the purchase price which is payable in money to the retailer if the following conditions are met:

(1) The tangible personal property traded to the retailer is the type of property normally sold in the regular course of the retailer's business.

(2) The tangible personal property traded to the retailer is intended by the retailer to be ultimately sold at retail and will be subject to the tax under section 422.43 or this chapter when sold.

c. That in transactions between persons, neither of which is a retailer of vehicles subject to registration, in which a vehicle subject to registration is traded toward the purchase price of another vehicle subject to registration, the purchase price is only that portion of the purchase price represented by the difference between the total purchase price of the vehicle subject to registration acquired and the amount of the vehicle subject to registration traded.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 574, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

S.F. 004

SENATE FILE 579

AN ACT

AUTHORIZING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS UNDER CHAPTER 419 FOR CERTAIN PORTABLE EQUIPMENT USED FOR POLLUTION CONTROL.

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

Section 1. Section 419.1, subsection 2, Code 1981, is amended to read as follows:

2. "Project" means all or any part of, or any interest in, (a) any land, buildings or improvements, whether or not in existence at the time of issuance of the bonds issued under authority of this chapter, which shall be suitable for the use of any voluntary nonprofit hospital, clinic or health care facility as defined in section 135C.1, subsection 4, or of any private college or university, or any state institution governed under chapter 262 whether for the establishment or maintenance of such college or university, or of any industry or industries for the manufacturing, processing or assembling of any agricultural or manufactured products, even though such processed products may require further treatment before delivery to the ultimate consumer, or of any commercial enterprise engaged in storing, warehousing or distributing products of agriculture, mining or industry including but not limited to barge facilities and riverfront improvements useful and convenient for the handling and storage of goods and products, or of a national, regional or divisional headquarters facility of a company that does multistate business, or of a beginning businessperson for any purpose or (b) pollution control facilities which shall be suitable for use by any industry, commercial enterprise or utility. "Pollution control facilities" means any land, buildings, structures, equipment, including portable equipment, pipes,

pumps, dams, reservoirs, improvements, or other facilities useful for the purpose of reducing, preventing, or eliminating pollution of the water or air by reason of the operations of any industry, commercial enterprise or utility. "Improve", "improving" and "improvements" shall embrace any real property, personal property or mixed property of any and every kind that can be used or that will be useful in connection with a project, including, without limiting the generality of the foregoing, rights of way, roads, streets, sidings, trackage, foundations, tanks, structures, pipes, pipe lines, reservoirs, utilities, materials, equipment, fixtures, machinery, furniture, furnishings, improvements, instrumentalities and other real, personal or mixed property of every kind, whether above or below ground level.

Sec. 2. Section 419.1, subsection 5, Code 1981, is amended to read as follows:

5. "Equip" means to install or place on or in any building or improvements or the site thereof equipment of any and every kind, including, without limiting the generality of the foregoing, machinery, utility service connections, building service equipment, fixtures, heating equipment, and air conditioning equipment and including, in the case of portable equipment used for pollution control, all such machinery and equipment which maintains a substantial connection with the building or improvement or the site thereof where installed, placed, or primarily based.

Sec. 3. Section 419.2, subsection 1, Code 1981, is amended to read as follows:

1. To acquire, whether by construction, purchase, gift or lease, and to improve and equip, one or more projects. The projects shall be located within this state, may be located within or near the municipality, but shall not be located more than eight miles outside the corporate limits of the municipality, provided that ancillary improvements necessary or useful in connection with the main project may

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be located more than eight miles outside the corporate limits of the municipality or, in the case of a project which includes portable equipment for pollution control, that the situs of the principal place of business of the owner of such portable equipment is located within the municipality or not more than eight miles outside of the corporate limits of the municipality.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 579, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

SENATE FILE 2080

AN ACT

RELATING TO THE TIME FOR THE DEPOSITING OR REMITTING OF, OR FILING A RETURN ON STATE INCOME TAX WITHHELD, SALES AND SERVICES TAX COLLECTED, OR USE TAX COLLECTED OR OWED, PROVIDING PENALTIES, AND MAKING CERTAIN PROVISIONS EFFECTIVE APRIL 1, 1982 AFTER PUBLICATION AND OTHER PROVISIONS EFFECTIVE JANUARY 1, 1983.

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

Section 1. Section 422.16, subsection 2, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

2. A withholding agent required to deduct and withhold tax under subsections 1 and 12, except those required to deposit on a semi-monthly basis, shall deposit for each calendar quarterly period, on or before the last day of the month following the close of the quarterly period, on a quarterly deposit form as prescribed by the director and shall pay to the department, in the form of remittances made payable to "Treasurer, State of Iowa", the tax required to be withheld, or the tax actually withheld, whichever is greater, under subsections 1 and 12. However, a withholding agent who withholds more than fifty dollars in any one month, except those required to deposit on a semi-monthly basis, shall deposit with the department the amount withheld, with a monthly deposit form as prescribed by the director. The monthly deposit form is due on or before the fifteenth day of the month following the month of withholding, except that a deposit is not required for the amount withheld in the third month of the quarter but the total amount of withholding for the quarter shall be computed and the amount by which the deposits

for that quarter fail to equal the total quarterly liability is due with the filing of the quarterly deposit form. The quarterly deposit form is due within the month following the end of the quarter. A withholding agent who withholds more than eight thousand dollars in a semi-monthly period shall deposit with the department the amount withheld, with a semi-monthly deposit form as prescribed by the director. The first semi-monthly deposit form for the period from the first of the month through the fifteenth of the month is due on the twenty-fifth day of the month in which the withholding occurs. The second semi-monthly deposit form for the period from the sixteenth of the month through the end of the month is due on the tenth day of the month following the month in which the withholding occurs.

Every withholding agent on or before the end of the second month following the close of the calendar year in which the withholding occurs shall make an annual reporting of taxes withheld and other information prescribed by the director and send to the department copies of wage and tax statements with the return.

If the director has reason to believe that the collection of the tax provided for in subsections 1 and 12 is in jeopardy, the director may require the employer or withholding agent to make the report and pay the tax at any time, in accordance with section 422.30. The director may authorize incorporated banks, trust companies, or other depositories authorized by law which are depositories or financial agents of the United States or of this state, to receive any tax imposed under this chapter, in the manner, at the times, and under the conditions the director prescribes. The director shall also prescribe the manner, times, and conditions under which the receipt of the tax by those depositories is to be treated as payment of the tax to the department.

S.F. 2080

Sec. 2. Section 422.16, subsection 10, paragraph b, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 131, section 5, is amended to read as follows:

b. Any employer or withholding agent required under this chapter to withhold taxes on wages or other taxable Iowa income subject to this chapter who fails to file a semi-monthly, monthly deposit-form, or quarterly return deposit form for the withholding of tax with the department on or before the due date, unless it is shown that the failure was due to reasonable cause, is subject to a penalty determined by adding to the amount required to be shown as tax due on the semi-monthly, monthly deposit-form, or quarterly return deposit form five percent of the amount of the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. If any person or withholding agent fails to remit the tax due with the filing of the semi-monthly, monthly deposit-form, or quarterly return deposit form on or before the due date, or fails to pay any amount of any tax required to be shown on the semi-monthly, monthly deposit form, or quarterly return deposit form, unless it is shown that the failure was due to reasonable cause, there shall be added to the tax a penalty of five percent of the amount of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. When penalties are applicable for failure to file a semi-monthly, monthly deposit-form, or quarterly return deposit form and failure to pay the tax due or required on the semi-monthly, monthly deposit-form, or quarterly return deposit form, the penalty provision for failure to file is in lieu of the penalty

provision for failure to pay the tax due or required on the semi-monthly, monthly deposit-form, or quarterly return deposit form. The taxpayer shall also pay interest on the tax or additional tax at the rate in effect under ~~section 1 of this Act~~ Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 131, section 1, for each month counting each fraction of a month as an entire month, computed from the date the semi-monthly, monthly deposit-form, or quarterly return deposit form was required to be filed. The penalty and interest become a part of the tax due from the withholding agent.

Sec. 3. Section 422.51, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Notwithstanding the time for filing a return under subsection 1, a retailer who must deposit the tax collected semi-monthly under section 422.52, subsection 1 in section 4 of this Act shall on or before the fifteenth day of the month following the end of the quarter make, file, and sign a return for the calendar quarter.

Sec. 4. Section 422.52, subsection 1, Code 1981, is amended to read as follows:

1. The tax levied ~~hereunder shall be~~ under this division is due and payable in quarterly installments on or before the last day of the month ~~next-succeeding~~ following each quarterly period ~~provided-however-every~~ except as otherwise provided in this subsection. Every retailer who collects more than four thousand dollars in retail sales tax in a semi-monthly period shall deposit with the department or in a depository authorized by law and designated by the director, the amount collected or an amount equal to not less than one-sixth of the tax collected and paid to the department during the preceding quarter, with a deposit form for the semi-monthly period as Prescribed by the director. The first semi-monthly deposit form is for the period from the first of the month through the fifteenth of the month and is due on or before

the twenty-fifth day of the month. The second semi-monthly deposit form is for the period from the sixteenth through the end of the month and is due on or before the tenth day of the month following the month of collection. A deposit is not required for the last semi-monthly period of the calendar quarter. The total quarterly amount, less the amount deposited for the five previous semi-monthly periods, is due with the quarterly report on the fifteenth day of the month following the month of collection. A retailer who collects more than five hundred dollars in retail sales taxes in any one month and not more than four thousand dollars in retail sales taxes in a semi-monthly period shall deposit with the department or in a depository bank authorized by law and designated by the director, said sum the amount collected or an amount equal to not less than one-third of the tax collected and paid to the department during the preceding quarter, made-out-with a deposit form for the month in such-form-and-manner as may be prescribed by the director, said. The deposit form being is due on or before the twentieth day of the month next-succeeding following the month of collection, except no-deposit-will-be a deposit is not required for the third month of the calendar quarter and the total quarterly amount, less the amounts deposited for the first two months of the quarter, will-be is due with the quarterly report on the last day of the month next-succeeding following the month of collection. Provided-further-however-every Every retailer who collects more than fifty dollars and not more than five hundred dollars in retail sales tax in any one month shall deposit with the department or in a depository bank authorized by law and designated by the director, said sum the amount collected, or an amount equal to not less than thirty-percent one-third of the tax collected and paid to the department during the last preceding quarter, made-out with a deposit form for the month in-such-form-and-manner

as may be prescribed by the director, said. The deposit form being is due on or before the twentieth day of the month next succeeding following the month of collection, except no-deposit will-be a deposit is not required for the third month of the calendar quarter and the total quarterly amount, less the amounts deposited for the first two months of the quarter, will-be is due with the quarterly report on the last day of the month next-succeeding following the month of collection. Said The monthly remittance procedure shall-be is optional for any sales tax permit holder whose average monthly collection of tax amounts to more than twenty-five dollars and less than fifty dollars. If the exact amounts of the taxes due or an amount equal to not less than thirty-percent one-third or one-sixth, as applicable, of the tax collected and paid to the department during the last preceding quarter on the monthly deposit form are not ascertainable by the retailer, or would work undue hardship in the computation of the taxes due by the retailer, the director may provide by rules alternative procedures for estimating the amounts (but not the dates) due by the retailers. The form-so forms prescribed by the director shall be referred to as "retailers semi-monthly tax deposit" or "retailers monthly tax deposit". Deposit forms shall be signed by the retailer or his the retailer's duly authorized agent, and must shall be duly certified by him the retailer or agent to be correct. The director may authorize incorporated banks and trust companies or other depositories authorized by law which are depositories or financial agents of the United States, or of this state, to receive any tax imposed under this chapter, in such the manner, at such the times and under such the conditions as the director may-prescribe prescribes. The director shall prescribe the manner, times, and conditions under which the receipt of such the tax by such-banks-and trust-companies those depositories is to be treated as payment of such the tax to the department.

Sec. 5. Section 422.58, subsection 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 131, section 10, is amended to read as follows:

1. If any ~~a person~~ fails to file a permit holder's Semi-monthly or monthly tax deposit form or a return with the department ~~of revenue~~ on or before the due date, unless it is shown that the failure was due to reasonable cause, there shall be added to the amount required to be shown as tax on the semi-monthly or monthly tax deposit form or return five percent of the amount of the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. If ~~any a~~ person or permit holder fails to remit at least ninety percent of the tax due with the filing of the semi-monthly or monthly tax deposit form or return on or before the due date, or pays less than ninety percent of any tax required to be shown on the return, excepting the period between the completion of an examination of the books and records of a taxpayer and the giving of notice to the taxpayer that a tax or additional tax is due, there shall be added to the tax a penalty of five percent of the amount of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month the failure continues, not exceeding twenty-five percent in the aggregate, unless it is shown that the failure was due to reasonable cause. In case of willful failure to file a return, willful filing of a false return or willful filing of a false or fraudulent return with intent to evade tax, in lieu of the penalty otherwise provided in this subsection, there shall be added to the amount required to be shown as tax on the return fifty percent of the amount of the tax. When penalties are applicable for failure to file a semi-monthly or monthly tax deposit form or return

and failure to pay at least ninety percent of the tax due or required on the semi-monthly or monthly tax deposit form or return, the penalty ~~provision~~ for failure to file is in lieu of the penalty ~~provision~~ for failure to pay at least ninety percent of the tax due or required on the semi-monthly or monthly tax deposit form or return. The taxpayer shall also pay interest on the tax or additional tax at the rate in effect under ~~section 1 of this Act~~ Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 131, section 1, for each month counting each fraction of a month as an entire month, computed from the date the semi-monthly or monthly tax deposit form or return was required to be filed. The penalty and interest shall be paid to the department and disposed of in the same manner as other receipts under this division. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this division.

Sec. 6. Section 423.13, Code 1981, is amended to read as follows:

423.13 PAYMENT TO DEPARTMENT. Each permit holder required or authorized, pursuant to section 423.9 or 423.10, to collect or pay the tax ~~herein~~ imposed, shall ~~be required to pay~~ remit to the department the amount of ~~such~~ tax, on or before the last day of the month ~~next-succeeding~~ following each calendar quarterly period. However, a retailer who collects or owes more than fifteen hundred dollars in use taxes in a month shall deposit with the department or in a depository authorized by law and designated by the director, the amount collected or owed, with a deposit form for the month as prescribed by the director. The deposit form is due on or before the twentieth day of the month following the month of collection, except a deposit is not required for the third month of the calendar Quarter and the total Quarterly amount, less the amounts deposited for the first two months of the Quarter, is due with the quarterly report on the last day of the month

following the month of collection. At such that time, each such the retailer shall file with the department a return for the preceding quarterly period in such the form as may be prescribed by the director showing the sales price of any ~~or all the~~ tangible personal property sold by the retailer during such the preceding quarterly period, the use of which is subject to the tax imposed by this chapter, and such other information as the director ~~may deem~~ deems necessary for the proper administration of this chapter. The return shall be accompanied by a remittance of the ~~amount-of-such~~ tax for the period covered by the return. If necessary in order to insure payment to the state of the ~~amount-of-such~~ tax, the director may in any or all cases require returns and payments ~~of-such-amount~~ to be made for other than quarterly periods. The director may, upon request and a proper showing of the necessity ~~therefor~~, grant an extension of time not to exceed thirty days for making any return and payment. Returns shall be signed by the retailer or ~~his~~ the retailer's duly authorized agent, and must shall be certified by him the retailer or agent to be correct.

Sec. 7. section 423.18, subsection 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 131, section 11, is amended to read as follows:

1. If a person fails to file a monthly deposit form or a return with the department on or before the due date, unless it is shown that the failure was due to reasonable cause, there shall be added to the amount required to be shown as tax on the monthly deposit form or return five percent of the amount of the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. If a person or permit holder fails to remit at least ninety percent of the tax due with the filing of the monthly deposit

form or return on or before the due date, or pays less than ninety percent of any tax required to be shown on the monthly deposit form or return, excepting the period between the completion of an examination of the books and records of a taxpayer and the giving of notice to the taxpayer that a tax or additional tax is due, there shall be added to the tax a penalty of five percent of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate, unless it is shown that the failure was due to reasonable cause. In case of willful failure to file a monthly deposit form or return, willfully filing a false monthly deposit form or return, or willfully filing a false or fraudulent monthly deposit form or return with intent to evade tax, in lieu of the penalty otherwise provided in this subsection, there shall be added to the amount required to be shown as tax on the monthly deposit form or return fifty percent of the amount of the tax. When penalties are applicable for failure to file a monthly deposit form or return and failure to pay at least ninety percent of the tax due or required on the monthly deposit form or return, the penalty ~~provision~~ for failure to file is in lieu of the penalty provision for failure to pay at least ninety percent of the tax due or required on the monthly deposit form or return. The taxpayer shall also pay interest on the tax or additional tax at the rate in effect under ~~section 1 of this Act~~ of the Sixty-ninth General Assembly, 1981 Session, chapter 131, section 1, for each month counting each fraction of a month as an entire month, computed from the date the monthly deposit form or return was required to be filed. The penalty and interest shall be paid to the department and disposed of in the same manner as other receipts under this chapter. Unpaid penalties and interest may be enforced collected in the same manner as the tax imposed by this chapter.

Sec. 8. This Act, except sections 3, 4, and 5, being deemed of immediate importance, takes effect April 1, 1982 from and after its publication in The Rolfe Arrow, a newspaper published in Rolfe, Iowa, and in the Osceola Sentinel, a newspaper published in Osceola, Iowa.

Sec. 9. Sections 3, 4, and 5 of this Act take effect January 1, 1983.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2080, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

SENATE FILE 2088

AN ACT

TO AUTHORIZE A PROPERTY TAX LEVY BY SCHOOL DISTRICTS FOR A CASH RESERVE.

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

Section 1. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 94, section 1, is amended by striking the section and inserting in lieu thereof the following:

SECTION 1. Chapter 298, Code 1981, is amended by adding the following new section:

NEW SECTION. LEVY FOR CASH RESERVE. The board of directors of a school district may certify for levy by March 15 of a school year, a tax on all taxable property in the school district in order to raise an amount for a necessary cash reserve for a school district's general fund. The amount raised for a necessary cash reserve does not increase a school district's authorized expenditures as defined in section 442.5, subsection 2.

Sec. 2. Section 442.13, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Annually the school budget review committee shall review the amount of property tax levied by each school district for a cash reserve authorized in section 1 of this Act. If in the committee's judgment, the amount of a district's cash reserve levy is unreasonably high, the committee shall instruct the state comptroller to reduce that district's tax levy computed under section 442.9 for the

following budget year by the amount the cash reserve levy is deemed excessive. A reduction in a district's property tax levy for a budget year under this subsection does not affect the district's authorized budget.

Sec. 3. Section 442.13, subsection 2, Code 1981, is amended to read as follows:

2. The committee shall report to each session of the general assembly, which report shall include any recommended changes in laws relating to school districts, and shall specify the number of hearings held annually, the reasons for the committee's recommendations, information about the amounts of property tax levied by school districts for a cash reserve, and other information as the committee deems advisable.

Sec. 4. Chapter 442, Code 1981, is amended by adding the following new section:

NEW SECTION. If a school district receives less state school foundation aid under section 442.26 than is due under that section, for a base year and the school district uses funds from its cash reserve during the base year to make up for the amount of state aid not paid, the board of directors of the school district shall include in its general fund budget document information about the amount of the cash reserve used to replace state school foundation aid not paid.

Sec. 5. Notwithstanding sections 24.3 through 24.17, for the school year beginning July 1, 1982, the board may approve the levy of the property tax authorized in section 1 of this Act and certify a budget to the county auditor not later than twenty days after the effective date of this Act or not later than May 1, 1982, whichever is earlier. Time limitations on procedures necessary for budget certification are adjusted according to the budget certification deadline established in this section.

Sec. 6. This Act, being deemed of immediate importance, take effect from and after its publication in the south

Hardin Signal-Review, a newspaper published in Hubbard, Iowa,
and in the Charles City Press, a newspaper published in Charles
City, Iowa.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 2088, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

SENATE FILE 2091

AN ACT

RELATING TO MOTOR VEHICLE FUEL, INCLUDING PROVISIONS RELATING TO ETHANOL BLENDED MOTOR VEHICLE FUEL, AND INCREASING THE RATE OF THE EXCISE TAX ON GASOLINE, EFFECTIVE UPON PUBLICATION.

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

Section 1. Section 214A.2, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Gasoline shall not contain a mixture of more than thirteen percent ethanol.

Sec. 2. Chapter 214A, Code 1981, is amended by adding the following new section:

NEW SECTION. Any retail dealer who sells or holds for sale motor vehicle fuel containing ethanol shall conspicuously post upon any container or pump from which the motor fuel is being sold, a two inch by six inch notice with letters at least one-half inch high stating "ethanol blend".

Sec. 3. section 324.3, unnumbered paragraph 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, Second Extraordinary 1981 Session, chapter 2, section 7, is amended to read as follows:

For the privilege of operating motor vehicles in this state an excise tax of thirteen cents per gallon beginning September 1, 1981 is imposed upon the use of all motor fuel used for any purpose except motor fuel containing at least ten percent

alcohol distilled from agricultural products grown in the United States for the period beginning July 1, 1978 and ending June 30, ~~1983~~ 1986 and except as otherwise provided in this division. The tax shall be paid in the first instance by the distributor upon the invoiced gallonage of all motor fuel received by the distributor in this state, within the meaning of the word "received" as defined in this division, less the deductions authorized. Thereafter, except as otherwise provided, the per gallon amount of the tax shall be added to the selling price of every gallon of such motor fuel sold in this state and collected from the purchaser so that the ultimate consumer bears the burden of the tax; provided that tax shall not be imposed or collected under this division with respect to the following:

Sec. 4. Section 324.3, unnumbered paragraph 3, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, Second Extraordinary 1981 Session, chapter 2, section 9, is amended to read as follows:

For the privilege of operating motor vehicles in this state an excise tax of ~~five-cents-per-gallon-for-the-period-beginning May-17-1981-and-ending-August-31-1981-and-an-excise-tax-of~~ six cents per gallon for the period beginning September 1, 1981 and ending ~~June-30-1983~~ on the last day of the month in which this Act becomes effective, an excise tax of eight cents per gallon for the period beginning on the first day of the month following the month in which this Act becomes effective and ending June 30, 1983, an excise tax of ten cents per gallon for the period beginning July 1, 1983 and ending June 30, 1984, an excise tax of eleven cents per gallon for the period beginning July 1, 1984 and ending June 30, 1985, an excise tax of twelve cents per gallon beginning July 1, 1985 and ending June 30, 1986, is imposed upon the use of gasohol used for any purpose except as otherwise provided in this division.

Sec. 5. This Act, being deemed of immediate importance, takes effect from and after its publication in The Hudson Herald, a newspaper published in Hudson, Iowa, and in the Bremer County Independent and Waverly Democrat, a newspaper published in Waverly, Iowa.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2091, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

and in The Sioux County Index-Reporter, a newspaper published in Hull, Iowa.

SENATE FILE 2146

AN ACT

TO INCREASE THE STATE COST PER PUPIL BY SIX DOLLARS FOR THE SCHOOL YEAR BEGINNING JULY 1, 1982, TAKING EFFECT UPON PUBLICATION.

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

Section 1. Section 442.8, unnumbered paragraph 2, Code 1981, is amended to read as follows:

However, for the budget years beginning July 1, 1980, July 1, 1982, and July 1, 1983, the state cost per pupil shall equal the base year's state cost per pupil plus the allowable growth for the budget year plus an adjustment to the state cost per pupil. For the budget years beginning July 1, 1980, July 1, 1982, and July 1, 1983, the adjustment to the state cost per pupil is twenty dollars per pupil, ~~maven thirteen~~ dollars per pupil, and eight dollars per pupil, respectively.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Grinnell Herald-Register, a newspaper published in Grinnell, Iowa,

TERRY B. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2146, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

S.F. 2146

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SENATE FILE 2153

AN ACT

RELATING TO THE STATE REVENUE REGULATIONS, SALES, SERVICES
AND USE TAXES BY EXEMPTING FROM THE TAXES SALES BY
TRADE SHOPS TO PRINTERS OF THE END PRODUCTS OF IMAGE
MODULATION, LITHOGRAPHIC-OFFSET PLATES, PHOTOENGRAVED
PLATES, AND OTHER BASE MATERIALS USED AS CARRIERS FOR
LIGHT-SENSITIVE EMULSIONS, LIMITING THE AMOUNT OF
REFUNDS ALLOWABLE UNDER THIS ACT, AND MAKING IT RETRO-
ACTIVE.

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

Section 1. Section 422.45, Code 1981, is amended by adding
the following new subsection:

NEW SUBSECTION. The gross receipts from the sales by a
trade shop to a printer of lithographic-offset plates,
photoengraved plates, engravings, negatives, color separations,
the end products of image modulation, or any other base
material used as a carrier for light-sensitive emulsions to
be used by the printer to complete a finished product for
sale at retail. For purposes of this subsection, "trade shop"
means a business which is not normally engaged in printing
and which sells supplies to printers, including but not limited
to, lithographic-offset plates, photoengraved plates,
engravings, negatives, color separations, end products of
image modulation, or other base material used as a carrier
for light-sensitive emulsions.

Sec. 2. Claims for refunds as a result of this Act for
sales, services, and use taxes paid on transactions occurring
between July 1, 1971 and July 1, 1982 involving the printing
process shall be filed between July 1, 1982 and September
1, 1982. Notwithstanding any other provision of law, the
total amount of refunds that shall be paid pursuant to this
section shall not exceed the sum of fifty thousand dollars.
If the total dollar amount of the allowable claims for refunds
exceed the sum of fifty thousand dollars the director of
revenue shall pro-rate the fifty thousand dollars amongst
the claimants of the allowable claims by paying each claimant
a percent of the amount of the claimant's allowable claim
equal to the percent that fifty thousand dollars bears to
the total amount of the allowable claims.

Any rules or written pronouncements interpreting the revenue
laws that were made by the Director of Revenue or by the
director of any division of the Department of Revenue prior
to the effective date of the Iowa Administrative Procedure
Act shall be deemed to have been and continue to be in full
force and effect until reversed, repealed or modified in
accordance with the provisions of the Administrative Procedure
Act or by law.

S.F. 2153

This section shall not be codified but shall be contained in the session laws only.

Sec. 3. This Act is retroactive to July 1, 1971.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2153, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor



ROBERT D. RAY
GOVERNOR

Office of the Governor

STATE CAPITOL
DES MOINES, IOWA 50319

May 21, 1982

fizz —



The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I am enclosing Senate File 2153, an act relating to the state revenue regulations, sales, services and use taxes by exempting from the taxes sales by trade shops to printers of the end products of image modulation, lithographic-offset plates, photo-engraved plates, and other base materials used as carriers for light-sensitive emulsions, limiting the amount of refunds allowable under this act, and making it retroactive, which, in accordance with Article III, Section 16, Constitution of the state of Iowa, I hereby disapprove and transmit to the Secretary of State.

Senate File 2153 provides a sales tax exemption for certain photographic materials used by printers to complete a finished product for retail sale. The bill is made retroactive to allow for refunds for taxes paid on these materials since 1971 and puts a \$50,000 limit on total allowable refunds. In addition, the bill includes an enigmatic provision which makes effective as law written pronouncements on any revenue laws made by the Director or a division director of the Department of Revenue prior to 1975, so long as those pronouncements have not been modified by a rule or statute.

The merits of the sections of the bill granting the sales tax exemption for printers are not questioned here: the exemption would appear to provide for appropriate tax treatment of materials used in the processing of a retail product. It is the uncertain and potentially adverse impact of the provision relating to revenue pronouncements that gives rise to the disapproval of this bill.

The provision in Senate File 2153 relating to Department of Revenue written pronouncements was offered in the House of Representatives during the final hours of the session and received little debate on its implications or merits. A question did

arise regarding the provision's germaneness to the bill. It was ruled to be outside of the scope of the bill, but a suspension of the rules and, an amendment, broadening the title resulted in the addition of the provision to Senate File 2153.

The nongermane ruling is an indication that the subjects covered in the amendment are outside of the scope of the sales, service and use tax issue in Senate File 2153. And, the amendment to the title broadened the description of the subjects covered in the bill to include all revenue regulations. These facts, in combination with the language of the amendment, make it apparent that Senate File 2153 applies to all taxes administered by the Department.

Moreover, Section 3 of the bill makes the entire act retroactive to 1971. Therefore, House File 2153 may result in legal contests over any tax paid since 1971 if the payment of that tax runs contrary to the written advice given by the Director or a division director of the Department of Revenue which has not since been modified by law or rule.

Senate File 2153 thus raises several important questions.

1. Does the law require the refunding of a tax if its payment was based upon erroneous advice? And conversely, would a taxpayer be required to pay back taxes to the state if its nonpayment were based upon erroneous advice?

These questions relate to the common law doctrine of equitable estoppel whereby the state can be estopped from collecting back taxes when a taxpayer, in good faith, relies on the Department's information in deciding not to pay the taxes. This doctrine has never been used by the courts in Iowa and applies only to interest and penalties associated with disputed taxes in states where it is in effect. Senate File 2153 appears to statutorily adopt the doctrine of equitable estoppel in Iowa and may even go beyond it by requiring the refunding of the tax itself, in addition to the interest and penalties.

If the legislature desires to adopt the doctrine of equitable estoppel as Iowa tax law, it should make this major policy change only after fully debating its implications and revenue consequences. Moreover, the legislature should carefully draft the statute to reasonably limit its applicability.

2. Could Senate File 2153 be interpreted to affect only specific taxpayers who received written pronouncements from the Department or could it affect entire classes of taxpayers in similar situations, even if they were unaware of the written pronouncement? If it is determined to affect an entire class, the bill may result in a substantial drain on the state treasury at a time when the state budget is constrained. If it does not apply to a class of taxpayers, Senate File 2153 may treat taxpayers inequitably by providing tax benefits or penalties only to those who receive written advice from the Department.
3. Are there unknown impacts of the bill? The Department wrote the first manual on the formula used for valuation of agricultural land in the early '70s. The Department has, since the adoption of the Administrative Procedures Act in 1975, substantially revised the manual without adopting the revisions in the administrative rules process. Therefore, the Department's equalization orders, which are based on the revised manual, could be challenged as a result of this bill. That is an example of but one possible impact; there are undoubtedly many others that are, as yet, unknown.
4. Does the legislature wish to retroactively give to the Department the authority to determine what is and what is not taxable? Senate File 2153 effectively gives the sanction of law to any interpretation of tax law written by the Director or division directors of the Department. That delegation of taxing authority to the Executive Branch runs contrary to the historic function of the legislature to make tax laws.

In short, the revenue regulation provisions in Senate File 2153 raise a number of serious questions. Answers to these questions will come only through costly and time-consuming litigation. Instead, the legislature should re-examine these provisions next year so that the implications of the bill are debated and resolved.

This veto is not to pass judgment on the other substantive sections of the bill. I recognize the legitimate concerns of the printing industry regarding the need to exempt processing materials from the sales tax. The Department of Revenue has informed me that the veto of this bill should not adversely affect printers

The Honorable Mary Jane Odell

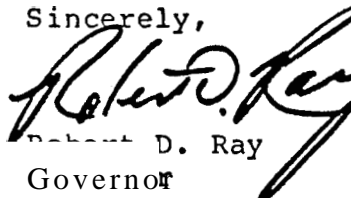
Page 4

May 21, 1982

so long as the legislature takes action next year to provide the exemption. I urge the legislature to take prompt action next year to address the printer's tax concerns.

For the reasons enumerated in this letter, I hereby respectfully disapprove Senate File 2153.

Sincerely,



Robert D. Ray
Governor

RDR:cg

cc: Secretary of the Senate
Chief Clerk of the House

1.1.1,

SENATE FILE 2180

AN ACT

RELATING TO SETOFFS AGAINST STATE INCOME TAX REFUNDS, INCLUDING CLAIMS BASED ON DEFAULTS ON GUARANTEED STUDENT LOANS AND CHILD SUPPORT RECOVERY CLAIMS, AND AUTHORIZING RECIPROCAL AGREEMENTS WITH OTHER STATES DEALING WITH THE SUBJECT MATTER.

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

Section 1. Section 261.37, subsection 7, Code 1981, is amended to read as follows:

7. To establish an effective system for the collection of delinquent loans, including the adoption of an agreement with the Iowa department of revenue to set off against a defaulter's income tax refund or rebate the amount that is due because of a default on a guaranteed student or parental loan made under this division. The commission shall adopt rules under chapter 17A necessary to assist the department of revenue in the implementation of the student loan setoff program as established under section 421.17 in section 2 of this Act.

Sec. 2. Section 421.17, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. To establish and maintain a procedure to set off against a defaulter's income tax refund or rebate the amount that is due because of a default on a guaranteed student or parental loan under chapter 261. The procedure shall meet the following conditions:

a. Before setoff all outstanding tax liabilities collectible by the department of revenue shall be satisfied except that a refund or rebate shall not be credited against tax liabilities which are not yet due.

b. Before setoff the college aid commission shall obtain and forward to the department of revenue the full name and social security number of the defaulter. The department of revenue shall cooperate in the exchange of relevant information with the college aid commission.

c. The college aid commission shall, at least annually, submit to the department of revenue for setoff the guaranteed student loan defaults, which are at least fifty dollars, on a date or dates to be specified by the college aid commission by rule.

d. Upon submission of a claim, the department of revenue shall notify the college aid commission whether the defaulter is entitled to a refund or rebate of at least fifty dollars and if so entitled shall notify the commission of the amount of the refund or rebate and of the defaulter's address on the income tax return. Section 422.72, subsection 1, does not apply to this paragraph.

e. Upon notice of entitlement to a refund or rebate, the college aid commission shall send written notification to the defaulter, and a copy of the notice to the department of revenue, of the commission's assertion of its rights to all or a portion of the defaulter's refund or rebate and the entitlement to recover the amount of the default through the setoff procedure, the basis of the assertion, the defaulter's opportunity to request that a joint income tax refund or rebate be divided between spouses, the defaulter's opportunity to give written notice of intent to contest the claim, and the fact that failure to contest the claim by written application for a hearing before a specified date will result in a waiver of the opportunity to contest the claim, causing final setoff by default. Upon application, the commission shall grant a hearing pursuant to chapter 17A. An appeal taken from the decision of a hearing officer and any subsequent appeals shall be taken pursuant to chapter 17A.

f. Upon the timely request of a defaulter or a defaulter's spouse to the college aid commission and upon receipt of the full name and social security number of the defaulter's spouse, the commission shall notify the department of revenue of the request to divide a joint income tax refund or rebate. The department of revenue shall upon receipt of the notice divide a joint income tax refund or rebate between the defaulter and the defaulter's spouse in proportion to each spouse's net income as determined under section 422.7.

g. The department of revenue shall, after notice has been sent to the defaulter by the college aid commission, set off the amount of the default against the defaulter's income tax refund or rebate if both the amount of the default and the refund or rebate are at least fifty dollars. The department shall refund any balance of the income tax refund or rebate to the defaulter. The department of revenue shall periodically transfer the amount set off to the college aid commission. If the defaulter gives written notice of intent to contest the claim, the commission shall hold the refund or rebate until final disposition of the contested claim pursuant to chapter 17A or by court judgment. The commission shall notify the defaulter in writing upon completion of setoff.

Sec. 3. Section 421.17, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. To enter into reciprocal agreements with the departments of revenue of other states that have enacted legislation, that is substantially equivalent to the setoff procedure in section 2 of this Act. A reciprocal agreement shall also be approved by the college aid commission. The agreement shall authorize the department to provide by rule for the setoff of state income tax refunds or rebates of defaulters from states with which Iowa has a reciprocal agreement and to provide for sending lists of names of Iowa defaulters to the states with which Iowa has a reciprocal agreement for setoff of that state's income tax refunds.

Sec. 4. Section 421.17, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. To provide that in the case of multiple claims to refunds or rebates filed by the child support recovery unit under subsection 21 and the college aid commission under section 2 of this Act, that priority shall be given to claims filed by the child support recovery unit under subsection 21.

TERRY E. BRANSTAD
President of the Senate.

DELRWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2180, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

1. 1.

SENATE FILE 2191

AN ACT

RELATING TO THE EMPLOYMENT OF COLLECTION AGENCIES FOR THE COLLECTION OF DELINQUENT TAXES ADMINISTERED BY THE DEPARTMENT OF REVENUE, AND MAKING AN APPROPRIATION, EFFECTIVE UPON PUBLICATION.

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

Section 1. Section 421.17, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. To employ collection agencies, within or without the state, to collect delinquent taxes, including penalties and interest, administered by the department where the director finds that departmental personnel are unable to collect the delinquent accounts because of a taxpayer's location outside the state or for any other reason. Fees for services, reimbursement, or other remuneration, including attorney fees, paid to collection agencies shall be based upon the amount of tax, penalty, and interest actually collected and shall be paid only after the amount of tax, penalty, and interest is collected. All funds collected must be remitted in full to the department within thirty days from the date of collection from a taxpayer or in a lesser time as the director prescribes. The funds shall be applied toward the taxpayer's account and handled as are funds received by other means. An amount is appropriated from the amount of tax, penalty, and interest actually collected by the collection agency sufficient to pay all fees for services, reimbursement, or other remuneration pursuant to a contract with a collection agency under this subsection. A collection agency entering into a contract with the department for the collection of delinquent taxes pursuant to this subsection is subject to the requirements and penalties of tax information

confidentiality laws of this state. All contracts and fees provided for in this subsection are subject to the approval of the governor.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Creston News-Advertiser, a newspaper published in Creston, Iowa, and in The Titonka Topic, a newspaper published in Titonka, Iowa.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2191, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

S.F. 2191

SENATE FILE 2203

AN ACT

RELATING TO APPROPRIATIONS CONTAINED IN THE ACTS OF THE SIXTY-NINTH GENERAL ASSEMBLY, 1981 SESSION, CHAPTER 11, SECTION 11, SUBSECTIONS 1 AND 4 FOR CAPITAL IMPROVEMENTS AND CONSTRUCTION.

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

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services, four hundred thousand (400,000)dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsection 1, except that of the funds appropriated under this section two hundred thousand (200,000)dollars, or so much thereof as is necessary, shall be used to make modifications to the women's reformatory at Rockwell City by constructing a perimeter security fence and road in order to establish a medium security men's correctional facility at the Rockwell city campus.

The perimeter security fence to be constructed at the Rockwell City campus with funds appropriated under this section shall enclose all residential, recreational, educational, and industrial buildings and areas located on or at the Rockwell City campus which are accessible to the general population of the medium security men's correctional facility.

Of the funds appropriated under this section two hundred thousand (200,000) dollars, or so much thereof as is necessary, shall be used to make modifications to the Mitchellville training school in order to establish a women's reformatory at the Mitchellville campus.

Sec. 2. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsection 4, is amended to read as follows:

4. For construction of a new two hundred bed medium security correctional facility ~~if the general assembly determines that a new facility is needed~~ at the Iowa security and medical facility at Oakdale, provided that any residential units in cellhouse seventeen at the Iowa state penitentiary shall be destroyed within three months of completion of occupancy of the new two hundred bed medium security correctional facility at the Iowa security and medical facility at Oakdale ... \$

\$ 7,270,000

~~Funds appropriated under this subsection shall not be expended for any project or projects not authorized by the 1982 session of the general assembly.~~

Sec. 3. This Act, being deemed of immediate importance, takes effect from and after its publication in The Altoona Herald-Mitchellville Index, a newspaper published in Altoona,

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Iowa, and in The Advocate-Enterprise-Index-Reporter, a newspaper published in Rockwell City, Iowa.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2203, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

SENATE FILE 2251

AN ACT

RELATING TO NATURAL GAS AS A SPECIAL FUEL AND PROVIDING FOR THE PAYMENT OF THE TAX FOR THE USE THEREOF, REQUIRING NOTICE OF CHANGES IN MOTOR VEHICLE FUEL TYPE, REQUIRING IDENTIFICATION OF VEHICLES USING SPECIAL FUELS, AND CONTROLLING THE DELIVERY OF LIQUEFIED PETROLEUM GAS.

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

Section 1. Section 321.40, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. When application is made for the renewal of a motor vehicle registration on or after December 1, 1982, the person in whose name the registration is recorded shall notify the county treasurer of the type of fuel used by the vehicle if the type of fuel used is different from that which is shown on the registration receipt. If a motor vehicle registration indicates that the vehicle uses or may use a special fuel as defined in chapter 324 the county treasurer shall issue a special fuel user identification sticker. The person who owns or controls the vehicle shall affix the sticker in a prominent place on the vehicle adjacent to the place where the special fuel is delivered into the motor vehicle fuel supply tank.

Sec. 2. Section 321.41, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. When a motor vehicle is modified to use a different fuel type or to use more than one fuel type the person in whose name the vehicle is registered shall within thirty days notify the county treasurer of the county in which the registration of the vehicle is of record of the new fuel type or alternative fuel types. The county treasurer shall make the record of such changes available to the department of revenue. If the vehicle uses or may use a special fuel the county treasurer shall issue a special fuel identification sticker.

Sec. 3. Section 324.33, subsection 2, Code 1981, is amended to read as follows:

2. "Use" means the receipt, delivery or placing of special fuels by a special fuel user into a supply fuel tank of a motor vehicle while the vehicle is in this state or delivered into a motor vehicle special fuel holding tank, except that with respect to natural gas used as a special fuel "use" means the receipt, delivery or placing of the natural gas into equipment for compressing the gas for subsequent delivery into the fuel supply tank of a motor vehicle.

Sec. 4. Section 324.33, subsection 5, Code 1981. is amended to read as follows:

5. "Licensed special fuel user" means and includes any person licensed by the department who dispenses special fuel, upon which the special fuel tax has not been previously paid, for highway use from bulk sources owned and controlled by the person into the fuel supply tank of a motor vehicle or commercial motor vehicle owned or controlled by the person. A licensed special fuel user shall make bulk purchases of special fuel for highway use only from a licensed special fuel distributor, except that a licensed special fuel user may purchase natural gas for highway use as a special fuel from the piped distribution system of a public utility or a pipeline company. The sale of natural gas by a public utility or a pipeline company is not a sale of special fuel requiring a special fuel distributor's license.

Sec. 5. Section 324.34, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH For natural gas used as a special fuel the rate of tax that is equivalent to the motor fuel tax shall be ten and one-half cents per hundred cubic feet adjusted to a base temperature of sixty degrees Fahrenheit and a pressure of fourteen and seventy-three hundredths pounds per square inch absolute. The tax on natural gas shall attach at the time of delivery into equipment for compressing the gas for subsequent delivery into the fuel supply tank of a motor vehicle and shall be paid over to the department of revenue by the person operating the compressing equipment under the applicable provisions for users or dealers. Natural gas used as a special fuel shall be delivered into compressing equipment through sealed meters certified for accuracy by the department of agriculture.

Sec. 6. Section 324.34, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH A person shall not deliver any special fuel into the fuel supply tank of a motor vehicle registered in Iowa on or after March 15, 1983 unless there is a special fuel user identification sticker affixed in a prominent place on the vehicle adjacent to the place where the special fuel is delivered into the tank or unless the motor vehicle is registered under chapter 326.

Sec. 7. Section 324.34, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH Except for deliveries to a licensed special fuel dealer or licensed special fuel user or deliveries on which the special fuel tax is paid at the time of delivery it is unlawful to deliver liquefied petroleum gas into any tank which has a valve or other outlet capable of transferring the liquefied petroleum gas into the fuel supply tank of a motor vehicle unless the person making the delivery receives a written statement from the recipient of

the fuel which states that the recipient knows that the use of liquefied petroleum gas for highway purposes is unlawful.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2251, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

may suspend or revoke the license of a company or association that fails to make a prepayment on or before the due date.

SENATE FILE 2288

AN ACT

RELATING TO THE PREPAYMENT OF PREMIUM TAXES BY INSURANCE COMPANIES.

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

Section 1. Section 432.1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 142, section 1, is amended by striking subsection 4 and inserting in lieu thereof the following:

4. Each insurance company and association transacting business in this state whose Iowa premium tax liability for the preceding calendar year was one thousand dollars or more shall remit on or before June 1, on a prepayment basis, an amount equal to one-half of the premium tax liability for the preceding calendar year. The sums prepaid by a company or association under this subsection shall be allowed as credits against its premium tax liability for the calendar year during which the payments are made. If a prepayment made under this subsection exceeded the annual premium tax liability, the excess shall be allowed as a credit against subsequent prepayment or tax liabilities. The commissioner

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2288, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

S.F. 2288

AN ACT

RELATING TO THE TAXATION OF THE USE OF CERTAIN OPTIONAL
SERVICE AND MAINTENANCE CONTRACTS WHICH PROVIDE FOR THE
FURNISHING OF LABOR AND MATERIALS FOR A FIXED PRICE.

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

Section 1. Section 423.1, subsection 4, Code 1981, is amended to read as follows:

4. "Tangible personal property" means tangible goods, wares, and merchandise, optional service or warranty contracts, and gas, electricity, and water when furnished or delivered to consumers or users within this state.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2292, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor.

1.1.1

by the business activity ratio provided in rules adopted by the director.

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TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

SENATE FILE 2293

AN ACT
RELATING TO THE APPORTIONMENT OF BUSINESS INCOME FOR CORPORATE
INCOME TAX PURPOSES.

I hereby certify that **this** bill originated in the Senate and is known as Senate File 2293, Sixty-ninth General Assembly.

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

K. MARIE THAYER
Secretary of the Senate

Section 1. Section 422.33, subsection 1, paragraph b, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 135, section 2, is amended by inserting after subparagraph (4) the following new subparagraph and renumbering the remaining subparagraph:

Approved _____, 1982

NEW SUBPARAGRAPH. (5) Where income consists of more than one class of income as provided in subparagraphs (1) through (4) of this paragraph, it shall be reasonably apportioned

ROBERT D. RAY
Governor

S.F. 2293

SENATE FILE 2297

AN ACT

PROVIDING THAT AN ASSESSOR SHALL NOT LIST A TAXPAYER'S PERSONAL PROPERTY IF THE ASSESSOR DETERMINES THAT THE PERSONAL PROPERTY VALUATION HAS NOT INCREASED TO AN AMOUNT GREATER THAN THE AMOUNT OF THE CREDIT AND THE TAXPAYER HAS FILED A CLAIM FOR THE CREDIT.

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

Section 1. Section 427A.3, Code 1981, is amended to read as follows:

427A.3 PROPERTY MUST BE LISTED. The personal property tax credit authorized by this chapter shall does not excuse the taxpayer from listing all personal property as required in chapter 428. However, if the reduced assessment for January 1 of any year is less than the credit allowed under section 427A.2 and the additional credit allowed under section 427A.9, against the previous year's assessment, the assessor is not required to contact the taxpayer in any succeeding year if the assessor determines that the personal property valuation of the taxpayer will not be greater than the amount of the credit and the taxpayer has a claim on file in the assessor's office. The valuation of the personal property shall be determined as prescribed in chapter 441, so that the valuations of all personal property in a taxing district shall be known and shall be made a part of the tax list compiled by the county auditor under chapter 443.

Sec. 2. Section 427A.4, unnumbered paragraph 2, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 140, section 1, is amended to read as follows:

Each succeeding year, on or before July 1, the a taxpayer who has not previously filed an application with the assessor

shall deliver to the assessor an application for personal property tax credit and state by the affidavit filed in each county where the taxpayer's personal property is situated, that the taxpayer has not claimed a total personal property tax credit in all counties in excess of a total of ten thousand dollars assessed valuation. A claim filed in 1980 and each succeeding even-numbered year shall be 1982 and thereafter is applicable for that the year in which the claim is filed and the succeeding odd-numbered year years.

Sec. 3. Section 427A.4, unnumbered paragraphs 3 and 4, Code 1981, are amended to read as follows:

It shall be the duty of the The assessor be shall examine claims for such the credit filed with him in the assessor's office and recommend on such claim the disallowance thereof where of any claim if it appears that an owner of tangible personal property has attempted to divide the ownership thereof of the property for purpose of obtaining additional credit beyond the amount of ten thousand dollars in a year.

If any person fails to make application for the credits provided for under this chapter as hereina required, he shall be the person is deemed to have waived the personal property tax credit for the year in which he failed to make claim.

Sec. 4. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 140, section 2, is repealed.

Sec. 5. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 140, section 3, is amended to read as follows:

SEC. 3. Section 428.4, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An assessor shall is not be required to contact a taxpayer in odd-numbered years any year for the purpose of listing personal property but each taxpayer shall be required to file a revised listing of personal property with the assessor itemizing any additions or deletions to the listing if the valuation of the taxpayer's personal

SF 2297

property will affect the taxpayer's exemption. However, if a taxpayer fails to file a revised listing, where such a filing would show an increase in valuation of the taxpayer's personal property, the taxpayer shall only be assessed the taxes and interest due on the property the taxpayer has failed to report.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2297, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

1.6.83

SENATE FILE 2302

AN ACT

TO CONTINUE THE ONE HUNDRED PERCENT BUDGET GUARANTEE OF SCHOOL DISTRICTS FOR THE SCHOOL YEAR COMMENCING JULY 1, 1983.

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

Section 1. Section 442.4, subsection 4, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 94, section 4, is amended to read as follows:

4. For the school years beginning July 1, 1980, July 1, 1981, and July 1, 1982, and July 1, 1983 only, if an amount equal to the district cost per pupil for the budget year minus the amount included in the district cost per pupil for the budget year to compensate for the cost of special education support services for a school district times the budget enrollment of the school district for the budget year is less than one hundred four percent for the budget school year beginning July 1, 1980, one hundred three percent for the budget school year beginning July 1, 1981, and one hundred percent for the budget school year years beginning July 1, 1982 and July 1, 1983, times an amount equal to the district cost per pupil for the base year minus the amount included in the district cost per pupil for the base year to compensate for the cost of special education support services for a school district times the adjusted enrollment of the school district for the base year beginning July 1, 1979 or times the budget enrollment of the school district for the base year beginning July 1, 1980 or ~~July 1, 1981~~ thereafter, the state comptroller shall increase the budget enrollment for the school district for the budget year to a number which will provide that one hundred four percent amount for the budget school year beginning July

1, 1980, that one hundred three percent amount for the budget school year beginning July 1, 1981, and that one hundred percent amount for the budget school year years beginning July 1, 1982 and July 1, 1983.

TERRY E. BRANSTAD
President of the senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2302, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

SENATE FILE 2304

AN ACT

RELATING TO AND MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 1982 AND ENDING JUNE 30, 1983.

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

DIVISION I

Section 1. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 2, subsections 1 and 4, are amended to read as follows:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For the operation of the training schools for delinquent juveniles and the Iowa juvenile home at Toledo, including salaries and support, maintenance, and miscellaneous purposes	\$ 7,000,000	\$ 7,000,000 <u>6,476,481</u>

The Mitchellville training school shall be closed no later than June 1, 1982 and its female juvenile population shall be transferred to the Iowa juvenile home at Toledo.

Notwithstanding any provision of the Code to the contrary, both children in need of assistance and juveniles adjudicated to have committed a delinquent act may be placed at the Iowa juvenile home at Toledo. That portion of the juvenile home housing delinquent juveniles shall be considered a second campus of the Eldora training school. Chapter 242 applies to that portion of the juvenile home and the delinquent juveniles housed in that portion. Chapter 244 applies to children in need of assistance placed at the juvenile home and the portion of the juvenile home housing those children.

4. For operation of the Iowa veterans home, including salaries and support, maintenance, and miscellaneous purposes \$ 11,750,000 \$ ~~14,500,000~~
15,100,000

Sec. 2. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1982, and ending June 30, 1983, to the department of social services, three million eight hundred fifteen thousand (3,815,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 3, subsection 1, except that the funds may be used for the Iowa correctional institution for women at Mitchellville and provided that the Luster Heights correctional work camp shall serve as the primary minimum security correctional work camp.

Notwithstanding the prison system population figures in Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 3, subsection 1, only a prison system population exceeding two thousand seven hundred eighty shall require the declaration of a prison overcrowding state of emergency, and a prison system population below two thousand six hundred eighty shall require the termination of a state of emergency. The ninety-day reductions in tentative discharge dates provided

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for in Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 3, subsection 1, shall only be required if the prison system ~~population~~ equals or exceeds two thousand six hundred eighty for ninety days after a state of emergency has been in effect. The new prison system population figures in this unnumbered paragraph apply retroactively to a state of emergency declared prior to the effective date of this Act.

Of the funds appropriated under this section one hundred fifty thousand (150,000) dollars, or so much thereof as is necessary, shall be used for an inmate classification system.

The department may provide television channels to inmates, and shall suspend access to television as a disciplinary measure.

Sec. 3. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 3, subsection 1, unnumbered paragraph 2, is amended by striking the unnumbered paragraph.

Sec. 4. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 3, subsection 3, is amended to read as follows:

3. Community-based corrections	\$ 10,620,000	\$ 11,150,000
		<u>11,425,000</u>

A judicial district which uses funds appropriated under this subsection may contract for services from or provide funds to private agencies to provide education, job placement, or counseling services to ex-offenders intended to facilitate the transition from incarceration to living in a free society.

Notwithstanding Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 13, funds appropriated under this subsection for the fiscal year beginning July 1, 1982, and ending June 30, 1983, may be used for the acquisition or improvement of residential correctional facilities as provided in section 8.45.

Sec. 5. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 10, is amended to read as follows:

SEC. 10. Notwithstanding section 227.17, there is appropriated from the general fund of the state for ~~each the~~ fiscal year ~~of-the-biennium~~ beginning July 1, 1981, and ending June 30, ~~1983~~ 1982, to the state mental aid fund four hundred forty thousand (**440,000**) dollars, or so much thereof as may be necessary.

Sec. 6. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsection 1, is amended to read as follows:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For capital improvements at institutions under the department of social services other-than-at-the-women's reformatory-at-Rockwell-City	\$ 650,000	\$ 800,000
		<u>1,225,000</u>

Sec. 7. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, is amended by adding the following new subsections:

<u>NEW SUBSECTION.</u> For municipal waste treatment facilities at the Glenwood state hospital-school, the Eldora training school, and the Independence mental health institute	\$	\$ 470,769
<u>NEW SUBSECTION.</u> For capital improvements at the Iowa state penitentiary	\$	\$ 500,000

The appropriation under this subsection is contingent upon action of the executive council to rescind five hundred thousand (500,000) dollars of the one million one hundred thirty-five thousand (1,135,000) dollars set aside from the

general fund by the executive council, pursuant to sections 19.29 and 29C.20, to pay for equipment replacement, repair, rebuilding, rewiring, glass replacement, and overtime at the Iowa state penitentiary due to the inmate disturbance of September 2, 1981.

Sec. 8. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsection 7, is amended to read as follows:

7. ~~Unobligated or unencumbered funds appropriated by this section remaining on June 30, 1985, shall revert to the general fund on September 30, 1985.~~ Unobligated or unencumbered funds appropriated by this section for the fiscal year beginning July 1, 1981, and ending June 30, 1982, remaining on June 30, 1985, shall revert to the general fund on September 30, 1985. However, if the projects for which these funds are appropriated are completed prior to June 30, 1985, the remaining unobligated or unencumbered funds shall revert to the general fund on September 30 following the end of the fiscal year in which the projects are completed.

Unobligated or unencumbered funds appropriated by this section for the fiscal year beginning July 1, 1982, and ending June 30, 1983, remaining on June 30, 1986, shall revert to the general fund on September 30, 1986. However, if the projects for which these funds are appropriated are completed prior to June 30, 1986, the remaining unobligated or unencumbered funds shall revert to the general fund on September 30 following the end of the fiscal year in which the projects are completed.

Sec. 9. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 75, section 1, is amended to read as follows:

SECTION 1. Section 218.74. Code 1981, is amended by striking the section and inserting in lieu thereof the following:

218.74 REVOLVING FARM FUND. A revolving farm fund is created in the state treasury in which the department of

social services shall deposit receipts from agricultural products, nursery stock, agricultural land rentals, and the sale of livestock. However, before any agricultural operation is phased out, the department which proposes to discontinue this operation shall notify the governor, chairpersons and ranking members of the house and senate appropriations committees, and co-chairpersons and ranking members of the subcommittee in the senate and house of representatives which has handled the appropriation for this department in the past session of the legislature. Before any department sells farmland under the control of the department, that department shall notify the governor, chairpersons and ranking members of the house and senate appropriations committees, and co-chairpersons and ranking members of the joint appropriations subcommittee that handled the appropriation for the department during the past legislative session. The department may pay from the fund for the operation, maintenance, and improvement of farms and agricultural or nursery property under the control of the department. A purchase order for five thousand dollars or less payable from the fund is exempt from the general purchasing requirements of chapter 18. Notwithstanding section 8.33, unencumbered or unobligated receipts in the revolving farm fund at the end of a fiscal year shall not revert to the general fund of the state.

The department of social services shall annually prepare a financial statement to provide for an accounting of the funds in the revolving farm fund. The financial statement shall be filed with the legislative fiscal bureau on or before February 1 each year.

Sec. 10. Notwithstanding Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 78, section 12, counties are not entitled to reimbursement for local inpatient mental health care and treatment for the fiscal year beginning July 1, 1982, and ending June 30, 1983.

training ~~school--the-Mitchellville-training-school,~~ or other facility provided that:

Sec. 23. Section ~~232.102,~~ subsection 4, Code 1981, is amended to read as follows:

4. The child shall ~~not~~ be placed in the ~~Iowa~~ state training school ~~for-boys-at-the-Iowa-training-school-for-girls.~~

Sec. 24. Section 232.127, subsection 7, Code 1981, is amended to read as follows:

7. The court may not order the child placed on probation, in a foster home or in a nonsecure facility unless the child requests and agrees to such supervision or placement. In no event shall the court order the child placed in the ~~Iowa~~ state training school ~~for-boys-at-the-Iowa-training-school-for-girls~~ or other secure facility.

Sec. 25. Section 242.1, Code 1981, is amended to read as follows:

242.1 OFFICIAL DESIGNATION. The ~~state~~ training school for juvenile delinquents at Eldora and the unit for delinquent juveniles at the Iowa juvenile home at Toledo shall together be known as the "~~Eldora~~ State Training School". ~~The-state~~ training-school-at-Mitchellville-shall-be-known-as-the "Mitchellville-Training-School". For the purpose of this chapter the word "director" or "state director" shall mean the director of the division of child and family services of the department of social services.

Sec. 26. Section 242.3, Code 1981, is amended to read as follows:

242.3 SALARY. The ~~salaries~~ salary of the ~~superintendents~~ superintendent of the ~~state~~ state training ~~schools~~ school shall be determined by the state director.

Sec. 27. Section 242.4, Code 1981, is amended to read as follows:

242.4 INSTRUCTION AND EMPLOYMENT. The state director shall cause the boys and girls in ~~said-schools~~ the state training school to be instructed ~~in-piety-and-morality,-in~~

~~such-instruction~~ on the Constitutions of the United States and of this state as is required in the common schools, and in such branches of useful knowledge as are adapted to their age and capacity, including the effect of alcoholic liquors, stimulants, and narcotics on the human system, and in some regular course of labor, either mechanical, agricultural, or manufactural, as is best suited to their age, strength, disposition, capacity, reformation, and well-being.

Sec. 28. Section 242.6, Code 1981, is amended to read as follows:

242.6 CONVICTION FOR CRIME. When a boy or girl over twelve and under seventeen years of age, of sound mind, is found guilty in the district court of any crime except murder, the court may order the child sent to the ~~Eldora-or~~ Mitchellville state training school.

Sec. 29. Section 242.7, code 1981, is amended to read as follows:

242.7 PLACING IN FAMILIES. All children committed to and received in the state training ~~schools~~ school may be placed by the department under foster care arrangements, with any persons or in families of good standing and character where they will be properly cared for and educated. The cost of foster care provided under these arrangements shall be paid as provided in sections 234.35 and 234.36.

Sec. 30. Section 242.15, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The state director may detail boys and girls, classed as trustworthy, from the state training school ~~at-Eldora-and~~ at-Mitchellville, to perform services for the state conservation commission within the state parks, state game and forest areas and other lands under the jurisdiction of ~~said~~ the commission. The conservation commission shall provide permanent housing and work guidance supervision, but the care and custody of the boys and girls ~~so~~ detailed shall remain under employees of the division of child and family services

of the department of social services. All such programs shall have as their primary purpose and shall provide for inculcation or the activation of attitudes, skills and habit patterns which will be conducive to the habilitation of the youths involved.

Sec. 31. Section 244.3, subsection 2, Code 1981, is amended to read as follows:

2. Neglected or dependent ~~or delinquent~~ children committed ~~thereto~~ by the juvenile court.

Sec. 32. Section 245.1, Code 1981, is amended to read as follows:

245.1 **DEFINITIONS--OBJECTS OFFICIAL DESIGNATION--**
DEFINITIONS. The state correctional facility for women at Mitchellville shall be known as the "Iowa Correctional Institution For Women". For the purpose of this chapter "director" or "state director" shall mean the director of the division of adult corrections of the department of social services.

Sec. 33. Section 245.5, Code 1981, is amended to read as follows:

245.5 **OPTIONAL COMMITMENTS FOR LIFE.** Any unmarried female over ten and under eighteen years of age convicted of an offense punishable by life imprisonment may be committed either to ~~one of the state training schools at Eldera or Mitchellville school~~ or to the ~~women's reformatory~~ Iowa correctional institution for women.

Sec. 34. Section 245.10, Code 1981, is amended to read as follows:

245.10 **TRANSFER OF INMATES--COSTS.** The state director in co-operation with the commissioner of the department of social services and the directors of the other divisions of the department of social services may transfer **inmates** from the ~~said reformatory~~ Iowa correctional institution for women to the ~~Eldera or Mitchellville~~ state training school, and from ~~either the state~~ training school to the ~~reformatory~~ Iowa

correctional institution for women, whenever such course will be conducive to the welfare of the institution or school or of the other inmates ~~thereto~~ in the institution or school, or of the inmates so transferred. The costs of ~~such~~ the transfer shall be paid from the funds of the institution or school from which the transfer is made.

Sec. 35. Section 245.11, Code 1981, is amended to read as follows:

245.11 **EFFECT OF TRANSFER.** After a transfer to either institution is made, under section 245.10, the person transferred shall be subject to all the provisions of law and regulations of the institution or school to which she is transferred, and for the purposes of section 719.4, a person transferred from the state training school at ~~Eldera or Mitchellville~~ to the ~~women's reformatory~~ Iowa correctional institution for women shall be regarded as having been committed thereto.

Sec. 36. Chapter 246, Code 1981, is amended by adding the following new section:

NEW SECTION. **MEN'S MEDIUM SECURITY CORRECTIONAL FACILITY AT ROCKWELL CITY.** The state correctional facility at Rockwell City shall be utilized as a medium security correctional facility for men and shall be operated by the director in accordance with the applicable provisions of this chapter.

Sec. 37. Section 690.4, unnumbered paragraph 1, Code 1981, is amended to read as follows:

It shall be the duty of the wardens of the penitentiary and ~~men's reformatory~~, and superintendents of the ~~women's reformatory~~ Iowa correctional institution for women, ~~and the Eldera state training school, and the Mitchellville training school,~~ to take or procure the taking of the fingerprints, and, in the case of the penitentiary, men's reformatory, and ~~women's reformatory~~ Iowa correctional institution for women only, Bertillon photographs of any person received on commitment to their respective institutions, and to forward

such fingerprint records and photographs within ten days after the same are taken to the division of criminal investigation and bureau of identification, Iowa department of public safety, and to the federal bureau of investigation.

DIVISION II

Sec. 38. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 2, is amended to read as follows:

SEC. 2. There is appropriated from the general fund of the state to the Iowa college aid commission for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as may be necessary, to be used for the funding of the following programs for the purposes designated:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. IOWA COLLEGE AID COMMISSION		
For salaries, support, maintenance, and miscellaneous purposes	\$ 317,595	\$ 341,704 <u>343,809</u>
2. TUITION GRANT PROGRAM		
To supplement the appropriation provided in subsection 1 of section 261.25 for tuition grants to full-time resident students attending accredited private institutions of higher education in Iowa under sections 261.9 to 261.16	\$ 2,071,500	\$ 2,750,000 <u>3,650,000</u>
3. VOCATIONAL TECHNICAL TUITION GRANT PROGRAM		
To supplement the ap-		

propriation provided in subsection 3 of section 261.25 for tuition grants to full-time resident students in a vocational-technical program in Iowa as provided in section 261.17

\$ 79,300 \$ ~~100,000~~
200,000

Sec. 39. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 8, subsection 10, is amended by adding the following new paragraph:

NEW PARAGRAPH. To be allocated to the merged area schools for training programs for employees of companies locating or expanding within Iowa

\$ 275,000

Sec. 40. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 9, 'subsection2, paragraph a, is amended to read as follows:

a. General university, including lakeside laboratory.

For salaries, support, maintenance, equipment, and miscellaneous purposes and for the pediatric department of the college of medicine to continue to fund the program of research at the current level in the cause, course, treatment, cure, and management of diabetes mellitus

\$ 92,397,351 \$ ~~97,294,990~~
98,294,990

It is the intent of the general assembly that from funds appropriated in this paragraph one million (1,000,000) dollars shall be expended during the fiscal year beginning July 1, 1982 and ending June 30, 1983 to stabilize instructional funding at the college of medicine.

Sec. 41. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 9, subsection 2, paragraph b, is amended to read as follows:

b. University hospitals

For salaries, support, maintenance, equipment, and miscellaneous purposes; for medical and surgical treatment of indigent patients as provided in chapter 255 \$ 20,819,800 \$ ~~22,046,392~~
22,211,392

Sec. 42. Acts of the sixty-ninth General Assembly, 1981 Session, chapter 8, section 9, subsection 3, paragraph a, is amended to read as follows:

a. General university

For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 76,208,384 \$ ~~80,161,263~~
80,994,263

It is the intent of the general assembly that from funds appropriated in this paragraph eight hundred thirty-three thousand (833,000) dollars shall be expended during the fiscal year beginning July 1, 1982 and ending June 30, 1983 to establish additional sections of classes that are experiencing increasing enrollments.

Sec. 43. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 9, subsection 4, is amended to read as follows:

4. UNIVERSITY OF
NORTHERN IOWA

For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 29,985,397 \$ ~~31,428,042~~
31,595,042

It is the intent of the general assembly that from funds appropriated in this subsection, twenty-five thousand (25,000) dollars shall be expended each fiscal year to support stipends for graduate students in the doctoral programs.

It is the intent of the general assembly that from funds appropriated in this subsection, one hundred sixty-seven thousand (167,000) dollars shall be expended during the fiscal year beginning July 1, 1982 and ending June 30, 1983 to establish additional sections of courses that are experiencing increasing enrollments.

Sec. 44. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 16, is amended to read as follows:

SEC. 16. Notwithstanding section 267.8, Code 1981, the standing appropriation in that section is limited to one hundred thousand (100,000) dollars for the fiscal year beginning July 1, 1981 and ending June 30, 1982 and is limited to one hundred ~~fifty-thousand-(150,000)~~ ninety-four thousand five hundred (194,500) dollars for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

Sec. 45. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 18, unnumbered paragraph 1, is amended to read as follows:

Notwithstanding section 285.2, unnumbered paragraph 2, Code 1981, the standing appropriation in that section is limited to four million four hundred thirty-seven thousand (4,437,000) dollars for the fiscal year beginning July 1, 1981 and ending June 30, 1982 and to ~~four-million-six-hundred-fifty-thousand-nine-hundred-(4,650,900)~~ five million four hundred fifty thousand nine hundred (5,450,900) dollars for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

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Sec. 46. There is appropriated from the general fund of the state to the state ~~board of~~ regents for the fiscal year beginning July 1, 1982 and ending June 30, 1983, the sum of one million two hundred seventy-seven thousand three hundred thirty-seven (1,277,337) Uollars, or as much thereof as may be necessary, for the purchase of fuel and electricity for the institutions under its control.

Sec. 47. There is appropriated from the general fund of the state to the school budget review committee for the fiscal year beginning July 1, 1982 and ending June 30, 1983 the sum of two hundred thousand (200,000) dollars, or so much thereof as is necessary, to be used for grants to public schools and for nonpublic school pupils for special instruction for non-English-speaking students as provided in section 280.4 in section 48 of this Act.

Sec. 48. Section 280.4, subsection 1, Code 1981, is amended to read as follows:

1. The board of directors of a school district may submit an application to the school budget review committee for funds provided by ~~Acts of the Sixty-eighth General Assembly, chapter 13, section 7, subsection 10~~ section 47 of this Act, for instruction in the English language, a transitional bilingual, or other special instruction program when support for the program from other federal, state or local sources is not available or is inadequate. The department of public instruction shall review all applications for funding and provide recommendations to the school budget review committee regarding their disposition. The school budget review committee shall not grant funds to a public school for instruction in the English language, a transitional bilingual or other special instruction program unless the program offered by the public school is available to nonpublic school students in the district.

DIVISION III

Sec. 49. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 5, section 2, subsection 4, is amended to read as follows:

4. BOARD OF PAROLE

For salaries and support of not more than ~~fourteen~~ fifteen full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 311,247 \$ ~~324,440~~ 341,855

Thirty-two thousand four hundred (32,400) dollars of the funds appropriated under this subsection for each fiscal year of the biennium shall be available to the board of parole only for the purpose of providing salaries and support for two additional members of the board of parole if the two additional members are approved by the general assembly for each fiscal year of the biennium.

Sec. 50. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 5, section 4, subsection 5, is amended to read as follows:

5. LICENSING AND CERTIFICATION DIVISION

For salaries and support of not more than ~~sixteen~~ eighteen full-time equivalent positions annually, rent, maintenance, and miscellaneous purposes \$ 525,068 \$ ~~542,648~~ 611,478

Of the funds appropriated under this subsection for the fiscal year beginning July 1, 1982, and ending June 30, 1983, sixty-one thousand seven hundred thirty (61,730) dollars is appropriated to the board of dental examiners, five thousand (5,000) dollars is appropriated to the board of physical and occupational therapy examiners, and two thousand one hundred

(2,100) dollars is appropriated to the board of mortuary science examiners.

The licensing and certification division shall prepare estimates of projected revenues to be generated by the licensing, certification, and examination fees of each board as well as a projection of the fairly apportioned administrative costs and rental expenses attributable to each board. Each board shall annually review and adjust its schedule of fees so that, as nearly as possible, projected revenues equal projected costs and any imbalance in revenues and costs in a fiscal year is offset in a subsequent fiscal year.

Sec. 51. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1982, and ending June 30, 1983, to the state board of regents for the specialized child health services program at the university of Iowa hospitals, seventeen thousand (17,000) dollars, or so much thereof as is necessary, for the phenylketonuria program to be used only to cover the cost of lofenalac. The specialized child health services program shall develop a sliding fee schedule to determine the amount of payments to be made by persons receiving lofenalac. The specialized child health services program shall report to the joint human resources appropriations subcommittee by January 31, 1983, regarding the status of the phenylketonuria program.

Sec. 52. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 5, section 4, subsection 7, paragraph a, unnumbered paragraph 1, is amended to read as follows:

For salaries and support of not more than ~~forty-eight-point~~ ~~forty-five~~ forty-nine full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 1,445,824 \$ ~~1,748,092~~ 1,734,092

Sec. 53. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 5, section 4, subsection 7, paragraph d, subparagraphs (1) and (2), are amended to read as follows:

(1) Homemaker-home health aide program \$ 1,562,207 \$ ~~1,762,186~~
(2) Public health nursing program \$ 1,640,019 \$ ~~1,771,098~~

Sec. 54. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 5, section 4, subsection 7, is amended by adding the following new paragraphs:

NEW PARAGRAPH. PUBLIC HEALTH NURSING PROGRAM.

For grants to local boards of health for the public health nursing program \$ 1,719,098

Funds appropriated under this paragraph shall be used to maintain and expand the existing public health nursing program for elderly and low-income persons with the objective of preventing or reducing inappropriate institutionalization. The funds shall not be used for any other purpose. As used in this paragraph, "elderly person" means a person who is sixty years of age or older and "low-income person" means a person whose income and resources are below the guidelines established by the department.

The department may retain not more than one percent of the amount appropriated under this paragraph to be used to pay the costs of administering the public health nursing program. The remainder of the amount appropriated shall be allocated for use in the counties of the state. One-fourth of the total amount to be allocated shall be divided so that an equal amount is available for use in each county in the state. Three-fourths of the total amount to be allocated shall be divided so that the share available for use in each county is proportionate to the number of elderly and low-income persons living in that county in relation to the total number of elderly and low-income persons living in the state.

In order to receive allocations under this paragraph, the local board of health having jurisdiction, after consultation with other in-home health care provider agencies in the jurisdiction, shall prepare a proposal for the use of the allocated funds available for that jurisdiction that will provide the maximum benefits of expanded public health nursing care to elderly and low-income persons in the jurisdiction. The proposal shall include a statement assuring that the appropriate local agencies have participated in the formulation of the proposal. After approval of the proposal by the department, the department shall enter into a contract with the local board of health. The local board of health may subcontract with a nonprofit nurses' association, an independent nonprofit agency, a suitable local governmental body, or a person as defined in section 4.1, subsection 13, to use the allocated funds to provide public health nursing care. Local boards of health shall make an effort to subcontract with agencies that are currently providing services to prevent duplication of services.

If by July 30, 1982, the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated under this paragraph an unallocated pool. The department shall prior to December 31, 1982, reallocate the funds in the unallocated pool among the counties in which the department has concluded contracts under this paragraph. The reallocation shall be made to those counties in substantially the same manner as the original allocations. The reallocated funds are available for use in those counties during the period beginning January 1, 1983, and ending June 30, 1983.

The department shall adopt rules defining eligibility for public health nursing care paid for from funds appropriated by this paragraph. The rules shall require each local agency receiving funds to establish and use a sliding fee scale for those persons able to pay for all or a portion of the cost of the care.

The department shall evaluate the success of the public health nursing program. The evaluation shall include the extent to which the program reduced or prevented inappropriate institutionalization, the extent to which the program increased the availability of public health nursing care to elderly and low-income persons, and the extent of public health nursing care provided to elderly and low-income persons. The department shall submit a report of the evaluation to the governor and the general assembly by January 10, 1983.

NEW PARAGRAPH. HOMEMAKER-HOME HEALTH AIDE PROGRAM.

For grants to county boards of supervisors for the home-maker-home health aide program \$ **\$ 6,387,862**

Funds appropriated under this paragraph shall be used to provide homemaker-home health aide services with emphasis on services to elderly and low-income persons and children and adults in need of protective services with the objective of preventing or reducing inappropriate institutionalization. In addition, up to fifteen percent of the funds appropriated under this paragraph may be used to provide chore services. The funds shall not be used for any other purposes. As used in this paragraph:

(1) "Chore services" means services provided to individuals or families, who, due to absence, incapacity, or illness, are unable to perform certain home maintenance functions. The services include but are not limited to yard work such as mowing lawns, raking leaves, and shoveling walks; window and door maintenance such as hanging screen windows and doors, replacing window panes, and washing windows; and minor repairs to walls, floors, stairs, railings, and handles.

(2) "Elderly person" means a person who is sixty years of age or older.

(3) "Homemaker-home health aide services" means services intended to enhance the capacity of household members to

attain or maintain the independence of the household members and provided by trained and supervised workers to individuals or families, who, due to the absence, incapacity, or limitations of the usual homemaker, are experiencing stress or crisis. The services include but are not limited to essential shopping, housekeeping, meal preparation, child care, respite care, money management and consumer education, family management, personal services; transportation and providing information, assistance, household management and learning experiences.

(4) "Low-income person" means a person whose income and resources are below the guidelines established by the department.

(5) "Protective services" means those homemaker-home health aide services intended to stabilize a child's or an adult's residential environment and relationships with relatives, caretakers, and other persons or household members in order to alleviate a situation involving abuse or neglect or to otherwise protect the child or adult from a threat of abuse or neglect.

The amount appropriated under this paragraph shall be allocated for use in the counties of the state. Fifteen percent of the amount shall be divided so that an equal amount is available for use in each county in the state. Of the remaining amount each county shall be allocated an amount equal to seventy-five percent of state expenditures for homemaker services in that county during the fiscal year beginning July 1, 1981, and ending June 30, 1982. After allocation of the seventy-five percent to each county, the following percentages of the remaining amount shall be allocated to each county according to that county's proportion of residents with the following demographic characteristics compared to all state residents with the same demographic characteristics: sixty percent according to the number of elderly persons living in the county; twenty percent according

to the number of low-income persons living in the county; and twenty percent according to the number of substantiated cases of child abuse in the county during the 1980-1981 fiscal year.

It is intended that the seventy-five percent allocation, based on state expenditures for homemaker services in each county during the 1981-1982 fiscal year, shall be reduced to fifty percent for the 1983-1984 fiscal year and to twenty-five percent for the 1984-1985 fiscal year. For the 1985-1986 fiscal year it is intended that no allocation be made based on those state expenditures for homemaker services but that the entire amount appropriated be allocated by dividing fifteen percent of the amount equally among the counties and by dividing the remaining amount according to the percentages and demographic characteristics stipulated above.

In order to receive allocations under this paragraph, the county board of supervisors, after consultation with the local boards of health, county board of social welfare, area agency on aging advisory council, local office of the department of social services, and other in-home health care provider agencies in the jurisdiction, shall prepare a proposal for the use of the allocated funds available for that jurisdiction that will provide the maximum benefits of expanded homemaker-home health aide services to elderly and low-income persons and children and adults in need of protective services in the jurisdiction. The proposal may provide that a maximum of fifteen percent of the allocated funds may be used to provide chore services. The proposal shall include a statement assuring that children and adults in need of protective services are given priority for homemaker-home health aide services and that the appropriate local agencies have participated in the formulation of the proposal. After approval of the proposal by the department, the department shall enter into a contract with the county board of supervisors or a governmental body designated by the county

board of supervisors. The county board of supervisors or its designee may subcontract with a nonprofit nurses' association, an independent nonprofit agency, the department of social services, a suitable local governmental body, or a person as defined in section 4.1, subsection 13, to use the allocated funds to provide homemaker-home health aide services and chore services providing that the subcontract requires any service provided away from the home to be documented in a report available for review by the department.

If by July 30, 1982, the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated under this paragraph an unallocated pool. The department shall also identify any allocated funds which the counties do not anticipate spending during the fiscal year ending June 30, 1983. If the anticipated excess funds to any county are substantial, the department and the county may agree to return those excess funds, if the funds are other than program revenues, to the department, and if returned, the department shall consider the returned funds a part of the unallocated pool. The department shall prior to February 1, 1983, reallocate the funds in the unallocated pool among the counties in which the department has concluded contracts under this paragraph.

The department shall adopt rules defining eligibility for homemaker-home health aide services and chore services paid for from funds appropriated by this paragraph. The rules shall require each local agency receiving funds to establish and use a sliding fee scale for those persons able to pay for all or a portion of the cost of the services and shall require the payments to be applied to the cost of the services. The department shall also adopt rules for standards regarding training, supervision, recordkeeping, appeals, program evaluation, cost analysis, and financial audits, and rules specifying reporting requirements

The department shall evaluate the success of the homemaker-home health aide program. The evaluation shall include a description of the program and its implementation, the extent of local participation, the extent to which the program reduced or prevented inappropriate institutionalization, the extent to which the program provided or increased the availability of homemaker-home health aide services to elderly and low-income persons and children and adults in need of protective services, any problems and recommendations concerning the program, and an analysis of the costs of services across the state. The department shall submit a report of the evaluation to the governor and the general assembly by January 10, 1983.

Sec. 55. Section 135.11, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Administer the statewide public health nursing and homemaker-home health aide programs by approving grants of state funds to the local boards of health and the county boards of supervisors and by providing guidelines for the approval of the grants and allocation of the state funds.

Sec. 56. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 5, section 6, subsections 1 and 2, are amended to read as follows:

	<u>1981-1982</u>	<u>1982-1983</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support of not more than fourteen <u>nine-teen point one</u> full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$ 142,967	\$ 0
		<u>142,968</u>
2. For program grants	\$ 2,361,150	\$ 0
		<u>2,361,150</u>

Sec. 57. The commission on substance abuse and the mental health and mental retardation commission shall establish a

memorandum of understanding including provisions to coordinate compatible administrative activities. These activities include but are not limited to the utilization of management information systems, local and statewide fiscal and program planning, licensure and accreditation of community programs, and provision of training and technical assistance to local programs and governmental subdivisions.

The memorandum shall be developed by the commissions in consultation with the legislative fiscal bureau and a copy of the memorandum shall be sent to the legislative fiscal director by October 1, 1982. The legislative fiscal bureau shall report to the joint human resources and corrections and mental health appropriations subcommittees during the 1983 Session of the Seventieth General Assembly regarding the status of the memorandum and the coordination of activities.

Sec. 58. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 9, section 14, subsection 1, paragraph b, is amended to read as follows:

b. For the fiscal year beginning July 1, 1982, ~~\$\$\$999,999~~
\$86,599,000.

Sec. 59. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 9, section 26, subsection 4, is amended to read as follows:

4. To the substance abuse treatment facilities receiving substance abuse program grants as provided in section 125.25 \$ 200,000 \$ 400,000

The state comptroller shall allocate and distribute the funds appropriated by this subsection to each local substance abuse treatment facility in the same proportion that the substance abuse treatment facility's annual payroll for its employees for the fiscal year ending June 30, 1981 is to the annual payroll for the employees of all local substance abuse treatment facilities receiving substance abuse program grants

for that fiscal year. Moneys received by a local substance abuse facility under this subsection shall be used to pay the state's share of the authorized salary increases for the local substance abuse program employees for the designated fiscal years.

DIVISION IV

Sec. 60. Acts of the Sixty-ninth General Assembly, Second Extraordinary 1981 Session, chapter 3, section 24, is amended to read as follows:

SEC. 24. NEW SECTION. TAX IMPOSED. For the privilege of operating railway vehicles in this state, an excise tax is imposed at the rate of three cents per gallon beginning October 1, 1981 and is imposed at the rate of eight cents per gallon beginning July 1, 1982 upon the use of fuel for the propulsion of a railway vehicle within the state. The tax attaches at the time of use and shall be paid monthly to the department by the railroad company using the fuel. Fuel At such time the Iowa railway finance authority deems necessary, it may require that fuel dispensed in this state shall only be through meters which have been approved for accuracy by the ~~department of agriculture~~ Iowa railway finance authority and sealed by the ~~department~~ authority. The authority may contract the responsibility for approving and sealing meters to the department of agriculture. Fuel dispensed through sealed meters shall be presumed taxable unless the railroad company proves otherwise.

Sec. 61. NEW SECTION. PAYMENT OF TAX. Notwithstanding the requirement for monthly payment of the excise tax in Acts of the Sixty-ninth General Assembly, Second Extraordinary 1981 Session, chapter 3, sections 24 and 26, if it is reasonably expected, as determined by rules prescribed by the director, that a railroad company's annual tax liability will not exceed one thousand two hundred dollars for a calendar year, the railroad company may request and the director may grant permission, in lieu of the requirement for monthly

payment of tax, that the tax shall be payable on a calendar year basis. The tax is ~~due and~~ payable no later than January 31 following each calendar year in which the railroad company carried on business.

Sec. 62. The provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 6, subsection 3, shall apply to the state fish and game protection fund for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983. This section is to be retroactive to July 1, 1981.

Sec. 63. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 12, section 7, subsection 1, is amended to read as follows:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries, support, maintenance, and miscellaneous purposes	\$ 2,222,351	\$ 2,285,725 <u>2,393,225</u>

Sec. 64. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 12, section 9, subsection 1, unnumbered paragraph 1, is amended to read as follows:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries, support, maintenance, and for miscellaneous purposes	\$ 1,961,402	\$ 2,070,190 <u>2,182,413</u>

Sec. 65. It is the intent of the general assembly that the fee schedule required by section 455B.32, subsection 6, be implemented. The fees shall be deposited in the general fund of the state.

Sec. 66. There is appropriated from the general fund of the state to the Iowa natural resources council for the fiscal year beginning July 1, 1982 and ending June 30, 1983 the

amount of forty-eight thousand (48,000) dollars, or so much thereof as is necessary for the salary, support, and maintenance of the Missouri river coordinator and the support of the Missouri basin states association and the upper Mississippi river basin association.

Sec. 67. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 12, section 3, subsection 4, is amended by striking the subsection.

Sec. 68. There is appropriated from the general fund of the state to the Iowa state water resource research institute for the fiscal year beginning July 1, 1982 and ending June 30, 1983, the sum of one hundred thirty-five thousand (135,000) dollars or so much thereof as is necessary for research approved by the panel provided in section 69 of this Act.

Sec. 69. A panel is established to advise the Iowa state water resource research institute on the areas of research to be conducted with the funds appropriated by section 68 of this Act. The panel is composed of the administrative head of the following agencies or that person's representative: Iowa geological survey, Iowa natural resources council, department of soil conservation, energy policy council, and department of agriculture. The representative of the Iowa geological survey shall serve as the chairperson and call the meetings of the panel.

DIVISION V

Sec. 70. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 6, section 2, subsection 3, unnumbered paragraph 1, is amended to read as follows:

For salaries, support, maintenance, and other operational purposes	\$ 15,786,931	\$ 16,539,864 <u>16,719,864</u>
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Sec. 71. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 6, section 2, subsection 13, is amended to read as follows:

13. IOWA REAL ESTATE COMMISSION

For salaries, support, maintenance, rental fees, and other operational purposes

\$ 256,980 \$ 269,168 272,668

Sec. 72. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 1982 and ending June 30, 1983, the sum of twenty-five thousand (25,000) dollars, or so much thereof as may be necessary, to conduct a study of the stress days and grain price differentials for use in determining agricultural productivity for purposes of valuing agricultural land.

DIVISION VI

Sec. 73. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 1, subsection 1, is amended to read as follows:

1. OFFICE OF THE STATE APPELLATE DEFENDER

For deposit in the appellate

defender operating account \$ 100,000 \$ 50,000

Funds appropriated by this subsection to the office of the appellate defender are appropriated only if the office of the appellate defender is in existence for the fiscal year beginning July 1, 1981 and ending June 30, 1982.

Sec. 74. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 1, subsection 2, is amended to read as follows:

2. IOWA STATE ARTS COUNCIL

For salaries, support, maintenance, and miscellaneous purposes including funds to match federal grants

\$ 291,113 \$ 305,150 343,150

Sec. 75. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 1, subsection 3, paragraphs a and b, are amended to read as follows:

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes

\$ 2,191,472 \$ 2,298,361 2,335,217

b. Prosecuting attorney training program

For salaries, support, maintenance and miscellaneous purposes which funds shall be used to attract federal and county

funding \$ 59,058 \$ 62,164 70,164

Sec. 76. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 1, subsection 3, paragraph d, is amended by striking the paragraph.

Sec. 77. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 2, subsection 1, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. c. STATEHOUSE RENOVATION

For the payment of statehouse

renovation costs \$ 600,000

Notwithstanding other provisions of this section or section 8.33, unencumbered funds appropriated by this paragraph shall be available and shall not revert to the general fund of the state until July 1, 1986.

Sec. 78. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 6, subsection 1, unnumbered paragraph 2, is amended by striking the unnumbered paragraph.

Sec. 79. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 7, subsection 1, is amended to

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read as follows:

1. BUREAU OF LABOR

For salaries, support, maintenance, and miscellaneous purposes \$ 1,214,659 \$ ~~1,273,035~~
1,342,885

Sec. 80. Acts of the Sixty-ninth General Assembly, 1981 session, chapter 10, section 7, subsection 8, paragraph a, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (1) For the intergovernmental assistance function which includes the community services block grant, community development block grant, local government assistance, and city development board \$ 372,450

NEW SUBPARAGRAPH. (2) For the interagency planning and coordination function which includes the state occupational information coordinating committee, highway safety office, statistical analysis center, and office for state resource planning which includes staff of not less than two full-time equivalent positions and necessary support with funds appropriated under this subparagraph for the Iowa council for children, youth, and families \$ 1,099,850

NEW SUBPARAGRAPH. (3) For the administrative function which includes the state demographic center and federal funds clearinghouse \$ 129,400

It is the intent of the general assembly that in expending the funds appropriated under subparagraphs 1 through 3, the office for planning and programming shall comply with recommendation 5 of the legislative fiscal bureau program evaluation of the office for planning and programming, dated February, 1982. Of the funds appropriated under subparagraph 3, seven thousand six hundred (7,600) dollars shall be used to pay the mileage, meals or other necessary expenses of the advisory commission on intergovernmental relations.

Sec. 81. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 7, subsection 8, paragraph e, is amended to read as follows:

e. For the juvenile victim restitution program pursuant to section 7A.10 \$ 100,000 \$

Notwithstanding other provisions of this section or section 8.33, unencumbered funds appropriated by this paragraph shall be available and shall not revert to the general fund of the state until July 1, 1983.

Sec. 82. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 7, subsection 6, is amended to read as follows:

6. IOWA MERIT EMPLOYMENT DEPARTMENT

For the general office for salaries, maintenance, and miscellaneous purposes \$ 1,176,346 \$ ~~1,158,526~~
1,235,786

It is the intention of the general assembly that the Iowa merit employment department may add an additional full-time equivalent position for the fiscal year beginning July 1, 1982 for administration of testing services throughout the state to replace the testing services previously provided for the Iowa merit employment department by the Iowa department of job services.

1. 1. 1.

Sec. 83. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 189, section 6, unnumbered paragraph 2, is amended to read as follows:

There is appropriated from the state general fund to the supreme court for the fiscal year commencing July 1, 1982 and ending June 30, 1983, the **sum** of one hundred fifty thousand (150,000) dollars or so much thereof as is necessary to fund the additional judgeships created by section 1 of this Act. There is appropriated from the state general fund to the supreme court for the fiscal year commencing July 1, 1982 and ending June 30, 1983, the sum of ~~one million two~~ hundred forty-five thousand (1,245,000) dollars or so much thereof as is necessary to fund the expenses of operation of the offices of district court administrators as provided in section 605.35. However, notwithstanding section 605.35, the counties of a judicial district in which an office of district court administrator is established shall furnish the district court administrator with appropriate office space and related utilities. The cost of furnishing the office space and related utilities shall be apportioned among the counties in the judicial district in the same manner as the expenses of shorthand reporters are apportioned under section 605.9. Except for the cost of office space and related utilities, a county shall not contribute to the salaries, support, maintenance, or any other direct or indirect cost for the office of district court administrator. As used in this paragraph, "related utilities" mean heating, cooling, electricity and water services. Of the sum appropriated to fund the expenses of the operation of the offices of district court administrators, three hundred twenty thousand (320,000) dollars shall be used to employ sixteen law clerks.

Sec. 84. DISPUTE RESOLUTION PROGRAMS.

1. There is appropriated from the general fund of the state to the office of the court administrator of the judicial department for the fiscal year beginning July 1, 1982 and

ending June 30, 1983, the **sum** of one hundred thousand (100,000) dollars or so much thereof as necessary for the payment of grants authorized in subsection 2. The court administrator may expend an amount not exceeding six thousand (6,000) dollars for administrative expenses.

2. Except **for** administrative expenses, the funds appropriated under subsection 1 shall be used for grants to establish or improve dispute resolution programs that are designed to provide mediation and conciliation services for the parties to a dispute. The dispute resolution programs shall encourage and enable the parties to a dispute to achieve a mutually satisfactory resolution of the dispute in an informal and nonadversary setting that assures confidentiality to the parties.

3. A county, city or nonprofit corporation may submit an application to the court administrator of the judicial department for a dispute resolution program grant on forms prescribed and furnished by the administrator. The court administrator with the advice of the judicial coordinating committee established by the supreme court shall allocate the funds to the dispute resolution programs that provide nonjudicial resolution of disputes at the community or county level. At least twenty-five percent of the amount budgeted for the annual operation of a newly-established dispute resolution program or that portion of a dispute resolution program which is improved shall be obtained from sources other than the grant provided under this section. Moneys appropriated under this section shall not be used to fund that portion of a dispute resolution program established before the effective date of this Act.

4. The court administrator shall submit a progress report on the operation of the dispute resolution programs funded under this section to the senate state government appropriations subcommittee and the house state departments appropriations subcommittee prior to February 1, 1983.

Sec. 85. LEGAL SERVICES CORPORATION FUNDING STUDY.

1. The office of the governor shall conduct a study of the effect of the loss of federal funds on the legal services provided by the legal services corporation. The office of the governor may participate in the conduct of the study. The study shall include but not be limited to the following:

- a. An examination of the efficiency of the legal services corporation.
- b. An examination of the feasibility of attaching a client's income or assets for services rendered.
- c. Consideration of alternative sources of funds for legal services to low-income persons.

The office of the governor shall submit a report of the study to the state government appropriations subcommittee before February 1, 1983.

2. There is appropriated from the general fund of the state to the office of the governor for the fiscal year beginning July 1, 1982, and ending June 30, 1983, the sum of ten thousand dollars or so much thereof as necessary to conduct the study as provided in subsection 1.

DIVISION VII

Sec. 86. COMMUNITY WORK PROGRAM FOR UNEMPLOYED PARENTS. The department of social services shall establish a community work program in each county for unemployed parents for the fiscal year beginning July 1, 1982, and ending March 31, 1983 by contracting at reasonable cost with county boards of supervisors or another local organization designated by both the county board of supervisors and the department of social services. At the time of determining eligibility for the unemployed parents program under the aid to families with dependent children program pursuant to section 91 of this Act, the department of social services shall determine whether the principal wage earner is eligible for work under the community work program. The county boards of supervisors or the designated local organizations shall work with community groups concerned with the delivery of local services to develop

work assignments in order to fully utilize public resources to meet public needs and to allow unemployed parents to contribute to the betterment of the community. The county board of supervisors or the designated local organizations shall assign participants in the community work program to work in accordance with applicable federal regulations. The work assignments may be with governmental entities, including school districts, and with nonprofit agencies and organizations. The work assignments shall maintain the dignity of the participants and shall be of benefit to the community.

The state shall provide workers' compensation benefits under chapters 85.85A, 85B, and 86 to participants in the community work program and those chapters shall be exclusive, compulsory, and obligatory upon the state and the participants in the community work program.

Sec. 87. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 1, is amended to read as follows:

SECTION 1. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services for general administration, including salaries and support, maintenance, and miscellaneous purposes the following amounts, or so much thereof as may be necessary:

<u>Fiscal Year</u>	<u>Fiscal Year</u>
1981-1982	1982-1983
\$ 7,000,000	\$ 7,000,000
	<u>6,509,000</u>

Sec. 88. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 2, unnumbered paragraph 5, is amended to read as follows:

The reorganization required by this subsection becomes effective on July 1, 1982, unless the joint social services appropriations subcommittee recommends an alternative plan to the general assembly during the 1982 session of the general assembly. If the department determines that an alternative

reorganization plan would best serve its clients, the department shall report the alternative plan to the joint social services appropriations subcommittee by February 1, 1982:

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$ 15,779,000	\$ 15,779,000 14,674,700

Sec. 89. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 2, subsection 1, is amended by striking the subsection.

Sec. 90. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 1, unnumbered paragraph 1, is amended to read as follows:

For aid to families with dependent children \$ 55,327,000 \$ ~~55,327,000~~
54,554,000

Sec. 91. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 1, paragraph c, is amended by striking the paragraph and inserting in lieu thereof the following:

c. For the fiscal period beginning July 1, 1982, and ending March 31, 1983, the department of social services shall provide benefits under an unemployed parent program under the aid to families with dependent children program. In determining the amount of a grant under the program, the spouse of an unemployed parent shall be excluded from the eligible group. Medical assistance shall be available to the spouse of an unemployed parent. The department of social services shall request a waiver from the United States department of health and human services to limit grants under the unemployed parent program to six months for any eligible group.

The department of social services shall require income maintenance workers, at the time of their review of unemployed

parents' monthly reports, to monitor the job search, application, and acceptance requirements under the community work program which shall at a minimum require unemployed parents to meet the job search, application, and acceptance requirements necessary to receive unemployment compensation benefits under the Iowa administrative code 370-4.22(1)"c" and section 96.5, subsection 3. However, only the suitable work reference in section 96.5, subsection 3, paragraph a, subparagraph (4) shall apply. In addition, the unemployed parents shall accept work assignments established under the community work program for unemployed parents under section 86 of this Act.

Sec. 92. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 1, is amended by adding the following new paragraphs:

NEW PARAGRAPH. The department of social services shall establish a new schedule of basic needs, effective July 1, 1982, under the aid to families with dependent children program, which will increase by fifteen percent the schedule of basic needs, in effect for the fiscal year ending June 30, 1982, for eligible groups of two or more persons. The level of grant payments under the aid to families with dependent children program shall not be increased.

NEW UNNUMBERED PARAGRAPH. The department of social services shall provide current recipients under the aid to families with dependent children program with opportunities to receive instruction on retrospective budgeting and monthly reporting and shall provide applicants under the program with individualized instruction on retrospective budgeting and monthly reporting during the application process.

NEW PARAGRAPH. The department of social services shall request a waiver from the United States department of health and human services to exclude from the monthly reporting requirements those recipients under the aid to families with dependent children program who have no income or a very

constant income. The department shall review its monthly reporting forms for readability, clarity, and simplicity and modify the forms to attain efficiency. The department shall account for any cost savings attributable to the waiver or the form modifications and shall report the cost savings to the joint social services appropriations subcommittee by February 1, 1983.

NEW PARAGRAPH. Of the funds appropriated in this subsection for the fiscal year beginning July 1, 1982, and ending June 30, 1983, three hundred thirty-four thousand (334,000) dollars, or so much thereof as is necessary, is appropriated to the department of social services to establish a coordinated manpower services demonstration project for recipients of aid to families with dependent children in two of the department's districts. One demonstration project shall be located in Sioux City and one shall be located in Marshalltown. The department shall consult with the department of job service, knowledgeable economists, community college educators and administrators, and other knowledgeable persons concerning the availability of job training, job search skill training, assistance in job placement, mass transportation, and child care to potential participants in a demonstration project.

In addition to the basic grant under the aid to families with dependent children program, a recipient shall receive a monthly allowance for costs incurred while participating in a community work experience demonstration project. The allowance shall be twenty-five dollars plus fifteen percent of the recipient's basic grant. However, the allowance shall not exceed ninety-five dollars and may be reduced to take absences or partial participation into consideration. The department shall report the results of the project to the general assembly in January, 1983.

Sec. 93. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, unnumbered paragraph 1, is amended to read as follows:

For medical assistance, provided that the funds appropriated in this subsection shall not be transferred or used for any other purpose than specified in this subsection, notwithstanding section 8.39, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary. Medically necessary abortions are those performed under any of the following conditions:

Sec. 94. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, paragraph e, is amended to read as follows:

e. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled

\$101,235,000 ~~\$100,206,000~~
113,909,000

Medical assistance shall be made available, beginning July 1, 1982 and ending March 31, 1983, to children under twenty-one years of age who meet all eligible criteria of the aid to families with dependent children program except that the children are not deprived of parental support.

Of the funds appropriated in this subsection for the fiscal year beginning July 1, 1982, and ending June 30, 1983, thirty thousand (30,000) dollars, or so much thereof as is necessary, shall be expended by the department of social services for additional staffing in the third party liability unit of the bureau of medical services. The department shall conduct investigations to determine the availability of workers' compensation, medicare, major medical insurance, and other third party liability sources for payment of medical assistance claims. The department shall pursue recovery of funds from third party liability sources when the sources are available and shall pursue benefits from insurance policies carried by absent parents through coordination with the child support

recovery program. State's share of funds recouped through these efforts shall be returned to the medical assistance program.

Sec. 95. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1982, and ending June 30, 1983, to the department of social services four hundred sixty thousand (**460,000**) dollars, or so much thereof as is necessary, for supplementing funds appropriated for the medical assistance program.

Sec. 96. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, unnumbered paragraph 7, is amended to read as follows:

~~Pharmacists~~ Pharmacies in this state ~~who~~ which reduce the charges of prescription drugs to persons participating in private, third-party payor prescription drug insurance or benefit plans or to the insurance or benefit plans shall also reduce by the same amount the charges to persons participating in the medical assistance program or to the program. For the purpose of this unnumbered paragraph, the reduction of charges includes the discounting of deductibles or coinsurance payable by plan participants or the distribution of free merchandise directly or indirectly through coupon or rebate programs to plan participants. The board of pharmacy examiners shall adopt rules under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b to insure that pharmacists reduce charges by the same amount to both third-party payors and the medical assistance program and that co-payment requirements are applied equally to both third-party payors and the medical assistance program. The rules shall become effective immediately upon filing, unless a later effective date is specified in the rules.

Effective October 1, 1982, a professional dispensing fee reimbursement of fifty cents per prescription, in addition to the ordinary professional dispensing fee reimbursement, shall be made for the selection of equivalent drug products

which are less expensive than those prescribed by the physician and which result in a cost savings to the medical assistance program of at least one dollar and fifty cents per prescription.

Sec. 97. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, unnumbered paragraph 5, is amended to read as follows:

Beginning July 1, 1981, the basis for establishing the maximum medical assistance reimbursement rate for intermediate care facilities shall be the seventy-fourth percentile of all facilities' per diems as calculated from the June 30, 1981 compilation of unaudited financial and statistical reports. This compilation is composed of facility cost reports received prior to Hay 1, 1981. If the department of social services determines that adequate funding is available, the department may, on January 1, ~~1982~~ **1983**, establish the maximum reimbursement rate for intermediate care facilities at the seventy-fourth percentile of all facilities' per diems as calculated from the December 31, ~~1981~~ **1982** compilation of unaudited financial and statistical reports. This compilation is composed of facility cost reports received prior to November 1, ~~1981~~ **1982**.

Sec. 98. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Effective October 1, **1982**, medical assistance reimbursement rates for hospitals shall be established on a prospective basis. The department of social services shall not change the method of reimbursement for the state mental health institutes.

NEW UNNUMBERED PARAGRAPH. Medical assistance payments shall not be made for inpatient hospital services which can effectively and safely be performed on an outpatient basis.

NEW UNNUMBERED PARAGRAPH. Inpatient hospital reimbursements under the medical assistance program shall be limited to

lengths of stays which do not exceed the fiftieth percentile of lengths of stays for various diagnoses and medical and surgical procedures, as determined annually by the professional activities study for the north central region of the United States, unless utilization review determines that a longer length of stay is medically necessary.

NEW UNNUMBERED PARAGRAPH. Medical assistance payments to hospitals, skilled nursing facilities, and intermediate care facilities shall be limited to the rate applicable to the lowest level of care medically required by the patient, including the rate for residential care facilities, rather than to the level of care for which the hospital or facility is certified to provide under the medical assistance program.

NEW UNNUMBERED PARAGRAPH. The medical assistance reimbursement rate for reserve bed days for intermediate care facility residents who are hospitalized or on a home stay shall be reduced from eighty percent to seventy-five percent of the allowable audited costs for those beds, which costs shall not exceed the maximum daily reimbursement rate for intermediate care facilities under the medical assistance program.

NEW UNNUMBERED PARAGRAPH. Medical assistance reimbursement rates for physicians shall be established on the basis of statewide, prevailing physician fees and on the basis of a maximum five percent annual increase in the fees.

NEW UNNUMBERED PARAGRAPH. Notwithstanding Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, unnumbered paragraph 6, medical assistance payments for all mandatory and optional services, except for intermediate care facility services, intermediate care facility services for the mentally retarded, services provided to recipients in state mental health institutes, and medical transportation services other than ambulance services, shall be reduced by a factor of two and one-half percent. However, the two and one-half percent reduction shall not apply to

reimbursements for the ingredient cost of prescription drugs or to physician reimbursements and shall not apply to hospital reimbursements beginning October 1, 1982.

NEW UNNUMBERED PARAGRAPH. The maximum co-payments allowed by federal law or regulation shall be placed on all optional services under the medical assistance program. A fixed co-payment shall be established for each optional service by computing the average or typical payment for each optional service. The co-pay requirement shall not apply to the services provided under the early and periodic screening, diagnosis, and treatment program and to services provided to recipients in hospitals, skilled nursing facilities, intermediate care facilities, intermediate care facilities for the mentally retarded, residential care facilities, and state mental health institutes.

NEW UNNUMBERED PARAGRAPH. criteria for prior authorization of specified services under the medical assistance program shall be scrutinized to determine whether the current review process results in the most effective provision of needed services. If a change in the review process would be beneficial, the criteria shall be modified to change the review process or to subject additional services to prior authorization.

NEW UNNUMBERED PARAGRAPH. One or more pilot projects to provide medical assistance for in-home care to persons who would otherwise be institutionalized may be established. Before establishing a pilot project, the department of social services shall document the cost-effectiveness of the project, structure the project to be in the best interests of the **persons involved, and ensure federal approval and financial participation** in the establishment and operation of the project.

Sec. 99. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 3, is amended to read as follows:

no more than four percent of the federal and state funds allocated to the county under this section for the purchase of day care services without matching the federal and state funds with local funds. If a county in the district does not use all funds allocated to the county under this section, the district administrator may transfer funds to other counties in the district. The counties shall not be responsible for client eligibility determinations, case management, or contracting with providers for services; the department of social services shall retain those responsibilities.

The department of social services shall maintain and utilize the state and district advisory committees established pursuant to Title XX of the federal Social Security Act for the purpose of providing recommendations on the allocation and uses of federal social services block grant funds received by this state during the fiscal year ending June 30, 1983.

Sec. 109. The eligibility level for services under Title XX of the federal Social Security Act, also referred to as services provided with social services block grant funds, for the fiscal year beginning July 1, 1982, and ending June 30, 1983, shall not be reduced below forty-one and two-tenths percent of the federal median income as established in the fiscal year 1981-1982 state plan for use of funds received under Title XX of the federal Social Security Act. The eligibility priorities for income maintenance recipients established for the fiscal year ending June 30, 1982, shall be maintained during the fiscal year ending June 30, 1983. However, if the social services block grant funds received from the federal government are less than the amounts appropriated in Acts of the Sixty-ninth General Assembly, 1982 Session, House File 2477, division III for the fiscal year beginning July 1, 1982, and ending June 30, 1983, the eligibility level and priorities established in this section shall be adjusted by the department of social services in accordance with the procedure for reduced federal funds in

Acts of the Sixty-ninth General Assembly, 1982 Session. House File 2477, division VI.

The department of social services shall conduct a public hearing in each district of the department of social services and report to the legislative council before making any adjustments required by this section.

Sec. 110. Beginning on and after July 1, 1982, the department of social services shall limit the annual inflation and cost-based reimbursement increases to purchase of service providers contracting with the department up to a maximum of eight percent of the current reimbursement. This section does not apply to foster residential care and foster group home providers receiving the maximum reimbursements, but does apply to those providers receiving reimbursements below the maximum reimbursements.

Sec. 111. The department of social services shall examine cost containment alternatives for reimbursing purchase of service providers. The department shall report the alternatives to the social services appropriations subcommittee during the 1983 session of the general assembly.

Sec. 112. The department of social services, in conjunction with representatives of provider and consumer groups, shall examine alternatives for disregarding income in the form of workshop earnings received by individuals participating in sheltered work and work activity services. The department shall report the alternatives to the social services appropriations subcommittee by January 15, 1983.

Sec. 113. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1982, and ending June 30, 1983, to the department of social services three hundred thousand (300,000) dollars, or so much thereof as is necessary, to be allocated to the counties through the department's district offices for sheltered work and work activity services, provided all of the following conditions are met:

1. The counties shall match every three dollars of funds allocated to the counties under this section with one dollar of local funds.

2. The funds shall not be used for other than sheltered work and work activity services.

3. The department of social services, in establishing eligibility standards for sheltered work and work activity services, shall disregard the first sixty-five dollars of income from sheltered work or work activity services and fifty percent of any income from sheltered work or work activity services above sixty-five dollars.

The district administrator may transfer funds among the counties in the district if a county does not use all of the funds allocated to the county under this section. The funds shall not be used for other than sheltered work and work activity services.

Sec. 114. Section 230.15, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Mentally ill person A mentally ill person's person and persons a person legally liable for ~~their~~ the person's support shall remain liable for the support of such the mentally ill person as provided in this section. Persons legally liable for the support of a mentally ill person shall include the spouse of the mentally ill person, any person, ~~firm, or corporation~~ bound by contract for support of the mentally ill person, and, with respect to mentally ill persons under eighteen years of age only, the father and mother of the mentally ill person. The county auditor, subject to the direction of the board of supervisors, shall enforce the obligation ~~herein~~ created in this section as to all sums advanced by the county. The liability to the county incurred by a mentally ill person or a person legally liable for the person's support under this section ~~on account of any mentally ill person shall be~~ is limited to an amount equal to one hundred percent of the cost of care and treatment of the mentally ill person at a

state mental health institute for one hundred twenty days of hospitalization, ~~whether occurring subsequent to a single admission or accumulated as a consequence of two or more separate admissions, and thereafter to.~~ This limit of liability may be reached by payment of the cost of care and treatment of the mentally ill person subsequent to a single admission or multiple admissions to a state mental health institute or, if the person is not discharged as cured, subsequent to a single transfer or multiple transfers to a county care facility pursuant to section 227.11. After reaching this limit of liability, a mentally ill person or a person legally liable for the person's support is liable to the county for the care and treatment of the mentally ill person at a state mental health institute or, if transferred but not discharged as cured, at a county care facility in an amount not in excess of the average minimum cost of the maintenance of a physically and mentally healthy individual residing in his the individual's own home, which standard shall be established and may from time to time be revised by the department of social services. ~~We~~ A lien imposed by section 230.25 shall not exceed the amount of the liability which may be incurred under this section on account of any mentally ill person.

Sec. 115. Section 230.15, unnumbered paragraph 3, Code 1981, is amended by striking the unnumbered paragraph.

Sec. 116. Section 114 of this Act applies to all payments made by a mentally ill person or a person legally liable for the person's support for the cost of care and treatment of the mentally ill person at a state mental health institute or, if transferred but not discharged from a state mental health institute, at a county care facility before, on, or after the effective date of this Act. However, if such payments exceed the liability limitations in section 114 of this Act on the effective date of this Act, a county is not liable for repayment of the excess payments.

Sec. 117. There is appropriated from the general fund of the state for the fiscal period beginning January 1, 1983, and ending June 30, 1983, to the department of social services, two hundred thousand (204,000) dollars, or so much thereof as is necessary, for the development and operation of a dependent adult abuse program by the community services division.

The department of social services, on January 1, 1983 or as soon thereafter as practicable, shall establish a program relating to the providing of services in cases of dependent adult abuse. The program shall emphasize the reporting and evaluation of dependent adult abuse of an adult who is unable to protect his or her own interests or unable to perform or obtain essential services. For the purposes of the program "dependent adult abuse" means:

- 1. Any of the following as a result of the willful or negligent acts or omissions of a caretaker:
 - a. Physical injury to or unreasonable confinement or cruel punishment of a dependent adult.
 - b. The commission of a sexual offense under chapter 709 or section 726.2 with or to a dependent adult.
 - c. Exploitation of a dependent adult which means the act or process of taking unfair advantage of a dependent adult or the adult's physical or financial resources for one's own personal or pecuniary profit by the use of undue influence, harassment, duress, deception, false representation, or false pretenses.
 - d. The deprivation of the minimum food, shelter, clothing, supervision, physical and mental health care, and other care necessary to maintain a dependent adult's life or health.
 - 2. The deprivation of the minimum food, shelter, clothing, supervision, physical and mental health care, and other care necessary to maintain a dependent adult's life or health as a result of the acts or omissions of the dependent adult.
- Dependent adult abuse does not include:

a. Depriving a dependent adult of medical treatment if the dependent adult is an adherent of a religion whose tenets and practices call for reliance on spiritual means through prayer alone in place of reliance on medical treatment.

b. The withholding and withdrawing of health care from a dependent adult when the withholding and withdrawing of health care is done at the request of the dependent adult or at the request of the dependent adult's next-of-kin or guardian when the dependent adult is unable to express his or her wishes and is terminally ill in the opinion of a licensed physician.

A person who believes that a dependent adult has suffered abuse may report the suspected abuse to the department of social services.

The department shall receive dependent adult abuse reports and shall collect, maintain, and disseminate the reports in a statewide registry and shall inform the appropriate county attorneys of any reports. The department shall evaluate the reports expeditiously. However, the state department of health is solely responsible for the evaluation and disposition of adult abuse cases within health care facilities and shall inform the department of social services of such evaluations and dispositions.

For purposes of the dependent adult abuse program the department of social services shall expand the central registry for child abuse to include reports of dependent adult abuse and chapter 235A shall apply to the statewide registry for dependent adult abuse.

The department of social services shall complete an assessment of needed services, shall make appropriate referrals to services, and in the best interest of the dependent adult shall initiate court action for the appointment of a guardian or conservator or for admission or commitment to an appropriate institution or facility.

The department may provide necessary protective services and may establish a sliding fee schedule for those persons able to pay a portion ~~of the~~ protective services provided.

The department shall submit a final report by January 1, 1984 to the governor and the senate and house committees on human resources ~~reporting~~ its findings and recommendations regarding the continuance of a state dependent adult abuse program.

For purposes of this program and upon showing of probable cause that a dependent adult has been abused, a district court may authorize a person, authorized by the department, to make an evaluation, to enter the residence of, and to examine the dependent adult.

A person participating in good faith in reporting or cooperating or assisting the department in evaluating a case of dependent adult abuse has immunity from liability, civil ~~or~~ criminal, which might otherwise be incurred or imposed based upon the act of making the report or giving the assistance. The person has the ~~same~~ immunity with respect to participation in good faith in a judicial proceeding resulting from the report or assistance ~~or~~ relating to the subject matter of the report ~~or~~ assistance.

The department shall adopt rules pursuant to chapter 17A to implement the dependent adult abuse program.

Sec. 118. Section 232.80, Code 1981, is amended to read as follows:

232.80 HOME MAKER SERVICES. A homemaker-home health aide may be assigned to give care to a child in the child's place of residence. Whenever possible, ~~such the~~ services shall be provided in preference to removal of the child from the home. ~~Such The~~ care may be provided under this Act on an emergency basis for up to twenty-four hours without court order, and may be ordered by the court for a period of time extending until dismissal or disposition of the case. ~~Expenses incurred under this section shall be paid for according to,~~

~~and reimbursement from the parent, guardian or custodian may be sought under the provisions of section 232.141.~~

Sec. 119. Section 232.141, subsection 2, Code 1981, is amended to read as follows:

2. Whenever legal custody of a minor is transferred by the court ~~or~~ whenever the minor is placed by the court with someone other than the parents ~~er whenever hememaker-heme health-aide-service-is-provided-under-section-232.80,~~ or whenever a minor is given physical or mental examinations or treatment under order of the court and no provision is otherwise made by law for payment for the care, examination, or treatment of the minor, the costs shall be charged upon the funds of the county in which the proceedings are held upon certification of the judge to the board of supervisors. Except where the parent-child relationship is terminated, the court may inquire into the ability of the parents to support the minor and after giving the parents a reasonable opportunity to be heard may order the parents to pay in the manner and to whom the court may direct, such ~~sums~~ as will cover in whole or in part the cost of care, examination, or treatment of the minor. ~~An~~ order entered under this section shall not obligate a parent paying child support under a custody decree, except that any part of such a monthly support payment may be used to satisfy the obligations imposed by an order entered under this section. If the parents fail to pay the ~~sum~~ without good reason, the parents may be proceeded against for contempt or the court may inform the county attorney who shall proceed against the parents to collect the unpaid ~~sums~~ or both. ~~Any~~ such ~~sums~~ ordered by the court shall be a judgment against each of the parents and a lien as provided in section 624.23. If all or any part of the ~~sums~~ that the parents are ordered to pay is subsequently paid by the county, the judgment and lien shall thereafter be against each of the parents in favor of the county to the extent of such payments.

Sec. 120. Section 234.13, Code 1981, is amended by adding the following new **subsection:**

NEW SUBSECTION. Acquires, alters, transfers, or redeems food stamp coupons or ~~possesses~~ coupons, knowing that the coupons have been ~~received~~, transferred, or used in violation of this section or the provisions of the federal food stamp program under 7 U.S.C. ch. 51 or the federal regulations issued pursuant to that chapter.

Sec. 121. Section 249A.4, subsection 1, Code 1981, is amended to read as follows:

1. Determine the greatest amount, duration, and scope of assistance which may be provided, and the broadest range of eligible individuals to whom assistance may effectively be provided, under this chapter within the limitations of available funds. In so doing, he the commissioner shall at least every six months evaluate the scope of the program currently being provided under this chapter, project the probable cost of continuing a like program, compare such probable cost with the remaining balance of the state appropriation made for payment of assistance under this chapter during the current appropriation period, and expand or curtail the program accordingly; provided that ~~in no event reimbursement for medical and health services shall be less than payment of all costs of the care and services to which reference is made in section 249A.2, subsection 5, which are provided to the individuals and families described in section 249A.3, subsection 1~~ made in accordance with section 249A.4, subsection 9 in section 122 of this Act. After each evaluation of the scope of the program, the commissioner shall report ~~his suggestions and his action thereon~~ to the general assembly through the legislative council or in ~~such other~~ another manner as the general assembly may by resolution direct.

Sec. 122. Section 249A.4, subsection 9, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

9. Determine the method and level of reimbursement for all medical and health services referred to in section 249A.2. subsection 5 or 6, after considering all of the following:

- a. The promotion of efficient and cost-effective delivery of medical and health services.
- b. Compliance with federal law and regulations.
- c. The level of state and federal appropriations for medical assistance.
- d. Reimbursement at a level as near as possible to actual costs and charges after priority is given to the considerations in paragraphs a, b, and c.

Sec. 123. Section 252B.5, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Determine periodically whether an individual receiving unemployment compensation benefits under chapter 96 owes a support obligation which is being enforced by the unit, and enforce the support obligation through court proceedings in the absence of a voluntary agreement by the individual to have specified amounts withheld from the individual's unemployment compensation benefits.

Sec. 124. The department of social services shall adopt administrative rules under section 17A.4. subsection 2 and section 17A.5, subsection 2, paragraph b relating to the community work program for unemployed parents, the coordinated manpower services demonstration project, hospital reimbursements based on a prospective basis, percentage reductions of reimbursements for most mandatory and optional services, the limitations on lengths of hospital stays, physician **reimbursements** based on prevailing fees, social services block grant allocations to the counties, and allocations to the counties for sheltered work and work activity services in sections 86, 92, 98, 108, and 113 of this Act, and may adopt administrative rules under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b relating to professional prescription drug dispensing fee

reimbursements, the unemployed parent program under the aid to families with dependent children program and residential care facility reimbursements in sections 91, 96, and 102 of this Act and the rules shall become effective immediately upon filing, unless a later effective date is specified in the rules. However, it is the intent of the general assembly that the rules be adopted pursuant to the provisions of chapter 17A and that the emergency rule-making process be used only if the procedures specified in chapter 17A cannot be completed in time.

DIVISION VIII

Sec. 125. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 14, section 1, subsection 1, and subsection 2, paragraph a, are amended to read as follows:

1. IOWA LAW ENFORCEMENT

ACADEMY

For salaries, support, maintenance, and miscellaneous purposes

\$ 665,750 \$ 6867442
690,342

~~If legislation creating a criminal justice improvement fund is enacted and becomes law, the funds appropriated by this subsection for the Iowa law enforcement academy are reduced for the fiscal year beginning July 1, 1981 and ending June 30, 1982 by one hundred thirty-nine thousand nine hundred sixty-two (139,962) dollars and for the fiscal year beginning July 1, 1982 and ending June 30, 1983 by one hundred forty-eight thousand eight hundred seventy-one (148,871) dollars.~~

a. Military division

For salaries except salaries provided for in paragraph b of this subsection, support, maintenance, and miscellaneous purposes

\$ 2,256,288 \$ 273517918
2,592,862

Sec. 126. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 14, section 2, subsection 2, is amended to read as follows:

2. INSPECTION AND SECURITY FUNCTION

For salaries, support, maintenance, and miscellaneous purposes of fire marshal's inspections, administration of the state building code, and arson investigators including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated, and capitol security divisions

\$ 1,281,347 \$ 173407250
1,493,020

Sec. 127. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 14, section 2, subsection 3, paragraph d, is amended by striking the paragraph.

Sec. 128. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 14, section 3, subsection 3, is amended by striking the subsection.

Sec. 129. If the appropriations made by this Act create a general fund balance that results in the state comptroller having to delay or consider delaying making any payments authorized by this Act, or any other Act making appropriations, the state comptroller shall make a monthly report to members of the general assembly relating to the fiscal condition of the state and the report shall include, but not be limited to, the revenue growth for the previous month, and the general

fund balance, which shall reflect the total general fund obligations not satisfied at the end of the month.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2304, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

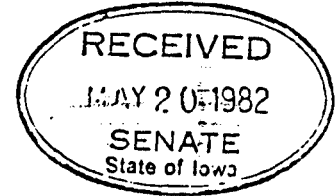
ROBERT D. RAY
Governor

Office of the Governor

STATE CAPITOL
DES MOINES, IOWA 50319

ROBERT D. RAY
GOVERNOR

May 19, 1982



The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2304, an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

I am unable to approve that portion of Section 80 which reads as follows:

It is the intent of the general assembly that in expending the funds appropriated under subparagraphs 1 through 3, the office for planning and programming shall comply with recommendation 5 of the legislative fiscal bureau program evaluation of the office for planning and programming, dated February, 1982.

I am unable to approve that portion of Section 86 which reads as follows:

The state shall provide workers' compensation benefits under chapters 85, 85A, 858, and 86 to participants in the community work program and those chapters shall be exclusive, compulsory, and obligatory upon the state and the participants in the community work program.

I am unable to approve the item designated in the Act as Section 93 which reads as follows:

Sec. 93. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, unnumbered paragraph 1, is amended to read as follows:

For medical assistance, provided that the funds appropriated in this subsection shall not be transferred or used for any other purpose than specified in this subsection, notwithstanding section 8.39, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary. Medically necessary abortions are those performed under any of the following conditions:

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I am unable to approve the item designated in the Act as Section 129 which reads as follows:

- Sec. 129. If the appropriations made by this Act create a general fund balance that results in the state comptroller having to delay or consider delaying making any payments authorized by this Act, or any other Act making appropriations, the state comptroller shall make a monthly report to members of the general assembly relating to the fiscal condition of the state and the report shall include, but not be limited to, the revenue growth for the previous month, and the general fund balance, which shall reflect the total general fund obligations not satisfied at the end of the month.

A portion of Section 80 of Senate File 2304 requires the Office for Planning and Programming to organize for the expenditure of its state funds according to a Legislative Fiscal Bureau program evaluation recommendation. This recommendation would divide OPP into three major divisions: Intergovernmental Assistance, Interagency Planning and Coordination, and Administration and Support.

OPP, under the leadership of Ed Stanek, has recently undergone an administrative reorganization. The structure of the organization was refined to more closely reflect the statutory purpose of the office. The legislature effectively endorsed these reorganization efforts by passing Senate File 2216, which made the statutory changes needed to implement the administrative reorganization. However, Senate File 2216, which was dubbed by many as the OPP reorganization bill, did not prescribe a statutory organization for OPP. The Senate and House State Government Committees, which drafted Senate File 2216, apparently determined that the organizational structure of OPP was something best left to those who had responsibility for managing the office.

Thus, it appears that these organizational directives in Senate File 2304 run contrary to the work of the General Assembly in Senate File 2216. In addition, this portion of Senate File 2304 allows a recommendation made by the Fiscal Bureau to take precedence over the efforts and considerations of the standing committees on state government.

Moreover, it seems apparent that the impact of this portion of Senate File 2304 was not clear to members of the General Assembly. This is exhibited by an irony which would result from the implementation of this language. Another portion of Section 80 of Senate File 2304 stipulates that the Iowa Council for Children, Youth, and Families be provided with at least two staff positions and support services. Yet implementation of the Fiscal Bureau

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recommendation would result in no dedicated support for the Council.

Section 86 of Senate File 2304 establishes a method to provide community work experience for those on the Aid to Families with Dependent Children-Unemployed Parent (AFDC-UP) program. The Department of Social Services is required to contract, at reasonable cost, with counties to provide work assignments for the AFDC-UP recipients. These recipients would receive their AFDC-UP benefits in return for performing the designated work assignments for the county. DSS would be required to assume the costs of workers' compensation as part of the contract with the county.

No state funds were appropriated to DSS to administer this program which, by federal requirement, would include a \$25 monthly work expense grant to each AFDC-UP recipient in addition to the AFDC-UP payment. Nevertheless, the program has the potential of providing valuable work experience to AFDC-UP recipients, and the state has the ability to negotiate a contract with the counties that would stay within reasonable cost limitations. Therefore, I am signing that portion of the program into law.

However, the ability of the state to limit its financial liability for the program is seriously undermined by that portion of Section 86 which requires the state to assume the cost of workers' compensation claims for the program. Preliminary estimates indicate that workers' compensation claims for the program may run as high as \$300,000 each year. Yet no funds were appropriated to DSS to provide for these claims. While there is a possibility of a federal sharing of these costs, the workers' compensation requirement poses a substantial financial liability for the state since no provisions were made for this budget item.

Furthermore, because of the lack of state funding, the workers compensation payment requirement may act as a substantial financial disincentive for DSS to enter into a community work contract with the county. And, it can be reasonably argued that the counties can bear some responsibility for wage and medical compensation for injured workers since the counties will benefit from the tasks performed and the workers will be performing work assignments prescribed by the counties. To do otherwise would remove an incentive for the counties to provide safe jobs. Therefore, the payment of workers' compensation benefits should be part of the community service contract negotiated by and between the state and counties and should not be made a mandatory state financial obligation.

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Section 93 of Senate File 2304 amends last year's state appropriation to the medical assistance (Medicaid) program to prohibit the transfer of any of these state funds. Since this restriction is made in a separate section of the bill, distinct from Section 94 which makes the supplemental appropriation to Medicaid, it would not appear to be a condition of the appropriation and would thus be subject to an item veto.

Section 8.39 of the Code authorizes the Governor and the State Comptroller to transfer funds from one agency to another when the original appropriation has proven to be insufficient to meet the legitimate expenses of the receiving agency. The use of this transfer authority is preceded by a two-week notice given to various legislators. During this time legislative comments are received and carefully considered.

The transfer authority is used sparingly. Nevertheless, it does provide for the budgetary flexibility needed to deal with unforeseen or changing circumstances. Certainly, the unsettled economic conditions we face today require flexibility in administering the budget, particularly in light of the relatively small treasury balances that have been provided for.

While the frequent need for medical assistance budget supplements indicates that a transfer from this program is unlikely, the Medicaid budget's reliance on federal funds and regulations reveals the need to maintain transfer authority. President Reagan's proposed budget includes a swap with the states -- the federal government would fund Medicaid while the states would assume the costs of the AFDC and food stamp programs. While the administration and the Governors have yet to agree on a swap, it is important to note that both include federal funding for Medicaid in their proposals. In addition, forthcoming federal changes in the home-based care requirement could save state funds during the coming fiscal year. Should a swap be forthcoming, or if the federal regulatory changes occur, transfer restrictions on the Medicaid program would seriously hamper Iowa's ability to adjust.

Therefore, in order to maintain the flexibility needed to effectively operate government during unsettled economic and federal budgetary times, Section 93 must be item vetoed.

Section 129 of Senate File 2304 provides for a monthly report by the State Comptroller to the General Assembly. This monthly report must, at minimum, include the revenue growth for the previous month and the general fund balance which must include all unsatisfied obligations for the month. Moreover, the

The Honorable Mary Jane Odell
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Comptroller's monthly report need be filed only when the \$40,775,758 appropriations made in the bill may force a delay in state general fund payments.

The language in the section is, at best, unclear and, at worst, unworkable.

Apparently, legislators intended to require a monthly report indicating state tax receipts and a listing of any delayed general fund payments. This intent can be met by the State Comptroller. In fact, all legislators presently receive the State Comptroller's monthly tax receipts report. This report includes a summary of state tax receipts received for the month and for the fiscal year to date. In addition, information is generally included regarding the ability of the state to meet its obligations and to meet the constitutional requirement of a balanced budget. Moreover, the list of major general fund payments that have been delayed is already a matter of public record and those affected by the delays are notified as far in advance as possible. The State Comptroller can and will add legislative leaders to the list of those notified of delayed payments.

However, the language in Section 129 uses the term "general fund balance" and the phrase modifying it "total general fund obligations not satisfied at the end of the month" to describe the required content of the Comptroller's report. This language fails to make the distinction between cash balance and general fund balance which is essential to understanding the reasons for delayed payments. The cash balance is the cumulative result of state's cash income and cash payments. This balance, together with estimates of future cash flow, is used to schedule future cash payments. Delays in large payments, or partial payments, are made to avoid a cash deficit.

The general fund balance, on the other hand, is defined to include total general fund obligations. The financial obligations of state agencies are matched with state revenues to yield a general fund balance.

Agencies are given quarterly allocations of appropriated funds and are allowed to draw on those allocations until their allocation is reached or until the end of the fiscal year. No record of the extent to which an agency has obligated funds is known until the fiscal year ends. Thus, there is but one report of the general fund balance, and it comes not monthly but only at the end of the fiscal year.

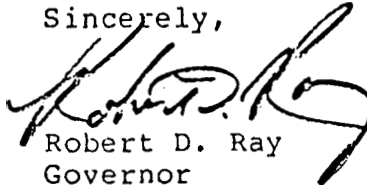
The flonorable Mary Jane Odell
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In short, it appears the legislature intended to obtain a report of delayed payments. Unfortunately, the language in Section 129 instead requires a monthly general fund balance statement which has little to do with delayed payment decisions and is now prepared but once a year.

As a result, the requirements of Section 129 cannot be met, and this section cannot be approved. However, since the legislature has an appropriate desire to be kept informed about the state's financial picture and apparently desires to receive a monthly receipts statement and delayed payments report, the State Comptroller will forward such a monthly report to legislative leaders.

For these reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 2304 are hereby approved this date.

Sincerely,



Robert D. Ray
Governor

RDR :cg

cc: Secretary of the Senate
Chief Clerk of the Iiouse

Sec. 2. This Act takes effect January 1 following enactment for tax years beginning on or after that date.

SENATE FILE 2305

AN ACT

TO ALLOW A STATE INDIVIDUAL INCOME TAX DEDUCTION TO A TAX-PAYER FOR EXPENSES INCURRED FOR CARING FOR A GRANDCHILD, MILD, PARENT, OR GRANDPARENT OF THE TAXPAYER OR THE TAXPAYER'S SPOUSE IN THE HOME OF THE TAXPAYER WITH A JANUARY 1 EFFECTIVE DATE.

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

Section 1. Section 422.9, subsection 2, Code 1981, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGWH. Add the amount, not to exceed five thousand dollars, of expenses not otherwise deductible under this section actually incurred in the home of the taxpayer for the care of a person who is the grandchild, child, parent, or grandparent of the taxpayer or the taxpayer's spouse and who is unable, by reason of physical or mental disability, to live independently and is receiving, or would be eligible to receive if living in a health care facility licensed under chapter 135C, medical assistance benefits under chapter 249A. In the event that the person being cared for is receiving assistance benefits under chapter 239, the expenses not otherwise deductible shall be the net difference between the expenses actually incurred in caring for the person and the assistance benefits received under chapter 239.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2305, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

S.F. 2305

SENATE FILE 2309

AN ACT

RELATING TO THE TAXATION OF NONRESIDENTS AND PART-YEAR
RESIDENTS UNDER THE STATE INDIVIDUAL INCOME TAX LAW
AND MAKING IT RETROACTIVE.

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

Section 1. Section 422.5, unnumbered paragraph 1, Code 1981, is amended to read as follows:

A tax is hereby imposed upon every resident ~~and nonresident of the state, and upon that part of the taxable income of any nonresident which is derived from any property, trust, or other source within this state, including any business, trade, profession, or occupation carried on within this state,~~ which tax shall be levied, collected, and paid annually upon and with respect to him the entire taxable income as ~~herein~~ defined in this division at rates as follows:

Sec. 2. section 422.5, Code 1981, is amended by adding after subsection 13 the following new subsection:

NEW SUBSECTION. The tax imposed upon the taxable income of a nonresident shall be computed by reducing the amount determined pursuant to subsections 1 through 13 by the amounts of nonrefundable credits under this division and by multiplying this resulting amount by a fraction of which the nonresident's net income allocated to Iowa, as determined in section 422.8, subsection 2 in section 3 of this Act, is the numerator and the nonresident's total net income computed under section 422.7 is the denominator. ~~This~~ provision also applies to individuals who are residents of Iowa for less than the entire tax year.

Sec. 3. Section 422.8, subsection 2, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

2. Nonresident's net income allocated to Iowa is the net income, or portion thereof, which is derived from a business, trade, profession, or occupation carried on within this state or income from any property, trust, estate, or other source within Iowa. If any business, trade, profession, or occupation is carried on partly within and partly without the state, only the portion of the net income which is fairly and equitably attributable to that part of the business, trade, profession, or occupation carried on within the state is allocated to Iowa for purposes of sections 2 and 5 of this Act and income from any property, trust, estate, or other source partly within and partly without the state is allocated to Iowa in the same manner, except that annuities, interest on bank deposits and interest-bearing obligations, and dividends are allocated to Iowa only to the extent to which they are derived from a business, trade, profession, or occupation carried on within the state. However, income received by an individual who is a resident of another state is not allocated to Iowa if the income is subject to an income tax imposed by the state where the individual resides, and if the state of residence allows a similar exclusion for income received in that state by residents of Iowa. In order to implement the exclusions, the director shall designate by rule the states which allow a similar exclusion for income received by residents of Iowa, and may enter into agreements with other states to provide that similar exclusions will be allowed, and to provide suitable withholding requirements in each state.

Sec. 4. Section 422.9, subsection 3, paragraphs d and e, Code 1981, are amended by striking the paragraphs.

Sec. 5. Section 422.13, Code 1981, is amended to read as follows:

422.13 RETURN BY INDIVIDUAL.

1. Every resident and nonresident of this state shall make and sign a return ~~if~~ if any of the following are applicable:

a. The ~~resident individual~~ resident individual is required to file a federal income tax return under the Internal Revenue Code of 1954.

b. The ~~resident individual~~ resident individual has net income of four thousand dollars ~~or more~~ for the tax year from sources taxable under ~~this~~ this division.

c. The ~~resident individual~~ resident individual is claimed as a dependent on another person's return and has net income of three thousand dollars ~~or more~~ for the tax year from sources taxable under this division.

~~2.--Every nonresident shall make and sign a return if either of the following are applicable:~~

~~a.--The nonresident is required to file a federal income tax return under the Internal Revenue Code of 1954 and has net income of four thousand dollars or more for the tax year from sources taxable under this division.~~

~~b.--The nonresident is claimed as a dependent on another person's return and is required to file a federal income tax return under the Internal Revenue Code of 1954 and has net income of three thousand dollars or more for the tax year from sources taxable under this division.~~

d. However, if that part of the net income of a nonresident which is allocated to Iowa pursuant to section 422.8, subsection 2 in section 3 of this Act is less than five hundred dollars the nonresident is not required to make and sign a return.

3 2. For purposes of determining the requirement for filing a return under ~~subsections 1 and 2 of this section~~ subsection 1, the combined net income of a husband and wife from sources taxable under ~~this~~ this division shall be considered.

4 3. If the taxpayer is unable to make ~~him-em~~ the return, the return shall be made by a duly authorized agent or by a guardian or other person charged with the care of the person or property of ~~such~~ the taxpayer.

5 4. A nonresident taxpayer shall file a copy of ~~his~~ the taxpayer's federal income tax return for the current tax year with the return required by this section.

Sec. 6. This Act is retroactive to January 1, 1982 for tax years beginning on or after January 1, 1982.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2309, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the senate

Approved _____, 1982

ROBERT D. RAY
Governor

in The Fairfield Ledger, Inc., a newspaper published in
Fairfield, Iowa.

SENATE FILE 2312

AN ACT

AUTHORIZING CITIES AND COUNTIES TO ISSUE REVENUE BONDS TO
FINANCE THE ACQUISITION OF GRAIN AND SOYBEAN STORAGE FA-
CILITIES AND MAKING IT EFFECTIVE UPON PUBLICATION.

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

Section 1. Chapter 419, Code 1981, is amended by adding
the following new section:

NEW SECTION. In order to provide greater sources of
financing and to encourage an increase in the capacity of
grain and soybean storage facilities within the state, cities
and counties may issue revenue bonds, to be originally
purchased by financial institutions or other bond purchasers
which are located within the city or county issuing the bonds,
to finance the acquisition of grain and soybean storage fa-
cilities which may be located anywhere within the state.
The revenue bonds shall be issued pursuant to this chapter
and all provisions of this chapter shall apply except that
the term "project" as defined in section 419.1 includes on-
farm grain and soybean storage facilities, which facilities
may include the grain or soybean drying and aerating equipment,
and the project need not be located within the city or county
issuing the revenue bonds.

Sec. 2. This Act, being deemed of immediate importance,
takes effect from and after its publication in the Eldora
Herald-Ledger, a newspaper published in Eldora, Iowa, and

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 2312, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1982

ROBERT D. RAY
Governor

HOUSE FILE 210

AN ACT

AUTHORIZING A CITY OR COUNTY TO ISSUE REVENUE BONDS TO FINANCE THE ACQUISITION OF LAND, BUILDINGS, OR IMPROVEMENTS TO BE USED BY OR FOR FAIRS OR EXPOSITIONS.

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

Section 1. Section 419.1, subsection 2, Code 1981, is amended to read as follows:

2. "Project" means all or any part of, or any interest in, (a) any land, buildings or improvements, whether or not in existence at the time of issuance of the bonds issued under authority of this chapter, which ~~shall-be~~ are suitable for

the use of any voluntary nonprofit hospital, clinic or health care facility as defined in section 135C.1, subsection 4, or of any private college or university, or any state institution governed under chapter 262 whether for the establishment or maintenance of ~~such the~~ college or university, or of my industry or industries for the manufacturing, processing or assembling of any agricultural or manufactured products, even though ~~such the~~ processed products may require further treatment before delivery to the ultimate consumer, or of any commercial enterprise engaged in storing, warehousing or distributing products of agriculture, mining or industry including but not limited to barge facilities and river-front improvements useful and convenient for the handling and storage of goods and products, or of a national, regional or divisional headquarters facility of a company that does multistate business, or of a beginning businessperson for any purpose or of any fair or exposition held in the state, other than the Iowa state fair, which is a member of the association of Iowa fairs, or (b) pollution control facilities which ~~shall~~ be are suitable for use by any industry, commercial enterprise or utility. "Pollution control facilities" means any land, buildings, structures, equipment, pipes, pumps, dams, reservoirs, improvements, or other facilities useful for the purpose of reducing, preventing, or eliminating pollution of the water or air by reason of the operations of any industry, commercial enterprise or utility. "Improve", "improving" and "improvements" shall embrace any real property, personal property or mixed property of any and every kind that can be used or that will be useful in connection with a project, ~~including, -without-limiting-the-generality-of-the foregoing,~~ but not limited to rights of way, roads, streets, sidings, trackage, foundations, tanks, structures, pipes, pipelines, reservoirs, utilities, materials, equipment, fixtures, machinery, furniture, furnishings, improvements,

H.F. 210

instrumentalities and other real, personal or mixed property of every kind, whether above or below ground level.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 210, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

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1961, and ending ~~June-30, 1973~~ May 7, 1975, both dates inclusive, and as defined in section 35C.2.

'HOUSE FILE 833

DEWYN STROMER
Speaker of the House

AN ACT

CHANGING THE BEGINNING AND ENDING DATES OF THE VIETNAM
CONFLICT FOR PURPOSES OF THE MILITARY SERVICE PROPERTY
TAX EXEMPTION.

TERRY E. BRANSTAD
President of the Senate

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

Section 1. Section 427.3, subsection 4, Code 1981, is amended to read as follows:

4. The property, not to exceed one thousand eight hundred fifty-two dollars in taxable value of any honorably separated, retired, furloughed to a reserve, placed on inactive status, or discharged soldier, sailor, marine, or nurse of the second World War from December 7, 1941 to December 31, 1946, **army** of occupation in Germany ~~from~~ November 12, 1918, to July 11, 1923, American expeditionary forces in Siberia ~~from~~ November 12, 1918, to April 30, 1920, second Nicaraguan campaign with the navy or marines in Nicaragua or on combatant ships 1926-1933, second Haitian suppressions of insurrections 1919-1920, navy and marine operations in China 1937-1939 and Yangtze service with navy and marines in Shanghai or in the Yangtze Valley 1926-1927 and 1930-1932 or of the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, or those who served on active duty during the Vietnam Conflict beginning ~~August-5, 1964~~ December 22,

I hereby certify that this bill originated in **the** House and is known as House File 833, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

H.F. 833

HOUSE FILE 844

AN ACT

RELATING TO THE FILING OF A CLAIM FOR THE HOMESTEAD CREDIT OR MILITARY SERVICE TAX EXEMPTION ONLY ONCE AND PROVIDING THAT THE CREDIT OR EXEMPTION WILL BE GRANTED WITHOUT REFILEING A CLAIM FOR AS LONG AS THE PERSON OR THE PERSON'S SPOUSE OWNS THE PROPERTY DESIGNATED FOR THE CREDIT OR EXEMPTION ON JULY 1, PROVIDING FOR A CIVIL PENALTY, AND PROVIDING FOR A JANUARY 1 EFFECTIVE DATE.

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

Section 1. Section 425.2, unnumbered paragraph 1, Code 1981, is amended by striking the paragraph and inserting in lieu thereof the following:

A person who wishes to qualify for the credit allowed under this chapter, shall obtain the appropriate forms for filing for the credit from the assessor. The person claiming the credit shall file a verified statement and designation of homestead with the assessor for the year for which the person is first claiming the credit. The claim shall be filed not later than July 1 of the year for which the person is claiming the credit.

Upon the filing and allowance of the claim, the claim shall be allowed on that homestead for successive years without further filing as long as the property is legally or equitably owned and used as a homestead by that person or that person's spouse on July 1 of each of those successive years. When the property is sold or transferred, the buyer or transferee who wishes to qualify shall refile for the credit. An owner who ceases to use a property for a homestead shall provide written notice to the assessor by July 1 following the date on which the use is changed. A person who sells or transfers a homestead or the personal representative of a deceased

person who had a homestead at the time of death, shall provide written notice to the assessor that the property is no longer the homestead of the former claimant.

In case the owner of the homestead is in active service in the armed forces of this state or of the United States, or is sixty-five years of age or older, or is disabled, the statement and designation may be signed and delivered by any member of the owner's family, by the owner's guardian or conservator, or by any other person who may represent the owner under power of attorney. If the owner of the homestead is married, the spouse may sign and deliver the statement and designation. The commissioner of social services or the commissioner's designee may make application for the benefits of this chapter as the agent for and on behalf of persons receiving assistance under chapter 249.

Sec. 2. Section 425.3, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

425.3 VERIFICATION OF CLAIMS FOR HOMESTEAD CREDIT. The assessor shall retain a permanent file of current homestead claims filed in the assessor's office. The assessor shall file a notice of transfer of property for which a claim is filed when notice is received from the office of the county recorder.

The county recorder shall give notice to the assessor of each transfer of title filed in the recorder's office. The notice shall describe the property transferred, the name of the person transferring the title to the property, and the name of the person to whom title to the property has been transferred.

Not later than July 6 of each year, the assessor shall remit the statements and designation of homesteads to the county auditor with the assessor's recommendation for allowance or disallowance. If the assessor recommends disallowance of a claim, the assessor shall submit the reasons for the recommendation, in writing, to the county auditor.

The county auditor shall forward the claims to the board of supervisors. The board shall allow or disallow the claims. If the board disallows a claim, it shall send written notice, by certified mail, to the claimant at the claimant's last known address. The notice shall state the reasons for disallowing the claim for the credit.

Sec. 3. Section 425.6, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

425.6 WAIVER BY NEGLIGENCE. If a person fails to file a claim or to have a claim on file with the assessor for the credits provided in this chapter, the person is deemed to have waived the homestead credit for the year in which the person failed to file the claim or to have a claim on file with the assessor.

Sec. 4. Section 425.7, subsection 3, Code 1981, is amended to read as follows:

3. ~~Should~~ If the director of revenue ~~determines, upon investigation,~~ determines that any claim for homestead credit has been allowed by any board of supervisors which is not justifiable under the law and not substantiated by proper facts, the director may, at any time within twenty-four months from July 1 of the year in which the claim is ~~filed~~ allowed, set aside such the allowance. Notice of such the disallowance shall be given to the county auditor of the county in which such the claim has been improperly granted and a written notice of such the disallowance shall also be addressed to the claimant at his the claimant's last known address. ~~Such~~ The claimant, or the board of supervisors, may seek judicial review of the action of the director of revenue in accordance with ~~the terms of~~ the Iowa administrative procedure Act. In any case where a claim is ~~so~~ disallowed by the director of revenue and ~~no~~ a petition for judicial review is not filed with respect to ~~such~~ the disallowance, any amounts of credits allowed and paid from the homestead credit fund ~~shall~~ including the penalty, if any, become a lien upon the property on which

said credit was originally granted, if still in the hands of the claimant, and not in the hands of a bona fide purchaser, and any amount ~~so~~ erroneously paid including the penalty, if any, shall be collected by the county treasurer in the same manner as other taxes and such the collections shall be returned to the department of revenue and credited to the homestead credit fund. The director of revenue ~~shall also have the authority to~~ may institute legal proceedings against a homestead credit claimant for the collection of all payments made on ~~such~~ disallowed credits and the penalty, if any. If a homestead credit is disallowed and the claimant failed to give written notice to the assessor as required by section 425.2 when the property ceased to be used as a homestead by the claimant, a civil penalty equal to fifty percent of the amount of the disallowed credit is assessed against the claimant.

Sec. 5. Section 425.8, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The director of revenue shall prescribe the form for the making of verified statement and designation of homestead, and the form for the supporting affidavits required herein, and such other forms as may be necessary for the proper administration of this chapter. ~~As soon as practicable after the effective date of this chapter, and from time to time thereafter as~~ Whenever necessary, the department of revenue shall forward to the county auditors of the several counties in the state ~~such~~ the prescribed sample forms, and the county auditors shall furnish blank forms prepared in accordance therewith with the assessment rolls, books, and supplies delivered to the assessors. The department of revenue shall prescribe and the county auditors shall provide on the forms for claiming the homestead credit a statement to the effect that the owner realizes that he or she must give written notice to the assessor when the owner changes the use of the property.

Sec. 6. Section ~~425.11~~, subsection 1, paragraph a, un-numbered subparagraph 1, Code 1981, is amended by striking the subparagraph and inserting in lieu thereof the following:

The homestead must embrace the dwelling house which the owner, in good faith, is occupying as a home on July 1 of the year for which the credit is claimed, except as herein provided.

Sec. 7. Section 426A.6, Code 1981, is amended to read as follows:

426A.6 SETTING ASIDE ALLOWANCE. ~~Should if~~ the director of revenue ~~determine-upon-investigation~~ determines that any claim for military service tax exemption has been allowed by any board of supervisors which is not justifiable under the law and not substantiated by proper facts, the director may, at any time within twenty-four months from July 1 of the year in which the claim is ~~filed~~ allowed, set aside such ~~the~~ allowance. Notice of ~~such the~~ disallowance shall be given to the county auditor of the county in which ~~such the~~ claim has been improperly granted and a written notice of ~~such the~~ disallowance shall also be addressed to the claimant at ~~his~~ ~~the claimant's~~ last known address. ~~Such The~~ claimant or the board of supervisors may seek judicial review of the action of the director of revenue in accordance with ~~the terms~~ of the Iowa administrative procedure Act. In any case, where a claim is so disallowed by the director of revenue and a petition for judicial review is not filed with respect to ~~such the~~ disallowance, any amounts of credits allowed and paid from the military service tax credit fund ~~shall~~ become a lien upon the property on which ~~said the~~ credit was originally granted, if still in the hands of the claimant, and not in the hands of a bona fide purchaser, and any amount so erroneously paid shall be collected by the county treasurer in the same manner as other taxes and ~~such the~~ collections shall be returned to the department of revenue and credited to the military service tax credit fund. The director of

revenue ~~shall-also-have-the-authority-to~~ may institute legal proceedings against a military service tax exemption claimant for the collection of all payments made on such disallowed exemptions.

Sec. 8. Section 427.5, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

427.5 CLAIM FOR MILITARY TAX EXEMPTION--DISCHARGE RECORDED. A person named in section 427.3, who is a resident of and domiciled in the state of Iowa, shall receive a reduction equal to the exemption. to be made from any property owned by the person and so designated by proceeding as hereafter provided. In order to be eligible to receive the exemption the person claiming it shall have had recorded in the office of the county recorder of the county in which is located the property designated for the exemption, the military certificate of satisfactory service, order transferring to inactive status, reserve, retirement, or order of separation from service, or honorable discharge of the person claiming or through whom is claimed the exemption. If the evidence of satisfactory service, separation, retirement, furlough to reserve, inactive status, or honorable discharge is lost the claimant may record in lieu thereof a certified copy.

The person shall file with the appropriate assessor on forms obtained from the assessor the claim for exemption for the year for which the person is first claiming the exemption. The claim shall be filed not later than July 1 of the year for which the person is claiming the exemption. The claim shall set out the fact that the person is a resident of and domiciled in the state of Iowa, and a person within the terms of section 427.3, and shall give the volume and page on which the certificate of satisfactory service, order of separation, retirement, furlough to reserve, inactive status, or honorable discharge or certified copy thereof is recorded in the office of the county recorder, and may include the designation of the property from which the exemption is to be made, and shall

further state that the claimant is the equitable and legal owner of the property designated.

Upon the filing and allowance of the claim, the claim shall be allowed to that person for successive years without further filing. Provided, that notwithstanding the filing or having on file a claim for exemption, the person or person's spouse is the legal or equitable owner of the property on July 1 of the year for which the claim is allowed. When the property is sold or transferred or the person wishes to designate different property for the exemption, a person who wishes to receive the exemption shall refile for the exemption. A person who sells or transfers property which is designated for the exemption or the personal representative of a deceased person who owned such property shall provide written notice to the assessor that the property is no longer legally or equitably owned by the former claimant.

In case the owner of the property is in active service in any of the armed forces of the United States or of this state, including the nurses corps of the state or of the United States, or is sixty-five years of age or older, or is disabled, the claim may be filed by any member of the owner's family, by the owner's guardian or conservator, or by any other person who may represent the owner under power of attorney. In all cases where the owner of the property is married, the spouse may file the claim for exemption. A person may not claim an exemption in more than one county of the state, and if a designation is not made the exemption shall apply to the homestead, if any.

Sec. 9. Section 427.6, unnumbered paragraph 1, Code 1981, is amended by striking the paragraph and inserting in lieu thereof the following:

The assessor shall retain a permanent file of current military service tax exemption claims filed in the assessor's office. The assessor shall file a notice of transfer of property for which a claim is filed when notice is received

from the office of the county recorder, from the person who sold or transferred the property, or from the personal representative of a deceased claimant.

The county recorder shall give notice to the assessor of each transfer of title filed in the recorder's office. The notice shall describe the property transferred, the name of the person transferring the title to the property, and the name of the person to whom title to the property has been transferred.

Not later than July 6 of each year, the assessor shall remit the claims and designations of property to the county auditor with the assessor's recommendation for allowance or disallowance. If the assessor recommends disallowance of a claim, the assessor shall submit the reasons for the recommendation, in writing, to the county auditor.

The county auditor shall forward the claims to the board of supervisors. The board shall allow or disallow the claims. If the board disallows a claim, it shall send written notice, by certified mail, to the claimant at the claimant's last known address. The notice shall state the reasons for disallowing the claim for the exemption.

Sec. 10. A claim for the homestead tax credit or the military service tax exemption for the fiscal year beginning on July 1 following the effective date of this Act shall not be allowed unless the claim for the homestead tax credit or the military service tax exemption is filed between January 1 and July 1 of the calendar year following enactment of this Act. Upon receipt of an application for a claim for homestead tax credit or military service tax exemption for the fiscal year beginning on July 1 following the effective date of this Act, the assessor shall provide written material as prescribed by the department of revenue on the requirements of the claimant under this Act and other information deemed by the department to be needed by the claimant in carrying out the claimant's responsibilities under this Act. The material

shall provide notice that the claimant or personal representative of the claimant will be subject to a civil penalty for failure to provide the assessor with written notice of the occurrence of certain events. These events shall be specified in the material presented to the claimant.

Sec. 11. This Act takes effect January 1 following its enactment.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 844, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

HOUSE FILE 846

AN ACT

RELATING TO REGULATORY ACTIVITIES OF THE DEPARTMENT OF
INSURANCE AND THE FEES PAYABLE BY PERSONS SUBJECT TO SUCH
REGULATION.

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

Section 1. Section 87.11, Code 1981, is amended by adding
the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An employer seeking relief from
the insurance requirements of this chapter shall pay to the
department of insurance the following fees:

1. A fee of one hundred dollars, to be submitted annually
along with an application for relief.

2. A fee of one hundred dollars for issuance of the
certificate relieving the employer from the insurance
requirements of this chapter.

Sec. 2. Section 502.302, subsection 2, Code 1981, is
amended to read as follows:

2. Every applicant for initial or renewal registration
as a broker-dealer shall pay a filing fee of one-hundred
dollars-in-the-case-of-a-broker-dealer,-and-ten-dollars-in
the-case-of-an-agent two hundred dollars. When-an-application
is-denied-or-withdrawn,-the-administrator-shall-retain-the
fee. Every applicant for initial or renewal registration
as an agent shall pay a filing fee of twenty dollars. A
filing fee is not refundable.

Sec. 3. Section 507B.8, Code 1981, is amended to read
as follows:

507B.8 JUDICIAL REVIEW OF CEASE AND DESIST ORDERS.
Judicial review of the actions of the commissioner may be
sought in accordance with the ~~terms~~ of the Iowa administrative
procedure Act. To the extent that an order of the commissioner
is affirmed in any judicial review proceeding, the court shall
thereupon issue its own order commanding obedience to the
terms of such order of the commissioner.

After the period for judicial review of an order of the
commissioner has expired and no petition for judicial review
has been filed, the attorney general upon request of the
commissioner of insurance shall proceed in the Iowa district
court to enforce an order of the commissioner. The court
shall enter its order commanding obedience to the ~~terms~~ of
the Commissioner's order.

No order of the commissioner under this chapter or order
of a court to enforce the same shall in any way relieve or
absolve any person affected by such order from any liability
under any other laws of *this* state.

Sec. 4. Section 510.19, Code 1981, is amended to read as follows:

510.19 CERTIFICATE OF AUTHORITY--FEE. Upon its complying with ~~the provisions of sections~~ 510.16 to 510.18, and of ~~section~~ 511.27, and the payment of ~~twenty-five dollars~~ a fee of fifty dollars, the commissioner shall issue ~~to it~~ a certificate of authority to do business in this state, ~~provided. However, the commissioner shall not issue a certificate of authority to do business in this state unless the same right is extended by the state in which said the~~ association is organized to associations of the same class in this state.

Sec. 5. Section 511.24, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

511.24 FEES FROM DOMESTIC AND FOREIGN COMPANIES. When not otherwise provided, a foreign or domestic life insurance company doing business in this state shall pay to the commissioner of insurance the following fees:

1. For filing an application to do business, or an application to renew a certificate of authority, fifty dollars.
2. For issuing a certificate of authority to do business in this state, or for renewing a certificate, fifty dollars.
3. For filing amended articles of incorporation, fifty dollars.
4. For issuing an amended certificate of authority, twenty-five dollars.
5. For every copy of any paper filed, fifty cent. per folio, and for certifying and affixing the official seal to any paper filed with the department, five dollars.
6. For valuing policies, twenty dollars for each million dollars of insurance or fraction thereof.

Sec. 6. Section 514.15, code 1981, is amended to read as follows:

514.15 NONEXEMPT FROM TAXATION. Every corporation organized under the provisions of this chapter is hereby declared to be a charitable and benevolent institution but its property and funds, including subscribers' contracts, shall not be exempt from taxation. The tax on subscriber contracts shall be at the rate of fifteen cents for each subscriber contract issued in the preceding calendar year and shall be paid to the commissioner of insurance at the time of the filing of each corporation's annual statement. For purposes of this section, the term "subscriber contract" shall mean only those benefit contracts issued or delivered in Iowa by corporations subject to this chapter, including certificates issued under such contracts, and which provide coverage to residents of Iowa on a risk basis.

Sec. 7. Section 515.128, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

515.128 FEES. Fees shall be paid to the commissioner of insurance as follows:

1. For filing an application to do business, including all documents submitted in connection with the application, by a foreign or domestic company, or for filing an application for renewed authority, fifty dollars.
2. For issuing to a foreign or domestic company a certificate of authority to do business or a renewed certificate of authority, fifty dollars.
3. For filing amended articles of incorporation, fifty dollars.
4. For issuing an amended certificate of authority, twenty-five dollars.
5. For every copy of any paper filed, fifty cents per folio, and for certifying and affixing the official seal to any paper filed with the department, five dollars.

Sec. 8. Section 518.16, unnumbered paragraphs 3 and 4, Code 1981, are amended to read as follows:

~~The commissioner shall require of each~~ Each first-time applicant shall pay to the commissioner an application fee of five ten dollars, per line of insurance.

~~Each license shall expire on March 31 following the time of issue. A fee of fifty cents for each license shall be paid by the county mutual insurance association.~~ Every county mutual authorized to transact business in this state shall certify its agents to the commissioner who shall keep a list of the agents.

Sec. 9. Section 522.1, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Who a person shall not, directly or indirectly, act within this state as agent, or otherwise, in receiving or procuring applications for insurance, or in doing or transacting any kind of insurance business for any a company or association unless exempt from the provisions of this chapter by reason of section 512.33, and except that the licensing of persons so acting for county mutuals shall be is subject only to the provisions of section 518.16, until he the person has procured a license from the commissioner of insurance a license authorizing him to act for such company or association as agent.

Sec. 10. Section 522.2, Code 1981, is amended to read as follows:

522.2 TERM OF LICENSE. Said a license shall terminate at the end of the insurance year for which such company or association is authorized to transact business is valid for one year.

Sec. 11. Section 522.3, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The commissioner shall require of each first-time applicant such reasonable proof of character and competency with respect to the type and kind of insurance the applicant proposes to sell as will in order to protect public interest before

issuing euek a license and may, for good cause, after hearing held within sixty days from the date of application, decline to issue such a license. Any A license, whether it be a first-time or renewal license, may be suspended or revoked by the commissioner for good cause after hearing. The commissioner may issue a temporary license for a period of not to exceed six months and for such a temporary license may waive the requirements established herein of this section.

Sec. 12. Section 522.3, unnumbered paragraph 3, Code 1981, is amended to read as follows:

~~The commissioner shall require of each~~ A first-time applicant for a license shall pay to the commissioner an application fee of five ten dollars for each line of insurance.

Sec. 13. Section 522.4, Code 1981, is amended to read as follows:

522.4 FEE. The fee charged for such an agent's license shall be, for agents for insurance other than life, two dollars fifty cents, and for life insurance agents, five dollars. The commissioner shall remit the fees collected to the treasurer of state for deposit in the general fund of the state ten dollars. Every insurer authorized to transact business in this state shall certify its agents to the commissioner who shall keep a list of the agents and charge an annual appointment fee of five dollars for each agent. The commissioner shall remit the fees collected to the treasurer of state for deposit in the general fund of the state.

Sec. 14. Section 522.5, code 1981, is amended to read as follows:

522.5 VIOLATION. Any A person acting as agent or otherwise representing eay an insurance company or association in violation of the provisions of section 522.1, shall be is guilty of a serious misdemeanor. In addition, a civil penalty of no more than ten thousand dollars may be assessed against

a person who violates section 522.1. After the period for judicial review of an order of the commissioner has expired and no petition for judicial review has been filed, the attorney general upon request of the commissioner of insurance shall proceed in the Iowa district court to enforce an order of the commissioner. The court shall enter its order commanding obedience to the terms of the commissioner's order.

Sec. 15. Sections 511.5, 511.25 and 515.90, Code 1981, are repealed.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 846, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

HOUSE FILE 858

AN ACT

RELATING TO THE ESTABLISHMENT, OPERATION, AND DISSOLUTION OF A BENEFITED LAW ENFORCEMENT DISTRICT, AND AUTHORIZING A TAX LEVY.

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

Section 1. NEW SECTION. DEFINITIONS. As used in this Act, unless the context otherwise requires:

- 1. "District" means a benefited law enforcement district.
- 2. "Board" means the board of supervisors of a county.
- 3. "Trustee" means a trustee of a district.

Sec. 2. NEW SECTION. PETITION FOR PUBLIC HEARING.

1. The board shall, on the petition of twenty-five percent of the resident property owners in a proposed district if the assessed valuation of the property owned by the petitioners represents at least twenty-five percent of the total assessed value of the proposed district, hold a public hearing concerning the establishment of a proposed district. The petition shall include a statement containing the following information:

- a. The need for law enforcement service.
- b. The district to be served.
- c. The approximate number of families in the district.
- d. The proposed personnel, equipment, and facilities to provide the law enforcement service.

2. The board of supervisors may require a bond of the petitioners conditioned for the payment of all costs and expenses incurred in the proceedings in case the district is not established.

Sec. 3. NEW SECTION. LIMITATION ON AREA. A district may include all or parts of the unincorporated areas of one township and any unincorporated areas of adjoining townships

or parts of adjoining townships, but shall not include property assessed as agricultural land, centrally assessed property, or manufacturing personal and real property. Except for property assessed as agricultural land, the owners of centrally assessed property or manufacturing property shall have the option to be included in the district.

Sec. 4. NEW SECTION. TIME OF HEARING. The public hearing required in section 2 of this Act shall be held within thirty days of the presentation of the petition. Notice of hearing shall be given by publication in two successive issues of any paper of general circulation within the district. The last publication shall be not less than one week before the proposed hearing.

Sec. 5. NEW SECTION. ACTION BY BOARD. After, and within ten days of, the hearing, the board shall either establish the district by resolution or disallow the petition.

Sec. 6. NEW SECTION. ENGINEER.

1. When the board establishes a district, the board shall appoint a competent disinterested civil engineer, who shall prepare a preliminary plat showing:

- a. The proper design in general outline of the district.
- b. The lots and parcels of land within the proposed district as they appear on the county auditor's plat books with the names of the owners.
- c. The assessed valuation of the lots and parcels.

2. The compensation of the engineer on the preliminary investigation shall be determined by the board. The engineer shall file a report with the county auditor within thirty days of appointment. The board may extend the time upon good cause shown.

Sec. 7. NEW SECTION. HEARING ON ENGINEER'S REPORT. After the engineer's report is filed, the board shall give notice as provided in section 4 of this Act, of a public hearing to be held concerning the engineer's preliminary plat. After, and within ten days of, the hearing, the board shall approve

or disapprove the preliminary plat. If the preliminary plat is disapproved, the board shall make changes in the boundaries as it deems necessary for board approval of the preliminary plat.

Sec. 8. NEW SECTION. ELECTION ON PROPOSED LEVY. When a preliminary plat has been approved by the board, an election shall be held within the district within sixty days to approve or disapprove the levy of a tax of not more than twenty-seven cents per thousand dollars of assessed value on all the taxable property within the district and to choose candidates for the offices of trustees of the district. Notice of the election, including the time and place of holding the election, shall be given as provided in section 4 of this Act. The vote shall be by ballot which shall state clearly the proposition to be voted upon and any qualified elector residing within the district at the time of the election may vote. It is not mandatory for the county commissioner of elections to conduct elections held pursuant to this Act, but the elections shall be conducted in accordance with chapter 49 where not in conflict with this Act. Judges shall be appointed to serve without pay by the board from among the qualified electors of the district to be in charge of the election. The proposition is approved if sixty percent of those voting on the proposition vote in favor of it.

Sec. 9. NEW SECTION. TRUSTEES. At the election, the names of up to three candidates for trustee shall be written in by the voters on blank ballots without formal nomination and the board shall appoint three from among the five receiving the highest number of votes as trustees for the district. One trustee shall be appointed to serve for one year, one for two years, and one for three years. The trustees and their successors shall give bond in the amount required by the board, the premium of which shall be paid by the district. Vacancies shall be filled by election, but if there are no candidates for a trustee office, the vacancy may be filled

by appointment by the board. The term of succeeding trustees shall be three years.

Sec. 10. NEW SECTION. TRUSTEES' POWERS. The trustees may provide law enforcement service and facilities and may certify for levy an annual tax not to exceed twenty-seven cents per thousand dollars of assessed value for the purpose of exercising the powers granted in this Act. This levy is optional with the trustees, but the levy shall not be made unless first approved by the voters as provided in section 8 of this Act. The trustees may purchase material, employ peace officers and other personnel, and may perform all other acts necessary to properly maintain and operate the district. The trustees are allowed necessary expenses in the discharge of their duties, but they shall not receive a salary.

Sec. 11. NEW SECTION. BONDS IN ANTICIPATION OF REVENUE. A district may anticipate the collection of taxes by the levy authorized in this Act, and to carry out the purposes of this Act may issue bonds payable in not more than ten equal installments with the rate of interest not exceeding that permitted by chapter 74A. An indebtedness shall not be incurred under this Act until authorized by an election. The election shall be held and notice given in the same manner as provided in section 8 of this Act, and the same sixty percent vote shall be necessary to authorize indebtedness. Both propositions may be submitted to the voters at the same election.

Sec. 12. NEW SECTION. DISSOLUTION OF DISTRICT. Upon petition of thirty-five percent of the resident eligible electors, the board may dissolve a district and dispose of any remaining property, the proceeds of which shall first be applied against outstanding obligations and any balance shall be applied to tax credit of property owners of the district. The board shall continue to levy a tax after dissolution of a district, of not to exceed twenty-seven cents per thousand dollars of assessed value on all the taxable

property of the district, until all outstanding obligations of the district are paid.

Sec. 13. NEW SECTION. INCORPORATION OF DISTRICT LAND.

If part of a district is incorporated by a city and there are outstanding indebtedness obligations against the district, the city shall pay the outstanding obligations against the part of the district which is incorporated by the city.

Sec. 14. NEW SECTION. ADDING PROPERTY TO DISTRICT. The

owner of any property in an unincorporated area contiguous to the boundaries of an established district may petition the board to be included in the district. Upon receipt of the petition, the board shall submit the request to a competent disinterested civil engineer to investigate the feasibility of adding the additional territory and to make a report to the board. If the board agrees that the property should be added to the district, the tax levy for the next year shall be applied to the property and on the first day of the next fiscal year the property shall become a part of the district. If the district lies in more than one county the joint action of the boards involved is required to add additional territory.

Sec. 15. NEW SECTION. DETERMINATION OF FEE.

1. The owner of any property joining an established district shall pay to the trustees of the district an initial fee to be computed as follows:

a. The trustees shall first determine fair market value of all property and improvements owned by the district, less any indebtedness.

b. The board shall then determine the assessed value of all property in the district which is not assessed as agricultural land. This shall be divided into the value determined in paragraph a.

c. The board shall determine the assessed value of the property of each landowner joining the established district which is not assessed as agricultural land.

d. The result obtained in paragraph b shall be multiplied by the result obtained in paragraph c. The result shall be the initial fee to be charged each landowner.

2. The initial fees paid to the trustees shall be used to help defray the cost and maintenance of the district's law enforcement service.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 858, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

HF 858

HOUSE FILE 861

AN ACT

TO AUTHORIZE A PERSON WHO IS CONFINED IN A HOSPITAL OR NURSING CARE FACILITY TO QUALIFY FOR CLAIMING AND AUTHORIZE AN EXECUTOR OR ADMINISTRATOR OF AN ESTATE TO FILE A CLAIM FOR THE EXTRAORDINARY PROPERTY TAX CREDIT OR REIMBURSEMENT ON THE PERSON'S HOMESTEAD, WITH A JANUARY 1 EFFECTIVE DATE.

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

Section 1. Section 425.17, subsection 4, Code 1981, is amended to read as follows:

4. "Homestead" means the dwelling owned or rented and actually used as a home by the claimant during all or part of the base year, and so much of the land surrounding it including one or more contiguous lots or tracts of land, as is reasonably necessary for use of the dwelling as a home, and may consist of a part of a multidwelling or multipurpose building and a part of the land upon which it is built. It does not include personal property except that a mobile home may be a homestead. Any dwelling or a part of a multidwelling or multipurpose building which is exempt from taxation does not qualify as a homestead under this division. A homestead must be located in this state. When a person is confined in a nursing home, extended-care facility, or hospital, the person shall be considered as occupying or living in the person's homestead if the person is the owner of the homestead and the person maintains the homestead and does not lease, rent, or otherwise receive profits from other persons for the use of the homestead.

Sec. 2. Section 425.17, subsection 5, Code 1981, is amended to read as follows:

5. "Claimant" means a person filing a claim for credit or reimbursement under this division who has attained the age of sixty-five years on or before December 31 of the base year or who is a surviving spouse having attained the age of fifty-five years on or before December 31 of the base year, or who is totally disabled and was totally disabled on or before December 31 of the base year, and was domiciled in this state during the entire base year and is domiciled in this state at the time the claim is filed or at the time of the person's death in the case of a claim filed by the executor or administrator of the claimant's estate. "Claimant" includes a vendee in possession under a contract for deed and may include one or more joint tenants or tenants in common. In the case of a claim for rent constituting property taxes paid, the claimant shall have rented the property during any part of the base year. If a homestead is occupied by two or more persons, and more than one person is able to qualify as a claimant, the persons may determine among them who will be the claimant. If they are unable to agree, the matter shall be referred to the director of revenue not later than October 31 of each year and the director's decision shall be final.

Sec. 3. Section 425.18, Code 1981, is amended to read as follows:

425.18 ~~CLAIMANT'S PERSONAL~~ RIGHT TO FILE A CLAIM. The right to file a claim for credit under this division ~~shall be~~ is personal to the claimant and ~~shall~~ does not survive the claimant's death, but the right may be exercised on behalf of a claimant by ~~his or her~~ the claimant's legal guardian, spouse or attorney. The right to file a claim for reimbursement under this division may be exercised by the claimant or on behalf of a claimant by the claimant's legal guardian; spouse, or attorney, or by the executor or administrator of the claimant's estate. If a claimant dies after having filed a claim for reimbursement for rent constituting property taxes paid, the amount of the

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reimbursement may be paid to another member of the household as determined by the director. If the claimant was the only member of the household, the reimbursement may be paid to the claimant's executor or administrator, but if neither is appointed and qualified within one year from the date of the filing of the claim, the reimbursement shall escheat to the state. If a claimant dies after having filed a claim for credit for property taxes due, the amount of credit shall be paid as if the claimant had not died.

Sec. 4. This Act takes effect January 1 following enactment.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 861, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

HOUSE FILE 2171

AN ACT

RELATING TO TAXATION BY UPDATING REFERENCES TO THE INTERNAL REVENUE CODE IN THE STATE INCOME, FRANCHISE, AND INHERITANCE TAX LAWS, PROVIDING CERTAIN CHANGES FROM AND CERTAIN COORDINATING AMENDMENTS TO THE INTERNAL REVENUE CODE, PROVIDING FOR THE ASSESSMENT OF COMPUTERS AND MACHINERY USED IN MANUFACTURING, INCREASING THE PERSONAL PROPERTY TAX CREDIT, IMPOSING A MINIMUM TAX, INCREASING THE STATE CORPORATE TAX RATES, AMENDING CERTAIN INHERITANCE TAX PROVISIONS, MAKING AN APPROPRIATION, SPECIFYING THAT NO PROVISION OF THE STATE INCOME TAX LAW REQUIRES THE STATE COMMERCE COMMISSION TO ALLOW OR REQUIRE A PARTICULAR METHOD OF ACCOUNTING BY PUBLIC UTILITIES, AND MAKING CERTAIN PROVISIONS OF THE ACT RETROACTIVE AND MAKING THE ACT EFFECTIVE UPON PUBLICATION.

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

Section 1. Section 422.4, subsection 17, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 132, section 2, is amended, to read as follows:

17. "Internal Revenue Code of 1954" means the Internal Revenue Code of 1954, as amended to and including January 1, ~~1981~~ **1982**.

Sec. 2. Section 422.5, code **1981**, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition to all taxes imposed under this division, there is imposed upon every resident and nonresident, including resident and nonresident estates and trusts, of this state, a state minimum tax for tax preference items equal to twenty-five percent of the state's apportioned share of the federal minimum tax. The state's

apportioned share of the federal minimum tax is one hundred percent in the case of a resident and in the case of a nonresident a percent equal to the ratio of the federal minimum tax on preferences attributable to Iowa to the federal minimum tax on all preferences. The director shall prescribe rules for the determination of the amount of the federal minimum tax on preference items attributable to Iowa which shall be based as much as equitably possible on the allocation provisions of section 422.8, subsections 2 and 3. For purposes of this paragraph, "federal minimum tax" means the federal minimum tax for tax preferences computed under sections 55 through 58 of the Internal Revenue Code of 1954 for the tax year.

Sec. 3. Section 422.7, subsection 8, Code 1981, is amended to read as follows:

8. Married taxpayers who file a joint federal income tax return and who elect to file separate returns or separate filing on a combined return for Iowa income tax purposes, may avail themselves of the ~~additional-first-year-depreciation expensing of business assets~~ and capital loss provisions of sections 179(a) and 1211(b) respectively of the Internal Revenue Code of 1954 and shall compute the amount of ~~additional first-year-depreciation expensing of business assets~~ and capital loss subject to the limitations for joint federal income tax return filers provided by sections 179(b) and 1211(b) respectively of the Internal Revenue Code of 1954.

Sec. 4. Section 422.7, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Married taxpayers, who file a joint federal income tax return and who elect to file separate returns or separate filing on a combined return for state income tax purposes, may avail themselves of the dividend exclusion provisions of section 116(a) of the Internal Revenue Code of 1954 and shall compute the dividend exclusion subject to the limitations for joint federal income tax return filers

provided by section 116(a) of the Internal Revenue Code of 1954.

Sec. 5. Section 422.7, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. The exclusion of interest income provided by section 128 of the Internal Revenue Code of 1954 is not applicable in computing Iowa net income for tax years beginning on or after January 1, 1981 and before January 1, 1984.

Sec. 6. Section 422.7, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. The deduction for a married couple where both persons are wage earners which is provided by section 221 of the Internal Revenue Code of 1954 is not applicable in computing Iowa net income for tax years beginning on or after January 1, 1982.

Sec. 7. Section 422.7, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. The deduction allowed under section 162 (h) of the Internal Revenue Code of 1954 is not applicable in computing Iowa net income for any tax year beginning on or before December 31, 1980. The deduction allowed under section 604 of the tax reform Act of 1976, as amended up to and including December 31, 1980, is allowable in computing Iowa net income, for tax years beginning on or before December 31, 1980, under provisions effective for the year for which the return is made. The deduction allowed under section 162(h) of the Internal Revenue Code of 1954 is not applicable in computing Iowa net income for any tax year beginning on or after January 1, 1981. The deduction allowed under section 604 of the tax reform Act of 1976, as amended up to and including December 31, 1980, is allowable in computing Iowa net income for tax years beginning on or after January 1, 1981. The maximum allowable deduction, other than for travel expense, shall not exceed fifty dollars per day, where the taxpayer elects on the Iowa return to be governed by section

604 of the tax reform Act of 1976, as amended up to and including December 31, 1980, unless the taxpayer itemized expenses.

Sec. 8. Section 422.7, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Add the amounts deducted as a result of the treatment provided sale-leaseback agreements under section 168(f)(8) of the Internal Revenue Code of 1954 to the extent that the amounts deducted are not otherwise deductible under the provisions of the Internal Revenue Code of 1954.

Sec. 9. Section 422.9, subsection 2, Code 1981, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. Subtract the adoption deduction permitted under section 222 of the Internal Revenue Code of 1954.

Sec. 10. Section 422.9, subsection 3, paragraphs b and c, Code 1981, are amended to read as follows:

b. The Iowa net operating loss remaining after being carried back as required in paragraph "a" of this subsection or if not required to be carried back shall be carried forward seven fifteen taxable years.

c. If the election under section 172(b)(3)(C) of the Internal Revenue Code of 1954 is made, the Iowa net operating loss shall be carried forward seven fifteen taxable years.

Sec. 11. Section 422.32, subsection 4, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 132, section 7, is amended to read as follows:

4. "Internal Revenue Code of 1954" means the Internal Revenue Code of 1954, as amended to and including January 1, ~~1981~~ 1982.

Sec. 12. Section 422.33, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. In addition to all taxes imposed under this division, there is imposed upon each corporation doing

business within the ~~state~~ a state minimum tax for tax preference equal to twenty-five percent of the state's apportioned share of ~~the~~ federal minimum tax. The state's apportioned share of ~~the~~ federal minimum tax is a percent equal to the ratio of ~~the~~ federal minimum tax on preferences attributable to Iowa to the federal minimum tax on all preferences. The director shall prescribe rules for the determination of the amount of the federal minimum tax on preferences attributable to Iowa which shall be based as much as equitably possible on the allocation and apportionment provisions of subsections 1 and 2. For purposes of this subsection, "federal minimum tax" means the federal minimum tax for tax preferences computed under sections 55 through 58 of the Internal Revenue Code of 1954 for the tax year.

Sec. 13. Section 422.33, unnumbered paragraph 4, Code 1981, is amended to read as follows:

On taxable income ~~of~~ between one hundred thousand dollars ~~or more~~ and two hundred fifty thousand dollars or any part thereof, the rate of ten percent.

On taxable income of two hundred fifty thousand dollars or more, the rate of twelve percent.

Sec. 14. Section 422.35, subsection 7, paragraphs b and c, Code 1981, are amended to read as follows:

b. The Iowa net operating loss remaining after being carried back as required in paragraph "a" of this subsection or if not required to be carried back shall be carried forward ~~seven~~ fifteen taxable years.

c. If the election under section 172(b)(3)(C) of the Internal Revenue Code of 1954 is made, the Iowa net operating loss shall be carried forward ~~seven~~ fifteen taxable years.

Sec. 15. section 422.35, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Add the amounts deducted as a result of the treatment provided sale-leaseback agreements under section 168(f)(8) of the Internal Revenue Code of 1954 to the extent

that the amounts deducted are not otherwise deductible under the other provisions of the Internal Revenue Code of 1954.

Sec. 16. Section 422.60, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition to all taxes imposed under this division, there is imposed upon each financial institution doing business within the state a state minimum tax for tax preference items equal to twenty-five percent of the ~~state's~~ apportioned share of the federal minimum tax. The state's apportioned share of the federal minimum tax ~~is~~ a percent equal to the ratio of the federal minimum tax on preferences attributable to Iowa to the federal minimum tax on all preferences. The director shall prescribe rules for the determination of the amount of the federal minimum tax on preferences attributable to Iowa which shall be based as much as equitably possible on the allocation and apportionment provisions of section 422.63. For purposes of this subsection, "federal minimum tax" means the federal minimum tax for tax preferences computed and paid or payable under sections 55 through 58 of the Internal Revenue Code of 1954, as amended to and including January 1, 1982.

Sec. 17. Chapter 422, division VI, Code 1981, is amended by adding the following new section:

NEW SECTION. Nothing in this chapter shall be construed to require the Iowa state commerce commission to allow or require the use of any particular method of accounting by any public utility to compute its tax expense, depreciation ~~expense, or operating expense for purposes of establishing~~ its cost of service for rate-making purposes and for reflecting operating results in its regulated books of account.

Sec. 18. Section 427A.9, Code 1981, is amended by inserting after unnumbered paragraph 2 the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section which require an increase in general fund

revenues in excess of five and one-half percent, adjusted for changes in rate or basis, to increase the personal property tax credit, the amount of the personal property tax credit, to be allowed for taxes payable in the fiscal year beginning July 1, 1982 and ending June 30, 1983 shall be increased as provided in this section.

Sec. 19. Chapter 4278, Code 1981, is amended by adding sections 20 through 24 of this Act.

Sec. 20. NEW SECTION. For property defined in section 427A.1, subsection 1, paragraphs e and j acquired or initially leased after December 31, 1981, the taxpayer's valuation shall be limited to thirty percent of the net acquisition cost of the property. For purposes of this section, "net acquisition cost" means the acquired cost of the property including all foundations and installation cost less any excess cost adjustment.

For purposes of sections 20 to 24 of this Act:

1. Property assessed by the department of revenue pursuant to sections 428.24 to 428.29, or chapters 433, 434 and 436 to 438 shall not receive the benefits of sections 20 to 24 of this Act.

2. Property acquired on or before December 31, 1981 which was owned or used on or before December 31, 1981 by a related person shall not receive the benefits of sections 20 to 24 of this Act.

3. Property acquired after December 31, 1981 which was owned and used by a related person shall not receive any additional benefits under sections 20 to 24 of this Act.

4. Property which was owned or used on or before December 31, 1981 and subsequently acquired by an exchange of like property shall not receive the benefits of sections 20 to 24 of this Act.

5. Property which was acquired after December 31, 1981 and subsequently exchanged for like property shall not receive any additional benefits under sections 20 to 24 of this Act.

6. Property acquired on or before December 31, 1981 which is subsequently leased to a taxpayer or related person who previously owned the property shall not receive the benefits of sections 20 to 24 of this Act.

7. Property acquired after December 31, 1981 which is subsequently leased to a taxpayer or related person who previously owned the property shall not receive any additional benefits under sections 20 to 24 of this Act.

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

Sec. 21. NEW SECTION. On or before July 1 of each year, the assessor shall determine the taxpayer's value of the property specified in section 20 of this Act and the value at which the property would be assessed in the absence of sections 20 to 24 of this Act, and report the values to the county auditor.

On or before July 1 of the following year the county auditor shall prepare a statement listing for each taxing jurisdiction in the county:

1. The difference between the assessed value of property defined in section 427A.1, subsection 1, paragraphs e and j and assessed pursuant to section 20 of this Act as of January 1 of the preceding year, and the value at which the property would be assessed in the absence of sections 20 to 24 of this Act.

2. The tax levy rate for each taxing jurisdiction levied against assessments made as of January 1 of the previous year.

3. The machinery and computer tax replacement claim for

each taxing district, ^{1.4.4}which is equal to the amount determined pursuant to subsection 1 of this section, multiplied by the tax rate specified in subsection 2 of this section.

The county auditor shall certify and forward one copy of the statement to the state comptroller not later than July 1 of each year.

Sec. 22. NEW SECTION. Each county treasurer shall be reimbursed an amount equal to the machinery and computer tax replacement claim for that county determined pursuant to section 21, subsection 3, of this Act. The reimbursement shall be made in two equal installments on or before September 30 and March 30 of each year. The county treasurer shall apportion the disbursement in the manner provided in section 445.57.

Sec. 23. NEW SECTION. There is appropriated annually from the general fund of the state to the state comptroller an amount sufficient to carry out the provisions of sections 20 to 24 of this Act.

Sec. 24. NEW SECTION. Property defined in section 427A.1, subsection 1, paragraphs e and j and assessed under sections 20 to 24 of this Act shall not be eligible to receive a partial exemption under sections 427B.1 to 427B.6.

Sec. 25. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 132, sections 4 and 5, are repealed.

Sec. 26. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 147, section 14, is amended to read as follows:

SEC. 14. NEW SECTION. There is imposed upon the qualified heir an additional inheritance tax if, within fifteen ten years after the decedent's death and before the death of the qualified heir, the qualified heir disposes of, other than to a member of the family, any interest in qualified real property for which an election under section 13 of this Act was made or ceases to use for the qualified use the qualified real property for which an election under section 13 of this

Act was made as prescribed in section 2032A(c) of the Internal Revenue Code of 1954. The additional inheritance tax shall be the amount computed under ~~sections-15-and~~ section 16 of this Act and shall be due six months after the date of the disposition or cessation of qualified use referred to in this section. The amount of the additional inheritance tax shall accrue interest at the rate of ten percent per year from nine months after the decedent's death to the due date of the tax. The tax shall be paid to the department of revenue and shall be deposited into the general fund of the state. Taxes not paid within the time prescribed in this section shall draw interest at the rate of ten percent per annum until paid. There shall not be an additional inheritance tax if the disposition or cessation occurs ten years or more after the decedent's death.

Sec. 27. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 147, section 15, is repealed.

Sec. 28. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 147, section 17, is amended to read as follows:

SEC. 17. NEW SECTION. A lien is created in favor of the state for the additional inheritance tax which may be imposed by section 14 of this Act on the qualified real property for which an election has been made under section 13 of this Act. The lien created by this section shall continue until the tax has been paid or ten years after the tax is due, whichever date occurs first. However, the lien shall expire fifteen ten years after the decedent's death if the qualified heir has not disposed of or ceased to use for the qualified use the qualified real property which would impose the tax under section 14 of this Act. The department of revenue may release the lien prior to the payment of the tax due, if any, if adequate security for payment of the tax is given.

Unless the lien has been perfected by recording in the office of the recorder in the county where the estate is

probated, a transfer of the qualified real property to a bona fide purchaser for value shall divest the property of the lien. If the lien is perfected by recording, the rights of the state under the lien have priority over all subsequent mortgagees, purchasers or judgment creditors. The lien may be foreclosed by the director of revenue in the same manner as is now prescribed for the foreclosure of real estate mortgages and upon judgment, execution shall be issued to sell as much of the property necessary to satisfy the tax, interest and costs due.

Sec. 29. The prohibition in section 422.16, subsection 11, paragraph e, on the waiver relating to reasonable cause of the addition to tax for underpayment of the estimated tax payable shall not apply with regard to the 1981 tax year to farmers and fishermen who have elected not to pay estimated taxes during the 1981 tax year and the director shall waive the addition to tax for underpayment of the estimated tax payable for the 1981 tax year to March 31, 1982 for reasonable cause.

Sec. 30. Sections 1, 5, 7, 8, 9, 11, 13, and 15 of this Act are retroactive to January 1, 1981 for tax years beginning on or after January 1, 1981.

Sec. 31. Sections 2, 3, 4, 6, 12, 16, and 25 of this Act are retroactive to January 1, 1982 for tax years beginning on or after January 1, 1982.

Sec. 32. Sections 10 and 14 of this Act are retroactive to January 1, 1976 for losses arising in tax years ending on or after January 1, 1976.

Sec. 33. Sections 19, 20, 21, 22, 23, and 24 of this Act are retroactive to December 31, 1981 for property acquired or leased after December 31, 1981.

Sec. 34. Sections 26, 21, and 28 of this Act are effective July 1, 1982 for estates of individuals dying on or after July 1, 1982.

Sec. 35. This Act, being deemed of immediate importance, takes effect from and after its publication in the Charles City Press, a newspaper published in Charles City, Iowa, and in The Record-Herald and Indianola Tribune, a newspaper published in Indianola, Iowa.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2171, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

HOUSE FILE 2336

AN ACT

RELATING TO **ADJUSTMENTS** TO APPROPRIATIONS FOR **THE 1981-1983** FISCAL PERIOD, INCLUDING PROVISIONS AFFECTING THE EXPENDITURE OF FUNDS AND REVERSIONS AND CERTAIN FEES.

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

DIVISION 1

Section 1. There is appropriated from the general fund of the state to the Iowa commission for the blind for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of one hundred ten thousand twelve (110,012) dollars, or so much thereof as is necessary to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 1. It is the intent of the general assembly that the funds appropriated in this section be used to fund six staff positions in the library services program.

Notwithstanding section 8.33, unencumbered or unobligated funds appropriated by this section for the fiscal year beginning July 1, 1981 and ending June 30, 1982 shall not revert to the general fund of the state until June 30, 1983.

Sec. 2. There is appropriated from the general fund of the state to the department of public instruction for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of six hundred twenty-three thousand (623,000) dollars or so much thereof as is necessary to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 18.

Sec. 3. Notwithstanding section 8.33, not more than seven hundred ninety-eight thousand eight hundred eighty-one (798,881) dollars of unencumbered or unobligated funds

appropriated in Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 9, for the fiscal year beginning July 1, 1981 and ending June 30, 1982, that have been allocated by the state board of regents for fuel and electricity purposes for the institutions under the state board of regents may be carried forward and expended during the fiscal year beginning July 1, 1982 and ending June 30, 1983. The amount carried forward shall be used to supplement the amount allocated by the state board of regents for fuel and electricity in the fiscal year beginning July 1, 1982 and ending June 30, 1983. For the purpose of this section, twenty-one million, three hundred fifty-nine thousand nine hundred twenty-six (21,359,926) dollars of funds appropriated in Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 8, section 9, have been allocated by the state board of regents for fuel and electricity purposes in the fiscal year beginning July 1, 1981 and ending June 30, 1982.

Sec. 4. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the state board of regents for the specialized child health services program at the university of Iowa hospitals, six thousand seventy-five (6,075) dollars, or so much thereof as is necessary, to be used to replace the loss of federal funds to the phenylketonuria program. The funds appropriated in this section shall only be used to cover the cost of lofenalac required for treatment of phenylketonuria.

DIVISION 2

Sec. 5. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the state department of health for the health facilities division, twenty thousand one hundred thirty-five (20,135) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 5, section 4, subsection 2.

Sec. 6. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to ~~the state~~ department of health for the licensing and certification division, eight thousand six hundred (8,600) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 5, section 4, subsection 5. Of the funds appropriated under this section, six thousand five hundred (6,500) dollars is appropriated to the board of physical and occupational therapy examiners and two thousand one hundred (2,100) dollars is appropriated to the board of mortuary science examiners.

Sec. 7. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 5, section 4, subsection 7, paragraph d, is amended by adding the following new unnumbered paragraph:
NEW UNNUMBERED PARAGRAPH. The department shall identify any homemaker-home health aide funds allocated to counties under this paragraph which the counties do not anticipate spending during the fiscal year ending June 30, 1982. If the anticipated excess funds to any county are substantial, the department and the county may agree to return the excess funds to the department. The department may reallocate the excess funds to counties whose allocations are substantially insufficient to pay for homemaker-home health aide services during the fiscal year ending June 30, 1982.

DIVISION 3

Sec. 8. There is appropriated from the general fund of the state to the department of environmental quality for the fiscal year beginning July 1, 1981 and ending June 30, 1982 the sum of thirty thousand nine hundred twenty-five (30,925) dollars or so much thereof as is necessary to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 12, section 9, subsection 1.

Sec. 9. It is the intent of the general assembly that the fee schedule required by section 455B.32, subsection 6, be implemented. The fees shall be deposited in the general fund of the state.

DIVISION 4

Sec. 10. There is appropriated from the general fund of the state to the Iowa beer and liquor control department for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of eighty thousand (80,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the sixty-ninth General Assembly, 1981 Session, chapter 6, section 2, subsection 3.

Sec. 11. There is appropriated from the general fund of the state to the insurance department of Iowa for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of sixty thousand (60,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 6, section 2, subsection 9.

Sec. 12. There is appropriated from the general fund of the state to the department of revenue for the fiscal period beginning July 1, 1981 and ending June 30, 1983 the amount of two hundred thirty-seven thousand five hundred (237,500) dollars, or so much thereof as is necessary to pay the attorney fees, witness fees, travel and other legal fees for three pipeline cases in litigation before the state board of tax review which involves valuation of property for tax purposes.

DIVISION 5

Sec. 13. Pursuant to section 2604 of the federal Omnibus Budget Reconciliation Act of 1981, one million six hundred thousand (1,600,000) dollars of this state's allotment of funds under the federal Low-Income Home Energy Assistance Act of 1981, section 2601, et seq., of the federal Omnibus Budget Reconciliation Act of 1981, is transferred within the

special fund in the state treasury established under Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3, for use and appropriation by the general assembly as authorized by the federal Social Services Block Grant Act, section 2351, et seq., of the Federal Omnibus Budget Reconciliation Act of 1981.

Sec. 14. There is appropriated from the special fund in the state treasury established by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3 from those federal social services block grant funds transferred from federal energy assistance funds under section 13 of this Act, for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services, the following amounts, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by the following designated portions of chapters of Acts of the Sixty-ninth General Assembly, 1981 Session:

Supplemental Appropriation from Low-Income Home Energy Assistance Act Funds transferred to the Social Services Block Grant Act Funds
1981-1982 Fiscal Year

1. For general administration under chapter 7, section 1	\$ 99,800
2. For the division of field operations under chapter 7, section 2	\$ 649,800
3. For home-based services under chapter 7, section 3, subsection 8, provided that the funds appropriated for home-based services under this subsection and Acts of the Sixty-ninth General Assembly, 1981	

Session, chapter 7, section 3, subsection 8, for the fiscal year beginning July 1, 1981, and ending June 30, 1982, may be used only for home-based services and shall not be transferred or used for any other purposes, notwithstanding section 8.39

.....	\$ 7,400
4. For foster care under chapter 7, section 3, subsection 9	\$ 236,400
5. For community-based services under chapter 7, section 3, subsection 10	\$ 6,400

Sec. 15. There is appropriated from the special fund in the state treasury established by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3 from those federal social services block grant funds transferred from federal energy assistance funds under section 13 of this Act, for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services six hundred thousand two hundred (600,200) dollars, or so much thereof as is necessary, for allocation to the various districts of the department of social services for the purchase of local day care services and other local services for eligible individuals and for allocation to the various counties for local administration, under the fiscal year 1981-1982 state plan for use of the funds received under Title XX of the federal Social Security Act.

Sec. 16. The eligibility level for services under Title XX of the federal Social Security Act, also referred to as services provided with social services block grant funds, for the fiscal year beginning July 1, 1981, and ending June 30, 1982, shall not be reduced below forty-one and two-tenths percent of the federal median income as established in the

fiscal year 1981-1982 state plan for use of funds received under Title XX of the federal Social Security Act.

Sec. 17. The appropriation from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services for general administration under Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 1 is reduced by five hundred thirty-four thousand two hundred (534,200) dollars, which is in addition to the reduction of general administration funds released, deposited, and transferred under Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17.

Sec. 18. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services for the division of field operations one million four hundred seventy-five thousand (1,475,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 2.

Sec. 19. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services for medical assistance nine million seven hundred thirty-five thousand (9,735,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2.

1. The medical assistance program established in Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, unnumbered paragraph 2, for those eligible children under twenty-one years of age shall be continued through June 30, 1982.

2. The maximum co-payments allowed by federal law or regulation shall be placed on all optional services under the medical assistance program. A fixed co-payment shall be established for each optional service by computing the

average or typical payment for each optional service. The co-pay requirement shall not apply to the services provided under the early and periodic screening, diagnosis, and treatment program and to services provided to recipients in hospitals, skilled nursing facilities, intermediate care facilities, intermediate care facilities for the mentally retarded, and state mental health institutes.

3. The medical assistance reimbursement rate for reserve bed days for intermediate care facility residents who are hospitalized or on a home stay shall be reduced from eighty percent to seventy-five percent of the allowable audited costs for those beds, which costs shall not exceed the maximum daily reimbursement rate for intermediate care facilities under the medical assistance program.

4. Medical assistance payments shall not be made for inpatient hospital services which can effectively and safely be performed on an outpatient basis.

5. Notwithstanding section 249A.4, subsections 1 and 9, medical assistance payments to hospitals, skilled nursing facilities, and intermediate care facilities shall be limited to the rate applicable to the lowest level of care medically required by the patient, including the rate for residential care facilities, rather than to the level of care for which the hospital or facility is certified to provide under the medical assistance program.

6. Notwithstanding section 249A.4, subsections 1 and 9, and Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, unnumbered paragraph 6, medical assistance payments for all mandatory and optional services, except for intermediate care facility services; intermediate care facility services for the mentally retarded, services provided to recipients in state mental health institutes, and medical transportation services other than ambulance services, shall be reduced by a factor of two and one-half percent. However, the two and one-half percent reduction shall not apply to the ingredient cost of prescription drugs or to hospital reimbursements.

7. Criteria for prior authorization of specified services under the medical assistance program shall be scrutinized to determine whether the current review process results in the most effective provision of needed services. If a change in the review process would be beneficial, the criteria shall be modified to change the review process or to subject additional services to prior authorization.

Sec. 20. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services for contractual services-medical carrier three hundred forty-eight thousand (348,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 3.

Sec. 21. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services for state supplementary assistance one hundred fifty thousand (150,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 6.

Sec. 22. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services for foster care one hundred four thousand (104,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 9.

Sec. 23. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services for community-based services eighty-five thousand (85,000) dollars, or so much thereof as is necessary, to be used for

the same purposes and to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 10.

Sec. 24.

1. The appropriation from the general fund of the state for the fiscal year beginning July 1, 1981, and ending March 31, 1982, to the department of social services for shelter cost assistance under Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 4, is reduced by two hundred thousand (200,000) dollars.

2. The shelter cost assistance program established in Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 4, shall be continued through June 30, 1982, and the appropriation in Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 4 shall be available for the program through June 30, 1982. However, the eligibility criteria for the program need not be more restrictive than the criteria established by Title IV-A of the federal Social Security Act in effect on September 30, 1981.

Sec. 25. There is appropriated from the general fund of this state for the fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services nine hundred seventy-three thousand (973,000) dollars, or so much thereof as is necessary, for supplementation of federal social services block grant funds and for allocation to the various districts of the department of social services for the purchase of local day care services and other local services for eligible individuals and for allocation to the various counties for local administration, under the fiscal year 1981-1982 state plan for use of funds received under Title XX of the federal Social Security Act.

Sec. 26. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 5, is repealed.

Sec. 27. The department of social services shall adopt administrative rules under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b relating to section

15, section 19, subsections 2 through 7, and section 25 of this Act, and may adopt administrative rules under section 17A.4, subsection 2 and ~~section~~ 17A.5, subsection 2, paragraph b relating to section 19, subsection 1 and section 24, subsection 2 of this Act, and the rules shall become effective immediately upon filing, unless a later effective date is specified in the rules.

Sec. 28. Notwithstanding section 252B.4, if federal law or regulation requires the imposition of a fee on an individual who owes a support obligation for the support collection services provided under chapter 252B to a resident parent not otherwise eligible as a public assistance recipient, the commissioner of the department of social services shall charge the individual the fee required by federal law or regulation which may be in addition to the actual amount of support owed by the individual.

DIVISION 6

Sec. 29. There is transferred from the office of the treasurer of state to the account of the state historical department the balance of the life membership trust fund on June 30, 1981. The funds shall be expended as provided in section 303.9.

Sec. 30. For the fiscal years beginning July 1, 1981, and July 1, 1982, the Iowa department of justice may receive and there is appropriated, in addition to its appropriation from the general fund, not exceeding ninety-five thousand (95,000) dollars each year from damages awarded to the state or its political subdivisions by any civil antitrust judgment, for use in antitrust enforcement, if the judgment allows the funds received to be used for such purposes.

Sec. 31. There is appropriated from the ~~general~~ fund of the state to the Iowa merit employment department for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of seven thousand three hundred fifty (7,350) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the

Sixty-ninth General Assembly, 1981 Session, chapter 10, section 7, subsection 6.

DIVISION 7

Sec. 32. Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1095, section 22, is amended to read as follows:

SEC. 22. There is appropriated from the general fund of the state for the use of the Iowa railway finance authority for the fiscal period beginning July 1, 1980 and ending June 30, 1983 the sum of two hundred seventy-five thousand (275,000) dollars, or so much thereof as is necessary, to be used for salaries, support, maintenance and miscellaneous purposes and to establish and maintain the Iowa railway finance authority and its staff, to promulgate rules under chapter seventeen A (17A) of the Code and for planning purposes. ~~Section-eight-point-thirty-three-(8.33)-of-the-Code-shall not-apply-to-the-funds-appropriated-by-this-section.--The funds-appropriated-by-this-section-which-are-unencumbered and-unobligated-on-July-1, 1982-shall-be-transferred-to-the railroad-assistance-fund-and-be-available-for-the-purposes provided-in-chapter-three-hundred-twenty-seven-H-(327H)-of the-Code.~~

Sec. 33. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of three thousand nine hundred (3,900) dollars, or so much thereof as may be necessary, to supplement funds appropriated by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 14, section 1, subsection 1.

Sec. 34. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of one hundred thirty-one thousand nine (131,009) dollars, or so much thereof as may be necessary, to repay the United States government for overpayments received for intermediate care facility inspection.

Sec. 35. Acts of the 'sixty-ninth General Assembly, 1981 Session, chapter 14, section 9, is amended to read as follows:

SEC. 9. All unencumbered or unobligated balances of funds remaining on June 30, 1985, from funds appropriated by subsection 2 of section 6 8 shall revert to the primary road fund on September 30, 1985.

DIVISION 8

Sec. 36. Matching state funds released due to federal grant reductions pursuant to the consolidation of federal categorical grants into federal block grants, and deposited in a special fund in the state treasury during the fiscal year beginning July 1, 1981 under Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 4, are transferred to the general fund of the state.

The matching state funds released, deposited, and transferred under this section are portions of those funds appropriated for the fiscal year beginning July 1, 1981, and ending June 30, 1982, under the following Acts of the Sixty-ninth General Assembly, 1981 session:

1. Chapter 7, section 1; section 2; section 3, subsection 8; section 3, subsection 9; and section 3, subsection 10; and

2. Chapter 5, section 6, subsection 1.

Sec. 37. Matching state funds released due to federal categorical grant reductions and deposited in a special fund in the state treasury during the fiscal year beginning July 1, 1981 under Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 5, subsection 5, are transferred to the general fund of the state.

The matching state funds released, deposited, and transferred under this section are portions of those funds appropriated for the fiscal year beginning July 1, 1981, and ending June 30, 1982, under the following Acts of the Sixty-ninth General Assembly, 1981 session:

1. Chapter 7, section 1; section 2; section 3, subsection 1; section 3, subsection 2; section 3, subsection 3; section 3, subsection 4; and section 3, subsection 9;

2. Chapter 10, section 7, subsection 5, paragraph a; section 7, subsection 8, paragraph a;

3. Chapter 12, section 9, subsection 1; section 12, subsection 2, paragraph c; and

4. Chapter 8, section 8, subsection 4.

Sec. 38. This Act, being deemed of immediate importance, takes effect from and after its publication in The Daily Iowan, a newspaper published in Iowa City, Iowa, and in The Sioux City Journal, a newspaper published in Sioux City, Iowa.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2336, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

1.1.1,

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HOUSE FILE 2351

AN ACT

RELATING TO PROPERTY TAX BY PROVIDING FOR EXEMPTIONS FOR WETLANDS, RECREATIONAL LAKES, FOREST COVER, FOREST RESERVATIONS, RIVERS AND STREAMS, RIVER AND STREAM BANKS, WILDLIFE HABITATS, NATIVE PRAIRIES, AND OPEN PRAIRIES, INCREASING THE AMOUNT OF ACRES TO BE EXEMPTED FOR CERTAIN ORGANIZATIONS, AND INCREASING THE ASSESSED VALUE OF FRUIT-TREE AND FOREST RESERVATIONS.

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

Section 1. Section 427.1, subsection 9, Code 1981, is amended to read as follows:

9. Property of religious, literary, and charitable societies. All grounds and buildings used or under construction by literary, scientific, charitable, benevolent, agricultural, and religious institutions and societies solely for their appropriate objects, not exceeding three hundred twenty acres in extent and not leased or otherwise used or under construction with a view to pecuniary profit. However, an organization mentioned in this subsection whose primary objective is to preserve land in its natural state may own or lease land not exceeding three hundred twenty acres in each county for its appropriate objects. All deeds or leases

by which such property is held shall be filed for record before the property herein described shall be omitted from the assessment. All such property shall be listed upon the tax rolls of the district or districts in which it is located and shall have ascribed to it an actual fair market value and an assessed or taxable value, as contemplated by section 441.21, whether such property be subject to a levy or be exempted as herein provided and such information shall be open to public inspection.

Sec. 2. Section 427.1, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. Wetlands, recreational lakes, forest covers, forest reservations, rivers and streams, river and stream banks, and open prairies as designated by the board of supervisors of the county in which located. The board of supervisors shall annually designate the real property, not to exceed in the aggregate for the fiscal year beginning July 1, 1983 the greater of one percent of the acres assessed as agricultural land or three thousand acres in each county, for which this exemption shall apply. For subsequent fiscal years, the limitation on the maximum acreage of real property that may be granted exemptions shall be the limitation for the previous fiscal year, unless the amount of acreage granted exemptions for the previous fiscal year equaled the limitation for that year: then the limitation for the subsequent fiscal year is the limitation for the previous fiscal year plus an increase, not to exceed three hundred acres, of ten percent of that limitation. However, the board of supervisors shall grant a tax exemption to a tract of land if it fulfills the conditions of sections 161.1 to 161.13 for a forest reservation. The acreage granted this exemption for a forest reservation shall not be included within the limitation for the fiscal year for which the exemption is granted. The procedures of this subsection shall be followed for each assessment year to procure an exemption for the fiscal year

beginning in the assessment year. The exemption shall be only for the fiscal year, for which it is granted, except that an exemption granted for wetlands shall be for three fiscal years. A parcel of property may be granted subsequent exemptions. The exemption shall only be granted for parcels of property of two acres or more.

Application for this exemption shall be filed with the commissioners of the soil conservation district in which the property is located, or if not located in a district, to the board of supervisors, not later than April 15 of the assessment year, on forms provided by the department of revenue. However, in the case of an exemption granted for wetlands an application does not have to be filed for the second and third years of the three-year exemption period. The application shall describe and locate the property to be exempted and have attached to it an aerial photo of that property on which is outlined the boundaries of the property to be exempted. In the case of an open prairie which is or includes a gully area susceptible to severe erosion, an approved erosion control plan must accompany the application. Upon receipt of the application, the commissioners or the board of supervisors, if the property is not located in a soil conservation district, shall certify whether the property is eligible to receive the exemption. The commissioners or board shall not withhold certification of the eligibility of property because of the existence upon the property of an abandoned building or structure which is not used for economic gain. If the commissioners certify that the property is eligible, the application shall be forwarded to the board of supervisors by May 1 of that assessment year with the certification of the eligible acreage. An application must be accompanied by an affidavit signed by the applicant that if an exemption is granted, the property if other than a forest reservation will not be used for economic gain during the assessment year in which the exemption is granted.

Before the board of supervisors may designate real property for the exemption, it shall establish priorities for the types of real property for which an exemption may be granted and the amount of acreage. These priorities may be the same as or different than those for previous years. The board of supervisors shall get the approval of the governing body of the city before an exemption may be granted to real property located within the corporate limits of that city. A public hearing shall be held with notice given as provided in section 23.2 at which the proposed priority list shall be presented. After the public hearing, the board of supervisors shall adopt by resolution the proposed priority list or another priority list. Property upon which are located abandoned buildings or structures shall have the lowest priority on the list adopted, except where the board of supervisors determines that a structure has historic significance. The board of supervisors shall also provide for a procedure where the amount of acres for which exemptions are sought exceeds the amount the priority list provides for that type or in the aggregate for all types.

After receipt of an application with its accompanying certification and affidavit and the establishment of the priority list, the board of supervisors may grant a tax exemption under this subsection using the established priority list as a mandate. Real property designated for the tax exemption shall be designated by May 15 of the assessment year in which begins the fiscal year for which the exemption is granted. Notification shall be sent to the county auditor and the applicant.

The board of supervisors, except as required for forest reservations, does not have to grant tax exemptions under this subsection, grant tax exemptions in the aggregate of the maximum acreage which may be granted exemptions, or grant a tax exemption for the total acreage for which the applicant requested the exemption. Only real property in parcels of

two acres or more which is wetlands, recreational lakes, forest cover, forest reservations, river and stream, river and stream banks or open prairie and which is utilized for the purposes of providing soil erosion control or wildlife habitat or both, and which is subject to property tax for the fiscal year for which the tax exemption is requested is eligible for the exemption under this subsection. However, in addition to the above, in order for a gully area which is susceptible to severe erosion to be eligible, there must be an erosion control plan for it approved by the commissioners of the soil conservation district in which it is located or the state soil conservation committee if not located in a district. In the case of an exemption for river and stream or river and stream banks, the exemption shall not be granted unless there is included in the exemption land located at least thirty-three feet from the ordinary high water mark of the river and stream or river and stream banks. Property shall not be denied an exemption because of the existence upon the property of an abandoned building or structure which is not used for economic gain. If the real property is located within a city, the approval of the governing body must be obtained before the real property may be eligible for an exemption. For purposes of this subsection:

a. "Wetlands" means land preserved in its natural condition which is mostly under water, which produces little economic gain, which has no practical use except for wildlife or water conservation purposes, and the drainage of which would be lawful, feasible and practical and would provide land suitable for the production of livestock, dairy animals, poultry, fruit, vegetables, forage and grains. "Wetlands" includes adjacent land which is not suitable for agricultural purposes due to the presence of the land which is under water.

b. "Open prairies" includes hillsides and gully areas which have a permanent grass cover but does not include native prairies meeting the criteria of the state conservation commission.

c. "Forest cover" means land which is predominantly wooded.

d. "Recreational lake" means a body of water, which is not a river or stream, owned solely by a nonprofit organization and primarily used for boating, fishing, swimming and other recreational purposes.

e. "Forest reservation" means land fulfilling the conditions of sections 161.1 to 161.13 except land located within the corporate limits of a city which is not open to public use.

f. "Used for economic gain" includes, but is not limited to, using property for the storage of equipment, machinery, or crops.

NEW SUBSECTION. NATIVE PRAIRIE. Land designated as native prairie by a county conservation board or by the state conservation commission in an area not served by a county conservation board. Application for the exemption shall be made on forms provided by the department of revenue. The application forms shall be filed with the assessing authority not later than the first of February of the year for which the exemption is requested. The application must be accompanied by an affidavit signed by the applicant that if the exemption is granted, the property will not be used for economic gain during the assessment year in which the exemption is granted. If the property is used for economic gain during the assessment year in which the exemption is granted, the property shall lose its tax exemption and shall be taxed at the rate levied by the county for the fiscal year beginning in that assessment year. The first annual application shall be accompanied by a certificate from the county conservation board serving the area in which the property is located or if none exists, the state conservation commission stating that the land is native prairie. The county conservation board or the state conservation commission shall issue the certificate if the board or commission finds that the land has never been cultivated, is unimproved, is primarily a

mixture of warm season grasses interspersed with flowering plants, and meets the other criteria established by the state conservation commission for native prairie. A taxpayer may seek judicial review of a decision of a board or the commission according to chapter 17A. The state conservation commission shall adopt rules to implement this subsection.

NEW SUBSECTION. LAND CERTIFIED AS A WILDLIFE HABITAT.

The owner of agricultural land may designate not more than two acres of the land for use as a wildlife habitat. After inspection, if the land meets the standards established by the commission for a wildlife habitat under section 110.3, the state conservation commission shall certify the designated land as a wildlife habitat and shall send a copy of the certification to the appropriate assessor. The commission may subsequently withdraw certification of the designated land if it fails to meet the established standards for a wildlife habitat and the assessor shall be given written notice of the decertification.

Sec. 3. Section 441.22, Code 1981, is amended to read as follows:

441.22 FOREST AND FRUIT-TREE RESERVATIONS. Forest reservations fulfilling the conditions of sections 161.1 to 161.13 which are located within the corporate limits of a city and which are not open to public use shall be assessed ~~on a taxable valuation of fourteen dollars and eighty-two cents per acre~~ at market value. Fruit-tree reservations fulfilling the conditions of sections 161.1 to 161.13 shall be assessed on a taxable valuation of ~~fourteen~~ twenty dollars ~~and eighty-two cents~~ per acre for a period of eight years from the time of planting except that a fruit-tree reservation located within the corporate limits of a city which is not open to public use shall be assessed at market value. In all other cases where trees are planted upon any tract of land, without regard to area, for forest, fruit, shade, or ornamental purposes, or for windbreaks, the assessor shall

not increase the valuation of such property because of such improvements.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2351, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

HOUSE FILE 2362

AN ACT

RELATING TO THE PENALTY FOR FAILURE TO PAY OR REMIT NINETY PERCENT OF TAX FOR STATE MOTOR VEHICLE FUEL TAXES, FREIGHT LINE AND EQUIPMENT CAR MILEAGE TAXES, INCOME TAXES, FRANCHISE TAXES, INHERITANCE AND ESTATE TAXES, LOCAL HOTEL AND MOTEL TAXES, AND GENERATION SKIPPING TRANSFER TAXES, INCLUDING PROVISION FOR A VARIABLE INTEREST RATE FOR UNDERPAYMENT OR OVERPAYMENT ON ESTIMATED PAYMENTS OF CORPORATE INCOME AND FRANCHISE TAXES, AND MAKING THE ACT RETROACTIVE TO JANUARY 1, 1982, EFFECTIVE UPON PUBLICATION.

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

Section 1. Section 324.65, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 131, section 3, is amended to read as follows:

324.65 PENALTY FOR FAILURE TO PROMPTLY REPORT OR PAY FUEL TAXES. If a licensee or other person fails to file a required report with the appropriate state agency on or before the due date, unless it is shown that the failure was due to reasonable cause there shall be added to the amount required to be shown as tax due on the return five percent of the amount of the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. If a licensee or other person fails to remit at least ninety percent of the tax due with the filing of the return on or before the due date or ~~fails-to-pay~~ pays less than ninety percent of any ~~amount-of-the~~ tax required to be shown on the return, unless it is shown that the failure was due to

reasonable cause, there shall be added to the tax a penalty of five percent of the amount of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. The taxpayer shall also pay interest on the tax or additional tax at the rate in effect under section 1 of this Act counting each fraction of a month as an entire month, computed from the date the return was required to be filed.

PARAGRAPH DIVIDED. The appropriate state agency shall not remit any part of a penalty for delinquent payment where the delinquency results from the fact that a check given in payment is not honored because of insufficient funds in the account upon which the check was drawn. However, if it appears as a result of an investigation or from a preponderance of the evidence adduced at a hearing that there has been a deliberate attempt on the part of a licensee or other person to evade payment of fuel taxes there shall be added to the assessment against the offending person and collected a penalty of fifty percent of the tax due. When penalties are applicable for failure to file a return and failure to pay the tax due or required on the return, the penalty provision for failure to file ~~shall-be~~ is in lieu of the penalty for failure to pay the tax due or required on the return, except in the case of a deliberate attempt on the part of the licensee or other person to evade payment of fuel taxes. Any report required of licensees or persons operating under divisions I, II and 111, upon which no tax may be due, ~~shall-be~~ is subject to a penalty of ten dollars if the report is not timely filed with the appropriate state agency.

Sec. 2. Section 422.16, subsection 10, paragraph b, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 131, section 5, is amended to read as follows:

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b. Any employer or withholding agent required under this chapter to withhold taxes on wages or other taxable Iowa income subject to this chapter who fails to file a monthly deposit form or quarterly return for the withholding of tax with the department on or before the due date, unless it is shown that the failure was due to reasonable cause, is subject to a penalty determined by adding to the amount required to be shown as tax due on the monthly deposit form or quarterly return five percent of the amount of the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. If any person or withholding agent fails to remit at least ninety percent of the tax due with the filing of the monthly deposit form or quarterly return on or before the due date, or ~~fails-to-pay-any-amount-of~~ pays less than ninety percent of any tax required to be shown on the monthly deposit form or quarterly return, unless it is shown that the failure was due to reasonable cause, there shall be added to the tax a penalty of five percent of the amount of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. When penalties are applicable for failure to file a monthly deposit form or quarterly return and failure to pay the tax due or required on the monthly deposit form or quarterly return, the penalty provision for failure to file is in lieu of the penalty provision for failure to pay the tax due or required on the monthly deposit form or quarterly return. The taxpayer shall also pay interest on the tax or additional tax at the rate in effect under section 1 of this Act for each month counting each fraction of a month as an entire month, computed from the date the monthly deposit form or quarterly return was

required to be filed. The penalty and interest become a part of the tax due from the withholding agent.

Sec. 3. Section 422.25, subsection 2, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 131, section 8, is amended to read as follows:

2. In addition to the tax or additional tax determined by the department under subsection 1, the taxpayer shall pay interest on the tax or additional tax at the rate in effect under section 1 of this Act for each month counting each fraction of a month as an entire month, computed from the date the return was required to be filed. In case of failure to file a return with the department on or before the due date determined with regard to any extension of time for filing, unless it is shown that the failure was due to reasonable cause and not due to willful neglect, there shall be added to the amount required to be shown as tax on the return five percent of the amount of the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction thereof during which the failure continues, not exceeding twenty-five percent in the aggregate. If any person fails to remit at least ninety percent of the tax due with the filing of the return on or before the due date, or ~~fails-to-pay-any-amount-of~~ pays less than ninety percent of any tax required to be shown on the return, unless it is shown that the failure was due to reasonable cause, there shall be added to the tax a penalty of five percent of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. In case of willful failure to file a return with intent to evade tax, or in case of willfully filing a false return with intent to evade tax, in lieu of the penalty otherwise provided in this subsection, there shall be added

to the amount required to be shown as tax on the return fifty percent of the amount of the tax. When penalties are applicable for failure to file a return and failure to pay the tax due or required on the return, the penalty provision for failure to file is in lieu of the penalty provision for failure to pay the tax due or required on the return except in the case of willful failure to file a return and willfully filing of a false return with intent to evade tax.

Sec. 4. Section 422.88, subsection 1, Code 1981, is amended to read as follows:

1. If the taxpayer submits an underpayment of the estimated tax, the taxpayer shall be is subject to an underpayment penalty at the rate ~~of three-fourths of one percent per month established under Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 131, section 1~~ upon the amount of the underpayment for the period of the underpayment.

Sec. 5. Section 422.91, unnumbered paragraph 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 133, section 3, is amended to read as follows:

Any amount of tax paid on a declaration of estimated tax shall be a credit against the amount of tax due on a final, completed return, and any overpayment of five dollars or more shall be refunded to the taxpayer with interest, the interest to begin to accrue on the first day of the second calendar month following the date of payment or the date the return was due to be filed or was filed, whichever is the latest, at the rate ~~of three-fourths of one percent per month or fraction of a month established under Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 131, section 1~~, and the return shall constitute a claim for refund for this purpose. Amounts less than five dollars shall be refunded to the taxpayer only upon writtep application in accordance with section 422.73, but only if the application is filed within twelve months after the due date for the return.

Sec. 6. Section 435.5, Code 1981, is amended to read as follows:

435.5 PENALTY. In case of failure to file a return with the department on or before the due date, unless it is shown that the failure was due to reasonable cause and not due to willful neglect, there shall be added to the amount required to be shown as tax on the return five percent of the amount of tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction thereof during which the failure continues, not exceeding twenty-five percent in the aggregate. If any person fails to remit at least ninety percent of the tax due with the filing of the return on or before the due date, or ~~fails to pay~~ pays less than ninety percent of the total amount of the tax due as shown on the return, unless it is shown that the failure was due to reasonable cause, there shall be added to the tax a penalty of five percent of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. In case of willful failure to file a return with intent to evade tax, or in case of willfully filing a false return with intent to evade tax, in lieu of the penalty above provided, there shall be added to the amount required to be shown as tax on the return fifty percent of the amount of the tax. When penalties are applicable for failure to file a return and failure to pay the tax due or required on the return, the penalty provision for failure to file shall be is in lieu of the penalty provision for failure to pay the tax due or required on the return except in the case of willful failure to file a return and willfully filing of a false return with-intent to evade tax.

Sec. 7. Section 450.63, subsection 2, Code 1981, is amended to read as follows:

2. If a person liable for the payment of tax as stated in section 450.5 fails to file a return with the department of revenue on or before the due date, unless it is shown that the failure was due to reasonable cause, there shall be added to the amount of tax required to be shown as tax due on the return five percent of the amount of the tax, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. If a person fails to remit at least ninety percent of the tax due with the filing of the return on or before the due date or fails-to-pay pays less than ninety percent of any amount-of tax required to be shown on the return, unless it is shown that the failure was due to reasonable cause, there shall be added to the tax a penalty of five percent of the amount of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. When penalties are applicable for failure to file a return and failure to pay the tax due or required to be shown on the return, the penalty provision for failure to file shall-be is in lieu of the penalty provision for failure to pay the tax due or required to be shown on the return.

Sec. 8. This Act, except sections 4 and 5, is retroactive to January 1, 1982 for tax returns due on or after that date.

Sec. 9. Sections 4 and 5 of this Act are retroactive to January 1, 1982 for computation of underpayments of estimated taxes already due and payable or to become due and payable on or after that date and for computation on interest on overpayments already paid or to become due and payable on or after that date.

Sec. 10. This Act, being deemed of immediate importance, takes effect from and after its publication in the Diamond Trail News, a newspaper published in Sully, Iowa, and in The Manchester Press, a newspaper published in Manchester, Iowa.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and in known as House File 2362, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

HOUSE FILE 2377

AN ACT

CREATING THE IOWA HIGHER EDUCATION LOAN AUTHORITY, PROVIDING FOR THE AUTHORITY TO ISSUE REVENUE BONDS AND DEFINING ITS POWERS AND DUTIES AND PROVIDING THAT THE ACT TAKES EFFECT UPON ITS PUBLICATION.

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

Section 1. NEW SECTION. SHORT TITLE AND CITATION. This Act may be cited as the "Iowa Higher Education Loan Authority Act".

Sec. 2. DECLARATION OF PURPOSE. It is declared that for the benefit of the people of the state of Iowa, the conduct and increase of their commerce, the protection and enhancement of their welfare, the development of continued prosperity and the improvement of their health and living conditions, it is essential that this and future generations of youth be given the fullest opportunity to learn and to develop their intellectual and mental capacities and skills; that to achieve these ends it is of the utmost importance that students attending institutions of higher education located in Iowa have reasonable financial alternatives to enhance their access to such institutions; that reasonable financial access to institutions of higher education will assist youth in achieving the optimum levels of learning and development of their intellectual and mental capacities and skills; that it is the purpose of this Act to provide a measure of assistance and an alternative method to enable students and the families of students attending institutions of higher education located in Iowa to appropriately and prudently finance the cost or a portion of the cost of higher education; and that it is the intent of this Act to supplement federal guaranteed higher education loan programs, other student loan programs, and

grant or scholarship programs to provide the needed additional options for the financing of a student's higher education in execution of the public policy set forth above.

Sec. 3. LEGISLATIVE FINDINGS. The general assembly finds as follows:

1. The establishment of the authority is in all respects for the benefit of the people of the state of Iowa, for the improvement of their education, health and welfare, and for the promotion of the economy, which are public purposes.

2. The authority will be performing an essential governmental function in the exercise of the powers and duties conferred upon it by this chapter.

3. There exists a serious problem in this state regarding the ability of students to obtain financing for the cost of education beyond the high school level.

4. Escalating costs of securing such an education have contributed to the difficulties faced by students in attempting to finance an education.

5. Without public action as contemplated by this Act, many students will be forced to postpone or abandon plans for obtaining additional education.

6. It is in the interests and welfare of the citizens of the state to provide a means for assisting students to continue their education.

7. Without public action as contemplated by this Act, the inability to obtain educational financing will result in declining enrollments at institutions of higher education.

8: It is necessary to create a higher education loan authority to encourage the investment of private capital in the provision of funds for the financing of student loans.

3. All of the purposes stated in this section are public purposes and uses for which public moneys may be borrowed, expended, advanced, loaned, or granted.

Sec. 4. NEW SECTION. DEFINITIONS. As used in this Act, unless the context otherwise requires:

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1. "Authority" means the Iowa higher education loan authority created by this Act, and "members of the authority" means those persons appointed to the authority pursuant to section 6 of this Act.

2. "Authority loans" means loans by the authority to institutions of higher education for the purpose of funding education loans.

3. "Obligations" means bonds, notes, or other evidences of indebtedness of the authority, including interest coupons pertaining thereto, issued under this Act, including refunding bonds.

4. "Bond resolution" means a resolution of the authority and the trust agreement, if any, and any supplements or amendments to the resolution and agreement, authorizing the issuance of and providing for the terms and conditions applicable to obligations.

5. "Borrower" means a student who has received an education loan or a parent who has received or agreed to pay an education loan.

6. "Default insurance" means insurance insuring education loans, authority loans, or obligations against default.

7. "Default reserve fund" means a fund established pursuant to a bond resolution for the purpose of securing education loans, authority loans, or obligations.

8. "Cost of attendance" means the amount defined by the institution for the purpose of the guaranteed student loan program as defined under Title IV, part B, of the "Higher Education Act of 1965" as amended.

9. "Education loan" means a loan which is made by an institution to a student or parents of a student, or both, in amounts not in excess of the maximum amounts specified in rules adopted by the authority under chapter 17A to finance all or a portion of the cost of the student's attendance at the institution.

10. "Loan funding deposit" means money or other property deposited by an institution with the authority or a trustee for the purpose of one or more of the following:

- a. Providing security for obligations.
- b. Funding a default reserve fund.
- c. Acquiring default insurance.
- d. Defraying costs of the authority.

The moneys or properties shall be in amounts deemed necessary by the authority as a condition for the institution's participation in the authority's programs.

11. "Institution" means a nonprofit educational institution located in Iowa not owned or controlled by the state or any political subdivision, agency, instrumentality, district, or city of the state, which is authorized by law to provide a program of education beyond the high school level and which meets all of the following requirements:

- a. Admits as regular students only individuals having a certificate of graduation from high school, or the recognized equivalent of such a certificate.

- b. Provides an educational program for which it awards a baccalaureate degree; or provides an educational program which conditions admission upon the prior attainment of a baccalaureate degree or its equivalent, for which it awards a postgraduate degree; or provides not less than a two-year program which is acceptable for full credit toward a baccalaureate degree, or offers not less than a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semi-professional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge.

- c. Is accredited by a nationally recognized accrediting agency or association or, if not accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are accredited.

d. Does not discriminate in the admission of students on the basis of age, race, creed, color, sex, national origin, religion, or disability.

e. Has a governing board which possesses its OWN sovereignty.

f. Has a governing board, or delegated institutional officials, which possess final authority in all matters of local control, including educational policy, choice of personnel, determination of program, and financial management.

12. "Parent" means a parent or guardian of a student at an institution.

13. "Education loan series portfolio" means all education loans made by a specific institution which are funded from the proceeds of an authority loan to the institution from the proceeds of a related specific issue of obligations through the authority.

14. "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the authority on obligations.

15. "Person" means a public or private person, firm, partnership, association, corporation or other body.

16. "Governmental agency" means the state or a state department, division, commission, institution, or authority, an agency, city, county, township, school district, and any other political subdivision or special district in this state established pursuant to law, and, except where otherwise indicated, also means the United states or a department, division, or agency of the United States, and an agency, commission, or authority established pursuant to an interstate compact or agreement.

Sec. 5. NEW SECTION. CREATION AS PUBLIC INSTRUMENTALITY. The Iowa higher education loan authority is created as a body politic and corporate. The authority is a public instrumentality and the exercise by the authority of the powers

conferred by this Act is the performance of an essential public function.

Sec. 6. NEW SECTION. MEMBERSHIP OF AUTHORITY.

1. The authority consists of five members to be appointed by the governor subject to confirmation by the senate. The powers of the authority are vested in and exercised by the members of the authority. Each member of the authority shall be a resident of the state and not more than three members shall be members of the same political party.

2. The members of the authority shall be appointed by the governor for terms of six years beginning and ending as provided in section 69.19. A member of the authority is eligible for reappointment. The governor shall fill a vacancy for the remainder of the unexpired term. A member of the authority may be removed by the governor for misfeasance, malfeasance, or willful neglect of duty or other cause after notice and a public hearing unless the notice and hearing are waived by the member in writing.

3. The members of the authority shall annually elect one of the members as chairperson and one as vice chairperson. The members of the authority may appoint an executive director, an assistant executive director, and other officers as the members of the authority determine. The officers shall not be members of the authority, shall serve at the pleasure of the authority, and shall receive compensation as fixed by the authority.

4. The executive director or assistant executive director or other person designated by resolution of the authority shall keep a record of the proceedings of the authority and shall be custodian of all books, documents, and papers filed with the authority, the minute book or journal of the authority, and its official seal. The executive director, assistant executive director, or other person may cause copies to be made of minutes and other records and documents of the authority and may give certificates under the official seal

of the authority that the ~~copies~~ are true copies, and persons dealing with the authority may rely upon the certificates.

5. Three members of the authority constitute a quorum. The affirmative vote of a majority of the members of the authority is necessary for any action taken by the authority. The majority shall not include a member who has a conflict of interest and a statement by a member of a conflict of interest is conclusive for this purpose. A vacancy in the membership of the authority does not impair the right of a quorum to exercise the rights and perform the duties of the authority. An action taken by the authority under this Act may be authorized by resolution at a regular or special meeting, and each resolution shall take effect immediately and need not be published or posted, except as provided in section 25 of this Act. Meetings of the authority shall be held at the call of the chairperson or at the request of two members.

6. The members of the authority shall not receive compensation for the performance of their duties as members but each member shall be paid necessary expenses while engaged in the performance of duties of the authority.

7. The members of the authority shall give bond as required for public officers in chapter 64.

8. The members of the authority are subject to and are officials within the meaning of chapter 68B.

9. Notwithstanding chapter 68B or any other laws to the contrary, it is not a conflict of interest or violation of a law for a trustee, director, officer, or employee of a participating institution or for a person having a favorable reputation for skill, knowledge, and experience in state and municipal finance or for a person having a favorable reputation for skill, knowledge, and experience in the higher education loan finance field to serve as a member of the authority. However, in each case to which this Act is applicable, the trustee, director, officer, or employee of

the participating institution shall abstain from discussion, deliberation, action, and vote by the authority in respect to an undertaking pursuant to this Act in which the participating institution of higher education has an interest; and the person having a favorable reputation for skill, knowledge, and experience in state and municipal finance shall abstain from discussion, deliberation, action, and vote by the authority in respect to a sale, purchase, or ownership of obligations of the authority in which an investment banking firm or insurance company or bank of which the person is a partner, officer, or employee has or may have a current or future interest; and the person having a favorable reputation for skill, knowledge, and experience in the higher education loan finance field shall abstain from discussion, deliberation, action, and vote by the authority in respect to an action of the authority in which a partnership, firm, joint venture, sole proprietorship, or corporation of which the person is an owner, venturer, participant, partner, officer, or employee has or may have a current or future interest.

Sec. 7. NEW SECTION. DUTIES OF AUTHORITY. The authority shall:

1. Adopt rules for the regulation of its affairs and the conduct of its business.
2. Adopt an official seal and alter the seal at pleasure.
3. Maintain an office at a place or places it designates.
4. Establish criteria for and guidelines encompassing the types of and qualifications for education loan financing programs. The authority may issue obligations for the purpose of making authority loans to institutions participating in a program of the authority for the purpose of providing education loans. The criteria and guidelines established by the authority for its education loan financing programs include eligibility standards for borrowers the authority determines are necessary or desirable in order to effectuate the purposes of this Act, including the following:

a. Each student shall have a certificate of admission or enrollment at a specific participating institution.

b. Each student or the student's parents shall satisfy financial qualifications the authority establishes to effectuate the purposes of this Act.

c. Each student and the student's parents shall submit information required by the authority to the applicable institution.

The authority may contract with financial institutions and other qualified loan origination and servicing organizations, which shall assist in prequalifying borrowers for education loans and which shall service and administer each education loan and each institution's respective loan series portfolio. Each education loan's fees shall include a portion, if necessary, to cover the applicable pro rata cost of a servicing organization.

The authority may establish criteria governing the eligibility of institutions to participate in its programs, the making of authority loan and education loans, provisions for default, the establishment of default reserve funds, the purchase of default insurance, the provision of prudent debt service reserves, and the furnishing by participating institutions of higher education of additional guarantees of the education loans, authority loans, or obligations that the authority determines necessary. Criteria shall be established to assure the marketability of the obligations and the adequacy of the security for the obligations.

The authority shall establish limitations upon the principal amounts and the terms of education loans, criteria regarding the qualifications and characteristics of borrowers and procedures for allocating authority loan among institutions eligible for its program in order to effectuate the purposes of this Act.

5. Issue obligations for its corporate purposes and fund or refund the obligations as provided in this Act.

6. Fix and revise from time to time and charge and collect rates, fees, and charges for the services furnished or to be furnished by the authority, and contract with persons in respect to the services, including financial institutions, loan originators, servicers, administrators, issuers of letters of credit, and insurers.

7. Establish rules under chapter 17A with respect to authority loans, education loans, and education loan series portfolios.

8. Receive and accept from any source, loans, contributions or grants for or in aid of an authority education loan financing program or any portion of a program and, when required, use the funds, property, or labor only for the purposes for which it was loaned, contributed, or granted.

9. Make authority loans to institutions and require that the proceeds of the authority loans be used for making education loans and paying costs and fees in connection with the education loans.

10. Charge to and apportion among participating institutions its administrative and operating costs and expenses incurred in the exercise of its powers and duties.

11. Borrow working capital funds and other funds as necessary for start-up and continuing operations, provided that the funds are borrowed in the name of the authority only. Borrowings are limited obligations of the character described in section 12 of this Act and are payable solely from revenues of the authority or the proceeds of obligations pledged for that purpose.

12. Notwithstanding other provisions in this Act, commingle and pledge as security for a series or issue of obligations, with the consent of all of the institutions which are participating in the series or issue, the education loan series portfolios and some or all future education loan series portfolios of the institutions, and the loan funding deposits of the institutions. However, the education loan series

portfolios and other security and moneys set aside in a fund or funds pledged for a series or issue of obligations shall be held for the sole benefit of the series or issue separate and apart from education loan series portfolios and other security and moneys pledged for any other series or issue of obligations. Obligations may be issued in series under one or more resolutions or trust agreements in the discretion of the authority.

13. Examine records and financial reports of participating institutions, and examine records and financial reports of a contractor organization or institution retained by the authority.

14. Require that authority loans be used solely to make education loans. The authority shall require that institutions require that each borrower under an education loan use the proceeds solely for the cost of attendance and that each borrower certify as to the use of the proceeds.

15. Authorize its officers, agents, and employees to take any other action and do all things necessary or desirable in order to carry out the purposes of this Act.

Sec. 8. NEW SECTION. POWERS OF AUTHORITY. The authority may:

1. Sue and be sued in its own name, plead and be impleaded.
2. Employ consultants, attorneys, accountants, financial experts, loan processors, bankers, managers, and other employees and agents necessary in the authority's judgment, and fix their compensation.
3. When refunding obligations are issued to refund obligations, the proceeds of which were used to make authority loans, reduce the amount it is owed by the institutions which had received authority loans from the proceeds of the refunded obligations. The institutions may use this reduced amount to reduce the amount of interest being paid on education loans which the institutions had made pursuant to the authority loans from the proceeds of the refunded obligations.

Sec. 9. NEW SECTION. EXPENSES OF AUTHORITY--LIMITATION OF LIABILITY. Expenses incurred in carrying out this Act are payable solely from funds provided under this Act and, except as specifically authorized under this Act, a liability shall not be incurred by the authority beyond the extent to which moneys have been provided under this Act.

Sec. 10. NEW SECTION. ACQUISITION OF MONEYS, ENDOWMENTS, AND PROPERTIES AND GUARANTEES. The authority may establish guidelines relating to the deposits of moneys, endowments, or properties by institutions which would provide prudent security for education loan funding programs, authority loans, education loans, or for obligations and may establish guidelines relating to guarantees of or contracts to purchase education loans or obligations by the institutions or by financial institutions or others. A default reserve fund may be established for each series or issue of obligations. The authority may receive moneys, endowments, properties, and guarantees it deems appropriate and, if necessary, may take title in the name of the authority or in the name of a participating institution or a trustee.

Sec. 11. NEW SECTION. CONVEYANCE OF LOAN FUNDING DEPOSIT AFTER PAYMENT OF PRINCIPAL AND INTEREST. When the principal of and interest on obligations of the authority issued to finance the cost of an education loan financing program or programs, including any refunding obligations issued to refund and refinance the obligations, have been fully paid and retired or when adequate provision has been made to fully pay and retire the obligations of the authority, and all other conditions of the bond resolution have been satisfied and the lien created by the bond resolution has been released in accordance with its provisions, the authority shall promptly perform functions and execute deeds and conveyances necessary and required to convey remaining moneys, properties, and other assets comprising loan funding deposits to the institutions which furnished the loan funding deposits in proportion to the amounts furnished by the respective institutions.

Sec. 12. NEW SECTION. OBLIGATIONS.

1. The authority may from time to time issue obligations for any corporate purpose and the obligations of the authority are declared to be negotiable for all purposes notwithstanding their payment from limited sources and without regard to any other law.

2. The authority shall not have outstanding at any one time obligations in an aggregate principal amount exceeding one hundred million dollars excluding obligations issued to refund the obligations of the authority.

3. Each issue of obligations is payable solely out of revenues of the authority pertaining to the program relating to the issue, including principal and interest on authority loans and education loans; payments by institutions of higher education, banks, insurance companies, or others pursuant to letters of credit or purchase agreements; investment earnings from funds or accounts maintained pursuant to the bond resolution; insurance proceeds; loan funding deposits; proceeds of sales of education loans; proceeds of refunding obligations; and fees, charges, and other revenues of the authority from the program.

4. Obligations may be issued as serial obligations or as term obligations, or both. Obligations shall be authorized by a bond resolution of the authority and shall bear dates, mature at times not later than the year following the last year in which the final payments in an education loan series portfolio are due, or thirty years, whichever is sooner, from their respective dates of issue, bear interest at rates, be payable at times, be in denominations, be in a form, either coupon or fully registered, carry registration and conversion privileges, be payable in lawful money of the United States of America, and be subject to terms of redemption as the bond resolution provides. Obligations shall be executed by the manual or facsimile signatures of officers of the authority designated by the authority. Obligations shall be sold in a manner and at prices as the authority determines.

5. A bond resolution may contain provisions, which shall be a part of the contract with the holders of the obligations to be authorized, as to all of the following:

a. Pledging or assigning the revenues derived from the authority loans and education loans with respect to which the obligations are to be issued.

b. The fees and other amounts to be charged, and the sums to be raised in each year, and the use, investment, and disposition of the sums.

c. The setting aside of loan funding deposits, debt service reserves, capitalized interest accounts, cost of insurance accounts, and sinking funds, and their regulation, investment, and disposition.

d. Limitations on the use of the education loans.

e. Limitations on the purpose to which or the investments in which the proceeds of sale of an issue of obligations then or thereafter to be issued may be applied.

f. Limitations on the issuance of additional obligations, the terms upon which additional obligations may be issued and secured, the terms upon which additional obligations may rank on a parity with, or be subordinate or superior to, other obligations.

g. The refunding of outstanding obligations.

h. The procedure, if any, by which the terms of a contract with holders of obligations may be amended or abrogated, the amount of obligations to which the holders must consent to the amendment or abrogation, and the manner in which the consent may be given.

i. Defining the acts or omissions to act which constitute a default in the duties of the authority to holders of obligations and providing the rights or remedies of holders in the event of a default.

j. Providing for guarantees, pledges, endowments, letters of credit, property, or other security for the benefit of the holders of the obligations.

k. Any other matters relating to the obligations which the authority deems desirable.

6. Neither the members of the authority nor a person executing the obligations is liable personally on the obligations or subject to personal liability or accountability by reason of their issuance.

7. The authority may purchase its obligations out of funds available. The authority may hold, pledge, cancel, or resell obligations subject to and in accordance with agreements with holders of obligations.

8. The authority may refund any of its obligations. Refunding obligations shall be issued in the same manner as other obligations of the authority.

Sec. 13. NEW SECTION. TRUST AGREEMENT TO SECURE OBLIGATIONS. In the discretion of the authority, obligations may be secured by a trust agreement by and between the authority and a corporate trustee or trustees, which may be a trust company or bank located in the state of Iowa that has the powers of a trust company. The bond resolution shall pledge the revenues to be received by the authority, may contain provisions for protecting and enforcing the rights and remedies of the holders of obligations as reasonable and proper and not in violation of law, including provisions that have been authorized to be included in any bond resolution of the authority, and may restrict the individual right of action by holders of obligations. A trust agreement may contain other provisions the authority deems reasonable and proper for the security of the holders of obligations. Expenses incurred in carrying out the trust agreement may be treated as a part of the cost of the operation of an education loan program.

Sec. 14. NEW SECTION. PAYMENT OF OBLIGATIONS--NONLIABILITY OF STATE. Obligations are obligations of the authority only, and not of the state of Iowa. Each obligation shall state upon its face that it represents and constitutes a debt of the authority, but not of the state of Iowa within the

meaning of any constitutional or statutory limitation, and that it does not constitute a pledge of the full faith and credit of the authority or of the state of Iowa. The obligations shall not grant to the owners or holders of the obligations the right to have the authority or the state levy taxes or appropriate funds for the payment of the principal or interest on the obligations. The obligations are payable, and shall state that they are payable, solely from the revenues pledged for their payment in accordance with the bond resolution.

This Act does not authorize the authority or any department, board, commission, or other agency to create an obligation of the state within the meaning of the constitution or laws of Iowa.

Sec. 15. NEW SECTION. PLEDGE OF REVENUES. The authority shall fix, revise, charge, and collect fees and may contract with a person to do so. Each agreement entered into by the authority with an institution shall provide that the fees and other amounts payable by the institution of higher education with respect to a program of the authority are sufficient at all times to meet all of the following:

1. To pay its share of the administrative costs and expenses of the program.

2. To pay the principal of, the premium, if any, and the interest on outstanding obligations of the authority, issued in respect of the program to the extent that other revenues of the authority pledged for the payment of the obligations are insufficient to pay the obligations as they become due and payable.

3. To create and maintain reserves which may but need not be required or provided for in the bond resolution relating to the obligations of the authority.

4. To establish and maintain whatever education loan servicing, control, or audit procedures are deemed by the authority to be necessary to the prudent operation of the authority.

The authority shall pledge the revenues from each program as security for the issue of obligations relating to the program. A pledge is valid and binding from the time when the pledge is made, the revenues pledged by the authority are immediately subject to the lien of the pledge without physical delivery of the pledge or further act, and the lien of the pledge is valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the authority or a participating institution, irrespective of whether the parties have notice of the lien. The bond resolution and a financing statement, continuation statement, or other instrument by which the authority's interest in revenues is assigned need not be filed or recorded in public records in order to perfect the lien against third parties except that a copy of it shall be filed in the records of the authority and with the treasurer of state.

Sec. 16. NEW SECTION. FUNDS FOR SALES OF OBLIGATIONS AS TRUST FUNDS--APPLICATION OF FUNDS. Moneys received by or on behalf of the authority under this Act, whether as proceeds from the sale of obligations or as revenues, are trust funds to be held and applied as provided in this Act. An officer with whom, or a bank or trust company with which the moneys are deposited shall act as trustee of the moneys and shall hold and apply the moneys for the purposes of this Act, subject to rules that this Act and the bond resolution authorizing the obligations of an issue may provide.

Sec. 17. NEW SECTION. RIGHTS OF HOLDERS OF OBLIGATIONS. A holder of obligations or a trustee under a trust agreement entered into pursuant to this Act, except to the extent that their rights are restricted by a bond resolution, may, by any suitable form of legal proceedings, protect and enforce rights under the laws of this state or granted by the bond resolution, may enjoin unlawful activities, and if there is a default on the payment of the principal of, premiums, if any, and interest on an obligation or in the performance of

a covenant or agreement on the part of the authority in the bond resolution, may apply to the district court to appoint a receiver to administer and operate the education loan program, the revenues of which are pledged to the payment of principal of, premium, if any, and interest on the obligations, with full power to pay, and to provide for payment of principal of, premium, if any, and interest on the obligations, and with powers, subject to the direction of the court, as permitted by law and accorded to receivers, excluding the power to pledge additional revenues of the authority to the payment of the principal, premium, and interest.

Sec. 18. NEW SECTION. REFUNDING BONDS--PURPOSE--PROCEEDS--INVESTMENT OF PROCEEDS.

1. The authority may issue its obligations for the purpose of refunding obligations then outstanding, including the payment of a redemption premium on the obligations and interest accrued or to accrue to the earliest or a subsequent date of redemption, purchase, or maturity of the obligations.

2. The proceeds of obligations issued for the purpose of refunding outstanding obligations may, in the discretion of the authority, be applied to the purchase or retirement at maturity or redemption of the outstanding obligations either on their earliest or a subsequent redemption date or upon the purchase or at the maturity of the obligations and may, pending an application, be placed in escrow to be applied to the purchase or retirement at maturity or redemption on a date determined by the authority.

3. Any escrowed proceeds, pending their use, may be invested and reinvested in direct obligations of the United States of America, maturing at times as appropriate to assure the prompt payment of the principal of and interest and redemption premium, if any, on the outstanding obligations to be refunded. The interest, income, and profits, if any, earned or realized on an investment may also be applied to the payment of the outstanding obligations to be refunded. After

the terms of the escrow have been fully satisfied and carried out, a balance of the proceeds and interest, income, and profits, if any, earned or realized on the investments shall be returned to the institution of higher education for use by it in any lawful manner.

4. Refunding obligations are subject to this Act in the same manner and to the same extent as other obligations issued pursuant to this Act.

Sec. 19. NEW SECTION. INVESTMENT OF FUNDS OF AUTHORITY. Except as otherwise provided in section 18, subsection 3, of this Act, the authority may invest funds in direct obligations of the United States of America; obligations for which the timely payment of principal and interest is fully guaranteed by the United States of America; obligations of the federal intermediate credit banks, federal banks for cooperatives, federal land banks, federal home loan banks, federal national mortgage association, government national mortgage association and the student loan marketing association; certificates of deposit or time deposits constituting direct obligations of a bank as defined by chapter 524; and in withdrawable capital accounts or deposits of state or federal chartered savings and loan associations which are insured by the federal savings and loan insurance corporation. However, investments may be made only in certificates of deposit or time deposits in banks which are insured by the federal deposit insurance corporation if then in existence. Securities authorized in this section may be purchased at the offering or market price at the time of the purchase. The securities purchased shall mature or be redeemable on dates prior to the time when, in the judgment of the authority, the funds invested will be required for expenditure. The judgment of the authority as to the time when funds will be required for expenditure or be redeemable is final.

Sec. 20. NEW SECTION. OBLIGATIONS AS LEGAL INVESTMENTS. Banks, bankers, trust companies, savings banks and institu-

tions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business, insurance companies and insurance associations, and executors, administrators, guardians, trustees, and other fiduciaries may legally invest sinking funds, moneys, or other funds belonging to them or within their control in obligations of the authority.

Sec. 21. NEW SECTION. ANNUAL REPORT. The authority shall keep an accurate account of its activities and shall annually provide a report of its activities to the governor and the members of the general assembly. The report is a public record and open for inspection at the offices of the authority during normal business hours. The report shall include all of the following:

1. Summaries of applications by institutions of higher education for education loan financing assistance presented to the authority during the fiscal year.
2. Summaries of education loan programs which have received any form of financial assistance from the authority during the year.
3. The nature and amount of all assistance.
4. A report concerning the financial condition of the various education loan series portfolios.
5. Projected activities of the authority for the next fiscal year, including projections of the total amount of financial assistance anticipated and the amount of obligations that will be necessary to provide the projected level of assistance during the next fiscal year.

Sec. 22. NEW SECTION. WAIVER OF COMPETITIVE BIDDING. Competitive bidding requirements of the Code or other similar requirements that may be lawfully waived are waived by this section and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts is not applicable to action taken under this Act.

Sec. 23. NEW SECTION. INSTITUTION POWER--INTEREST RATES. Institutions may borrow money from the authority, make education loans and take all other actions and do things necessary or convenient to consummate the transactions contemplated under this Act. It is lawful for the authority to establish, charge, contract for, and receive any amount or rate of interest or compensation with respect to authority loans and, subject to rules adopted by the authority, for participating institutions to charge, contract for, and receive any amount or rate of interest or compensation with respect to education loans.

Sec. 24. NEW SECTION. ACT AS ALTERNATIVE METHOD--POWERS NOT SUBJECT TO SUPERVISION OR REGULATION. Sections 1 through 23 of this Act provide a complete, additional, and alternative method for the doing of the things authorized by the Act and the limitations imposed by this Act do not affect powers or rights conferred by other laws, and the issuance of obligations and refunding obligations under this Act need not comply with the requirements of any other law applicable to the issuance of obligations. Except as otherwise expressly provided in this Act, the powers granted to the authority under this Act are not subject to the supervision or regulation and do not require the approval or consent of a city or political subdivision or department, division, commission, board, body, bureau, official, or agency of a political subdivision or of the state.

Sec. 25. NEW SECTION. NOTICE. The authority shall publish a notice of its intention to issue obligations in a newspaper published in and with general circulation in the state. The notice shall include a statement of the maximum amount of obligations proposed to be issued, and in general terms, what receipts will be pledged to pay bond service charges on the obligations. An action which questions the legality or validity of the obligations or the power of the authority to issue the obligations or the effectiveness or

validity of any proceedings adopted for the authorization or issuance of the obligations shall not be brought after sixty days from the date of publication of the notice.

Sec. 26. NEW SECTION. LIBERAL CONSTRUCTION OF ACT. This Act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect its purpose.

Sec. 27. NEW SECTION. EXERCISE OF POWERS AS ESSENTIAL PUBLIC FUNCTION--EXEMPTION FROM TAXATION. The exercise of the powers granted by this Act will be in all respects for the benefit of the people of this state, for the increase of their commerce, welfare, and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of a program by the authority or its agent will constitute the performance of an essential public function. Income of the authority is exempt from all taxation in the state. Property of the authority, acquired or held for purposes of this Act, is exempt from all taxation and special assessments in the state if the property was exempt for the fiscal year in which the property was first acquired or held and such property shall continue to be exempt for subsequent fiscal years. Property of the authority, acquired or held for purposes of this Act, is subject to taxation and special assessments in the state if the property was taxable for the fiscal year in which the property was first acquired or held and such property shall continue to be taxable for subsequent fiscal years.

Sec. 28. For the initial members of the authority, the terms of office shall commence on the effective date of this Act, or as soon thereafter as possible, and shall be staggered so that one expires on April 30, 1984, one on April 30, 1985, one on April 30, 1986, one on April 30, 1987, and one on April 30, 1988.

Sec. 29. This Act, being deemed of immediate importance, takes effect from and after its publication in the Grinnell

Herald-Register, a newspaper published in Grinnell, Iowa,
and in the Cherokee Daily Times, a newspaper published in
Cherokee, Iowa.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 2377, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____ 1982

ROBERT D. RAY
Governor

HOUSE FILE 2393

AN ACT

CREATING A CHILD ABUSE PREVENTION PROGRAM AND A CHILD ABUSE PREVENTION PROGRAM ADVISORY COUNCIL, PROVIDING AN INCREASE IN CERTAIN FEES, AND PROVIDING AN APPROPRIATION.

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

Section 1. NEW SECTION. CHILD ABUSE PREVENTION PROGRAM.

1. A program for the prevention of child abuse is established within the state department of social services. Any moneys appropriated by the general assembly for child abuse prevention shall be used by the department of social services solely for the purposes of child abuse prevention and shall not be expended for treatment or other service delivery programs regularly maintained by the department. Moneys appropriated for child abuse prevention shall be used by the department through contract with an agency or organization which shall administer the funds with maximum use of voluntary administrative services for the following:

- a. Matching federal funds to purchase services relating to community-based programs for the prevention of child abuse and neglect.
- b. Funding the establishment or expansion of community-based prevention projects or educational programs for the prevention of child abuse and neglect.
- c. To study and evaluate community-based prevention projects and educational programs for the problems of families and children.

Funds for the programs or projects shall be applied for and received by a community-based volunteer coalition or council.

2. The commissioner of social services may accept grants, gifts, and bequests from any source for the purposes designated in subsection 1. The commissioner shall remit funds so received to the treasurer of state who shall deposit them

in the general fund of the state for the use of the child abuse prevention program.

3. The child abuse prevention program advisory council is created consisting of five members appointed by and serving at the pleasure of the governor. Two members shall be appointed on the basis of expertise in the area of child abuse and neglect, and three members shall be private citizens. The council shall select its own chairperson and shall serve without compensation or reimbursement for expenses.

4. The advisory council shall:

- a. Advise the commissioner of social services and the director of the division of the department of social services responsible for child and family programs regarding expenditures of funds received for the child abuse prevention program.
- b. Review the implementation and effectiveness of legislation and administrative rules concerning the child abuse prevention program.
- c. Recommend changes in legislation and administrative rules to the general assembly and the appropriate administrative officials.
- d. Require reports from state agencies and other entities as necessary to perform its duties.
- e. Receive and review complaints from the public concerning the operation and management of the child abuse prevention program.
- f. Approve grant proposals.

Sec. 2. Section 331.705, subsection 1, paragraph ab, Code 1981 Supplement, is amended to read as follows:

ab. For issuing a marriage license, **five ten** dollars. ~~For issuing a marriage license when a party requests a name change other than a change of surname to that of the other spouse or to a hyphenated combination of the surnames of both spouses, seven dollars and fifty cents. Two dollars and fifty cents of the seven dollars and fifty cents shall be paid to the recorder as a recording fee for recording the return of marriage.~~ The clerk of the district court shall remit to the treasurer of state five dollars for each marriage license

issued. The treasurer of state shall deposit the funds received in the general fund of the state. For issuing an application for an order of the district court authorizing the issuance of a license to marry prior to the expiration of three days from the date of filing the application for the license, five dollars.

Sec. 3. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1982 and ending June 30, 1983, one hundred ten thousand (110,000) dollars or so much thereof as is necessary for the child abuse prevention program.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2393, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

HOUSE FILE 2395

AN ACT

PROVIDING A REFUND OR INCOME TAX CREDIT OF EXCISE TAX ON MOTOR FUEL USED TO PRODUCE DENATURED ALCOHOL WITHIN THE STATE.

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

Section 1. Section 324.17, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Any person other than a distributor, dealer or user licensed under this chapter who shall-use uses motor fuel or special fuel for the purpose of operating or propelling farm tractors, corn shellers, roller mills, truck-mounted feed grinders, stationary gas engines. aircraft, for producing denatured alcohol within the state, for cleaning or dyeing or for any purpose other than in watercraft or for propelling motor vehicles operated or intended to be operated upon the public highways and having who-has paid the motor fuel or special fuel tax on the fuel either directly to the department of revenue or by having the tax added to the price of the fuel, and who has a refund permit shall, upon presentation to and approval by the department of revenue of a claim for refund, shall be reimbursed and repaid the amount of the tax which the claimant has paid on the gallonage so used, except that the amount of any refund payable under this division may be applied by the department of revenue against any tax liability outstanding on the books of the department against the claimant. Every claim shall-be is subject to the following conditions:

Sec. 2. section 422.110, subsection 1, Code 1981, is amended to read as follows:

1. Motor fuel as defined in section 324.2, subsection 1, used for the purpose of operating or propelling farm

tractors, corn shellers, roller mills, truck-mounted feed grinders, stationary engines, aircraft, for producing denatured alcohol within the state. for cleaning or dyeing, or for any purpose other than in watercraft or in motor vehicles operated or intended to be operated upon the public highways.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

HOUSE FILE 2396

AN ACT

RELATING TO THE TAX STATUS OF SERVICES RENDERED OR FURNISHED BY PRIVATE EMPLOYMENT AGENCIES UNDER THE STATE SALES, SERVICES, AND USE TAX.

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

Section 1. Section 422.43, unnumbered paragraph 9, Code 1981, is amended to read as follows:

The following enumerated services ~~shall-be~~ are subject to the tax ~~herein~~ imposed on gross taxable services: Alteration and garment repair; armored car; automobile repair; battery, tire and allied; investment counseling (excluding investment services of trust departments); bank service charges; barber and beauty; boat repair; car wash and wax; carpentry; roof, shingle, and glass repair; dance schools and dance studios; dry cleaning, pressing, dyeing, and laundering; electrical repair and installation; engraving, photography, and retouching; equipment rental; excavating and grading; farm implement repair of all kinds; flying service, except agricultural aerial application services and aerial commercial and charter transportation services; furniture, rug, upholstery repair and cleaning; fur storage and repair; golf and country clubs and all commercial recreation; house and building moving; household appliance, television, and radio repair; jewelry and watch repair; machine operator; machine repair of all kinds; motor repair; motorcycle, scooter, and bicycle repair; oilers and lubricators; office and business machine repair; painting, papering, and interior decorating; parking facilities; pipe fitting and plumbing; wood preparation; private employment agencies, excluding services for placing a person in employment where the principal place of employment of that person is to be located outside of the state; printing and binding;

sewing and stitching; shoe repair and shoeshine; storage warehoueing of raw agricultural products; telephone answering service; test laboratories, except tests on humans; termite, bug, roach, and pest eradicators; tin and sheet metal repair; turkish baths, massage, and reducing salons; vulcanizing, recapping, and retreading; weighing; welding; well drilling; wrapping, packing, and packaging of merchandise other than processed meat, fish, fowl and vegetables; wrecking service; wrecker and towing.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2396, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

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HOUSE FILE 2474

AN ACT

TO PROVIDE THAT THOSE PROVISIONS OF THE ECONOMIC RECOVERY TAX ACT OF 1981 WHICH ARE EFFECTIVE FOR TAX YEARS ENDING ON OR AFTER JANUARY 1, 1981 SHALL BE APPLICABLE FOR COMPUTING IOWA NET INCOME FOR THAT SAME TAX YEAR, EFFECTIVE UPON PUBLICATION.

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

Section 1. House File 2171, sections 1 and 11 enacted by the Sixty-ninth General Assembly, 1982 Session, which are retroactive to January 1, 1981 for tax years beginning on or after January 1, 1981 shall also be applicable for tax years ending on or after January 1, 1981 in computing Iowa net income under divisions II, III, and V of chapter 422 where the Economic Recovery Tax Act of 1981 provides for certain inclusions or exclusions in computing federal taxable income for a tax year ending on or after January 1, 1981.

Sec. 2. House File 2171, sections 5, 8, and 15 enacted by the Sixty-ninth General Assembly, 1982 Session, which are retroactive to January 1, 1981 for tax years beginning on or after January 1, 1981 shall also be applicable for tax years ending on or after January 1, 1981 in computing Iowa net income under divisions 11, 111, and V of chapter 422 where the Economic Recovery Tax Act of 1981 provides for certain inclusions or exclusions in computing federal taxable income for a tax year ending on or after January 1, 1981.

Sec. 3. This Act, being deemed of immediate importance, takes effect from and after its publication in the Midland Times, a newspaper published in Wyoming, Iowa, and in The Waterloo Courier, a newspaper published in Waterloo, Iowa.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2474, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

H.F. 2474

HOUSE FILE 2415

AN ACT

RELATING TO THE TIME THE SALES TAX FOR THE LAST SEMI-MONTHLY PERIOD IN A CALENDAR QUARTER AND THE QUARTERLY REPORT ARE DUE AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Senate File 2080, section 3, enacted by the Sixty-ninth General Assembly, 1982 Session, is repealed.

Sec. 2. Senate File 2080, section 4 enacted by the Sixty-ninth General Assembly, 1982 Session, is amended to read as follows:

SEC. 4. Section 422.52, subsection 1, Code 1981, is amended to read as follows:

1. The tax levied under this division is due and payable in quarterly installments on or before the last day of the

month following each quarterly period except as otherwise provided in this subsection. Every retailer who collects more than four thousand dollars in retail sales tax in a semi-monthly period shall deposit with the department or in a depository authorized by law and designated by the director, the amount collected or an amount equal to not less than one-sixth of the tax collected and paid to the department during the preceding quarter, with a deposit form for the semi-monthly period as prescribed by the director. The first semi-monthly deposit form is for the period from the first of the month through the fifteenth of the month and is due on or before the twenty-fifth day of the month. The second semi-monthly deposit form is for the period from the sixteenth through the end of the month and is due on or before the tenth day of the month following the month of collection. A deposit is not required for the last semi-monthly period of the calendar quarter. The total quarterly amount, less the amount deposited for the five previous semi-monthly periods, is due with the quarterly report on the ~~fifteenth~~ last day of the month following the month of collection. A retailer who collects more than five hundred dollars in retail sales taxes in one month and not more than four thousand dollars in retail sales taxes in a semi-monthly period shall deposit with the department or in a depository authorized by law and designated by the director, the amount collected or an amount equal to not less than one-third of the tax collected and paid to the department during the preceding quarter, with a deposit form for the month as prescribed by the director. The deposit form is due on or before the twentieth day of the month following the month of collection, except a deposit is not required for the third month of the calendar quarter and the total quarterly amount, less the amounts deposited for the first two months of the quarter, is due with the quarterly report on the last day of the month following the month of collection. Every retailer who collects more than fifty

dollars and not more than five hundred dollars in retail sales tax in one month shall deposit with the department or in a depository authorized by law and designated by the director, the amount collected, or an amount equal to not less than one-third of the tax collected and paid to the department during the last preceding quarter, with a deposit form for the month as prescribed by the director. The deposit form is due on or before the twentieth day of the month following the month of collection, except a deposit is not required for the third month of the calendar quarter and the total quarterly amount, less the amounts deposited for the first two months of the quarter, is due with the quarterly report on the last day of the month following the month of collection. The monthly remittance procedure is optional for any sales tax permit holder whose average monthly collection of tax amounts to more than twenty-five dollars and less than fifty dollars. If the exact amounts of the taxes due or an amount equal to not less than one-third or one-sixth, as applicable, of the tax collected and paid to the department during the last preceding quarter on the deposit form are not ascertainable by the retailer, or would work undue hardship in the computation of the taxes due by the retailer, the director may provide by rules alternative procedures for estimating the amounts (but not the dates) due by the retailers. The forms prescribed by the director shall be referred to as "retailers semi-monthly tax deposit" or "retailers monthly tax deposit". Deposit forms shall be signed by the retailer or the retailer's duly authorized agent, and shall be duly certified by the retailer or agent to be correct. The director may authorize incorporated banks and trust companies or other depositories authorized by law which are depositories or financial agents of the United States, or of this state, to receive any tax imposed under this chapter, in the manner, at the times and under the conditions the director prescribes. The director shall

prescribe the manner, times, and conditions under which the receipt of the tax by those depositories is to be treated as payment of the tax to the department.

Sec. 3. This Act takes effect January 1, 1983.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2475, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

HOUSE FILE 2477

AN ACT

APPROPRIATING FEDERAL FUNDS MADE AVAILABLE FROM FEDERAL BLOCK GRANTS, ALLOCATING PORTIONS OF FEDERAL BLOCK GRANTS, TRANSFERRING FUNDS BETWEEN FEDERAL BLOCK GRANTS, AND PROVIDING PROCEDURES IF FEDERAL FUNDS ARE MORE OR LESS THAN ANTICIPATED OR IF FEDERAL BLOCK GRANTS ARE CONSOLIDATED OR EXPANDED.

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

DIVISION I

Section 1. COMMUNITY SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3, subsection 1, to the office for planning and programming, the sum of three million eight hundred eighty-seven thousand (3,887,000) dollars for the fiscal period beginning October 1, 1982 and ending September 30, 1983. The funds appropriated by this section are the anticipated funds to be received from the federal government for federal fiscal year 1983 under Pub. L. No. 97-35, Title VI, Subtitle B, which provides for the community services block grant. The office for planning and programming shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

The director of planning and programming shall allocate the amount of financial assistance based upon the size of the poverty-level population in the area represented by the community action areas compared to the size of the poverty-level population in the state.

2. An amount not exceeding one hundred twenty-six thousand (126,000) dollars of the funds appropriated in subsection 1 shall be used by the office for planning and programming

for administrative expenses. From the funds set aside by this subsection for administrative expenses, the office for planning and programming shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the office for planning and programming for the costs of the audit.

Sec. 2. ALLOCATION OF FISCAL YEAR 1982 COMMUNITY SERVICES APPROPRIATIONS. Five percent of the federal fiscal year 1982 funds made available to the state under Pub. L. No. 97-35, Title VI, Subtitle B, which provides for the community services block grant, may be allocated by the office for planning and programming for one or more of the following programs:

1. Additional support to community action agencies.
2. Services provided under the Older Americans Act of 1965 under Pub. L. No. 89-73, as amended.
3. Services provided under the head start program under Pub. L. No. 97-35, Title VI, Subtitle A, chapter 8, subchapter b.
4. Services provided under the energy crisis intervention program under Pub. L. No. 97-35, Title XXVI.

Sec. 3. COMMUNITY DEVELOPMENT APPROPRIATIONS.

1. There is appropriated from the fund created by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3, subsection 1, to the office for planning and programming, the sum of twenty-four million nine hundred eight thousand (24,908,000) dollars for the fiscal period beginning October 1, 1982 and ending September 30, 1983. The funds appropriated by this section are the anticipated funds to be received from the federal government for federal fiscal year 1983 under Pub. L. No. 97-35, Title 111, Subtitle A, which provides for the community development block grant. The office for planning and programming shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

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2. An amount not exceeding seven hundred forty-seven thousand (747,000) dollars shall be used by the office for planning and programming for administrative expenses for the community development block grant. The amount used for administrative expenses includes three hundred seventy-three thousand five hundred (373,500) dollars of funds appropriated in subsection 1 and a matching contribution from the state equal to three hundred seventy-three thousand five hundred (373,500) dollars from the appropriation of state funds for the community development block grant and state appropriations for related activities of the office for planning and programming. The total administrative expenses at the state level, from both federal and state sources, shall not exceed three percent of the amount appropriated in subsection 1. From the funds set aside for administrative expenses by this subsection, the office for planning and programming shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the office for planning and programming for the costs of the audit.

3. An amount not exceeding ten percent of the grants made by the office for planning and programming from funds appropriated in subsection 1 shall be used for local administrative expenses.

DIVISION II

Sec. 4. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

1. There is appropriated from the fund created by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3, subsection 1, to the energy policy council, the sum of thirty-two million five hundred thousand (32,500,000) dollars for the fiscal period beginning October 1, 1982 and ending September 30, 1983. The funds appropriated by this section are the anticipated funds to be received from the federal government for federal fiscal year 1983 under

Pub. L. No. 97-35, Title XXVI, which provides for the low-income home energy assistance block grants. The energy policy council shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

2. An amount not exceeding two million four hundred thirty-seven thousand five hundred (2,437,500) dollars or nine percent of the funds appropriated in subsection 1, whichever is less, shall be used by the energy policy council for administrative expenses. From the funds set aside by this subsection for administrative expenses, an amount sufficient to pay the cost of an audit of the use and administration of the state's portion of the funds appropriated shall be paid. The auditor shall bill the energy policy council for the costs of the audit.

3. The remaining funds appropriated in this section shall be allocated to help eligible households, as defined in accordance with Pub. L. No. 97-35, to meet the costs of home energy. However, at least ten and not more than fifteen percent of the funds appropriated by this section shall be used to provide for low-income residential weatherization or other related home repairs for low-income households. The funds transferred to low-income weatherization shall include money for administrative expenses.

DIVISION III

Sec. 5. SOCIAL SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3, subsection 1, to the department of social services, the sum of thirty million six hundred seventy-four thousand (30,674,000) dollars for the fiscal period beginning October 1, 1982, and ending September 30, 1983. The funds appropriated by this section are the anticipated funds to be received from the federal government for federal fiscal year 1983 under Pub. L. No. 97-35, Title XXI, Subtitle C,

which provides for the social services block grant. The department of social services shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A. However, it is the intent of the general assembly that in this exemption from the notice and public participation requirements of chapter 17A, the Code shall be utilized by the department only to the extent necessary to insure that these rules are in effect in a timely manner to implement the provisions of this Act. Any rule placed into immediate effect pursuant to this section shall also be proposed as a notice of intended action as provided in section 17A.4(1), the Code.

2. No more than one million nine hundred one thousand seven hundred eighty-eight (1,901,788) dollars of the funds appropriated in subsection 1 shall be used by the department of social services for general administration for the federal fiscal year beginning October 1, 1982 and ending September 30, 1983. From the funds set aside by this subsection for general administration, the department of social services shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the department of social services for the costs of the audit.

3. In addition to the allocation for general administration in subsection 2, the remaining funds appropriated in subsection 1 shall be allocated to supplement appropriations for the federal fiscal year beginning October 1, 1982 and ending September 30, 1983 for the following programs within the department of social services:

a. Field operations.....	\$12,453,644
b. Home-based services.....	\$ 153,370
c. Foster care.....	\$ 4,539,752
d. Community-based services.....	\$ 122,696

e. Local administrative costs and purchase of day care and other local services.... \$11,502,750

Sec. 6. SOCIAL SERVICES BLOCK GRANT PLAN. The department of social services shall develop a plan for the utilization of federal social services block grant funds for the state fiscal year beginning July 1, 1983, and ending June 30, 1984.

The proposed plan shall include all programs and services at the state level which the department proposes to fund with federal social services block grant funds, and shall identify state and other funds which the department proposes to use to fund the state programs and services.

The proposed plan shall also include all local programs and services which are eligible to be funded with federal social services block grant funds, the total amount of federal social services block grant funds available for the local programs and services, and the manner of distribution of the federal social services block grant funds to the counties. The proposed plan shall identify state and local funds which will be used to fund the local programs and services.

The proposed plan shall be submitted with the department's budget requests to the governor and the general assembly.

DIVISION IV

Sec. 7. ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICES APPROPRIATION.

1. There is appropriated from the fund created by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3, subsection 1, to the department of substance abuse, two million forty-eight thousand (2,048,000) dollars for the fiscal period beginning October 1, 1982, and ending September 30, 1983. The funds appropriated by this section are the anticipated funds to be received from the federal government for federal fiscal year 1983 under Pub. L. No. 97-35, Title IX, Subtitle A, which provides for the alcohol and drug abuse and mental health services block grant. The

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department shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

2. An amount not exceeding two hundred one thousand four hundred (201,400) dollars of the funds appropriated in subsection 1 shall be used by the department of substance abuse for administrative expenses. From the funds set aside by this subsection for administrative expenses, the department of substance abuse shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the department of substance abuse for the costs of the audit.

3. After deducting the funds allocated in subsection 2, the remaining funds appropriated in subsection 1 shall be allocated according to the following percentages to supplement appropriations for the following programs within the department of substance abuse:

- a. Drug abuse programs..... 38.17 percent
- b. Alcohol abuse programs.. 38.17 percent
- c. Alcohol and drug prevention programs..... 21.81 percent

One and eighty-five hundredths percent of the remaining funds appropriated in subsection 1 shall be transferred to the division of mental health, mental retardation, and developmental disabilities within the department of social services and allocated for community mental health centers.

Sec. 8. MATERNAL AND MILD HEALTH SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3, subsection 1, to the state department of health, the sum of three million nine hundred seventy thousand four hundred sixty-seven (3,970,467) dollars for the fiscal period beginning October 1, 1982, and ending September 30, 1983. The funds appropriated by this section are the anticipated funds to be received from the federal government for federal

fiscal year 1983 under Pub. L. No. 97-35, Title XXI, Subtitle D, which provides for the maternal and child health services block grant. The department shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

2. The funds appropriated in subsection 1 shall be allocated according to the following percentages to supplement appropriations for the following programs within the following divisions of the state department of health:

- a. Personal and family health division for sudden infant death counseling..... 1.0 percent
- b. Personal and family health division for maternal and child health formula grants..... 62.0 percent

Thirty-seven percent of the remaining funds appropriated in subsection 1 shall be transferred to the university of Iowa hospitals and clinics under the control of the state board of regents for specialized child health services.

3. An amount not exceeding one hundred twelve thousand two hundred (112,200) dollars of the funds allocated in subsection 2 to the state department of health shall be used by the state department of health for administrative expenses. From the funds set aside by this subsection for administrative expenses, the state department of health shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state department of health's portion of the funds allocated in subsection 2. The auditor of state shall bill the state department of health for the costs of the audit.

4. If the federal women, infants, and children nutrition program is consolidated into the maternal and child health services block grant, the specific dollar amount allocated by the federal government to the state above the

amount appropriated in subsection 1 shall be allocated to the women, infants, and children nutrition program. The administrative expenses specified in subsection 3 shall not be increased by more than the percentage of the state's total allocation for indirect costs allowed by federal law for the women, infants, and children nutrition program.

5. The state department of health, Iowa specialized child health services, the university of Iowa hospitals and clinics, and the department of social services shall jointly study and develop a plan for the integration and coordination of maternal and child health programs, including but not limited to prenatal clinics; obstetric clinics; maternal health centers; child health centers; well-child clinics; the women, infants, and children nutrition program; the maternity and infant care project; the children and youth project; dental clinics; specialized child health clinics; related medical assistance programs, including the early and periodic screening, diagnosis, and treatment program, and medical assistance reimbursements for maternal and child health services; and county maternal and child health programs. The plan shall provide, if possible, for locating the clinics at the same sites and for the sharing of administrative expenses. The plan and proposed implementation schedule shall be developed and submitted to the joint human resource8 appropriations subcommittee by January 31, 1983.

Sec. 9. TRANSFER OF FUNDS. Those federal maternal and child health services block grant funds transferred from the federal preventive health and health services block grant funds under section 10, subsection 4 of this Act for the federal fiscal year beginning October 1, 1982, and ending September 30, 1983, are transferred from the state department of health to the university of Iowa hospitals and clinics under the control of the state board of regents for specialized child health services.

Sec. 10. PREVENTIVE HEALTH AND HEALTH SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3, subsection 1, to the state department of health, one million sixty-one thousand (1,061,000) dollars for the fiscal period beginning October 1, 1982, and ending September 30, 1983. The funds appropriated by this section are the anticipated funds to be received from the federal government for federal fiscal year 1983 under Pub. L. No. 97-35, Title IX, Subtitle A, which provides for the preventive health and health services block grant. The department shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

2. An amount not exceeding ninety-eight thousand seven hundred (98,700) dollars of the funds appropriated in subsection 1 shall be used by the state department of health for administrative expenses. From the funds set aside by this subsection for administrative expenses, the state department of health shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the state department of health for the costs of the audit.

3. Of the funds appropriated in subsection 1, the specific amount of funds required by Pub. L. No. 97-35, Title IX, Subtitle A, shall be allocated to the rape prevention program.

4. Pursuant to Pub. L. No. 97-35, Title IX, Subtitle A, seven percent of the funds appropriated in subsection 1 is transferred within the special fund in the state treasury established under Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3, subsection 1, for use by the state department of health as authorized by Pub. L. No. 97-35, Title XXI, Subtitle D and section 9 of this Act.

5. After deducting the funds allocated and transferred in subsections 2, 3, and 4, the remaining funds appropriated in subsection 1 shall be allocated according to the following percentages to supplement appropriations for the following programs within the following divisions of the state department of health:

- a. Disease prevention division for hypertension grants..... 15.2 percent
- b. Disease prevention division for risk reduction services..... 21.0 percent
- c. Community health division and disease prevention division for health incentive grants..... 17.9 percent
- d. Community health division for emergency medical services..... 30.0 percent
- e. Personal and family health division for fluoridation grants.. 15.9 percent

DIVISION V

Sec. 11. EDUCATION APPROPRIATIONS.

1. There is appropriated from the fund created by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3, subsection 1, to the department of public instruction for the fiscal year beginning July 1, 1982 and ending June 30, 1983, the amount received from Pub. L. No. 97-35, Title V, Subtitle D, chapter 2, not to exceed five million three hundred thirty-eight thousand (5,338,000) dollars, which provides for the education block grant. The department shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

2. Twenty percent of the funds appropriated in subsection 1, not to exceed one million sixty-seven thousand six hundred (1,067,600) dollars, shall be used by the department for basic skills development, state leadership and support services, educational improvement and support services, special projects.

and state administrative expenses and auditing. However, not more than two hundred fifty thousand (250,000) dollars shall be used by the department for state administrative expenses.

3. Eighty percent of the funds appropriated in subsection 1 shall be allocated by the department to local educational agencies in this state, as local educational agency is defined in Pub. L. No. 97-35, Title V, Subtitle D. The amount allocated under this subsection shall be allocated to local educational agencies according to the following percentages and enrollments.

- a. Seventy-five percent shall be allocated on the basis of enrollments in public and approved nonpublic schools.
- b. Twenty percent shall be allocated on the basis of the number of disadvantaged children in local educational agencies whose incidence ratio for disadvantaged children is above the state average incidence ratio.

c. Five percent shall be allocated on the basis of the number of limited English speaking children whose language imposes a barrier to learning.

Sec. 12. Funds appropriated in section 11 of this Act shall not be used to aid schools or programs that illegally discriminate in employment or educational programs on the basis of sex, race, color, national origin, or disability.

DIVISION VI

Sec. 13. PROCEDURE FOR REDUCED FEDERAL FUNDS.

1. Except for section 11 of this Act, if the funds received from the federal government for the block grants specified in this Act are less than the amounts appropriated, the funds actually received shall be prorated by the governor for the various programs, other than for the rape prevention program under section 10, subsection 3, of this Act, for which each block grant is available according to the percentages that each program is to receive as specified in this Act. However, if the governor determines that the funds allocated by the

percentages will not be sufficient to effect the purposes of a particular program, or if the appropriation is not allocated by percentage, the governor may allocate the funds in a manner which will effect to the greatest extent possible the purposes of the various programs for which the block grants are available.

2. Before the governor implements the actions provided for in subsection 1, the following procedures shall be taken:

a. The chairpersons and ranking members of the standing committees of the senate and house on appropriations, the director of the legislative fiscal bureau, and the appropriate chairpersons and ranking members of subcommittees of those committees shall be notified of the proposed action.

b. The notice shall include the proposed allocations, and information on the reasons why particular percentages or amounts of funds are allocated to the individual programs, the departments and programs affected, and other information deemed useful. Chairpersons notified shall be allowed at least two weeks to review and comment on the proposed action before the action is taken.

Sec. 14. PROCEDURE FOR INCREASED FEDERAL FUNDS.

1. If funds received from the federal government from block grants exceed the amounts appropriated in sections 5, 7, 8 except subsection 4 of section 8, 10, and 11, subsection 3, of this Act, the excess shall be prorated to the appropriate programs according to the percentages specified in those sections, except additional funds shall not be prorated for administrative expenses.

2. If funds received from the federal government from block grants exceed the amounts appropriated in sections 1, 3, and 11, subsection 2, of this Act, the excess shall be deposited in the special fund created in Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3 and be subject to appropriation by the general assembly.

3. If funds received from the federal government from

block grants exceed the amounts appropriated in section 4 of this Act, one hundred percent of the excess shall be allocated to the low-income weatherization program.

Sec. 15. PROCEDURE FOR CONSOLIDATED OR EXPANDED FEDERAL BLOCK GRANTS. Notwithstanding Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3, federal funds made available to the state which are authorized for the 1983 federal fiscal year resulting from the federal government consolidating former categorical grants into block grants, or which expand block grants which are included in Pub. L. No. 97-35, to include additional programs formerly funded by categorical grants, which are not otherwise appropriated by the general assembly, are appropriated for the programs formerly receiving the categorical grants, subject to the conditions of this section. The governor shall, whenever possible, allocate from the block grant to each program in the same proportion as the amount of federal funds received by the program during the 1982 federal fiscal year as modified by the 1982 Session of the Sixty-ninth General Assembly for the fiscal year beginning July 1, 1982 compared to the total federal funds received in the 1982 federal fiscal year by all programs consolidated into the block grant. However, if one agency did not have categorical funds appropriated for the federal fiscal year ending September 30, 1982 but had anticipated applying for funds during the fiscal year ending September 31, 1983, the governor may allocate the funds in order to provide funding.

If the amount received in the form of a consolidated or expanded block grant is less than the total amount of federal funds received for the programs in the form of categorical grants for the 1982 federal fiscal year, state funds appropriated to the program by the general assembly to match the federal funds shall be reduced by the same proportion of the reduction in federal funds for the program. State funds released by the reduction shall be deposited in a special

fund in the state treasury and are available for appropriation by the general assembly. The governor shall notify the chairpersons and ranking members of the senate and house committees on appropriations, the legislative fiscal director, and the appropriate chairpersons and ranking members of the subcommittees of those committees before making the allocation of federal funds or any proportional reduction of state funds under this section. The notice shall state the amount of federal funds to be allocated to each program, the amount of federal funds received by the program during the 1982 federal fiscal year, the amount by which state funds for the program will be reduced according to this section and the amount of state funds received by the program during the 1982 fiscal year. Chairpersons notified shall be allowed at least two weeks to review and comment on the proposed action before the action is taken.

If the amount received in the form of a consolidated or expanded block grant is more than the total amount of federal funds received for the programs in the form of categorical grants for the 1982 federal fiscal year, the excess funds shall be deposited in the special fund created by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3, and be subject to the provisions of that section.

Sec. 16. PROCEDURE FOR FUTURE FEDERAL ACTIONS.

1. If federal block grant funding is increased or decreased for the federal fiscal year following the year for which the block grants are appropriated by this Act, the actions prescribed in sections 13 and 14 of this Act shall be modified by the governor as allowed by federal law in order that a consistent plan will be available for the affected state fiscal years.

2. Before the governor implements the actions provided for in subsection 1, the following procedures shall be taken:

a. The chairpersons and ranking members of the standing committees of the senate and house on appropriations, the

appropriate chairpersons and ranking members of subcommittees of those committees, and the director of the legislative fiscal bureau shall be notified of the proposed action.

b. The notice shall include the proposed allocations, information on the reasons why particular percentages or amounts of funds are allocated to the individual programs, the departments and programs affected, and other information deemed useful. Chairpersons notified shall be allowed at least two weeks to review and comment on the proposed action before the action is taken.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2477, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

AN ACT
RELATING TO THE ISSUANCE OF BONDS PAYABLE FROM THE HOTEL
AND MOTEL TAX.

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

Section 1. Section 422A.2, subsection 4, paragraph f,
Code 1981, is amended to read as follows:

f. Bonds shall not be issued payable as provided in this
section unless the issuance of the bonds has been authorized
by an election, or the bonds are issued prior to November
1, ~~1982~~ 1984 payable from a hotel and motel tax which was
authorized at an election held prior to July 1, 1979.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 2478, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

Iowa, and in the Fort Madison Daily Democrat, a newspaper published in Fort Madison, Iowa.

HOUSE FILE 2479

AN ACT

TO DISALLOW THE DEDUCTION OF THE FEDERAL WINDFALL PROFITS TAXES IN COMPUTING STATE CORPORATE INCOME TAXES AND MAKING THE ACT TAKE EFFECT UPON PUBLICATION RETROACTIVE TO JANUARY 1, 1981.

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

section 1. Section 422.35, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1983 Session, chapter 132, section 8, and House Pile 2171, enacted by the Sixty-ninth General Assembly, 1982 Session, sections 14 and 15, is amended by adding the following new subsection:

NEW SUBSECTION. Add the amount of windfall profits tax deducted under section 164(a) of the Internal Revenue Code of 1954.

Sec. 2. This Act is retroactive to January 1, 1981 for tax years beginning on or after January 1, 1981.

Sec. 3. This Act, being deemed of immediate importance, takes effect from and after its publication in The Council Bluffs Nonpareil, a newspaper published in Council Bluffs,

DELWYN STROMER

Speaker of the House

TERRY E. BRANSTAD

President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2479, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON

Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY

Governor

HOUSE FILE 2482

AN ACT

TO APPROPRIATE FEDERAL FUNDS RECEIVED FOR FEDERAL FISCAL YEAR
1982 TO THE ENERGY POLICY COUNCIL EFFECTIVE UPON PUBLICATION.

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

Section 1.

1. There is appropriated from the fund created by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 3, subsection 1, to the energy policy council, the sum of thirty-four million eight hundred forty-five thousand one hundred seventy-eight (34,845,178) dollars. The funds appropriated by this section are the anticipated funds to be received from the federal government for federal fiscal year 1982 under Pub. L. No. 97-35, Title XXVI of the Omnibus Budget Reconciliation Act of 1981 and are subject to the transfer made by House File 2336, section 13, enacted by the Sixty-ninth General Assembly, 1982 Session and the transfer made by section 2 of this Act. The energy policy council shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

2. Not exceeding two million six hundred thousand (2,600,000) dollars of the funds appropriated in subsection 1 shall be used by the department for administrative expenses. From the two million six hundred thousand (2,600,000) dollars, an amount sufficient to pay the cost of an audit of the use and administration of the state's portion of the funds appropriated shall be paid. The auditor shall bill the energy policy council for the state's portion of auditing for the federal funds.

3. The remaining funds appropriated in this section shall be allocated to help eligible households as defined in accordance with Pub. L. No. 97-35 to meet the costs of home energy. However, at least twelve and one-half percent and not more than fifteen percent of thirty-two million five hundred fifty-five thousand six hundred seventy-one (32,555,671) dollars of the funds appropriated by subsection 1 shall be used for low-income residential weatherization or other related home repairs for low-income households. The funds transferred to low-income weatherization shall include money for administration.

4. The appropriation made by subsection 1 is in lieu of the appropriation made by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 17, section 4.

Sec. 2. In addition to the transfer made by House File 2336, section 13 enacted by the Sixty-ninth General Assembly, 1982 Session and pursuant to section 2604 of the federal Omnibus Reconciliation Act of 1981, one million six hundred fifty-five thousand (1,655,000) dollars of this state's allotment of funds under the federal Low-Income Home Energy Assistance Act of 1981, section 2601 et. seq., of the federal Omnibus Reconciliation Act of 1981 is transferred and appropriated to the department of social services for use authorized by the federal Social Services Block Grant Act, section 2351 et. seq., of the federal Omnibus Reconciliation Act of 1981. This appropriation is for the fiscal year beginning July 1, 1982 and ending on June 30, 1983. State funds in the same amount as the transfer appropriated to the department of social services for those uses for which the funds transferred by this section are authorized shall revert to the general fund of the state.

Sec. 3. This Act, being deemed of immediate importance, takes effect from and after its publication in The Hudson Herald, a newspaper published in Hudson, Iowa, and in The

Algona Upper Des Moines, a newspaper published in Algona,
Iowa.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 2482, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

HOUSE FILE 2484

AN ACT

RELATING TO MOBILE HOMES BY PROVIDING THAT THE SEMIANNUAL MOBILE HOME TAX IS DUE AND PAYABLE AND DELINQUENT AT THE SAME TIME AS REAL PROPERTY TAXES, THAT MOBILE HOMES MAY BE SOLD FOR DELINQUENT TAXES IN THE SAME MANNER AS REAL PROPERTY, THAT TITLE SHALL NOT BE TRANSFERRED IF TAXES ARE OWING, THAT MOBILE HOMES ARE NOT SUBJECT TO ANNUAL REGISTRATION, AND THAT BEFORE MOBILE HOMES CAN BE TRANSPORTED A TAX CLEARANCE THAT TAXES ARE NOT OWING MUST BE OBTAINED, REQUIRING THAT PRESENT OWNERS WHO ARE NOT TITLED IN THE COUNTY WHERE THEIR MOBILE HOMES ARE LOCATED MUST NOTIFY THE COUNTY TREASURER, MAKING COORDINATING AMENDMENTS AND PROVIDING A JANUARY 1 EFFECTIVE DATE.

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

Section 1. Section 135D.22, subsection 7, Code 1981, is amended to read as follows:

7. On or before February ~~April~~ 1 of each year, each mobile home owner eligible for a reduced tax rate shall file a claim for eueh this tax rate with the county treasurer. The forms for filing the claim shall be provided by the department of revenue. The forms shall require eueh information as ~~is~~ determined by the director of revenue. The reduced tax rate ~~shall-be is~~ applicable to both semiannual tax payments due in the calendar year in which the claim is filed. If an eligible mobile home owner fails to file a claim by February April 1, ~~no the~~ reduced tax rate shall ~~not~~ be granted for the semiannual tax payment due by February April 1, of that year. Claims filed with the county treasurer after February April 1, but before ~~August~~ October 1, ~~shall-be are~~ applicable to the semiannual tax payment due by ~~August~~ October 1, only.

On or before ~~March~~ April 15, ~~1977, and of~~ each year ~~thereafter~~, the county treasurer ~~of each county~~ shall prepare a statement listing for each taxing district in the county the total amount of taxes which will not be collected for the calendar year ~~1977, and each year thereafter~~, by reason of the reduced tax rate granted under subsection 2. The county treasurer shall certify and forward eueh the statement to the director of revenue not later than ~~March~~ April 15 of each year.

The director of revenue shall certify to the state comptroller the amount due to each county, which amount shall be the dollar amount which will not be collected due to the granting bf the reduced tax rate under ~~this~~ subsection 2.

The amounts due each county shall be paid in two equal payments by the state comptroller on ~~April~~ May 15 and ~~October~~ November 15 of each year, drawn upon warrants payable to the respective county treasurers. The county treasurer in each county shall apportion ~~sueh~~ the payment in accordance with section 135D.25.

There is appropriated annually from the general fund of the state to the department of revenue an amount sufficient to carry out ~~the provisions of~~ this section subsection.

Sec. 2. Section 135D.24, Code 1981, is amended to read as follows:

135D.24 COLLECTION OF TAX. The semiannual tax ~~provided herein shall-be is~~ due and payable to the county treasurer semiannually on or before ~~January~~ March 1 and ~~July~~ September 1 in each year; and ~~shall-be is~~ delinquent February April 1 and ~~August~~ October 1 in each year, after which a penalty of one percent shall be added each month until paid except that the limitation in section 445.20 applies. The semiannual payment of taxes ~~and license~~ may be paid at one time if so desired. A mobile home parked and put to use at any time after ~~January~~ March 1 or ~~July~~ September 1 ~~shall-be immediately is~~ subject to the ~~said~~ taxes prorated for the remaining months

er-days of the tax period. ~~Said tax shall be due and payable immediately, and delinquent thirty days after said parking and subject to the same penalties herein set out.~~ Not more than thirty days nor less than ten days prior to the date that the tax becomes delinquent, the county treasurer shall cause to be published in a newspaper of general circulation in the county, a notice to mobile home owners. The ~~notification~~ notice shall include the date the tax becomes delinquent, and the penalty which ~~will apply~~ applies when it is delinquent.

Mobile home owners upon issuance of a certificate of title or upon transporting to a new site shall register file the address, township, and school district, of the location where the mobile home is parked with the county treasurer's office. Failure to comply ~~shall be is~~ punishable as set out in section 135D.18.

Each mobile home park licensee is hereby ~~rewired~~ he shall keep an accurate and complete record of the number of units of mobile homes harbored in his the park, listing the owner's name, year and make of the unit ~~and whether there is a current registration plate,~~ and to report such this information on or before the tenth day of ~~January~~ March and ~~July~~ September with supplemental monthly reports listing arrivals, and departures, ~~and unlicensed of~~ mobile homes for which a tax clearance statement was not issued to the county treasurer. The records of ~~such the~~ licensee shall be open to inspection by a duly authorized representative of any law enforcement agency. Any property owner, manager or tenant shall report to the ~~assessor any and all~~ county treasurer mobile homes parked upon any property owned, managed, or rented by him that person.

~~The county treasurer shall report the name of any owner of a mobile home and the year, make, and serial number of each unit on which there is no current registration plate to the county sheriff, who shall be the enforcement agency for enforcement of the tax provisions imposed by this chapter.~~

The tax ~~and registration fee shall be is~~ a lien on the vehicle senior to any other lien ~~there may be~~ upon it. The mobile home ~~and automobile~~ bearing a current registration plates issued by any other state ~~than the state of Iowa~~ and remaining within this state for an accumulated period not to exceed ninety days in any twelve-month period ~~shall is~~ not be subject to Iowa tax. However, when one or more persons occupying a mobile home bearing a foreign registration are employed in this state, there ~~shall be is~~ no exemption from ~~the Iowa registration and tax herein provided.~~ This tax ~~shall~~ be is in lieu of all other taxes general or local on a mobile home.

A modular home as defined by this chapter ~~shall is~~ not be subject to or assessed the semiannual tax pursuant to this section, but shall be assessed and taxed as real estate pursuant to chapter 427.

Before a mobile home may be moved from its present site, a tax clearance statement in the name of the owner must be obtained from the county treasurer of the county where the present site is located certifying that taxes are not owing under this section for previous years and that the taxes have been paid for the current tax period. However, a tax clearance statement shall not be required for a mobile home in a manufacturer's or dealer's stock which is not used as a place for human habitation. The tax clearance statement shall be provided by the county treasurer and shall be made out in quadruplicate. Two copies are to be provided to the company or person transporting the mobile home with one copy to be carried in the vehicle transporting the mobile home. One copy is to be forwarded to the county treasurer of the county in which the mobile home is to be relocated and one copy is to be retained by the county treasurer issuing the tax clearance statement.

Sec. 3. Section 135D.25, Code 1981, is amended by adding the following new unnumbered paragraph:

~~NEW UNNUMBERED PARAGRAPH.~~ Chapters 446, 447, and 448 apply to the sale of a mobile home for the collection of delinquent taxes and penalties, the redemption of a mobile home sold for the collection of delinquent taxes and penalties, and the execution of a tax sale certificate of title for the purchase of a mobile home sold for the collection of delinquent taxes and penalties in the same manner as though a mobile home were real property within the meaning of these chapters to the extent consistent with this chapter.

Sec. 4. Section 321.18, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Any mobile home.

Sec. 5. Section 321.20, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Except as ~~otherwise~~ provided in this chapter, every owner of a vehicle subject to registration ~~hereunder~~ shall make application to the county treasurer, of the county of the owner's residence, or if a nonresident, to the county treasurer of the county where the primary users of the vehicle are located, for the registration and issuance of a certificate of title ~~thereof~~ for the vehicle upon the appropriate form furnished by the department, accompanied by a fee of two dollars, and every ~~such~~ application shall bear the signature of the owner written with pen and ink. However, a nonresident owner of two or more vehicles subject to registration may make application for registration and issuance of a certificate of title for all vehicles subject to registration to the county treasurer of the county where the primary user of any of the vehicles is located. The owner of a mobile home shall make application for a certificate of title under this section. The application shall contain:

Sec. 6. Section 321.21, subsections 1 and 6, Code 1981, are amended to read as follows:

1. A person owning any special mobile equipment ~~as herein~~ **defined** may make application to the department, upon the

appropriate form furnished by the department, for a certificate containing a general distinguishing number and for one or more ~~pairs of special mobile equipment plates or single~~ special mobile equipment plates ~~as appropriate to various types of special mobile equipment.~~ The applicant shall also submit proof of the status of the vehicle ~~or vehicles~~ as special mobile equipment as may reasonably be required by the department. If the application is for a mobile home, one copy of the tax clearance form issued to the owner of the mobile home must be submitted by the person transporting the mobile home or other evidence of current taxes being paid as prescribed by the department.

6. The certificate and plates issued hereunder shall be for purposes of identification only and shall not constitute a registration as required under ~~the provisions of~~ this chapter. A certificate of title need not be executed when the certificate and plates are issued hereunder and a certificate of title need not be delivered to the purchaser or transferee when special mobile equipment is sold or ~~otherwise~~ disposed of unless the special mobile equipment is a mobile home.

Sec. 7. Section 321.21, Code 1981, as amended by Senate File 2183, enacted by the Sixty-ninth General Assembly, 1982 Session, section 1, is amended by adding the following new subsection:

NEW SUBSECTION. The department may issue temporary written authorization. The temporary authority shall permit the operation of special mobile equipment until permanent identification is issued, except that the temporary authority shall expire after ten days.

Sec. 8. Section 321.24, Code 1981, is amended to read as follows:

321.24 ISSUANCE OF REGISTRATION AND CERTIFICATE OF TITLE.
Upon receipt of the application for title and payment of the required fees for motor vehicle, trailer, or semitrailer,

the county treasurer shall, when satisfied as to the application's genuineness and regularity thereof, and, in the case of a mobile home, that taxes are not owing under chapter 135D, issue a ~~registration-receipt-and~~ certificate of title and, except for a mobile home, a registration receipt and shall file the application, the manufacturer's or importer's certificate, certificate of title, or other evidence of ownership, as prescribed by the department. The registration receipt shall be delivered to the owner and shall contain upon ~~the~~ its face ~~thereof~~ the date issued, the name and address of the owner, the registration number assigned to the vehicle, the title number assigned to the owner of the vehicle, the amount of the fee paid, the amount of tax paid pursuant to section 423.7, type of fuel used and ~~euek~~ a description of the vehicle as determined by the department and upon the reverse side a form for notice of transfer of the vehicle. The county treasurer shall maintain in the county record system information contained on the registration receipt. ~~Such~~ The information shall be accessible by registration number and shall be open for public inspection during reasonable business hours. ~~Such copies as~~ Copies the department ~~may require~~ requires shall be sent to the department in the manner and at ~~such~~ the time as the department may ~~direct~~ directs. The certificate of title shall contain upon ~~the~~ its face ~~thereof~~ the identical information required upon the face of the registration receipt. In addition ~~therein~~, the certificate of title shall contain a statement of the owner's title, the amount of tax paid pursuant to section 423.7, the name and address of the previous owner, and a statement of all security interests and encumbrances as shown in the application, upon the vehicle ~~therein~~ described including the nature of the security interest, date of notation and name and address of the secured party. ~~Said~~ The certificate shall bear ~~thereon~~ the seal of the county treasurer, the signature of the county treasurer or that of

the deputy county treasurer, and shall provide space for the signature of the owner. The owner shall sign the certificate of title in the space provided with pen and ink upon its receipt ~~of certificate of title~~. The certificate of title shall contain upon the reverse side a form for assignment of title or interest and warranty ~~thereof~~ by the owner, for reassignments by a licensed dealer and for application for a new certificate of title by the transferee as provided in this chapter. All certificates of title shall be typewritten or printed by other mechanical means. The original certificate of title shall be delivered to the owner ~~in the event~~ if no security interest or encumbrance appears thereon. otherwise the certificate of title shall be delivered by the county treasurer to the person holding the first security interest or encumbrance as shown in the certificate. The county treasurer shall maintain in the county records system information contained on the certificate of title. Such The information shall be accessible by title certificate number for a period of three years from the date of notification of cancellation of title or that a new title has been issued as provided in this chapter. ~~Such copies as~~ Copies the department ~~may require~~ requires shall be sent to the department in the manner and at ~~such~~ the time as the department ~~shall~~ direct directs. The department shall designate a uniform system of title numbers ~~so as~~ to indicate the county of issuance.

If the county treasurer or department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the county treasurer or department may register the vehicle but shall as a condition of issuing a certificate of title and registration receipt, require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and either accompanied by the deposit of cash with the department or also executed by a person authorized to

conduct a surety business in this state. The bond shall be in an amount equal to one and one-half times the current value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three years or prior thereto if the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond.

Sec. 9. Section 321.30, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. In the case of a mobile home, that taxes are owing under chapter 135D for a previous year.

Sec. 10. Section 321.45, subsection 4, Code 1981, is amended to read as follows:

4. Within ~~five~~ seven days of the sale and delivery of a mobile home, the dealer making the sale shall certify to the county treasurer of the county where the unit is ~~located~~ delivered, the name and address of the purchaser, the point of delivery to the purchaser, and the make, year of manufacture, taxable size, and identification number of the unit.

Sec. 11. Section 321.46, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Upon filing the application for a registration transfer and a new title, the applicant shall pay a fee of two dollars. The county treasurer, if satisfied of the genuineness and regularity of the application, and in the case of a mobile home, that taxes are not owing under chapter 135D, and that applicant has complied with all the requirements of this chapter, shall ~~forthwith~~ issue a new certificate of title and, except for a mobile home, a registration card to the purchaser or transferee and shall forward the necessary copies to the department on the date of issuance, as prescribed in section 321.24.

Sec. 12. Section 321.57; Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Mobile home dealers licensed under chapter 322B may transport and deliver mobile homes in their inventory upon the highways of this state with a special plate displayed on the mobile home as provided in sections 321.58 to 321.62.

Sec. 13. Section 321.58, Code 1981, is amended to read as follows:

321.58 APPLICATION. All dealers, ~~and~~ transporters and mobile home dealers licensed under chapter 322B may, upon payment of a fee of thirty-five dollars, make application to the department upon the appropriate form for a certificate containing a general distinguishing number and for one or more special plates as appropriate to various types of vehicles subject to registration. The applicant shall also submit proof of the applicant's status as a bona fide transporter, mobile home dealer licensed under chapter 322B, or dealer as reasonably required by the department. Dealers in new vehicles shall furnish satisfactory evidence of a valid franchise with the manufacturer of the vehicles authorizing the dealership.

Sec. 14. Section 321.101, subsection 8, Code 1981, is amended to read as follows:

8. The department ~~is hereby authorized, and it~~ shall be ~~its duty, to~~ cancel a certificate of title that appears to have been improperly issued or fraudulently obtained or in the case of a mobile home, if taxes were owing under chapter 135D at the time the certificate was issued and have not been paid. However, before the certificate to a mobile home where taxes were owing can be canceled, notice and opportunity to pay the taxes must be given to the person to whom the certificate was issued. Upon cancellation of any certificate of title the department shall notify the county treasurer who issued ~~the same it~~, who shall ~~forthwith~~ enter the cancellation upon ~~his the~~ records. The department shall also notify the person to whom ~~seek the~~ certificate of title was issued, as well as any lienholders appearing thereon, of the cancellation and shall demand the surrender of ~~such the~~ certificate of title, but the cancellation shall not affect the validity of any lien noted thereon.

Sec. 15. Section 321.104, subsection 6, Code 1981, is amended to read as follows:

6. For a dealer to sell or transfer a mobile home without delivering to the purchaser or transferee a certificate of title, a manufacturer's or importer's certificate properly assigned to the purchaser, or to transfer a mobile home without disclosing to the purchaser the owner of the mobile home in a manner prescribed by the department pursuant to rules or to fail to certify within seven days to the proper county treasurer the information required under section 321.45, subsection 4.

Sec. 16. Section 321.123, unnumbered paragraph 1, Code 1981, is amended to read as follows:

All trailers except ~~farm~~ trailers and mobile homes, unless otherwise provided in this section, ~~shall be are~~ subject to a registration fee of four dollars for trailers with a gross weight of one thousand pounds or less and ten dollars for other trailers. Trailers for which the empty weight is two

thousand pounds or less ~~shall be are~~ exempt from the certificate of title and lien provisions of this chapter. Fees collected under this section shall not be reduced or prorated under ~~the provisions of~~ chapter 326.

Sec. 17. Section 321.123, subsection 1, unnumbered paragraph 1, Code 1981, is amended by striking the paragraph.

Sec. 18. Section 321.123, subsection 1, unnumbered paragraph 4, Code 1981, is amended to read as follows:

If a ~~mobile home or~~ travel trailer ~~shall have has~~ been registered under ~~the provisions of~~ this chapter at any time during a calendar year, ~~said mobile home or the~~ travel trailer ~~shall is~~ not be subject to a personal property tax for ~~said that~~ year.

Sec. 19. Chapter 321E, Code 1981, is amended by adding the following new section:

NEW SECTION. All mobile homes moved in this state which are registered in another state shall only be moved on the highways with a permit issued under sections 321E.8 and 321E.28.

Sec. 20. section 422.45, subsection 4, Code 1981, is amended to read as follows:

4. The gross receipts from sales of vehicles subject to registration or subject only to the issuance of a certificate of title.

Sec. 21. Section 423.1, subsection 9, Code 1981, is amended to read as follows:

9. "Trailer" shall mean every trailer, as is now or may be hereafter ~~so~~ defined by the motor vehicle law of this state, which is required to be registered or is subject only to the issuance of a certificate of title under such motor vehicle law.

Sec. 22. Section 423.1, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. "Certificate of title" means a certificate of title issued for a vehicle under chapter 321.

Sec. 23. Section ~~423.4~~^{423.4}, subsections 1 and 4, Code 1981, are amended to read as follows:

1. Tangible personal property, the gross receipts from the sale of which are required to be included in the measure of the **tax** imposed by division IV of chapter 422, and any amendments made or which may hereafter be made thereto. This exemption does not include vehicles subject to registration or subject only to the issuance of a certificate of title.

4. Tangible personal property, the gross receipts from the sale of which are exempted from the retail sales tax by the terms of section 422.45, except subsection 4 and subsection 6 of section 422.45 as it relates to the sale of vehicles subject to registration or subject only to the issuance of a certificate of title.

Sec. 24. Section 423.6, subsection 1, Code 1981, is amended to read as follows:

1. The tax upon the use of all vehicles subject to registration or subject only to the issuance of a certificate of title shall be collected by the county treasurer or the state department of transportation pursuant to ~~the provisions~~ of section 423.7. The county treasurer shall retain twenty-five cents from each tax payment collected, to be credited to the county general fund.

Sec. 25. Section 423.7, Code 1981, is amended to read as follows:

423.7 VEHICLES SUBJECT TO REGISTRATION. The tax imposed upon the use of vehicles subject to registration or subject only to the issuance of a certificate of title shall be paid by the owner of the vehicle to the county treasurer or the state department of transportation from whom the registration receipt or certificate of title is obtained. A registration receipt for a vehicle subject to registration or certificate of title shall not be issued until the tax has been ~~so~~ paid. The county treasurer or the state department of transportation shall require every applicant for a registration receipt for

a vehicle subject to registration or certificate of title to supply information as the county treasurer or the director deems necessary as to the time of purchase, the purchase price, and other information relative to the purchase of the vehicle ~~subject-to-registration~~. On or before the tenth day of each month the county treasurer or the state department of transportation shall remit to the department the amount of the taxes collected during the preceding month, accompanied by a copy of each registration receipt issued in conjunction with the certificate of title issued for each vehicle ~~subject to-registration~~.

Sec. 26. Section 423.8, Code 1981, is amended to read as follows:

423.8 SALES TAX REPORT--DEDUCTION. Motor vehicle or trailer dealers, in making their reports and returns to the department for the purpose of paying the retail sales tax imposed by division IV of chapter 422, shall be permitted to deduct all gross receipts from retail sales of vehicles subject to registration or subject only to the issuance of a certificate of title. Gross receipts from sales of vehicles subject to registration or subject only to the issuance of a certificate of title are ~~hereby-expressly~~ exempted from the tax imposed by ~~said~~ division IV, but, if required by the director, ~~said~~ the gross receipts shall be included in the returns made by motor vehicle or trailer dealers under ~~said~~ division IV, and proper deductions taken pursuant to this section.

Sec. 27. Each owner of a mobile home which is not registered in the county on the effective date of the Act where the mobile home is located shall notify the county treasurer, within seven days of the notice given under this section, of the address, township, and school district where the mobile home is located and its make, taxable size, and identification number. If the owner does not have an Iowa certificate of title, the owner shall apply, within seven

days of the notice given under this section, for a certificate of title. Each county treasurer shall publish a notice of the requirements of this section in a newspaper in the county once each week for two consecutive weeks.

Sec. 28. This Act takes effect January 1 following its enactment.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2484, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

Sec. 3. The general assembly disapproves all other claims submitted to it and considered by the subcommittee on claims of the appropriations committees prior to April 15, 1982.

HOUSE FILE 2491

AN ACT

RELATING TO CLAIMS AGAINST THE STATE OF IOWA AND MAKING APPROPRIATIONS IN SETTLEMENT OF CLAIMS AGAINST THE STATE OF IOWA.

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

Section 1. There is appropriated from the general fund and the road use tax fund of the state to the following persons the amount set opposite their respective names in full settlement of all claims which they may have against the state of Iowa:

Claimant	Claim No.	Nature of Claim	Amount
1. Ruby Lucille Hall Glenwood, Iowa	10273-69-25	Sick leave reimbursement	1,500.00
2. Harrison Hedgecock Mason City, Iowa	10682-69-25	Compensation bonus for WWII service	465.00
3. CRST, Inc. Cedar Rapids, Iowa	10216-69-25	Fuel tax refund	11,468.02
4. Cyclone Transport, Inc. Reinbeck, Iowa	123-70-25	Registration refund	1,194.84
5. Rassmussen Buick-GMC, Inc. Council Bluffs, Iowa	063-70-25	Sales tax refund	150.00

Sec. 2. The amount of the claim against the state in subsections 3 and 4 of section 1 of this Act shall be paid from the road use tax of the state. The remainder of the claims listed in section 1 of this Act shall be paid from the general fund of this state.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2491, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

HOUSE FILE 2493

AN ACT

RELATING TO CRIMINAL JUSTICE PROGRAMS BY IMPOSING A TEN PERCENT PENALTY ASSESSMENT SURCHARGE ON CERTAIN FINES AND FORFEITURES, ESTABLISHING A CRIME VICTIM REPARATION PROGRAM, STRIKING CERTAIN REFERENCES TO A CRIMINAL JUSTICE IMPROVEMENT FUND IN ACIS OF THE SIXTY-NINTH GENERAL ASSEMBLY, 1981 SESSION, AND MAKING APPROPRIATIONS TO CERTAIN DEPARIMENTS FOR CRIMINAL JUSTICE PROGRAMS, AND A VICTIM REPARATION PROGRAM

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

Section 1. NEW SECTION. CRIMINAL PENALTY SURCHARGE ESTABLISHED. A criminal penalty surcharge shall be levied against certain law violators as provided in section 2 of this Act. The surcharge shall be deposited as provided in section 3 of this Act and shall be used for the maintenance and improvement of criminal justice programs, law enforcement efforts, victim reparation, crime prevention, and improvement of the professional training of personnel, and the planning and support services of the criminal justice system.

Sec. 2. NEW SECTION. TEN PERCENT SURCHARGE. When a court imposes a fine or forfeiture for a violation of a state law, or of a city or county ordinance except an ordinance regulating the parking of motor vehicles. the court shall assess an additional penalty in the form of a surcharge equal to ten percent of the fine or forfeiture imposed. In the event of multiple offenses, the surcharge shall be based upon the total amount of fines or forfeitures imposed for all offenses. When a fine or forfeiture is suspended in whole or in part, the surcharge shall be reduced in proportion to the amount suspended. This section applies only with respect to criminal actions commenced on or after July 1, 1982.

Sec. 3. NEW SECTION. DISPOSITION OF SURCHARGE. When a court assesses a surcharge under section 2 of this Act, the clerk of the district court shall transmit ninety percent of the surcharge collected to the treasurer of state by the fifteenth day of the following month. The treasurer of state shall deposit the money in the general fund of the state. The clerk of the district court shall transmit ten percent of the surcharge to the county treasurer for deposit in the county court expense fund or shall remit ten percent of the surcharge to the city that was the plaintiff in any action for deposit in the general fund of the city.

Sec. 4. VICTIM REPARATION INTENT. It is the intent of the general assembly to provide a program for compensating and assisting innocent victims of violent criminal acts who suffer bodily injury or death as a consequence, and for encouraging greater public cooperation in the successful apprehension and prosecution of criminal offenders. It is also the intent of the general assembly that the department of public safety, each county attorney, and each local law enforcement agency shall publicize the crime victim reparation program and promote the use of the program.

Sec. 5. NEW SECTION. DEFINITIONS. As used in sections 5 through 16 of this Act, unless the context otherwise requires:

1. "Department" means the department of public safety.
2. "Commissioner" means the commissioner of the department or the commissioner's designee.
3. "Victim" means a person who suffers personal injury or death as a result of any of the following:
 - a. A crime.
 - b. The good faith effort of a person attempting to prevent a crime.
 - c. The good faith effort of a person to apprehend a person suspected of committing a crime.

4. "Crime" means conduct that occurs or is attempted in this state, poses a substantial threat of personal injury or death, and is punishable as a felony, an aggravated misdemeanor, or a serious misdemeanor, or would be so punishable but for the fact that the person engaging in the conduct lacked the capacity to commit the crime under the laws of this state. "Crime" does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, motorcycle, motorized bicycle, train, boat, or aircraft except when the intention is to cause personal injury or death.

5. "Dependent" means a person wholly or partially dependent upon a victim for care or support and includes a child of the victim born after the victim's death.

6. "Reparation" means compensation awarded by the commissioner as authorized by sections 5 through 16 of this Act.

Sec. 6. NEW SECTION. AWARD OF REPARATION. The commissioner shall award reparations authorized by sections 5 through 16 of this Act if the commissioner is satisfied that the requirements for reparation have been met.

Sec. 7. NEW SECTION. DUTIES OF COMMISSIONER. The commissioner shall:

1. Adopt rules pursuant to chapter 17A relating to the administration of the crime victim reparation program, including the filing of claims pursuant to the program, and the hearing and disposition of the claims.
2. Hear claims, determine the results relating to claims, and reinvestigate and reopen cases as necessary.
3. Publicize through the department, county sheriff departments, municipal police departments, county attorney offices, and other public or private agencies, the existence of the crime victim reparation program, including the procedures for obtaining reparation under the program.
4. Request from the department of social services, the Iowa department of job service, the industrial commissioner,

the attorney general, the county sheriff departments, the municipal police departments, the county attorneys, or other public authorities or agencies reasonable assistance or data necessary to administer the crime victim reparation program.

5. Require medical examinations of victims as needed. The victim shall be responsible for the cost of the medical examination if reparation is made. The department shall be responsible for the cost of the medical examination from funds appropriated to the department for the crime victim reparation program if reparation is not made to the victim unless the cost of the examination is payable as a benefit under an insurance policy or subscriber contract covering the victim or the cost is payable by a health maintenance organization.

6. Render to the governor and the general assembly by January 1, 1984, a written report of activities undertaken for the crime victim reparation program.

Sec. 8. NEW SECTION. APPLICATION FOR REPARATION.

1. To claim a reparation under the crime victim reparation program, a person shall apply in writing on a form prescribed by the commissioner and file the application with the commissioner within one hundred eighty days after the date of the crime or within one hundred twenty days after the date of death of the victim.

2. A person is not eligible for reparation unless the crime was reported to the local police department or county sheriff department within twenty-four hours of its occurrence. However, if the crime cannot reasonably be reported within that time period, the crime shall have been reported within twenty-four hours of the time a report can reasonably be made.

Sec. 9. NEW SECTION. REPARATIONS PAYABLE. The commissioner may order the payment of reparation:

1. To or for the benefit of the person filing the claim.
2. To a person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of personal injury to the victim.

3. To or for the benefit of one or more dependents of the victim, in the case of death of the victim. If two or more dependents are entitled to a reparation, the reparation may be apportioned by the commissioner as the commissioner determines to be fair and equitable among the dependents.

Sec. 10. NEW SECTION. COMPUTATION OF REPARATION. The commissioner shall make reparation as appropriate, for any of the following economic losses incurred as a direct result of an injury to or death of the victim, not to exceed two thousand dollars per victim unless otherwise specified:

1. Reasonable charges incurred for medical care.
2. Loss of income from work the victim would have performed and received compensation for if the victim had not been injured.
3. Reasonable replacement value of clothing that is held for evidentiary purposes, but not to exceed one hundred dollars.
4. Reasonable funeral and burial expenses not to exceed one thousand dollars.

Sec. 11. NEW SECTION. REDUCTIONS AND DISQUALIFICATIONS. Reparations are subject to reduction and disqualification as follows:

1. A reparation shall be reduced by the amount of any payment received, or to be received, as a result of the injury or death:
 - a. From or on behalf of, the person who committed the crime.
 - b. From an insurance payment or program, including but not limited to workers' compensation or unemployment compensation.
 - c. From public funds.
 - d. As an emergency award under section 15 of this Act.
2. A reparation shall not be made when the bodily injury or death for which a benefit is sought was caused by any of the following:
 - a. Consent, provocation, or incitement by the victim.

b. An act committed by a person living in the same household with the victim, unless a criminal conviction for the act is obtained.

c. An act committed by a person who is, at the time of the criminal act, the spouse, child, stepchild, parent, stepparent, brother, stepbrother, sister, or stepsister of the victim, or the parent or stepparent of the victim's spouse, or a brother, stepbrother, sister, or stepsister of the victim's spouse, unless a criminal conviction for the act is obtained.

d. The victim assisting, attempting, or committing a criminal act.

3. A person is disqualified from receiving a reparation if the victim has not cooperated with an appropriate law enforcement agency in the investigation or prosecution of the crime relating to the claim, or has not cooperated with the department in the administration of the crime victim reparation program.

Sec. 12. NEW SECTION. REPARATION WHEN MONEY INSUFFICIENT. Notwithstanding sections 5 through 16 of this Act a victim otherwise qualified for a reparation under the crime victim reparation program, is not entitled to the reparation when there is insufficient money from the appropriation for the program to pay the reparation.

Sec. 13. NEW SECTION. ERRONEOUS OR FRAUDULENT PAYMENT--PENALTY.

1. If a payment or overpayment of a reparation is made because of clerical error, mistaken identity, innocent misrepresentation by or on behalf of the recipient, or other circumstances of a similar nature, not induced by fraud by or on behalf of the recipient, the recipient is liable for repayment of the reparation. The commissioner may waive, decrease, or adjust the amount of the repayment of the reparation. However, if the commissioner does not notify the recipient of the erroneous payment or overpayment within

one year of the date the reparation was made, the recipient is not liable for the repayment of the reparation.

2. If a payment or overpayment has been induced by fraud by or on behalf of a recipient, the recipient is liable for repayment of the reparation.

Sec. 14. NEW SECTION. RELEASE OF INFORMATION. A person in possession or control of investigative or other information pertaining to an alleged crime or a victim filing for a reparation shall allow the inspection and reproduction of the information by the commissioner upon the request of the commissioner, to be used only in the administration and enforcement of the crime victim reparation program. Information and records which are confidential under section 68A.7 and information or records received from the confidential information or records remain confidential under this section.

A person does not incur legal liability by reason of releasing information to the commissioner as required under this section.

Sec. 15. NEW SECTION. EMERGENCY PAYMENT REPARATION. If the commissioner determines that reparation may be made and that undue hardship may result to the person if partial immediate payment is not made, the commissioner may order an emergency reparation to be made to the person, not to exceed five hundred dollars.

Sec. 16. NEW SECTION. RIGHT OF ACTION AGAINST PERPETRATOR-SUBROGATION. A right of legal action by the victim against a person who has committed a crime is not lost as a consequence of a person receiving reparation under the crime victim reparation program. If a person receiving reparation under the program seeks indemnification which would reduce the reparation under section 11, subsection 1 of this Act, the commissioner is subrogated to the recovery to the extent of payments by the commissioner to or on behalf of the person. The commissioner has a right of legal action against a person who has committed a crime resulting in payment of reparation.

by the department to the extent of the reparation payment. However, legal action by the commissioner does not affect the right of a person to seek further relief in other legal actions.

Sec. 17. NEW SECTION. SUNSET CLAUSE. Sections 4 through 16 of this Act are repealed effective July 1, 1984.

Sec. 18. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 1, subsection 3, paragraph d, is amended by striking the paragraph.

Sec. 19. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 10, section 6, subsection 1, unnumbered paragraph 2, is amended by striking the unnumbered paragraph.

Sec. 20. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 3, subsection 1, unnumbered paragraph 2, is amended by striking the unnumbered paragraph.

Sec. 21. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 14, section 1, subsection 1, unnumbered paragraph 2, is amended by striking the unnumbered paragraph.

Sec. 22. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 14, section 2, subsection 3, paragraph d, is amended by striking the paragraph.

Sec. 23. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 14, section 3, subsection 3, is amended by striking the subsection.

Sec. 24. There is appropriated from the general fund of the state to the following named agencies for the fiscal year beginning July 1, 1982 and ending June 30, 1983, the following amounts, or as much thereof as is necessary, to be used for the purposes designated:

	1981-1982 <u>Fiscal Year</u>	1982-1983 <u>Fiscal Year</u>
1. DEPARTMENT OF PUBLIC SAFETY		
a. For undercover purchases of drugs by the division of criminal investigation agents and local law		

enforcement agents\$ \$ 200,000

b. For salaries, support, main-
tenance, and miscellaneous purposes
for improvement of laboratory ser-
vices provided by the division of
criminal investigation to local law
enforcement agencies \$ \$ 200,000

c. For the development and
operation of a pilot program for
the crime victim reparation
program pursuant to sections 5
through 16 of this Act \$ \$ 200,000

d. For salaries, support,
maintenance, and miscellaneous
purposes for public interest
crime prevention programs \$ \$ 60,000

e. For preliminary breath
test equipment \$ \$ 40,000

2. IOWA LAW ENFORCEMENT
ACADEMY
For increased local police
training \$ \$ 80,000

3. DEPARTMENT OF SOCIAL
SERVICES
For salaries, support,
maintenance, and miscellaneous
purposes of the division of
adult corrections for a correc-
tions academy at Mount Pleasant ... \$ \$ 80,000

4. OFFICE FOR PLANNING AND
PROGRAMMING
For salaries, support, mainte-
nance, and miscellaneous pur-
poses to support local staff
performing pre-sentence investi-

gations and probation supervision
of persons accused of violating
section 321.281 \$ \$ 320,000

Sec. 25. This Act takes effect July 1, 1982. However,
payments for reparation under sections 5 through 16 of this
Act shall only be made to victims of criminal acts which are
committed on or after January 1, 1983.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 2493, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

remaining on June 30, 1985 shall revert to the general fund on September 30, 1985.

HOUSE FILE 2494

AN ACT

APPROPRIATING FUNDS TO THE STATE CONSERVATION COMMISSION FOR CAPITAL EXPENDITURES AND LAND ACQUISITION.

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

Section 1. There is appropriated from the general fund of the state to the state conservation commission for the fiscal period beginning July 1, 1982 and ending June 30, 1985 the amount of seven hundred forty-four thousand (744,000) dollars, or as much as is necessary to be expended by the commission for projects highest on the priority list submitted to the joint appropriations subcommittee and approved by the commission for construction, replacement, development, and alterations to state parks and preserves, state forest facilities and state waters, engineering and planning services, or to supplement any prior appropriation for such purposes or for the open spaces land acquisition program. Any unencumbered or unobligated funds appropriated by this section

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2494, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor

H.F. 2494

HOUSE FILE 2495

AN ACT

RELATING TO THE DIRECT DEPOSIT OF TAX REVENUES COLLECTED
BY THE COUNTY TREASURER ON BEHALF OF CERTAIN POLITICAL
SUBDIVISIONS.

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

Section 1. Section 298.13, Code 1981 Supplement, is amended
by striking the section and inserting in lieu thereof the
following:

298.13 DIRECT DEPOSIT OF TAX REVENUE. Before the fifteenth
day of each month, the county treasurer shall send the amount
collected for each fund through the last day of the preceding
month for direct deposit into the depository and account

designated by the school board. The county treasurer shall
send a notice to the secretary of the school board stating
the amount deposited, the date, the amount to be credited
to each fund according to the budget, and the source of
revenue.

Sec. 2. Section 331.552, subsection 18, Code 1981
Supplement, is amended to read as follows:

18. Pay to the treasurers of the school corporations
located in the county the taxes and other moneys due as
provided in ~~sections~~ section 298.11 and send amounts collected
for each fund of a school corporation for direct deposit into
the depository and account designated as provided in section
298.13 in section 1 of this Act.

Sec. 3. Section 331.558, subsection 1, Code 1981
Supplement, is amended to read as follows:

1. A monthly report to the ~~board of directors of each~~
~~school corporation in the county~~ secretary of the school board
of the amount of taxes collected for each fund and other
information as provided in section 298.13 in section 1 of
this Act.

Sec. 4. Section 331.559, subsection 10, Code 1981
Supplement, is amended to read as follows:

10. ~~Pay monthly to each city~~ Send the amounts of each
city's tax revenue collected on its behalf during the preceding
~~month~~ for direct deposit into the depository and account
designated as provided in section 384.11 in section 5 of this
Act.

Sec. 5. Section 384.11, Code 1981, is amended by striking
the section and inserting in lieu thereof the following:

384.11 DIRECT DEPOSIT OF TAXES. Before the fifteenth
day of each month, the county treasurer shall send the amount
collected for each fund through the last day of the preceding
month for direct deposit into the depository and the account
designated by the city clerk. The county treasurer shall

send a notice at the **same** time to the city clerk stating the amount deposited, date, amount to be credited to each fund according to the budget, and the source of the revenue.

DELWYN STRÖMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this **bill** originated in the House and is known as House File 2495, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved _____, 1982

ROBERT D. RAY
Governor