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State of Iowa

70th General Assembly

1983 Session

APPROPRIATIONS REPORT 1983-85 BIENNium

Including Enrolled Bills

Legislative Fiscal Bureau
June, 1983

DENNIS C. PROUTY
DIRECTOR
515/281-5279



STATE CAPITOL
DES MOINES, IOWA
50319

STATE OF IOWA
LEGISLATIVE FISCAL BUREAU

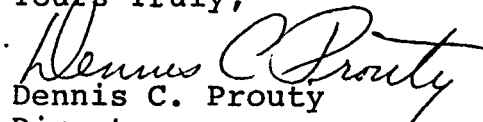
July 13, 1983

Members of the 70th G.A. of Iowa
and Other Interested Citizens:

The Appropriations Report of the Legislative Fiscal Bureau compiles the appropriations and ways and means actions of the 70th General Assembly. This report is intended to aid legislators, state officials and others as a comprehensive reference containing General Fund receipts and appropriations, bill summaries, and copies of enacted legislation.

If you have any questions, please contact a member of the Legislative Fiscal Bureau staff.

Yours Truly,


Dennis C. Prouty
Director

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LETTER

From Dennis C. Prouty, Legislative Fiscal Director

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This section contains summaries of the appropriations made during the 1983 sessions. The department/agencies are arranged alphabetically.

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ENROLLED BILLS

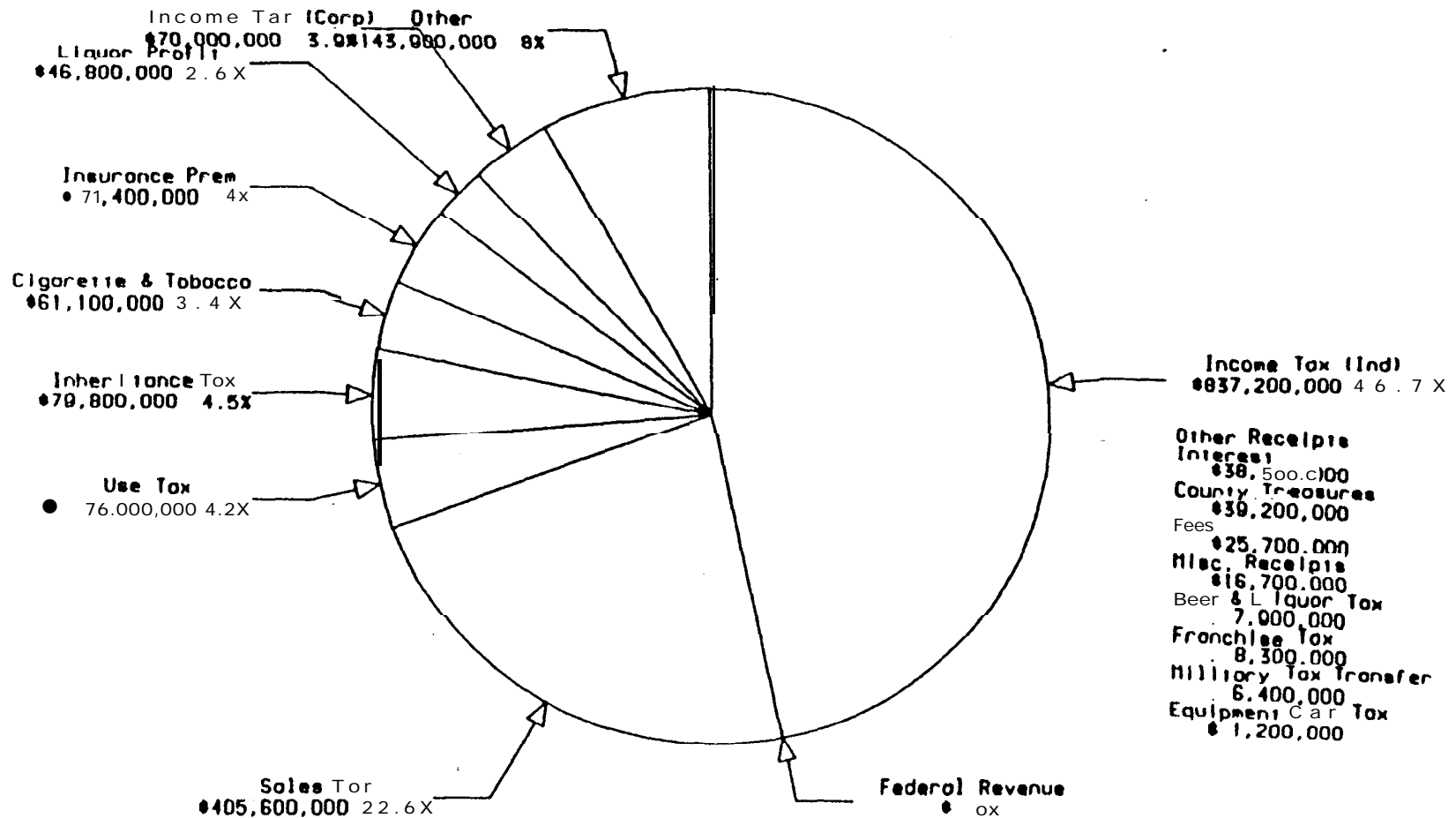
This section contains all enrolled bills containing appropriations, Ways and Means, federal block grant legislation, and bonding legislation, as well as any veto messages from the Governor affecting the legislation. The sections are arranged in numerical order..

FISCAL INFORMATION

General Fund Receipts

Fiscal Year 1882

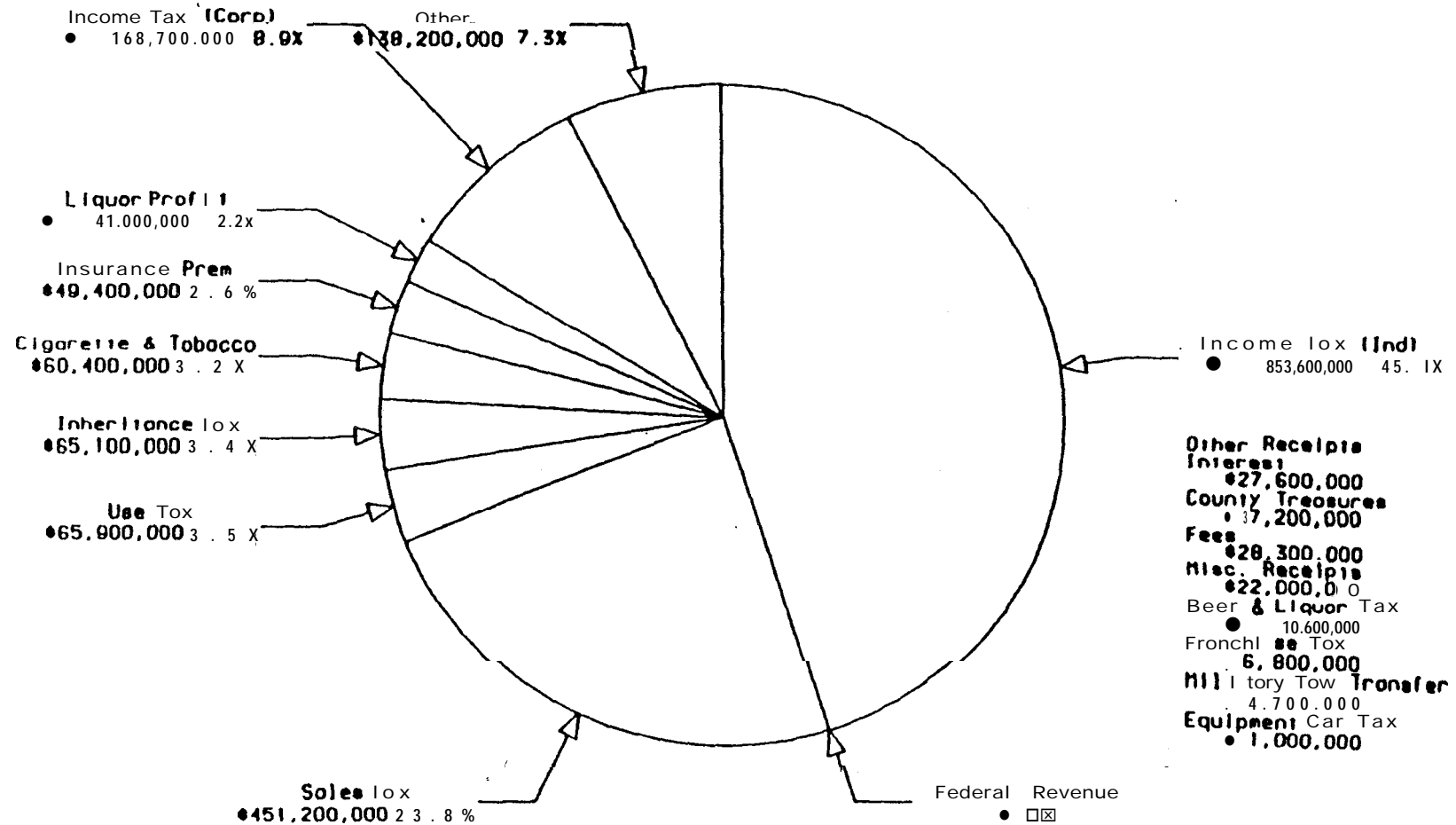
Total \$1,791,000,000



General Fund Receipts

Fiscal Year 1983

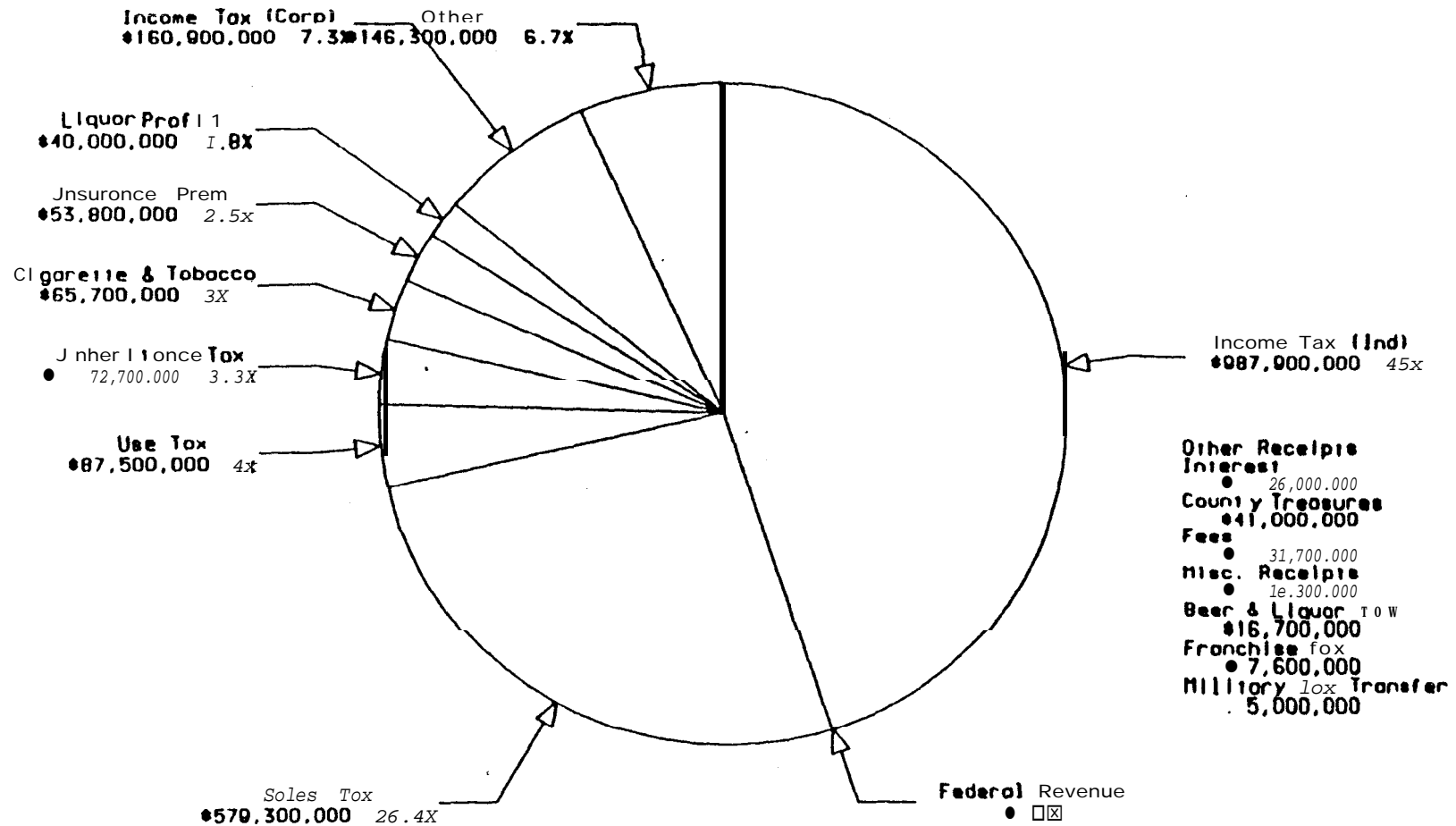
Total • 1,893,500,000



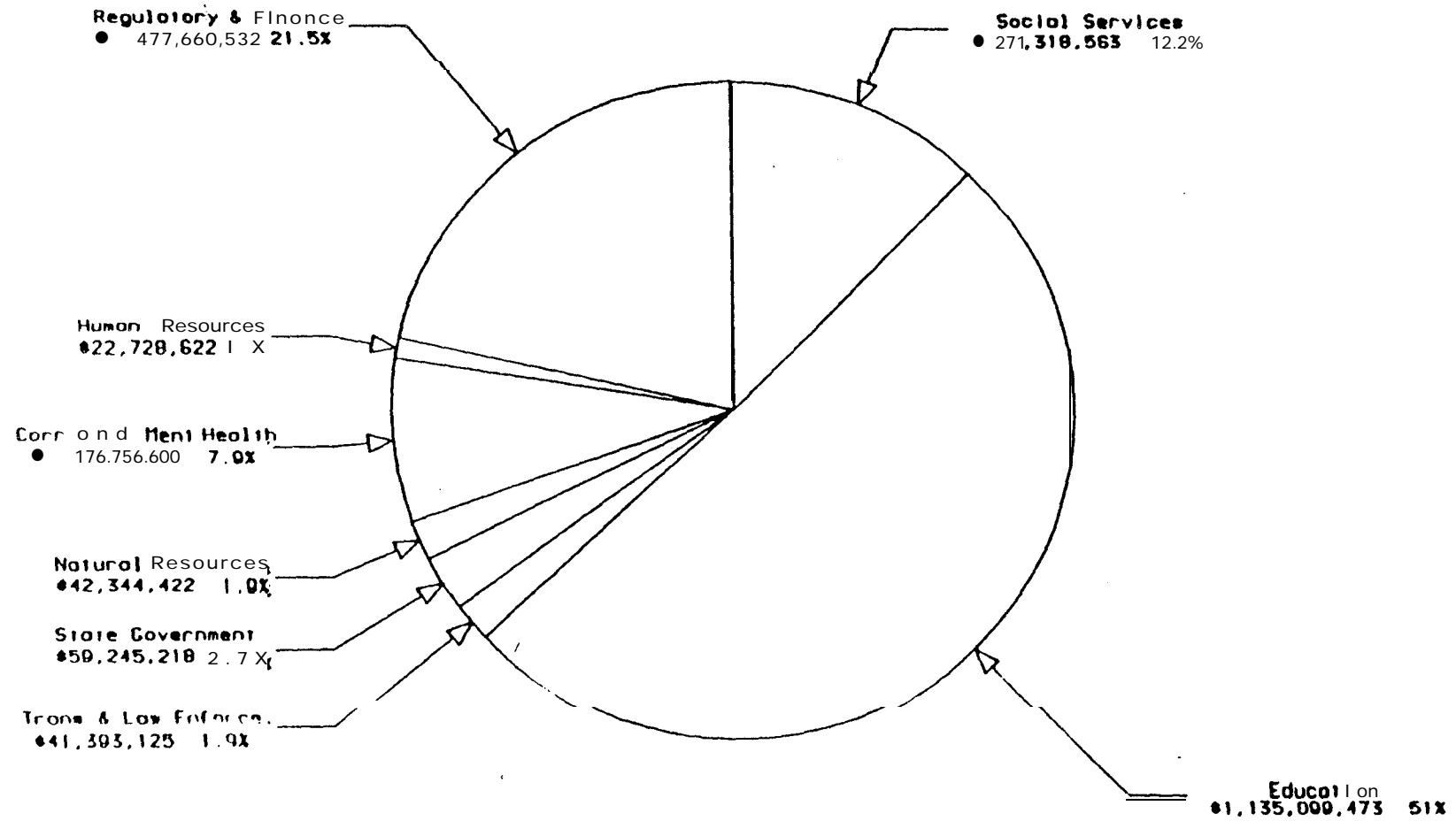
Governor's Recommended General Fund Receipts

Fiscal Year 1984

Total • 2,104,100,000



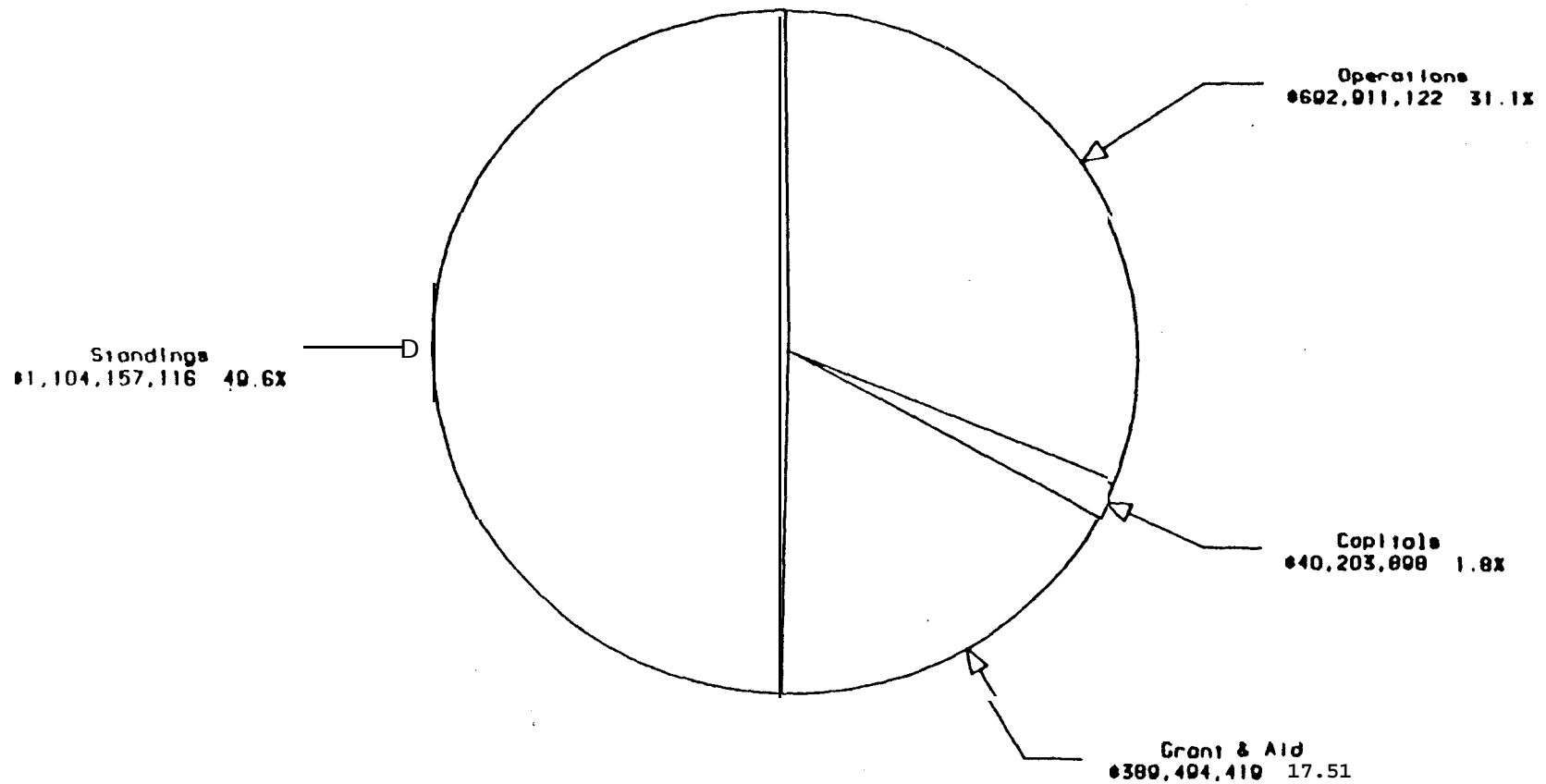
Total • 2,226,766,155



General Fund Estimated Appropriation

Fiscal Year 1984

*□◆● ● 2,226,766,656



General Fund Appropriations
Legislative Fiscal Bureau

	<u>Estimate</u> <u>1983</u>	<u>Governor's</u> <u>1984</u>	<u>Final</u> <u>1984</u>	<u>Bill Number</u> <u>1984</u>
Corr and Ment Health	146,230,392	176,743,872	176,756,600	
Education	1,076,922,277	1,138,803,996	1,135,099,473	
Human Resources	21,496,139	23,008,468	22,728,622	
Natural Resources	32,400,832	42,183,976	42,344,422	
Regulatory and Finance	455,203,309	481,820,998	477,880,532	
Social Services	250,080,290	267,340,179	271,318,563	
Stat8 Government	47,056,251	55,998,219	59,245,218	
Trans and Law Enforcement	42,384,564	42,564,411	41,393,125	
Total	<u>2,071,774,054</u>	<u>2,228,464,119</u>	<u>2,226,766,555</u>	

Operations	656,791,359	691,737,535	692,911,122	
Grant and Aid	358,382,135	384,955,794	389,494,419	
Capitals	11,109,769	44,108,674	40,203,898	
Standfngs	1,045,490,791	1,107,662,116	1,104,157,116	
Total	<u>2,071,774,054</u>	<u>2,228,464,119</u>	<u>2,226,766,555</u>	

**General Fund Appropriations
Legislative Fiscal Bureau**

CORRECTIONAL HEALTH	Estimate 1983	Governor's 1984	Final 1984	Bill Number 1984
Corrections, Dept **				
Corrections, Board				
Salaries, Supp, Maint			150,000	S. F. 532
General Admin.				
Division of Adult Cr	1,143,528	1,095,692	1,095,000	S. F. 532
Adult Correction Ser	247,316			
Classification Syste	370,000	135,000	306,000 135,000	S. F. 532
Training Center		306,506		S. F. 532
Federal Prisoners		390,000	390,000	S. F. 532
Parole	1,104,264	1,166,733	1,161,500	S. F. 532
Comm Corr-Pgm & Serv	25,000	13,700,000		S. F. 532
Legal Services		25,000		S. F. 532
County Confinement	47,500	47,500	14,147,500	S. F. 532
	<u>14,591,080</u>	<u>15,770,739</u>	<u>16,195,000</u>	
Capitals				
Capital Improvements		1,015,000	852,000	S. F. 551
Fort Madison Capital	1,230,000	970,000	970,000	H. F. 184
Mt Pleasant & Oakdal	2,350,000	6,530,000	6,530,000	H. F. 184
	<u>3,580,000</u>	<u>8,515,000</u>	<u>8,352,000</u>	
Correctional Institu				
Men's Penitentiary	15,939,342	16,236,327	16,262,000	S. F. 532
Men's Reformatory	10,943,421	11,089,488	11,086,000	S. F. 532
Oakdale - IS & MF	4,266,058	4,834,791	4,829,000	S. F. 532
Riverview Release Ce	1,859,503	1,879,654	1,878,000	S. F. 532
Work Release Houses	1,361,222	1,408,830	1,409,000	S. F. 532
Mt. Pleasant MSU	2,945,998	4,399,193	4,400,000	S. F. 532
Rockwell City - MSF	1,765,418	1,758,759	1,760,500	S. F. 532
Clarinda - CTU	2,092,372	2,707,998	2,708,000	S. F. 532
Women Correctional I	1,999,294	2,095,667	2,094,500	S. F. 532
	<u>43,172,628</u>	<u>46,410,707</u>	<u>46,427,000</u>	
Corrections, Dept **	62,487,236	71,792,138	72,219,000	
Parole, Board of				
Salaries, Supp, Maint	388,628	439,879	440,000	S. F. 532
Human Services, Dept*				
General Admin.				
Standings	155,600	160,600	160,600	
Family & Children Sv				
Marshalltown Vet Han	17,028,334	18,013,920	17,646,000	S. F. 532
MH / MR / DD				
Mental Retarded Sch	30,910,009	31,106,937	48,366,000	S. F. 532
Mental Health Inst		2,360,000	31,087,000	S. F. 532
Mental Health Fund	1,360,000		2,360,000	S. F. 532
	<u>64,924,825</u>	<u>81,852,335</u>	<u>81,813,000</u>	
Capitals				
Capital Improvements	875,000	4,385,000	4,378,000	S. F. 551
Municipal Waste	370,769	100,000	100,000	H. F. 184
	<u>1,245,769</u>	<u>4,485,000</u>	<u>4,478,000</u>	
Human Services, Dept*	83,354,528	104,511,855	104,097,600	
Operations	127,169,523	147,450,772	147,203,500	
Grant and Aid	14,079,500	16,132,500	16,562,500	
Capitals	4,825,769	13,000,000	12,830,000	
Standings	155,600	160,600	160,600	
Total	<u>146,230,392</u>	<u>176,743,872</u>	<u>176,756,600</u>	

*Was Department of Social Services prior to July 1, 1983.
 **Was administered By Department of Social Services prior to October 1, 1983.

EDUCATION	General Fund Appropriations Legislative Fiscal Bureau			Bill Number 1984
	Estimate 1983	Governor's 1984	Final 1984	
Blind, Iowa Comm for Salaries, Supp, Maint Capital Improvements	1,013,162	1,053,027 16,724	1,053,027	S.F. 533 16,724 S.F. 551
Bl Ind, Iowa Comm for	1,013,162	1,069,751	1,069,751	
Educ Radfo and IV Salaries Supp, Maint Capital Improvements	5,365,920 0	6,020,139 100,000	6,020,139 100,000	S.F. 533 S.F. 551
Educ Radio and TV	5,365,920	6,120,139	6,120,139	
College Aid Comm				
Salaries, Supp, Maint	378,462	402,881	402,881	S.F. 533
Tuition Grant Prog	3,650,000	0	0	
Voc Tech Tuition Gr	200,000	0	0	
Osteopathic Sub Prog	450,000	784,000	784,000	S.F. 533
Optunetry Admis-Educ	60,000	30,000	30,000	S.F. 533
Natl Guard Enlist Pr	25,000	25,000	25,000	S.F. 533
Podiatric Training	20,000			
State Aid Repayment			30,000	H.F. 532
Loans to Teachers			40,000	H.F. 532
Tuition Grant Stand	12,000,000	19,166,600	19,166,600	S.F. 533
Scholarship Prog St	350,000	350,000	350,000	
Voc Tech Grant Stand	350,000	672,472	672,472	S.F. 53%
State Aid Repayment		30,000	0	
College Aid Comm	17,483,462	21,460,953	21,500,953	
Public Instruction				
General Off Ice				
Salaries, Supp, Maint	3,686,158	3,657,936	3,657,936	S.F. 533
Prof Teaching Prac	57,945	57,945	57,945	S.F. 533
Computer Planning			10,000	S.F. 533
Merged Area Schools	3,744,103	3,715,881	3,725,881	
Voc Educ Sal & Supp	55,144,500	930,756,055,501	896,118,96,125	S.F. 533
General Aid			56,455,501	S.F. 533
Voc Youth Org Fund	8,700,000	10,000	10,000	S.F. 533
Federal Match Funds	103,667	8,700,000	8,700,000	S.F. 533
Area V Radfo		0		
Area XII Radfo	103,667	0	8	
Area XIII Radfo	103,667			
Industrial Startup	275,000	400.00~	275.00;	S.F. 533
Utility Assistance M	600,000			
Elementary & Second	65,971,299	66,061,626	66,336,626	
School Lunch Assl st	3,300,000	3,300,000	3,300,000	S.F. 533
SBRC Supple Aid	200,000	50,000	30,000	S.F. 533
Voc Educ Sec Schools	3,747,000	3,622,000	3,622,000	S.F. 533
Transitional Enlish	200,000	200,000	200,000	S.F. 533
Train Math & Science		40,000	40,000	H.F. 532
Child Foster Care Fc	257,000	240,000	240,000	
Certification Fee Fd	3,700	5,200	5,200	
School Aid Foundatn	643,565,000	679,818,709	679,818,709	
AEA Juvenile Homes	530,000	575,000	575,000	
AEA District Court	200,000	250,000	250,000	
AEA Certain Children	145,000	175,000	175,000	
Other Grants and Aid	652,147,700	688,275,909	688,255,909	
Non Public Textbooks		400.000	400.000	S.F. 533
Fire Service Educ	5,450,000	5,991,246	5,991,246	200,000 S.F. 533
Non Public Transport				
Public Instruction	6,050,900	6,391,246	6,591,246	
Vocational Rehab	727,914,002	764,444,662	764,909,662	
Salaries, Supp, Maint	2,746,385	2,746,385	2,746,385	S.F. 533

General Fund Appropriations
Legislative Fiscal Bureau

EDUCATION	Estimate 1983	Governor's 1984	Final 1984	Bill Number 1984
Regents Board of General Office				
Salaries, Supp, Maint	439,427	439,970	439,970	S.F. 533
Fuel and Electricity			21,119,269	S.F. 533
Continuing Ed West 1	100,000	100,000	100,000	S.F. 533
Quad Cities Graduate		7,300	7,300	S.F. 533
Fire Service Educati		200,000	0	
Capital Replacements	0	11,530,000	8,905,000	S.F. 551
Tuition Replacements	4,900,000	13,270,000	13,270,000	S.F. 533
Energy Conservation		1,175,000	600,000	S.F. 551
	<u>5,439,427</u>	<u>26,722,270</u>	<u>44,441,539</u>	
State Univ of Iowa				
Salaries, Supp, Maint	115,583,353	115,823,180	106,624,411	S. F. 533
SUI University Hosp				
Indigent Patient	25,096,415	25,121,645	24,702,138	S.F. 533
Family Practice Prog	1,372,000	1,382,080	1,382,080	S.F. 533
Pheny Kentonur Prog	17,000			
	<u>26,485,415</u>	<u>26,503,725</u>	<u>26,084,218</u>	
SUI Psychiatric Hosp				
Salaries, Supp, Maint	5,377,394	5,384,632	5,324,166	S. F. 533
SUI Hyenic Lab				
Salaries, Supp, Maint	2,058,948	2,062,641	2,062,641	S. F. 533
SUI Hosp Sch Handicp				
Salaries, Supp, Maint	3,845,415	3,850,770	3,737,522	S. F. 533
SUI Oakdale Campis				
Salaries, Supp, Maint	2,276,599	2,344,156	1,747,295	S. F. 533
ISU Science and Tech				
Salaries, Supp, Maint	96,989,512	95,743,122	87,414,854	S. F. 533
Livestock Disease	194,500	300,000	300,000	
	<u>97,184,012</u>	<u>96,043,122</u>	<u>87,714,854</u>	
ISU Ag-Home Exp St				
Salaries, Supp, Maint	10,230,371	10,240,927	10,279,927	S. F. 533
ISU Coop Exten Serv				
Salaries, Supp, Maint	9,789,217	9,797,847	9,858,847	S. F. 533
Unfv of Northern Ia				
Salaries, Supp, Maint	37,174,297	37,184,064	34,361,273	S. F. 533
Iowa Braille & Sight				
Salaries, Supp, Maint	2,453,361	2,471,573	2,291,411	S. F. 533
Clothing Trans Stand	3,000	2,500	2,500	
	<u>2,456,361</u>	<u>2,474,073</u>	<u>2,293,911</u>	
Ia Sch for the Deaf				
Salaries, Supp, Maint	4,487,537	4,521,699	4,212,979	S. F. 533
Clothing Trans Stand	6,000	4,000	4,000	
Tuition Reimbursemen		5,000	5,000	
	<u>4,498,537</u>	<u>4,530,699</u>	<u>4,221,979</u>	
	- - -	- - -	- - -	
Regents, Board of	322,399,346	342,962,106	338,752,583	
			a - -	
Operations	329,980,676	329,820,664	329,021,141	
Grant and Aid	78,981,501	75,305,881	75,630,881	
Capitals	4,900,000	26,091,724	22,891,724	
Standings-	663,060,100	707,585,727	707,555,727	
	<u>1,076,922,277</u>	<u>1,138,803,996</u>	<u>1,135,099,473</u>	
Total			<u>=====</u>	

HUMAN RESOURCES	General Fund	Appropriations	Bill Number
	Legislative	Fiscal Bureau	
	Estimate 1983	Governor's 1984	Final 1984
Aging, Commission on			
Salaries, Supp, Maint	800,000	202,005	202,000
Older Iowans Leg	108,000	14,000	14,000
Elderly Serv. Prog.		800,000	800,000
Retired Iowan Grp.		108,000	108,000
Title III Grants	117,600	117,600	117,600
Aging, Commission on	1,257,446	1,241,605	1,241,600
Civil Rights Comm			
Salaries, Supp, Maint	703,082	691,846	691,846
Salaries, supp, SSPC	36,089	41,089	41,089
Civil Rights Comm	739,171	732,935	732,935
Dental Exam Board			
Salaries, Supp, Maint			110,313
Employment Handicap			
Salaries, Supp, Maint	127,021	128,356	128,356
Health, Dept. of			
Administration			
Salaries, Supp, Maint	999,593	1,006,882	989,219
Standing	7,400	7,400	7,400
Hlth Facilities Serv	1,006,993	701,428	996,619
Salaries, Supp, Maint	673,203	694,634	694,634
Health Planning Div			
Salaries, Supp, Maint	273,807	274,418	257,494
Disease Prevention D			
Salaries, Supp, Maint	1,033,525	1,042,348	1,042,348
Agent Orange Study			40,000
Licen & Certificatn	1,033,525	1,042,348	1,082,348
Salaries, Supp, Maint	644,592	648,541	538,228
Personal & Family Hl			
Salaries, Supp, Maint	670,479	694,653	1,164,699
Sex Abuse invest	40,500		25,000
Sudden Inf Deth Atpy	25,200	25,200 40,500	15,000
Community Hlth Serv	736,179	760,353	1,204,699
Salaries, Supp, Maint	1,823,452	1,819,356	1,819,356
Well Elderly Clinics	212,000	212,000	212,000
Homemaker home hlth	6,616,297	6,950,000	6,950,000
Public Health Nursin	1,061,663	2,060,000	2,060,000
Health, Dept of	10,613,412	11,041,356	11,041,356
Medical Exam. Board			
Salaries, Supp, Maint	388,617	658,548	640,548
Nurse Exam. Board			
Salaries, Supp, Maint	504,111	543,381	532,781
Phanna cy - Examiners			
Salaries, Supp, Maint	324,033	358,179	358,179
Regents, Board of			
SDI University Hosp		701,000	0
Specialized Child He			
Status of Women			
Salaries, Supp, Maint	103,164	91,071	91,071
Substance Abuse			
Operati ons	162,125	172,975	172,975
Grants and Aids	2,761,150	2,761,150	2,761,150
Substance Abuse	2,923,275	2,934,125	2,934,125

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	General Fund Legislative	Appropriations Fiscal Bureau		
	Estimate 1983	Governor's 1984	Final 1984	Bill Number 1984
HUMAN RESOURCES				
Veterans Affairs				
Salaries, Supp, Maint	115,590	118,336	118,336	H. F. 613
War Orphans Educ	32,000	25,000	25,000	H. F. 613
Veterans Affairs	147,590	143,336	143,336	
Operattions	9,722,329	10,809,618	10,555,472	
Grant and Aid	11,766,410	12,191,450	12,165,750	
Capitals	0	0	0	
Standings	7,400	7,400	7,400	
Total	21,496,139	23,008,468	22,728,622	

	General Fund Legislative	Fiscal Bureau	Appropriations	
	Estimate 1983	Governor's 1984	Final 1984	Bill Number 1984
NATURAL RESOURCES				
Agriculture, Dept of Administration Div				
Salaries Supp, Maint	1,268,290	1,434,668	1,311,197	H. F. 638
Regulatory Divlslon				
Salaries, Supp, Maint	3,642,254	3,639,005	3,639,005	H. F. 638
Brucellosis Indemn	25,000	25,000	25,000	H. F. 638
	3,667,254	3,664,005	3,664,005	
Laboratory Divlslon				
Salaries, Supp, Maint	609,488	658,438	645,270	H. F. 638
	5,545,032	5,757,111	5,620,472	
Agriculture, Dept of				
Conservation Comm				
Lands and Waters	6,305,675	6,685,085	6,654,464	H. F. 638
Advisory Bd-Prserves	46,106	50,495	50,495	H. F. 638
Open Space Tax Repl	138,000	40,000	40,000	H. F. 638
Green Thumb Progra		148,830	148,830	H. F. 638
Capitai Improvements	744,000	1,525,000	1,516,500	S. F. 551
	7,279,611	8,449,410	8,410,289	
Conservation Comm				
Development Canm				
Adminl stratlon				
Salaries Supp, Maint	2,609,127	3,067,736	3,006,382	H. F. 638
High Tech Council		100,000	50,000	S. F. 548
Hlgh Tech Research T		50,000	50,000	S. F. 548
Export Development S		50,000	0	
High Tech & Ag Resea		2,000,000	2,000,000	S. F. 548
Small Business Div			500,000	S. F. 548
	2,609,127	5,267,736	5,606,382	
Iowa Prod Devl Corp				
Operations			750,000	S. F. 548
	2,609,127	5,267,736	6,356,382	
Development Comm				
Energy Policy Council				
General Office	277,797	389,794	381,998	H. F. 638
Pub Build Energy Con	117,035	105,331	105,331	H. F. 638
State Set-Aside	104,033			
State & Local Gov En		1,400,000	550,000	S. F. 548
	498,865	1,895,125	1,037,329	
Energy Pol icy Council				
Environment Quality				
Salaries, Supp, Maint	2,551,774			
Sewage Works 5% Grts	2,000,000			
	4,551,774	0	0	
Envlronment Quality				
Fair Board, Iowa St				
Bldg & Grounds Maint	76,500	76,500	76,500	H. F. 638
Premiums	9,000	9,000	9,000	H. F. 638
Agr Societies-Fairs	189,000	189,000	189,000	H. F. 638
Capital Improvements	0	250,000	250,000	S. F. 551
	274,500	524,500	524,500	
Fair Board, Iowa St				
Geological Survey				
Salaries, Supp, Maint	1,355,530	1,516,674	1,520,030	H. F. 638
Landsat Processing		0	3,000	S. F. 551
	1,355,530	1,516,674	1,523,030	
Geological Survey				
Hoover Birth Found				
Aid to Inst.	500	1,500	1,500	H. F. 638
Misslssl ppl River Pk				
Support, Maint, Misc	15,000	15,000	15,000	H. F. 638
Natural Resources Cl				
Salaries, Supp, Maint	760,272			

General Fund Appropriations
Legislative Fiscal Bureau

NATURAL RESOURCES

	Estimate 1983	Governor's 1984	Final 1984	Bill Number 1984
Soil Conservation				
Salaries, Supp Maint	3,323,621	3,800,301	3,800,301	H.F. 638
ST-fed Watershed P&D	25,000	25,000	25,000	H.F. 638
Soil Survey IA Land	5,634,000	345,000 8,494,000	345,000 345,000	H.F. 638
Conserv Incentives		1,000,000	8,494,000	H.F. 638
Cost Share Revolving			1,000,000	S.F. 548
County Land Use Surv			99,000	H.F. 638
Soil Conservation	9,327,621	13,664,301	13,763,301	
Water Air Waste Mana				
Administrative Servi		2,800,064	2,800,064	H.F. 638
River Basin Coordina	48,000	57,555	57,555	H.F. 638
Super Fund Site Clea		50,000	50,000	H.F. 638
Sewage Works 5% Gran		2,000,000	2,000,000	H.F. 638
Radio Active Waste C		50,000	50,000	H.F. 638
Water Air Waste Mana	48,000	4,957,619	4,957,619	
Water Resource Res				
Grant and Aid	135,000	135,000	135,000	H. F. 638
Operations	23,006,002	24,387,591	24,054,537	
Grant and Aid	8,650,830	14,621,385	15,970,385	
Capitals	744,000		2,319,500	
Standings	0	3,175,000	0	
Total	32,400,832	42,183,976	42,344,422	

	General Fund		Appropriations		Bill Number
	Legislative	Fiscal	Bureau		
	Estimate 1983	Governor's 1984	Final 1984		1984
REGULATORY & FINANCE					
Accountancy, Board General Office	303, 992	279, 586	272, 994	S. F.	530
Architectural Exam General Office	49' 384	46, 638	45, 705	S. F.	530
Auditor of State Salaries, Supp, Maint	1,867,642	1,888,739	1,533,301	S. F.	530
Banking Department General Office	3,075,237	3,255,541	3,190,430	S. F.	530
Beer & Liquor Control General Operations	18,684,938	18,666,837	18,948,837	S. F.	530
Beer Barr Tax Rebate	18,734,938	18,716,837	50,000		
Beer & Liquor Control			18,998,837		
Campaign Finnc Disc Salaries, Supp, Maint	125, 904	128, 063	124, 501	S. F.	530
Canmerce Commission Consumer Advocate			861, 476	S. F.	530
General Admin Salaries, Supp, Maint	465, 662	466, 663	5,774,566	S. F.	530
Warehouse Division Salaries, Supp, Maint	912, 814	1,043,443	0		
Utilities Division Salaries, Supp, Maint	2,906,009	5,057,284	0		
Rate Reg & Review	1,476,931				
	4' 382, 940	5,057,284	0		
Canmerce Commission	- 5, 761, 416	6,567,390	16,636,042		
Comptroller, Office General Office					
Salaries, Supp, Maint	1,507,350	7,588,300	1,520,605	S.F.	530
Salary Adjustment Fd	2,651,078			H.F.	646
County Finance Canm	6,203				
Municipal Assist Fnd	14,650,000	14,650,000	14,650,000	S.F.	530
County Assistance	5,350,000	5,350,000	5,350,000	S.F.	530
Iowa SCHS			74,450	H: F:	613
Utilities Adj			250,000	S. F.	551
St Unemploy Compens	1,460,000	690,000	690,000		
St Employees Compens		1,650,000	1,650,000		
Agr Land Tax Credit	43' 500' 000		43,500,000		
Persn Prop Tax Repl	46,200,000	50,000,000	46,200,000		
Prop Tax Repl Livstk	8,000,000	8,000,000	8,000,000		
Peace Off Retire Man	2,410,000	2,900,000	2,900,000		
	126' 524, 631	135' 879, 938	132' 373, 355		
Data Processing Salaries, Supp, Maint	6,641,375	6,712,703	6' 357, 859	S. F.	530
Comptroller, Office	133,166,006	142' 592, 641	138,731,214		
Credit Union Dept General Operations	557' 577	556, 060	544, 938	S. F.	530
Engineering Exam, Bd General Office	137, 518	144, 460	140' 570	S. F.	530
Industrial Commissr Salaries, Supp, Maint	1,050,585	1,027,202	1,006,657	S. F.	530
Work Comp-Peace Off	25,000	30,000	30' 000		
Industrial Commissr	1,075,585	1' 057' 202	1' 036, 657		
Insurance, Dept of Salaries, Supp, Maint	2,726,184	2,784,457	2' 728, 767	S. F.	530

General Fund Appropriations
Legislative Fiscal Bureau

REGULATORY & FINANCE	Estimate 1983	Governor's 1984	Final 1984	Bill Number 1984
Job Service of Iowa FOAB and IOASI Admfn	155,233	157,475	154,325	S. F. 530
Teacher Retire Allw	240,000	210,000	210,000	
IPERS Prior Ser 1953	255,000	230,000	230,000	
Non Teacher Ret All	16,000	12,000	12,000	
Current Retirees All	6,025,000	5,665,000	5,665,000	
Conserv Peace Offc	245,000	280,000	280,000	
IPERS Prior Ser 1975	500,000	500,000	500,000	
Job Service of Iowa	<u>7,436,233</u>	<u>7,054,475</u>	<u>7,051,325</u>	
Landscape Arch Exam General Office	18,009	2,311	10,642	S. F. 530
occ Sfty & Hlth Revw OSHA Review Comm	54,494	50,035	47,034	S. F. 530
Publ Employ Relatfon Per Board	634,797	558,211	547,046	S. F. 530
Racing Commission Salaries, Supp, Maint			300,000	S. F. 551
Real Estate Comm Salaries, Supp, Maint	299,871	339,620	320,431	S. F. 530
Revenue, Dept of Salaries, Supp, Maint	15,347,174	15,713,557	15,970,057	S. F. 530
Iowa Racn Comm		308,224	0	
Small Alco Prod A		500,000	0	
Hunstead Tax Credit	95,000,000	95,500,000	95,500,000	
Extra Prop Tax Reim	10,000,000	11,700,000	12,025,000	H. F. 241
Tax Refunds	154,525,000	167,600,000	167,600,000	
Reassessment Exp Fud	-62,000	250,000	250,000	
Misc Standlgs	125,000	130,000	130,000	
Sales Tax Fees & Cos	35,000	35,000	30,000	
Revenue, Dept of	<u>274,970,174</u>	<u>291,736,781</u>	<u>291,510,057</u>	
Secretary of State Salaries, Supp, Maint	1,218,789	1,077,823	1,087,823	S. F. 530
Servmans Ballot Canm	0,000	2,500	2,500	
Constitutional Amend				
Secretary of State	<u>1,222,789</u>	<u>1,080,323</u>	<u>1,090,323</u>	
Treasurer of State Salaries, Supp, Maint	473,548	480,588	380,718	S. F. 530
Money & Crdt Replic F	2,500,000	2,500,000	2,500,000	S. F. 530
Investment Machine			139,000	S. F. 551
Treasurer of State	<u>2,973,548</u>	<u>2,980,588</u>	<u>3,019,718</u>	
Watchmaking Exami ner General Offtce	12,011	1,040	0	
Operations Grant and Ald	61,883,378	70,386,498	69,457,582	
Capitals	22,500,000	22,500,000	22,574,450	
Standings	0	0	389,000	
	370,819,931	388,934,500	385,459,500	
Total	<u>455,203,309</u>	<u>481,820,998</u>	<u>477,880,532</u>	

General Fund Appropriations
Legislative Fiscal Bureau

SOCIAL SERVICES

	Estimate 1983	Governor's 1984	Final 1984	Bill Number 1984
Human Services, Dept*				
Area Set-v and Admln				
Area Service & Admin	18,090,183	18,269,290	21	H.F. 641
Field Ops Fuel				H.F. 641
Volunteers	83,000	55,032	083,000	H.F. 641
	<u>18,173,183</u>	<u>18,324,322</u>	<u>21,131,563</u>	
General Admln.				
General Admin	6,264,936	7,155,713	7,528,800	H.F. 641
Federal Food Distrib	30,000	134,700	100,000	H.F. 641
Gen Admin Fuel			12,825	H.F. 641
	<u>6,294,936</u>	<u>7,290,413</u>	<u>7,641,625</u>	
Family & Children Sv				
Juvnl Institutions	7,319,361	7,502,048		H.F. 641
Juv Inst Fuel			7,478,000	H.F. 641
	<u>7,319,361</u>	<u>7,502,048</u>	<u>7,499,375</u>	
Income Maint Service				
Child Support Recovr	689,810	830,903	830,000	H.F. 641
Aid to Depend Child	57,552,000	65,045,100	64,000,000	H.F. 641
Aid to Indians Settl	34,000	34,000	36,000	H.F. 641
Medical Assistance	119,789,000	130,216,800	129,050,000	H.F. 641
Contractual Services	1,559,000	2,046,500	2,040,000	H.F. 641
Work & Training Prog	21,000	42,000	42,000	H.F. 641
State Supplementatn	7,093,000	7,093,000	7,250,000	H.F. 641
Foster Care	21,601,000	19,552,615	20,950,000	H.F. 641
Community Based SR	2,811,000	3,304,100	1,593,000	H.F. 641
Hanebased Services	2,837,000	4,400,010	4,540,000	H.F. 641
Block Grant Supplem	3,775,695	1,658,368	3,115,000	H.F. 641
Local Administrative	530,305			
County Based Reimb			1,600,000	H.F. 641
	<u>218,292,810</u>	<u>234,223,396</u>	<u>235,046,000</u>	
Human Services, Dept*	250,080,290	267,340,179	271,318,563	
	<u>217,686,000</u>	<u>233,447,525</u>	<u>234,299,000</u>	
Operations				
Grant and Aid	0	33,897,04	37,019,563	
Capitals				
Standings	0	0	0	
Total	<u>250,080,290</u>	<u>267,340,179</u>	<u>271,318,563</u>	

*Was Department of: Social Services prior to July 1, 1983.

General Fund Appropriations Legislative Fiscal Bureau				
STATE GOVERNMENT	Estimate 1 9 8 3	Governor's 1984	Final 1984	Bill Number 1984
Adml n Rules CoordInt Salaries, Supp, Maint	71, 150	70, 921	60, 921	H. F. 627
Appeal Board Standl ngs	2,150,000	2,200,000	2,200,000	
Appellate Defender Salaries, Supp, Maint.	50, 000			
Arts Council Salaries, Supp, Maint. Community Arts Proje	374, 176	479, 706	479, 706 900, 000	H. F. 627 S. F. 548
Arts Council	374, 176	479, 706	1,379,706	
Attorney General General Office Prosecuting Att Prosecutor Intern Pr	2,701,799 78,946 52,500	2,777,758 80,926 60,000	2,777,758 80,926 52,500	H.F. 627 H.F. 627 H.F. 627
Attorney General	2,833,245	2,918,684	2,911,184	
Capitol Planning Ccm Salaries, Supp, Maint	3, 500	3, 150	3, 150	H. F. 627
Citizens' Aide Salaries, Supp, Maint	234,954	235, 635	235, 635	H. F. - 627
Council of St Govt Support of Council	44, 600	44, 600	44, 600	H. F. 627
Criminal & Juvenile Juvenile Justice Criminal Justice Jail Standards Juvenile Victim Rest	141,987 53,500	184,221 - 53,762 0	53,762 210,221 40,000 125,000	H.F. 627 H.F. 627 H.F. 627 H.F. 627
Criminal & Juvenile	195, 926	362, 983	428, 983	
Executive Council Salaries, Supp, Maint Off Overcharge Resurfacing Project Performance of Duty Misc Standings Public Improvement Habeas Corpus Fees	66, 507 1,600,000 60,000 20,000 24,000	65,785 900,000 60,000 20,000 30,000	65, 785 66, 000 29,824 900,000 60,000 20,000 30,000	H.F. 627 S.F. 548 S.F. 551
Executive Council	1,770,507	1,075,785	1,171,609	
General Services Prl Office of Director Capitol Bldg Exter Buildings & Grounds Building Improvement Fire Alarm System	600,000	750, 000	500, 000 719,850 136,000	S. F. 551 S.F. 551 S.F. 551
General Admin Utilities General Operations Rental Facility	0 2,098,375 5,070,167 0	719, 850 2,366,149 5,931,400	855, 850 1,769,149 5,059,051	
General Services	7,168,542	8,456,751	7,647,982	819,782 H.F. 627 H.F.
Governor Salaries, Supp, Maint Terrace Hill Governor's Expences Governor's Ad Hoc Cm Legal Serv Study Terrace Hill Authorl Governor Exec Expns Interstate Extraditi	667, 606 203, 727 6, 000 25,000 10,000 10,000 5,000	666, 941 57,404 6,000 25,000 153, 953 5, 000	666, 941 57,404 6,000 25,000 153, 953 5, 000	H. F. 627 H.F. 627 H.F. 627 H.F. 627 H. F. 627
Governor	927, 333	914, 298	914, 298	

	General Fund Appropriations			Bill Number 1984
	Legislative	Fiscal Bureau		
STATE GOVERNMENT	Estimate 1983	Governor's 1984	Final 1984	
Governor, Lieutenant Office Interim Expns	99,411	99,411	99,411	H.F. 627
Historical Dept				
Historical Board				
Historical Board	13,565	7,913	7,913	H.F. 627
Historical Society				
Salaries, Supp, Maint	1,276,764	1,340,692	1	H.F. 627
Buildings & Grounds		185,000		S.F. 551
Handicap Access		28,000		S.F. 551
	1,276,764	1,553,692	1,558,692	
Historical Dept	1,290,329	1,561,605	1,566,605	
Indian Settlement Ofcr Indian Settlement Off	3,500	3,500	3,506	
Judicial Departments				
Courts				
Operations	11,132,282	11,361,633	11,300,513	
District Courts	1,293,607	1,468,570	1,448,570	H.F. 627 627 549
Legal Services			120,000	H.F. 627 627 549
	12,425,889	12,830,203	12,869,083	S.F. 627 627 549
Administration				
Operations	680,229	718,283	718,283	H.F. 627
Boards & Commissions				
Operations	55,378	55,378	380,000 55,378	H.F. 627
Additional Judges				S.F. 549
Implement SF 495				S.F. 549 549
Dispute Resolution C	100,000		2,137,705	
	155,378	55,378	2,648,083	
Judicial Departments	13,261,496	13,603,864	16,235,449	
Code Editor				
Code Work	1,000,000	1,015,389	1,015,389	
Labor Bureau of				
Salaries, Supp, Maint	1,505,793	1,547,752	1,547,752	H.F. 627
Leg Fiscal Bureau				
General Office	541,969	549,996	585,996	H.F. 627
Leg Service Bureau				
Salaries, Supp, Maint	909,687	885,641	1,001,666	H.F. 627
Draft Res Code Dp	15,000	15,000	15,000	H.F. 627
Leg Service Bureau	924,687	900,641	1,016,666	
Legislature				
Natl Conf State Leg	45,000	45,357	45,357	H.F. 627
Claims	2,115			
L E A G			30,000	H.F. 627
Legislative Council			250,000	S.F. 461
Session Expenses	3,618,900	3,600,190	3,600,190	
Interim Expenses	306,000	303,000	303,000	
Staff Compensation	2,292,000	2,436,350	2,436,350	
Renov & Office Expns	55,000	60,000	60,000	
Legislative Publicatn	5,000	7,500	7,500	
Dept Rules Committee	42,960	42,960	42,960	
Legislature	6,366,975	6,495,357	6,775,357	
Library Commission				
Salaries, Supp, Maint	1,130,808	1,130,808	946,607 1,130,808	H.F. 627 627
Regional Library				
Library Commission	1,977,111	2,077,415	2,067,415	

General Fund Appropriations
Legislative Finance Bureau

STATE GOVERNMENT	Estimate 1983	Governor's 1984	Final 1984	Bill Number 1984
Merit Employment				
Salaries, Supp, Maint	1,432,040	1,432,040	1,432,040	H.F. 627
Comparable Worth Stu			150,000	H.F. 645
Merit Employment	1,432,040	1,432,040	1,582,040	
Pioneer Lawmakers				
Support, Maint, Misc	750	250	250	H. F. 627
Planning & Programng				
Iowa Youth Services	79,980	79,980	79,980	H.F.
Administration	563,613	566,530	557,813	H.F. 627 627
Iowa Council for Ch	65,348	65,213	65,213	H.F. 627
Stat Analyst Center	141,120	185,712	141,120	H.F. 627
Fed Highway Safety	75,210	80,450	77,000	H.F. 627
Iowa Youth Corps	808,220	900,000	900,000	H.F. 627
Econanlc Anal ysis an	73,460	165,376	162,069	S.F. 627
Job Training Partner		1,323,100	1,300,000	H.F. 548
Community Developmen	88,006	90,875	90,875	S.F.
Community Devel Loan		5,000,000	5,000,000	
Presentence Investig	320,000			
Planning & Programng	2,214,957	8,457,236	8,374,070	
Science, la Academy				
Grants and Aids	4,500	10,800	10,800	H. F. 627
Uniform State Laws				
Support of Conference	8,800	10,600	10,600	H. F. 627
Operations	33,453,997	35,782,427	37,579,202	
Grant and Aid	1,809,894	7,849,053	9,383,453	
Capitals	11,192,360	11,682,850	11,598,674	
Standl ngs				
Total	47,056,251	55,998,219	59,245,218	

	General Fund Appropriations			Bill Number 1984
	Legislative	Fiscal	Bureau	
TRANS & LAW ENFORCE	Estimate 1983	Governor's 1984	Final 1984	
Law Enforcement Acad				
Salaries, Supp, Maint	777,594	795,856	847,656	S. F. 531
Local Police Trainin	80,000	80,000	0	
Law Enforcement Acad	857,594	875,856	847,656	
Public Defense, Dept				
Military Division				
Salaries, Supp, Maint	2,801,158	3,127,841	2,996,016	S. F. 531
Adjutant Gen & Staff	0	134,100		
Gasoline	100,000	100,000	150,000 28,993	S. F. 531
Capital Improvements				S. F. 551
Standings			100,000	
St Offc of Disaster	3,163,386	3,361,941	3,275,009	
Salaries, Supp, Maint	133,266	137,629	121,703	S. F. 531
Public Defense, Dept	3,296,652	3,499,570	3,396,712	
Public Safety, Dept				
Admlnstration				
Salaries, Supp, Maint	4,802,967	4,837,177	4,603,217	S. F. 531
Victim Reparation	200,000	200,000	200,000	S. F. 531
Gasoline			7,332	S. F. 531
Pub Safety Capital		25,000	25,000	S. F. 551
Criminal Invest	5,002,967	5,062,177	4,835,549	
Salaries, Supp, Maint	4,358,687	4,419,794	4,636,947	S. F. 531
Lease Equipment	26,250	23,625	0	
Crime Laboratory	180,000	182,311	0	
Undercover Funds	200,000	200,000	200,000	S. F. 531
Crime Lab Improvemen	200,000	202,363		
Gasoline			as. 1070	S. F. 531
Inspection & Securty	4,964,937	5,028,093	4,922,054	
Inspection	1,746,909	1,762,259	1,034,684	S. F. 531
Security			674,862	S. F. 531
Reimbursement for Au		78,579	79,553	S. F. 531
Inspection Gasol Jne				S. F. 531
Security Gasol ine			23,354	S. F. 531
Highway Patrol	1,746,909	1,840,838	1,815,410	
Salaries, Supp, Mant	17,262,511	17,209,231	15,837,572	S. F. 531
Fuel Contingency				
Crime Prevention Pro	100,000	54,000	54,000	S. F. 531
Gasol ine	60,000		836,196"	S. F. 531
Drunk Driving Enf				
Public Safety, Dept	17,462,511	17,263,231	16,727,768	
Transportation, Dept	29,177,324	29,194,339	28,300,781	
Salaries, Supp, Maint	5,989,594	5,896,646	5,686,642	S. F. 531
Gasoline			63,334	S. F. 531
RR Improvement Prog	1,000,000	1,000,000	1,000,000	S. F. 531
Public Transit Aid	1,908,000	1,908,000	1,908,000	S. F. 531
Great River Road	95,400	100,000	100,000	
Personal Deliv Serv	60,000	90,000	90,000	
Transport&Ion, Dept	9,052,994	8,994,646	8,847,976	
Operations	39,181,164	39,207,311	38,020,125	
Grant and Aid	2,908,000	2,908,000	2,908,000	
Capitals	40,000	159,100		
Standings	255,400	290,000	175,000	
Total	42,384,564	42,564,411	41,393,125	

APPROPRIATIONS BILL SUMMARY

ACCOUNTANCY, BOARD OF , ,

S.F. 530

Sec. 1.3 Appropriates \$272,994 for salaries, support, maintenance and other operational purposes.

ADMINISTRATIVE RULES COORDINATOR

H.F. 627

sec. 1.1 Appropriates \$60,921 for **salaries**, support and **maintenance**.

AGING, COMMISSION ON THE

H.F. 613

Sec. 1.1 State Agency Administration: Appropriates \$202,000 and authorizes 25.6 FTE positions.

Sec. 1.2 **Area Agencies on Aging:** Appropriates \$117,600 to maintain the administration of the area agencies at the FY 1983 service level.

Sec. 1.3 Senior Citizen Employment Program⁸ Appropriates \$108,000 to fund job placement service⁵ and part-time employment for senior citizens.

Sec. 1.4 Older Iowan Legislature: Appropriates \$14,000 to fund the model legislature for older Iowans.

Sec. 1.5 Elderly Services **Program:** Appropriates **\$800,000** to purchase various elderly services including chore, telephone reassurance and home repair. Additional language allows the creation of a coordinated comprehensive individual assessment program in each area agency to train interdisciplinary teams for the purpose of assessing the needs of elderly individuals **so** that they may remain in their communities. The language also allows the funds to be used for services not specifically listed in the **bill** if approved by an area agency for services in that area.

AGRICULTURE, DEPARTMENT OF

S.F. 638

Sec. 1.2 Appropriate **\$5,620,472** to fund operations of the Administrative, Regulatory, and Laboratory Divisions. Requires solicitation of private financial support for agricultural promotion activities and requires annual subscription fees for regular publications. Provides for temporary suspension of the food **service** inspection requirement of twice annually in favor of once annually. Appropriates from various trust funds for certain

operations and from the State General Fund for **brucellosis** aid to individuals.

Sec. 3, 4

Require the Department of Agriculture to collect agricultural statistic⁵ each year and **make** public announcements of the information collected. The Department is required to establish a subscription **fee** schedule for access by non-governmental agencies. The Department of Revenue is not to **adjust** the information provided to them by the Department of Agriculture for accuracy.

APPELLATE DEFENDER

S.F. 532

Sec. 12 Amends Chapter 138.7 to expand the duties of the Appellate Defender to include providing legal services to inmates of adult correctional institutions in civil cases involving prison litigation.

ARCHITECTURAL EXAMINERS, BOARD OF

S.F. 530

sec. 1.1 Appropriates \$45,705 for salaries, support, **maintenance** and other operational purposes.

ARTS COUNCIL, IOWA

H.F. 627

sec. 1.2 Appropriates \$479,706 for salaries, support, maintenance and funds to match federal grants.

S.F. 540

Sec. 2.3 Appropriates \$100,000 to the Iowa Arts Council. Individual artists may receive a cash grant not to exceed \$3,000 for a project determined to be in the public good.

AUDITOR OF STATE

S.F. 530

Sec. 2.1 Appropriates **\$1,533,301** for salaries, support, maintenance and miscellaneous purposes.

ITEM VETO

Appropriates an additional \$317,663 subject to the condition that the Auditor of State's office be moved from the State Capitol Building to an appropriate building located with the Capitol Complex, and the use of the vacated space be dedicated to the Legislative Branch of government. A ceremonial office for the Auditor and not more than two staff members shall be established in the Capitol **Building**.

BANKING, DEPARTMENT OF,

S.F. 530

Sec. 2.2 Appropriates **\$3,190,430** for salaries, support, maintenance and other operational purposes.

BEER AND LIQUOR CONTROL DEPARTMENT, IOWA

S.F. 530

Sec. 2.3 Appropriates **\$18,948,837** for salaries, support, maintenance and other operational purposes.

ITEM VETO Of the funds appropriated in this section, 5262,000 is to be spent on the establishment of six mini-stores and the optical character reader pilot project.

BLIND COMMISSION, IOWA

S.F. 533

Sec. 1 General Office: Appropriates **\$1,053,027** for salaries, support and maintenance.

S.F. 551

Sec. 6.1a Energy System: Appropriates **\$11,480** for the purchase and installation of an automated energy management system. This will be matched by \$29,500 in federal funds.

Sec. 6.1b Cooling Tower: Appropriates \$640 for rebuilding the cooling tower for the absorption air conditioning system. This will be matched by \$2,160 in federal funds.

Sec. 6.1c Reroofr Appropriates \$4,404 to reroof the third and fourth floors. This will be matched by \$11,323 in federal funds.

Sec. 7 Provides that if the Governor finds that the estimated budget resources are insufficient to pay all appropriations, the Governor shall not make any reductions in allotment as allowed under section 9.31 until the unencumbered funds appropriated by this division are included in the estimated budget resources.

CAMPAIGN FINANCE DISCLOSURE COMMISSION

S.F. 530

Sec. 2.4 Appropriates 5124,501 for salaries, support, maintenance and other operational purposes.

CAPITOL PLANNING COMMISSION

H.F. 627

Sec. 1.4 Appropriates \$3,500 for per diem and travel expenses of Commission members.

CITIZENS' AIDE, IOWA

H.F. 627

Sec. 1.5 Appropriates **\$235,635** for salaries, support and maintenance.

CIVIL RIGHTS COMMISSION

H.F. 613

Sec. 2.1 Appropriates **\$691,846** to expand prevention services and maintain other programs at the FY 1963 level. Twenty-four FTE positions are authorized reflecting an increase in 1 FTE over the previous year.

COMMERCE COMMISSION, IOWA STATE

S.F. 530

Sec. 2.5 Appropriates **\$5,774,566** for salaries, support, maintenance and other operational purposes. It is the intent of the General Assembly that \$374,644 of these funds be spent for computer services. The Commission shall report no later than March 1, 1984 to the Regulatory and Finance Appropriations Subcommittee concerning the amount so far spent on computer services. An additional **\$861,476** is appropriated for salaries, support, maintenance and other operational purposes of the consumer advocate.

COMPTROLLER, OFFICE OF STATE

H.F. 613

Sec. 6a Appropriates \$74,450 to provide for the contingency that federal funds are not available to maintain the FY 1963 funding level for the childhood cancer diagnostic and treatment network program and the rural comprehensive care for hemophilia patients. Upon receipt of verified amounts of federal funds received by the University of Iowa Hospitals and Clinics for the programs specified in this section, the State Comptroller is directed to pay to the Hospitals and Clinics an amount equal to the difference between the amount of the original grant application and the amount of the grant as approved by the United States Department of Health and Human Services.

S.F. 530
Sec. 2.6 Appropriates \$1,520,605 for general office salaries, support, maintenance, and other operational purposes. Appropriates \$6,357,859 for the Division of Data Processing for salaries, support, maintenance and other operational purposes.

S.F. 530
Sec. 3 Provides for payroll deduction for insurance coverage, upon the written request of five hundred or more state employees. The deduction may be for payment to any insurance company authorized to do business in Iowa. The insurance coverage is not provided by the state. This section takes effect January 1, 1984.

S.F. 530
Sec. 5 Appropriates \$5,350,000 to the County Government Assistance Fund as established in section 334A.1, Code 1983 for assistance to counties. Provides that \$55,533 of these funds shall be credited to the County Finance Committee.

S.F. 530
Sec. 6 Appropriates \$14,650,000 to the Municipal Assistance Fund to be used for state assistance to municipalities, with distribution in accordance with section 405.1, Code 1983. Provides that \$10,800 shall be credited to the City Finance Committee.

S.F. 551
Sec. 17 Appropriates \$250,000 for the purchase of fuel and electricity which exceed the amounts appropriated to the various state agencies from the General Fund for the purchase of fuel and electricity. The funds are to be allocated if the Comptroller determines the agency's costs for fuel and electricity exceed the amounts appropriated, that the agency is either developing an energy conservation plan in consultation with the Energy Policy Council or has implemented such a plan, and that other money is not available to the agency for fuel or electricity purposes.

S.F. 646 Appropriates \$8,700,800 for FY 1984 and \$52,391,600 for FY 1985 for adjustments in the compensation and benefits of public officials and employees. The funds are from the following sources:

	FY '84	FY '85
General Fund	\$7,588,300	\$46,986,300
Road Use Tax Fund	99,000	522,000
Primary Road Fund	1,013,500	4,883,300

Compensation and benefits are not changed for FY 1984, but funding for fringe benefits is increased. Salaries are increased an average of 6.6% effective July 1, 1984. For most state employees this is composed of a 4% across the board increase plus a merit increase of between 4% and 4.5%, depending upon department recommendation and the employees annual merit review date. These increases are as provided for in the collective bargaining agreements reached with unionized state employees.

Elected state officers, justices, judges and magistrates, PER board members, regents' faculty and professional employees and district court shorthand reporters will receive a 6.6% salary increase effective July 1, 1984. The Lieutenant Governor and members of the General Assembly receive an increase of approximately 6.6% effective with the calendar year 1985. Members of the General Assembly are authorized to join the state health or medical service group insurance plan without state matching funds. The salaries of appointive, non-elected officials will be as set by the Governor within the applicable salary range: these ranges are increased by 4%, effective July 1, 1984. The Governor is required to report the salary rates determined to the Legislative Fiscal Committee. Seven appointive, non-elected officers are transferred to a higher salary range. The salaries of the Clerk of the Supreme Court, Court Administrator, Deputy Administrator, Research Director, Court Administrator assistants, and the Court Fiscal Director will be as set by the Supreme Court within the applicable salary ranges; these ranges are also increased by 4%, effective July 1, 1984.

The per diem reimbursement for members of the General Assembly is increased from the current \$30 per day of the first year of the session up to 120 days to \$40 per day of the first year of the session, up to 110 days. Members from Polk County will be reimbursed at \$25 for each day of the session, up to 110 days. This change is estimated to cost \$120,000 per year.

COLLEGE AID COMMISSION, IOWA

S.F. 533

- Sec. 2 General Office: Appropriates \$402,881 for salaries, support, maintenance, and miscellaneous purposes.
- Sec. 3.1, 3.2 Optometric Assistance Program: Appropriates \$30,000 to continue the last year of the seat purchase program for students that were enrolled in optometric schools in FY 1981. Submittal of financial audits to the Legislative Fiscal Bureau is required.
- Sec. 4.1, 4.2 College of Osteopathic Medicine and Surgery: Appropriates \$784,000 to reinstate the policy that Iowa students should make up at least 30% of the enrollment. Submittal of financial audits to the Legislative Fiscal Bureau is required.
- Sec. 5 National Guard Enrollment Program: Appropriates \$25,000 to provide tuition assistance to eligible members of the Guard who are enrolled in an Iowa post-secondary institution.
- Sec. 6 ITEM VETO Appropriates from those funds appropriated to the Tuition Grant Program an amount sufficient to make payments to individuals who were eligible to receive a tuition grant during any of the fiscal years beginning July 1, 1980 and ending June 20, 1983 but were found ineligible because of failure to notify the college aid commission of a transfer by the deadline date.
- Sec. 13, 15 Tuition Grant Program: Increases the maximum grant award from \$1,600 to \$2,100 and makes a standing limited appropriation, beginning in FY 1984, of \$19,166,600. This is an increase of 229 over the FY 1983 combined standing and general fund appropriation.
- Sec. 14, 15 Vocational Technical Tuition Grant Program* Increases the maximum award from \$400 to \$450 and makes a standing limited appropriation, beginning in FY 1984, of \$672,472. This is an increase of 22% over the FY 1983 combined standing and General Fund appropriation.
- Sec. 16 Podiatry Program: Repeals the sections of the Code of Iowa pertaining to the Podiatry Program which was phased out last year.

H.F. 532

Sec. 2

Guaranteed Loan Payment Program: Appropriates 530,000 for FY 1984 and \$60,000 for FY 1985 for a guaranteed student loan payment program to be administered by the Commission. This program will pay student loans of qualified teachers of math and science.

Sec. 5-9

Science and Mathematics Loan Program: Appropriates \$40,000 for FY 1984 and \$140,000 for FY 1985 to assist teachers in obtaining or upgrading their teaching authorization in the area of science or mathematics. This program is to be administered by the Commission.

Sec. 11-14

Supplemental Grant Program: Appropriates \$1,500,000 for FY 1985 for grants to students who have successfully completed at least seven units of science and mathematics. This program is to be administered by the Commission.

CONSERVATION COMMISSION, STATE

H.F. 638

Sec. 5-8

Appropriate \$6,853,789 to fund operation of the Lands and Waters Division, Administrative Division, Preserve Board, and the Green Thumb Program. Appropriates \$12,450,746 from the Fish and Game Protection Fund to finance operations of the Fish and Wildlife Administrative Division and capital projects. Appropriates the Marine Fuel Tax Funds for the recreational boating program. Provides guidelines for transfer of funds, deposit of various receipts, development of lake conservation priorities, and Commission travel by state aircraft. Provides \$40,000 to make school tax payments for open spaces land owned by the state.

H.F. 644

Sec. 1.3

Appropriates \$260,000 from the interest and earnings on the special fund created for the bequest of Glenn Grover Herrick. The Commission is to apply the funds to an Iowa arboretum, a recreational trail between Waterloo and Cedar Rapids, a recreational trail between Dubuque and Dyersville and projects at Living History Farms.

S.F. 531

Sec. 3

Provides for former field personnel who have been promoted to administrative/supervisory positions to retain benefits for the payment of life or health insurance where collective bargaining agreements provide for it. This provision sunsets in two years.

S.F. 551

Sec. 15.16 Appropriate \$1,516,500 for capital projects including the Saylorville Greenbelt, Swan Lake restoration, and other high priorities on the list submitted to the Joint Appropriations Subcommittee on Natural Resources. The appropriation of these funds is contingent upon matching federal resources being available for each project funded.

CORRECTIONS, DEPARTMENT OF (BOARD OF)

S.F. 532

Sec. 20 Requires that funds appropriated to the Department of Social Services (Department of Human Services) for the Division of Adult Corrections be transferred to and available for use by the Department of Corrections on and after October 1, 1983.

Sec. 21 Appropriates \$150,000 to the Board of Corrections.

Adult Corrections, Division of (Department of Human Services)

S.F. 532

Sec. 1 Appropriates \$1,095,000 to the Department of Social Services (Department of Human Services) for general administration of the Division of Adult Corrections (Department of Corrections).

Sec. 3.1 Appropriates \$46,427,000 for the operation of the adult correctional institutions. Changes the cap on the prison population to 2,645 inmates. Directs the Division of Adult Corrections (Department of Corrections) to:

- o Notify the chairmen and ranking members of the Corrections and Mental Health Appropriations Subcommittee and the Legislative Fiscal Bureau if changes are made in the allocations to the correctional institutions.
- o Contract with the Appellate Defender's office for a legal program to assist inmates in civil litigation involving prisons.
- o Continue the contract for Muslim religious services.
- o Continue providing specified educational programs to inmates at the Iowa Correctional Institution for Women.

ITEM VETO

- o Develop a plan to reduce the inmate population at the Men's Reformatory to 885 inmates by September 1, 1984.
- o Obtain external validation of the inmate classification system and report back to the General Assembly by January 15, 1985.

Directs the Legislative Fiscal Bureau to prepare an impact analysis of any bill that would have a potential impact on the inmate population of the adult correctional institutions.

Sec. 3.2 Appropriates \$135,000 for the inmate classification system.

Sec. 3.3 Appropriates \$306,000 for the correctional training center.

Sec. 3.4 Appropriates \$390,000 to pay the federal government for Iowa prisoners transferred to federal prisons.

Sec. 3.5 Requires the Division of Adult Corrections (Department of Corrections) to consult with the Mental Health and Mental Retardation Commission to identify and develop programs for mentally retarded offenders.

Sec. 3.6 Appropriates \$14,130,000 to contract for Community Based Corrections programs. Requires that \$400,000 of the funds appropriated are to be used for the renovation or replacement of specified residential facilities.

Sec. 3.1 Appropriates \$1,161,500 for parole services.

Sec. 3.8 Appropriates 525,000 to contract for the provision of legal assistance to inmates of the correctional system concerning child custody, bankruptcy, and dissolution of marriage matters.

Sec. 3.9 Appropriates \$47,500 to reimburse counties for the temporary confinement of work release and parole violators.

Sec. 3.10 Requires the Department of Social Services (Department of Corrections) to develop and maintain a long-range corrections plan and report back to the General Assembly by January 15, 1984.

Sec. 13 Allows the Governor to transfer or exchange offenders with a foreign country if a treaty is in effect between the United States and the foreign country.

- Sec. 14 Amends Chapter 216.8(1) to require that the director of the Division of Adult Corrections (Department of Corrections) release a state department or agency from the obligation to purchase a product from Iowa State Industries before an exception can be made to allow a purchase from a company other than prison industries.
- Sec. 15 Amends Chapter 216.9(4) to allow the investment proceeds earned from the prison industries fund to remain in the fund.
- Sec. 16 Amends Chapter 218.74(1) to allow the investment proceeds earned from the revolving farm fund to remain in the fund.
- Sec. 17 Amends Chapter 246 to include the Clarinda Correctional Facility and specifies that it be used primarily for chemically dependent, mentally retarded, and socially inadequate offenders.
- Sec. 19 Contains transition language for the transfer of the Division of Adult Corrections to the Department of Corrections.
- Sec. 20 Requires that funds appropriated for the Division of Adult Corrections be transferred to and available for use by the Department of Corrections on and after October 1, 1983.
- Sec. 22 Requires that references to the Division of Adult Corrections (Department of Corrections) and the Department of Social Services (Department of Human Services) be changed to conform with S.F. 464.
- Sec. 23 Allows funds appropriated for Community Based Corrections to be used for capital expenditures.
- S.F. 551
Sec. 8.1-8.3 Appropriates \$852,000 to the Department of Social Services (Department of Human Services), Division of Adult Corrections (Department of Corrections) for capital improvements and major maintenance projects at institutions under their control. The division is required to use inmate labor on all future construction and demolition projects wherever feasible and the use of inmate labor should be incorporated in the bidding process. Unobligated or unencumbered funds will revert to the State General Fund on September 30, 1987.

COUNCIL OF STATE GOVERNMENTS

H.F. 627

- Sec. 1.6 Appropriates \$33,600 for Iowa's organizational membership assessment.

CREDIT UNION DEPARTMENT

S.F. 530

- Sec. 2.1 Appropriates \$944,938 for salaries, support, maintenance and other operational purposes.

CRIMINAL AND JUVENILE JUSTICE PLANNING AGENCY

H.F. 627

- Sec. 9.13 Provides that the Criminal and Juvenile Justice Planning Agency is a separate independent agency within the office of the Governor, under the direct supervision of the Governor, and responsible only to the Governor or the General Assembly.

- Sec. 9.13a Appropriates \$210,221 for salaries, support and maintenance to Criminal Justice Planning.

- Sec. 9.13b Appropriates \$53,762 for Juvenile Justice Planning.

- Sec. 9.13c Appropriates \$125,000 to the Juvenile Victim Restitution Program to assist the state's juvenile probation offices.

- Sec. 9.13d Appropriates \$40,000 for jail training and technical assistance.

Intent language is included stating that the number of full-time equivalent positions in the Criminal and Juvenile Planning Agency shall not be reduced as a result of the separation of the agency from the Office for Planning and Programming.

- Sec. 10.1 Amends Section 13B.6, Code 1983. The change occurs in line 24, removing "is authorized to" and inserting "may."

- Sec. 10.2 The Criminal and Juvenile Justice Planning Agency shall provide internal accounting and related fiscal services for the Office of the Appellate Defender as requested by the Appellate Defender.

DENTAL EXAMINERS, BOARD OF

H.F. 613

Sec 3.4 Appropriates \$110,313 and authorizes 2 FTE positions to maintain this program at the FY 1983 level. This appropriation represents a new separate line item appropriation for the Board which was previously under the Department of Health.

Sec. 9 Amends the 1983 Code of Iowa to allow applications for dentistry licenses to be made directly to the Board of Dental Examiners. Previously, applications went to the Department of Health.

DEVELOPMENT COMMISSION, IOWA

H.F. 638

Sec. 9 Appropriates \$3,006,382 for the operations of the Commission. Provides for allocation of \$35,000 for the tourism districts and direction to operate international offices in Europe and Asia.

ITEM VETO Directs that 50% of the funding for international offices come from sources other than the state by July 1, 1985.

Restrictions are placed on commissioners for travel on state aircraft and on the portion of travel and tourism division funds which may be used for salaries.

ITEM VETO It is a condition of funds appropriated to the Commission that if the Governor finds that estimated budget resources for are insufficient to pay all appropriations in full, the Governor is to revert to the General Fund the unobligated balance of the \$396,719 appropriated to promote tourism and for a special research project on high technology.

S.F. 540

Sec. 12-18 Appropriate \$500,000 to the Small Business Division and authorizes establishment of the Division. Directs that the Governor is to appoint a Small Business Advisory Council to aid the Commission and the Small Business Division. Rules and guidelines are established for the operation of the Division and the Advisory Council.

Sec. 19-33 Appropriate \$750,000 to establish the Iowa Product Development Corporation. The Corporation is to be a quasi-public corporation assigned to the Iowa Development Commission for administrative purposes. The Corporation is to accept applications for financial aid and enter into venture agreements with persons doing business in Iowa. The financial aid advances are to be for the development of specific products, procedures, and techniques which are to be developed and produced in the state. The Corporation is to condition agreements upon contractual assurances that the benefits of increasing or maintaining employment and tax revenues shall remain in Iowa. Guidelines are established for the operation of the Corporation. In exchange for financial aid the Corporation may contract to obtain rights, from or in an invention, product or the proceeds from the product or invention developed.

Sec. 35-41 Appropriate \$2,100,000 to the Iowa High Technology Council which is administratively integrated into the Iowa Development Commission. Not more than \$100,000 is to be used for operations with \$50,000 of that amount going for a High Technology Research Transfer Mechanism. Provides that unencumbered funds shall not revert at the end of FY 1984.

Rules and direction are given for the operation of the Council. The Council is to consider and award grants on a project basis to educational institutions or commercial entities in which an educational institution has an ownership interest. The Council is to aid in promotional efforts for high technology interest in the state. The Council is authorized to accept contributions, grants, gifts and bequests from sources other than the state.

ITEM VETO

If the Governor finds that estimated budget resources for FY 1984 are insufficient to pay all appropriations in full, any funds appropriated to the High Technology Council and not encumbered shall remain in the General Fund of the State.

Sec. 83-91 **Authorize** the establishment of the Iowa Venture **Capital** Fund of the Iowa Development Commission. The Commission may expend up to \$100,000 to establish the fund which is to be repaid upon completion of the first public offering of stock. Money invested in this fund would receive a credit of 5% of the value of the **investment** against individual income tax, corporate income tax or income taxes on trusts or estates. The aggregate value of stock **sold** for which a credit is allowed shall not exceed **\$5,000,000**.

The fund has the objective of encouraging the development of additional business operations and employment in the state through venture capital financing to select business ventures.

EMPLOYMENT OF THE HANDICAPPED, COMMITTEE ON

H.F. 613

Sec. 2.3 Appropriates 5128,356 to maintain programs at the FY 1983 level. Four FTE positions are authorized.

ENERGY POLICY COUNCIL

H.F. 638

Sec. 10 Appropriates 5487,329 for operations and for the Public Buildings Energy Conservation Program.

Sec. 21 Appropriates \$31,080 from petroleum overcharge funds to be used for the administration of a program of grants to local governments for energy management programs.

S.F. 548

Sec. 3, 4 Appropriate \$500,000 from the General Fund and \$500,000 from Federal Oil Overcharge Funds apportioned to Iowa under Public Law Number 97-377 for grants to state agencies for energy management programs in buildings owned by the state or occupied by state agencies. The bill directs that at least 60% of the funds appropriated are to be used in counties with an unemployment rate that is above the statewide unemployment rate.

Sec. 5 Appropriates **\$50,000** from the General Fund and **\$1,387,200** from Federal Oil Overcharge Funds apportioned to Iowa under Public Law Number 97-377 to be used for grants to local governments for energy management programs.

Funds appropriated are to be allocated to cities, counties, and area education agencies according the following percentages:

a. Area Education agencies	15%
b. Local governments to train maintenance personnel	4%
c. Local governments for utility meters	6%
a. Local governments for energy audits	28%
e. Local governments except hospitals and school districts	47%

Grants may not exceed **50%** of the cost of a project with the local government providing **the required matching money**. Priority **is** to be given to projects which are the most labor intensive and which produce the **greatest** energy conservation **benefits**.

H.F. 184

Sec. 12, 14, 17, 18

Provide that abandoned deposits and **unclaimed** refunds shall be remitted by utilities to **the** Treasurer of the State after two **years**. After a proportional amount for a trust fund and any costs have been deducted, the funds are to be deposited by the Treasurer in the Energy Research and **Devel-**opment Fund to be used for weatherization or assistance programs administered by the **Energy** Policy Council.

ENGINEERING EXAMINERS, STATE BOARD OF

S.F. 530

Sec. 1.4 Appropriates \$140,510 for salaries, support, maintenance and other operational purposes.

EXECUTIVE COUNCIL

S.F. 551

Sec. 12.3 Appropriates \$29,824 for the state's share of the City of Cedar Falls 1981 asphalt concrete resurfacing project.

H.F. 627

Sec. 1.7 Appropriates \$65,785 for salaries, support and maintenance.

S.F. 548

Sec. 6

Appropriates \$66,000 from the interest and **earnings** on investments from the federal oil **overcharge** funds which have **been** deposited in the General Fund of the state for attorney fees incurred by the state in obtaining the state's share of the **federal** oil overcharge funds.

FAIR BOARD, STATE

H.F. 638

Sec. 11 Appropriates \$274,500 from the General Fund to finance buildings and grounds maintenance, state fair premiums and state aid to local fairs.

H.F. 644

sec. 1.2 Appropriates \$50,000 from the interest and earnings on the special fund created for the bequest of Glenn Grover Herrick. The State Fair Board is to use the money for site planning and initial development of Heritage Village.

S.F. 551

Sec. 15, 23 Appropriate \$10,000 toward the purchase of land adjacent to the State Fair Grounds and authorizes entering into a contract obligating Fair Board funds to purchase the property. Appropriates \$240,000 for roof replacement and electrical system improvements.

GENERAL SERVICES, DEPARTMENT OF

S.F. 551

Sec. 12.1a Appropriates \$500,000 for the payment of statehouse renovation costs.

sec. 12.1b Appropriates \$45,000 for emergency major repairs or replacements of equipment, roofs or windows.

Sec. 12.1c Appropriates \$500,000 for the renovation and remodeling of the fourth floor of the Robert Lucas building.

Sec. 12.1d Appropriates \$94,500 for repair of the roof of the vehicle dispatcher building and the repair of the roof of the micrographics building.

Sec. 12.1e Appropriates \$61,600 for the installation of individual water heaters in Capitol Complex buildings.

Sec. 12.1f Appropriates \$5,250 for replacement of the incandescent lamps in the upper portions of the Capitol.

Sec. 12.1g Appropriates \$13,500 for automation of the north Capitol elevator.

Sec. 12.1h Appropriates \$136,000 for the purchase and installation of a fire alarm system in the Capitol Building.

Sec. 12.1i Appropriates \$125,000 for moving of the Auditor of State's staff and furnishings.

Sec. 12.1j Appropriates \$125,000 for moving of the Treasurer of State's staff and furnishings.

H.F. 627

Sec. 3.1 Appropriates \$5,059,051 for salaries, support and maintenance.

Sec. 3.2 Appropriates \$1,769,149 to pay the cost of utilities for the Capitol Complex. The intent section states that General Services may fund energy conservation projects in the Capitol Complex which will have a 100% payback within the fiscal year.

Sec. 3.3 Appropriates \$819,782 for payment of lease or rental costs for agencies located outside the Capitol Complex.

Sec. 4.1 Appropriates \$706,125 from the Centralized Printing revolving fund for salaries, support and maintenance.

Sec. 4.2 Appropriates the remainder of the Centralized Printing permanent revolving fund for expenses incurred which are legally payable from this fund.

Sec. 4.3 Appropriates \$465,287 from the Centralized Purchasing revolving fund for salaries, support and maintenance.

Sec. 4.4 Appropriates the remainder of the Centralized Purchasing revolving fund for the payment of expenses incurred through purchases by various state departments.

Sec. 4.5 Appropriates \$451,702 from the Vehicle Dispatcher revolving fund for salaries, support and maintenance.

Sec. 4.6 Appropriates the remainder of the Vehicle Dispatcher revolving fund for expenses which are legally payable from this fund.

Sec. 11 Amends Section 18.75, subsection 8, Code 1983, by striking the subsection which contains provisions for publishing the Iowa Official Register. The Iowa Official Register will not be compiled by General Services; the responsibility is being transferred to the Secretary of State.

Sec. 12 Amends Section 18.115, subsection 5, Code 1983, pertaining to the manner in which the State Vehicle Dispatcher disposes of used motor vehicles. The receipts from the sale will be deposited in the depreciation fund to the credit of the department or agency turning in the vehicle. Previously, the receipts were deposited in the depreciation fund to the credit of the unit within the department turning in the vehicle.

sec. 13 Amends Section 18.120, Code 1983 to require that at the end of each month the State Vehicle Dispatcher will render a statement to each department or agency for additions to the fleet and total depreciation credited to the department or agency. Previously, depreciation was credited to each motor vehicle assigned to a department or agency.

GEOLOGICAL SURVEY, IOWA

H.F. 638

Sec. 12 Appropriates \$1,249,255 for the operation of the Survey and the purchase of a drilling equipment truck. Appropriates \$270,775 for reimbursement to federal agencies for cooperative contracts.

S.F. 551

Sec. 15 Appropriates \$3,000 for safety equipment at the Oakdale facility.

GOVERNOR, OFFICE OF

H.F. 627

Sec. 5.1 Appropriates 566,941 for salaries, support and maintenance.

Sec. 5.2 Appropriates \$6,000 for expenses connected with the office.

Sec. 5.3 Appropriates \$57,404 for salaries and support of the Governor's quarters at Terrace Hill.

Sec. 5.4 Appropriates \$25,000 for the payment of ad hoc committees, councils and task forces appointed by the Governor.

GOVERNOR, LIEUTENANT

H.F. 627

Sec. 6.1 Appropriates 599,411 for salaries, support and maintenance. The Senate majority and minority leaders shall appoint a five-person committee to study the office of Lieutenant Governor to determine the duties and responsibilities of the office and make recommendations to the Senate.

HEALTH, DEPARTMENT OF

H.F. 617

Sec. 10

Appropriates \$40,000 to the Department of Health for the purposes of identifying Iowa veterans who have been exposed to agent orange or other chemical defoliants during the Vietnam Conflict.

H.F. 613

Sec. 4

Appropriates funds to the Department of Health for the following divisions and programs:

Sec. 4.1

Administration: Appropriates \$989,219 and authorizes 67.25 FTE positions. This reflects a reduction of 4 FTE from FY 1983 due to transfer of 3 positions to the Health Planning Division and deauthorization of 1 position.

Sec. 4.2

Health Facilities: Appropriates \$694,634 and authorizes 51 FTE positions.

Sec. 4.3

Health Planning and Development Division: Appropriates \$257,494 and authorizes 19.67 FTE positions.

Sec. 4.4

Disease Prevention Division: Appropriates \$1,042,348 and authorizes 51.60 FTE positions to maintain programs and the FY 1983 level.

Sec. 4.5

Licensing and Certification Division: Appropriates \$538,228 and authorizes 16 FTE positions. Requires that the licensing boards adjust their fees to reflect actual expenditures and requires the Department to charge rental expenses.

Sec. 10,11

Amend Sections 157.11 and 158.9 of the 1983 Code of Iowa to allow barber shops and beauty salons to obtain a license without passing a sanitary inspection first. An annual sanitary inspection of each barber shop and beauty salon is mandated.

Sec. 4.6d

Division of Personal and Family Health: Appropriates \$1,164,699 and authorizes 44.35 FTE positions. Allocates a portion of this amount for the birth defects and genetics counseling program and for various programs of the Iowa specialized child health care services at the University of Iowa Hospital and Clinics.

A sliding fee scale is mandated for the birth defects and genetic counseling program. A cap on the indirect costs the University of Iowa Hospitals and Clinics can charge to funds contracted from the Health Department is also mandated.

Intent, language is included which appropriates \$74,450 to the state comptroller to insure that the childhood cancer diagnostic and treatment network program and the rural comprehensive care for hemophilia patients at the University of Iowa Hospitals and Clinics is funded at the FY 1983 level. This money will be released upon receipt of verified amounts of federal funds received. The amount awarded will be the difference between the original grant and the amount of the grant currently approved at the federal level.

Sec. 12 Makes the appropriation in Section 4, subsection 6 conditional on the state Department of Health relinquishing Title X dollars for 14 counties to the Family Planning Council of Iowa.

Sec. 4.6b Appropriates \$25,000 for sexual abuse investigations required by section 709.10, 1983 Code.

Sec. 4.6c Appropriates \$15,000 to reimburse counties for sudden infant death syndrome autopsies required under section 331.802, 1983 Code.

Sec. 4.7a Community Health Division: Appropriates \$1,819,356 and authorizes 38.0 FTE positions. Specifies that \$922,693 shall be allocated to the Chronic Renal Disease Program and lists the services which are eligible for reimbursement. The Department is required to establish by administrative rule a mechanism to keep expenditures within the allocation.

Sec. 4.7b In-Home Health Care Grants: Appropriates \$2,060,000 for grants to local boards of health for Public Health Nursing Services and specifies general provisions for the program.

Sec. 4.7c Homemaker-Home Health Aide Program: Appropriates \$6,950,000 to county boards of supervisors for the Homemaker-Home Health Aide/Chore Program. Fifteen percent of the funds received by a county may be used for chore services. Additional language specifies general provisions of the program and the following formula for allocation of these funds to the counties: 15% of the amount will be distributed equally to all 99 counties. Of the total funds remaining, each county shall be allocated for FY 1984 an amount equal to 50 percent of the FY 1982 Homemaker Funds and for FY 1985 an amount equal to 25 percent of the FY 1982 Homemaker Funds. The remaining amount of funds for each year shall 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 evaluate the program on an annual basis.

Sec. 4.7d Well-Elderly Clinics: This section appropriates \$212,000 for the development and maintenance of well-elderly clinics in the state.

HERBERT HOOVER BIRTHPLACE FOUNDATION

H.F. 638

Sec. 13 Appropriates 61,500 for assistance with capital improvements.

HISTORICAL DEPARTMENT

S.F. 551

Sec. 12.2 Appropriates \$213,000 for capital projects at the State Historical Building and the Centennial Building in Iowa City. Included in this amount is \$85,000 for the replacement and upgrading of electrical service and repair of the roof and dome of the State Historical Building.

Sec. 13 Appropriates \$10,000,000 for FY 1985 for the construction of a new state historical building. These funds are provided as a state match of two dollars for each one dollar of private funds actually acquired, excluding the Herrick bequest.

H.F. 627

Sec. 7.1 Appropriates \$1,345,692 for salaries, support and maintenance. Includes the expenditure of not more than \$5,000 for the installation of a gift shop on the ground floor of the State Capitol Building.

Sec. 7.2 Appropriates \$7,913 to the State Historical Board for per diem and expenses.

HOUSING FINANCE AUTHORITY, IOWA

S.F. 548

Sec. 11
ITEM VETO

Appropriates \$5,000,000 to fund state cooperation with and implementation of the certified development program and to fund the state share of capital infusion loans, both programs designed to aid small business in conjunction with programs administered by the United State Small Business Administration.

S.F. 548
Sec. 34
ITEM VETO Appropriates **\$3,000,000** to be used to fund the program to reduce interest costs to be paid on loans established in section 220.81 of Senate File 223 as enacted by the 1983 Session of the Iowa General Assembly.

INDUSTRIAL COMMISSIONER

S.F. 530
Sec. 2.8 Appropriates **\$1,006,657** for salaries, support, maintenance and other operational purposes.

INSURANCE, IOWA DEPARTMENT OF

S.F. 530
Sec. 2.9 Appropriates **\$2,728,767** for salaries, support, maintenance and other operational purposes. Permits the Insurance Department to spend additional funds for actual expenses which exceed the funds budgeted for company examinations and directly result from examinations of insurance companies. The State Comptroller must approve expenditures if the Comptroller determines that the department does not have other funds from which the examination expenses can be paid. The excess amounts shall be collected from those insurance companies being examined which caused the excess expenditures and the collections shall be treated as repayment receipts.

IOWA STATE WATER RESOURCES INSTITUTE

H.F. 638
Sec. **17,18** Appropriate 5135,000 for research approved by the Advisory Council.

JOB SERVICE, IOWA DEPARTMENT OF

S.F. 530
Sec. 2.10 Appropriates \$154,325 for salaries, support, maintenance and other operational purposes for the administration of the the FOAB and IOASI programs.

S.F. 530
Sec. 8 Appropriates **\$2,558,143** from the Iowa Public Employees' Retirement System fund for salaries, support, maintenance, and other operational purposes to pay the costs of administration of the Iowa Public Employees' Retirement System.

JUDICIAL BRANCH

S.F. 549
Sec. 1a Appropriates \$285,000 for salaries and support for four additional district court judges authorized in S.F. 495.

Sec. 1b Appropriates **\$214,000** for salaries and support within the state and district court administrators' offices to provide for the implementation of S.F. 495.

Sec. 1c Appropriates 811,942 for the payment of increased salaries of alternate district associate judges as provided in S.F. 495.

Sec. 1d Appropriates \$11,763 for the payment of expenses of the judges of the Court of Appeals as provided in S.F. 495.

Sec. 1e Appropriates **\$1,900.000** for the payment of jury and witness fees as provided in S.F. 495.

Sec. 1f Appropriates \$95,000 for salary and support of one additional judge on the Court of Appeals.

Sec. 1g Appropriates \$120,000 for allocation to the Legal Services Corporation of Iowa and the Legal Aid Society of Polk County. This is a one-time appropriation to alleviate the immediate financial needs of these agencies.

Sec. 1h Appropriates \$75,000 for the payment of grants to Dispute Resolution Programs.

H.F. 627
Sec. 8.1 Appropriates **\$11,300,513** for salaries of Supreme Court Justices, Appellate Court Judges, District Court Judges, District Associate Judges, Judicial Magistrates and staff, maintenance and equipment.

Sec. 8.2 Appropriates \$55,378 for salaries, support and maintenance of the Board of Law Examiners, Board of Examiners of Shorthand Reporters and Judicial Qualifications Commission.

Sec. 8.3 Appropriates **\$1,448,570** to the District Courts for salaries, support and maintenance.

Sec. 8.4 Appropriates \$718,283 for salaries, support, maintenance and equipment of the Court Administrator and the Clerk of the Supreme Court.

JUSTICE, DEPARTMENT OF

H.F. 627

Sec. 1.3a **Attorney General ; Appropriates \$2,777,758 for salaries,, support and maintenance.**

Sec. 1.3b **Prosecuting Attorney Training Program: Appropriates \$80,926 to maintain the FY 1983 program level.**

sec. 1.3c **Prosecuting Intern Program: Appropriates \$52,500 to be matched by participating counties.**

Sec. 2.1 **Appropriates an amount not exceeding \$95,000 from the General Fund to the Department of Justice for the enforcement of the Iowa competition law. The expenditure of the funds is contingent upon receipt by the General Fund of an amount at least equal to the expenditures from damages awarded to the state by a civil judgement under Chapter 553.**

Sec. 2.2 **Appropriates \$30,000 from the General Fund to be used for public education relating to consumer fraud. The expenditure of these funds is contingent upon receipt by the General Fund of an amount at least equal to the expenditures from damages awarded to the state by a civil consumer fraud judgement, if the judgement authorizes the use of the award for public education on consumer fraud.**

LABOR, BUREAU OF

H.F. 621

Sec. 9.1 **Appropriates \$1,547,752 for salaries, support and maintenance.**

LANDSCAPE ARCHITECTURAL EXAMINERS, BOARD OF

S.F. 530

Sec. 1.2 **Appropriates \$10,642 for salaries, support, maintenance and other operational purposes.**

LAW ENFORCEMENT ACADEMY

S.F. 531

Sec. 1 **Appropriates \$947,656 for salaries, support, maintenance and miscellaneous purposes to maintain the current program.**

LEGISLATIVE EXTENDED ASSISTANCE GROUP

B.F. 627

Sec. 9.11 **Appropriates 530,000 to conduct studies as authorized by the Legislative Council.**

LEGISLATIVE FISCAL BUREAU

H.F. 627

Sec. 9.2 **Appropriates \$585,996 for salaries, support and maintenance.**

Sec. 14 **Section 2.53, Code 1983, is repealed. This section requires bids to be taken for any actuarial services used by the Legislative Fiscal Bureau.**

LEGISLATIVE SERVICE BUREAU

H.F. 627

Sec. 9.3a **Appropriates \$1,001,666 for salaries, support and maintenance.**

Sec. 9.3b **Appropriates' \$15,000 for drafting, research, and Code data processing programs and services.**

LEGISLATURE

S.F. 461

Appropriates \$250,000 to establish a tax study committee, to conduct a study of the tax structure in Iowa.

LIBRARY DEPARTMENT

H.F. 627

Sec. 9.5 **Appropriates \$936,607 to the state library for salaries, support and maintenance.**

Sec. 9.5b **Appropriates \$1,130,808 to the Regional Libraries. Each region will receive the same dollar amount for the fiscal year beginning July 1, 1983 as the region received for the fiscal year beginning July 1, 1982.**

LOTTERY AGENCY, IOWA

S.F. 551

Sec. 19 **ITEM VETO** **Appropriates \$2,000,000 to be used to initiate a state lottery. Provides that notwithstanding section 9.31, Code 1983 the Iowa lottery agency may draw funds as required to initiate the lottery within the limits of the appropriation until the lottery generates sufficient revenue to become self-supporting. Requires the Iowa lottery agency to reimburse the General Fund for the total amount of funds received under this section within sixty days of the date funds are no longer necessary to initiate the lottery or within sixty days of June 30, 1984, whichever is sooner.**

MEDICAL EXAMINERS, BOARD OF

H.F. 613
Sec. 3.1 Appropriates **\$640,548** and authorize 3 14 FTE positions. It provides for 2 additional investigators over the previous year and an accounting position.

MERIT EMPLOYMENT

H.F. 645 Appropriates \$150,000 for the purpose of funding H.F. 313 which provides for a study of the Iowa Merit System to determine **if** the rates of compensation in the pay plan are based on comparable worth of work.
H.F. 627
Sec. 9.6 Appropriates **\$1,432,040** for salaries, maintenance and miscellaneous purposes.

MISSISSIPPI RIVER PARKWAY COMMISSION

H.F. 638
Sec. 14 Appropriates \$15,000 for dues and support for Commission activities related to the promotion of the Great River Road.

NATIONAL CONFERENCE OF STATE LEGISLATURES

Jl.F. 627
Sec. 9.4 Appropriates **\$45,357** for Iowa's organizational membership assessments.

NURSE EXAMINERS, BOARD OF

H.F. 613
Sec. 3.2 Appropriates \$532,781 and. authorizes 16 FTE positions. This is an increase of 2 positions over the previous year. Intent language is included providing that a licensed practical nurse working in a headstart program need not be supervised by a licensed registered nurse or physician.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

S.F. 530
Sec. 2.11 Appropriates \$47,034 for salaries,, support, maintenance and other operational purposes.

PAROLE, BOARD OF

S.F. 532
Sec. 4 Appropriates \$440,000 to the Board of Parole for operating expenses, and requires the Board to develop and use objective parole criteria in evaluating inmates for parole.

PHARMACY EXAMINERS, BOARD OF

H.F. 613
Sec. 3.3 Appropriates \$358,179 and authorizes 12 **FTE positions. This is** an increase of 3 positions over the previous year. Mandates that the board **generate** enough receipts to reimburse the General Fund of the state for the state's portion of the costs incurred for the auditing of pharmacies.

PIONEER LAWMAKERS

H.F. 627
Sec. 9.7 Appropriates \$250 to cover expenses for the lawmakers.

PLANNING AND PROGRAMMING, OFFICE FOR

H.F. 627
Sec. **9.8a** Appropriates \$77,000 for the Iowa **Highway** Safety Program.
Sec. **9.8b** Appropriates \$79,960 for salaries, support and maintenance to develop and administer employment opportunity programs for youth.
Sec. **9.8c** Appropriates \$557,813 to the General Operating Account for salaries, support and maintenance.
Sec. **9.8d** Appropriates \$162,069 to Economic Analysis and Planning Assistance for salaries, support and maintenance.
Sec. **9.8e** Appropriates \$65,213 to the Iowa Council for Children for salaries, support and maintenance.
Sec. **9.8f** Appropriates \$141,120 to the Statistical Analysis Center for salaries, support and maintenance.
Sec. **9.8g** Appropriates \$900,000 to the Iowa Youth Corps to employ youth in summer and in-school projects.

Sec. 9.8h Appropriates \$98,875 to be used as a match that is required for the Community Development Block Grant.

This section provides that the Criminal Justice Analyst position which is in the Statistical Analysis Center budget request shall be transferred to the Criminal and Juvenile Justice Planning Agency.

S.F. 548
sec. 2
ITEM VETO

Iowa Jobs Now: Appropriates from the General Fund of the state \$3,600,000 to establish and fund a statewide work relief program for unemployed Iowans.

sec. 2.L
ITEM VETO

Appropriates \$3,000,000 to be used to establish a policy-making commission to direct and supervise the establishment and funding of local work relief projects.

The state will provide general liability coverage and worker's compensation coverage as if the individuals were employees of the state.

Sec. 2.2
ITEM VETO

Appropriates \$500,000 to contract with the federal action agencies for the establishment and funding of a Volunteers in Service to Iowa Program (VISTI).

Liability and workers compensation coverage will be paid by the state if the federal action agencies do not administer the program.

sac. 42-52

Appropriate \$5,000,000 to the Iowa Community Development Loan Program to assist Iowa communities in the construction and improvement of public works and facilities which support and enhance local economic development by providing a revolving loan fund.

sec. 77-82

Appropriate \$1,300,000 to create a Job Training Partnership Program in the state for the purpose of supplementing and implementing the legislative requirements provided under the federal Job Training Partnership Act of 1982.

Sec. 92

Appropriates \$900,000 to establish a program of grants to cities and community groups for the development of community programs that would provide local jobs for Iowa residents and at the same time promote a city's historical, ethnic, and cultural heritages.

PUBLIC DEFENSE, DEPARTMENT OF

National Guard

S.F. 531

Sec. 1

Appropriates \$2,996,016 for salaries and support for six programs including administration, armories, maintenance facilities, air guard, Camp Dodge, and training sites. Appropriates \$28,993 for purchases of gasoline and diesel fuel. Intent language is included to reduce the per capita fund (section 29A.33 of the Code) to \$5 per capita to be paid on a semi-annual basis.

S.F. 551

Sec. 21

Appropriates \$150,000 from the General Fund and \$530,000 from the Facilities Improvement Fund (realized from the sale of Red Horse Armory) to be used as the state's portion of funds for construction of armories in Dubuque and Wabington.

Office Of Disaster Services

S.F. 531

Sec. 1

Appropriates 5121,703 for the salaries and support of the current program for the Office of Disaster Services.

PUBLIC EMPLOYMENT RELATIONS BOARD

S.F. 530

Sec. 2.12

Appropriates \$547,046 for salaries, support, maintenance and other operational purposes.

PUBLIC INSTRUCTION, DEPARTMENT OF

S.F. 533

Sec. 8.1a

General Office: Appropriates \$3,657,936 for salaries, support, maintenance, and miscellaneous purposes.

Sec. 8.2

Vocational Education Administration: Appropriates \$696,125 for salaries, support, maintenance, and miscellaneous purposes.

Sec. 8.4

Vocational Rehabilitation: Appropriates \$2,746,385 for salaries, support, maintenance, and miscellaneous purposes.

Sec. 0.5

Professional Teaching Practices Commission: Appropriates \$57,945 to carry out the provisions of chapter 272A.

Sec. 8.11

Computer Software Clearinghouse Planning: Appropriates \$10,000 to conduct planning for a computer software clearinghouse.

H.F. 532

Sec. 1

Software Clearinghouse: Appropriates \$250,000 for FY 1985 and thereafter to fund a computer software clearinghouse.

Area Schools

S . F . 3 3

Sec. 8.1b

Fire Service Education: Appropriates \$200,000 for this program which is coordinated between DPI, the merged area schools and Iowa State **University**.

Sec. 8.6

Vocational Youth Organization Fund: Appropriates \$10,000 to continue funding to specified youth organizations as provided in the Code.

Sec. 8.12a

General Aid: Appropriates **\$56,455,501** to be passed through DPI to the fifteen merged area schools for maintenance of current programs.

ITEM VETO

Allocates unobligated funds which remain from the FY 1983 appropriation for increased utility costs to the merged area schools for general aid purposes.

Sec. 8.12b

Federal **Match Funds:** Appropriates **\$8,700,000** to be utilized to match federal monies for continuing and new vocational education programs offered by merged area schools.

Sec. 8.12c

Industrial Start-Up: Appropriates **\$275,000** to provide funds for industrial start-up **training** programs in merged area schools.

Secondary-Elementary

S.F. 533

Sec. 8.3

Vocational Education, Secondary: Appropriates **\$3,622,000** for aid to local school districts for development and operation of vocational programs, services and activities.

Sec. 8.7

School Food Service: Appropriates **\$3,300,000** for the purpose of providing assistance to students enrolled in public and non-public schools for breakfasts, lunches and equipment purchases.

sec. 8.9

School Budget Review Committee: Appropriates \$30,000 for SBRC to distribute to local school districts which encounter unusual or unique costs.

Sec. 8.10

Non-English Speaking Students: Appropriates \$200,000 to public schools and nonpublic school students for special instruction for non-English speaking students.

H.F. 532

Sec. 3

Additional Weighting: Allows school districts sharing pupils in certain math, science and foreign language courses to have an additional weighting of one pupil added to their budgeted enrollment figure.

Sec. 4

Special Courses: Appropriates as a standing unlimited appropriation, starting in FY **1985**, \$50 to school districts for each pupil enrolled in first year foreign language and \$25 to school districts for each ^{pupil} enrolled in certain math and science courses. This is estimated to cost **\$2,131,000**.

Sec. 10

Programs for Improvement of Science and Mathematics Teaching: Appropriates **\$40,000** in FY 1984 and \$140,000 in FY **1985** for the establishment of programs to improve the skills of teachers in the science and mathematics areas. The program is to be administered by DPI.

H.F. 562

Local School Aid: Appropriates as a standing unlimited appropriation an estimated **\$678,000,000** in FY **1984** to local schools. The FY 19135 amount ~~is~~ estimated to be **\$719,000,000** if the June 30, 1985 ending fund balance is estimated by the Comptroller to be Lower than **\$30,000,000**. If that ending fund balance is estimated at more than **\$30,000,000**, then school aid is estimated to be **\$736,000,000**. The state percent of allowable growth is 6.21 if the estimate is above **\$30,000,000** and an estimated 5.88 if below. The state foundation level goes to **80%** if the balance is estimated at above **\$30,000,000** and goes to **79%** if below. Regardless of the estimated ending fund balance, each school district is guaranteed a minimum of 2% growth in its regular program budget.

Other Grants and Aids

S.F. 533

Sec. 8.8

Textbooks of Nonpublic School Pupils: Appropriates \$400,000 to provide funds for costs of providing textbooks to each resident pupil who attends a nonpublic school.

Sec. 12

Nonpublic School Advisory Committee: Amends the Code to allow Committee members to receive per diem and expenses from DPI.

83 Session

PUBLIC SAFETY, DEPARTMENT OF

Administrative Function

S.F. 531

Sec. 2

Appropriates **\$4,603,217** for salaries, support and communications. Appropriates 97,332 for purchases of gasoline and diesel fuel. Appropriates \$200,000 to the **victim** reparation program for payment of claims and operational expenses; no more than **10%** shall be used for operational expenses. Provides that the Department of Public Safety shall not increase fees charged local agencies and political subdivisions for services rendered by DPS unless these agencies have been notified by **March 1, 1983**. Requires DPS to report to the Transportation and Law Enforcement Appropriation Subcommittee concerning actual costs for the services provided.

Sec. 3

Provides that former field personnel who have been promoted to administrative or supervisory positions can retain benefits for the payment of life or health insurance premiums if their collective bargaining agreements provide for these benefits. This provision sunsets in two years.

Inspection Function

S.F. 531

Sec. 2

Provides that the Fire Marshal shall determine which exits of the Wallace and **Hoover** Buildings should be equipped with panic bars to be installed and paid for by the Department of General Services.

Sec. 3

Appropriates **\$1,034,684** for administration and support of the Fire Marshal's office. Appropriates \$79,553 to the DPS for repayment to the United States Government of overpayments received in 1980 and 1991 for intermediate care facility inspections. Allocates \$23,354 for purchases of gasoline and **diesel** fuel.

Sec. 13

Allows the Fire Marshal to contract out the initial smoke detector inspections currently required by the code.

Security Function

S.F. 531

Sec. 2

Appropriates \$674,062 for salaries and support of the Capitol Security Division. Appropriates \$2,957 for purchases of gasoline and diesel fuel.

Investigative Function

S.F. 531

Sec. 2

Appropriates **\$4,636,947** for salaries, support and equipment for the Division of Criminal Investigation (**DCI**), **\$85,107** for purchases of gasoline and diesel **fuel** for department vehicles, and \$200,000 for undercover purchases by **DCI** officers and local law enforcement agents.

Highway Safety and Uniformed Force

S.F. 531

Sec. 2

Appropriates **\$15,837,572** for salaries, support, maintenance and miscellaneous purposes for the Highway Patrol, \$836,196 for gasoline and diesel fuel purchases, and \$54,000 for various crime prevention programs **sponsored** by the Department of Public Safety.

Sec. 2

Requires the chief of the Iowa Highway Safety Patrol to develop a plan by July 1, **1984** to ensure that law enforcement motor vehicles are no longer distributed on an individual basis. A **pool** of seven vehicles is to be located **at** the Wallace Building and allocated on a need **basis** by the Iowa Patrol Chief to personnel.

Sec. 2

Requires that by January 1, 1984 the patrol **shall** have no more than seven airplanes in their fleet.

Sec. 23

Adds the provision that when a sheriff is unable to serve notice or when it takes several attempts to do so, the payment of all necessary expenses will be reimbursed by the county.

S.F. 551

Sec. 22

Appropriates \$25,000 for a hard surface parking lot at **Highway** Patrol Post 11 in Cedar Rapids.

PUBLIC TELEVISION, IOWA

S.F. 533

Sec. 8

General Office: Appropriates **\$6,020,183** for salaries, support, maintenance, and miscellaneous purposes.

Sec. 11

Sale of Building: Allows the proceeds from the sale of the present public television property and building to be used to pay a portion of the costs of construction of a new building.

S.F. 551

Sec. 6.2

Appropriates \$100,000 to replace the strobe light system on the **KHIN** tower as required by the **FCC** and the FM.

7 Provides that if the Governor finds that the estimated; budget resources are insufficient to pay all appropriations, the Governor shall not make any reductions in allotment as allowed under section 8.31 until the unencumbered funds appropriated by this division are included in the estimated budget resources.

RACING COMMISSION, IOWA

S.F. 551
Sec. 20 Appropriates \$300,000 for salaries, support, maintenance and operational purposes of the Commission established by Senate File 92.

REAL ESTATE COMMISSION, IOWA

S.F. 530
Sec. 2.13 Appropriates \$320,431 for salaries, support, maintenance and other operational purposes.

REGENTS, BOARD OF

S.F. 533
Sec. 9.1a General Office: Appropriates \$439,970 for salaries, support, maintenance, equipment and miscellaneous purposes.

Sec. 9.1b Continuing Education: Appropriates \$100,000 to be allocated at the discretion of the Board of Regents for continuing education in western Iowa.

Sec. 9.1c Tuition Replacement: Appropriates \$13,270,000 to reimburse SUI, ISU, and UNI for capital bond financing.

sec. 9.1d Quad Cities Graduate Study Center: Appropriates \$7,300 to support Iowa's portion of the Quad Cities Graduate program. The cost is shared with Illinois.

Sec. 9.2-9.6 Institution Funding: Appropriates \$293,999,544 for FY 1984 to the five institutions under the control of the Board of Regents for salaries, support, maintenance, equipment and miscellaneous purposes.

The line item appropriations are as follows:

Institution	FY 1984
SUI-General University	\$ 186,721,411
SUI-University Hospitals	24,702,138
SUI-Family Practice Program	1,382,080
SUI-Psychiatric Hospital	5,324,166
SUI-Hygenic Laboratory	2,062,641
SUI-Hospital School	3,737,522
SUI-Oakdale Campus	1,747,295
Subtotal - SUI	\$ 145,580,253

Sec. 10 Fuel and Electricity: Appropriates \$21,119,269 for fuel and electricity used at the five institutions under the control of the Board of Regents. Any difference between the amount appropriated and the amount purchased can be used for maintenance, equipment and miscellaneous purposes.

S.F. 551
Sec. 1, 2

Energy Management Program: Appropriates \$600,000 from the General Fund and \$575,000 from federal oil overcharge funds apportioned to Iowa. The total appropriation of \$1,175,000 is to be used to continue the statewide energy management program.

Sec. 3 Capitals: Appropriates \$8,905,000 to the institutions under the Regents' control.

Sec. 4 The bill states the intent to fund the planning for the home economics building at IBU if the funds are available.

Sec. 7 The bill states that if the Governor finds that the estimated budget resources are insufficient to pay all appropriations, the Governor shall not make any reductions in allotment as allowed under section 8.31 until the unencumbered funds appropriated by this division are included in the estimated budget resources.

H.F. 644
Sec. 1.1

Old Capitol Building: Appropriates \$160,000 from the interest and earnings on the bequest of Glenn Grover Herrick to the Regents for the development of the West approach to the Old Capitol Building at SUI.

New Bonding Authority: Authorizes the sale of \$63,780,000 in negotiable revenue bonds by the Regents. The projects to be funded include:

SUI - Law building construction and equipment
ISU - Agronomy addition construction and equipment
ISU - Cooling tower replacement
ISU - Central chiller plant addition
UNI - Communications arts center demolition, construction, equipment

SCR 8

New Hospital Bonding Authority: Authorizes the construction of an approximately 150,000 gross square feet addition to the general hospital at SUI. The cost is estimated at \$24,500,000; \$20,000,000 to come from the sale of revenue bonds to be liquidated through paying patient revenues, and \$4,500,000 to come from depreciation funds now on hand.

REVENUE, DEPARTMENT OF

S.F. 530

Sec. 2.14 Appropriates **\$15,970,057** for salaries, support, maintenance and other operational purposes. Permits unencumbered or unobligated funds appropriated in 1982 for litigation involving the valuation of pipelines to be carried over into FY 1984. It is the intent of the General Assembly that the Department of Revenue place added emphasis on the enforcement of the special fuel tax law.

S.F. 530

sec. 7 Appropriates \$786,561 from the Motor Vehicle Fuel Tax Fund for salaries, support, maintenance and other operational purposes for administration and enforcement of the motor vehicle use tax program. It is the intent of the General Assembly that of these funds not less than \$356,000 be spent on the enforcement of the motor vehicle fuel tax program.

SCIENCE, IOWA ACADEMY OF

H.F. 627

Sec. 9.9 Appropriates \$10,800 to supplement the support and maintenance of the Academy.

SECRETARY OF STATE

S.F. 530

Sec. 2.15 Appropriates **\$1,087,823** for salaries, support, maintenance and other operational purposes. It is the intent of the General Assembly that the Secretary of State shall publish the Iowa Official Register by April 1 if practicable.

S.F. 530

Sec. 10 Amends Chapter 9, Code 1983 to add the compilation for publication of the Iowa Official Register to the duties of the Secretary of State. The register is to contain **historical**, political and other statistics of general value, but nothing of a partisan character.

SOCIAL SERVICES, DEPARTMENT OF (DEPARTMENT OF HUMAN SERVICES)

S.F. 464

Separates the Division of Adult Corrections from the Department of Social Services and creates the Department of Corrections effective October 1, 1983. Changes the Department of Social Services to the Department of Human Services effective July 1, 1983.

HUMAN SERVICES, DEPARTMENT OF

S.F. 532

Sec. 2 Appropriates **\$17,646,000** to the Department of Social Services (Department of Human Services) for operating expenses at the Iowa Veterans Home.

Sec. 5.1

Appropriates **\$31,087,000** to the Department of Social Services (Department of Human Services) for the operations of the state mental health institutions.

Sec. 5.2

Requires the Department of Social Services (Department of Human Services) to maintain the geriatric program at the Mount Pleasant Mental Health Institute.

Sec. 5.3

Requires that all client participation receipts from the mental health institutes be deposited in the State General Fund.

Sec. 5.4

Prohibits a mental health institute from accepting a child in need of assistance for more than **thirty days**.

Sec. 5.5

Requires that the costs of the psychiatric residency and chaplain intern programs at the Cherokee and Independence Mental Health Institutes be excluded from the per diem rates charged to the counties.

Sec. 6.1

Appropriates **\$48,366,000** to the Department of Social Services (Department of Human Services) for the operations of the state hospital-schools.

Sec. 6.2

Requires that all client participation receipts from the state hospital-schools be deposited in the State General Fund.

Sec. 6.3

Requires the per-patient-per-day cost at the hospital-schools be billed at **80%** during **FY 1984**.

Sec. 6.4

Specifies that a county's billing be reduced if more than **20% of the cost of a hospital-school patient's cost of care** is paid by a source other than state funds.

Sec. 7 Requires ~~the~~ state hospital-schools and mental health ~~institutes~~ deposit the non-federal portion of the Title XIX, Medicaid, funds in the medical assistance fund of the Department of Social Services (Department of Human Services).

sec. 8 Appropriates **\$2,360,000** to the Department of Social Services (Department of Human Services) for the State Community Mental Health and Mental Retardation Fund.

Sec. 9 Requires the General Assembly and the Corrections and Mental Health Appropriations Subcommittee to review the General Assembly's action which abolished the hospital-schools revolving fund.

sec. 10 Specifies that the billings by the **Woodward** Warehouse to institutions exclude any costs incurred in the distribution of federal surplus commodities.

Sec. 11 Increases the reimbursement to employees for ~~damaged or~~ destroyed property detailed in **\$217.23(2)** from \$75 to \$150.

Sec. 18 Appropriates all federal grants and receipts for use as specified in the grants and receipts. Requires that funds received by the Iowa Veterans Home for veterans' per diem and funds received by the mental health institutes ~~and hospital-schools~~ from Title XIX reimbursements be deposited in the State General Fund.

Sec. 22 Rcqutres that ~~references~~ to the Division of Adult Correctiona (~~Department of Corrections~~1 and the Department of Social ~~Services~~ (Department of Human Services)1 be changed to conform with S.F. 464.

H.F. 184
Sec. 4 Amends Chapter **11.11(2 and 3)** 1981 Iowa Acts to reduce the capital appropriation for the Iowa State Penitentiary by \$210,000 in FY 1983. The appropriation for the Mount Pleasant, and Iowa Security and Medical Facility construction projects is reduced by \$380,000 in **FY 1982** and **\$1,600,000** in **FY 1983**.

Sec. 5 Amends Chapter **11.11(4)**, 1991 Iowa Acts and Chapter **1256(2)**, 1992 Iowa Acts to reduce the appropriation for the construction project at the Iowa Security and Medical Facility by **\$5,050,000** for FY 1983.

Sec. 6 Amends Chapter **11.11(1)**, 1961 Iowa Acts, to reduce the appropriation for capital improvements at Department of Social Services (Department of Human Services) institutions by \$50,000 for FY 1982.

Sec. 7 Amends Chapter 11.11111, 1981 Iowa Acts, and Chapter 1260.6, 1982 Iowa Acts, to reduce the appropriation for capital improvements at Department of Social Services (Department of Human Services) institutions by \$350,000 for FY 1983.

Sec. 8 Amends Chapter 1260.7, 1982 Iowa Acts, to reduce the appropriation for ~~municipal~~ waste treatment facilities by \$100,000 in FY 1983 and the appropriation for capital improvements at the Iowa State Penitentiary by **\$260,000** in FY 1993.

Sec. 9.1 Appropriates \$400,000 for capital improvements at Department of Social Services (Department of ~~Human~~ Services) Institutions.

Sec. 9.2 Appropriates **\$6,530,000** for construction at the Mount Pleasant Mental Health Institute and the Iowa Security and **Medical** Facility.

Sec. 9.3 Appropriates \$970,000 for capital improvements at the Iowa State penitentiary.

Sec. 9.4 Appropriates \$100,000 for municipal waste treatment facilities at the **Glenwood** State-Hospital School and the Eldora Training School.

Sec. 9.5 Specifies that unobligated or unencumbered funds appropriated for FY **1984** shall revert to the General Fund by September 30, **1987**.

Sec. 10 Requires that funds remaining in the ~~hospital-schools~~ revolving fund on June **30**, 1983 revert to the General Fund on September 30, 1983.

Sec. 11 Appropriates **\$3,000,000** for capital projects at the state hospital-schools and specifies that unencumbered and unobligated funds revert to the General Fund by September 30, 1987.

S.F. 551
Sec. 9 Appropriates \$978,000 to the Department of Social Services (Department of Human Services) for capital improvements and major maintenance projects at institutions other than adult correctional institutes.

Sec. 10 Requires that unobligated and unencumbered funds appropriated for capital projects **revert to the** General Fund on September 30, 1987.

Sec. 11 Allows the Department of Social Services (Department of Human Services) to use \$15,000 in **FY 1984** to begin work on a reconstruction project at the Iowa Veteran's Home with the intent of appropriating an additional \$170,000 during the **1984 legislative session**.

H.F. 641 An Act relating to the administration and financing of current; programs other than correctional and mental health programs under the jurisdiction of the Department of Social Services (Note: S.F. 464 changed the Department of Social Services to the Department of Human Services effective July 1, 1983) for the fiscal period beginning July 1, 1983, and ending June 30, 1944.

General Administration

Sec. 1.1 Appropriates **\$7,528,800** for salary and support of **424.7** full-time equivalent positions to maintain the current level of operation.

Sec. 1.1a Requires the commissioner to develop a proposal to reduce the number of upper-level management positions within the Department by 5%. The Department is required to report the plan to the Social Services Appropriations Subcommittee, Legislative Council, and Governor by October 1, 1983.

Sec. 1.1b Requires the commissioner to work with the director of the new Department of Corrections to provide for the transfer of necessary funding for staff and support from the Department of Social Services (Department of Human Services) to the Department of Corrections.

Sec. 1.2 Appropriates \$12,825 for the purchase of motor fuel and special fuel for Central Office.

Sec. 1.3 Appropriates \$100,000 dollars for distribution of federal surplus commodities. The appropriation is in addition to damages awarded to the state by the Civil Antitrust Judgement involving the sale of chickens.

Field Operations

Sec. 2.1 Appropriates **\$21,005,100** for salary and support of 2,194 full-time equivalent positions. The appropriations maintains the current level of operation and establishes workloads at 130 cases for service workers and 145 cases for income maintenance workers.

Sec. 2.2 Appropriates \$43,463 for the purchase of motor fuel and special fuel for the Division of Field Operations.

Special Programs

Sec. 3 Appropriates funding to the following programs:

Sec. 3.1 AFDC appropriates **\$64,000,000** to match federal funding to provide grants for approximately 106,000 recipients (regular AFDC-93,000, AFDC-UP-13,700). The appropriation assumes child support recoveries at approximately **\$15.3** million.

Sec. 3.1a Increases the schedule of basic needs for a two-member household by **\$13** to \$305 per month and increases the schedule of living costs for two person families and above to reflect 1981 and 1982 inflation. Also allows the Department to recoup AFDC overpayments by withholding up to **10%** of a recipients grant when the overpayment is due to recipient error and **1%** when due to Department error.

Sec. 3.1b Provides AFDC benefits to unemployed parents, including the spouse. Also requires the Department to withdraw its waiver request limiting AFDC-UP benefits to six months.

Sec. 3.1c Provides AFDC coverage to eighteen year olds in high school.

Sec. 3.1d Requires the Department to work with the counties to establish a community work program in each county for individuals receiving benefits under the unemployed parent segment of the AFDC program. Provides language relating to the participant's work hours, allowing participants to establish their own work program, a monthly allowance in addition to the basic grant, requiring entities responsible for the work site to provide necessary clothing and equipment, and grievance procedures for community work program participants and for the public. This section also allows county boards of supervisors or the designated local organization to charge the entity responsible for the work sites a fee to cover the cost of workers compensation liability insurance and the administrative cost.

Sec. 3.1e Allocates \$165,000 from the AFDC appropriation to provide an incentive allowance to individuals participating in the coordinated manpower services demonstration projects in the Sioux City and Marshalltown districts. The Department is required, if funding is available, to utilize Federal Job Training Partnership Act funds for CHS job training.

Medical Assistance

Sec. 3.2 ~~Appropriates~~ **Appropriates \$129,050,000** to match federal funds (state-47.15%/federal-52.85%) to provide **reimburse-**ment for medical services for approximately 160,000 eligibles, including children under 21 years of age who meet all AFDC eligibility criteria except deprivation. This section also requires the maximum co-payment allowed by federal law or regulation be placed on all optional services to all recipients not exempt by federal law. Residential care facility residents are exempt from the co-pay requirement.

Contractual Services

Sec. 3.3 **Appropriates \$2,040,000** to fund claims processing for the Medical Assistance Program, Health Department contract for the inspection of nursing homes, and the state's share of Utilization Review (professional services review organization contract) for acute and long-term care.

Work and Training Program

Sec. 3.4 ~~Appropriates~~ **Appropriates \$42,000** to match federal funds (state 10%/federal 90%) to provide funding for day care services for approximately 1,400 children to allow AFDC recipients to receive vocational training and job placement services. This enables AFDC recipients to become economically self-sufficient.

Child Support Recoveries

Sec. 3.5 **Appropriates \$830,000** for salary and support of 96.0 full-time equivalent positions to provide child support recovery services for both public assistance and non-public assistance cases. This section allows the commissioner to establish new positions within the child support recovery unit above the 96 FTE limit if a two-to-one cost effectiveness ratio can be demonstrated. Child support recoveries are estimated at \$15.3 million for FY '84.

State Supplementary Assistance

Sec. 3.6 ~~Appropriates \$7,250,000~~ **Appropriates \$7,250,000** to provide funds to supplement the incomes of individuals who meet the SSI eligibility requirements except income and whose income is insufficient to meet the cost of residential care, family life home, home health, dependent person allowance, mandatory supplement and burials. The personal needs allowance is increased from \$42 to \$44 per month for eligible RCF residents.

Aid To Indians

Sec. 3.77 **Appropriates 536,000** to provide **general** relief to **needy Indians** residing on the Indian Settlement in Tama County. Provides funding for approximately fifty cases per month.

Home-Based Services

Sec. 3.8 **Appropriates \$4,540,000** to provide funding for approximately 677 home-based treatment cases (\$960,000 is **allocated** for family-centered services statewide), 373 subsidized adoption cases and 2,150 families requiring family planning services.

home-based treatment	\$ 3,766,000
Subsidized Adoption	717,000
Family Planning	57,000

Foster Care

Sec. 7.9 **Appropriates \$20,950,000** to provide funding for **approximately** 1,438 children in foster family homes, ~~208~~ children in group homes, 1,024 children in residential facilities and 193 children in Shelter Care. Funds appropriated for foster care may be transferred to provide in-home treatment services. This section requires that no more than 45% of all children in foster care funded under Title IV (ADC-FC) of the Social Security Act be in foster care for more than 24 months.

Community-Based Services

Sec. 3.10 **Appropriates \$1,593,000** for the following purposes:

a. Child Care Centers	\$ 275,000
b. Child Abuse Prevention	120,000
c. Displaced Homemakers	100,000
Domestic Abuse	100,000
d. Community-Based Juvenile Grants	500,000
*Shelter/Detention	10,000
*State Cases	400,000

*The allocation is not **specificly** identified within this section of the bill.

County-Based Reimbursement

Sec. 3.11 ~~Appropriates \$1,600,000~~ **Appropriates \$1,600,000** to reimburse counties for juvenile service expenditures above a county's base established under Chapter 232.141 of the Iowa Code. Juvenile court judges are required to certify the reasonableness of compensation paid to an attorney and charged to a county under Section 232.141. The Department of Social Services (Department of Human Services) is -required to collect information on expenses charged to the counties under Section 232.141 and expenses reimbursed by the state under Section 232.141 and report the information to the Social Services Appropriations Subcommittee by January 15, 1984.

State Training School and Iowa Juvenile Home

Sec. 3.12a Appropriates \$7,478,000 to provide funding for 201 full-time equivalent positions at the Boys-Training School and 115 full-time equivalent positions at the Iowa Juvenile Home. The appropriation included funding for two additional youth service workers for night coverage and response to emergency situations at the Iowa Juvenile Home.

Sec. 3.12b Appropriates \$21,375 for the purchase of motor fuel and special fuel for the boys training school and the state juvenile home.

Volunteers

Sec. 3.13 Appropriates \$83,000 to provide approximately 170,000 volunteer hours to serve approximately 20,000 clients.

Block Grant Supplementation

Sec. 4.1.1 Appropriates \$3,115,000 for supplementation of federal social services block grant funds and for allocation to the various counties for the purchase of local services for eligible individuals.

The local purchase allocation formula is as follows: 50% of the local purchase allocation to each county shall be based on the county's allocation for the fiscal year ending June 30, 1983, and the remaining 50% shall be based on the federal poverty level in the county as determined by the U.S. Census. Counties are required to provide a 25% match.

Sec. 4.2 Provides that a person receiving sheltered work or work activity services is eligible for funding under the federal social services block grant if the person's income, other than income from sheltered work or work activities, does not exceed the income eligibility standard established by the Department. An eligible person may retain all income up to the income standard plus one-half of all income above the standard. The remaining income shall be paid to the provider as client participation which shall reduce the Department's reimbursement to the provider.

sec. 4.3 Provides that if a recipient under the Aid To Families with Dependent Children Program who is eligible for the child care deduction declines the deduction, the recipient is eligible for child care funding under the federal Social Services Block Grant.

Reimbursement Rates

Medical Assistance

Sec. 5.1 Increases all medical assistance provider reimbursements, by up to 61 except for the following: inpatient and outpatient hospital services, skilled nursing, intermediate care facility services, intermediate care facility services for the mentally retarded, home health agency services, rural health clinic services, and rehabilitation agency services.

Sec. 5.1a Limits physician reimbursements under the medical assistance program to 5% (770 Iowa Administrative Code, Rule 79.1(2)), or the amount of reimbursement allowed by application of the Economic Index under Title. XVIII of the federal Social Security Act, whichever is less.

Sec. 5.1b Requires that medical assistance payments for all mandatory and optional services, except as otherwise noted in this section, shall be reduced by a factor of 24%. The material cost of products which are reimbursed at the acquisition cost shall not be reduced by 24%.

Sec. 5.1c Establishes the maximum ICF reimbursement rate for the fiscal year beginning July 1, 1983 at \$28.10 (represents the 74th percentile of facilities based on June 30, 1981 cost reports or the 61st percentile of facilities based on June 30, 1983 cost reports).

Sec. 5.1d Requires the Department to study the cost effectiveness of establishing a limited formulary of nonlegend drugs prescribed by a physician and eligible for reimbursement under the medical assistance program and the appropriate reimbursement rate to pharmacists for providing these nonlegend drugs under the formulary. A report is required by January 15, 1984.

Residential Care Facilities

Sec. 5.2a Establishes the maximum reimbursement rate for residential care facilities at \$16.85 per day effective July 1, 1983.

Sec. 5.2b Establishes the flat reimbursement rate for residential care facilities at \$11.85 per day.

Foster Care

Sec. 5.3 Increases foster family home rates by 6%. Establishes a method that allows a licensed or approved public or private juvenile shelter care facility to receive a uniform monthly payment in lieu of the current reimbursement methodology established by rule.

Subsidized Adoptions
Sec. 5.4 Provides ~~for~~ a 6% increase in subsidized adoption rates to be distributed in the same manner as the foster care increase.

Purchase of Service Providers
sec. 5.5 Allows reimbursement rates to all purchase of service providers to increase by no ~~more~~ than 6%. Allows an adjustment in the maximum allowable reimbursement rate if a providers current reimbursement ~~rate~~ (June 30, 1983) is 15% less than the providers previous reimbursement rate. The Department is also required to study the current reimbursement system and provide recommendations to the Social Services Appropriations Subcommittee.

Sec. 5.6 Requires the Department to collect cost information on optometrists and psychologists under the medical assistance program to place both providers on a percentile reimbursement methodology.

Involuntary Transfer
Sec. 6 Prohibits a skilled nursing facility or intermediate care facility receiving payments under Title XIX from involuntarily transferring any patient if that patient had previously been receiving medical assistance and has been disqualified due to increased income, but agrees to pay all the patients' not exempt income and that payment equals or exceeds the medical assistance reimbursement for that particular facility.

Waiver
Sec. Requires the Department to develop a waiver proposal for a statewide program of home and community-based services to be provided under Title XIX of the federal Social Security Act.

Transfers
Sec. 8 Prohibits the 9.39 transfer of funds appropriated for AFDC, Medical Assistance, and County Based Reimbursement except transfers between those appropriations. The section also allows for the transfer of AFDC funds to the Child Support Recovery Unit.

Additional Staff
Sec. 9 Allows the Department, notwithstanding the FTE limitation placed in the bill, to add staff if the Department receives additional federal funding not originally anticipated.

Federal Funds

Sec. 10 Requires the Department to expend all federal funds to the Department of Social Services (Department of Human Services) for the purposes set forth in the federal grants or receipts.

Capital Improvements

Sec. 11 Prohibits the use of funds for capital improvements.

Emergency Rules

Sec. 12 Provides the Department with emergency rules making authority relating to certain changes.

Medical Assistance Advisory Council Membership

Sec. 13 Adds a representative ~~from the Iowa Council of Health Care Centers to the Medical Assistance Advisory Council.~~

SOIL CONSERVATION, DEPARTMENT OF

H.F. 638

Sec. 15 Appropriates **\$12,664,301** to finance operations and grants of the Department including the general and district offices, soil surveys, Small Watershed Program, and cost sharing. Guideline5 are provided for allocation of cost-share funds.

Sec. 15.3,
15.6

Appropriate \$99,000 for assistance to county commissions under Chapter 93A. Provide \$1,000 for each county compiling an inventory with the fund5 reverting to the General Fund for any county which has not compiled an inventory.

S.F. 548

Sec. 53,54 Appropriate **\$1,000,000** for FY 1984 and **\$1,000,000** for FY 1985 to establish a revolving fund to make loans to land owners for establishing new permanent soil and water conservation practices approved by the Soil Conservation Commissioner5 in the district where the land is located. The loans have a \$10,000 limit, may not be used with other cost sharing funds, and require the applicant to have less than **\$300,000** net worth.

The loans bear no interest and are to be repaid in ten equal installments. Interest rates on loans which are delinquent shall accelerate immediately to the current legal usury limit.

SPANISH SPEAKING PEOPLE'S COMMISSION

H.F. 613

Sec. 2.2 Appropriates \$41,089 and authorizes 1 FTE position to maintain programs at the FY 1983 level. Additional funds are to contract for bi-lingual clerical help as needed.

STATUS OF WOMEN, COMMISSION ON

H.F. 613

Sec. 2.4 Appropriates \$91,071 and authorizes 3 FTE's . The funding maintains programs at the FY 1983 level.

SUBSTANCE ABUSE, DEPARTMENT OF

H.F. 613

Sec. 6.1 Appropriates \$172,975 and authorizes 19.10 FTE positions to maintain administration of the Department at the FY 1983 level.

Sec. 6.2 Appropriates **\$2,761,150** for grants to local substance abuse programs.

TERRACE HILL AUTHORITY

H.F. 627

Sec. 9.12 Appropriates \$153,953 for the operation of Terrace Hill and for conducting public tours.

TRANSPORTATION, DEPARTMENT OF

General Fund

S.F. 531

sec. 4 Appropriates **\$5,686,642** for administration and salary, \$63,334 for gasoline and diesel fuel purchases, and **\$1,908,000** for implementation of a state plan for public transit assistance. Intent language is included that allows the Public Transit Assistance Fund to obtain their funds before spending them if just cause is shown. The Railroad Assistance Fund is appropriated \$1,000,000.

sec. 17 Creates from the General Fund a limited standing appropriation of \$100,000 to acquire and construct highway related parts of the Great River Road.

Sec. 21 Appropriates \$90,000 from the General Fund for personal delivery of service and payment of local law enforcement agencies for the collection of suspended licenses.

Use Tax
S.F. 531
sec. 31

Provides for the transfer of **\$1,000,000** of revenues derived from the use tax imposed on motor **vehicles** and trailers to Public Transit assistance for FY 1984; these funds will be treated as an advance of funding to be received from the Surface Transportation Assistance Act of 1982. The reimbursement will be deposited into the Road Use Tax Fund.

Sec. 32

Provides for the transfer of \$7,500.000 in FY **1984** and **\$7,5000,000** in FY 1985 of revenues derived from the use tax imposed on motor vehicles and trailers to the special railroad facility fund. These funds are to be used to match any private investment capital to assist **in** the acquisition of the abandoned east-west Rock Island line. The funds transferred are considered as an interest free loan to be repaid with railway vehicle fuel tax receipts expected to be received upon resolution of pending litigation. **IRFA** will obtain a lien against the railroad right-of-way to secure the loan and its repayment.

Sec. 33

ITEM VETO

Permits up to **\$12,500,000** to be transferred to the General Fund from the use tax on motor vehicles and trailers if state revenues fall short of the Comptroller's FY 1984 projected amounts. The funds delayed from the Road Use Tax Fund will be paid no later than May 31, 1984.

Road Use Tax Fund
S.F. 531
Sec. 5

Appropriates from the Road Use Tax Fund **\$12,661,021** for administrative and salary **expenses**; \$18,000 for Iowa Merit **employment**; \$12,500 for unemployment compensation.

Sec. 6

Appropriates \$23,000 from the Road Use Tax Fund worker's compensation.

Sec. 18

Appropriates \$700,000 to **Highway** Grade Crossing Safety Fund, \$500,000 to the Highway Railroad Grade Crossing Surface Repair Fund from the Road Use Tax Fund and changes the percentages for funding the costs of each-grade crossing project.

20% of the cost - railroad company
20% of the cost - highway authority having jurisdiction over the highway where the **crossing is** located.
60% of the cost - Railroad Grade Crossing Surface Repair Fund.

- sec. 19 Appropriates \$250,000 from the Road Use Tax Fund to be administered by the Department of Soil Conservation for projects to reduce wind erosion effects from highways. Barriers are to be located no further than 40 rods from the highway.
- Sec. 20 Appropriates \$100,000 from the Road Use Tax Fund to be administered by DOT for the planting or maintenance of trees or shrubs to reduce wind erosion effects.
- Sec. 22 & 33 Provides for adjustment of expense of the Railroad Grade Crossing Surface Repair Fund as it appears in other sections of the Code.
- Sec. 34 Appropriates for FY 1984 and FY 1985 from the Road Use Tax Fund, \$400,000 to the Railroad Grade Crossing Surface Repair Fund.

S.F. 548

Sec. 55-76

ITEM VETO

Authorize the Department of Transportation to issue Road Use Tax revenue bonds. The monies derived from the sale of these bonds will be used in funding road construction, reconstruction, improvements and related costs. Two types of road bona issues are provided for. First, the Department of Transportation may issue and sell bonds in an amount not to exceed \$10,000,000. If the constitutionality of this section is contested in court upheld as constitutional, the limit on the total amount of bonds to be outstanding will be raised to \$110,000,000. Secondly, in the fiscal years proceeding the court decision, the Department of Transportation may issue and sell bonds in an amount not to exceed \$10,000,000, equal to the difference between what the department has forecasted for Primary Road Fund receipts and what those actual receipts will be. The exception to this rule is if the Department of Transportation has a project that exceeds this indicated amount and the issuance of bonds is needed to obtain funding for the project. The General Assembly may pass a concurrent resolution authorizing bonds for a specific amount to complete a proposed project. The funds received by the sale of these bonds may be used for 1) expenses involved with the sale of these bonds and (2) the project itself. The

proceeds may not be used to pay other administrative expenses. The State Transportation Commission will determine the interest rates, denominations, and maturities of the bonds to be issued. First lien security on the bonds would be provided by the primary road allocation of the Road Use Tax Fund. The payment of mature bonds and interest payments will be made from the Highway Bond Fund created in the state treasury. The State Treasurer will credit to the highway bond fund a sum at least sufficient interest due on the bonds for each fiscal year and also the principal on the bonds which mature that the RUTF allocation to the Primary Road Fund.

Primary Road Fund

S.F. 531

Sec. 7

Appropriates from the Primary Road Fund \$120,011,333 for salaries and support, \$2,000,000 for equipment replacement costs, \$342,000 for payments to Iowa Merit Employment Department and \$232,750 for Unemployment Compensation.

Sec. 8

Appropriates from the Primary Road Fund \$437,000 for Worker's Compensation Claims.

Sec. 10

Appropriates from the Primary Road Fund \$91,000 for Handicapped Accessibility and \$189,000 for the Cedar Rapids materials laboratory.

Aviation Fund

S.F. 531

Sec. 9

Appropriates \$351,000 from the State Aviation Fund for administration and support.

Topics Not Dealing With Funding

S.F. 531

Sec. 11

Provides that a political subdivision of the state is not liable for faulty construction or reconstruction of roads if the initial construction complied with accepted standards at the time the construction was completed. The state is not protected from gross negligence claims. This section applies to cases tried or retried on or after July 1, 1983.

Sec. 12

Provides that the state is not liable for faulty construction of public improvements (defined in section 384.371 if the initial design complied with accepted standards at the time of construction. This section applies to cases tried or retried on or after July 1, 1984. This section does not protect the state from gross negligence claims.

- sec. 14 Provides; that construction of roads classified as **freeway-expressway** that are four lanes will have limited access that meet with federal standards.
- Sec. 15 Changes the responsibility for determining relocation of utility facilities when new roads are constructed or roads are changed from DOT to the counties or cities. After the utility company has relocated these facilities, they may be paid by federal or other funding.
- Sec. 16 Provides that reimbursements for the relocation or removal of facilities as discussed in Section 15 shall not be made unless federal aid is at least 85% of the cost which represents a change of 90%.
- Sec. 24 Provides that **the** state is not liable for faulty construction or reconstruction of roads, if the initial design complied with accepted standards at the time of construction. This section applies to cases tried or retried on or after July 1, 1983. The state is not protected from gross negligence claims.
- sec. 25 Provides that a political subdivision of the state is not liable for faulty construction or reconstruction of roads if the initial construction complied with accepted standards at the time the construction was completed. The state is not protected from gross negligence' claims. This section applies to **cases** tried or retried on or after July 1, **1984**.
- Sec. 26 A municipality is not subject to tort liability for an act of a municipal officer or employee, whether or not the officer or employee abuses a right to exercise discretion in performing job-related functions with due care. This section applies to all cases tried or retried on or after July 1, **1983**.
- sec. 27 Provides that it is the intent of this legislature to deal only with the issue of road construction in this bill.
- Sec. 28 Joint and several liability does not apply if a plaintiff bears any comparative negligence. This section applies to cases tried or retried on or after July 1, 1984.
- Sec. 29 Lists the effective dates already Included in the applicable sections.

- Sec. 30 Establishes a **1983** interim study on **comparative** negligence and related issues.
- Sec. 35 Provides that all funds utilized with federal funds will be used for the purposes **set forth in** those funds by the federal government.

TREASURER OF STATE

- S.F. 530
Sec. 2.16 Appropriates \$380,718 for salaries, **support**, maintenance and miscellaneous purposes.

ITEM VETO Appropriates an additional **\$99,870** subject to the condition that the Treasurer of State's office be moved from the State Capitol Building to an appropriate building located within the Capitol Complex, and the use of the vacated space be dedicated to the Legislative Branch of government. A ceremonial office for the Treasurer and not more than two staff members shall be established in the Capitol **Building**.

- S.F. 530
Sec. 4 Appropriates **\$2,500,000** to the Honeys and Credits Replacement Fund for payments to **counties** as provided in section 422.100, Code 1983.

- S.F. 551
Sec. 18 Appropriates \$139,000 for the purchase of an investment machine and system.

UNIFORM LAWS COMMISSION

- H.F. 627**
Sec. 9.10 Appropriates \$10,600 for support of the Commission and expenses of members.

VETERANS AFFAIRS, DEPARTMENT OF

- H.F. 613
Sec. 5.1 Appropriates \$118,336 and authorizes 4 **FTE** positions to maintain the program at FY 1983 level.
- Sec. 5.2 Appropriates \$25,000 to the War Orphans' Educational Aid Fund: This is a reduction from last year's appropriation due to reduced use of the fund and the amount of money that has been reverted in the last biennium.

WATCHMAKING EXAMINERS, STATE BOARD OF

S.F. 530
sec. 11 Repeals Chapter 120, Code 1983 which establishes
the State Board of Watchmaking Examiners.

WATER, AIR, AND WASTE MANAGEMENT, DEPARTMENT OF

H.F. 638
Sec. 16 Appropriates **\$4,957,619** to finance operations,
river coordinator, AIDEX cleanup contribution,
Radioactive Waste Compact fees, and sewer works
construction grants provided to local juris-
dictions. Intent language is included to restrict
the Department from requiring grain dust control
equipment on certain grain storage facilities.

WAYS AND MEANS AND FEES BILL SUMMARY

CIGARETTE TAX:

S.F. 543 Makes permanent, as of July 1, 1983, the tax rate of nine mills on each cigarette and little cigar contained in the law enacted in the 1981 Session. Under the past law, the nine-mill rate would revert on July 1, 1983 to the rate of six and one-half or seven and one-half mills depending on the weight of the cigarette or little cigar. Under the 1981 law the discount from the value of the stamps sold by the Department of Revenue is 2% of the value. This discount is also made permanent. The bill also changes the definitions of the "basic cost of cigarettes" and the costs of doing business to wholesalers and retailers. FISCAL IMPACT: For fiscal years 1984 and 1985, the removal of the sunset on this tax will generate an additional \$17.5 million to the State General Fund.

FEE DILLS:

H.F. 315 Increases the jurisdictional amount of small claims courts from \$1,000 to \$2,000 and increases the docket fee from \$8 to \$10. FISCAL IMPACT: Approximately \$131,500 additional revenue will be generated to the General Fund.

S.F. 355 Authorizes the establishment of reasonable fees set by rule to be charged by the Department of Water, Air, and Waste Management for all permits issued by the Department. FISCAL IMPACT: Unknown, fees not set.

S.F. 435 Increases fees and filing costs for business entities in the Secretary of State's office. FISCAL IMPACT: Approximately \$11,000 additional revenue to the General Fund.

S.F. 450 Revises the registration fee schedule for class 'A' motor homes by adding another classification based on value and increases the valuation for higher registration fees. FISCAL IMPACT: There will be a loss to the Road Use Tax Fund of \$33,265 assuming the number of class 'A' motor homes and the proportion of motorhomes in each classification remain constant.

S.F. 495 Increases marriage license fees from \$5 to \$15. FISCAL IMPACT: Raising the fee will result in approximately \$136,000 additional revenue to the Court Fund.
sec.
9105bb

S.F. 500 Increase the maximum inspection fee which is charged on commercial feed distributed in the state from ten to twelve cents. FISCAL IMPACT: \$80,000 increase to the Commercial Feed Trust Fund.

S.F. 544 Amends session law to extend the sunset to the fee schedule for grain dealers and grain warehouse operators by the Commerce Commission. The present fee schedule is extended for one year to July 1, 1984. FISCAL IMPACT: Retention of the present fee schedule results in approximately \$500,000 in increased revenues to the General Fund.

S.F. 549 Increases the fee for filing a petition, appeal or writ of error from \$25 to \$35, provides for payment in advance of \$25 for various services and docketing procedures for civil cases, and increases the fee for the filing and docketing of a simple misdemeanor from \$6 to \$8. FISCAL IMPACT: Revenue generated from these changes will be approximately \$1,000,000. Of this amount, \$950,000 goes to the General Fund and \$50,000 to the Court Fund.

H.F. 630 Allows the state Department of Transportation to refund commercial carrier registration fees under Chapter 326 of the Code. FISCAL IMPACT: None.

GENERAL TAXATION AND ADMINISTRATION:

S.F. 354 Repeals the requirement that documentary stamps be sold and affixed to instruments of conveyance as evidence of payment of the real estate transfer tax. FISCAL IMPACT: An annual savings to the Department of Revenue will result. In addition, it would eliminate the immediate need to replace existing stamp machines at a cost to the Department of \$60,000.

H.F. 621 Strikes the requirement that a county assessor's annual abstract of real and personal property transmitted to the Department of Revenue must include the aggregate taxable values of real estate in each school district in the county. FISCAL IMPACT: None.

GENERAL TAXATION AND ADMINISTRATION, cont'd.:

- H.F. 626 Changes the penalties for violations of the following areas of law:
- Violation of motor fuel tax;
 - Declaration of false personal and dependency credits;
 - Filing of false W-2 forms;
 - Evasion of tax by failure to file or willfully filing a false withholding tax form or return;
 - Evasion of corporate tax law by failure to file a return or evading a requirement of the law;
 - Willful failure to file or willful filing of false or fraudulent semimonthly or monthly sales tax deposit **form**;
 - Evasion of sales tax;
 - Willful making of a false statement in regard to the purchase of an automobile;
 - Claiming or receiving a benefit not legally entitled to a5 **additional** property tax relief for the elderly and disabled.

FISCAL IMPACT: The effect of this bill **is** increased compliance revenue. The total fiscal effect of this bill is undeterminable.

- H.F. 628 Relates to county finances by requiring annual budgets and reports, consolidating funds and levies and establishing levy limitations. The bill further expands the duties and tenure of the County Finance Committee, provides for current and noncurrent debt, and contains certain penalties. **It** is the intent of this bill to simplify and bring to greater consistency the budget process and funding areas of county levies. In so doing, the bill reduces the number of funds from over twenty to four consolidated funds. FISCAL IMPACT: **It** is not expected that the changes made by this legislation will have any additional property tax dollar effects. Some savings in administrative areas is expected by counties after the change-over is completed.

INDUSTRIAL REVENUE BONDS :

- S.F. 208 Adds museums, libraries, and tourist information centers to the list of projects which can be funded by Chapter 419 revenue bonds. FISCAL IMPACT: None to the state.

INHERITANCE TAX:

- H.F. 635 Eliminates the requirement **that a preliminary inventory and inheritance tax return be filed. Only a final inheritance tax return is required** to be filed. Personal property of an estate 'will not be appraised; only real property need be appraised. Valuation of property will be based upon the fair market value in the ordinary course of trade. However, the personal representative may elect to value property at the alternative value established for federal estate tax purposes. **This** alternative value is the fair market value at a date six months after the death of the decedent rather than at the date of the death of the decedent. The bill also lists the liabilities **of a** decedent which can be deducted **in** computing the tax. References in the chapter to administrator, executor, or trustee have been changed to personal representative. Provision has been added to give the director of revenue the same powers to collect the inheritance tax as the director has for collection of income taxes. These additional powers include use of jeopardy ~~assess-~~ments and distress warrants for collection of **unpaid** taxes, penalty, and interest.

FISCAL IMPACT: The bill will have no effect on inheritance tax receipts. There will be considerable administrative savings for the Department in postage, clerical expense in typing receipts and printing costs. There will be increased efficiency in auditing the inheritance tax return. Audits will be done once, not twice, and by the same examiner. It **is** estimated the estates will save half of the 2.5 million now being **spent** on the inheritance tax appraisal system. Conforming the deductions to the federal estate tax system will save estates time in preparing the inheritance tax return. Reducing the number **of** appraisals will save both the Department and the estates the expense of a District Court lawsuit to resolve appraisal **disputes**.

INCOME TAXES:

- S.F. 288 Clarifies **the** credit allowed a resident taxpayer on the taxpayer's Iowa income tax return for income tax paid to another state or foreign country on income earned outside the state of Iowa. This clarification eliminates the possibility of an Iowa resident taxpayer paying taxes to more than one state or country on income earned outside of Iowa. The bill is retroactive to January 1, 1983 for tax years beginning on or after January 1, 1983.

INCOME TAXES, Cont'd.:

FISCAL IMPACT: While compliance with the present statute is impossible to determine, there would be a slight decrease in revenue since there are not a large number of affected individuals. This annual decrease is estimated at less than \$100,000.

S.F. 386

Relates to:*

- Various updating reference to the Internal Revenue Code for individual and corporate income tax, franchise tax and inheritance tax;
- An increase in the state minimum tax;
- An increase in the individual income tax credit for child and dependent care expenses;
- An income tax credit for an increase in qualified research expenditures in Iowa;
- A temporary provision on unemployment compensation; and
- Provision for a study of the state minimum tax by the Department of Revenue.

FISCAL IMPACT: For those provisions where an estimate can be provided, there is a \$26.0 million increase in revenues for FY 1994 and a 526.4 million increase in FY 1985. Areas of impact include:

	<u>FY 1984</u>	<u>FY 1985</u>
Individual Minimum tax (fed. and state provisions)	\$ + 8.6 M.	\$ + 14 M.
Non-business casualty loss deduction	+ 1.0 M.	+ 1.0 M.
Corporate tax preference item	+ 1.0 M.	+ 1.0 M.
Medical expense deduction	+ 0.0 M.	+ 5.5 M.
Accelerated cost recovery system	--	+ 1.5 M.
Investment credit reduction, asset'	+ 2.2 M.	+ 4.0 M.
Construction period interest and taxes	+ 1.5 M.	+ 1.5 M.
Withholding on interest and dividends	+ 4.7 M.	+ 5.5 M.
Unemployment compensation taxes	+ 1.5 M.	+ 1.5 M.
Child Care credit	- 2.5 M.	- 2.5 M.
	<u>\$ +26.0 M.</u>	<u>\$ +26.4 M.</u>

. Note: A more complete outline of this bill and its provisions is available from the Legislative Fiscal Bureau upon request.

S.F. 524

Provides that in computing a taxpayer's net income for purposes of state individual or state corporate income tax, an additional business deduction is allowed if the business has hired certain individuals for employment in the state. The deduction is limited to small businesses as defined by the bill. Individuals for which the additional deduction can be made include:

- handicapped workers,
- ex-felons domiciled in the state,
- persons on parole, probation, or work release who are domiciled in the state, and
- persons who are on parole or probation from another state to whom the interstate probation and parole compact applies.

The amount of the additional deduction equals 50% of the wages paid, during the twelve months following employment, to those individuals for work done in the state. The deduction is in addition to the deduction allowed for the rates paid or accrued to those individuals in computing business income or loss. The additional deduction shall not be allowed for wages paid to an individual who was hired to replace an individual whose employment was terminated within the twelve month period preceding the date of first employment.

FISCAL IMPACT: No estimate of the fiscal effect to the state can be made due to lack of predictive data. With the exception of ex-felons, for which figures are not available, roughly 500 individuals would qualify as employable by businesses who would then receive the additional deduction. While 70% of those individuals on probation are currently employed, figures estimating the employment levels of other qualifying individuals are not available. Data estimating the income levels newly employed persons could expect under the provisions of the bill are not available.

MOBILE HOME TAX:

H.F. 68

Provides that the mobile home tax is due, payable, and delinquent at the same time as real property taxes and that mobile homes may be sold for delinquent taxes in the same manner as real property. The bill further provides that mobile homes are subject to security interests in the same manner as other vehicles subject to registration. The bill is retroactive to January 1, 1983 for mobile home taxes levied, due and payable in the calendar year beginning January 1, 1963. **FISCAL IMPACT:** None.

MOBILE HOME TAXES, Cont 'd.:

- H.F. 119 House File 2484, enacted by the 1982 Session of the General Assembly as of January 1, 1983, requires that mobile homes be registered and licensed. That bill did not strike references to the registration of license plates as they pertain to the conversion of a mobile home to real estate and the duties of assessors. This bill would eliminate those reference, which become obsolete as of January 1, 1983. FISCAL IMPACT: None.

MOTOR FUEL AND SPECIAL FUEL TAXES:

- S.F. 14 Exempts from the motor fuel tax that motor fuel sold to the state, its agencies, or a political subdivision of the state, which is delivered into storage tanks and used for a public purpose. Previous law requires those jurisdictions to apply for a refund of the motor fuel taxes paid. Those jurisdictions which purchase motor fuel in any other manner will continue to apply for refund of the motor fuel taxes paid. FISCAL IMPACT: No additional revenue effect on total revenues or expenditures. Administration costs would also remain about the same.
- S.F. 225 Requires that pumps used to dispense liquefied petroleum gas shall be metered, inspected, and tested for accuracy, sealed and licensed by the Department of Agriculture. The bill is corrective legislation to last year's legislation (S.F. 22511 providing procedures for the implementation of taxation of natural gas as a special fuel. FISCAL IMPACT: None.

PROGRAM ENACTMENT LEGISLATION:

- S.F. 92 Legalizes pari-mutuel betting for horse and dog races in Iowa when conducted under a license issued to a qualified organization by the State Racing Commission created by the bill. The Commission shall decide the number, location and type of all racetracks. A fund shall be established in the office of the State Treasurer to assist in the establishment of the Commission. The account shall be funded by voluntary contributions from any person wishing to make a donation. The fund shall be used to expedite the establishment and operation of the Commission. The Commission shall not consider the granting of any licenses until at least \$50,000 has been contributed to the fund. Contributions to the fund are refundable without interest upon application of the contributor.

Industrial revenue bonds shall not be used to construct, maintain, or repair a racetrack or racing facility.

A special award, made up of 3% of the purse of those races for horses foaled and dogs whelped in Iowa, is provided. The 3% shall be paid to the State Department of Agriculture which in turn shall deposit it in a special fund (the Iowa horse and dog breeders* fund) and pay it by December 31 of each calendar year to the breeder of the winning Iowa-foaled horse or Iowa-whelped dog. The bill further prohibits wagering by minors and the drugging of horses. Penalties are provided for violations.

Fees and licenses are imposed in three major areas, licensee tax and fees, pari-mutuel wagering tax, and breakage, as follows:

LICENSEE TAX AND FEE: Pays the expenses of the Commission. From the balance of the funds coming into the hands of the Commission, \$50,000 shall be used by the Iowa State University College of Veterinary Medicine to develop further research on the treatment of equine injuries and disease.

PARI-MUTUEL WAGERING TAX: Of the total sum wagered, 84% is returned to the winning betters. Of the remaining 16%, 10% goes to the licensee for race purses and to meet operating costs and 6% represents the pari-mutuel racing tax which shall be paid to the Treasurer of the State within ten days after the close of each race meet and shall be distributed as follows:

- If the racetrack is located in a city, 5% of the 6% shall be deposited in the General Fund of the state. One-half of one percent of the 6% shall be remitted to the treasurer of the city in which the racetrack is located and shall be deposited in the general fund of the city. The remaining one-half of one percent shall be remitted to the treasurer of the county in which the racetrack is located and shall be deposited in the general fund of the county.
 - If the racetrack is located in an unincorporated part of a county, 5% of the 6% shall be deposited in the General Fund of the State. The remaining one-half of one percent shall be remitted to the treasurer of the county in which the racetrack is located as outlined above.
- Unclaimed winnings shall escheat to the state.

PROGRAM ENACTMENT LEGISLATION, Cont'd.:

BREAKAGE: Breakage means the odd cents by which the amount payable on each dollar wagered in a pari-mutuel pool exceeds a multiple of ten cents. A licensee shall deduct the breakage from the pari-mutuel pool as follows:

- Horse Racing: breakage shall be retained to supplement purses for the race restricted to Iowa-foaled horses;
- Bog Racing: 75% shall be retained to supplement purses for the race restricted to Iowa-whelped dogs and 25% shall be retained to be put into a stake race for Iowa-whelped dogs. (All dogs racing in the stake race must have run in at least twelve races during the racing season at the track sponsoring the stake race to qualify to participate.)

FISCAL IMPACT: Because Iowa has never had pari-mutuel **betting** and due to the many variables involved, it is not possible to complete an accurate estimate of the fiscal effect of this bill.

H.F. 623

Establishes the Iowa Industrial New Jobs Training Program. The purpose of the program is to provide for training of new employees for new or expanding industries in Iowa. The program will be administered by area schools (community colleges or vocational **schools**) which may subcontract with other Iowa public and private colleges and universities and governmental agencies. An employer would enter into an agreement with an area school to establish and provide for this training program. Program costs may be paid from any of the following sources which are specified in the agreement:

Incremental property taxes which are those taxes levied on the increase in valuation of some of the employer's business property after a certain date. This is the same process used by municipalities for their incremental financing of urban development projects.

A new jobs credit from withholding of one and one-half percent of the new employee's salary from the personal income tax withholding made by the employer to the state. The employer remits the credited amount to a special fund established with the area school to pay for the program costs. The employee receives full credit on the employee's state income tax liability for the full amount withheld. Tuition, student fees, user fees, and special charges.

Certificates of the area school may be sold to finance the program costs. Provision is made for the levy of a standby tax to be used only if payments from sources specified in the agreement are insufficient.

FISCAL IMPACT: The property tax exclusion represents some losses to local governments, although at the end of the growth period additional valuations will be provided. The state will lose some revenues with **the jobs** credit from the withholding receipts. **However**, the exact amount of such losses cannot be determined without knowledge of the extent of use of the program and the individual applications businesses will choose to meet the costs of a specific program.

H.F. 634
ITEM VETO

Provides for the establishment of a state lottery. The bill creates a state agency, to be known as the Iowa lottery, headed by a commissioner appointed by the Governor, with the consent of the Senate. The Iowa lottery agency will have within it three divisions: security and **licensing**, personnel, data processing, and accountings and marketing, promotion, and advertising. A lottery board is created consisting of five members, appointed by the Governor subject to Senate confirmation. Board members shall serve staggered four year terms. The board approves lottery initiations by the director, contracts for operation and promotion of the lottery, and rules made by the commissioner. The board and the commissioner shall operate the lottery so that after the initial state appropriation, it shall be self-sustaining and self-funded.

The bill further establishes a lottery fund consisting of all **revenues** received from the sale of lottery tickets and all other moneys lawfully credited or transferred to the fund. Interest earnings of the fund shall be considered additional profits of the lottery. As nearly as is practicable, **45%** of the annual revenue accruing from the sale of lottery tickets, computed on a year-round average basis for each type of lottery game, shall be paid out in prizes. However, the prizes shall not be paid out in a particular lottery game in excess of the total revenue from the sales of that game. After the payment of prizes, the reasonable expenses of conducting the lottery shall be paid. Expenses for educational and informational material shall not exceed one-half of one percent of the lottery revenue.

PROGRAM ENACTMENT LEGISLATION, Cont'd.

~~Revenue remaining~~ after the expenses are paid shall be apportioned for transfer on a quarterly basis to the State General Fund. The Comptroller shall not include lottery revenues in his fiscal estimate.

All cash prizes are considered Iowa earned income. Before a prize of \$600 or more is awarded, the commissioner or the commissioner's designee shall deduct an amount equal to that amount necessary to pay the state and the federal taxes on the prize. An amount deducted from the prize for payment shall be transferred by the commissioner to the federal Department of Revenue on behalf of the prize winner.

Provisions are included in the bill for penalties for fraud connected with lotteries. The bill takes effect July 1, following enactment.

FISCAL IMPACT: No specific estimate of the effect of this bill is available due to the lack of data concerning numbers of participants, numbers of lottery games, and the sale price of the lottery tickets.

PROPERTY TAX:

S.F. 15 Authorizes the use of the county health center tax levy for the provision of health, welfare, and social services at county health centers beginning on or after July 1, 1983. FISCAL IMPACT: Payment for health care services from the health center tax levy rather than from the General Fund as previous law required will result in some shifting of funds and a possible increase in property taxes from the General Fund area. The potential increases become moot with the passage of the county finance bill (H.F. 628) into law.

S.F. 23 Amends present law requiring the county treasurer to accept full payment of only city, county, or school taxes ~~when full payment is tendered~~ by a taxpayer rather than first and second half payments to allow the taxpayer the option to pay all of the taxes in one payment or in first and second half payments. Previous law allowed a taxpayer to pay only part of the taxes in full and created book-keeping problems for the county treasurers. FISCAL IMPACT: Some administrative savings.

S.F. 537 Authorizes boards of directors of area schools to adopt a property tax of three cents per thousand dollars of assessed value in the merged area for equipment replacement. FISCAL IMPACT: No state dollars involved. Property tax valuation for **FY 1983** approximated \$61.9 billion. The maximum amount of additional property tax generated if all schools levied the full three cents per thousand would be **\$1.85** million.

H.F. 574 Requires a person to apply only once for a ten-year property tax for pollution control ~~Application~~ annuad s p r e v i o u s l y **CT: None, FISCAL IMPACT:**

H.F. 622 Provides that special assessment installments may be prepaid by paying the outstanding balance plus interest computed to the next December 1. FISCAL IMPACT: None.

H.F. 631 Allows residential property located in a revitalization area to receive the property tax exemption of 100% of the actual value added by improvements for a period of ten years. Previous law only allows this 100% exemption for ten years for property assessed as commercial property which has three or more separate living quarters with at least three-fourths of the space used for residential purposes, i.e., apartment buildings. The bill is effective for those revitalization areas which are revitalization areas on or after the bill's publication. The bill also allows a city to grant tax exemptions to none, some, or all of the property in a tax classification. FISCAL IMPACT: No cost to the state. The effect of the bill is to increase the range of exemptions to the property tax base to include improvements to residential property for those areas so designated by the taxing authority. These improvements are for a period of ten years, after which the improvements are added to the tax base. The exact impact of the bill is unknown.

H.F. 640 Provides for a one-time filing for a property tax exemption for certain nonprofit organizations which shall continue for successive years so long as the ownership of the property remains unchanged. FISCAL IMPACT: None.

H.F. 613 Provides that the collection of property taxes for the payment of principle and interest on bonds will continue on property severed from a political subdivision until the bonds are paid in full and provides for the adjustment of levies, subject to the approval of the State Comptroller. The bill

PROPERTY TAXES, Cont'd. :

further provides that the interest rate on bonds issued by the board of directors of merged areas created for area vocational schools or area community colleges is to be determined by the board of directors subject to the limitations provided in Chapter 74A. This change is consistent with the method of determining the interest rate for other public bonds or obligations. FISCAL IMPACT: None.

PROPERTY TAX CREDITS:

H.F. 241 Reduces the semiannual mobile home tax rate and increases the scope of the property tax credit and rent reimbursement for surviving spouses aged 55 years or older, persons 65 years of age or older or persons who are totally disabled by changing the qualifying income and tax rates for the reduced mobile home tax for claims filed on or after January 1, 1984 as follows:

Household Income	Semiannual Tax/Sq. Foot*	
	Past Rates	H.F. 241
\$ 0 - 3,999	100%	100%
4,000 - 4,999	85	100
5,000 - 5,999	60	70
6,000 - 6,999	40	50
7,000 - 7,999	30	40
8,000 - 8,999	20	30
9,000 - 9,999	20	25
10,000 - 11,999	0	25

* percent of reduction from mobile home tax of 10¢/sq. ft.

The bill clarifies existing law as to the application of the mobile home credit for those mobile homes over 6 years old. Additionally, the bill increases the percentages of the property tax credit or rent reimbursement for those qualifying within the same brackets as specified above. The bill takes effect retroactive to January 1, 1983 for property tax claims filed on or after January 1, 1983 for taxes payable in FY 1984 and for rent reimbursement claims, the bill is effective for claims filed on or after January 1, 1984. FISCAL IMPACT: The bill results in a \$2.025 million cost above the \$10.000 million FY 1983 estimate to the state in FY 1984 and a \$1.900 million cost above the same amount in FY 1985 due to increased payments of the elderly property tax credit.

H.F. 525

Permits certain enumerated individuals to file a claim for property tax credits on behalf of a deceased homeowner, bringing property tax legislation into line with the renter's credit. The bill allows a deceased claimant's legal guardian, spouse, or attorney, or the executor or administrator of the claimant's estate to file for the elderly credit. FISCAL IMPACT: Minimal cost to the state in additional elderly credit payments.

S.F. 540

Changes the payment schedule for certain tax credits to the respective county treasurers by the State Comptroller . . .

Tax Credit	Dates of Payment	
	Current Dates	S.F. 540
Livestock Credit	09/15 & 03/15	07/15
Ag Land Credit	09/15 & 03/15	08/15
Military Credit	09/25 & 03/25	09/30
Special Assessment	11/15	10/20
Homestead Credit	09/15 & 03/15	11/15 & 03/15
Mobile Home Credit	04/15 & 10/15	12/15
Extraordinary Credit	01/15	02/15
(Property Tax Only)		
Personal Property Tax	09/15 & 03/15	05/15

The bill provides for monthly rather than quarterly installments of school foundation aid payments beginning September 15 and ending June 15, subject to the cash position of the state.

The bill also provides that obligations of state funds may not be charged to an appropriation on the last day of a fiscal period except for projects commenced before that date, specifically repair projects and other contracts for services and capital expenditures for the purchase of land or new construction, which were committed and in progress prior to the end of the fiscal term.

FISCAL IMPACT: Changes in the payment of the specified tax credits would result in a smoother cash flow from the state treasury and additional interest income to the state. Some losses, although not necessarily on a one-to-one basis, would be incurred in investment moneys to local taxing authorities. The actual gain to the state would depend upon the interest rate earned. If that rate were similar to the current 6.5% rate for short term investment, approximately \$500,600 would be gained annually. While the school districts would know when and at what levels the school foundation aid funds would be forthcoming, the fiscal effect of this provision is not available. The fiscal effect of changes in the obligations of state funds is not known, although the provision could result in some additional reversion funds.

SALES, SERVICE AND USE TAXES:

H.F. 69 Provides that a private, nonprofit educational institution or tax-certifying or tax-levying body of the state or an instrumentality of it may receive a refund of the sales, use, and services taxes paid by a contractor for the purchase of goods used by the contractor in completing a project for which industrial revenue bonds were issued under Chapter 419. The law is contingent upon the proviso that the goods become an integral part of the project and that the project, when completed, becomes public property or is devoted to education uses. The bill is retroactive for taxes paid on or after November 1, 1982. FISCAL IMPACT: The bill would result in an unknown decline in sales and use tax receipts for fiscal years 1983 and beyond.

S.F. 184 Increases from 3% to 4% the rate of state sales services, and use tax effective March 1, 1983 following publication. The bill also provides that a construction contractor may apply for a refund of the additional 1% tax on the sale or use of goods, wares, or merchandise incorporated in an improvement to real estate in fulfillment of a construction contract executed prior to March 1, 1983.

FISCAL EFFECT: The additional revenue generated for the state General Fund is as follows:

	Effect: (dollars in millions)		
	FY 1983	FY 1984	FY 1985
Sales tax	\$ 44.8	\$ 144.8	\$ 155.0
Use tax	7.4	21.9	25.1
Total	\$ 52.2	\$ 166.7	\$ 180.1

Additionally, approximately \$17.5 million in use tax revenues will be generated for the Road Use Tax Fund.

S.F. 314 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 a 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. FISCAL IMPACT: A one-time cost of up to \$50,000 claims for refund and an approximate annual cost of \$35,000 in lost sales, use and service tax revenues will result.

H.F. 527

Removes the one dollar fee for each sales tax permit required under current law. The bill is effective July 1, following enactment. FISCAL IMPACT: An exact estimate is not possible. Approximately 16,400 sales tax permits were issued during fiscal 1982. The collected revenue is not offset by the costs of administration, but the annual cost to issue sales tax permits is expected to be offset to some extent by reduced processing and collection costs as the elimination of the fee also eliminates costs associated with fee deposit, cash conversion, non-payment, and unhonored checks.

S.F. 538

Eliminates credits, actions or refunds of sales or use taxes voluntarily paid if the claim is based upon an alleged mistake of law regarding the validity or legality of the tax under the laws or Constitution of the United States or under the Constitution of the State of Iowa. The provisions of the bill are similar to the contents of section 422.63, which limits claims for franchise tax purposes. The bill takes effect July 1, following enactment, and is retroactive to January 1, 1983 to bar all credits, actions, or refunds of sales and use tax claims filed by claimants on or after January 1, 1983.

FISCAL IMPACT: The effect of this bill is to protect the state treasury from having to make refunds on the sales and use tax imposed on newsprint and ink, a tax similar to one imposed by the State of Minnesota since declared unconstitutional by the United States Supreme Court. If the claims are filed, it is estimated that refunds for claims covering the past five years (statute of limitations) would range from \$4-6 million. The passage of this bill would preclude payments of those amounts.

BLOCKGRANT BILISUMMARY

Block Grants

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES BLOCK GRANT

S.F. 556

Sec. 1.1 Appropriates **\$2,172,000** to the Iowa Department of Substance Abuse to be spent in accordance with Public Law 97-35, Title IX, Subtitle A of the Alcohol, Drug Abuse and Mental Health Services Block Grant.

Sec. 1.2 Limits the amount of funds the Department of Substance Abuse may spend on administration of the block grant to \$217,200 and requires that audit costs be included.

Sec. 1.3 Transfers 8.75% of the funds appropriated (\$190,050) to the Division of Mental Health, Mental Retardation, and Developmental Disabilities within the Department of Social Services for community mental health centers.

Sec. 1.4 Sets forth the proportions to be used in allocating funds to programs within the block grant, as follows:

Drug abuse programs	38.89%;
Alcohol abuse programs	38.89%;
Prevention programs	22.22%.

Amends Chapter 1262, section 7, subsection 3 of 1982 Iowa Acts to conform with federal requirements for distribution of FY 1983 block grant funds.

Supplemental Appropriation for FY 1983

sec. 2 Appropriates an additional \$149,000 in supplemental block grant funds from Public Law **98-8**, also known as the Emergency Jobs Appropriation Act, for FY 1983. This money is appropriated to the Iowa Department of Substance Abuse, with 8.75% to be transferred to the Division of Mental Health, Mental Retardation, and Developmental Disabilities within the Department of Social Services. Stipulates that none of the additional funds are to be used for administrative purposes.

COMMUNITY DEVELOPMENT BLOCK GRANT

S.F. 556

Sec. 0.1 Appropriates **\$24,775,000** to the Office for Planning and Programming for the federal fiscal year ~~begin-~~ning October 1, **1983** and ending September 30, 1984. The funds appropriated are the anticipated funds to be received ~~from~~ the federal government for the Community Development Block Grant.

Sec. 8.2 Provides that an amount not exceeding \$925,180 shall be used by the Office ~~for~~ Planning and Programming for administrative expenses. The total amount used for these expenses includes \$462,590 of funds appropriated in subsection 8.1 and a matching contribution ~~from~~ the State General Fund of \$462,590. Total administrative expenses from both federal and state sources shall not exceed 4% of the amount appropriated.

Sec. 19 Amends 1982 Iowa Acts to change the formula by which the Director of Planning and Programming appropriates the amount of financial assistance strictly upon the size of poverty level population. Under the new formula, not less than 90% of the block grant will be based on poverty level population in the community action area compared to the size of the poverty level population in the state. An amount not exceeding 5% of the amount ~~of~~ the block grant will be based upon other measures of need in each community action area. The change is due to a shift in poverty level population from the 1970 census.

Sec. 20.4 Adds a new subsection to 1982 Iowa Acts, chapter 1262, section 14, providing that **if funds received** from the federal government ~~for~~ Community Services Block Grants exceed amounts appropriated, 100% of the excess is appropriated to the Community Services Block Grant Program.

Sec. 20.5 Adds a new subsection to 1982 Iowa Acts, chapter 1262, section 14 providing that ~~if funds~~ received from the federal ~~government~~ from Community Development Block Grants exceed amounts appropriated, 100% of the excess is appropriated to the Community Development Block Grant program. Not ~~more~~ than 2% of the excess may be used for additional administrative expenses if the amount is to be equally matched by the state appropriation.

COMMUNITY SERVICES BLOCK GRANT

S.F. 556

Sec. 7.1a Appropriates **\$3,623,071** to the Office for Planning and Programming for the federal fiscal year beginning October 1, 1983 and ending September 30, 1984. The funds appropriated are the anticipated funds to be received from the federal government for the Community Services Block Grant. The Office for Planning and Programming is required to expend the appropriated funds.

Sec. 7.1b Provides that not less than 90% of the amount of the block grant will be distributed based upon the size of the poverty level population in the community action area compared to the poverty level population in the state. An amount not exceeding 5% of the amount of grant will be distributed based upon other measures of need in each community action area.

Sec. 1.2 Appropriates an amount not exceeding \$160,971 of the funds appropriated in subsection 7.1 for administrative expenses of the Office for Planning and Programming.

EDUCATION BLOCK GRANT

S.P. 556

Sec. 9.1 Appropriates to the Department of Public Instruction all funds received under Public Law No. 97-34, up to a maximum of **\$5,433,000**.

Sec. 9.2 Appropriates 20% of the funds appropriated, not to exceed **\$1,086,600**, 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 \$225,000. If the total funds received under the block grant exceed **\$5,433,000**, then 20% of the excess will be held in a special fund awaiting further legislative action (Sec. 13).

Sec. 9.3 Appropriates 80% of the funds appropriated to local education agencies, according to the following formula:

- 75% based on enrollment in public and approved non-public schools;

- 20% based on the number of disadvantaged students in schools whose incidence of **disadvantaged** students is above **average**; and
- 5% on the number of limited English speaking students whose **language** imposes a barrier to learning.

If the total funds received from the block grant exceed **\$5,433,000**, then 80% of the excess is allocated to the local education agencies based on the above formula (Sec. 12.1).

Sec. 10 Requires that funds appropriated in Section 9 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.

LOW-INCOME HOME ENERGY ASSISTANCE BLOCK GRANT

S.P. 556

Sec. 11.1 Appropriates **\$36,700,000** from the fund created by section 8.41 of the Code to the Energy Policy Council for the **federal** fiscal year beginning October 1, 1983 and ending September 30, 1984.

Sec. 11.2 Provides that **\$2,750,000** or 9% of the funds appropriated from subsection 1, whichever is less, may be used for administrative expenses. Not more than 5280,000 of this may be used for administrative expenses of the Energy Policy Council, including the costs of an audit.

Sec. 11.3 Requires that at least **12.5%** and not more than **15%** of the block grant funds eligible shall be appropriated to the Low-Income Residential **Weatherization** Program.

Sec. 16.3 Provides that if additional funds are received that at least 12.5% and not more than **15%** is to be allocated to the Low-Income Weatherization Program.

MATERNAL AND CHILD HEALTH-SERVICES BLOCK GRANT

S.F. 556

Sec. 3.1 Appropriates **\$4,261,152** to the Department of Health to be spent in accordance with Public Law 97-35.

Sec. 3.2 Sets forth, the proportions to be used in allocating funds ~~to the~~ programs within the block grant, as follows:

Maternal and child health programs: 63% (of these funds, \$30,680 is to be used for sudden infant death counseling).
Regional and mobile child health specialty clinics at the University of Iowa hospitals and clinics: 37%.

sec. 3.3 Limits the amount of funds the Department of Health may spend on the administration of the block grant to \$155,912 and requires that audit costs be included in this total.

Transfer of Funds

Sec. 4 Provides that funds transferred from the Preventive Health and Health Services Block Grant to the Maternal and Child Health Services Block Grant shall be transferred to the Division of Personal and Family Health and to mobile and regional child health specialty clinics according to the percentages specified in section 3.2 of this Act.

Supplemental Appropriation for FY 1983

Sec. 5 Appropriates an additional **\$1,411,200** for the Maternal and Child Health Block Grant for FY 1983. This money represents additional funds from the federal Emergency Jobs 'Bill. The funds are appropriated to the Division of Personal and Family Health and to mobile and regional child health specialty clinics according to the percentages specified in section 3.2 of this Act.

PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT

S.F. 556
Sec. 6.1 Appropriates **\$1,003,618** to the Dept. of Health to be expended in accordance with Public Law 97-35.

Sec. 6.2 Limits the amount of funds that the Department may expend on administration of the block grant to \$93,336 and requires that audit costs be included.

Sec. 6.3 Requires that funds specifically designated by the federal government for rape prevention must be spent on that program.

Sec. 6.4 Specifies that 7% of the funds appropriated in Section 6.1 are transferred to the Maternal and Child Health Services Block Grant to be used in accordance with Section 3.2 of this Act.

Sec. 6.5 Sets forth the proportions to be used in allocating funds to programs within the block grant, as follows:

Hypertension grants	15.2%
Risk reduction services	21.0%
Health incentive grants	17.9%
Emergency medical services	30.0%
Fluoridation grants	15.9%

SOCIAL SERVICES BLOCK GRANT

S.F. 556

Sec. 12.1 Appropriates **\$31,334,000** from the fund created by Section 8.41 of the Code to the Department of Social Services (Department of Human Services effective July 1, 1983) for the federal fiscal year beginning October 1, 1983 and ending September 30, 1984.

Sec. 12.2 Appropriates **\$1,942,708** for general administration. From funds appropriated in this subsection the Department of Social Services (Department of Human Services) shall pay 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 section 12.1.

Sec. 12.3 Appropriates **\$29,391,292** from Social Service Block Grant Funds to the following programs and services:

a. Field Operations	\$12,457,000
b. Home Based Services	143,000
c. Foster Care	4,533,000
d. Protective Day Care	681,700
e. Local Purchase/Local Admin.	11,452,592
f. Volunteer5	124,000

Sec. 12.4 Retains the Social Services Block Grant State Advisory Committee (formerly the Title XX Advisory Committee) as an advisory group to the Department.

Sec. 13 Appropriates **\$1,607,000** from the Emergency Jobs Appropriation Act, Public Law No. 98-8, as follows:

a. Field Operations	\$125,000
b. Home-based Services	100,000
c. Local purchase	1,342,000
d. Volunteers	40,000

Social Services Block Grant Plan

- Sec. 14 Requires the Department of Social Services (Department of Human Services) to develop a plan for the use of federal Social Services Block Grant funds for FY **1985**. The proposed plan shall include all programs and services at the state level and **local** level that are eligible for funding under the Social Services **Block** Grant, total federal state and local funding and the manner of distribution of the federal funds to the counties.
- Sec. 16.4 Allows the Department of Social Services (Department of Human Services) to waive the matching requirement for federal funds that are received in excess of the amounts appropriated in Section 12.

ENROLLED BILLS

SENATE FILE 14

AN ACT

TO EXEMPT THE STATE, ITS AGENCIES, AND POLITICAL SUBDIVISIONS
OF THE STATE FROM THE TAX ON MOTOR FUEL WHERE THE MOTOR
FUEL IS USED FOR A PUBLIC PURPOSE AND DELIVERED INTO
STORAGE TANKS OWNED OR USED EXCLUSIVELY BY THE STATE,
ITS AGENCIES, OR A POLITICAL SUBDIVISION OF THE STATE.

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

Section 1. Section 324.3, Code 1983, is amended by adding
the following new subsection as subsection 5 immediately
following subsection 4:

NEW SUBSECTION. 5. Motor fuel sold to the state, any
of its agencies, or to any political subdivision of the state,
which is used for public purposes and delivered into any size
of storage tank owned or used exclusively by the state, any
of its agencies, or a political subdivision of the state.
The department of revenue shall provide exemption certificate
forms to the state, its agencies, and political subdivisions
of the state so that they may provide a certificate of
exemption to a distributor or dealer upon the delivery of
motor fuel. The certificate of exemption shall specify the
number of gallons of motor fuel received and state that all
of the motor fuel delivered into the storage tank shall be
used for public purposes.

Sec. 2. Section 324.3, unnumbered paragraph 2, Code 1983,
is amended to read as follows:

Motor fuel shall be sold tax paid to the state of Iowa,
any of its agencies, or to any political subdivision of the
state, including motor fuel sold for the transportation of
pupils of approved public and nonpublic schools by a contract
carrier who contracts with the public school under section
285.5 for the transportation of public and nonpublic school
pupils under chapter 285 unless the motor fuel is delivered
into storage tanks and exempt under subsection 5. Tax on
fuel which is used for public purposes is subject to refund,

including tax paid on motor fuel sold for the transportation
of school pupils of approved public and nonpublic schools
by a contract carrier who contracts with the public school
under section 285.5 for the transportation of public and non-
public school pupils under chapter 285. Claims for refunds
will be filed with the department on a quarterly basis and
the director shall not grant a refund of motor fuel or special
fuel tax where a claim is not filed within one year from the
date the tax was due. The claim shall contain the number
of gallons purchased, the calculation of the amount of motor
fuel and special fuel tax subject to refund and any other
information required by the department necessary to process
the refund.

ROBERT T. ANDERSON
President of the Senate"

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 14, Seventieth General Assembly.

K. MARIETHAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

S.F. 14

SENATE FILE 15

AN ACT
RELATING TO **THE** PROVISION OF **HEALTH**, WELFARE, AND SOCIAL SER-
VICES UNDER **THE COUNTY HEALTH CENTER TAX LEVY**.

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

Section 1. Section **346A.1**, subsection 3, Code 1983, is amended to read as follows:

3. "Project" ~~shall-mean~~ means the acquisition by purchase or construction of health centers, additions thereto and facilities therefor, the reconstruction, completion, equipment, improvement, repair or remodeling of health centers, additions thereto and facilities therefor, and the acquisition of property **therefor** of every kind and description, whether real, personal or mixed, by gift, purchase, lease, condemnation or otherwise and the improvement of the ~~same property~~.
"Project" also means the use of funds for the provision of health services by local boards of health pursuant to chapter

137 and the provision of health, welfare or social services which a county is permitted or required by law to provide.

Sec. 2. Section 346A.2, Code 1983, is amended to read as follows:

346A.2 **AUTHORIZED IN CERTAIN COUNTIES**. Counties 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 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 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 331.341, subsection 1. To pay the cost of operating, maintaining and managing a health center ~~the~~ and to pay the costs of services provided pursuant to section 346A.1, subsection 3, the board ~~of-any-such-county~~ may levy an annual tax in accordance with section 331.422, subsection 21.

Sec. 3. Section 331.422, subsection 21, Code 1983, is amended to read as follows:

21. For operation, maintenance, and management of a health center and for services provided pursuant to section 346A.1, subsection 3, not to exceed fifty-four cents per thousand dollars, in addition to all other levies authorized by law for similar purposes.

Sec. 4. This Act, being deemed Of immediate importance, takes effect from and after-its publication in The Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa, and in The Sioux City Journal, a newspaper published in Sioux

City, Iowa. The tax levy authorization in this Act is effective for fiscal years beginning on or after July 1, 1983.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 15, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

SENATE FILE 23

AN ACT

RELATING TO THE PAYMENT OF PROPERTY TAXES BY A TAXPAYER.

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

Section 1. Section 445.5, Code 1983, is amended to read as follows:

445.5 RECEIPT. The treasurer shall ~~in all cases~~ upon request, make out and deliver to the taxpayer a receipt, stating the time of payment, the description and assessed value of each parcel of land, and the assessed value of personal property, the amount of each kind of tax, the interest on each and costs, if any, giving a separate receipt for each year, ~~and he~~. The treasurer shall make the proper entries of ~~such the~~ payments on the books or other records approved by the state auditor ~~of his office~~. ~~Such the~~ receipt shall be in full of the first or second half or all of ~~such the~~ person's taxes for that year, ~~but the treasurer shall receive the full amount of any county, state, or school tax whenever the same is tendered, and give a separate receipt therefor.~~ Persons whose real property taxes are delinquent may pay to the county treasurer part of the delinquent real property taxes and the county treasurer shall accept payment of part of these delinquent taxes provided that the amount of the payment is equal to the amount of the installment that has been delinquent the longest plus penalties and interest assessed on that delinquent installment. The payment shall not be permitted if taxes have been sold under chapter 446 and under any circumstances shall not constitute an extension of the time period for a sale under section 446.18.

Sec. 2. This Act, being deemed of immediate importance, take's effect from and after its publication in the Ida County Courier, a newspaper published in Ida Grove, Iowa, and in The Sioux City Journal, a newspaper published in Sioux City, Iowa.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the Rouse

I hereby certify that this bill originated in the Senate and is known as Senate File 23, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

S.F. 23

HOUSE FILE 68

AN ACT

RELATING TO MOBILE HOMES BY PROVIDING THAT ~~THE~~ MOBILE HOME TAX IS DUE, 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, BY PROVIDING THAT MOBILE HOMES ARE SUBJECT TO SECURITY INTERESTS IN THE SAME MANNER AS OTHER VEHICLES SUBJECT TO REGISTRATION, AND MAKING CERTAIN PROVISIONS OF THE ACT RETROACTIVE.

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

Section 1. Section 135D.24, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The semiannual tax is due and payable to the county treasurer semiannually on ~~or-before-March~~ January 1 and ~~September~~ July 1 in each year; and is delinquent April 1 and October 1 in each year, ~~after at~~ which time a penalty of one percent shall be added each month until paid except that the limitation in section 445.20 applies. ~~The Both~~ semiannual ~~payment~~ payments of taxes may be paid at one time if so desired. A mobile home ~~parked-and~~ put to use at any time after ~~March~~ January 1 or September July 1 is subject to the taxes prorated for the remaining unexpired months ~~of~~ the tax period. ~~Not-more-than-thirty-days-or-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-notice-shall-include-the-date-the-tax-becomes-delinquent, and-the-penalty-which-applies-when-it-is-delinquent.~~ Taxes prorated on or after April 1 are due July 1 and must be paid at the same time and in the same manner as the September payment of property taxes. Taxes prorated on or after October 1 are due January 1 and must be paid at the same time and in the same manner as the March payment of property taxes. The semiannual tax periods for mobile home tax are January 1 through June 30 and July 1 through December 31. On May 1 of each year, the county treasurer shall send, by mail, a statement to each delinquent mobile home taxpayer to notify the taxpayer that the mobile home will be offered at the next annual tax sale for nonpayment of one or more semiannual tax payments.

Sec. 2. Section 135D.24, unnumbered paragraph 6, Code 1983, is amended to read as follows:

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. If a dealer acquires a mobile home from a person other than a manufacturer, the person shall provide a tax clearance statement in the name of the owner of record to the dealer. 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 921.50, subsection 1, Code 1983, is amended to read as follows:

1. A security interest in a vehicle subject to registration under the laws of this state or a mobile home, except trailers whose empty weight is two thousand pounds or less, and except new or used vehicles held by a dealer or manufacturer as inventory for sale, is perfected by the delivery to the county treasurer of the county where the certificate of title was issued or, in the case of a new certificate, to the county treasurer where the certificate will be issued of an application for certificate of title which lists ~~such~~ the security interest, or an application for notation of security interest signed by the owner, or by one owner of a ~~vehicle~~, owned jointly by more than one person, or a certificate of title from another jurisdiction which shows ~~such~~ the security interest, and a fee of two dollars for each security interest shown. If the owner or secured party is in possession of the certificate of title, it must also be delivered at this time in order to perfect the security interest. If a vehicle is subject to a security interest when brought into this state, the validity of the security interest and the date of perfection is determined by ~~the Uniform Commercial Code~~, section 554.9103. Delivery as provided in this subsection ~~shall be deemed to be~~ is an indication of a security interest on a certificate of title for purposes of chapter 554.

Sec. 4. Section 1 of this Act is retroactive to January 1, 1983 for mobile home taxes levied, due and payable in the calendar year beginning January 1, 1983.

Sec. 5. This Act, being deemed of immediate importance, takes effect from and after its publication in the Cherokee Daily Times, a newspaper published in Cherokee, Iowa, and in The Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 68, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

HOUSE FILE 69

AN ACT

RELATING TO THE REFUND OF STATE SALES, SERVICES, AND USE TAX PAID BY CONTRACTORS UPON GOODS, WARES, OR MERCHANDISE OR FROM SERVICES RENDERED, FURNISHED, OR PERFORMED TO A CONTRACTOR USED IN THE PERFORMANCE OF A CONTRACT FOR THE STATE, A POLITICAL SUBDIVISION, OR AN INSTRUMENTALITY OF THE STATE OR A POLITICAL SUBDIVISION, AND MAKING THE BILL RETROACTIVE.

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

Section 1. Section 422.45, subsection 7, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Any A private nonprofit educational institution in this state or any a tax-certifying or tax-levying body ~~of-the-state of-Iowa~~ or governmental subdivision thereof of the state, including the state board of regents, state department of social services, state department of transportation, any a

municipally owned solid waste facility which sells all or part of its processed waste as fuel to a municipally owned public utility, and all divisions, boards, commissions, agencies or instrumentalities of state, federal, county or municipal government which do not have me earnings going to the benefit of an equity investor or stockholder may make application to the department for the refund of any the sales, services, or use tax upon the gross receipts of all sales of goods, wares or merchandise, or from services rendered, furnished, or performed, to any a contractor, used in the fulfillment of any a written contract with the state of Iowa, any political subdivision ~~thereof of the state~~, or any a division, board, commission, agency or instrumentality ~~thereof of the state or a political subdivision~~, or any a private nonprofit educational institution in this state which, if the property becomes an integral part of the project under contract and at the completion ~~thereof of the project~~ becomes public property, or is devoted to educational uses ~~as-specified in-this-subsection~~; except goods, wares or merchandise or services rendered, furnished, or performed used in the performance of any contract in connection with the operation of any municipal utility engaged in selling gas, electricity, or heat to the general public; and ~~excepting-such except~~ goods, wares, and merchandise used in the performance of any a contract for a "project" under chapter 419 as defined ~~therein in that chapter~~ other than goods, wares or merchandise used in the performance of any a contract for any a "project" under ~~said~~ chapter 419 for which a bond issue was or will have been approved by a municipality prior to July 1, 1968, or for which the goods, wares, or merchandise becomes an integral part of the project under contract and at the completion of the project becomes public property or is devoted to educational uses.

H.F. 69

Sec. 2. This Act is retroactive to November 1, 1982 for the sales, services , or use tax paid upon the gross receipts of the sales of goods, wares, or merchandise, occurring on or after November 1, 1982.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 69, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

SENATE FILE 92

AN ACT

TO PERMIT PARI-MUTUEL BETTING IN IOWA, BY CREATING A STATE RACING COMMISSION AND PRESCRIBING ITS POWERS AND DUTIES, PROVIDING FOR LICENSING OF CERTAIN ORGANIZATIONS FOR THE PURPOSE OF CONDUCTING HORSE AND DOG RACES AND RACING MEETS, IMPOSING TAXES AND FEES AND PROVIDING FOR **THEIR** USE AND DISBURSEMENT, AND DECLARING CERTAIN ACTS TO BE UNLAWFUL AND PRESCRIBING PENALTIES FOR **THE** COMMISSION OF THE ACTS.

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

Section 1. NEW SECTION. 99D.0 SHORT TITLE. This chapter shall be known and may be cited as the "**Iowa** Pari-mutuel Wagering Act".

sec. 2. NEW SECTION. 99D.1 DEFINITIONS. As used in this chapter unless the context otherwise requires:

1. "Breakage" means the odd cents by which the amount payable on each dollar wagered in a pari-mutuel pool exceeds a multiple of ten cents.

2. "Commission" means the state racing commission created under section 99D.4.

3. "Holder of occupational license" means a person licensed by the commission to perform an occupation which the commission has identified as requiring a license to engage in within the racing industry in Iowa.

4. "**Licensee**" means a nonprofit corporation licensed under section 990.8.

5. "Pari-mutuel wagering" means the system of wagering described in section 99D.10.

6. "**Race**", "racing", "**race** meeting", "track", and "racetrack" refer to dog racing and horse racing, including quarterhorse, thoroughbred, and harness racing, as approved by the commission.

7. "Racetrack enclosure" means the grandstand, clubhouse, turf club or other areas of a licensed racetrack which a person may enter only upon payment of an admission fee or upon presentation of authorized credentials. "Racetrack enclosure"* also means any additional areas designated by the commission.

Sec. 3. NEW SECTION. 99D.2 SCOPE OF PROVISIONS. This chapter does not apply to horse-race or dog-race meetings unless the pari-mutuel system of wagering is used or intended to be used in connection with the horse-race or dog-race meetings. If the pari-mutuel system is used or intended to be used a person shall not conduct a race meeting without a license as provided by section 99D.8.

Sec. 4. NEW SECTION. 99D.3 PARI-MUTUEL WAGERING LEGALIZED. The system of wagering on the results of horse or dog races as provided by this chapter is legal, when conducted within the racetrack enclosure at a licensed **horse-race** or dog-race meeting.

Sec. 5. NEW SECTION. 99D.4 CREATION OF STATE RACING **COMMISSION--MEMBERS--TERMS--QUALIFICATIONS--BONDS--PROHIBITED ACTIVITIES--PENALTY.**

1. There is created a state racing commission consisting of five members who shall be appointed by the governor subject to confirmation by the senate, and who shall serve not to exceed a three-year term at the pleasure of the governor. The term of each member shall begin and end as provided in section 69.19.

2. A vacancy on the commission shall be filled as provided in section 2.32.

3. Not more than ~~three~~ members of the commission shall belong to the same political party and ~~no~~ two members of the commission shall reside, when appointed, in the same congressional district. A member of the commission shall not have a financial interest in a racetrack.

4. Commission members shall each receive an annual salary of six thousand dollars. Members shall also be reimbursed for necessary travel and expenses incurred in the performance of their duties to a maximum of six thousand dollars per year for the commission. Each member shall post a bond in the amount of ten thousand dollars, with sureties to be approved by the governor, to guarantee the proper handling and accounting of moneys and other properties required in the administration of this chapter. The premiums on the bonds shall be paid as other expenses of the commission.

5. A member, employee, or appointee of the commission, or a family member related within the second degree of affinity or consanguinity to a member, employee, or appointee of the commission shall not:

a. Enter directly or indirectly into any business dealing, venture, or contract with an owner or lessee of a racetrack, a licensee, or a holder of an occupational license.

b. Be employed in any capacity by a racetrack, licensee, or a holder of an occupational license.

c. Participate directly or indirectly as an owner, owner-trainer, trainer of a horse or dog, or jockey of a horse in a race meeting conducted in this state.

d. Place a wager on an entry in a race.

Violations of this subsection shall be a serious misdemeanor. In addition, the individual may be subject to disciplinary actions pursuant to the commission rules.

Sec. 6. NEW SECTION. 99D.5 **CHAIRPERSON--SECRETARY--DUTIES--BOND.** The commission shall elect in July of each year one of its members chairperson for the succeeding year. The commission may employ a secretary and other assistants and employees as necessary to carry out its duties. The secretary shall keep a record of the proceedings of the commission, preserve the books, records, and documents entrusted to the secretary's care, and perform other duties as the commission prescribes. The commission shall require the secretary to post a bond in a sum it may fix, conditioned upon the faithful performance of the secretary's duties. Subject to the approval of the governor, the commission shall fix the compensation of its secretary within salary range five as set by the general assembly. The commission shall also fix the compensation of its other employees, subject to the approval of the governor. The commission shall have its headquarters in the city of Des Moines, and shall meet in July of each year and at other times and places as it finds necessary for the discharge of its duties.

Sec. 7. NEW SECTION. 99D.6 **POWERS AND AUTHORITY.** The commission shall have full jurisdiction over and shall supervise all race meetings governed by this chapter. The commission shall have the following powers and shall adopt rules pursuant to chapter 17A to implement this chapter:

1. To investigate applicants and determine the eligibility of applicants for a license and to select among competing applicants for a license the applicant which best serves the interests of the citizens of Iowa.

2. To identify occupations within the racing industry which require licensing and adopt standards for licensing the occupations including establishing fees for the occupational licenses.

3. To adopt standards under which all race meetings shall be held and standards for the facilities within which the race meetings shall be held.

4. To regulate the purse structure for race meetings including establishing a minimum purse.

5. To cooperate with the department of agriculture to establish and operate, or contract for, a laboratory and related facilities to conduct saliva, urine, and other tests on animals that are to run or that have run in races governed by this chapter.

6. To establish fees for the testing of animals sufficient to cover the costs of the tests and to purchase the necessary equipment for the testing.

7. To enter the office, racetrack, facilities, or other places of business of a licensee to determine compliance with this chapter.

8. To investigate alleged violations of this chapter or the commission rules, orders, or **final** decisions and to take appropriate disciplinary action against a licensee or a holder of an occupational license for the violation, or institute appropriate legal action for enforcement, or both.

9. To authorize stewards, starters, and other racing officials to impose fines or other sanctions upon a person violating this chapter or the commission rules, orders, or final orders including a tout, bookmaker, or other person deemed to be undesirable from the racetrack facilities.

10. To require the removal of a **racing** Official, an employee of a licensee, or a holder of an occupational license, or employee of a holder of an occupational license for a violation of this chapter or a commission rule or engaging in a fraudulent practice.

11. To prevent an animal from racing if the commission or commission employees with cause believe the animal or its owner, trainer, or an employee of the owner or trainer is in violation of this chapter or commission rules.

12. To withhold payment of a purse if the outcome of a race is disputed or **until** tests are **performed** on the animals to determine if they were illegally drugged.

13. To provide for immediate determination of the disposition of a challenge by a racing official or representative of the commission by establishing procedures for informal hearings before a panel of stewards at a racetrack.

14. To require a licensee to file an annual balance sheet and profit and loss statement pertaining to the licensee's racing activities in this state, together with a list of the stockholders or other persons having any beneficial interest in the racing activities of each licensee.

15. To issue subpoenas for the attendance of witnesses and subpoenas **duces** tecum for the production of books, records and other pertinent documents in accordance with chapter **17A**, and to administer oaths and affirmations to the witnesses, when, in the judgment of the racing commission, it is necessary to enforce this chapter or the commission rules.

16. To keep accurate and complete records of its proceedings and to certify the records as may be appropriate.

17. To require all licensees to use a computerized totalisator system for calculating odds and payouts from the pari-mutuel wagering pool and to establish standards to insure the security of the totalisator system.

18. To revoke or suspend licenses and impose fines not to exceed one thousand dollars.

19. To take any other action as may be reasonable or appropriate to enforce this chapter and the commission rules.

Sec. 8. NEW SECTION. 99D.7 HORSE OR **DOG** RACING LICENSES-APPLICATIONS. A qualified nonprofit corporation as defined in section **99B.1**, subsection 10, organized to promote those purposes enumerated in section 998.7, subsection 3, paragraph b, or a nonprofit corporation which conducts a livestock exposition for the promotion of the livestock, horse, or dog breeding industries of the state, may apply to the commission

for a license to conduct horse or dog racing. The application shall be filed ~~with the~~ secretary of the commission at least sixty days before ~~the~~ first day of the horse-race or dog-race meeting which the nonprofit corporation or association proposes to conduct, shall specify the day or days when and the exact location where it proposes to conduct racing, and shall be in a form and contain information as the ~~commission~~ prescribes.

Sec. 9. NEW SECTION. 99D.8 LICENSES--TERMS AND CONDITIONS--REVOCATION.

1. If the commission is satisfied that its rules and sections 99D.7 through 99D.22 applicable to licensees have been or will be complied with, it may issue a license for a period of not more than one year. The commission may decide which types of racing it will permit. The commission may permit dog racing, horse racing of various types or both dog and horse racing. The commission shall decide the number, location, and type of all racetracks licensed under this chapter. The license shall set forth the name of the licensee, the type of license granted, the place where the race meeting is to be held, and the time and number of days during which racing may be conducted by the licensee. The commission shall not approve a license application if any part of the racetrack is to be constructed on prime farmland outside the city limits of an incorporated city. A license is not transferable or assignable. The commission may revoke any license issued for good cause upon reasonable notice and hearing.

2. A license shall only be granted to a nonprofit corporation or association upon the express condition that:

a. The nonprofit corporation or association shall not, by a lease, contract, understanding, or arrangement of any kind, grant, assign, or turn over to a person the operation or management of a race meeting licensed under this section or of the pari-mutuel system of wagering described in section 99D.10.

b. The nonprofit corporation shall not in any manner permit a person other than the licensee to have a share,

percentage, or proportion of the money received for admissions to the race or race meeting or from the operation of the pari-mutuel system.

3. A license shall not be granted to a nonprofit corporation if there is substantial evidence that the applicant for a license:

a. Has been suspended or ruled off a recognized course in another jurisdiction by the racing board or commission of that jurisdiction.

b. Has not demonstrated financial responsibility sufficient to meet adequately the requirements of the enterprise proposed.

c. Is not the true owner of the enterprise proposed.

d. Is not the sole owner, and other persons have ownership in the enterprise which fact has not been disclosed.

e. Is a corporation and ten percent of the stock of the corporation is subject to a contract or option to **purchase** at any time during the period for which the license is issued unless the contract or option was disclosed to the commission and the commission approved the sale or transfer during the period of the license.

f. Has knowingly made a false statement of a material fact to the commission.

g. Was failed to meet any monetary obligation in connection with a race meeting held in this state.

4. A license shall not be granted to a nonprofit corporation if there is substantial evidence that stockholders or officers of the nonprofit corporation are not of good repute and moral character.

5. A license shall not be granted to a licensee for racing on more than one racetrack at the same time.

6. A licensee may not loan or give to any person money or any other thing of value for the purpose of permitting that person to wager on any race.

7. Upon a violation of any of the conditions listed in this section, the commission shall immediately revoke the license.

Sec. 10. NEW SECTION. 99D.9 BOND OF LICENSEE. A licensee licensed under section 99D.8 shall post a bond to the state of Iowa before the license is issued in a sum as the commission shall fix, with sureties to be approved by the commission. The bond shall be used to guarantee that the licensee faithfully makes the payments, keeps its books and records and makes reports, and conducts its racing in conformity with sections 99D.5 through 99D.20 and the rules adopted by the commission. The bond shall not be canceled by a surety on less than thirty days notice in writing to the commission. If a bond is canceled and the licensee fails to file a new bond with the commission in the required amount on or before the effective date of cancellation, the licensee's license shall be revoked. The total and aggregate liability of the surety on the bond is limited to the amount specified in the bond.

Sec. 11. NEW SECTION. 99D.10 PARI-MUTUEL WAGERING--MINORS PROHIBITED.

1. Except as permitted in this section, the licensee shall permit no form of wagering on the results of the races.

2. Licensees shall only permit the pari-mutuel or certificate method of wagering as defined in this section.

3. The licensee may receive wagers of money only from a person present at a licensed race on a horse or dog in the race selected by the person making the wager to finish first in the race. The person wagering shall acquire an interest in the total money wagered on all horses or dogs in the race as first winners in proportion to the amount of money wagered by the person.

4. The licensee shall issue to each person wagering a certificate on which shall be shown the number of the race, the amount wagered, and the number or name of the horse or dog selected as first winner.

5. As each race is run the licensee shall deduct sixteen percent from the total sum wagered on all horses or dogs as first winners. The balance, after deducting breakage, shall

be paid to the holders of certificates on the winning horse or dog in the proportion that the amount wagered by each certificate holder bears to the total amount wagered on all horses or dogs in the race as first winners.

6. The licensee shall likewise receive wagers on horses or dogs selected to run second, third, or both, or in combinations as the commission may authorize. The method, procedure, and the authority and right of the licensee, as well as the deduction allowed to the licensee, shall be as specified with respect to wagers upon horses or dogs selected to run first.

7. All wagering shall be conducted within the racetrack enclosure where the licensed race is held.

8. A person under the age of eighteen years shall not make a pari-mutuel wager.

Sec. 12. NEW SECTION. 99D.10A BREAKAGE. A licensee shall deduct the breakage from the pari-mutuel pool which shall be distributed in the following manner:

1. In horse races the breakage shall be retained by the licensee to supplement purses for the race restricted to Iowa-foaled horses as provided in section 99D.19.

2. In dog races the breakage shall be distributed as follows:

a. Seventy-five percent shall be retained by the licensee to supplement purses for the race restricted to Iowa-whelped dogs as provided in section 99D.19.

b. Twenty-five percent shall be retained by the licensee and shall be put into a stake race for Iowa-whelped dogs. All dogs racing in the stake race must have run in at least twelve races during the current racing season at the track sponsoring the stake race to qualify to participate.

Sec. 13. NEW SECTION. 99D.10B UNCLAIMED WINNINGS.

1. Winnings provided in section 99D.10 not claimed by the person who placed the wager within sixty days of the close of the racing meet during which the wager was placed shall be forfeited.

2. Winnings forfeited under subsection 1 shall escheat to the state as per chapter 556.

Sec. 14. NEW SECTION. **99D.11 RACING MEETS--TAX--FEES.**

1. A licensee under section **99D.8** shall pay the tax imposed by section 99D.12.

2. A licensee shall also pay to the commission the sum of fifty cents for each person entering the grounds or enclosure of the licensee upon a ticket of admission.

a. If tickets **are issued** which are good for more than one day, the sum of fifty cents shall be paid for each person using the ticket on each day that the ticket is used.

b. If free passes or complimentary admission tickets are issued, the licensee shall pay the same tax upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate.

c. However, the licensee may issue tax-free **passes** to actual and necessary officials and employees of the licensee or other persons actually working at the racetrack.

d. The issuance of tax-free passes is subject to the rules of the commission, and a list of all persons to whom the **tax-free** passes are issued shall be filed with the commission.

3. The licensee shall also pay to the commission a licensee fee of two hundred dollars for each racing day of each **horse-race** or dog-race meeting for which a license has been issued.

4. No other license tax, permit tax, occupation tax, excise tax, or racing fee, shall be levied, assessed, or collected from a licensee by the state or by a political subdivision, except as provided in this chapter.

Sec. 15. NEW SECTION. **99D.12 PARI-MUTUEL WAGERING TAX-RATE.** A tax of six percent is imposed on the gross sum wagered by the pari-mutuel method at each race meeting. The tax imposed by this section shall be paid by the licensee to the treasurer of state within ten days after the close of each race meeting and shall be distributed as follows:

1. If the racetrack is located in a city, five of the six percent shall be deposited in the general fund of the

state. One-half of one percent of the six percent shall be remitted to the treasurer of the city in which the racetrack is located and shall be deposited in the general fund of the city. The remaining one-half of one percent shall be remitted to the treasurer of the county in which the racetrack is located and shall be deposited in the general fund of the county.

2. If the racetrack is located in an unincorporated part of a county, five and one-half percent of the six percent shall be deposited in the general fund of the state. The remaining one-half of one percent shall be remitted to the treasurer of the county in which the racetrack is located and shall be deposited in the general fund of the county.

Sec. 16. NEW SECTION. **99D.13 REVENUE DIRECTOR--VERIFICATION OF TAXES DUE STATE.** The director of revenue shall verify the amount of the fees and taxes due the state as provided by sections **99D.10A, 99D.11, 99D.12, and 99D.19.**

Sec. 17. NEW SECTION. **99D.14 USE OF FUNDS.** The expenses of the commissioners, compensation of the secretary, assistants, and employees and their reasonable expenses shall first be paid out of the funds received pursuant to section **99D.11.** The commission shall retain an additional amount sufficient to pay its current expenses. An itemized account of personal expenses shall be verified by the person making the claim, and shall be approved by a majority of the members of the commission or a person authorized by the commission to give the approval. If the account is paid, it shall be filed in the office of the commission and remain a part of the commission's permanent records. The commission is subject to the budget requirements of chapter 8 and the applicable auditing requirements and procedures of chapter 11.

Sec. 16. NEW SECTION. **99D.15 SURPLUS FUNDS--HOW USED.**

1. From the balance of the funds coming into the hands of the commission pursuant to section **99D.11**, \$50,000 shall be used by the Iowa state university college of veterinary medicine to develop further research on the treatment of

equine injuries and diseases. The remaining funds shall be divided into

Sec. 19. NEW SECTION. 99D.16 HORSE OR ~~DOG~~ RACING--
LICENSEES--RECORDS--REPORTS--SUPERVISION. A licensee shall keep its books and records so as to clearly show the following:

1. The total number of admissions to races conducted by it on each racing day, including the number of admissions upon free passes or complimentary tickets.

2. The amount received daily from admission fees.

3. The total amount of money wagered during the race meet.

The licensee shall furnish to the commission reports and information as the commission may require with respect to its activities. The commission may designate a representative to attend a licensed race meeting, who shall have full access to all places within the enclosure of the meeting and who shall supervise and check the admissions. The compensation of the representative shall be fixed by the commission but shall be paid by the licensee.

Sec. 20. NEW SECTION. 99D.16A AUDIT OF LICENSEE OPERATIONS. Within 90 days after the end of each race meet, the licensee shall transmit to the commission an audit of the financial transactions and condition of the licensee's operations conducted under this chapter. Additionally, within 90 days after the end of the licensee's fiscal year, the licensee shall transmit to the commission an audit of the financial transactions and condition of the licensee's total operations. All audits shall be conducted by certified public accountants registered in the state of Iowa under chapter 116.

Sec. 21. NEW SECTION. 99D.17 ANNUAL REPORT OF COMMISSION. The commission shall make an annual report to the governor, for the period ending June 30 of each year. Included in the report shall be an account of the commission's actions, its financial position and results of operation under this chapter, the practical results attained under this chapter, and any recommendations for legislation which the commission deems advisable.

Sec. 22. NEW SECTION. 99D.19 NATIVE HORSES OR DOGS. A licensee shall hold at least one race on each racing day limited to horses foaled or dogs whelped in Iowa. However, if sufficient competition cannot be had among that class of horses or dogs on any day, another race for the day may be substituted. Three percent of the purse won by a horse or dog in the race limited to Iowa-foaled horses or Iowa-whelped dogs shall be used to promote the horse and dog breeding industries. The three percent shall be withheld by the licensee from the purse and shall be paid at the end of the race meeting to the state department of agriculture which in turn shall deposit it in a special fund to be known as the Iowa horse and dog breeders fund and pay it by December 31 of each calendar year to the breeder of the winning Iowa-foaled horse or Iowa-whelped dog.

Sec. 23. NEW SECTION. 99D.20 COMMISSION VETERINARIAN AND CHEMIST.

1. The commission shall employ one or more chemists or contract with a qualified chemical laboratory to determine by chemical testing and analysis of saliva, urine, blood, or other excretions or body fluids whether a substance or drug has been introduced which may affect the outcome of a race or whether an action has been taken or a substance or drug has been introduced which may interfere with the testing procedure. The commission shall adopt rules under chapter 17A concerning procedures and actions taken on positive drug reports. The commission may adopt by reference the standards of the national association of state racing commissioners, the association of official racing chemists, and New York jockey club, or the United States trotting association or may adopt any other procedure or standard.

2. The commission shall employ or contract with one or more veterinarians to extract or procure the saliva, urine, blood, or other excretions or body fluids of the horses or dogs for the chemical testing-purposes of this section. A commission veterinarian shall be in attendance at every race meeting held in this state.

3. A chemist or veterinarian who willfully or intentionally fails to Perform the functions or duties of employment required by this section shall be banned for life from employment at a race meeting held ,in this state.

Sec. 24. NEW SECTION. 99D.21 PROHIBITED ACTIVITIES--PENALTY.

1. A person is guilty of an aggravated misdemeanor for doing any of the **following**:

a. Holding or conducting a race or race meeting where the pari-mutuel system of wagering is used or to be used without a license issued by the commission.

b. Holding or conducting a race or race meeting where wagering is permitted other than in the manner specified by section **99D.10**.

c. Committing any other corrupt or fraudulent practice as defined by the commission in relation to racing which affects or may affect the result of a race.

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

3. A person wagering or accepting a wager at any location outside the betting enclosure is subject to the penalties in section 725.7.

4. A person commits a class **"D"** felony and, in addition, shall be barred for life from racetracks under the jurisdiction of the commission, if the person does any of the following:

a. Offers, promises, ~~or~~ gives anything of value or benefit to a person who is connected with racing including, but not limited to, an officer or employee of a licensee, an owner of a horse, a jockey or driver, a trainer, or handler, pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a race, or to influence official action of a member of the commission.

b. Solicits or knowingly accepts or receives a promise

of anything of value or benefit while the person is connected with racing including, but not limited to, an officer or employee of a licensee, an owner of a horse, a jockey or driver, a trainer, or handler, pursuant to an understanding or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a race, or to influence official action of a member of the commission.

Sec. 25. NEW SECTION. 99D.22 DRUGGING OR NUMBING OF HORSES OR DOGS FORBIDDEN--PENALTY.

1. As used in this section, unless the context otherwise requires:

a. "Drugging" means administering to a horse or dog any substance, foreign to the natural horse or dog prior to the start of a race.

b. "Numbing" means the applying of ice, dry ice, a cold pack, or a chemical or mechanical freezing device to the limbs of a horse or dog within ten hours before the start of a race, or a surgical or other procedure which was, at any time, performed in which the nerves of a horse or dog were severed, destroyed, or removed.

c. **"Entered"** means that a horse or dog has been registered as a participant in a specified race, and not withdrawn prior to presentation of the horse or dog for inspection and testing.

2. The general assembly finds that the practice of drugging or numbing a horse or dog prior to a race:

a. Corrupts the integrity of the sport of racing and promotes criminal fraud in the sport;

b. Misleads the wagering public and those desiring to purchase a horse or dog as to the condition and ability of the horse or dog;

c. Poses an unreasonable risk of serious injury or death to the rider of a horse and to the riders of other horses competing in the same race; and

d. Is cruel and inhumane to the horse or dog so drugged or numbed.

3. The following conduct is prohibited:

a. The entering of a horse or dog in a race by the trainer or owner of the horse or dog if the trainer or owner knows or if by the exercise of reasonable care the trainer or owner should know that the horse or dog is drugged or numbed;

b. The drugging or numbing of a horse or dog with knowledge or with reason to believe that the horse or dog will compete in a race while so drugged or numbed. However, the commission may by rule establish permissible trace levels of substances foreign to the natural horse or dog that the commission determines to be innocuous;

c. The willful failure by the operator of a racing facility to disqualify a horse or dog from competing in a race if the operator has been notified that the horse or dog is drugged or numbed, or was not properly made available for tests or inspections as required by the commission; and

d. The willful failure by the operator of a racing facility to prohibit a horse or dog from racing if the operator has been notified that the horse or dog has been suspended from racing.

4. The owners of a horse or dog and their agents and employees shall permit a member of the commission or a person employed or appointed by the commission to make tests as the commission deems proper in order to determine whether a horse or dog has been improperly drugged. The findings of the commission that a horse or dog has been improperly drugged by a narcotic or other drug are prima facie evidence of the fact. The results of the tests shall be kept on file by the commission for at least one year following the tests.

A person who violates this section ~~is guilty of a class~~ "D" felony.

Sec. 26. NEW SECTION. 99D.22A FORFEITURE OF PROPERTY.

1. ~~Anything~~ of value, including all traceable proceeds including but not limited to real and personal property, moneys, negotiable instruments, securities, and conveyances are subject to forfeiture to the state of Iowa if the item was used for any of the following:

a. In exchange for a bribe intended to affect the outcome of a race.

b. In exchange for or to facilitate a violation of this chapter.

2. All moneys, coin, and currency found in close proximity of wagers, or of records of wagers are presumed forfeited. The burden of proof is upon the claimant of the property to rebut this presumption.

3. Subsections 1 and 2 do not apply if the act or omission which would give rise to the forfeiture was committed or omitted without the owner's knowledge or consent.

Sec. 27. NEW SECTION. 99D.100 START-UP ASSISTANCE FUND. A fund shall be established in the office of the state treasurer to assist in the establishment of the commission. The account shall be funded by voluntary contributions from any person wishing to make a donation. The fund shall be used to expedite the establishment and operation of the commission. The commission shall not consider the granting of any licenses until at least fifty thousand dollars has been contributed to the fund. Whether a person has contributed to the account shall not be a factor in granting or denying a license. Contributions to the fund are refundable without interest upon application of the contributor.

Sec. 28. NEW SECTION. 99D.101 USE OF INDUSTRIAL REVENUE BONDS PROHIBITED. Industrial revenue bonds shall not be used to construct, maintain, or repair a racetrack or racing facility in the state where pari-mutuel wagering is licensed.

Sec. 29. Section 12.10, Code 1983, is amended to read as follows:

12.10 DEPOSITS BY STATE OFFICERS. All elective and appointive state officers, boards, commissions, and departments, except the state fair board, the state board of regents, Iowa state commerce commission, and the commissioner of the department of social services, shall, within ten days succeeding the collection thereof, deposit, with the treasurer of state, or to the credit of ~~said the~~

treasurer of state in any depository by-him designated by the treasurer of state, ninety percent of all fees, commissions, and moneys collected or received; the balance actually collected in cash, remaining in the hands of any officer, board, or department shall not exceed the sum of five thousand ~~dollars~~ and ~~no~~ money collected shall not be held more than thirty days. This section does not apply to the Iowa housing finance authority or to the funds received by the state racing commission under section 99D.11.

Sec. 30. Chapter 80, Code 1983, is amended by adding the following new section after section 80.25 and renumbering the remaining sections:

NEW SECTION. 80.25A PARI-MUTUEL ENFORCEMENT. The commissioner of public safety shall direct the chief of the division of a criminal investigation and bureau of identification to establish a subdivision for the purpose of enforcement of chapter **99D**. The commissioner of public safety shall appoint or assign other agents to the division as necessary to enforce chapter **99D**. All enforcement officers, assistants, and agents of the division are subject to section 80.15 except clerical workers.

Sec. 31. Section 99A.2, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The intentional possession or willful keeping of a gambling device upon any licensed premises, except as provided in this chapter, is cause for the revocation of any license upon the premises where the gambling device is found. Possession by an employee of the licensee on the premises of the licensee ~~shall-give-rise-to-the~~ creates a presumption of intentional possession by the licensee.

Sec. 32. Section 537A.4, unnumbered paragraph 2, Code 1983, is amended to read as follows:

This section ~~shall~~ does not apply to a contract for the operation of or for the sale or rental of equipment for games of skill or games of chance, if both the contract and the games are in compliance with chapter **99B**. This section does'

not apply to wagering under the pari-mutuel method of wagering authorized by chapter 99D.

Sec. 33. Chapter 556, Code 1983, is amended by adding the following new section:

NEW SECTION. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS.

All unclaimed pari-mutuel wagering winnings not claimed by the person who placed the wager within sixty days of the close of the racing meet during which the wager was placed are presumed abandoned.

Sec. 34. Section 725.7, code 1983, is amended by striking the section and inserting in lieu thereof the following:

725.7 GAMING AND BETTING--PENALTY.

1. Except as permitted in chapters **99B** and **99D**, a person shall not do any of the following:

- a. Participate in a game for any sum of money or other property of any value.
- b. Make any bet.
- c. For a fee, directly or indirectly, give or accept anything of value to be wagered or to be transmitted or delivered for a wager to be placed within or without the state of Iowa.
- d. For a fee, deliver anything of value which has been received outside the enclosure of a racetrack licensed under chapter **99D** to be placed as wagers in the pari-mutuel pool or other authorized systems of wagering.
- e. Engage in bookmaking.

2. A person convicted of a violation of this section, upon conviction or plea of guilty, is guilty of:

- a. For a first offense:
 - (1) Illegal gaming in the fourth degree if the amount involved does not exceed one hundred dollars. Illegal gaming in the fourth degree is a serious misdemeanor.
 - (2) Illegal gaming in the third degree if the amount involved exceeds one hundred dollars but does not exceed five hundred dollars. Illegal gaming in the third degree is an aggravated misdemeanor.

(3) Illegal gaming in the second degree if the amount involved exceeds five hundred dollars but does not exceed five thousand dollars. ~~Illegal~~ gaming in the second degree is a class "D" felony.

(4) Illegal gaming in the first degree if the amount involved exceeds five thousand dollars. Illegal gaming in the first degree is a class "C" felony.

b. For a second offense, the offense is one degree greater than what the offense would be if the offense had been a first offense.

c. For a third offense, the offense is two degrees greater than what the offense would be if the offense had been a first offense.

d. For a fourth and any subsequent offense, the offense is three degrees greater than what the offense would be if the offense had been a first offense.

The maximum sentence imposed for a violation of this section shall be the same as that of a class "C" felony under section 902.9.

Sec. 35. Chapter 725, Code 1983, is amended by adding the following new sections:

NEW SECTION. "BOOKMAKING" DEFINED. "Bookmaking" means advancing gambling activity by accepting bets upon the outcome of future contingent events as a business other than as permitted in chapters 99B and 99D. These events include, but are not limited to, the results of a trial or contest of skill, speed, power, or endurance of a person or beast or between persons, beasts, fowl, motor vehicles, or mechanical apparatus or upon the result of any chance, casualty, unknown, or contingent event.

NEW SECTION. This chapter does not prohibit the ~~establishment~~ and operation of a state racing commission and pari-mutuel betting on horse or dog races as provided in chapter 99D.

Sec. 36. Notwithstanding section 4 of this Act, the governor shall appoint initial members of the commission

established under that section to staggered terms, two to ~~end the~~ year following appointment, two to end two years following appointment, and one to end three years following appointment. The governor shall appoint initial members in the same manner as vacancies, subject to section 2.32.

Sec. 37. Sections 1 through 25 of this Act are created as a new chapter 99D.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 92, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

S.F. 92

HOUSE FILE 119

'AN ACT

TO REVISE THE DUTIES OF ASSESSORS RELATIVE TO THE REGISTRATION
AND LICENSING OF MOBILE HOMES.

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

Section 1. Section 135D.26, subsection 2, Code 1983, is amended to read as follows:

2. After complying with ~~the provisions of~~ subsection 1, the owner shall notify the assessor who shall inspect the new premises for compliance. If a security interest is noted on the certificate of title, the assessor shall require an affidavit, as defined in section 622.85, from the mobile home owner, declaring that the owner has complied with subsection 1, paragraph "C", and shall send notice of the proposed conversion to the secured party by regular mail not less than ten days before the conversion becomes effective. When the mobile home is properly converted, the assessor shall then collect the mobile home vehicle title, ~~registration card, and, unless the registration plates are retained to be attached to another mobile home, the registration plates from the owner.~~ ~~The assessor shall~~ enter the property upon the tax rolls.

Sec. 2. Section 441.17, subsection 10, Code 1983, is amended to read as follows:

10. Measure the exterior length and exterior width of all mobile homes except those for which said measurements are contained in the manufacturer's and importer's certificate of origin, and report said the information to the county treasurer. Check all mobile homes and travel trailers for ~~violations of registration and for~~ inaccuracy ~~of of~~ measurements as necessary or upon written request of the county treasurer and check travel trailers for violations

of registration and report such the findings immediately to the county treasurer. If a mobile home has been converted to real estate the ~~registration certificate, registration plates, and~~ title shall be collected and returned to the county treasurer for cancellation. If ~~the registration fees and any~~ taxes due for prior years have not been paid, the assessor shall collect the unpaid ~~registration fees and~~ taxes due as a condition of conversion. ~~It shall be the further duty of the~~ The assessor ~~to shall~~ make sufficiently frequent inspections and checks within ~~his entire~~ the assessor jurisdiction of all mobile homes and mobile home parks and travel trailers and make all the required and needed reports to carry out the ~~intents and~~ purposes of this section.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 119, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

H.F. 119

HOUSE FILE 184

AN ACT

RELATING TO THE FINANCIAL MANAGEMENT OF STATE AND LOCAL PROGRAMS BY PROVIDING FOR THE REDUCTION, TRANSFER, APPROPRIATION OR REVERSION OF STATE AND LOCAL FUNDS; THE TIME WHEN UNCLAIMED DEPOSITS AND REFUNDS HELD BY UTILITIES ARE PRESUMED ABANDONED, CREDITING THE UNCLAIMED DEPOSITS AND REFUNDS, AND WHEN ABANDONED PROPERTY MUST BE CLAIMED FROM THE TREASURER OF STATE; RELATING TO FUNDS AVAILABLE TO AREA EDUCATION AGENCIES FOR SPECIAL EDUCATION SUPPORT SERVICES; AND RELATING TO THE AUTHORITY OF THE SCHOOL BUDGET REVIEW COMMITTEE OVER POSITIVE AND NEGATIVE BALANCES OF SCHOOL DISTRICT MONEYS FOR SPECIAL EDUCATION INSTRUCTION PROGRAMS.

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

DIVISION 1

Section 1. REVERSION OF UNENCUMBERED FUNDS IN STATE VEHICLE DISPATCHER'S DEPRECIATION FUND. Notwithstanding section 18.120, any appropriated moneys which have been credited or accrued to the depreciation fund of the state vehicle dispatcher by a state department or agency and which are unencumbered balances to the state department or agency through September 30, 1982 shall revert to the general fund of the state.

Sec. 2. NEW SECTION. 249.14 OLD-AGE ASSISTANCE REVOLVING FUND. The old-age assistance revolving fund shall remain in the state treasury until all property managed by the department and maintained by the fund is disposed of, at which time all money in the fund shall be transferred to the general fund of the state and the fund shall be closed. If the balance of the fund exceeds fifteen thousand dollars at the end of any calendar quarter, the excess over that amount shall be transferred to the general fund of the state.

Sec. 3. 1973 Iowa Acts, chapter 186, section 27, unnumbered paragraph 2, is amended by striking the unnumbered paragraph.

sec. 4. 1981 Iowa Acts, chapter 11, section 11, subsection 2 and subsection 3, unnumbered paragraph 1, are amended to read as follows:

2. For capital improvements at the Iowa state penitentiary, including relocating the infirmary and visiting room	\$ 2,000,000	\$ 1,200,000
		<u>990,000</u>

For renovation and construction at the mental health institute at Mount Pleasant and planning for construction at the Iowa security medical facility	\$ 3,500,000	\$ 1,730,000
	<u>3,120,000</u>	<u>130,000</u>

sec. 5. Five million fifty thousand (5,050,000) dollars of the remaining funds appropriated by 1981 Iowa Acts, chapter 11, section 11, subsection 4, and 1982 Iowa Acts, chapter 1256, section 2, for the fiscal year beginning July 1, 1982, for construction of a new two hundred bed medium security correctional facility at the Iowa security and medical facility at Oakdale, shall revert to the general fund of the state.

Sec. 6. Fifty thousand (50,000) dollars of the remaining funds appropriated by 1981 Iowa Acts, chapter 11, section 11, subsection 1, for the fiscal year beginning July 1, 1981, for capital improvements at institutions under the department of social services, shall revert to the general fund of the state.

Sec. 7. Three hundred and fifty thousand (350,000) dollars of the remaining funds appropriated by 1981 Iowa Acts, chapter 11, section 11, subsection 1, and 1982 Iowa Acts, chapter 1260, section 6, for the fiscal year beginning July 1, 1982,

for capital improvements at institutions under the department of social services, shall revert to the general fund of the state.

Sec. 8. 1982 Iowa Acts, chapter 1260, section 7, is amended to read as follows:

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>370,769</u>

<u>NEW SUBSECTION.</u> For capital	
improvements at the Iowa state	
penitentiary	\$ 500,000
	<u>240,000</u>

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. 9. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1983-1984
<u>Fiscal Year</u>

1. For capital improvements at	
institutions under the department	
of social services	\$ 400,000

2. For construction of addi-	
tional medium security correc-	
tional beds at the Iowa security	
and medical facility at Oakdale	
and at the mental health institute	
at Mount Pleasant	\$ 6,530,000

3. For capital improvements	
at the Iowa state penitentiary	\$ 970,000

4. For municipal waste treat-	
ment facilities at the Glenwood	
state hospital-school, the	
Eldora training school, and the	
Independence mental health in-	
stitute	\$ 100,000

5. Unobligated or unencumbered funds appropriated by this section for the fiscal year beginning July 1, 1983, and ending June 30, 1984, remaining on June 30, 1987, shall revert to the general fund of the state on September 30, 1987. However, if the projects for which these funds are appropriated are completed prior to June 30, 1987, the remaining unobligated or unencumbered funds shall revert to the general fund of the state on September 30 following the end of the fiscal year in which the projects are completed.

Sec. 10.

1. Notwithstanding section 222.92, moneys remaining in the hospital-schools revolving fund on June 30, 1983, shall revert to the general fund of the state on that date.

2. Section 222.92, Code 1983, is repealed.

Sec. 11. There is appropriated from the general fund of the state to the department of social services, for the fiscal year beginning July 1, 1983, and ending June 30, 1984, for capital improvements at the state hospital-schools, the

following amount, or so ~~much~~ thereof as is necessary:

1983-1984

Fiscal Year

\$3,000,000

Unobligated or unencumbered funds appropriated by this section for the fiscal year beginning July 1, 1983, and ending June 30, **1984**, remaining on June 30, 1987, shall revert to the general fund of the state on September 30, 1987. However, if the projects for which these funds are appropriated are completed prior to June 30, 1987, the remaining unobligated or unencumbered funds shall revert to the general fund of the state on September 30 following the end of the fiscal year in which the projects are completed.

DIVISION 2

Sec. 12. Section 556.4, subsections 1 and 2, Code 1983, are amended to read as follows:

1. Any deposit made by a subscriber with a utility to secure payment for, or any sum paid in advance for, utility services to be furnished in this state, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled ~~thereto to the deposit~~ for more than **seven two** years after the termination of the services for which the deposit or advance payment was made.

2. Any sum which a utility has been ordered to refund and which was received for utility services rendered in this state, together with any interest ~~thereon on the refund~~, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled ~~thereto to the refund~~ for more than **seven two** years after the date it became payable in accordance with the final determination or order providing for the refund.

Sec. 13. Section 556.18, subsection 1, Code 1983, is amended to read as follows:

1. **All** Except as provided in section 14 of this Act, all funds received under this chapter, including the proceeds

from the sale of abandoned property under section 556.17, shall ~~forthwith~~ be deposited by the ~~state~~ treasurer of state ~~in the~~ general funds of the ~~state, except that~~. However, the treasurer shall retain in a separate trust fund an amount not exceeding twenty-five thousand dollars from which ~~he the~~ treasurer shall make prompt payment of claims duly allowed ~~by him as hereinafter provided~~ under section 556.17. Any abandoned money or money received from the sale of abandoned property which totals twenty-five dollars or less becomes the property of the state on the date of receipt or sale as applicable and a claim filed for its recovery under section 556.19 shall not be allowed. Before making the deposit of more than twenty-five dollars, he the treasurer of state shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

Sec. 14. Section 556.18, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. After July 1, 1983, the treasurer of state shall credit all funds received under section 556.4, after a proportional amount has been deducted for the trust fund under subsection 1 and any costs have been deducted under subsection 2, to the energy research and development fund created under section 93.14.

Sec. 15. Section 556.20, Code 1983, is amended by adding the following new subsections:

NEW SUBSECTION. A claim for recovery of abandoned money or money received from the sale of abandoned property under section 556.17 of more than twenty-five dollars shall not be allowed if it is filed after ten years from the date of receipt of the abandoned property by the treasurer of state.

NEW SUBSECTION. Any abandoned property, other than money, which has an appraised value of more than twenty-five dollars but is not sold under section 556.17, shall be kept for ten years from the date of ~~receipt~~ by the treasurer of state. After the expiration of ten years, the treasurer of state may dispose of the abandoned property.

NEW SUBSECTION. Any abandoned property, other than money, which has an appraised **value** of twenty-five dollars or less and is not sold or offered for sale under section 556.17, may be disposed of by the treasurer of state.

NEW SUBSECTION. After abandoned property has been disposed of as provided in section 556.18 or this section, records relating to the abandoned property may be destroyed by the treasurer of state.

Sec. 16. ABANDONED PROPERTY RECEIVED BEFORE JULY 1, 1983. Any abandoned property, other than money, received by the treasurer of state under chapter 556 before July 1, 1973, and not sold under section 556.17 may be disposed of as determined by the treasurer of state. Effective July 1, 1983, a claim to recover abandoned property received by the treasurer of state before July 1, 1973 under chapter 556 shall not be allowed. Records relating to the abandoned property received before July 1, 1973 may also be destroyed by the treasurer of state. Abandoned property received by the treasurer of state on or after July 1, 1973, shall be disposed of as provided in section 556.18 or 556.20.

Sec. 17. Section 93.14, Code 1983, is amended to read as follows:

93.14 ENERGY RESEARCH AND DEVELOPMENT FUND. There is created within the council an energy research and development fund. Moneys deposited in the fund shall be used for the research and development of projects designated to improve Iowa's energy situation by developing improved methods of energy conservation, by enabling Iowans to better manage available energy resources, or through the increased

development and use of Iowa's renewable or nonrenewable energy resources. ~~Said~~ The moneys credited to the fund under section 556.18 shall be used only for the weatherisation or energy assistance program administered by the council. ~~The~~ projects will be selected by the council with the advice of knowledgeable persons appointed by the council to provide assistance.

Sec. 18. PAYMENT OF NEWLY ABANDONED DEPOSITS OR REFUNDS. A utility shall remit all deposits or refunds presumed abandoned as provided in section 12 of this Act to the treasurer of state within thirty days after the effective date of this Act or before June 30, 1983, whichever date is earlier.

DIVISION 3

sec. 19. Notwithstanding chapters 273 and 281 and sections of this chapter relating to the moneys available to area education agencies for special education support services, for the school year beginning July 1, 1982 and ending June 30, 1983, the state comptroller shall deduct from the portions of school district budgets that fund area education agency special education support services the following amounts for the listed areas:

Area 1	.....	\$	260,311
Area 2	.....	\$	47,566
Area 3	.....	\$	94,522
Area 4	.....	\$	282,467
Area 5	.....	\$	392,478
Area 6	.....	\$	221,135
Area 7	.....	\$	91,261
Area 9	.....	\$	168,425
Area 10	.....	\$	109,897
Area 11	.....	\$	1,385,693
Area 12	.....	\$	0
Area 13	.....	\$	200,404
Area 14	.....	\$	167,312

Area 15 \$ 102,716
 Area 16 \$ 30,897

The state comptroller shall determine the amount deducted from the budget of each school district in an area education agency on a proportional basis. The state comptroller shall determine from the amounts deducted from the portions of school district budgets that fund area education agency special education support services the amount that would have been local property tax revenues and the amount that would have been state aid. For the school year beginning July 1, 1983, the state comptroller shall increase the district's total state school aids available under chapter 442 for area education agency special education support services and reduce the district's property tax levy for area education agency special education support services by the amount necessary to compensate for the property tax portion of the deductions made in this section during the school year beginning July 1, 1982.

The amount deducted from a school district's budget shall not affect the calculation of the state cost per pupil or its district cost per pupil for that school year or a subsequent school year.

Sec. 20. Action taken by the state board of public instruction prior to July 1, 1983 under section 442.7, subsection 7, paragraph h, directing the state comptroller to reduce the allowable growth added to district cost per pupil in weighted enrollment for the budget year beginning July 1, 1983 and ending June 30, 1984 for special education support services costs in school districts located in area education agencies one through seven, nine through eleven, and thirteen through sixteen is nullified and the allowable growth is restored.

Sec. 21. Section 442.7, subsection 7, paragraphs g and h, Code 1983, are amended to read as follows:

g. For the school year beginning July 1, 1981 and succeeding ~~school~~ years, the amount included in the district cost per pupil in weighted enrollment for special education support services costs for each district in an area education agency ~~for a budget year~~ is the ~~amount included~~ in the district cost per pupil in weighted enrollment for special education support services costs in the base year plus the allowable growth added to state cost per pupil for special education support services costs for the budget year, except as provided in paragraph h. Funds shall be paid to area education agencies ~~as provided in section 442.25.~~

h. For the school year beginning July 1, ~~1981~~ 1983 and succeeding school years, the state board of public instruction may direct the state comptroller to increase or reduce the allowable growth added to district cost per pupil in weighted enrollment for a budget year for special education support services costs in an area education agency in the base year based upon special education support services needs in the area. However, an increase in the allowable growth can only be granted by action of the state board to restore a previous reduction or portion of a reduction in allowable growth for that year or the previous year.

Sec. 22. Chapter 442, Code 1983, is amended by adding the following new section as section 442.10:

NEW SECTION. 442.10 SPECIAL EDUCATION SUPPORT SERVICES BALANCES. Notwithstanding chapters 273 and 281 and sections of this chapter relating to the moneys available to area education agencies for special education support services, for the school year commencing July 1, 1983 and succeeding school years, the state board ~~of~~ public instruction may direct the state comptroller to deduct amounts from the portions of school district budgets that fund special education support services in an area education agency. The total amount deducted in an area shall be based upon excess special education support services unreserved and undesignated fund balances

in that area education agency for a school year. The state comptroller shall determine the amount deducted from each school district in an area education agency on a proportional basis. The state comptroller shall determine from the amounts deducted from the portions of school district budgets that fund area education agency special education support services the amount that would have been local property taxes and the amount that would have been state aid and for the next following budget year shall increase the district's total state school aids available under this chapter for area education agency special education support services and reduce the district's property tax levy for area education agency special education support services by the amount necessary for the property tax portion of the deductions made under this section during the budget year.

The amount deducted from a school district's budget shall not affect the calculation of the state cost per pupil or its district cost per pupil in that school year or a subsequent year.

Sec. 23. Section 442.9, subsection 1, paragraph a, Code 1983, is amended to read as follows:

a. As used in this chapter, "district cost per pupil" for the school year beginning July 1, 1975, and subsequent school years means district cost per pupil in weighted enrollment. The district cost per pupil for the budget year is equal to the district cost per pupil for the base year plus the allowable growth. However, district cost per pupil does not include additional allowable growth added for programs for gifted and talented children under this chapter or for school districts that have a negative balance of funds raised for special education instruction programs under section 442.13, subsection 14, paragraph b, and does not include additional allowable growth established by the school budget review committee for a single school year only.

Sec. 24. Section 442.13, subsection 5, paragraph p, Code 1983, is amended by striking the paragraph.

Sec. 25. Section 442.13, subsection 14, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

14. For the budget school year beginning July 1, 1982 and succeeding school years, as soon as possible following June 30 of the base year, the school budget review committee shall determine for each school district the balance of funds, whether positive or negative, raised for special education instruction programs under the special education weighting plan established in section 281.9. The committee shall certify the balance of funds for each school district to the state comptroller.

a. If the amount certified for a school district to the state comptroller under this subsection for the base year is positive, the state comptroller shall subtract the amount of the positive balance from the amount of state aid remaining to be paid to the district during the budget year. If the positive amount exceeds the amount of state aid that remains to be paid to the district, the school district shall pay the remainder on a quarterly basis prior to June 30 of the budget year to the state comptroller from other funds received by the district. The state comptroller shall determine the amount of the positive balance that would have been local property tax revenues and shall increase the district's total state school aids available under this chapter for the next following budget year by the amount so determined and shall reduce the district's tax levy computed under section 442.9 for the next following budget year by the amount necessary to compensate for the increased state aid.

b. If the amount certified for a school district to the state comptroller under this subsection for the base year is negative, the state comptroller shall determine the amount of the deficit that would have been state aid and the amount

that would have been property taxes for each eligible school district.

For the budget school year beginning July 1, 1982 and each subsequent school year, there is appropriated from the general fund of the state to the school budget review committee an amount equal to the state aid portion of five percent of the receipts for special education instruction programs in each district that has a positive balance determined under paragraph a for the base year, or the state aid portion of the positive balance determined under paragraph a for the base year, whichever is less, totaled on a statewide basis, to be used for supplemental aid payments to school districts. Except as otherwise provided in this paragraph, supplemental aid paid to a district is equal to the state aid portion of the district's deficit balance. The school budget review committee shall direct the state comptroller to make the payments to school districts under this paragraph.

A school district is eligible to receive supplemental aid payments during the budget year if the school district certifies to the school budget review committee that for the year following the budget year it will request the school budget review committee to instruct the state comptroller to increase the district's allowable growth and will fund the allowable growth increase either by using moneys from its unexpended cash balance to reduce the district's property tax levy or by using cash reserve moneys to equal the amount of the deficit that would have been property taxes and any part of the state aid portion of the deficit not received as supplemental aid. The state comptroller shall make the necessary adjustments to the school district's budget to provide the additional allowable growth and shall make the supplemental aid payments.

If the amount appropriated under this paragraph is insufficient to make the supplemental aid payments, the state comptroller shall prorate the payments on the basis of the amount appropriated.

Sec. 26. This Act takes effect upon its publication. However, section 10, subsection 2 of division 1 of this Act takes effect July 1, 1983.

Sec. 27. This Act, being deemed of immediate importance, takes effect from and after its publication in the Telegraph Herald, a newspaper published in Dubuque, Iowa, and in the Quad City Times, a newspaper published in Davenport, Iowa.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 184, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

SENATE FILE 184

AN ACT

INCREASING THE STATE SALES, SERVICES, AND USE TAX, PROVIDING FOR REFUNDS UNDER CERTAIN CIRCUMSTANCES FOR CONTRACTORS, AND PROVIDING A PENALTY.

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

Section 1. Section 422.43, unnumbered paragraphs 1 and 2, Code 1983, are amended to read as follows:

There is hereby imposed a tax of ~~three~~ four percent upon the gross receipts from all sales of tangible personal property, consisting of goods, wares, or merchandise, except as otherwise provided in this division, sold at retail in the state to consumers or users; a like rate of tax upon the gross receipts from the sales, furnishing or service of gas, electricity, water, heat, and communication service, including the gross receipts from such sales by any municipal corporation furnishing gas, electricity, water, heat, and communication service to the public in its proprietary capacity, except as otherwise provided in this division, when sold at retail in the state to consumers or users; and a like rate of tax upon the gross receipts from all sales of tickets or admissions to places of amusement, fairs, and athletic events except those of elementary and secondary educational institutions; and a like rate of tax upon that part of private club membership fees or charges paid for the privilege of participating in any athletic sports provided club members.

There is hereby imposed a tax of ~~three~~ four percent upon the gross receipts derived from the operation of all forms of amusement devices and games of skill, games of chance, raffles and bingo games as defined in chapter 99B, and

commercial amusement enterprises operated or conducted within the state of Iowa, ~~such~~ the tax to be collected from the operator in the same manner as is provided for the collection of taxes upon the gross receipts of tickets or admission as provided in this section.

Sec. 2. Section 422.43, unnumbered paragraph 4, Code 1983, is amended to read as follows:

There is imposed a tax of ~~three~~ four percent upon the gross receipts from the sales of optional service or warranty contracts which provide for the furnishing of labor and materials and require the furnishing of any taxable service enumerated under this section. The gross receipts are subject to tax even if some of the services furnished are not enumerated under this section. For the purpose of this division, the sale of an optional service or warranty contract is a sale of tangible personal property. ~~No additional~~ Additional sales, services or use tax shall not be levied on services, parts, or labor provided under optional service or warranty contracts which are subject to tax under this section.

Sec. 3. Section 422.43, unnumbered paragraphs 8 and 9, Code 1983, are amended to read as follows:

~~The tax herein levied shall be computed and collected as hereinafter provided. The tax herein imposed shall be at the rate of three percent.~~

There is hereby imposed a tax of ~~three~~ four percent upon the gross receipts from the rendering, furnishing, or performing of services as defined in section 422.42.

Sec. 4. Section 422.47, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. Construction contractors may make application to the department for a refund of the additional one percent tax paid under this division or the additional one percent tax paid under chapter 423 by reason of the increase

in the tax from three to four percent for taxes paid on goods, wares, or merchandise under the following conditions:

a. The goods, wares, or merchandise are incorporated into an improvement to real estate in fulfillment of a written contract fully executed prior to March 1, 1983. The refund shall not apply to equipment transferred in fulfillment of a mixed construction contract.

b. The contractor has paid to the department or to a retailer the full four percent tax.

c. The claim is filed on forms provided by the department and is filed within one year of the date the tax is paid.

A contractor who makes an erroneous application for refund shall be liable for payment of the excess refund paid plus interest at the rate in effect under section 421.7. In addition, a contractor who willfully makes a false application for refund is guilty of a simple misdemeanor and is liable for a penalty equal to fifty percent of the excess refund claimed. Interest, penalties, and interest due under this subsection may be enforced and collected in the same manner as the tax imposed by this division.

Sec. 5. Section 423.2, Code 1983, is amended to read as follows:

423. IMPOSITION OF TAX. An excise tax is imposed on the use in this state of tangible personal property purchased for use in this state, at the rate of ~~three~~ four percent of the purchase price of the property. The excise tax is imposed upon every person using the property within this state until the tax has been paid directly to the county treasurer or the state department of transportation, to a retailer, or to the department ~~as hereinafter provided~~. An excise tax is imposed on the use in this state of services enumerated in section 422.43 at the rate of ~~three~~ four percent. This tax is applicable where services are rendered, furnished, or performed in this state or where the product or result

of the service is used in this state. This tax is imposed on every person using the services or the product of the services in this state until the user has paid the tax either to an Iowa use tax permit holder or ~~has paid the tax~~ to the department of revenue.

Sec. 6. This Act, being deemed of immediate importance, takes effect March 1, 1983 from and after its publication in the Iowa City Press-Citizen, a newspaper published in Iowa City, Iowa, and in the Globe-Gazette, a newspaper published in Mason City, Iowa.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVINSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 184, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

SENATE FILE 208

AN ACT

AUTBORIZING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS UNDER
CHAPTER 419 FOR MUSEUMS, LIBRARIES, AND TOURIST INFORMA-
TION CENTERS.

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

Section 1. Section 419.1, subsection 2, paragraph a, Code
1983, is amended to read as follows:

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 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
one or more physicians for an office building to be used
exclusively by professional health care providers, including
appropriate ancillary facilities, or of any private college
or university, or any state institution governed under chapter
262 whether for the establishment or maintenance of the college
or university, or of any industry or industries for the
manufacturing, processing or assembling of any agricultural
or manufactured products, even though 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 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 museum, library, or
tourist information center, or of a telephone company, or
of a beginning businessperson for any purpose, or of any
commercial amusement or theme park, or of any housing unit

or complex for the elderly or handicapped, 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,
o r

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 208, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

S.F. 208

to be temperature corrected, only a temperature compensated meter shall be used.

SENATE FILE 225

AN ACT

TO REQUIRE THE METERING, INSPECTION AND TESTING, SEALING,
AND LICENSING OF **PUMPS** USED TO DISPENSE LIQUEFIED PETRO-
LEUM GAS.

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

Section 1. Section 324.34, unnumbered paragraph 3, Code
1983, is amended to read as follows:

The department of revenue shall make reasonable rules governing the dispensing of special fuel by distributors, special fuel dealers and licensed special fuel users. The department shall require that all pumps located at special fuel dealer locations and licensed special fuel user locations through which fuel oil or liquefied petroleum gas can be dispensed, be metered, inspected, tested for accuracy, sealed and licensed by the state department of agriculture, and that special fuel delivered into the fuel supply tank of any motor vehicle or into a motor vehicle special fuel holding tank shall be dispensed only through tested metered pumps and may be sold without temperature correction or corrected to a temperature of sixty degrees. If the metered gallonage is

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as **Senate** File 225, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

S.F. 225

HOUSE FILE 241

AN ACT

RELATING TO THE MOBILE HOME REDUCED TAX RATE AND PROPERTY
TAX CREDIT AND RENT REIMBURSEMENT FOR ELDERLY AND DIS-
ABLED PERSONS AND **MAKING** CERTAIN PROVISIONS RETROACTIVE.

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

Section 1. Section 135D.22, subsection 2, unnumbered para-
graph 1, Code 1983, is amended to read as follows:

If the owner of the mobile home was totally disabled, as
defined in section 425.11, subsection 6 on or before December
31 of the base year, is a surviving spouse having attained
the age of fifty-five years on or before December 31 of the
base year or has attained the age of sixty-five years on or
before December 31 of the base year and has an income when
included with that of a spouse which is less than ~~four~~ five
thousand ~~dollars~~ per year, no semiannual tax shall be imposed
on the mobile home. If the income is ~~four~~ five thousand
dollars or more but less than twelve thousand dollars,
the semiannual tax shall be computed as follows:

If the Household Income is:	Semiannual Tax Per Square Foot
\$ 4,000 --- 4,999.99	1-5-cents
5,000 - 5,999.99	478 <u>3.0 cents</u>
6,000 - 6,999.99	6-0 <u>5.0</u>
7,000 - 7,999.99	7-0 <u>6.0</u>
8,000 - 8,999.99	7-5 <u>7.0</u>
9,000 - 9,999.99 11,999.99	8-0 <u>7.5</u>

Sec. 2. Section 135D.22, subsections 4 and 5, Code 1983,
are amended to read as follows:

4. For the sixth through ninth years after the year of
manufacture the semiannual tax ~~shall-be is~~ ninety percent
of the tax computed according to subsection 1 or 2 of this
section, whichever is applicable.

5. For all mobile homes ten or more years after the year
of manufacture the semiannual tax ~~shall-be is~~ eighty percent
of the tax computed according to subsection 1 or 2 of this
section, whichever is applicable.

Sec. 3. Section 425.23, subsection 1, Code 1983, is amended
to read as follows:

1. The tentative credit or reimbursement shall be **the
higher-of-the-two-amounts-determined-as-follows**.

~~a. --The amount shall-be~~ determined in accordance with the
following schedule:

If the household income is:	Percent of property taxes due or rent constituting property taxes paid allowed as a credit or reimbursement:
\$ 0 --- 3,999.99	100%
4,000 0 - 4,999.99	85 <u>100%</u>
5,000 - 5,999.99	60 <u>70</u>
6,000 - 6,999.99	40 <u>50</u>
7,000 - 7,999.99	30 <u>40</u>
8,000 - 8,999.99	35 <u>30</u>
9,000 - 9,999.99 11,999.99	20 <u>25</u>

~~b. --If the claim-is-for-property-taxes-due-and-the-household
income-of-the-claimant-is-less-than-four-thousand-dollars,
the-alternative-tentative-credit-shall-be-one-hundred-twenty-
five-dollars,-but-not-to-exceed-the-amount-of-property-taxes
due-during-the-fiscal-year-next-following-the-base-year.~~

Sec. 4. Section 1 applies to claims filed on or after
January 1, 1984.

Sec. 5. Section 3 is retroactive to January 1, 1983 for
property tax credit claims filed on or after January 1, 1983
for taxes payable in the fiscal year beginning July 1, 1983
and ending June 30, 1984 and for any subsequent years. Section
3 is applicable to rent reimbursement claims filed on or after
January 1, 1984 for rents paid in calendar year 1983.

Sec. 6. This Act, being deemed of immediate importance, takes effect from and after its publication in the **Globe-Gazette**, a newspaper published in Mason City, Iowa, and in the Quad City Times, a newspaper published in Davenport, Iowa.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 241, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

Sec. 2. This Act is retroactive to January 1, 1983 for tax years beginning on or after that date.

SENATE FILE 288

AN ACT

RELATING TO THE TAX CREDIT ALLOWED IOWA RESIDENT TAXPAYERS FOR INCOME TAXES PAID TO ANOTHER STATE OR FOREIGN COUNTRY ON INCOME EARNED OUTSIDE OF IOWA AND MAKING IT RETROACTIVE.

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

Section 1. Section 422.8, subsection 1. Code 1983, is amended to read as follows:

1. The amount of income tax paid to another state or foreign country by a resident taxpayer of this state on income derived from sources ~~in-another-state-or-foreign-country~~ outside of Iowa shall be allowed as a credit against the tax computed under ~~the-provisions-of~~ this chapter, except that the credit shall not exceed what the amount of the Iowa tax would have been on the same income which was taxed by the other state or foreign country. The limitation on this credit shall be computed according to the following formula: Income earned ~~in-another-state-or-country~~ outside of Iowa and taxed by ~~such-other~~ another state or foreign country shall be divided by the total income of the resident taxpayer ~~resident-in of~~ Iowa. ~~Said~~ This quotient multiplied times the net Iowa tax as determined on the total income of the taxpayer as if entirely earned in Iowa shall be the maximum tax credit against the Iowa net tax.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 288, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

S.F. 288

SENATE FILE 314

AN ACT

RELATING TO AN EXEMPTION FROM THE STATE SALES, SERVICES,
AND USE TAXES FOR SALES BY TRADE SHOPS TO PRINTERS OF
LITHOGRAPHIC-OFFSET PLATES, PHOTOENGRAVED PLATES, EN-
GRAVINGS, NEGATIVES, COLOR SEPARATIONS, TYPESETTING, THE
END PRODUCTS OF IMAGE MODULATION OR ANY BASE MATERIALS
USED AS CARRIERS FOR LIGHT-SENSITIVE EMULSIONS, LIMIT-
ING THE AMOUNT OF REFUNDS ALLOWABLE UNDER THIS ACT, AND
MAKING IT RETROACTIVE.

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

Section 1. Section 422.45, Code 1983. 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, photo-
engraved plates, engravings, negatives, color separations,
typesetting, the end products of image modulation, or any
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, those supplies enumerated in this subsection.

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, 1983 involving the printing
process shall be filed between July 1, 1983 and September
1, 1983. 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
exceeds fifty thousand dollars the director of revenue shall
prorate the fifty thousand dollars among 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 is of the total amount
of all the allowable claims.

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

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 314, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

S.F. 314

HOUSE FILE 315

AN ACT

TO INCREASE THE JURISDICTIONAL AMOUNT OF SMALL CLAIMS COURT
TO TWO THOUSAND DOLLARS AND TO INCREASE THE SMALL CLAIMS
DOCKET FEE.

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

Section 1. Section 631.1, subsection 1, Code 1983, is amended to read as follows:

1. The following actions or claims are small claims and shall be commenced, heard and determined as provided in this chapter:

A civil action for a money judgment where the amount in controversy is ~~one~~ two thousand dollars or less, exclusive of interest and costs.

Sec. 2. Section 631.6, subsection 1, Code 1983, is amended to read as follows:

1. The docket fee for a small claims action is ~~eight ten~~ dollars. Other fees imposed for small claims shall be the same as those required in regular actions in district court, four dollars of the fee shall remain in the county treasury for the use of the county and six dollars of the fee shall be paid into the state treasury.

sec. 3. Section 631.6, unnumbered paragraph 6, Code 1983, is amended to read as follows:

All fees and costs, other than docket fees, collected in small claims actions shall be remitted to the county treasurer as provided in section ~~606.16~~ 331.705, subsection 4. The fee specified in subsection 4 shall be remitted to the secretary of state.

Sec. 4. All small claims docket fees collected by the county and remitted to the state prior to the effective date of this Act are legalized and declared to be valid.

sec. 5. If a court having proper jurisdiction declares section 1 of this Act unconstitutional because the dollar amount is excessive for a court which does not provide a jury trial, the amount in controversy provided in section 1 shall revert to one thousand dollars.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 315. Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

H.F. 315

SENATE FILE 354

. AN ACT

TO ELIMINATE THE USE OF DOCUMENTARY STAMPS AS EVIDENCE THAT
THE HEAL ESTATE TRANSFER TAX HAS BEEN PAID.

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

Section 1. Section 428A.4, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The county recorder shall refuse to record any deed, instrument, or writing, taxable under ~~the provisions of~~ section 428A.1 on for which ~~documentary stamps in the amount evidencing~~ payment of the tax determined on the full amount of the consideration in the transaction have ~~has~~ not been ~~affixed~~ paid. However, if the deed, instrument, or writing, is ~~subject to an exception provided for in~~ exempt under section 428A.2, the county recorder shall not refuse to record the document if there is filed with or endorsed on it a statement signed by either the grantor or grantee or his an authorized agent, that the instrument or writing is excepted from the tax under section 428A.2. The validity ~~of the effectiveness~~ of an instrument as between the parties ~~thereto~~, and as to any person who would otherwise be bound ~~thereby by the instrument~~, ~~shall is~~ not be affected by the failure to comply ~~herewith, nor if~~ with this section. If an instrument is accepted for recording or filing contrary to the provision hereof, shall this section the failure to comply herewith does not destroy or impair the record ~~thereof~~ as notice.

Sec. 2. Section 428A.5, Code 1983, is amended to read as follows:

428A.5 ~~STAMPS-AFFIXED~~ EVIDENCE OF PAYMENT. The amount of tax imposed by this chapter shall be paid ~~by the affixing of a documentary stamp or stamps in the amount of the tax~~ to the county recorder and the amount received and the initials of the county recorder shall appear on the face of the document or instrument ~~with respect to which the tax is paid and stamps~~

~~in excess of the amount of the tax shall not be affixed to the document or instrument. The department of revenue shall provide each county recorder with a device to be used by the recorder to evidence this information on the document or instrument.~~

Sec. 3. Section 428A.7, Code 1983, is amended to read as follows:

428A.7 ~~STAMPS-FURNISHED~~ FORMS PROVIDED BY DIRECTOR OF REVENUE. ~~The director of revenue shall cause documentary stamps to be printed and shall furnish such stamps as may be necessary to the county recorders of the state without charge. Documentary stamps may be purchased from any county recorder and may be used in payment of the tax imposed by this chapter or may be resold by the owner at any time.~~

The director of revenue shall prescribe the form of the declaration of value and shall include an appropriate place for the inclusion of special facts and circumstances relating to the actual sales price in real estate transfers. The director shall provide an adequate number of the declaration of value forms to each county recorder in the state.

Sec. 4. Section 428A.8, Code 1983, is amended to read as follows:

428A.8 REMITTANCE TO STATE TREASURER--PORTION RETAINED IN COUNTY. On or before the tenth day of each month the county recorder shall determine and pay to the treasurer of state seventy-five percent of the receipts from the ~~sale of~~ documentary stamps real estate transfer tax collected during the preceding month and the treasurer of state shall deposit ~~such the~~ receipts in the state treasury to the credit of the general fund of the state.

The county recorder shall deposit the remaining twenty-five percent of the receipts ~~to the credit of~~ in the county general fund.

The county recorder shall keep ~~such~~ records and make ~~such~~ reports with respect to the ~~documentary stamps entrusted to his custody and with respect to the sale of such stamps~~ real estate transfer tax as the director of revenue ~~shall prescribe~~ prescribes.

Sec. 5. Section 428A.10, Code 1983, is amended to read as follows:

428A.10 PENALTY. Any person, firm or corporation liable for the tax imposed by this chapter who knowingly fails to comply with ~~the provisions of sections 428A.5 and 428A.6~~ this chapter relating to the ~~attachment or cancellation of documentary stamps, shall be~~ payment of the real estate transfer tax is guilty of a simple misdemeanor.

Sec. 6. Sections 428A.6, 428A.9, and 428A.12, Code 1983, are repealed.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 354, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

SENATE FILE 355

AN ACT

RELATING TO PROCEDURES, FORMS, AND FEES FOR PERMITS AND
CONDITIONAL PERMITS ISSUED BY THE DEPARTMENT OF WATER,
AIR AND WASTE MANAGEMENT.

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

Section 1. Section 455B.105, Code 1983, is amended by
adding the following new subsection:

NEW SUBSECTION. a. Adopt, by rule, procedures and forms
necessary to implement the provisions of this chapter relating
to permits or conditional permits. The commission may also
adopt, by rule, a schedule of fees for permit and conditional
permit applications and a schedule of fees which may be
periodically assessed for administration of permits and
conditional permits. In determining the fee schedules, the
commission shall consider:

(1) The state's reasonable cost of reviewing applications,
issuing permits and conditional permits, and checking
compliance with the terms of the permits.

(2) The relative benefits to the applicant and to the
public of permit and conditional permit review, issuance,
and monitoring compliance,

It is the intention of the legislature that permit fees
shall not cover any costs connected with correcting violation
of the terms of any permit and shall not impose unreasonable
costs on any municipality.

(3) The typical costs of the particular types of projects
or activities for which permits or conditional permits are
required, provided that in no circumstances shall fees be
in excess of the actual costs to the department.

b. The fees collected by the department under this
subsection shall be remitted to the treasurer of state and
credited to the general fund of the state.

Sec. 2. Section 455B.173, subsection 5, Code 1983, is
amended by striking the subsection.

Sec. 3. Section 455B.278, subsection 1, Code 1983, is
amended to read as follows:

1. The commission shall adopt, modify, or repeal rules
establishing procedures by which permits required under this
part shall be issued, suspended, revoked, modified, or denied.
The procedures shall include provisions for application, ~~an~~
~~application-fee-sufficient-to-pay-the-administrative-costs~~
~~of-the-permit-process~~, public notice and opportunity for
public hearing, and contested cases.

Sec. 4. Section 455B.305, Code 1983, is amended to read
as follows:

455B.305 CERTIFICATION OF PLANS BY DIRECTOR. The executive
director shall ~~certify-if-disposal-projects-operated-or-planned~~
~~to-be-operated-by-or-for-cities-counties-and-those-operated~~
~~by-private-agencies-meet-the-standards-provided-for-by-this~~
~~part-i-of-division-IV-and-the-rules-of-the-commission,-by~~
~~issuing-a-permit-for-existing-disposal-projects-which-fully~~
~~comply,-and-for-planned-sanitary-disposal-projects-whose-plans~~
~~fully-comply,-with-all-provisions-of-said-part-and-rules~~
~~issued-pursuant-thereto--Permits-shall-be-issued-for-existing~~
~~disposal-sites-which-have-not-met-all-the-provisions-of-said~~
~~part-and-rules-issued-pursuant-thereto,-if-a-comprehensive~~
~~plan-for-compliance-within-the-time-limitations-required-by~~
~~said-part-is-developed-by-a-city-county-or-private-agency~~
~~and-is-approved-by-the-executive-director--Every-city-or~~
~~county-of-this-state-and-every-private-agency-involved-in~~
~~the-final-disposal-of-solid-waste-shall-qualify-for-a-permit~~
~~by-the-first-of-July-1975-or-be-subject-to-such-legal-actions~~
~~authorized-by-section-455B.307~~ issue, revoke, suspend, modify,
or deny permits for the construction and operation of sanitary
disposal projects.

Permits A permit shall be issued without-fee by the
executive director or at his-ex-her the executive director's
direction, by a local board of health, for each sanitary
disposal project operated in this state. Such-permits The

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permit shall be issued in the name of the city or county or, where applicable, in the name of the public or private agency operating ~~such~~ the project. Each sanitary disposal project shall be inspected annually by the department or a local board of health. The ~~permits~~ issued pursuant to this section shall be in addition to any other licenses, permits or variances authorized or required by law, including, but not limited to, the provisions of chapter 358A. A permit may be suspended or revoked by the executive director if a sanitary disposal project is found not to meet the requirements of ~~the provisions of~~ part 1 of this division or rules issued under part 1 of this division. The suspension or revocation of a permit may be appealed to the commission.

Sec. 5. Section 455B.334, Code 1983, is amended to read as follows:

455B.334 WASTE DISPOSAL SITE. The commission may approve or prohibit the establishment and operation of a nuclear waste disposal site in this state by a private person. In determining whether to grant or deny a ~~license~~ permit to establish and operate a nuclear waste disposal site, the commission shall consider the need for a nuclear waste disposal site and the existing physical conditions, topography, soils and geology, climate, transportation, and land use at the proposed site. If the commission decides to issue a ~~license~~ permit to establish and operate a nuclear waste disposal site, it shall establish, by rule, standards and procedures for the safe operation and maintenance of the proposed site. The commission shall also require the ~~licensee~~ permittee to provide a sufficient surety bond or other financial commitment to insure the perpetual maintenance and monitoring of the nuclear waste disposal site.

Sec. 6. Section 455B.335, subsections 1 and 2, Code 1983, are amended to read as follows:

1. Shall enforce any rules adopted under ~~the provisions of~~ this part 2 of division IV and furnish a copy of ~~such~~ the rules to each applicant for ~~any license~~ a permit required under ~~said~~ this part.

2. May ~~license~~ issue a permit to any person transporting, handling, or storing any radioactive material under rules adopted by the commission.

Sec. 7. Section 455B.415, subsection 1, Code 1983, is amended to read as follows:

1. Except as provided in subsections 2 and 4, a person shall not construct or operate a facility for the treatment, storage or disposal of a hazardous waste listed under section 455B.412, subsection 2 unless the owner or operator has obtained a permit for the facility from the executive director.

Sec. 8. Section 455B.148, Code 1983, is repealed.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 355, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

Sec. 23. Sections 2, 13, and 18 are retroactive to tax years ending after December 31, 1982. The sections shall be applicable for tax years ending after December 31, 1982, but only with respect to commodities received for the 1983 crop year.

Sec. 24. Sections 5 and 16 are retroactive to January 1, 1981 for the tax years beginning on or after January 1, 1981.

Sec. 25. Sections 4, 8, and 15 are effective January, 1, 1985 for tax years beginning on or after January 1, 1985.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 386, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

SENATE FILE 435

AN ACT

REGULATING FEES AND FILING REQUIREMENTS OF BUSINESS ENTITIES.

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

Section 1. Section 496A.7, subsection 3, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Shall not be the same as, or deceptively similar to, the name of any domestic corporation or limited partnership existing under the laws of this state or any foreign corporation or limited partnership authorized to transact business in this state, or a name the exclusive right to which is, at the time, reserved in the manner provided in this chapter or chapter.545, or the name of a corporation which has in effect a registration of its corporate name as provided in this chapter, or an assumed name which has been adopted by a domestic or a foreign corporation for use in this state in the manner provided by this chapter except that this provision ~~shall~~ does not apply if the applicant files with the secretary of state either of the following:

Sec. 2. Section 496A.105, unnumbered paragraph 4. Code 1983, is amended to read as follows:

~~Such an~~ election shall be made by filing with the secretary of state an application executed by an officer of the corporation, setting forth such the assumed name and paying to the secretary of state a filing fee of twenty forty dollars.

Sec. 3. Section 496A.105, unnumbered paragraphs 6 and 7, Code 1983, are amended to read as follows:

At the time annual license fees are payable under this chapter, a foreign corporation which has elected to adopt an assumed name shall pay to the secretary of state an annual fee of five ten dollars for such the assumed name. However,

if the assumed name was filed and became effective in December of any year, the first annual fee of five ten dollars shall be paid at the time of filing of the annual report in the second year following such that December.

If such the corporation fails to pay the annual fee when due and payable, the secretary of state shall give notice to the corporation of such the nonpayment by registered or certified mail; and if such the fee together with a penalty of live ten dollars is not paid within sixty days after such notice is mailed, the right to use such the assumed name shall cease.

Sec. 4. Section 496A.124, Code 1983, is amended by adding the following new subsection after subsection 16 and renumbering the remaining subsections:

NEW SUBSECTION. 17. Filing a copy of restated articles of incorporation of a foreign corporation holding a certificate of authority to transact business in this state, eighty dollars.

Sec. 5. Section 496C.21, unnumbered paragraph 3, Code 1983, is amended to read as follows:

~~Duplicate-origina~~ The original of each annual report of a professional corporation or foreign professional corporation shall be delivered to the secretary of state for filing, ~~and the secretary of state shall promptly deliver one of the duplicate originals to the regulating board having jurisdiction of the profession or professions which the corporation is authorized to practice.~~ The provisions of the Iowa business corporation Act relating to annual license fee ~~shall~~ apply to professional corporations.

Sec. 6. Section 504A.6, subsection 2, Code 1983, is amended to read as follows:

2. Shall not be the same as, or deceptively similar to, the name of any corporation, whether for profit or not for profit, or any limited partnership existing under the laws

of this state, or any foreign corporation, whether for profit or not for profit, or any limited partnership authorized to transact business or conduct affairs in this state, or a corporate name or limited partnership name reserved or registered as permitted by the laws of this state.

sec. 7. Section 504A.6, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A corporation may elect to adopt an assumed name if the name is not the same as or deceptively similar to the name of another domestic corporation existing under the laws of this state or of a foreign corporation authorized to transact business in this state, or the same as or deceptively similar to a name registered or reserved as permitted by the laws of this state.

The election shall be made by filing with the secretary of state an application executed by an officer of the corporation, setting forth the assumed name and paying to the secretary of state a filing fee of ten dollars.

If the assumed name complies with the provisions of this chapter the secretary of state shall issue a certificate authorizing the use of the name. However, the certificate shall not confer a right to the use of the name as against a person having a prior right to the use of the name.

At the time annual license fees are payable under this chapter, a corporation which has elected to adopt an assumed name shall pay to the secretary of state an annual fee of five dollars for the assumed name. However, if the assumed name was filed and became effective in December of any year, the first annual fee of five dollars shall be paid at the time of filing of the annual report in the second year following the December in which the assumed name was filed.

If the corporation fails to pay the annual fee when due and payable, the secretary of state shall give notice to the corporation of the nonpayment by registered or certified mail;

and if the fee together with a penalty of five dollars is not paid within sixty days after the notice is mailed, the right to use the assumed name shall cease.

A separate application and annual fee shall be filed and paid for each assumed name adopted by the corporation.

Sec. 8. Section 504A.67, subsection 2, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

2. Shall not be the same as, or deceptively similar to the name of a corporation, whether for profit or not for profit, existing under the laws of this state, or a foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in this state, or a corporate name reserved or registered as permitted by the laws of this state, or an assumed name which has been adopted by a domestic or a foreign corporation for use in this state in the manner permitted by the laws of this state. However, this provision shall not apply if the foreign corporation applying for a certificate of authority files with the secretary of state one of the following:

a. A resolution of its board of directors adopting an assumed name for use in transacting business in this state and the assumed name is not deceptively similar to the name of a domestic corporation or of a foreign corporation authorized to transact business in this state or to a name reserved or registered as permitted by the laws of this state.

b. The written consent of another corporation or holder of a reserved or registered name to use the same or deceptively similar name and one or more words are added to make the name distinguishable from the other name.

c. A certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the foreign corporation to the use of the name in this state.

The corporate name of the foreign corporation is the name

under which the corporation shall transact its business in this state unless the corporation also elects to adopt one or more assumed names as provided in this chapter.

A foreign corporation authorized to transact business in this state may elect to adopt an assumed name if the name is not the same as or deceptively similar to the name of a domestic corporation existing under the laws of this state or of another foreign corporation authorized to transact business in this state, or the same as or deceptively similar to a name registered or reserved as permitted by the laws of this state.

The election shall be made by filing with the secretary of state an application executed by an officer of the corporation, setting forth the assumed name and paying to the secretary of state a filing fee of ten dollars.

If the assumed name complies with the provisions of this chapter, the secretary of state shall issue a certificate authorizing the use of the name. However, the certificate shall not confer a right to the use of the name as against a person having a prior right to the use of the name.

At the time annual license fees are payable under this chapter, a foreign corporation which has elected to adopt an assumed name shall pay to the secretary of state an annual fee of five dollars for the assumed name. However, if the assumed name was filed and became effective in December Of any year, the first annual fee of five dollars shall be paid at the time of filing of the annual report in the second year following the December in which the assumed name was filed.

If the corporation fails to pay the annual fee when due and payable, the secretary of state shall give notice to the corporation of the nonpayment by registered or certified mail; and if the fee together with a penalty of five dollars is not paid within sixty days after the notice is mailed, the right to use the assumed name shall cease.

A separate application and annual fee shall be filed and paid. for each assumed name adopted by a foreign corporation.

Sec. 9. Section 545.102, subsection 1, Code 1983, is amended to read as follows:

1. Shall contain ~~without-abbreviation~~ the words "limited partnership" or the abbreviation "L.P.".

Sec. 10. Section 545.1105, Code 1983, is amended by adding the following dew subsections:

NEW SUBSECTION. 6. An application to reserve a limited partnership name, ten dollars.

NEW SURSECTION. 7. For furnishing a certified copy of any document, instrument, or paper relating to a limited partnership, one dollar per page and five dollars for the certificate and affixing the seal thereto; and for furnishing an uncertified copy, one dollar per page.

Sec. 11. Section 545.1106, Code 1983, is amended to read as follows:

545.1106 CERTIFICATES FILED WITH THE COUNTY RECORDER. After July 1, 1983, county recorders shall promptly send to the secretary of state copies of all limited partnership certificates and amendments to the certificates which are in effect on that date and which were filed ~~prior~~ from July 1, 1952 to July 1, 1982.

Sec. 12. The secretary of state shall direct any limited partnership existing prior to July 1, 1982, to amend its name as necessary so that it is not the same as or deceptively similar to the name of a corporation or another limited partnership by July 1, 1984.

Any limited partnership existing prior to July 1, 1982, whose name does not contain the words "limited partnership" or the abbreviation "L.P." shall file an amendment to the limited partnership certificate to add the words "limited partnership" or the abbreviation "L.P." to its name by July 1, 1984.

Sec. 2. This Act takes effect December 1 following enactment for registration fees payable on or after that date for vehicle registrations for the succeeding registration year,

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as **Senate File 450**, Seventieth General **Assembly**.

K. MARIE THAYER
Secretary of the Senate

Approved _____ 1983

TERRY E. BRAND
Governor

SENATE FILE 461

AN ACT

TO ESTABLISH A TAX STUDY COMMITTEE TO CONDUCT A STUDY OF THE
TAX STRUCTURE IN THIS STATE AND MAKING AN APPROPRIATION.

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

Section 1. PURPOSE. The general assembly finds that the state is currently facing a fiscal and economic crisis and there is a need to study the tax system of the state to:

1. Examine who pays state and local taxes in Iowa.
2. Examine the impact of state and local taxes on the state's economy, employment, the state treasury, and the citizens of the state.
3. Examine changes which could be instituted to raise revenues more equitably and to improve the performance of the state's economy.
4. Determine the enforceability of the state's tax laws.
5. Examine how the state's entire tax structure compares with the tax structures of other states.
6. Examine tax preference items.

The list of revenue raising methods and taxes to be studied shall include, but not be limited to, the sales and use tax, the personal and corporate income tax, the property tax, inheritance and estate taxes, and road use taxes.

Sec. 2. STUDY COMMITTEE CREATED. There is established a tax study committee which shall consist of nine members. The members shall be appointed as follows:

1. The majority and minority leaders of the house of representatives shall each appoint one member.
2. The majority and minority leaders of the senate shall each appoint one member.
3. The governor shall appoint four members, two of whom shall be registered democrats and two of whom shall be registered republicans, subject to confirmation by the senate.
4. One additional member who shall be appointed and approved unanimously by the governor and the majority and

minority leaders of the senate and the house of representatives and this member shall chair the committee.

All members of the tax study committee shall be appointed not later than thirty days from the effective date of this Act. The tax study committee shall hold its organizational meeting not more than thirty days following the appointment of its membership.

Sec. 3. EXPENSES AND PER DIEM. Public members of the tax study committee shall receive a per diem of forty dollars and be reimbursed for their travel and other necessary expenses actually incurred in the performance of their official duties. Legislative members shall receive, when the general assembly is not in session, a per diem of forty dollars and their travel and other expenses incurred in the performance of their official duties from funds appropriated by section 2.12. Public employees who are members of the tax study committee shall be reimbursed for travel and other expenses actually incurred in the performance of their official duties.

Sec. 4. DUTIES. The tax study committee shall conduct a comprehensive study of the state's tax system in accordance with the stated purposes of this Act. The study committee shall employ a tax study director to supervise the study. The tax study director shall hire research personnel to conduct studies which the committee may direct and the tax study director shall advise the committee. In hiring research personnel, where qualifications are comparable, preference shall be given to Iowa residents. The study committee may also employ other persons and may request assistance of any state or local government agency to obtain any data or other information which the study committee deems necessary to carry out its duties, except that the study committee or its staff shall not have access to any tax returns or return information where access is specifically limited or prohibited by statute. The state and local government agencies shall provide any assistance requested by the tax study committee.

Sec. 5. STAFF SUPPORT. The study committee may request that the legislative council provide staff for the tax study committee from the staff of the legislative service bureau and the legislative fiscal bureau.

Sec. 6. FINAL REPORT. The tax study committee shall transmit copies of its final report to the governor and the members of the general assembly on December 1, 1984. The final report shall include findings of fact and its recommendations and relevant data gathered by and for the committee.

Sec. 7. There is appropriated from the general fund of the state to the legislative council for the use of the tax study committee for the' fiscal period beginning on the effective date of this Act and ending December 31, 1984 the sum of two hundred fifty thousand (250,000) dollars, or so much thereof as is necessary, to carry out the purposes of this Act.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 461, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

u. For a copy of records or papers filed in the clerk's office, transcripts, and making a complete record, fifty cents for each one hundred words.

v. For taking and approving a bond and sureties on the bond, two dollars.

w. For receiving and filing a declaration of intention and issuing a duplicate, two dollars. For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing, four dollars; and for entering the final order and the issuance of the certificate of citizenship, if granted, four dollars.

x. In addition to the fees required in paragraph w, the petitioner shall, upon the filing of a petition to become a citizen of the United States, deposit with the clerk money sufficient to cover the expense of subpoenaing and paying the legal fees of witnesses for whom the petitioner may request a subpoena, and upon the final discharge of the witnesses they shall receive, if they demand it from the clerk, the customary and usual witness fees from the moneys collected, and the residue, if any, except the amount necessary to pay the cost of serving the subpoenas, shall be returned by the clerk to the petitioner.

y. For a certificate and seal to an application to procure a pension, bounty, or back pay for a soldier or other person, no charge.

2. For making out a transcript in a criminal case appealed to the supreme court, for each one hundred words, fifty cents.

aa. In criminal cases, the same fees for the same services as in civil cases. to be paid by the county or city initiating the action as provided in section 602.9109. When judgment is rendered against the defendant, costs collected from the defendant shall be paid to the county or city initiating the action to the extent necessary for reimbursement for fees paid.

bb. For issuing a marriage license, fifteen dollars. 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.

cc. For certifying a change in title of real estate, two dollars.

dd. In addition to all other fees, for making a complete record in cases where a complete record is required by law or directed by an order of the court, for every one hundred words, twenty cents.

ee. For providing transcripts, certificates, other documents, and services in probate matters, the fees specified in section 633.31.

ff. The jury fee and court reporter fee specified in chapter 625.

gg. Other fees provided by law.

2. The fees collected by the clerk as provided in subsection 1 shall be deposited in the court revenue distribution account established under section 602.9108, except as otherwise provided by that section or by applicable law.

3. The clerk shall keep an accurate record of the fees collected in a fee book, and make a quarterly report of the fees collected to the supreme court.

4. The clerk shall pay to the treasurer of state on the first Monday which is not a-holiday in January and July of each year all fees which have come into the clerk's possession since the date of the preceding payment, which do not belong to the clerk's office, and which are unclaimed. The clerk shall give the treasurer the title of the cause and style

of the court in which the suit is pending, the names of the witnesses, jurors, officers, or other persons involved in the action, and the amount of money to which each of the persons is entitled.> 'The treasurer of state shall deposit the funds in the general fund of the state as state revenue, provided that fees so deposited shall be paid to the persons entitled to them upon proper and timely demand. If payment of a fee is demanded, with proper proof, by the person entitled to it within five years from the date that the money is paid to the treasurer, the comptroller shall issue a warrant to pay the claim. If a person entitled to unclaimed fees does not demand payment within the five years, all rights to the fees or interest in the fees are waived and payment shall not be made.

Sec. 9106. NEW SECTION. 602.9106 CERTAIN FEES--COLLECTION AND DISPOSITION.

1. Notwithstanding section 602.9105, the fee for the filing and docketing of a complaint or information for a simple misdemeanor shall be six dollars, provided that a fee for filing and docketing a complaint or information shall not be collected in cases of overtime parking.

2. The clerk shall remit ninety percent of all fines and forfeited bail received from a magistrate or district associate judge to the city that was the plaintiff in any action, and shall provide that city with a statement showing the total number of cases, the total of all fines and forfeited bail collected, and the total of all cases dismissed. The clerk shall deposit the remaining ten percent in the court revenue distribution account established under section 602.9108.

3. The clerk shall remit all other fines and forfeited bail received from a magistrate to the treasurer of state for distribution under section 602.9107.

4. All fees and costs for the filing of a complaint or information or upon forfeiture of bail received from a magistrate shall be distributed by the clerk as follows:

a. One-half shall be remitted monthly by the clerk to the treasurer of state to be credited to the general fund of the state.

b. One-third shall be deposited in the court revenue distribution account established under section 602.9108.

c. One-sixth shall be remitted monthly by the clerk to the treasurer of state to be credited to the judicial retirement fund established under section 602.2104.

Sec. 9107. NEW SECTION. 602.9107 SCHOOL FUND REVENUES--APPROPRIATION.

1. The treasurer of state shall certify to the state comptroller the amounts received from a clerk of the district court under sections 32.2, 99.30, 127.20, 302.44, 508.15, 511.7, 515.93, 534.12, 535.5, 595.11, 602.9106, subsection 3, 644.15, and 666.3.

2. The state comptroller shall remit the amounts certified under subsection 1 on a semiannual basis to the respective county treasurers for the benefit of the temporary school fund. If the total amount certified to the state comptroller under subsection 1 for a fiscal year is less than the total amount certified during the fiscal year beginning July 1, 1984, the state comptroller shall prorate the amounts paid to school districts. Commencing in the fiscal year beginning July 1, 1984, the maximum amount a school district is entitled to receive during a fiscal year is the amount paid to the school district under this section during the fiscal year beginning July 1, 1983.

3. Any amount collected under section 602.9106, subsection 3 that is in excess of the amount to which a school district is entitled under subsection 2 shall be deposited in the general fund of the state.

4. There is appropriated to the state comptroller as much of the revenues received under section 602.9106, subsection 3 as is necessary for the distributions required under subsection 2.

AN ACT
RELATING TO THE RATE OF INSPECTION FEES PAID ON COMMERCIAL
FEEDS.

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

Section 1. Section 198.9, subsection 1, unnumbered paragraph 1, Code 1983, is amended to read as follows:

An inspection fee to be fixed annually by the secretary, at the rate of no more than ten twelve cents per ton shall be paid on commercial feeds distributed in this state, by the person who distributes the commercial feed to the consumer, subject to the following:

ROBERT T. ANDERSON
President of the **Senate**

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the **Senate** and is known as Senate File 500,. Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____ 1983

TERRYE RAN AD
Governor

SENATE FILE 524

AN ACT

RELATING TO **THE** COMPUTATION OF NET INCOME FOR PURPOSES OF
THE STATE INDIVIDUAL AND CORPORATE INCOME TAX BY PROVID-
 ING AN ADDITIONAL BUSINESS DEDUCTION FOR WAGES PAID OR
 ACCRUED FOR **WORK** DONE IN THE STATE BY CERTAIN INDIVIDUALS.

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

Section 1. Section 422.7, Code 1983, is amended **by** adding the following new subsection:

NEW SUBSECTION. 17. If the adjusted gross income includes income or loss from a small business operated by the taxpayer, an additional deduction shall be allowed in computing the income or loss from the small business if the small business hired for employment in the state during its annual accounting period ending with or during the taxpayer's tax year any of the following:

- a. A handicapped individual domiciled in this state at the time of the hiring **meets any** of the following conditions:
 - (1) Has a physical or mental impairment which substantially limits one or more major life activities.
 - (2) Has a record of that impairment.
 - (3) Is regarded as having that impairment.
- b. An individual domiciled in this state at the time of the hiring who **meets** any of the following conditions:
 - (1) Has been convicted of a felony in this or any other state or the District of Columbia.
 - (2) Is on parole pursuant to chapter 906.
 - (3) Is on probation pursuant to chapter 907, for an offense other than a simple misdemeanor.
 - (4) Is in a work release program pursuant to chapter 247A.
- c. An individual, whether or not domiciled in this state

at **the** time of the hiring, who is on parole or probation and to whom the interstate probation and parole compact under section 247.40 applies.

The amount of the additional deduction is equal to fifty percent of the wages paid to individuals named in paragraphs a, b, and c who were hired for the first time **by** that business during the annual accounting period for work done in the state. This additional deduction is allowed for the wages **paid** to those individuals successfully completing a probationary period during the twelve months following the date of first employment by the business and shall be deducted at the close of the annual accounting period.

The additional deduction shall not be allowed for wages paid to an individual who was hired to replace an individual whose employment was terminated within the twelve-month period preceding the date of first employment. However, if the individual being replaced left employment voluntarily without good cause attributable to the employer or if the individual was discharged for misconduct in connection with the **individual's** employment as determined by the Iowa department of job service, the additional deduction shall be allowed.

A taxpayer who is a partner of a partnership or a shareholder of a subchapter S corporation, **may** deduct that portion of wages qualified under this subsection paid by the partnership or subchapter S corporation based on the taxpayer's pro rata share of the profits or losses from the partnership or subchapter S corporation.

For purposes of this subsection, "physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or **more** of the body **systems** or any mental or psychological disorder, including mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

For purposes of this subsection, "**small** business" means small business as defined in section 220.1, subsection 28, except that it shall also include the operation of a farm.

Sec. 4. This Act takes effect January 1 following enactment.

DONALD	VENSON
Speake	the Ho

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 525, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____ 1983

TERRY E BRAN AD
Governor

HOUSE FILE 527

AN ACT

TO REMOVE THE SALES TAX PERMIT FEE.

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

Section 1. Section 422.53, Code 1983, is amended to read as follows:

422.53 PERMITS--APPLICATIONS FOB.

1. It ~~shall-be is~~ unlawful for any person to engage in or transact business as a retailer within this state, unless a permit ~~or-permits-shall-have has~~ been issued to him-as ~~hereinafter-prescribed the retailer under this section~~, except as ~~otherwise~~ provided in subsection 7 6. Every person desiring to engage in or conduct business as a retailer within this state shall file with the department an application for a permit ~~or-permits~~. Every application for ~~such~~ a permit shall be made upon a form prescribed by the director and shall set forth the name under which the applicant transacts or intends to transact business, the location of ~~his the applicant's~~ place ~~or-places~~ of business, and ~~such any~~ other information as the director may require. The application shall be signed by the owner if a natural person; in the case of an association or partnership, by a member or partner ~~thereof~~; in the case of a corporation, by an executive officer ~~thereof~~ or some person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of his ~~the person's~~ authority.

2. ~~At-the-time-of-making-such-application,-the-applicant shall-pay-to-the-department-a-permit-fee-of-one-dollar-for each-permit,-and-the~~ The applicant must have a permit for each place of business.

3. ~~Upon-the-payment-of-the-permit-fee-or-fees-herein required,-the~~ The department shall grant and issue to each applicant a permit for each place of business within the

state. A permit is not assignable and ~~shall-be is~~ valid only for the person in whose name it is issued and for the transaction of business at the place designated ~~therein~~. It shall at all times be conspicuously displayed at the place for which issued.

4. Permits issued under ~~the-provisions-of~~ this division ~~shall-be are~~ valid and effective ~~without-further-payment-of fees~~ until revoked by the department.

5. Whenever ~~If~~ the holder of a permit fails to comply with any of the provisions of this division or any orders or rules of the department ~~prescribed-and~~ adopted under this division, the director upon hearing after giving ten days' notice of the time and place of the hearing to show cause why the permit should not be revoked, may revoke the permit. The director ~~shall-also-have-the-power-to may~~ restore permits after ~~such~~ revocation. The director shall ~~promulgate adopt~~ rules setting forth the period of time a retailer must wait before a permit may be restored or a new permit may be issued. The waiting period shall not exceed ninety days from the date of the revocation of the permit.

6. ~~The-department-shall-charge-a-fee-of-one-dollar-for the-issuance-of-a-permit-to-a-retailer-whose-permit-has-been previously-revoked.~~

3 6. Persons ~~who are~~ not regularly engaged in selling at retail and ~~do not having~~ have a permanent place of business, but who are temporarily engaged in selling from trucks, portable roadside stands, concessionaires at state, county, district or local fairs, carnivals and the like, shall report and remit the tax on a nonpermit basis, under ~~such~~ rules as the director shall provide for the efficient collection of the sales tax ~~on-such-sales~~.

8 7. The provisions of subsection 1, dealing with lawful right of a retailer to transact business, according to the context, ~~shall~~ apply to persons having receipts from rendering, furnishing, or performing services enumerated in section

422.43, except that ~~no~~ a person holding a permit pursuant to subsection 1 shall not be required to obtain any separate sales tax permit for the purpose of engaging in business involving ~~such~~ the services.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 527, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____ 1983

TERRY E. BRANSTAD
Governor

SENATE FILE 530

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO **VARIOUS** STATE REGULATORY, ADMINISTRATIVE AND FINANCE DEPARTMENTS, BOARDS, AND COMMISSIONS.

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, 1983 and ending June 30, 1984, to the following boards the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1983-1984
Fiscal Year

1. BOARD OF ARCHITECTURAL EXAMINERS	
For salaries, support, maintenance,	
and other operational purposes	\$ 45,705
2. BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS	
For salaries, support, maintenance,	
and other operational purposes	\$ 10,642
3. BOARD OF ACCOUNTANCY	
For salaries, support, maintenance,	
and other operational purposes	\$ 272,994
4. STATE BOARD OF ENGINEERING EXAMINERS	
For salaries, support, maintenance,	
and other operational purposes	\$ 140,570

Sec. 2. There is appropriated from the general fund of the state to the following departments and commissions for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amounts, or so much thereof as may be

necessary, to be used for the following purposes:

1983-1984
Fiscal Year

1. AUDITOR OF STATE

For salaries, support, maintenance, and miscellaneous purposes \$ 1,533,301

In addition to the funds appropriated in this subsection, there is appropriated for the fiscal year beginning July 1, 1983 to the office of the auditor of state for the purpose of enhancing the internal and management functions of that office, coordinating auditing staff functions, centralizing staff, providing moving expenses and additional funds for salaries, support, maintenance, and miscellaneous purposes, and subject to the condition that the auditor of state's operational staff, equipment, and furnishings be moved from the state capitol building to an appropriate building located within the state capitol complex, and the use of the space vacated in the state capitol building be dedicated to the legislative branch of government, the sum of three hundred seventeen thousand six hundred sixty-three (317,663) dollars, or so much thereof as may be necessary. A ceremonial office for the auditor of state and not more than two staff members shall be established in the state capitol building.

2. DEPARTMENT OF BANKING

For salaries, support, maintenance, and other operational purposes \$ 3,190,430

3. IOWA BEER AND LIQUOR CONTROL DEPARTMENT

For salaries, support, maintenance, and other operational purposes \$18,948,837

Of the money appropriated in this subsection to the Iowa beer and liquor control department, two hundred eighty-two thousand (282,000) dollars shall be spent on the establishment of six mini-stores and the optical character reader pilot project.

4. CAMPAIGN FINANCE DISCLOSURE

COMMISSION

For salaries, **support**, maintenance,
and other operational purposes \$ 124,501

5. IOWA STATE **COMMERCE** COMMISSION

For salaries, support, maintenance,
and other operational purposes \$ 5,774,566

It is the intent of the general assembly that three hundred seventy-four thousand eight hundred forty-four (374,844) dollars of the amount appropriated to the commerce commission be spent for computer services. The commerce commission shall report no later than March 1, 1984 to the regulatory and finance appropriations subcommittee concerning the amount so far spent during that fiscal year on computer services.

If House File 312 introduced in the seventieth general assembly becomes law, there is appropriated for salaries, support, maintenance, and other operational purposes for the consumer advocate \$ 861,476

6. STATE COMPTROLLER

a. General Office

For salaries, support, maintenance,
and other operational purposes \$ 1,520,605

b. Division of Data Processing

For salaries, support, maintenance,
and other operational purposes \$ 6,357,859

7. CREDIT UNION DEPARTMENT

For salaries, support, maintenance,
and other operational purposes \$ 544,938

8. INDUSTRIAL COMMISSIONER

For salaries, support, maintenance,
and other operational purposes \$ 1,006,657

9. INSURANCE DEPARTMENT OF IOWA

For salaries, support, **maintenance**,

and other operational purposes \$ 2,728,767

The insurance department may expend additional funds, if those additional expenditures are actual expenses which exceed the funds budgeted for insurance company examinations and directly result from examinations of insurance companies. Before the department expends or encumbers an amount in excess of the funds budgeted for examinations, the **state** comptroller shall approve the expenditure or encumbrance. Before approval is given, the state comptroller shall determine that the examination expenses exceed the funds budgeted by the general assembly to the department and that the department does not have other funds from which examination expenses can be paid. Upon approval of the state comptroller the department may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected from those insurance companies being examined which caused the excess expenditures and the collections shall be treated as repayment receipts as defined in section 8.2, subsection 5.

10. IOWA DEPARTMENT OF JOB SERVICE

For salaries, support, maintenance,
and other operational purposes for the
administration of chapter 97 and chapter 97C and section 294.15 \$ 154,325

11. OCCUPATIONAL SAFETY AND **HEALTH**
REVIEW COMMISSION

For salaries, support, maintenance,
and other operational purposes \$ 47,034

12. PUBLIC **EMPLOYMENT** RELATIONS
BOARD

For salaries, support, maintenance,
and other operational purposes \$ 547,046

13. IOWA REAL ESTATE COMMISSION

For salaries, support, maintenance,
and other operational purposes \$ 320,431

14. DEPARTMENT OF REVENUE

a. General Administration

For salaries, support, maintenance,
and other operational purposes \$15,970,057

b. Unencumbered or unobligated funds appropriated under chapter 1257, section 12, Sixty-ninth General Assembly, 1982 Session as of June 30, 1983 shall not revert to the general fund on September 30, 1983 and those funds which remain unencumbered or unobligated as of June 30, 1984 shall revert to the general fund on September 30, 1984.

c. It is the intent of the general assembly that the department of revenue place added emphasis on the enforcement of the special fuel tax law.

15. SECRETARY OF STATE

For salaries, support, maintenance,
and other operational purposes \$ 1,087,823

It is the intent of the general assembly that the Iowa official register be published by April 1, if practicable.

16. TREASURER OF STATE

For salaries, support, maintenance,
and miscellaneous purposes \$ 380,718

In addition to the funds appropriated in this subsection, there is appropriated for the fiscal year beginning July 1, 1983 to the office of treasurer of state for the purpose of enhancing the internal and management functions of that office, providing adequate work space, providing moving expenses, and additional funds for salaries, support, and miscellaneous purposes, and subject to the condition that the treasurer of state's operational staff, equipment, and furnishings be moved from the state capitol building to an appropriate building located within the state capitol complex, and the use of the space vacated in the state capitol building be dedicated to the legislative branch of government, the sum of ninety-nine thousand eight hundred seventy (99,870) dollars, or so much as may be necessary. A ceremonial office for the

treasurer of state and not more than two staff members shall be established in the state capitol building.

Of the money appropriated in this subsection to the treasurer of state, seventeen thousand (17,000) dollars shall be spent on an accounting technician and the leasing of a computer terminal and printer.

Sec. 3. Chapter 79, Code 1983, is amended by adding the following new section:

NEW SECTION. 79.17 ADDITIONAL PAYROLL DEDUCTIONS.

1. For the purposes of purchasing insurance and at the request of five hundred or more state officers or employees, the state officer in charge of the payroll system shall deduct from the wages or salaries of the state officers or employees an amount specified by each of the officers or employees for payment to any insurance company authorized to do business in this state if the following conditions are met:

a. The request for the payroll deduction is made in writing to the officer in charge of the payroll system.

b. The pay period during which the deduction is made, the frequency, and the amount of the deduction are compatible with the payroll system.

c. The insurance coverage is not provided by the state.

2. The moneys deducted under this section shall be paid promptly to the insurance company designated by the state officers or employees. The deduction may be made even though the compensation paid to an officer or employee is reduced to an amount below the minimum prescribed by law. Payment to an officer or employee of compensation less the deduction shall constitute a full discharge of claims and demands for services rendered by the officer or employee during the period covered by the payment. The request for the deduction may be withdrawn at any time by filing a written notification of withdrawal with the state officer in charge of the payroll system.

sec. 4. There is appropriated from the general fund of the state to the moneys and credits replacement fund established in section 422.100 for the fiscal year beginning July 1, 1983 and ~~ending, June~~ 30, 1984, the following amount, or so much thereof as may be necessary, to be used for payments to counties as provided in section 422.100:

1983-1984
Fiscal Year
\$ 2,500,000

Sec. 5. There is appropriated from the general fund of the state to the county government assistance fund, established in section 334A.1, for the fiscal year beginning July 1, 1983 and ending June 30, 1984, ~~the~~ following amount, or so much thereof as may be necessary, to be used for state assistance to counties, with distribution in accordance with section 334A.2. **The** state comptroller, before making such distribution, shall credit to the county finance committee on July 1, 1983 the sum of fifty-five thousand five hundred thirty-three (55,533) dollars.

1983-1984
Fiscal Year
\$ 5,350,000

sec. 6. There is appropriated from the general fund of the state to the municipal assistance fund, established in section 405.1, for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amount, or so much thereof as may be necessary, to **be used** for state assistance to municipalities, with distribution in accordance with section 405.1. The state comptroller, before making such distribution, shall credit to the city finance committee on July 1, 1983 **the** sum of ten thousand eight hundred (10,800) dollars.

1983-1984
Fiscal Year
\$14,650,000

Sec. 7. There is appropriated from the motor vehicle fuel tax fund to the department of revenue for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amount, or so much thereof as may be necessary, for salaries, support, maintenance, and other operational purposes for administration and enforcement of the provisions of chapter 324 and the motor vehicle use tax program:

1983-1984
Fiscal Year
\$ 786,561

It is the intent of the general assembly that of the money **appropriated** in this section, the department of revenue shall spend not less than three hundred fifty-six thousand (356,000) dollars for the enforcement of the motor vehicle fuel tax program.

Sec. 8. There is appropriated from the Iowa public employees' retirement system fund for the fiscal year beginning July 1, 1983 and ending June 30, 1984, to the Iowa department of job service, the following amount, or so much thereof as may be necessary, to be used for the following purposes:

1983-1984
Fiscal Year

For salaries, support, maintenance,
and other operational purposes to pay
the costs of administration of the
Iowa public employees' retirement

system \$ 2,558,143

Sec. 9. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts unless otherwise provided by the general assembly.

Sec. 10. Chapter 9, Code 1983, is amended by adding the following new section:

NEW SECTION. In odd-numbered years, the secretary of state shall compile for publication the Iowa official register which

shall contain historical, political, and other statistics of general value, but nothing of a partisan character.

Sec. 11. Chapter 120, Code 1983, is repealed.

Sec. 12. Section 3 of this Act takes effect January 1, 1984.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 530, ' Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

June 2, 1983

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

Dear Madam Secretary:

I hereby transmit Senate File 530, an act relating to and making **appropriations** to **various** state regulatory, administrative and finance departments, boards, and commissions.

Senate Pile 530 is approved June 2, 1983, with the **following** exception.3 which I hereby disapprove.

I am unable to approve that portion of Section 2, Subsection 1, which reads as follows:

In addition to the funds appropriated in this **subsec-**
tion, there is appropriated for the fiscal year beginning July 1, 1983 to the office of the auditor of **state for** the purpose of enhancing the internal and management functions of that office, coordinating auditing staff functions, centralizing staff, providing moving expenses and additional funds for salaries, support, maintenance, and **miscellaneous purposes**, and subject to the condition that the auditor of **state's operational** staff, equipment, and furnishings be moved from the state capitol building to an appropriate building located within the state capitol complex, and the use of the space vacated in the state capitol building **be** dedicated to the legislative branch of government, the sum of three hundred seventeen thousand six hundred sixty-three (317,663) dollars, or so much thereof as may **be** necessary. **A ceremonial** office for the auditor of state and not more **than two** staff members shall **be** established in the state capitol building.

The Honorable **Mary Jane Odell**
June 2, 1983
Page 2

I am unable to approve that portion of Section 2, Subsection 3, which reads as follows:

Of the money appropriated in this subsection to the Iowa beer and liquor control department, **two** hundred eighty-two thousand **(282,000)** dollars shall be spent on the establishment of six mini-stores and the optical character reader pilot project.

I am unable to **approve** that portion of Section 2, Subsection 16, which reads as follows:

In addition to the funds appropriated in this subsection, there is appropriated for the fiscal year beginning July 1, 1903 to the office of treasurer of state for the purpose of enhancing the internal and management functions of that office, providing adequate work space, providing moving expenses, and additional funds for salaries, support, and miscellaneous purposes, and subject to the condition that the treasurer of state's operational staff, equipment, and furnishings be moved from the state capitol building to an appropriate building located within the state capitol complex, and the use of the space vacated in the state capitol building be dedicated to the legislative branch of government, the sum of ninety-nine thousand eight hundred seventy (99,870) dollars, or so much as may be necessary. A ceremonial office for the treasurer of state and not more than two staff members shall be established in the state capitol building.

Of the money appropriated in this subsection to the treasurer of state, seventeen thousand (17,000) dollars shall be spent on an accounting technician and the leasing of a computer terminal and printer.

Senate File 530 includes a separate provision requiring that \$282,000 of the \$18.9 million lump sum appropriation to the Beer and Liquor Control Department be spent on the establishment of six mini-stores in the state. The mini-stores would offer a limited selection of only the fastest-moving, high turnover wines and liquor products. They would be patterned after convenience stores in the private sector which is an experimental marketing concept for the state liquor system. The Beer and Liquor Control Department would determine the location of the mini-stores.

I am sensitive to the desire of a number of Iowa communities to secure a state liquor store. In addition, I can understand the desire of some to experiment with a new liquor marketing technique. **However**, I cannot approve this appropriation item 'because it breaks new ground in state liquor marketing at a time when the entire system is under serious review.

Specifically, on March 29 of this year I **announced** the formation of a task **force** to study Iowa's liquor system. This 14 member, **bi-partisan** task force **is** reviewing the entire state-run **liquor** system so that any changes proposed for the present system be done thoughtfully and carefully. This group will review four key areas of the state system: public **health**, safety and welfare; economic impact on the state; public convenience; and private sector competition.' Since the **proposed** mini-store concept would directly affect each of the factors listed above, I believe it **would** be precipitous to approve the mini-store concept before a full analysis of its consequences is completed by the **task force**. Instead, I will specifically **ask** the task force to review this concept and include a recommendation on it in the final report to be presented to me on December 31 of this year. As a result, the next session of the legislature will also have an opportunity to review the findings of the task force and to act accordingly.

Two of the above-mentioned provisions in Senate File 530 are designed to force the Auditor's Office and the Treasurer's Office to vacate the Capitol so that the space now occupied by those two offices can be made available to the General Assembly. The Senate amendment to Senate File 530 which attempted to accomplish these purposes made the entire fiscal year 1984 appropriation to the Auditor and Treasurer contingent upon such a move to the Lucas Building, with the space vacated to be given **to** the legislative department. However, the House struck the Senate language on this move and instead appropriated approximately 20 percent of the recommended funding level for **these** offices ostensibly for miscellaneous **expenses**, including moving **costs**, on the condition that they be moved out of the Capitol to any appropriate building within the Capitol Complex, with the use of the vacated space given to the legislature. That is the language that was finally enacted by the General Assembly.'

However, late in the session, in an apparent acknowledgement that the conditional **20** percent appropriation was in reality not **designed** to pay for the **move**, the legislature appropriated \$125,000 in the capitals bill to both the Treasurer and Auditor

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to finance the move. Thus, the legislative history of this proposal clearly indicates that the General Assembly decided to hold hostage 20 percent of the funds needed to operate the Auditor and Treasurer's Offices in order to force them to vacate the Capitol Building so that the legislature could occupy the vacated space.

Despite this threat of a cut in appropriations, both the Treasurer and Auditor have asked me to inter-veto it. While I understand the legislative **branch's** desire for additional **space, I must** agree with this request for several reasons.

1) The **unilateral** legislative effort to secure additional space infringes on the delicate balance among the three branches of state government in Iowa. This balance among the executive, legislative and judicial branches of government has been **symbolized** by the Capitol, which since its dedication in 1884 has been the home of all three branches of government in Iowa. Indeed, changes in **Capitol** space allocation among the branches have historically been made **cooperatively**. The most recent change occurred in 1978 when a committee representing all branches of government jointly agreed on a revised space allocation plan. This revised plan gave the legislature two additional committee **meeting** rooms on the first floor of the Capitol. The agreement further recognized that adequate space within the Capitol remained a problem and the **participants** were urged to work together to make any further space adjustments that might become necessary.

This unilateral legislative effort to secure additional space violates the spirit of the 1978 space allocation plan. Neither the Treasurer nor the Auditor was consulted prior to this legislative action and no effort was made to resolve differences between the executive and legislative branches on this issue prior to the passage of the legislation.

Moreover, the method used by the legislature to attempt to accomplish this move -- threatening a 20 percent cut in operational budgets for these offices -- is inappropriate. Such an **appropriation** reduction could severely hamstring the operations of these two offices and could prevent them from discharging their important executive responsibilities. **Certainly**, this space allocation issue could have been resolved without resorting to **threats** to **hamp**er executive branch operations.

2) The proposed legislative takeover of the entire Capitol space now occupied by the Auditor and the Treasurer would be an inefficient use of the Capitol. **Legislative** leaders have

indicated to me that they would plan to make the vacated space' into legislative committee rooms. If the legislature maintains the present limitation on the length of sessions, this proposed use would result in vast portions of the Capitol being vacant for up to two-thirds of every year. I believe that Iowans want their Capitol used efficiently. Indeed, I recently received a letter from a state legislator who eloquently expressed this **concern**, "A very beautiful and majestic State House will soon become just a sterile building if the legislature is **allowed** to continue the removal of the elected state officials."

3) This proposed move has not been properly planned. For example, there is no place for the Auditor or **the** Treasurer to move within the Capitol Complex. The Senate originally required a move to the Lucas Building because of a presumed vacancy in that building.. However, one floor of the Lucas Building is vacant for good reason -- it is uninhabitable since it is being, completely renovated. And the Lucas Building renovation is scheduled to continue for several more years. Therefore, the House corrected this error and required a move to any place within the Capitol Complex. However, there is no sufficient space available anywhere within the Complex. Other state agencies would have to be moved to new leased space in order to **accomodate** the move.

Moreover, the cost of such a move is large and, it is likely that the amount appropriated in the capitals bill would be insufficient to move the two offices and to remodel their Capitol quarters for use as legislative committee rooms. Also the Treasurer's vault, which was originally built in **the Capitol** for **his office**, would have to be moved and/or replaced, as would the teller cages. Those structures are not only historically valuable, they are also quite expensive to replace.

Finally, the legislature has not carefully studied its own space needs. Indeed, a space committee was appointed by the Legislative Council in December of 1982. However, the committee has yet to meet and devise a plan identifying legislative space needs and sketching out a method to meet those needs. I understand that legislative consideration of a computer purchase has spurred this desire to locate additional space. I also understand and I can sympathize. **with the** desire to locate all of the Legislative Fiscal-Bureau employees in the Capitol. But these and other. **legislative space needs should** be specifically delineated and a plan **to** meet those needs should be carefully developed prior to consideration of action to force executive branch officials out of the **Capitol**.

The **Honorable** Nary Jane Odell
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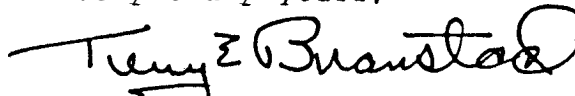
Furthermore, legislative branch space needs should be weighed against those of the executive and judicial branches and the public interest. In order to accomplish this, I suggest that a special committee be convened this summer to study Capitol space needs and to seek an agreement on the **future** allocation of that space. I pledge the full cooperation of the executive branch in such an effort.

In addition, I plan to instruct the Comptroller's **Office** to work closely with the Treasurer and Auditor to ensure the proper functioning of those offices, despite the 20 percent reduction in funding included in the legislative language at issue. Also, I will ask for a supplemental appropriation to fully fund these offices and I will urge the legislature to promptly approve that appropriation during the next session.

Finally, I am also vetoing legislative intent language in the Treasurer's appropriation which limits the allowable expenditure of \$17,000 of that appropriation. That limitation was placed in the bill **at** the time that the Treasurer's appropriation was increased by \$17,000. It was unintentionally kept in the bill when the House Appropriations Committee deleted the additional funds. Failure to delete that restriction would unnecessarily hamstring the Treasurer's Office.

For the above 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 530 are hereby approved as of this date.

Very truly yours,



Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

SENATE FILE 531

AN ACT

RELATING TO **TRANSPORTATION** BY MAKING APPROPRIATIONS TO STATE AGENCIES **WHOSE** RESPONSIBILITIES RELATE TO TRANSPORTATION, PUBLIC SAFETY, AND PUBLIC DEFENSE AND PROVIDING FOR **THE** MAINTENANCE OF **THE** FISCAL STABILITY OF CERTAIN STATE AND LOCAL AGENCIES BY PROVIDING CONDITIONS BY **WHICH THEY** BE HELD LIABLE FOR DAMAGES.

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 following named agencies for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amounts, or so much thereof as is **necessary**, for the purposes designated:

1983-1984
Fiscal Year

1. IOWA LAW ENFORCEMENT

ACADEMY

For salaries, support, maintenance, and miscellaneous purposes \$ 841,656

2. DEPARTMENT OF PUBLIC

DEFENSE

Military division

a. For salaries, support, maintenance, and miscellaneous purposes \$ 2,996,016

b. For purchases of motor fuel and special fuel \$ 28,993

Notwithstanding section 29A.33, the per capita annual allowance to units will be five dollars per capita to be paid on a semiannual basis in installments of two dollars fifty cents per capita for the fiscal year beginning July 1, 1983 and ending June 30, 1984. The per capita allowance shall be used for morale purposes and be for the welfare of the troop5 and in no circumstances expended for support and maintenance.

3. OFFICE OF DISASTER SERVICES

For salaries, support, maintenance, and miscellaneous purposes \$ 121,703

Sec. 2. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amounts, or so much thereof as is necessary, to be used for funding the following functions and programs for the purposes designated:

1983-1984
Fiscal Year

DEPARTMENT OF PUBLIC SAFETY

1. ADMINISTRATIVE FUNCTION

a. For salaries, support, maintenance, and miscellaneous purposes of the department, criminal justice information system, and radio communications \$ 4,603,217

b. For purchases of motor fuel and special fuel \$ 7,332

c. For payment of claim8 filed under the victim reparation program and for the payment of operational expenses \$ 200,000

It is the intent of the general assembly that only ten percent of the funds appropriated under this paragraph shall

be used for the ~~payment~~^{of} operational expenses.

2. INSPECTION ~~FUNCTION~~

a. For salaries, support, maintenance, and miscellaneous purposes of fire ~~marshal's~~ inspections, administration of the state building code, 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 \$ 1,034,684

b. For purchases of motor fuel and special fuel \$ 23,354

c. For repayment to the United States government for overpayments received in 1980 and 1991 for intermediate care facility inspections \$ 79,553

d. The fire marshal shall also determine which exits of the Wallace building and Hoover building should be **equipped** with panic bars and direct that the panic bars be installed by the department of general services with funds appropriated to the department of general services.

3. SECURITY FUNCTION

a. For ~~salaries~~, support, maintenance, and miscellaneous purposes of the capitol security division \$ 674,962

b. For purchases of motor fuel and special fuel \$ 2,957

4. INVESTIGATION FUNCTION

a. For salaries, support, ~~main-~~

~~tenance~~, and miscellaneous purposes, including lease or lease purchase of laboratory equipment, of the division of criminal investigation containing the bureaus of identification, drug law enforcement, welfare fraud, and beer and liquor law enforcement, 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 \$ 4,636,947

b. For purchases of motor fuel and special fuel \$ 95,107

c. For undercover purchases by the division of criminal investigation agents and local law enforcement agents \$ 200,000

5. DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE

a. For salaries, support, maintenance, and miscellaneous purposes 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 \$ 15,837,572

b. For purchases of motor fuel and special fuel \$ 936,196

c. For various crime ~~preven-~~

tion programs sponsored within
the department of public safety \$ 54,000

d. Not later than July 1, 1984, the chief of the Iowa highway safety patrol shall have developed for implementation a plan which shall be effective on that date which provides that law enforcement motor vehicles shall no longer be assigned on an individual basis to each of the Iowa highway safety patrol personnel assigned to duty in the administrative headquarters located in the Wallace building and provides for a pool of seven law enforcement motor vehicles to be located at the Wallace building and allocated on a need basis by the chief of the Iowa highway safety patrol to the Iowa highway safety patrol personnel assigned to duty in the administrative headquarters.

e. By January 1, 1984, the Iowa highway safety patrol shall not have more than seven aircraft.

6. The department of public safety shall not increase any fees to political subdivisions of the state for services provided to local law enforcement agencies unless notification has been provided by the department of public safety of the fee increases prior to March 1, 1983. The department of public safety shall determine the actual costs of services provided to local law enforcement agencies and the current allocation of those costs between the department and the local law enforcement agencies and submit its report to the transportation and law enforcement appropriations subcommittee of the standing committees on appropriations.

Sec. 3. An employee of the department of public safety or the state conservation commission who retires after the effective date of this Act is eligible for payment of life or health insurance premiums as provided for in the collective bargaining agreement covering the public safety bargaining unit at the time of retirement if that employee previously served in a position which would have been covered by that agreement. The employee shall be given credit for the service

in that prior position as though it was covered by the agreement. This section shall not operate to reduce any retirement benefits the employee may have earned under other collective bargaining agreements or retirement programs. This section is repealed July 1, 1985.

Sec. 4. There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1983-1984
Fiscal Year

STATE DEPARTMENT OF TRANSPORTATION

1. a. For salaries, support, maintenance, and miscellaneous purposes \$ 5,686,642

b. For purchases of motor fuel and special fuel \$ 63,334

2. For public transit purposes to implement a state assistance plan \$ 1,908,000

Notwithstanding chapter 8, it is the intent of the general assembly that funds appropriated for public transit purposes to implement a state assistance plan shall be allocated in whole or in part to a public transit system prior to the time actual expenditures are incurred if the allocation is first approved by the state department of transportation. A public transit system shall make application for advance allocations to the state department of transportation specifically stating the reasons why an advance allocation is required and this allocation shall be included in the total to be audited.

3. For deposit in the railroad assistance fund for branch line improvement \$ 1,000,000

Sec. 5. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1983-1984
Fiscal Year

STATE DEPARTMENT OF TRANSPORTATION

1. For salaries, support, maintenance, and miscellaneous purposes \$ **12,661,021**

2. For the purpose of making payment to the Iowa merit employment department for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A \$ 18,000

3. Unemployment compensation \$ 12,250

Sec. 6. There is appropriated from the road use tax fund to the state comptroller for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the sum of twenty-three thousand (23,000) dollars, or so much thereof as is necessary, to be used for the purpose of paying workers' compensation claims under chapter 85 on behalf of employees of the state department of transportation.

Sec. 7. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1983-1984
Fiscal Year

STATE DEPARTMENT OF TRANSPORTATION

TATION

1. For salaries, support, maintenance, and miscellaneous purposes \$ **120,011,333**

2. To be deposited in the state department of transportation materials and equipment revolving fund established by section 307A.7 for funding the increased replacement cost of vehicles \$ 2,000,000

3. For the purpose of making payments to the Iowa merit employment department for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A \$ 342,000

4. Unemployment compensation \$ 232,750

Sec. 8. There is appropriated from the primary road fund to the state comptroller for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the sum of four hundred thirty-seven thousand (437,000) dollars, or so much thereof as is necessary, for the purpose of paying workers' compensation claims under chapter 85 on behalf of the employees of the state department of transportation.

Sec. 9. There is appropriated from the state aviation fund to the state department of transportation for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amount, or so much thereof as may be necessary, to be used for the following purposes:

1983-1984
Fiscal Year

For salaries, support, maintenance, and miscellaneous purposes \$ 351,000

Sec. 10. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1983 ~~and~~ ending June 30, 1984, the following amounts, **or so** much thereof as may be necessary, to be used for the following purposes:

1983-1984
Fiscal Year

STATE DEPARTMENT OF TRANS-
PORTATION

1. For handicapped accessibility \$ 91,000
2. For Cedar Rapids materials laboratory \$ 188,000
3. Any unencumbered balance remaining as of June 30, 1987 of the funds appropriated by this section shall revert to the primary road fund on September 30, 1987.

Sec. 11. Section 25A.14, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a highway, secondary road, or street as defined in section 321.1, subsection 48, that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing highway, secondary road, or street, to new, changed, or altered design standards. In respect to highways and roads, sealcoating, asphaltting, patching, resurfacing, ditching, draining, repairing, graveling, **rocking, blading,** or maintaining an existing highway or road does not constitute reconstruction. This subsection shall **not** apply to claims based upon gross negligence.

Sec. 12. Section 25A.14, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Any claim based upon or arising out of a claim of negligent design or specification, **negligent** adoption of design or **specification,** or negligent construction or reconstruction of a public improvement as defined in section 384.37, **subsection 1,** or other public facility ~~that~~ was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing public improvement or other public facility to new, changed, or altered design standards. This subsection shall not apply to claims based upon gross negligence. This subsection takes effect July 1, 1984 and applies to all cases tried or retried on or after July 1, 1984.

Sec. 13. Section 100.18, subsection 5. Code 1983, is amended to read as follows:

5. The state fire marshal ~~or a designated subordinate~~ shall ~~annually inspect smoke detectors installed as required~~ by enforce the requirements of subsection 2 and shall implement a program of inspections to monitor compliance with the provisions of that subsection. Upon inspection, the state fire marshal shall issue a written notice to the owner or manager of a multiple-unit residential building informing the owner or manager of compliance or noncompliance with this section. The state fire marshal may contract with any political subdivision without fee assessed to either the state fire marshal or the political subdivision, for the performance of the inspection and **notification** responsibilities. The inspections authorized under this section are limited to the placement, repair, and operability of smoke detectors. Any broader inspection authority is not derived from this **section.** The state fire marshal shall adopt rules under chapter 17A

as necessary ~~to enforce this~~ section including rules concerning the placement of smoke detectors and the use of **acceptable** smoke detectors. The smoke detectors shall display a label or other **identification issued** by an approved testing agency or another label specifically approved by the state fire marshal. The state fire marshal shall not require other than single-station smoke detectors. If smoke detectors are not required under subsection 4 due to the presence of an automatic smoke detection system, the state fire marshal shall not require other than the automatic smoke detection system.

Sec. 14. Section 306.9, Code 1983, is amended by inserting after unnumbered paragraph 2 the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. It is further declared to be the policy of the state of Iowa that on construction of roads classified as freeway-expressway and which are designed with four-lane divided roadways, access controls shall be limited to the minimum level necessary to comply with federal aid requirements.

Sec. 15. Section 306A.10, Code 1983, is amended to read as follows:

306A.10 NOTICE TO FELOCATS--COSTS PAID ~~BY-STATE~~. Whenever the state department of transportation ~~shall-determine, city or county determines~~ that relocation or removal of any utility facility now located in, over, along, or under any highway or street, is necessitated by the construction of a project on routes of the national system of interstate and defense highways including extensions within cities or on streets or highways resulting from interstate substitutions in a qualified metropolitan area under title 23, U.S.C., the utility owning or operating ~~such the~~ facility shall relocate or remove, the same in accordance with statutory notice. The **costs** Of relocation or removal, including the costs of installation in a new location, shall be ascertained ~~by the state-department authority having jurisdiction over the project~~ or as determined

in condemnation proceedings for such purposes and may be paid by-the-state-out-of-the-primary-road-fund-as-part-of-the-cost of-such-federally-aided-project from participating federal aid or other funds.

Sec. 16. Section 306A.12, Code 1983, is amended to read as follows:

306A.12 LIMITATION ON REIMBURSEMENT. We ~~A~~ reimbursement shall not be made for any relocation or removal of facilities under this division chapter unless funds to be provided by federal aid amount to at least **ninety eighty-five** percent of each reimbursement payment..

Sec. 17. Section 308.4, subsection 3, Code 1983, ~~is~~ amended to read as follows:

3. There is appropriated from the general fund of the state to the state department of transportation the sum of ninety-five one hundred thousand ~~four-hundred~~ dollars for each fiscal year beginning July 1, ~~1981~~ 1983, and ending June 30, 1988. The money is to be utilized for the acquisition and construction of highway-associated project components for the great river road. Each annual appropriation shall first be used to reimburse the great river road fund established in section 312.2, with remaining funds being available for a period of one fiscal year following the year of appropriation. The state department of transportation, in co-operation with the state conservation commission and the Mississippi river parkway commission, shall administer this subsection and shall issue rules for administration in accordance with chapter 17A. A report shall ~~be~~ submitted listing the expenditures for the previous year and cumulative expenditures of all funds appropriated by this section and the report shall be incorporated in the annual report required by section 17.9.

Sec. 18. Section 312.2, subsection 5, Code 1983, is amended to read as follows:

5. The treasurer of state shall before making the above allotments credit annually to the highway grade crossing safety fund the sum of ~~five~~ seven hundred thousand dollars, credit annually from the road use tax fund the sum of five hundred thousand dollars to the highway railroad grade crossing surface repair fund, credit monthly to ~~the~~ primary road fund the dollars yielded from an allotment of sixty-five hundredths Of one percent of all road use tax funds for the ~~express~~ purpose of carrying out subsection 11 of section 307A.2, section 313.4, subsection 2, and section **307A.5**, and credit annually to the primary road fund the sum of five hundred thousand dollars to be used for paying expenses incurred by the state department of transportation other than expenses incurred for extensions of primary roads in cities. All unobligated funds provided by this subsection, except those funds credited to the highway grade crossing safety fund, shall at the end of each year revert to the road use tax fund. Funds in the highway grade crossing safety fund shall not revert to the road ~~use~~ tax fund except to the extent they exceed five hundred thousand dollars at the end of any biennium. The cost of each highway railroad grade crossing repair project shall be allocated in the following manner:

a. Twenty percent of the project cost shall be paid by the railroad company.

b. Twenty percent of the project cost shall be paid by the highway authority having jurisdiction of the road crossing the railroad.

c. Sixty percent of the project cost shall be paid from the highway railroad grade crossing surface repair fund.

Sec. 19. Section 312.2, subsection 9, Code 1983, is amended to read as follows:

9. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the Iowa department of soil conservation ~~five~~ **two** hundred fifty thousand dollars from the road use tax funds- The department

of soil conservation, in co-operation with the ~~state~~ department of transportation and the Iowa conservation commission shall expend ~~such the~~ funds, for the lease or other use of land intended for the planting or maintenance of wind erosion control barriers designed to reduce wind erosion interfering with the maintenance of highways in the state or ~~the~~ safe operation of vehicles ~~thereon on the highway~~. However, the funds shall not be expended for wind erosion control barriers located more than forty rods from the highway.

Sec. 20. Section 312.2, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 14. The treasurer of state, before making the allotment~~5~~ provided for in this section, shall credit annually to the state department of transportation one hundred thousand dollars from the road use tax funds. The state department of transportation shall expend the funds for the planting or maintenance of trees or ~~shrubs~~ in shelter belts for erosion control to reduce wind erosion interfering with the maintenance of highways in the state or the safe operation of vehicles on the highways.

Sec. 21. Section 321.211, ~~unnumbered~~ paragraph 1, Code 1983, is amended to read as follows:

Upon suspending the license of any person as authorized the department shall immediately notify the licensee in writing and upon the licensee's request shall afford the licensee an opportunity for a hearing before the director or the director's authorized agent as early as practical within not to exceed thirty days after receipt of the request in the county in which the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the director or the director's authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the department shall either

rescind its order of suspension or for good cause may extend the suspension of such license or revoke such license. There is appropriated each year from the general fund of the state to the department sixty ninety thousand dollars or so much thereof as may be necessary to be used to pay the cost of notice and personal delivery of service, **if necessary** to meet the notice requirement of this section. The department shall promulgate rules governing the payment of the cost of personal delivery of service. The reinstatement fees collected under section 321.191 shall be deposited in the general fund of the state in a manner provided in section 321.192, as reimbursement for the costs of notice under this section.

sec. 22. Section **327G.30**, Code 1983, is amended to read as follows:

3270.30 **ADJUSTMENT OF EXPENSE.** If a grade crossing surface of a railroad track and a highway, street, or alley shall require repairs or maintenance, the costs for ~~such the~~ maintenance may be paid ~~equally-by-the-owner-of-the-track, the-jurisdiction-having-primary-authority-over-the-highway, street,-or-alley,-and-the-highway-grade-crossing-surface repair-fund~~ as provided in section 312.2, subsection 5.

If the railroad corporation and the jurisdiction having authority agree on the method of crossing maintenance and establish an agreement to each contribute ~~one-third-of-the~~ costs as provided in section 312.2, subsection 5, a copy of the agreement shall be filed with the department which shall allocate an amount ~~equal-to-one-third~~ of the cost for the work if funds are available in the highway railroad grade crossing surface repair fund. The department shall make appropriate **notification** if the fund is exhausted in which case agreements shall not be made under ~~the-provisions-of~~ this section until additional funds are available. The fund shall be administered by the department.

Upon completion of the agreed repair work, a statement of costs shall be filed **with** the department by the railroad

corporation in a form and manner prescribed by the department. The department, upon approval of the statement, shall pay to the railroad corporation an amount ~~equal-to-one-third~~ of the cost of the work from the highway railroad grade crossing surface repair fund as provided in section 312.2, subsection 5. The owner of the track and the jurisdiction entering into the agreement shall each pay ~~one-third-of~~ the cost as provided in section 312.2, subsection 5.

Sec. 23. Section 331.655, subsection 1, paragraph a, Code 1983, is amended to read as follows:

a. For serving a notice and returning it, for the first person served, six dollars, and each additional person; six dollars except the fee for serving additional persons in the same household shall be three dollars for each additional **service**, or if the service of notice cannot be made or several attempts are necessary, the repayment of all necessary expenses actually incurred by the sheriff while attempting in good faith to serve the notice.

Sec. 24. Section 613A.4, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a highway, secondary road, or street as defined in section 321.1. subsection 48. that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, **improve, or alter any aspect** of an existing highway, secondary road, street, to new, changed, or altered design standards. In respect to highways and roads, sealcoating, asphaltting, patching, resurfacing, ditching, draining, repairing, graveling, rocking, blading, or maintaining an existing highway or road does not constitute

reconstruction.. This subsection shall not apply to claims based upon gross negligence.

Sec. 25. Section 613A.4. Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction Or reconstruction of a public improvement as defined in section 304.37, subsection 1, or other public facility that **was** constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or **design** theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing public improvement or other public facility to new, changed, or altered design standards. This subsection shall not apply to claims based upon gross negligence. This subsection takes effect July 1, 1984 and applies to all cases tried or retried on or after July 1, 1984.

Sec. 26. Section 613A.4, subsection 3, Code **1983**, is amended to read as follows:

3. Any claim based upon an act or omission of an officer or employee of the municipality, exercising due care, in the execution of a statute, ordinance. or regulation whether the statute, ordinance or regulation is valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of the municipality or an officer or employee of the municipality, whether or not the discretion is abused.

Sec. 27. **LEGISLATIVE INTENT.** It is the intent of sections 11 and 24 of this legislation, to define those **cases** in which a state or municipality, by its highway **or, road** construction or reconstruction policy, may be liable for negligent acts or omissions, and it is not the intent of this legislation to affect **those** rights, claims, or defenses which exist in

the **law** and which are in areas of litigation other than highway or road construction or reconstruction. The rule of statutory construction that the express mention of one thing implies the exclusion of the other does not apply to **this** Act.

Sec. 28. **NEW SECTION.** The doctrine of joint and several liability shall not apply if a plaintiff is found to bear any comparative negligence with respect to any claim.

Sec. 29. Sections 11, 24 and 26 of **this** Act shall apply to all cases tried or retried after July 1, 1983. Section 28 of this Act shall apply to cases tried or retried on or after July 1, 1984.

Sec. 30. The legislative council is directed to establish a joint subcommittee of the senate committee on judiciary, the house committee on judiciary and law enforcement, and the senate and house committees on commerce, to be composed of eight members of the house and eight members of the senate, to study the matter of comparative negligence, comparative fault and contributory negligence as they apply to the broad spectrum of tort law in Iowa, during the interim between the Seventieth General Assembly's first and second session. This joint subcommittee shall be authorized to meet for not less than five days.

Sec. 31. Notwithstanding the provision of section 423.24. there is transferred from revenues collected under chapter 423 during the fiscal year beginning July 1, 1983 and ending June 30, 1984, from the use tax imposed on motor vehicles, trailers and motor vehicle accessories and equipment under section 423.7 the sum of one million (**1,000,000**) dollars which shall be transferred to the state department of transportation for public transit assistance for the fiscal year beginning July 1, 1983 and ending June 30, 1984. The funds transferred under this section to the state department of transportation for public transit assistance shall be considered an advance of funds to be received for public transit assistance under

the Surface Transportation Assistance Act of 1982 and the road use tax fund ~~shall~~ **receive** reimbursement of the funds from receipts received by the state department of transportation **for** public transit assistance from the United States government **pursuant** to the Surface Transportation Assistance Act of 1982 during the fiscal period **beginning** July 1, 1983 and ending June 30, 1985.

Sec. 32. Notwithstanding the provisions of section 423.24, there is transferred from revenues collected under chapter 423 during each year of the fiscal period beginning July 1, 1983 and ending June 30, 1985 from the use tax imposed on motor vehicles, trailers and motor vehicle accessories and equipment under section 423.7 the sum of seven million five hundred thousand (7,500,000) dollars which shall be transferred to the special railroad facility fund to be used exclusively for the purposes provided in this section. The Iowa railway finance authority may enter into a partnership agreement as allowed under section 3078.7, subsection 7, for the purpose of acquiring **the** right-of-way of the Chicago, Rock Island and Pacific railroad. The funds shall be expended to supplement private investment capital obtained for that purpose by matching any private investment capital on an **equal** basis. The funds transferred to the special railroad facility fund under this section shall be considered an interest-free loan to be repaid to the road use tax fund from receipts credited to the special railroad facility fund under section 307B.23.

The Iowa railway finance authority shall obtain a lien against the ~~railroad~~ right-of-way and related materials to secure the loan and secure repayment. If the purchase of the railroad right-of-way is not completed by January 1, 1986, the entire amount of the loan shall become due and payable.

Sec. 33. If the governor finds that the estimated budget resources during the fiscal year beginning July **1**, 1983 and ending June 30, 1984, are **insufficient** to pay all

appropriations in full prior to February 1, 1984, **and the** governor's findings are concurred in by the executive council, the governor shall not make any reductions in allotment as allowed under section 8.31 until the transfers authorized by this section have been made.

Notwithstanding the provisions of section 423.24, there shall be transferred from the revenues collected under chapter 423 in the fiscal year beginning July 1, 1983 and ending June 30, 1984, from the use tax collected on motor vehicles, trailers and motor vehicle accessories and equipment under section 423.7 an amount necessary to provide the estimated budget resources necessary to pay all appropriations in full. However, the total amount transferred prior to February 1, 1984, shall not exceed twelve million five hundred thousand **(12,500,000)** dollars.

If upon transfer of the twelve million five hundred thousand **(12,500,000)** dollars authorized by this section, the governor finds that the estimated budget resources during the fiscal year are insufficient to pay all appropriations in full and the executive council concurs in the governor's findings, the governor may make the reductions of allotments allowed under section 8.31.

Any funds transferred to the general fund of the state under this section prior to February 1, 1984, shall be considered an interest-free loan and the loan shall be repaid from the general fund of the state to the road use tax fund not later than **May** 31, 1984.

Sec. 34. Notwithstanding section 312.2, subsection 5, the treasurer of state shall credit to the highway railroad grade crossing surface repair fund from the road use tax fund the sum of four hundred thousand dollars for each year of the fiscal biennium beginning July 1, 1983 and ending June 30, 1985. The moneys allocated under this section shall be in addition to the funds credited to the fund under section 312.2, subsection 5.

Sec. 35. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants and receipts unless otherwise provided by the general assembly.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 531, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor



OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANSTAD
GOVERNOR

June 3, 1983

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

Dear Madam Secretary:

I hereby transmit Senate File 531, an act relating to **transportation** by making appropriations to state agencies whose responsibilities relate to transportation, public safety, and public defense and providing for the maintenance of the fiscal stability of certain state and local agencies by providing conditions by which they may be held liable for damages.

Senate File 531 is approved June 3, 1983, with the following exceptions which I hereby disapprove.

I am unable to approve that item designated in the Act as Section 33, which reads as follows:

Sec. 33. If the governor finds that the estimated budget resources **during** the fiscal year beginning July 1, 1983 and ending June 30, 1984, are insufficient to pay all appropriations in full prior to February 1, 1984, and the governor's findings are concurred in by the executive **council**, the governor shall not make any reductions in allotment as allowed under section 8.31 until the transfers authorized by this section have been made.

Notwithstanding the provisions of section 423.24, there shall be transferred from the revenues collected under **chapter 423** in the fiscal year beginning July 1, 1983 and ending June 30, 1984, from the use tax collected on motor vehicles, trailers and motor vehicle accessories and **equipment** under section 423.7 an amount necessary to provide the estimated budget resources necessary to pay all appropriations in full. **However**, the total amount transferred prior to February 1, 1984, shall not exceed twelve million five hundred thousand (12,500,000) dollars.

The Honorable Mary Jane Ode11
June 3, 1983
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If upon transfer of the twelve million five hundred thousand (12,500,000) dollars authorized by this section, the governor finds that the estimated budget resources during the fiscal year are insufficient to pay all appropriations in full and the executive council concurs in the governor's findings, the governor may make the reductions of allotments allowed under section 8.31.

Any funds transferred to the general fund of the state under this section prior to February 1, 1984, shall be considered an interest-free loan and the loan shall be repaid from the general fund of the state to the road use tax fund not later than May 31, 1984.

Section 33 of Senate File 531 would allow the transfer of up to \$12.5 million of the use tax on motor vehicles from the Road Use Tax Fund (RUTF) to the state's general fund if revenue estimates are less than total appropriations. This transfer is required to be implemented prior to any action to reduce state allotments under section 8.31 of the Code of Iowa. The transfer must be made prior to February 1, 1984 and the amounts transferred must be repaid to the RUTF no later than May 31, 1984.

I can understand the legislative desire to provide for alternatives to across-the-board budget cuts. I, too, view such cuts as one of the last resorts to be used to balance the state budget. However, I cannot approve this section of Senate File 531 because it would not effectively forestall such a cut, it could tempt the General Assembly into funding on-going state programs with RUTF, and it could unnecessarily disrupt the expenditure of these funds for needed road projects.

This concept was added to Senate File 531 as an amendment during debate in the House. The House amendment did not specifically include a provision to repay these funds to the RUTF. However, intent language was added stating that the legislature would repay these funds no later than June 30, 1985. As a result, the ending fiscal year 1984 balance, which is calculated based on the status of the general fund on June 30, 1984, would have been increased by the amount of the transfer,

The Honorable Mary Jane Ode11

June 3, 1983

Page 3

However, the conference committee report which was passed by the legislature requires repayment by May 31, 1984 -- one month before the close of the 1994 fiscal year. Thus, the fiscal year 1984 ending balance for the general fund would not be affected by the transfer. There would be no net increase in the general fund balance.

The **Governor** must base the decision to exercise a section 0.31 budget reduction on the expected ending general fund balance. Since Section 33 would have no impact on that balance, it would not act as an alternative to an across-the-board budget cut. Therefore, this section would apparently be unable to meet its intended purpose.

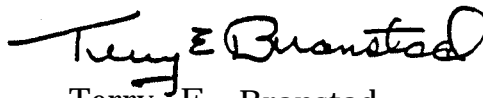
Moreover, the section could have adverse impacts. This provision would prevent the Department of Transportation from budgeting for the use of the \$12.5 million available for transfer since those funds would potentially be placed in the state's general fund for a few months of every year. This would lead to an unstable road repair program with fluctuations in the work force and in the accompanying supply system. Those funds would be better spent on highway projects where they could create jobs and economic activity, especially in light of the fact that they would provide no net benefit to the state's general fund.

Also, I am concerned that this provision could tempt the General Assembly into funding on-going state operations with funds intended for the RUTF. At one time, a portion of the sales tax on automobile parts and accessories was earmarked for the RUTF. However, a temporary diversion to balance the general fund and to meet budget priorities eventually resulted in a permanent loss of the revenue to the RUTF. I am concerned that the same temptation could exist as a result of this temporary effort to balance the general fund.

The Honorable Mary Jane Ode11
June 3, 1983
Page 4

For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 531 are hereby approved as of this date.

Very truly yours,


Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

HOUSE FILE 532

AN ACT

TO PROVIDE FOR THE ESTABLISHMENT OF PROGRAMS RELATING TO
SCIENCE, MATHEMATICS, AND FOREIGN LANGUAGES, AND TO MAKE
AN APPROPRIATION.

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

Section 1. NEW SECTION. 257.31 SOFTWARE CLEARINGHOUSE.

1. The state board of public instruction under its authority granted in section 257.10, subsection 14, shall establish a computer software clearinghouse for instructional purposes to perform the following services for school districts, area education agencies, and merged area schools in this state:

- a. Acquire computer programs based upon curricular needs of educational agencies.
- b. Evaluate computer programs as to their appropriateness to educational programs used in this state.

C. Catalog and organize computer programs.

d. Reproduce and distribute computer programs.

e. Provide for the development of appropriate educational materials to accompany the computer programs.

2. The state board shall establish a committee to coordinate the activities of the clearinghouse. The members of the committee shall meet as often as necessary to accomplish their duties and shall receive reimbursement for travel and necessary expenses from funds appropriated in this section.

The committee may negotiate agreements with public and private agencies in order to perform the services listed in subsection 1 and may charge users of the services listed in subsection 1 reproduction costs and other costs associated with the services.

3. There is appropriated from the general fund of the state to the department of public instruction, for the fiscal year beginning July 1, 1984 and each fiscal year thereafter, the sum of two hundred fifty thousand (250,000) dollars, or so much thereof as is necessary, to fund the computer software clearinghouse.

Sec. 2. NEW SECTION. 261.5 GUARANTEED LOAN PAYMENT PROGRAM. There is established a guaranteed student loan payment program to be administered by the commission. An individual who meets all of the following conditions is eligible for reimbursement payments under the program if the individual:

1. Is a teacher employed on a full-time basis under sections 279.13 through 279.19 in a school district in this state or is a teacher in an approved nonpublic school in this state.

H.F. 532

OPI
6250,000
standing 85 —

2. Has an outstanding debt with an eligible lender under the Iowa guaranteed **student** loan program as of the beginning of a **school** year.

3. Has never defaulted on a loan guaranteed by the commission or by the federal government.

4. Teaches one or more of the following during that school year.

a. A sequential mathematics course at the advanced algebra level or higher.

b. A chemistry, advanced chemistry, physics or advanced physics course.

5. Graduated from college after January 1, 1983 with a major in mathematics or science.

The commission shall adopt rules under chapter 17A to provide for the administration of this program.

There is appropriated from the general fund of the state to the Iowa college aid commission, the sum of thirty thousand (30,000) dollars, or as much thereof as is necessary, for the fiscal year beginning July 1, 1983, and the sum of sixty thousand (60,000) dollars, or as much thereof as is necessary, for the fiscal year beginning July 1, 1984 and each succeeding fiscal year, to make the reimbursement payments required under this section.

Maximum annual reimbursement payments to an eligible teacher for loan repayments made during a school year shall be equal to one thousand dollars or the remainder of a loan, whichever is less. Total payments for an eligible teacher shall not exceed six thousand dollars. If a teacher fails to complete a year of instruction in a course listed in subsection 4, the teacher shall not be reimbursed for loan repayments made during that school year.

Sec. 3. Section 442.39, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. For the school year beginning July 1, 1983 and succeeding school years, a school district

receiving additional funds under subsection 2 for its pupils at the ninth grade level and above that are enrolled in sequential mathematics courses at the advanced algebra level and above; chemistry, advanced chemistry, physics or advanced physics courses; or foreign language courses at the second year level and above shall have an additional weighting of one pupil added to its total.

Sec. 4. **NEW SECTION. 442.44 APPROPRIATION FOR SPECIAL COURSES.** The state comptroller shall pay to each school district in this state an amount equal to fifty dollars times the sum of the number of pupils enrolled for the entire school year on a full-time equivalent basis in foreign language courses at the first-year level and twenty-five dollars times the sum of the number of pupils enrolled for the entire school year on a full-time equivalent basis in sequential mathematics courses at the advanced algebra level and above and in chemistry, advanced chemistry, physics and advanced physics courses.

Payment for a budget year shall be determined on the basis of the full-time equivalent enrollment in the courses for the base year.

The department of public instruction shall adopt rules under chapter 17A to carry out this section.

For the school year beginning July 1, 1984 and each succeeding school year, there is appropriated from the general fund of the state to the state comptroller an amount sufficient to make the payments to school districts required by this section. Moneys received by a school district under this section are miscellaneous income. Moneys received by a school district for pupils enrolled in science and mathematics courses shall be used only for purchase of equipment and supplies.

Sec. 5. Section 261.2, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. Prepare and administer the Iowa science and mathematics loan program under this, chapter.

DPI
Mark
Sec
Foreign
\$5.50
standing
unlimited

colleg Aid
30,000
60,000
standing

doesn't
say what
kind

5 Sec. 6. NEW SECTION. 261.28 ~~SCIENCE AND MATHEMATICS~~
~~LOAN PROGRAM~~ The Iowa science and mathematics loan program
 is established to be administered by the commission. The
 purpose of the loan ~~program~~ is to assist teachers to obtain
 or to upgrade their teaching authorization in the areas of
 science or mathematics. The commission shall adopt rules
 under chapter 17A, in consultation with the board of
 educational examiners, to administer the program. The rules
 shall provide that loans not be granted to teachers for the
 purpose of improving their knowledge of subject content or
 teaching skills in order to teach courses in subject matter
 areas for which they possess approval granted by the board
 of educational examiners. The rules shall also provide that
 priority for loans be given to teachers possessing minimal
 qualifications for teaching science or mathematics.

Sec. 7. NEW SECTION. 261.29 **LOANS TO TEACHERS.** Loans
 may be granted only to a person possessing a valid teacher's
 certificate issued under chapter 260. The annual amount of
 a loan to a teacher enrolled as a full-time student shall
 not exceed one thousand dollars for the fiscal year beginning
 July 1, 1983 and one thousand five hundred dollars for each
 succeeding fiscal year, or the total amount of tuition and
 fees, whichever is less. The annual amount of a loan to a
 teacher enrolled on at least a half-time basis shall not
 exceed five hundred dollars for the fiscal year beginning
 July 1, 1983 and seven hundred fifty dollars for each
 succeeding fiscal year, or the total amount of tuition and
 fees, whichever is less. Loans may be made for courses in
 programs offered in this state and approved by the board of
 educational examiners. The board of educational examiners
 shall adopt rules pursuant to chapter 17A for approval of
programs. The rules shall require that the programs provide
 training in both subject content and teaching methodology
 for mathematics and science teaching.

College Aid
 40,000 '84
 140,000 '85
 standing →

The commission shall set a final date for submission of
applications each year and shall review the applications and
inform the recipients within a reasonable time after the
 deadline.

Sec. 8. NEW SECTION. 261.30 **APPROPRIATIONS.** ~~There is~~
~~appropriated from the general fund of the state to the Iowa~~
~~college aid commission for the fiscal year beginning July~~
~~1, 1983 the sum of forty thousand (40,000) dollars, or as~~
~~much thereof as is necessary, and for each succeeding fiscal~~
~~year the sum of one hundred forty thousand (140,000) dollars,~~
 Or as much thereof, as is necessary, to make loans under
 sections 261.28 and 261.29.

Sec. 9. NEW SECTION. 261.31 ~~REPAYMENT~~ Repayment of
 the loan shall begin one year after the teacher completes
 the educational program for which tuition and fees are
 received. If a teacher submits evidence to the commission
 that the teacher was employed as a teacher of one or more
 science or mathematics courses or as an elementary teacher
 teaching science and mathematics in a public school district
 or nonpublic school in this state during that year, fifty
 percent of the amount of the loan is canceled.

At the end of the second year, if the teaching requirements
 are met, the remainder of the loan is forgiven and payments
 made by that teacher during the year shall be refunded to
 the teacher.

There is created a science and mathematics loan repayment
 fund for deposit of payments made by teachers. Refunds of
 payments by teachers shall be paid by the commission to the
 teachers from the fund created in this section. Payments
 made by teachers that are not refunded shall be transferred
 on each June 30 from the fund created in this section to the
 general fund of the state.

The interest rate collected on the loan shall be equal
 to the interest rate being collected by an eligible lender
 under the guaranteed student loan program.

The commission shall prescribe by rule the terms of repayment which shall provide for monthly payments of principal and interest of not less than seventy-five dollars.

6 Sec. 10. NEW SECTION. 257.27 PROGRAMS FOR IMPROVEMENT OF SCIENCE AND MATHEMATICS TEACHING. The department shall provide for the establishment of programs, approved by the board of educational examiners, for teachers to improve skills in teaching in the science and mathematics areas. Each program shall provide assistance to teachers in subject content and teaching methodology for science or mathematics.

The programs may be established through an area education agency or public or private institution of higher education in this state.

~~There is appropriated from the general fund of the state to the department of public instruction for the fiscal year beginning July 1, 1983, the sum of forty thousand (40,000) dollars or as much thereof as is necessary, and for the fiscal year beginning July 1, 1984, and each succeeding fiscal year, the sum of one hundred forty thousand (140,000) dollars, or as much thereof as is necessary, to be allocated for the establishment of programs under this section.~~ →

Sec. 11. Section 261.2, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. Administer the supplemental grant program under this chapter.

7 Sec. 12. NEW SECTION. 261.32 SUPPLEMENTAL GRANT PROGRAM. A person who graduate5 from a public or nonpublic high school in this state after January 1, 1984 who has successfully completed at least seven units of science and mathematics courses, and at least three of the seven units include sequential mathematics course5 at the advanced algebra level or higher, chemistry, advanced chemistry, physics, α advanced physics courses, and who attends an eligible institution is eligible for a supplemental grant provided in this chapter.

The department of public instruction shall transmit to

the commission a list of high school graduates who have successfully completed the courses required in this section.

For the purpose of this section and section 261.33, an eligible institution is an accredited private institution as d&fined in section 261.9, subsection 5, an institution of higher learning under the state board of regents, or a merged area school established under chapter 280A.

Sec. 13. NEW SECTION. 261.33 PAYMENT OF GRANTS. A student meeting the requirements of section 261.32 may make application to the commission, on forms prescribed by the commission, for payment of a supplemental grant to an eligible institution in which the student is enrolled on a full-time basis. The maximum supplemental grant is five hundred dollars per year. Payment under the grant shall be allocated equally among the semesters or trimesters and shall be paid at the beginning of each semester or trimester upon certification by the eligible institution that the student is admitted as a full-time student and in attendance. If the student discontinues attendance before the end of a semester or trimester after receiving payment under the grant, the amount of refund due the student, up to the amount of payment under the grant, shall be paid by the eligible institution to the state.

An eligible/student may receive a supplemental grant for two semesters of undergraduate study or the trimester equivalent.

The amount of a supplemental grant to a student shall not be considered when determining financial need under the Iowa tuition grant and Iowa scholarship programs.

Sec. 14. NEW SECTION. 261.34 APPROPRIATION. Commencing July 1, 1984, ~~there is appropriated from the general fund of the state to the commission for each fiscal year the sum of one million five hundred thousand (1,500,000) dollars for supplemental grants.~~

DPI
40,000 '84
140,000 '85
standing

College
Aid
1,500,000
'85 standing

Sec. 15. This Act, being deemed of immediate importance, takes effect from and after its publication in the Waterloo Courier, a newspaper published in Waterloo, Iowa, and in the LeMars Daily Sentinel, a newspaper published in LeMars, Iowa.

DONALD D. **AVENSON**
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that **this bill** originated in the House and is known as House File 532, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

SENATE **FILE** 532

AN ACT

RELATING TO **THE** ADMINISTRATION **AND** FINANCING OF CORRECTIONAL
AND MENTAL **HEALTH** PROGRAMS UNDER **THE** JURISDICTION OF THE
DEPARTMENT OF SOCIAL SERVICES OR ITS SUCCESSOR AGENCIES
FOR THE FISCAL PERIOD BEGINNING JULY 1, 1983, AND ENDING
JUNE 30, 1984.

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, 1983, and
ending June 30, 1984, to the department of social services
for general administration for the division of adult
corrections, including salaries and support, maintenance,
and miscellaneous purposes the following amount, or so much
thereof as is necessary:

1983-1984
Fiscal Year
\$ 1,095,000

Sec. 2. There is appropriated from the general fund of
the state for the fiscal year beginning July 1, 1983, and
ending June 30, 1984, to the department of social services
for operation of the Iowa veterans home, including salaries
and support, maintenance, and miscellaneous purposes, **the**
following amount, or so much thereof as is necessary:

1983-1984
Fiscal Year
\$17,646,000

Sec. 3. There is appropriated from the general fund of
the state for the fiscal year beginning July 1, 1983, and
ending June 30, 1984, to the department of social service
the following amounts, or so much thereof as is necessary,

to be used for adult correctional services as designated:

1983-1984
Fiscal Year

§
1. For operation of adult
correctional institutions, in-
cluding salaries and support,
maintenance, and **miscellaneous**
purposes, provided **that** the
commissioner of social services,
in order to keep expenditures
from exceeding the amount of
funds appropriated by this sub-
section, shall declare a prison
overcrowding **state of emergency**
in the state's prison **whenever**
the population of the prison
system exceeds two thousand
six hundred forty-five inmates for
forty-five consecutive days.
Upon the declaration of a pris-
on overcrowding state of emer-
gency, the board of parole shall
consider all inmates, except
for inmates convicted of class
"A" felonies, for parole who are
within nine months of their
tentative discharge date. If
the board of parole's actions
do not reduce the population of
the prison system below two
thousand six hundred twenty in-
mates within ninety days of the
date of the declaration of the
prison overcrowding state of
emergency, the tentative **dis-**

charge dates of all inmates, whose most serious offenses for which the inmates are **currently** incarcerated are **crimes against** property and who are incarcerated in state prisons on the date of the declaration, shall be reduced by ninety days by the director of the division of adult corrections. However, the tentative discharge date of a prisoner sentenced under section 204.406, 204.413, 902.1, 902.8, or 906.5 shall not be reduced under this subsection prior to completion of the mandatory minimum sentence required by the section. The commissioner of social services **shall terminate** a prison **overcrowding** state of emergency in the state's prisons whenever the population of the prison system is reduced below two thousand six hundred twenty inmates. The department shall adopt administrative rules which identify all offenses as either crimes against property or crimes against persons. As used in this **subsection, "prison"** means a correctional facility operated by the division of corrections and funded under this subsection, **"prison**

system" mean⁵ the prisons of this state which are the Iowa correctional institution for women, the Iowa state **men's** reformatory, the Iowa state **penitentiary**, the Iowa security and medical facility, the north central correctional facility, the Mount Pleasant correctional facility, the Clarinda correctional treatment facility, the correctional release center, and the rehabilitation **camps**, and "tentative discharge date" means the date at which an inmate is scheduled for release including good conduct and work time currently received **\$46,427,000**

If the department of social services changes the allocations to the various adult correctional institutions on which the appropriation in this subsection was based, the department shall notify the chairpersons and ranking members of the corrections and mental health appropriations subcommittee and the legislative fiscal bureau of the changes to the allocations.

Of the funds appropriated by this subsection, thirty thousand (30,000) dollars, or so much thereof as is necessary, is appropriated to the department of social services for the provision of legal services, to be supervised by the appellate defender, to inmates of adult correctional institutions in civil cases involving prison litigation.

The division of adult corrections shall use funds appropriated in this subsection to continue to contract for the services of a **muslim** imam.

The department shall ~~use funds~~ appropriated by this subsection to continue to provide at least correspondence courses, graduation equivalent diploma program, college courses, adult basic **education**, and a reentry course to inmates at the Iowa correctional institution for women.

The division of adult corrections shall establish a plan to reduce the inmate population of the men's reformatory to eight hundred eighty-five inmates by September 1, 1984. On and after September 1, 1984, the superintendent of the men's reformatory shall not admit additional inmates to the men's reformatory if the inmate population of the men's reformatory equals or exceeds eight hundred eighty-five inmates.

An impact statement prepared by the legislative fiscal bureau shall be attached to any bill introduced in the general assembly which reasonably could have an effect on the inmate populations of the adult correctional institutions.

The department shall provide the general assembly with evidence from independent experts of the validity and effectiveness of the inmate classification system and shall suggest changes in the system to make it more effective by January 15, 1985.

2. For the inmate classification system	\$ 135,000
3. For the correctional training center . . .*	\$ 306,000
4. For federal prison reimbursements	\$ 390,000

5. The department shall identify all individuals currently in the correctional system and those individuals entering the system who are mentally retarded, as defined in section 222.2, subsection 5. **In** assigning a mentally retarded offender, or an offender with an inadequately developed intelligence or with impaired mental abilities, **to** a correctional facility, the department shall consider both the program needs and the security needs of the offender.

The division of adult corrections shall consult with ~~the~~ mental health and mental retardation commission to obtain the **commission's** advice concerning the identification, correctional facility assignment, and program needs of mentally retarded offenders.

6. Community-based corrections	\$14,130,000
--------------------------------------	---------------------

Funds appropriated under this subsection may be used for the acquisition or improvement of residential correctional facilities as provided in section 8.45.

Of the funds appropriated in this subsection, four hundred thousand (400,000) dollars shall be used for the renovation or replacement of residential facilities and judicial district offices as follows: one hundred fifty thousand (150,000) dollars for the Hope House residential facility in Iowa City; two hundred thousand (200,000) dollars for the first judicial district department of correctional services; and fifty thousand (50,000) dollars for the fifth judicial district department of correctional services.

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.

7. For parole services, including salaries and support, maintenance, and miscellaneous purposes	\$ 1,161,500
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8. For a legal assistance program to provide civil legal assistance to inmates of the Iowa correctional system in matters of child custody, bankruptcy, and dissolution of marriage	\$ 25,000
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9. For reimbursement of counties for temporary confinement of work **release, and** parole violators, as **prp**, vided by sections 247A.10, 901.7. and 906.17 \$ 47,500

10. The department shall develop a long-range corrections planning process and an ongoing five-year corrections **master** plan. The director of the division of **adult corrections** shall report to the general assembly by January 15, 1984 concerning the status and content of the master plan. The master plan shall include goals and **objectives** and operations and funding needs. The master plan shall include, but not be limited to, an analysis of current and future inmate populations, incarceration costs, needs of inmates placed in community correctional programs, and inmate, staff, and public safety needs. The master plan shall incorporate incarceration policies based on the least restrictive incarceration alternative which is consistent with public safety and inmate needs, including the alternative of incarcerating inmates in community correctional facilities. The department shall seek input from knowledgeable experts and from the public in the formulation of the master plan.

Sec. 4. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983, and ending June 30, 1984, to the board of parole, including salaries and support, maintenance, and miscellaneous purposes, the following amount, or so much thereof as is necessary:

1983-1984
Fiscal Year
\$ 440,000

The board of parole shall develop and use objective parole criteria in evaluating inmates for parole, with the goal of increasing parole rates without increasing the risk to society of release on parole, and with the goal of granting **those** paroles more uniformly throughout the year.

Sec. 5. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983, and ending June 30, 1984, to the department of social services, for the state mental health institutes the following amount, or so much thereof as is necessary:

1983-1984
Fiscal Year .

1. For salaries and support, maintenance, and miscellaneous purposes \$31,087,000

2. As long as there is a demonstrated need, the department of social services shall continue to operate a geriatric program at the state mental **health** institute at Mount Pleasant. A reduction in the patient population at the institute necessary as a result of the correctional addition at the institute shall not be achieved by eliminating a specific program, unless the institute's citizens' advisory board or the general assembly determines that there is no longer a demonstrable need for the specific program.

3. All fund6 received from client participation shall be deposited in the general fund of the state.

4. A state mental **health** institute shall not accept physical custody of a child alleged to be a child in need of assistance, on guest status or otherwise, for more than thirty days. A child found to be a child in need of assistance' **shall** not be placed in a state mental health institute or other appropriate secure facility unless the juvenile court finds that the standard for involuntary commitment in chapter 229 has been met. The finding **may** be made by the court under section 232.103 at any time prior to the expiration of a **dispositional** order.

5. The superintendents of the state mental health institutes at Cherokee and Independence, in discharging the duties imposed by section 230.20, shall not include the costs of the psychiatric residency-and chaplain intern programs

maintained at those ~~institutes~~ in computing the institutes' respective daily charges to patients. The commissioner of social services shall seek to maintain reasonably uniform daily charges at the four, mental health institutes.

Sec. 6. There is appropriated from the general fund of the State ~~for~~ the fiscal year beginning July 1, **1983**, and ending June 30, 1984, to the department of social services, for the state hospital-schools the following amount, or so much thereof as is necessary:

1983-1984
Fiscal Year

1. ~~For~~ salaries and support, maintenance, and miscellaneous purposes **\$48,366,000**

2. All funds received from client participation shall be deposited in the general fund of the state.

3. The state hospital-schools' per-patient-per-day cost as determined pursuant to section 222.73 shall be billed at eighty percent for the fiscal year, except as otherwise provided by subsection 4.

4. If more than twenty percent of the cost of a patient's care is initially paid from any source other than ~~state-~~ appropriated funds, the amount so paid shall be subtracted from the per-patient-per-day cost of ~~that~~ patient's care computed pursuant to section 222.73 and the patient's county of legal settlement shall be billed for the full balance of the cost so computed.

Sec. 7. A state hospital-school or mental health institute shall, upon receipt of a payment made under chapter 249A for the care of a patient, segregate an amount equal to that portion of the payment which is required by law to be made from nonfederal funds. The money segregated shall be deposited in the medical assistance fund of the department ~~of~~ social services. In the calculation of per diem rates, charges assessed to the county shall be credited with one hundred

percent of client participation for eligible Title XIX, medical assistance patients at the state hospital-schools.

Sec. 8. There is ~~appropriated~~ from the general fund of the state for the fiscal year beginning July 1, 1983, and ending June 30, 1984, to the state community mental health and mental retardation services fund established in section 225C.7, the following amount, or so much thereof as is necessary:

1983-1984
Fiscal Year
\$ 2,360,000

Sec. 9. The general assembly and the corrections and mental health appropriations subcommittee shall review the general assembly's action which abolished the hospital-schools revolving fund, reverted current moneys in the fund to the general fund of the state in order to balance the state budget on June 30, 1983, and appropriated reverted funds to the hospital-schools for the fiscal year beginning July 1, 1983. The review shall include an examination of the continuing need for a hospital-schools revolving fund which could channel moneys to the community mental health and mental retardation services fund provided pursuant to chapter **225C**.

Sec. 10. Billings by the central warehouse and supply depot established in section 218.100 to institutions under the control of the department of social services shall not include the costs incurred by the central warehouse and supply depot in the distribution of federal surplus commodities.

Sec. 11. Notwithstanding section 217.23, subsection 2, the department of social services may expend moneys from the support allocation of the department as reimbursement for replacement or repair of personal items of the department's employees damaged or destroyed by clients of the ~~department~~ during the employee's tour of duty. The reimbursement shall not exceed one hundred fifty dollars for each item.

Sec. 12. NEW SECTION. 13B.7 SUPERVISORY DUTY. The appellate defender may supervise the provision of legal services, funded by an appropriation to the department of social services, to ~~inmates~~ of adult correctional institutions in civil cases involving prison litigation.

Sec. 13. NEW SECTION. EXCHANGE OF OFFENDERS UNDER TREATY-CONSENT BY GOVERNOR. If a treaty in effect between the United States and a ~~foreign~~ country provides for the transfer or exchange of convicted offenders to the country of which the offenders are citizens or nationals, the governor or the governor's designee, on behalf of the state and subject to the term^s of the treaty, may authorize the transfer or exchange of offenders.

Sec. 14. Section 216.8. subsection 1, unnumbered paragraph 1, and paragraph b, Code 1983, are amended to read as follows:

No A product appearing possessing the performance characteristics of a product listed in the price lists prepared pursuant to section 216.7 shall not be purchased by any department or agency of state government from ~~any-other a~~ source other than Iowa state industries, except:

b. When the state director releases, in writing, the obligation of the department or agency to purchase the product from Iowa state industries, after determining that Iowa state industries is unable to meet the performance characteristics of the purchase request for the product, and a copy of the release is attached to the request to the state comptroller for payment for a similar product, or when Iowa state . industries is unable to furnish needed ~~articles products~~, comparable in both quality and price to those available from alternative sources, within a reasonable length of time. Any disputes arising between a purchasing ~~authority department or agency~~ and Iowa state industries regarding similarity of ~~articles products~~, or comparability of ~~quality~~ or Price, or the availability of the product shall be referred to the director of the department of general services, whose decision shall be subject to appeal as provided in section 18.7.

Sec. 15. Section 216.9, subsection 4, Code 1983. is amended to read as follows:

4. The fund established by this section shall not revert to the general fund of the state at the end of any annual or biennial period and the investment proceeds earned from the balance of the fund shall be credited to the fund and usedⁿ for the purposes provided for in this section.

Sec. 16. Section 218.74, unnumbered paragraph 1, Code 1983. is amended to read as follows:

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 cochairpersons 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 cochairpersons 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 and the investment proceeds

earned from the balance of the fund shall be credited to the fund and used for the purposes provided for in this section.

Sec. 17. NEW SECTION. 246.50 CLARINDA CORRECTIONAL FACILITY. The state correctional facility for men at Clarinda shall be known as the "Clarinda correctional facility". The facility shall be utilized as a secure men's correctional facility primarily for chemically dependent, mentally retarded, and socially inadequate offenders, and shall be operated by the director in accordance with this chapter.

Sec. 18. All federal grants to and the federal receipts of the department of social services are appropriated for the purposes set forth in the federal grants or receipts. The veterans per diem payable for veterans at the veterans home and funds received under Title XIX of the federal Social Security Act by the state mental health institutes and state hospital-schools shall be deposited in the general fund.

Sec. 19. TRANSITION TO THE NEW DEPARTMENT OF CORRECTIONS. The department of social services or its successor agency shall provide staffing and support for the board of corrections from July 1, 1983 until October 1, 1983. In addition to the staffing and support provided by the department of social services or its successor agency, the acting director of the department of corrections shall employ a transition team to help organize the department and to identify with the department of social services or its successor agency the administrative support staff, equipment, and other resources to be transferred to the department of corrections. Employees so transferred or reassigned shall not lose any rights, privileges, or benefits accrued that were associated with their status prior to the effective date of this Act. Employees of the department of **social services** or **its successor** agency employed on the transition team shall receive their salaries during the transition period from the department of social services or its successor agency.

On October 1, 1983, all policies, procedures, and rules established for or by the division of adult corrections of the department of social **services** or its successor agency shall apply respectively to the department of corrections, **its** employees, residents, and inmates, until otherwise changed as provided by law or rule adopted by the board of corrections. All applicable contracts and leasing arrangements shall be transferred to the jurisdiction of the department of corrections on October 1, 1983. All equipment, supplies, and property in the custody of the division of adult corrections of the department of social services or its successor agency shall be transferred to the department of corrections on October 1, 1983.

Sec. 20. TRANSFER OF FUNDS. Funds appropriated to the department of social services or its successor agency for the division of adult corrections or for adult correctional services in sections 1 and 3 of this Act shall be transferred and be available for the use of the department of corrections on and after October 1, 1983. On and after October 1, 1983, any reference to the "division of adult corrections of the department of social services or its successor agency" appearing in this Act shall be deemed a reference to the "department of corrections".

Sec. 21. APPROPRIATION. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983, and ending June 30, 1984, to the board of corrections, the following amount, or so much thereof as is necessary:

1983-1984
<u>Fiscal Year</u>
\$ 150,000

Sec. 22. Any reference to the "division of adult corrections of the **department of** social services" or to the "department of social services", appearing in an Act of the general assembly shall be construed to mean "department of corrections" or "department of human services", as the case

may be, consistent with the intent of Senate File 464, when Senate File 464 is enacted into law.

Sec. 23. Except for funds appropriated under section 3, subsection 3, funds appropriated by this Act shall not be used for capital acquisitions or improvements.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in **the Senate** and is known as Senate File 532, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor



OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

TERRY E BRANSTAD
GOVERNOR

June 9, 1983

The Honorable Mary Jane Ode11
Secretary of stat;
State Capitol Building
LOCAL

Dear Madam Secre tary:

I hereby transmit Senate File 532, an act relating to the administration and financing of correctional and mental health programs under the jurisdiction of the Department of Social Services or its successor agencies for the fiscal period beginning July 1, 1983, and ending June 30, 1984.

Senate File 532 is approved June 9, 1983, with the following exception which I hereby disapprove.

I am unable to approve that portion of Section 3 which reads as follows:

The division of adu'lt corrections shall establish a plan to reduce the inmate population of the men's reformatory to aigh t hundred eighty-f ive inmates by September 1, 1984. On and a f tsr September 1, 1984, the superintendent of the men's reformatory shall not admit additional inmates to the men's "reformatory if the inmate population of the men's reforma tory equals or exceeds eight hundred eighty-f ivs inmates.

The foregoing portion of Section 3 of Senate File 532 requires the Division of Adult Corrections to establish a plan to reduce the inmate population at the Anamosa men's reformatory to 885 inmates by September 1, 1984. It also prohibit.5 the Anamosa superintendent from accepting any additional inmates on or after September 1, 1984, if the inmate population is 885 or greater. Thus, an effective population cap is placed on the men's reformatory.

The Honorable Mary Jane Ode11

J u n e 9, 1983

Page 3

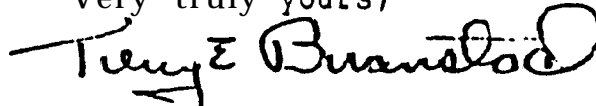
for that number of inmates. Indeed, **Anamosa** prison officials have done a commendable job of efficiently and safely managing prison populations of over 1,100. Thus, **Anamosa** can be properly managed and funded without the proposed reduction in the inmate population.

Third, the cap may not be needed to reduce the population at **Anamosa**. Legislative capital appropriations should allow for the opening of the **Oakdale** facility and the expansion of the **Mount Pleasant** unit by September 1, 1984. These additional 464 prison beds are designed to reduce the inmate population at both **Fort Madison**, and **Anamosa**. Indeed, prison officials expect the additional prison capacity to allow them to reduce the **Anamosa** population below 900 by September of 1984. Therefore, the intent of the proponents of this provision -- to reduce the **Anamosa** prison population -- may be met without an **Anamosa** prison cap.

Moreover, the legislature has retained the system-wide prison population cap. While I believe a more appropriate prison population control mechanism would be a classified sentencing system, the system-wide cap does act to regulate the overall prison population without tampering with the population at each institution.

For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 53% are hereby approved as of this date.

Very truly yours,



Terry E. Branstad
Governor

TEB/pb

cc: Secretary of the Senate
Chief Clerk of the House

SENATE FILE 533

AN ACT

RELATING TO AND **MAKING** APPROPRIATIONS TO AGENCIES, INSTI-
TUTIONS, COMMISSIONS, **DEPARTMENTS**, AND BOARDS RESPONSIBLE
FOR EDUCATION PROGRAMS OF **THIS** STATE.

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 Iowa commission for the blind for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amount, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

1983-1984
Fiscal Year

IOWA COMMISSION FOR **THE**
BLIND

For salaries, support, main-
tenance, and miscellaneous pur-
poses \$ 1,053,027

Sec. 2. There is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amount, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

1983-1984
Fiscal Year

IOWA COLLEGE AID COMMISSION

For salaries, support, main-
tenance, and miscellaneous pur-
poses \$ 402,881

Sec. 3.

1. ~~There~~ is appropriated ~~from~~ the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the sum of thirty thousand (30,000) dollars, or so much thereof as may be necessary, to be used for the purposes provided in sections 261.26 and 261.27. Notwithstanding section 261.27, the funds appropriated by this section shall be allocated to each of the classes of students which received funds during the fiscal year beginning July 1, 1980, which includes the fourth year class for the fiscal year beginning July 1, 1983.

2. In addition to the requirements of sections 261.26 and 261.27, the availability of funds appropriated by this section is subject to the following condition. The funds appropriated for fiscal year 1983-1984 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1983, financial audits, conducted by an independent third party, of the participating colleges of optometry.

Sec. 4.

1. There is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the sum of seven hundred eighty-four thousand (784,000) dollars, or so much thereof as may be necessary, to be paid to the college of osteopathic medicine and surgery for the subvention program created pursuant to sections 261.18 and 261.19. Notwithstanding section 261.19, for each fiscal year of the fiscal **biennium** beginning July 1, 1983, the subvention shall be used for the admission and education of students enrolled in each of the four years of classes in the college of osteopathic medicine and surgery.

2. In addition to the requirements of sections 261.18 and 261.19, the availability of funds appropriated by this section is subject to the condition that one-half of the funds appropriated for fiscal year 1983-1984 shall not be released until delivery to the legislative fiscal bureau of the June

30, 1983, financial audits, conducted by an independent third party, of the college of osteopathic medicine and surgery.

Sec. 5. There is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the sum of twenty-five thousand (25,000) dollars, or so much thereof as may be necessary, to provide for a national guard education program. Funds shall only be expended for Iowa residents who are enlisted members in good standing in the Iowa national guard who are enrolled as undergraduates in Iowa post-secondary educational institutions. Funds expended on behalf of each full-time undergraduate student shall not exceed two hundred fifty dollars per year. Funds expended on behalf of each half-time undergraduate student shall not exceed one hundred twenty-five dollars per year.

Sec. 6. There is appropriated from the funds appropriated to the Iowa college aid commission in section 261.25, subsection 1, an amount sufficient to make payments to individuals who were eligible to receive a tuition grant during any of the fiscal years beginning July 1, 1980 and ending June 30, 1983 but were found ineligible because they transferred from one accredited private institution to another but failed to notify the college aid commission of the transfer by the deadline date imposed by the commission. The amount of a payment is equal to the amount of the tuition grant that would have been received by an eligible recipient pursuant to section 261.12. The college aid commission shall publish information about the eligibility for the payments under this section and shall determine the names of those individuals eligible to receive payments. Upon the receipt of proof from an eligible individual that the individual was admitted and in attendance at the accredited private institution for a semester or the trimester equivalent, the college aid commission shall make the payments.

Sec. 7. There is appropriated from the general fund of the state to the state educational radio and television facility board for the fiscal year beginning July 1, 1983 and ending June 30, 1984 the following amount, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

1983-1984
Fiscal Year

STATE EDUCATIONAL RADIO AND
TELEVISION FACILITY BOARD

For salaries, support, maintenance, and miscellaneous purposes \$ **6,020,139**

Sec. 8. There is appropriated from the general fund of the state to the department of public instruction for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amounts, or so much thereof as may be necessary, to be used in the manner designated:

1983-1984
Fiscal Year

1. GENERAL OFFICE ADMINISTRATION

a. For salaries, support, maintenance, and miscellaneous purposes \$ **3,657,936**
b. For fire service education \$ 200,000

2. VOCATIONAL EDUCATION
ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes \$ 896,125

3. VOCATIONAL EDUCATION
For vocational education aid to secondary schools \$ **3,622,000**

SENATE FILE 533

AN ACT

RELATING TO AND **MAKING** APPROPRIATIONS TO AGENCIES, INSTI-
TUTIONS, COMMISSIONS, **DEPARTMENTS**, AND BOARDS RESPONSIBLE
FOR EDUCATION PROGRAMS OF **THIS** STATE.

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 Iowa commission for the blind for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amount, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

1983-1984
Fiscal Year

IOWA COMMISSION FOR **THE**
BLIND

For salaries, support, main-
tenance, and miscellaneous pur-
poses \$ 1,053,027

Sec. 2. There is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amount, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

1983-1984
Fiscal Year

IOWA COLLEGE AID COMMISSION

For salaries, support, main-
tenance, and miscellaneous pur-
poses \$ 402,881

Sec. 3.

1. ~~There~~ is appropriated ~~from~~ the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the sum of thirty thousand (30,000) dollars, or so much thereof as may be necessary, to be used for the purposes provided in sections 261.26 and 261.27. Notwithstanding section 261.27, the funds appropriated by this section shall be allocated to each of the classes of students which received funds during the fiscal year beginning July 1, 1980, which includes the fourth year class for the fiscal year beginning July 1, 1983.

2. In addition to the requirements of sections 261.26 and 261.27, the availability of funds appropriated by this section is subject to the following condition. The funds appropriated for fiscal year 1983-1984 shall not be released until delivery to the legislative fiscal bureau of the June 30, 1983, financial audits, conducted by an independent third party, of the participating colleges of optometry.

Sec. 4.

1. There is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the sum of seven hundred eighty-four thousand (784,000) dollars, or so much thereof as may be necessary, to be paid to the college of osteopathic medicine and surgery for the subvention program created pursuant to sections 261.18 and 261.19. Notwithstanding section 261.19, for each fiscal year of the fiscal **biennium** beginning July 1, 1983, the subvention shall be used for the admission and education of students enrolled in each of the four years of classes in the college of osteopathic medicine and surgery.

2. In addition to the requirements of sections 261.18 and 261.19, the availability of funds appropriated by this section is subject to the condition that one-half of the funds appropriated for fiscal year 1983-1984 shall not be released until delivery to the legislative fiscal bureau of the June

30, 1983, financial audits, conducted by an independent third party, of the college of osteopathic medicine and surgery.

Sec. 5. There is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the sum of twenty-five thousand (25,000) dollars, or so much thereof as may be necessary, to provide for a national guard education program. Funds shall only be expended for Iowa residents who are enlisted members in good standing in the Iowa national guard who are enrolled as undergraduates in Iowa post-secondary educational institutions. Funds expended on behalf of each full-time undergraduate student shall not exceed two hundred fifty dollars per year. Funds expended on behalf of each half-time undergraduate student shall not exceed one hundred twenty-five dollars per year.

Sec. 6. There is appropriated from the funds appropriated to the Iowa college aid commission in section 261.25, subsection 1, an amount sufficient to make payments to individuals who were eligible to receive a tuition grant during any of the fiscal years beginning July 1, 1980 and ending June 30, 1983 but were found ineligible because they transferred from one accredited private institution to another but failed to notify the college aid commission of the transfer by the deadline date imposed by the commission. The amount of a payment is equal to the amount of the tuition grant that would have been received by an eligible recipient pursuant to section 261.12. The college aid commission shall publish information about the eligibility for the payments under this section and shall determine the names of those individuals eligible to receive payments. Upon the receipt of proof from an eligible individual that the individual was admitted and in attendance at the accredited private institution for a semester or the trimester equivalent, the college aid commission shall make the payments.

Sec. 7. There is appropriated from the general fund of the state to the state educational radio and television facility board for the fiscal year beginning July 1, 1983 and ending June 30, 1984 the following amount, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

1983-1984
Fiscal Year

STATE EDUCATIONAL RADIO AND
TELEVISION FACILITY BOARD

For salaries, support, maintenance, and miscellaneous purposes \$ **6,020,139**

Sec. 8. There is appropriated from the general fund of the state to the department of public instruction for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amounts, or so much thereof as may be necessary, to be used in the manner designated:

1983-1984
Fiscal Year

1. GENERAL OFFICE ADMINISTRATION

a. For salaries, support, maintenance, and miscellaneous purposes \$ **3,657,936**

b. For fire service education \$ 200,000

2. VOCATIONAL EDUCATION
ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes \$ 896,125

3. VOCATIONAL EDUCATION
For vocational education aid to secondary schools \$ **3,622,000**

Funds appropriated by this subsection are to be used for aid to school districts for development and the conduct of both continuing and new vocational programs, services and activities of vocational education through secondary schools, and for aid to existing jointly administered secondary vocational education programs, in accordance with chapters 258 and **280A**, to purchase instructional equipment for vocational and technical courses of instruction in such schools, and to match federal reimbursement for continuing and new secondary vocational programs.

4. VOCATIONAL REHABILITATION

For salaries, support, maintenance, and miscellaneous purposes \$ 2,746,385

5. PROFESSIONAL TEACHING PRACTICES COMMISSION

For the use of the professional teaching practices commission to carry out the provisions of chapter 272A \$ 57,945

6. VOCATIONAL YOUTH ORGANIZATION FUND

To carry out the provisions of section 258.14 \$ 10,000

7. SCHOOL FOOD SERVICE

For the purpose of providing assistance to students enrolled in public school districts and nonpublic schools of the state for breakfasts, lunches and minimal equipment programs with the funds being used as state matching funds for federal pro-

grams, and which shall be disbursed according to federal regulations \$ 3,300,000

8. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide funds for costs of providing textbooks to each resident pupil who attends a nonpublic school as authorized by section 301.1. Such funding shall be limited to ten dollars per pupil and shall not exceed the comparable services offered to resident public school pupils \$ 400,000

9. SCHOOL BUDGET REVIEW COMMITTEE

To carry out the provisions of section 442.13 \$ 30,000

10. NON-ENGLISH SPEAKING

To provide funding to public schools and for nonpublic school students for special instruction for non-English speaking students as provided in section 280.4 \$ 200,000

11. COMPUTER SOFTWARE CLEARINGHOUSE

To provide funding for planning for a computer software clearinghouse \$ 10,000

12. MERGED AREA SCHOOLS

a. For general state financial aid to merged areas as defined in section 280A.2 \$ 56,455,501

Funds appropriated by this subsection are to be used for aid to school districts for development and the conduct of both continuing and new vocational programs, services and activities of vocational education through secondary schools, and for aid to existing jointly administered secondary vocational education programs, in accordance with chapters 258 and **280A**, to purchase instructional equipment for vocational and technical courses of instruction in such schools, and to match federal reimbursement for continuing and new secondary vocational programs.

4. VOCATIONAL REHABILITATION

For salaries, support, maintenance, and miscellaneous purposes \$ 2,746,385

5. PROFESSIONAL TEACHING PRACTICES COMMISSION

For the use of the professional teaching practices commission to carry out the provisions of chapter 272A \$ 57,945

6. VOCATIONAL YOUTH ORGANIZATION FUND

To carry out the provisions of section 258.14 \$ 10,000

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9. SCHOOL BUDGET REVIEW COMMITTEE

To carry out the provisions of section 442.13 \$ 30,000

10. NON-ENGLISH SPEAKING

To provide funding to public schools and for nonpublic school students for special instruction for non-English speaking students as provided in section 280.4 \$ 200,000

11. COMPUTER SOFTWARE CLEARINGHOUSE

To provide funding for planning for a computer software clearinghouse \$ 10,000

12. MERGED AREA SCHOOLS

a. For general state financial aid to merged areas as defined in section **280A.2** \$ 56,455,501

It is the intent of the general assembly that funds appropriated in this paragraph shall be used only for allocation to merged area schools for general aid purposes. Funds appropriated in this paragraph shall not be allocated to the merged area schools pursuant to chapter **286A**, but shall be allocated by a formula approved by the state board of public instruction. The formula shall provide each merged area school with the same amount of state financial aids as the merged area school received during the fiscal year beginning July 1, 1982 and ending June 30, 1983 and a proportionate amount of the remaining funds appropriated in this paragraph. The remaining funds shall be allocated to each merged area school based upon the proportion that the student contact hours of enrollment eligible to receive general state financial aid for the merged area school for the fiscal year beginning July 1, 1982 and ending June 30, 1983 bears to the total number of student contact hours of enrollment for all merged area schools for the fiscal year beginning July 1, 1982 and ending June 30, 1983. **Notwithstanding** section 8.33, unencumbered or unobligated funds appropriated in 1981 Iowa Acts, chapter 8, section 8, subsection 10, paragraph c, for the fiscal year beginning July 1, 1982 and ending June **30, 1983** are appropriated to the department of public instruction for the fiscal year beginning July 1, 1983 and ending June 30, 1984, to be allocated to the merged area schools for general aid purposes.

b. To provide funds for matching federal reimbursement for continuing and new vocational education programs in merged area schools in accordance with chapter 258 and chapter 280A. and to purchase instructional **equipment** for vocational and

technical courses of instruction in such schools \$ **8,700,000**

c. To provide funds for the **Iowa** industrial start-up training program in merged area schools \$ 275,000

Sec. 9. There is appropriated from the general fund of the state to the state board of regents **for the** fiscal year beginning July 1, 1983 and ending June 30, 1984 the following amounts, or so much thereof as may be necessary for use for the following designated purposes, however, as a condition for the appropriation of these funds, the state board of regents, for purposes of implementing and administering collective bargaining pursuant to chapter 20, shall act as the exclusive representative of the state of Iowa with respect to its faculty, scientific, and other professional staff.

1983-1984
Fiscal Year

1. OFFICE OF STATE **BOARD**
OF REGENTS

a. For salaries, support, maintenance, equipment, and miscellaneous purposes, including state board of **regents** members receiving a per diem, not to exceed forty dollars per day \$ 439,970

Funds appropriated to the state board of regents shall be allocated to the institutions to be used for instructional purposes and direct instructional support.

b. For western Iowa continuing education \$ 100,000 .

c. For allocation by the state board of regents to the state university of

Iowa, the Iowa state university of science and technology, and the university of northern Iowa in amounts as may be necessary to reimburse the institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions \$ 13,270,000

d. For support of the quad cities graduate study center \$ 7,300

2. STATE UNIVERSITY OF IOWA

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 \$106,624,411

b. -- University hospitals

(1) For salaries, support, maintenance, equipment,

and miscellaneous purposes; for medical and surgical treatment of indigent patients as provided in chapter 255 \$ 24,702,138

(2) For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants, to carry out chapter 148C for the family practice program \$ 1,382,080

c. As a condition of the appropriation made in paragraph b, funds appropriated in this section shall not be used to perform abortions except medically necessary abortions, and shall **not** be used to operate the early termination of pregnancy clinic except for the performance of medically necessary abortions. For the purpose of this paragraph, an abortion is the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus, and a medically necessary abortion is one performed under one Of the following conditions:

(1) The attending physician certifies that continuing the pregnancy would **endanger** the life of the pregnant woman.

(2) The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

(3) The pregnancy is the result of a rape which is reported within forty-five days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(4) The pregnancy is the result of incest which is reported within one hundred fifty days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(5) The abortion is a ~~spontaneous~~ abortion, commonly known as a miscarriage, ~~wherein, not~~ all of the products of conception are expelled.

a. As a condition of the appropriation made in paragraph b, it is the intent of the general assembly that before the general assembly authorizes the issuance of additional bonds under chapter 263A, the determination of the necessity that the construction be funded by the issuance of bonds shall be made by the state board of regents in consultation with the state health facilities council, the health policy corporation of Iowa, or a similar statewide health planning agency that may exist.

e. Psychiatric hospital

For salaries, support, maintenance, equipment, and miscellaneous purposes and for the care, treatment and maintenance of committed and voluntary public patients \$ 5,324,166

f. State hygienic laboratory

For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 2,062,641

g. Hospital school

For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 3,737,522

h. Oakdale campus

For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 1,747,295

3. IOWA STATE UNIVERSITY
OF SCIENCE AND TECHNOLOGY

a. General university

For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 87,414,854

b. Agricultural experiment station

For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 10,279,927

c. Cooperative extension service in agriculture and home economics

For salaries, support, maintenance, and miscellaneous purposes \$ 9,858,847

4. UNIVERSITY OF
NORTHERN IOWA

For salaries, support, maintenance, equipment, and miscellaneous purposes \$ 34,361,273

5. STATE SCHOOL FOR
THE DEAF

For salaries, support, maintenance, and miscellaneous purposes \$ 4,212,979

6. IOWABRAILLE AND
SIGHT-SAVING SCHOOL

For salaries, support, maintenance, and miscellaneous purposes \$ 2,291,411

Sec. 10. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the sum of twenty-one million one hundred nineteen thousand two hundred sixty-nine (21,119,269) dollars for fuel and electricity

purposes at institutions under the state board of **regents**. If the amount actually expended for fuel and electricity purposes **is** less than twenty-one million one hundred nineteen thousand two hundred sixty-nine (**21,119,269**) dollars, the difference may be used for maintenance, equipment, and miscellaneous purposes.

sec. 11. Upon the request of the Iowa educational radio and television facility board, the executive council shall sell the property and building located at 2801 Bell avenue in Des Moines, Iowa, and used by the Iowa educational radio and television facility board. The proceeds from the sale of the property and building are appropriated to the Iowa educational radio and television facility board to pay a portion of the costs of construction of a new building for the facility board. However, the executive council may direct that the building and property located at 2801 Bell avenue in Des Moines, Iowa, be used for another state purpose. If the building and property are used for another state purpose, the executive council shall determine by independent appraisal the fair market value of the building and property and, in that case, an appropriation **equal** to this amount may be considered by the general assembly meeting in 1984 to pay a portion of the costs of construction of a new building for the facility board.

Sec. 12. Section 257.30, Code 1983, is amended to read as follows:

257.30 **PRIVATE NONPUBLIC SCHOOL** ADVISORY COMMITTEE. ~~There is hereby established a private~~ A nonpublic school advisory committee is established which shall consist of five members, to be appointed by the governor, each of them ~~shall to~~ be a citizen of the United States and a resident of the state of Iowa. The term of the members shall be four years. The duties of the committee shall be to advise the state board of public instruction on matters affecting private ~~nonpublic~~ schools, including but not limited to the **establishment** of

standards for teacher certification and the establishment of standards for, and approval of, all **private nonpublic** schools. Notice of meetings **of the** state board of public instruction shall be sent by the state board to members of the committee. ~~Committee members shall receive no compensation or expenses from public funds.~~

Committee members shall receive forty dollars per diem and shall be reimbursed for actual and necessary expenses incurred in performance of their duties. The per diem and expense money shall be paid from the appropriations to the department of public instruction.

Sec. 13. Section 261.12, subsection 1, paragraph b, Code 1983, is amended to read as follows:

b. For the fiscal year beginning July 1, ~~1979-one-thousand six~~ 1983, and each following fiscal year two thousand one hundred dollars ~~and for each following fiscal year one-thousand seven-hundred-dollars.~~

Sec. 14. Section 261.17, subsection 3, Code 1983, is amended to read as follows:

3. The amount of a vocational-technical tuition grant shall not exceed the lesser of four hundred fifty dollars per year or the amount of the student's established financial need.

Sec. 15. Section 261.25, subsections ~~1~~ and 3, Code 1983, are amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~twelve million~~ nineteen million one hundred sixty-six thousand six hundred dollars for tuition grants.

3. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~three~~ six hundred fifty seventy-two thousand four hundred seventy-two dollars for vocational-technical tuition grants.

Sec. 16. Sections 261.22 and 261.23, Code 1983, are repealed.

Sec. 17. All federal grants to and the federal receipts of agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts.

Sec. 18. Moneys appropriated by this Act shall not be used for capital improvements.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 533, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor



OFFICE OF THE GOVERNOR
STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANSTAD
GOVERNOR

June 3, 1983

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

Dear Madam Secretary:

I hereby transmit Senate File 533, an act relating to and making **appropriations** to agencies, institutions, commissions, departments, and boards responsible for education programs of this state,

Senate File 533 **is** approved June 3, 1983, with the following exceptions which I hereby disapprove.

I am **unable to** approve the item designated in the Act as Section 6, which reads as follows:

Sec. 6. There is appropriated from the funds appropriated to the Iowa college aid commission in section 261.25, subsection 1, an amount sufficient to make payments to individuals who were eligible to receive a tuition grant during any of the fiscal years beginning July 1, 1980 and ending June 30, 1983 but were found ineligible because they transferred from one accredited private institution to **another but failed** to notify the college aid commission of the transfer by the deadline date imposed by the commission. The amount of a payment is equal to the amount of the tuition grant that would have been received by an eligible recipient pursuant to section 261.12. The college aid commission shall publish information about the eligibility for the **payments** under this section and shall determine the **names of** those individuals eligible to receive payments. **Upon** the receipt of proof from an eligible individual that the **individual** was admitted and in attendance at the accredited private institution for a semester or the trimester equivalent, the **college** aid commission shall make the payments.

The Honorable Mary Jane Odell
June 3, 1993
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I am unable to approve that portion of Section 8, Subsection 12, paragraph a, which reads as follows:

Notwithstanding section 8.33, unencumbered or unobligated funds appropriated in 1931 Iowa Acts, chapter 9, section 8, subsection 10, paragraph c, for the fiscal year beginning July 1, 1982 and ending June 30, 1993 are appropriated to the **department of public instruction** for the fiscal year beginning July 1, 1983 and ending June 30, 1984, to be allocated to the merged area schools, for general aid purposes.

Section 6 was a last minute legislative addition to Senate File 533. This section directs the Iowa College Aid Commission to **reinstate Iowa** tuition grants **which were** withdrawn over the past three-years because the recipients neglected to inform the Commission of a college transfer by the date required for reporting a transfer. The Commission would be required to make these payments out of funds appropriated for future tuition grants. The Commission must also determine the names of those eligible for the payments and publicize the eligibility information.

The Iowa tuition grant program has been immensely successful in providing Iowa students with the financial ability to study at Iowa's fine private colleges and universities. **Last year**, over 10,000 Iowa students received a tuition grant. **I strongly** support this program and I am pleased that the legislature included in this bill my recommendation to substantially increase funding for it.

Because of the **sizeable** participation in this **program**, the Commission is forced to set deadlines and to require **conformance** with the terms of the tuition grant award. **Indeed**, in order to efficiently and fairly handle the more than 30,000 student documents received each **year**, the Commission must establish orderly procedures and deadlines for the program. One of these deadlines **relates** to the transfer notification.

Students receiving tuition grants are allowed to transfer from one college to another while retaining their grant. However, the Commission staff is then required to recalculate the revised amount of the grant, since grant amounts are based

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upon college costs. In order to recalculate the grant, the Commission must be notified of the transfer. Otherwise the grant will--be sent to the original college, which will in turn notify the Commission that the Student is not enrolled. As a result, the tuition grant will be withdrawn and the award will be made to another student. In short, the student must notify the Commission of a transfer in order to avoid losing a grant award.

In addition, the Commission's administrative rules clearly state that the student, to be eligible for a grant award, must meet the terms and conditions of the grant award. Indeed, the grant award to all students clearly specifies that any change in college must be reported to the Commission and failure to do so may result in the loss of the award.

This provision of Senate Pile 533 at issue here thus attempts to void the transfer notification condition of the tuition grant awards for the last three years. I cannot approve Section 6 for the following reasons.

1) The retroactive funding for these tuition grants will reduce next year's tuition grant appropriation. The fiscal estimates of this provision are as high as \$80,000 for each of the last three years. Thus, Section 6 could deny up to \$240,000 in tuition grants to needy students planning to go to a private college this fall. It would be unfair to penalize future students for the failure of past students to abide by the terms of their grant awards.

2) Many of the needy students who failed to receive a tuition grant because of the failure to provide a transfer notification were still able to be helped with federal or college funds. Moreover, federal or college student aid rules could require the repayment of the federal or college aid received upon the receipt of the retroactive tuition grant award. Thus, Section 6 of this bill could give the students an administrative headache and little financial assistance.

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June 3, 1983
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3) This provision of Senate File 533 would place an additional administrative burden on both the College Aid Commission and the private colleges. Section 6 would require the Commission and the private schools to spend a sizeable amount of time reconstructing records of students who may no longer be enrolled. This would be an additional administrative task for private colleges during an extremely busy time of the year for financial aid staff. The time spent trying to reconstruct records of students who may not be enrolled in the fall will detract from the attention that can be given to new students with financial needs.

4) The transfer notification deadline does not appear to be unreasonable. It is needed to fairly and efficiently award grants to the thousands of Iowa students who apply for them. Moreover, the notification deadline is plainly spelled out to the student on the grant award and has been well-publicized. There would appear to be no reasonable excuse to violate the notification requirement. . .

While students and parents may occasionally get frustrated by particular procedures, they are needed for consistency and fairness. And no single rule violation should be singled out for special treatment. If rule changes are needed, it would be far better to work with the Commission to revise them than to tie retroactive rule changes to appropriations for new students.

The appropriation for the merged area schools contains a provision which would allow area schools to retain the unspent portion of their additional fiscal year 1983 utility and fuel funds for expenditure in fiscal year 1984. I am unable to approve that provision because it would result in inequitable treatment of utility budgets for state-funded agencies and institutions.

In 1981, the legislature appropriated \$600,000 for fiscal year 1982 and 1983 in additional utility and fuel funds for the area schools; These funds were intended to pay for any utility and fuel costs that were larger than expected. Due to a slower than expected rise in utility costs over the past year, up to \$300,000 of the special utility appropriation will not be spent this fiscal year.

Sec. 3. This Act, being deemed of immediate importance, takes effect from and after its publication in the Telegraph Herald, a newspaper published in Dubuque, Iowa, and in the Independence Bulletin-Journal, a newspaper published in Independence, Iowa.

SENATE FILE 538

AN ACT

PROHIBITING SALES AND USE TAX REFUNDS OR CLAIMS FOR TAXES VOLUNTARILY PAID BASED UPON AN ALLEGED MISTAKE OF LAW UNDER THE LAWS OR CONSTITUTION OF THE UNITED STATES OR THE CONSTITUTION OF THE STATE OF IOWA AND MAKING THE ACT RETROACTIVE.

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

Section 1. Section 422.73, subsection 1, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A credit, action, or claim for refund of sales and use taxes voluntarily paid shall not be allowed to the extent that the credit, action, or claim for refund is based upon an alleged mistake of law regarding the validity or legality under the laws or Constitution of the United States or under the Constitution of the State of Iowa, of the tax imposed by division IV of this chapter or by chapter 423. This section prevails over any other statutes authorizing sales or use tax refunds or claims.

Sec. 2. This Act is retroactive to January 1, 1983 and applies to claims filed on or after January 1, 1983.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 538, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

S.F. 538

SENATE FILE 540

AN ACT

RELATING TO STATE **PAYMENTS** BY PROVIDING FOR PAYMENTS IN EACH FISCAL YEAR OF HOMESTEAD **TAX** CREDITS, EXTRAORDINARY **TAX CREDITS**, MOBILE HOME **TAX** CREDITS, **AGRICULTURAL LAND TAX** CREDITS, LIVESTOCK **TAX** CREDITS, MILITARY **TAX** CREDITS, AND PERSONAL PROPERTY **TAX** CREDITS TO THE RESPECTIVE COUNTY TREASURERS BY THE STATE COMPTROLLER, BY PROVIDING FOR OBLIGATION OF STATE **FUNDS** FOR GOODS AND SERVICES **DELIVERED** ONLY DURING THE FISCAL **YEAR** WITH CERTAIN EXCEPTIONS, AND BY PROVIDING FOR MONTHLY PAYMENTS OF **FUNDS** TO SCHOOL DISTRICTS UNDER CHAPTER 442.

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

Section 1. Section 8.33, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. No payment of an obligation for goods and services shall be charged to an appropriation subsequent to the last day of the fiscal term for which the appropriation is made unless such goods or services are received on or before the last day of the fiscal term, except that repair projects and other contracts for services and capital expenditures for the purchase of land or the erection of buildings or new construction, which were committed and in progress prior to the end of the fiscal term are excluded from this provision.

Sec. 2. Section 135D.22, unnumbered paragraph 4, Code 1983, is amended to read as follows:

The amounts due each county shall be paid ~~in two equal~~ payments by the state comptroller on ~~Nay~~ December 15 and **November-15** of each year, drawn upon warrants payable to the respective county treasurers. The county treasurer in each county shall apportion the payment in accordance with section 135D3.25.

Sec. 3. Section 425.1, subsection 3, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

3. The amount due each county shall be paid by the state comptroller upon requisition of the director of revenue in two payments on November 15 and **March** 15 of each fiscal year, drawn upon warrants payable to the respective county treasurers. The two payments shall be as nearly equal as possible.

Sec. 4. Section 425.19, Code 1983, is amended to read as follows:

425.19 CLAIM AND **CREDIT** OR **REIMBURSEMENT**. Subject to the limitations provided in this division, a claimant may annually claim a credit for property taxes due during the fiscal year next following the base year or claim a reimbursement for rent constituting property taxes paid in the base year. The amount of the credit for property taxes due for a homestead shall be paid **within one hundred eighty days after receipt of the claim on February 15 of each year** by the director to the county treasurer who shall credit the money received against the amount of the property taxes due and payable on the homestead of the claimant and the amount of the reimbursement for rent constituting property taxes paid shall be paid to the claimant from the state general fund on December 31 of each year.

Sec. 5. Section 425.23, subsection 3, paragraph a, Code 1983, is amended to read as follows:

a. Any person who is eligible to file a claim for credit for property taxes due and who has a household income of five thousand dollars or less and who has a special assessment levied against the homestead **may** file a claim with the county treasurer that the claimant had a household income of five thousand dollars or less and that a special assessment is presently levied against the homestead. The department shall provide to the respective county treasurers such forms as

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are necessary for the administration of this subsection. The claim shall be filed not later than September 30 of each year. Upon the filing of the claim, no penalty or interest for late payment shall accrue against the amount of the special assessment due and payable. The claim filed by the claimant shall constitute a claim for credit of an amount equal to the actual amount due and payable upon the special assessment payable during the fiscal year against the homestead of the claimant or an amount equal to the annual payment of the special assessment levied against the homestead of the claimant and payable in annual installments through the period of years provided by the governing body of the city, whichever is less. The department of revenue shall, upon the filing of the claim with the department by the county treasurer, pay that amount of the special assessment during the current fiscal year to the county treasurer. The county treasurer shall submit the claims to the director of revenue not later than October 15 of each year. The director of revenue shall certify to the state comptroller the amount of reimbursement due each county for special assessment credits allowed under this subsection. The amount of reimbursement due each county shall be paid by the state comptroller on ~~November~~ October 15 ~~20~~ of each year, drawn upon warrants payable to the respective county treasurer. 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 subsection. The county treasurer shall credit any moneys received from the department against the amount of the special assessment due and payable on the homestead of the claimant.

Sec. 6. Section 426.7, Code 1983, is amended to read as follows:

426.7 WARRANTS DRAWN BY COMPTROLLER. After receiving from the ~~several~~ county auditors ~~of-the-state~~ the certifications provided for in section 426.6, and during the following fiscal year, the state comptroller shall draw

warrant6 on the agricultural land credits fund created by ~~this-chapter in section 426.1~~, payable to the county treasurers ~~of-the-several-counties-of-the-state~~ in the ~~total~~ amount certified by the county auditor6 of the respective ~~counties~~ and mail said ~~the~~ warrants to the county auditor6 ~~of-said counties-in-two-equal-payments-on-or-before-September-15-and March~~ on August 15 of each ~~fiscal~~ year, ~~provided-that-in-the event~~ taking into consideration the relative budget and cash position of the state resources. However, if the agricultural land credits fund is insufficient to pay in full the total of the amount6 certified to the state comptroller ~~on-the-first of-June~~, the state comptroller shall prorate the fund to the ~~several~~ county treasurers and notify the ~~several~~ county auditor6 of the pro rata percentage on or before August 1.

Sec. 7. Section 4263.4, Code 1983, is amended to read as follows:

426A.4 CERTIFICATION BY DIRECTOR OF REVENUE. Sum6 distributable from the military service tax credit fund shall be allocated ~~every-six-months~~ annually to the ~~several~~ counties of the state. On ~~March-25-and-September-25~~ September 15 annually the director of revenue shall certify to the comptroller the total credit6 claimed by each county. Upon receipt of the certification from the director of revenue, the comptroller shall draw warrants to the treasurer of each county payable from the military service tax credit fund in the amount ~~claimed,-provided-that,~~ However, if the amount of money in the fund is insufficient to pay the credits claimed in full, ~~then-in-that-event-they~~ the claims shall be paid on a pro rata basis. Payments shall be made to the treasurer of each county not later than ~~April-15-and-October~~ September 15 ~~30~~ of each year. The state comptroller shall transfer any funds in the military service tax credit fund on May 31 of each year not necessary for the payment of claims to the general fund.

Sec. 8. Section ~~427.17~~, subsection 4, Code 1983, is amended to read as follows:

4. The amounts due each taxing district shall be paid on warrants payable to the respective county treasurers ~~in two-equal-payments~~ by the state comptroller on ~~March-15-and September July~~ 15 of each year ~~with-the-first-payment-starting March-15,-1974~~. The county treasurer shall apportion the proceeds to the various taxing districts in the county.

Sec. 9. Section 427A.12, subsection 7, Code 1983, is amended to read as follows:

7. The amount due each taxing district shall be paid in the form of warrants payable to the respective county treasurers by the state comptroller ~~in two-equal-payments on September-15-and-March May~~ 15 of each fiscal year, taking into consideration the relative budget and cash position of the state resources. ~~The-first-payment-shall-be-made-on-March 15,-1974.~~ The county treasurer shall pay the proceeds to the various taxing districts in the county.

Sec. 10. Section 442.26, unnumbered paragraph 2. Code 1983, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

All state aids paid under this chapter, unless otherwise stated, shall be paid in monthly installments beginning on September 15 of a budget year and ending on June 15 of the budget year and the installments shall be as nearly equal as possible as determined by the state comptroller, taking into consideration the relative budget and cash position of the state resources. However, the state aids paid to school districts under section 442.28 shall be paid in monthly installments beginning on December 15 and ending on June 15 of a budget year and state aids paid to school districts under section 442.38 shall be paid in monthly ~~installments~~ beginning on February 15 and ending on June 15 of a budget year.

Sec. 11. Sections 1 and 10 of this Act take effect upon publication. All other sections of this Act take effect July 1 following enactment.

, Sec. 12. This Act, being deemed of immediate importance, ~~takes effect from and after~~ its publication in the Iowa City Press-Citizen, a newspaper published in Iowa City, Iowa, and in the Muscatine Journal, a newspaper published in Muscatine, Iowa.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 540, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

SENATE FILE 541

AN ACT

RELATING TO **THE** CODIFIED PROVISIONS OF THE **DEPARTMENT** OF SOCIAL SERVICES FOR THE MEDICAL ASSISTANCE PROGRAM; **THE** CHILD DAY CARE FACILITY **PROGRAM**; **THE** AID TO DEPENDENT CHILDREN PROGRAM; THE CHILD SUPPORT AND **FOSTER CARE** RECOVERY PROGRAMS, INCLUDING PROVISIONS RELATING TO SUPPORT RECOVERIES FOR PERSONS **WHO** ARE NOT PUBLIC ASSISTANCE RECIPIENTS; **THE** STATE SUPPLEMENTARY ASSISTANCE PROGRAM; AND **THE** DEPENDENT ADULT ABUSE PROGRAM.

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

Section 1. Section **85.38**, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Lien for hospital and medical services under chapter 249A. In the event any hospital or medical services as defined in section 85.27 **are** paid by the state department of social services on behalf of an employee who is entitled to such benefits under the provisions of chapter 85, **85A** or **85B**, a lien shall **exist** as respects the right of such employee to benefits as described in section 85.27.

Sec. 2. NEW SECTION. 217.34 OFFICE OF INVESTIGATIONS. The office of investigations shall provide assistance to set off against a person's income tax refund or rebate **any** debt which has accrued through written contract, subrogation, departmental recoupment procedures, or court judgment and which is in the form of a liquidated sum due and owing the department of social services. The department of social services shall adopt rules under chapter **17A** necessary to

assist the department of revenue in the implementation of the **setoff** under section 421.17, subsection 21.

Sec. 3. Section 234.39, Code 1983, is amended by adding the following new unnumbered **paragraph**:

NEW UNNUMBERED PARAGRAPH. A dispositional order of the juvenile court requiring the provision of foster care shall establish, after notice and a reasonable opportunity to be heard is provided to a parent or guardian, the amount of the parent's or guardian's liability for the cost of foster care provided by the department. In establishing the amount of the liability, the court shall take into consideration the department's schedule of charges, and if the amount established deviates from the schedule of charges, the court shall explain **the** deviation in its order. The order shall direct the payment of the liability to the clerk of the district court for the use of the department's foster **care recovery unit**. The order shall be filed with the clerk and shall have the same force and effect as a judgment when entered in the judgment docket and lien index. The clerk shall disburse the payments pursuant to the order and enter the disbursements in a record book. If payments are not made as ordered, the clerk shall certify a default to the court and the court may, on its own motion, proceed under section 590.22 or 598.23. A dispositional order establishing the amount of a parent's or guardian's liability for the cost of foster care shall not vacate a prior court order which establishes the parent's or guardian's child support obligation.

Sec. 4. NEW SECTION. 2358.1 ADULT ABUSE SERVICES.

1. As used in this section, **"dependent adult abuse"** means:

a. Any of the following as a result of the willful or negligent acts or omissions of a **caretaker**:

(1) Physical injury to or unreasonable confinement or cruel punishment of a dependent adult.

(2) The commission of a sexual offense under chapter 709 or section 726.2 with or against a dependent adult.

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(3) 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.

(4) 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.

b. 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:

(1) Depriving a dependent adult of medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.

(2) The withholding and withdrawing of health care from a dependent adult who is terminally ill in the opinion of a licensed physician, 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 pursuant to the applicable procedures under chapter 125, 222, 229, or 633.

2. The department of social services shall operate 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 the adult's own interests or unable to perform or obtain essential services.

3. 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 pursuant to sections 235A.12 through 235A.24 by expanding the central registry for child abuse to include reports of dependent adult abuse. 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.

The department of social services shall inform the appropriate county attorneys of any reports. County attorneys, law enforcement agencies, multidisciplinary teams as defined in section 235A.13, subsection 9, and social services agencies in the state shall cooperate and assist in the evaluation upon the request of the department. County attorneys and appropriate law enforcement agencies shall also take any other lawful action necessary or advisable for the protection of the dependent adult.

Upon a 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.

4. If, upon completion of the evaluation or upon referral from the state department of health, the department of social services determines that the best interests of the dependent adult require district court action, the department shall initiate action for the appointment of a guardian or conservator or for admission or commitment to an appropriate institution or facility pursuant to the applicable procedures under chapter 125, 222, 229, or 633. The appropriate county attorney shall assist the department in the preparation of the necessary papers to initiate the action and shall appear and represent the department at all district court proceedings.

The department shall assist the district court during all stages of court proceedings involving a suspected **case of** adult abuse.

In every case involving adult abuse which is substantiated by the department and which results in a judicial proceeding on behalf of the dependent adult, legal counsel shall be appointed by the court to represent the dependent adult in the proceedings. The court may also appoint a guardian ad litem to represent the dependent adult if necessary to protect the dependent adult's best interests. The same attorney may be appointed to serve both as legal counsel and as guardian ad litem. Before legal counsel or a guardian ad litem is appointed pursuant to this section, the court shall require the dependent adult and any person legally responsible for the support of the dependent adult to complete under oath a detailed financial statement. If, on the basis of that financial statement, the court deems that the dependent adult or the legally responsible person is able to bear all or a portion of the cost of the legal counsel or guardian ad litem, the court shall so order. In cases where the dependent adult or the legally responsible person is unable to bear the cost of the legal counsel or guardian ad litem, the expense shall be paid out of the court expense fund.

5. The department of social services shall complete an assessment of needed services and shall make appropriate referrals to services. 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.

6. A person participating in good faith in reporting or cooperating or assisting the department of social services 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.

Sec. 5. Section 237A.5, Code 1983, is amended to read as follows:

237A.5 PERSONNEL. All personnel in licensed ~~centers or~~ registered facilities shall have good health as evidenced by a report following a pre-employment physical examination taken within six months prior to beginning employment, including communicable ~~disease~~ test⁶ by a licensed physician as defined in section 135C.1, at the time of initial employment and every three years thereafter. No staff member of a licensed center or registered group home or a family day care home registered pursuant to section 237A.3, subsection 1, with direct responsibility for child care and no person living in such registered group or family day care home shall have a conviction by any law of any state of a crime involving lascivious-acts-with mistreatment of a child, child-neglect or violence against a person, or shall have a record of substantiated child sexual abuse or a record of any other type of child abuse substantiated within three years prior to the check of the child abuse registry made by the department pursuant to this chapter.

Sec. 6. Section 237A.8, Code 1983, is amended to read as follows:

237A.8 SUSPENSION AND REVOCATION. The director, after notice and opportunity for an evidentiary hearing, may suspend or revoke a license or certificate of registration issued under ~~the provisions of~~ this chapter if the person to whom a license or certificate is issued violates any a provision of this chapter or if a ~~the~~ person makes false report⁶ regarding the operation of the child day care facility to the director or a designee. The director shall notify the parent, guardian, or legal custodian of each child for whom the person provides child day care, if the license or certificate of registration is suspended or revoked or if there has been a substantiated child abuse case against an employee, owner, or operator of the child day care facility.

Sec. 7. Section **237A.20**, Code 1983, is amended to read as follows:

237A.20 INJUNCTION. ~~Any~~ A person who establishes, conducts, manages, or ~~operates~~ a center without a license or a group day care home without a certificate of registration may be restrained by temporary or permanent injunction. The action may be instituted by the state, a political subdivision of the state, or an interested person.

Sec. 8. Section 239.1, subsection 3. Code **1983**, is amended by striking the subsection and inserting in lieu thereof the following:

3. "Dependent **child**" means a needy child who is under the age of eighteen, or a needy person eighteen years of age who meets the additional eligibility criteria established by federal law or regulation, and who has been deprived of parental support or care by reason of death, continued absence from home, physical or mental incapacity, or partial or total unemployment of the parent, and who is living with a relative specified in 42 U.S.C. sec. 606 and in federal regulations adopted pursuant to that section. However, a child is not a dependent child solely by reason of a parent's absence from the home due to the parent's performance of active duty in the uniformed services of the United States.

Sec. 9. Section 239.9, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

239.9 FUNERAL EXPENSES. The department may pay, from funds appropriated to it for the purpose, a maximum of four hundred dollars toward funeral expenses on the death of a child who is receiving or has been authorized to receive assistance under this chapter, provided:

1. The total expense of the child's funeral does not exceed one thousand dollars.

2. The decedent does not leave an estate which may be probated with sufficient proceeds to allow a **funeral claim** of at least one thousand dollars.

3. Payments which are due the decedent's estate or beneficiary by reason of the liability of a life insurance, death or funeral benefit company, association, or society, or in ~~the form~~ of United States social security, railroad ~~retirement~~, ~~or~~ veterans' benefits upon the death of the decedent, are ~~deducted~~ from the department's liability under this section.

Sec. 10. Section 239.12, Code **1983**, is amended to read as follows:

239.12 AID TO DEPENDENT **CHILDREN** ACCOUNT. There is ~~hereby~~ established in the state treasury an account to be known as ~~the "Aid to Dependent Children Account"~~ to which shall be credited all funds appropriated by the state for the payment of assistance and benefits under this chapter, and all other moneys received at any time for such purposes. Moneys assigned to the department under section 239.12 and received by the child support recovery unit pursuant to section 252B.5 and 42 U.S.C. sec. 664 shall be credited to the account in the fiscal year in which the moneys are received. All assistance and benefits under this chapter shall be paid from said ~~the~~ account.

Sec. 11. Section 249.9, Code **1983**, is amended to read as follows:

249.9 FUNERAL EXPENSES. The department may pay, from funds appropriated to it for the purpose, a maximum of four hundred dollars toward funeral expenses on the death of any a person receiving state supplementary assistance or who received assistance under a previous categorical assistance program prior to January 1, 1974, provided:

1. The total expense of the person's funeral does not exceed ~~one hundred-fifty~~ one thousand dollars.

2. ~~That-the~~ The decedent does not leave an estate which may be probated⁷ with sufficient proceeds to allow a funeral claim of at least ~~one hundred-fifty~~ one thousand dollars.

3. ~~That-any-payment~~ Payments which is are due the decedent's estate or beneficiary by reason of the liability

of ~~any~~ a life insurance ~~or~~ death or funeral benefit company, association or society, or in the form of United States social security, railroad retirement, or veterans' benefits, upon the death of the decedent ~~shall be, are~~ deducted from the department's liability under this section.

Sec. 12. Section 249A.4, subsection 7, Code 1983, is amended to read as follows:

7. Shall provide for the professional freedom of those licensed practitioners who determine the need for or provide medical care and services, and shall provide freedom of choice to recipients to select the provider of such care and services, and-for-medical-direction-and-supervision-as-needed except when the recipient is eligible for participation in a health maintenance organization or prepaid health plan which limits provider selection and which is approved by the department. However, this shall not limit the freedom of choice to recipients to select providers in instances where such provider services are eligible for reimbursement under the medical assistance program but are not provided under the health maintenance organization or under the prepaid health plan, or where the recipient has an already established program of specialized medical care with a particular provider. The department may also restrict the recipient's selection of providers to control the individual recipient's overuse of care and services, provided the department can document this overuse. The department shall promulgate rules for determining the overuse of services, including rights of appeal by the recipient.

Sec. 13. Section 249A.4, subsection 8, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Shall advise and consult at least semiannually with a council composed of the president, or ~~his-or-her~~ the president's representative who is a member of the professional organization represented by the president, of the Iowa ~~Medical Society~~ medical society, the Iowa ~~Society~~ society of

~~Osteopathic-Physicians~~ osteopathic physicians and Surgeons ~~purgeons~~, the Iowa ~~State-Dental-Society-state dental society~~, the Iowa ~~State-Nurses-Association~~ state nurses association, the Iowa ~~Pharmaceutical-Association~~ pharmacists association, the Iowa ~~Pediatry-Society~~ podiatry society, the Iowa ~~Optometric Association~~ optometric association, the community mental health centers association of Iowa, the Iowa psychological association, the Iowa ~~Hospital-Association~~ hospital association, the Iowa ~~Osteopathic-Hospital-Association~~ osteopathic hospital association, opticians' association of Iowa ~~Ophthalmic-Dispensers, Inc., (opticians)-and~~ the Iowa ~~Nursing-Home-Association~~ health care association, the Iowa assembly of home health agencies, and the Iowa association of homes for the aging, together with one person designated by the Iowa state board of chiropractic examiners; one state representative from each of the two major political parties appointed by the speaker of the house, one state senator from each of the two major political parties appointed by the lieutenant governor, each for a term of two years; the president or the president's representative of the association for retarded citizens; four public representatives, ~~two-of~~ when-shall-be appointed each-year by the governor for staggered terms of two years each, and none of whom shall be members of, or practitioners of or have a pecuniary interest in any of the professions or businesses represented by, any of the several professional groups and associations specifically represented on the council under this subsection, and at least one of whom shall be a recipient of medical assistance; the commissioner of public health, or a representative designated by him the commissioner, and the dean of the college of medicine, University university of Iowa, or a representative designated by him the dean.

Sec. 14. Section 249A.5, Code 1983, is amended to read as follows:

249A.5 RECOVERY OF PAYMENT. Medical assistance paid to, Or on behalf of, ~~any a~~ recipient ~~cannot be recovered from such beneficiary~~ or paid to a provider of services is not recoverable unless ~~such benefit had been~~ the assistance was incorrectly paid. ~~If, while receiving assistance, the recipient becomes possessed of any resource or income in excess of the amount stated in the application provided for in this chapter, it shall be the duty of the recipient immediately to notify the county board of the receipt or possession of such resource or income. When it is found that any person has failed to so notify the board that he is or was possessed of any resource or income in excess of the amount allowed, or when it is found that, within five years prior to the date of his application, a recipient made an assignment or transfer of property for the purpose of rendering himself eligible for assistance under this chapter, any amount of assistance paid in excess of the amount to which the recipient was entitled shall constitute benefits incorrectly paid. Any benefits Assistance~~ incorrectly paid ~~shall be is~~ recoverable from the provider, or from the recipient, while living, as a debt due the state and, upon ~~his the~~ 'recipient's death, as a claim classified with taxes having preference under the laws of this state.

Sec. 15. Section 249A.6, subsection 4, Code 1983, is amended to read as follows:

4. ~~In the event If~~ 4 recipient of assistance through the medical assistance program incurs the obligation to pay attorney fees and court costs for the purpose of enforcing 4 monetary claim to which the department is subrogated under this section, ~~the amount which the department is entitled to recover under subsection 1, or any lesser amount which the department may agree to accept in compromise of its claim, shall be reduced by an amount which bears the same relation to the total amount of attorney fees and court costs actually paid by the recipient as the amount actually recovered by~~

~~the department, exclusive of the reduction for attorney fees and court costs, bears to the total amount paid by the third party to the recipient upon the receipt of a judgment or settlement of the claim, the court costs and reasonable attorney fees shall~~ first be deducted from the judgment or settlement. One-third of the remaining balance shall then be deducted and paid to the recipient. From the remaining balance, the claim of the department shall be paid. Any amount remaining shall be paid to the recipient. An attorney acting on behalf of a recipient of medical assistance for the purpose of enforcing a claim to which the department is subrogated shall not collect from the recipient any amount as attorney fees which is in excess of the amount which the attorney customarily would collect on claims not subject to this section.

Sec. 16. Section 252B.4, Code 1983, is amended to read as follows:

252B.4 NONASSISTANCE CASES. The child support and paternity determination services established by the department pursuant to this ~~Act~~ chapter and other appropriate services provided by law including but not limited to the provisions of chapters 239, 252A, 598 and 675 shall be made available by the unit to ~~any an~~ individual not otherwise eligible as a public assistance recipient upon application by the individual for the services. The application shall be filed with the department. The commissioner may require an application fee not to exceed twenty dollars ~~as determined by the commissioner~~. The commissioner may require an additional fee to cover the costs incurred by the department in providing the support collection and paternity determination services. The commissioner shall, by regulation rule, establish and make available to all applicants for support enforcement and paternity determination services a fee ~~schedule, however, the fee shall not exceed ten percent of any support money recovered by department action.~~ The fee

for support collection and **paternity** determination services charged to an applicant shall be agreed upon in writing by the ~~individual-requesting~~ applicant, and shall be based upon the applicant's ability to pay for the services. The application fee and the additional fee for services **provided** may be deducted from the amount of the support money recovered by the department. Fees Seventy percent of the fees collected pursuant to this section shall may be retained by the department for use by the unit and thirty percent shall be remitted to the treasurer of state who shall deposit ~~them~~ it in the general fund of the state. The commissioner or a designee and the treasurer of state shall keep an accurate record of funds so retained, remitted, and deposited.

Sec. 17. Section 2528.6, subsection 5, Code 1983, is amended to read as follows:

5. Initiate any necessary civil procedures-deemed-necessary by-the-department proceedings to secure-reimbursement recover from the parent of a child, ~~for~~ money expended by the state in providing public assistance or services to the child, including support collection services.

Sec. 18. Section 252B.7. Code 1983, is amended to read as follows:

252B.7 LEGAL SERVICES.

1. The attorney general may perform the legal services for the child support recovery program and may enforce all laws for the recovery of child support from responsible relatives. The attorney general ~~shall-have-power-to~~ may file and prosecute:

1 a. Contempt of court proceedings to enforce any order of court pertaining to child support.

a b. Cases under chapter **252A**, the Uniform Support of Dependents Law.

3 c. An information charging a violation of section 726.3, 726.5 or 726.6.

4 d. Any other lawful action which will secure collection of support for minor children.

2. ~~For the~~ ~~aforesaid~~ purpose of subsection 1, the attorney general ~~shall-have~~ ~~power~~ has the same power to commence, file and prosecute any action or information in the proper jurisdiction, which the county attorney could file or prosecute in that jurisdiction. This ~~shall-in-no-way~~ section does not relieve any a county attorney from ~~his-or-her~~ the county attorney's duties, or the attorney general from the supervisory power of the attorney general, in the recovery of child support.

3. The unit may contract with a county attorney, the attorney general, a clerk of the district court, or another person or agency to collect support obligations and to administer the child support program established pursuant to this chapter. Notwithstanding section 13.7, the unit may contract with private attorneys for the prosecution of civil collection and recovery cases and may pay reasonable compensation and expenses to private attorneys for the prosecution services provided.

Sec. 19. NEW SECTION. 2528.11 RECOVERY OF COSTS OF COLLECTION SERVICES. The unit may initiate necessary civil proceedings to recover the unit's costs of support collection services provided to an individual, whether or not the individual is a public assistance recipient, from an individual who owes and is able to pay a support obligation but willfully fails to pay the obligation. The unit may seek a lump sum recovery of the unit's costs or may seek to recover the unit's costs through periodic payments which are in addition to periodic support payments. If the unit's costs are recovered from an individual owing a support obligation, the costs shall not be deducted from the amount of support money received from the individual. Seventy percent of the costs collected pursuant to this section may be retained by the department for use by the unit and thirty percent shall be remitted to the treasurer of state who shall deposit it in the general

fund of the state. The commissioner or a designee and the treasurer of state shall, keep an accurate record of funds so retained, remitted, ~~and deposited.~~

Sec. 20. Section 421.17, subsection 21, Code 1983, is amended to read as follows:

21. To establish ~~and maintain~~ a procedure to set off against a debtor's income tax refund or rebate any debt, which is assigned to the department of social services, ~~or~~ which the child support recovery unit is attempting to collect on behalf of ~~any an~~ individual not eligible as a public assistance recipient, or which the foster care recovery unit of the department of social services is attempting to collect on behalf of a child receiving foster care provided by the department of social services, which has accrued through written contract, subrogation, or court judgment and which is in the form of a liquidated sum due and owing for the care, support or maintenance of a child or which is owed to the state for public assistance overpayments which the office of investigations of the department of social services is attempting to collect on behalf of the state. For purposes of this subsection, "public assistance" means aid to dependent children, medical assistance, food stamps, foster care, and state supplementary assistance. 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 no portion of a refund or rebate shall be credited against ~~any~~ tax liabilities which are not yet due.

b. Before ~~setoff~~ the child support recovery unit established pursuant to section 252B.2, the foster care recovery unit, and the office of investigations shall obtain and forward to the department of revenue the full name and social security number of the debtor. The department of revenue shall co-operate in the exchange of relevant information with the child support recovery unit as provided

in section 252B.9, with the foster care recovery unit, and with the office of investigations. However, only relevant information required by the child support unit, by the foster care recovery unit, or by the office of investigations shall be provided by the department of revenue. The information shall be held in confidence and shall be used for purposes of setoff only.

C. The child support recovery unit, the foster care recovery unit, and the office of investigations shall, at least annually, submit to the department of revenue for ~~setoff~~ the ~~above-mentioned~~ debts described in this subsection, which are at least fifty dollars, on a date ~~or-dates~~ to be specified by the department of social services by rule.

d. Upon submission of a Claim the department of revenue shall notify the child support recovery unit, the foster care recovery unit, or the office of investigations as to whether the debtor is entitled to a refund or rebate ~~of-at-least-fifty dollars~~ and if so entitled shall notify the unit or office of the amount of the refund-or rebate and of the debtor's address on the income tax return.

e. Upon notice of entitlement to a refund or rebate the child support recovery unit, the foster care recovery unit, or the office of investigations shall send written notification to the debtor, and a copy of the notice to the department of revenue, of the unit's or office's assertion of its rights or the rights of an individual not eligible as a public assistance recipient to all or a portion of the debtor's refund or rebate and the entitlement to recover the debt through the ~~setoff~~ procedure, the basis of the assertion, the opportunity to request that a joint income tax refund or rebate be divided between spouses, the debtor'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 will result in a waiver of the opportunity to contest the claim, causing final ~~setoff~~ by

default. ~~The~~ Upon application filed with the department within fifteen days from the mailing of the notice of entitlement to a refund or rebate, the child support recovery unit, the foster care recovery unit, or the office of investigations shall upon application grant a hearing pursuant to chapter 17A. Any 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 debtor or a debtor's spouse to the child support recovery unit, the foster care recovery unit, or the office of investigations, filed within fifteen days from the mailing of the notice of entitlement to a refund or rebate, and upon receipt of the full name and social security number of the debtor's spouse, the unit or office 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 debtor and the debtor'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 debtor by the child support recovery unit, the foster care recovery unit, or the office of investigations, set off the above-mentioned debt against the debtor's income tax refund or rebate if both the debt and the refund or rebate are at least fifty dollars. However, if a debtor has made all current child support or foster care payments in accordance with a court order or an assessment of foster care liability for the twelve months preceding the proposed setoff and has regularly made delinquent child support or foster care payments during those twelve months, the child support or foster care recovery unit shall notify the department of revenue not to set off the debt against the debtor's income tax refund or rebate. If a debtor has made all current repayment of public assistance in accordance with a court order or voluntary

repayment agreement for the twelve months preceding the proposed setoff and has regularly made delinquent payments during those twelve months, the office of investigations shall notify the department of revenue not to set off the debt against the debtor's income tax refund or rebate. The department shall refund any balance of the income tax refund or rebate to the debtor. The department of revenue shall periodically transfer the amount set off to the child support recovery unit, the foster care recovery unit, or the office of investigations. If the debtor gives timely written notice of intent to contest the claim the department of social services revenue shall hold the refund or rebate until final disposition of the contested claim pursuant to chapter 17A or by court judgment. The child support recovery unit, the foster care recovery unit, or the office of investigations shall notify the debtor in writing upon completion of setoff.

Sec. 21. Section 421.17, subsection 25, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

25. To provide that in the case of multiple claims to refunds or rebates filed under subsections 21 and 23, that priority shall be given to claims filed by the child support recovery unit or the foster care recovery unit under subsection 21, next priority shall be given to claims filed by the college aid commission under subsection 23, and last priority shall be given to claims filed by the office of investigations under subsection 21.

Sec. 22. Section 692.3, subsection 2, Code 1983, is amended to read as follows:

2. Notwithstanding subsection 1, paragraph "a", the department of social services may shall disseminate criminal history data obtained pursuant to section 692.2, subsection 1, paragraph "c", to persons licensed or registered under chapters 237 and 237A for the purposes of section 237.8, subsection 2 and section 237A.5. Licensees and registrants

under either chapter 237 or chapter 237A who receive information pursuant to this subsection shall not use the information other than for purposes of section 237.8, subsection 2 or section 237A.5. A licensee or registrant who uses the information for other purposes or who communicates the information to another except for the purposes of section 237.8, subsection 2 or section 237A.5 **is** guilty of an aggravated misdemeanor.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House .

I hereby certify that this bill originated in the Senate and is known as Senate File 541, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. ~~BRANSTAD~~
Governor

SENATE FILE 543

AN ACT

RELATING TO CIGARETTES AND LITTLE CIGARS BY STRIKING LANGUAGE WHICH TERMINATES THE TEMPORARY TAX INCREASE IMPOSED ON CIGARETTES AND LITTLE CIGARS AND MAKES THE TAX PERMANENT AND BY STRIKING LANGUAGE WHICH TERMINATES THE TWO PERCENT DISCOUNT RATE FOR THE SALE OF CIGARETTE STAMPS DECREASING THE PERCENT THAT CIGARETTES ARE REQUIRED TO BE MARKED UP, AND COMPUTING THE MARKUP ON ONLY ONE-HALF OF THE CIGARETTE TAX.

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

Section 1. 1981 Iowa Acts, chapter 43, section 1, amending section 98.6, Code 1981, is amended to read as follows:

SECTION 1. Section 98.6, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Notwithstanding subsection 1, there is imposed ~~for-the-fiscal-biennium~~ beginning July 1, 1981 and ~~ending-June-30,-1983~~ and shall be collected and paid to the department a tax on all cigarettes used or otherwise disposed of in this state for any purpose at the rate of nine mills on each cigarette ~~which-shall-not-be-considered-as-part-of-the-basic-cost-of-cigarettes-as-defined-in-section-551A.2.~~

Sec. 2. 1981 Iowa Acts, chapter 43, section 2, amending section 98.8, subsection 1, Code 1981, is amended to read as follows:

SEC. 2. Section 98.8, subsection 1, Code 1981, is amended to read as follows:

1. Stamps shall be sold by and purchased from the department. The department shall sell stamps to the holder of a state distributor's permit which has not been revoked and to no other person. stamps shall be sold to the permit holders-at-a-discount-of-not-to-exceed-five-percent-of-the

~~face-value--However,-for-the-fiscal-biennium-beginning-July-1,-1981-and-ending-June-30,-1983,-stamps-shall-be-sold-to-permit~~ holders at a discount of two percent of the face value. Stamps shall be sold in unbroken books of one thousand stamps, unbroken rolls of thirty thousand stamps, or unbroken lots of any other form authorized by the director.

Sec. 3. Section 551A.2, subsection 8, Code 1983, is amended to read as follows:

8. "Basic cost of cigarettes" shall mean whichever of the two following amounts is ~~lower,-namely,-:~~ (a) the true invoice cost of cigarettes to the wholesaler or retailer, as the case may be, or (b) the lowest replacement cost of cigarettes to the wholesaler or retailer in the quantity last purchased, less, in either case, all trade discounts and customary discounts for cash, plus one-half of the full face value of any stamps which may be required by any cigarette tax Act of this state, ~~unless-included-by-the-manufacturer-in-his-list-price.~~

Sec. 4. Section 551A.2, subsection 9, paragraph b, Code 1983, is amended to read as follows:

b. The cost of doing business by the wholesaler is presumed to be ~~four~~ three percent of the basic cost of ~~said~~ cigarettes in the absence of proof of a lesser or higher cost, ~~plus~~ which includes cartage to the retail outlet, if-furnished-or-paid-for-by-the-wholesaler plus the full face value of any stamps which may be required by any cigarette tax Act of this state to the extent not already included in the basic cost of cigarettes. Such-cartage-cost-is-presumed-to-be-one-half-of-one-percent-of-the-basic-cost-of-the-cigarettes-in-the-absence-of-proof-of-a-lesser-or-higher-cost.

Sec. 5. Section 551A.2, subsection 10, paragraph b, Code 1983, is amended to read as follows:

b. The cost of doing business by the ~~said~~ retailer is presumed to be ~~eight~~ six percent of the basic cost of cigarettes in the absence of proof of a lesser or higher cost

plus the full face value of any stamps which may be **required**
by any cigarette tax Act of this state to the extent not
already included in the basic cost of cigarettes.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known" as Senate File 543, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

SENATE FILE 544

AN ACT

RELATING TO FEES **CHARGED** TO GRAIN DEALERS AND GRAIN WAREHOUSE OPERATORS BY **THE** COMMERCE COMMISSION UNDER **CHAP-TERS** 542 AND 543.

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

Section 1. Section 542.3, subsection 2, paragraph a, Code 1983, is amended to read as follows:

a. A class 1 license is required if the grain dealer purchases any grain by credit-sale contract, or if the value of grain purchased by the grain dealer from producers during the grain dealer's previous fiscal year exceeds ~~two-hundred~~ **fifty five hundred** thousand dollars. Any ~~other~~ grain dealer may elect to be licensed as a class 1 grain dealer.

Sec. 2. Section 542.3, subsection 2, paragraph b, Code 1983, as amended by 1983 Iowa Acts, Senate File 402, section 1, is amended to read as follows:

b. A class 2 license is required for any grain dealer not holding a class 1 license. A class 2 licensee whose purchases from producers during a fiscal year exceed a limit of ~~two-hundred-fifty~~ **five hundred** thousand dollars in value shall file within thirty days of the date the limit is reached a complete application for a class 1 license. If a class 1 license is denied, the person immediately shall cease doing business as a grain dealer.

Sec. 3. Sections 542.6 and 543.33 as temporarily'amended by 1981 Iowa Acts, chapter 180, sections 7 and 26, are temporarily reenacted effective July 1, 1983, until July 1, 1984.

Sec. 4. 1981 Iowa Acts, chapter 180, section 32, is amended to read as follows:

SEC. 32. It is the intent ~~of~~ the general assembly that sections 7 and 26 of this Act shall have temporary effect only, and that sections 542.6 and 543.33, Code 1981, as they existed prior to amendment by this Act shall be the law of this state on and after July 1, ~~1983~~ **1984**.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the-House

I hereby certify that this bill originated in the Senate and is known as Senate File 544, Seventieth General Assembly.

K. **MARIE TBAYER**
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

S.F. 544

SENATE FILE 546

AN ACT

RELATING TO ADJUSTMENTS TO APPROPRIATIONS TO THE DEPARTMENT
OF SOCIAL SERVICES FOR THE STATE FISCAL YEAR BEGINNING
JULY 1, 1982 AND ENDING JUNR 30, 1983 AND THE FEDERAL
FISCAL YEAR BEGINNING OCTOBER 1, 1982 AND ENDING SEPTEMBER
30, 1983.

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, 1982, and ending June 30, 1983, to the department of social services for aid to families with dependent children two million nine hundred ninety-eight thousand (2,998,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by 1981 Iowa Acts, chapter 7, section 3, subsection 1, as amended by 1982 Iowa Acts, chapter 1260, section 90.

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 for medical assistance five million four hundred twenty thousand (5,420,000) dollars. or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by 1981 Iowa Acts, chapter 7. section 3, subsection 2, as amended by 1982 Iowa Acts, chapter 1260, sections 94 and 95.

Sec. 3. The appropriation 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 for contractual services-medical carrier under 1981 Iowa Acts, chapter 7, section 3, subsection 3, as amended by 1982 Iowa Acts, chapter 1260, section 99, is reduced by one hundred eighty thousand (180,000) dollars.

Sec. 4. 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 for work and training programs twelve thousand (12,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by 1981 Iowa Acts, chapter 7, section 3, subsection 4, as amended by 1982 Iowa Acts, chapter 1260, section 100.

Sec. 5. 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 for state supplementary assistance two hundred twelve thousand (212,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by 1981 Iowa Acts, chapter 7. section 3, subsection 6, as amended by 1982 Iowa Acts, chapter 1260, section 102.

Sec. 6. The appropriation 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 for foster' care under 1981 Iowa Acts, chapter 7, section 3, subsection 9, as amended by 1982 Iowa Acts, chapter 1260, section 104, is reduced by eight hundred thousand (800,000) dollars.

Sec. 7. 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 for community-based services seven hundred forty-five thousand (745,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by 1981 Iowa Acts, chapter 7, section 3,

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subsection 10, as amended by 1982 Iowa Acts, chapter 1260, section 106.

Sec. 8. 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, thirty thousand (30,000) dollars, or so much thereof as is necessary, for the distribution of federal surplus commodities, including salaries and support, maintenance, and miscellaneous purposes.

Sec. 9. 1982 Iowa Acts, chapter 1262, section 14, is amended by adding the following new subsection:

NEW SUBSECTION. 4. If the social services block grant funds received from the federal government exceed the amount appropriated in section 5 of **this** Act, the excess shall be prorated to the appropriate programs according to the percentage5 of the funds allocated.to the programs by that section, except excess funds shall not be prorated for administrative expenses. State funds in the **same** amount as the excess federal social services block grant funds shall revert to the general fund of the state.

Sec. 10. There is appropriated from the fund created by section 8.41 to the department of social services for the division of field operations, seven hundred thirty thousand (730,000) dollars for the federal fiscal year beginning October 1, 1982, and ending September 30, 1983, to be used for the same purposes and to supplement funds appropriated by 1982 Iowa Acts, chapter 1262, section 5, subsection 3, paragraph a. The funds appropriated by this section are the anticipated funds to be received from the federal government pursuant to the federal Emergency Jobs Appropriations Act, Pub. L. No. 98-8. State funds shall not revert to the general fund of the state as a result of the federal funds received under this section, notwithstanding section 9 of this Act.

Sec. 11. This Act, being deemed of immediate importance, takes effect from and after its publication in the Storm Lake

Pilot-Tribune, a newspaper published in Storm Lake, Iowa, and in the Oskaloosa Daily Herald, a newspaper published in Oskaloosa, Iowa.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 546, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

SIC.. 2. This Act, being deemed of immediate importance, takes **effect** from and after its publication in The Sioux City Journal, a newspaper published in Sioux City, Iowa, and in The Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa.

SENATE FILE 547

AN ACT

PROVIDING FOR THE PERIOD IN **WHICH** TO CLAIM A **REFUND** FOR TAXES PAID ON A **LUMP SUM DISTRIBUTION**.

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

Section 1. Section 422.73, subsection 2, Code 1983, is amended by adding the following new unnumbered paragraph:
NEW UNNUMBERED PARAGRAPH. Notwithstanding the period of limitation specified, the taxpayer shall have until June 30, 1983, to file a refund claim for a tax paid 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 beginning on January 1, 1977 and ending December 31, 1977, and for the tax year beginning on January 1, 1979 and ending December 31, 1979. Interest shall not accrue during the extended period for refund claims authorized by this Act.

• ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 547, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

S.F. 547

MISSION WHICH WILL ORGANIZE AND MANAGE AN INVESTMENT FUND WHICH WILL INVEST IN IOWA ENTERPRISES AND ALLOWING A STATE INCOME TAX CREDIT ON THE NET INVESTMENT IN THE FUND, ESTABLISHING A PROGRAM TO AID COMMUNITIES IN DEVELOPING FESTIVALS AND OTHER TOURIST ATTRACTIONS, AND MAKING VARIOUS APPROPRIATIONS TO CARRY OUT THE PROGRAMS.

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

SENATE FILE 548

AN ACT

FOR THE PURPOSE OF IMPROVING THE IOWA ECONOMY AND PROVIDING IMPROVED EMPLOYMENT CONDITIONS BY ESTABLISHING WORK RELIEF PROGRAMS FOR UNEMPLOYED IOWANS, ESTABLISHING ENERGY MANAGEMENT PROGRAMS FOR CERTAIN LOCAL GOVERNMENTS AND IN BUILDINGS OWNED OR OCCUPIED BY STATE AGENCIES, ENCOURAGING CAPITAL INVESTMENT TO STIMULATE THE ESTABLISHMENT OR EXPANSION OF SMALL BUSINESS AND INDUSTRY, ESTABLISHING A SMALL BUSINESS DIVISION WITHIN THE IOWA DEVELOPMENT COMMISSION, CREATING AN IOWA PRODUCT DEVELOPMENT CORPORATION, APPROPRIATING FUNDS FOR A RESIDENTIAL MORTGAGE INTEREST REDUCTION PROGRAM, CREATING AN IOWA HIGH TECHNOLOGY COUNCIL. ESTABLISHING A COMMUNITY DEVELOPMENT PLAN PROGRAM, ESTABLISHING A FUND FROM WHICH TO MAKE GRANTS FOR THE ESTABLISHMENT OF SOIL AND WATER CONSERVATION PRACTICES, AUTHORIZING THE IOWA DEPARTMENT OF TRANSPORTATION TO ISSUE AND BECOME OBLIGATED FOR ROAD USE TAX REVENUE BONDS, ESTABLISHING A JOB TRAINING PARTNERSHIP PROGRAM, PROVIDING FOR THE ESTABLISHMENT OF A CORPORATION BY THE IOWA DEVELOPMENT COM-

DIVISION I

Section 1. TITLE. Division I of this Act shall be known as the "Iowans Out of Work Act of 1983".

sec. 2. IOWA JOBS NOW. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983, and ending June 30, 1984. three million six hundred thousand (3,600,000) dollars, or so much thereof as is necessary, to establish and fund a statewide work relief program for unemployed Iowans, to be known as the Iowa jobs now program, in accordance with the following conditions:

1. Of the funds appropriated under this section from the general fund of the state, three million (3,000,000) dollars, or so much thereof as is necessary, is appropriated to the office for planning and programming to be used as follows:

a. A policy-making commission is established to direct and supervise the establishment and funding of local work relief projects. The commission shall consist of five public members, not more than two from the same political party, appointed by the governor subject to confirmation by the senate under section 2.32, and one senator, to serve as an ex officio nonvoting member, appointed by the president of the senate, and one representative, to serve as an ex officio nonvoting member, appointed by the speaker of the house of representatives. Notwithstanding section 69.19, the commission members' terms of office shall begin as soon as all members are appointed and shall expire on June 30, 1985. Members

Of the commission while engaged in their official duties shall be reimbursed for their actual and necessary expenses. Public members shall be ~~reimbursed from~~ funds appropriated by this division. Members of the general assembly shall be reimbursed pursuant to section 2.12. The appointments under this section shall be made within thirty days after the effective date of this division. The commission shall meet as soon as possible after the effective date of this division to establish policies for the implementation of the Iowa jobs now program on July 1, 1993.

b. Funds under the program shall be made available to the state, a state agency, or a county or city which establishes and administers a work relief project, but shall not be made available to a hospital or a school district. The jobs commission shall prescribe standards for the priority selection of work relief projects to be funded under the program. The standards shall include, but are not limited to, priority selection based on the commitment of local matching funds at a ratio of one dollar of local funds to each dollar of state funds; the project's rate of economic return to the community; the number of individuals who will work on the project; the number of individuals who would benefit from the project; the benefit to the community as a whole and the need for the project. Sixty percent of the state funds shall be targeted to those counties of the state with unemployment rates at least two percent above the statewide unemployment rate, as determined by the jobs commission from statistics provided by the department of job service. The remaining funds shall be distributed to other counties of the state. The office for planning and programming may prohibit or limit the use of the funds for State, county or city administrative or supervisory expenses. The state, state agency, county or city shall pay for all 'necessary project supplies and materials'. The office for planning and programming shall not administer or supervise local projects

but shall provide technical support and financial accounting services only to the program. The office for planning and programming shall not use more than one and one-half percent of the funds appropriated under this subsection for administrative expenses.

c. The state, state agency, county or city which establishes a local work relief project shall administer the project and shall hire and supervise individuals to work on the project. The state shall provide general liability coverage for the individuals employed, under chapter 25A, as if the individuals were employees of the state. The state shall provide workers' compensation coverage for the individuals employed under sections 85.57 and 85.58 as if the individuals were state employees. Individuals employed on a project are exempt from the provisions of chapter 96, under section 96.19, subsection 6, paragraph a, subparagraph (6), subpart (e), and are hereby exempted from the provisions of chapters 19A, 97B, and 400.

d. The state, state agency, county or city shall employ only those unemployed individuals, who receive little or no unearned income and who have exhausted all available unemployment compensation benefits or are not eligible for unemployment compensation benefits, to work on a local work relief project. The jobs commission may prescribe a uniform procedure to disregard all or a portion of an unemployed individual's unearned income. The individuals shall be paid the federal statutory minimum hourly wage, and shall not be employed for more than thirty-two hours per week in order to allow the individuals to seek private employment. The individuals shall apply for any job training or counseling services available within their respective service delivery areas under the federal Job Training Partnership Act, Pub. L. NO. 97-300.

This subsection shall not be construed to disqualify individuals employed by a local work relief project from

receiving services for which the individuals are otherwise eligible under the federal Job Training Partnership Act, **Pub. L. NO. 97-300.**

e. The state, state agency, county or city shall not employ the individuals to replace regular state, county or city employees, but shall employ the individuals in **labor-intensive** jobs for no longer than six months. However, if federal law **or regulation** prohibits an individual's exemption from chapter 96, the individual shall be employed for no longer than three months. Hiring practices shall follow an affirmative action plan based upon guidelines provided by the Iowa state civil rights commission. The plan shall provide for the hiring of women in traditional and nontraditional employment.

f. Notwithstanding section 8.33, unencumbered or unobligated funds appropriated by this subsection for the fiscal year beginning July 1, 1983 and ending June 30, 1984 shall not revert to the general fund of the state until June 30, 1985.

2. Of the funds appropriated under this section from the general fund of the state, five hundred thousand (500,000) dollars, or so much thereof as is necessary, is appropriated to the office for planning and programming to contract with the federal action agency for **the** establishment and funding of a volunteers in service to Iowa program for unemployed Iowans in accordance with the following conditions:

a. The policy-making commission established in subsection 1 shall direct and supervise the establishment and funding of the volunteers in service to Iowa program. The office for planning and programming shall contract with **the** federal action agency to administer the volunteers in service to Iowa program on a cost-sharing basis with the federal action agency. The federal action agency shall not use more than one and one-half percent of the funds appropriated under this subsection for administrative expenses. If the office for

planning and **programming** is unable to contract with the federal action agency, the office shall monitor the use of funds under the pro&m, and shall not use more than one and one-half percent of the funds appropriated under this subsection for administrative expenses.

b. Funds under the program shall be used to pay a stipend of three hundred thirty-five dollars per one-month period to unemployed volunteers who receive little or no unearned income and who have exhausted all available unemployment compensation benefits or are not eligible for unemployment compensation benefits. In addition, the volunteers shall receive at the end of their period of work **assignment, seventy-five** dollars for each month of work completed. The commission may prescribe a uniform procedure to disregard all or a portion of an unemployed individual's unearned income. The volunteers may be assigned to work for any public or nonprofit entity for a minimum of six months and a maximum of one year. However, if a contract with the federal action agency is not entered into for administration of the program, a volunteer under the program shall be assigned to work for no longer than three months. The volunteers shall agree to make a **full-time** commitment to a work assignment which is beneficial to the community or assists unemployed or elderly, low-income Iowans or other needy Iowans to become more self-sufficient or to improve their quality of life. The volunteers shall be available for work at least forty hours per week without regard to regular working hours and at all times during their periods of work, except for authorized periods of leave. The work assignments may include, but are not limited to, assignments to projects providing chore services for the elderly, remedial reading or writing instruction, community or individual gardening instruction and organization, food cooperative instruction and organization, home energy conservation assistance, skill-sharing instruction and organization, distribution services for public or private

commodities, and child day **care**. The work **assignments** shall not be made to replace regular employee⁶ or for participation in religious activities. ~~The work assignments~~ shall, if possible and where needed, be approached in a manner which would assist in the continuation of volunteers.' **assignments** beyond their terms of **assignment**, by **encouraging** local involvement.

c. The public or nonprofit entity to which an individual is assigned shall supervise and direct the individual and shall pay for all necessary work materials, supplies, and transportation costs. Work assignment practices shall follow an affirmative action plan based upon guidelines provided by the Iowa state civil right⁶ commission. The plan shall provide for the assignment of women to traditional and nontraditional employment. If the federal action agency administers the program, volunteers are provided general liability, health and accident, and workers' compensation coverage pursuant to federal regulations. If a contract with the federal action agency is not entered into for the administration of the program, the state shall provide general liability coverage for the volunteers, under chapter **25A**, as if the volunteers were employees of the state, and the state shall provide workers' compensation coverage for the volunteers under sections 65.57 and 85.58 as if the volunteer⁶ were state employees. The volunteers are exempt from the provisions of chapter 96, under section 96.19, subsection 6, paragraph a, subparagraph **(6)**, subpart **(e)**, and are hereby exempted from the provisions of chapters **19A**, **97B**, and 400.

d. Notwithstanding section 8.33, unencumbered or unobligated funds appropriated by this subsection for the fiscal year beginning July 1, 1983 and ending June **30**, 1984 shall not revert to the general fund of the state Until June **30**, **1985**. Funds appropriated by this subsection may be transferred under section 8.39 to the local work relief projects funded under subsection 1 if the funds are not needed

for the volunteer⁶ to service in Iowa program.

3. Of the funds appropriated under this section ~~from the general~~ fund of the ~~state~~, one hundred thousand (100,000) dollars, or so much thereof as is necessary, ~~is~~ appropriated to ~~the~~^N Iowa art⁶ council, to ~~be used~~ as follows:

a. An individual artist may receive a cash grant not to exceed three thousand dollars for a project determined to be in the public good including but not limited to touring performances and exhibitions, concerts for hospitals or nursing home residents, school concerts, participation in art festivals, faire, and conventions, paintings, drawings, or sculpture for state buildings, photographic documentation of life in Iowa, public murals, training seminars for **students**, poetry readings, publications, school residencies, or other projects which are open to the public. A grantee may **request** an additional stipend not to exceed ten percent of the grant to be used for materials and transportation costs. A grant may be made to an individual artist for a project involving a group of artists. Only the individual artist submitting the application must qualify under paragraph d.

b. **An** eligible organization under paragraph d may apply for a grant not to exceed three thousand dollars to match an equal amount to be used to hire, for up to one year, an artist-in-residence or arts administrator. Artists hired must meet the eligibility requirements of paragraph d.

c. Applications for a grant may be submitted to the Iowa arts council or to any job service office in the state. Applications shall be reviewed monthly by an advisory committee appointed under section 304A.6, subsection 4. The advisory committee shall submit recommendations to the council regarding possible recipients and the grant amount.

d. An individual must be an Iowa resident and must have been unemployed or had a combined adjusted gross income for federal income tax purposes **for** the individual and the individual's spouse of less than ten thousand dollaro during

the twelve months prior to making application. An organization must be incorporated under chapter **504A**.

e. The **Iowa** arts council shall require all-grantees to sign a contract and to report to the council within **forty-five** days following completion of the **project**. Works produced by a person receiving an individual grant are the property of the state in care of the Iowa arts council. Works produced by a person hired by an organization receiving a grant are **the** property of the organization.

4. The policy-making commission established in subsection **1** shall cooperate with the state job training coordinating council established pursuant to the federal Job Training Partnership Act, Pub. L. No. **97-300**, in the implementation of the Iowa jobs now program. State agencies shall cooperate with the federal action agency in the implementation of the volunteers in service to Iowa program and with the office for planning and programming in the implementation of the Iowa jobs now program, and shall provide necessary job training and technical assistance, for **short** periods or time, in assisting in the implementation of the Iowa jobs now program. Chapter 17A does not apply to the office for planning and programming or to the cooperating state agencies in the implementation of the Iowa jobs now program.

DIVISION II

Sec. 3. There is appropriated from the general fund of the state to-the energy policy council for **the** fiscal year beginning July 1, 1983 and ending June 30, 1984, the sum of five hundred thousand (500,000) dollars, and from federal oil overcharge funds apportioned to Iowa under Pub. L. No. 97-377, the sum of five hundred thousand (500,000) dollars, or so much thereof as is necessary to be used **for grants** to state agencies for energy management programs in buildings owned or occupied by state agencies.

Sec. 4. The energy policy council shall allocate the funds appropriated in section 3 of this division to state agencies according to the following guidelines:

1. Preference shall be given to projects for energy , conservation improvements in buildings owned by the state or by another unit of government that are occupied by a state agency.

2. The funds may also be used for grants for training maintenance personnel in energy management, the installation of utility meters to monitor energy use in buildings occupied by state agencies, energy audits of buildings occupied by state agencies, and consultation with state agencies in the area of technical energy management.

3. At least sixty percent of the funds appropriated in section 3 of this division shall be used for energy management programs in state owned buildings and buildings owned **by** another unit of government that are occupied by a state agency and which are located in a county with an unemployment rate that is above the statewide unemployment rate, as determined by statistic6 provided by the department of job service.

Sec. 5. There is appropriated from the general fund of the state for the fiscal year beginning July **1**, 1983 and ending June 30, 1984, fifty thousand (50,000) dollars and from federal oil overcharge funds apportioned to Iowa **under** Pub. L. No. 97-377, one million three hundred eighty-seven thousand two hundred **(1,387,200)** dollars, or so much thereof as is necessary, to the energy policy council to be used for grants to local governments for energy management programs, to be used as follows:

1. Funds appropriated in this section are allocated for grants to cities, counties, and area education agencies for the following programs according to the following percentages:

- a. For grants to area education agencies to consult in the area of technical energy management with school districts 15 percent
- b. **For** grants to local governments to train maintenance personnel in

energy management 4 percent

C. For grants to local governments

to pay for the ~~installation of~~ utility
meters to monitor energy use in build-

ings occupied by government agencies 6 percent

d. For grants to local governments

for energy audits of buildings occupied

by government agencies 28 percent

e. For grants to local governments,

except hospitals and school districts,

for energy conservation improvement in

government-owned buildings 47 percent

2. Cities, counties, and area education agencies are eligible for grants under subsection 1. The governing body of the unit of local government may apply for and is designated to receive the grant. The amount of the grant shall not exceed fifty percent of the cost of the project and the application must demonstrate that the local government will provide the required matching money.

3. In approving grants under this section, the energy policy council shall give priority to projects which are the most labor intensive and which produce the greatest energy conservation benefits. Each grant request shall contain information regarding the number of persons expected to be employed as a result of the grant, the number of permanent jobs which might result from the approval of the grant, and the projected energy savings.

Sec. 6. There is appropriated from the interest and earnings on investments from the federal oil overcharge funds described in sections 3 and 5 of this division which have been deposited in the general fund of the state not more than sixty-six thousand (66,000) dollars, or so much thereof as may be necessary, for attorney fees incurred by the state in obtaining the state's share of the federal oil overcharge funds under Pub. L. No. 97-377. Payment of these attorney

fee is subject to the approval of the attorney general and the executive council.

DIVISION III

Sec. 7. NEW SECTION. 220.70 PURPOSE. It is the purpose of this division to provide capital investment in the state to encourage the establishment or expansion of small business and industry, to provide additional jobs within the state, and to assist communities to diversify and stabilize the economies

Sec. 8. NEW SECTION. 220.71 CERTIFIED DEVELOPMENT PROGRAM. The authority shall implement a program to assist small businesses in obtaining funds to establish and expand small businesses and create new jobs. The authority shall use the funds to cooperate with and implement the certified development program of the United States small business administration. The funds provided by the authority shall be in the form of loans. The loans shall be made available in cooperation with local and statewide certified development companies and shall be available to small businesses qualified under guidelines of the United States small business administration. Section 220.62, subsection 2, applies to the administration of this section.

For purposes of this division, "small business" means small business as defined in section 220.1, subsection 28 and "capital infusion loan" means a loan under this division by the authority to a small business.

Sec. 9. NEW SECTION. 220.72 CAPITAL INFUSION LOANS. Capital infusion loans authorized under this division shall be made from funds appropriated to the authority for that purpose. A capital infusion loan shall be made only in conjunction with a loan made through or in conjunction with a United States small business administration loan for a project. The capital infusion loan shall not constitute more than ten percent of the entire amounts loaned to the small business with respect to the project. The authority may fund

to serve as its chairperson., **Members** of the advisory council shall serve four-year **terms, at the** pleasure of the governor subject to confirmation **of the senate.** The terms shall begin and end as provided in section 69.19. The governor shall fill a vacancy in the same manner as the original appointment for the unexpired portion **of the** member's term. For the initial appointments to the advisory council, the governor shall appoint five members whose terms shall commence upon appointment and shall expire April 30, 1985 and shall appoint six members whose terms shall commence upon appointment and shall expire April 30, 1987.

2. **More** than half of the membership of the advisory council shall be persons who **OWN** and operate a small business or persons employed in the management of a small business.

3. The advisory council shall meet at least quarterly each year at the seat of government in facilities provided by **the** commission. In addition, the advisory council shall meet with the commission as provided in section 28.37, subsection 5. The commission shall provide a secretary for meetings of the advisory council.

4. The members of the advisory council shall be paid a forty dollar per diem and shall be reimbursed for actual and necessary expenses incurred in performance of duties. All per diem and expense moneys shall be paid from funds appropriated for the use of the small business division.

5. The advisory council shall advise and consult with the commission and the small business division with respect to matters which are of concern to small businesses. The advisory council may submit recommendations to the commission *relating to actual or proposed activities of the small business division, and may submit recommendations **for** legislative or administrative actions.

Sec. 16. **NEW SECTION.** 28.39 **GENERAL DUTIES OF DIVISION.** The small business division shall adopt appropriate **service programs to:**

1. Receive and review complaints from individual small businesses that **relate** to rules or decisions of state **agencies,** and refer questions **and** complaints to a governmental **agency,** **when appropriate.**

2. **Administer** funding for **the** small business development centers, contracting with the center for industrial research and service **for** the administration of the program.

3. Channel requests for technical and managerial assistance from small businesses to the small business development centers and the extension system, and other available resources.

4. Provide information to small businesses seeking to establish or expand in Iowa through the regulatory information service created in section 28.17;

5. Study the feasibility of reducing the total number of state licenses, permits, and certificates required to . conduct small businesses.

6. Disseminate public information with respect to the legislation, regulation, policies and practices of government **which affect** the creation and operation of small businesses in this state.

7. Research, propose and promote **methods** of utilizing small businesses to develop economically depressed areas or to provide jobs for unemployed persons.

8. Encourage and assist small businesses to obtain state contracts and subcontracts by cooperating with the directors of purchasing in the department of general services, the state board of regents, and the department of transportation in performing the following functions:

a. Compiling and maintaining a comprehensive source list of small businesses.

b. Assuring that responsible small businesses are solicited on each suitable purchase.

c. Assisting small businesses in complying with the procedures for bidding and negotiating for contracts.

other portions of the project with **loans** of the authority made pursuant to other sections of **this** chapter. Capital **infusion** loans shall be **repaid** under terms **determined** by the authority. However, the small business shall not be required to pay interest on that part of the loan received from funds appropriated to the authority for that purpose from the general fund of the state.

Sec. 10. Sections 7 through 9 are enacted as a new division of chapter 220.

sec. 11. There is appropriated from the general fund of the state to the Iowa housing finance authority for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the sum of five million **(5,000,000)** dollars, or so much thereof as is necessary, to implement this division.

DIVISION IV

Sec. 12. NEW SECTION. 28.35 PURPOSES. It is the purpose of the general assembly in enacting this division to accomplish the following goals:

1. To provide that the small business division shall be the focal point within the Iowa development commission of activities which address the needs of small businesses in this state.
2. To encourage the creation of nongovernmental, **nonsubsidized** and permanent jobs in this state, and to increase real income levels in this state by promoting the stability of existing small businesses and the creation of new small businesses.
3. To provide a forum for the coordination of efforts to address the needs and opportunities of small business in this state.

Sec. 13. NEW SECTION. 28.36 DEFINITIONS. As used in this **division**, unless the context otherwise requires:

1. "Small business division" means the small business development division established within **the** Iowa development **commission**.

2. "Administrator" means the administrator of the **small business** division.

3. "Small business" means a nonprofessional enterprise which is located in this state, and which is operated for profit and under a single management, and which has either fewer **than twenty** employees or an annual gross income of less than three million dollars.

4. "Advisory **council**" means the small business advisory council.

Sec. 14. NEW SECTION. 28.37 SMALL BUSINESS DIVISION.

1. The commission shall establish and maintain a shall business division.

2. The director shall appoint an administrator who shall serve at the pleasure of the director. The administrator shall supervise the small business division, shall be responsible for the operation of the regulatory information service established pursuant to section 28.17, and shall attend meetings of the commission and the advisory council.

3. The commission shall assign to the small business division personnel employed under section 28.4 as may be required to enable the administrator and the small business division to perform the functions of the small business division.

4. The commission may adopt rules pursuant to chapter **17A** for the administration of this division.

5. The commission shall provide that at least twice each year a meeting of the commission authorized by section 28.6 shall be devoted to consultation with the advisory council.

sec. 15. NEW SECTION. 28.38 SMALL BUSINESS ADVISORY COUNCIL.

1. The governor shall appoint a small business advisory council to consist of eleven members. No more than a simple majority of the **members** of the advisory council shall be affiliated with the same political party as provided in section 69.16. The advisory council shall elect one of its members

other portions of **the project with** loans of **the** authority made pursuant to other sections of this chapter. **Capital** infusion loans shall be repaid under terms determined by the authority. However, **the** small business shall not be required **to** pay interest on that part of the loan received from funds appropriated to the authority for that purpose from the general fund of the state.

Sec. 10. Sections 7 through 9 are enacted as a new division of chapter 220.

Sec. 11. There is appropriated from the general fund of **the** state to the Iowa housing finance authority for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the sum of five million **(5,000,000)** dollars, or so much thereof as is necessary, to implement this division.

DIVISION IV

Sec. 12. NEW SECTION. 28.35 PURPOSES. It is the purpose of the general assembly in enacting this division to accomplish the following goals:

1. To provide **that** the small business division shall be the focal point within the Iowa development commission of activities which address the needs of small businesses in this state.

2. To encourage the creation of nongovernmental, **nonsubsidized** and permanent jobs in this state, and to increase real income levels in this state by promoting the stability of existing small businesses and the creation of new small businesses.

3. To provide a forum for the 'coordination of efforts to address the needs and opportunities of small business in this state.

sec. 13. NEW SECTION. 28.36 DEFINITIONS. As used in **this** division, unless the context otherwise requires;

1. "Small business division" means the small business development division established within the Iowa development commission.

2. **"Administrator"** means the administrator of the small **business** division.

3. **"Small business"** means a nonprofessional enterprise which is located in this state, and which is operated for profit and under a single management, and which has either fewer than twenty employees or an annual gross income of less than three million dollars.

4. **"Advisory council"** means the small business advisory council.

Sec. 14. NEW SECTION. 28.37 SMALL BUSINESS DIVISION.

1. The commission shall establish and maintain a small business division.

2. The director shall appoint an administrator who shall serve at the pleasure of the director. The administrator shall supervise the small business division, shall be responsible for the operation of the regulatory information service established pursuant to section 28.17, and shall attend meetings of the commission and the advisory council.

3. The commission shall assign to the small business division personnel employed under section 28.4 as may be required to enable the administrator and the small business division to perform the functions of the small business division.

4. The commission may adopt rules pursuant to chapter **17A** for the administration of **this** division.

5. The commission shall provide that at least twice each year a meeting of the commission authorized by section 28.6 shall be devoted to consultation with the advisory council.

sec. 15. NEW SECTION. 28.38 SMALL BUSINESS ADVISORY COUNCIL.

1. The governor shall appoint a small business advisory council to consist of eleven **members**. No more than a simple majority of the members of **the** advisory council shall be affiliated with the same political party as provided in section 69.16. The advisory council shall elect one of **its** members

to **serve as its chairperson.** Members of the advisory council shall serve four-year **terms at** the pleasure of the governor subject to confirmation **of the senate.** The terms shall begin and end as provided in section 69.19. The governor shall fill a vacancy in the **same manner as** the original appointment for the unexpired portion of the member's term. For the initial appointment to the advisory council, the governor shall appoint five members whose terms shall commence upon appointment and shall expire April 30, 1985 and shall appoint six members whose terms shall commence upon appointment and shall expire April 30, 1987.

2. More than half of the membership of the advisory council shall be persons who own and operate a small business or persons employed in the management of a small business.

3. The advisory council shall meet at least quarterly each year at the seat of government in facilities provided by the commission. In addition, the advisory council shall meet with the commission as provided in section 28.37, subsection 5. The commission shall provide a secretary for meetings of the advisory council.

4. The members of the advisory council shall be paid a forty dollar per diem and shall be reimbursed for actual and necessary expenses incurred in performance of duties. All per diem and expense moneys shall be paid from funds appropriated for the use of the small business division.

5. The advisory council shall advise and consult with the commission and the small business division with respect to matters which are of concern to small businesses. The advisory council may submit recommendations to the commission relating to actual or proposed activities of the small business division, and may submit recommendations for legislative or administrative actions.

Sec. 16. NEW SECTION. 28.39 GENERAL DUTIES OF DIVISION. The small business division shall adopt appropriate service programs to:

1. Receive and review complaints from individual small businesses that **relate** to rules or decision⁵ of state **agencies,** and **refer** questions and complaints to a governmental agency **when appropriate.**

2. **Administer** funding for **the small** business development centers, contracting with the center for industrial research and service for the administration of the program.

3. Channel requests for technical and managerial assistance from small businesses to the small business development centers and the extension system, and other available resources.

4. Provide information to small businesses seeking to establish or expand in Iowa through the regulatory information service created in section **28.17.**

5. Study **the** feasibility of reducing the total number of state licenses, permits, and certificates required to . conduct small businesses.

6. Disseminate public information **with** respect to the legislation, regulation, policies and practices of government **which affect** the creation and operation of small businesses in this state.

7. Research, propose and promote methods of utilizing small businesses to develop economically depressed areas or to provide jobs for unemployed persons.

8. Encourage and assist small businesses to obtain state contracts and subcontracts by cooperating with the directors of purchasing in the department of general services., the state board of regents, and the department of transportation in performing the following functions:

a. Compiling and maintaining a comprehensive source list of small businesses.

b. Assuring that responsible small businesses are solicited on each suitable purchase.

c. Assisting small businesses in complying with the procedures for bidding and negotiating for contracts.

d. Simplifying procurement specifications and terms in order to increase the opportunities for small **business participation**.

e. When economically feasible, dividing total purchases into tasks or quantities to permit maximum small business participation.

f. Preparing timely forecasts of repetitive contracting requirements by dollar volume and types of contracts to enhance the participation **of** responsible small businesses in the public purchasing process.

g. Developing a mechanism to measure and monitor the amount of participation by small businesses in state procurement .

Sec. 17. **NEW SECTION. 28.40 ANNUAL REPORT.** The small business division shall prepare and submit to **the** general assembly in January of each **year** a report of the activities of **the** small business division during the previous **fiscal year**. The report shall contain a statement of **the** expenditures of the small business division for the previous fiscal year and the recommendations of the advisory council, **if any**, for future action.

Sec. 18. There is appropriated from the general fund of the state for the fiscal year beginning July 1, **1983** and ending June **30**, 1984, **the** sum of five hundred thousand (500,000) dollars, or so much thereof as is necessary, to the small business division of the Iowa development commission for the purpose of funding the division's **administrative costs** and to provide the state's obligation in administering the small business development centers. However, not more than one hundred fifty thousand (**150,000**) dollars of the amount appropriated in this section shall be used **for the purpose** of funding the division's administrative Costs.

DIVISION V

Sec. 19. **NEW SECTION. TITLE.** Division V of this Act may be cited as the **"Iowa Product Development Corporation Act"**.

Sed. 20. **NEW SECTION. DEFINITIONS.** **As** used in this **division** unless the context otherwise **requires**:

1. **"Corporation"** means the **Iowa** product development corporation.

2. **"Financial aid"** means the infusion of risk capital to persons for use in **the** development and exploitation of specific inventions and products.

3. **"Inventions"** means a new process or new technique without regard to whether a patent has or could be granted.

4. **"Product"** means a product, device, technique, or process which is exploitable **commercially**. The term does not mean a product in a pure research stage of development but **applies** to a product, device, technique, or **process** which has advanced beyond **the** theoretic stage and is readily **capable** of being reduced to practice.

5. **"Venture"** means a contractual arrangement between a person and the corporation from which the corporation obtains rights, from or in an invention, product, or the **proceeds** from the product or invention in exchange for granting financial aid to the person.

6. **"Board"** means **the** board of directors of the Iowa product development corporation.

7. **"President"** means **the** president of **the** Iowa product development corporation.

Sec. 21. **NEW SECTION. PRODUCT DEVELOPMENT CORPORATION.**

1. There is created a corporate body called the **"Iowa product development corporation"**. The corporation **is** a quasi-public instrumentality and the exercise of **the** powers granted to the corporation in this division is an essential governmental function.

2. The corporation shall be governed by a board of seven directors who shall serve a term **of** four years. Each term shall begin and end **as** provided in section 69.19. No more than a simple majority of **the** members of the board shall belong to the same political party as provided **in** section

69.16. Each director shall **serve** at the pleasure of the governor and shall be appointed by the governor, subject to confirmation by the **senate**. A director is eligible for reappointment. A **vacancy** on the board of directors shall be filled in the **same manner** as an original appointment. For the initial appointments to the board of directors, the governor shall appoint three members whose terms shall commence upon appointment and shall expire April 30, 1985, and four members whose terms shall commence upon appointment and shall expire April 30, 1987.

3. The board of directors shall **annually** elect one member as chairperson and one member as secretary. The board may elect other officers of the corporation as necessary. **Members** shall not receive compensation but shall be reimbursed for necessary **expenses** incurred in the **performance** of duties from funds appropriated to the Iowa **development commission**.

4. Each director of the corporation shall take an oath of office and the record of **each** oath shall be filed in the office of the **secretary** of state.

5. The corporation shall receive information and cooperate with other agencies of **the state** and the political **subdivisions** of the **state**.

6. **The** corporation shall be a part of the Iowa development **commission** for administrative purposes only.

sec. 22. **NEW SECTION. PERPETUAL SUCCESSION.** The corporation has perpetual succession. The succession shall continue until the existence of the corporation is **terminated** by law. The **termination** of the corporation shall not affect an outstanding contractual obligation of the corporation to assist a person. In the event of the termination of the corporation, the contractual obligation to assist the person succeeds to the state and the rights and properties of the corporation shall pass to the state. **However**, debts or other **financial** obligations of the corporation do not **succeed** to the state upon termination of the corporation.

Sec. 23. NEW SECTION. BOARD OF DIRECTORS. The powers of the corporation are **vested** in and shall be exercised by the board of directors. Four members of the board **constitute** a quorum and an affirmative vote of the majority of the members present at a meeting is **necessary** before an action may be taken by the board. An **action** by the board shall be authorized by resolution at a regular or special meeting and **takes effect immediately** unless the resolution specifies otherwise. Notice of a meeting shall be given orally or in writing not less than forty-eight hours prior to the meeting.

Sec. 24. NEW SECTION. PRESIDENT. The board of directors shall appoint a president of the corporation who shall serve at the pleasure of the board and shall receive the compensation determined by the board. **The president** shall not be a member of the board. The president shall be the chief administrative and operational officer of the corporation and shall direct and supervise the administrative affairs and the general management of the corporation. The president may employ other employees as designated by the board. The president shall provide copies of all minutes, documents, and other records of the corporation and shall provide a certificate which attests to the truthfulness of the copies, if requested. Persons dealing with the corporation may rely upon the certificates. The president shall keep a record of all proceedings, documents, and papers filed with the corporation.

Sac. 25. NEW SECTION. CORPORATE PURPOSE--POWERS. The purpose of the corporation is to stimulate and encourage the development of new products within Iowa by the infusion of financial aid for invention and innovation in situations in which financial aid would not otherwise be reasonably available from commercial sources. For this purpose the corporation has the following powers:

1. To have perpetual succession as a corporate body and to adopt bylaws, policies, and procedures for the regulation of its affairs and conduct of its business.

2. TO **enter** into **venture agreements with persons doing** business in Iowa upon conditions and terms which are consistent **with the purposes** of this division **for** the advancement of **financial** aid to the persons. The financial aid advanced shall be for the development of specific product%, procedures, and techniques which are **to** be developed and produced in this state. The corporation shall condition the agreement% upon contractual **assurances** that the benefits of increasing **or** maintaining employment and tax revenues shall remain in Iowa.

3. To receive and accept aid or contributions from a source of money, property, labor, or other things of value to be used to carry out the purposes of this division including gifts or grants from a department or agency of the United States or any state.

4. With approval of the director of the department of general services to **acquire**, lease, purchase, manage, hold, and dispose of real and personal property and to lease, convey, or enter into contracts with respect to such property provided that all acquisition% of real property shall be as required by law.

5. To issue notes and bonds as provided under this division.

6. To hold patents, copyrights, trademarks, or other evidences of protection or exclusivity issued under the laws of this state or the United States to any products.

7. To employ assistants, agents, and other employees Who shall be state employee% and to engage consultant%, attorneys, and appraisers as necessary or desirable to carry out the purposes of the corporation.

8. To make and enter into contracts and agreements necessary or incidental to its performance of the **duties** and the powers granted to the corporation.

9. To sue and be sued, plead, **and** adopt a seal.

10. With the approval of the treasurer of state, to invest funds which are not needed for immediate use or **disbursement**,

including funds held in reserve, in obligations issued or guaranteed by the state or the United States.

11. To procure insurance against a **loss** in connection **with** its property and other assets.

12. To the extent permitted under a corporation contract With other persons, to consent to a termination, modification, forgiveness, or other change in the terms of a contractual right. payment, royalty, contract, or agreement.

13. To take necessary action to render bonds issued under this division more marketable.

Sec. 26. NEW SECTION. APPLICATIONS FOR FINANCIAL AID.

1. Application% for financial aid shall be forwarded, together with an application fee prescribed by the corporation, to **the** president of the corporation. The president, after preparing the necessary records for the corporation, shall forward each application to the staff of the corporation. for an investigation and report concerning the advisability of approving the financial aid for the company and concerning any other factor% found relevant by the corporation. The **investigation** and report shall include but are not limited to the following:

- a. The history of the applicant, its wage standards, job opportunities, and stability of employment.
- b. The extent of the applicant's dependence on agriculture.
- c. The applicant's past, present. and future financial condition and structure.
- d. The applicant's pro-forma income statements.
- e. The present and future market prospects for the product.
- f. The feasibility of the proposed project or invention to be given financial aid and the integrity of management.
- g. The state of the project% development.

2. After receipt and consideration of the report and any other action the corporation find% necessary, the corporation shall approve or deny the application. The president shall promptly notify an applicant by certified mail **of the**

disposition of its application. The corporation shall **give** priority to those **applicants** whose business **is** agriculture related or whose **business is** located in **an** area which the corporation **determines has been** severely adversely affected by depressed agricultural prices and whose proposed product or invention is to be used to convert all or a portion of the business to **nonagriculture-related** industrial or commercial activity or to create a new nonagriculture-related industrial or commercial business.

Sec. 27. NEW SECTION. IOWA PRODUCT DEVELOPMENT CORPORATION FUND. There is created an "Iowa product development corporation fund". All funds of the corporation including the proceeds from the issuance of notes or sale of bonds under this division, any funds appropriated from the general fund to the corporation, and other income derived from the **exercise** of authority granted to the corporation under this division shall be paid to the treasurer of state as an agent of the corporation and the treasurer shall deposit the amount in the Iowa product development corporation fund. The money in the Iowa product development corporation fund shall be paid out by warrants signed by the treasurer of state on requisition of the president of the corporation. **The money** in the Iowa product development corporation fund shall be used for repayment of notes and bonds issued under this division, the extension of financial aid granted by the corporation under this division, and the amount remaining may be used for the payment of the administrative and overhead costs of the corporation to the extent required.

Sec. 28. NEW SECTION. PRODUCT DEVELOPMENT CORPORATION NOTES. The corporation may issue Iowa product development corporation fund **notes, the** principal and interest of which shall be payable solely from the Iowa product development corporation fund established by this division. The fund note of each issue shall be dated, **shall** mature at times not exceeding ten years from their dates of issue. and **may** be

made redeemable before maturity, at the option of the corporation, at prices and under terms and conditions **as**, determined by the corporation. The corporation shall determine the **form** and manner of execution of the fund **notes**, including any interest coupons to be attached, and shall fix the denominations and the places **of payment** of principal and interest, which may be any financial institution within or without the state or any agent, including the lender. If an officer whose signature or a facsimile of whose signature appears on fund notes or coupons **ceases** to be that officer **before** the delivery of the notes or coupons, the signature or facsimile **is** valid and sufficient for all purposes the same as if the officer had remained in office until delivery. The fund notes may be issued in coupon or in registered form, or both, as the corporation determines. and provision may be made for the registration of coupon fund notes as to principal alone and also as to both principal and interest, and for the conversion into coupon fund notes of any fund notes registered **as** to both **principal and interest**, and for the interchange of registered and coupon fund notes. Fund **notes** shall bear interest at **rates** as determined by the corporation and may be sold in a manner, either at public or private sale, and for a price **as** the corporation determines to be best to effectuate the purposes of the housing assistance fund. The **proceeds of** fund note **shall** be used solely for the purposes for which issued and shall be disbursed in a manner and under restrictions as provided in this division and in the resolution of the corporation providing for their issuance. The corporation may provide for the replacement of fund notes which become mutilated or are destroyed or lost.

Sec. 29. NEW SECTION. BONDS AND NOTES.

1. The corporation may issue **its** negotiable bonds and note in principal amounts as, in the opinion of the corporation, are necessary to provide sufficient fund for achievement of its corporate purpose, the payment of **interest**

on its bonds and notes, the establishment of reserves to secure its bonds and notes, and all other expenditures of the corporation incident to and necessary or convenient to carry out its purposes and powers. However, the corporation shall not have a total principal amount of bonds and notes outstanding at any time in excess of one million dollars, or the value of the aggregate assets of the corporation, as certified by an independent certified public accountant. The bonds and notes shall be deemed to be investment securities and negotiable instruments within the meaning of and for all purposes of the uniform commercial code.

2. Bonds and notes issued by the corporation are payable solely and only out of the moneys, assets, or revenues of the corporation, and as provided in the agreement with bondholders or noteholders pledging any particular moneys, assets or revenues. Bonds or notes are not an obligation of this state or any political subdivision of this state other than the corporation within the meaning of any constitutional or statutory debt limitations, but are special obligations of the corporation payable solely and only from the sources provided in this chapter, and the corporation shall not pledge the credit or taxing power of this state or any political subdivision of this state other than the corporation, or make its debts payable out of any moneys except those of the corporation.

3. Bonds and notes must be authorized by a resolution of the corporation. However, a resolution authorizing the issuance of bonds or notes may delegate to an officer of the corporation the power to negotiate and fix the details of an issue of bonds or notes by an appropriate certificate of the authorized officer.

4. Bonds shall:

a. State the date and series of the issue, be consecutively numbered, and state on their face that they are payable both as to principal and interest solely out of the assets of the

corporation and do not constitute an indebtedness of this state or any political subdivision of this state other than the corporation within the meaning of any constitutional or statutory debt limit.

b. Be either registered, registered as to principal only, or in coupon form, issued in denominations as the corporation prescribes, fully negotiable instruments under the laws of this state, signed on behalf of the corporation with the manual or facsimile signature of the chairperson or president, attested by the manual or facsimile signature of the secretary, have impressed or imprinted thereon the seal of the corporation or a facsimile of it, and the coupons attached shall be signed with the facsimile signature of the chairperson or president, be payable as to interest at rates and at times as the corporation determines, be payable as to principal at times over a period not to exceed fifty years from the date of issuance, at places, and with reserved rights of prior redemption, as the corporation prescribes, be sold at prices, at public or private sale, and in a manner as the corporation prescribes, and the corporation may pay the expenses, premiums, and commissions which it deems necessary or advantageous in connection with the issuance and sale, and be issued under and subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this division, as are found to be necessary by the corporation for the most advantageous sale, which may include, but are not limited to, covenants with the holders of the bonds as to:

(1) Pledging or creating a lien, to the extent provided by the resolution, on moneys or property of the corporation or moneys held in trust or otherwise by others to secure the payment of the bonds.

(2) Providing for the custody, collection, securing, **investment, and payment of** any moneys of **or due** to the corporation.

(3) **Limitations** on the purpose to which the **proceeds** of sale of an issue of bonds then or thereafter to be issued may be applied.

(4) Limitations on the issuance of additional bonds and on the refunding of outstanding **or** other bonds.

(5) The procedure by which the terms of a contract **with** the holders of bonds may be amended or abrogated, the amount of bonds the holders **of** which must consent to an **amendment** or abrogation, and the *manner* in which consent may be given.

(6) Vesting in a trustee properties, rights, powers, and duties in trust as the corporation determines, which may include the rights, powers, and duties **of** the trustee appointed for the holders of any issue of bonds pursuant to **this** division, in which event the provisions of that section authorizing appointment of a trustee by the holders of bonds do not apply, or limiting or abrogating the right of the holders of bonds to appoint a trustee under that section, or limiting the rights, duties, and powers of the trustee.

(7) Defining the acts or omissions which constitute a default in the obligations and duties of the corporation and providing for the rights and remedies of the holders of bonds in the event of a default. However, rights and remedies shall be consistent with the laws of this state and this division.

(8) **Any** other matters which affect the security and protection of the bonds and the rights of the holders.

5. The corporation may issue its bonds for the purpose of refunding any bonds or notes of the corporation then outstanding, including the payment of any redemption premiums on the bonds or notes and any interest accrued or to accrue to the date of redemption of the outstanding bonds or notes. Until the proceeds of bonds issued for the **purpose** of refunding outstanding bonds or notes are applied to the purchase or

retirement of outstanding bonds or notes or the redemption of outstanding bonds or notes, the proceeds may be placed in **escrow** and be invested and reinvested in accordance with **this** division. The interest, income, and profits earned or **realized** on an investment **may also be** applied to the payment of the outstanding bonds or notes to be refunded by purchase, retirement, or redemption. After the terms of the **escrow** have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments may be returned to the corporation for **use** by it in any lawful **manner**. Refunding bonds shall be issued and secured and subject to this division in the same manner and to the same extent as other bonds **issued pursuant** to this division.

6. The corporation may issue negotiable bond anticipation notes and may *renew them* from time to time but the maximum maturity of the notes, including renewals, shall not exceed ten **years** from the date of issue of the original notes. Notes are payable from any available moneys of **the** corporation not otherwise pledged, or **from** the proceeds of the sale of bonds of the corporation in anticipation of which the notes were issued. Notes may be issued for any corporate purpose of the corporation. Notes shall be issued in the same manner as bonds, and notes and the resolution authorizing them may contain any provisions, conditions, or limitations, not inconsistent with this subsection, which the bonds or a bond resolution of the corporation may contain. Notes may be sold at public or private sale. In case of default on its notes or violation of any obligations of the corporation to the noteholders; the noteholders have all the remedies provided in this division for bondholders. Notes are as fully negotiable as bonds of the corporation.

7. A copy of each pledge agreement by or to the corporation, including without limitation each bond resolution, indenture of trust, or similar agreement, or any revisions or supplements to it shall be filed **with** the secretary of

state and no further filing or other action under sections 554.9101 to 554.9507, article 9 of the uniform commercial code or any other law of the state is required to **perfect** the security interest in the collateral or any additions to it or substitutions for it, and the lien and trust created are binding from and after the time made against all parties having claims of any kind in tort, contract, or otherwise against the **pledgor**.

8. Neither the officers of the corporation nor any person executing its bonds, notes, or other obligations is liable personally on the bonds, notes, or other obligations or subject to any personal liability or accountability by reason of the issuance of the corporation's bonds or notes.

Sec. 30. NEW SECTION. REPORTING **AND FUND** SOLVENCY. The chairperson of the corporation on or before July 30 of each fiscal year shall make and deliver a report to the governor and the legislative fiscal committee. The report shall include all transactions conducted by the corporation in the preceding fiscal year. The report shall also include a balance sheet outlining the financial solvency of the Iowa product development corporation fund, a certified copy of any audits of the corporation conducted in the preceding fiscal year, and other information requested by the governor or the legislative fiscal committee.

Sec. 31. NEW SECTION. AUDITS. The auditor of state shall audit the books and accounts of the corporation at least semi-annually. One audit shall be **conducted for** the preceding fiscal year on or after July 1 of each fiscal year. The results of the yearly audit shall be certified and turned over to **the** governor no later than July 30 of each fiscal year.

Sec. 32. NEW SECTION. **REMEDIES OF BONDHOLDERS AND NOTEHOLDERS.**

1. If the corporation defaults in the payment of principal or interest on an issue of bonds or notes after they become

due, whether at maturity or upon call for redemption, and the **default** continues for a period of thirty days, or if the corporation fails or refuses to 'comply with **this** division, or defaults in an agreement made with the holders of an issue of bonds or notes, the holders of twenty-five percent in aggregate principal amount of bonds or notes of the issue then outstanding, by instrument filed in the office of the clerk of the county in which the principal office of the corporation is located, and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of the bonds or notes for the purposes of this section.

2. The corporation or a trustee appointed under the indenture under which the bonds are issued may, and upon written request of the holders of twenty-five percent in aggregate principal amount of the issue of bonds or notes then outstanding shall:

a. Enforce all rights of the bondholders or noteholders, including the right to require the corporation to carry out its ^{agreements} with the holders and to perform its duties under this division.

b. Bring suit upon the bonds or notes.

c. By action require the corporation to account as if it were the trustee of an express trust for the holders.

d. By action enjoin any acts or things which are unlawful or in violation of the rights of the holders.

e. Declare all the bonds or notes due and payable and if all defaults are made good then with the consent of the holders of twenty-five percent of the aggregate principal amount of the issue of bonds or notes then outstanding, annul the declaration and its **consequences**.

The bondholders or noteholders, to the extent provided in the resolution by which the bonds or notes were issued or in their agreement with the corporation, ^{may} enforce any of the remedies in paragraphs a to e or the remedies provided in those agreements for and on their own behalf.

3. The trustee has all powers necessary or appropriate for the exercise of **functions** specifically set forth or incident to the **general representation** of bondholders, or **noteholders** in **the enforcement** and protection of their rights.

4. Before declaring the principal of bonds or notes due and payable, the **trustee** shall first give thirty days' notice in writing to the governor, the corporation, and the attorney general of the state.

5. The district court has jurisdiction of an action by the trustee on behalf of bondholders or noteholders. The venue of the action is in the county in which the principal office of the corporation is located.

Sec. 33. There is appropriated from the general fund of the state to the Iowa product development corporation for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the sum of seven hundred fifty thousand (750,000) dollars to fund this division.

DIVISION VI

Sec. 34. There is appropriated from the general fund of the state for the fiscal year beginning July 1, **1983**, and ending June 30, 1984, to the Iowa housing finance authority the amount of three million (3,000,000) dollars to be used to fund the program to reduce interest costs to be paid on loans established in section 220.81 of Senate File 223 as enacted by the 1983 Session of the Iowa general assembly.

DIVISION VII

Sec. 35. **NEW SECTION. 28.35 ESTABLISHMENT OF IOWA HIGH TECHNOLOGY COUNCIL.** The Iowa high technology council, hereafter referred to as the "**council**" is created. The council shall be administratively integrated into the Iowa development commission for staff support and assistance.

The council shall be composed of thirteen members appointed by the governor, subject to confirmation by the senate. This membership shall include:

1. Two members from the working *force* of the state, at least one of whom shall be a member of a labor union.

2. Two members **from** the state's community college system.

3. Two members from the board of regents' institutions.

4. Two *members* from the agricultural community of the state, at least one of whom shall represent a family **farm** operation.

5. Two members from management of industrial firms located in the state, at least one of whom is from a firm engaged in high technology.

Each term shall begin and end as provided in section 69.19. No more than a simple majority of the members of the board shall belong to the same political party as provided in section 69.16. Vacancies on the council shall be filled for the unexpired terms in the same manner as original appointments. The council members shall not receive per diem but shall be reimbursed for necessary expenses incurred in the performance of duties from funds appropriated to the Iowa development commission. For the initial appointments to the council, the governor shall appoint six members whose terms shall commence upon appointment and shall expire April 30, 1965, and seven members whose terms shall commence upon appointment and shall expire April 30, 1967. Thereafter, all appointments shall be for **a term** of *four years* **unless** the appointment is to fill a vacancy.

The council shall meet at least once each quarter and shall hold special meetings on call of the chairperson. Seven *members* shall constitute a quorum. The council shall adopt rules pursuant to chapter 17A to govern its procedures. The governor shall designate one member as chairperson.

Sec. 36. **NEW SECTION. 28.36 POWERS AND DUTIES.** The purpose of the council shall be to encourage the development of high technology industries and research in Iowa which will establish net new employment opportunities for Iowa workers or assist in improving the efficiency, productivity, and

viability of family farm operations and which will improve the **quality** of life in an environmentally-sound manner. For high technologies consistent with this purpose, the council shall:

1. Promote, encourage, and support education and research development programs in the fields of high technology.
 2. Seek to improve the quality and quantity of the research capabilities of the institutions of higher education, provide incentives to attract and retain superior faculty members at the institutions of higher education, and enhance the economic health of the state through encouraging investment by both governmental and private sources in educational programs which promote high technology and research and development.
 3. Establish priorities to encourage development in agriculture and industrial technology most closely related to the state's current economy and review the priorities to facilitate possible future changes in the economy.
 4. Consider and award grants on a project basis to an **educational** institution or commercial entity in which an educational institution has an ownership interest, for any of the following:
 - a. Further research on an idea, process, or product to determine potential for commercially feasible application.
 - b. Product development and testing.
 - c. Market analysis.
 - d. public investment in commercial development in conjunction with private investment.
- The **council** shall report annually to the governor and the **general assembly** on the grants awarded, including an analysis of how **the grants** serve to meet the general purpose of this section. The council shall provide post-grant audits of all grants awarded.
5. Promote the planning, coordination, and evaluation of Iowa's efforts to develop high technology capabilities and employment.

- 6.. Provide leadership in the establishment of research and **development** centers for high technology.
7. Encourage the private development of properties for the development of high technology companies.
8. Coordinate and stimulate promotional efforts to attract and expand high technology enterprises with the **Iowa** development commission.
9. Ensure the proper development of an effective mechanism to transfer information on technology and research to Iowa's existing industry.
10. Promote legislation that will stimulate the development and growth of high technology in Iowa.
11. Aid in identifying the research needs of industry, universities, and government.
12. Encourage the funding of technology and research from business and government sources.
13. Work to increase the public awareness of technology and the attractiveness of Iowa as a location for industry.
14. Work to form a broad-based, long-term commitment to build up Iowa's research **base** through promotion, human resource development, and capital investment.
15. Receive and disburse funds available from public or private sources to be used to further the overall development of high technology in Iowa.

Sec. 37. NEW SECTION. 28.37 GRANTS, GIFTS, AND BEQUESTS. The council may receive and expend grants, gifts, and bequests, including but not limited to appropriations, federal funding, and other funding available for the purposes pursuant to section 28.36.

Sec. 38. NEW SECTION. 28.38 CONTRIBUTIONS FROM PRIVATE INDUSTRY.

1. The council may **accept contributions** of advanced technology equipment, grants, gifts, and bequests from advanced technology companies. A company may designate the institution of higher education the contribution is awarded to or may provide a nondesignated contribution.

2. Equipment. grants, gifts, or bequests which are not designated pursuant to subsection 1 shall be utilized for agricultural research **or advanced technology** industry-generated research conducted in equipped laboratories at the institutions of higher education and for **maintaining state of the art** laboratory **equipment** at the institutions.

Sec. 39. NEW SECTION. 28.39 OPERATIONS OF COUNCIL. A public **investment** in commercial development by the council may be made only in Iowa and in conjunction with private investment and shall be reflected in a public ownership interest in the commercial entity which is established. The public ownership interest shall be negotiated with **the** other investing parties, including but not limited to, educational institutions, inventors, and private investors. A provision relating to the terms of ownership and the circumstances of disposal of the public ownership interest shall be made at the time of investment.

Upon the disposition of a public investment, one half of the proceeds beyond the original investment shall be available for research support at the educational institutions making application for support under this chapter. The remainder of the proceeds attributable to an **educational** institution ownership interest shall be available for support and investment pursuant to this chapter.

All support and investmsnt authorized by this chapter shall be made consistent with the rules and policies concerning property rights, patents, copyrights, and intellectual property of **the** educational institutions involved in each project.

Sec. 40. NEW SECTION. 28.40 COUNCIL AND COMMISSION **FUNDING.** There is appropriated from the general fund of the state to the Iowa high technology council for the fiscal year beginning July 1, 1983 and ending June 30, 1984 the sum of two million **(2,000,000)** dollars to fund **the** Projects. In addition, there is appropriated from the general fund of **the** state an amount for operations of the council but **not** to

exceed one hundred thousand (100,000) dollars for the fiscal Year beginning July 1, 1983 and ending June 30, 1984. **From** the funds appropriated for operations, fifty thousand **(50,000)** dollars shall be used for developing or to contract for developing a mechanism for transferring jobs, related to research findings, and innovations from the research institutions to industry.

The appropriations from the state general fund in this section shall be in addition to and separate from the appropriations from the state general fund which may be made to an institution of higher education in the state.

Notwithstanding section 8.33, unencumbered or unobligated funds **appropriated by this** section for the fiscal year beginning July 1, 1983 and ending June 30, 1984 shall not revert to the general fund of the state.

Sec. 41. If the governor finds that the estimated budget resources during the fiscal year beginning July 1, 1983 and ending June 30, 1984 are insufficient to pay all appropriations in full and the governor's findings are concurred in by the executive council, the governor shall not make any reductions in allotment as allowed under section 8.31 until the unexpended funds appropriated by this division are included in the estimated budget resources. Upon inclusion of the unexpended funds appropriated in this division in the estimated budget resources, any funds appropriated by this division and not encumbered shall remain in the general fund of the state.

If upon inclusion of the funds appropriated by this division in the estimated budget resources for the fiscal year beginning July 1, 1983 and ending June 30, 1984 as authorized by this section, the governor finds that the estimated budget resources during the fiscal year are insufficient to pay all appropriations in full and the executive council concurs in the governor's findings, the governor may make the reductions of allotments allowed under section 8.31.

DIVISION VIII

Sec. 42. NEW SECTION. SHORT TITLE. Division VIII of this Act may be cited as the "**Iowa** community development loan program".

Sec. 43. NEW SECTION. INTENT. The purpose of this division is to assist Iowa communities in the construction and improvement of public works and facilities which support and enhance local economic development by the creation of the Iowa community development loan program.

Sec. 44. NEW SECTION. **ESTABLISHMENT OF PROGRAM.**

1. The Iowa community development **loan** program is established to aid communities in improving and developing adequate public works and facilities needed to support local economic development projects by providing a revolving loan fund.
2. The program is administered by the office for planning and programming.
3. The program provides loans to cities for projects which address the following objectives:
 - a. The construction and improvement of public works and facilities needed for economic development.
 - b. The creation or retention of jobs especially in cities or cities located in counties with an unemployment rate higher than the statewide average.
 - c. The promotion of the expansion of existing business and industry.
 - d. The leveraging of local **resources.**
- a. The creation of job opportunities for women and minorities.
4. The program shall provide that the moneys appropriated to the revolving loan fund shall be available as follows:
 - a. Twenty-five percent of the moneys shall be designated for cities with a population of less than five thousand.
 - b. Fifty percent of the moneys shall be designated for cities with a population of five thousand or more.

c. Twenty-five percent of the moneys shall be designated for any city.

d. **Loans repaid** which were from moneys designated for cities as provided in paragraph a or b shall be redesignated for those cities.

5. Job service of Iowa is required to supply information regarding unemployment rates to any city or county requesting it.

Sec. 45. NEW SECTION. **QUALIFICATIONS FOR LOAN PROGRAM.**

1. Any Iowa city is eligible to apply for and receive loans through the program. However, preference shall be given to cities or cities located in counties with unemployment rates higher than the statewide average.
 2. Loans provided through the program shall be used to pay the cost of public works and facilities. **"Public works and facilities"** means **"essential corporate purpose"** and **"general corporate purpose"** as defined in section 384.24, subsections 3 and 4 and also means the acquisition of real property **which is to be developed** into an industrial park. **"Cost"** means all the costs of the project, including the cost of acquisition, construction, reconstruction and improvement, and all the items listed in section 384.24, subsection 5.
 3. Funds provided through the loan program shall be **matched** with local cash resources equal to not less than fifty percent of the amount loaned. All matching local cash resources shall be specifically committed to the accomplishment of the project for which the loan is made.
- Sec. 46. NEW SECTION. **APPROVAL OF LOANS.**
1. **Loans** provided through the program are interest free.
 2. The maximum amount of a loan made through the program is two hundred **fifty** thousand dollars.
 3. Initial loans provided through the program shall be awarded, subject to the amounts designated as provided in section 44, subsection 4 of this division, on a competitive basis to those community projects which meet the minimum

qualifications of this division end which best meet the objectives of section 44, **subsection 3** of this division. Consideration shall be **given to** the payback methods proposed by each city, **with** preference shown to projects which offer shorter loan maturities and greater security of repayment to **the** state.

4. Prior to the receipt of the loan funds, each loan recipient shall pay to the state a loan origination fee in an amount **equal** to six-tenths of one percent of the loan amount. The fees shall be paid from private or local funds and shall be placed into the general fund of the state but shall only be used to defray the state's expense in operating **the** loan program.

5. Loan proceeds shall not be disbursed to a city until a loan agreement has been executed **between** the state office for planning and programming and that city.

Sec. 47. **NEW SECTION.** LOAN REPAYMENTS.

1. A city shall repay funds borrowed in accordance with a loan agreement to be executed prior to the disbursement of a loan by the state.

2. In accordance with this division, additional loans shall be periodically awarded by the office for planning and programming. The additional loans shall be provided from funds not previously awarded and from repayments received from prior recipients of loans.

3. Loan repayments shall be returned to the program and shall not revert to **the** state's general fund.

Sec. 48. **NEW SECTION.** RULES. The office for planning and programming shall adopt rules pursuant to chapter **17A** to implement this division.

Sec. 49. **NEW SECTION.** ANNUAL REPORT. The office for planning and programming shall submit to the governor, once each year, a report setting forth details of the operation of the program and shall make that report available to members of the general assembly upon their request.

Sec. 50. There is appropriated from the general fund of the state on July 1, 1983 to the office for planning and programming five **million (5,000,000)** dollars to establish **the** revolving loan fund provided in **this division**. This appropriation is in addition to **any** other moneys appropriated to the office for planning and programming. Notwithstanding **section 8.33**, no part of this fund shall revert at or after the close of a fiscal period, but shall remain in the fund and appropriated for the purposes of this division.

Sec. 51. **NEW SECTION.** LOANS NOTDEPENDENTON BONDS. Notwithstanding **any law** to the contrary cities shall not be required to issue bonds to secure loans received by the city through the Iowa community development loan program.

Sec. 52. Section 384.4, subsection 2, Code 1983, is amended to read as **follows**:

2. Interest as it becomes due and the amount necessary to pay, or to create a sinking fund to pay, the principal at maturity of all general obligation **bonds** issued by the city or to pay, or to create a sinking fund to pay, amounts as due on loans received through the Iowa community development loan program.

DIVISION IX

Sec. 53. Chapter **467A**, Code 1983, is amended by adding the following new section:

NEW SECTION. CONSERVATION-PRACTICES REVOLVING LOAN FUND.

1. The state soil conservation committee may establish a conservation practice revolving loan fund composed of any money appropriated by the general assembly for that **purpose**, and of any other moneys available to and obtained or accepted by the committee from the federal government or private sources for placement in that fund. Except as **otherwise provided** by subsection 3, the assets of the **conservation practices** revolving loan fund shall be used only to make loans directly to **owners** of land in this state with a net worth not to exceed three hundred thousand dollars for the purpose of establishing

on that land any new permanent soil and water conservation practice which the commissioners of the soil conservation district in which the land **is located** have found is necessary or advisable to meet the soil loss limits established for that land. Revolving loan funds and public cost-sharing funds shall not be used in combination for funding a particular soil and water conservation practice. The net worth of the applicant shall be provided by a financial institution of the state of Iowa. Each loan made under this section shall be for a period not to exceed ten years, shall bear no interest, and shall be repayable to the conservation practice revolving loan fund in **equal** yearly installments due **March** 1 of each year the loan is in effect. The interest rate upon loans for which payment is delinquent shall accelerate immediately to the current legal usury limit. Applicants shall be eligible for no more than ten thousand dollars in loans outstanding at any time under this program. *Permanent soil and water conservation practices" has the same meaning as defined in section 467A.42 and those established under this program are subject to the requirements of section 467A.7, subsection 16. Loans made under this program shall come due for payment upon sale of the land on which those practices are established.

2. The general assembly finds and declares the following:

a. The erosion of topsoil on agricultural land by wind and water is a serious problem within the state and one which threatens to destroy the natural resource most responsible for **Iowa's** prosperity.

b. It is necessary to the preservation of the economy and well-being of the state to encourage soil **conservation** practices by providing loans for permanent soil and water conservation practices on agricultural land within the state.

c. The use of state funds for the **conservation** practices revolving loan fund established under subsection 1 is in the public interest, and the purposes of this division are public

purposes and uses for which public moneys may be borrowed, **expended**, advanced, loaned, or granted.

3. The state soil conservation committee may:

a. Contract, sue and be sued, and promulgate administrative rules necessary to carry out the provisions of this section, but the committee shall not in any manner directly or indirectly pledge the credit of the state of Iowa.

b. Authorize payment from the conservation practices revolving loan fund, from fees and from any income received by **investments of** money in the fund for costs, commissions, attorney fees and other reasonable expenses related to and necessary for making and protecting direct loans under this section, and for the recovery of moneys loaned or the management of property acquired in connection with such loans.

4. This section does not negate the provisions of section **467A.48** that an owner or occupant of land in this state shall not be required to establish any new soil and water conservation practice unless public cost-sharing funds have been approved and are available for the land affected. However, the owner of land **with** respect to which an administrative order to establish soil and water conservation practices has been issued under section 467A.47 but **not** complied with for lack of public cost-sharing funds, may waive the right to await availability of such funds and instead apply for a loan under this section to establish any permanent soil and water conservation practices necessary to comply with the order. If a landowner does so, that loan application shall be given reasonable preference by the state soil conservation committee if there are applications for more loans under this section than can be made from the money available in the conservation practices loan reserve fund. If it is found necessary to deny an application for a soil and water conservation practices loan to a landowner who has waived the right to availability of public cost-sharing funds before complying with an administrative order issued under section 467A.47, the landowner's waiver is void.

Sec. 54. There is appropriated ~~from~~ the general fund of the state to the state soil conservation commission for each fiscal year of the ~~fiscal biennium~~ beginning July 1, 1983 and ending June 30, 1985, one million (**1,000,000**) dollars to be used for ~~the establishment~~ of the revolving loan fund as provided in this division.

DIVISION X

sec. 55. NEW SECTION. 307.41 SHORT TITLE. Sections 307.41 through 307.62 are created as a separate division of chapter 307, known as the **"Iowa Economic Development Highway Bond Act"**.

Sec. 56. NEW SECTION. 307.42 DECLARATION OF NECESSITY AND PURPOSE. The purpose of this division is to benefit the citizens of Iowa by assuring that adequate funds are available to ~~meet~~ road transportation needs of the state, to construct, reconstruct, and improve the highways and bridges of this state, including acquiring rights-of-way for them, and to assure that there are adequate highways for the health, safety, economic development, prosperity, and well-being of the citizens of Iowa. It is the further purpose of this division to authorize ~~the~~ department to issue bonds to finance the **improvement** of existing highways and bridges and to reconstruct, construct, and **improve** these highways as necessary **for** the health, safety, economic development, prosperity, and well-being of the citizens of Iowa. All of the purposes stated in this section are public purposes for **which** public moneys may be borrowed, expended, advanced, loaned, and appropriated.

Sec. 57. NEW SECTION. 307.43 LEGISLATIVE FINDINGS. The general assembly finds and declares:

1. The construction, reconstruction, and improvement of an adequate highway system within this state is vital **for** the well-being, health, safety, economic development, and prosperity of the state, its citizens, and its economy.

2. It is essential to the continued well-being, health, **safety**, economic development, and prosperity ~~of the~~ state, its citizens, and its economy that the state proceed promptly **to improve** existing roadways, acquire real property necessary to ~~constitute~~ right-of-way **for future** highway construction, construct, reconstruct, and improve highways and bridges, and have adequate financial resources to **meet** these needs.

3. Current revenues available are insufficient to construct, reconstruct, and improve ~~the~~ highways and bridges **necessary** for the continued well-being, health, safety, economic development, and prosperity of the state, its citizens, **and** its economy.

4. The issuance by the department of road use tax revenue bonds, the appropriation of the net proceeds of the bonds to the primary **road** fund, and the appropriation of **funds** of the road use tax fund to the payment of principal of and interest on the road use tax revenue bonds are in all respects for the benefit of the people of the state of Iowa, for ~~the~~ **improvement of, their** health and welfare, and for the promotion of economic development and the economy, all of which are public purposes.

Sec. 58. NEW SECTION. 307.44 DEFINITIONS. When used in this division, unless the context otherwise **requires**:

1. **"Construction projects"** or **"road construction projects"** means the surfacing and resurfacing of primary roads and the grading, draining, paving, bridging, and the incidental work in connection therewith, ~~the~~ reconstruction and improvement of primary roads and bridges, and the acquisition of real property for future highway needs.

2. **"Bonds"** means negotiable road use tax **revenue** bonds of the department issued pursuant to this division, and all bonds, notes, and other obligations issued in anticipation of these bonds or as refunding bonds pursuant to this division.

3. **"Primary roads"** means as defined in section 306.3, subsection 2.

4. "Primary road fund" means the fund created by section 313.3.

5. "Highway bond fund" means the fund created in section 307.51.

6. "Road use tax fund" means the fund created by section 312.1.

7. "Treasurer" means the treasurer of the state of Iowa.

Sec. 59. NEW SECTION. 307.45 BONDS AUTHORIZED. The department may issue and sell bonds in an amount not to exceed ten million dollars, and may become obligated to pay the bonds, as provided in this division. Bonds are limited Obligations of the department payable solely from the highway bond fund. The total amount of bonds outstanding at any time shall not exceed ten million dollars. If the supreme court of this state determines at this division and any bonds issued and sold pursuant to this division are not in violation of the constitution of this state, the limit on the, total amount of bonds that may be outstanding at any one time shall be increased by one hundred million dollars. Beginning with the fiscal year after such determination by the supreme court and for each fiscal year thereafter if the actual amount of road use tax revenues credited to the primary road fund in a fiscal year is less than the amount of such revenues which the department had estimated would be credited to the primary road fund in that fiscal year, the department may issue and sell bonds for that fiscal year in an amount equal to the difference, but not in excess of ten million dollars. If the department has a project which will cost more than ten million dollars and the issuance and sale of bonds are needed the department may issue and sell an amount of bonds sufficient to pay the cost for this project if the general assembly passes a concurrent resolution authorizing the department to issue and sell bonds in a specific amount and for that specific project. The proceeds of the sale of bonds shall be paid into the primary road fund to be expended for road

construction projects and for expenses incurred in issuing the bonds, as approved, directed, or incurred by the department. The proceeds of the bonds shall not be used by the department to pay other administrative expenses.

Sec. 60. NEW SECTION. 307.46 TERMS OF BONDS. Bonds shall bear interest at the rate or rates and be in the denominations determined by the commission. The commission shall determine the maturity or maturities of the bonds and the dates of interest payment on the bonds. Each bond is due and payable on the date stipulated on the face of the bond, which date shall not be more than ten years after the date of issuance. The principal and interest are payable at the office of the treasurer or at any other place or places designated by the commission. Each bond shall be executed on behalf of the department with the manual signature of the chairperson or vice chairperson of the commission and attested with a manual or facsimile signature of the director and shall have impressed or printed on it the seal of the department. Coupons attached to the bonds, if any, shall be executed by the facsimile signature of the director. Each facsimile signature has the same force and effect as if the officer had manually signed or attested to each of the bonds and coupons.

The bonds are limited obligations of the department payable solely from those road use tax funds credited to the highway bond fund and are not general obligations of the state and are not debts or obligations of the state within the meaning of any statutory or constitutional debt limitation.

Sec. 61. NEW SECTION. 307.47 SALE OF BONDS. The commission shall sell the bonds to obtain funds to carry out the purpose of this division and authorize the payments as provided in this division. The proceeds from the sale shall be deposited with the treasurer. The bonds may be sold by the commission at public sale. If the commission so determines, the bonds may be sold by the commission at private

sale without published notice and without the regular requirement⁸ of a public sale and **the** sale of the **bonds** shall be in the manner and upon **the terms** prescribed by the resolution **of** the commission authorizing **the** private sale. If the bonds are sold at public sale, they shall be sold upon terms of not less than par plus accrued interest.

The director with the **advice** and assistance of counsel shall **cause** to be prepared the **form** of advertisements, resolution^a, agreement^{*}, and other necessary forms for use in the offering **for sale** and issuance of the bonds and to prepare and cause to be printed the proper form of bond and to deliver the bonds to the **proper** officials for signature.

If the bonds are **offered for public sale** the commission shall, by advertisement published **for two** or more successive weeks in at least one newspaper of general circulation in the state, give notice **of** the time and place of **sale of the** bonds, **the** amounts to be offered **for sale**, and other information which is deemed **pertinent**. The **last** day of publication shall not be less than seven days prior to the date **of sale of the** bonds. **Sealed bids may be received at** any time prior to the calling **for open** bids. At the time and place **designated for the sale of bonds**, the commission shall first call for open bids. After all of **the open** bids have been received the substance of the best open bid shall be **noted in the minutes**. The commission shall then **open** the sealed bids that have been **received** and shall **note in the minutes** the substance of the best sealed bid.

In the discretion **of the commission**, any or all bids may be rejected, and the sale may be advertised anew in **the** same manner, or the bonds or any portion **of the bonds** may be sold at private sale to one or more of the bidders, or **other persons**.

Sec. 62. **NEW SECTION.** 307.48 BOND PROCEEDINGS. The bonds shall be authorized by resolution of the commission and bond proceedings shall provide for the purpose of **the**

bonds, principal amount and principal maturity **or maturities**, not exceeding ten years from the date of issuance, **the interest** rate or **rates** or the maximum interest rate, the date of **the bonds** and the dates of payment of interest on the bonds, their **denomination**, **the** terms and conditions upon which parity bonds may be issued, and **the** establishment within **or** without the state **of** a place or places of payment of principal of and interest on the bonds. The purpose **of** the bonds may be stated in the bond proceedings in terms describing **the** general purpose or purposes to be served. The **commission may cause** to be issued a prospectus or official statement in connection with **the** offering of the bonds. Bonds may be issued in coupon or in registered **form**, or both: Provision **may** be made for the registration **of** bonds with coupons attached as to principal alone, or **as to** both principal and interest, **their** exchange for bonds so registered, and for **the conversion or reconversion** into bonds with coupons attached of any bonds registered as to both principal and interest, and **for** reasonable charges for registration, exchange, conversion, and reconversion. Bonds shall be **sold** in the manner and at the time determined by the commission. Chapter 75 and sections 23.12 through 23.16 do not apply to these bonds. The bonds are negotiable instruments. The bond proceedings may contain additional provisions as to:

1. The redemption of bonds prior to maturity at the option of the commission at **the** price and on the terms and conditions provided in **the** bond proceedings.
2. Other terms of **the** bonds and concerning execution and delivery of **the** bonds.
3. The delegation of responsibility for any act relating to the **issuance**, execution, sale, redemption, or other **matter** pertaining to the bonds to any other officer, agency **of** the state, or other person or body.
4. Additional **agreements** with the bondholders relating to the bonds.

5. **Payment** from the proceeds of the sale of the bond⁶ Of all legal and financial expenses incurred by the **department** Or the commission in **the issuance**, sale, **delivery**, and payment of the bonds.

6. Other **matters**, alike or different, which may in any way affect the **security** of the bonds and the protection of **the** bondholders.

Sec. 63. NEW SECTION. 307.49 ADDITIONAL POWERS OF **COMMISSION.** In connection with the **issuance** of the bonds or in order to secure the payment of the bond⁶ and interest on the bonds, the **commission** may by resolution:

1. Provide that the bond⁶ be secured by first lien on all or any part of the moneys paid into the road use tax fund from the source⁶ specifically prescribed in article VII, section 8 of the Iowa constitution and that the **moneys** when paid into the road use tax fund will be credited to the highway bond fund with the moneys credited to the highway bond fund each fiscal year being deemed from the road use tax fund allocation to the primary road fund for that fiscal year.

2. Pledge and assign to or entrust for the benefit of the bondholder⁶ any part Of the road use tax fund revenues collected **as** prescribed in article VII, section 8 of the Iowa constitution, **as** will be necessary to pay the principal of anti interest on the bond⁶ as they mature or become due by providing that the revenues collected shall be credited to the highway bond fund with the moneys credited to the highway bond fund each fiscal year being deemed from the road **use** tax fund allocation to the primary road fund for that fiscal year.

3. Establish, authorize, **set** aside, regulate, and **dispose** of reserves and sinking funds.

4. Provide that sufficient amounts of the **proceeds** of the sale of **the** bond⁶ may be used to **fully** Or partially fund any and all reserves or sinking funds **set** out by **the** bond resolution.

5. 'Prescribe the procedure, if any, by which the terms of **any contract** with **bondholders** may be amended or abrogated, **the amount** of the bond⁶ whose holder⁶ **must** consent thereto, and the manner in which the consent may be given.

6. Purchase bonds, out of funds available **for** that purpose, which shall be canceled, at a price not exceeding either of the following:

a. If the bond⁶ are then redeemable, **the** redemption price then applicable **plus** accrued **interest** to the **next** interest payment date.

b. If the bond⁶ are not then redeemable, the redemption price applicable on the first date after **the** purchase upon which the bonds become subject to **redemption** plus accrued interest to that date.

Sec. 64. NEW SECTION. 307.50 **FUNDS APPROPRIATED.** The proceed⁶ from the issuance of the bond⁶ Shall be paid into a separate account which shall be established within the primary road fund and are appropriated to and Shall be expended by the department for road construction projects.

In expending the proceeds from the issuance of the bonds, the department Shall implement a **women's business** enterprise program to involve independent businesses owned and controlled by women in road construction projects funded under this division. The program shall establish an overall goal for the participation of women's **business enterprises** of **five** percent of the proceed⁶ from the issuance of the bonds, and shall establish specific project goals, including dollar goals, for **the** participation of women⁶ **business** enterprises capable of meeting general contracting requirements and particular project solicitations. General contractors shall make a good faith effort to meet the specific goal⁶ established for a project funded under **this** division. The department shall maintain a current directory of **women's business** enterprises which have been certified **as** owned and controlled by women and which are capable of meeting general contracting

requirements and particular project solicitations. A women's business enterprise shall **be certified** as owned and controlled by women if the **business is independent**, at least fifty-one percent owned by women, and managed and operated by women, **with women** making both the day-to-day decisions as well as the major decisions for **the business**. The **women's** ownership shall be real, substantial, and continuing.

In advertising for bid and letting contracts for road construction projects funded under this division, the department shall establish an overall goal for the participation of women construction workers and shall establish specific project participation goals, including percentages of women workers on the project, after considering **the** number of women workers available and trainable, by the department, for the project. Contractors shall make a good faith effort to meet the specific goals established for a project funded under this division.

Sec. 65. **NEW SECTION.** 307.51 **PAYMENT** OF BONDS. A highway bond fund is created in the state treasury. At the direction of the commission as provided in the bond proceedings or pursuant to section 307.49, subsection 1 or 2, and as certified by the director, the treasurer of state shall credit to the highway bond fund from the road use tax fund a sum at least sufficient to pay interest on the bonds in each fiscal year and principal on the bonds that mature during each fiscal year with the moneys credited each fiscal year to the highway bond fund coming from the road use tax fund allocation to the primary road fund for **that** fiscal year. In each fiscal year after the effective date of this division and after **bonds** are issued, and until all the bonds issued have been retired, in order to provide for the payment of principal of the bonds issued and sold and the interest on them as the same become due and mature, there is pledged and annually appropriated out of the road use tax fund to be credited to the **highway** bond fund an amount sufficient to pay principal and interest

on the bonds issued for each of the **years** the bonds are outstanding **with** the moneys credited each fiscal year to the highway bond fund coming from the road use tax fund allocation **to the** primary road fund for that fiscal year. The director shall **annually** certify to the treasurer **the** amount of funds required to pay interest on the bonds in the ensuing fiscal year and the principal on the **bonds** that mature during the ensuing fiscal year.

Sec. 66. **NEW SECTION.** 307.52 PLEDGE AS SECURITY FOR BONDS. A pledge made pursuant to this division is valid and binding from the time the pledge is made.

The **moneys** pledged and received by the treasurer to be placed in the road use tax fund **and subsequently** credited to the highway bond fund are immediately subject to **the** lien of the pledge without any future physical delivery or further act and the lien of a pledge is valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the commission or the **department** irrespective of whether the parties have notice of the lien of the pledge. The resolution or trust indenture or other instrument by which a pledge is created, when placed in the records of the department, is notice to all concerned of the **creation** of the pledge, and the instruments need not be recorded in any other place.

Sec. 67. **NEW SECTION.** 307.53 NONLIABILITY OF THE STATE AND ITS OFFICIALS. Bonds **issued** are **special** limited obligations of the department and are not a debt or liability of the state or any other political subdivision within the meaning of any constitutional or statutory debt limitation and are not a pledge of the state's credit or taxing power within the meaning of any constitutional or statutory limitation or provision and except as provided in this division, an appropriation shall not be made, directly or indirectly, by the state or any political subdivision of the state for the payment of bonds. The bonds are special

obligations of the department payable solely from the highway bond fund. Funds from the general fund of the **state shall** not be used to pay interest or principal on **the** bonds if revenues deposited in the road use tax fund are insufficient.

The members of the commission, the department, or other person executing the bonds is not personally liable for the payment of the bonds. The bonds are valid and binding obligations of the department notwithstanding the fact that before the delivery of the bonds any of the officers whose signatures appear on the bonds cease to be officers of the state. From and after the sale and delivery of the bonds, they shall be incontestable by the department or the commission.

Sec. 68. NEW SECTION. 307.54 BOND ANTICIPATION NOTES. The power to issue bonds includes the power to issue obligations in the form of bond anticipation notes or other forms of short-term indebtedness and to renew these notes by the issuance of new notes. The holders of notes or interest coupons of notes have a right to be paid solely from those road use tax funds credited to the highway bond fund which were pledged to the payment of the bonds anticipated, or from the proceeds of those bonds or renewal notes, or both, as the commission provides in the bond proceedings authorizing the notes. The notes may be additionally secured by covenants of the commission to the effect that the commission will do those acts authorized by this division and necessary for the issuance of the bonds or renewal notes in appropriate amount, and either exchange the bonds or renewal notes for the notes, or apply the proceeds of the notes, to the extent necessary, to make full payment of the principal of and interest on the notes at the time contemplated, as provided in the bond proceedings. For this purpose, the commission may issue bonds or renewal notes in a principal amount and upon terms **as** authorized by this division and as necessary to provide funds to pay when required the principal of and interest on the

outstanding notes, notwithstanding any limitations prescribed by **this** division, other than the limitation contained in section 307.45. All **provisions for** and references to bonds in this division are applicable to notes authorized under this section to the extent not inconsistent with this section.

Sec. 69. NEW SECTION. 307.55 REFUNDING OF OBLIGATIONS. The commission may authorize and issue bonds for the refunding, including funding and retirement, and advance refunding with or without payment or redemption prior to maturity, of bonds previously issued by the department. These bonds may be issued in amounts sufficient for payment of the principal amount of the prior bonds, any redemption premiums on the prior bonds, principal maturities of bonds maturing prior to the redemption of the remaining bonds on a parity with them, interest accrued or to accrue to **the** maturity date or dates of redemption of the bonds, and project costs including expenses incurred or to be incurred in connection with this issuance, refunding, funding, and retirement. Subject to the bond proceedings, the portion of proceeds of the sale of bonds issued under this section to be applied to principal of and interest on the prior bonds shall be credited to the appropriate account for the prior bonds. **Bonds** authorized under this section shall be deemed to be issued for those purposes for which the prior bonds were issued and are subject to the provisions of this division pertaining to other bonds. Bonds refunded shall not be considered to be outstanding for purposes of section 307.45.

Refunding bonds may be issued without regard to whether or not the bonds to be refunded are payable on the same date or different dates or due serially or otherwise.

Sec. 70. NEW SECTION. 307.56 BONDS AND INTEREST ON **THE** BONDS NOT SUBJECT TO **TAXATION**. Bonds, their transfer, and the income from the bonds are not subject to taxation by this state.

sec. 71. NEW SECTION. 307.57 BONDS As LEGAL INVESTMENTS. Bonds are securities in which, all public officers and bodies of the state and all municipalities and political subdivisions of this etate, all insurance companies and associations and Other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks, and savings associations, including savings and loan associations, building 'loan associations, investment companies, and other persons carrying on a banking business, all administrators, guardians, executors, trustees, and other fiduciaries and all other persons who are now or may be authorized to invest in bonds or other obligations of this state may properly and legally invest funds including capital in their control or belonging to them. The bonds are also securities which may be deposited with and may be received by all public officers and bodies of the state and all municipalities and legal subdivisions of this state for any purpose for which the deposit of bonds or other obligations of the state is now or may be authorized.

Sec. 72. NEW SECTION. 307.58 RIGHTS OF BONDHOLDERS. The bond proceedings may provide that a bolder of bonds or ,a trustee under the bond proceedings, except to the extent that the holder's rights are restricted by the bond proceedings, may by legal proceedings, protect and enforce any rights under the laws of this state or granted by the bond proceedings. These rights include the right to compel the performance of all duties of the department required by this division or the bond proceedings; to enjoin unlawful activities; and in the event of default with respect to the payment of any principal of or interest on bond8 or in the performance of a covenant or agreement on the part of the department in bond proceedings, to apply to a court to appoint a receiver to receive and administer the funds which are pledged to the payment of bonds or which are the subject of the covenant or agreement, with full power to pay and to provide for payment of any principal of or interest on bonds

and with powers accorded receivers in general equity cases, excluding power to pledge additional funds or other income or moneys of the department, the state, or governmental agencies of the state to the payment of the bonds.

Sec. 73. NEW SECTION. 307.59 NOTICE. Within ten days after the commission adopts a resolution declaring its intention to issue bonds, it shall publish a notice of its intention to issue bonds in a newspaper published in and with general circulation/in the state. The notice shall include a statement of the maximum amount of bonds proposed to be issued and, in general terms, what funds will be pledged to pay principal of and interest on the bonds. An action which questions the legality or validity of bonds or the power of the department to issue bonds or the effectiveness or validity of proceedings adopted for the authorization or issuance of bonds shall not be brought after sixty days from the date of publication of the notice.

Sec. 74. NEW SECTION. 307.60 COURTS TO HAVE JURISDICTION. Courts of record in this state have jurisdiction to issue all original and remedial writs necessary for the determination of the validity or constitutionality of this division.

Sec. 75. NEW SECTION. 307.61 SEVERANCE CLAUSE. If any clause, sentence, paragraph, or part of this division is for any reason judged by a court of competent jurisdiction to be invalid, the judgment shall not affect, impair, or invalidate the remainder of this division, but is confined in its operation to the clause, sentence, paragraph, or part directly involved in the controversy in which the judgment has been rendered.

Sec. 76. NEW SECTION. 307.62 LIBERAL INTERPRETATION. This division, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect its purposes.

DIVISION XI

Sec. 77. NEW SECTION. PURPOSE. There is created a job training partnership program in the state for the purpose of supplementing and **implementing** the legislative requirements provided under the federal Job Training Partnership Act of 1982, Pub. L. **97-300**. The general assembly shall provide the funds necessary to obtain federal funds to provide **employment** and training assistance to dislocated **workers** and shall authorize the appropriation of state funds to provide training to the economically disadvantaged. The program shall also establish policies and restrictions for job training and related services provided to certain unemployed individuals under the federal Act. The purpose of this division is also to establish eligibility guidelines for individuals receiving assistance under the state program and federal Act and to establish guidelines for administering the federal Act and state program through the use of service delivery areas designated by the office of the governor in accordance with the federal Act. The office of the governor and the state job training coordinating council shall consult with the legislative council or the appropriate appropriations subcommittees regarding the award to local service delivery areas of funds allocated to the state under Title III of the federal Act and funds mandated to be expended under this division.

Sec. 78. NEW SECTION. DEFINITIONS. As used in sections 77 through 81 unless the context otherwise **requires**:

1. "Federal **Act**" means the Job Training Partnership Act of 1982, Pub. L. **97-300**.
2. "**state** program" means the job training partnership program.
3. "Dislocated worker" includes but is not limited to an individual who:
 - a. **Has** been terminated or laid off, or who has received notice of termination or layoff, and is eligible for or has exhausted unemployment compensation benefits.

b. Is unlikely to return to the industry or occupation in **which** the individual was employed. Industry or occupation includes farming or the ownership and operation of a small business.

c. Has been terminated or received notice of termination as a result of the permanent closure or relocation of a plant, facility, or plant operation in which the individual was employed.

d. Is chronically unemployed, as determined by the Iowa department of job service and:

(1) **Has** limited opportunities for employment in the geographic area in which the individual resides; or

(2) Is an older individual who may face substantial barrier to employment because of age.

4. "Economically disadvantaged" includes the following:

a. A person who receives or is a member of a family which receives **cash** welfare payment under a federal, state, or local welfare program.

b. A person who is receiving food stamps under the federal Food Stamp Act of 1977.

c. A person who has or is a member of a family which has for six months prior to application for the program, exclusive of unemployment compensation, child support payments, and welfare payments, a total family income in relation to family size less than the higher of the following:

(1) The federal poverty level established by the federal office of management and budget; or

(2) Seventy percent of the income level adjusted for regional, metropolitan, urban, and rural difference and family size as determined annually by the secretary of the federal department of labor and known as the "lower living standard income level" under the federal Act.

5. "Displaced homemaker" means a person as defined in chapter 241.

6. **"Service delivery area"** means the geographic area designated by the office ~~of the~~ governor in accordance ~~with~~ section 101 of the federal Act to implement ~~the~~ federal Act within the state.

7. **"Unemployed individual"** means an individual who is without a job, who wants work, and who is available for work.

Sec. 79. NEW SECTION. **ESTABLISHMENT AND ADMINISTRATION.** The office of the governor in consultation with the general assembly shall establish a state program to complement, supplement, and implement the federal Act to provide training and related services for unemployed persons who are economically disadvantaged or who are dislocated workers. In administering this program the office of the governor shall ~~do~~ the following:

1. Execute the state responsibilities under Title I of part B of the federal Act.
2. Award grants to applicants who shall provide employment and training services to program participants directly and through contractual arrangements.
3. Distribute funds allocated to the state under Title II of the federal Act in accordance ~~with~~ section 202 of the federal Act.
4. Consult with the legislative council or the appropriate appropriations subcommittees and the state job training coordinating council.
5. Award state funds authorized to be expended under this division and funds allocated to the state under Title III of the federal Act in accordance with section 8.1 of ~~this~~ Act.
6. Provide eligibility criteria, performance standards, reporting standards, and management standards for the state program which conform to the requirements of the federal Act.
7. Provide technical assistance to service delivery areas for program development and proposal preparation.
8. Take steps to ensure that the programs which ~~are~~ established and the services which are provided under ~~this~~ division

and the federal Act are coordinated to the extent feasible with existing state agencies, programs, and services.

9. **Order** audits which either shall be conducted by the auditor of state or the **auditor's** designee or shall be independently contracted as **required** by the federal Act and determined by the governor.

10. **By** January 15 of each year, the governor shall submit an annual report on the effectiveness of the state job training partnership program. The report shall include an estimate of funds to be allocated at the state level for administrative purposes.

11. Provide the secretary of the senate, chief clerk of the house and members of the legislative council with copies of **quarterly** performance reports submitted by the office of the governor in accordance with the federal Act and copies of annual financial reports submitted to the office ~~of the~~ governor by the local private industry councils. The office of the governor and the private industry councils shall provide copies of reports and other information upon the request of a member of the general assembly.

Sec. 80. NEW SECTION. **SERVICES PROVIDED.**

1. Services to the economically disadvantaged under the state program may ~~include activities~~ permitted under section 204 of the federal Act and any supportive services which are not inconsistent with the federal Act.
2. Services to dislocated workers under the state program may include those activities permitted under section 303 of the federal Act.
3. Funds allocated to the state and appropriated by the state under the federal Act shall not be used in a welfare program except as provided in subsection 4, paragraphs a, b, and d.
4. Priority under this section is accorded any training services which include:

- a. On-the-job training.
- b. Classroom training.
- c. A combination of work experience and remedial education.
- d. Job search assistance, including jobs clubs.
- e. Tuition assistance for appropriate state approved classroom and vocational-technical programs.

5. Services provided under this section shall be provided in a nondiscriminatory manner and shall promote training in traditional and nontraditional employment opportunities for all persons.

6. After consultation with the appropriate state agencies, the office of the governor shall provide, using state funds if necessary where federal funds are limited by the federal Act, training allowances, expenses, stipends, and supportive services which enable eligible persons to participate in state training services.

7. Permissible supportive services provided for Title III program participants include, but are not limited to, the provision of financial counseling, transportation assistance, or child care to eligible persons.

Sec. 81. NEW SECTION. TITLE III GRANT AWARDS.

1. Except for funds reserved for administration and for state administered statewide programs under Title III, the office of the governor shall distribute by grant awards to local service delivery areas, the remainder of federal funds allocated to the state under Title III of the federal Act and the state funds which are appropriated for Title III programs.

2. An applicant for grants shall submit a grant application to the office of the governor for each grant sought. The application shall indicate the Concurrence of the private industry council and the appropriate elected official within the service delivery areas. Separate applications shall be submitted for training the economically disadvantaged and retraining for dislocated workers.

3. The office of the governor shall consider all of the following factors in determining grant awards:

- a. The need for the proposed training and retraining.
- b. Evidence of local effort to support the proposed activities through public or private funds or in-kind contributions.
- c. The demonstrated effectiveness of the grant applicant in providing training or retraining.
- d. Documentation that the proposed program will prepare participants for specific employment opportunities or occupations projected to be in demand in the local economy.
- e. Documentation that the proposed program is nondiscriminatory and will prepare persons for traditional and nontraditional occupations.

4. Service delivery areas proposing to conduct retraining shall coordinate with the local office of the Iowa department of job service to identify individuals who will be eligible for the program.

Sec. 82. There is appropriated from the general fund of the state to the office of the governor or an agency designated by the governor for the fiscal year beginning July 1, 1983 and ending June 30, 1984 the sum of one million three hundred thousand **(1,300,000)** dollars or so much thereof as is necessary, to carry out sections 77 through 81 of this Act. Additional funds may be appropriated to provide training for the economically disadvantaged.

DIVISION XII

Sec. 83. NEW SECTION. 28.40 INTENT. The purposes of this division are to encourage capital investment in the state of Iowa, to encourage the establishment or expansion of business and industry, to provide additional jobs within the state, and to encourage research and development activities within this state.

Sec. 84. NEW SECTION. 28.41 TITLE. This division shall be known and may be cited as the "Iowa Venture Capital Fund Act."

sec. 85. NEW SECTION. 28.42 **AUTHORIZED CORPORATION.** There ~~may~~ be **incorporated under** chapter 496A a corporation which ~~shall~~ be known as ~~the Iowa~~ venture capital fund., The corporation shall be established by the Iowa development commission, and the initial board of directors shall be appointed by the governor, The initial board of director~~s~~ shall consist of five members, not more than three of whom shall be from the same political party. The purpose of the corporation shall be to organize and manage an investment fund which shall be capitalized through the sale of common stock to the public. The Iowa development commission may expend an amount not to exceed one hundred thousand dollars of the funds necessary to establish the corporation which funds shall be repaid to the Iowa development commission upon completion of its public offering of stock. The corporation shall be subject to and have the powers and privileges conferred by this division, and those **provisions** of chapter 496A which are not inconsistent with and to the extent not ~~re-~~stricted or limited by this division. In providing for the sale of its common stock to the public, the corporation shall offer ~~to~~ every licensed brokerage firm located in ~~the~~ state the opportunity to market the sale of the common stock and shall provide for the taking of bids for purposes of determining which brokerage firm or firms will market the sale of the common stock.

Sec. 66. NEW SECTION. 28.43 **INVESTMENT POLICY.** It is the policy of the Iowa venture capital fund to invest primarily in companies with a principal place of business in the state, which meet the appropriate small business administration definition of small business and which are principally engaged in the development or exploitation of inventions, technological improvements, new processes. or products not previously generally available in this state, or which provides support to such companies, or other investments which provide an economic benefit to the state. Fund investments shall be

in accordance ~~with~~ the general objective of encouraging the development of additional business operations and employment in ~~this~~ state through venture capital financing to selected business' ventures. The principal financial objective of the fund is to generate long-term capital appreciation by participating in the growth in ~~equity~~ value of Iowa-based companies in which the fund invests.

Sec. 87. NEW SECTION. 28.44 **REPORTS TO DEVELOPMENT COMMISSION.** The Iowa venture capital fund is subject to the examination of the Iowa development commission and shall make reports of its condition not less than annually and shall also furnish other information as may from time to time be **required** by the Iowa development commission.

Sec. 88. NEW SECTION. 28.45 **STOCK SALES LIMIT.** The aggregate value of all stock sold in the Iowa venture capital fund for which a credit is allowed under section 422.10 or 422.33 shall not exceed five million dollars.

Sec. 89. NEW SECTION. 422.10 **IOWA VENTURE CAPITAL FUND INVESTMENT CREDIT.** The taxes imposed under this division, less credits permitted under section 422.12, shall be reduced by a state tax credit **equal** to five percent of the taxpayer's investment in ~~the~~ initial offering of securities by the Iowa venture capital fund established by the Iowa development commission and governed by a chapter **496A** corporation and the Iowa venture capital fund Act. Any credit in excess of the tax liability for the taxable year may be credited to the tax liability for the following three taxable years or until depleted in less than three years.

In the case of an estate or trust, the credit shall be allocated between each beneficiary and the estate or **trust** based on the ratio that the income distributed to a beneficiary bears to the total distributable net income of the estate or trust for the taxable year.

Sec. 90. Section 422.33, Code 1983, is amended by adding the following new subsectioni

NEW SUBSECTION. 5. The taxes imposed under **this** division shall be reduced by a state tax credit **equal** to five percent of the taxpayer's investment in the initial offering of securities by the Iowa venture capital fund established by the Iowa development commission and governed by a chapter 496A corporation and the Iowa venture capital fund Act. Any credit in excess of the tax liability for the taxable year may be credited to the tax liability for the following **three** taxable years or until depleted in less than three years.

Sec. 91. Sections 83 through 88 of this Act are created as a new division of chapter 28.

DIVISION XIII

Sec. 92. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983 and ending June 30, 1984, nine hundred thousand (900,000) dollars, or so much thereof as is necessary, to the office for planning and programming to be used for community grants as follows:

1. The jobs commission established in division 1 of this Act shall **establish a** program of grants to cities and community groups for the development of community programs that would provide local jobs for Iowa residents and at the same time promote a **city's** historical, ethnic, and cultural heritages through **the** development of festivals, music, drama, or cultural programs, or tourist attractions. At least twenty-five percent of the funds appropriated in this division shall be used for the purpose of developing community programs eligible for grants under this division which were not in existence prior to the effective date of this division.,

2. A city or community group may submit **applications** to the jobs commission or to any job service office in the state. Applications shall be reviewed by the Iowa arts council, the state historical board, and the tourist division of the Iowa development commission, acting as an advisory committee to the jobs commission. The advisory committee shall submit recommendations to the jobs commission regarding possible

recipients and grant amounts. The amount of a grant shall not **exceed** fifty percent of the cost of the community program **and the** application must demonstrate that **the** city or community group will provide the required matching money. In lieu of providing the entire match in money, a city or community group may substitute in-kind services for up to fifty percent of the matching requirement.

3. If a portion of the funds appropriated by this subsection is not committed to a city or community group by march 1, 1984, the uncommitted funds may be transferred under section 8.39 to local work relief projects funded under division I of this Act.

Sec. 93. This Act, being deemed of immediate importance, takes effect from and after its publication in the Telegraph Herald, a newspaper published in Dubuque, Iowa, and in The Cedar Valley Times, a newspaper published in Vinton, Iowa.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of **the House**

I hereby certify that this bill originated in the Senate and is known as Senate File 548, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

S.F. 548

SENATE FILE 549

AN ACT

RELATING TO COURT STRUCTURE AND PROCEDURES BY APPROPRIATING FOR CERTAIN COURT COSTS, BY INCREASING CERTAIN FILING FEES, BY ADDING ONE MEMBER TO THE COURT OF APPEALS, BY ALLOWING A DIVISION OF THE COURT OF APPEALS TO BEAR CASES AND PETITIONS, BY INCREASING THE FEE FOR FILING AND DOCKETING A SIMPLE MISDEMEANOR, AND BY APPROPRIATING FUNDS FOR DESIGNATED LEGAL ASSISTANCE SERVICES, FOR DISPUTE RESOLUTION CENTERS AND FOR ADDITIONAL JUDICIAL SALARIES AND SUPPORT.

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, 1983 and ending June 30, 1984 to the following named judicial department agencies the following amounts, or so much thereof as necessary, to be used for the purposes designated:

1983-1984
Fiscal Year

JUDICIAL DEPARTMENT

- a. For salaries and support for four additional district court judges authorized in 1983 Iowa Acts, Senate File 495 \$ 285,000
- b. For salaries and support within the state and district court administrators' offices and for conducting such studies of the judicial system of this state necessary to provide for the implementation of 1983 Iowa Acts, Senate File 495 \$ 214,000
- c. For the payment of increased salaries of alternate district associate judges as provided in 1983 Iowa Acts, Senate File 495 \$ 11,942

- d. For the payment of expenses of the judges of the court of appeals as provided in 1983 Iowa Acts, Senate File 495 \$ 11,763
 - e. For the payment of jury and witness fees as provided in 1983 Iowa Acts, Senate File 495 \$ 1,900,000
 - f. For salary and support of one additional judge on the court of appeals authorized in sections 5 and 11 of this Act \$ 95,000
- The appropriations made by this subsection are in addition to other appropriations to the named judicial department agencies for the 1983-1984 fiscal year.
- g. For allocation to the legal services corporation of Iowa and the legal aid society of Polk county to be used to provide legal aid services to the poor \$ 120,000
- The court administrator shall apportion the money appropriated by this paragraph between the legal services corporation of Iowa and the legal aid society of Polk county in the same proportion as the federal legal services corporation apportioned funds between the two organizations for the federal fiscal year beginning October 1, 1982. It is the intent of the general assembly that the appropriation made by this paragraph is a one-time appropriation to alleviate the immediate financial needs of these agencies and the general assembly anticipates that other resources will be available in future years for these services.
- h. For the payment of grants to dispute resolution programs and not to exceed four thousand (4,000) dollars for administrative expenses of the court administrator \$ 75,000
- Except for administrative expenses, the funds appropriated under paragraph h shall be used for grants to dispute

resolution programs funded pursuant to Acts of the Sixty-ninth General Assembly, 1982 Session, chapter 1260, section 84.

A program ~~administrator awarded~~ funding for a dispute resolution program by ~~the court~~ administrator of the judicial department for the fiscal year beginning July 1, 1982, may submit an application to the court administrator for funding for the fiscal year ~~beginning~~ July 1, 1983, on forms prescribed and furnished by the court 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 an existing dispute resolution program or that portion of a dispute resolution program which is improved or expanded shall be obtained from sources other than the grant provided under this paragraph h.

Sec. 2. Section 331.705, subsection 1, paragraphs a through . v, Code 1983, are amended to read as follows:

a. For filing a petition, appeal, or writ of error and docketing them, ~~twenty-five~~ thirty-five dollars. Four dollars of the fee shall remain in the county ~~treasury~~ for the use of the county and ~~twenty-one~~ thirty-one dollars of the fee shall be paid into the state treasury. One dollar shall be deposited in the judicial retirement fund created in section 605A.4 to be used to pay retirement benefits of the judicial retirement system. The remainder of the fee shall be deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional one dollar shall be charged and collected, to be known as the journal publication fee and used for the purposes provided for in section 618.13.

~~b.--For an attachment, two dollars.~~

~~c.--For a cause tried by jury, five dollars.~~

~~d.--For a cause tried by the court, two dollars and fifty cents.~~

~~e.--For an equity case, three dollars.~~

~~f.--For an injunction or other extraordinary process or order, five dollars.~~

~~g.--For a cause continued on application of a party by affidavit, two dollars.~~

~~h.--For a continuance, one dollar.~~

~~i.--For entering a final judgment or decree, one dollar and fifty cents.~~

~~j.--For taxing costs, one dollar.~~

~~k.--For issuing an execution or other process after judgment or decree, two dollars.~~

l. b. For payment in advance of various services and docketing procedures for civil cases, excluding small claims, twenty-five dollars.

c. In small claims actions, in addition to the filing fee specified in section 631.6, the following fees shall be charged for the following services:

(1) For a cause tried by the court, two dollars and fifty cents.

(2) For an equity case, three dollars.

(3) For an injunction or other extraordinary process or order, five dollars.

(4) For a cause continued on application of a party by affidavit, two dollars.

(5) For a continuance, one dollar.

(6) For entering a final judgment or decree, one dollar and fifty cents.

(7) For taxing costs, one dollar.

(8) For issuing an execution or other process after judgment or decree, two dollars.

(9) For filing and docketing a transcript of judgment from another county, one dollar.

- (10) For entering a rule or order, one dollar.
- (11) For issuing a writ or order, not including subpoenas, two dollars.
- (12) For entering a judgment by confession, two dollars.
- (13) For entering a satisfaction of a judgment, one dollar.
- (14) For a copy of records or papers filed in the clerk's office, transcripts, and making a complete record, fifty cents for each one hundred words.
- (15) For taking and approving a bond and sureties on the bond, two dollars.
- d. For filing, entering, and endorsing a mechanic's lien, three dollars, and if a suit is brought, the fee is taxable as other costs in the action.
- ~~For e. For a certificate and seal, two dollars.~~
- ~~n. For filing and docketing a transcript of judgment from another county, one dollar.~~
- ~~o. For entering a rule or order, one dollar.~~
- ~~p. For issuing a writ or order, not including subpoenas, two dollars.~~
- ~~q. For issuing a commission to take depositions, two dollars.~~
- ~~r. For entering a sheriff's sale of real estate, two dollars.~~
- ~~s. For entering a judgment by confession, two dollars.~~
- ~~t. For entering a satisfaction of a judgment, one dollar.~~
- ~~u. For a copy of records or papers filed in the clerk's office, transcripts, and making a complete record, fifty cents for each one hundred words.~~
- ~~v. For taking and approving a bond and sureties on the bond, two dollars.~~

Sec. 3. Section 602.55, subsections 1, 2, and 3, Code 1983, are amended to read as follows:

1. One-half to the treasurer of state to be credited to the general fund of the state.

2. ~~One-third~~ One-fourth to the county treasurer to be credited to the general fund of the county.

3. ~~One-sixth~~ One-fourth to the treasurer of state to be credited to the judicial retirement fund created in section 605A.4.

Sec. 4. Section 602.63, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The clerk of the district court of the county in which a judicial magistrate resides shall furnish the judicial magistrate, district associate judge, or district judge acting as judicial magistrate, a docket in which shall be entered all proceedings except small claims. Such docket shall be indexed and shall contain in each case the title and nature of the action; place of hearing; appearances; and notations of the documents filed with the judicial magistrate, of the proceedings in the case and orders made, of the verdict and judgment including costs, of any satisfaction of the judgment, of whether the judgment was certified to the clerk of the district court, of whether an appeal was taken, and of the amount of the appeal bond. All costs in criminal cases shall be assessed and distributed as in chapter 606, except that the cost of filing and docketing of a complaint or information for a nonindictable misdemeanor shall be ~~six~~ eight dollars which shall be distributed pursuant to section 602.55. The ~~six~~ eight dollar cost for filing and docketing a complaint or information for a nonindictable misdemeanor shall not apply in cases of overtime parking. If the judgment and costs are not fully and immediately satisfied in criminal cases, the judicial magistrate shall promptly certify a copy of the judgment to the clerk of the district court indicating thereon the portion unsatisfied; and the clerk shall index and file the judgment, whereupon it shall be a judgment of the district court without recording.

Sec. 5. Section 684.34, subsection 1, Code 1983, is amended to read as follows:

1. The court of appeals shall consist of a chief judge and ~~four~~ five associate judges, any three of whom shall constitute a quorum.

Sec. 6. Section ~~684.34~~, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. The court of appeals may be divided into divisions of three or more judges in a manner as it may prescribe by rule. The divisions may hold open court separately and cases may be submitted to each division separately in accordance with rules the court may prescribe. The rules shall provide for submitting a case or petition for rehearing or hearing en **banc** at the direction of the chief judge or at the request of a specified number of judges designated in the rules. The court of appeals shall prescribe all rules necessary to provide for the submission of cases to the whole court or to a division.

Sec. 7. Section 684.51, Code 1983, is amended to read as follows:

684.51 LAW CLERICS. The court of appeals may employ not more than ~~five~~ six attorneys or graduates of a reputable law school as defined in section 610.2, to act as legal assistants to the court. Salaries shall be as prescribed by the court administrator.

Sec. 8. Section 805.6, subsection 1, paragraph a, Code 1983, is amended to read as follows:

a. The commissioner of public safety and the State conservation director, acting jointly, shall adopt a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by section 805.8 to be scheduled violations. This subsection ~~shall not~~ be deemed to prevent the charging Of any of those violations by information, by private complaint filed under ~~the provisions of~~ chapter 804, or by a simple notice of fine

where permitted by section 321.236, subsection 1. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to ~~the court~~ where the defendant is to appear, 'two copies to ~~the defendant~~, and a copy to the law enforcement ~~agency of~~ the officer.' The court shall forward the copy of the uniform citation and complaint in accordance with section 321.207 when applicable. The uniform citation and complaint shall contain spaces for the ~~parties parties'~~ names; the address of the alleged offender; the registration number of the offender's vehicle; the information required by section 805.2; a promise to appear as provided in section 805.3 and a place where the cited person may sign the promise to appear; a list of the scheduled fines prescribed by section 805.8. either separately or by group,' and a statement that the court costs in scheduled offense cases, whether or not a court appearance is required or is demanded, ~~shall be six~~ are eight dollars; a brief explanation of sections 805.9 and 805.10; and a space where the defendant may sign an admission of the violation when permitted by section 805.9; and the uniform citation and complaint shall require that the defendant appear before a court at a specified time and place. The uniform citation and complaint also may contain a space for the imprint of a credit card, and may contain any other information which the commissioner of public safety and the state conservation director may determine.

Sec. 9. Section 805.6, subsection 1, paragraph c, subparagraphs (1) and (2), Code 1983, are amended to read as follows:

(1) If the offense is one to which a scheduled fine is applicable, 'an amount **equal** to one and one-half times the scheduled fine plus ~~five~~ eight dollars ~~costs, or~~.

(2) If the violation charged involved or resulted in an accident or injury to property and the total damages are less than two hundred fifty dollars, the amount of fifty dollars and dive eight dollars costs.

(3) If the **violation is** for any offense for which a court appearance is mandatory, the amount of one hundred dollars plus Live eight dollars costs.

Sec. 10. Section **805.9**, Code 1983, is amended to read as follows:

805.9 ADMISSION OF SCHEDULED VIOLATIONS.

1. In cases of scheduled violations, the defendant, before the time specified in the citation and complaint for appearance before the court, may sign the admission of violation on the citation and complaint and deliver or mail the citation and complaint, together with the minimum fine for the violation, **plus five eight dollars costs, to a scheduled violations** office in the county. The office shall, if the offense is a moving violation under chapter 321, forward a **copy** of the citation and complaint and admission to the department of **transportation** as required by section 321.207. **Thereupon** In this case the defendant shall is not be required to appear before the court. The admission ~~shall-constitute~~ constitutes a conviction.

2. A defendant charged with a scheduled violation by information may obtain two copies of the information from the court and, before the time he-em-she the defendant is required to appear before the court, deliver or mail ~~such~~ the copies, together with his-em-her the defendant's admission, fine, and live eight dollars costs, to the scheduled violations office in the county. The procedure, fine, and costs ~~shall~~ be are the same as when the charge is by **citation** and complaint, with the admission and the number of the defendant's operator's or chauffeur's license placed upon the information, when the violation involves the use of a motor vehicle.

3. **When** section 805.8 and this section are applicable but the officer does not deem it advisable to release the defendant and no court in the **county** is in session:

a. If the defendant wishes to admit the Violation, the officer may release the defendant upon observing the person

mail the citation and complaint, admission, and minimum fine, together with **five eight** dollars costs, to a traffic violations office in the county, in an envelope furnished by the officer. The admission ~~shall-constitute~~ constitutes a conviction and judgment in the amount of the scheduled fine plus **five eight** dollars costs. The officer may allow the defendant to use a credit card pursuant to rules adopted ~~pursuant-to~~ under section 805.14 by the department of public safety or to mail a check in the proper amount in lieu of cash. If the check is not paid by the drawee for any reason, the defendant may be held in contempt of court. The officer shall advise the defendant of the penalty for nonpayment of the check.

b. If the defendant does not comply with paragraph "a" of this subsection, the officer may release the defendant upon observing him the defendant mail to a court in the county the citation and complaint and one and one-half **times** the minimum fine together **with five eight** dollars costs, or in lieu of one and one-half times **the** fine and the costs, a guaranteed arrest bond certificate as provided in section 321.1, subsection 70, as bail together with the following statement signed by the defendant:

"I agree that either (1) I will appear pursuant to this citation or (2) if I do not appear in person or by counsel to defend against the offense charged in this citation the court is authorized to enter a conviction and render judgment against me for the amount of one and one-half times the scheduled fine plus five eight dollars costs."

c. If the defendant does not comply with paragraph "a" or "b", or **in-any-event** when section 804.7 is applicable, the officer may arrest and confine the defendant if authorized by the latter section, and proceed with him according to chapter 804.

4. **Any A** defendant who admits a scheduled violation may **nevertheless** appear before court. The procedure, costs, and fine, without suspension of the fine, after the hearing ~~shall~~ be are the same as in the traffic violations office.

5. A defendant charged with a scheduled violation who does not fully comply with subsection 1, 2, 3, or 4 of this section before the time required to appear before the court must, at that time, ~~appear before~~ the court. If ~~such the~~ defendant admits the violation, the procedure and fine, without suspension, after the hearing ~~shall be~~ are the same before the court as before the traffic violations office with ~~five~~ eight dollars court costs, without prejudice, when applicable, to proceedings under section 321.487.

6. The ~~dive~~ eight dollars in costs imposed by this section are the total costs collectible from any a defendant upon either an admission of a violation without hearing, or upon a hearing pursuant to subsection 4. Fees shall not be imposed upon or collected from any a defendant for the purposes specified in section 331.705, subsection 1, paragraph "i", "j", or "t".

Sec. 11. 1983 Iowa Acts, Senate File 495, section 6102, subsection 1, if Senate File 495 is enacted into law, is amended to read as follows:

1. The court of appeals consists of ~~five~~ six judges, any three of whom constitute a quorum.

Sec. 12. 1983 Iowa Acts, Senate File 495, section 6102, if Senate File 495 is enacted into law, is amended by adding the the following new subsection:

NEW SUBSECTION. The court of appeals may be divided into divisions of three or more judges in a manner as it may prescribe by rule. The divisions may hold open court separately and cases may be submitted to each division separately in accordance with rules the court may prescribe. The rules shall provide for submitting a case or petition for rehearing or hearing en **banc** at the direction of the chief judge or at the request of a specified number of judges designated in the rules. The court of appeals shall prescribe all rules necessary to provide for the submission of cases to the whole court or to a division.

Sec. 13. 1983 Iowa Acts, Senate File 495, section 6203, if Senate File 495 becomes law, is amended to read as follows:

SEC. 6203. NEW SECTION. 602.6203 LAW CLERKS. The court of appeals may employ not more than five six attorneys or graduates of a reputable law school to act as legal assistants to the court.

sec. 14. 1983 Iowa Acts, Senate File 495, section 9105, subsection 1, paragraphs a through v, if Senate File 495 becomes law, are amended to read as follows:

a. For filing a petition, appeal, or writ of error and docketing them, ~~twenty-five~~ thirty-five dollars. Four dollars of the fee shall be deposited in the court revenue distribution account established under section 602.9108, and ~~twenty-one~~ thirty-one dollars of the fee shall be paid into the state treasury. Of the amount paid to the state treasury, one dollar shall be deposited in the judicial retirement fund established in section 602.2104 to be used to pay retirement benefits of the judicial retirement system, and the remainder shall be deposited in the general fund of the state. In counties having a population of one hundred thousand or over, an additional five dollars shall be charged and collected, to be known as the journal publication fee and used for the purposes provided for in section 618.13.

~~b--For an attachment, two dollars.~~

~~c--For a cause tried by jury, five dollars.~~

~~d--For a cause tried by the court, two dollars and fifty cents.~~

~~e--For an equity case, three dollars.~~

~~f--For an injunction or other extraordinary process or order, five dollars.~~

~~g--For a cause continued on application of a party by affidavit, two dollars.~~

~~h--For a continuance, one dollar.~~

~~i--For entering a final judgment or decree, one dollar and fifty cents.~~

~~j--For taxing costs, one dollar.~~

~~k. For issuing an execution or other process after judgment or decree, two dollars.~~

~~l. b. For payment in advance of various services and docketing procedures, excluding small claims, twenty-five dollars.~~

~~c. In small claims actions, in addition to the filing fee specified in section 631.6, the following fees shall be charged for the following services:~~

~~(1) For a cause tried by the court, two dollars and fifty cents.~~

~~(2) For an equity case, three dollars.~~

~~(3) For an injunction or other extraordinary process or order, five dollars.~~

~~(4) For a cause continued on application of a party by affidavit, two dollars.~~

~~(5) For a continuance, one dollar.~~

~~(6) For entering a final judgment or decree, one dollar and fifty cents.~~

~~(7) For taxing costs, one dollar.~~

~~(8) For issuing an execution or other process after judgment or decree, two dollars.~~

~~(9) For filing and docketing a transcript of judgment from another county, one dollar.~~

~~(10) For entering a rule or order, one dollar.~~

~~(11) For issuing a writ or order, not including subpoenas, two dollars.~~

~~(12) For entering a judgment by confession, two dollars.~~

~~(13) For entering a satisfaction of a judgment, one dollar.~~

~~(14) For a copy of records or papers filed in the clerk's office, transcripts, and making a complete record, fifty cents for each one hundred words.~~

~~(15) For taking and approving a bond and sureties on the bond, two dollars.~~

~~d. For filing, entering, and endorsing a mechanic's lien, three dollars, and if a suit is brought, the fee is taxable as other costs in the action.~~

~~h. e. For a certificate and seal, two dollars.~~

~~h. For filing and docketing a transcript of judgment from another county, one dollar.~~

~~i. For entering a rule or order, one dollar.~~

~~j. For issuing a writ or order, not including subpoenas, two dollars.~~

~~k. For issuing a commission to take depositions, two dollars.~~

~~l. For entering a sheriff's sale of real estate, two dollars.~~

~~m. For entering a judgment by confession, two dollars.~~

~~n. For entering a satisfaction of a judgment, one dollar.~~

~~o. For a copy of records or papers filed in the clerk's office, transcripts, and making a complete record, fifty cents for each one hundred words.~~

~~p. For taking and approving a bond and sureties on the bond, two dollars.~~

Sec. 15. 1983 Iowa Acts, Senate File 495, section 9106, subsection 1, if Senate File 495 becomes law, is amended to read as follows:

1. Notwithstanding section 602.9105, the fee for the filing and docketing of a complaint or information for a simple misdemeanor shall be six eight dollars, provided that a fee for filing and docketing a complaint or information shall not be collected in cases of overtime parking.

Sec. 16. 1983 Iowa Acts, Senate File 495, section 9106, subsection 4, if Senate File 495 becomes law, is amended to read as follows:

4. All fees and costs for the filing of a complaint or information or upon forfeiture of bail received from a magistrate shall be distributed by the clerk as follows:

a. One-half shall be remitted monthly by the clerk to the treasurer of state to be credited to the general fund of the state.

b. ~~One-third~~ One-fourth shall be deposited in the court revenue distribution account established under section 602.9108,

c. ~~One-sixth~~ One-fourth shall be remitted monthly by the clerk to the treasurer of state to be credited to the judicial retirement fund established under section 602.2104.

Sec. 17. During the fiscal year beginning July 1, 1983, and ending June 30, 1984, the county board of supervisors may transfer money from the court expense fund to the county general fund in order to replenish the revenue loss from the general fund due to the operation of 1983 Iowa Acts, Senate File 495, section 602.9108, subsection 2, paragraph a. The amount transferred shall not exceed the amount remitted to the treasurer of state pursuant to **1983** Iowa Acts, Senate File 495, section 602.9108, subsection 2, paragraph a.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

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

K. MARIE, THAYER
Secretary of the Senate

Approved , 1983

TERRY E. BRANSTAD
Governor

SENATE FILE 551

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO STATE AGENCIES RELATING TO AND FOR CAPITAL PROJECTS AND CERTAIN NONRECURRING EXPENSES.

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

DIVISION I

Section 1. There is appropriated to the state board of regents for the fiscal year beginning July 1, 1983 and ending June 30, 1984 from the following funds, the following amounts, or so much thereof as necessary, for allocation by the state board of regents for the purpose of continuing its statewide energy management program:

1983-1984

Fiscal Year

From the general fund \$ 600.000

Sec. 2. There is appropriated from the federal oil overcharge funds apportioned to Iowa under Pub. L. No. 97-377, to the energy policy council, the sum of five hundred seventy-five thousand (575,000) dollars, or so much thereof as is necessary, to be used in conjunction with the funds appropriated to the board of regents under section one of this Act.

Sec. 3. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983 and ending June 30, 1984, to the state board of regents, the sum of eight million nine hundred five thousand (8,905,000) dollars, or so much thereof as necessary, for allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, the university of northern Iowa, and the Iowa braille and sight-saving school to undertake the following capital projects:

1. State university of Iowa:

a. Fire safety deficiency corrections.
b. Communications facility and field house/athletic office building equipment.

c. Chemistry/botany remodeling.

2. Iowa state university of science and technology:

a. Fire safety deficiency corrections.

b. Mechanical engineering equipment.

c. Planning for phase 2 of the college of education building.

3. University of northern Iowa:

a. Fire safety deficiency corrections.

b. Gilchrist hall renovations.

4. Iowa braille and sight-saving school:

Utility system ^{master} plan and other campus improvements.

Sec. 4. It is the intent of the general assembly that if the funds are available in the 1984-1985 fiscal year, up to one hundred twenty-five thousand (125,000) dollars ^{may} be appropriated to the state board of regents for the planning phase of the home economics building at Iowa state university of science and technology.

Sec. 5. Unobligated or unencumbered funds remaining on June 30, 1986, from funds appropriated by section 1 of this Act shall revert to the general fund of the state on September 30, 1986. Unobligated or unencumbered funds remaining on June 30, 1987, from funds appropriated by section 3 of this Act shall revert to the general fund of the state on September 30, 1987.

Sec. 6. There is appropriated from the general fund of the state to the following state agencies for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the following amounts, or so much as may be necessary, to be used in the manner designated:

1983-1984

Fiscal Year

1. COMMISSION FOR THE BLIND

a. Purchase and installation of

an automated energy management system \$ 11,480

b. Rebuilding of the cooling
tower \$ 840

c. Reroofing the third and fourth
floors \$ 4,404

2. IOWA DEPARTMENT OF PUBLIC

BROADCASTING

Replacement of strobe light system \$ 100,000

Sec. 7. If the governor finds that the estimated budget resources during the fiscal year beginning July 1, 1983 and ending June 30, 1984 are insufficient to pay all appropriations in full and the governor's findings are concurred in by the executive council, the governor shall not make any reductions in allotment as allowed under section 8.31 until the unencumbered funds appropriated by this division are included in the estimated budget resources. Upon inclusion of the unencumbered funds appropriated in this division in the estimated budget resources, the capital projects shall be terminated if the termination will not result in increased future expenditures for the project being terminated, and any funds not encumbered for the capital projects shall remain in the general fund of the state and shall not be expended for the capital projects.

If upon inclusion of the funds appropriated by this division in the estimated budget resources for the fiscal year beginning July 1, 1983 and ending June 30, 1984 as authorized by this section, the governor finds that the estimated budget resources during the fiscal year are insufficient to pay all appropriations in full and the executive council concurs in the governor's findings, the governor may make the reductions of allotments allowed under section 8.31.

DIVISION II

Sec. 8.

1. There is appropriated from the general fund of the state to the department of human services, division of adult corrections, for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the sum of eight hundred fifty-two thousand (952,000) dollars, or so much thereof as necessary

for capital improvements at the Iowa state penitentiary to bring the penitentiary into compliance with the federal court order which requires such improvements, for construction at the Luster Heights work camp, for construction of an Iowa state industries' laundry facility at the medium security correctional facility at Mt. Pleasant and to renovate a bathroom for use of the handicapped at the Iowa correctional institution for women, however, it is a condition of this appropriation that if funds for each project are not allocated the total sum appropriated shall revert to the general fund of the state.

It is the intent of the general assembly that additional beds at Luster Heights are to be used to reduce the inmate population by an equivalent number at Anamosa. The department shall utilize inmate labor where feasible on the construction projects at the Luster Heights work camp and at the medium security correctional facility at Mt. Pleasant.

2. The funds allocated by this section for use at the Iowa state penitentiary and five hundred thousand (500,000) dollars of the funds appropriated for capital improvements at the Iowa state penitentiary by House File 184, section 9, subsection 3, 1983 Iowa Acts, shall be used by the department for capital improvements, including major maintenance projects, at the Iowa state penitentiary to bring the penitentiary into compliance with the federal court order which requires such improvements to safeguard the rights of inmates incarcerated at the penitentiary.

3. Any future notice for requests for bids and letting of construction contracts, pursuant to section 218.60, for a project at a state institution under the control of the department of human services, division of adult corrections, shall state that the department retains the option of using inmate labor where feasible and not inconsistent with the terms of the contract. It is the intent of the general assembly that the department of human services, division of adult corrections, utilize inmate labor where feasible on any construction and demolition projects at the state institutions under the control of the department.

Sec. 9.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1983, and ending June 30, 1984 for capital improvements, including major maintenance projects, at the institutions under the control of the department of human services, the following amount, or so much thereof as is necessary:

1983-1984
<u>Fiscal Year</u>
\$ 978,000

Funds appropriated by this section shall be used by the department for capital improvements to correct life safety, fire code, and accreditation deficiencies at the mental health institutes at Cherokee and Independence and at the state training school.

Sec. 10. Unobligated or unencumbered funds appropriated by sections 8 and 9 of this Act for the fiscal year beginning July 1, 1983, and ending June 30, 1984, remaining on June 30, 1987, shall revert to the general fund of the state on September 30, 1987. However, if the projects for which these funds are appropriated are completed prior to June 30, 1987, the remaining unobligated or unencumbered funds shall revert to the general fund of the state on September 30 following the end of the fiscal year in which the projects are completed.

Sec. 11. The department of human services may expend during the fiscal year beginning July 1, 1983, and ending June 30, 1984, fifteen thousand (15,000) dollars remaining from the funds appropriated under 1981 Iowa Acts, chapter 11, section 11, subsection 1 to develop final plans for the reconstruction of the Loftus building at the Iowa veterans home.

It is the intent of the general assembly that the general assembly meeting in the year 1984 shall appropriate an additional one hundred seventy thousand (170,000) dollars for completion of the reconstruction of the Loftus building at the Iowa veterans home.

DIVISION III

Sec. 12. There is appropriated from the general fund of, ... the state to the following state agencies for the fiscal year, except as otherwise provided, beginning July 1, 1983, and ending June 30, 1984, the following amounts, or so much as may be necessary, to be used in the manner designated:

	1983-1984
	<u>Fiscal Year</u>
1. DEPARTMENT OF GENERAL SERVICES	
a. For the payment of statehouse renovation costs	\$ 500,000
b. For emergency major repairs or replacements of equipment, roofs or windows	\$ 45,000
c. For the renovation and remodeling of the fourth floor of the Robert Lucas building	\$ 500,000
d. For repair of the roof of the vehicle dispatcher building and the repair of the roof of the micrographics building	\$ 94,500
e. For the installation of individual water heaters in capitol complex buildings	\$ 61,600
f. For replacement of the incandescent lamps in the upper portions of the capitol	\$ 5,250
g. For automation of the north capitol elevator	\$ 13,500
h. For the purchase and installation of a fire alarm system in the capitol building	\$ 136,000
1. For moving of the auditor of state's staff and furnishings	\$ 125,000
j. For moving of the treasurer of state's staff and furnishings	\$ 125,000
2. IOWA STATE HISTORICAL DEPARTMENT	

a. For the replacement and upgrading of electrical service to the state historical building \$ 85,000

b. For repair of ~~the~~ roof and dome of the state historical building \$ 100,000

c. For construction of a handicapped entrance to the centennial building in Iowa City \$ 13,000

d. For the renovation of restroom and drinking facilities in the state historical building to make ^{#em} accessible to handicapped persons \$ 10,000

e. For construction of a handicapped entrance ramp to the state historical building \$ 5,000

3. EXECUTIVE COUNCIL

For the state's share of the city of Cedar Falls 1981 asphalt concrete resurfacing project covered under section 307A.5 \$ 29,824

Sec. 13. There is appropriated from the general fund of the state to the state historical department for the fiscal year beginning July 1, 1984 and ending June 30, 1985, the following amount, or so much thereof as necessary, to be used for the purposes designated:

1984-1985
Fiscal Year

For the construction of a new state historical building \$10,000,000

Funds appropriated by this section are provided as a state match of two dollars of state match for each one dollar of private funds actually acquired excluding the Derrick bequest. Funds appropriated by this section shall not be committed or expended without the prior written approval of the director of the department of general services.

Sec.. 14. Notwithstanding section 8.33, unobligated or unencumbered funds appropriated under section 12, subsection

1, paragraphs a and b of this Act remaining as of June 30, 1984, shall be available for expenditure during the fiscal year beginning July 1, 1984 and if not expended shall revert to the general fund of the state on September 30, 1985.

DIVISION IV

Sec. 15. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983 and ending June 30, 1984 to the following agencies the following amounts, or so much thereof as may be necessary, for the purposes designated:

1. STATE GEOLOGICAL SURVEY

For safety devices at the Oakdale facility \$ 3,000

2. STATE FAIR BOARD

a. For the acquisition of adjacent land \$ 10,000

b. For roof replacement and electrical system improvement \$ 240,000

3. STATE CONSERVATION COMMISSION

a. For the Saylorville greenbelt \$ 500,000

b. For Swan lake restoration \$ 110,000

c. For construction, replacement, development and alterations to state parks and preserves, state forest facilities and state waters including artificial lake development; shoreline erosion and siltation control; river, stream and lake access; and engineering and planning services or to supplement any prior appropriation for such purposes \$ 906,500

Sec. 16. Funds appropriated by section 15 of this Act which are not obligated or encumbered on June 30, 1984 shall revert to the general fund on September 30, 1984. The appropriation of funds in section 15, **subsection 3**, of this Act is contingent upon matching federal resources being made available for each project funded. All federal grants to

and the federal receipts of the agencies appropriated funds under section 15 of this Act are appropriated for the purposes set forth in the federal grants or receipts.

DIVISION V

Sec. 17. There is appropriated from the general fund of the state to the state comptroller for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the sum of two hundred fifty thousand (250,000) dollars, or so much thereof as is necessary to pay costs for the purchase of fuel and electricity which exceed the amounts appropriated to the various state agencies from the general fund for the purchase of fuel and electricity. The funds or any portion of the funds shall not be allocated to a state agency unless the state comptroller determines the agency's costs for the purchase of fuel and electricity exceed the amounts appropriated for the fiscal year beginning July 1, 1983 and the agency is either developing an energy conservation plan in consultation with the energy policy council, or is implementing, or has implemented, an energy conservation plan which has been approved by the energy policy council and the state comptroller determines that other money is not available to the agency for fuel or electricity purposes.

sec. 18. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983 and ending June 30, 1984 to the treasurer of state the sum of one hundred thirty-nine thousand (139,000) dollars, or so much thereof as necessary, to be used for the purchase of an investment machine and system.

Sec. 19. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983 and ending June 30, 1984, to the Iowa lottery agency, the sum of two million (2,000,000) dollars, or so much thereof as may be necessary, to be used to initiate a state lottery. Notwithstanding section 8.31 the Iowa lottery agency may draw funds as required to initiate the lottery within the limits of the appropriation until the lottery generates sufficient revenue to become self-supporting. The Iowa lottery agency

shall reimburse the general fund for the total amount of funds received under this section within sixty days of the date funds are no longer necessary to initiate the lottery or within sixty days of June 30, 1984, whichever is sooner.

Sec. 20. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983 and ending June 30, 1984, to the state racing commission, the sum of three hundred thousand (300,000) dollars, or so much thereof as necessary, for salaries, support, maintenance, and operational purposes of the commission.

DIVISION VI

sec. 21. There is appropriated from the following funds for the fiscal year beginning July 1, 1983 and ending June 30, 1984 to the department of public defense, military division, the following amounts, or so much thereof as necessary, to be used to build an armory in Dubuque, Iowa and an armory in Washington, Iowa:

	1983-1984 Fiscal Year
From the general fund	\$ 150,000
From the facilities improvement fund	
created in section 29A.14, subsection 2	\$ 530,000

sec. 22. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1983 and ending June 30, 1984 the following amount, or so much thereof as necessary, to be used for the purposes designated:

	1983-1984 Fiscal Year
For a hard surface parking lot at highway patrol post 11 in Cedar Rapids	\$ 25,000

Sec. 23. Section 173.14, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. With the approval of the executive council, purchase real estate adjacent to the state fairgrounds for use in conjunction with the state fairgrounds. A purchase of real estate may be made by written contract providing for

payment over a period of years. The obligations of the contract shall constitute a debt or charge against the state fair board'but not against the general fund of the state. The title to real estate acquired under this subsection and any improvements erected on the real estate shall be, taken and held in the name of the state of Iowa and shall be under the custody and control of the state fair board. The state **comptroller** shall transfer moneys to the appropriate agencies in order to carry out the intent of this section.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 551, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____ 1983

TERRY E. BRANSTAD
Governor



OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANSTAD
GOVERNOR

June 2, 1983

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

Dear Madam Secretary:

I hereby transmit Senate File 551, an act relating to and making appropriations to state agencies relating to and for capital projects and certain nonrecurring expenses.

Senate File 551 is approved June 2, 1983, with the following exceptions which I hereby disapprove.

I am unable to approve the items designated in 'the Act as Section 12, Subsection 1, paragraphs i and j, which reads as follows:

i. For moving of the auditor of	
stats's staff and furnishings	\$ 125,000
j. For moving of the treasurer	
of state's staff and furnishings .....	..\$ 125,000

I am unable to approve the item designated in the Act as Section 19 which reads as follows:

Sec. 19. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983 and ending June 30, 1984, to the Iowa lottery agency, the sum of two million (2,000,000) dollars, or so much thereof as may be necessary, to be used to initiate a state lottery. Notwithstanding section 8.31 the Iowa lottery agency may draw funds as required to initiate the lottery within the limits of the appropriation until the lottery generates sufficient revenue to become self-supporting. The Iowa lottery agency shall reimburse the general fund for the

The Honorable Mary Jane Odell

June 2, 1983

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total amount of funds received under this section within sixty days of the **date** funds are no longer necessary to initiate the lottery or within sixty days of June 30, 1984, whichever is sooner.

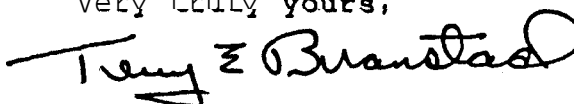
Senate File 551 includes two provisions to appropriate \$125,000 each to the Auditor and the Treasurer for moving the **staff** and furnishings of those offices out of the Capitol Building. These provisions requiring the move were included in Senate File 530. I disapproved those provisions for the reasons outlined in a letter accompanying the bill. Since the move is no longer required by law, there is no reason to appropriate \$250,000 for that purpose.

This bill also contains a section which appropriates \$2 million to the **Iowa** lottery agency to be used as start-up costs for the state lottery approved by the legislature in House File 634. Since I disapproved House File 634 for reasons stated in a letter accompanying the bill, there is no further reason to make this appropriation.

These actions will save the state \$2.25 million in appropriations for fiscal year 1984. These reductions are fiscally prudent since the General Assembly exceeded my spending **recomendations** by over \$12 million.

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 551 are hereby approved this date.

Very truly yours,



Terry E. Branstad
Governor

TEB/ps

cc: Secretary of Senate
Chief Clerk of the House

SENATE FILE 556

AN ACT

APPROPRIATING FEDERAL FUNDS WADE ~~AVAILABLE~~ FROM FEDERAL ~~BLOCK~~ GRANTS, ALLOCATING PORTIONS OF FEDERAL ~~BLOCK~~ GRANTS, AND PROVIDING PROCEDURES IF FEDERAL FUNDS ~~ARE~~ MORE OR LESS ~~THAN~~ ANTICIPATED OR IF FEDERAL BLOCK GRANTS ARE MORE OR LESS THAN ANTICIPATED OR IF CATEGORICAL ~~GRANTS~~ ARE CONSOLIDATED INTO NEW OR EXISTING BLOCK GRANTS.

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

DIVISION I

Section 1. ALCOHOL AND DRUG ABUSE AND MENTAL ~~HEALTH~~ SERVICES APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the department of substance abuse, two million one hundred seventy-two thousand **(2,172,000)** dollars for the federal fiscal year beginning October 1, 1983, and ending September 30, 1984. The funds appropriated by this section are the anticipated funds to be received from the federal government for federal fiscal year 1984 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 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 seventeen thousand two hundred (217,200) 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. Eight and seventy-five ~~hundredths~~ percent of the 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.

4. After deducting the fund6 allocated in subsections 2 and 3, 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 38.89 percent
- b. Alcohol abuse programs 38.89 percent
- c. Alcohol and drug prevention programs . . . 22.22 percent

Notwithstanding 1982 Iowa Acts, chapter 1262, section 7, subsection 3, the percentage distribution of the funds for the fiscal period beginning October 1, 1982 and ending September 30, 1983 shall be as follows:

- a. Drug abuse programs 35.11 percent
- b. Alcohol abuse programs 35.11 percent
- c. Alcohol and drug prevention programs . . . 20.06 percent

Nine and seventy-two hundredths percent of such funds 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. 2. ALCOHOL AND DRUG ABUSE AND ~~MENTAL HEALTH SERVICES~~ SUPPLEMENTAL APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the department of substance abuse, the sum of one hundred forty-nine thousand (149,000) dollars for the federal fiscal period beginning October 1, 1982, and ending September 30, 1984. The funds appropriated by ~~this~~ section are the fund6 anticipated to be received from the federal government for the specified fiscal period under the federal Emergency Jobs Appropriations Act, Pub. L. No. 98-8. 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. Eight and ~~seventy-five~~ hundredths percent of the 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.

3. The additional funds appropriated in subsection 1 and allocated in subsection 2 shall not be prorated for administrative expenses.

Sec. 3. MATERNAL AND CHILD HEALTH SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the state department of health, ~~the~~ sum of four million two hundred sixty-one thousand one hundred fifty-two **(4,261,152)** dollars for the federal fiscal year beginning October 1, 1983, and ending September 30, 1984. The funds appropriated by this section are the funds anticipated to be received from the federal government for federal fiscal year 1984 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. Sixty-three percent of the funds appropriated in subsection 1 shall be allocated to supplement appropriations for maternal and child health programs within the personal and family health division of the state department of health. Of these funds, thirty thousand six hundred eighty (30,680) dollars shall be set aside for sudden infant death syndrome.

Thirty-seven percent of the 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 regional and mobile child health specialty clinics.

3. An amount not exceeding one hundred fifty-five thousand nine hundred twelve (155,912) 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.

Sec. 4. 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 6, subsection 4 of this Act for the federal fiscal year beginning October 1, 1983, and ending September 30, 1984, are transferred to the division of personal and family health and to the university of Iowa hospitals and clinics under the control of the state board of regents for regional and mobile child health specialty clinics according to ~~the~~ percentages specified in section 2, subsection 2 of this Act.

Sec. 5. MATERNAL AND CHILD HEALTH SERVICES **SUPPLEMENTAL** APPROPRIATION.

1. There is appropriated from the fund created by section 6.41 to the state department of health, the sum of one million four hundred eleven thousand two hundred **(1,411,200)** dollars for the federal fiscal period beginning October 1, 1982, and ending September 30, **1984**. The funds appropriated by this section are the funds anticipated to be received from the federal government for the specified fiscal period under the federal Emergency Jobs Appropriations Act, Pub. L. **No. 98-8**. 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. Sixty-three percent of the funds appropriated in subsection 1 shall be allocated to supplement appropriations for maternal and child health programs within ~~the personal~~ and family health division of the state department of health.

Thirty-seven percent of the 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 regional and mobile child health speciality clinics. The personal and family health division of the state department of health and the regional and mobile child health specialty clinics at the university of Iowa hospitals and clinics under the council of the state board of regents shall jointly develop and implement a plan for the expenditure of these funds in accordance with this subsection. These funds shall be targeted, to the extent possible, to areas of high unemployment and to disadvantaged families who lack adequate third party reimbursement to pay for care.

3. The additional funds appropriated in subsection 1 and allocated in subsection 2 shall not be prorated for administrative expenses.

Sec. 6. PREVENTIVE **HEALTH** AND HEALTH SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the state department of health, one million three thousand six hundred eighteen **(1,003,618)** dollars for the federal fiscal year beginning October 1, 1983, and ending September 30, 1984. The funds appropriated by this section are the anticipated funds to be received from the federal government for federal fiscal year 1984 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-three thousand three hundred thirty-six (93,336) 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 section 8.41, for use by the state department of health as authorized by Pub. L. No. 97-35, Title XXI, Subtitle D and section 4 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 program 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 II

Sec. 7. COMMUNITY SERVICE APPROPRIATIONS.

1. a. There is appropriated from the special fund created in section 8.41 to the office for planning and programming, the sum of three million six hundred twenty-three thousand seventy-one **(3,623,071)** dollars for the federal fiscal year beginning October 1, 1983 and ending September 30, 1984. The funds appropriated by this paragraph are the anticipated

funds to be received from the federal government for the federal **fiscal** year 1984 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** paragraph as provided in the federal law and in conformance with chapter 17A.

b. The director of the office for planning and programming shall allocate not less than ninety percent of the amount of the block grant based upon the size of the poverty level population in the community action area compared to the size of the poverty level population in the state. The director of the office for planning and programming after consultation with community action agencies shall allocate an amount not exceeding five percent of the amount of financial assistance based upon other measures of need in each community action area.

2. An amount not exceeding one hundred sixty thousand nine hundred seventy-one (160,971) dollars of the funds appropriated in subsection 1 shall be used by **the office** for planning and programming for administrative expenses. **From** the funds authorized under 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. 8. **COMMUNITY DEVELOPMENT APPROPRIATIONS.**

1. There is appropriated from the special fund created in section 8.41 to the office for planning and programming, the sum of twenty-four million seven hundred seventy-five thousand **(24,775,000)** dollars for the federal fiscal year beginning October 1, 1983 and ending September 30, 1984. The funds appropriated by this section are the anticipated funds to be received from the federal government under Pub. L. No. 97-35, Title III, Subtitle A, which provides **for** the community development block grant. The office for planning

and programming shall expend the funds appropriated by this paragraph as provided in the federal law and in conformance with chapter 17A.

2. An amount not exceeding nine hundred twenty-five'' thousand one hundred eighty (925,180) dollars shall be used by **the** office for planning and programming for administrative **expenses**. The total amount used for administrative expenses includes four hundred sixty-two thousand five hundred ninety (462,590) dollars of funds appropriated in subsection 1 and a matching contribution from the state equal to four hundred sixty-two thousand five hundred ninety (462,590) 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 four percent of the amount appropriated in **subsection 1**. From the funds authorized 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.

DIVISION 111

Sec. 9. **EDUCATION APPROPRIATIONS.**

1. There is appropriated from the fund created by section 8.41 to the department of public instruction for the federal fiscal year beginning July 1, 1983 and ending June 30, 1984, the amount received from Pub. L. No. 97-35, Title V, Subtitle D, chapter 2, which provides for the education block grant not to exceed five million four hundred thirty-three thousand **(5,433,000)** dollars. 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 eighty-six thousand six hundred

(1,086,600) 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 twenty-five thousand (225,000) 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. 10. Funds appropriated in section 9 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 IV

Sec. 11. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the energy policy council, the sum of thirty-six million seven hundred thousand **(36,700,000)** dollars for the federal fiscal year beginning October 1, 1983 and ending September 30, 1984. The funds appropriated by this section are the funds anticipated to be received from the federal government for the federal fiscal year 1984 under **Pub. L.**

No. 97-35, Title XXVI, which provides for the low-income 'home energy assistance block **grant**.' 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 seven hundred fifty thousand **(2,750,000)** dollars or nine percent of the funds appropriated in subsection 1, whichever is less, may be used for administrative expenses not more than two hundred eighty thousand (280,000) dollars **of which** shall be used for administrative expenses of the energy policy council. From the total 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 is allocated for that purpose. 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 twelve and one-half percent and not more than fifteen percent of the funds appropriated by this section 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 administrative expenses.

DIVISION V

'Sec. 12. SOCIAL SERVICES APPROPRIATIONS.

1. There is appropriated from the fund created by section 8.41 to the department of social services or its successor **agency**, the sum of **thirty-one million** three hundred **thirty-four thousand (31,334,000)** dollars for the federal fiscal year' beginning October 1, 1983 and ending September 30, 1984. Funds appropriated by this section are the funds anticipated to be received from the federal government for the federal fiscal year 1984 under Pub. L. No. 97-35, Title XXIII, Subtitle C, as codified in 42 U.S.C., **secs. 1397-1397f**, 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.

2. Not more than on&million nine hundred forty-two thousand seven hundred eight **(1,942,708)** 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, 1983 and ending September 30, 1984. 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, 1983 and ending September 30, 1984 for the following programs within the department of social services:

	1983-1984
	Federal
	<u>Fiscal Year</u>
a. Field operations	\$12,457,000
b. Home-based services	\$ 143,000.
c. Foster care	\$ 4,533,000
d. Protective day care	\$ 681,700
e. Purchase of local services	\$11,452,592
f. Volunteers	\$ 124,000

4. The social services block grant state advisory committee, formerly known as the Title **XX** state advisory committee, and the social services block grant district advisory committees, formerly known as the Title **XX** district advisory committees, shall continue to advise the department of policy matters with respect to the social **services** block

grant funds allocated by the federal government to this state through June 30. 1984.

Sec. 13. ADDITIONAL FUNDS. There is appropriated from the fund created by section 8.41, from those federal social services block grant funds allocated to this state from the federal Emergency Jobs Appropriations Act, Pub. L. No. **98-8 for the** fiscal year beginning July 1, 1983, and ending June **30, 1984**, to the department of social services, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

Allocation from the
Emergency Jobs Approp-
riations Act, Pub.

L. No. **98-8**
1983-1984 Fiscal Year

1. For the division of field	
operations	\$ 125,000
2. For home-based services	\$ 100,000
3. For the purchase of local	
services, with an emphasis on the	
provision of child day care services	\$ 1,342,000

A county which uses a portion of its share of funds appropriated under this subsection for child day care services is not required to match that portion of the funds with local funds. All other funds appropriated under this subsection shall be matched by the county at a ratio of one dollar of local funds for every three dollars of funds appropriated under this subsection. The department may raise the income guidelines for income eligible recipients of **child** day care services to those guidelines in effect during July, 1979. The department of social services shall adopt administrative rules under section 17A.4, subsection 2. and section 17A.5, subsection 2, paragraph b, to implement this subsection.

4. For volunteers	\$ 40,000
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Sec. 14. SOCIAL SERVICES BMCK **GRANT** PLAN. The department of social services shall develop a plan for the use of federal social services block grant funds for the state fiscal year 'beginning July 1, 1984 and ending June 30, 1985.

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 VI

Sec. 15. **PROCEDURE FOR REDUCED FEDERAL FUNDS.**

1. Except for section 9 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 6, 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* **subcommittees** 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. 16. **PROCEDURE FOR INCREASED FEDERAL FUNDS.**

1. If funds received from the federal government in the form of block grants exceed the amounts appropriated in sections 1, 3, 6, and 9, 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 in the form of block grants exceed the amounts appropriated in sections 7, 8 and section 9, subsection 2 of this Act, the excess shall be deposited in the special fund created in section 8.41 and is subject to appropriation by the general assembly.

3. If funds received from the federal government from block grants exceed the amounts appropriated in section 11 of this Act, at least twelve and one-half percent and not more than fifteen percent of the excess shall be allocated to the low-income weatherization program.

4. If funds received from the federal government from the social services block grant, excluding funds allocated to this state from the federal Emergency Jobs Appropriations Act, Pub. L. No. 98-S. exceed the amount appropriated in section 12 of this Act, the excess shall be allocated for **the purchase** of local services and the department of social services may waive the requirement of local **matching funds**.

Sec. 17. **PROCEDURE FOR CONSOLIDATED, CATEGORICAL, OR EXPANDED FEDERAL BLOCK GRANTS.** Notwithstanding section 8.41, federal funds made available to the state which are authorized

for the federal fiscal year beginning October 1, 1983 resulting from the federal government consolidating former categorical grants into block grants, or which expand block grants 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 1983 federal fiscal year as modified by the 1983 Session of the Seventieth General Assembly for the fiscal year beginning July 1, 1983 compared to the total federal funds received in the 1983 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, 1983 but had anticipated applying for funds during the fiscal year ending September **30**, 1984, 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 1983 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 standing 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 1983 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 1983 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 **1983** federal fiscal year, the excess **funds** shall be deposited in the special fund created in section **8.41** and are subject to the provisions of that section.

Sec. 18. **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 15 and 16 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 senate and house standing committees **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.

Sec. 19. **1982** Iowa Acts, chapter 1262, division I, section 1, subsection 1, unnumbered paragraph 2, is amended by striking

the unnumbered ~~paragraph~~ and inserting in lieu thereof the following:

The director of the office for planning and programming shall allocate not less than ninety percent of the amount of the block grant based upon the size of the poverty level population in the community action area compared to the size of the poverty level population in the state. The director of the office for planning and programming after consultation with community action agencies shall allocate an amount not exceeding five percent of the amount of the block grant based upon other measures of need in each community action area.

Sec. 20. 1982 Iowa Acts, chapter 1262, section 4, subsections 1 and 3, are amended to read as follows:

1. There is appropriated from the fund created by 1981 ~~Iowa 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)~~ thirty-six million seven hundred nineteen thousand eight hundred (\$36,719,800) 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.

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~~ twelve and one-half percent 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. If any low-income home energy assistance block grant funds are unexpended for home energy

costs, and after reserving a reasonable portion of the funds not to exceed one million dollars, to carry forward into the federal fiscal Year beginning October 1, 1983, the unexpended funds shall be allocated for low-income residential weatherization or other related home repairs for low-income households, up to the maximum of fifteen percent. The funds transferred to low-income weatherization shall include money for administrative expenses.

Sec. 21. 1982 Iowa Acts, chapter 1262, section 14, subsection 2, is amended to read as follows:

2. If funds received from the federal government from 'block grants exceed the amounts appropriated in ~~sections 17, 37, and section 11,~~ section 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.

Sec. 22. 1982 Iowa Acts, chapter 1262, section 14, subsection 3, is amended by striking the subsection.

Sec. 23. 1982 Iowa Acts, chapter 1262, section 14, is amended by adding the following new subsections:

NEW SUBSECTION. 4. If funds received from the federal government from community services block grants exceed the amounts appropriated in section 1 of this Act, one hundred percent of the excess is appropriated to the community services block grant program.

NEW SUBSECTION. 5. If funds received from the federal government from community development block grants exceed the amounts appropriated in section 3 of this Act, one hundred percent of the excess is appropriated to the community development block grant program. Not more than two percent of the excess may be used for additional administrative expenses if the amount is equally matched by the state appropriation for related activities of the office for planning and programming.

Sec. 24. A reference in this Act to the department of social services shall be construed to mean the department of human services, consistent with the intent of Senate File

464, if Senate File 464 is enacted into law. The state comptroller shall transfer funds appropriated to the department of social services by this Act to the department of human services under the conditions of this section.

ROBERT T. ANDERSON
President of the Senate.

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 556, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1983

TERRY E. BRANSTAD
Governor

HOUSE FILE 562

AN ACT

RELATING TO FUNDS AVAILABLE TO SCHOOL DISTRICTS.

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

Section 1. Section 32.2, Code 1983, is amended to read as follows:

32.2 ACTIONS FOR PENALTY. ~~Such~~ The action or suit may be brought by and in the name of the state, on the relation of any a citizen ~~thereof of the state~~, and ~~such the~~ penalty, when collected, less the reasonable cost and expense of action or suit and recovery, to be certified by the clerk of the district court of the county in which the offense is committed, shall be paid ~~into-the-county-treasury-for-the-benefit-of the-school-fund to the treasurer of state for deposit in the general fund of the state~~, and two or more penalties may be sued for and recovered in the same action or suit.

Sec. 2. Section 99.30, Code 1983, is amended to read as follows:

99.30 APPLICATION OF TAX. The said tax collected shall be applied ~~in-payment-of-any toward the~~ deficiency in the payment of costs of the action and abatement ~~on-behalf-of the-state-to-the-extent-of-such-deficiency which exist~~ after the application ~~thereto~~ of the proceeds of the sale of personal property ~~as-hereinbefore-provided,-and-the~~. The remainder of said ~~the~~ tax together with the unexpended portion of the proceeds of the sale of personal property shall be ~~distributed to-the-temporary-school-fund-of-the-county paid to the treasurer-of state for deposit in the general fund of the~~

state, except that ten percent of the amount of the whole ~~tax~~ collected and of the whole proceeds of the sale of ~~said the~~ personal property, as provided in this chapter, shall be paid by the treasurer to the attorney representing the state in the injunction action, at the time of final judgment.

Sec. 3. Section 127.21, Code 1983, is amended to read as follows:

127.21 ~~SCHOOL-FUND~~ PROCEEDS. Any balance of said the proceeds shall be paid by the sheriff to the county-treasurer who-shall-credit-the-same-to-the-county-school-fund treasurer of state for deposit in the general fund of the state.

Sec. 4. Section 279.33, Code 1983, is amended to read as follows:

279.33 ANNUAL SETTLEMENTS. At a regular or special meeting held in-duly-prief-Qe-ef-en-J&y not later than August 15, the board of each school corporation shall meet, examine the books of and settle with the secretary and treasurer for the year ending on the ~~thirtieth-day-of preceding~~ June preceding 30, and transact ~~such~~ other business as ~~may-properly-come before-it necessary~~. The treasurer at the time of ~~such~~ settlement shall furnish the board with a sworn statement from each depository showing the balance then on deposit in ~~such the~~ depository. ~~Should If~~ the secretary or treasurer fail to make proper reports for ~~such the~~ settlement, the board shall take action to ~~secure-the-same~~ obtain the balance information.

Sec. 5. Section 279.34, Code 1983, is amended to read as follows:

279.34 FINANCIAL STATEMENT--PUBLICATION. In each school district, the board shall, during the second week of duly August of each year, publish by one insertion in at least one newspaper, if there is a newspaper published in ~~said the~~ the district, a summarized statement verified by affidavit of the secretary of the board showing the receipts and disbursements of all funds for the preceding school year.

In all ~~such~~ districts of more than one hundred twenty-five thousand population, ~~the~~ statement of disbursements is to show the names of the persons, firms, or corporations, and the total amount paid to each during the school year.

Sec. 6. Section 279135, Code 1983, is amended to read as follows:

279.35 OTHER DISTRICTS--FILING STATEMENT. In every school district ~~wherein~~ in which no newspaper is published, the president and secretary of the board of directors ~~thereof~~ shall file the ~~above~~ statement required in section 279.34 with the area education agency administrator during the second week of July August of each year and shall post copies ~~thereof~~ of the statement in three conspicuous places in the district.

Sec. 7. Section 279.38, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Boards of directors of school corporations may pay, out of funds available to them, reasonable annual dues to am the Iowa association of school boards. The financial condition and transactions of the Iowa association of school boards shall be audited in the same manner as school corporations as provided in section 11.18. In addition, annually the Iowa association of school boards shall publish a listing of the school districts and the annual dues paid by each and shall publish an accounting of all moneys expended for expenses incurred by and salaries paid to legislative representatives and lobbyists of the association.

Sec. 8. NEW SECTION. 297.33 LOAN AGREEMENTS. In order to make immediately available proceeds of the schoolhouse tax which has been approved by the voter⁶ as provided in section 278.1, subsection 7. the board of directors may, with or without notice, borrow money and enter into loan agreements in anticipation of the collection of the tax with a bank, investment banker, trust company, insurance company, or insurance group.

By resolution, the board shall provide for an annual levy which is within the limits of the tax approved by the voters ~~to pay for the amount of the principal and interest due each year~~ until maturity. The ~~board~~ shall file a certified copy of the resolution with the auditor of each county in which the district is located. The filing of the resolution with the auditor shall make it the duty of the auditor to annually levy the amount certified for collection until funds are realized to repay the loan and interest on the loan in full.

The loan must mature within the period of time authorized by the voters and shall bear interest at a rate which does not exceed the limits provided under chapter 74A. A loan agreement entered into pursuant to this section shall be in a form as the board of directors shall by resolution provide and the loan shall be payable as to both principal and interest from the proceeds of the annual levy of the voted tax pursuant to section 278.1, subsection 7, ~~or~~ so much thereof as will be sufficient to pay the loan and interest on the loan.

The proceeds of a loan ~~must~~ be deposited in a fund which is separate from other district funds. Warrants paid from this fund must be for purposes authorized by the voters as provided in section 278.1, subsection 7.

This section does not limit the authority of the board of directors to levy the full amount of the voted tax, but if and to whatever extent the tax is levied in any year in excess of the amount of principal and interest falling due in that year under a loan agreement, the first available proceeds, to an amount sufficient to meet maturing installments of principal and interest under the loan agreement, shall be paid into the sinking fund for the loan before the taxes are otherwise made available to the school corporation for other school purposes, and the amount required to be annually set aside to pay principal of and interest on the money borrowed under the loan agreement shall constitute a first charge upon the proceeds of the special voted tax, which tax shall be pledged to pay the loan and the interest on the loan.

This section is supplemental and in addition to existing statutory authority to **finance** the purposes specified in section 278.1, **subsection 7**, and for the borrowing of money and execution of loan agreements in connection with that section and subsection, and is not subject to any other law. The fact that a school corporation may have previously borrowed money and entered into loan agreements under authority of this section does not prevent the school corporation from borrowing additional money and entering into further loan agreements if the aggregate of the amount payable under all of the loan agreements does not exceed the proceeds of the voted tax.

Sec. 9. Section 302.4, Code 1983, is amended to read as follows:

302.4 DIVISION AND APPRAISEMENT. The board of supervisors may, ~~at such time as it may find, and~~ as preliminary to a sale, authorize the trustees of any a township, where the sixteenth section or land selected in lieu ~~thereof of the sixteenth section~~ has not been sold, to lay out the ~~same section~~ into ~~such~~ tracts as in their judgment will be for the best interests of the permanent school fund, conforming, as far as the interests of said the fund will permit, to the legal subdivisions of the United States surveys, and appraise each tract at what they believe to be its true value, and certify to said the board the divisions and appraisements made by them. ~~Said The~~ division and appraisement shall be approved or disapproved by said the board at its first meeting after ~~such the~~ report, and in case it disapproves the same, it may at once order another division and appraisement. If the board of supervisors approves, the county auditor shall make and keep a record of ~~such the~~ division, appraisement, and approval; but ~~no~~ school lands of any kind shall ~~not be~~ sold for less than the appraised value per acre, except as **hereinafter provided, nor shall any.** A member of the board of supervisors, county auditor, township trustee, or **any a** person who was

engaged in the division and appraisement of ~~said the~~ land, shall not be directly or indirectly interested in the purchase ~~thereof of the land~~; and **any sale** made, where ~~such the~~ parties ~~or any of them are so interested~~ have an interest in the land, shall be void.

Sec. 10. Section 302.6, Code 1983, is amended to read as follows:

302.6 SALE WITHOUT APPRAISEMENT. When the county board of supervisors ~~of any county~~ has once offered for sale **any** school lands held under section 302.1 in compliance with the requirements of this chapter, and they remain unsold, and it is unable to obtain ~~therefor the~~ appraised value ~~thereof of the lands~~, and in the opinion of said the board, it is for the best interests of the permanent school fund that the ~~same~~ lands be sold for a less price, it may instruct the auditor to transmit to the secretary of state a certified copy of its proceedings in relation to the order of sale ~~thereof of the land~~ and subsequent proceedings in relation ~~thereto to the sale~~, including the action of the township trustees, and the price per acre at which the land had been ~~appraised, which transcript the~~. The secretary of state shall submit the transcript of the proceedings to the executive council; and if it approves of a sale at a less sum, it shall certify ~~such the~~ approval to the auditor of the county from which ~~said the~~ transcript ~~came, which~~. The certificate shall be transcribed recorded in the minute book of the board of supervisors, and ~~thereupon said the~~ land may again be offered and sold to the highest bidder without again being appraised, after notice given as in case of sales in the first **instance, without being again appraised.**

Sec. 11. Section 302.6, Code 1983, is amended to read as follows:

302.8 SALE OF LANDS BID IN. When lands have been sold and bid in by the state in behalf of the permanent school fund upon a judgment in favor of ~~such the~~ fund, the land may

be sold in like the same manner as other school lands, and when lands have been ~~conveyed~~ to the counties in which they are situated for the use of the permanent school fund, instead of to the state, such the conveyance ~~shall-be is~~ valid and binding, and upon proper certificates of sales patents shall issue in like the same manner as ~~in-cases-where if~~ the conveyances ~~were had been~~ properly made to the state.

Sec. 12. Section 302.9, Code 1983, is amended to read as follows:

302.9 CASH OR COLLATERAL SECURITY. when. in the judgment of the board of supervisors, any school lands held under section 302.1 are of such a character that a sale upon partial credit would be unsafe or incompatible with the interest of the permanent school fund, and especially in the case of timbered lands, the board of supervisors ~~may in-its-discretion exact-the-whole-of~~ require the entire purchase money in advance; or if if the board sells such the land upon a partial credit, ~~as-hereinbefore-prescribed,~~ it shall require good collateral security for the payment of the part upon which credit is given.

Sec. 13. Section 302.10, Code 1983, is amended to read as follows:

302.10 UNIFORM INTEREST DATE. ~~In-all-cases-where if~~ money is due to the permanent school fund, either for loans or deferred payments of the purchase price of land sold, the interest shall be made payable on the first day of January each year, and if the debtor fails to pay the interest Within six months ~~thereafter of the date it is due,~~ the entire amount of both principal and interest shall become due, and the county auditor shall make-a report ~~thereof the nonpayment~~ to the county attorney, who shall immediately commence action for the collection of the amount reported ~~to-him as due,-and this.~~ This section is ~~hereby-declared-to-be~~ a part of any a contract made by virtue of this chapter, whether expressed ~~therein in the contract~~ or not.

Sec. 14. Section 302.11, Code 1983, is amended to read as follows:

302.11 SCHOOL FUND ACCOUNTS--AUDIT OF LOSSES. The state ~~comptroller~~ shall keep the Permanent school fund accounts in books provided for that purpose, separate and distinct from the revenue books. The auditor of state shall audit ~~all~~ losses to the permanent school or university fund ~~which shall-have-been-occasioned~~ caused by the defalcation, mismanagement, or fraud of the agents or officers controlling and managing ~~t he-same,-and-for-this-purpose~~ the fund. The auditor of state shall ~~prescribe-such-regulations~~ adopt rules for those officers as may-be necessary to ascertain ~~such the~~ losses.

Sec. 15. Section 302.15, Code 1983, is amended to read as follows:

302.15 MANAGEMENT. ~~All-property~~ Property and money ~~hereafter~~ accrued to the permanent school fund shall be managed and controlled by the state treasurer of state, and ~~he-shall be the treasurer of state is~~ responsible for the safekeeping, investment, reinvestment and disbursement of the ~~same~~ property and money.

Sec. 16. Section 302.16, Code 1983, is amended to read as follows:

302.16 ACTIONS. ~~All-actions~~ Actions for and in behalf of ~~said the~~ fund may be brought in the name of the state for the use of the permanent school fund, by the attorney general.

Sec. 17. Section 302.17, Code 1993, is amended to read as follows:

302.17 LIABILITY OF COUNTY. Each county ~~shall-be is~~ liable for ~~all~~ losses upon loans of the permanent school fund, principal or interest, made in such the county, unless the loss was not occasioned by reason of any a default of its officers or by taking insufficient or imperfect securities, or from a failure to bid at an execution sale the full amount of the judgment and costs.

Sec. 18. Section 302.19, Code 1983, is amended to read as follows:

302.19 LOANS. The permanent school fund shall be loaned out or invested by the state treasurer of state as it comes into his the treasurer's hands.

Sec. 19. Section 302.28, Code 1983, is amended to read as follows:

302.28 STATUTE OF LIMITATION. Lapse of time ~~shall-in~~ me-ease-be is not a bar to any action to recover any a part of the permanent school fund, ~~nor-shall and~~ it does not prevent the introduction of evidence in such an action, except as provided in sections 614.29 to 614.38.

Sec. 20. Section 302.29, Code 1983, is amended to read as follows:

302.29 PAYMENTS. All-payments Payments to the permanent school fund upon contracts, or loans of any-ether another nature, shall be made to the treasurer of the county upon a certificate from the auditor showing the amount due.

Sec. 21. Section 302.31, Code 1983, is amended to read as follows:

302.31 SCHOOL FUND ACCOUNT--SETTLEMENT. The auditor shall also keep ~~in-his-office~~, in books to be provided for that purpose, an account to be known as the permanent school fund account, in which a memorandum of ~~all the~~ notes, mortgages, bonds, money, and assets ~~of-every-kind-and-description~~ which may ~~come~~ into his the auditor's hands and those of the treasurer shall be entered, and separate accounts of principal and interest be kept*-and-the. The county treasurer shall also keep a-like an account and record of all school funds coming ~~into his the county treasurer's~~ hands. Settlements of such the account shall be made with the board of supervisors at its January and June sessions, which and the settlements shall be recorded with the proceedings of the board.

Sec. 22. Section 302.32, Code 1983, is amended to read as follows:

302.32 NOTICE OF DEFAULT. When outstanding contracts for the sale of school lands or notes for money of the permanent school fund loaned, or interest thereon on the permanent school fund, are due, the auditor shall by mail at once notify the debtor to make payment thereof within three months.

Sec. 23. Section 302.34, Code 1983, is amended to read as follows:

302.34 BID AT EXECUTION SALE. Upon a sale of lands under an execution founded upon a permanent school fund claim or right, the auditor shall bid such a sum as required by the interests of the fund ~~require~~, and, if struck off to the state, it shall be thereafter treated in-all-respects the same as other lands belonging to said the fund.

Sec. 24. Section 302.35, Code 1983, is amended to read as follows:

302.35 SHERIFF'S DEED TO STATE. When lands have been bid in by the county for the state under foreclosure of permanent school fund mortgages and the time for redemption has expired, a sheriff's deed shall be issued to the state for the use and benefit of the permanent school fund. The county auditor shall file the said deed for record in the office of the county recorder who shall record the same deed without fee and return the-same it when recorded to the county auditor who shall then forward the-same it to the secretary of state. The secretary of state shall record the maid deed in-his-rceerds and then file the-same it with the state comptroller.

Sec. 25. Section 302.38, Code 1983, is amended to read as follows:

302.38 EXCESS--LOSS BORNE BY COUNTY. Any An excess over the amount of the unpaid portion of the principal, costs of foreclosure, and interest on the principal as-above-provided, shall inure to the county and be credited to the general county fund. If the lands ~~shall-be~~ are sold for a less amount

than the unpaid portion of the principal, the loss shall be sustained by the county,, and the board of supervisors shall at once order the amount of such the loss transferred from the general fund ~~or temporary school fund~~ of the county to the permanent school fund account.

Sec. 26. Section 302.39, Code 1983, is amended to read as follows:

302.39 REPORT AS TO SALES--INTEREST. County auditors shall report, on or before ~~the first day of~~ January 1 of each year, report to the state comptroller the amount of all the sales and resales made during the year previous year, of the sixteenth section, five-hundred-thousand-acre grant, escheat estates, and lands taken under foreclosure of permanent school fund mortgages, and the state comptroller shall charge the ~~same~~ them to the counties with interest from the date of such sale or resale to January 1, at the rate of three percent per annum.

Sec. 27. Section 302.42, Code 1983, is amended to read as follows:

302.42 REPORT AS TO RENTS. County ~~By January 1 of each year~~ County auditors shall, ~~upon the first day of January of each year,~~ report to the state comptroller the amount of rents collected during the preceding year on unsold school lands and lands taken under foreclosure of permanent school fund mortgages then in the hands of the county treasurer, and the state comptroller shall include the amount so reported in his the semiannual apportionment of interest.

Sec. 28. Section 302.44, Code 1983, is amended to read as follows:

302.44 PENALTY AGAINST COUNTY AUDITOR. Any A county auditor failing or neglecting to perform any of the required duties which are required of him by the provisions of under this chapter, shall be is liable to a penalty of not less than one hundred nor more than five hundred dollars, to be recovered in an action brought in the district court by the

board of ~~supervisors, the~~ The judgment ~~to~~ shall be entered against the party and his the party's bondsmen, and the, proceeds ~~to go to the school fund~~ shall be paid to the' treasurer of state for deposit in the general fund of the state.

Sec. 29. Section 331.502, subsection 50, Code 1983, is amended to read as follows:

50. ~~In the case of~~ For payment of a Permanent school fund mortgage, acknowledge satisfaction of the mortgage by execution of a written instrument referring to the mortgage as provided in section 655.1.

Sec. 30. Section 331.509, subsection 1, paragraph 0, Code 1983, is amended to read as follows:

0. The reports of magistrates and other officers, including forfeited recognizances in their offices, fines, penalties, forfeitures imposed in their respective courts, and forfeited appearance bonds in criminal cases, all of which are payable to the county treasury for the benefit of the school fund treasurer of state to be deposited in the general fund of the state.

Sec. 31. Section 331.552, subsection 11, Code 1983, is amended by striking the subsection.

Sec. 32. Section 331.552, subsection 20, Code 1983, is amended to read as follows:

20. Maintain a permanent school fund account and records of school funds received as provided in section 302.31.

Sec. 33. Section 360.3, Code 1983, is amended to read as follows:

360.3 TRANSFER OF FUND. When there are funds in the hands of any a township clerk, raised under ~~the provisions of~~ this chapter which are not desired for the purposes for which they were raised, the funds may be transferred to the school general fund of any a school district or districts pro rata wherein same was in which the funds were raised, when a petition is presented to the trustees, signed by a majority of the

qualified electors of ~~said the~~ township, as shown by the election register or registers of the last preceding primary or general election held ~~in said the township, -said.~~ The transfer of funds ~~to shall~~ be made by the township clerk upon order of the trustees after the filing of said ~~the~~ petition with said ~~the~~ clerk.

Sec. 34. Section 442.3, Code 1983, is amended to read as follows:

442.3 STATE FOUNDATION BASE. The state foundation base for the school year beginning July 1, 1972, is seventy percent of the state cost per pupil. ~~For Except as otherwise provided in this section, for each succeeding school year the state foundation base shall be increased by the amount of one percent of the state cost per pupil, up to a maximum of eighty percent of the state cost per pupil. However, for the school years beginning July 1, 1980, July 1, 1981, and July 1, 1982, the state foundation base shall be the same as the state foundation base for the school year beginning July 1, 1979. For the school year beginning July 1, 1984, the state foundation base is eighty percent of the state cost per pupil if the estimate of the ending fund balance of the state general fund for the fiscal year beginning July 1, 1984 and ending June 30, 1985, as estimated by the state comptroller in January, 1984, is equal to or greater than thirty million dollars.~~ The district foundation base is the larger of the state foundation base or the amount per pupil which the district will receive from foundation property tax and state school foundation aid.

Sec. 35. Section 442.4, Code 1983, is amended by adding the following new subsection after subsection 3:

NEW SUBSECTION. 3A. For the school year beginning July 1, 1984 and each subsequent school year, if a school district's basic enrollment for the budget year is larger than its budget enrollment for the budget year, the district shall use its basic enrollment for the budget year in lieu of its budget enrollment for the budget year for computations required in this chapter.

Sec. 36. Section 442.4, subsection 4, Code 1983, is amended by ~~striking~~ the subsection ~~and inserting~~ in lieu thereof the following:

4. For the school year beginning July 1, 1984 and each succeeding school year, 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 for the budget year times the budget enrollment of the school district for the budget year is less than one hundred two percent 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 for the base year times the budget enrollment for the school district for the base year, 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 two percent amount.

Sec. 37. Section 442.7, subsection 5, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

5. Notwithstanding subsections 1 through 4, for the school **year beginning** July 1, 1984, if the estimate of the ending fund balance of the state general fund for the fiscal year beginning July 1, 1984 and ending June 30, 1985, as estimated by the state comptroller in January, 1984, is **equal** to or greater than thirty million dollars and the state foundation base increases to eighty percent pursuant to section 442.3, the state percent of growth, including the recomputations **required** under subsection 4, **is** six and two-tenths percent.

Sec. 38. Section 442.7, subsection 7. Code 1983, is amended by adding the following new paragraph:

NEW PARAGRAPH. For the budget school year beginning July 1, 1984, by adding to the basic allowable growth per pupil

for the budget year an amount not to exceed the amount of moneys received by a school district under section 302.3 during the school year beginning July 1, 1982 and ending June 30, 1983, as certified by the board of directors to the state comptroller.

Sec. 39. Section 442.9, subsection 1, paragraph a, Code 1983, is amended to read as follows:

a. As used in this chapter, "district cost per pupil" for the school year beginning July 1, 1975, and subsequent school years means district cost per pupil in weighted enrollment. The district cost per pupil for the budget year is equal to the district cost per pupil for the base year plus the allowable growth. However, district cost per pupil does not include additional allowable growth added for programs for gifted and talented children and for programs for returning dropouts under this chapter and does not include additional allowable growth established by the school budget review committee for a single school year only.

Sec. 40. Section 442.8, unnumbered paragraph 2, Code 1983, is amended to read as follows:

However, for the budget years beginning July 1, 1980, July 1, 1982, and July 1, 1983, and July 1, 1984, 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, and July 1, 1984, the adjustment to the state cost per pupil is twenty dollars per pupil, thirteen dollars per pupil, and eight dollars per pupil, and eight dollars per Pupil, respectively.

Sec. 41. Section 442.26, unnumbered paragraph 2, Code 1983, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

All state aids paid under this chapter, unless otherwise stated, shall be paid in monthly installments beginning on

September 15 of a budget year and ending on June 15 of the budget year and the installments shall be as nearly equal as possible as determined by the state comptroller, taking into consideration the relative budget and cash position of the state resources. However, the state aids paid to school districts under section 442.28 shall be paid in monthly installments beginning on December 15 and ending on June 15 of a budget year and state aids paid to school districts under section 442.38 shall be paid in monthly installments beginning on February 15 and ending on June 15 of a budget year.

Sec. 42. Section 442.39, unnumbered paragraph 1, Code 1983, is amended to read as follows:

In order to provide additional funds for school districts which send their resident pupils to another school district or to an area school for classes, which jointly employ and share the services of teachers under section 280.15, or which use the services of a teacher employed by another school district, a supplementary weighting plan for determining enrollment is adopted as follows:

Sec. 43. Section 442.39, subsection 2, Code 1983, is amended to read as follows:

2. Pupils attending classes in another school district or an area school, attending classes taught by a teacher who is employed jointly under section 280.15, or attending classes taught by a teacher who is employed by another school district, are assigned a weighting of one plus one-tenth times the percent of the pupil's school day during which the pupil attends classes in another district or area school, attends classes taught by a teacher who is jointly employed under section 280.15, or attends classes taught by a teacher who is employed by another school district.

Sec. 44. NEW SECTION. 442.45 PROGRAMS FOR RETURNING DROPOUTS. For the school year beginning July 1, 1984 and succeeding school years. boards of school districts, individually or jointly with boards of other school districts,

requesting to use additional allowable growth for programs for returning dropouts, may annually submit comprehensive program plans for the programs and budget costs, including requests for additional allowable growth for funding the programs, to the department of public instruction as provided in this chapter. In addition to the requirements for program plans listed in section 442.32, the program plans shall include:

1. A provision for dropout **prevention** and integration of dropouts into the educational program of the district.
2. A provision for identifying dropouts.
3. A program for returning dropouts.

Program plans for dropouts shall identify the parts of the plan that will be implemented first **upon** approval of the application. If a district is requesting to use additional allowable **growth** to finance the program, it shall not identify more **than** five percent of its budget enrollment for the budget year as returning dropouts.

Sec. 45. NEW SECTION. 442.46 DEFINED. "Returning dropouts" are resident pupils who have been enrolled in a public or nonpublic school in any of grades seven through twelve who withdrew from school for a reason other than **transfer** to another school or school district and who subsequently enrolled in public school in the district.

Sec. 46. NEW SECTION. 442.47 PLANS FOR RETURNING DROPOUTS. The board of directors of a school district requesting to use additional allowable growth for programs for returning dropouts shall submit applications for approval for the programs to the department not later than November 1 **preceding** the fiscal year during which the program will be offered. The department shall review the program plans and shall prior to January 15 either grant approval for the program or return the request for approval **with** comments of the department included. An unapproved request for a program may be resubmitted with modifications to the department not

later than February 1. Not later than February 15, the department shall notify the state comptroller and the school budget review committee of the names of **the** school districts for which the programs using additional allowable **growth** for funding have been approved and the approved budget of each program listed separately for each school district having an approved program.

Sec. 47. NEW SECTION. 442.48 **FUNDING FOR PROGRAMS FOR RETURNING DROPOUTS.** The budget of an approved program for returning dropouts for a school district, after subtracting funds received from other sources for that purpose, shall be funded annually on a basis of one-fourth or more from the district cost of the school district and up to three-fourths by an increase in allowable growth as defined in section 442.7. Annually, **the** state comptroller shall establish a modified allowable growth for each such district equal to the difference between the approved budget for the program for returning dropouts for that district and the sum of the amount funded from **the** district cost of the school district plus funds received **from other sources.**

Sec. 48. Section 508.15, Code 1983, is amended to read as follows:

508.15 VIOLATION BY FOREIGN **COMPANY.** Companies organized and chartered by the laws of a **foreign** state or country, failing to file the evidence of investment and statement within the time fixed, shall forfeit and pay the sum of three hundred dollars, to be collected in an action in the name of the state **for-the-use-of-the-school-fund** and paid to the **treasurer of state for deposit in the general fund of the state,** and their right to transact further new business in this state shall immediately cease until the requirements of this chapter have been fully complied with.

Sec. 49. Section 511.7, Code 1983, is amended to read as follows:

511.7 RECOVERY OF PENALTIES. Actions brought to recover any of the penalties ~~provided~~ for in this chapter shall be instituted in the name ~~of the state~~ by the county attorney of the county, under the direction and authority of the commissioner of insurance, and may be brought in the district court of any county in which the company or association proceeded against is engaged in the transaction of business, ~~or in which the offending person resides, if it is against him the person.~~ The penalties, when recovered, shall be paid ~~into the state treasury for the use of the school fund to the treasurer of state for deposit in the general fund of the state.~~

Sec. 50. Section 515.93, Code 1983, is amended to read as follows:

515.93 VIOLATIONS. Any ~~A~~ violation of ~~the provisions of~~ sections 515.91 and 515.92 shall for the first offense subject the company, association, or individual guilty thereof to a penalty of five hundred dollars, to be recovered in the name of the state, with costs, in an action instituted by the county attorney, either in the county in which the company, association, or individual is located or transacts business, or in the county where the offense is committed, and ~~such~~ the penalty, when recovered, shall be paid ~~into the school fund of the county in which action is brought to the treasurer of state for deposit in the general fund of the state.~~ Every subsequent violation of ~~said the~~ sections ~~shall subject~~ subjects the company, association, or individual to a penalty of one thousand dollars, to be sued for, recovered, and disposed of in like manner.

sec. 53. Section 534.12, subsection 4. Code 1983, is amended to read as follows:

4. REDEMPTION. ~~At any time~~ When funds are on hand for the purpose, the association ~~shall have the right to may~~ redeem by lot or otherwise, as the board of directors may ~~determine~~ determines, all or any part of any of its savings

accounts on a dividend date by giving thirty days' notice by registered mail addressed to the account holders at ~~their~~ last addresses recorded on the books of the association. An association shall not redeem any of its share accounts' ~~when the~~ association is in an impaired condition or when it has 'applications for withdrawal which have been on file more than thirty days and have not been reached for payment. The redemption price of a savings account shall be the full value of the account redeemed, as determined by the board of directors, but ~~in no event shall~~ the redemption value shall ~~not~~ be less than the withdrawal value. If the notice of redemption has been given, and if on or before the redemption date the funds necessary for the redemption have been set aside ~~so as to be and continue to be available~~ for redemptions, dividends upon the accounts called for redemption shall cease to accrue from and after the dividend date specified as the redemption date, and ~~all~~ rights with respect to those accounts ~~shall~~ terminate as of the redemption date, subject only to the right of the account holder of record to receive the redemption value without interest. ~~All savings~~ Savings accounts which have been validly called for redemption must be tendered for payment within ten years from the date of redemption designated in the redemption notice, or they shall be canceled and ~~forfeited for the use of the school fund of the county in which the association has its principal place of business~~ paid to the treasurer of state for deposit in the general fund of the state and all claims of the account holders against the association ~~shall be~~ are barred forever. Redemption shall not be made of any savings accounts which are held by a person who is a director and which are necessary to qualify the person to act as director.

Sec. 52. Section 535.5, Code 1983, is amended to read as follows:

535.5 PENALTY FOR USURY. If it ~~shall be is~~ ascertained in any an action brought on any a contract that a rate of

interest has been contracted for, directly or indirectly, in money or in property, greater than is authorized by this chapter, the ~~same rate shall~~ work a forfeiture of eight cents on the hundred by the year upon the amount of the principal remaining unpaid upon ~~such the~~ contract at the time judgment is rendered ~~thereon~~, and the court shall enter final judgment in favor of the plaintiff and against the defendant for the principal sum ~~80~~ remaining unpaid without costs, and also against the defendant and in favor of the state, ~~for-the-use of-the-school-fund-of-the-county-in-which-the-action-is-brought to be paid to the treasurer of state for deposit in the general fund of the state~~, for the amount of the forfeiture--and-in ne-eeee-whereIf unlawful interest is contracted for ~~shall~~ the plaintiff ~~shall not~~ have judgment for more than the principal sum, whether the unlawful interest be ~~is~~ incorporated with the principal or not.

Sec. 53. Section 586.1, subsection 4, Code 1983, is amended to read as follows:

4. Acknowledgments of deeds, mortgages, permanent school fund mortgages and contracts taken and certified before 1970 by any county auditor, deputy county auditor, or deputy clerk of the district court although such officer was not authorized to take ~~such the~~ acknowledgments at the time they were taken.

Sec. 54. Section 595.11, Code 1983, is amended to read as follows:

595.11 NONSTATUTORY SOLEMNIZATION--FORFEITURE. Marriages solemnized, with the consent of parties, in any ~~other~~ manner other than as-herein that prescribed in this chapter, are valid; but the parties ~~thereto~~, and all persons aiding or abetting them, shall ~~forfeit-to-the-school~~ pay to the treasurer of state for deposit in the general fund of the state the sum of fifty dollars each; but this shall not apply to the person ~~conducting~~ the marriage ceremony, if within fifteen days thereafter he the person makes the required return to the clerk of the district court.

Sec. 55. Section 602.55, Code 1983, is amended to read as follows:

602.55 FUNDS, REPORTS. Each month each judicial magistrate and district associate judge shall file with the clerk of the district court of the proper county a sworn, itemized statement of all cases disposed of and all funds received and disbursed per case, and at least monthly shall remit to the clerk all funds received. The clerk shall provide adequate clerical assistance to judicial magistrates and district associate judges to carry ~~out this~~ section. The clerk shall remit ninety percent of all fines and forfeited bail received from a magistrate or district associate judge to the city that was the plaintiff in any action, shall remit to the city ninety percent of all fines and forfeited bail received for improper use of handicapped parking spaces in violation of section 601E.6, subsection 2, when the violations occurred within the city, shall remit all fines and forfeited bail received from a magistrate ~~or~~ district associate judge for violation of a county ordinance except an ordinance relating to vehicle speed or weight restrictions, to the county treasurer of the county that was the plaintiff in any action for deposit in the general fund of the county, and shall provide that city or county with a statement showing the total number of the cases, the total of all fines and forfeited bail collected and the total of all cases dismissed. However, if a county ordinance provides a penalty for a violation which is also penalized under state law, all fines and forfeited bail collected for the violation of that ordinance shall be deposited paid to the treasurer of state for deposit in the school general fund of the state. The clerk shall remit the remaining ten percent of city fines and forfeited bail to the county treasurer for deposit in the county general fund. The clerk shall remit to the treasurer of ~~the-county state~~, for ~~the-benefit-of-the-school~~ deposit in the general fund of the state, all other fines and forfeited bail received

from a magistrate. **All fees** and costs for the filing of a complaint or **information** or upon forfeiture of bail received from a magistrate shall be remitted monthly by the clerk as follows:

1. One-half to the treasurer of state to be credited to the general fund of **the state**.

2. One-third to the county treasurer to be credited to the general fund of the county.

3. ~~One-sixth~~ to the treasurer of state to be credited to the judicial retirement fund created in section 605A.4.

Sec. 56. Section 633.545, Code 1983, is amended to read as follows:

633.545 SALE--PROCEEDS. If within six months from the giving of ~~such~~ notice, ~~no a~~ claimant ~~thereof appears, such does not appear,~~ the property may be sold and the proceeds paid over by the personal representative to the state comptroller for the benefit of the permanent school fund.

Sec. 57. Section 644.15, Code 1983, is amended to read as follows:

644.15 PROCEEDS--FORFEITURE. The net proceeds of ~~all~~ sales made by the sheriff, and ~~all~~ money or bank notes paid over to the county treasurer, as directed in this chapter, shall remain in the hands of the county treasurer in trust for the owner, if ~~any such shall apply~~ the owner applies within one year from the time the ~~same shall~~ proceeds, moneys, or bank notes would have been paid over, but, However, if no owner ~~shall appear~~ appears within ~~such~~ that time, the money proceeds, moneys, or bank notes shall be forfeited, and the claim of the owner ~~thereto is~~ forever barred, in which event the money shall ~~remain in the county treasury for the use of the common schools in said county~~ be paid to the treasurer of state for deposit in the general fund of the state.

Sec. 58. Section 666.3, Code 1983, is amended to read as follows:

666.3 FINES AND FORFEITURES. ~~All fines~~ Fines and forfeitures, after deducting ~~therefrom~~ court costs, ~~court~~ expenses collectible through the clerk of the court, and fees of collection, if any, and not otherwise disposed of, shall ~~go into the treasury of the county where the same are collected for the benefit of the school fund~~ be paid to the treasurer of state for deposit in the general fund of the state.

Sec. 59. Section 666.6, unnumbered paragraph 1, Code 1983, is amended to read as follows:

~~The~~ Not later than January 15 of each year, the clerk of district court shall make an annual report in writing to the ~~board of supervisors at the first regular meeting of the board in January~~ treasurer of state of 411 forfeited recognizances in the clerk's office; of all fines, penalties, and forfeitures imposed in the district court, which by law ~~go into the county treasury for the benefit of the school fund~~ are paid to the treasurer of state for deposit in the general fund of the state; in what cause or proceeding, when and for what purpose, against whom and for what amount, rendered; whether the fines, penalties, forfeitures, and recognizances have been paid, remitted, canceled, or otherwise satisfied; if so, when, how, and in what manner, and if not paid, remitted, canceled, or otherwise satisfied, what steps have been taken to enforce the collection of the fines, penalties, forfeitures and recognizances. However, the report shall only contain information not already reported on a monthly basis.

Sec. 60. Notwithstanding section 442.7, subsection 7, paragraph a, if the state cost per pupil for the budget year beginning July 1, 1984 exceeds the district cost per pupil for the budget year beginning July 1, 1984, the basic allowable growth per pupil for the budget year shall equal one hundred percent of the product of the state cost per pupil for the base year times the state percent of growth for the budget year.

Sec. 61. Sections 127.22, 302.3, and 302.24, Code 1983, are-repealed.

Sec. 62. Sections 4 through 8 and section 41 of this **Act** take effect July 1, 1983. Sections 1, 2, 3, 9 through 33, and 48 through 59 and 61 take effect July 1, 1984. The remaining sections of this Act take effect July 1, 1983 for computations required for payment of state aid and levying of property taxes under the state school foundation program for the school year beginning July 1, 1984.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 562 , Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

on December 31 of that year must apply for the exemption for the following year but thereafter section 1 of this Act applies.

HOUSE FILE 574

AN ACT

RELATING TO FILING OF AN APPLICATION FOR AN EXEMPTION FROM THE PROPERTY TAX FOR POLLUTION-CONTROL EQUIPMENT.

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

Section 1. Section 427.1. subsection 32, unnumbered paragraphs 4 and 5, Code 1983, are amended to read as follows:

Application for this exemption shall be filed with the assessing authority not later than the first of February of the first year for which the exemption is requested, on forms provided by the department of revenue. The application shall describe and locate the specific pollution-control property to be exempted.

The ~~first-annual~~ application for ~~any~~ a specific pollution-control property shall be accompanied by a certificate of the executive director of the department of water, air and waste management certifying that the primary use of the pollution-control property is to control or abate pollution of any air or water of this state or to enhance the quality of any air or water of this state.

Sec. 2. A person claiming the exemption for pollution-control equipment under section 427.1, subsection 32 on the effective date of this Act whose eligibility does not terminate

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 574, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

H.F. 574

HOUSE FILE 613

AN ACT

RELATING TO THE FUNDING OF STATE AGENCIES FOR DESIGNATED SERVICE PROGRAMS INCLUDING HEALTH PROGRAMS, SPECIALIZED CHILD HEALTH SERVICE PROGRAMS, SUBSTANCE ABUSE PROGRAMS, CIVIL RIGHTS, VETERANS' SERVICES, AND PROGRAMS FOR MINORITY, ELDERLY, AND DISADVANTAGED PERSONS FOR THE FISCAL YEAR BEGINNING JULY 1, 1983, AND ENDING JUNE 30, 1984.

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 commission on the aging for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1983-1984
Fiscal Year

1. For salaries and support

of not more than twenty-five and six-tenths full-time equivalent positions annually, maintenance, and miscellaneous purposes	\$	202,000
2. For the administration of area agencies on aging	\$	117,600
3. For the senior citizen employment program	\$	108,000
4. For the older Iowans legislature . . .I.....	\$	14,000
5. For elderly services programs	\$	800,000

All funds appropriated under this subsection shall be received and disbursed by the commission in accordance with sections 249B.15 through 249B.21, shall not be used for administrative purposes, and shall be used for citizens of Iowa over sixty-five years of age to increase the availability of chore, telephone reassurance, adult day care, and home repair, including the winterizing of homes and the construction of entrance ramps which meet the requirements of section 104A.4 and make residences accessible to the physically handicapped, and other elderly services. A coordinated comprehensive individual assessment program for the elderly may be created in each area *agency* for the aging to oversee the training of interdisciplinary teams for the purpose of assessing elderly individuals to determine their health, social, and financial needs in enabling these individuals to remain in their homes and their communities. Funds appropriated under this subsection may be used for elderly services not specifically enumerated in this paragraph only if approved by an area agency *on* aging for provision of the services within the area. Funds appropriated under this subsection may be used to supplement federal funds under federal regulations.

H.F. 613

Sec. 2. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983, and ending June 30, 1984, ~~the following~~ amounts, or so much thereof as is necessary, to be used by the following agencies for the purposes designated:

1983-1984
Fiscal Year

1. IOWA STATE CIVIL
RIGHTS COMMISSION

For salaries and support of not more than twenty-four ~~full-~~ time equivalent positions annually, maintenance, and miscellaneous purposes \$ 691,846

2. SPANISH-SPEARING
PEOPLES COMMISSION

For salaries and support of not ~~more~~ than one ~~full-~~ time equivalent position annually, maintenance, and miscellaneous purposes \$ 41,089

3. COMMITTEE ON THE EM-
PLOYMENT OF ~~THE~~ HANDICAPPED

For salaries and support of not more than four ~~full-~~ time equivalent positions annually, maintenance, and miscellaneous purposes \$ 128,356

4. COMMISSION ON THE
STATUS OF WOMEN

For salaries and support of not more than three full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 91,071

Sec. 3. There is appropriated from the general fund of the State ~~for the fiscal~~ year beginning July 1, 1983, and ending June 30, 1984, the following amounts, or so much thereof as is necessary, to be used by the following agencies for the ~~purposes~~ designated:

1983-1984
Fiscal Year

1. BOARD OF MEDICAL
EXAMINERS

For salaries and support of not more than fourteen full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 640,548

2. BOARD OF NURSE EXAMINERS

For salaries and support of not more than sixteen full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 532,781

It is the intent of the general assembly ~~that~~ a licensed practical ~~nurse~~ may practice in head start programs without the need of supervision of a licensed registered nurse or a licensed physician. To the extent that subrule 590 IAC 6.3(3) conflicts with this provision, the subrule is void.

3. BOARD OF PHARMACY
EXAMINERS

For salaries and support of not more than twelve full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 358,179

'The board of pharmacy examiners shall insure that enough revenue is received to reimburse the general fund of the state for the state's portion of the costs incurred for the auditing

of pharmacies.

4. BOARD OF DENTAL EXAMINERS

For salaries and support of not more than two full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 110,313

Sec. 4. There is appropriated from the general fund of the state to the state department of health for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1983-1984
Fiscal Year

1. ADMINISTRATION

For salaries and support of not more than sixty-seven and one-fourth full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 989,219

2. HEALTH FACILITIES

DIVISION

For salaries and support of not more than fifty-one full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 694,634

3. HEALTH PLANNING AND

DEVELOPMENT DIVISION

For salaries and support of not more than nineteen and sixty-seven one-hundredths full-time equivalent positions annually, maintenance,

and miscellaneous purposes \$ 257,494

4. DISEASE PREVENTION

DIVISION

For salaries and support of not more than fifty-one and six-tenths full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 1,042,348

5. LICENSING AND CERTIFICATION DIVISION

For salaries and support of not more than sixteen full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 538,228

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.

6. PERSONAL AND FAMILY

HEALTH SERVICES

a. For salaries and support of not more than forty-four and thirty-five one-hundredths full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 1,164,699

The department shall allocate from the funds appropriated under this paragraph at least four hundred seventy-two thousand three hundred four (**472,304**) dollars for the fiscal year beginning **July 1, 1983, and** ending June 30, 1984, for the birth **defects** and genetics counseling program.

Of the funds appropriated in this paragraph, the following amounts shall be allocated to the university of **Iowa** hospitals and clinics under the control of the state board of regents for the following programs under the Iowa specialized child health care services:

(1) Mobile and regional child health specialty clinics	\$	252,000
(2) Childhood cancer diagnostic and treatment network program	\$	40,847
(3) Rural comprehensive care for hemophilia patients	\$	69,199
(4) Muscular dystrophy and related genetic disease programs	\$	100,000
(5) Statewide perinatal programs	\$	45,000

Of the funds allocated to the mobile and regional child health specialty clinics pursuant to subparagraph (1). **twenty-** one thousand (21,000) dollars is intended to be used for the high risk infant follow-up program which may be conducted through the mobile and regional child health specialty clinics.

The birth defects and genetic counseling service shall develop a sliding fee scale to determine the amount a person **receiving the services** is required to pay for the services.

The university of Iowa hospitals and clinics shall receive an allocation for indirect costs of no more than eight percent from the funds for each program.

It is the intent of the general assembly that the childhood cancer diagnostic and treatment network program and the rural comprehensive care for hemophilia patients be continued at the university of Iowa hospitals and clinics at the funding level of the fiscal year beginning July 1, 1982, and ending

June 30, 1983. To provide for the contingency that federal funds would not be available to maintain that funding level, there is appropriated from the general fund of the state to the office of the-state comptroller for the fiscal year **beginning** July 1, 1983, and ending June 30, 1984, the sum of seventy-four thousand four **hundred** fifty (74,450) dollars, or so much thereof as is necessary. The state comptroller, upon receipt of verified amounts of federal funds received by the university of Iowa hospitals and clinics for the programs specified in this paragraph, shall pay to the university of Iowa hospitals and clinics an amount **equal** to the difference between the amount of the original grant application and the amount of the grant as approved by the United States department of health and human services. Any fund⁶ remaining from this appropriation shall revert to the state general fund on June 30, 1994.

It is the intention of the human resources appropriations subcommittee that one hundred eighty-thousand three hundred seventy-seven (180,377) dollars of the maternal and **child** health block grant appropriated to the state department of health by the general assembly for the federal fiscal year beginning **October 1, 1983**, and ending September 30, 1984, shall be allocated to the statewide perinatal care program.

b. Sexual abuse investigations.

For medical procedures required by section 709.10

..	\$	25,000
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c. Sudden infant death syndrome.

For reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome required under section 331.802

..	\$	15,000
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7. COMMUNITY **HEALTH** SERVICES

a. Community health division.

For salaries and support
of not more than thirty-eight
full-time equivalent posi-
tions, maintenance,
and miscellaneous purposes \$1,819,356

The department shall allocate from the funds appropriated under this lettered paragraph nine hundred twenty-two thousand six hundred ninety-three (922,693) dollars for the fiscal year beginning July 1, 1983, and ending June 30, 1984 for the chronic renal disease program. The types of assistance to eligible recipients under the program may include hospital and medical expenses, home dialysis supplies, insurance premiums, travel expenses, prescription and nonprescription drugs, and lodging expenses for persons in training. The program expenditures shall not exceed these allocations. If projected expenditures will exceed the allocations, the department shall establish by administrative rule a mechanism to reduce financial assistance under the renal disease program in order to keep expenditures within the allocations.

b. In-home health care grants.

For grants to local boards
of health for the public health
nursing program \$2,060,000

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 department shall not retain more than one percent of the amount appropriated under this paragraph for the costs of administering the public health nursing program. The remainder of the appropriation shall be allocated for use in the counties of the state. 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.

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, 1983, 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, 1983, 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 and ending June 30 of each fiscal year of the biennium.

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 annually 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 each annual evaluation to the governor and the general assembly.

c. For grants to county boards
of supervisors for the home-
maker-home health aide program \$ 6,950,000

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 for the 1983-1984 fiscal year an amount equal to fifty percent of state expenditures for homemaker services in that county for the 1981-1982 fiscal year ~~and for~~ the 1984-1985 fiscal year an amount equal to twenty-five percent of the amount of state expenditures for homemaker services in that county for the 1981-1982 fiscal year. After the allocation of the fifty percent or the twenty-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.

For the 1965-1986 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 will 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 shall subcontract with a nonprofit **nurses'** association, an independent nonprofit agency, the department of social services, or a suitable local governmental body, 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 of each year of the biennium, 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 each fiscal year of the biennium. 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 December 31 of each fiscal year of the biennium, 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 annually 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 annual evaluation to the governor and the general assembly.

d. Well-elderly clinic grants.

For the development and maintenance of well-elderly clinics in the state..... \$ 212,000

Sec. 5. There is appropriated from the general fund of the state to the Iowa department of veterans affairs for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1983-1994

Fiscal Year

1. For salaries and support of not more than four full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 119,336

2. For the war orphans educational aid fund \$ 25,000

Sec. 6. There is appropriated from the general fund of the state to the Iowa department of substance abuse for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1983-1984

Fiscal Year

1. For salaries and support of not more than nineteen and one-tenth full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 172,975

2. For program grants \$ 2,761,150

Sec. 7. The licensing boards for which general fund appropriations have been provided for in section 3, subsection 1, 2, 3, or 4 and section 4, subsection 5 of this Act may expend additional funds, if those additional expenditures are directly the cause of actual examination expenses exceeding funds budgeted for examinations. Before a licensing board included in section 3, subsection 1, 2, 3, or 4 and section 4, subsection 5 of this Act expends or encumbers an amount in excess of the funds budgeted for examinations, the state comptroller shall approve the expenditure or encumbrance. Before approval is given, the state comptroller shall determine that the examination expenses exceed the funds budgeted by the general assembly to the board and the board does not have other funds from which examination expenses can be paid.

Upon approval of the state comptroller the licensing board may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected as fees from additional examination applicants and shall be treated as repayment receipts as defined in section 8.2, subsection 5.

Sec. 8. Section 135E.1, subsection 3, Code 1983, is amended to read as follows:

3. "Nursing home" means any institution or facility, or part thereof, licensed as an intermediate care facility or a skilled nursing facility, but not including an intermediate care facility for the mentally retarded, defined as such for licensing purposes under state law or pursuant to the rules and regulations for nursing homes established by the state department of public health, whether proprietary or nonprofit, including but not limited to, nursing homes owned or administered by the federal or state government or an agency or political subdivisions thereof.

Sec. 9. Section 147.102, Code 1963, is amended to read as follows:

147.102 PHYSICIANS AND SURGEONS, PSYCHOLOGISTS, CHIROPRACTORS, DENTISTS, AND OSTEOPATHS. Notwithstanding the provisions of this title, every application for a license to practice medicine and surgery, psychology, chiropractic, dentistry, osteopathy, or osteopathic medicine and surgery, shall be made directly to the secretary of the examining board of such profession, and every reciprocal agreement for the recognition of any such license issued in another state shall be negotiated by the examining board for such profession, and all examination, license, and renewal fees received from such persons licensed to practice any of such professions shall be paid to and collected by the secretary of the examining board of such profession, who shall transmit the fees to the treasurer of state who shall deposit the fees in the general fund of the state. The salary of the secretary

shall be established by the governor with the approval of the executive council pursuant to section 19A.9, subsection 2, under the pay plan for exempt positions in the executive branch of government.

Se-c. 10. Section 157.11, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Commencing January 1, 1977, ~~it is unlawful for~~ a beauty salon he shall not operate unless the owner has obtained a license issued by the department. The owner shall apply to the department on forms prescribed by the board. ~~The beauty salon must pass a sanitary inspection before licensing and at least annually thereafter.~~ The department shall perform a sanitary inspection of each beauty salon annually and may perform a sanitary inspection of a beauty salon prior to the issuance of a license.

Sec. 11. Section 158.9, unnumbered paragraph 1, Code 1983, is amended to read as follows:

~~It is unlawful for a~~ A barbershop to shall not operate unless the owner has obtained a license issued by the department. The owner shall apply to the department on forms prescribed by the board. ~~The barbershop must pass a sanitary inspection before obtaining a license and at least annually thereafter.~~ The department shall perform a sanitary inspection of each barbershop annually and may perform a sanitary inspection of a barbershop prior to the issuance of a license.

Sec. 12. All federal grants to and federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in the federal grants or receipts. Full-time equivalent positions funded entirely with federal funds are exempt from the limits on the number of full-time equivalent positions provided in this Act but are approved only for the period of time for which the federal funds are available for the position. As a condition of the appropriation under section 4, subsection 6, the state department of health shall relinquish to the family planning

council **of** Iowa through the department of health and human services federal dollars appropriated under Title X **of the** Public Health Service Act and allocated for Lyon, Sioux, Plymouth, Woodbury, Cherokee, Ida, Delaware, Dubuque, Jackson, Washington, Louisa, Henry, Lee, and Des **Moines counties** in order to permit established local family planning providers to continue services without state involvement.

DONALD D. AVENSON
Speaker of the House

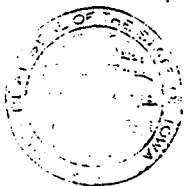
ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 613, Seventieth **General Assembly**.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

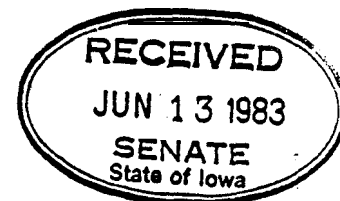
TERRY E. BRANSTAD
Governor



TERRY E BRANSTAD
GOVERNOR

OFFICE o F THE GOVERNOR

STATE CAPITOL
DES MOINES, IOWA 50319
515 281-5211



June 13, 1983

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

Dear Madam Secretary:

I hereby transmit House File 613, an act relating to the funding of-state agencies for designated service programs including health **programs**, specialized child health service **programs**, substance abuse programs, civil rights, veterans' services, and **programs for** minority, elderly, and disadvantaged persons for the fiscal year beginning July 1, 1983, and ending June 30, 1984.

House File 613 is approved June 13, 1983, with the following exception which I hereby disapprove.

I am unable to approve that **portion** of Section 12 which reads as follows:

As a condition of the appropriation under section 4, subsection 6, the state department of health shall relinquish to the family planning council of Iowa through the department of health and human services federal dollars appropriated under Title X of the Public Health Service Act and allocated for Lyon, Sioux, Plymouth, Woodbury, Cherokee, Ida, Delaware, Dubuque, Jackson, Washington, Louisa, Henry, Lee, and Des Moines counties in order to permit established local **family** planning providers to continue services without **state** involvement.

Section 12 of House File 613 appropriates federal funds received by several state human services agencies. However, an item in that **section** would **require** the Department of Health (DOH) to relinquish administrative control over federal Title X funds used by local family planning agencies in 14 counties of the

The Honorable Mary Jane Odell

June. 13, 1983

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state. This provision is apparently designed to give the Family Planning Council of Iowa, rather than the DOH, the authority to administer, the federal funds to be distributed to local family planning agencies centered in Sioux City, Dubuque and Burlington.

I cannot approve this item in House File 613 because it violates a service contract, and has potentially adverse public policy impacts.

Several years ago the federal government began routing all Title X (family planning) funds through the DOH to provide for statewide oversight and administrative control. However, over time a few local agencies took exception to that administrative oversight and petitioned to be removed from the state family planning program. DON acceded to those wishes and, in 1980, allowed all local planning agencies' to opt out of the state administered program. Indeed, seven local agencies pulled out and formed their own Family Planning Council of Iowa (FPCI) to receive and distribute the federal Title X funds. The remaining 11 local agencies decided to stay with the DOH program. In addition, one year ago DOH renewed its three-year federal contract for this program and again allowed local agencies to leave the state program. However, no local agency opted out at that time.

During this, the first year of that three-year contract, three local agencies decided to seek to join FPCI. Because of the contract commitment, DOH refused. The local agencies petitioned the legislature and obtained passage of the legislative language at issue here.

I cannot approve that language since it does, indeed, renege on a contract commitment made just last year. Twice in the last three years, these local agencies have had an opportunity to opt out of the state program and decided against it. DOH can not adequately administer the Title X program without some continuity of local agency participation and, this legislative language sets a precedent which would allow individual agencies' to opt out of the program at whim. Therefore, these agencies should wait until this contract expires in 1985 before attempting to leave the state program.

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In addition, the public policy impacts of this proposed change have not been adequately explored. The **FPCI** tends to concentrate its efforts on urban areas. It serves a lower percentage of the poor (**63%**) than does the DOH program (80%). And, the **DOH** integrates a wider array of health services into the statewide program. However, the impact of this proposed pull-out on family- planning services in rural areas, the **poor**, and other **important** health needs has not been fully assessed. **Waiting** until the **1985** contract expiration date will allow for that necessary assessment.

Also, the next two years will provide time to fully investigate the administrative complaints lodged against the DOH by these three **local** family planning agencies. DOH officials argue that federal requirements and public accountability demand the administrative requirements being placed on local agencies. A thorough review of those requirements may be in order. Indeed, I encourage the three agencies to discuss their concerns **with** DOH so that these problems can be resolved. Since these discussions have yet to take place, this pull-out action is not justified.

In sum, for both contractual and public policy **reasons**, I must **disapprove** this item in Section 12 of House File 613.

Section 4 (7) (**c**) of House File 613 contains a provision requiring counties to contract only with nonprofit organizations to provide homemaker-home health aide services and chore services. Presently, for-profit organizations are allowed to receive such contracts, but only one limited contract with a for-profit organization has been let. Providing health and chore services to the elderly so that they can stay in their homes **is** a high priority of mine. Therefore, I have carefully reviewed this proposed legislation so as to ensure the highest quality of care for the elderly at the lowest possible price -for the taxpayer.

For-profit nursing organizations contend that if they are able to bid for counties' home health aide contracts, the resulting competition will lead to lower-priced home-based services for the elderly. In addition, it is argued that the quality of service will not decline and that the board of supervisors

The Honorable Mary Jane Odell
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should be given the authority to make home health aide cost and service decisions for the county. I am in philosophical agreement **with** both the local control and competition arguments made by the for-profit groups. However, I am troubled by **evidence** of practical problems experienced in **some** states that have opened up the home-health aide contracts to for-profit **organizations**. This evidence includes:

- a **Health** Care Financing Administration study that shows that **for-profit** providers have a lower cost per service, but a **higher** cost per **case**, due to the for-profit providers' higher utilization rates.
- a **Kansas** experience with a 30-50 per cent second-year cost increase and a reduction in the quality of care due to the **loss of** continuity in the care given to the elderly person.
- a Missouri report that much greater state control and supervision is needed **to** ensure the proper quality and continuity of care.
- the impact the loss of the state contract would have on non-profit home health aide organizations which are able to double the impact of the state's home health aide dollar by raising 50 percent of their funding for these services from private sources.

At the present **time**, there is but one small contract held by a for-profit organization. The language in House File 613 "would thus essentially maintain the status quo in the home health aide program. **Moreover**, it is **possible** that for-profit organizations will be able to receive subcontracts to perform these services. In view of that fact and the possible cost and quality of care problems associated with an open bidding system, I have decided to allow this portion of Rouse File 613 to become law. However, I encourage legislators to fully debate this issue next session and to attempt to resolve the quality of service problems which may result from open bidding.

The Honorable' Mary Jane Odell
June 13, 1983
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For the **above reasons**, I hereby disapprove the above item in accordance with Amendment 4 of the Amendments of 1968 to the **Constitution** of the State of Iowa. All other items of House File 613 are hereby approved as of this date.

Very truly yours,

A handwritten signature in black ink, reading "Terry E. Branstad". The signature is written in a cursive, flowing style with a large, prominent "T" and "B".

Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

HOUSE FILE 617

AN ACT

RELATING TO REPORTING AND INVESTIGATION OF **EXPOSURE** TO,
CHEMICAL DEFOLIANTS, HERBICIDES, OR **OTHER** CAUSATIVE
AGENTS, INCLUDING BUT NOT LIMITED TO **AGENT ORANGE** AND
MAKING AN APPROPRIATION.

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

Section 1. NEW SECTION. **139A.1** As used in this chapter unless the context otherwise provides:

1. **"Agent orange"** means the herbicide composed primarily of trichlorophenoxyacetic acid and dichlorophenoxyacetic acid.
2. **"Veteran"** means a person who was a resident of this state at the time of the person's induction into the armed forces of the United States or who is a resident of this state July 1, 1983 and served in Vietnam, **Cambodia**, or Laos during the Vietnam Conflict.
3. **"Chemicals"** means chemical defoliants, herbicides, or other causative agents, including but not limited to agent orange.
4. **"Department"** means the state department of health.

Sec. 2. NEW SECTION. **139A.2** **CHEMICAL REPORT TO DEPARTMENT.** A licensed physician pursuant to section 135.1, subsection 5, who treats a veteran the physician believes may have been exposed to chemicals while serving in the armed forces of the United States shall submit a report indicating that information to the department at the request of the veteran pursuant to section 139A.3.

Sec. 3. NEW SECTION. **139A.3** **DUTIES OF THE DEPARTMENT.** The department shall:

1. Provide the forms for the reports required in section 139A.2. The report shall require the doctor to provide all of the following:

- a. Symptoms of the veteran which may be related to exposure to chemicals.
- b. Diagnosis of the veteran.
- c. Methods of treatment prescribed.

2. Annually compile and evaluate the information submitted in the reports pursuant to subsection 1, in consultation and cooperation with a certified medical toxicologist selected by the department. The department shall submit the report to the governor, general assembly, United States veterans' administration, and the state department of veterans affairs. The report shall include current research data on the effects of exposure to chemicals, statistical information received from individual physicians' reports, and statistical information from the epidemiological investigations pursuant to subsection 3.

3. Conduct epidemiological investigations of veterans who have cancer or other medical problems or who have children born with birth defects associated with exposure to chemicals, in consultation and cooperation with a certified medical toxicologist selected by the department. The department shall obtain consent from a veteran before conducting the investigations.

The department shall cooperate with local and state agencies during the course of an investigation.

Sec. 4. NEW SECTION. **139A.4** **CONFIDENTIALITY--LIABILITY PROVISIONS.** The department shall not identify a veteran consenting to the epidemiological investigations pursuant to section 139A.3, subsection 3, unless the veteran consents to the release of identity. The statistical information compiled by the department pursuant to section 139A.3 is a public record.

A licensed physician complying with this chapter is not civilly or criminally liable for release of the required information.

Sec. 5. NEW SECTION. 139A.5 ATTORNEY GENERAL POWERS.

The attorney general may represent veterans who may have been injured because of contact with chemicals, in an action for release of information relating to exposure to such causative agents during military service and release of the veterans' medical records.

Sec. 6. NEW SECTION. 139A.6 MEDICAL COOPERATIVE PROGRAM.

The department and appropriate medical facilities at the state university of Iowa under the control of the state board of regents shall institute a cooperative program to:

1. Refer veterans to appropriate state and federal agencies to file claims to remedy medical and financial problems caused by the veterans' exposure to chemicals.

2. Provide veterans with fat tissue biopsies, genetic counseling, and genetic screening upon request of the licensed physician pursuant to section 139A.2, to determine if the veterans have suffered physical damage as a result of substantial exposure to chemicals.

Sec. 7. NEW SECTION. 139A.7 FEDERAL PROGRAM. If the commissioner of public health or the general assembly determines that an agency of the federal government or the state of Iowa is providing the referral and genetic services pursuant to section 139A.6, the commissioner or the general assembly by specific action may discontinue all or part of the services or requirements provided in this chapter.

Sec. 8. NEW SECTION. 139A.8 RULES. The department shall adopt rules pursuant to chapter 17A to implement this chapter.

Sec. 9. NEW SECTION. 139A.9 APPROPRIATIONS. This chapter shall be implemented by the department each fiscal year that appropriations are made to the department for implementation of this chapter.

Sec. 10. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983 and ending June 30, 1984, to the state department of health the

sum of forty thousand (40,000) dollars, or so much thereof as is necessary, to be used for the implementation of chapter 139A.

DONALD D. AVRNSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as Rouse File 617, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

AN ACT
REMOVING THE AGGREGATE TAXABLE VALUES OF REAL ESTATE IN A
SCHOOL DISTRICT FROM A COUNTY ASSESSOR'S ANNUAL ABSTRACT
OF REAL AND PERSONAL PROPERTY.

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

Section 1. Section 441.45, subsection 2, Code 1983, is amended to read as follows:

2.' The aggregate taxable values of real estate by class in each ~~school-district~~, township and city in the county, returned as corrected by the board of review.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 621, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

HOUSE FILE 622

AN ACT

RELATING TO THE PREPAYMENT OF SPECIAL ASSESSMENT INSTALLMENTS.

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

Section 1. Section 384.60, subsection 5, Code 1983, is amended to read as follows:

5. Direct the clerk to certify the final schedule to the treasurer of the county or counties in which the assessed property is located, and to publish notice of the schedule once each week for two consecutive weeks in the manner provided in section 362.3, the first publication of which shall be not more than fifteen days from the date of filing of the final schedule.

PARAGRAPH DIVIDED. On or before the second publication of the notice, the clerk shall send by certified mail to each property owner whose property is subject to assessment for the improvement, as shown by the records in the office of the county auditor, a copy of the notice. The notice shall also include a statement in substance that assessments may be paid in full or in part without interest within thirty days after the date of ~~certification~~ the first notice of the final assessment schedule, and thereafter all unpaid special assessments bear interest at the rate specified by the board council, but not exceeding that permitted by chapter 74A, computed to the December 1 next following the due dates of the respective installments as provided in section 384.65, subsection 3, and each installment will be delinquent on September 30 following its due date, and will draw additionally the same delinquent interest and the same penalties as ordinary taxes. The notice shall also state substantially that property owners may elect to pay any installment semiannually in

advance. If a property is shown by the records to be in the ~~name of~~ more than one owner at the same mailing address, a ~~single~~ notice may be mailed to all owners at that address. Failure to receive a mailed notice is not a defense to the special assessment.

Sec. 2. Section 384.65, subsection 3, Code 1983, is amended to read as follows:

3. All future installments of an assessment may be paid on any date by payment of the then outstanding balance, plus interest to the next December 1 ~~following the due date of the next maturing installment.~~

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 622, Seventieth General Assembly,.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

H.F. 622

HOUSE FILE 623

AN ACT

TO ESTABLISH AN IOWA INDUSTRIAL NEW JOBS TRAINING PROGRAM.

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

Section 1. NEW SECTION. TITLE. This Act shall be known and may be cited as the Iowa industrial new jobs training Act.

Sec. 2. NEW SECTION. DEFINITIONS. When used in this Act, unless the context otherwise requires:

1. "New jobs training **program**" or "program" means the project or projects established by an area school for the creation of jobs by providing education and training of workers for new jobs for new or expanding industry in the merged area served by the area school.

2. "Project" means a training arrangement which is the subject of an agreement entered into between the area school and an employer to provide program services.

3. "Program services" includes but is not limited to the following:

- a. New jobs training.
- b. Adult basic education and job-related instruction.
- c. Vocational and skill-assessment services and testing.
- d. Training facilities, equipment, materials, and supplies.
- e. On-the-job training.
- f. Administrative expenses for the new jobs training program.
- g. Subcontracted services with institutions governed by the board of regents, private colleges or universities, or other federal, state, or local agencies.
- h. Contracted or professional services.
- i. Issuance of certificates.
4. "Program **costs**" means all necessary and incidental costs of providing program services.

5. "Employer" means the person providing new jobs in the merged area served by the area school and entering into an agreement.

6. "Employee" means the person employed in a new job.

7. "Agreement" is the agreement between an employer and an area school concerning a project.

8. "Area school" means a vocational school or a community college established under chapter 280A.

9. "Board of directors" means the board of directors of an area school.

10. "Incremental property **taxes**" means the taxes as provided in section 4 of this Act.

11. "New jobs credit from withholding" means the credit as provided in section 5 of this Act.

12. "Date of commencement of the **project**" means the date of the agreement.

13. "Certificate" means industrial new jobs training certificates issued pursuant to section 6 of this Act.

14. "Industry" means a business engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, or providing services in interstate commerce, but excludes retail, health, or professional services. "Industry" does not include- a business which closes or substantially reduces its operation in one area of the state of Iowa and relocates substantially the same operation in another area of the state of Iowa. This subsection does not prohibit a business from expanding its operations in another area of the state provided that existing operations of a similar nature are not closed or substantially reduced.

15. "New job" means a job in a new or expanding industry but does not include jobs of recalled workers, or replacement jobs or other jobs that formerly existed in the industry in the state of Iowa.

Sec. 3. NEW SECTION. AGREEMENT. An area school may enter into an agreement to establish a project. If an agreement is entered into, the area school and the employer shall notify

the department of revenue as soon as possible. An agreement may provide, but is not limited to:

1. Program costs, including deferred costs, may be paid from one or a **combination of** the following sources:
 - a. Incremental property taxes to be received or derived from an employer's business property where new jobs are created as a result of the project.
 - b. New jobs credit from withholding to be received or derived from new employment resulting from the project.
 - c. Tuition, student fees, or special charges fixed by the board of directors to defray program costs in whole or in part.
 - d. Guarantee of payments to be received under paragraph a, b, or c.
2. Payment of program costs shall not be deferred for a period longer than ten years from the date of commencement of the project.
3. Costs of on-the-job training for employees shall not exceed fifty percent of the annual gross payroll costs for up to one year of the new jobs. For purposes of this subsection, "gross payroll" can be the gross wages, salaries, and benefits for the jobs in training in the project.
4. A provision which fixes the minimum amount of incremental property taxes, new jobs credit from withholding, or tuition and fee payments which shall be paid for program costs.
5. Any payments required to be made by **an employer** are a lien upon the employer's business property until paid and have **equal** precedence with ordinary taxes and shall **not** be divested by a judicial sale. Property subject to the lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and **consequences** as for the nonpayment of ordinary taxes. The purchaser at tax sale obtains the property subject to the remaining payments.

Sec. 4. NEW SECTION. INCREMENTAL PROPERTY **TAXES**. If an agreement provides that all or part of program **costs** are to be paid for by incremental property taxes, the board of

directors shall provide by resolution that taxes levied on the employer's taxable business property, where new jobs are created as a result of a project, each year by or for the benefit of the state, city, county, school district, or other **taxing** district after the effective date of the resolution **shall be** divided as provided in section 403.19, subsections 1 and 2, in the same manner **as if** the employer's business property, where new jobs are created as a result of a project, was taxable property in an urban renewal project and the resolution was an ordinance within the meaning of those subsections. The taxes received by the board of directors shall be allocated to and when collected be paid into a special fund of the area school and may be irrevocably pledged by the area school to pay the principal of and interest on the certificates issued by the area school to finance or refinance, in whole or in part, the project. However, with respect to any urban renewal project as to which an ordinance is in effect under section 403.19, the collection of incremental property taxes authorized by this Act are suspended in favor of collection of incremental taxes under section 403.19. As used in this section, "taxes" includes, but is not limited to, all levies on an ad valorea basis upon land or real property of the employer's business, where new jobs are created as a result of a project.

Sec. 5. NEW SECTION. NEW JOBS CREDIT FROM **WITHHOLDING**. If an agreement provides that all or part of program costs are to be met by receipt of new jobs credit from withholding, it shall be done as follows:

1. New jobs credit from withholding shall be based upon the wages paid to the employees in the new jobs.
2. An amount equal to one and one-half percent of the gross wages paid by the employer to each employee participating in a project shall be credited from the payment **made** by an employer pursuant to section 422.16. If the amount of the withholding by the employer is less than one and one-half percent of the gross wages paid to the employees covered by the agreement, then the employer shall receive a credit against

other withholding taxes due by the employer. The employer shall remit the amount of the credit quarterly in the same manner as withholding payments are reported to the department of revenue, to the area school to be allocated to and when collected paid into a special fund of the area school to pay the principal of and interest on certificates issued by the area school to finance or refinance, in whole or in part, the project. When the principal and interest on the certificates have been paid, the employer credits shall cease and any money received after the certificates have been paid shall be remitted to the treasurer of state to be deposited in the general fund of the state.

3. The new jobs credit from withholding and the special fund into which it is paid, may be irrevocably pledged by an area school for the payment of the principal of and interest on the certificate issued by an area school to finance or refinance, in whole or in part, the project.

4. The employer shall certify to the department of revenue that the credit in withholding is in accordance with an agreement and shall provide other information the department may require.

5. An area school shall certify to the department of revenue the amount of new jobs credit from withholding an employer has remitted to the special fund and shall provide other information the department may require.

6. An employee participating in a project will receive full credit for the amount withheld as provided in section 422.16.

Sec. 6. NEW SECTION. CERTIFICATES. To provide funds for the present payment of the costs of new jobs training programs, an area school may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement. The receipts shall be pledged to the payment of principal of and interest on the certificates.

1. Certificates may be sold at public sale as provided by chapter 75 or at private sale at par, premium, or discount

at the discretion of the board of directors. However, chapter 76 does not apply to the issuance of these certificates.

2. Certificates may be issued with respect to a single project ~~OK~~ multiple projects and may contain terms or conditions as the board of directors may provide by resolution authorizing the issuance of the certificates.

3. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold ~~OK~~ exchanged at any time on, before, ~~OK~~ after the maturity of the outstanding certificates to be refunded, may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a higher, lower, or equivalent rate of interest than the certificates being renewed or refunded.

4. To further secure the payment of the certificates, the board of directors shall, by resolution, provide for the assessment of an annual levy of a standby tax upon all taxable property within the merged area. A copy of the resolution shall be sent to the county auditor of each county in which the merged area is located. The revenues from the standby tax shall be deposited in a special fund and shall be expended only for the payment of principal of and interest on the certificates issued as provided in this section, when the receipt of payment for program costs as provided in the agreement is insufficient. If payments are necessary and made from the special fund, the amount of the payments shall be promptly repaid into the special fund from the first available payments received for program costs as provided in the agreement which are not required for the payment of principal of or interest on certificates due. No reserves may be built up in this fund in anticipation of a projected default. The board of directors shall adjust the annual

standby tax levy for each year to reflect the amount of revenues in the special fund and the amount of **principal and interest** which is due **in that** year.

5. Before **certificates are** issued, the board of directors shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person may, within fifteen days after the publication of the notice by action in the district court of a county in the area within which the area school is located, appeal the decision of the board of directors in proposing to issue the certificates. The action of the board of directors in determining to issue the certificates is final and conclusive unless the district court finds that the board of directors has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board of directors to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

6. The board of directors shall determine if revenues are sufficient to secure the faithful performance of obligations in the agreement.

Sec. 7. NEW SECTION. DEVELOPMENT COMMISSION. The Iowa development commission in consultation with the department of public instruction and the office for planning and programming shall coordinate the new jobs training program. The Iowa development commission shall adopt, amend, and repeal rules under chapter 17A that the area school will use in developing projects with new and expanding industrial new jobs training proposals. The commission is authorized to make any rule that is adopted, amended, or repealed effective immediately upon filing with the administrative rules coordinator or at a subsequent stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, indexing, and publication. The Iowa

development commission shall prepare an annual report for the governor and general assembly on the activities of the industrial new jobs training program.

Sec. 8. This **Act**, being deemed of immediate **importance**, **takes** effect from and after its publication in the "Globe" **Gazette**, a newspaper published in Mason City, Iowa, and in the **Logan** Herald-Observer, a newspaper published in Logan, Iowa.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that **this** bill originated in the House and is known as House File 623, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

HOUSE FILE 626

AN ACT

RELATING TO PENALTIES FOR VIOLATIONS OF THE ROTOR FURL TAX,
STATE INDIVIDUAL WITHHOLDING **TAX**, CORPORATE INCOME TAX,
SALES AND USE TAX, AND ADDITIONAL PROPERTY TAX RELIEF FOR
ELDERLY **AND** DISABLED TAX LAWS.

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

Section 1. Section 324.74, unnumbered paragraph 2, Code 1983, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

A person found guilty of an offense specified in this section is guilty of a fraudulent practice. For purposes of determining the place of trial, the **situs** of an offense specified in this section is in the county of the residence of the person charged with the offense. However, if the person is a nonresident or the person's residence cannot be determined, the **situs of** the offense is in Polk county. Prosecution for an offense specified in this section shall be commenced within six years following its commission.

Sec. 2. Section 324.75, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In determining the place of trial, the **situs** of an offense in this section is in the county of the residence of the person charged with the offense. However, if the person is a nonresident or the person's residence cannot be determined, the **situs** of the offense is in Polk county. Prosecution for an offense specified in this section shall be **commenced** within six years following its commission.

Sec. 3. Section 422.16, subsection 1, Code 1983, is amended to read as follows:

1. Every withholding agent es-defined-herein and every , employer as defined'kemeia in this chapter and further defined in-the Internal Revenue Code of **1954-as-amended**, with respect to income tax collected at source, making payment of wages as-defined-herein to either a resident employee or employees, or a nonresident employee or employees, working in Iowa, shall deduct and withhold from **such the** wages an amount which will approximate the employee's annual tax liability on a calendar year basis, calculated on the basis of tables to be prepared by the department and schedules or percentage rates, based on **such the** wages, to be prescribed by the department. Every employee or other person shall declare to **such the** employer or withholding agent the number of **his the** employee's personal exemptions and dependency exemptions or credits to be used in applying **such the** tables and schedules or percentage rates, provided that no more **such** personal or dependency exemptions or credits may be declared by **such the** employee or other person than the number to which he **the** employee or other **person** is entitled. **Such The** claiming of **such** exemptions or credits in excess of entitlement **shall-constitute** **is a** **serious** misdemeanor.

Sec. 4. Section 422.16, subsection 10, paragraphs a and b, Code 1983, are amended to read as follows:

a. **Any An** employer or withholding agent required under **the-provisions-of** this chapter to furnish a statement required by this chapter who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish **such the** statement **shall is**, for each **such** failure, Be subject to a civil penalty of **one** five hundred dollars, **such the** penalty to be in addition to any criminal penalty otherwise provided by the Code.

b. Any **An** 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 semimonthly, monthly, or quarterly 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 semimonthly, monthly, or quarterly 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 at least ninety percent of the tax due with the filing of the semimonthly, monthly, or quarterly deposit form on or before the due date, or pays less than ninety percent of any tax required to be shown on the semimonthly, monthly, or quarterly 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 semimonthly, monthly, or quarterly deposit form and failure to pay the tax due or required on the semimonthly, monthly, or quarterly 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 semimonthly, monthly, or quarterly deposit form. In the case of willful failure to file a semimonthly, monthly, or quarterly deposit form with intent to evade tax or willful filing of a false semimonthly, monthly, or quarterly deposit form with intent to evade tax, in lieu of the penalty otherwise provided in this paragraph, there is added to the amount required to be shown as tax on the semimonthly, monthly, or quarterly deposit form, fifty percent of the amount of the tax. The taxpayer shall also pay interest on the tax or additional tax at the rate in effect under section 421.7, for each month counting each

~~fraction~~ of a month as an entire month, computed from the date the semimonthly, monthly, or quarterly deposit form was required to be filed. The penalty and interest ~~become a part of the~~ tax due ~~from~~ the withholding agent.

~~Sec. 5.~~ Section 422.25, subsections 5 and 8, Code 1983, are amended to read as follows:

5. Any A person or withholding agent required to supply ~~any~~ information, to pay any tax, or to make, sign, or file any a semimonthly, monthly, or ~~u~~quarterly deposit form or return or supplemental return, who willfully makes any a false or fraudulent semimonthly, monthly, or quarterly deposit form or return, or willfully fails to pay such the tax, supply such the information, or make, sign, or file such the semimonthly, monthly, or quarterly deposit form or return, at the time or times required by law, ~~shall-be~~ is guilty of a fraudulent practice.

8. Any A person or withholding agent who willfully attempts in any manner to defeat or evade any a tax imposed by this division or the payment ~~thereof~~ of the tax, ~~shall~~ upon conviction for each such offense be is guilty of a class "D" felony.

Sec. 6. Section 422.40, subsection 4, Code 1983, is amended to read as follows:

4. Any A person, ~~or-any~~ officer or employee of any a corporation, or member or employee of any a partnership, who, with intent to evade any a requirement of this division or any a lawful requirement of the director ~~thereunder~~, ~~shall fail~~ fails to pay any tax or fails to make, sign, or verify any a return or fails to supply any information required by ~~or under the-provisions-of~~ this division, ~~shall-be~~ is guilty of a ~~serious-misdemeanor~~ fraudulent practice. Any A person, corporation, ~~er-aay~~ officer or employee of a corporation, or member or employee of any a partnership, who, with intent to evade any of the requirements of this division, or any lawful requirements of the director ~~thereunder~~, ~~shall-make,~~

~~render, sign, or verify any makes, renders, signs, or verifies~~
~~a~~ false or fraudulent ~~return or statement, or shall supply~~
~~any~~ ~~supplies~~ false or fraudulent information, or who ~~shall~~
~~aid, abet, direct, cause, or who shall procure~~ aids, ~~abets,~~
~~directs, causes, or procures~~ anyone so to do, ~~shall be is~~
 guilty of a ~~fraudulent-practice~~ class "D" felony. ~~Such~~ The
 penalty ~~shall be is~~ in addition to all other penalties in
 this division ~~provided.~~

Sec. 7. Section 422.58, subsections 1, 3, and 5, Code 1983, are amended to read as follows:

1. If a person fails to file a permit holder's semimonthly or monthly tax 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 semimonthly 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 a person or permit holder fails to remit at least ninety percent of the tax due with the filing of the semimonthly 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 semimonthly or monthly tax deposit form or return, willful filing of a false

semimonthly or monthly tax deposit form or return or willful filing of a false or fraudulent semimonthly or monthly tax 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 semimonthly or monthly tax deposit form or return fifty percent of the amount of the tax. When penalties are applicable for failure to file a semimonthly or monthly tax deposit form or return and failure to pay at least ninety percent of the tax due or required on the semimonthly or monthly tax deposit form or return, the penalty for failure to file is in lieu of the penalty for failure to pay at least ninety percent of the tax due or required on the semimonthly 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 421.7 for each month counting each fraction of a month as an entire month, computed from the date the semimonthly 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.

3. Any A person who willfully attempts to evade a tax imposed by this division or the payment ~~thereof of the tax~~ or any a person who makes or causes to be made aay a false or fraudulent semimonthly or monthly tax deposit form or return with intent to evade the tax imposed by this division or the payment ~~thereof shall be~~ of the tax is guilty of a fraudulent-practice class "D" felony.

5. A person required to pay a tax, or to make, sign, or file a semimonthly or monthly tax deposit form or return or supplemental return, who willfully makes a false or fraudulent semimonthly or monthly tax deposit form or return, or willfully fails to pay at least ninety percent of the tax or willfully

~~fails to~~ make, sign, or file the semimonthly or monthly tax deposit form or return, at the time required by law, is guilty of a fraudulent ~~practice~~.

Sec. 8. Section ~~423.18~~, 'subsections 2 and 3, Code 1983, are amended to read as follows:

2. A person who ~~willfully~~ attempts in any manner to evade a tax imposed by ~~this~~ chapter or the payment of ninety percent ~~thereof of the tax~~, or a person who makes or causes to be made any false or fraudulent monthly deposit form or return with intent to evade the tax imposed by this chapter or the payment of ninety percent ~~thereof of the tax~~ is guilty of a ~~fraudulent-practice~~ class "D" felony.

3. A person required to pay tax, or to make, sign or file a monthly deposit form or return, ~~or-supplemental-return~~, who willfully makes a false or fraudulent monthly deposit form or return, or who willfully fails at the time required by law to pay the tax or fails to make, sign or file the monthly deposit form or return, ~~at-the-time-required-by-law~~, is guilty of a fraudulent practice.

Sec. 9. Section 423.26, Code 1983, is amended to read as follows:

423.26 PENALTY FOR FALSE STATEMENT. ~~Any~~ A person who willfully makes any a false statement in regard to the purchase price of a vehicle subject to taxation under section 423.7 is guilty of a ~~simple-misdemeanor~~ fraudulent practice.

Sec. 10. Section 425.29, Code 1983, is amended to read as follows:

425.29 FALSE CLAIM--PENALTY. ~~Amy~~ A person making who makes a false affidavit for ~~the~~ purpose of obtaining credit or reimbursement provided for in ~~this~~ division or who knowingly receives the credit or reimbursement without being legally entitled to it or makes claim for the credit or reimbursement in more than one county in the state ~~shall-be without being~~ legally entitled to it is guilty of a ~~simple-misdemeanor~~ fraudulent practice. ~~An-action Prosecution~~ under this section

shall be brought in the county ~~in-which-the-affidavit-was~~ filed of residence of the person to be charged. The claim for credit or reimbursement shall be disallowed in ~~full~~ and, if the claim has been paid the amount shall be recovered in the ~~manner~~ provided in section 425.27. The director of revenue ~~shall send~~ a notice of disallowance of the claim.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 626, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

HOUSE FILE 627

AN ACT

RELATING TO AND **MAKING** APPROPRIATIONS TO VARIOUS EXECUTIVE,
LEGISLATIVE AND JUDICIAL DEPARTMENTS AND AGENCIES AND
MAKING COORDINATING AMENDMENTS TO THE CODE.

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, 1983, and ending June 30, 1984, to the following named agencies, the following amounts, or so much thereof as necessary, to be used for the purposes designated:

1983-1984
Fiscal Year

1. OFFICE OF ADMINISTRATIVE
RULES COORDINATOR

For salaries, support, main- tenance, and miscellaneous purposes	\$	60,921
2. IOWA STATE ARTS COUNCIL		
For salaries, support, maintenance, and miscellaneous purposes including funds to match federal grants	8	479,706
3. DEPARTMENT OF JUSTICE		
a. For the general office of attorney general for salaries, support, maintenance, and miscel- laneous purposes	\$	2,777,758
b. Prosecuting attorney training program		
For salaries, support, main- tenance, and miscellaneous pur- poses which funds shall be used to attract federal and county funding	\$	80,926
c. Prosecuting intern pro- gram; however, counties par- ticipating in the prosecuting intern program shall match funds appropriated by this paragraph	\$	52,500
4. CAPITOL PLANNING COMMIS- SION		
For per diem of forty dol- lars per day and expenses of the members in carrying out their duties under chapter 18A	\$	3,150
5. OFFICE OF CITIZENS' AIDE		
For salaries, support, main- tenance, and miscellaneous pur-		

H.F.

poses \$ 235,635 .

6. COUNCIL ON STATE **GOVERNMENTS**

For support of **the membership**

assessment \$ 44,600

7. EXECUTIVE COUNCIL

For salaries, support, main-
tenance, and miscellaneous pur-

poses 6 65,765

Sec. 2. **DEPARTMENT OF JUSTICE--CONTINGENT APPROPRIATION.**

1. In addition to the funds appropriated under section 1, subsection 3 of this Act, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1983, and ending June 30, 1984, an amount not exceeding ninety-five thousand (95,000) dollars to be used for the enforcement of the Iowa competition law under chapter 553. The expenditure of the funds appropriated under this subsection is contingent upon receipt by the general fund of the state of an amount at least **equal** to the expenditures from damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes.

2. In addition to the funds appropriated under section 1, subsection 3 of this Act, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1983, and ending June 30, 1984, an amount not exceeding thirty thousand (30,000) dollars to be used for public education relating to consumer fraud. The expenditure of the funds appropriated under **this** subsection is contingent upon receipt by the general fund of the state of an amount at least equal to the expenditures from damages awarded to the state or a political subdivision of the state by a civil consumer fraud judgment, if the judgment authorizes the use of the award for public education on consumer fraud.

Sec. 3. There is appropriated from the general fund of

the state to the department of general services for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the following amounts, or so much thereof as is **necessary**, to be used for the purposes designated:

1983-1984

Fiscal Year

1. GENERAL OPERATIONS

For salaries, support, main-
tenance, and miscellaneous pur-

poses \$ 5,059,051

2. UTILITY COSTS

For payment of utility costs \$ 1,769,149

The department of general services may use funds appropriated under this subsection to fund energy conservation projects in the capitol complex which will have a one hundred percent payback within the fiscal year in which the funds are appropriated. However, in expending funds appropriated under this subsection, the department of general services shall provide lighting in each work area which is suitable to the type of work and the needs of the employee assigned to the work area.

3. RENTAL SPACE

For payment of lease or rental costs of buildings and office space at the seat of government as provided in section 18.12, subsection 9, notwithstanding section 18.16 \$ 819,782

Sec. 4. There is appropriated from the revolving funds designated to the department of general services for the fiscal year beginning July 1, 1983, and ending June 30, 1984, the following amounts, or so much thereof as necessary, to be used for the purposes designated:

1983-1984

Fiscal Year

DEPARTMENT OF GENERAL
SERVICES--REVOLVING FUNDS

1. From the centralized printing permanent revolving fund established by section 18.57 for salaries, support, maintenance, and miscellaneous purposes \$ 706,125

2. The remainder of the centralized printing permanent revolving fund is appropriated for the expense incurred in supplying paper stock, offset printing, copy preparation, binding, distribution costs, original payment of printing and binding claims and contingencies arising during the fiscal year beginning July 1, 1983 which are legally payable from this fund.

3. From the general service revolving fund established by section 18.9 for salaries, support, maintenance, and miscellaneous purposes \$ 465,287

4. The remainder of the general service revolving fund is appropriated for the payment of expenses incurred through purchases by various state departments and for contingencies arising during the fiscal year beginning July 1, 1983 which are legally payable from this fund.

5. From the vehicle dispatcher revolving fund established by section 18.119 for salaries, support, maintenance, and miscellaneous purposes \$ 451,702

6. The remainder of the vehicle dispatcher revolving fund is appropriated for the purchase of gasoline, oil, tires, repairs and all other maintenance expenses incurred in the

operation of state-owned motor vehicles and for contingencies arising during the fiscal year beginning July 1, 1983 which are legally payable from this fund.

Sec. 5. There is appropriated from the general fund of the state to the office of the governor for the fiscal year commencing July 1, 1983, and ending June 30, 1984, the following amounts or so much thereof as is necessary, to be used for the purposes designated:

	1983-1984 Fiscal Year
1. For salaries, support, maintenance, and miscellaneous purposes of the general office of the governor	\$ 666,941
2. For the governor's expenses connected with office	\$ 6,000
3. For salaries, support, and miscellaneous purposes of the governor's quarters at Terrace Hill	\$ 57,404
4. For the payment of expenses of ad hoc committees, councils and task forces appointed by the governor to research and analyze a particular subject area relevant to the problems and responsibilities of state and local government, including the employment of professional, technical and administrative staff and the payment of per diem, not exceeding forty dollars, and actual expenses of committee, council or task force members	\$ 25,000

Sec. 6. There is appropriated from the general fund of the state to the office of the lieutenant governor for the fiscal Year **beginning July 1, 1983, and ending June 30, 1984,** the following **amount, or so much thereof as necessary, to** be used for **the purposes designated:**

1983-1984
Fiscal Year

For salaries, support, main-
tenance, and miscellaneous pur-
poses including the lieutenant
governor's compensation and
expenses as provided in sub-
section 2 of section 2.10 in-
cluding service as a member
of the legislative council
and for per diem and expenses
incurred while performing
duties of the lieutenant gov-
ernor when the general assem-
bly is not in session \$ 99,411

The senate majority and minority leaders shall appoint a five-person committee to study the office of lieutenant governor to determine the duties and responsibilities of the office and make recommendations to the senate.

Sec. 7. There is appropriated from the general fund of the state to the Iowa state historical department for the fiscal-year beginning July 1, 1983, and ending June 30, 1984, the following amounts, or so much thereof as necessary, to be used for the purposes designated:

1983-1984
Fiscal Year

1. For salaries, support,
maintenance, and miscellaneous
purposes, including the expendi-
ture of not more than five **thou-**

sand (5,000) dollars for the in-
stallation of a gift shop on the
ground floor of the state capitol
building near-the cafeteria area \$ 1,345,692

Notwithstanding the educational qualifications required **for a professional archivist under** section 19A.9, subsection **1**, a graduate of an accredited four-year college or university with major coursework in public administration, political science, library science, history, government, historic preservation or archival management meets the educational qualifications **for** employment in the position of a professional archivist funded under this subsection.

2. For the state historical
board for per diem and expenses \$ 7,913

Sec. 8. There is appropriated from the general fund of the state for **the** fiscal year beginning July 1, 1983, and ending June 30, 1984, to the following named judicial department agencies, the following amounts, or so much **thereof** as is necessary, to be used for the purposes designated:

1983-1984
Fiscal Year

1. COURTS

For salaries of supreme
court justices, appellate
court judges, district court
judges, district associate
judges, judicial magistrates,
and staff, maintenance, **equip-**
ment, and miscellaneous pur-
poses \$ 11,300,513

2. BOARDS AND COMMISSION-- JUDICIAL DEPARTMENT

For salaries, support, main-
tenance, and miscellaneous pur-
poses of the board of law **exam-**

iners and board of **examiners of**
shorthand reporters and judicial
qualifications commission 8 55,378

3. DISTRICT COURT

ADMINISTRATORS

For salaries, support, main-
tenance, and miscellaneous
purposes \$ **1,448,570**

Of the amount appropriated under this subsection, the total
appropriation for the salaries of law clerks shall not exceed
four hundred forty-five thousand two hundred thirty-five
(445,235) dollars and the total number of full-time equivalent
positions for law clerks shall not exceed twenty-four.

4. ADMINISTRATION

For salaries, support, main-
tenance, equipment, and miscel-
laneous purposes of the court
administrator, and clerk of the
supreme court \$ 718,283

Sec. 9. There is appropriated from the general fund of
the state for the fiscal year beginning July 1, **1983**, and
ending June 30, 1984, except as otherwise provided, to the
following named agencies, the following amounts, or so much
thereof as is necessary, to be used for the purposes
designated:

1983-1984
Fiscal Year

1. BUREAU OF LABOR

For salaries, support, main-
tenance, and miscellaneous pur-
poses \$ **1,547,752**

2. LEGISLATIVE FISCAL

BUREAU

For salaries, support, main-
tenance, and miscellaneous pur-

poses \$ **585,996**

Of the funds appropriated under this subsection, an amount
not exceeding twenty-six thousand (26,000) dollars shall be
used to employ a fiscal analyst, subject to the approval of
the legislative council.

3. LEGISLATIVE SERVICE

BUREAU

a. For salaries, support,
maintenance, and miscellaneous
purposes \$ **1,001,666**

b. For drafting, research,
and Code data processing pro-
grams and services \$ 15,000

4. NATIONAL CONFERENCE OF STATE LEGISLATURES

For support of the member-
ship assessment \$ 45,357

5. IOWA LIBRARY DEPARTMENT

a. For the state library
for salaries, support, main-
tenance, and miscellaneous
purposes \$ 936,607

b. For the regional library
system for state aid \$ **1,130,808**

Of the funds appropriated under this paragraph, each
regional library district shall receive the same dollar amount
for the fiscal year beginning July 1, 1983, as the district
received for the fiscal year beginning July 1, 1982.

6. IOWA MERIT EMPLOYMENT DE- PARTMENT

For the general office for
salaries, maintenance, and
miscellaneous purposes \$ **1,432,040**

7. PIONEER **LAWMAKERS** \$ 250

8. OFFICE FOR PLANNING AND

PROGRAMMING

a. Iowa highway safety program		
For salaries, support, maintenance, and miscellaneous purposes to provide a cost-effective traffic safety program through the administration of federal highway safety contracts to state and local governmental agencies	\$	77,000
b. Youth services administration		
For salaries, support, maintenance, and miscellaneous purposes to develop and administer employment opportunity programs for the youth	\$	79,980
c. General operating account		
For salaries, support, maintenance, and miscellaneous purposes to provide overall direction, planning, and administrative support to local, state, and federal programs	\$	557,813
d. Economic analysis and planning assistance		
For salaries, support, maintenance, and miscellaneous purposes	\$	162,069
e. Iowa council for children		
For salaries, support, maintenance, and miscellaneous purposes	\$	65,213
f. Statistical analysis center		
For salaries, support, maintenance, and miscellaneous purposes	\$	141,120
g. Iowa youth corps		
For salaries, support, maintenance, and miscellaneous purposes	\$	900,000
h. Community development block grant administration		

For salaries, support, maintenance, and miscellaneous purposes \$ 90,875

The criminal justice analyst position is transferred to the criminal and juvenile justice planning agency and shall continue to be funded under the agency's budget for the fiscal year beginning July 1, 1983.

9. IOWA ACADEMY OF SCIENCE

For support and maintenance

\$ 10,800

10. COMMISSION ON UNIFORM

STATE LAWS

For support of the commission and expenses of members

\$ 10,600

11. LEGISLATIVE EXTENDED ASSISTANCE GROUP (LEAG)

For the conduct of studies as authorized by the legislative council

\$ 30,000

12. TERRACE HILL AUTHORITY

For salaries, support, maintenance, and miscellaneous purposes for the operation of Terrace Hill and for conducting public tours

\$ 153,953

13. CRIMINAL AND JUVENILE JUSTICE PLANNING AGENCY

For salaries, support, maintenance, and miscellaneous purposes related to the operations of the criminal and juvenile justice planning agency which is a separate independent agency within the office of the governor, under the direct supervision of the governor, and responsible only to

the governor or the general assembly
as provided in chapter 80C:

a. Criminal justice planning	\$	210,221
b. Juvenile justice planning	6	53,762
c. Juvenile victim restitution program	\$	125,000
d. Jail training and technical assistance	\$	40,000

The number of full-time equivalent positions in the criminal and juvenile justice planning agency existing, as of March 1, 1983, shall not be reduced as a result of the separation of the agency from the office for planning and programming as provided in this subsection and chapter 80C.

Sec. 10. Section 13B.6, Code 1983, is amended to read as follows:

13B.6 ACCOUNT ESTABLISHED.

1. There is established in the state general fund an account to be known as the appellate defender operating account. The appellate defender ~~is authorized to~~ may bill a county for services rendered to the county by the office of the appellate defender. Receipts shall be deposited in the operating account established under this section. There is appropriated from the state general fund all amounts deposited in the appellate defender operating account for use in maintaining the operation of the office of appellate defender.

2. The criminal and juvenile justice planning agency shall provide internal accounting and related fiscal services for the office of the appellate defender as requested by the appellate defender.

Sec. 11. Section 18.75, subsection 8, Code 1983, is amended by striking the subsection.

Sec. 12. Section 18.115, subsection 5, Code 1983, is amended to read as follows:

5. All used motor vehicles turned in to the state vehicle dispatcher shall be disposed of by public auction, and the sales shall be advertised in a newspaper of general circulation one week in advance of sale, and the receipts from the sale shall be deposited in the depreciation fund to the credit of that unit-within-the department or agency turning in the vehicle; except that, in the case of a used motor vehicle of special design, the state vehicle dispatcher may, with the approval of the executive council, instead of selling it at public auction, authorize the motor vehicle to be traded for another vehicle of similar design.

Sec. 13. Section 18.120, Code 1983, is amended to read as follows:

18.120 REPLACEMENT FUND. The vehicle dispatcher shall maintain a depreciation fund for the purchase of replacement motor vehicles and additions to the fleet. The dispatcher's records shall show the total funds deposited by and credited to each department or agency thereof. At the end of each month, the state vehicle dispatcher shall render a statement to each state department or agency thereof for additions to the fleet and total depreciation on each motor vehicle assigned to and owned by such credited to that department or agency.

Such depreciation expense shall be paid by the state departments or agencies in the same manner as other expenses of such department are paid, and shall be deposited in the depreciation fund to the credit of the individual motor vehicle within the department or agency thereof. The funds credited to each department or agency thereof shall remain the property of the department or agency. However, at the end of each biennium, the state vehicle dispatcher shall cause to revert to the fund from which it accumulated any unassigned depreciation.

Sec. 14. Section 2.53, Code 1983, is repealed.

Sec. 15. All federal grants to and the federal receipts of the agencies appropriated funds under this Act, not

otherwise appropriated, are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided by the general assembly.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 627, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

by each county not later than October 1 of each ~~year~~ in one or more newspapers which meet the requirements of section

~~618.14.~~

2. Beginning with the ~~fiscal~~ year ending June 30, 1985, the annual financial report required in subsection 1 shall be prepared in conformity with generally accepted accounting principles.

3. The county finance committee may waive the application of subsection 2 to a county for a one-year period, if evidence is presented that substantial progress is being made towards removing the cause for the need of the waiver. The committee shall not grant a waiver for more than three successive years to the same county.

Sec. 3. NEW SECTION. 331.404 cow **INDEMNIFICATION FUND.**

1. A county indemnification fund is created in the office of the treasurer of state, to be used to indemnify and pay on behalf of a county officer, township trustee, deputy, assistant, or employee of the county or the township, all sums that the person is legally obligated to pay because of an error or omission in the performance of official duties, except that the first five hundred dollars of each claim shall not be paid from this fund.

2. The fund does not relieve an insurer issuing insurance under section 613A.7 from paying a loss incurred. An insurer shall not be subrogated to the assets of the fund regardless of provisions in a policy of insurance.

3. If the balance in the fund on September 30 is less than six hundred thousand dollars, the treasurer of state shall notify the board of each county to levy one-half cent per thousand dollars on the assessed value of all taxable property in the county.

4. Not later than December 15 or June 15 of a year in which the tax is collected, the treasurer shall transmit the amount of the tax levied and collected to the treasurer of

HOUSE FILE 628

AN ACT

RELATING TO COUNTY FINANCES BY REQUIRING ANNUAL BUDGETS AND REPORTS, CONSOLIDATING FUNDS AND LEVIES AND ESTABLISHING LEVY LIMITATIONS, EXPANDING THE DUTIES AND TENURE OF THE COUNTY FINANCE COMMITTEE, PROVIDING FOR CURRENT AND NON-CURRENT DEBT, **MAKING COORDINATING AMENDMENTS**, AND CONTINUING CERTAIN PENALTIES.

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

Section 1. Chapter 331, division IV, part 1, Code 1983, is amended by adding sections 2 and 3 of this Act.

Sec. 2. NEW SECTION. 331.403 ANNUAL FINANCIAL REPORT.

1. Not later than October 1 of each year, a county shall prepare an annual financial report showing for each county fund the financial condition as of June 30 and the results of operations for the year then ended. Copies of the report shall be maintained as a public record at the auditor's office and shall be furnished to the county finance committee and to the auditor of state. A summary of the report, in a form prescribed by the county finance committee, shall be published

state who shall credit it to the county indemnification fund. The treasurer of state shall invest moneys in the fund in the same manner as other public funds and shall credit interest received from that **investment** to the county indemnification fund.

5. A claim for an act or omission of a county officer, township trustee, or deputy, assistant, or employee of a county or township, which occurred after July 1, 1978, shall be processed in accordance with chapter **613A** and paid from the fund, except that payment of a claim, except a final judgment, in excess of fifteen hundred dollars must have the unanimous approval of all members of the state appeal board, the attorney general, and the district court of Polk county.

6. If a final judgment is obtained against a county officer, township trustee, or deputy, assistant, or employee of a county or township, for an act or **omission** which occurred subsequent to July 1, 1978, and which is payable from the county indemnification fund, the county attorney shall ascertain if an insurance policy **exists** indemnifying the person against the judgment or any part of it. If no insurance exists, or if the judgment exceeds the limits of insurance, the county attorney shall submit a claim to the state comptroller against the county indemnification fund on behalf of the plaintiff for the amount of the judgment exceeding the amount recoverable by reason of the insurance. The state comptroller shall promptly issue a warrant payable to the plaintiff for that amount, and the treasurer of state shall pay the warrant. Payment discharges the person from liability for that act or omission.

Sec. 4. Chapter 331, Code 1983, is amended by adding sections 5 through 21 of this Act as a new part 2 of division IV entitled "County levies, funds, budgets, and expenditures".

Sec. 5. NEW SECTION. 331.421 DEFINITIONS. As used in this part, unless the context otherwise requires:

1. "General county services" means the services which **are** primarily intended to benefit all residents of a county, including secondary road services, but excluding debt service and services financed by other statutory funds. "

2. "**Rural county** services" means the services which are primarily intended to **benefit** those persons residing in the county outside of incorporated areas, including **secondary** road services, but excluding debt service and services financed by other statutory funds.

3. "Secondary road services" means the services related to secondary road construction and maintenance, excluding debt service and services financed by other statutory funds.

4. "Debt service" means expenditures for servicing the county's debt.

5. "**Basic levy**" means a levy authorized and limited by section 331.423 for general county services and rural county services.

6. "Supplemental **levy**" means a levy authorized and limited by section 331.424 for general county services and rural county services.

7. "Debt service levy" means a levy authorized and limited by section 331.422, subsection 3.

8. "Fiscal year" means the period of twelve months beginning July 1 and ending on the following June 30.

3. "**Committee**" means the county finance committee established in chapter 333A.

Sec. 6. NEW SECTION. 331.422 **COUNTY** PROPERTY TAX LEVIES. Subject to this section and sections 331.423 through 331.426 or as otherwise provided by state law, the board of each county shall certify property taxes annually at its **March** session to be levied for county purposes as follows:

1. Taxes for general county services shall **be levied** on all taxable property within the county.

2. Taxes for rural county services shall be levied on all taxable property not within incorporated areas of the county.

3. Taxes in the ~~amount necessary~~ for debt service shall be levied on all taxable property within the county, except as otherwise provided by state law.

4. Other taxes shall ~~be levied~~ as provided by state law.

Sec. 7. NEW SECTION. 331.423 BASIC LEVIES--MAXIMUMS. Annually, the board may certify basic levies, subject to the following limits:

1. For general county services, three dollars and fifty cents per thousand dollars of the assessed value of all taxable property in the county.

2. For rural county services, three dollars and **ninety-five** cents per thousand dollars of the assessed value of taxable property in the county outside of incorporated areas.

Sec. 8. NEW SECTION. 331.424 SUPPLEMENTAL LEVIES. To the extent that the basic levies are insufficient to meet the county's needs for the following services, the board may certify supplemental levies as follows:

1. For general county services, an amount sufficient to pay the charges for the following:

a. To the extent that the county is obligated by statute to pay the charges for:

(1) Care and treatment of patients by a state mental health institute.

(2) Care and treatment of patients by either of the state hospital-schools or by any other facility established under chapter 222 and diagnostic evaluation under section 222.31.

(3) Care and treatment of patients under chapter 225.

(4) Care and treatment of persons at the alcoholic treatment center at **Oakdale** or facilities provided under chapter 125. However, the county may require that an admission to a center or other facility shall be reported to the board by the center or facility within five days as a condition of the payment of county funds for that admission.

(5) Care of children admitted or committed to the Iowa juvenile home at Toledo.

(6) Clothing, transportation, medical, or other services provided persons attending the Iowa braille and sight-saving ~~school~~, the Iowa school for the, deaf, or the state **hospital-school** for severely handicapped children at Iowa City, for which the county becomes obligated to pay pursuant to sections 263.12, 269.2, and 270.4 through 270.7.

b. To the extent that the board deems it advisable to pay, the charges for professional evaluation, treatment, training, habilitation, and care of persons who are mentally retarded, autistic persons, or persons who are afflicted by any other developmental disability, at a suitable public or private facility providing inpatient or outpatient care in the county. **As** used in this paragraph:

(1) "Developmental disability" has the meaning assigned that term by 42 U.S.C. sec. **6001(7)** (1976). Supp. II, 1978, and Supp. III, 1979.

(2) "Autistic persons" means persons, regardless of age, with severe communication and behavior disorders that became manifest during the early stages of childhood development and that are characterized by a severely disabling inability to understand, communicate, learn, and participate in social relationships. "Autistic persons" includes but is not limited to those persons afflicted by infantile autism, profound aphasia, and childhood psychosis.

c. Care and treatment of persons placed in the county hospital, county care facility, a health care facility as defined in section **135C.1**, subsection 4, or any other public or private facility, which placement is in lieu of admission or commitment to or is upon discharge, removal, or transfer from a state mental health institute, hospital-school, or other facility established pursuant to chapter 222.

d. Amounts budgeted by the board for the cost of establishment and initial operation of a community mental health center in the manner and subject to the limitations provided by state law.

e. Foster care and related services provided under court order to a child who is under the jurisdiction of the juvenile **court**, including court-ordered costs for a guardian ad **litem** under section 232.71.

f. The **care**, admission, commitment, and transportation of mentally ill patients in state hospitals, to the extent that expenses for **these services** are required to be paid by the county, including compensation for the advocate appointed under section 229.19.

g. Amounts budgeted by the board for mental health services or mental retardation services furnished to persons on either an outpatient or inpatient basis, to a school or **other** public agency, or to the community at large, by a community mental health center or other suitable facility located in or reasonably near the county, provided that services meet the standards of the mental health and mental retardation commission and are consistent with the annual plan for services approved by the board.

h. Reimbursement on behalf of mentally retarded persons under section 249A.12.

i. Elections, and voter registration pursuant to chapter 48.

j. Employee benefits under chapters 96, **97B**, and **97C**, which are associated with salaries for general county services.

k. Joint county and city building authorities established under section 346.27, as provided in subsection 22 of that section.

l. Tort liability insurance to **cover** the liability of the county or its officers as provided in chapter 613A.

m. The maintenance and operation of the courts, including but not limited to the salary and expenses of the clerk of the district court, deputy **clerks** and other employees of the clerk's office, and bailiffs, establishment and operation of a public defender's office, **court** costs if the prosecution fails or if the costs cannot be collected from the person

liable, costs and expenses of prosecution under section 189A.17, salaries and expenses of juvenile probation officers under chapter 231, court-ordered costs in domestic abuse cases under section 236.5, the county's expense for **confinement** of prisoners under chapter **356A**, temporary **assistance** to the county attorney, county contributions required under section 602.34, reimbursement for **judicial** magistrates under section 602.42, claims filed under section 622.93, interpreters' fees under section 6228.7, uniform citation and complaint supplies under section 805.6, and witness fees under section 819.3.

n. Court-ordered costs of conciliation procedures under section 598.16.

o. Establishment and maintenance of a joint county indigent defense fund pursuant to **an** agreement under section 2BE.19.

The board may require a public or private facility, as a condition of receiving **payment** from county funds for services it has provided, to furnish the board with a statement of the income, assets, and legal residence including township and county of each person who has received services from that facility for which payment has been made from county funds under paragraphs a through h. However, the facility shall not disclose to anyone the name or street or route address of a person receiving services for which commitment is not required, without first obtaining that person's written permission.

Parents or other persons may voluntarily reimburse the county or state for the reasonable cost of caring for a patient or an inmate in a county or state facility.

2. For rural county services, an amount sufficient to pay the charges for the following:

a. Employee benefits under chapters 96, 97B. and **97C**, which are associated with salaries for rural county services.

b. An aviation authority under chapter **330A**, to the extent that the county contributes to the authority under section 330A. 15.

Sec. 9. NEW SECTION. 331.425 ADDITIONS TO LEVIES--SPECIAL LEVY ELECTION. The board **may certify** an addition to a levy in excess of the amounts otherwise permitted under sections 331.423, 331.424, and 331.426 if **the** proposition to certify an addition to a levy has **been** submitted at a special levy election and received a favorable majority of the votes cast on the proposition. A special levy election is subject to the following:

1. The election shall be held only if the board gives notice to the county commissioner of elections, not later than February 15, that the election is to be held.
2. The election shall be held on the second Tuesday in March and be conducted by the county commissioner of elections in accordance with the law.
3. The proposition to be submitted shall be substantially in the following form:

"Vote for only one of the following:

Shall the county of _____ levy an additional tax at a rate of \$ _____ each year for _____ years beginning next July 1 in excess of the statutory limits otherwise applicable for the (general county services or rural county services) fund?

or

The county of _____ shall continue the (general county services or rural county services fund) under the maximum rate of \$ _____."

4. The canvass shall be held beginning at one o'clock on the second day which is not a holiday following the special levy election.
5. Notice of the proposed special levy election shall be published at least twice in a newspaper as specified in section 331.305 prior to the date of the special levy election. The first notice shall appear as early as **practicable** after the board has decided to seek a **special levy**.

Sec. 10. NEW SECTION. 331.426 ADDITIONS TO **BASIC LEVIES**. If a county has unusual circumstances, creating a **need for** additional property taxes for general county services **or rural** county services in excess of the amount that can be raised by the levies otherwise permitted under sections 331.423 through 331.425, the board may certify additions to each of the basic levies as follows:

1. The basis for justifying an additional property tax under this section must be one or more of the following:
 - a. An unusual increase in population as determined by the preceding certified federal census.
 - b. A natural disaster or other emergency.
 - c. Unusual problems relating to major new functions required by state law.
 - d. Unusual staffing problems.
 - e. Unusual need for additional *moneys* to permit continuance of a program which provides substantial benefit to county residents.
 - f. Unusual need for a new program which will provide substantial benefit to county residents, if the county establishes the need and the amount of necessary increased cost.
 - g. A reduced or unusually low growth rate in the property tax base of the county.
2. The public notice of a hearing on the county budget required by section 331.434, subsection 3, shall include the following additional information for the applicable class of services:
 - a. A statement that the accompanying budget summary requires a proposed basic property tax rate exceeding the maximum rate established by the general assembly.
 - b. A comparison of the proposed basic tax rate with the maximum basic tax rate, and the dollar amount of the difference between the proposed rate and the maximum rate.
 - c. A statement of the major reasons for the difference between the proposed basic tax rate and the maximum basic tax rate.

The information required by this subsection shall be published in a conspicuous form as prescribed by the committee.

Sec. 11. NEW SECTION, 331.427 GENERAL FUND.

1. Except as ~~otherwise~~ provided by state law, county revenues from taxes and other sources for general county services shall be credited to the general fund of ~~the~~ county, including revenues received under sections 84.21, 98.35, 98A.6, ~~101A.3, 101A.7~~, 110.12, 123.36, 123.143, 144.46, 176A.8, 247A.10, 321.105, 321.152, 321.192, 321.485, ~~321G.7~~, 331.554, subsection 6, 331.703, subsection 6, 341A.20, 364.3, 368.21, 422.65, 422.100, 422A.2, 428A.8, 430A.3, 433.15, 434.19, 441.68, 445.52, 445.57, 533.24, 5568.1, 567.10, 583.6, 809.6, 906.17, and 911.3, and the following:

- a. License fees for business establishments.
- b. Moneys remitted for fines and forfeited bail under section 602.55, except those directed to be placed in the school fund.
- c. Other amounts in accordance with state law.
2. The board may make appropriations from the general fund for general county services, including but not limited to the following:
 - a. Expenses of a joint disaster services and emergency planning administration under section 29C.9.
 - b. Development, operation, and maintenance of memorial buildings or monuments under chapter 37.
 - c. Purchase of voting machines under chapter 52.
 - d. Expenses incurred by the county conservation board established under chapter ~~111A~~, in carrying out its powers and duties.
 - e. Local health services. The county auditor shall keep a complete record of appropriations for local health services and shall issue warrants on them only on requisition of the local or district health board.
 - f. Expenses relating to county fairs, as provided in chapter 174.

g. Maintenance of a juvenile detention home under chapter 232.

h. Relief of veterans under chapter 250.

i. Care and support of ~~the poor~~ under chapter ~~252~~.

j. Operation, maintenance, and management of a health center under chapter 346A.

k. Payment of bounties on wild animals.

1. For the ~~use~~ of a nonprofit historical society organized under chapter 504 or 504A.

m. Services listed in section 331.424, subsection 1 and section 331.554.

3. Appropriations specifically authorized to be made from the general fund shall not be made from the rural services fund, but may be made from other ~~sources~~.

Sec. 12. NEW SECTION, 331.428 ~~RURAL~~ SERVICES FUND.

1. Except as otherwise provided by state law, county revenues from taxes and other sources for rural county services shall be credited to the rural services fund of ~~the~~ county.

2. The board may make appropriations from the rural services fund for rural county services, including but not limited to the following:

a. Road clearing, weed eradication, and ~~other~~ expenses incurred under chapter 317.

b. Maintenance of a county library and library contracts under chapter 3588.

c. Planning, operating, and maintaining sanitary disposal projects under chapter 4558.

d. Services listed under section 331.424, subsection 2.

3. Appropriations specifically authorized to be made from ~~the~~ rural services fund shall not be made from the general fund, but may be made from ~~other~~ sources.

Sec. 13. NEW SECTION, 331.429 ~~SECONDARY ROAD~~ FUND.

1. Except as otherwise provided by state law, ~~county~~ revenues for secondary road ~~services~~ shall be credited to the secondary road fund, including the following:

a. Transfers from the general fund not to exceed in any year the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county.

b. Transfers from the rural services fund not to exceed in any year the dollar equivalent of a tax of three dollars and three-eighths cents per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

c. Moneys allotted to the county from the state road use tax fund.

d. Moneys provided by individuals from their own contributions for the improvement of any secondary road.

e. Other moneys dedicated to this fund by law including but not limited to sections 306.15, 309.52, 311.23, 311.29, and 313.26.

2. The board may make appropriations from the secondary road fund for the following secondary road services:

a. Construction and reconstruction of secondary roads and costs incident to the construction and reconstruction.

b. Maintenance and repair of secondary roads and costs incident to the maintenance and repair.

c. Payment of all or part of the cost of construction and maintenance of bridges in cities having a population of eight thousand or less and all or part of the cost of construction of roads which are located within cities of less than four hundred population and which lead to state parks.

d. Special drainage assessments levied on account of benefits to secondary roads.

e. Payment of interest and principal on bonds of the county issued for secondary roads, bridges, or culverts constructed by the county.

f. A legal obligation in connection with secondary roads and bridges, which obligation is required by law to be taken over and assumed by the county.

g. Secondary road equipment, materials, and supplies,, and garages or sheds for their storage, repair, and servicing.

h. Assignment or designation of names or numbers to roads in the county and erection, construction, or maintenance of guideposts or signs at intersections of roads in the county.

1. The services provided under sections 306.15, 309.18, 309.52, 311.7, 311.23, 313.11.23, 316.14, 321.426, 455.50, 455.118, 460.7, and 460.8, or other state law relating to secondary roads.

Sec. 14. NEW SECTION. 331.430 DEBT SERVICE FUND.

1. Except as otherwise provided by state law, county revenues from taxes and other sources for debt service shall be credited to the debt service fund of the county. However, moneys pledged or available to service general obligation bonds, and received from sources other than property taxes, shall be deposited in the fund from which the debt is to be retired.

2. The board may make appropriations from the debt service fund for the following debt-service:

a. Judgments against the county, except those authorized by law to be paid from sources other than property tax.

b. Interest as it becomes due and the amount necessary to pay, or to create a sinking fund to pay, the principal at maturity of all general obligation bonds issued by the county except those serviced through the secondary road services levies.

3. A tax levied for the debt service fund is not invalid if it raises moneys in excess of those needed for a specific purpose. Only excess moneys remaining after retirement of all indebtedness payable from the debt service fund may be transferred from the fund to the fund most closely related to the project for which the indebtedness arose, or to the general fund, subject to the terms of the original bond issue.

4. When the amount in the hands of the treasurer belonging to the debt service fund, after setting aside the sum required

to pay interest maturing before the next levy, is sufficient to redeem one or more bonds which by their terms are subject to redemption, the **treasurer** shall notify the owner of the bonds. If the bonds **are not** presented for payment or redemption within thirty days after **the** date of notice, the interest on the bonds shall cease, and the amount due shall be set aside for payment when presented. Redemptions shall be made in the order of the bond numbers.

Sec. 15. NEW SECTION. 331.431 ADDITIONAL FUNDS. A county may establish other funds in accordance with generally accepted accounting principles. Taxes may be levied for those funds as provided by state law. The condition and operations of each fund shall be included in the annual financial report required in section 331.403.

Sec. 16. NEW SECTION. 331.432 INTERFUND TRANSFERS. It is unlawful to make permanent transfers of money between the general fund and the rural services fund. Moneys credited to the secondary road fund for the construction and maintenance of secondary roads shall not be transferred. Other transfers, including transfers from the debt service fund made in accordance with section 331.430, and transfers from the general or rural services fund to the secondary road fund in accordance with section 331.429, subsection 1, paragraphs a and b, are not effective until authorized by resolution of the board. The transfer of inactive funds is subject to section 24.21.

Sec. 17. NEW SECTION. 331.433 ESTIMATES SUBMITTED BY DEPARTMENTS.

1. On or before January 15 of each year, each elective or appointive officer or board, except tax certifying boards as defined in section 24.2, subsection 3, having charge of a county office or department, shall prepare and submit to the auditor or other official designated by the board an estimate, itemized in the detail required by the board and consistent with existing county accounts, showing all of the following:

a. The proposed expenditures of the office or department for the next fiscal year.

b. An estimate of the revenues, except property taxes, **to** be collected for the county by the office during **the next fiscal year.**

2. On or before January 20 of each year, **the** auditor or other designated official shall compile the various office and department estimates and submit them to the board. In the preparation of the county **budget** the board may consult with any officer or department concerning the estimates and requests and may adjust the requests for any county office or department.

Sec. 18. NEW SECTION. 331.434 COUNTY BUDGET. Annually, the board of each county; subject to **sections** 331.423 through 331.426 and other applicable state law, shall prepare and adopt a budget, certify taxes, and provide appropriations as follows:

1. The budget shall show the amount required for each class of proposed expenditures, a comparison of the amounts proposed to be expended with the amounts expended for like purposes for the two preceding years, the revenues from sources other than property taxation, and the amount to be raised by property taxation, in the detail and form prescribed by the committee.

2. Not less than twenty days before the date that a budget must be certified under section 24.17 and not less than ten days before the date set for the hearing under subsection 3 of this section, the board shall file the budget with the auditor. The auditor shall make available a sufficient number of copies of the budget to meet the requests of taxpayers and organizations and have them available for distribution at the courthouse or other places designated by the board.

3. The board shall set a time and place for a public hearing on the budget before the final certification date and shall publish notice of the hearing not less than ten

nor more than twenty days **prior** to the hearing in one or more newspapers which meet the requirements of section 618.14. A summary of the proposed budget, in the form prescribed by the committee, shall be included in the notice. Proof of publication shall be filed with and preserved by the auditor. A levy is not valid unless and until the notice is published and filed.

4. At the hearing, a resident or taxpayer of the county may present to the board objections to or arguments in **favor** of any part of the budget.

5. After the hearing, the board shall adopt by resolution a budget and certificate of taxes for the next fiscal year and shall direct the auditor to properly certify and file the budget and certificate of taxes as adopted. The board shall not adopt a tax in excess of the estimate published, except a tax which is approved by a vote of the people, and a greater tax than that adopted shall not be levied or collected. A county budget and certificate of taxes adopted for the following fiscal year becomes effective on the first day of that year.

6. The board shall appropriate, by resolution, the amounts deemed necessary for each of the different county officers and departments during the ensuing fiscal year. Increases or decreases in these appropriations do not require a budget amendment, but, may be provided by resolution at a regular meeting of the board, as **long** as each class of proposed expenditures contained in the budget summary published under subsection 3 of this section is not increased. However, decreases in appropriations for a county officer or department of more than ten percent or five thousand dollars, whichever is greater, shall not be effective unless the board sets a time and place for a public hearing on the proposed decrease and publishes notice of the hearing not less than ten nor more than twenty days prior to the hearing in one or more newspapers which meet the requirements of section 616.14.

Sec. 19. NEW SECTION. 331.435 **BUDGET AMENDMENT.** The board may amend the adopted county budget, **subject to sections 331.423** through 331.426 and other applicable state law, to permit increases in any class of proposed expenditures contained in the budget summary published under section 331.434, subsection 3.

The board shall prepare and adopt a budget amendment in the same manner as the original budget, as provided in section 331.434, and the amendment is subject to protest as provided in section 331.436, except that the committee may by rule provide that amendments of certain types or up to certain amounts may be made without public hearing and without being subject to protest. A county budget for the ensuing fiscal year shall be amended by May 31 to allow time for a protest hearing to be held and a decision rendered before June 30. An amendment of a budget after **May** 31 which is properly appealed but without adequate time for hearing and decision before June 30 **is** void.

Sec. 20. NEW SECTION. 331.436 **PROTEST.** Protests to the adopted budget must be made in accordance with sections 24.27 through 24.32 as if the county were the municipality under those sections.

Sec. 21. NEW SECTION. 331.437 **EXPENDITURES EXCEEDING APPROPRIATIONS.** It is unlawful for a county official, the expenditures of whose office come under this part, to authorize the expenditure of a sum for the official's department larger than the amount which has been appropriated for that department by the board.

A county official in charge of a department or office who violates this law is guilty of a simple misdemeanor. The penalty in this section is in addition to the liability imposed in section 331.476.

Sec. 22. Chapter 331, Code **1983**, is amended by adding sections 23 through 26 of this Act as a new part **5** of division IV entitled "Current and noncurrent **debt**".

Sec. 23. NEW SECTION. 331.476 **EXPENDITURES** CONFINED TO RECEIPTS. Except as otherwise provided in section 331.478, a county officer or employee shall not allow a claim, issue a warrant, or execute a contract which will result during a fiscal year in an expenditure from a county fund in excess of an amount equal to the collectible revenues in the fund for that fiscal year plus any unexpended balance in the fund from a previous year. A county officer or employee allowing a claim, issuing a warrant, or executing a contract in violation of this section is personally liable for the payment of the claim or warrant or the performance of the contract.

Sec. 24. NEW SECTION. 331.477 CURRENT DEBT AUTHORIZED. A debt payable from resources which will have accrued in a fund by the end of the fiscal year in which the debt is incurred may be authorized only by resolution of the board. The debt may take the form of:

1. Anticipatory warrants subject to chapter 74.
2. Loans from other county funds.
3. Other formal short-term debt instruments or obligations.

Sec. 25. NEW SECTION. 331.478 NONCURRENT DEBT **AUTHORIZED.**

1. A county may contract indebtedness and issue bonds as otherwise provided by state law.
2. The board may by resolution authorize noncurrent debt as defined in subsection 3 which is payable from resources accruing after the end of the fiscal year in which the debt is incurred, in accordance with section 331.479, for any of the following purposes:
 - a. Expenditures, for bridges or buildings destroyed by fire, flood, or other extraordinary casualty.
 - b. Expenditures incurred in the operation of the courts.
 - c. Expenditures for bridges which are made necessary by the construction of a public drainage improvement.
 - d. Expenditures for the benefit of a person entitled to receive assistance from public funds.

- e. Expenditures authorized by vote of the electorate.
- f. Contracts executed on the basis of the budget submitted as provided in section 309.93.
- g. Expenditures authorized by supervisors acting in the capacity of trustees or directors of a drainage district or other special district.
- h. Expenditures for land acquisition for county conservation purposes not to exceed in any year the monetary equivalent of a tax of six and three-fourths cents per thousand dollars of assessed value on all the taxable property in the county.

1. Expenditures for purposes for which counties may issue general obligation bonds without an election under state law.

3. Noncurrent debt authorized by subsection 2 may take any of the following forms:

- a. Anticipatory warrants subject to chapter 74. Anticipatory warrants drawn on the secondary road fund are also subject to sections 309.46 through 389.55.
- b. Advances from other funds.
- c. Installment purchase contracts.
- d. Other formal debt instruments or obligations other than bonds.

4. Noncurrent debt as defined in subsection 3 shall be retired from resources of the fund from which the expenditure was made for which the debt was incurred.

Sec. 26. NEW SECTION. 331.479 OTHER NONCURRENT DEBT ISSUANCE. Before the board may institute proceedings for the incurrence of debt for the purposes listed in section 331.478, subsection 2, a notice of the proposed action, including a statement of the amount, purposes, and form of the debt, the proposed time of its liquidation, and the time and place of the meeting at which the board proposes to take action to authorize the debt, shall be published as provided in section 331.305. At the meeting, the board shall receive oral or written objections from any resident or property owner

of the county. After ~~all objections~~ have been received and considered, the board, at that meeting or a date to which it is adjourned, may take additional action to **authorize** the debt or abandon the proposal.

COORDINATING AMENDMENTS

Sec. 27. Section 1.15, Code 1983, is amended to read as follows:

1.15 ATTORNEY APPOINTED BY STATE IN CIVIL ACTIONS. In all civil causes of action wherein where the state of Iowa or any of its subdivisions or departments is a party, and a member of the Sac and Fox Indian settlement is a party, the district court of Iowa shall appoint competent legal counsel at all stages of hearing, appeal and final determination for any Indian not otherwise represented by legal counsel, in any domestic relations matter, including, but not limited to, matters pertaining to dependency, neglect, delinquency, care or custody of minors. The court shall fix and allow reasonable compensation for the services of ~~said the~~ attorney, costs of transcripts and depositions, and investigative expense. which shall be paid as a claim by the office of county auditor ~~from the welfare fund~~ of the county where the said action is commenced, and said ~~the~~ county shall be ~~refunded and~~ paid for all sums so paid ~~for legal counsel, transcripts and depositions, and investigative expense~~ out of any funds in the state treasury not otherwise appropriated upon filing claim with the state comptroller.

Sec. 28. Section 11.21, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Upon payment by the state of the salary and expenses, the auditor of state shall file with the warrant-issuing officer of the county, municipality or school, whose offices were examined, a sworn statement consisting of the **itemized** expenses paid and prorated salary costs paid under Section **11.20**. Upon audit and approval by the board of supervisors, council or school board, the said warrant-issuing officer shall draw

hie a warrant for said ~~the~~ amount on the ~~general fund of the~~ county, or on the general fund of the municipality or school in **favor** of the auditor of state, which warrant shall be placed to the credit of the general fund of the state. In the event of the disapproval of any items of said statement by the county, municipality, or school authorities, written objections shall be filed with the auditor of state within thirty days from the filing thereof. Disapproved items of ~~said the~~ statement shall be paid the auditor of state upon receiving final decisions emanating from public hearing established by the auditor of state.

Sec. 29. Section 11.23, Code 1983, is amended to read as follows:

11.23 DUTY TO INSTALL. ~~It shall be the specific duty of each county and~~ Each school officer ~~shall~~ shall install and use in ~~his the~~ office a system of uniform blanks and forms as prescribed by law. State auditors ~~are charged with the specific duty to~~ shall assist ~~all such the~~ school officers in installing said ~~the~~ system.

Sec. 30. Section 24.2, subsection 1, Code 1983, is amended to read as follows:

1. ~~The word "municipality" shall mean the county, school corporation, and all other~~ "Municipality" means a public ~~bodies body~~ or ~~corporations~~ corporation that have has power to levy or certify a tax or sum of money to be collected by taxation, ~~but shall not include any except a county, city, drainage district, township, or road district.~~

Sec. 31. Section 24.6, Code 1983, is amended to read as follows:

24.6 EMERGENCY FUND--LEVY. ~~Each~~ A municipality ~~am defined herein,~~ may include in the estimate herein required, an estimate for an emergency fund. ~~Each such~~ A municipality ~~shall have power to may~~ assess and levy a tax for ~~such the~~ emergency fund at a rate not to exceed twenty-seven cents per thousand dollars of assessed value of taxable property

of the municipality, provided that ~~no-such an~~ emergency tax levy shall not be made until such the municipality ~~shall-have~~ has first petitioned the state board ~~to-make-such-levy~~ and received its ~~approval thereof~~. Transfers of ~~moneys~~ may be made from the emergency fund to any other fund of the ~~municipality~~ for the purpose of meeting deficiencies in ~~any~~ such a fund arising from any cause, ~~provided-however,~~ that ~~no-such a~~ transfer shall not be made except upon the written approval of the state board, and then only when ~~such~~ that approval is requested by a two-thirds vote of the governing body of ~~said the~~ municipality. ~~Approval-may-be-granted-by the-state-board-upon-an-application-approved-by-a-two-thirds vote-of-the-board-of-supervisors-of-a-county-to-use-this-fund for-the-purpose-of-matching-funds-available-to-such-county from-federal-programs-including,-but-not-limited-to,-crime control,-public-health,-disaster-services,-highway-safety, juvenile-delinquency,-narcotics-control-and-pollution.~~

Sec. 32. Section 24.9, unnumbered paragraph 2, Code 1983, is amended by striking the unnumbered paragraph.

Sec. 33. Section 24.14, Code 1983, is amended to read as follows:

24.14 TAX LIMITED. ~~No A~~ greater tax than that so entered upon the record shall not be levied or collected for the municipality proposing the tax for the ~~purpose-or~~ purposes indicated; and thereafter ~~no a~~ greater expenditure of ~~public~~ money shall not be made for any specific purpose than the amount estimated and appropriated ~~therefor for that purpose~~, except as provided in sections ~~24.6, and~~ 24.15 and ~~section 331.901, subsection 6, paragraph "d"~~. All budgets set up in accordance with the statutes shall take such funds, and allocations made by sections 123.53, 324.79 and 405.1, into account, and all such funds, regardless of their source, shall be considered in preparing the budget, all as is provided in this chapter.

sec. 34. Section 24.22, Code 1983, is amended to read as follows:

24.22 ~~TRANSFER OF ACTIVE FUNDS--POOR-FUND.~~ Upon the approval of the state board, it is lawful to make temporary or permanent ~~transfers of~~ money from one fund ~~of the municipality to another fund thereof of the municipality.~~ ~~However,-funds-collected-and-received-for-the-construction and-maintenance-of-secondary-roads-shall-not-be-transferred for-any-purpose.~~ The certifying board or levying board shall provide that money temporarily transferred shall be returned to the fund from which it was transferred within the time and upon the conditions the state board ~~determines,-provided that.~~ However, it is not ~~necessary~~ to return to the emergency fund, or to any other ~~fund~~ no longer required, any money transferred ~~therefrom to any other fund.~~ ~~No-transfer-shall be-made-to-a-poor-fund-unless-there-is-a-shortage-in-the-fund after-the-maximum-permissible-levy-has-been-made-for-the-fund.~~

Sec. 35. Section 24.48, unnumbered paragraph 6, Code 1983, is amended to read as follows:

For purposes of this section only, "political subdivision" means a city, ~~county,~~ school district, or any other special purpose district which certifies ~~its~~ budget to the county auditor and derives funds from a property tax levied against taxable property situated within the political subdivision.

Sec. 36. NEW SECTION. ~~28E.19~~ JOINT COUNTY INDIGENT DEFENSE FUND. Two or more counties may execute an agreement under chapter ~~28E~~ to create a joint county indigent defense fund to be used to compensate attorneys appointed to represent indigents under section 331.778 when funds budgeted for that purpose are exhausted. In addition to other requirements of an agreement under chapter ~~28E~~, the agreement shall provide for the amount to be paid by each county based on its population to establish and maintain an appropriate balance in the joint fund, and for a method of repayment if a county withdrawn more funds than it has contributed.

Sec. 37. Section 28E.23, unnumbered paragraph 1, Code 1983, is amended to **read as follows:**

The public safety commission, on or before January tenth of each year, shall make an estimate of the total amount of revenue deemed necessary for operation of the district and, in conjunction with the county board of supervisors and city councils in the district, determine the amounts which will be contributed by the county and **by** each city in the district from ~~their~~ **its** general ~~funds~~ fund which are based upon an average of revenues raised for law enforcement purposes in the county or city for the three previous years.'

Sec. 38. Section 28E.24, unnumbered paragraph 2, Code 1983, is amended to read as follows:

In addition, the county board of supervisors and the city council of each city in the district shall certify to the public safety commission the amounts of revenue from the county ~~general-fund~~ and from the city general fund credited to each city in the district based upon an average of revenues raised for law enforcement purposes in each city for the three previous years. The public safety commission shall subtract the total of these amounts from the amount of revenue to be contributed by each city respectively. The difference for each city is the amount of additional revenue needed for unified law enforcement purposes.

Sec. 39. Section 28I.24, unnumbered paragraph 5, Code 1983, is amended to read as follows:

The county board of supervisors and the city council of each city in the district shall deposit in the public safety fund the amounts of revenue ~~from-their-general-funds~~ certified to the public safety commission in this section based **upon** an average of revenues raised for law enforcement purposes for the three previous years.

Sec. 40. Section 29c.9, subsection 1, Code 1983, is amended to read as follows:

1. The county boards of supervisors, city councils and boards of directors of school districts shall ~~co-operate~~ **cooperate** with the office of disaster services to carry out the provisions of this chapter. Boards **of** supervisors and city councils shall form a joint county-municipal disaster services and emergency planning administration. such joint administration shall be composed of a member of the county board of supervisors and the mayor or ~~his~~ **the mayor's** representative of the city governments within the county and the sheriff of ~~such~~ **the** county. One member of the joint administration shall be designated as chairperson and one as vice chairperson. The joint administration shall appoint a ~~co-ordinator~~ **coordinator** who possesses ~~such~~ qualifications ~~as~~ established by rule of the director of the office of disaster services as provided in chapter 17A. The ~~co-ordinator~~ **coordinator** shall be responsible to the joint administration for the administration and ~~co-ordination~~ **coordination** of all disaster services and emergency planning matters throughout the county, subject to the direction and control of the joint administration. The disaster services and emergency planning ~~co-ordinator~~ **coordinator** shall prepare a comprehensive countywide disaster plan that ~~shall-be~~ **is** subject to the approval of the state office of disaster services. The plan shall be integrated into and ~~co-ordinated~~ **coordinated** with the disaster plans of the state office of disaster services and other political subdivisions within the state. Each county and city located within the county may appropriate money ~~from-the-general-fund-of-the-county-or-city~~ for the purpose of paying expenses relating to disaster services and emergency planning matters of ~~such~~ **the** joint administration and establish a joint county-municipal disaster services fund in the office of the county Treasurer. A city's appropriation shall be made from its general fund. The county and cities located in that county may deposit moneys in ~~such~~ **the** fund, which fund ~~shall~~ be used for the purpose of paying expenses

relating to disaster. services and emergency planning matters of ~~such the~~ joint administration. Any reimbursement, matching funds, or moneys received from sale of property obtained through the ~~surplus property~~ program or moneys obtained from any source in connection with the disaster services and emergency planning program, shall be deposited in the joint disaster services fund. Withdrawal of moneys from the joint county-municipal disaster services fund may be made on warrants drawn by the county auditor, supported by claims and vouchers signed by the chairperson or vice chairperson of the joint administration and the ~~co-ordinator~~ coordinator of the joint ~~county-municipal~~ disaster services and emergency planning administration.

Sec. 41. Section 37.3, Code 1983, is amended to read as follows:

37.3 ELECTION. Upon the filing of the requisite petition, the ~~board-of-supervisors, or city council, as the case may be,~~ shall cause the proposition to be submitted at a regular election, or at a special election to be called if requested in the petition, in substantially the following form:

"Shall the ~~county-(or city)~~ of erect and equip (or purchase and equip) a memorial building (or erect a monument) as provided in chapter 37 of the Code for the purpose of
(set forth purpose of memorial as outlined in section 37.18)
and issue bonds in the sum of dollars to cover the expense of the same 'building or monument' (or levy a tax of per thousand dollars of assessed value for a period of years to defray the expense of the same building or monument)?"

Sec. 42. Section 37.4, Code 1983, is amended to read as follows:

37.4 NOTICE. Notice of ~~such the~~ election shall be given by publication in one newspaper published or having general circulation in the ~~county-or city, as the case may be,~~ as

provided in section 362.3. ~~Such~~ The notice shall state the purpose of the memorial proposed as outlined in section 37.18.

Sec. 43. Section 37.8, Code 1983, is amended to read as follows:

37.8 **LEVY FOR MAINTENANCE.** For the development, operation, and maintenance of a building or monument constructed, purchased, or donated under this chapter, ~~a county may levy a tax as provided in section 331.422, subsection 2, and~~ a city may levy a tax not to exceed eighty-one cents per thousand dollars of assessed value on all the taxable property within the city, as provided in section 384.12, subsection 2.

Sec. 44. Section 37.28, Code 1983, is amended to read as follows:

37.28 **ANTICIPATORY WARRANTS.** If the funds raised under this chapter ~~and sections 331.421, subsection 1, and 331.422, subsection 2,~~ are insufficient for any fiscal year to pay the principal and interest due in that year on bonds issued for hospital purposes under section 37.6 and to pay the expenses of the operation and maintenance of the hospital and any other hospital expenses authorized by this chapter for the fiscal year: the commission may issue Can anticipatory warrants drawn on the funds to be raised. The warrants shall be in denominations of one hundred, five hundred and one thousand dollars and shall draw interest at a rate not exceeding that permitted by chapter 74A. These warrants are not a general obligation of any political subdivision which owns the hospital.

Sec. 45. Section 37.30, Code 1983, is amended to read as follows:

37.30 **REGISTRATION--CALL.** All Can anticipatory warrants drawn under this chapter shall be numbered consecutively, be registered in the office of the treasurer of a political subdivision which owns the hospital and be subject to call in numerical order at any time when sufficient money derived from the tax levied ~~under this chapter and sections 331.421,~~

~~subsection 17 and 331.4227, subsection 3,~~ is in the hands of the treasurer to retire any of the warrants together with accrued interest.

Sec. 46. Section 52.3, Code 1983, is amended to read as follows:

52.3 TERMS OF PURCHASE--TAX LEVY. The county board of supervisors, on the adoption and purchase of a voting machine or an electronic voting system, may issue bonds under section 331.441, subsection 2, paragraph "b", subparagraph (1) ~~or levy as provided in section 331.4227, subsection 4.~~

Sec. 47. Section 66.23, Code 1983, is amended to read as follows:

66.23 EFFECT OF DISMISSAL. If the petition be for removal ~~is dismissed on final hearing on the merits,~~ the defendant shall ~~have judgment against the state, if the action was instituted by the attorney general, and against the county, city or other subdivision of the state if the action is otherwise instituted,~~ be reimbursed for the reasonable and necessary expenses incurred by the defendant in making ~~his~~ a defense, including a reasonable ~~attorney fee, to be fixed~~ attorney's fees, as determined by the court or judge. If the petition for removal is filed by the attorney general, the state shall pay the expenses. If the petition for removal is filed by the county attorney or special Prosecutor, the expenses shall be paid by the political subdivision of the state represented by the county attorney or special Prosecutor. ~~Such~~ The payment shall be made out of any funds in the state treasury not otherwise appropriated, or out of the ~~general fund of the~~ county treasury, or the general fund of the city or other subdivision of the state, as the case may be.

Sec. 40. Section 74.1, subsections 1 and 2. Code 1983, are amended to read as follows:

1. ~~The procedures of this~~ This chapter ~~apply~~ applies to all warrants which are legally drawn on a public treasury, including the treasury of a city or county, and which, when presented for payment, are not paid for want of funds.

2. ~~The procedures of this~~ This chapter also ~~apply whenever~~ applies when a municipality as defined in section 24.2, or ~~a city shall determine or county determines~~ that there are ~~not or~~ will not be sufficient ~~funds~~ on hand to pay the legal obligations of a fund. ~~Each of these municipalities and cities is authorized to~~ A municipality, city, or county may provide for the payment of such ~~present and future obligations~~ an obligation by drawing ~~one or more an~~ anticipatory warrants ~~warrant~~ payable to a bank or other business entity authorized by law to loan money in an amount ~~or amounts~~ legally available and believed to be sufficient to cover the anticipated ~~deficiencies~~ deficiency. The duties imposed on the treasurer by this chapter may be assigned by a city council to another city officer.

Sec. 49. Section 80.12, Code 1983, is amended to read as follows:

, 80.12 ATTENDANCE AT SHORT COURSE. The commissioner of public safety is authorized to send members of the department of public safety ~~to any~~ to course of instruction for peace officers, not exceeding a total of six weeks' length in any one year, given by the college of law of the state University of Iowa, or the course of instruction in public safety education given at Iowa State University of science and technology, and ~~such the~~ such members shall be considered on duty while in attendance ~~upon such authority~~. The legislative body in ~~any a~~ a county may authorize the attendance at such ~~a~~ a course of any law enforcing officer under the jurisdiction of ~~such the~~ such the county and may provide for the payment of the actual and necessary expenses of ~~such~~ such that person while in attendance, ~~which payment shall be made out of the general fund of such county.~~

Sec. 50. Section 96.31, Code 1983, is amended to read as follows:

96.31 TAX FOR BENEFITS. Political subdivisions may levy a tax outside their general fund levy limits to pay the cost of unemployment benefits.

Sec. 51. Section 98.35, Code 1983, is amended to read as follows:

98.35 TAX AND FEES PAID TO GENERAL FUND. The proceeds, derived from the sale of stamps and the payment of taxes, fees and penalties provided for under this chapter, and the permit fees received from all permits issued by the department, shall be credited to the general fund of the state. All permit fees provided for in this chapter and collected by cities in the issuance of permits granted by the cities shall be paid to the treasurer of the city wherein where the permit is effective, or to another city officer as designated by the council, and credited to the general fund of said the city. Permit fees so collected by counties shall be paid to the County treasurer and-credited-to-the-general-fund-of such-county.

Sec. 52. Section 98A.6, unnumbered paragraph 2, Code 1983, is amended to read as follows:

Judicial magistrates shall hear and determine violations of this chapter. The civil fines paid pursuant to this chapter shall be deposited in the county general fund treasury.

Sec. 53. Section 101A.3, subsection 5, Code 1983, is amended to read as follows:

5. The sheriff or the chief of police shall charge a fee of three dollars for each permit issued. The money collected from permit fees shall be deposited in the general fund of the county or treasury or the general fund of the City.

Sec. 54. Section 101A.7, unnumbered paragraph 3, Code 1983, is amended to read as follows:

If the licensee or permittee corrects the improper security within such the thirty-day period, the explosives shall be returned to the licensee or permittee after he has made such correction and after he the licensee or permittee has paid into to the county fund an amount equal to the expense incurred by the county in storing the explosives during the period of confiscation. The amount of such expense shall be determined by the sheriff.

Sec. 55. Section 101A.7, unnumbered paragraph 5, Code 1983, is amended to read as follows:

The licensee or permittee may obtain possession of the explosives from the sheriff during the thirty-day period for the purpose of disposing of them. The disposal procedure shall conform to the provisions of section 101A.9. The licensee or permittee shall first pay into to the county fund an amount equal to the expense incurred by the county in storing the explosives during the period of confiscation. The amount of the expense shall be determined by the sheriff.

Sec. 56. Section 110.12, unnumbered paragraph 2, Code 1983, is amended to read as follows:

The county recorder may require that a writing fee of twenty-five cents be charged for each license sold by the county recorder's office. The-writing-fees-from-the-sale of-licenses-by-the-county-recorder-shall-be-deposited-in-the-county-general-fund.

Sec. 57. Section 111.27, Code 1983, is amended to read as follows:

111.27 MANAGEMENT BY MUNICIPALITIES. The commission may enter into an agreement or arrangement with the board of supervisors of any a county or the council of any a city whereby such the county or city shall undertake the care and maintenance of any lands under the jurisdiction of the commission. Counties and cities are-authorized-to may maintain such the lands and to pay the expense of the care and maintenance. A city may pay the expense from the general fund if such county or city as the case may be.

Sec. 58. Section 111A.6, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

111A.6 FUNDS--TAX LEVY--GIFTS--ANTICIPATORY BONUS. Upon request of the county conservation board, the board of supervisors shall establish a reserve for county conservation land acquisition and capital improvement projects. The board of supervisors may periodically credit an amount of money to

the reserve. Moneys ~~credited to the~~ reserve shall remain in the reserve until expended for such projects upon warrants requisitioned by the county conservation board.

Annually, the total amount of money credited to the reserve, plus moneys appropriated for conservation purposes from sources other than the reserve, shall not be less than the amount of gifts, contributions, and bequests of money, rent, licenses, fees, charges, and other revenues received by the county conservation board. However, moneys given, bequeathed, or contributed upon specified trusts shall be held, appropriated, and expended in accordance with the trust specified.

The county auditor shall keep a complete record of the appropriations and shall issue warrants on them only on requisition of the county conservation board. The county conservation board is subject to the contract letting procedures in section 331.341, subsections 1, 2, and 4. Upon request of the county conservation board, the board of supervisors may issue general county purpose bonds for the purposes in section 331.441, subsection 2, paragraph c, subparagraph (2), as provided in chapter 331, division IV, part 3.

Sec. 59. Section 123.36, subsection 8, Code 1983, is amended to read as follows:

8. The department shall credit all fees to the beer and liquor control fund. The department shall remit to the appropriate local authority, a sum equal to sixty-five percent of the fees collected for each class "A", class "B", or class "C" license except special class "C" licenses, covering premises located within ~~their-respective-jurisdictions the~~ local authority's jurisdiction. The department shall remit to the appropriate local authority a sum equal to seventy-five percent of the fees collected for each special class "C" license covering premises located ~~within their-respective jurisdictions the local authority's jurisdiction~~. The appropriate local authority to receive the fee collected for

the privilege authorized under subsection 6 is the appropriate county which shall ~~deposit-the-fee-in-the-county-mental-health-and-institutions-fund-to-be-used~~ use it only for the care and treatment of persons admitted or committed to the alcoholic treatment center at Oakdale or any facilities as provided in chapter 125.

Sec. 60. Section 123.143, subsection 1, Code 1983, is amended to read as follows:

1. All retail beer permit fees collected by any local authority at the time application for the permit is made shall be retained by the local authority. A certified copy of the receipt for the permit fee shall be submitted to the department with the application and the local authority shall be notified at the time the permit is issued. Those amounts retained by the appropriate local authority out of the fee collected for the privilege authorized under section 123.134, subsection 5, shall be ~~deposited-in-the-county-mental-health-and-institutions-fund-to-be~~ used only for the care and treatment of persons admitted or committed to the alcoholic treatment center- at Oakdale or any facilities as provided in chapter 125.

Sec. 61. Section 125.45, subsection 1, Code 1983, is amended to read as follows:

1. Except as provided in section 125.43, each county shall pay for the remaining twenty-five percent of the cost of the care, maintenance, and treatment under this chapter of residents of that county ~~from-the-levy-authorized-by-section 331.421, subsection 14~~. The commission shall establish guidelines for use by the counties in estimating the amount of expense which the county will incur each year. The facility shall certify to the county of residence once each month twenty-five percent of the unpaid cost of the care, maintenance, and treatment of a substance abuser. However, the approval of the board of supervisors is required before payment is made by a county for costs incurred which exceed

a total of five hundred dollars for one year for treatment provided to any one **substance** abuser, except that approval **is not** required for the **cost** of treatment provided to a substance abuser who is **detained** pursuant to section 125.91. A facility may, upon approval of the board of supervisors, submit to a county a **billing** for the aggregate amount of all care, maintenance, and treatment of substance abusers who are residents of that county for each month. The board of supervisors may demand an itemization of billings at any time or may audit them.

Sec. 62. Section 125.49, Code 1983, is amended to read as follows:

125.49 TRANSFER FROM **INSTITUTIONAL COUNTY** FUND. The county auditor upon receipt of certification by the facility as required by section 125.45 shall enter the **same amount** to the credit of the facility and issue a notice authorizing the county treasurer to transfer the amount from the county **mental-health-and-institutions** fund to the credit of the facility, which notice shall be filed by the treasurer as authority for making **such the** transfer, and the amount transferred shall be included in the auditor's next **remittance** to the facility.

Sec. 63. Section 137.12, Code 1983, **is** amended to read as follows:

137.12 APPOINTMENT. On receipt of notice of approval as a district health department, a district board shall be appointed as specified in the plan. Board members shall serve without compensation, but shall be reimbursed **from-the-local health-fund-established-under-section-137-17**, for necessary expenses in accordance with rules established by the state board.

Sec. 64. Section 137.17, Code 1983, **is** amended to read as follows:

137.17 LOCAL FUND FOR DISTRICT. On **establishment** of a district health department, the district board shall designate

the treasurer of a city or county within its jurisdiction to establish a **local** health funds for the district. **Upon establishment-of-the-fund, moneys-in-previously-existing-local health-funds-in-the-district-shall-be-transferred-to-the-fund.**

Sec. 65. Section 137.18, Code 1983, is amended to read as follows:

137.18 DEPOSIT OF MONEYS IN FUND. All moneys received by a **county-or** district for local health purposes from federal appropriations, from local taxation, from licenses, from fees for personal services, or from gifts, grants, bequests, or other sources shall be deposited in the **local** health fund. Expenditures shall be made from the fund on order **of the local** district board for the purpose of carrying out its duties.

Sec. 66. Section 139.29, Code 1983, **is** amended to read as follows:

139.29 APPROVAL AND PAYMENT OF CLAIMS. The board of supervisors **shall is** not be bound by the action of the local board in approving **such the** bills, but shall allow **the-same from-the-poor-fund** them for a reasonable amount and within a reasonable time.

Sec. 67. Section 144.11, Code 1983, is amended to read as follows:

144.11 FEES PAID BY COUNTY AUDITOR. The state registrar shall certify to the auditor of the county, monthly, quarterly, semiannually or annually the number of birth, death, and fetal death certificates registered by each local registrar with the names of the local registrars and the amount due. Upon such certification the fees due the local registrars shall be paid by the auditor of the county **out-of-the-general-fund of-the-county.**

Sec. 68. Section 144.46, Code 1983, is amended to read as follows:

144.46 FEE FOR COPY OF RECORD. The department by rule shall establish fees based on the average administrative cost which shall be collected for each certified copy or short

form certification of ~~certificates~~ or records, or for a search of the files or records when no copy is made, or when no record is found on file. Fees collected under this section shall be deposited in the general fund of the state if the service is performed by the department or in the general-fund treasury of the county if the service is performed by the county or local registrar. A fee shall not be collected from a political subdivision or agency of this state.

Sec. 69. Section 159.5, subsection 13, paragraph e, unnumbered paragraph 1, Code 1983, is amended to read as follows:

~~Certify-indemnity-claims-to-the-boards-of-supervisors-to compensate~~ Compensate the owners of condemned swine ~~from-funds~~ as provided under section ~~331.421, subsection-6,~~ 74 of this Act, following the general procedures for filing claims and paying indemnities as provided in chapter 165.

Sec. 70. Section 160.15, Code 1983, is amended to read as follows:

160.15 APPROPRIATION BY COUNTY. All expenses, except salaries, incurred by the state apiarist or ~~his~~ the apiarist's assistants in the performance of their duties within a county shall be paid not to exceed two hundred dollars per annum ~~from-the-general-fund-of-such-county~~ for the purpose of eradication of diseases among bees. Such work of eradication shall be done in such county under the supervision of the state apiarist.

Sec. 71. Section 163A.12, Code 1983, is amended to read as follows:

163A.12 OWNER REQUESTING TEST. If the owner requests the department to inspect and test breeding swine ~~for~~ brucellosis, and agrees to comply with the rules made by the department under section 163A.9. the department ~~may~~ designate a veterinarian to make an inspection and test, with the expense to be paid as provided in section 164.6 for cattle brucellosis testing, but only to the extent the funds provided in that

section are not required for the cattle testing program. ~~The-board-of-supervisors-shall-reimburse-the-department-for the-expense-of-the-inspection-and-testing-program-for-swine brucellosis-as-provided-in-section-331.421, subsection-6, but-only-to-the-extent-that-the-moneys-in-the-fund-are-not required-for-expenses-incurred-under-chapter-164.~~

Sec. 72. Section 164.6, Code 1983, is amended to read as follows:

164.6 EXPENSE OF TEST. If the owner ~~shall-agree~~ agrees to comply with and carry out the rules made by the department under section 164.4, the expense of ~~such~~ the inspection and test shall be borne by the United States department of agriculture, or by the department, or ~~county~~ by the brucellosis and tuberculosis eradication fund or any combination ~~thereof~~ of these.

Sec. 73. Section 164.21, unnumbered paragraphs 2 and 3, Code 1983, are amended to read as follows:

Indemnity can only be paid if money is available in the ~~county-of-origin~~ brucellosis and tuberculosis eradication fund and if indemnity payment is also made by the United States department of agriculture.

In the case of individual payment, all animals shall be individually appraised and the amount of indemnity shall be equal to the difference between the slaughter value and the appraisal price, less the amount of indemnity paid by the United States department of agriculture. The total amount of indemnity paid by the ~~county-of-origin~~ brucellosis and tuberculosis eradication fund for a grade animal or a purebred animal shall not exceed two hundred dollars. However, if a purebred animal is purchased and owned for at least one year before testing and the owner can verify the actual cost, the ~~board-of-supervisors-of-the-county-of-origin~~ secretary of agriculture ~~may, by-resolution~~ award the payment of an additional indemnification not to exceed five hundred fifty dollars or the actual cost of the animal when purchased, whichever is less.

Sec. 74. NEW SECTION. 165.18 BRUCELLOSIS AND TUBERCULOSIS ERADICATION FUND.

1. A brucellosis and tuberculosis eradication fund is created in the office of the secretary of agriculture, to be used together with state and federal funds available to pay:

a. The indemnity and other expenses provided in this chapter.

b. The indemnity as set out in section 164.21 and other expenses provided in chapter 164.

c. The expenses of the inspection and testing program provided in chapter 163A, but only to the extent that the moneys in the fund are not required for expenses incurred under chapter 164 or 165.

d. Indemnities as provided in section 159.5, subsection 13, but only to the extent that the moneys in the fund are not required to pay expenses under chapter 163A, 164, or 165.

2. If it appears to the secretary of agriculture that the balance in the fund on January 20 is insufficient to carry on the work in the state for the following fiscal year, the secretary shall notify the board of supervisors of each county to levy an amount sufficient to pay the expenses estimated to be incurred under subsection 1 for the following fiscal year, subject to a maximum levy of thirty-three and three-fourths cents per thousand dollars of assessed value of all taxable property in the county.

3. Not later than December 15 or June 15 of a year in which the tax is collected, the county treasurer shall transmit the amount of the tax levied and collected to the treasurer of state, who shall credit it to the county brucellosis and tuberculosis eradication fund.

Sec. 75. Section 174.13, Code 1983, is amended to read as follows:

174.13 COUNTY AID. The board of supervisors of, the county in which a society is located may ~~levy and expend a tax for~~

~~fairground purposes in accordance with section 331.422, subsections 7 and 8~~ appropriate moneys to be used for fitting up or purchasing fairgrounds for the society or for aiding boys and girls 4-H club work and payment of agricultural and livestock premiums in connection with the fair, if the society owns or leases at least ten acres of land for the fairground and owns or leases buildings and improvements on the land of at least eight thousand dollars in value. A society may meet the requirement of owning or leasing land, buildings, and improvements through ownership by a joint entity under chapter 28E, of which the society is a part.

Sec. 76. NEW SECTION. 174.14 FAIRGROUND AID. The board of supervisors of a county which has acquired real estate for county or district fair purposes and which has a society using the real estate, may appropriate moneys to be used for the erection and repair of buildings or other permanent improvements on the real estate, and for the payment of debts contracted in the erection or repair and payment of agricultural and livestock premiums. In addition, the net proceeds from the sale of fairground sites and structures on the sites shall be placed in this fund to be used for the erection of permanent buildings on a new fairground site or the cost of moving structures from the old to the new site.

Sec. 77. Section 17bA.8, subsection 1b, Code 1983, is amended to read as follows:

1b. To carry over unexpended county agricultural extension education funds into the next year so that funds will be available to carry on the program until such time as moneys received from taxes are collected by the county treasurer ~~provided, however, that.~~ However, the unencumbered funds in the county agricultural extension education fund in excess of one-half the amount expended from said the fund in the previous year shall be paid over to the county treasurer who shall transfer such funds to the general fund of the county. The treasurer of the extension council with the approval of

the council may invest agricultural extension education funds retained by the council and not needed for current expenses in the manner authorized for treasurers of political subdivisions under section 453.1.

Sec. 78. NEW SECTION. 176A.12 COUNTY AGRICULTURAL EXTENSION FUND. A county agricultural extension education fund shall be established in each county and the county treasurer of each county shall keep the amount of tax levied under this chapter in that fund. Before the fifteenth day of each month, the treasurer shall notify the chairperson of the county extension council of the amount collected for this fund to the first day of that month, and the chairperson shall draw a draft for that amount, countersigned by the secretary, upon the treasurer who shall pay that amount to the treasurer of the extension council upon receipt of the draft.

Sec. 79. Section 189A.17, subsection 5, paragraph c, Code 1983, is amended to read as follows:

c. If any a person required by this chapter to file any an annual or special report ~~shall fail to~~ falls to do so within the time fixed by the secretary for filing the same it, and ~~such the~~ failure ~~shall continue~~ continues for thirty days after notice of ~~such~~ default, ~~such the~~ person shall forfeit to this state the sum of one hundred dollars for each and every day of the continuance of ~~such the~~ failure, which forfeiture ~~shall be~~ is payable into the treasury of this state, and ~~shall be~~ is recoverable in a civil suit in the name of the state brought in the district court of the county where the person has his a principal office or in the district court of any county in which he the person does business. ~~It shall be the duty of the various~~ The county attorneys ~~of this state to~~ shall prosecute for the recovery of such forfeitures. ~~The costs and expenses of such prosecution shall be paid out of the court expense fund of the county.~~

Sec. 80. Section 218.99, Code 1983, is amended to read as follows:

218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS' PERSONAL ACCOUNTS. The director of a division of the department of social services in control of a state institution shall direct the business manager of each institution under the director's jurisdiction which is mentioned in section ~~331.425~~ 331.424, ~~subsection 13, 1, paragraphs a through g~~ to quarterly inform the auditor of the county of legal settlement of any patient or inmate who has an amount in excess of two hundred dollars on account in the patients' personal deposit fund and the ~~amount on~~ deposit. ~~The~~ directors shall direct the business manager to further notify the auditor of the county at least fifteen days before the release of funds in excess of two hundred dollars or upon the death of the patient or inmate. If the patient or inmate has no county of legal settlement, notice shall be made to the commissioner of the department of social services and the director of the division of the department in control of the institution involved.

Sec. 81. Section 222.31, subsection 3, Code 1983, is amended to read as follows:

3. Commit the person to the state hospital-school designated by the director to serve the county in which the hearing is being held, or to a special unit. The court shall prior to issuing an order of commitment request that a diagnostic evaluation of the person be made by the superintendent of the hospital-school or the special unit, or his the superintendent's qualified designee. The evaluation shall be conducted at such a place as the superintendent may direct. The cost of the evaluation shall be defrayed by the county of legal settlement ~~from its state institution fund~~ unless otherwise ordered by the court. ~~Such The~~ cost may be equal to but shall not exceed the actual cost of the evaluation. Persons referred by a court to a hospital-school or the special unit for diagnostic evaluation shall be

considered as outpatients of ~~such the~~ institution. No order of commitment shall be issued unless the superintendent of the institution ~~shall-recommend~~ recommends that ~~such the~~ order be issued, and ~~shall-advise~~ advises the court that adequate facilities for the care of ~~such the~~ person are available.

Sec. 82. Section 222.74, Code 1983, is amended to read as follows:

222.74 DUPLICATE TO COUNTY. When certifying to the comptroller amounts to be charged against each county as provided in section 222.73, the superintendent shall send to the county auditor of each county against which he ~~the~~ superintendent has so certified any amount, a duplicate of ~~such the~~ certificate. The county auditor upon receipt of the duplicate certificate shall enter ~~the-same it~~ to the credit of the state in ~~his the~~ ledger of state accounts, and shall immediately issue a notice to the county treasurer authorizing the treasurer to transfer the amount from the county ~~mental-health-and-institutions~~ fund to the general state revenue. The treasurer shall file ~~such the~~ notice as ~~his~~ authority for making ~~such the~~ transfer and shall include the amount so transferred in ~~his the~~ next remittance of state taxes to the treasurer of state, designating the fund to which the amount belongs.

Sec. 83. Section 222.77, Code 1983, is amended to read as follows:

222.77 PATIENTS ON LEAVE: The cost of support of patients placed on convalescent leave or removed as a habilitation measure from a hospital-school, or a special unit, except when living in the home of a person legally bound for the support of the patient, shall be paid by the county of legal settlement ~~as-provided-in-section-331-425,-subsection-13.~~ If the patient has no county of legal settlement, the cost shall be paid from the support fund of the hospital-school or special unit and charged on abstract in the same manner as other state inpatients until ~~such-time-as~~ the patient

becomes self-supporting or qualifies for support under other existing statutes.

Sec. 84. Section 225.21, Code 1983, is amended to read as follows:

\$25.21 VOUCHER. The person making claim to compensation shall present to the court or judge an itemized sworn statement of the claim, and when the claim for compensation has been approved by the court or judge or clerk, it shall be filed in the office of the county auditor and shall be allowed by the board of supervisors ~~and-paid-from-the-county-mental-health-and-institutions-fund.~~

Sec. 85. Section 229.19, unnumbered paragraph 3, Code 1983, is amended to read as follows:

The court shall from time to time prescribe reasonable compensation for the services of the advocate. ~~Such The~~ compensation shall be based upon the reports filed by the advocate with the court. The advocate's compensation shall be paid on order of the court ~~from by~~ the county ~~mental-health-and-institutions-fund-of-the-county~~ in which the court is located.

sec. 86. Section 230.21, Code 1983, is amended to read as follows:

230.21 DUTY OF COUNTY AUDITOR AND TREASURER. The county auditor, upon receipt of the duplicate statement required by section 230.20, shall enter ~~the-same it~~ to the credit of the state in his-er-her ~~the~~ ledger of state accounts, shall furnish to the board of supervisors a list of the names of the persons so certified, and at once issue a notice authorizing the county treasurer to transfer the amount billed to the county by the statement, from the county ~~mental-health-and-institutions-fund~~ to the general state revenue, which notice shall be filed by the treasurer as authority for making ~~such the~~ transfer. The auditor shall promptly remit the amount so transferred to the treasurer of state, designating the fund to which it belongs.

Sec. 87. Section 230A.1, Code 1983, is amended to read as follows:

230A.1 ESTABLISHMENT AND SUPPORT OF COMMUNITY MENTAL HEALTH CENTERS. A county or affiliated counties, by action of the board or boards of supervisors with approval of the director of the division of mental health, mental retardation, and developmental disabilities, may establish a community mental health center under this chapter to serve the county or counties. In establishing the community mental health center, the board of supervisors of each county involved may make a single nonrecurring expenditure ~~from the county fund specified in section 331.425, subsection 13,~~ in an amount determined by the board. This section does not limit the authority of the board or boards of supervisors of any county or group of counties to continue to expend money ~~from the county fund specified in this section~~ to support operation of the center, and to form agreements with the board of supervisors of any additional county for that county to join in supporting and receiving services from or through the center.

Sec. 88. Section 230A.14, Code 1983, is amended to read as follows:

230A.14 SUPPORT OF CENTER--FEDERAL FUNDS., The board of supervisors of any county served by a community mental health center established or continued in operation as authorized by section 230A.1 may expend money from ~~the county mental health and institutions fund~~ funds, federal revenue-sharing funds, or other federal matching funds designated by the board of supervisors for ~~such~~ that purpose, without a vote of the electorate of the county, to pay the cost of any services described in section 230A.2 which are provided by the center or by an affiliate under contract with the center, or to pay the cost of or grant funds for establishing, reconstructing, remodeling or improving any facility required for the center. However, the county board shall not expend money from that

fund, except for designated revenue-sharing or other federal matching funds, for mental health treatment obtained outside a state institution in an amount exceeding eight dollars per capita in any county ~~having less~~ than forty thousand population.

Sec. 89. Section 231.12, Code 1983, is amended to read as follows:

231.12 SALARIES--EXPENSES--HOW PAID. The judges making the appointments shall fix the salaries of all appointees at not exceeding the amount authorized by law. All appointees shall serve during the pleasure of ~~such the~~ judges, and in addition to salaries shall receive their necessary and actual expenses incurred while performing their duties. For use of an automobile in the discharge of their duties within the particular ~~county or~~ counties for which they are appointed ~~such the~~ officers may receive the mileage rate provided by law, or, in lieu ~~thereof of that rate,~~ they may receive a monthly allowance in ~~such~~ amounts ~~as the judge or~~ judges of the juvenile court may determine and order. For use of an automobile outside the ~~county or~~ counties for which they have been appointed ~~such the~~ officers shall be paid the regular mileage rate. ~~All salaries and expenses shall be paid by the county either from the general county fund or from the court expense fund.~~

Sec. 90. Section 232.71, subsection 12, Code 1983, is amended to read as follows:

12. In every case involving child abuse which results in a child protective judicial proceeding, whether or not the proceeding arises under this chapter, a guardian ad litem shall be appointed by the court to represent the child in ~~such the~~ proceedings. Before a guardian ad litem is appointed pursuant to ~~the provisions of~~ this section, the court shall require the person responsible for the care of the child to complete under oath a detailed financial statement. If, on the basis of that financial statement, the court deems that

the person responsible for the care of the child is able to bear the cost of the guardian ad ~~litem~~, the court shall so order. In cases where the person responsible for the care of the child is unable ~~to bear~~ the cost of the guardian ad ~~litem~~, the expense shall be paid out of the ~~court-expense fund county treasury~~.

Sec. 91. Section ~~232.142~~, subsection 2, Code 1983, is amended to read as follows:

2. For the purpose of providing and maintaining a county or multicounty home, the board of supervisors of any county may issue general county purpose bonds in accordance with sections 331.441 to 331.449 ~~and levy a tax in accordance with section 331.422, subsection 9~~. Expenses for providing and maintaining a multicounty home shall be paid by the counties participating in a manner to be determined by the boards of supervisors.

Sec. 92. Section 234.36, Code 1983, is amended to read as follows:

234.36 WREN COUNTY TO PAY FOSTER CARE COSTS. Each county shall pay ~~from the county fund specified in section 331.425, subsection 13, paragraph 4c~~, the cost of foster care for a child placed by a court as provided in section 232.50 or section 232.99. However, in any fiscal year for which the general assembly appropriates state funds to pay for foster care for children placed by courts under sections 232.50 and 232.99, the county is responsible for these costs only when the funds so appropriated to the department for that fiscal year have been exhausted. The rate of payment ~~by the county~~ or the state under this section shall be that fixed by the department of social services pursuant to section 234.38.

Sec. 93. Section 236.5, subsection 1, Code 1983, is amended to read as follows:

1. The court may order that the plaintiff and the defendant receive professional counseling, either from a private source approved by the court or from a source appointed by the court.

Costs of counseling shall be paid in full or in part by the parties and taxed as court costs. If the court determines that the parties are unable to pay the costs, they may be paid in full or in part from the ~~court-expense fund county treasury~~.

Sec. 94. Section 244.14, ~~unnumbered~~ paragraph 1, Code 1983, is amended to read as follows:

Each county ~~shall be~~ is liable for sums paid by the home in support of all its children to the extent of a sum equal to one-half of the net cost of the support and maintenance of its children. The superintendent shall certify to the state comptroller on the first day of each fiscal quarter the amount chargeable to each county for ~~such~~ support. The sums for which each county ~~is so~~ liable shall be charged to the county and collected as a part of the taxes due the state, and paid by the ~~county from the county mental health and institutions fund~~ at the same time state taxes are paid.

Sec. 95. Section 247A.10, Code 1983, is amended to read as follows:

247A.10 ALLEGED WORK RELEASE VIOLATORS--REIMBURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT. The division of adult corrections shall negotiate a reimbursement rate with each county for the temporary confinement of alleged violators of work release conditions who are in the custody of the director of the division of adult corrections. The amount to be reimbursed shall be determined by multiplying the number of days so confined by the average daily cost of confining a person in the county facility as negotiated with the department. Payment shall be made upon submission of a voucher executed by the sheriff and approved by the director of the division of adult corrections. ~~The money shall be deposited in the county general fund to be credited to the jail account.~~

Sec. 96. Section 249A.12, subsection 2, unnumbered paragraph 2, Code 1983, is amended to read as follows:

Sec. 101. Section 251.4, Code 1983, is amended to read as follows:

251.4 GRANTS FROM ~~STATE FUNDS~~ TO COUNTIES. The state division may require as ~~a condition~~ of making available state assistance to counties for emergency relief purposes, that the county boards of supervisors shall ~~make-maximum-tax-levies-for-relief,~~ establish budgets as needed in respect to the relief situation in the ~~counties,-and-comply-with-restrictions-in-section-331-422,-subsection-11.~~

Sec. 102. Section 252.26, Code 1983, is amended to read as follows:

252.26 GENERAL RELIEF DIRECTOR. The board of supervisors in each county ~~in-the-state~~ shall, ~~no-later-than-July-1,-1980,~~ appoint or designate a general relief director for the county, who shall have the powers and duties conferred by this chapter. In counties of one hundred thousand or less population, the county board may designate as general relief director an employee of the state department of social services who is assigned to work in that county and is directed by the commissioner of social services, pursuant to an agreement with the county board, to exercise the functions and duties of general relief director in that county. The director shall receive as compensation an amount to be determined by the county ~~board,-which-may-be-paid-either-from-the-general-or-poor-fund-of-the-county.~~

Sec. 103. Section 252.35, Code 1983, is amended to read as follows:

252.35 PAYMENT OF CLAIMS. All claims and bills for the care and support of the poor shall be certified to be correct by the general relief director and presented to the board of supervisors, and, if they are the board is satisfied that the claims and bills are reasonable and proper. they shall be paid ~~out-of-the-county-treasury.~~

Sec. 104. Section 252.42, Code 1983, is amended to read as follows:

252.42 CO-OPERATION ON WORK-RELIEF PROJECTS.

~~Notwithstanding-the-provisions-of-any-laws-to-the-contrary,~~ the The county board of supervisors ~~shall-have-the-power-to-use-the-poor-fund-to~~ may join and co-operate with the United States government: or cities within their boundaries, or both the United States government and cities within their boundaries, in sponsoring work projects, provided that the money used ~~from-the-poor-fund-for-such-purposes~~ does not exceed the cost per month of supplying relief to the certified persons working on projects who would be receiving direct relief if they were not employed on ~~said-work~~ the projects.

Sec. 105. Section 255.26, unnumbered paragraph 2, Code 1983, is amended to read as follows:

The county auditor, upon receipt of such the certificate, shall ~~thereupon~~ enter ~~the-same~~ it to the credit of the state in his the ledger of state accounts, and at once issue a notice to ~~his the~~ county treasurer authorizing him the county treasurer to transfer the amount ~~from-the-poor-or-county-fund~~ to the general state revenue, which notice shall be filed by the treasurer as ~~his~~ authority for making such the transfer? and he. The county treasurer shall include the amount ~~so~~ transferred in ~~his the~~ next remittance of state taxes to the treasurer of state, to accrue to the credit of the university hospital fund.

Sec. 106. Section 210.7, Code 1983, is amended to read as follows:

270.7 PAYMENT BY COUNTY. The county auditor shall, upon receipt of said the certificate, pass ~~the-same~~ it to the credit of the state, and ~~thereupon~~ issue a notice to the county treasurer authorizing him the county treasurer to transfer the amount ~~from-the-county-mental-health-and-institutions-fund~~ to the general state revenue, which shall be filed by the treasurer as ~~his~~ authority for making such the transfer, and the county treasurer shall include the amount in ~~his the~~ next remittance of state taxes to the treasurer of state, designating the fund to which it belongs.

Each county board ~~entering into~~ an agreement with the department under this subsection shall agree to reimburse the department ~~from the county poor fund or the county mental health and institutions fund,~~ on a monthly basis, for that portion of the cost of assistance furnished under this section which is not paid from federal funds. The department shall place all ~~such~~ reimbursements from counties in the appropriation for medical assistance, and may use the reimbursed funds for any purpose for which the funds so appropriated by the general assembly may lawfully be used. Any county-reimbursed funds remaining unexpended shall revert to the general fund of the state in the same manner as the original appropriation.

Sec. Section 250.5, Code 1983, is amended to read as follows:

250.5 COMPENSATION. A member of the commission shall receive twenty-five dollars for each month during which the member attends one or more commission meetings and shall be reimbursed for mileage the same as a member of the board of supervisors. Compensation and mileage shall be paid out of the ~~tax levied under appropriation authorized in section 331-422, subsection 10~~ 99 of this Act.

Sec. 98. Section 250.10, unnumbered paragraph 1, Code 1983, is amended to read as follows:

All claims certified by the commission shall be reviewed by the board of supervisors and the county auditor shall issue warrants in payment of ~~same drawn upon the veteran affairs fund the claims.~~ All applications, investigation reports and case records ~~shall be~~ are privileged communications and shall be held confidential, subject to use and inspection only by persons authorized by law in connection with their official duties relating to financial audits and the administration of ~~the provisions of~~ this chapter. ~~Provided, however, that~~ However, the county commission of veteran affairs shall prepare and file in the office of the county auditor

on or before the thirtieth day of each January, ~~April,~~ July and October a report showing the names and addresses of ~~all~~ recipients receiving assistance under this chapter, together with the amount paid to each ~~during~~ the preceding quarter. Each report so filed shall be securely fixed in a record book to be used only for such reports made under this chapter.

Sec. 99. NEW SECTION. 250.14 APPROPRIATION. The board of supervisors of each county may appropriate moneys for the benefit of, and to pay the funeral expenses of honorably discharged, indigent men and women of the United States who served in the military or naval forces of the United States in any war including World War I at any time between April 6, ~~1917,~~ and November 11, 1918, both dates inclusive, World War II at any time between December ~~7,~~ 1941, and December 31, 1946, both dates inclusive, the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, and the Vietnam Conflict at any time between August 5, 1964, and ~~May 7,~~ 1975, both dates inclusive, and their indigent spouses, surviving spouses, and minor children not over eighteen years of age, having a legal residence in the county.

The appropriation shall be expended by the joint action and control of the board of supervisors and the county commission of veteran affairs.

Sec. 100. Section ~~250.17,~~ Code 1983, is amended to read as follows:

250.17 MAINTENANCE OF GRAVES. The board of supervisors of the several counties in this state shall each ~~year, out of the general fund of their respective counties,~~ appropriate and pay to the owners of, or to the public board or officers having control of cemeteries within the state in which any such deceased service man or woman of the United States is buried, a sum sufficient to pay for the care and maintenance of the lots on which they are ~~so~~ buried, in any and all cases in which provision for such care is not otherwise made.

~~Should-any~~ If a county ~~fail~~ fails to pay these bills within sixty days from the date of certificate from the superintendent, ~~the state~~ comptroller shall charge the delinquent county ~~the a penalty of~~ three-fourths of one percent per month on and after sixty days from the date of certificate until paid. ~~Such~~ The penalties shall be credited to the general fund of the state.

Sec. 107. Section 306.15, Code 1983, is amended to read as follows:

306.15 PURCHASE AND SALE OF PROPERTY. If as to any one or more properties affected by the proposed vacation and closing of any a secondary road, it ~~should-appear~~ appears to the board of supervisors to be in the interest of economy or public welfare, the board may purchase or condemn, by proceeding as this chapter provides, the said entire ~~property or properties,~~ and make payment ~~therefor-out-of-the-secondary road-fund for them.~~ After the road has been vacated and closed the board shall sell ~~such-property-or~~ the properties at the best attainable ~~price,-and-credit-the-proceeds-of-such sale-to-the-secondary-road-fund.~~

Sec. 108. Section 309.10, unnumbered paragraph 2, Code 1983, is amended to read as follows:

A county shall not use farm-to-market road funds as described in this section unless the total funds.that the county ~~raised~~ transferred or provided during the prior ~~calendar~~ fiscal year pursuant to section ~~331.425,-subsection-7, paragraph-"a",-subparagraphs-(1)-and-(3)-and-(4)~~ 331.429, subsection 1, paragraphs a, b, and d, are at least ~~seventy-five percent of the maximum funds the county could have raised transferred,~~ in the prior ~~calendar~~ fiscal year ~~pursuant to section 331.422,-subsections-12-and-13~~ 331.429, subsection 1, paragraphs a and b.

Sec. 109. Section 309.18, unnumbered paragraph 1. Code 1983, is ~~anended~~ amended to read as ~~follows:~~

The board shall fix the compensation of ~~said-engineer-or the engineers,-and-pay-the-same,-together-with-all-engineering costs,-from-the-general-county-fund,-or-from-the-secondary road-construction-fund-or-from-the-secondary-road-maintenance fund,-or-from-any-or-all-of-said-funds.~~

Sec. 110. Section 309.52, Code 1983, is amended to read as follows:

309.52 DUTY OF TREASURER. The treasurer shall sell said the certificates in accordance with ~~the-provisions-of~~ chapter 75, ~~and-shall-credit-the-amount-received-to-said-secondary road-fund,~~ or if unable to sell said the certificates for par plus accrued interest, the treasurer may apply said the certificates at par plus accrued interest in payment of any warrants duly authorized and issued for secondary road work.

Sec. 111. Section 310.1, subsection 1, Code 1983, is amended to read as follows:

1. "County's allotment of road use tax fund" or "allotment of road use tax ~~fund~~" ~~shall-mean~~ means that part of the road use tax fund allotted to any county by the treasurer of state from the portion of the state road use tax fund which he the treasurer has credited to the secondary road ~~construction~~ 'fund of the counties.

Sec. 112. Section 311.7, unnumbered paragraph 7, Code 1983, is amended to read as follows:

Any road or roads so improved by graveling or other suitable surfacing under ~~the-provisions-of~~ this section shall be maintained by the county ~~from-the-secondary-road-fund.~~

Sec. 113. Section 311.19, unnumbered paragraph 2, Code 1983, is amended to read as follows:

In case of assessments on lands owned by the county, the same assessments shall be paid from the county ~~general-fund~~ treasury. In case of assessments on lands owned by the ~~state,~~ the same assessments shall be paid out of any funds in the state treasury not otherwise appropriated. In case of assessments on lands owned by a city, the ~~same~~ assessments shall be paid from any available city fund.

Sec. 114. Section 311.23, Code 1983, is amended to read as follows:

311.23 PAYMENT OF CONSTRUCTION COSTS. The total cost of any secondary road ~~assessment~~ district project shall in the first instance be paid out of the ~~secondary-road-fund of-said~~ county treasury. Any assessments which are paid in cash and in ~~anticipation of~~ which assessments no certificates have been issued, shall be transferred to the ~~secondary-road fund~~ county treasury.

If no special assessment certificates are issued and sold on account of any particular secondary road assessment district, the special assessments on lands included in that district, and the interest on ~~such the~~ assessments when collected, shall be transferred to the secondary road fund of ~~said the~~ county. If certificates are issued and sold in anticipation of the special assessments levied on ~~any-such a~~ district ~~as-herein-provided~~, the proceeds of ~~such the~~ certificates shall be credited to the ~~secondary-road-fund of-said~~ county treasury. In that event, the special assessments in anticipation of which ~~certificates~~ have been issued, and the interest on ~~such the~~ assessments shall, when collected, be used to retire ~~such the~~ certificates.

Sec. 115. Section 311.29, Code 1983, is amended to read as follows:

311.29 SALE OF CERTIFICATES. *Upon* the signing of each of the certificates by the chairperson of the board, the certificates shall be delivered to the county treasurer, who shall countersign ~~them and~~ who shall be ~~responsible for~~ them on ~~his-or-her~~ the treasurer's bond. The treasurer may apply the certificates in payment of warrants duly authorized and issued for surfacing the roads within the district, or the treasurer may sell the certificates for the best attainable price and for not less than par, plus accrued interest, ~~and credit-the-proceeds-to-the-secondary-road-fund~~. The certificates shall be retired in the order of their numbering.

Sec. 116. Section 312.2, subsection 8, Code 1983, is amended to read as follows:

8. ~~Beginning-July-17-1981,-and-each-subsequent-year,-the~~ The treasurer of state, before making any allotment⁵ to ~~counties~~ under this section, shall reduce the allotment to any county for the secondary road fund by an amount by which the total funds that the county ~~raised transferred or provided~~ during the prior ~~calendar~~ fiscal year under section ~~331.425, subsection-77,-paragraph-47,-subparagraphs-(1)-and-(4)~~ 331.429, subsection 1, paragraphs 4, b, and d, are less than seventy-five percent of the maximum funds that the county could have raised ~~transferred~~ in the prior ~~calendar~~ fiscal year under section ~~331.422,-subsections-12-and-13~~ 331.429, subsection 1, paragraphs a and b. Fund⁶ remaining in the secondary road fund of the counties due to a reduction of allocation⁶ to counties for failure to maintain ⁴ ~~minimum~~ local tax effort shall be reallocated to counties that are not reduced under ~~this~~ subsection pursuant to the allocation provision⁵ of section 312.3, subsection 1, based upon the need⁶ and area of the county. Information necessary to make allocations under this subsection shall be provided by the state department of transportation or the state comptroller upon request by the treasurer of state.

Sec. 117. Section 313.28, subsection 2, Code 1983, is amended to read as follows:

2. Determine such amount ^{4s} will adequately compensate the county exercising exclusive ~~or~~ concurrent jurisdiction over the secondary road or portion thereof for excessive traffic upon the secondary road or portion thereof during the period of its⁴ designation ⁴⁵ a temporary primary road. The department shall certify the amount determined to the state comptroller. The comptroller shall credit the amount to the ~~secondary-road-fund-of-the~~ county.

Sec. 118. Section 316.14, Code 1983, is amended to read as follows:

316.14 FUNDING. ~~Payments~~ and expenditures under ~~the provisions-of~~ this chapter are incident to and arise out of the construction, maintenance, and supervision of public highways and streets, and, ~~in the case of any federal-aid highway project, may be made by the department from the primary road fund and funds made available by the federal government for the purpose of carrying out the-provisions-of~~ this chapter. Payments made under ~~authority-of~~ section 316.10 may be made from the primary road fund in case of a primary road project only, and in other cases may be made from ~~secondary road fund-or~~ from appropriate funds under control of a political subdivision.

Sec. 119. Section 317.3, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The board of supervisors of each county shall annually appoint a county weed commissioner who may be a person otherwise employed by the county and who is familiar with the various types of weeds and the recognized methods for their control and elimination. The county weed commissioner's appointment shall be effective as of March 1 and shall continue for a term of one year unless the commissioner is removed from office as provided for by law. The county weed commissioner may, with the approval of the board of supervisors, appoint ~~a~~ deputy or ~~such the~~ number of deputies ~~as-are~~ necessary to carry out the purposes of this chapter. The name and address of the person appointed as county weed commissioner shall be certified to the county auditor and to the secretary of agriculture within ten days of the appointment. The board of supervisors shall ~~fix~~ the compensation of the county weed commissioner and deputies. In addition to compensation, the commissioner and deputies shall be paid their necessary travel expenses ~~from-the-county general-fund-or-the-weed-eradication-and-equipment-fund.~~

Sec. 120. Section 317.4, Code 1983, is amended to read as follows:

317.4 DIRECTION AND CONTROL. As used in this chapter, "commissioner" ~~or-commissioners~~ means the county weed ~~commissioners-and-their-deputies~~ commissioner or the ~~commissioner's deputy~~ within ~~their-respective-counties~~ each county. Each commissioner, subject to direction and control by the county board of supervisors, shall supervise the control and destruction of all noxious weeds in the county, including those growing within the limits of cities, within the confines of abandoned cemeteries, and ~~those-growing~~ along streets and highways unless otherwise provided. A commissioner may enter upon any land in the county at any time for the performance of the commissioner's duties, and shall hire the labor and equipment necessary subject to the approval of the board of supervisors. ~~This-necessary-labor-and-equipment-shall-be paid-for-from-the-county-general-fund-or-the-funds-specified in-section-331.426-subsection-7.~~

Sec. 121. Section 317.16, Code 1963, is amended to read as follows:

317.16 FAILURE TO COMPLY. In case of a substantial failure to comply by the date prescribed in any order of destruction of weeds made pursuant to ~~the-provisions-of~~ this chapter, the weed commissioner or his ~~the~~ deputies shall, subsequent to the time after service of the notice provided for in section 317.6 enter upon the land and cause ~~such the~~ weeds to be destroyed. The actual cost and expense of such cutting, burning or otherwise destroying ~~of-said the~~ weeds, the cost of serving notice and special meetings or proceedings, if any, shall be paid ~~from by~~ the county ~~general-fund~~ and, together with the additional assessment to apply toward costs of supervision and administration, be recovered by an assessment against the tract of real estate on which the weeds were growing, as provided in section 317.21.

Sec. 122. Section ~~317.18~~, Code 1983, is amended to read as follows:

317.18 ORDER FOR DESTRUCTION ON ROADS. The board of supervisors shall order all weeds other than noxious weeds, on all county trunk and local county roads and between the fence lines thereof to be cut, burned or otherwise destroyed to prevent seed production thereof, either upon its own motion or upon receipt of written notice requesting such the action from any residents of the township in which such the roads are located, or any person regularly using said the roads. Said The order shall define the roads along which said weeds are required to be cut, burned or otherwise destroyed and shall require said the weeds to be cut, burned or otherwise destroyed within thirty days after the publication of said the order in the official newspapers of said the county. If the adjoining owner fails to cut, burn or otherwise destroy said the weeds as required in said the order, the county commissioner shall have same them cut, burned or otherwise destroyed and the cost thereof shall be paid from by the general county fund, and recovered later by an assessment against the adjoining property owners as provided in section 317.21.

Sec. 123. NEW SECTION. 317.19 ROAD CLEARING APPROPRIATION. The board of supervisors may appropriate moneys to be used for the purposes of cutting, burning, or otherwise destroying all weeds, second, or undergrowth brush between the fence rows on the county trunk roads and local county roads in time to prevent reseeding.

The board of supervisors may purchase or hire necessary equipment or contract with the adjoining landowner to carry out the purposes of this section.

Sec. 124. NEW SECTION. 317.20 EQUIPMENT AND MATERIALS-USE ON PRIVATE PROPERTY. The board of supervisors may appropriate moneys for the purpose of purchasing weed eradicating equipment and materials to carry out the duties of the commissioner for use on all lands in the county, public or private, and for the payment of the necessary expenses

and compensation of the commissioner, and the commissioner's deputies, if any. When equipment or materials so purchased are used on private property within the corporate limits of cities by the commissioner, the cost of materials used and an amount to be fixed by the board of supervisors for the use of the equipment shall be returned by the county treasurer upon the collection of the special assessment taxed against the property. In the certification to the county treasurer by the county auditor this apportionment shall be designated along with the special tax assessed under section 317.21. The equipment and its use are subject to the authorization and direction of the county board of supervisors.

Sec. 125. Section 321.105, unnumbered paragraph 2, Code 1983, is amended to read as follows:

~~Said The~~ registration fee shall be paid to the county treasurer at the same time the application is made for the registration or reregistration of said the motor vehicle or trailer. Any An owner may, when applying for registration or reregistration of his a motor vehicle or trailer, request that the plates be mailed to his the owner's post-office address. His The owner's request shall be accompanied by a mailing fee as determined annually by the director. ~~Said fee-shall-be-deposited-in-the-county-general-fund.~~

Sec. 126. Section 321.152, Code 1983, is amended to read as follows:

321.152 FEE FOR COUNTY. Each A county treasurer shall be-allowed-to may retain for deposit in-the-county-general fund, two point six percent of the total collection for each annual or semiannual vehicle registration and each duplicate registration card or plate issued; sixty-five percent of all fees collected for certificates of title and certified copies of certificates of title; and one hundred percent of all fees collected for notation of security interests. The moneys retained shall be deducted, and reported to the department, when the county treasurer transfers the money collected under

~~the provisions of this chapter, provided, however, that no such.~~ However, a deduction ~~shall be~~ is not lawful unless the county treasurer has complied with ~~the provisions of~~ sections 321.24 and 321.153..

Sec. 127. Section 321.192, Code 1983, is amended to read as follows:

321.192 DISPOSAL OF FEES. ~~Such~~ The license fees shall be forwarded by the department to the treasurer of state who shall place same them in the general fund of the state, ~~provided that.~~ However, for each operator's and motorized bicycle license issued by a county sheriff for which a license fee is paid, the sheriff issuing ~~the same shall be entitled to it~~ may retain the sum of fifteen cents and for each chauffeur's license, the sum of fifty cents, ~~which shall be credited to the county general fund.~~

Sec. 128. Section 321.346, Code 1963, is amended to read as follows:

321.346 COST OF SIGNS. The cost of ~~such the~~ signs on primary highways shall be paid out of the primary road fund. The cost of ~~such the~~ signs on secondary roads shall be paid ~~out of by~~ the county ~~secondary road fund.~~

Sec. 129. Section 321.352, Code 1963, is amended to read as follows:

321.352 ADDITIONAL SIGNS--COST. The county board of supervisors shall, at places deemed by them unusually dangerous on the local county roads, furnish and erect suitable warning signs. The cost of ~~such the~~ signs shall be paid ~~out of by~~ the county ~~road-maintenance-or-construction-fund.~~

Sec. 130. Section 321.485, subsection 3, Code 1983, is amended to read as follows:

3. For preparing the summons or memorandum referred to in this section, there shall be charged to the person named in the summons or memorandum, upon conviction, a fee of two dollars. The fee shall be assessed as part of the court costs ~~and shall be paid into the general fund of the county.~~

Sec. 131. Section 330.20. Code 1983, is amended to read as follows:

~~330.20~~ APPOINTMENT OF COMMISSION. When a majority of the voters favors airport control and management by a commission, the governing body shall, within ten days, appoint an airport commission of three or five resident voters. In case of a commission ~~of three~~ members the first appointees shall hold office, one for two years, one for four years, and one for six years. In case of a commission of five members the first appointees shall hold office, one for two years, one for three years, one for four years, one for five years, and one for six years. All subsequent appointments shall be for a term of six years. Vacancies shall be filled as original appointments are made. Members of the ~~airport~~ commission shall serve without compensation. Each commissioner shall execute ~~and~~ furnish a bond in an amount fixed by the governing body and filed with the city clerk or county auditor. ~~The cost of such bond shall be paid from the general fund.~~ The commission shall elect from its own members a ~~chairman~~ chairperson and a secretary who shall serve for ~~such a~~ term as the commission shall determine.

Sec. 132. Section 331.401, subsection 1, paragraph b, Code 1983, is amended to read as follows:

b. Establish budgets ~~in accordance with chapter 24, and establish budgets~~ for the farm-to-market road fund and the secondary road fund in accordance with sections 309.10 and 309.93 to 309.97.

Sec. 133. Section 331.401, subsection 1, paragraph e, Code 1983, is amended by striking the paragraph.

Sec. 134. Section 331.401, subsection 1, paragraph m, Code 1963, is amended to read as follows:

m. Levy taxes as certified to it by tax-certifying bodies in the county, in accordance with the statutes authorizing the levies and in accordance with ~~chapters~~ chapter 24 and 344 and sections 444.1 to 444.8, and levy taxes as required in chapters ~~430A~~, 433, 434, 436, 437 and 438.

Sec. 135. Section 331.401, subsection 1, Code 1983, is amended by adding the following new paragraph:

NEW PARAGRAPH. Require; a local historical society to submit to it a proposed ~~budget~~ including the amount of "available funds and estimated expenditures, as a prerequisite to receiving funds. A local historical society receiving funds shall present to ~~the~~ board an annual report describing in detail its use of the funds received.

Sec. 136. Section 331.441, subsection 2, paragraph a, Code 1983, is amended to read as follows:

a. "General obligation ~~bond~~" means a negotiable bond issued by a county and payable from the levy of ad ~~valorem~~ taxes on all taxable property within the county through its debt service fund which is required to be established by section 331.2439 331.430.

Sec. 137. Section 331.441, subsection 2, paragraph b, subparagraph (3), Code 1983, is amended to read as follows:

(3) Sanitary disposal projects as defined in section ~~455B.301, subject to the levy limit in section 331.422, subsection 27.~~

Sec. 138. Section 331.441, subsection 2. paragraph b. subparagraph (5), Code 1983, is amended to read as follows:

(5) Public buildings, including the site or grounds of, and the erection, equipment, remodeling, or reconstruction of, and additions or extensions to the buildings, and including the provision and maintenance of juvenile detention or shelter care facilities, when the cost does not exceed the following limits ~~stated in section 345.1r:~~

(a) Two hundred thousand dollars in a county having a population of twenty-five thousand or less.

(b) Two hundred fifty thousand dollars in a county having a population of more than twenty-five thousand but not more than fifty thousand.

(c) Three hundred thousand dollars in a county having a population of more than fifty thousand but not ~~more~~ than one hundred thousand.

(d) Four hundred thousand dollars in a county having a population of more than one hundred thousand but not more than two hundred thousand.

(e) Five hundred thousand dollars in a county having a population of ~~more~~ than two hundred thousand.

Sec. 139. Section ~~331.441~~, subsection 2, paragraph c, subparagraphs (1), ~~(2)~~, (3), and (9). Code 1963, are amended to read as follows:

(1) A memorial building or monument to commemorate the service rendered by soldiers, sailors, and marines of the United States, including the acquisition of ground and the purchase, erection, construction, reconstruction, and equipment, of the building or monument, ~~subject to the levy limit in section 331.421, subsection 17, and~~ to be managed by a commission as provided in chapter 37. ~~The election on the proposition to issue bonds for this purpose may be effected under sections 37.2 to 37.4 or section 331.442, after the election, the county shall take additional actions required to issue the bonds pursuant to this part.~~

(2) Acquisition and development of land for a public museum, park, parkway, preserve, playground, or other recreation or conservation purpose to be managed by the county conservation ~~board, subject to the levy limit in section 331.422, subsection 6, and subject to a one-million-dollar maximum aggregate limit on outstanding county conservation bonds in the county. Expenses incurred for the bond election shall be paid from the county conservation fund.~~ The board may ~~only~~ submit a proposition under this subparagraph only upon receipt of a petition from the county conservation board asking that bonds be issued for a specified amount.

(3) The building and maintenance of a bridge over state boundary line ~~streams, subject to the levy limit in section 331.422, subsection 14.~~ The board shall submit a proposition under this subparagraph to an election upon receipt of a petition which is valid under section 331.306.

(9) Public buildings, **including** the site or grounds of, the erection, equipment, remodeling, or reconstruction of, and additions or extensions to the buildings, and including the provision and maintenance of juvenile detention or shelter care facilities, when the cost exceeds the limits stated in ~~section 345.1~~ subsection 2, paragraph b, subparagraph (5).

Sec. 140. Section 331.447, subsection 1, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Taxes for the payment of general obligation bonds shall be levied in accordance with chapter 76, and the bonds are payable from the levy of unlimited ad **valorem** taxes on all the taxable property within the county through its debt service fund required by section ~~331.428~~ 331.430 except that:

Sec. 141. Section 331.510, subsections 2 and 3, Code **1983**, are amended by striking the subsections.

Sec. 142. Section 331.512, subsection 1, paragraph g, Code 1983, is amended to read as follows:

g. The levy for taxes for the county brucellosis ~~eradication-fund~~ and ~~the-bovine~~ tuberculosis eradication fund as provided in section ~~331.421, subsections 5 and 6~~ 74 of this Act.

Sec. 143. Section 331.552, subsection 10, Code 1983, is amended to read as follows:

10. File the notice of authority from the auditor to transfer funds ~~from-the-mental-health-and-institutions-fund~~ to a substance abuse treatment facility as provided in section 125.49.

Sec. 144. Section 331.552, subsection 12. Code **1983**, is amended by striking the subsection.

Sec. 145. Section 331.552, subsection 29, Code **1983**, is amended by striking the subsection.

Sec. 146. Section 331.552, subsection 33, Code **1983**, is amended by striking the subsection.

Sec. 147. Section 331.554, subsection 6, Code 1983, is amended to read as follows:

6. The amount of a check or warrant outstanding for more than two years shall be paid to the treasurer and credited ~~to-the-general-fund-of-the-county~~ as unclaimed fees and trusts.

The treasurer shall provide a list of the checks and warrants to the auditor who shall maintain a record of the unclaimed fees and trusts. A person may claim an unclaimed fee or trust within five years after the money is credited ~~to-the-general fund~~ upon proper proof of ownership. ~~Claims-for-unclaimed fees-and-trusts-shall-be-paid-from-the-general-fund-of-the county.~~

Sec. 148. Section 331.559, subsection 1, Code 1983, is amended by striking the subsection.

Sec. 149. Section 331.559, subsections 3, 4. and 7, Code 1983, are amended to read as follows:

3. Collect the tax levied for the county brucellosis ~~eradication-fund~~ and ~~the-county~~ tuberculosis eradication fund as provided in section ~~331.421, subsections 5 and 6~~ 74 of this Act.

4. Collect the tax levied for the county agricultural extension education fund and pay it to the extension treasurer as provided in section ~~331.425, subsection 6~~ 78 of this Act.

7. Collect the costs assessed against a property owner for the destruction or eradication of weeds as provided in ~~section~~ sections 317.21 and 124 of this Act.

Sec. 150. Section 331.757, subsection 1, Code 1983, is amended to read as follows:

1. The county attorney may employ, with the approval of a judge of the district court, a temporary assistant to assist in the trial of a person charged with a felony. The temporary assistant shall be paid a reasonable compensation ~~for-his~~ **er-hex-servieea** as determined by the board upon certification of the services ~~rendered~~, by the district judge before whom the defendant was tried. ~~The-compensation-paid-to-the temporary-assistant-shall-be-paid-from-the-court-expense-fund of-the-county.~~

Sec. 151. Section 331.776, subsection 8, Code 1983, is amended by striking the subsection.

Sec. 152. Section 331.901, subsection 6, Code 1983, is amended by striking the subsection.

Sec. 153. Section 331.904, subsection 6, Code 1983, is amended by striking the subsection.

Sec. 154. Section 331.907, subsection 5, Code 1983, is amended by striking the subsection.

Sec. 155. Section 333A.4, subsections 1 and 2, Code 1983, are amended to read as follows:

1. Design budget forms required by section 331.434 and annual financial report forms required by section 331.403 for all county funds.

2. Establish guideline for program budgeting and accounting and the preparation of **five-year** capital improvement plans. It shall, where practicable, use recommendation of the national council on governmental accounting or its successor organization.

Sec. 156. Section 341A.20, Code 1983, is amended to read as follows:

341A.20 BUDGET. The county board of supervisors of each county shall provide in the county budget for each fiscal year a ~~sum~~ equal to one-half of one percent of the preceding year's total payroll of those included under the jurisdiction and scope of this chapter. The funds so provided shall be used for the support of the commission. Any part of the funds not expended for the support of the commission during the fiscal year shall be **placed-in-the-general-fund-of** returned to the county, or counties, according to the ratio of contribution, on the first day of January which is not a Saturday, Sunday, or holiday following the end of ~~such the~~ fiscal year.

Sec. 157. Section 346A.2, Code 1983, is amended to read as follows:

346A.2 AUTHORIZED IN CERTAIN COUNTIES. Counties may undertake and carry out any project as defined in section 346A.1, and the board may operate, control, maintain and manage health center and addition 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, addition 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 the board deem advisable. All contracts for the construction, reconstruction, completion, equipment, improvement, repair or remodeling of any buildings, addition or facilities shall be let in accordance with section 331.341, subsection 1. **~~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-331.422, subsection-21.~~**

Sec. 158. Section 349.18, Code 1983, is amended to read as follows:

349.18 SUPERVISORS' **PROCEEDINGS--EACH** PAYEE LISTED--PUBLICATION. All **proceedings** of each regular, adjourned, or special meeting of board of supervisors, including the schedule of bill allowed, shall be published immediately after the adjournment of ~~such the~~ meeting of ~~said the~~ boards, and the publication of the schedule of the bill allowed shall show the name of each individual to whom the allowance is made and for what such purpose the bill is filed and the amount allowed **thereon**, except that name of persons receiving relief **from-the-county-peer-fund** shall not be published. The county auditor shall furnish a copy of ~~such the~~ proceedings to be published, within one week following the adjournment of the board.

Sec. 159. Section ~~351.15~~, Code 1983, is amended to read as follows:

351.15 ASSESSORS TO LIST **DOGS--FEES**. The assessor shall, at the time of listing property for assessment, cause to be listed and return to the county auditor the names of all persons who own or harbor dogs, and indicate on ~~such the~~ list whether the dogs ~~be~~ are male, female, or spayed, and ~~the their~~ number thereof. ~~For such service, the assessor shall receive, from the domestic animal fund, the sum of ten cents for each dog reported, which fee shall be paid in full when return is made.--Such fees shall be considered as earnings of the office and shall, within ten days of the receipt thereof, be paid to the county treasurer and credited to the general fund of the county.~~

Sec. 160. Section 356A.3, Code 1983, is amended to read as follows:

356A.3 ALTERNATIVE CONFINEMENT OF PRISONERS. ~~Any A~~ district judge may sentence and commit a person to a facility established and maintained pursuant to section ~~356A.1~~ or 356A.2 instead of the county jail. A district judge may order the transfer of a person sentenced and committed to the county jail to such a facility upon the judge's own motion, the motion of the sentenced and committed person, or the motion of the sheriff. The original order of commitment or the order of transfer to the facility shall set forth the terms and conditions of the detention or commitment and that the detained or committed person shall abide by the terms and conditions of this chapter and the rules of the facility to which committed or transferred. The order shall be read to the detained, committed, or transferred person in open court. The committing court or a district judge may order ~~any a~~ person who has been detained, committed, or transferred to such a facility to be transferred to the county jail if, upon hearing, the court determines the person has been refractory or disorderly, has willfully destroyed or injured any property

in the facility, or has violated any of the terms and conditions of the order of detention, commitment, or transfer or the provisions of this chapter or the rules of the facility ~~where~~ the person was detained or committed. Any violation⁴ of the order of detention, commitment, or transfer shall further be punished as contempt of court pursuant to chapter 665. ~~The provisions of section~~ Section 719.4 ~~are is~~ applicable to any person detained, committed, or transferred to a facility established and maintained pursuant to this chapter. The county or city to which the cause originally belonged ~~is~~ liable for the expense of the original detention, commitment, or transfer and the subsequent expenses of maintaining the person in the facility. ~~The county's expense shall be levied and paid out of the fund pursuant to section 331.426, subsection 9.~~

Sec. 161. Section 358A.9, Code 1983, is amended to read as follows:

358A.9 ADMINISTRATIVE OFFICER. The board of supervisors shall appoint an administrative officer authorized ~~to~~ enforce the resolutions or ordinances ⁴⁴ adopted by the board of supervisors. ~~Such The~~ administrative officer may ~~be~~ a person holding other public office in the county, or in a city or other governmental subdivision within the county, and the board of supervisors is authorized to pay to ~~such the~~ officer ~~out of the general fund such~~ compensation as it ~~shall deem~~ deems fit.

Sec. 162. Section 358B.8, subsection 8, Code 1983, is amended to read as follows:

8. To have exclusive control of the expenditures ~~of all taxes levied~~ for library purposes as provided by law, and of the expenditures of all moneys available by gift or otherwise for the erection of library ~~buildings, and of all other moneys belonging to the library fund, including fines and rentals collected under the rules of the board of trustees.~~ ~~Said The~~ board shall keep a record of its proceedings.

Sec. 163. Section 358B.10, unnumbered paragraph 1, Code 1983, is amended to read as follows:

All moneys received and set apart for the maintenance of the library shall be ~~deposited in the fund specified in section 331.425, subsection 10, and shall be kept by the treasurer separate from all other moneys, treasury of the county~~ and paid out upon ~~the orders~~ warrants drawn by the county auditor upon requisition of the board of trustees, signed by its president and secretary.

Sec. 164. Section 3588.13, Code 1983, is amended to read as follows:

3588.13 MAINTENANCE EXPENSE ON PROPORTIONATE BASIS. The maintenance of a county library shall be on a proportionate population basis whereby each taxing unit shall bear its share in proportion to its population as compared to the whole population of the county library district. The board of library trustees shall on or before January 10 of each year make an estimate of the amount it deems necessary for the maintenance of the county library and shall transmit the estimate in dollars to the boards of supervisors and to the city councils within the district. The entire rural area of each county in the library district shall be considered as a separate taxing unit. Each city which is a part of the county library district shall be considered as a separate taxing unit. ~~The boards of supervisors and the city councils within the district shall review the estimate and upon approval by the boards of supervisors and all city councils in the district, each governing body shall determine the source of its share and include its share within its proposed budget. The council of each city composing in a county library district shall make the necessary levies for library maintenance purposes, but the county levy is subject to the levy limit in section 331.421, subsection 10.~~

Sec. 165. Section 3588.17, Code 1983, is amended to read as follows:

3588.17 HISTORICAL ASSOCIATION. Whenever ~~if~~ a local county historical association is formed in a county having a free public library, the trustees of the library may unite with the historical association and set apart the necessary room to care for articles which come into the possession of the association. The trustees may purchase necessary receptacles and materials for the preservation and protection of articles which are of a historical and educational nature ~~and may pay for the same out of the library fund.~~

Sec. 166. Section 3588.18, subsection 2, paragraph a, Code 1983, is amended to read as follows:

a. Contracts shall provide for the ~~rate of tax to be levied~~ amount to be contributed. They may, by mutual consent of the contracting parties, be terminated at any time. They may also be terminated by a majority of the voters represented by either of the contracting parties, voting on a proposition to terminate which shall be submitted by the governing body upon a written petition of qualified voters in a number not less than five percent of those who voted in the area for president of the United States or governor at the last general election.

Sec. 167. Section ~~358B.18~~, subsection 4. Code 1983, is amended by striking the subsection.

Sec. 168. Section 359.46, subsection 1, unnumbered paragraph 1, Code 1963, is amended to read as follows:

A township trustee while engaged in official business shall be compensated at an hourly rate established by the county board of supervisors. However, the county board of supervisors may establish a minimum daily pay rate for the time spent by a township trustee attending a scheduled meeting of township trustees. The compensation shall be paid ~~from by~~ the general fund of the county except:

Sec. 169. Section ~~359.46~~, subsection 2, Code 1983, is amended to read as follows:

2. In cases where their fees or compensation are not paid ~~from the general fund of by~~ the county, the trustees shall be paid by the party requiring their services. The trustees shall attach to the report of their proceedings a statement specifying their services, directing who shall pay the fees or compensation, and specifying the amount to be paid by each party. A party who makes advance payment for the services of the trustees may take legal action to recover the amount of the payment from the party who is directed to pay by the trustees unless the party entitled to recovery under this subsection is paid within ten days after a demand for reimbursement is made.

Sec. 170. Section 361.3, subsection 4, Code 1983, is amended to read as follows:

4. Request the county board of supervisors to conduct a referendum authorizing the levy and collection of a tax ~~as provided in section 331.421, subsection 12, not to exceed two cents per acre on agricultural land in the county~~ for the administration of an artificial weather modification program.

Sec. 171. Section 364.3, subsection 2, Code 1983, is amended to read as follows:

2. A city may not provide a penalty in excess of a one hundred dollar fine or in excess of thirty days imprisonment for the violation of an ordinance. An amount equal to ten percent of all fines collected by municipal corporations shall be remitted quarterly to the county treasurer of the county in which the municipal corporation is located ~~for deposit in the county general fund~~. However, one hundred percent of all fines collected by a city pursuant to section 321.236, subsection 1, shall be retained by the city.

Sec. 172. Section 368.21, Code 1983, is amended to read as follows:

368.21 SUPERVISION OF PROCEDURES. When an incorporation, ~~discontinuance~~, or boundary adjustment is complete, the board shall supervise procedures necessary to carry out the proposal. In the case of an incorporation, the county commissioner of elections shall conduct an election for mayor and council of the city, who shall serve until their successors take office following the next regular city election. In the case of a ~~discontinuance~~, the board shall publish two notices as provided in section 368.15 that it will receive and adjudicate claims against the discontinued city for a period of six months from the date of last notice, and shall cause necessary taxes to be levied against the property within the discontinued city to pay claims allowed. All records of a discontinued city shall be deposited with the county auditor of the county designated by the board. Any remaining balances shall be deposited in the ~~general fund of the~~ county treasury where the former city was located. In the case of boundary adjustments, the proper city officials shall carry out procedures necessary to implement the proposal.

Sec. 173. Section 422.65, subsection 2, Code 1983, is amended to read as follows:

2. Forty percent to the ~~general fund of the~~ county from which the tax is collected.

Sec. 174. Section 422.100, Code 1983, is amended to read as follows:

422.100 ALLOCATION TO MONEYS AND CREDITS **REPLACEMENT FUND** IN EACH COUNTY. There is created a permanent fund in the office of the treasurer of state to be known as the "moneys and credits replacement fund". The director shall determine the percentage which the aggregate taxable value for the year 1965 of the property described in and subject to taxation under section 429.2, Code 1966, owned or held by individuals, administrators, executors, guardians, conservators, trustees or an agent or nominee thereof, and the aggregate taxable value for the year 1965 of the property described in and

subject to taxation under section 431.1, Code 1966, for the year 1965 but not subject to taxation under said ~~that~~ section for the year 1966, in each ~~county~~ bears to the total aggregate taxable value of such property reported from all of the counties in the state and shall certify the percentage for each county to the state comptroller prior to January 1, 1967. In July of each year, the state comptroller shall apply said ~~that~~ percentage to the money ~~which shall have accumulated~~ in the moneys and credits tax replacement fund prior to ~~such that~~ July and ~~thereby~~ determine the amount ~~thereof~~ due to each county. The state comptroller shall draw warrants on the moneys and credits tax replacement fund in such amounts payable to the county treasurer of each county and transmit them. The county treasurer shall apportion these amounts as follows: For the amounts received in January 1972, and all previously collected amounts, twenty percent to the county general fund, fifty percent to the school general fund, and the remaining thirty percent to cities and towns in the proportion that the taxable values for each city and town for 1965 of property subject to taxation in 1965 under sections 429.2, Code 1966, and 431.1, Code 1966, ~~is~~ to the total of such taxable values for all cities and towns within the county; for the amounts received in January 1973, and all subsequently collected amounts, forty percent to the county general fund, and the remaining sixty percent to cities and towns in the proportion that the taxable values for each ~~city and~~ town for the year 1965 under sections 429.2 and 431.1, Code 1966, is to the total of such taxable values for all the cities and towns within the ~~county~~.

Not later than December 31, 1973, the county auditor may file a certified statement with the state comptroller demonstrating errors made in calculating the aggregate taxable value for the year of 1965. The comptroller, upon ~~verifying~~ that an error was made, shall recalculate the amount payable to counties for ~~the~~ previous seven years, based upon the

amounts which were available in the moneys and credits tax replacement fund ~~in January~~ of each year, and shall notify each county of its total overpayment or underpayment for the seven-year period. If a county has received an overpayment, ~~it shall~~ refund the ~~overpayment~~ to the comptroller for deposit in the moneys and credits ~~tax~~ replacement fund. The refund of an overpayment shall be made not later than December 31, 1976. If a county has received an underpayment, the comptroller shall pay the amount of the underpayment to the county from the moneys and credits tax replacement fund, not later than January of 1977. The ~~refund of an overpayment shall be made from the county general fund, and the amount received for an underpayment shall be deposited in the county general fund, but the~~ board of supervisors shall distribute thirty percent of the overpayment to cities and towns in the county in proportion to the corrected taxable values for each city and town for 1965.

Sec. 175. Section 422A.2, subsection 3, Code 1983, is amended to read as follows:

3. Moneys received by the ~~county of~~ city from this fund shall be credited to the general fund of ~~such county of the~~ city, subject to the provisions of subsection 4.

Sec. 176. Section 426A.8, unnumbered paragraph 2, Code 1963, is amended to read as follows:

The county recorder shall deposit the remaining twenty-five percent of the receipts to the credit of ~~the~~ county ~~general fund~~.

Sec. 177. Section 430A.3, Code 1983, is amended to read as follows:

430A.3 LEVY. There is ~~hereby~~ imposed upon capital employed in the business of making loans or investments within the state of Iowa, as determined under ~~the provisions of~~ this chapter, a ~~tax~~ of five mills on each dollar of ~~such~~ capital; ~~such the~~ tax to be considered a tax upon moneys and credits of ~~such the~~ corporations which shall be levied by the board

of supervisors, and placed upon the tax list and collected by the county treasurer. The amount collected in each taxing district ~~in~~ cities shall be apportioned twenty percent to the county ~~general-fund~~, thirty percent to the city general fund, and fifty percent to the general fund of the state, and the amount collected in each taxing district outside of cities shall be apportioned fifty percent to the county ~~general~~ fund and fifty percent to the general fund of the state. The term "loans" ~~as-used-herein-shall-mean~~ means the lending of money to members of the general public upon other than real estate security. The term "investments" ~~as-used-herein shall-mean~~ means the discounting, purchasing, or otherwise acquiring notes, mortgages, sales contracts, debentures, or any other evidences of indebtedness, based upon other than real estate security when ~~such the~~ investments are made in connection with loans made to members of the general public in the state of Iowa or in the course of ~~any~~ operations having as their effect the financing of business transactions within the state of Iowa resulting in the incurring of any indebtedness based upon security other than real estate security.

Sec. 178. Section 433.15, Code 1983, is amended to read as follows:

433.15 FAILURE TO **FILE**. In the event of the failure or refusal of any telephone or telegraph company, owning or operating any telephone or telegraph line not situated upon the right of way of a railway, to file the map required under ~~the-provisions-of~~ section 433.14, at the time and according to the conditions named, then the county auditor may cause the same map to be prepared by the county surveyor and the cost ~~thereof~~ of it shall, in the first place, be audited and paid by the board of supervisors of the ~~county, out-of-the county-fund, and~~ the amount ~~thereof~~ shall be by said the board levied as a special tax against ~~said the~~ company and the property of said the company, which shall be collected in

the same manner as county taxes end-beeere-e-perk-ef-ke ~~county-fund~~.

Seq. 179. Section 434.19, Code 1983, is amended to read as follows:

434.19 FAILURE TO FILE. In the event of the failure or refusal of any railroad company to file the plats required under ~~the-provisions-of~~ section 434.18, at the time or according to the conditions named, then the county auditor may cause the same them to be prepared by the county surveyor and ~~the~~ their cost ~~thereof~~ shall, in the first place, be audited and paid by the board of supervisors ~~out-of-the-county~~ fund, and the amount ~~thereof~~ shall be by-said-beafd levied by the board as a special tax against said the company and the property of said the company, which shall be collected as county taxes ~~and-when-collected-be-paid-into-the-county~~ fund.

Sec. 180. Section 441.66, Code 1983, is amended to read as follows:

441.68 COLLECTION OR ASSESSMENT OF COSTS. The auditor shall at the same time assess the amount pro rata by area upon the several subdivisions of the tract, lot or parcel so subdivided, and it shall be collected in the same manner as general ~~taxes, and-shall-go-to-the-general-county-fund~~.

Sec. 181. Section 445.52, Code 1983, is amended to read as follows:

445.52 INTEREST **AND** PENALTIES--APPORTIONMENT--COMPENSATION OF COLLECTORS. The interest and penalty on delinquent taxes collected shall be apportioned to and-beeeme-a-pars-ef-Ckc ~~general-fund-of~~ the county, and the amount allowed as compensation to delinquent tax collectors: shall be paid item said-fund by the county.

Sec. 182. Section 446.7, unnumbered paragraph 2, Code 1983, is amended to read as follows:

Property of municipal and political ~~subdivisions~~ of the state of Iowa and property held by a city or county agency

or the Iowa housing finance authority for use in an Iowa homesteading project, shall not be offered or sold at tax sale and a tax sale of that property shall be void from its inception. When delinquent taxes are owing against property owned or claimed by any municipal or political subdivision of the state of Iowa, or property held by a city or county agency or the Iowa housing finance authority for use in an Iowa homesteading project, the treasurer shall give notice to the governing body of the agency, subdivision or authority which shall then pay the amount of the due and delinquent taxes from its general fund. If the governing body fails to pay the taxes, the board of supervisors shall abate the taxes as provided in chapters 332, 427 and 445 and section 569.8.

Sec. 183. Section 455.50, unnumbered paragraph 2, Code 1983, is amended to read as follows:

Such assessments against primary highways and other state-owned lands under the jurisdiction of the state department of transportation shall be paid by the state department from the primary road fund on due certification of the amount by the county treasurer to said the department, and against all secondary roads and other county owned lands under the jurisdiction of the board of supervisors, from the secondary road construction fund or from the secondary road maintenance fund, or from both of said county funds.

Sec. 184. Section 455.118, unnumbered paragraph 1, Code 1983, is amended to read as follows:

When such a levee, ditch, drain, or change of any natural watercourse crosses a public highway, necessitating moving or building or rebuilding any secondary road bridge upon, or ditch or drain crossing such the road, the board of supervisors shall move, build, or rebuild Eke same it, paying the costs and expenses thereof, including construction, maintenance, repair and improvement costs, from the secondary road fund county funds.

Sec. 185. Section 455.164, Code 1983, is amended to read as follows:

455.164 PRELIMINARY EXPENSES--HOW PAID. If the proposed district is all in one county, the board of supervisors ~~is~~ authorized to may pay all necessary preliminary expenses in connection ~~herewith from the general fund of the county~~ with the district. If it extends into other counties, the boards of the respective counties ~~are authorized to pay from the general fund thereof, such~~ may pay a proportion of said the expenses as the work done or expenses created in each county bears to the whole amount of work done or expenses created. Said The amounts shall be ascertained and reported by the engineer in charge of the work and be approved by the respective boards which shall, as soon as paid, charge the amount to said the district in favor of the general fund of the counties, as their interest interests may appear, as soon as the said district is established. If ~~said the~~ said the district ~~shall is~~ is not be established, the said amounts shall be collected upon the bond or bonds of the petitioners.

Sec. 186. Section 460.7. Code 1983, is amended to read as follows:

460.7 ADVANCED PAYMENTS. The board on construction of such the improvement may advance out of the secondary road construction fund or the secondary road maintenance fund, or out of both of said funds that portion to be collected by special assessment, the amount so advanced to be replaced in said road funds as the first special assessments are collected. The board may in lieu of making such advancements, issue warrants to be known as "Drainage Warrants", said the warrants to bear interest at a rate not exceeding that permitted by chapter 74A payable annually from the date of issue and to be paid out of the special assessments levied therefor, when the same they are collected.

Sec. 187. Section 460.8, subsection 2, Code 1983, is amended to read as follows:

2. On account of the secondary road system, may-be is payable from ~~the-secondary-road-construction-fund,-or-from~~
~~the-secondary-road-maintenance-fund,-or-from-both-of-said~~
county funds.

Sec. 188. NEW SECTION. 467B.9 TAX LEVY. The county board of supervisors may annually levy a tax not to exceed six and three-fourths cents per thousand dollars of assessed value of all agricultural lands in the county, to be used for flood and erosion control, including acquisition of land or interests in land, and repair, alteration, maintenance, and operation of works of improvement on lands under the control or jurisdiction of the county as provided in this chapter.

Sec. 189. Section 533.24, unnumbered paragraph 2, Code 1983, is amended to read as follows:

The moneys and credits tax on credit unions is hereby imposed at a rate of five mills on each dollar of the legal and special reserves which are required to be maintained by the credit union under section 533.17, and shall be levied by the board of supervisors, and placed upon the tax list and collected by the county treasurer, except that an exemption shall be given to each credit union in the amount of forty thousand dollars. The amount collected in each taxing district within a city shall be apportioned twenty percent to the county ~~general-fund~~, thirty percent to the city general fund, and fifty percent to the general fund of the state, and the amount collected in each taxing district outside of cities shall be apportioned fifty percent to the county ~~genera&-fund~~ and fifty percent to the general fund of the state. The moneys and credits tax shall be collected at the location of the credit union as shown in its articles of incorporation..

Sec. 190. Section 5568.1, subsection 2. Code 1983, is amended to read as follows:

2. The real property owner or possessor shall notify the sheriff of the county where the real property is located of

the removal of the motor vehicle or other personal property:'

If the owner of the motor vehicle or other personal property can be determined, he the owner shall be notified of the removal by the sheriff by certified mail, return receipt requested. If ~~such~~ the owner cannot be identified, notice by one publication in one newspaper of general circulation in the area where the personal property was parked or placed ~~shall-be~~ is sufficient to meet all notice requirements under this section. If the personal property has not been reclaimed by the owner within six months after notice has been effected, it may be sold by the sheriff at public or private sale. The net proceeds after deducting the cost of the sale shall be applied to the cost of removal and storage of the property, and the remainder, if any, shall be paid to the county treasurer ~~for-the-use-and-benefit-of-the-county-general-fund.~~

Sec. 191. Section 566.16, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Before any part of the principal may be so invested or used, the county, city, board of trustees of ~~cities~~ a city to whom the management of a municipal cemetery ~~cemeteries~~ cemetery has been transferred by ordinance, or civil township shall, by resolution, accept the donation or bequest, and that portion of cemetery lot sales or permanent charges made against cemetery lots which is to be used for perpetual care of cemetery lots, and, by resolution, shall provide for the payment of interest annually to the appropriate fund ~~specified in-section-331-426,-subsection-8,~~ or to the cemetery association, or to the person having charge of the cemetery, to be used in caring for or maintaining the individual property of the donor in the cemetery, or lots which have been sold if provision was made for perpetual care, all in accordance with the terms of the donation or bequest, or the terms of the sale or purchase of a cemetery lot.

Sec. 192. Section 567.10, Code 1983, is amended to read as follows:

567.10 ESCHAT. If the court finds that the land in question has been acquired in violation of this chapter or that the land has not been converted to the purpose other than farming within five ~~years as~~ provided for in this chapter, the court shall declare the land escheated to the state. When escheat is decreed by the court, the clerk of court shall notify the governor that ~~the~~ title to the real estate is vested in the state by decree of the court. Any real estate, the title to which is acquired by ~~the~~ state under ~~the provisions-of~~ this chapter, shall be sold in the manner provided by law for the foreclosure of a mortgage on real estate for default of payment, the proceeds of the sale shall be used to pay court costs, and the remaining funds, if any, shall be paid to the person divested of the property but only in an amount not exceeding the actual cost paid by the person for that property. Proceeds remaining after the payment of court costs and the payment to the person divested of the property shall become a part of the ~~general-fund~~ funds of the county or counties in which the land is located, in proportion to the part of the land in each county.

Sec. 193. Section 583.6, Code 1983, is amended to read as follows:

583.6 DUTY OF COUNTY TREASURER--RIGHT OF GUEST. The balance received by the county treasurer under section 583.5 shall be credited by him to the ~~general-fund-of-the~~ county, subject to a right of the guest, or ~~his the guest's~~ representative, to reclaim ~~the same it~~ at any time within three years from the date of deposit with the county treasurer.

Sec. 194. Section 598.16, unnumbered paragraph 5, Code 1983, is amended to read as follows:

The costs of ~~any-such~~ conciliation procedures shall be paid ~~in~~ full or in part by the parties and taxed as court costs; however, if the court determines that ~~sueh the~~ parties will be unable to pay the costs without prejudicing their financial ability to provide themselves and any minor children

with economic ~~sueh the~~ necessities. ~~sueh the~~ costs may be paid in full or in part ~~from-the-court-expense-fund~~ by the county.

Sec. 195. Section ~~502.34~~. Innumbered paragraph 1, Code 1983, is amended to read as follows:

~~The individuals who were municipal court clerks and bailiffs on June 30, 1973, and who were municipal court deputy clerks and deputy bailiffs on that date, may as deputies of the district court clerks and sheriffs be~~ suspended, demoted, or discharged ~~by the district court clerks and sheriffs only~~ for neglect of duty, disobedience of orders, misconduct, or failure to properly perform duties. by pursuing the procedure provided by sections 100.19 to 400.26 and in these cases the district court ~~clerk or sheriff~~ shall be deemed to be the person having the appointing power, the county auditor shall perform the functions or the mayor or city manager, the board of supervisors shall perform the functions of the civil service commission, and the county attorney shall perform the functions of the city attorney or solicitor. A municipal court bailiff or deputy bailiff who on June 30, 1973, is a member of the retirement system provided by chapter 411 shall continue to be ~~sueh a member thereafter~~; and that chapter shall continue to apply to ~~them that person~~ notwithstanding this chapter, with the appropriate county deducting from ~~his the person's~~ compensation ~~his the person's~~ contributions to the retirement fund and the county contributing the public's portion to ~~sueh the fund out-of-the-court-expense-fund~~ notwithstanding any other provision of law.

Sec. 196. Section 502.42, subsection 3. Code 1983, is amended to read as follows:

3. A member of a judicial magistrate nominating commission shall be reimbursed ~~all~~ actual and necessary expenses reasonably incurred in the performance of official duties. Reimbursements shall be payable ~~out-of-the-court-expense-fund~~ of ~~by~~ the county in which the member serves, upon certification of ~~sueh the~~ expenses to the county auditor by the district

court clerk. Each ~~judicial~~ district may make rules under R.C.P. 372 to provide for ~~the administration~~ of this subsection.

Sec. 197. Section ~~602.55~~, Code 1983, is amended to read as follows:

602.55 FUNDS, REPORTS. Each month each judicial magistrate and district associate judge shall file with the clerk of the district court of the proper county a sworn, itemized statement of all cases disposed of and all funds received and disbursed per case, and at least monthly shall remit to the clerk all funds received. The clerk shall provide adequate clerical assistance to judicial magistrates and district associate judges to carry out this section. The clerk shall remit ninety percent of all fines and forfeited bail received from a magistrate or district associate judge to the city that was the plaintiff in any action, shall remit to the city ninety percent of all fines and ~~forfeited~~ bail received for improper use of handicapped parking spaces ~~in violation~~ of section 601E.6, ~~subsection 2~~, when the violations occurred within the city, shall remit all fines and forfeited bail received from a ~~magistrate or district associate judge~~ for violation of a county ordinance except an ordinance relating to vehicle speed or weight restrictions, to the county treasurer of the county that was the ~~plaintiff in any action for deposit in the general fund of the county~~, and shall provide that ~~city~~ or county with a statement showing the total number of the cases, the total of all ~~fin~~es and forfeited bail collected and the total of all cases ~~dismissed~~. However, if a county ordinance provides a penalty for a violation which is also penalized under state law, all fines and forfeited bail collected for the violation of that ordinance shall be ~~deposited~~ in the school fund. The clerk shall ~~remit~~ the remaining ten percent of city ~~fin~~es and ~~forfeited~~ bail to the county treasurer ~~for deposit in the county general fund~~. The clerk shall remit to the treasurer of the county, for

the benefit of ~~the school fund~~, all other fines and forfeited ~~bail received~~ from a magistrate. All fees and costs for the ~~filing~~ of a complaint or information or upon forfeiture of bail received from a ~~magistrate~~ shall be remitted monthly by the clerk as follows:

1. One-half to the ~~treasurer~~ of state to be credited to ~~the~~ general fund of the state.
2. One-third to the county treasurer ~~Be-be-eredied-ie the general fund of the county~~.
3. One-sixth to the ~~treasurer~~ of state to be credited to the judicial retirement fund created in section 60511.4.

Sec. 198. Section 622.93, Code 1983, is ~~amended to~~ read as follows:

622.93 APPLICABILITY IN ~~POLK-COUNTY~~ CERTAIN COUNTIES. Proof of the ~~publication~~ of the filing in the ~~district~~ court of the ~~petitions~~ as provided for in ~~section~~ 618.13 and a charge on the ~~basis~~ of one dollar for each petition shall be made once each month by the publisher, presented to the clerk of the ~~district~~ court for verification and approval, and ~~filed with~~ the county auditor to be presented to the board of supervisors, which shall order the claim for ~~such the publications paid from the fund specified in section 331-426, subsection-9~~.

Sec. 199. Section 6228.7, Code 1983, ~~is~~ amended to read as follows:

6228.7 FEE. An interpreter appointed under this chapter ~~is~~ entitled to a reasonable fee and expenses as determined by the rules ~~applying~~ to that proceeding. This schedule shall be furnished to all courts and administrative agencies and ~~maintained~~ by them. If the ~~interpreter is~~ appointed by the court, the fee and expenses shall be paid ~~out-of-the-court expense-fund by the county~~ and if the interpreter is appointed by an administrative agency, the fee and expenses shall be paid out of funds available to the administrative agency. If a hearing impaired person is not a party to the action,

the fees and expenses of an interpreter shall be charged to costs.

Sec. 200. Section 693.4, Code 1983, is amended to read as follows:

693.4 DUTY OF SUPERVISORS TO INSTALL--COSTS. ~~It shall then be the duty of the~~ **The** board of supervisors of each county • e shall install in the office of the sheriff, ~~such~~ a radio receiving set, and a set in at least one motor vehicle used by the sheriff, for use in connection with ~~said the~~ state radio broadcasting system. The board of supervisors ef-any ~~county~~ may install as many additional ~~such~~ radio receiving sets as may be deemed it deems necessary. ~~The eeei ef eueh radio-receiving-sets-and-the-cost-of-installation-thereof shall-be-paid-from-the-general-fund-of-the-county.~~

Sec. 201. Section 805.6, subsection 3, Code 1983, is amended to read as follows:

3. Supplies of the uniform citation and complaint for municipal corporations and county agencies shall be paid for ~~out-of-the-court-expense-fund-of~~ **by** the county. Supplies of the uniform citation and complaint for all other agencies shall be paid for out of the budget of the agency concerned.

Sec. 202. Section 809.6, subsections 1 and 2, Code 1983, are amended to read as follows:

1. FORFEITURE. Unless otherwise specified by law, the magistrate shall order the immediate **destruction** of all forfeited property of an illegal nature or character. When **If** the forfeited property is not of an illegal nature or character, the magistrate shall order all ~~such the~~ property or the proceeds of its sale to be ~~applied delivered~~ to the ~~court-fund~~ treasurer of the county.

2. NO CLAIMANT. Where **If** there is no claimant or where **if** the right to possession cannot be determined, nonperishable property shall be held for a period of six months from the date of filing of the return, pending claim. ~~Thereafter~~ After six months the magistrate or other officer having the

property in ~~his-or-her~~ custody shall, on payment of the necessary expenses incurred for its preservation, deliver it to the treasurer of the ~~county-to-be-credited-to-the-court~~ fund.

Sec. 203. Section 819.3, unnumbered paragraph 1, Code 1983, is amended to read as follows:

A witness named in an order described in section 819.2 ~~shall-be is~~ entitled to ten cents per mile for each mile traveled by the most direct route to and from the proceedings the witness is required to attend, and ~~shall is~~ also be entitled to ten dollars per day for each day spent in such travel or in attending the proceedings as a witness. ~~Such amounts-shall-upon-proper-claim-being-made-be-paid-from the-court-expense-fund-of-the-county.~~

Sec. 204. Section 906.17, Code 1983, is amended to read as follows:

906.17 ALLEGED PAROLE VIOLATORS--REIMBURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT. The division of adult corrections shall reimburse a county for the temporary confinement of alleged parole violators. The amount to be reimbursed shall be determined by multiplying the number of days so confined .by the average daily cost of confining a person in the county facility as negotiated by the department. Payment shall be made upon submission of a voucher executed by the sheriff and approved by the director of the division of adult corrections. ~~The-money-shall-be-deposited-in-the-county general-fund-to-be-credited-to-the-jail-account.~~

Sec. 205. Section 911.3, Code 1983, is amended to read as follows:

911.3 DISPOSITION OF SURCHARGE. When a court assesses a surcharge under section 911.2, 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. 206. Sections 11.22, 24.25, 164.28, 165.22, 165.23, 165.25, 165.30, 165.31, 165.34, 231.13, 331.421 through 331.429, 331.509, 333A.6, chapter 344, and sections 345.1, and 441.12, Code 1983, are repealed.

Sec. 207. Funds remaining in the county indemnification fund existing prior to the effective date of this Act are transferred to the county indemnification fund created under section 331.404.

Sec. 208. Notwithstanding sections 108 and 116 of this Act, in the first year following the effective date of this Act the county and the treasurer of state shall compare the amounts raised under section 331.425, subsection 7, paragraph a. subparagraphs (1). ~~(3)~~, and (4) of the 1983 Code with the amounts which could have been raised under section 331.422, subsections 12 and 13 of the 1983 Code,, in determining expenditures or allotments of funds.

Sec. 209. Counties shall prepare budgets and adopt accounting procedures in accordance with this Act for the fiscal year beginning July 1, 1984. During the fiscal year beginning July 1, 1983, counties shall continue to follow the budgeting and accounting procedures in effect immediately prior to July 1, 1983, to the extent necessary to implement their budgets for that year, but are otherwise subject to this Act.

Sec. 210. LEGISLATIVE REVIEW. The county finance committee shall, on or before December 31, 1986, present to the general assembly, a detailed report regarding the effects of the ~~provisions~~ of this Act on county finances and administration. The report shall include but not be limited to a ~~comparison~~ of property tax collections since adoption of this Act with

the three years prior to adoption, an analysis of the ~~cost~~ ~~effects~~ resulting from the consolidation of funds, and ~~recommendations~~ regarding any changes in this Act deemed necessary by the committee.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 628, Seventieth General ~~Assembly~~.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

HOUSE FILE 630

AN ACT
RELATING TO THE REFUND OF PRORATE REGISTRATION FEES.

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

Section 1. Section 326.15, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

326.15 REFUNDS OF REGISTRATION FEES. The refund of registration fees paid for motor vehicles under this chapter is allowed, except that no refund shall be allowed and paid if the unused portion of the fee is less than ten dollars per vehicle. Refunds shall be made as follows:

1. If the motor vehicle is destroyed by fire or accident, or junked and its identity as a motor vehicle is entirely eliminated, the owner in whose name the motor vehicle was registered at the time of destruction or dismantling shall return the plates to the department and make a claim for refund. A refund is not allowed unless a junking certificate has been issued, as **provided in** section 321.52.

2. If the motor vehicle is removed from the apportioned fleet, the owner in whose name the motor vehicle was registered shall return the plates to the department and make a claim for refund. A refund shall not be allowed **without** documentation of the subsequent registration of the **motor** vehicle.

3. If the motor vehicle is stolen, the owner shall give notice of the theft to the department within five days. If the motor vehicle is not recovered by the owner before December 1 of the year for which the registration fee was paid, the owner shall make a statement of theft and make a claim for refund.

4. If the composite percentage apportioned by an owner on a fleet of vehicles based in Iowa to each of the

jurisdictions with which Iowa has an apportionment agreement is more than one hundred percent, the fleet owner may file a claim with the department for a refund of registration fees paid in excess of one hundred percent, except when percentages are computed over one hundred percent as specified in section 326.8. The claim for refund shall be filed on or after December 1 of the year for which refund is requested, and the fleet owner shall furnish satisfactory evidence of the alleged overpayment. The department shall prescribe and provide suitable forms requisite or deemed necessary to process claims and ensure that claims are paid to fleet owners who have complied with proportional registration requirements. A fleet owner may elect to apply a refund to proportional registration fees payable the next registration year in lieu of receiving a refund payable under this section. The state of Iowa is not liable for claims unless filed within four full years following the calendar year for which the application is made.

5. If as a result of an audit the motor vehicle registration fees are found to have been paid in error, a claim for refund shall be filed with satisfactory evidence of the error.

A refund for trailers and semitrailers issued multiyear registration plates shall be paid by the department under the previously stated conditions.

Refunds of proportional registration fees are allowed only if the state which issued the baseplate for the vehicle allows a similar refund to Iowa carriers. If the motor vehicle for which refund is sought is leased by the owner to an apportioned registrant, the claim shall be filed in the names of both the lessee and the lessor and the refund payment made payable to both the lessee and the lessor.

Refunds of proportional registration fees shall be paid on the basis of unexpired complete calendar months remaining from the date the claim is filed with the department. Refunds

for trailers and semitrailers issued a multiyear registration plate shall be paid on the basis of unexpired complete registration years remaining from the date the claim is filed.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I **hereby certify** that this bill originated in the House **and** is known **as House** File 630, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

HOUSE FILE 631

AN ACT

RELATING TO PROPERTY TAX EXEMPTIONS IN AN URBAN REVITALIZATION AREA.

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

Section 1. Section 404.2, subsection 2, paragraphs f and h, Code 1983, are amended to read as follows:

f. A statement specifying whether the revitalization is applicable to none, some, or all of the property assessed as residential, agricultural, commercial or industrial property within the designated area or a combination thereof and whether the revitalization is for rehabilitation and additions to existing buildings or new construction or both. If revitalization is made applicable only to some property within an assessment classification, the definition of that subset of eligible property must be by uniform criteria which further some planning objective identified in the plan. The city shall state how long it is estimated that the area shall remain a designated revitalization area which time shall be longer than one year from the date of designation and shall state any plan by the city to issue revenue bonds for revitalization projects within the area.

h. Any tax exemption schedule that shall be used in lieu of the schedule set out in section 404.3, subsection 1, 2, 3 or 4. This schedule shall not allow a greater exemption, but may allow a smaller exemption, than allowed in the schedule specified in the corresponding subsection of section 404.3 ~~and shall be the same schedule used for all property of the same classification located in an existing revitalization~~ area.

Sec. 2. Section 404.3, subsection 4, Code 1983, is amended to read as follows:

i. All qualified real ~~estate~~ assessed as residential property or assessed as commercial property, ~~consisting if the commercial property consists~~ of three or more separate living quarters with at least seventy-five percent of the space used for residential purposes, is eligible to receive a one hundred percent exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years.

Sec. 3. The amendment to section 404.3, subsection 4, for property assessed as residential property provided in section 2 of this Act is effective for areas designated revitalization areas on or after the effective date of this Act and shall apply to an area which is a revitalization area on the effective date of this Act. Owners of qualified real estate assessed as residential property located in an area which is a revitalization area on the effective date of this Act may elect the exemption provided by the amendment to section 404.3, subsection 4 in section 2 of this Act only if the owner has not previously made an election for exemption for the qualified real estate in the revitalization area. A city shall not have to amend its schedule of exemptions or its plan in order for such owner to elect the exemption provided by the amendment to section 404.3, subsection 4. for property assessed as residential property in this Act.

Sec. 4. Section 1 of this Act applies to a revitalization area on the effective date of this Act where the plan is consistent with its provisions or is amended to be consistent with its provisions and applies to areas designated revitalization areas on or after the effective date of this Act.

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 Daily Nonpareil, a newspaper published in Council Bluffs, Iowa.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I **hereby certify** that this bill originated in the House and is known as House File 631, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

HOUSE FILE 634

AN ACT

RELATING TO LOTTERIES BY PROVIDING FOR A STATE LOTTERY, A STATE LOTTERY BOARD AND AN AGENCY TO OVERSEE LOTTERY OPERATIONS, A STATE LOTTERY FUND FOR THE DEPOSIT OF RECEIPTS AND FOR THE PAYMENT OF PRIZES AND EXPENSES, LICENSING OF LOTTERY TICKET SALES AGENTS, ADMINISTRATIVE PROCEDURES NECESSARY IN CARRYING OUT THE INTENT OF THE ACT, MAKING CERTAIN ACTS ILLEGAL, AND PROVIDING A PENALTY, AND PROVIDING THAT REVENUE GENERATED SHALL BE DISTRIBUTED TO THE GENERAL FUND.

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

Section 1. NEW SECTION. TITLE. Sections 1 through 21 of this Act may be cited as the "Iowa Lottery Act".

Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. "Commissioner" means the commissioner of the lottery.
2. "Director" means the director of each of the three divisions of the lottery operating under the commissioner.
3. "Lottery" means the lottery created and operated under this Act.
4. "Board" means the Iowa lottery board.
5. "Licensee" means the person issued a license by the commissioner to sell lottery tickets or shares. The licensee shall be responsible for the licensee's employees' conduct which is within the scope of this Act.

Sec. 3. NEW SECTION. ESTABLISHMENT OF LOTTERY--APPOINTMENT OF COMMISSIONER--OTHER EMPLOYEES.

1. A state agency is established to be known as the Iowa lottery agency. It is a separate agency of state government whose head is the commissioner.

2. The commissioner shall be qualified by training and experience to direct the lottery. The commissioner shall be appointed by the governor within thirty days after the effective date of this Act subject to confirmation by the senate, and shall serve at the pleasure of the governor. A vacancy occurring in the office of the commissioner shall be filled in the same manner as the original appointment. The provisions of section 2.32 apply to the appointment of the commissioner. The commissioner shall devote time and attention solely to the duties of the office and shall not be engaged in any other profession or occupation. The commissioner shall receive a salary determined by the governor within salary range five as set by the general assembly.

3. The commissioner may employ clerks, stenographers, inspectors, agents, and other employees pursuant to chapter 19A as necessary to carry out this Act.

Sec. 4. NEW SECTION. COMMISSIONER'S OATB--BOND--EMPLOYEES--BONDING OF EMPLOYEES.

1. Before taking office, the commissioner shall take an oath to faithfully execute the duties of the office according to the laws of the state, and shall give bond with sufficient surety to be approved by the governor in the sum of not less than twenty-five thousand dollars, conditioned upon faithful execution and performance of the duties of the office. The bond when fully executed and approved shall be filed in the office of the secretary of state. When in the governor's opinion the bond has become or is likely to become invalid or insufficient, the governor shall require the commissioner to renew the bond in an amount approved by the governor but not less than twenty-five thousand dollars. The cost of a bond given shall be part of the necessary expenses of the lottery.

2. The commissioner shall employ personnel necessary to implement this Act. All personnel shall be fingerprinted. Notwithstanding a statutory provision to the contrary,

candidates for employment in the security and licensing division may be required to take a polygraph examination.

3. The commissioner shall require lottery employees to give bond in an amount ~~the commissioner~~ determines. Each bond when fully executed and approved shall be filed in the office of ~~the~~ secretary of state. The cost of each bond given shall be part of the necessary expenses of the lottery.

Sec. 5. NEW SECTION. LOTTERY BOARD.

1. There is created an Iowa lottery board to consist of five members, not more than three of whom shall be from the same political party, and who shall be appointed by the governor subject to confirmation by the senate. Of the initial members one shall serve a term of one year, one shall serve a term of two years, one shall serve a term of three years, and two shall serve a term of four years. The successors to the original board members shall serve four year terms beginning and ending as provided by section 69.19, subject to confirmation by the senate. A vacancy on the commission shall be filled in the same manner as regular appointments are made and the term shall be for the unexpired portion of the regular term. A person shall not serve longer than eight years as a member of the board.

Sec. 6. NEW SECTION. BOARD QUALIFICATIONS--CONFLICT OF INTEREST.

1. Board members shall be residents of ~~this~~ state. At least one member of the board shall be a person who has been a law enforcement officer for not less than five years, one member shall be an attorney admitted to the practice of law in Iowa for not less than five years, and one member shall be a certified public accountant who has practiced accountancy in Iowa for at least five years.

2. A person shall not serve as a member of the board who directly or indirectly, individually, or as a member of a partnership, or as a shareholder of a corporation has an interest in dealing in a lottery or in the ownership or leasing

of property used by or for a lottery. A member of the board who accepts employment or ~~acquires~~ stock, bonds or other interest in a company, partnership, or corporation doing business with a lottery shall be ~~disqualified from remaining~~ a member of the board.

Sec. 7. NEW SECTION. BOARD MEETINGS. The board shall hold at least one meeting each month and as often as necessary. The board shall select a chairperson from its membership at the first regular meeting of the board following enactment of this Act and shall thereafter select a chairperson at the first regular meeting of each fiscal year. Written notice of the time and place of each meeting shall be given to each member of the board. A majority of the board constitutes a quorum.

Sec. 8. NEW SECTION. EXPENSES--SALARY. Members of the board shall be compensated at a rate of forty dollars per diem while on official business of the board. Members shall also be allowed the actual and necessary expenses incurred in the performance of their duties. The expenses incurred by members of the board and the salaries paid to members of the board are part of the necessary expenses of the lottery.

Sec. 9. NEW SECTION. DUTIES OF THE BOARD--COMMISSIONER.

1. Subject to the approval of the board, the commissioner shall initiate and operate a lottery at the earliest possible time. The board and the commissioner shall supervise the lottery in order to produce the maximum amount of net revenues for the state in a manner which maintains the dignity of the state and the general welfare of the people.

2. Subject to the approval of the board, the commissioner may enter into contracts for the operation and promotion of the lottery, including contracts with individuals or business organizations experienced in the design and operation of state administered lotteries of other states. A contract awarded or entered into by the commissioner shall not be assigned by the contract holder except upon the written approval of the board.

3. The commissioner shall make rules which are subject to the approval of the board and in accordance with chapter 17A for implementing this Act and preventing violations of this Act. The rules shall include but are not limited to the following subject matters:

a. The fees charged for a license to sell lottery tickets or shares. The commissioner shall determine the cost incurred in processing applications for a license and set the license fee to cover that cost except a license fee shall not be less than fifty dollars per year. Revenue received by the lottery from license fees shall be transferred to the lottery fund quarterly after the cost of processing license applications is deducted.

b. The types of lottery games to be conducted. Video lottery games shall be prohibited. In any other type of game utilizing instant tickets or other tangible evidence of participation, each ticket in the game shall bear a unique consecutive serial number distinguishing it from every other ticket in the game, and each lottery number or symbol shall be accompanied by a confirming caption consisting of a repetition of a symbol or a description of the symbol in words.

c. The price of tickets or shares in the lottery, including but not limited to authorization of sales of tickets or shares at a discount for promotional purposes.

d. The number and size of the prizes on the winning tickets or shares, including but not limited to prizes of free tickets in lottery games conducted by the lottery and merchandise prizes. The lottery shall maintain and make available for public inspection at its offices during regular business hours a detailed listing of the estimated number of prizes of each particular denomination that are expected to be awarded in any game that is on sale and, after the end of the claim period, shall maintain and make available a listing of the total number of tickets or shares sold in a game and the number of prizes of each denomination which were awarded.

e. The method of selecting the winning tickets and the manner of payment of prizes to the holders of winning tickets. The rules may provide for payment by the purchase of annuities in the case of prizes payable in installments. Lottery employees shall examine claims and shall not pay any prize for altered, stolen, or counterfeit tickets nor tickets which fail to meet validation rules established for a lottery game. A prize shall not be paid more than once. If the commissioner determines that more than one person is entitled to a prize, the sole remedy of the claimants is to receive an equal share in the single prize. The rules may provide for payment of prizes up to five hundred dollars directly by the licensee.

f. The frequency of selection of winning tickets. Drawings shall be held in public, and the actual selection of winning tickets shall not be performed by an employee of the lottery. Drawings shall be witnessed by an independent certified public accountant. Equipment used to select winning prizes or participants for prizes shall be examined prior to and after each public drawing by lottery employees and independent certified public accountants.

g. Requirements for eligibility for participation in runoff drawings, including but not limited to requirements for submission of evidence of eligibility.

h. The locations at which tickets may be sold.

i. The method to be used in printing and selling tickets. An elected official's name shall not be printed on the tickets. The overall estimated odds of winning a prize in a given game shall be printed on each ticket.

j. The issuing of licenses to sell tickets or shares. In addition to any rules made regarding the qualifications of an applicant for a license, a person shall not be issued a license if one or more of the following applies:

- (1) The person is under the age of eighteen.
- (2) The person has been convicted of fraud.

(3) The person has not been a licensee and has been convicted or found to have committed a violation of this Act.

(4) The person has previously been issued a license under this Act and the license was revoked.

k. The compensation to be paid licensees including but not limited to provision for variable compensation based on sales volume or incentive considerations.

1. The form and type of informational and educational material to be permitted. The form and type of material permitted by the Iowa lottery agency shall be constructed and distributed in a manner which is primarily educational and informational in nature. The rule promulgated under this paragraph shall be designed to protect the welfare of the people and the dignity of the state. Educational and promotional material shall not be designed or distributed in a manner which attempts to entice economically disadvantaged persons to participate in a lottery game.

m. Subject to section 10 of this Act, the apportionment of the annual revenues accruing from the sale of lottery tickets and from other sources for the payment of prizes to the holder of winning tickets and for the following:

(1) The payment of costs incurred in the operation and administration of the lottery, including the expenses of the lottery and the cost resulting from contracts entered into for consulting or operational services, or for promotional and advertising services.

(2) Independent audits which shall be performed annually in addition to the audits required by section 20, subsection 3.

(3) Incentive programs for lottery licensees and lottery employees.

(4) Payment of compensation to licensees necessary to provide for the adequate availability of tickets or services to prospective buyers and for the convenience of the public.

(5) The purchase or lease of lottery equipment, tickets, and materials.

n. Requirements that the odds of winning each lottery game shall be prominently displayed in all educational and informational material associated with each lottery game.

Sec. 10. NEW SECTION. ALLOCATION OF FUNDS GENERATED.

1. As nearly as is practicable, forty-five percent of the annual revenue computed on a year-round average basis for each type of lottery game accruing from the sale of tickets are appropriated for payment of prizes to the holders of winning tickets. The prizes shall not be paid out in a particular lottery game in excess of the total revenues from sales of that game. After the payment of prizes, the reasonable expenses of conducting the lottery shall be determined. Lottery agency expenses for educational and informational material shall not exceed four percent of the lottery revenue. Revenue remaining after expenses are determined shall be transferred to the general fund on a quarterly basis. Prior to the quarterly transfer to the general fund, the commissioner may direct that lottery revenue be deposited in interest bearing accounts in the financial institutions of this state. Interest paid on the deposits is considered lottery revenue and shall be transferred to the general fund in the same manner as other lottery revenue.

2. Funds equal to any initial appropriation from the general fund to the lottery shall be returned to the general fund from the receipts of the sale of tickets not later than July 1, 1984.

Sec. 11. NEW SECTION. REPORTS.

1. The commissioner shall report quarterly to the governor, the treasurer of state, and the general assembly. The quarterly report shall include the total lottery revenue, prize disbursements, and other expenses for the preceding quarter.

2. The commissioner also shall report annually to the governor, the treasurer of state, and the general assembly. The annual report shall include a complete statement of lottery

revenues, prize disbursements, and other expenses, and recommendations for changes in the law which the commissioner deems necessary or desirable. The annual report shall be submitted within ninety days after the close of a fiscal year.

3. The commissioner shall report immediately to the governor, the treasurer of state, and the general assembly any matters that require immediate changes in the law in order to prevent abuses or evasions of this Act or rules adopted or to rectify undesirable conditions in connection with the administration or operation of the lottery.

Sec. 12. NEW SECTION. STUDIES.

1. The commissioner shall make a continuous study of the lottery to ascertain any defects of this Act or in the rules which could result in abuses in the administration and operation of the lottery or in any evasion of this Act or the rules of the commissioner and make recommendations for improvement in this Act.

2. The commissioner shall make a continuous study of the operation and the administration of similar laws which may be in effect in other states, any written material on the subject which is published or available, any federal laws which may affect the operation of the lottery, and the reaction of citizens to existing and potential features of the lottery in order to recommend changes that will serve the purposes of this Act.

3. The commissioner shall make a demographic study of lottery players. The demographic information shall include, but not be limited to, age, sex, education and household income. This information shall not be used in lottery advertising or promotions.

Sec. 13. NEW SECTION. CONFLICT OF INTEREST.

1. The commissioner, the directors, and the employees of the lottery shall not directly or indirectly, individually, or as a member of a partnership, or as a shareholder of a corporation have an interest in dealing in a lottery or in the ownership or leasing of property used by or for a lottery.

2. A member of the board, the commissioner, an employee, of the lottery, or a member of their immediate families shall not receive any gift, gratuity, or other thing of value from any person, corporation, association, or firm contracting or seeking to contract with the state to supply gaming equipment or materials for use in the operation of a lottery or from an applicant for a license to sell tickets or shares in the lottery or from a licensee.

3. Any commissioner or employee of the lottery who violates this section shall be immediately removed from their position. Violation of this section is a serious misdemeanor.

Sec. 14. NEW SECTION. LOTTERY DIVISIONS--DIRECTORS.

1. There shall be three divisions of the state lottery:

- a. A security and licensing division.
- b. A personnel, data processing, and accounting division.
- c. A marketing, education, and information division.

2. Each division shall be under the supervision of a director appointed by the commissioner and each director shall have expertise in the functions of the division. The commissioner shall designate one of the directors to serve as acting commissioner during the commissioner's absence.

3. Departments, boards, commissions, or other agencies of this state at their discretion may provide assistance to the lottery upon the request of the commissioner.

Sec. 15. NEW SECTION. POWER TO ADMINISTER OATHS AND TAKE TESTIMONY--SUBPOENA. The commissioner or the commissioner's designee authorized to conduct an inquiry, investigation, or hearing under this Act may administer oaths and take testimony under oath relative to the matter of inquiry or investigation. An inquiry, investigation or hearing under this section is not a contested case under the Iowa administrative procedure Act. At a hearing ordered by the commissioner, the commissioner or the designee may subpoena witnesses and require the production of records, papers, and documents pertinent to the inquiry.

Sec. 16. NEW SECTION. LICENSING--BONDS.

1. The commissioner shall license persons to sell lottery tickets to best serve public convenience. A licensee shall not engage in business ~~exclusively~~ to sell lottery tickets., A business' profit5 ~~from the sale~~ of lottery ticket5 shall not exceed ten percent of the profits of the business. Before issuing a license the commissioner shall ~~consider the~~ financial ~~responsibility~~ 2nd security of the applicant, the applicant's business or activity, the accessibility of the applicant's place of business or activity to the public, the sufficiency of existing licenses to serve the public convenience, and the volume of expected sales. A licensee shall cooperate with the lottery by using point-of-purchase materials, posters, and other promotional materials when requested to do so by the lottery. Lack of cooperation is sufficient cause for revocation of a person's license.

2. A licensee shall sell tickets only on the premise stated in the license unless the commissioner gives the licensee special permission to do otherwise. A licensee shall display the license or a copy of the license together with the lottery rules wherever ticket5 are sold. A license is not assignable or transferable. The commissioner may issue a temporary license when deemed necessary.

3. The commissioner shall require a bond from a licensee in an amount as provided in the rules graduated according to the volume of expected sales of lottery tickets by the licensee, or may require a licensee to furnish evidence of financial responsibility.

4. a. A bond shall not be canceled by a surety ~~on~~ less than thirty days notice in writing to the commissioner. If a bond is ~~canceled~~ and the licensee fails to file a new bond with the commissioner in the required amount on or before the effective date of cancellation, the licensee's license to sell tickets shall be automatically suspended. A suspended license shall be revoked if the requirements of subsection

4 are not met within thirty days of the license suspension. The total and aggregate liability of the surety on the bond is limited to the amount specified in the bond.

5. Subject to the approval of the board, the commissioner may authorize compensation to licensees in the manner and, ~~amounts~~ and subject to the limitations the commissioner determines if the ~~commissioner finds~~ that compensation is necessary to assure adequate availability of lottery tickets.

6. A license shall not be granted to an applicant if there is substantial evidence that the applicant for a license:

- a. Has had a license to sell lottery tickets or shares suspended or revoked in another jurisdiction by the commission of that jurisdiction.
- b. Has not demonstrated financial responsibility sufficient to adequately meet the requirements of ~~the~~ proposed enterprise.
- c. Is not the true owner of the proposed enterprise.
- d. Is not the sole owner, and other persons have ownership in the enterprise, which fact has not been disclosed.
- e. Has knowingly made a false statement of material fact to ~~the~~ commissioner.

7. The commissioner shall revoke the license of a licensee who violates any condition listed in this section.

Sec. 17. NEW SECTION. REVOCATION OF ~~LICENSE--HEARINGS-~~ HEARING BOARD.

1. The commissioner may suspend or revoke the license of a licensee who violates a provision of this Act or a rule adopted pursuant to this Act. If the commissioner suspends or revokes a license, or refuses to grant a license, the aggrieved party is entitled to a hearing by filing a written request with the commissioner. upon receipt of the request for hearing, the commissioner shall set a hearing date within thirty days of receipt of the ~~request~~, and shall notify the aggrieved party, in writing, at least seven days in advance of the hearing date. The commissioner may stay the revocation or suspension of a license pending the outcome of the hearing, when a stay is requested with the request for hearing.

2. A three-member hearing board for the purpose of conducting hearings relating to controversies concerning the issuance, suspension, or revocation of licenses is created. One member shall be a designee of the board, one member shall be the treasurer of state or a designee of the treasurer of state, and one member shall be the commissioner of public safety or a designee of the commissioner of public safety. The hearing board shall adopt rules and procedures for conducting departmental hearings.

3. A license shall not be suspended for less than one hundred twenty days. A former licensee whose license is revoked shall not be eligible to receive another license.

4. Section 17A.18 does not apply to a revocation or suspension under this section and a hearing held under this section is not a contested case under the Iowa administrative procedure Act.

Sec. 18. NEW SECTION. PROHIBITED SALES OF TICKETS--FORGERY OF TICKET.

1. A ticket shall not be sold at a price greater than that fixed by the board and the commissioner and a sale shall not be made other than by a licensee or an employee of the licensee who is authorized by the licensee to sell tickets. A person who violates a provision of this subsection is guilty of a simple misdemeanor.

2. A ticket shall not be sold to a person defined as a minor in section 599.1. This does not prohibit the lawful purchase of a ticket for the purpose of making a gift to a person who has not yet reached the age of majority. A licensee or a licensee's employee who knowingly sells or offers to sell a lottery ticket or share to a person who has not reached the age of majority is guilty of a simple misdemeanor. A prize won by a person who has not reached the age of majority but who purchases a winning ticket in violation of this subsection shall be forfeited.

3. A ticket shall not be purchased by and a prize shall not be paid to an officer or employee of the lottery or to any spouse, child, stepchild, brother, brother-in-law, stepbrother, sister, sister-in-law, stepsister, parent, parent-in-law, or stepparent residing as a member of the same household in the principal residence of an officer or employee.

4. A person who, with intent to defraud, falsely makes, alters, forges, utters, passes, or counterfeits a lottery ticket or share is guilty of a class D felony.

Sec. 19. NEW SECTION. DISTRIBUTION OF PRIZES--UNCLAIMED PRIZES--PRIZES OF MINORS--NORASSIGNABILITY OF PRIZE RIGHT.

1. The commissioner shall award the designated prize to the ticket holder upon presentation of the winning ticket.

All cash prizes are considered Iowa earned income. Before a prize of six hundred dollars or more is awarded the commissioner or the commissioner's designee shall deduct an amount equal to that amount necessary to pay the state and the federal taxes on the prize. An amount deducted from the prize for payment of a federal tax shall be transferred by the commissioner to the federal department of revenue on behalf of the prize winner. An amount deducted from the prize for payment of a state tax shall be transferred by the commissioner to the state department of revenue on behalf of the prize winner. Unclaimed prize money for the prize on a winning ticket or share shall be retained by the commissioner for ninety days after the drawing in which the prize was won in the case of a drawing prize and for ninety days after the announced end of the game in the case of a prize determined in a manner other than by drawing. If a valid claim is not made for the money within the applicable period, the prize money shall be added to future prize pools and given to holders of winning tickets in addition to amounts already allocated.

2. If the person entitled to a prize is under the age of eighteen, and the prize is more than one thousand dollars,

the commissioner shall direct payment of the prize by transfer to the Parent or guardian of the minor of a check payable to the order of the parent or guardian. If less than one thousand dollars, the ~~commissioner~~ may direct payment of the prize to the parent or guardian of the minor. The commissioner shall be discharged of all further liability upon payment of a prize to a minor pursuant to this subsection.

3. ~~The~~ right of a person to a prize drawn is not assignable, except that payment of a prize may be made to the estate of a deceased prize winner or to another person pursuant to an appropriate judicial order. The commissioner shall be discharged of all further liability upon payment of a prize pursuant to this subsection.

Sec. 20. NEW SECTION. DEPOSIT OF RECEIPTS FROM ~~TICKET~~ SALES--LOTTERY FUND--QUARTERLY AUDITS.

1. Subject to the approval of the board, the commissioner may require licensees to deposit to the credit of the lottery in financial institutions designated by the commissioner, money received by licensees from sale of tickets, less the amount of compensation, if any, authorized under subsection 5 of section 16 of this Act, and to file with the commissioner reports of receipts and transactions in the sale of tickets in the form and containing the information the commissioner requires.

2. A lottery fund is created. The fund consists of all revenues received from the sale of lottery tickets and all other moneys lawfully credited or transferred to ~~the~~ fund. Interest earnings of the fund shall be considered additional profits of the lottery. The commissioner shall certify quarterly that portion of the fund that is transferred to the general fund under section 10 of this Act and shall cause that portion to be transferred to the general fund of the state. Moneys transferred to the general fund shall include moneys necessary for repayment of moneys appropriated as initial funding of the lottery.

3. The auditor of state or a certified public accountant firm appointed by the auditor shall conduct quarterly audits of all accounts and transactions of the lottery and other special audits as the auditor of state, the general ~~assembly~~, or ~~the~~ governor deems necessary. The auditor or a designee conducting an audit under ~~this Act~~ shall have access and authority to examine any and all records of licensed agentr and licensees.

Sec. 21. NEW SECTION. LIABILITY AND ~~FUNDING~~. The board and the commissioner shall operate the lottery so that after the initial state appropriation, it shall be self-sustaining and self-funded. A claim for the payment of any expense of the lottery and the payment of any lottery prize shall not be made unless it is against the lottery fund or money collected from the sale of lottery tickets or shares. Except for the initial appropriation to the lottery, funds of the state shall not be used or obligated to pay the expenses of the lottery or prizes of the lottery.

sec. 22. Section 537A.4, unnumbered paragraph 2, Code 1983, is amended to read as follows:

This section ~~shall~~ does not apply to a contract for the operation of or for the sale or rental of equipment for games of skill or games of chance, if both the contract and the games are in compliance with chapter **99B**. This section does not apply to the purchase or redemption of a ticket in the state lottery in compliance with the Iowa lottery Act.

Sec. 23. Section 725.15, Code 1983, is amended to read as follows:

725.15 EXCEPTIONS FOR LEGAL GABBLING. Sections 725.5 to 725.10 and section 725.12 shall not apply to any game, activity or device when lawfully possessed, used, ~~conducted~~ or participated in pursuant to chapter **99B** or the Iowa lottery Act.

Sec. 24. This Act, being deemed of immediate importance, takes effect from and after its publication in the Des Moines

Daily Record, a newspaper published in Des Moines, Iowa, and in the Ankeny Press Citizen, a newspaper published in Ankeny, Iowa.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 634, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor



OFFICE OF THE GOVERNOR

STATE CAPITOL

DES' MOINES. IOWA 50319

515 281-5211

TERRY E. BRANSTAD
GOVERNOR

June 2, 1983

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

Dear Madam Secretary:

I am enclosing House File 634, an act relating to lotteries by providing for a state lottery, a state lottery board and an agency to oversee lottery operations, a state lottery fund for the **deposit** of receipts and for the payment of prizes and expenses, licensing of lottery ticket sales agents, administrative procedures necessary in carrying out the intent of **the** Act, making certain acts illegal, and providing a penalty, and providing that revenue generated shall be distributed to the general **fund**, which, in accordance with Article III, Section 16, Constitution of the State of Iowa, I hereby disapprove and transmit to the Secretary of State.

This bill would establish a lottery to be operated by a state lottery agency. A five-member lottery board would be established to oversee the operation which is directed to "produce the maximum amount of net revenues for the state in a manner which maintains the dignity of the state and the **general** welfare of the people.". The board is given the powers needed to establish a lottery, license ticket **sellers**, promote ticket sales and establish any kind of lottery game except for a video lottery which is prohibited.

The public policy **impacts** of this bill are profound. F o r t h e first time, the state of Iowa would be placed directly in the **gambling** business and the state would be allowed to promote and to reap the profits of that gambling. The bill would set up a new state agency with enormous powers to directly affect the quality of life in the state. And, the bill could impact on the spending decisions of hundreds of thousands of Iowans.

The Honorable Mary Jane Odell
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I find it unfortunate, that legislation of such magnitude was passed with not a vote to spare during the closing hours of the session when the merits of individual pieces of legislation are often lost in the desire to pass unrelated legislation and the urge to adjourn. Nevertheless, I have reviewed this legislation deliberately and I have attempted to thoroughly **consider the** views of the hundreds of Iowans who have contacted me on this **important issue**. After careful study, I have reached the conclusion to disapprove this legislation.

My decision is based on the following concerns:

1) **I am** concerned about the long term fiscal impact of House File 634. Proponents of the **lottery** claim that every man, woman and child in Iowa would spend at least \$40.50 per year on lottery **tickets**. That would raise \$118 million in gross revenues and, assuming a 40 percent net return to the state, would yield the **state \$47** million in revenues. Moreover, proponents point to lottery-experiences in Colorado and Arizona and claim that an application of those experiences in Iowa would result in \$45 to \$50 million in net revenues for the state,

I seriously doubt the accuracy of such revenue forecasts. The success of a lottery is apparently quite **dependent** upon the degree of urbanization in a lottery state. The **states** with the most successful lotteries have at least 70 percent of their population living in urban areas. **Moreover**, Arizona and Colorado, which are often used to project Iowa's lottery income, have the great bulk of their population living in a few highly urbanized areas.. Highly urbanized areas ease lottery marketing problems and have led to relatively profitable systems.

However, only slightly over one-half of Iowa's population lives in towns of 5,000 or more. Our largest city is but a fraction of the size of Phoenix and Denver and our population is spread relatively evenly throughout our state. This low level of urbanization in Iowa **causes me to** seriously question the **accuracy** of revenue projections of those touting lotteries in Iowa.

I also find it difficult to believe that effectively all 2.9 million Iowans would spend at least \$40.50 on lottery tickets in the state. In fact, a review of the per capita revenue for 1981 in **less urbanized** lottery states shows **actual** per capita revenue of **between** \$4.50 and \$12 per year. Indeed, lottery revenue estimates from those who are not proponents of this bill have yielded **estimates** that are as low as \$6 million per year.

In addition to these doubts about the initial year revenues of a state lottery, I **am also** concerned about the level of projected out-year revenue estimates for a lottery. Initial interest and novelty often provide greater revenues in the first year or two and could create misleading expectations about future revenues. In fact, **most states** have experienced a drop in gross lottery revenues after **the first** or second year. **Even** the Arizona game, touted for its **success**, experienced a reduction in participation after the initial surge.

Nevertheless, lottery proponents point to the recent revenue increases experienced in a number of states as a sign that lotteries **can** be regenerated over time. Indeed, some states, including Illinois, **have** experienced a significant increase in lottery revenues. However, **a closer** look at the system in these states reveals the reason for the increased activity -- **stepped-**up state marketing efforts. These states have emphasized huge jackpots, introduced instant games and the number game, and **developed more** sophisticated marketing techniques, including the **advertising** of big winners to lure participants. In addition, **according to** the National Council on Compulsive Gambling, lottery receipts and other gambling revenues tend to go up as the economy gets worse. The slumping economy of the last three years has thus fed state lottery coffers.

In **sum**, there is reason to seriously question the Iowa lottery revenue estimates made by lottery proponents to lure this state into the gambling business. The initial revenues are likely to be less than anticipated and future year revenue is even **more** likely to fall off unless an expanded state marketing effort and a **sour** economy drive more people to the ticket counter.

And there-in lies my most serious objection to an Iowa state lottery. An Iowa lottery would effectively get state government hooked on gambling. The scenario would run something like this; the legislature would use the optimistic revenue estimates provided by lottery proponents: new programs would be started or existing programs would **be** funded with the anticipated **lottery** dollars and a higher level of state spending could result: lottery **revenues** would not meet expectations and a serious fiscal crisis would ensue,

The state would be faced with three options: 1) cut spending to **match actual** revenues; 2) raise other taxes to meet the budget needs; or 3) step up marketing efforts with massive promotions to drum-up greater lottery participation. Since it is human nature to take the path of least resistance, the legislature would likely opt for gambling promotional blitz. And the state's fiscal gambling addiction would be complete.

I **am** reluctant to begin that fiscal addiction by approving this bill. I do not want government programs maintained by stimulating the urge some Iowans may have to gamble. I do not want government to feed its fiscal urges by resorting to deceptive advertising and gimmickry. **In** short, I fear that the noble goal of this legislation -- to maximize revenues while maintaining the dignity and general welfare of the people of the state -- would become little more than a mutually exclusive proposition..

2) A lottery would have little, if **any**, positive economic impact in the state. Certainly, it would boost the advertising business and increase the size of the state payroll. However, every dollar spent on a lottery will be one less dollar spent in the private sector economy of this state. Other recreational industry in the state would certainly suffer. Even businesses that sell nondiscretionary goods would feel some impact, particularly if the projections for massive participation hold true.

With the state's economy only now just beginning to rebound, we cannot afford to be nudged backward by a lottery which would stimulate only greater government spending.

Some have posed the question: If pari-mutuel is acceptable, why not a lottery? The reason is economics. Pari-mutuel would stimulate private sector economic activity in the horse industry, hotels, motels, restaurants and racing industry. **Moreover**, it would bring dollars back into Iowa that are now going to some of our neighboring states. The government would **regulate** pari-mutuel to ensure its integrity, but it would not **operate**, promote or directly profit from its success. **In short**, pari-mutuel will aid in Iowa's economic development; a lottery will allow the government to **sap** our state's economic strength,

3) Finally, I am philosophically opposed to allowing the state to enter the gambling business. Our state has prided itself on **its** honest, open and clean government. And that fact **has** given us effective government, government that the people of Iowa can trust and respect. **I** fear that involving the government in promoting and profiting from gambling activities that do not have general legal or moral sanction could reduce the strength **and effectiveness** of our state government. Moreover, the high probability that the state would be forced to engage in deceptive **advertising and** gambling gimmickry in order to bolster revenues would tarnish the image of the state in the eyes of many Iowans.

Article **I**, Section 2 of the Iowa Constitution states that,, . "Government is instituted for the protection, security, and benefit of the people,..." As part of that philosophy, the

The Honorable Mary Jane Odell

June 2, 1983

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Constitution originally prohibited a state lottery. That made sense in 1857 and **it makes** sense today. State government should protect, not entice; it should secure, not seduce; it should benefit, not deceive the people of Iowa. Therefore, for the fiscal, economic and philosophical reasons stated above, I hereby respectfully disapprove this House File 634.

Very truly yours,

A handwritten signature in dark ink, reading "Terry E. Branstad". The signature is fluid and cursive, with a large loop at the end of the last name.

Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

HOUSE FILE 635

AN ACT

RELATING TO **THE** STATE INHERITANCE TAX BY ELIMINATING **THE** PRELIMINARY INHERITANCE **TAX** RETURN, SPECIFYING THE VALUE TO USE IN COMPUTING **THE** TAX, PROVIDING FOR INHERITANCE TAX RECEIPTS **AND** COLLECTION OF THE TAX, INCLUDING PENALTIES AND INTEREST AND **MAKING** COORDINATING **AMENDMENTS**.

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

Section 1. Section 331.704, subsection 2, paragraph i, Code 1983, is amended by striking the paragraph.

Sec. 2. Section 450.1, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of this chapter, unless the context otherwise requires, "personal representative" means an executor, administrator, or trustee as each is defined in section 633.3.

Sec. 3. Section 450.4, subsection 1, Code 1983, is amended to read as follows:

1. *When* the entire estate of the decedent does not exceed the sum of ten thousand dollars after deducting the **debts liabilities**, as defined in this chapter.

Sec. 4. Section 450.5, Code 1983, is amended to read as follows:

450.5 LIABILITY FOR TAX. Any person becoming beneficially entitled to any property or interest ~~therein in property~~ by any method of transfer as ~~herein~~ specified in this chapter, and all ~~administrators, executors, personal representatives and referees, and trustees~~ of estates or transfers taxable under ~~the provisions of~~ this chapter, ~~shall be~~ are respectively liable for all ~~such~~ taxes to be paid by them respectively.

Sec. 5. Section 450.7, subsection 3, Code 1983, is amended to read as follows:

3. The sale, exchange, mortgage, or pledge of property ~~by the personal representative pursuant to a testamentary direction~~ or power, pursuant ~~to section~~ 633.387, or under order of **court**, divests the property from the lien of the tax. The proceeds from ~~such a~~ that sale, exchange, mortgage, or Pledge shall be held by the personal representative subject to the same priorities for the payment of the tax as existed with respect to the property before the transaction, and the personal representative is personally liable for payment of the tax to the extent of the proceeds. ~~Whenever there is a change in the status, type, or nature of the assets reported in the preliminary inventory, the change shall be reported on or before the filing of the final report when required by the department of revenue.~~

Sec. 6. Section 450.12, Code 1983, is amended by striking the section and inserting in lieu thereof the following:
450.12 LIABILITIES DEDUCTIBLE.

1. Subject to the limitations in subsections 2 and 3, there shall be deducted from the gross value of the estate only the liabilities defined as follows:

The debts owing by the decedent at the time of death, the local and state taxes accrued before the decedent's death, the federal estate tax and federal taxes owing by the decedent, a reasonable sum for funeral expenses, the allowance for surviving spouse and minor children granted by the probate court or its judge, court costs, the costs of appraisal made for the purpose of assessing the inheritance tax, the fee of personal representatives as allowed by order of court, the amount paid by the personal representatives for a bond, the attorney's fee in a reasonable amount to be approved by the court for the probate proceedings in the estate, the costs of the sale of real estate or personal property in the estate, including the real estate agent's commission, and expenses for abstracting, documentary stamps, and title **correction** expenses.

A liability shall not be deducted unless the personal representative certifies that it has been paid or, if not paid, the director of revenue is satisfied that it will be paid.

2. If the decedent's gross estate includes property with a situs outside of Iowa, the liabilities deductible under subsection 1 shall be prorated on the basis that the gross value of property with a situs in Iowa bears to the total gross estate. Only the Iowa portion of the liabilities shall be deductible in computing the tax imposed by this chapter. However, a liability secured by a lien on property shall be allocated to the state where the property has a situs and shall not be prorated except to the extent the liability exceeds the value of the property.

3. If a liability under subsection 1 is secured by property, or a portion of property, not included in the decedent's gross estate, only that portion of the liability attributable to property or a portion of property included in the decedent's gross estate is deductible in computing the tax imposed by this chapter.

Sec. 7. Section 450.17, Code 1983, is amended to read as follows:

450.17 CONVEYANCE--EFFECT. When said real estate or any an interest therein in real estate is subject to such tax, as a conveyance ~~either-before-or-after-the-entering-of-said~~ lien, shall does not discharge the real estate so conveyed from said the lien except as provided in section 450.7.

Sec. 8. Section 450.21, code 1983, is amended to read as follows:

450.21 ADMINISTRATION ON APPLICATION OF DIRECTOR. If, upon the death of any person leaving an estate that may be liable to a tax under ~~the-provisions-of~~ this chapter, a will disposing of such the estate is not offered for probate, or an application for administration made within four months from the time of such the decease, the director of revenue

may, at any time thereafter, make application to the proper court, setting forth such that fact and praying requesting that ~~an-administrator-may~~ a personal representative be appointed. and ~~thereupon-said the~~ court shall appoint em administrator a personal representative to administer upon such the estate.

Sec. 9. Section 450.22. Code 1983, is amended to read as follows:

450.22 ADMINISTRATION AVOIDED. When the heirs or persons entitled to inherit the property of an estate subject to the tax ~~hereby-imposed~~ under this chapter, desire to avoid the appointment of ~~an-administrator~~ a personal representative as provided in section 450.21, and in all instances where real estate is involved and ~~no~~ regular probate proceedings are not had, they or one of them shall file under oath the inventories required by section 633.361 and reports and perform all the duties required by this ~~chapter,--of-administrators,~~ including-the-filing-of-the-lien of the personal representative and file the inheritance tax return. Proceedings for the collection of the tax when ~~no-administrator~~ a personal representative is not appointed, shall conform as nearly as may be to the provisions of this chapter in other cases.

Sec. 10. Section 450.24, Code 1983, is amended to read as follows:

450.24 APPRAISERS. In each county the court shall, on or before January 15 of each year, appoint three competent resident⁵ and freeholders of said the county to act as appraisers of ~~all~~ the real property within its jurisdiction which is charged or sought to be charged with an inheritance tax. ~~said The~~ appraisers shall serve for one year. and until their successor⁵ are appointed and qualified. They shall each take an oath to faithfully and impartially perform the duties of the office, but shall not be required to give bond. They shall be subject to removal at any time at the discretion of the court. The court may also in its discretion, either

before or after the appointment of the regular appraisers, appoint other appraisers to act in any given case. Vacancies occurring otherwise than by expiration of term shall be filled by appointment of the court. ~~No~~ A person interested in any manner in the estate to be appraised may shall not serve as an appraiser of ~~such~~ that estate.

Sec. 11. Section 450.27, Code 1983, is amended to read as follows:

450.27 COMMISSION TO APPRAISERS. When an appraisal of ~~any-part-of-an~~ real estate is requested by the department of revenue, as provided in section ~~450.39~~ 450.37, or is otherwise required by this chapter, the clerk shall issue a commission to the appraisers, who shall fix a time and place for appraisement, except that if the only interest that is subject to tax is a remainder or deferred interest upon which the tax is not payable until the determination of a prior estate or interest for life or term of years, he the clerk shall not issue the commission until the determination of the prior estate, except at the request of the department of revenue when the parties in interest ~~who-desire~~ seek to remove an inheritance tax lien.

Sec. 12. Section 450.30, Code 1983, is amended to read as follows:

450.30 REAL PROPERTY IN DIFFERENT COUNTIES. When If real property is located in more than one county, the appraisers of the county in which the estate is being administered may appraise ~~the-whole~~ all real estate, or those of the several counties may serve for the real property within their respective counties or other appraisers be appointed as the district court may direct.

Sec. 13. Section 450.32, Code 1983, is amended ~~to~~ read as follows:

450.32 BEARING--ORDER. If upon ~~such~~ the hearing the court finds the amount at which the real property is appraised is its value on the market in the ordinary course of trade and

the appraisement was fairly and in good faith made, it shall ~~approve such the appraisement, but-if-it.~~ If the court finds that the appraisement was made at a greater or ~~less~~ lesser sum than the value of the real property in the ordinary course of trade, or that ~~the-same it~~ was, not fairly or in good faith made, it shall set aside the appraisement. Upon ~~said the~~ appraisement being set aside, the court shall fix the value of the real property of ~~said the~~ estate for inheritance tax purposes and the valuation ~~so fixed shall-be is~~ that upon which the tax shall be paid, unless an appeal is taken from the order of ~~said the~~ court as hereinafter provided for in this chapter.

Sec. 14. Section 450.36, Code 1983, is amended to read as follows:

450.36 APPRAISAL OF OTHER PROPERTY. If there be is an estate or real property subject to said tax ~~wherein~~ and the records in the clerk's office do not disclose that there may be a tax due under ~~the-provisions-of~~ this chapter, the ~~person~~ or persons interested in the real property shall report the matter to the clerk department of revenue with an-application a request that the real property be appraised.

Sec. 15. Section 450.37, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

450.37 VALUE FOR COMPUTING THE TAX.

1. Unless the value has been determined under chapter ~~450B~~, the tax shall be computed based upon one of the following:

a. The fair market value of the property in the ordinary course of trade determined under subsection 2.

b. The alternate value of the property, if the personal representative so elects, that has been established for federal estate tax purposes under section 2032 of the Internal Revenue Code of 1954 as defined in section 422.4. The election shall be exercised on the return by the personal representative or other person signing the return, within the time prescribed

by law for filing the return or before the expiration of any extension of time granted for filing the return.

2. Fair market value in the ordinary course of trade shall be established by agreement between the department of revenue, the personal representative, and the persons who have an interest in the property.

a. If an agreement has not been reached on the fair market value of real property in the ordinary course of trade, the director of revenue has thirty days after the return is filed to request an appraisal under section 450.27. If an appraisal request is not made within the thirty-day period, the value listed on the return is the agreed value of the real property.

b. If an agreement is not reached on the fair market value of personal property in the ordinary course of trade, the personal representative or any person interested in the personal property may appeal to the director of revenue for a revision of the department of revenue's determination of the value and after the appeal hearing may seek judicial review of the director's decision. The provisions of section 450.94, subsection 3, relating to appeal of a determination of the department and review of the director's decision apply to an appeal and review made under this subsection.

Sec. 16. Section 450.44, Code 1983, is amended to read as follows:

450.44 REMAINDERS--APPRAISEMENT VALUATION. When any a person, whose estate over and above the amount of that person's debts liabilities, as defined in this chapter, exceeds the sum of ten thousand dollars, shall bequeath, devise bequeaths, devises, or otherwise transfer transfer real property to or for the use of persons exempt from the tax imposed by this chapter, during life or for a term of years, and the remainder to persons not thus exempt, this property, upon the determination of the estate for life or years, shall be appraised valued at its then actual market value from which shall be deducted the value of any improvements on it made

by the person who owns the remainder interest during the time of the prior estate, to be ascertained and determined by the appraisers as provided in section 450.37, subsection 1, paragraph a, and the tax on the remainder shall be paid by the person who owns the remainder interest as provided in section 450.46.

Sec. 17. Section 450.45, Code 1983, is amended to read as follows:

450.45 LIFE AND TERM ESTATES--APPRAISEMENT VALUATION. Subject to section 450.39 when an estate or interest for life or term of years in real property is given to a party other than those especially exempt by this chapter, the clerk shall cause the property to be appraised at the actual market value, shall be valued as provided in section 450.37 as is provided in ordinary cases, and the party entitled to the estate or interest shall, within nine months from the death of decedent owner, pay the tax, and in default the court shall order the estate or interest, or as much as necessary to pay the tax, penalty, and interest, to be sold.

Sec. 18. Section 450.46, Code 1983, is amended to read as follows:

450.46 DEFERRED ESTATE--APPRAISEMENT VALUATION. Upon the determination of any prior estate or interest, when the remainder or deferred estate or interest or any part of it is subject to tax and the tax upon the remainder or deferred interest has not been paid, the persons entitled to the remainder or deferred interest shall immediately report to the clerk of the proper court department of revenue the fact of the determination of the prior estate, and upon receipt of the report, or upon information from any source, of the determination of any prior estate when the remainder interest has not been appraised valued for the purpose of assessing tax, the clerk shall forthwith issue a commission to the inheritance-tax appraisers, who shall immediately proceed to appraise the property shall be valued as provided in like

cases in section 450.44 and the tax upon the remainder interest shall be paid by the person who owns the remainder interest within nine months after the determination of the prior estate. If the tax is not paid within this time ~~the~~ court shall then order the property, or ~~so as~~ much ~~thereof~~ as may be necessary to pay the tax, ~~penalty~~, and interest, to be sold.

Sec. 19. Section 450.47, Code 1983, is amended to read as follows:

450.41 LIFE AND TERM ESTATES IN PERSONAL PROPERTY. ~~Subject to section 450.39, when~~ When an estate or interest for life or term of years in personal property is given to one or more persons other than those especially exempt by this chapter and the remainder or deferred estate to others, ~~the clerk shall cause~~ the property devised or conveyed ~~to be appraised~~ shall be valued under section 450.37 as provided in ordinary estates and the value of the ~~several~~ estates or interests devised or conveyed shall be determined as provided in section 450.51, and the tax upon the estates or interests liable for the tax shall be paid to the department of revenue from the property ~~appraised~~ valued or by the persons entitled to the estate or interest within nine months from the death of the testator, grantor, or ~~donor, provided, that.~~ However, payment of the tax upon any deferred estate or remainder interest may be deferred until the determination of the prior estate by the giving of a good and sufficient bond as provided in section 450.40.

Sec. 20. Section 450.51, Code 1983, is amended to read as follows:

450.51 ANNUITIES--LIFE AND TERM ESTATES. The value of any annuity, deferred estate, or interest, or any estate for life or term of years, subject to inheritance tax shall be determined for the purpose of computing said the tax by the use of current, commonly used tables of mortality and actuarial principles pursuant to regulations prescribed by the director of revenue. The taxable value of annuities, life or term,

deferred, or future estates, shall be computed at the rate of four percent per annum of the appraised established value of the property in which ~~such~~ the estate or interest exists or is founded.

Sec. 21. Section 450.53, Code 1983, is amended to read as follows:

450.53 DUTY OF FIDUCIARIES PERSONAL REPRESENTATIVES TO PAY TAX. ~~It is the duty of all fiduciaries~~ All personal representatives, except guardian~~s~~ and conservators, ~~and~~ other persons charged with the management or settlement of any estate or trust from which a tax is due under this chapter, ~~to shall~~ file ~~a final~~ an inheritance tax return with a copy of any federal estate tax return and other documents required by the director which may reasonably tend to prove the amount of tax due, and shall pay to the department of revenue the amount of the tax due from any devisee, grantee, donee, heir, or beneficiary of the decedent, except in cases where payment of the tax is deferred until the determination of a prior estate, in which cases the owner of the future interest shall file a supplemental ~~final~~ inheritance tax return and pay to the department of revenue the tax due. The ~~final~~ inheritance tax returns shall be in the form prescribed by the director.

Sec. 22. Section 450.54, Code 1983, is amended to read as follows:

450.54 SALE TO PAY TAX. ~~Executors, administrators, trustees,~~ Personal representatives or the director of revenue, ~~shall have power to may~~ sell ~~so as~~ much of the property of the decedent as will enable them to pay ~~said~~ the tax, in the same manner as is now provided by law for the sale of ~~such~~ that property for the payment of debts of ~~testators~~ or intestates.

Sec. 23. Section 450.55, Code 1983, is amended to read as follows:

450.55 ACTION MEANS TO COLLECT TAX. The Sections 422.26 and 422.30, pertaining to the lien except the requirements

of recording, collection of tax, jeopardy assessments, and distress warrants, apply to the unpaid tax, penalty, and interest imposed under this chapter. In addition the director of revenue may bring. or cause to be brought in the director's name of office, suit, for the collection of said the tax, penalty, interest, and costs, against the executor, administrator, or trustee, personal representative or against the person entitled to property subject to said the tax, or upon any bond given to secure payment thereof of the tax, either jointly or severally, and obtaining judgment may cause execution to be issued thereon as is provided by statute in other cases. The proceedings shall conform as nearly as may be to those for the collection of ordinary debt by suit.

Sec. 24. Section 450.57, Code 1983, is amended to read as follows:

450.57 TAX DEDUCTED FROM LEGACY OR COLLECTED. Every executor, administrator, personal representative or referee or trustee having in charge or trust any property of an estate subject to said tax, and which is made payable by him the personal representative or referee, shall deduct the tax therefrom from the property or shall collect the tax thereon from the legatee or person entitled to said the property and pay the same tax to the department of revenue, and he the personal representative or referee shall not deliver any specific legacy or property subject to said tax to any person until he the personal representative or referee has collected the tax thereon.

Sec. 25. Section 450.58, Code 1983, is amended to read as follows:

450.58 FINAL SETTLEMENT TO SHOW PAYMENT. We The final settlement of the account of any executor, administrator, or trustee a personal representative shall not be accepted or allowed unless it shall show shows, and the court shall find finds, that all taxes imposed by the provisions of this chapter upon any property or interest therein, in property

that is hereby made payable by such executors, administrators, or trustees, the Personal representative and to be settled by said the account, shall have has been paid, and that the receipt of the department of revenue for such the tax shall have been filed with the clerk showing such payment has been obtained as provided in section 450.64. Any order contravening the provision of this section shall be is void. Upon the filing of such receipt showing payment of the tax, the clerk shall record the same upon the inheritance tax lien book in his office.

Sec. 26. Section 450.61, Code 1983, is amended to read as follows:

450.61 BEQUESTS TO EXECUTORS OR TRUSTEES PERSONAL REPRESENTATIVES. Whenever If a decedent appoints one or more executors or trustees personal representatives and, in lieu of their allowance or commission, makes a bequest or devise of property to them which would otherwise be liable to said tax, or appoints them his residuary legatees, and said the bequests, devises, or residuary legacies exceed the statutory fees as compensation for their services, such the excess ☐ he/she is liable to such tax.

Sec. 27. Section 450.62, Code 1983, is amended to read as follows:

450.62 LEGACIES CHARGED UPON REAL ESTATE. Whenever any If legacies subject to said tax are charged upon or payable out of any real estate, the heir or devisee, before paying the same tax, shall deduct said the tax therefrom from it and pay it to the executor, administrator, trustee, personal representative or department of revenue, and the same tax shall remain a charge against and be a lien upon said the real estate until it is paid and Payment-Bhaaesf. Payment of the tax shall be enforced by the executor, administrator, trustee, personal representative or director of revenue as herein provided in this chapter.

Sec. 28. Section 450.64, Code 1983, is amended to read as follows:

450.64 ~~CLERK-FURNISHED~~ RECEIPT SHOWING PAYMENT. upon payment of ~~such~~ the tax in full the department of revenue shall forthwith transmit a ~~duplicate receipt, to the clerk of the court of the county in which the estate is being settled,~~ to the person designated by the taxpayer signing the return showing the payment of ~~such~~ the tax. If the tax is not paid in full, a taxpayer whose tax liability is paid in full may request a receipt as to that taxpayer's share of the tax.

Sec. 29. Section 450.71, Code 1983, is amended to read as follows:

450.71 PROOF OF AMOUNT OF TAX DUE. Before issuing a receipt for the tax, the director of revenue may demand from ~~administrators, executors, trustees,~~ personal representatives or beneficiaries ~~such~~ information as may be necessary to verify the correctness of the amount of the tax and interest, and when ~~such~~ this demand is made they shall send to the director of revenue certified copies of wills, deeds, or other papers, or of ~~such~~ those parts of their reports as the director may demand, and Upon the refusal or neglect of ~~said the~~ parties to comply with the demand of the director. ~~it is the duty of the clerk of the court to~~ shall comply with ~~such the~~ demand, and the expenses of making ~~such~~ copies and transcripts shall be charged against the estate, as are other costs in probate, or the tax may be assessed without deducting ~~debts~~ liabilities for which the estate way-be is liable.

Sec. 30. Section 450.86, Code 1983, is amended to read as follows:

450.86 SECURITIES AND ASSETS HELD BY BANK, ETC. ~~No A~~ safe deposit company, trust company, bank, or other ~~institution, or person or persons~~ holding securities or assets, exclusive of life insurance policies payable to named beneficiaries, which securities or other assets are located

~~in a safety~~ deposit box or other security enclosure of the decedent, after receiving knowledge of the death shall not deliver or transfer ~~the same them~~ to the transferee, joint owner, or beneficiary of the decedent unless the tax for which the ~~securities~~ or assets are liable under this chapter is first paid, or the payment ~~thereof~~ is secured by bond as herein provided in this chapter. However, all the contents shall be reported in writing to the department of revenue, and thereafter may be delivered to the ~~executor, administrator, or legal personal~~ representative. ~~It is lawful for and the duty of the~~ The director of revenue, personally⁷ or by any person by him duly authorized by the director, ~~to~~ shall examine the securities or assets at the time of any a proposed delivery or transfer. ~~Failure~~ to give written notice of the contents of the safety deposit box or other security enclosure to the department of revenue at the time of or prior to the delivery of the securities or assets to the ~~executor, administrator, or legal personal~~ representative or transferee, joint owner, or beneficiary ~~shall render~~ renders the safe deposit company, trust company, bank, or other institution⁷ or person ~~or persons~~ liable for the payment of the tax upon the securities or assets as provided in this chapter.

Sec. 31. Section 450.87, Code 1983, is amended to read as follows:

450.87 TRANSFER OF CORPORATION STOCK. If a foreign ~~executor, administrator, or trustee shall assign or transfer~~ personal representative assigns or transfers any corporate stock or obligations in this state standing in the name of a ~~decedent,~~ or in trust for a ~~decedent,~~ liable to ~~such~~ tax, the tax shall be paid to the department of revenue on or before the transfer ~~thereof;~~ otherwise the corporation permitting its stock to be ~~so~~ transferred ~~shall be is~~ liable to pay ~~such the~~ tax, interest, and costs, and ~~it is the duty of the director of revenue to~~ shall enforce the payment ~~thereof of the tax, interest, and costs.~~

Sec. 32. Section 450.08, Code 1983, is amended to read as follows:

450.88 **CORPORATIONS TO REPORT TRANSFERS.** Every Iowa corporation organized for pecuniary profit shall, on July 1 of each year, by its proper officers under oath, make a full and correct report to the director of revenue of all transfers of its stocks made during the preceding year by any person who appears on the books of ~~such the~~ corporation as the owner of ~~such the~~ stock, when ~~such the~~ transfer is made to take effect at or after the death of the owner or transferor, and all transfers which are made by an ~~administrator, executor, trustee, a personal representative,~~ referee, or any person other than the owner or person in whose name the stocks appeared of record on the books of ~~such the~~ corporation, prior to the transfer ~~thereof~~. ~~Such~~ This report shall show the name of the owner of ~~such the~~ stocks and ~~his~~ the owner's place of residence, the name of the person at whose request the stock was transferred, ~~his~~ the person's place of residence and ~~the~~ authority by virtue of which ~~he~~ the person acted in making ~~such the~~ transfer, the name of the person to whom the transfer was made, and the residence of ~~such the~~ person, together with ~~such~~ other information as the officers reporting may have relating to estates of persons deceased who may have been owners of stock in ~~such the~~ corporation. If it appears that any ~~such~~ stock so transferred is subject to tax under ~~the provisions of~~ this chapter, and the tax has not been paid, the director of revenue shall notify the corporation in writing of its liability for the payment ~~thereof of the tax~~, and shall bring suit against ~~such the~~ corporation as in other cases ~~herein provided~~ unless payment of the tax is made within sixty days from the date of ~~such~~ notice.

~~The provisions of this~~ This section ~~shall does~~ not apply if the lien has been released under ~~the provisions of section~~ 450.7 or the director has issued a consent to transfer.

Sec. 33. Section 450.90, Code 1983, is amended to read as follows:

458.90 PROPERTY IN THIS STATE BELONGING TO FOREIGN ESTATE. ~~Whenever any~~ When property: real or ~~personal~~, within this state belongs to a foreign estate and ~~said~~ the foreign estate passes in part exempt from the tax imposed by this chapter and in part subject to ~~said the~~ tax and there is ~~no not~~ a specific devise of the property within this state to exempt persons or if it is within the authority or discretion of the foreign ~~executor, administrator, or trustee~~ personal representative administering the estate to dispose ~~of~~ the property not specifically devised to exempt persons in the payment of ~~debts~~ liabilities owing by the decedent at the time of ~~his~~ death, or in the satisfaction of legacies, devises, or trusts given to direct or collateral legatees or devisees or in payment of the distributive shares of any direct and collateral heirs, then the property within the jurisdiction of this state belonging to ~~such the~~ foreign estate ~~shall be~~ is subject to the tax imposed by this chapter, and the tax due ~~thereon~~ shall be assessed as provided in section ~~450.89~~ 450.12, subsection 2, relating to the deduction of the proportionate share of ~~indebtedness, provided, however, that~~ liabilities. However, if the value of ~~the~~ property so situated exceeds the total amount of the estate passing to other persons than those exempt ~~hereby~~ from the tax imposed by this chapter, ~~such the~~ excess ~~shall is~~ not be subject to said tax.

Sec. 34. Section 450.94, subsection 2, Code 1983, is amended to read as follows:

2. The taxpayer shall file ~~a final an~~ inheritance tax return on forms to be prescribed by the director of revenue. ~~When a final an~~ inheritance tax return is filed, the department shall examine it and determine the correct amount of tax. If the amount paid is less ~~than~~ the correct amount due, the department shall notify the taxpayer of the total ~~amount~~ due together with any penalty and interest ~~thereon~~, which shall

be a ~~sum~~certain if paid on or before the last day of the month in which the notice is postmarked, or on or before the ~~last~~day of the following 'month if the notice is postmarked' after the twentieth day of a month and before the first day of the following month.

Sec. 35. Section 450.96, Code 1983, is amended to read as follows:

450.96 CONTINGENT ESTATES. Estates in expectancy which are contingent or defeasible and in which proceedings for the determination of the tax have not been taken or where the taxation ~~thereof~~ has been held in abeyance, shall be appraised valued at their full, undiminished value when the persons entitled ~~thereto-shall~~ to the estates come into the beneficial enjoyment or possession ~~thereof~~ of the estates, without diminution for or on account of any valuation ~~theretofore-made-of-the-particular-estates-for-purposes-of-taxation,-upon-which-said-estates-in-expectancy-may-have-been-limited~~ previously made. When an estate, devise, or legacy can be divested by the act or omission of the legatee or devisee, it shall be taxed as if there were no possibility of ~~such~~ the divesting. When a devise, bequest, or transfer is one in part contingent, and in part vested so that the beneficiary will come into possession and enjoyment of a portion of ~~his~~ the inheritance on or before the happening of the event upon which the possible defeating contingency is based, a tax shall be imposed and collected upon ~~such~~ the bequest or transfer as upon a vested interest, at the highest rate possible under ~~the-terms-of~~ this chapter if no ~~such~~ contingency existed; provided that ~~in-the-event-such~~ if the contingency reduces the value of the estate or interest ~~so~~ taxed, and the amount of tax ~~so~~ paid is in excess of 'the tax for which ~~such~~ the bequest or transfer is liable upon the removal of ~~such~~ the contingency, ~~such~~ the excess shall be refunded as ~~is~~ provided in sections 450.94 and 450.95 in other cases.

Sec. 36. Section 633.361, unnumbered paragraph 2, Code 1983, is amended by striking ~~the~~ unnumbered paragraph.

Sec. 37. Sections 450.13, 450.14, 450.15, 450.18, 450.19, 450.38, 450.39, 450.56, 450.72, 450.73, and 450.89, Code 1983, are repealed.

Sec. 38. This Act, except for section 23, applies to the estates of persons dying on or after its effective date.

Sec. 39. Section 23 of this Act applies to taxes, penalties, and interest still owing on the effective date of this Act and to taxes, **penalties**, and interest becoming due on or after that effective date.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 635, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1983

TERRY E. BRANSTAD
Governor

H.F. 635

HOUSE FILE 638

AN ACT

RELATING TO AND APPROPRIATING FROM **THE** GENERAL FUND OF **THE** STATE AND VARIOUS TRUST FUNDS FOR VARIOUS OPERATIONS AND GRANTS AND AIDS TO DEPARTMENTS AND AGENCIES OF **THE** STATE WHOSE RESPONSIBILITY RELATES TO AGRICULTURAL AFFAIRS, ECONOMIC DEVELOPMENT, AND ENERGY AND NATURAL RESOURCES MANAGEMENT.

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

Section 1. DEPARTMENT OF AGRICULTURE. There is appropriated from the general fund of the state and the trust funds indicated to the department of agriculture for the fiscal year beginning July 1, 1983 and ending June 30, 1984 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1983-1984
Fiscal Year

1. GENERAL ADMINISTRATION

a. From the general fund for salaries and support of not more than fifty-nine and one-half full-time equivalent positions annually, maintenance, and miscellaneous purposes . . . 8 1,311,197

It is the intent of the general assembly that the Collection of agricultural statistics under sections 3 and 4 of this Act not commence until January 1, 1984.

b. From the fertilizer fund to be transferred to the administration division \$ 39,216

c. From the dairy trade practice fund to be transferred to the administration division s 67,685

d. From the commercial feed fund to be transferred to the administration division \$ 39,216

The department of agriculture shall establish annual subscription fees for the regular and periodic publications of the department. Fees collected from subscribers shall be deposited in the general fund of the state.

It is the intent of the general assembly that the department of agriculture solicit funds from private sources for the support of agricultural promotion activities.

2. REGULATORY DIVISION

From the general fund for salaries and support of not more than one hundred sixty-two and twenty-eight hundredths full-time equivalent positions annually, maintenance, and miscellaneous purposes s 3,639,005

It is a condition of the funds appropriated by this subsection that the department of agriculture is required to inspect a food service establishment only once a year, notwithstanding the provisions of section 170A.3 requiring an inspection twice a year.

3. LABORATORY DIVISION

a. From the general fund for salaries and support of not more than one hundred eight and sixty-two hundredths full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 645,270

b. From the commercial feed fund

to be transferred to the laboratory

division \$ 690,223

C. From the pesticide fund to be transferred to the laboratory division \$ 418,791

d. From the fertilizer fund to be transferred to the laboratory division \$ 612,812

Sec. 2. **BRUCELLOSIS INDEMNITY.** There is appropriated from the general fund of the state to the department of agriculture for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the sum of twenty-five thousand (25,000) dollars, or so much thereof as is necessary, to make grants to counties to pay the indemnity and the expenses of the inspection and testing of animals as provided in chapters 163A and 164. The secretary of agriculture shall not approve a grant under this section to a county unless the board of supervisors has levied the **maximum** levy for the county brucellosis eradication fund under section 331.421, subsection 5, for the fiscal year beginning July 1, 1983 and ending June 30, 1984 and all funds in the county brucellosis eradication fund including all unobligated funds transferred from the county tuberculosis eradication fund, have been expended. However, no individual claimant, in a single county, shall receive more than five thousand (5,000) dollars in the fiscal year.

Sec. 3. Section 159.11, Code 1983, is amended to read as follows:

159.11 **~~ASSESSOR~~ AGRICULTURAL STATISTICS.** Agricultural statistics shall be collected each **even-numbered** year by the **~~assessors-under-the-supervision-of-the~~** department, which shall design **~~and-distribute-blank-forms-and-instructions~~** surveys, collect data and publish county estimates of agricultural items. The department may make public announcements Of the information collected and may provide copies without fee to vocational agricultural schools, state agricultural extension

service and libraries. The department shall establish subscription fees for access by other parties to the information collected under this section. The fees shall be deposited in the general fund of the state. Production, , and acreage data collected under this section and provided by the denartment to the department of revenue shall not be adjusted for accuracy by the department of revenue.

Sec. 4. Section 159.12, Code 1983, is amended to read as follows:

159.12 **RETURNS BY-ASSESSOR.** The **~~assessor~~** department shall require each person **~~whose-property-is-listed,~~** requested to make answers to such inquiries as may be necessary to allow the return of the statistics, carefully footed and summarized, to the department **~~on-or-before-the-fifteenth-day-of-April~~** of each **even-numbered** year.

Sec. 5. **STATE CONSERVATION COMMISSION.** There is appropriated from the general fund of the state and the funds indicated to the state conservation commission and its divisions for the fiscal year beginning July 1, 1983 and ending June 30, 1984 the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1983-1984
Fiscal Year

1. DIVISION OF **LANDS** AND WATERS

a. For deposit in the state conservation fund from the general fund of the state for salaries and support of not more than two hundred fifty-nine and eighty-four hundredths full-time equivalent positions annually, maintenance, equipment, and miscellaneous purposes and for maintenance of state parks, waters, and forests, and including not more than one million five hundred thousand four hundred thirty

(1,500,430) dollars during the fiscal year beginning July 1, 1983 which shall be available for the administration fund from the state Conservation fund in compliance with the provisions of section 107.17 \$ 6,654,464

b. From fees deposited under section 321G.7 for the development and maintenance of snowmobile facilities on lands under the jurisdiction of the commission \$ 100,000

2. DIVISION OF FISH AND GAME

a. From the state fish and game protection fund for salaries and support of not more than two hundred ninety-four and sixty-eight hundredths full-time equivalent position5 annually, maintenance, equipment, and miscellaneous purposes including not more than one million eight hundred seventy-one thousand two hundred eighty (1,871,280) dollars during the fiscal year beginning on July 1, 1983 which shall be available each fiscal year from the state fish and game protection fund for the administration fund in compliance with the provisions of section 107.17 \$11,575,852

b. From the fees deposited under section 321G.7 to the fish and game protection fund for enforcement of snowmobile laws as part of the state snowmobile program \$ 48,286

c. From the fees deposited under section 106.52 to the fish and game

protection fund for administration and enforcement of navigation laws and water safety \$ 726,608

d. Funds remaining in the fish and game protection fund during the fiscal year 1983-1984 which are not specifically appropriated by this section are appropriated and may be used for capital projects and contingencies arising during the fiscal year beginning July 1, 1983. A contingency shall not include any purpose or project which was presented to the general assembly by way of a bill or a proposed bill and which failed to be enacted into law.. For the purpose of this subsection, a necessity of additional operating funds may be construed as a contingency. Before any of the funds authorized to be expended by this subsection are allocated for contingencies, it shall be determined by the executive council, in consultation with the chairpersons and ranking members of the appropriation subcommittees on natural resources, that a contingency exists and that the contingency was not existent while the general assembly was in session and that the proposed allocation shall be for the best interests of the state. If a contingency arises or could reasonably be foreseen during the time the general assembly is in session, expenditures for the contingency must be authorized by the general assembly.

3. STATE ADVISORY BOARD FOR PRE-SERVES

From the general fund of the state for salaries and support of not more than one full-time equivalent position annually, maintenance, and miscellaneous purposes for carrying out the duties of the board \$ 50,495

4. GREEN THUMB PROGRAM

From the general fund for deposit in the green thumb fund for the em-

ployment of not more than twelve full-time equivalent positions annually under the green thumb program established pursuant to ~~chapter~~ 6018 \$ 148,830

sec. 6. **MARINE FUEL TAX FUND.** There is appropriated from the marine fuel tax fund to the state conservation commission and its divisions for ~~the~~ **fiscal** year beginning July 1, 1983 and ending June 30, 1984 the following amounts, or so much thereof as is necessary, ~~to~~ be used for the purposes designated:

1983-1984
Fiscal Year

1. For deposit in the state conservation fund for maintenance and development of boating facilities and access to public waters \$ 293,326
2. For deposit in the state fish and game protection fund for the administration and enforcement of navigation ~~laws~~ and boat safety \$ 166,496

The balance of the amounts computed as provided in section 324.84 for the fiscal year beginning July 1, 1983 and ending June 30, 1984 is appropriated for the purposes provided in section 324.79, subsections 1, 2, 3 and 5. The unencumbered or unobligated balances of funds specifically allocated for such projects for the fiscal year ending June 30, 1984. shall revert on June 30, 1986 to the fund from which appropriated.

Sec. 7. **ADMINISTRATION FUND.**

1. The transfer of funds from the state conservation fund and the state fish and game protection fund to the administration funds shall not exceed the amounts specified in subsections 1 and 2 of section 5 of this Act. Such funds shall be used for salaries and support of not more than one hundred thirteen and ninety-four hundredths full-time equivalent positions annually.

2. All receipts and refunds and reimbursements related to activities funded by the administration fund are appropriated to the administration fund. All refunds and **reimbursements** relating to **activities** of the state fish and game Protection fund shall be credited to the state fish and game protection fund.

3. The state conservation commission shall ~~establish~~ a priority list of watersheds above publicly-owned lakes and areas within those watersheds which are of highest importance based on soil loss to be used for the allocation of funds set aside in subsection 4 of section 15 of this Act for permanent soil conservation practices on watersheds above publicly-owned lakes.

4. It is the intent of ~~the~~ **general** assembly that members of ~~the~~ state conservation commission shall be limited to the normal mileage reimbursement for travel to commission meetings. Except for out-of-state trips authorized by the executive council, state aircraft shall not be used to transport commissioners to meetings unless ~~the~~ individual commissioner reimburses the state for costs exceeding the amount the commissioner would have been reimbursed for mileage.

Sec. 8. OPEN SPACES **SCHOOL TAX PAYMENT.** There is appropriated from the general fund of the state to the state conservation commission the amount of forty thousand (40,000) dollars to pay school taxes for the fiscal year beginning July 1, 1983 on the lands acquired under the open spaces acquisition program, commenced in Act 6 of the Sixty-fifth **General** Assembly, 1973 Session, chapter 74, which would otherwise be subject to the levy of school taxes. ~~The~~ assessed value of ~~the~~ open spaces land shall be ~~that~~ determined pursuant to section 427.1, subsection 31; and the commission may protest the assessed value in the manner provided by law for any property owner to protest an assessment. For the purposes of chapter 442, the assessed value of the open spaces land shall be included in the valuation base of the school district

and the payments made pursuant to this section shall be considered as property tax revenues and not as miscellaneous income. The county treasurer shall certify the taxes due to the commission. If the total amount of taxes due certified to the commission exceeds the amount appropriated, the taxes due shall be reduced proportionately so that the total amount equals the amount appropriated.

Sec. 9. IOWA DEVELOPMENT COMMISSION. There is appropriated from the general fund of the state to the Iowa development commission for the fiscal year beginning July 1, 1983 and ending June 30, 1984 the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1983-1984
Fiscal Year

1. For salaries and support of not more than sixty-two full-time equivalent positions annually, maintenance, and miscellaneous purposes\$3,006,382

2. From funds appropriated by subsection 1 the Iowa development commission shall allocate not to exceed **thirty-five** thousand (35,000) dollars for the seven regional tourism districts, not to exceed seven thousand (7,000) dollars per district, for each district which provides on a **dollar-to-**dollar matching basis funds equal to the amount allocated by the Iowa development commission.

3. It is the intent of the general assembly that the Iowa development commission shall operate international offices in Europe and Asia within the limits of the funds approved for the commission. It is the intent of the general assembly that by July 1, 1985 at least fifty percent of the funding of the international offices be supported by sources other than the state. The commission is authorized to seek voluntary contributions and impose charges or assessments for the **services provided** by the international offices.

4. It is the intent of the general assembly that the members of the Iowa development commission shall be limited to ~~the~~ normal **mileage reimbursement** for travel to commission meetings. **Except** for out-of-state trips authorized by the executive council, state aircraft shall not be used to transport commission members to meetings unless the individual commissioner reimburses the state for costs exceeding the amount the commissioner would have been reimbursed for mileage.

5. It is the intent of the general assembly that the Iowa development commission solicit funds from private sources for the support of promotion activities.

6. It is the intent of the general assembly that the salaries allocated for the **tourism** and travel division of the Iowa development commission, after subtracting the salaries for the tourism information centers, not exceed twenty-four percent of the funds allocated for ~~that~~ division.'

7. It is a condition of the funds appropriated by subsection 1 that if the governor finds that the estimated budget resources during ~~the~~ fiscal year beginning July 1, 1983 and ending June 30, 1984 are insufficient to pay all appropriation5 in full, the governor is authorized to and shall revert to ~~the~~ general fund the unobligated and unencumbered balance of the three hundred ninety-six thousand seven hundred nineteen (396,719) dollars appropriated by subsection 1 for advertising to promote tourism and conventions, attendance at travel shows, issuing economic impact reports, printing brochures, hosting writers and agents and for a special research project on high technology before making reductions in allotments as allowed under section 8.31.

Sec. 10. ENERGY POLICY COUNCIL. There is appropriated from the general fund of the state to the **energy** policy council for the fiscal year beginning July 1, 1983 and ending June 30, 1984 the following amounts, or so much thereof as is necessary,, **to be** used for the purposes **designated**:

1983-1984
Fiscal Year

ENERGY POLICY COUNCIL

1. OPERATIONS

For salaries and support of not **more** than eleven and six-tenths full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 381,998

2. PUBLIC BUILDINGS ENERGY CONSERVATION ADMINISTRATION

For salaries and support of not more than five and thirty-five hundredths full-time equivalent positions annually, maintenance, and miscellaneous purposes \$ 105,331

Sec. 11. STATE FAIR BOARD. There is appropriated from the general fund of the state to the Iowa state fair board for the fiscal year beginning July 1, **1983** and ending June 30, 1984 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1983-1984
Fiscal Year

1. For maintenance of state fair buildings and grounds \$ 76,500
2. For premiums \$ 9,000
3. For state aid to agricultural societies (local fairs) \$ **189,000**

4. The appropriation contained in subsection 3 for state aid to agricultural societies is conditional upon full compliance with all other statutes which regulate and prescribe the conditions under which the aid is available. The moneys shall not be used for other than the payment of cash premiums, and a county shall not receive more than one thousand eight hundred ninety (**1,890**) dollars except that in a county where there are two definitely separate county extension offices, each society shall receive state aid in the amount it would

be entitled to if it were the only society in the county.

In counties having more than one fair entitled to state aid, the state aid available shall be prorated to the fairs based on cash premiums paid by the fairs. If the amount appropriated does not fund all claims, the state aid shall be reduced proportionately to **equal** the **amount** appropriated.

Sec. 12. GEOLOGICAL SURVEY. There is appropriated from the general fund of the state to the Iowa geological survey for the fiscal year **beginning** July 1, 1983 and ending June 30, 1984 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1983-1984
Fiscal Year

1. For salaries and support of not more than thirty-nine and five-tenths full-time equivalent positions annually, maintenance, a drilling equipment truck, and miscellaneous purposes for the general office \$ **1,249,255**

2. For reimbursement to federal agencies for cooperative contracts \$ 270,775

3. It is the intent of the general assembly that fifty percent of the funds appropriated to construct monitoring wells in alluvial and unconsolidated aquifers shall be used in the Dakota aquifer.

Sec. 13. HERBERT HOOVER BIRTHPLACE FOUNDATION. There is appropriated from the general fund of the state to the Herbert Hoover birthplace foundation for the fiscal year beginning July 1, 1983 and ending June 30, 1984 the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1983-1984
Fiscal Year

For assistance with capital improvements \$ 1,500