

There is appropriated from the funds available in the energy conservation trust, established in section 93.11, for the fiscal period beginning July 1, 1986, and ending June 30, 1990 1991, to the energy and geological resources division of the department of natural resources for disbursement under section 93.11, the following amounts, or so much thereof as is necessary, to be used for the purposes designated consistent with the expressed legislative intent of this Act:

Approved May 7, 1990

**CHAPTER 1266**

**APPROPRIATIONS AND PROVISIONS RELATING TO STATE EXECUTIVE AGENCIES AND NATIONAL ORGANIZATIONS**

*S.F. 2280*

**AN ACT** relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, and to the state communications network fund, specifying the duties of the administrative rules coordinator, providing for the appropriation of wrestling and boxing taxes, providing for interstate banking, providing legal counsel to certain state agencies, providing for other related matters, providing penalties for violations, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions.

*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 office of the secretary of state for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,677,000
.....	FTEs	50.00

*\*The funds for the salaries, support, maintenance, and miscellaneous purposes for 3 of the 50 FTEs authorized in this section shall be paid from the fund created in section 48 of this Act.\**

2. For the costs incurred in the printing of the official register:

.....	\$	74,000
-------	----	--------

Sec. 2.

There is appropriated from the general fund of the state to the office of the governor for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes for the general office of the governor, and for not more than the following full-time equivalent positions:

.....	\$	889,000
.....	FTEs	17.00

2. For the governor's expenses connected with office:

.....	\$	4,000
-------	----	-------

3. For salaries, support, maintenance, and miscellaneous purposes for the governor's quarters at Terrace Hill, and for not more than the following full-time equivalent positions:

.....	\$	95,000
.....	FTEs	3.00

\*Item veto: see message at end of the Act

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 \$40, and actual expenses of committee, council, or task force members and as a condition, limitation, and qualification of this appropriation, the ad hoc committees, councils, and task forces appointed by the governor shall be subject to chapters 21 and 22 and the members shall be so informed:

..... \$ 7,000

5. For salaries, support, maintenance, and miscellaneous purposes for the office of administrative rules coordinator, and for not more than the following full-time equivalent positions:

..... \$ 103,000

..... FTEs 2.00

6. For payment of Iowa's membership in the national governors' conference:

..... \$ 75,000

Sec. 3.

There is appropriated from the general fund of the state to the office of the governor's substance abuse prevention coordinator for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 105,000

..... FTEs 8.00

Sec. 4.

There is appropriated from the general fund of the state to the office of the lieutenant governor for the portion of the fiscal year beginning July 1, 1990, and ending on the date of the next inauguration of the lieutenant governor, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes including the lieutenant governor's compensation and expenses including service as a member of the legislative council and per diem and expenses incurred while performing duties of the lieutenant governor when the general assembly is not in session:

..... \$ 85,000

Sec. 5.

There is appropriated from the general fund of the state to the office of the lieutenant governor for the portion of the fiscal year beginning with the next inauguration of the lieutenant governor and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes including the lieutenant governor's compensation and expenses including service as a member of the legislative council and per diem and expenses incurred while performing duties of the lieutenant governor when the general assembly is not in session:

..... \$ 34,000

Sec. 6.

The amounts appropriated under sections 4 and 5 for the fiscal period beginning July 1, 1990, and ending June 30, 1991, shall be used for not more than the following full-time equivalent positions in addition to the purposes designated under sections 4 and 5:

..... FTEs 3.00

Sec. 7.

There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	762,000
.....	FTEs	28.00

Of the amount appropriated by this section, \$29,839 shall be used for salary and support for one full-time equivalent position designated as a computer programmer.

Sec. 8.

There is appropriated from the general fund of the state to the executive council for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	40,000
.....	FTEs	1.12

Sec. 9.

There is appropriated from the general fund of the state to the following named agencies for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. NATIONAL CONFERENCE OF STATE LEGISLATURES

For support of the membership assessment:

.....	\$	69,000
-------	----	--------

2. COMMISSION ON UNIFORM STATE LAWS

For support of the commission and expenses of the members:

.....	\$	14,000
-------	----	--------

Sec. 10.

There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	492,000
.....	FTEs	16.00

2. COMMUNICATIONS DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	413,000
.....	FTEs	19.00

3. DIRECTOR'S OFFICE

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	102,000
.....	FTEs	2.00

4. MATERIALS MANAGEMENT DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	92,000
.....	FTEs	3.30

5. PROPERTY MANAGEMENT DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	3,744,000
.....	FTEs	156.00

6. PRINTING AND MAIL DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	492,000
.....	FTEs	22.00

7. RECORDS MANAGEMENT DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	422,000
.....	FTEs	14.50

8. INFORMATION SERVICES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	7,175,000
.....	FTEs	158.00

*\*9. The department of general services shall not change the appropriations for the purposes designated in subsections 1 through 8 from the amounts appropriated under those subsections unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes.\**

10. Savings achieved in providing telecommunications services shall be used by the department of general services to increase efficiencies in the provision of those services.

11. In carrying out the requirements of 1990 Iowa Acts, Senate File 2212,\*\* section 24, relating to the acquisition or construction of expanded prison facilities, the department of general services may include the architectural and engineering costs of the project as a part of the total costs of the project to be financed by lease-purchase arrangements.

*\*12. If personnel reductions are required in the department of general services resulting from budget reductions, the layoffs shall be made only after service contracts with private parties have been reviewed and reduced or canceled where possible. Personnel reductions shall be distributed among management employees, nonmanagement employees who are not members of a bargaining unit, and nonmanagement employees who are members of a bargaining unit in the same proportion as the proportion to total employees represented by each group. The department shall retain those employees most essential to the department's mission. The department shall report to the co-chairpersons and ranking members of the joint administration appropriations subcommittee concerning any personnel reductions to demonstrate how the department has complied with the requirements of this subsection.\**

Sec. 11.

There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CAPITOL PLANNING COMMISSION

For expenses of the members in carrying out their duties under chapter 18A:

.....	\$	2,000
-------	----	-------

2. UTILITY COSTS

For payment of utility costs:

.....	\$	2,002,000
-------	----	-----------

The department of general services may use funds appropriated in this subsection for utility costs to fund energy conservation projects in the state capitol complex which will have a 100 percent payback within a 24 month period. The department of general services shall report quarterly to the chairpersons and ranking members of the administration appropriations subcommittee concerning the savings generated as a result of implementation of these projects.

\*Item veto; see message at end of the Act

\*\*Chapter 1257 herein

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:

..... \$ 608,000

4. FIRE SAFETY

For payment of costs incurred in providing for additional fire safety measures:

..... \$ 67,000

The moneys appropriated by this subsection may be used for, but are not limited to, the provision of alarm warning systems and additional means of egress. Moneys provided under this subsection shall not be used to defray the costs of deferred maintenance.

Sec. 12.

Notwithstanding section 18.12, subsection 11, any excess funds appropriated for utility costs in section 11, subsection 2, shall not be deposited in the general fund of the state on June 30, 1991, and these funds are to be used for implementation of energy conservation projects having a payback of 100 percent within a 2-year to 6-year period. The department of general services shall report semiannually to the chairpersons and ranking members of the administration appropriations subcommittee and to the legislative fiscal bureau. The reports shall include a listing of the projects undertaken, the cost of each project, and the projected savings on an annual basis and for the life of the project.

*\*The department of general services shall also pursue utility rate reductions for the capitol complex and report the results of these efforts to the chairpersons and ranking members of the administration appropriations subcommittee and to the legislative fiscal bureau. The report shall include, but is not limited to, the options examined, the proposals of the department of general services, and the responses of the utilities. Supporting documentation, including correspondence between the department of general services and the utilities, shall accompany the report.\**

Sec. 13.

There is appropriated from the revolving funds designated to the department of general services for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. From the centralized printing permanent revolving fund established by section 18.57 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 886,644  
..... FTEs 30.00

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, 1990, and ending June 30, 1991, which are legally payable from this fund.

3. From the centralized purchasing permanent revolving fund established by section 18.9 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 543,147  
..... FTEs 15.00

4. The remainder of the centralized purchasing permanent 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, 1990, and ending June 30, 1991, which are legally payable from this fund.

5. From the vehicle dispatcher revolving fund established by section 18.119 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 568,764  
..... FTEs 17.00

\*Item veto; see message at end of the Act

6. The remainder of the vehicle dispatcher revolving fund is appropriated for the purchase of gasoline, gasohol, 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, 1990, and ending June 30, 1991, which are legally payable from this fund.

7. The division of insurance of the department of commerce shall, on or before July 1, 1990, transfer remaining funds from its revolving account, in excess of those funds necessary to provide initial start-up for the division's fiscal year 1991 revolving fund, to the department of general services.

*\*As a condition of the appropriation, it is the intent of the general assembly that these transferred funds be used for the following purposes:*

*a. The department of general services shall provide from the funds the rental, preparation of space, and physical move of the division of insurance of the department of commerce to new quarters off of the state capitol complex for the fiscal year beginning July 1, 1990.*

*b. After the rental, preparation, and move of the division of insurance of the department of commerce, the funds remaining shall be applied to the renovation of the Lucas state office building.\**

It is the intent of the general assembly that the requirements of this subsection shall be accomplished as soon after the effective date of this Act as practically feasible.

*\*Additionally, the division of insurance of the department of commerce shall provide, on or before January 1, 1991, a report and projection regarding the revenue of the division and the sufficiency of that revenue to cover future rental costs for the division. The report shall be delivered to the chairpersons, vice chairpersons, and ranking members of the appropriations committees, and to the legislative fiscal bureau.\**

Sec. 14.

Any capitol complex new construction appropriation shall commence in the administration appropriations subcommittee, even if consideration of the matter necessitates reconvening the subcommittee after its other work is completed.

Sec. 15.

There is appropriated from the general fund of the state to the department of personnel for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes for the director's staff, office services, data/word processing, and insurance cost management, and for not more than the following full-time equivalent positions:

.....	\$	1,331,000
.....	FTEs	29.65

2. FIELD OPERATIONS

For salaries for the personnel services, employment law/labor relations, and development, and for not more than the following full-time equivalent positions:

.....	\$	1,454,000
.....	FTEs	36.60

3. PROGRAM MANAGEMENT

a. For salaries for employment and compensation and benefits, and for not more than the following full-time equivalent positions:

.....	\$	1,118,000
.....	FTEs	34.00

b. WORKERS' COMPENSATION ADMINISTRATION

For salaries for the administration of the workers' compensation fund and not more than the following full-time equivalent positions:

.....	\$	140,000
.....	FTEs	4.00

\*Item veto; see message at end of the Act

Any funds received by the department for workers' compensation purposes other than the funds appropriated in paragraph "b" shall be used only for the payment of workers' compensation claims.

The funds for support, maintenance, and miscellaneous purposes for personnel assigned to field operations under subsection 2 and program management under subsection 3 are payable from the appropriation made in subsection 1.

As a condition, limitation, and qualification of this appropriation, the department of personnel shall report quarterly to the chairpersons and ranking members of the administration appropriations subcommittee concerning the number of vacancies in existing full-time equivalent positions and the average time taken to fill the vacancies. The reports shall include quarterly and annual averages organized according to state agency and general occupational category as established by the federal equal employment opportunity commission. All departments and agencies of the state shall cooperate with the department in the preparation of the reports.

Sec. 16.

There is appropriated from the Iowa public employees' retirement system fund to the department of personnel for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees' retirement system:

..... \$ 2,616,118

It is the intent of the general assembly that the Iowa public employees' retirement system employ sufficient staff within the appropriation provided in this section to meet the developing requirements of the investment program.

2. For design, development, and implementation of a data information system:

..... \$ 783,000

Notwithstanding section 8.33, funds appropriated under this subsection that remain unencumbered or unobligated on June 30, 1991, shall not revert to the general fund of the state but shall be available for expenditure in subsequent years to complete the data information systems.

The department of personnel shall report on or before January 1, 1991, and each 6 months thereafter until the data information system is fully implemented to the chairpersons and ranking members of the administration appropriations subcommittee and to the legislative fiscal bureau, on the progress made in implementing the data information system. The report shall include, but is not limited to, moneys spent and encumbered, progress made relative to the scheduled implementation, and benefits or anticipated benefits of the system.

The department of personnel shall report to the chairpersons and ranking members of the administration appropriations subcommittee and to the legislative fiscal bureau the results and effectiveness of the wellness program pilot project developed and tested by the department of personnel in conjunction with the state department of transportation. The department of personnel shall submit the reports in June and December of each year of the project's existence and shall submit a final report upon completion of the project.

The department of personnel shall report to the chairpersons and ranking members of the administration appropriations subcommittee and to the legislative fiscal bureau the results and effectiveness of the pilot project regarding the automation of hiring procedures. The department of personnel shall submit progress reports in June and December during the period of existence of the project, and shall submit a final report upon completion of the project.

The department of personnel shall submit, annually, a report to the chairpersons and ranking members of the administration appropriations subcommittee and to the legislative fiscal bureau regarding the results of the state's top achievement recognition program. The reports submitted shall include, but are not limited to, identification of the recipients, a description of the meritorious achievements, and the awards conferred.

Sec. 17.

There is appropriated from the general fund of the state to the department of revenue and finance for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, and for not more than the following full-time equivalent positions used for the purposes designated in subsections 1 through 6:

.....	FTEs	651.65
1. AUDIT AND COMPLIANCE		
For salaries, support, maintenance, and miscellaneous purposes:		
.....	\$	9,350,844
2. FINANCIAL MANAGEMENT		
For salaries, support, maintenance, and miscellaneous purposes:		
.....	\$	6,047,156
3. INFORMATION AND MANAGEMENT SYSTEMS		
For salaries, support, maintenance, and miscellaneous purposes:		
.....	\$	1,654,000
4. LOCAL GOVERNMENT SERVICES		
For salaries, support, maintenance, and miscellaneous purposes:		
.....	\$	1,260,000
5. TECHNICAL SERVICES		
For salaries, support, maintenance, and miscellaneous purposes:		
.....	\$	1,814,000
6. ADMINISTRATION		
For salaries, support, maintenance, and miscellaneous purposes:		
.....	\$	715,000

7. The department of revenue and finance shall not change the appropriations for the purposes designated in subsections 1 through 6 from the amounts appropriated under those subsections unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes.

Notwithstanding section 8.33, the excess funds appropriated to the department of revenue and finance shall not be deposited in the general fund of the state on June 30, 1991. The funds shall be expended by the audit and compliance division for personnel salaries and support to increase tax receipts.

The director shall report annually to the fiscal committee of the legislative council, the legislative fiscal bureau, and the chairpersons and ranking members of the administration appropriations subcommittee concerning the effectiveness of the tax audits and investigations conducted, the moneys expended, the tax obligations established, and taxes collected as a result of the tax collection and enforcement efforts of the department.

The department of revenue and finance shall report quarterly to the chairpersons and ranking members of the administration appropriations subcommittee, concerning progress in the implementation of generally accepted accounting principles, including determination of reporting entities, fund classifications, modification of the Iowa financial accounting system, progress on preparing a comprehensive annual financial report, and the most current estimate of the general fund balance based on current generally accepted accounting principles.

Sec. 18.

There is appropriated from the motor vehicle fuel tax fund created by section 324.77 to the department of revenue and finance for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the provisions of chapter 324 and the motor vehicle use tax program:		
.....	\$	1,105,804



Sec. 19.

There is appropriated from the lottery fund to the department of revenue and finance for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	7,272,163
.....	FTEs	138.55

Sec. 20.

There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,566,000
.....	FTEs	33.00

*\*As a condition, limitation, and qualification of this appropriation, not more than \$1,410,270 from all revenue sources, plus an allocation for salary adjustment, may be expended for salaries and benefits for not more than the above listed full-time equivalent positions and not more than \$210,730 from all revenue sources may be expended for support and miscellaneous purposes. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to this condition.\**

Sec. 21.

There is appropriated from the road use tax fund to the department of management for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	55,000
-------	----	--------

Sec. 22.

There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. COUNCIL OF STATE GOVERNMENTS

For support of the membership assessment:

.....	\$	61,000
-------	----	--------

2. LAW ENFORCEMENT TRAINING REIMBURSEMENTS

For reimbursements to local law enforcement agencies for the training of officers who resign pursuant to section 384.15, subsection 7:

.....	\$	123,000
-------	----	---------

Sec. 23.

There is appropriated from the general fund of the state to the office of state-federal relations for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	221,000
.....	FTEs	3.15

Sec. 24.

Notwithstanding section 8.55, the moneys in the Iowa economic emergency fund are transferred to the general fund of the state if necessary to avoid a deficit in the general fund of the state and to defray expenses at the conclusion of the fiscal year beginning July 1, 1990, and ending June 30, 1991.

\*Item veto; see message at end of the Act

Sec. 25.

For purposes of this Act and any other appropriations statute enacted by the Seventy-third General Assembly, 1990 Session, "full-time equivalent position" means a budgeting and monitoring unit that equates the aggregate of full-time positions, part-time positions, a vacancy and turnover factor, and other adjustments. 1 full-time equivalent position represents 2,080 working hours, which is the regular number of hours 1 full-time person works in 1 fiscal year. The number of full-time equivalent positions shall be calculated by totaling the regular number of hours that could be annually worked by persons in all authorized positions, reducing those hours by a vacancy and turnover factor and dividing that amount by 2,080 hours. In order to achieve the full-time equivalent position level, the number of filled positions may exceed the number of full-time equivalent positions during parts of the fiscal year to compensate for time periods when the number of filled positions is below the authorized number of full-time equivalent positions.

*\*Sec. 26. LAYOFF AND RECALL PROCEDURES.*

*The department of personnel in consultation with the department of management, the department of revenue and finance, and the department of general services, shall establish a program for employees of those departments whose positions are terminated as a result of this Act. The departments shall give a preference to qualified persons previously employed whose jobs were terminated as a result of this Act when hiring to fill vacant positions according to existing outplacement procedures established by the department of personnel and recall procedures established by public employee collective bargaining agreements.\**

Sec. 27.

There is appropriated from the general fund of the state to the department of general services and the department of revenue and finance for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purpose designated:

For allocation, upon approval of the department of management, to avoid layoffs, if, after implementing efficiencies and other methods to achieve savings as directed by the department of management, the governor, and the department directors, funds appropriated by this Act are insufficient to otherwise avoid layoffs:

- 1. Department of general services:

..... \$ 250,000

- 2. Department of revenue and finance:

..... \$ 250,000

Sec. 28. Section 7.17, Code 1989, is amended to read as follows:

**7.17 OFFICE OF ADMINISTRATIVE RULES CO-ORDINATOR.**

The governor shall establish the office of the administrative rules co-ordinator, and appoint its staff, which shall be a part of the governor's office. The administrative rules co-ordinator shall receive all notices and rules promulgated pursuant to chapter 17A and provide the governor with an opportunity to review and object to any rule as provided in chapter 17A. The administrative rules co-ordinator in consultation with the Code editor shall prescribe a uniform style and form by which an agency shall prepare and file a rule pursuant to chapter 17A which shall correlate each rule to a uniform numbering system devised by the administrative rules co-ordinator. The administrative rules co-ordinator shall review all submitted rules for style and form and may return or revise a rule which is not in proper style and form. In prescribing the style and form, the administrative rules co-ordinator shall require that the agency include a reference to the statute which the rules are intended to implement.

Sec. 29. Section 8.6, subsection 5, Code Supplement 1989, is amended by striking the subsection.

*\*Sec. 30. Section 13.7, Code 1989, is amended to read as follows:*

**13.7 SPECIAL COUNSEL.**

\*Item veto; see message at end of the Act

*Compensation shall not be allowed to any person for services as an attorney or counselor to an executive department of the state government, or the head thereof, or to a state board or commission. However, the executive council may employ legal assistance, at a reasonable compensation, in a pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that the department of justice cannot for reasons stated by the attorney general perform the service, which reasons and action of the council shall be entered upon its records. When the attorney general determines that the department of justice cannot perform legal service in an action or proceeding, the executive council shall request the department involved in the action or proceeding to recommend legal counsel to represent the department. If the attorney general concurs with the department that the person recommended is qualified and suitable to represent the department, the person recommended shall be employed. If the attorney general does not concur in the recommendation, the department shall submit a new recommendation. This section does not affect the general counsel for the utilities board of the department of commerce, the legal counsel for the board of optometry examiners, or the legal counsel of the division of job service of the department of employment services.\**

Sec. 31. Section 17A.2, Code 1989, is amended by adding the following new subsection:  
NEW SUBSECTION. 11. "ARC number" means the identification number assigned by the governor's administrative rules coordinator to each rulemaking document.

Sec. 32. Section 17A.4, subsection 1, paragraph a, Code 1989, is amended to read as follows:  
a. Give notice of its intended action by submitting three copies of the notice to the administrative rules co-ordinator, who shall assign an ARC number to each rulemaking document and forward two copies to the Code editor for publication in the "Iowa Administrative Bulletin" created pursuant to section 17A.6. Any notice of intended action shall be published at least thirty-five days in advance of the action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon.

Sec. 33. Section 17A.5, subsection 1, Code Supplement 1989, is amended to read as follows:  
1. Each agency shall file in the office of the administrative rules co-ordinator three certified copies of each rule adopted by it. Two copies of each rule shall be forwarded to the Code editor by the administrative rules co-ordinator. The administrative rules co-ordinator shall assign an ARC number to each rulemaking document and forward two copies to the Code editor. The administrative rules co-ordinator shall keep a permanent register of the rules open to public inspection.

Sec. 34. Section 17A.6, Code Supplement 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 7. The Iowa administrative code shall be cited as (agency identification number) IAC, (chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

NEW SUBSECTION. 8. The Iowa administrative bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

Sec. 35. Section 18.136, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. It is the intent of the general assembly that during the implementation of parts I and II of the system, the department of general services shall employ a consultant to report to it on the impact of changing technology on the potential cost and capabilities of the system. It is also the intent of the general assembly that the department of education shall study new techniques in distant teaching. These reports shall be made available to the general assembly.

Sec. 36. Section 18.137, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

\*Item veto; see message at end of the Act

There is created in the office of the treasurer of state a temporary fund to be known as the state communications network fund. There is appropriated, ~~contingent upon the certification from the department of management of financial resources adequate to fund the expenditure,~~ to the state communications network fund for each the fiscal year of the fiscal period beginning July 1, 1989, and ending June 30, ~~1994~~ 1990, the sum of ten five million dollars from funds in the general fund of the state not otherwise appropriated. Any moneys remaining in the fund on June 30 of a fiscal year, of moneys appropriated from the general fund of the state for that fiscal year, shall revert to the general fund of the state, except that those funds needed to provide the state matching funds pursuant to section 18.136 shall not revert, notwithstanding section 8.33. There is appropriated from the general fund of the state to the state communications network fund for each fiscal year of the fiscal period beginning July 1, 1991, and ending June 30, 1996, the sum of five million dollars. Notwithstanding section 8.33, unobligated and unencumbered moneys from the appropriation for a fiscal year remaining on June 30 of that fiscal year shall not revert to the general fund of the state but shall remain available for expenditure during the next following fiscal year. There shall also be deposited into the state communications network fund proceeds from bonds issued for purposes of projects authorized pursuant to section 18.136, matching funds received from the area schools and the local school boards, funds received from leases pursuant to section 18.134, and other moneys by law credited to or designated by a person for deposit into the fund. Notwithstanding the requirements of section 18.136, subsection 1, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, thirty-one thousand dollars of moneys in the state communications network fund may be expended for the state's share of the cost for the design of a disaster recovery facility to be built in conjunction with the Iowa communications network facility and emergency operation center. The department of general services may increase its fees for data processing in order to collect an additional amount not exceeding two hundred thousand dollars during the fiscal year beginning July 1, 1991, to pay for the state's share of the cost of construction of the disaster recovery facility.

*\*Sec. 37. Section 48.3, Code 1989, is amended by adding the following new unnumbered paragraph:*

NEW UNNUMBERED PARAGRAPH. *The state shall pay the postage for all registration forms printed pursuant to this section. There is appropriated annually to the state commissioner of elections out of any funds in the general fund of the state which are not otherwise appropriated, a sum sufficient to pay the postage for all registration forms printed as provided in this section.\**

Sec. 38. Section 90A.7, Code 1989, is amended to read as follows:

**90A.7 WRITTEN REPORT FILED – TAX.**

1. Every person conducting a boxing or wrestling match or charging an admission fee for viewing of a closed-circuit boxing or wrestling match in this state shall, within twenty-four hours after such match, furnish to the commissioner a written report, duly verified, showing the number of tickets sold for such boxing or wrestling match, and the amount of gross proceeds thereof of such boxing or wrestling match, and such other matters as the commissioner may prescribe; and shall also within the ~~said~~ same time period pay to the treasurer of state a tax of five percent of its total gross receipts, after deducting any federal admission state sales tax, from the sale of tickets of admission to such boxing or wrestling match.

2. Moneys collected pursuant to subsection 1 in excess of the amount of moneys needed to administer this chapter are appropriated and shall be used by the state commissioner of athletics to award grants to organizations which promote amateur boxing matches in this state.

3. The state commissioner of athletics shall adopt rules pursuant to chapter 17A to establish procedures for the submission of applications for grants to be awarded pursuant to subsection 2, and for the awarding of grants pursuant to subsection 2.

4. An advisory board composed of three members of the golden gloves association of America, incorporated — Iowa branch, appointed by the association, and three members of the United States of America amateur boxing federation — Iowa branch, appointed by the federation, shall advise the state commissioner of athletics regarding the awarding of grants pursuant to subsection 2.

*\*Sec. 39. Section 97B.49, subsection 16, paragraph d, Code 1989, is amended by adding the following new subparagraph:*

**NEW SUBPARAGRAPH. (3A)** *As used in subparagraph (3), "correctional officer" includes any employee of the Iowa department of corrections whose primary purpose is, through ongoing direct inmate contact, to enforce and maintain discipline, safety, and security within a correctional facility and any employee of that department whose primary purpose is to provide security within a correctional facility.\**

*\*Sec. 40. Section 258A.3, Code 1989, is amended by adding the following new subsection:*

**NEW SUBSECTION. 5.** *The board of optometry examiners may retain a competent attorney to serve as its legal counsel as it finds necessary for the full and efficient discharge of its duties. The legal counsel retained by the board of optometry examiners shall be the attorney for, and legal advisor of, the board of optometry examiners while retained. The legal counsel is exempt from the merit provisions of chapter 19A. The legal counsel retained by the board of optometry examiners shall provide necessary legal advice to the board and may represent the board in disciplinary hearings or in actions instituted in a state or federal court challenging the validity of a rule or order of the board.\**

*Sec. 41. Section 303.79, Code 1989, is amended by adding the following new subsection:*

**NEW SUBSECTION. 11.** *If the narrowcast system advisory committee determines that an expansion of the number of sites utilizing distance learning would benefit the implementation of the state educational telecommunications system by demonstrating its capabilities to a greater number of individuals, the advisory committee may recommend that the board establish a demonstration program. Notwithstanding section 18.136, the board may allocate not more than one hundred thousand dollars from the state communications network fund for each of the fiscal years beginning July 1, 1990, and July 1, 1991, to be used to equip additional classrooms.*

*Sec. 42. Section 384.15, subsection 7, paragraph b, Code 1989, is amended by striking the paragraph and inserting in lieu thereof the following:*

*b. An appropriated law enforcement training reimbursement account is established in the department of management. The proceeds shall be used by the director of the department of management to reimburse cities or counties for eligible law enforcement training expenses incurred as provided in this section.*

*Sec. 43. Section 524.1213, subsection 9, Code Supplement 1989, is amended to read as follows:*

*9. The resulting bank of a merger or consolidation shall not retain any united community bank office or any other bank office within the municipality ~~or urban complex~~ in which the principal office of the resulting bank is located if the resulting bank then would have a greater number of bank offices within that municipality ~~or urban complex~~ than is expressly permitted by section 524.1202, subsection 2.*

*\*Sec. 44. Section 554.9403, subsection 5, Code 1989, is amended by adding the following new paragraph:*

**NEW PARAGRAPH. c.** *In addition to the fee imposed under this subsection for an original financing statement or a continuation statement on the standard form, the secretary of state shall collect an additional fee of three dollars. In addition to the fee imposed under this subsection for an original financing statement or a continuation statement on a nonstandard*

form, the secretary of state shall collect an additional fee of six dollars. A county filing officer shall collect the additional fee provided in this paragraph if the county officer elects to utilize the uniform commercial code information system maintained by the secretary of state.\*

*\*Sec. 45. Section 554.9405, Code 1989, is amended by adding the following new subsection:*  
**NEW SUBSECTION. 4.** *In addition to the fees imposed by this section for an original financing statement indicating an assignment or a separate statement of assignment on the standard form, the secretary of state shall collect an additional fee of three dollars. In addition to the fee imposed in this paragraph for an original financing statement indicating an assignment or a separate statement of assignment on a nonstandard form, the secretary of state shall collect an additional fee of six dollars. A county filing officer shall collect the additional fee provided in this subsection if the county officer elects to utilize the uniform commercial code information system maintained by the secretary of state.\**

*\*Sec. 46. Section 554.9406, Code 1989, is amended by adding the following new unnumbered paragraph:*

**NEW UNNUMBERED PARAGRAPH.** *In addition to the fee imposed in this section for a statement of release on the standard form, the secretary of state shall collect an additional fee of three dollars. In addition to the fee imposed in this paragraph for a statement of release on a nonstandard form, the secretary of state shall collect an additional fee of six dollars. A county filing officer shall collect the additional fee provided in this section if the county officer elects to utilize the uniform commercial code information system maintained by the secretary of state.\**

*\*Sec. 47. Section 570A.4, subsection 4, Code 1989, is amended to read as follows:*

*4. The secretary of state shall note the filing of a lien statement under this section in the manner provided by chapter 554, the uniform commercial code, and shall charge a five dollar filing fee if the statement is the standard form prescribed by the secretary of state, and otherwise a fee of six dollars fee as provided under section 554.9403.\**

*\*Sec. 48.*

*A fund is created for the purpose of funding efforts to improve the technology used in making records maintained by the secretary of state available to the public. The fees collected by a filing officer under sections 44 through 47 of this Act shall be paid to the treasurer of state within the time required by section 12.10. The treasurer of state shall hold these funds in a revolving fund that shall be established in the name of the secretary of state for the payment of expenses incurred in improving the availability of public records. This fund is subject at all times to the warrant of the department of revenue and finance, drawn upon written requisition of the secretary of state or the secretary of state's designated representative, for the payment of salaries and other expenses necessary to carry out the purposes for which the fund is created. The money in the fund held by the treasurer of state shall be invested by the treasurer of state and the income derived from these investments shall be credited to the fund established in this section. Notwithstanding section 8.33, no part of the fund held by the treasurer of state shall be transferred to the general fund of the state or any other fund, except that the balance of the fund on June 30, 1996, shall be transferred to the general fund of the state.*

*The secretary of state shall provide the legislative fiscal bureau with a monthly accounting of deposits in the fund and expenditures from the fund.\**

*Sec. 49. Section 911.3, Code 1989, 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 one-third of the money in the*

\*Item veto; see message at end of the Act

law enforcement training reimbursement fund established under section 384.15 and the remaining two-thirds of 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 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. 50. 1990 Iowa Acts, House File 685,\* section 3, subsection 1, is amended to read as follows:

1. "Acquire", ~~except in section 524.1802, subsection 1,~~ means to ~~directly or indirectly acquire twenty-five percent or more of the voting securities or other capital stock of, or power to control in any manner the election of a majority of the directors of,~~ over one or more banks conducting a banking business in this state or one or more bank holding companies located in this state or controlling one or more banks conducting a banking business in this state.

Sec. 51. 1990 Iowa Acts, House File 685,\* section 3, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "Bank conducting a banking business in this state" means a state bank or national bank that has its principal place of business in this state and that is authorized to engage and actually is engaged in receiving money for demand deposit, receiving money for time deposit, paying checks, and making commercial loans.

NEW SUBSECTION. 4A. "Control" means control as defined and described in the federal Bank Holding Company Act of 1956, 12 U.S.C. § 1841(a)(2)(A) and (B), as amended to January 1, 1990.

Sec. 52. 1990 Iowa Acts, House File 685,\* is amended by adding the following new section:  
SEC. \_\_\_\_\_. NEW SECTION. 524.1851A RIGHTS RESERVED.

Notwithstanding any other provision of this division, a bank holding company described in section 524.1805 may engage in any acquisition or transaction in which it could lawfully engage in the absence of this division.

Sec. 53. 1990 Iowa Acts, House File 685,\* section 4, is amended to read as follows:  
SEC. 4. NEW SECTION. 524.1852 ACQUISITIONS.

1. A regional bank holding company may directly or indirectly ~~acquire an interest in the voting securities or other capital stock of, or power to control in any manner the election of any of the directors of~~ obtain interests not constituting control in, one or more banks conducting a banking business in this state or in one or more bank holding companies located in this state or controlling one or more banks conducting a banking business in this state.

2. ~~Notwithstanding subsection 1, a~~ A regional bank holding company shall not ~~directly or indirectly acquire twenty-five percent or more of the voting securities or other capital stock of, or power to control in any manner the election of a majority of the directors of,~~ acquire one or more banks conducting a banking business in this state or one or more bank holding companies located in this state or controlling one or more banks conducting a banking business in this state ~~without~~ except upon the prior approval of the superintendent and compliance with the application procedures and acquisition conditions, limitations, and requirements of this division.

Sec. 54. 1990 Iowa Acts, House File 685,\* section 6, subsection 5, paragraph 1, is amended to read as follows:

1. Will on balance have a positive effect upon the community interests of the communities served by the bank or banks to be acquired. In considering community interest factors, the superintendent may investigate in addition to the effects of the acquisition on shareholders or depositors, the effects of the acquisition on employees, suppliers, creditors, short-term and long-term impact upon community interests, and community development. ~~The superintendent shall consider the short-term and long-term impact upon community interests of the~~

proposed acquisition, including the possibility that community interests may be best served by the continued independence of the bank or bank holding company to be acquired.

Sec. 55. 1990 Iowa Acts, House File 685,\* section 6, subsection 8, is amended by striking the subsection and inserting in lieu thereof the following:

8. Approval shall be conditioned upon the applicant entering into a contract with the superintendent providing that any bank located in this state and owned or controlled by the applicant will be operated in a manner that conforms to any actions, promised to be undertaken by the applicant in its application, to correct any deficiencies in the procedures or operations of the acquired bank, including requirements of subsection 5, which promises were necessary to allow the superintendent to approve the application. As part of such contract, the applicant shall agree that the applicant, as well as any Iowa bank or Iowa bank holding company acquired by the applicant, shall provide reports to and permit examinations of its records by the superintendent to the extent necessary to ensure compliance with the promises referred to in the application.

Sec. 56. 1990 Iowa Acts, House File 685,\* section 8, subsection 3, is amended to read as follows:

3. The superintendent may assess a civil penalty to a bank holding company in violation of a condition up to five thousand ~~hundred~~ dollars per violation, but not to exceed a total of two hundred fifty ~~ten~~ thousand dollars per year.

Sec. 57. 1990 Iowa Acts, House File 685,\* section 13, subsection 2, is amended to read as follows:

2. An authorization for a state bank chartered in this state, to engage in activities regulated under title 20, if any, does not grant the bank a regional bank holding company that acquires a state bank under section 524.1852 or any state bank owned or controlled by that bank holding company or any subsidiary or affiliate the ability or right to engage in such activities outside of this state.

Sec. 58. 1990 Iowa Acts, House File 685,\* is amended by adding the following new section: SEC.\_\_\_\_\_. NEW SECTION. 524.1862 PROHIBITED ACQUISITIONS.

Unless expressly authorized by federal law in the absence of the enactment of this division, a foreign bank, as defined in 12 U.S.C. § 3101, or an out-of-state bank holding company that is directly or indirectly owned or controlled by a foreign bank shall not make any type of acquisition described or referred to in section 524.1852, and shall divest itself of any interest acquired in violation of this section. The superintendent may prosecute any action or proceeding necessary to compel compliance with this section.

Sec. 59.

There is appropriated from the banking revolving fund to the banking division of the department of commerce for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, for the purpose designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions, in connection with the implementation, administration, and enforcement of interstate banking:

.....	\$	50,000
.....	FTEs	2.00

Sec. 60. RESALE OF COMMUNICATION SERVICES.

It is the intent of the general assembly that the department of general services shall not provide or resell communication services to agencies other than accredited nonpublic schools, nonprofit institutions of higher education eligible for tuition grants, state agencies, school corporations, city libraries, regional libraries as provided in chapter 303B, and county libraries as provided in chapter 358B.

\*Chapter 1002 herein



Sec. 61. EFFECTIVE DATES.

1. This section and sections 36 and 43 of this Act, being deemed of immediate importance, take effect upon enactment. All other sections of this Act take effect July 1, 1990.

2. Sections 50 through 58 of this Act shall have the same effect as if originally enacted in 1990 Iowa Acts, House File 685.\*

3. Section 58 of this Act is repealed effective January 1, 1992.

\*\*4. Sections 44, 45, 46, and 48 of this Act are repealed effective July 1, 1996.\*\*

*Approved May 7, 1990, except the items which I hereby disapprove and which are designated as that portion of section 1, subsection 1, which is herein bracketed in ink and initialed by me; section 10, subsection 9 in its entirety; section 10, subsection 12 in its entirety; section 12, unnumbered and unlettered paragraph 2 in its entirety; those portions of section 13, subsection 7 which are herein bracketed in ink and initialed by me; that portion of section 20 which is herein bracketed in ink and initialed by me; section 26 in its entirety; section 30 in its entirety; section 37 in its entirety; sections 39 and 40 in their entirety; sections 44, 45, 46, 47, and 48 in their entirety; and section 61, subsection 4 in its entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the secretary of state this same date, a copy of which is attached hereto.*

TERRY E. BRANSTAD, *Governor*

Dear Madam Secretary:

I hereby transmit Senate File 2280, an Act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, and to the state communications network fund, specifying the duties of the administrative rules coordinator, providing for the appropriation of wrestling and boxing taxes, providing for interstate banking, providing legal counsel to certain state agencies, providing for other related matters, providing for violations, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions.

Senate File 2280 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 1, subsection 1, and Sections 44, 45, 46, 47 and 48 in their entirety, and Section 61, subsection 4, in its entirety. These provisions would establish a new information and filing system within the Office of the Secretary of State. Funds for this new system would be provided by additional fees charged by the Secretary of State for the filing of certain documents. The fees collected under these provisions would have been imposed upon individuals or entities filing documents with the Secretary of State, and not upon those who would utilize the information system established by this section. It would be appropriate for users of the information to share in the cost of operating the system. Furthermore, the fees should be deposited in the state general fund, rather than a special revolving fund.

I am unable to approve the item designated as Section 10, subsection 9, in its entirety. Because procedures for notifying the Legislative Fiscal Bureau about any intradepartmental transfers are already in place, this requirement is unnecessary and duplicative.

\*Chapter 1002 herein

\*\*Item veto; see message at end of the Act

I am unable to approve the item designated as Section 10, subsection 12, in its entirety. This item specifies, in the event that layoffs in the Department of General Services are required due to budget constraints, service contracts with private parties must be reviewed and reduced or canceled where possible before personnel reductions are implemented. Furthermore, if layoffs do occur, they must be prorated between management employees, nonmanagement employees in a union, and nonmanagement employees not in a union. Decisions concerning the implementation of layoff procedures, if needed, are the responsibility of the executive branch and subject to the relevant provisions of contracts negotiated pursuant to Chapter 20.

I am unable to approve the item designated as Section 12, unnumbered paragraph 2, in its entirety. This item directs the Department of General Services to pursue utility rate reductions for the Capitol Complex. Iowa law does not allow utility companies to grant a special rate to the state and does not permit discriminatory rate setting practices.

I am unable to approve the designated portions of Section 13, subsection 7. This item would transfer funds from the Division of Insurance revolving account to the Department of General Services and require that those funds be utilized to renovate their space in the Lucas Building and to move the Insurance Division to another location off of the State Capitol Complex while renovation is being done. While I do not object to the transfer of funds, any arrangements for the renovation of the Lucas Building or other facilities should be made by the Department of General Services.

I am unable to approve the designated portion of Section 20. This provision limits the discretion of the Department of Management to allocate the funds appropriated among salaries, support and miscellaneous purposes. The need for this flexibility is important for an agency as small as the Department of Management, especially in view of current restrictions on hiring and expenditures for travel and equipment.

I am unable to approve the item designated as Section 26, in its entirety, which directs the Department of Personnel to work with the Department of Management, the Department of Revenue and Finance, and the Department of General Services to establish a program for employees of those departments whose positions are terminated as a result of this Act. Because a layoff of state employees is not being considered at this time, and because this provision differs from the layoff provisions contained in the AFSCME collective bargaining agreement and with the Department of Personnel's administrative rules, this section cannot be approved.

I am unable to approve the items designated as Sections 30 and 40, in their entirety. These provisions would allow the Board of Optometry Examiners to retain outside counsel without the prior approval required for other state agencies. The Attorney General's Office is responsible for providing legal counsel to state agencies and they should be able to rely on that office to represent them competently. Currently, all state agencies may request outside counsel if special expertise is needed or when the Attorney General's Office has a conflict of interest. These provisions would authorize the Optometry Board to hire outside counsel at will. Not only should this be unnecessary, but it would make future requests by other agencies to hire their own legal counsel difficult to resist. Adequate funding is provided to the Attorney General's Office to provide legal services to state agencies. These provisions would require additional expenditures for services which the Attorney General's Office currently has the responsibility to provide.

I am unable to approve the item designated as Section 37, in its entirety. This section would create a general fund standing unlimited appropriation to pay postage for voter registration forms returned by mail. Voter registration in Iowa has been made increasingly easier by past actions of the legislature and myself. Potential voters must accept some responsibilities and cost of postage for one postcard is not an excessive burden.

I am unable to approve the item designated as Section 39, in its entirety. This section would greatly expand the number of employees who would be brought under special IPERS retirement provisions. The 1988 legislature directed the Department of Personnel and the Department of Corrections to jointly determine specific job classes to be covered by the correctional officer special protective occupation retirement provisions.

This provision would supersede the actions taken in response to that legislation by changing the definition of a correctional officer for the purposes of chapter 97B to include any employee whose primary purpose is to provide security within a correctional facility. Under current law, the definition of correctional officer is limited to persons who have direct inmate contact and who enforce and maintain discipline, safety and security within a correctional facility. This expansion of special retirement provisions would include employees who do not have direct inmate contact, possibly including management positions, and could lead to inequitable and inconsistent determinations for special retirement coverage.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2280 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD, *Governor*

---

**CHAPTER 1267**

**APPROPRIATIONS AND PROVISIONS RELATING TO PUBLIC DEFENSE,  
PUBLIC SAFETY, TRANSPORTATION, AND ENFORCEMENT**

*S.F. 2402*

**AN ACT** relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, primary road fund, and state aviation fund, mandating reports of certain agency purchases, providing expenses for certain members of the Iowa highway research board, providing for certain payments from the remedial account of the Iowa comprehensive petroleum underground storage tank fund, and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

**IOWA LAW ENFORCEMENT ACADEMY**

**Section 1.**

There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:

.....	\$	953,617
.....	FTEs	29.7