

Dear Madam Secretary:

I hereby transmit Senate File 2314, an Act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees and effective dates.

Senate File 2314 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Sections 26 and 27, in their entirety. These provisions would restrict executive branch agencies from entering into lease-purchase agreements. These provisions, like those included in other appropriations bills, are overly restrictive and do not allow agencies to respond to unforeseen circumstances, therefore they cannot be approved.

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 2314 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1199

MISCELLANEOUS APPROPRIATIONS, REDUCTIONS, TRANSFERS, AND OTHER MATTERS

S.F. 2330

AN ACT relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions.

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

DIVISION I STANDING APPROPRIATIONS

Section 1. **NEW SECTION.** 8.8 SPECIAL OLYMPICS FUND.

A special olympics fund is created in the office of the treasurer of state under the control of the department of management. There is appropriated annually from the general fund of the state to the special olympics fund twenty thousand dollars for distribution to one or more organizations which administer special olympics programs benefiting the citizens of Iowa with disabilities.

Sec. 2. Section 422.12A, Code Supplement 1993, is repealed.

Sec. 3. 1993 Iowa Acts, chapter 144, section 6, is repealed.

Sec. 4. 1994 Iowa Acts, Senate File 2229,* section 24, is repealed.

Sec. 5. **RETROACTIVITY.** Section 2 of this Act applies retroactively to January 1, 1994. Section 3 of this Act applies retroactively to January 1, 1993.

Sec. 6. **EFFECTIVE DATES.** Sections 2, 3, 4, and 5 of this Act, being deemed of immediate importance, take effect upon enactment.

*Chapter 1188 herein

DIVISION II
CAPITAL PROJECTS
DEPARTMENT OF NATURAL RESOURCES

Sec. 7. There is appropriated from the marine fuel tax receipts deposited in the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, to be used for the purpose designated:

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

..... \$ 1,600,000

Notwithstanding section 8.33, the unencumbered or unobligated moneys remaining on June 30, 1995, from moneys appropriated for purposes of funding capitals traditionally funded from marine fuel tax receipts as provided in this section for the fiscal year beginning July 1, 1994, shall revert to the general fund of the state on September 30, 1996.

LOTTERY EXCESS

Sec. 8. Notwithstanding 1993 Iowa Acts, chapter 180, section 17, of the lottery revenues remaining after \$39,400,000 are transferred and credited to the general fund of the state, the following amounts shall be transferred in descending priority order as follows:

1. To the treasurer of state for purposes of allocating moneys to assist each of the 103 county fairs which are members of the association of Iowa fairs, for purposes of supporting annual county fairs and improvements to the county fairgrounds:

..... \$ 206,000

The treasurer of state shall allocate an equal amount to each fair qualified to receive assistance. However, moneys must be expended by a county fair on a dollar-for-dollar matching basis with moneys received from donations contributed to the county fair from private sources or moneys contributed by a county to aid the county fair pursuant to section 174.14.

2. To the treasurer of state for the continued funding of Iowa's participation in the funding of the world food prize:

..... \$ 250,000

It is the intent of the general assembly that this appropriation of public funds will result in a commitment for additional funding for the world food prize from private sources.

The treasurer of state shall only provide the funds appropriated in this section to the world food prize foundation if sufficient private funds are raised to maintain the world food prize foundation in Iowa and the foundation is structured to include representation that reflects environmental concerns and sustainable agriculture.

3. To the Iowa resources enhancement and protection fund which is in addition to any other appropriations made to that fund:

..... \$ 500,000

4. To the department of natural resources for deposit in the administration account of the water quality protection fund created pursuant to section 455B.183A, as enacted in 1994 Iowa Acts, Senate File 2314:*

..... \$ 300,000

5. To the department of public defense to match federal funds for the addition and renovation to the armory in Fairfield:

..... \$ 250,000

It is the intent of the general assembly that the Seventy-sixth General Assembly, 1995 Session, appropriate the remaining amount needed to match the remaining available federal funds.

6. To the state fair board for completion of the Iowa state fair service center:

..... \$ 200,000

The Iowa state fair service center is an essential element in meeting the requirements of the federal Americans with Disabilities Act by providing basic, required assistance to the handicapped and elderly. The service center also shall provide information and services to families and individuals. These services are not only to be provided at state fair time but at other state fair located events, and within the surrounding area.

*Chapter 1198, §48 herein

7. To the railway finance authority for a community assistance grant to be used for rail line acquisition to preserve jobs in communities in which railroad shops and other local rail facilities have been closed:

..... \$ 75,000

8. To the department of cultural affairs for the administrative division to conduct a mid-west regional space center feasibility study:

..... \$ 50,000

9. To the treasurer of state to provide assistance to the city that is selected to host the United States-Japan midwest conference to be used by the city for local promotion and coordination of the conference:

..... \$ 50,000

10. To the treasurer of state to assist the nonprofit, tax exempt Bentonsport Improvement Association in the restoring of historical buildings and restoring and opening to pedestrian traffic the "old iron bridge" linking Bentonsport and Vernon:

..... \$ 20,000

The treasurer of state shall only provide the funds appropriated in this subsection if sufficient private or other public funds are raised to assist in this restoration and opening of this bridge.

11. To the treasurer of state to assist in the renovation and improvement of the "Meredith Willson footbridge":

..... \$ 25,000

The treasurer of state shall only provide the funds appropriated in this subsection if sufficient private or other public funds are raised to assist in this renovation and improvement of this footbridge.

12. To the department of corrections for health, life safety, and maintenance needs at correctional institutions:

..... \$ 100,000

13. To the department of human services for health, life safety, and maintenance needs at department of human services facilities:

..... \$ 50,000

14. To the department of natural resources for purposes of funding capitals traditionally funded from marine fuel tax receipts for the purposes specified in section 452A.79:

..... \$ 50,000

15. To the department of economic development for the division of community and rural development to provide grants to local communities for stadium improvements, provided that a grantee shall provide a one dollar match for each dollar of grant funding:

..... \$ 25,000

16. To the Iowa department of public health for a grant to a private institution to develop and conduct community health education programs on advance directives in accordance with this subsection:

..... \$ 25,000

The grant shall be provided to a private institution centrally located in the state which is able to draw from a variety of disciplines including but not limited to health services, law, sociology, insurance, economics, education, and public administration.

17. To the soil conservation division of the department of agriculture and land stewardship for purposes of providing salaries, support, maintenance, and miscellaneous purposes for soil conservation technicians and for not more than the following full-time equivalent positions, which shall be in addition to any other moneys appropriated by the Seventy-fifth General Assembly, second regular session:

..... \$ 127,000

..... FTEs 5.00

18. To the department of natural resources to be used as provided in this subsection:
..... \$ 75,000

The moneys appropriated in this subsection shall be used to support natural lake preservation. The department shall award the amount appropriated in this subsection to a city as defined in section 362.2 on a matching basis with the department contributing one dollar for each one dollar dedicated by the city, or the city acting in conjunction with a county, for natural lake preservation, if the money is dedicated on or after March 1, 1991. However, the city, or the city and county, must have dedicated at least \$75,000 of local funds in order to qualify for the award. The city must also be located in a county having a population of less than 12,000.

To the college student aid commission for grants to students who would meet the requirements for receipt of a vocational-technical tuition grant, but who are enrolled in a licensed school of cosmetology arts and sciences under chapter 157, or a licensed barber school under chapter 158:

..... \$ 25,000

The amount of the grant made by the college student aid commission pursuant to this subsection shall be not less than \$300 or the amount of the student's established financial need.

19. To the department of economic development for allocation to the agriculture museum in Cambridge, Iowa:

..... \$ 10,000

20. To the department of economic development for the Iowa members' cost share for the 1993 study phase of the Lewis and Clark rural water system:

..... \$ 40,000

21. To the department of human services for the costs associated with the child protection task force created pursuant to 1994 Iowa Acts, House File 2261:*

..... \$ 10,000

22. To the state board of regents to be used for compliance with the federal Americans with Disabilities Act at the Iowa braille and sight saving school:

..... \$ 40,000

23. To the department of economic development to continue the funding for the promotion of a national heritage landscape in Iowa as provided in 1993 Iowa Acts, chapter 180, section 66:

..... \$ 50,000

24. To the department of general services for repairs and improvements to Terrace Hill including, but not limited to, fire alarms, water sprinklers, and other fire protection devices:

..... \$ 20,000

25. To the department of natural resources to initiate a comprehensive watershed and resource evaluation for the potential preservation and restoration of an artificial lake in excess of 150 acres:

..... \$ 50,000

The department shall use the moneys available in this subsection to contribute on a one-dollar for one-dollar match dollars dedicated by the county conservation board in a county with a population of 250,000 or more.

Notwithstanding section 8.33, moneys transferred pursuant to this section which remain unobligated or unexpended on June 30, 1994, shall not revert to the general fund of the state but shall remain available in the succeeding fiscal year for use as provided in this section.

Sec. 9. Section 8 of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 10. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purchase of Lots 1 through 12, Block 3, College Park Addition to Ames, Story County, Iowa, and the renovation of the buildings located on those lots:

..... \$ 1,500,000

*Chapter 1130 herein

DIVISION III
TRANSFERS

Sec. 11. RURAL COMMUNITY 2000 TRANSFER. Notwithstanding the provisions in section 15.287, 16.100, or other provision of law providing that moneys in the fund shall remain in the rural community 2000 revolving fund of the state, not more than \$310,000 of the moneys in the revolving fund which remain unencumbered on July 1, 1993, shall be transferred and credited to the general fund of the state.

Sec. 12. LOTTERY TRANSFER. Notwithstanding the requirement in section 99E.10, subsection 1, to transfer lottery revenue remaining after expenses are deducted, notwithstanding the requirement under section 99E.20, subsection 2, for the commissioner to certify and transfer a portion of the lottery fund to the CLEAN fund, and notwithstanding the appropriations and allocations in section 99E.34, all lottery revenues received during the fiscal year beginning July 1, 1994, and ending June 30, 1995, after deductions as provided in section 99E.10, subsection 1, and as appropriated under any Act of the Seventy-fifth General Assembly, 1994 Session, shall not be transferred to and deposited into the CLEAN fund but shall be transferred and credited to the general fund of the state.

Sec. 13. IOWA PLAN FUND TRANSFER OF ACCOUNTS. Notwithstanding any provision to the contrary, all unencumbered or unobligated moneys in the jobs now capitals, jobs now, education and agriculture research and development, and surplus accounts of the Iowa plan fund under chapter 99E for economic development on the effective date of this section shall be transferred to the general fund of the state to be used for any purposes for which appropriated by the general assembly notwithstanding the moneys in those accounts may have been previously appropriated for specific purposes.

Sec. 14. BOTTLE DEPOSIT SURCHARGE TRANSFER. Notwithstanding the provisions of section 123.24, subsection 5, and section 123.53, subsection 4, providing for collection and deposit of liquor bottle surcharge funds in the beer and liquor control fund for liquor container disposal costs, up to \$380,000 of the surcharge funds which remain unencumbered on July 1, 1993, shall be transferred and credited to the general fund of the state.

Sec. 15. COMMUNITY COLLEGE JOB TRAINING FUND TRANSFER. Notwithstanding the provisions of section 260F.6, 260F.8, or any other provision of law providing for retention of moneys in the community college job training fund, not more than \$40,000 of the moneys in the training fund which remain unencumbered on July 1, 1993, shall be transferred and credited to the general fund of the state.

Sec. 16. Section 15.108, subsection 1, paragraph e, Code Supplement 1993, is amended by striking the paragraph.

Sec. 17. Section 15.251, subsection 3, Code Supplement 1993, is amended by striking the subsection.

Sec. 18. Section 15.308, subsection 2, paragraph a, Code 1993, is amended by striking the paragraph.

Sec. 19. Sections 99E.31, 99E.32, and 99E.33, Code 1993, are repealed effective June 30, 1994.

Sec. 20. EFFECTIVE DATE. Sections 11, 13, 14, and 15 of this Act, being deemed of immediate importance, take effect upon enactment.

DIVISION IV -- APPROPRIATION REDUCTIONS
STATE DEPARTMENT OF TRANSPORTATION

Sec. 21. 1993 Iowa Acts, chapter 169, section 8, subsection 1, paragraph a, is amended to read as follows:

a. For providing assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, and sidings as required in section 327H.18; for use by the railway finance authority as provided in chapter 327I:

.....	\$	2,110,553
		<u>1,410,553</u>

COMMISSION OF VETERANS AFFAIRS

Sec. 22. 1993 Iowa Acts, chapter 170, section 6, subsection 3, unnumbered paragraph 1, is amended to read as follows:

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

.....	\$	32,046,739
		<u>31,657,739</u>
.....	FTEs	689.54

DEPARTMENT OF HUMAN SERVICES

Sec. 23. 1993 Iowa Acts, chapter 172, section 3, unnumbered paragraph 2, is amended to read as follows:

For medical assistance, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary:

.....	\$	342,058,555
		<u>320,658,555</u>

STATE BOARD OF REGENTS

Sec. 24. 1993 Iowa Acts, chapter 179, section 8, subsection 1, paragraph b, is amended to read as follows:

b. 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 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:

.....	\$	23,608,580
		<u>21,908,580</u>

DEPARTMENT OF EDUCATION

Sec. 25. 1993 Iowa Acts, chapter 180, section 19, is amended to read as follows:

SEC. 19. EDUCATIONAL EXCELLENCE. For the fiscal year beginning July 1, 1993, and ending June 30, 1994, the appropriation made to the department of education pursuant to section 294A.25, subsection 1, shall be reduced by ~~\$750,000~~ \$850,000.

UNANTICIPATED TAX REFUNDS

Sec. 26. Unless revenues actually credited to and deposited into, during fiscal year 1993-1994, the general fund of the state exceed \$3.899 billion, unanticipated tax refunds which relate to the following court cases shall not be paid by the state in fiscal year 1993-1994: Kraft General Foods v. Iowa Department of Revenue and Finance, 112 S.Ct. 2365 (1992) and Phillips Petroleum v. Iowa Department of Revenue and Finance, No. 440/92-1824 (Supreme Court of Iowa).

Sec. 27. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

*Item veto; see message at end of the Act

DIVISION V – SUPPLEMENTAL APPROPRIATIONS
 COMMUNITY ECONOMIC BETTERMENT ACCOUNT

Sec. 28. There is appropriated from the general fund of the state from revenues generated from tax revenue anticipation notes and other available moneys in the general fund to the department of economic development fund for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For deposit in the community economic betterment account of the strategic investment fund in addition to moneys deposited in the fund pursuant to 1993 Iowa Acts, chapter 167, section 1:
 \$ 3,700,000

As a condition of the moneys appropriated in this section, \$60,000 for the fiscal year beginning July 1, 1993, shall be used to match federal funds to design and implement a business development initiative for entrepreneurs with disabilities. The business development division of the department of economic development shall cooperate with the division of vocational rehabilitation, the department of inspections and appeals, and the Iowa governor's planning council for developmental disabilities in adopting administrative rules to implement the initiative. The scope of the rules shall include but is not limited to establishing an administrative structure that uses moneys for the initiative to provide for sufficient staff support to certify applicants, coordinate technical assistance, and assess demand for the initiative. Based on an assessment of demand for the initiative and other findings, the department, with the listed entities, shall submit recommendations on or before December 15, 1994, to the governor and the general assembly for consideration in the 1995 legislative session. The purpose of the initiative is to develop a program to provide technical and financial assistance to help persons with disabilities to become self-sufficient and create additional employment opportunities by establishing or expanding small business ventures. The business development division shall enter into an interagency agreement with the division of vocational rehabilitation of the department of education to implement the program. The purpose of the interagency agreement is to strengthen initial placements and long-term successes of individuals with disabilities through self-employment, by combining the business expertise of the department of economic development with the experience of the division of vocational rehabilitation in working with people with disabilities. The business development division shall design the program to make the maximum amount of resources expended by the division of vocational rehabilitation and the department of economic development eligible for federal reimbursement. Notwithstanding section 8.33, moneys transferred pursuant to this paragraph which are unexpended or unobligated at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure in the succeeding fiscal year.

DEPARTMENT OF HUMAN SERVICES

Sec. 29. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, to supplement the appropriations made in 1993 Iowa Acts, chapter 172, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. Family investment program, which was formerly named aid to families with dependent children, in section 1:
 \$ 1,000,000
2. Medical contracts, in section 4:
 \$ 300,000
3. State hospital-schools, in section 15:
 \$ 250,000

The appropriation made in this subsection shall supplement the allocation made in 1993 Iowa Acts, chapter 172, section 15, subsection 1, paragraph "b", to the state hospital-school at Woodward and shall be used for workers' compensation claims.

4. MI/MR/DD state cases, in section 19:	\$	500,000
5. For the gamblers assistance program, in section 26:	\$	20,000

Sec. 30. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1993, and ending June 30, 1994, to supplement the appropriations made in 1993 Iowa Acts, chapter 171, the following amounts or so much thereof as is necessary to be used for the purpose designated:

For the prosecuting attorney training program, in section 1:	\$	40,000
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Sec. 31. LACES PROGRAM. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For contracting with the Iowa alliance for arts education to execute the local arts comprehensive educational strategies program (LACES):

	\$	100,000
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It is intended that of the moneys appropriated in this subsection up to \$10,000 be used to support the participation by a school district with an enrollment of less than 500 in a world-wide academic competition.

Sec. 32. LEVEE RECONSTRUCTION.

1. There is appropriated from the general fund of the state to the division of soil conservation the department of agriculture and land stewardship for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For providing financial incentives for soil conservation practices for the purposes of providing assistance in repairing and reconstructing levees:

	\$	550,000
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2. The commissioners of each soil and water conservation district receiving moneys as provided in this section shall use the moneys to assist persons in reconstructing or repairing levees damaged by floods occurring during 1993. The following conditions shall apply:

a. The division shall award the moneys based upon applications for specific projects submitted by the districts.

b. The moneys shall be awarded on a cost-share basis. A person shall not receive more than 40 percent of the total cost of repair or reconstruction. **However, in no instance, shall a person receive more than \$2,500.**

c. Moneys shall not be used to support a project, if other state or federal moneys have been contributed to support the project.

d. Moneys shall only be used to support a project which restores a levee to its condition prior to the flood damage. However, moneys may support improvements which are incidental to the repairs or reconstruction.

e. A person shall not be eligible to receive assistance under this section, unless the person is an individual who is actively engaged in farming as provided in section 9H.1, subsection 1, paragraphs "a" through "c", the person is a partnership if the partners are actively engaged in farming as provided in this paragraph, or the person is a family farm corporation, family farm limited partnership, family trust, or family farm limited liability company, as defined in section 9H.1.

3. Notwithstanding section 8.33, moneys appropriated pursuant to this section which are unencumbered or unobligated on June 30, 1994, shall not revert but shall be available for expenditure as provided in this section during subsequent fiscal years. However, moneys appropriated under this section which are still unencumbered or unobligated on June 30, 1996, shall be credited to the conservation practices revolving loan fund created pursuant to section 161A.71.

*Item veto; see message at end of the Act

4. Notwithstanding 1994 Iowa Acts, Senate File 2314,* if enacted, if any conflict exists between this section and any provision in Senate File 2314, this section shall prevail.

Sec. 33. IOWA VETERANS HOME. If actual revenues for the fiscal year beginning July 1, 1993, and ending June 30, 1994, exceed the revenue estimating conference projections of December 15, 1993, for that fiscal year by at least \$211,000, the Iowa veterans home, notwithstanding section 8.33, may retain \$211,000 which otherwise would revert and may carry over this amount to the fiscal year beginning July 1, 1994, and ending June 30, 1995. These funds shall be used to eliminate the delay in opening beds due to funding constraints.

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

DIVISION VI
MISCELLANEOUS PROVISIONS

Sec. 35. There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To complete a follow-up in-depth feasibility study of the preliminary report done by the national trust for historic preservation's flood recovery program which looked into the reactivating of the historic railroad lines between valley junction in West Des Moines, court avenue, and the state capitol area of Des Moines:

..... \$ 25,000

The department of transportation shall cooperate with the department of cultural affairs in the study.

Sec. 36. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the retired senior volunteer program, in addition to moneys appropriated in 1994 Iowa Acts, House File 2376,** section 3, subsection 2:

..... \$ 16,500

Sec. 37. APPROPRIATION — ASSOCIATE JUVENILE JUDGE. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For an additional associate juvenile judge for a judicial district located in a county with a population over two hundred twenty-five thousand, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 140,000
..... FTEs 2.75

Sec. 38. FARMERS' MARKET COUPON PROGRAM. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the farmers' market coupon program, in addition to other funding appropriated for this purpose in 1994 Iowa Acts, Senate File 2314,* to expand the program to additional counties:

..... \$ 25,000

Sec. 39. DEPARTMENT OF HUMAN SERVICES — PREPAID MENTAL HEALTH SERVICES. The department of human services shall select a contractor for a prepaid mental health services plan for medical assistance patients, as described in 1994 Iowa Acts, Senate File 2313,*** section 3, subsection 6, solely on the basis of the bid documents submitted by

*Chapter 1198 herein
**Chapter 1200 herein
***Chapter 1186 herein

respondents. The department shall not apply a preference or benefit to a respondent for a previous proposal submitted to the department or for an endorsement of a respondent by another person or potential provider of services under the plan.

Sec. 40. 1994 Iowa Acts, Senate File 2313,* section 5, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If, during the fiscal year beginning July 1, 1994, and ending June 30, 1995, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal requirement specified in section 1618 of the federal Social Security Act, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and programmatic adjustments or upward adjustment of the residential care facility or in-home health-related care reimbursement rates prescribed in section 25 of this Act to ensure that federal requirements are met. The department may adopt emergency rules to implement the provisions of this paragraph.

Sec. 41. 1994 Iowa Acts, Senate File 2313,* section 11, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Of the funds appropriated in this section, \$31,900 shall be used by the department for child neutral visitation grants. It is the intent of the general assembly that funds shall be provided by the state for this purpose only for this fiscal year.

***Sec. 42. 1994 Iowa Acts, Senate File 2313, section 13, subsection 2, is amended to read as follows:*

*2. Within the funds appropriated in this section, the department may reallocate funds as necessary to best fulfill the needs of the institutions provided for in the appropriation. However, the department shall not reallocate funds if the reallocation would result in a reduction in services or of personnel at any institution.***

Sec. 43. 1994 Iowa Acts, Senate File 2218,*** section 6, subsection 2, is amended by increasing the number of full-time equivalent positions from 10.00 to 11.00 for the audits division of the department of inspections and appeals.

Sec. 44. Section 8.39, subsection 2, Code 1993, as amended by 1994 Iowa Acts, Senate File 2318,**** is amended to read as follows:

2. If the appropriation of a department, institution, or agency is insufficient to properly meet the legitimate expenses of the department, institution, or agency, the director, with the approval of the governor, may make an interdepartmental transfer from any other department, institution, or agency of the state having an appropriation in excess of its needs, of sufficient funds to meet that deficiency. An interdepartmental transfer to an appropriation which is not an entitlement appropriation is not authorized when the general assembly is in regular session and, in addition, the sum of interdepartmental transfers in a fiscal year to an appropriation which is not an entitlement appropriation shall not exceed fifty percent of the amount of the appropriation as enacted by the general assembly. For the purposes of this subsection, an entitlement appropriation is a line item appropriation to the state public defender for indigent defense or to the department of human services for foster care, state supplementary assistance, or medical assistance, or for the family investment program.

Sec. 45. Section 34A.2, subsection 6, paragraph e, unnumbered paragraph 2, Code Supplement 1993, is amended to read as follows:

Costs Funds deposited in an E911 service fund shall be appropriated and used for the payment of costs which are limited to nonrecurring and recurring costs directly attributable to the provision of 911 emergency telephone communication service and may include costs for portable and vehicle radios, communication towers and associated equipment, and other radios and equipment permanently located at the public safety answering point. Costs do not include

*Chapter 1186 herein

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

***Chapter 1187 herein

****Chapter 1181, §6 herein

expenditures for any other purpose, and specifically exclude costs attributable to other emergency services or expenditures for buildings or personnel, except for the costs of personnel for database management and personnel directly associated with addressing.

Sec. 46. NEW SECTION. 99F.4B RULES.

The department of inspections and appeals shall cooperate to the maximum extent possible with the division of criminal investigation in adopting rules relating to the gaming operations in this chapter and chapter 99D.

Sec. 47. Section 279.51, subsection 1, paragraph c, Code 1993, is amended to read as follows:

c. For each of the fiscal years during the fiscal period beginning July 1, ~~1990~~ 1994, and ending June 30, ~~1994~~ 1998, eight hundred thousand dollars of the funds appropriated shall be allocated for the school-based youth services education program established in subsection 3. For each of the fiscal years during the fiscal period beginning July 1, 1994, and ending June 30, 1998, twenty thousand dollars of the funds allocated under this paragraph shall be expended for staff development, research, and the development of strategies for coordination with community-based youth organizations and agencies. A school that received a grant during the fiscal year beginning July 1, 1993, is ineligible to receive a grant under this paragraph. Subject to the approval of the state board of education, the allocation made in this paragraph may be renewed for additional four-year periods of time.

Sec. 48. Section 279.51, subsection 1, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. For each of the fiscal years during the fiscal period beginning July 1, 1994, and ending June 30, 1998, fifty thousand dollars of the funds appropriated shall be granted to each of the four schools that received grants under subsection 3 during the fiscal year beginning July 1, 1993, to allow for expansion and to include identified minimum services if the school submits a program plan pursuant to subsection 3.

Sec. 49. Section 279.51, subsection 3, unnumbered paragraphs 1, 2, 4, and 5, Code 1993, are amended to read as follows:

A school-based youth services education program is established. The department of education, in consultation with the department of human services, the department of employment services, the Iowa department of public health, the division of criminal and juvenile justice planning of the department of human rights, institutions of higher learning with applicable programs, and the division of job training and entrepreneurship assistance of the department of economic development, shall develop a four-year demonstration grant program that commences in the fiscal year beginning July 1, ~~1990~~ 1994. The department shall provide grants to individual or consortiums of elementary, middle, schools or high schools to establish school-based youth services programs, in conjunction with local agencies and community organizations, based upon program plans filed by the board of directors of the school district. The department shall provide grants to establish model programs in at least the following three size categories:

a. A school district with an enrollment of less than one thousand two hundred.

b. A school district with an enrollment of one thousand two hundred to four thousand nine hundred ninety-nine.

c. A school district with an enrollment of at least five thousand.

PARAGRAPH DIVIDED. Priority shall be weighted toward need and given to schools whose plans indicate a high degree of active participation by community-based youth organizations and agencies, and to schools with student populations characterized by high rates of a number of the following: school dropout and absenteeism; teenage pregnancy; juvenile court involvement; family conflict; unemployment; teenage suicide; and teenage child and youth mental health, substance abuse, and other health problems. The department shall evaluate proposed programs based upon the department's analysis of coordinate an evaluation initiative with the approved projects designed to investigate program effectiveness in reducing these rates within the schools

communities. In developing the evaluation initiative, the department shall consult with the department of human services, the department of employment services, the Iowa department of public health, the division of criminal and juvenile justice planning of the department of human rights, institutions of higher learning with applicable programs, and the division of job training and entrepreneurship assistance of the department of economic development.

Programs shall provide at a minimum recreation opportunities, personal skills development, basic academic skills development, family interaction opportunities, and mentoring. Additional objectives of the programs shall be: to increase the ability of existing agencies within the community to address the multiple problems of teenagers children and youth and to coordinate their activities, to provide an accessible and attractive center for teenagers in or near school that they are most likely to use, and to facilitate joint planning to make the most economic and innovative use of community resources. Priority shall be given to programs that provide access to a center for children and youth after school, in the evening, and on weekends, and during the summer and that provide a twenty-four-hour telephone hotline or similar service, and that provide access to day care or on-site child day care. Programs shall at a minimum provide job training and employment career development services, mental health and family counseling services, and primary health care services that include but are not limited to physical examinations, immunizations, hearing and vision screening, and preventive and primary health care services, in the context of the educational needs of the students. Programs shall not include abortion counseling or the dispensing of contraceptives. The department shall give additional consideration to program proposals that provide access to the center after school, in the evening and on weekends, and during the summer; that provide a twenty-four hour telephone hotline or similar service; and that provide access to day care or on-site day care.

Program proposals shall include a program evaluation component and a written commitment from the school principal and the board of directors that the school will work to coordinate and integrate existing school services and activities with the center and shall include letters of support for the proposal from the local teachers association; parent-teacher organizations; community organizations; nonprofit agencies providing social services, health, or employment career development services in the area; the juvenile court system serving the area; and the area private industry council.

Grants for the program shall not be used to construct a new facility, but up to ten percent of the grant may be used or to renovate an existing structure. In addition, up to ten percent of the grant funds may be used to provide each of the following service categories: day care, transportation, and recreation.

Sec. 50. Section 307.26, subsection 5, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The development and adoption of classifications of crossings on public highways based upon their characteristics, conditions, and hazards, and standards for warning devices, signals, and signs of each crossing classification. The department shall recommend a schedule for implementation of the standards to the government agency, department, or political subdivision having jurisdiction of the highway and shall provide an annual report to the general assembly on the development and adoption of classifications and standards under this paragraph and their implementation, including information about financing installation of warning devices, signals, and signs. The department shall not be liable for the development or adoption of the classifications or standards. A government agency, department, or political subdivision shall not be liable for failure to implement the standards. A crossing warning or improvement installed or maintained pursuant to standards adopted by the department under this paragraph shall be deemed an adequate and appropriate warning for the crossing.

*Sec. 51. Section 904.201, Code 1993, is amended by adding the following new subsection:
NEW SUBSECTION. 9. The center shall serve as the transportation center for the transportation of inmates in the custody of the department throughout the state.*

Sec. 52. 1994 Iowa Acts, House File 181,** section 4, is amended to read as follows:

*Item veto; see message at end of the Act

**Chapter 1102 herein

SEC. 4. ~~CONTINGENT EFFECTIVE DATE.~~ The provisions of this Act which amend section 321.189, take effect May 1, 1995, or at such time as the department of education provides adequate training vehicles, instructors, curriculum materials, training sites, and program funding for training for all persons who are required to complete the motorcycle education course or for any person who would like to complete the motorcycle education course, whichever is earlier. The department of education shall notify the state department of transportation when the department of education has the resources available to effectively offer the motorcycle education course.

Sec. 53. The department of commerce, department of employment services, and department of inspections and appeals shall each designate a single division within the respective departments to submit a budget proposal in accordance with the zero-based budgeting method, and to track the appropriations made to the divisions in accordance with the program performance-based budgeting method for the fiscal year beginning July 1, 1995. The proposals shall be submitted by the designated divisions to the department of management and the legislative fiscal bureau no later than January 1, 1995. A division designated pursuant to this section shall also prepare a budget proposal in the same manner as prepared for the fiscal year beginning July 1, 1993, which proposal shall have priority over the proposal to be prepared in accordance with the zero-based budgeting method.

Sec. 54. EFFECTIVE DATE. Section 39 of this division, of this Act, relating to prepaid mental health services, being deemed of immediate importance, takes effect upon enactment.

DIVISION VII
EDUCATION FINANCES – CONTINGENT PROVISIONS

Sec. 55. SPECIAL EDUCATION STUDY. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For contracting with the north central regional education laboratory to conduct a study of the proposed special education administrative rules, IAB Vol. XVI, No. 18 (3-2-94), p. 1710, ARC 4626A, and the impact of the proposed rules on special education costs to the state:

..... \$ 50,000

The department of education shall report the results of the study, along with the recommendations of the north central regional education laboratory, to the general assembly by January 15, 1995. The state board of education is prohibited from adopting the proposed special education administrative rules before February 1, 1995.

Sec. 56. EDUCATIONAL EXCELLENCE. For the fiscal year beginning July 1, 1994, and ending June 30, 1995, the appropriation made to the department of education pursuant to section 294A.25, subsection 1, shall be increased by \$139,745 to be used for Phase II.

Sec. 57. SCHOOL LIAISON. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a grant to a school district for school liaison costs, provided the school district lost a school liaison during the 1993-1994 school year and funding is provided to match the grant moneys:

..... \$ 20,000

Sec. 58. PARENTING PILOT PROJECT. The department of education shall establish a four-year pilot project in a county with a population of less than thirty-five thousand inhabitants which provides outreach and incentives for the voluntary participation of expectant parents and parents of children in the period of life from birth through age three, in educational

experiences designed to assist parents in learning about the physical, mental, and emotional development of their children and to enhance the skills of the parents in assisting their children's learning and development. The department shall establish criteria for programs offered through the project, which may include, but are not limited to, the criteria established for family support programs under section 256A.4. The department shall report to the general assembly by January 15, 1998, regarding the success of the pilot project in meeting the goals established in this section.

Sec. 59. APPROPRIATION. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For establishing a parent education pilot project under section 58 in a county with fewer than thirty-five thousand inhabitants:

..... \$ 50,000

Sec. 60. AT-RISK CHILDREN. For the fiscal year beginning July 1, 1994, and ending June 30, 1995, the appropriation made to the department of education pursuant to section 279.51, subsection 1, shall be increased by \$2,000,000 to be allocated as provided in section 279.51, subsection 1, paragraph "c", for the streets to success* program.

Sec. 61. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purposes of establishing a character education pilot program to evaluate methods for incorporating positive character qualities into all levels of the existing educational program:

..... \$ 50,000

The department of education shall report to the state board of education and to the general assembly regarding the success of any pilot programs by January 1, 1996.

Sec. 62. CONTINGENT APPROPRIATION. If the actual taxable valuation of real property located in this state, based upon January 1, 1993, assessments, which is used in the computation of property taxes payable in the fiscal year beginning July 1, 1994, increases from the estimate of such taxable valuation, the amount of the reduction in state foundation aid under section 257.1 as a result of such increase in taxable valuation shall be used to fund sections 56, 57, 58, 59, and 60 and 61. If the amount of the reduction is insufficient, section 60 shall be funded first with the others being prorated.

Sec. 63. CONTINGENT EFFECTIVE DATE. Sections 56, 57, 58, 59, and 60 and 61 of this division of this Act take effect upon the enactment of section 62.

DIVISION VIII
CORRECTIVE CHANGES

Sec. 64. Section 8.60, subsection 2, Code Supplement 1993, as amended by 1994 Iowa Acts, Senate File 2086,** section 32, is amended by striking the subsection.

Sec. 65. Section 262.25A, subsection 3, unnumbered paragraph 1, as enacted by 1994 Iowa Acts, House File 2337,*** is amended to read as follows:

Of all new passenger vehicles and light pickup trucks purchased by or under the direction of the state board of regents to provide services to a merged area, a minimum of ten percent of all such vehicles and trucks purchased shall be equipped with engines which utilize alternative methods of propulsion, including but not limited to any of the following:

Sec. 66. Section 282.4, Code 1993, as amended by 1994 Iowa Acts, House File 2383,**** is amended to read as follows:

*The term "streets to success" probably intended as "school-based youth services education"

**Chapter 1107 herein

***Chapter 1119, §26 herein

****Chapter 1131, §7 herein

282.4 EXPULSION – DISMISSAL.

The board may, by a majority vote, expel any pupil from school for a violation of the regulations or rules established by the board, or when the presence of the pupil is detrimental to the best interests of the school. The board may confer upon any teacher, principal, or superintendent the power temporarily to dismiss a pupil, notice of such dismissal being at once given in writing to the president of the board.

A pupil who commits an assault, as defined under section 708.1, against a school employee in a school building, on school grounds, or at a school-sponsored function shall be suspended for a time to be determined by the principal. Notice of the suspension shall be immediately sent to the president of the board. By special meeting or at the next regularly scheduled board meeting, the board shall review the suspension and decide whether to ~~ratify the suspension~~ or hold a disciplinary hearing to determine whether or not to order further sanctions against the pupil, which may include expelling the pupil. In making its decision, the board shall consider the best interests of the school district, which shall include what is best to protect and ensure the safety of the school employees and pupils from the pupil committing the assault.

A pupil shall not be suspended or expelled pursuant to this section if the suspension or expulsion would violate the federal Individuals with Disabilities Education Act.

Sec. 67. Section 615.3, Code 1993, as amended by 1994 Iowa Acts, House File 307,* is amended to read as follows:

615.3 FUTURE JUDGMENTS WITHOUT FORECLOSURE.

A judgment hereafter rendered on a promissory obligation secured by a mortgage, deed of trust of real estate upon which at the time of the judgment is either used for an agricultural purpose as defined in section 535.13 or a one-family or two-family dwelling which is the residence of the mortgagor, but without foreclosure against the security, shall not be subject to renewal by action thereon, and, after the lapse of two years from the date of rendition, shall be without force and effect for any purpose whatsoever except as a setoff or counterclaim. As used in this section, "mortgagor" means a mortgagor of a mortgage or a borrower executing a deed of trust as provided in chapter 654 or the vendee of a real estate contract.

Sec. 68. 1994 Iowa Acts, House File 2230,** section 3, is amended to read as follows:

SEC. 3. REPEALER. This Act is repealed effective ~~January 1~~ February 15, 1995.

Sec. 69. 1994 Iowa Acts, Senate File 2313,*** section 19, subsection 1, unnumbered paragraph 1, is amended to read as follows:

Of the funds appropriated in this section, ~~\$15,639,333~~ 15,888,195 shall be allocated to counties for funding of community-based mental illness, mental retardation, developmental disabilities, and brain injury services. The moneys shall be allocated to a county as follows:

Sec. 70. 1994 Iowa Acts, Senate File 2313,*** section 19, subsection 6, paragraph a, is amended to read as follows:

a. Of the funds appropriated in this section, ~~\$13,287,625~~ 13,038,763 is allocated for distribution to counties for local purchase of services for persons with mental illness or mental retardation or other developmental disability.

Sec. 71. 1994 Iowa Acts, House File 582,**** section 1, subsection 2, is amended to read as follows:

2. Beginning July 1, 1994, and ending June 30, 1996, the department shall administer a preadmission screening and assessment pilot program for elders seeking admission to nursing facilities, in three to six counties in the state, which have existing case management programs for elders, in consultation with area agencies on the aging, service providers, and the peer review organization. The counties selected shall represent both rural and urban populations. Unless an elder is exempt from the preadmission screening and assessment pilot program pursuant to subsection 5, ~~or 6, or 7~~ an elder shall not be admitted to a nursing facility in a participating county prior to completion of a preadmission screening and, if necessary, an assessment. This provision shall not apply to individuals who are eligible for medical

*Chapter 1115 herein

**Chapter 1097 herein

***Chapter 1186 herein

****Chapter 1077 herein

assistance until necessary waivers are approved by the federal health care financing administration.

Sec. 72. 1994 Iowa Acts, House File 2411,* section 7, subsection 4, is amended by striking the subsection.

Sec. 73. 1994 Iowa Acts, Senate File 2086,** sections 34 and 36, are repealed.

Sec. 74. 1994 Iowa Acts, House File 2403,*** section 6, is repealed.

Sec. 75. 1994 Iowa Acts, House File 2179,**** section 26, is repealed.

Sec. 76. REPEAL — RETROACTIVE APPLICABILITY.

1. Sections 64 and 73 of this Act, relating to section 8.60, being deemed of immediate importance, take effect upon enactment.

2. Section 75 of this Act, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to March 31, 1994.

DIVISION IX MOTOR VEHICLES

Sec. 77. Section 321.24, unnumbered paragraph 5, Code 1993, is amended to read as follows:

If the prior certificate of title is from another state and indicates that the vehicle was junked, an Iowa junking certificate shall be issued according to section 321.52, subsections 2 and 3. If the prior certificate of title from another state indicates that the vehicle is salvaged and not rebuilt or is a salvage certificate of title, an Iowa salvage certificate of title shall be issued and a "SALVAGE" designation shall be retained on all subsequent Iowa certificates of title and registration receipts for the vehicle, except as provided under section 321.52, subsection 4, paragraph "b". The department may require that subsequent Iowa certificates of title retain other state's designations which indicate that a vehicle had incurred prior damage. The department shall adopt rules to determine the manner in which other states' rebuilt, salvage, or other designations are to be indicated on Iowa titles.

Sec. 78. Section 321.457, Code Supplement 1993, as amended by 1994 Iowa Acts, Senate File 2080,***** sections 6 and 7, is amended to read as follows:

321.457 MAXIMUM LENGTH.

1. A combination of four vehicles is not allowed on the highways of this state, except for power units saddle mounted on other power units which shall be restricted to a maximum overall length of sixty five feet unless subject to the maximum length provisions of subsection 3 seventy-five feet.

2. The maximum length of any motor vehicle or combination of vehicles operated on the highways of this state, unless subject to the maximum length provisions of subsection 3, are as follows:

a. A single truck, unladen or with load, shall not have an overall length, inclusive of front and rear bumpers, in excess of forty feet.

b. A single bus shall not have an overall length, inclusive of front and rear bumpers, in excess of forty-five feet, except that buses constructed so as to contain a flexible part allowing articulation shall not exceed sixty-one feet.

c. Except for combinations of vehicles, provisions for which are otherwise made in this chapter, no combination of a truck tractor and a semitrailer coupled together or a motor truck and a trailer or semitrailer coupled together unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of sixty feet.

d. However, a mobile home not in excess of forty-eight feet in length may be drawn by any motor vehicle, except a motor truck, provided that the mobile home and its towing unit are not in excess of an overall length of sixty feet. For the purposes of this subsection, a light delivery truck, panel delivery truck or "pickup" is not a motor truck. A portable livestock loading chute not in excess of a length of thirteen feet including its hitch or tongue may be

*Chapter 1193 herein

**Chapter 1107 herein

***Chapter 1076 herein

****Chapter 1021 herein

*****Chapter 1087 herein

drawn by any vehicle or combination of vehicles, provided that the vehicle or combination of vehicles drawing the loading chute is not in excess of the legal length provided for such vehicles or combinations.

e d. Combinations of vehicles coupled together which are used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, recreational vehicle chassis, and boats shall not exceed sixty-five feet in overall length. However, the load carried on a truck-semitrailer combination may extend up to three feet beyond the front bumper and up to four feet beyond the rear bumper.

f e. A combination of three vehicles coupled together one of which is a motor vehicle, unladen or with load, other than a truck tractor, shall not have an overall length, inclusive of front and rear bumpers, in excess of sixty feet.

f f. A motor vehicle or combination of vehicles may be operated upon the highways of this state, irrespective of the length and weight limitations imposed by the laws of this state, if the motor vehicle or combination of vehicles is operated within the corporate limits of a city abutting a border of this state and such operations have been approved by ordinance of the city council and if the length and weight of the motor vehicle or combination of vehicles is in conformity with the laws relating to length and weight of the abutting state on July 1, 1974. If a city council has authorized such operation upon highways within the corporate limits, then the limit of travel for such motor vehicles or combination of vehicles within the state is extended to the commercial zones as described by federal regulations concerning interstate commerce, 49 code of federal regulations, paragraphs 1048.10, 1048.38, and 1048.101 as they exist on July 1, 1974.

3. ~~The maximum length of any motor vehicle or combination of vehicles operated on the highways of this state shall be as follows:~~

a g. A trailer or semitrailer, laden or unladen, shall not have an overall length in excess of fifty-three feet when operating in a truck tractor-semitrailer combination.

b h. A trailer or semitrailer, laden or unladen, shall not have an overall length in excess of twenty-eight feet six inches when operating in a truck tractor-semitrailer-trailer combination or truck tractor-semitrailer-semitrailer combination. When the semitrailers in a truck tractor-semitrailer-semitrailer combination are connected by a rigid frame extension including a fifth-wheel connection point attached to the rear frame of the first semitrailer, the length of the frame extension shall not be included when determining the overall length of the first semitrailer.

e i. Power units designed to carry cargo, when used in combination with a trailer or semitrailer shall not exceed sixty-five feet in overall length for the combination.

d j. A stinger-steered automobile transporter shall not have an overall length exceeding seventy-five feet, except that the load may extend up to three feet beyond the front bumper and up to four feet beyond the rear bumper.

e. ~~Power units saddle mounted or full mounted on other power units shall not exceed seventy-five feet in overall length.~~

4 3. Fire fighting apparatus and vehicles operated during daylight hours when transporting poles, pipe, machinery, or other objects of a structural nature which cannot be readily disassembled when required for emergency repair of public service facilities or properties are not subject to the limitations on overall length of vehicles and combinations of vehicles imposed under this section. However, for operation during nighttime hours, these vehicles and the load being transported shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps at the extreme ends of the projecting load to clearly mark the dimensions of the load. A member of the state highway safety patrol shall also be notified prior to the operation of the vehicle.

Sec. 79. Section 321.463, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A vehicle designed to tow wrecked or disabled vehicles shall be exempt from the weight limitations in this section while the vehicle is towing a wrecked or disabled vehicle.

Sec. 80. Section 322.4, subsection 7, Code 1993, is amended to read as follows:

7. Before the issuance of a motor vehicle dealer's license to a dealer engaged in the sale of vehicles for which a certificate of title is required under chapter 321, the applicant shall furnish a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of ~~thirty-five~~ fifty thousand dollars and be conditioned upon the faithful compliance by the applicant as a dealer with all of the statutes of this state regulating or applicable to the business of a dealer in motor vehicles, and indemnifying any person who buys a motor vehicle from the dealer from any loss or damage occasioned by the failure of the dealer to comply with any of the provisions of chapter 321 and this chapter, including, but not limited to, the furnishing of a proper and valid certificate of title to the motor vehicle involved in a transaction. The bond shall also indemnify any motor vehicle purchaser from any loss or damage caused by the failure of the dealer to comply with the odometer requirements in section 321.71, regardless of whether the motor vehicle was purchased directly from the dealer. The bond shall be filed with the department prior to the issuance of a license. The aggregate liability of the surety, however, shall not exceed the amount of the bond.

DIVISION X
FISCAL YEAR 1993-1994 APPROPRIATIONS

Sec. 81. DEPARTMENT OF CORRECTIONS. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For health, life safety, and maintenance needs at correctional facilities:
..... \$ 150,000

Sec. 82. DEPARTMENT OF HUMAN SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For health, life safety, and maintenance needs at department of human services facilities:
..... \$ 100,000

Sec. 83. BOARD OF REGENTS. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- 1. For fire and environmental safety at the Iowa school for the deaf:
..... \$ 75,000
- 2. For compliance with the federal Americans with Disabilities Act at the Iowa braille and sight saving school:
..... \$ 20,000

**Sec. 84. DEPARTMENT OF CORRECTIONS — TRANSPORTATION COSTS. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1993, and ending June 30, 1994, in addition to other appropriations and full-time equivalent positions made to and authorized for the department, the following amount, or so much thereof as is necessary, to be used for the purpose designated:*

For the establishment of the Iowa medical and classification center at Oakdale as the transportation center for the transportation of inmates throughout the state, including funding for the purchase of necessary vehicles or equipment, salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 100,000
..... FTEs 5.00*

*Item veto; see message at end of the Act

Sec. 85. TECHNICAL ASSISTANCE TO COUNTIES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions to provide technical assistance to counties and other necessary support to implement the provisions of sections 331.438, 331.439, and 331.440 as enacted by 1994 Iowa Acts, House File 2430:*

.....	\$	294,541
.....	FTEs	6.00

The department may adopt emergency rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of sections 331.438, 331.439, and 331.440 as enacted by House File 2430* no later than January 1, 1995, and the rules shall become effective immediately upon filing. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 86. STATE CHILD CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for state child care assistance:

.....	\$	500,000
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1. The moneys appropriated in this section shall be used to provide child day care assistance to families with earned income who are participating in the family investment program or who are exiting the family investment program. If drawing federal matching funding does not jeopardize federal cost neutrality under the federal waiver for the family investment program, the department may utilize the moneys appropriated in this section to draw available federal funding. If a federal waiver is granted to revise the transitional child care program pursuant to the request submitted in accordance with 1994 Iowa Acts, Senate File 2313,** the moneys appropriated in this section shall first be allocated to reduce or eliminate any waiting list which develops as a result of implementing the waiver.

2. Any moneys which the department does not obligate to implement the provisions of subsection 1 shall be used as additional funding for state child care assistance in accordance with the appropriation made for that purpose in 1994 Iowa Acts, Senate File 2313.**

Sec. 87. GERIATRIC PATIENTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For application by the department for grants to establish pilot projects for placements of geriatric patients who have a mental illness:

.....	\$	20,000
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Any grant received may be used by the department to fund a coordinator to work with hospitals and nursing homes concerning placements of geriatric patients who have a mental illness.

Sec. 88. SOIL CONSERVATION TECHNICIANS. There is appropriated from the general fund of the state to the soil conservation division of the department of agriculture and land stewardship for the fiscal year beginning July 1, 1993, and ending June 30, 1994, 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 soil conservation technicians and for not more than the following full-time equivalent positions:

.....	\$	123,000
.....	FTEs	5.00

Sec. 89. APPROPRIATION FOR THE DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, in addition

*Chapter 1163 herein
**Chapter 1186 herein

to the amounts appropriated pursuant to 1994 Iowa Acts, Senate File 2217,* 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 five full-time equivalent positions devoted to the regulation of pari-mutuel gambling, including the state contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the officers' salaries:

..... \$ 177,879

This appropriation is contingent upon passage of one or more referendums authorizing gambling games within the pari-mutuel racetrack enclosures.

2. To the division of criminal investigation for salaries, support, maintenance, and miscellaneous purposes and for not more than five full-time equivalent positions, including the state contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the officers' salaries:

..... \$ 129,486

Sec. 90. RACING AND GAMING COMMISSION. There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 165,517

Notwithstanding the number of full-time equivalent positions authorized for the racing and gaming commission for fiscal year 1994-1995 in 1994 Iowa Acts, Senate File 2218,** section 7, subsection 1, the number of full-time equivalent positions authorized for the commission in that fiscal year is 23.97.

Sec. 91. 1994 Iowa Acts, Senate File 2217,* section 3, subsection 2, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department of public safety, with the approval of the department of management, may employ up to one gaming enforcement officer for each riverboat existing on March 31, 1994, whose hours of operation exceed those hours in effect prior to March 31, 1994, and no more than two special agents and four gaming enforcement officers for each additional riverboat regulated on or after March 31, 1994.

Sec. 92. NONREVERSION. Notwithstanding section 8.33, moneys appropriated pursuant to this division which are unencumbered or unobligated on June 30, 1994, shall not revert but shall be available for expenditure as provided in this division during the subsequent fiscal year. The authorizations for full-time equivalent positions in appropriations made in this division shall continue to the extent the appropriation remains available in the succeeding fiscal year.

Sec. 93. EFFECTIVE DATE. This division of this Act takes effect upon enactment.

Approved May 13, 1994, except the items which I herby disapprove and which are designated as Section 26 in its entirety; that portion of Section 32, subsection 2, paragraph b which is herein bracketed in ink and initialed by me; Section 42 in its entirety; Section 51 in its entirety; and Section 84 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

*Chapter 1189 herein
**Chapter 1187 herein

Dear Madam Secretary:

I hereby transmit Senate File 2330, an Act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions.

Senate File 2330 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 26, in its entirety. This provision would restrict payment of tax refunds in FY 1994 to persons who are entitled to refunds under recent court decisions if general fund revenues do not exceed a certain amount. Not only would it be unfair to postpone payment of the refunds to those entitled to receive them, but it is also not good practice for the state to defer obligations into future years.

I am unable to approve the designated portion of Section 32, subsection 2, paragraph b. One of the unfortunate results of last summer's disastrous flooding was the extensive damage caused to levees along farmland. Created in this bill is a program to provide financial assistance to farmers to repair and reconstruct agricultural levees damaged by the flood. If the purposes of the program are not to be frustrated, then adequate funding must be available to assist those farmers who could benefit from the program.

I am unable to approve the item designated as Section 42, in its entirety. This provision would restrict the Department of Human Services from reallocating funds from one mental health institution to another. The department should retain the flexibility to reallocate funds as needed among the institutions.

I am unable to approve the items designated as Sections 51 and 84, in their entirety. These provisions would establish the Iowa Medical and Classification Center at Oakdale as the transportation center for the Department of Corrections. One hundred thousand dollars (\$100,000) is appropriated in the bill for necessary vehicles, equipment, support, maintenance, and salaries of five FTEs. The appropriation provided falls far short of what is necessary to support the transportation needs of the department, therefore these provisions cannot be approved.

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 2330 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1200

APPROPRIATIONS – HEALTH AND HUMAN RIGHTS

H.F. 2376

AN ACT relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, and the commission of veterans affairs.

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

Section 1. DEPARTMENT FOR THE BLIND. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 1994, and ending June 30, 1995, 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:

.....	\$	1,370,334
.....	FTEs	95.00

Sec. 2. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 1994, and ending June 30, 1995, 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:

.....	\$	1,083,962
.....	FTEs	29.00

1. The department shall seek alternatives to travel through the use of video and teleconferencing technology.

2. If the anticipated amount of federal funding from the federal equal employment opportunity commission and the federal department of housing and urban development exceeds \$387,900 during the fiscal year beginning July 1, 1994, and ending June 30, 1995, the Iowa state civil rights commission may exceed their authorized staffing level to hire additional professional staff to investigate employment and housing complaints.

Sec. 3. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 1994, and ending June 30, 1995, 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:

.....	\$	429,287
.....	FTEs	28.50

The department shall seek alternatives to travel through the use of video and teleconferencing technology.

2. For aging programs and services:

.....	\$	2,319,893
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All funds appropriated in this subsection shall be received and disbursed by the director of elder affairs for aging programs and services, shall not be used by the department for administrative purposes, not more than \$151,654 shall be used for area agencies on aging administrative purposes, and shall be used for citizens of Iowa over 60 years of age for case management for the frail elderly, mental health outreach, Alzheimer's support, retired senior volunteer program, care review committee coordination, employment, adult day care, respite care, chore services, telephone reassurance, information and assistance, and home repair services, including the winterizing of homes, and for the construction of entrance ramps which make residences