

**CHAPTER 1218**

**APPROPRIATIONS – TRANSPORTATION, INFRASTRUCTURE,  
AND CAPITAL PROJECTS**

*H.F. 2421*

**AN ACT** relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, making appropriations for capital projects from the rebuild Iowa infrastructure fund, providing for certain procedures for revocation or suspension of drivers licenses for certain drug-related offenses, construction projects for the commission of veterans affairs, county fairs, recreational trails, and nonreversion of certain appropriations, and providing an effective date.

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

**DIVISION I**

**STATE DEPARTMENT OF TRANSPORTATION**

**Section 1.** There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- 1. 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:  
..... \$ 1,229,000
- b. For airport engineering studies and improvement projects as provided in chapter 328:  
..... \$ 2,400,000
- 2. For planning and programming, for salaries, support, maintenance, and miscellaneous purposes:  
..... \$ 258,000

**Sec. 2.** There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, for the purposes designated:

- 1. For the payment of costs associated with the production of motor vehicle licenses, as defined in section 321.1, subsection 43:  
..... \$ 1,295,000
- 2. For salaries, support, maintenance, and miscellaneous purposes:
  - a. Operations and finance:  
..... \$ 4,128,882
  - b. Administrative services:  
..... \$ 853,160
  - c. Planning and programming:  
..... \$ 400,150
  - d. Motor vehicles:  
..... \$ 21,938,160
- 3. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A:  
..... \$ 35,000
- 4. Unemployment compensation:  
..... \$ 17,000
- 5. For payments to the department of personnel for paying workers' compensation claims under chapter 85 on behalf of employees of the state department of transportation:  
..... \$ 77,000

6. For payment to the general fund of the state for indirect cost recoveries:	\$	96,000
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:	\$	32,480
8. For automating the oversize vehicle permitting system authorized under chapter 321E in order to improve communication between carriers and the department regarding changing road conditions, including construction zones:	\$	125,000
9. For joining the I-35 corridor coalition:	\$	150,000

This appropriation is contingent upon appointment of the membership of the Iowa delegation in accordance with the following:

a. Four shall be legislative members of the general assembly. One member shall be appointed by the speaker of the house of representatives, one member shall be appointed by the minority leader of the house of representatives, one member shall be appointed by the majority leader of the senate, and one member shall be appointed by the minority leader of the senate.

b. Two shall be appointed by the governor.

Sec. 3. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1996, and ending June 30, 1997, 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 the following full-time equivalent positions:

a. Operations and finance:	\$	25,363,118
	FTEs	280.00
b. Administrative services:	\$	5,240,840
	FTEs	96.00
c. Planning and programming:	\$	7,594,850
	FTEs	174.00
d. Project development:	\$	52,060,000
	FTEs	1,185.00

It is the intent of the general assembly that no more than \$331,064 from the highway beautification fund, plus an allocation for salary adjustment be expended for salaries and benefits for no more than 9.00 FTEs.

e. Maintenance:	\$	98,214,000
	FTEs	1,646.00
f. Motor vehicles:	\$	851,840
	FTEs	549.00

\*g. For construction, reconstruction, and maintenance of the state highway system as appropriated for in chapter 313:

	\$	300,000,000
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It is the intent of the general assembly, that if additional moneys become available to the primary road fund, the state transportation commission may expend the funds pursuant to section 313.4.\*

2. For deposit in the state department of transportation's highway materials and equipment revolving fund established by section 307.47 for funding the increased replacement cost of equipment:

	\$	3,120,000
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\*Item veto; see message at end of the Act

It is the intent of the general assembly that no more than \$3,150,248 from the highway materials and equipment revolving fund, plus an allocation for salary adjustment be expended for salaries and benefits for no more than 89.00 FTEs.

3. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A:

..... \$ 665,000

4. Unemployment compensation:

..... \$ 328,000

5. For payments to the department of personnel for paying workers' compensation claims under chapter 85 on behalf of the employees of the state department of transportation:

..... \$ 1,463,000

6. For disposal of hazardous wastes from field locations and the central complex:

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

7. For payment to the general fund for indirect cost recoveries:

..... \$ 704,000

8. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:

..... \$ 199,520

9. For payment of a special assessment levied by the city of Clive:

..... \$ 167,000

10. a. For replacement and updating the exhaust system at the Ames laboratory building:

..... \$ 200,000

b. For field garage facilities in Anamosa and Southeast Des Moines:

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

c. For completion of electrical, plumbing, and HVAC renovations at the Ames north annex (former St. Cecilia school property):

..... \$ 510,000

The provisions of section 8.33 do not apply to the funds appropriated in subsection 10 which shall remain available for expenditure for the purposes designated until June 30, 1999. Unencumbered or unobligated funds remaining on June 30, 1999, from funds appropriated in subsection 10 shall revert to the fund from which appropriated on August 30, 1999.

Sec. 4. LEGISLATIVE OVERSIGHT.

1. The department shall work with the legislative fiscal bureau to develop a process to provide quarterly reports of the highway construction program and highway expenditures to the joint appropriations subcommittee on transportation, infrastructure, and capitals.

2. The department shall provide the members of the joint appropriations subcommittee on transportation, infrastructure, and capitals with a report regarding the implementation of recommendations from the governor's blue ribbon road use tax fund task force by November 1, 1996. The department shall include input from department employees who are members of a statewide employee organization on the effects of implementation of these recommendations on job-related activities and employee displacement.

Sec. 5. DIRECTIVES TO STATE DEPARTMENT OF TRANSPORTATION.

1. The state department of transportation shall establish a maintenance standard, equivalent to the department's "c" classification for maintenance, on state highways located between population centers of ten thousand or more persons.

2. The state department of transportation shall consider the location of the Iowa communication network's underground facilities and other telecommunication underground facilities when engineering road construction and repair projects and, where possible, shall engineer projects to minimize relocation of Iowa communications network underground facilities and other telecommunication underground facilities.

3. The state department of transportation shall take affirmative action to resolve the safety issues associated with access on highway 218, located between Ainsworth and Riverside, by students to schools located in the Highland community school district.

DIVISION II  
CAPITAL PROJECTS  
BOARD OF REGENTS

Sec. 6.

1. There is appropriated from the rebuild Iowa infrastructure fund of the state to the state board of regents for the fiscal period beginning July 1, 1996, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the projects designated in subsection 2:

a. 1996-97 FY .....	\$	51,000,000
b. 1997-98 FY .....	\$	8,340,000
c. 1998-99 FY .....	\$	6,800,000

The state board of regents shall determine the amounts to be allocated to each project for each fiscal year of the fiscal period beginning July 1, 1996, and ending June 30, 1999, based upon project needs. However, the total appropriated funds for a project for all fiscal years of that fiscal period shall not exceed the amount listed in subsection 2 for that project.

2. The state board of regents is authorized to undertake, plan, construct, equip, and otherwise carry out the following projects at the institutions of higher learning under the jurisdiction of the board in the following appropriated amounts:

a. For construction and renovation of the biological sciences complex at the state university of Iowa:

.....	\$	14,900,000
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b. For construction and renovation of the engineering building at the state university of Iowa:

.....	\$	14,140,000
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c. For construction of the national advanced driving simulator building at the state university of Iowa:

.....	\$	4,300,000
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Funds provided for the construction of the facility to house the national advanced driving simulator in fiscal years beginning July 1, 1996, and July 1, 1997, shall only be expended upon receiving notification from the national highway traffic safety administration that the United States congress has authorized the construction of the national advanced driving simulator, that federal funds have been appropriated to begin construction, and that delivery of the motion base, graphics system, and integrating software will take place in substantial compliance with the United States department of transportation's acquisition schedule as set forth in the cooperative agreement between the state university of Iowa and the national highway traffic safety administration.

d. For construction and renovation of the intensive livestock research facilities at Iowa state university of science and technology:

.....	\$	15,300,000
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e. For Phase I construction of the engineering teaching and research complex at Iowa state university of science and technology:

.....	\$	11,000,000
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f. For construction of the school of music classroom building/performing arts center at the university of northern Iowa:

.....	\$	6,500,000
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3. Effective July 1, 1996, the state board of regents is authorized to enter into contracts for the full cost of carrying out the projects listed in subsection 2, for which appropriations are made in subsection 1, for the fiscal years beginning July 1, 1996, July 1, 1997, and July 1, 1998. The state shall not be obligated for costs associated with contracts identified in this section in excess of funds appropriated by the general assembly.

4. a. Notwithstanding section 8.33, funds appropriated in subsection 1, paragraph "a", for the fiscal year beginning July 1, 1996, which remain unexpended as of June 30, 1997, shall be available for expenditure through June 30, 2000.

b. Notwithstanding section 8.33, funds appropriated in subsection 1, paragraph "b", for the fiscal year beginning July 1, 1997, which remain unexpended as of June 30, 1998, shall be available for expenditure through June 30, 2000.

c. Notwithstanding section 8.33, funds appropriated in subsection 1, paragraph "c", for the fiscal year beginning July 1, 1998, which remain unexpended as of June 30, 1999, shall be available for expenditure through June 30, 2000.

d. Unencumbered or unobligated funds remaining on June 30, 2000, from any funds appropriated in subsection 1 shall revert on August 30, 2000.

5. The state board of regents may use any available resources for planning the renovation of Lang hall at the university of northern Iowa.

DEPARTMENT OF CORRECTIONS

Sec. 7. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of corrections for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For connection of the Clarinda correctional facility with the Iowa communications network:

..... \$ 150,000

2. For annual payment relating to the financial arrangement for the construction of expansion in prison capacity as provided in 1990 Iowa Acts, chapter 1257, section 24:

..... \$ 3,179,500

DEPARTMENT OF CULTURAL AFFAIRS

Sec. 8. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be allocated to an Iowa project that has received a national endowment for the humanities award for a museum and discovery center:

..... \$ 500,000

Allocation of moneys pursuant to this section shall be contingent upon a two-to-one matching contribution of private moneys.

It is the intent of the general assembly that an additional \$500,000 shall be appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1997, for completion of the project in this section.

Notwithstanding section 8.33, unencumbered or unobligated moneys remaining on June 30, 1997, from the funds appropriated in this section shall revert to the rebuild Iowa infrastructure fund on August 31, 1997.

DEPARTMENT OF EDUCATION

\*Sec. 9. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of education for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For southwestern community college for construction of a rural heritage center:

..... \$ 500,000

Funding for the rural heritage center shall be contingent upon receipt of matching contributions from any other source. The matching contributions may be in the form of real property to

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

house the center and shall be valued at the property's fair market value. It is the intent of the general assembly that an additional \$500,000 shall be appropriated for the fiscal year beginning July 1, 1997.

2. For improvement and maintenance of institutional roads on community college campuses:

..... \$ 600,000

Notwithstanding section 8.33, unencumbered or unobligated moneys remaining on June 30, 1997, from the funds appropriated in this section shall revert to the rebuild Iowa infrastructure fund on August 31, 1997.\*

DEPARTMENT OF GENERAL SERVICES

Sec. 10. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of general services for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the following purpose:

To provide for the renovation and repair of the soldiers and sailors monument of the civil war and the Allison monument located on the state capitol complex:

..... \$ 200,000

Of the appropriation in this section, \$50,000 shall be used for renovation and repair of the Allison monument located on the state capitol complex. An effort shall be made by the department of education to match this appropriation from the citizens and the school children of Iowa as occurred when the monument was initially built.

Notwithstanding section 8.33, unencumbered or unobligated moneys remaining on June 30, 1998, from the funds appropriated in this section shall revert to the rebuild Iowa infrastructure fund on August 31, 1998.

Sec. 11. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of general services for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the following purpose:

To provide for the planning, siting, and construction of a world war II veterans memorial:

..... \$ 200,000

1. The moneys appropriated in this section may be used to match nonstate funds for the planning, siting, and construction of the memorial. The state match shall be \$2 of state money for each \$3 of nonstate money.

2. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining on June 30, 1998, from the funds appropriated in this section shall revert to the rebuild Iowa infrastructure fund on August 31, 1998.

Sec. 12. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of general services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For major maintenance needs including health, life, and fire safety and for compliance with the federal Americans with Disabilities Act for state-owned buildings and facilities:

..... \$ 6,500,000

2. For critical and deferred maintenance at Terrace Hill:

..... \$ 150,000

As a condition of receiving this appropriation, private matching funds must be contributed on a dollar-for-dollar basis.

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, 2001, from the funds appropriated in this section shall revert to the rebuild Iowa infrastructure fund of the state on August 31, 2001.

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

## Sec. 13.

1. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of general services for the fiscal period beginning July 1, 1996, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the projects in the amounts and for the fiscal years as designated in subsection 2:

a. For the fiscal year beginning July 1, 1996, and ending June 30, 1997:	\$	20,700,000
b. For the fiscal year beginning July 1, 1997, and ending June 30, 1998:	\$	14,600,000
c. For the fiscal year beginning July 1, 1998, and ending June 30, 1999:	\$	3,900,000
2. a. For exterior state capitol building restoration:		
(1) For the fiscal year beginning July 1, 1996, and ending June 30, 1997:	\$	9,300,000
(2) For the fiscal year beginning July 1, 1997, and ending June 30, 1998:	\$	7,600,000
b. For interior state capitol building restoration:		
(1) For the fiscal year beginning July 1, 1996, and ending June 30, 1997:	\$	2,800,000
(2) For the fiscal year beginning July 1, 1998, and ending June 30, 1999:	\$	2,300,000
c. For renovation of the old historical building:		
(1) For the fiscal year beginning July 1, 1996, and ending June 30, 1997:	\$	5,400,000
(2) For the fiscal year beginning July 1, 1997, and ending June 30, 1998:	\$	4,100,000
*(3) For the fiscal year beginning July 1, 1998, and ending June 30, 1999:	\$	1,600,000*
d. For renovation of the Lucas tunnel:		
(1) For the fiscal year beginning July 1, 1996, and ending June 30, 1997:	\$	100,000
(2) For the fiscal year beginning July 1, 1997, and ending June 30, 1998:	\$	400,000
e. For renovation of the Lucas state office building:		
(1) For the fiscal year beginning July 1, 1996, and ending June 30, 1997:	\$	3,100,000
(2) For the fiscal year beginning July 1, 1997, and ending June 30, 1998:	\$	2,500,000

*\*It is the intent of the general assembly that the first and second floors of the Lucas state office building shall be used primarily by the general assembly and other legislative agencies.\**

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, 2001, from the funds appropriated in this section shall revert to the rebuild Iowa infrastructure fund of the state on August 31, 2001.

## DEPARTMENT OF HUMAN SERVICES

Sec. 14. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of human services for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For training, maintenance, and upgrades of computer software:	\$	818,000
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\*Item veto; see message at end of the Act

2. For the development costs of the "X-PERT" knowledge-based computer software package for public assistance benefit eligibility determination, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 790,000

Moneys appropriated in this section shall be considered encumbered for the purposes of section 8.33.

DEPARTMENT OF NATURAL RESOURCES

Sec. 15. 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, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

..... \$ 1,800,000

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, 1998, from the funds appropriated in this section, shall revert to the general fund of the state on August 31, 1998.

Sec. 16. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of natural resources for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the following purpose:

For the rehabilitation, preservation, and continued use of state park facilities, including low-head dams and historic buildings, appurtenant structures, and utilities built by the civilian conservation corps (CCC) or the works progress administration (WPA):

..... \$ 3,000,000

All rehabilitation and preservation of CCC or WPA buildings funded by this appropriation shall conform to the United States secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings. Where feasible, the department shall encourage the use of youth employment for rehabilitation and preservation efforts provided for in this section.

Notwithstanding section 8.33, unencumbered or unobligated moneys remaining on June 30, 1999, from the funds appropriated in this section, shall revert to the rebuild Iowa infrastructure fund on August 31, 1999.

DEPARTMENT OF PUBLIC DEFENSE

Sec. 17. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of public defense for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For maintenance and repair of national guard armories and facilities:

..... \$ 567,000

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, 1997, from the funds appropriated in this section, shall revert to the rebuild Iowa infrastructure fund of the state on August 31, 1997.

DEPARTMENT OF PUBLIC SAFETY

Sec. 18. There is appropriated from the rebuild Iowa infrastructure fund of the state to the department of public safety for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:



1. To purchase terminal equipment and pay other costs associated with upgrade of the existing Iowa online warrants and articles (IOWA) system to provide faster data transmission capabilities to existing subscribers, and in cooperation with the department of public defense to establish comparable data transmission service to the emergency management office in each county of the state:

..... \$ 300,000

2. For costs associated with the maintenance of the automated fingerprint information system (AFIS):

..... \$ 222,155

STATE DEPARTMENT OF TRANSPORTATION

Sec. 19. There is appropriated from the rebuild Iowa infrastructure fund of the state to the state department of transportation for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For acquiring, constructing, and improving recreational trails within the state:

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

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, 1997, from the funds appropriated in this section, shall revert to the rebuild Iowa infrastructure fund of the state on August 31, 1997.

COMMISSION OF VETERANS AFFAIRS

Sec. 20. There is appropriated from the rebuild Iowa infrastructure fund of the state to the commission of veterans affairs for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For records automation:

..... \$ 85,373

2. For food preparation and dining room expansion:

..... \$ 500,000

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, 1998, from the funds appropriated in this section, shall revert to the rebuild Iowa infrastructure fund of the state on August 31, 1998.

Sec. 21. It is the intent of the general assembly that \$1,400,000 shall be appropriated from the rebuild Iowa infrastructure fund to the commission of veterans affairs for fiscal year 1997-1998 for additional funding for food preparation and dining room expansion. However, the additional funding shall be contingent upon receiving notification from the United States department of veterans affairs that federal funds have also been appropriated to the commission for that expansion.

IOWA STATE FAIR FOUNDATION

Sec. 22. There is appropriated from the rebuild Iowa infrastructure fund of the state to the Iowa state fair foundation for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For renovation and restoration of the grandstand, the cattle barn, the horse barn, the swine barn, and for improvements to sewer, water, and electrical systems located on the state fairgrounds:

..... \$ 5,000,000

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, 1998, from the funds appropriated in this section, shall revert to the rebuild Iowa infrastructure fund of the state on August 31, 1998.

COUNTY FAIRS

Sec. 23. There is appropriated from the rebuild Iowa infrastructure fund of the state to the treasurer of state for the fiscal year beginning July 1, 1996, and ending June 30, 1997, for the purpose of allocating equally among the counties for eligible county fair societies in accordance with chapter 174, the following amount, to be used for the purpose designated:

For infrastructure repairs:

..... \$ 495,000

DIVISION III  
STATUTORY CHANGES

Sec. 24. Section 8.22A, subsection 5, unnumbered paragraph 2, Code Supplement 1995, is amended to read as follows:

a. The amount of lottery revenues for the following fiscal year to be available for disbursement following the deductions made pursuant to section 99E.10, subsection 1.

b. The amount of revenue for the following fiscal year from gambling revenues and from interest earned on the cash reserve fund and the economic emergency fund to be deposited in the rebuild Iowa infrastructure fund under section 8.57, subsection 5, paragraph "e".

Sec. 25. Section 8.57, subsection 5, paragraph c, Code Supplement 1995, is amended to read as follows:

c. Moneys in the fund in a fiscal year shall be used as directed by the general assembly for public infrastructure-related expenditures vertical infrastructure projects. For the purposes of this subsection, "vertical infrastructure" includes only land acquisition and construction, major renovation and major repair of buildings, all appurtenant structures, utilities, site development, and recreational trails. "Vertical infrastructure" does not include routine, recurring maintenance or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement. However, appropriations may be made for the fiscal years beginning July 1, 1997, and July 1, 1998, for the purpose of funding the completion of Part III of the Iowa communications network.

Sec. 26. Section 8.57, subsection 5, Code Supplement 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Notwithstanding provisions to the contrary in sections 99D.17 and 99F.11, for the fiscal years beginning July 1, 1995, and July 1, 1996, not more than a total of sixty million dollars; *\*for the fiscal year beginning July 1, 1997, not more than fifty million dollars; for the fiscal year beginning July 1, 1998, not more than forty million dollars; and for the fiscal year beginning July 1, 1999,\** and for each fiscal year thereafter *\*, not more than thirty-two million, five hundred thousand dollars\**; shall be deposited in the general fund of the state in any fiscal year pursuant to sections 99D.17 and 99F.11. The total moneys in excess of the moneys deposited in the general fund in a fiscal year shall be deposited in the infrastructure fund and shall be used as provided in this section, notwithstanding section 8.60.

Sec. 27. Section 8D.13, Code Supplement 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 19. Access to the network shall be offered to the department of public safety and the department of public defense for the purpose of establishing and operating a shared data-only network providing law enforcement, emergency management, disaster service, emergency warning, and other emergency information dissemination services to

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

federal, state, and local law enforcement agencies as provided in section 80.9, and local emergency management offices established under the authority of sections 29C.9 and 29C.10.

Sec. 28. NEW SECTION. 18A.12 STATE CAPITOL VIEW PRESERVATION.

The department of general services shall develop a state capitol view preservation plan. The purpose of the plan shall be to ensure that the most scenic views of the state capitol remain unobstructed by the erection of structures, including but not limited to buildings, towers, and monuments.

The plan shall include proposals for height and setback limitations of structures erected within the state capitol view, and shall include appropriate drawings, schematics, and aerial photographs necessary to establish the plan with sufficient clarity and definition.

The department shall negotiate implementation of the plan with the city of Des Moines with the goal of entering into a memorandum of understanding in relation to the plan. The department shall provide the governor and the capitol planning commission with quarterly reports regarding progress made on the capitol view preservation plan and execution of the memorandum of understanding.

Sec. 29. NEW SECTION. 35A.10 MULTIYEAR CONSTRUCTION PROGRAM – CONSTRUCTION, REPAIR, AND IMPROVEMENT PROJECTS.

1. The commission shall work with the department of general services to prepare and submit to the director of the department of management, as provided in section 8.23, a multiyear construction program including estimates of the expenditure requirements for the construction, repair, or improvement of buildings, grounds, or equipment at the commission of veterans affairs building at Camp Dodge and the Iowa veterans home in Marshalltown.

2. The commandant and the commission shall have plans and specifications prepared by the department of general services for authorized construction, repair, or improvement projects in excess of twenty-five thousand dollars. An appropriation for a project shall not be expended until the department of general services has adopted plans and specifications and has completed a detailed estimate of the cost of the project, prepared under the supervision of a registered architect or registered professional engineer.

3. The director of the department of general services shall, in writing, let all contracts for authorized improvements in excess of twenty-five thousand dollars in accordance with chapter 18. The director of the department of general services shall not authorize payment for construction purposes until satisfactory proof has been furnished by the proper officer or supervising architect that the parties have complied with the contract.

Sec. 30. Section 174.9, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Each eligible society which is a member of the association of Iowa fairs and which conducts a county fair shall be entitled to receive aid from the state if it files as provided in this chapter. In order to be eligible for state aid, a society must file with the state fair board treasurer of state on or before November 1 of each year, a sworn statement which shall show:

Sec. 31. Section 174.9, subsection 4, Code 1995, is amended to read as follows:

4. A copy of the published financial statement published as required by law, together with proof of such publication and a certified statement showing an itemized list of premiums awarded, and such other information as the ~~state fair board~~ treasurer of state may require.

Sec. 32. Section 174.10, Code Supplement 1995, is amended to read as follows:

~~1. The appropriation which is made biennially for state aid to the foregoing societies shall be available and applicable to incorporated societies of a purely agricultural nature which were entitled to draw eight hundred fifty dollars or more state aid in 1926, or societies located in counties that have no other fair or agricultural society, and which were in existence and drew state aid in 1926, except that in a county where there are two definitely separate county extension offices, two agricultural societies may receive state aid. The provisions of section~~

174.1 as to ownership of property shall not apply to societies under this section.

2. ~~In counties having two incorporated agricultural societies conducting county fairs, but not having two definitely separate county extension offices, the state aid shall be prorated between the two societies or, if~~

1. Each county shall receive an equal share of any moneys appropriated to support one or more societies conducting one or more county fairs in that county, if the society or societies are eligible for the state aid. Moneys shall be paid directly to each eligible society.

2. The association of Iowa fairs shall provide the treasurer of state with a list of each society in a county which is a member of the association and conducts a fair in that county as provided in this chapter. If a county has more than one fair, the association shall list the name of each society conducting a fair in that county for three or more years. The treasurer of state shall not authorize payment of state aid to a society, unless the society complies with section 174.9 and the name of the society appears on the association's list.

3. If a county has more than one fair eligible for state aid, the amount of state aid for that county shall be divided equally among the eligible societies in that county.

4. If no society in a county qualifies to receive state aid, that county's share shall be divided equally among the counties with societies eligible for state aid, as provided in this section.

5. If an official county fair is designated by election, the total amount of state aid for that county shall be paid to that society determined to be conducting the official county fair. The board of supervisors, upon receiving a petition which meets the requirements of section 331.306, shall submit to the registered voters of the county at the next general election following submission of the petition or at a special election if requested by the petitioners at no cost to the county, the question of which fair shall be designated as the official county fair. Notice of the election shall be given as provided in section 49.53. The fair receiving a majority of the votes cast on the question shall be designated the official county fair. ~~To qualify as the official county fair, the sponsoring society need not meet the conditions provided in subsection 1.~~

Sec. 33. Section 174.12, Code 1995, is amended to read as follows:

#### 174.12 PAYMENT OF STATE AID.

~~The director department of revenue and finance shall issue a warrant to any a society for the amount due as in state aid, less one five hundred dollars, as provided the secretary of the state in this chapter. The fair board certifies treasurer of state must certify to the director department that such the society has complied with the law relative thereto and that a named is eligible under this chapter to receive the amount is due the society provided in section 174.10. The director department shall issue a like warrant to the society for one the remaining five hundred dollars, provided the if all of the following apply:~~

1. The secretary of the state fair board certifies to the department that such the society had an accredited delegate in attendance at the annual convention for the election of members of the state fair board as provided in section 173.2.

2. A district director of the association of Iowa fairs representing the district in which the county is located, and the director of the Iowa state fair board representing the congressional district in which the county is located, certify to the department that the society had an accredited delegate in attendance at the district meeting.

Any state aid moneys remaining due to the failure of a society to comply with the provisions of this section shall be distributed equally among the societies which have qualified for state aid under this section.

Sec. 34. Section 306C.18, subsection 4, Code 1995, is amended to read as follows:

4. The fee for both types of permits shall be fifty one hundred dollars for the initial fee and ten fifteen dollars for each annual renewal. The fees collected for the above permits shall be credited to a special account entitled the "highway beautification fund" and all salaries and expenses incurred in administering this chapter shall be paid from this fund or from specific appropriations for this purpose, except that surveillance of, and removal of, advertising devices performed by regular maintenance personnel are not to be charged against the account.

*\*Sec. 35. Section 307.10, subsection 1, Code 1995, is amended by striking the subsection and inserting in lieu thereof the following:*

*1. a. Develop and coordinate an updated comprehensive transportation policy for the state by January 15, 1997. The policy shall be submitted to the general assembly for approval, modification, or rejection. Future revisions to the policy shall be submitted to the general assembly for its approval.*

*b. A comprehensive transportation plan which is based upon the updated comprehensive transportation policy shall be submitted to the governor and the general assembly annually on January 15.\**

Sec. 36. Section 312.2, subsection 18, Code 1995, is amended by striking the subsection.

*\*Sec. 37. Section 465B.4, subsection 1, Code 1995, is amended to read as follows:*

*1. Funds appropriated by the general assembly. There shall be appropriated from the rebuild Iowa infrastructure fund of the state to the state department of transportation, beginning July 1, 1996, and each fiscal year thereafter, one million dollars to be used for the purposes of this chapter.\**

Sec. 38. Section 602.8108, subsection 2, Code 1995, is amended to read as follows:

2. Except as otherwise provided, the clerk of the district court shall report and submit to the state court administrator, not later than the fifteenth day of each month, the fines and fees received during the preceding calendar month. Except as provided in ~~subsection~~ subsections 4 and 5, the state court administrator shall deposit the amounts received with the treasurer of state for deposit in the general fund of the state. The state court administrator shall report to the legislative fiscal bureau within thirty days of the beginning of each fiscal quarter the amount received during the previous quarter in the account established under this section.

Sec. 39. Section 602.8108, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The state court administrator shall allocate all of the fines and fees attributable to commercial vehicle violation citations issued by motor vehicle division personnel of the state department of transportation to the treasurer of state for deposit in the road use tax fund. However, the fines and fees to be deposited under this subsection, shall not be deposited in the road use tax fund unless and until the deposit to the Iowa prison infrastructure fund provided for in section 602.8108A has been made.

Sec. 40. 1994 Iowa Acts, chapter 1199, section 10, as amended by 1995 Iowa Acts, chapter 220, section 31, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The provisions of section 8.33 do not apply to the funds appropriated in this section, and unobligated or unencumbered funds on June 30, 1996, shall remain available for expenditure for the purposes designated until June 30, 1999. Unencumbered or unobligated funds remaining on June 30, 1999, from funds appropriated in this section shall revert to the fund from which appropriated on August 30, 1999.

Sec. 41. **NONREVERSION.** Notwithstanding section 8.33 and the reversion date of August 31, 1996, provided in 1995 Iowa Acts, chapter 220, section 14, unobligated or unencumbered funds appropriated to the department of public defense in 1995 Iowa Acts, chapter 220, section 14, subsection 2, to match federal funds for completion of the addition and renovation of the armory in Fairfield shall revert to the rebuild Iowa infrastructure fund of the state on August 31, 1998.

*\*Sec. 42. STATE GENERAL FUND BUDGET INCLUSIONS. For the fiscal year beginning July 1, 1997, and each fiscal year thereafter, the department of personnel, the auditor of state, the attorney general's office, the department of inspections and appeals, the department of management, and the department of revenue and finance shall request appropriations from*

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

*the general fund of the state that are currently appropriated or reimbursed from the road use tax fund, primary road fund, motor vehicle use tax receipts, or from motor fuel taxes.\**

**Sec. 43. SOYDIESEL DEMONSTRATION PROJECTS.**

1. The state department of transportation shall conduct a soydiesel demonstration project by operating diesel-fueled vehicles with soydiesel fuel for a period of one year. For purposes of this section, "soydiesel fuel" means a mixture of diesel fuel and processed soybean oil, if at least 5 percent of the mixed fuel by volume is processed soybean oil. The department shall evaluate the performance of the vehicles, including the rate of repairs and comments from persons operating and maintaining the vehicles.

2. The department shall report the findings of the demonstration project and any recommendations to the general assembly, to the chairpersons and ranking members of the senate and house of representatives standing committees on agriculture and to the renewable fuels and coproducts advisory committee, by October 1, 1997.

3. Prior to the allocation under section 423.24, subsection 1, paragraph "b", one hundred thousand dollars shall be allocated to the state department of transportation for purposes of the demonstration project under this section. Notwithstanding section 8.33, funds allocated under this section shall remain available for expenditure until June 30, 1998. Unobligated or unencumbered funds remaining on June 30, 1998, shall be credited to the value-added agricultural products and processes financial assistance fund under section 15E.112.

**Sec. 44. SOYDIESEL - NONREVERSION.** Notwithstanding 1994 Iowa Acts, chapter 1119, section 32, subsection 2, paragraph "d", as amended by 1995 Iowa Acts, chapter 216, section 34, moneys remaining unexpended or unobligated on June 30, 1996, shall not be credited to the value-added agricultural products and processes financial assistance fund, but shall be allocated to the state department of transportation for the purposes of continuing the soydiesel demonstration project as provided for in this Act.

*\*Sec. 45. VERTICAL INFRASTRUCTURE DEFINITION TASK FORCE. The department of general services shall coordinate a vertical infrastructure definition task force for the purpose of reviewing and providing recommendations to further refine the definition of vertical infrastructure as it is contained in section 8.57, subsection 5, paragraph "c". The task force shall consist of the following members:*

1. *The director of the department of general services or the director's designee, who shall be the chairperson of the task force.*

2. *A member who is a consulting engineer, appointed by the governor.*

3. *A representative from the association of business and industry.*

4. *A representative from the master builders.*

5. *A representative from the Iowa chapter, national electrical association.*

6. *A representative from Iowa state university.*

7. *Two members from the general assembly, who shall be the chairpersons of the joint appropriations subcommittee on transportation, infrastructure, and capitals or the chairpersons' designees.*

*The task force shall make recommendations to the general assembly for proposed changes to the definition of vertical infrastructure by December 15, 1997.\**

*\*Sec. 46. INFRASTRUCTURE STUDY. The legislative council is requested to study the issue of creating a board to evaluate and prioritize expenditure of moneys from the rebuild Iowa infrastructure fund and to study the issue of establishing a financing mechanism to provide local governments with assistance to finance infrastructure improvements and to provide a dedicated funding stream to be allocated to the rebuild Iowa infrastructure fund. The purpose of the study is to provide recommendations regarding members of the board and a process for determining expenditures and to recommend a financing mechanism and a dedicated funding source to provide infrastructure assistance to local governments. Consideration*

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

shall be given to providing for the participation of the department of general services, the department of management, and the Iowa state university of science and technology's department of construction engineering in the study. Results of the study shall be provided to the legislative council by January 31, 1997.\*

*\*Sec. 47. LOCAL INFRASTRUCTURE, BONDING AND STATE FINANCIAL ASSISTANCE NEEDS INTERIM STUDY. The legislative council is requested to establish an interim committee to study the issue of local infrastructure and associated bonding and state financial assistance needs. The committee shall assess the state of local infrastructure and the resources which local governments have available to assist in providing for long-term infrastructure needs including a study of the approval requirements for local bond referendums.\**

*\*Sec. 48. STATE GOVERNMENT – SPACE ALLOCATION STUDY. The department of general services, in consultation with the department of management, and the legislative council shall study and make an assessment of the space allocation needs for all state agencies and entities in all areas of state government. The study shall make a determination of the feasibility of eliminating or reducing leased office space and of relocating various areas of state government outside of the Des Moines metropolitan area. The goal of this relocation effort shall be to provide at least fifty percent of the projected off-complex space needs in areas located outside of the Des Moines metropolitan area. The relocation shall only be considered in areas that would provide connections with the Iowa communications network. The fifty-percent relocation calculation shall not include the state department of transportation complex located in Ames.\**

*\*Sec. 49. REBUILD IOWA INFRASTRUCTURE FUND – CONTINGENCY APPROPRIATION. If the rebuild Iowa infrastructure fund does not receive an appropriation from the operation of section 8.57, subsection 5, paragraph "e", in an amount equivalent to at least \$48,400,000, for the fiscal year beginning July 1, 1996, and ending June 30, 1997, moneys in an amount equivalent to the difference shall be appropriated from the moneys transferred to the general fund of the state pursuant to section 8.55, subsection 2, for the fiscal year beginning July 1, 1996.\**

Sec. 50. LEGISLATIVE FISCAL BUREAU ESTIMATES. The legislative fiscal bureau shall provide yearly estimates of the annual operating costs for operation of proposed buildings to be constructed from funds provided from the rebuild Iowa infrastructure fund. The estimates shall be presented to the legislative fiscal committee and to the joint appropriations subcommittee on transportation, infrastructure, and capitals.

Sec. 51. ACCESS IOWA HIGHWAYS – INTENT – REPORT.

1. INTENT. It is the intent of the general assembly to formulate an access Iowa plan which shall designate portions of the commercial and industrial network of highways as access Iowa highways. The goal of the access Iowa plan shall be to enhance the existing Iowa economy and ensure its continuing development and growth in the national and global competitive marketplace by providing for early completion of the construction of the most important portions of the Iowa highway system. These portions of the system shall be those that are essential for support of intrastate transportation and commerce and essential for ensuring Iowans direct access to the nation's system of interstate highways and transportation services.

The general assembly's past actions are consistent with the access Iowa plan. The general assembly has set general policy guidelines for the state transportation commission's planning and programming development, directed that road service be equalized throughout the state, determined that a commercial and industrial network of highways would benefit Iowa transportation services, directed the commission to focus at least part of their legislatively provided resources on the commercial and industrial network, and directed that the commission consider equalization of accessibility for economic development as one of the factors in

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

establishing its plan and program priorities for the commercial and industrial network. These actions recognize that interstate commerce and national economic development are furthered and supported by the national system of interstate and defense highways and the national highway system, and that Iowa commerce and economic development are supported by Iowa's commercial and industrial network of highways.

2. ACCESS IOWA HIGHWAY DESIGNATION. The state department of transportation shall designate portions of the commercial and industrial network of highways as access Iowa highways and shall expedite and accelerate development of access Iowa highways. When designating those portions of the commercial and industrial network as access Iowa highways, the department shall consider the direct and priority linkages between economic centers within the state with populations of 20,000 or more and the enhancement of intrastate mobility and Iowa regional accessibility and national accessibility.

3. REPORT. The state department of transportation shall provide a report to the general assembly by January 15, 1997, designating which portions of the commercial and industrial network of highways the department determines to be access Iowa highways. The department shall list the highway improvements necessary to provide modern and safe four-lane highway service on access Iowa highways. The report shall include program changes and options needed to enable the early, rapid, expedited, and accelerated completion of the development of access Iowa highways, including funding and other support necessary to ensure the early completion of the construction of the access Iowa highways.

#### DIVISION IV PHYSICAL INFRASTRUCTURE ASSISTANCE PROGRAM

Sec. 52. NEW SECTION. 15E.175 PHYSICAL INFRASTRUCTURE ASSISTANCE PROGRAM.

1. The Iowa department of economic development shall establish a physical infrastructure financial assistance program to provide financial assistance for business or community physical infrastructure development or redevelopment projects. Physical infrastructure projects that create the necessary infrastructure for economic success throughout Iowa, that provide the opportunity for the creation of quality, high-wage jobs, and that involve substantial capital investment may be eligible for financial assistance under the program provided, however, that the project could not be assisted through or eligible for financial assistance from other existing private, local, or state funds or programs. Physical infrastructure development or redevelopment projects include, but are not limited to, projects involving any mode of transportation infrastructure, public works and utilities such as sewer, water, power or telecommunications, physical improvements which mitigate, prevent or eliminate environmental contaminants, and any other project deemed appropriate by the department.

2. A physical infrastructure assistance fund is created within the state treasury under the control of the Iowa department of economic development.

a. The fund shall include any moneys appropriated to the fund by the general assembly, payments of interest earned, recaptures of awards, repayments of moneys loaned or expended from the physical infrastructure assistance program, and any other moneys designated by the department for placement in the fund.

b. The fund shall be used for the following:

(1) To provide reimbursement to the department of natural resources for activities related to physical infrastructure assistance projects under this section.

(2) To provide financial assistance for qualifying projects.

(3) To provide funding for any other purpose consistent with this section and deemed appropriate by the department.

c. Section 8.33 shall not apply to the physical infrastructure assistance fund. Notwithstanding section 12C.7, interest earned on moneys in the fund shall be credited to the fund.



3. The department shall establish procedures and guidelines for the physical infrastructure assistance program and shall proceed in accordance with the following:

a. Consult with and coordinate with the state department of transportation, the department of natural resources, and any other appropriate state agency which is responsible for the development or redevelopment of physical infrastructure in this state to ensure that activities conducted pursuant to this section are consistent with the policies and plans of other state agencies and are coordinated with other physical infrastructure projects.

b. Provide financial assistance in the form of a loan, forgivable loan, loan guarantee, cost-share, indemnification of costs, or any combination of financial assistance deemed by the department to be most efficient in facilitating the physical infrastructure project.

c. Enter into contracts and to sue and be sued. However, the department shall not in any manner directly or indirectly pledge the credit of the state of Iowa.

d. Authorize payment of costs, commissions, attorney fees, consultant fees, and other reasonable expenses from the fund. Expenses may include costs relating to carrying out the duties necessary for insuring or guaranteeing loans, co-sharing or indemnifying costs under the physical infrastructure financial assistance program, and for the recovery of loans insured or guaranteed, costs co-shared or indemnified, or the management of property acquired in connection with such loans or costs.

e. Adopt administrative rules necessary to carry out the provisions of this section.

Sec. 53. NEW SECTION. 455B.433 PHYSICAL INFRASTRUCTURE ASSISTANCE – FUNDING – LIABILITY.

1. The department of natural resources shall work in conjunction with the Iowa department of economic development to identify environmentally contaminated sites which qualify for the physical infrastructure assistance program under section 15E.175. The department shall provide an assessment of the site and shall provide any emergency response activities which the department deems necessary. The department may take any further action, including remediation of the site, that the department deems to be appropriate and which promotes the purposes of the physical infrastructure assistance program.

2. The department shall be reimbursed from the physical infrastructure assistance fund under section 15E.175 for any costs incurred pursuant to this section. *\*Notwithstanding the limitations of chapter 455G, any costs incurred on a site contaminated by a leaking underground storage tank may be reimbursed from the Iowa comprehensive petroleum underground storage tank fund.\**

3. A person shall not have standing pursuant to section 455B.111 to commence a citizen suit which is based upon property that is part of the physical infrastructure assistance program pursuant to section 15E.175.

Sec. 54. There is appropriated from the rebuild Iowa infrastructure fund of the state to the Iowa department of economic development for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be deposited in the physical infrastructure assistance fund created in section 15E.175:

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

Sec. 55. There is appropriated from the rebuild Iowa infrastructure fund of the state to the Iowa department of economic development for the fiscal years beginning July 1, 1996, and ending June 30, 1998, the following amounts, or so much thereof as is necessary, to be deposited in the physical infrastructure assistance fund created in section 15E.175 and used only in accordance with subsection 3:

1. For the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount:

..... \$ 3,900,000

2. For the fiscal year beginning July 1, 1997, and ending June 30, 1998, the following amount:

..... \$ 6,100,000

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

3. The moneys appropriated in this section shall be used only for providing assistance in the form of loan guarantees, irrevocable letters of credit, and indemnification for liability agreements entered into prior to October 15, 1996. \*Moneys appropriated in this section shall not be allocated by the Iowa department of economic development unless the legislative fiscal committee has approved the allocation.\*

\*Sec. 56. Notwithstanding the allocation of moneys pursuant to section 455B.423, subsection 2, the first two hundred thousand dollars of moneys allocated to the hazardous substance remedial fund for the fiscal year beginning July 1, 1996, and ending June 30, 1997, shall be transferred to the physical infrastructure assistance fund created under section 15E.175.\*

#### DIVISION V

Sec. 57. Section 232.52, subsection 2, paragraph a, subparagraph (4), Code Supplement 1995, is amended to read as follows:

(4) The suspension or revocation of the motor vehicle license or operating privilege of the child, for a period of one year, for the commission of one or more delinquent acts which are a violation of section any of the following:

(a) Section 123.46, section.

(b) Section 123.47 regarding the purchase or attempt to purchase of alcoholic beverages, or chapter.

(c) Chapter 124, or two.

(d) Section 126.3.

(e) Chapter 453B.

(f) Two or more delinquent acts which are a violation violations of section 123.47 regarding the possession of alcoholic beverages for a period of one year.

SUBPARAGRAPH DIVIDED. The child may be issued a temporary restricted license or school license if the child is otherwise eligible.

Sec. 58. Section 321.205, unnumbered paragraph 2, Code 1995, is amended by striking the paragraph.

Sec. 59. Section 321.209, subsection 8, Code 1995, is amended by striking the subsection.

Sec. 60. Section 321.212, subsection 1, paragraph d, Code 1995, is amended to read as follows:

d. The department shall revoke a motor vehicle license under section 321.209, subsection 8, according to an order issued pursuant to section 901.5, subsection 10, for one hundred eighty days. If the person has not been issued a motor vehicle license, the issuance of a motor vehicle license shall be delayed for one hundred eighty days after the person is first eligible. If the person's operating privileges have been suspended or revoked at the time the person is convicted, the one-hundred-eighty-day revocation period shall not begin until all other suspensions or revocations have terminated.

Sec. 61. Section 321.213, Code Supplement 1995, is amended to read as follows:

321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO VIOLATIONS BY JUVENILE DRIVERS.

Upon the entering of an a dispositional order at the conclusion of an adjudicatory hearing suspending or revoking the motor vehicle license or operating privileges of the juvenile under section 232.47 that the child violated a provision of this chapter or chapter 124, 126, 321A, 321J, or 453B for which the penalty is greater than a simple misdemeanor 232.52, subsection 2, paragraph "a", the clerk of the juvenile court in the adjudicatory hearing shall forward a copy of the adjudication and the dispositional order to the department. Notwithstanding section 232.55, a final adjudication in a juvenile court that the child violated a provision of this chapter, chapter 124, a drug offense under section 126.3, or chapter 321A, or 321J, or 453B

constitutes a final conviction for purposes of section 321.189, subsection 8, paragraph "b", and sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, 321.555, 321A.17, 321J.2, 321J.3, and 321J.4. However, suspensions for violations of chapter 124, section 126.3, or chapter 453B shall be in accordance with section 321.213A.

Sec. 62. Section 321.213A, Code Supplement 1995, as amended by 1996 Iowa Acts, Senate File 2080,\* section 20, is amended to read as follows:

321.213A LICENSE SUSPENSION FOR JUVENILES ADJUDICATED DELINQUENT FOR CERTAIN DRUG OR ALCOHOL OFFENSES.

Upon the entering of an a dispositional order at the conclusion of a dispositional hearing under section 232.50, where the child has been adjudicated to have committed a delinquent act, which would be a first or subsequent violation of section 123.46, section 123.47 involving the purchase or attempt to purchase alcoholic beverages, chapter 124, section 126.3, chapter 453B, or a second or subsequent violation of section 123.47 regarding the possession of alcoholic beverages, under section 232.52, subsection 2, paragraph "a", the clerk of the juvenile court ~~in the dispositional hearing~~ shall forward a copy of the adjudication and the dispositional order suspending or revoking the motor vehicle license or operating privileges of the juvenile to the department. The department shall suspend the license or operating privilege of the child for one year. The child may receive a temporary restricted license or permit, if eligible, as provided in section 321.215.

Sec. 63. Section 321.215, subsection 1, unnumbered paragraph 2, Code Supplement 1995, is amended to read as follows:

However, a temporary restricted license shall not be issued to a person whose license is revoked under section 321.205 for a drug or drug related offense or pursuant to a court order issued under section 901.5, subsection 10, or under section 321.209, subsections 1 through 5 or subsection 7, or 8 or to a juvenile whose license has been suspended under section 321.213A or revoked pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a", for a violation of chapter 124 or 453B, or section 126.3. A temporary restricted license may be issued to a person whose license is revoked under section 321.209, subsection 6, only if the person has no previous drag racing convictions. A person holding a temporary restricted license issued by the department under this section shall not operate a motor vehicle for pleasure.

Sec. 64. Section 321.215, subsection 2, unnumbered paragraph 1, Code Supplement 1995, as amended by 1996 Iowa Acts, Senate File 2266,\*\* section 17, is amended to read as follows:

Upon conviction and the suspension or revocation of a person's motor vehicle license under section 321.205 for a drug or drug related offense; 321.209, subsection 5, or 6, or 8; section 321.210; 321.210A; or 321.513; or upon revocation pursuant to a court order issued under section 901.5, subsection 10; or upon the denial of issuance of a motor vehicle license under section 321.560, based solely on offenses enumerated in section 321.555, subsection 1, paragraph "c", or section 321.555, subsection 2; or a juvenile, whose license has been suspended under section 321.213A or revoked pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a", for a violation of chapter 124 or 453B, or section 126.3, a person may petition the district court having jurisdiction for the residence of the person for a temporary restricted permit to operate a motor vehicle for the limited purpose or purposes specified in subsection 1. The petition shall include a current certified copy of the petitioner's official driving record issued by the department. The application may be granted only if all of the following criteria are satisfied:

Sec. 65. Section 321.215, subsection 2, paragraph d, Code Supplement 1995, is amended to read as follows:

d. Proof of financial responsibility is established as defined in chapter 321A. However, such proof is not required if the motor vehicle license was suspended under section 321.210A

\*Chapter 1034 herein

\*\*Chapter 1152 herein

or 321.513 or revoked ~~under section 321.209, subsection 8, or suspended or revoked under section 321.205 for a drug or drug-related offense pursuant to a court order issued under section 901.5, subsection 10.~~

Sec. 66. Section 321.491, unnumbered paragraph 7, Code 1995, is amended by striking the paragraph.

Sec. 67. Section 321A.17, subsection 5, Code Supplement 1995, is amended to read as follows:

5. An individual applying for a motor vehicle license following a period of suspension or revocation ~~under section 321.205 for a drug or drug-related offense, section 321.209, subsection 8, pursuant to a dispositional order issued under section 232.52, subsection 2, paragraph "a", or under section 321.210, subsection 1, paragraph "d", or section 321.210A, 321.213A, 321.213B, 321.216B, or 321.513, following a period of suspension under section 321.194, or following a period of revocation pursuant to a court order issued under section 901.5, subsection 10, or under section 321J.2A,~~ is not required to maintain proof of financial responsibility under this section.

Sec. 68. Section 901.5, Code 1995, is amended by adding the following new subsection: NEW SUBSECTION. 10. In addition to any sentence imposed pursuant to chapter 902 or 903, the court shall order the state department of transportation to revoke the defendant's driver's license or motor vehicle operating privilege for a period of one hundred eighty days, or to delay the issuance of a motor vehicle license for one hundred eighty days after the person is first eligible if the defendant has not been issued a motor vehicle license, and shall send a copy of the order in addition to the notice of conviction required under section 124.412, 126.26, or 453B.16, to the state department of transportation, if the defendant is being sentenced for any of the following offenses:

- a. A controlled substance offense under section 124.401, 124.401A, 124.402, or 124.403.
- b. A drug or drug-related offense under section 126.3.
- c. A controlled substance tax offense under chapter 453B.

If the person's operating privileges are suspended or revoked at the time of sentencing, the order shall provide that the one hundred eighty-day revocation period shall not begin until all other suspensions or revocations have terminated. Any order under this section shall also provide that the department shall not issue a temporary restricted license to the defendant during the revocation period, without further order by the court.

Sec. 69. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

#### DIVISION VI

Sec. 70. REPEAL. Section 312.2A, Code 1995, is repealed.

Sec. 71. RETROACTIVITY, EFFECTIVE DATE, AND APPLICABILITY PROVISIONS.

1. Sections 10, 11, and 44 of this Act, being deemed of immediate importance, take effect upon enactment.

2. Section 25 of this Act, takes effect July 1, 1997.

3. Section 26 of this Act, amending section 8.57, subsection 5, Code Supplement 1995, by adding new paragraph "e", being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1995.

4. Sections 38 and 39 of this Act amending section 602.8108 are effective July 1, 1997.

Sec. 72. EFFECTIVE DATE. Section 41, being deemed of immediate importance, takes effect upon enactment.

*Approved May 30, 1996, except the items which I hereby disapprove and which are designated as Section 3, subsection 1, paragraph g in its entirety; Section 9, subsections 1 and 2 in their entirety; Section 13, subsection 2, paragraph c, subparagraph 3 in its entirety; that portion of Section 13, subsection 2, paragraph e which is herein bracketed in ink and initialed by me; those portions of Section 26 which are herein bracketed in ink and initialed by me; Section 35 in its entirety; Section 37 in its entirety; Section 42 in its entirety; Sections 45, 46, 47, 48, and 49 in their entirety; that portion of Section 53, subsection 2 which is herein bracketed in ink and initialed by me; that portion of Section 55, subsection 3 which is herein bracketed in ink and initialed by me; and Section 56 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 Mr. Secretary:

I hereby transmit House File 2421, an Act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, making appropriations for capital projects from the rebuild Iowa infrastructure fund, providing for certain procedures for revocation or suspension of drivers licenses for certain drug-related offenses, construction projects for the commission of veterans affairs, county fairs, recreational trails, and nonreversion of certain appropriations, and providing an effective date.

House File 2421 is among the most significant actions of the Second Session of the Seventy-Sixth General Assembly. It implements one of the cornerstones of my budget and program recommendations: the creation of a large-scale vertical infrastructure fund, supported by two dedicated funding streams. These dedicated funding streams consist of interest from reserves, and gambling receipts above a certain threshold level. With adoption of this concept, Iowa is clearly positioned to become the best-managed state in the nation.

Unfortunately, the General Assembly went beyond what is prudent from a budgeting standpoint, and adopted language that would increase the amount of resources diverted into the Rebuild Iowa Infrastructure Fund in each of the next three years. I believe this is a dangerous budgeting practice. Many financial commitments have already been enacted that will be phased in over the next several years. Unfortunately, as was clearly evidenced this session, the future budget impact of these past commitments tends to be ignored in the legislative process as budget decisions are made in any given year. I cannot approve the creation of yet another such commitment which could jeopardize the state's financial well-being. I will sign that portion of the legislation that dedicates a steady stream of revenue to the Rebuild Iowa Infrastructure Fund, resulting in about \$75 million per year being available for infrastructure projects.

I am also disappointed the General Assembly failed to adopt my recommendation to create a board to set policy and recommend projects for infrastructure funding. Lacking a rational plan or process for prioritizing projects, the result is porkbarrel spending and use of infrastructure funds for clearly inappropriate purposes. This year, the General Assembly shifted more than \$5 million of ongoing general fund spending into the Rebuild Iowa Infrastructure Fund, including 17 staff from the Department of Human Services. These are funds that, instead, should have been used to address Iowa's critical infrastructure needs.

House File 2421 is, therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 3, subsection 1, paragraph g, in its entirety. This item makes a specific appropriation for the state highway system. The section is redundant because the standing appropriation in Iowa Code Section 313.4 already provides on an ongoing basis funding for the construction, reconstruction and maintenance of the state highway system.

I am unable to approve the items designated as Section 9, subsections 1 and 2, in their entirety. These items would provide funding for capital improvements at community colleges, including the construction of a rural heritage center and for maintenance and improvement of institutional roads. It would be inappropriate to create a precedent of funding community college infrastructure needs from the Rebuild Iowa Infrastructure Fund. Moreover, in the case of institutional roads, another funding source already exists to address these needs.

I am unable to approve the item designated as Section 13, subsection 2, paragraph c, subparagraph 3, in its entirety. This item would appropriate \$1.6 million for the construction of a tunnel between the Old Historical Building and the State Capitol. Because the plan for the reconfiguration of space in the Capitol has not been finally determined, it is unclear at this time whether the tunnel will be needed.

I am unable to approve the designated portion of Section 13, subsection 2, paragraph e, which states the intent of the General Assembly to use the first and second floors of the Lucas state office building primarily for the Legislature and staff. Current plans indicate that all of the first floor, but a portion of the second floor of the Lucas building will be needed for these purposes. I urge the Department of General Services to continue to work with the General Assembly to assure that space needs are met.

I am unable to approve the designated portions of Section 26. These items would divert gambling receipts to the Rebuild Iowa Infrastructure Fund. I support the concept of dedicating gambling proceeds to the infrastructure fund; in fact it was my proposal to do so. However, I cannot support ever-increasing levels of funding in future years, thereby placing the budget again on automatic pilot. The result of my action will be to assure a steady flow of funds from gambling receipts above \$60 million to address infrastructure needs. When combined with the dedication of interest earnings on the state's reserve funds, about \$75 million per year will be available in this fund, representing a significant commitment by any measure. After an infrastructure board has been created and has developed a long-range plan, future general assemblies could increase the level of spending for infrastructure needs, depending on the state's fiscal condition.

I am unable to approve the item designated as Section 35, in its entirety. This item would subject the Department of Transportation's transportation policy and plan to approval, modification or rejection by the General Assembly. This would be an unacceptable level of intrusion by the Legislature in a matter that is the responsibility of the transportation commission.

I am unable to approve the item designated as Section 37, in its entirety. This item would make a standing \$1 million appropriation for bicycle trails from the Rebuild Iowa Infrastructure Fund. Elsewhere in this bill I have signed a provision to provide \$1 million for this purpose in fiscal year 1997. I believe an annual decision is appropriate so that current needs and current resources can be taken into account.

I am unable to approve the item designated as Section 42, in its entirety. This item would require agencies of state government receiving indirect cost reimbursement from the Road Use Tax Fund, Primary Road Fund, motor vehicle use tax receipts and motor fuel taxes, to

instead request a general fund appropriation beginning in fiscal year 1998. This amounts to a \$7.1 million built-in increase in the general fund budget for fiscal year 1998. Moreover, it is appropriate for these agencies to be reimbursed for the indirect costs associated with providing services to the entities supported from these sources.

I am unable to approve the item designated as Section 45, in its entirety. This item creates a vertical infrastructure definition task force, and specifies its membership. A definition is already included in the bill; therefore, a task force for this purpose is unnecessary.

I am unable to approve the item designated as Section 46, in its entirety. This item requests the legislative council to study the issue of creating a board to evaluate and prioritize the expenditure of money from the Rebuild Iowa Infrastructure Fund and to study the issue of creating a financing mechanism to assist local governments with local infrastructure needs. I will instead be asking the Fisher Commission to review the question of board membership. In addition, the concept of using the state infrastructure fund for local infrastructure needs is not appropriate and, therefore, should not be encouraged through such a study.

I am unable to approve the item designated as Section 47, in its entirety. This item requests the legislative council to create an interim committee to undertake a study relating to changes in the approval requirements for local bonding referendums. I do not support an effort to reduce the approval requirements for local bonding referendums. Other options to deal with local infrastructure needs should be explored.

I am unable to approve the item designated as Section 48, in its entirety. This item would require the Department of General Services to study the feasibility of relocating various areas of state government until 50 percent of the projected off-complex space needs are in areas outside Des Moines. The concept behind this requirement is laudable. However, the language has been crafted without the benefit of data about current space arrangements, and needs to be more thoroughly thought out before such a requirement is imposed.

I am unable to approve the item designated as Section 49, in its entirety. This item would provide a contingent general fund appropriation in the event that revenues to the Rebuild Iowa Infrastructure Fund are insufficient to finance all of the projects contained in the bill. It would be inappropriate to further burden the general fund for what is already a major commitment to infrastructure. Because of other item vetoes in this bill, it is estimated that all remaining projects will be fully funded without this general fund appropriation.

I am unable to approve the designated portion of Section 53, subsection 2. This item would allow the Department of Economic Development to be reimbursed from the Iowa comprehensive petroleum underground storage tank fund for any costs incurred on a site contaminated by a leaking underground storage tank. The language is overly broad in that it would allow reimbursement for costs unrelated to environmental clean-up, and could expose the fund to potentially unlimited liability.

I am unable to approve the designated portion of Section 55, subsection 3. This item would subject all loan guarantees, irrevocable letters of credit and indemnification for liability agreements provided under the physical infrastructure assistance fund to approval by the legislative fiscal committee. This is an unacceptable level of involvement by the General Assembly in the administration of government.

I am unable to approve the item designated as Section 56, in its entirety. This item would earmark the first \$200,000 from the hazardous substances remedial fund into the physical infrastructure assistance fund. The other appropriations in this bill, totaling \$10 million, should be sufficient to carry out the purposes of the fund.

For the above reasons, I 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 House File 2421 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD, Governor

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## CHAPTER 1219

### MISCELLANEOUS APPROPRIATIONS AND RELATED MATTERS - ECONOMIC DEVELOPMENT APPROPRIATIONS S.F. 2470

**AN ACT** relating to public levy, expenditure, and regulatory matters by making standing and other appropriations, and providing technical provisions, studies of runaway youth, physician utilization, and retirement system issues, and providing a penalty and effective dates.

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

#### DIVISION I REVERSIONS

Section 1. Section 8.62, Code 1995, is amended to read as follows:

##### 8.62 USE OF REVERSIONS.

1. For the purposes of this section, "operational appropriation" means an appropriation from the general fund of the state providing for salary, support, administrative expenses, or other personnel-related costs.

2. Notwithstanding the provisions of section 8.33 or any other provision of law to the contrary, if on June 30 of ~~the a fiscal year ending in 1995 and 1996 year~~, a balance of an operational appropriation remains unexpended or unencumbered, not more than fifty percent of the balance may be encumbered by the agency to which the appropriation was made and used as provided in this section and the remaining balance shall be deposited in the cash reserve fund created in section 8.56. Moneys encumbered under this section shall only be used by the agency during the succeeding fiscal year for employee training and for technology enhancement. Unused moneys encumbered under this section shall be deposited in the cash reserve fund on June 30 of the succeeding fiscal year.

3. On or before June 30, ~~1996 and 1997~~ of the fiscal year following the fiscal year in which funds were encumbered under this section, an agency encumbering funds under this section shall report to the joint appropriations subcommittee which recommends funding for the agency, the legislative fiscal bureau, the department of management, and the legislative fiscal committee of the legislative council detailing how the moneys were expended. Moneys shall not be encumbered under this section from an appropriation which received a transfer from another appropriation pursuant to section 8.39.

4. This section is repealed on September 1, ~~1997~~ 1999.

Sec. 2. 1996 Iowa Acts, House File 2114,\* section 2, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** Notwithstanding section 8.33, moneys appropriated in this section which remain 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.

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\* Chapter 1207 herein