

reprinted

FILED APR 18 1989
Approps

SENATE FILE 531
BY COMMITTEE ON APPROPRIATIONS

Passed Senate, Date 4-20-89 (P.157A), Passed House, Date 4-28-89 (P.2211)
Vote: Ayes 46 Nays 0 Vote: Ayes 94 Nays 0
Approved June 5, 1989

A BILL FOR

38203803

1 An Act relating to and making appropriations to state agencies
2 whose responsibilities relate to public defense, public
3 safety, transportation, and enforcement, and including
4 allocation and use of moneys from the road use tax fund, state
5 aviation fund, and abstract fee fund, providing for an
6 exemption from reversion for certain funds, extending the
7 effective period of the temporary authority for the operation
8 of certain commercial vehicles, mandating reports of certain
9 agency purchases, requiring the state and its political
10 subdivisions, under certain circumstances, to pay compensation
11 to owners of off-premises advertising devices, and providing
12 effective dates and retroactive application.

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

14
15
16
17
18
19
20
21
22
23
24
25

SF 531

IOWA LAW ENFORCEMENT ACADEMY

1 Section 1. There is appropriated from the general fund of
2 the state to the Iowa law enforcement academy for the fiscal
3 year beginning July 1, 1989, and ending June 30, 1990, the
4 following amount, or so much thereof as is necessary, to be
5 used for the purposes designated:

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

9	.....	\$	856,592
10	.....	FTEs	27.7

11 Sec. 2. Notwithstanding section 80B.11, subsection 5, dur-
12 ing the fiscal year beginning July 1, 1989, not more than one-
13 half of the cost of providing cognitive and psychological ex-
14 aminations of law enforcement officer candidates may be
15 charged for taking the examinations by the Iowa law
16 enforcement academy.

17 The Iowa law enforcement academy may also charge not more
18 than one-half of the cost of providing the ten-week course
19 which is designed to meet the minimum basic training require-
20 ments for a law enforcement officer.

21 Sec. 3. Notwithstanding section 384.15, subsection 7,
22 paragraph "b", there is appropriated from the unencumbered and
23 unobligated money remaining in the law enforcement training
24 reimbursement fund on June 30, 1989, to the Iowa law enforce-
25 ment academy for the fiscal year beginning July 1, 1989, and
26 ending June 30, 1990, the following amount, or so much thereof
27 as is necessary, to be used for the purposes designated:

28 For repair of dormitory room showers:

29	\$	19,600
----	-------	----	--------

30 Sec. 4. The Iowa law enforcement academy is projected to
31 raise at least an additional \$271,786 in receipts and federal
32 funds.

33 DEPARTMENT OF PUBLIC DEFENSE

34 Sec. 5. There is appropriated from the general fund of the
35

1 state to the department of public defense for the fiscal year
 2 beginning July 1, 1989, and ending June 30, 1990, the
 3 following amounts, or so much thereof as is necessary, to be
 4 used for the purposes designated:

5 1. MILITARY DIVISION

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

38219 \$ 3,251,065
 10 FTEs 144.26

11 Notwithstanding section 29A.33, the annual allowance to
 12 units will be five dollars per capita to be paid on a
 13 semiannual basis in installments of two dollars fifty cents
 14 per capita for the fiscal year beginning July 1, 1989, and
 15 ending June 30, 1990. The per capita allowance shall be used
 16 for morale purposes and be for the welfare of the troops and
 17 in no circumstances expended for support and maintenance.

18 b. For heating and electrical system maintenance and
 19 repairs and roof upgrades:

20 \$ 79,500

21 2. DISASTER SERVICES DIVISION

22 a. For salaries, support, maintenance, miscellaneous pur-
 23 poses, and for not more than the following full-time
 24 equivalent positions:

25 \$ 251,975
 26 FTEs 11.0

27 b. For salaries, support, maintenance, miscellaneous pur-
 28 poses, and for not more than the following full-time
 29 equivalent positions for the administration of enhanced 911
 30 service under chapter 477B:

31 \$ 43,586
 32 FTEs 1.0

33 3. VETERANS AFFAIRS DIVISION

34 For salaries, support, maintenance, miscellaneous purposes,
 35 and for not more than the following full-time equivalent posi-

1 tions:

2	\$	106,330
3	FTEs	3.16

4 4. WAR ORPHANS

5 For the war orphans educational aid fund:

6	\$	15,185
---------	----	--------

7 Sec. 6. The department of public defense is projected to
8 raise at least an additional \$3,481,065 in receipts and
9 federal funds.

10 DEPARTMENT OF PUBLIC SAFETY

11 Sec. 7. There is appropriated from the general fund of the
12 state to the department of public safety for the fiscal year
13 beginning July 1, 1989, and ending June 30, 1990, the
14 following amounts, or so much thereof as is necessary, to be
15 used for funding the following functions and programs for the
16 purposes designated:

17 1. For the department's administrative functions including
18 the medical examiner's office and the criminal justice
19 information system, and for not more than the following full-
20 time equivalent positions:

21	\$	2,007,730
22	FTEs	45.0

23 As a condition, limitation, and qualification of this
24 appropriation, no more than \$1,484,151 from all revenue
25 sources, plus an allocation for salary adjustment, may be
26 expended for salaries and benefits for not more than the above
27 full-time equivalent positions and not more than \$1,175,334
28 from all revenue sources may be expended for support and
29 miscellaneous purposes. Unanticipated federal and local
30 grants or receipts received after this Act becomes effective
31 are not subject to this condition.

32 2. The balance of the fund created under section 321J.17
33 carried forward for the fiscal year beginning July 1, 1989,
34 and ending June 30, 1990, may be used to provide salary and
35 support of not more than nine and five-tenths FTEs and

1 maintenance for the victim compensation functions of the
2 department of public safety.

3 3. For purposes relating to radio communications, and not
4 more than the following full-time equivalent positions:

5	\$ 2,997,067
6	FTEs 78.5

7 As a condition, limitation, and qualification of this
8 appropriation, no more than \$2,433,470 from all revenue
9 sources, plus an allocation for salary adjustment, may be
10 expended for salaries and benefits for not more than the above
11 full-time equivalent positions and not more than \$576,347 from
12 all revenue sources may be expended for support and
13 miscellaneous purposes. Unanticipated federal and local
14 grants or receipts received after this Act becomes effective
15 are not subject to this condition.

38,516 4. For the division of criminal investigation and bureau
17 of identification containing the bureaus of identification and
18 liquor law enforcement, including the state's contribution to
19 the peace officers' retirement, accident, and disability
20 system provided in chapter 97A in the amount of sixteen
21 percent of the salaries for which the funds are appropriated,
22 and for not more than the following full-time equivalent
23 positions:

24	\$ 4,275,553
25	FTEs 111.00

26 As a condition, limitation, and qualification of this
27 appropriation, no more than \$4,585,503 from all revenue
28 sources, plus an allocation for salary adjustment, may be
29 expended for salaries and benefits for not more than the above
30 full-time equivalent positions and not more than \$777,408 from
31 all revenue sources may be expended for support and
32 miscellaneous purposes, including lease and lease purchase of
33 laboratory equipment. Unanticipated federal and local grants
34 or receipts received after this Act becomes effective are not
35 subject to this condition.

3625,38211

5. For the division of narcotics, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

7	.....	\$	1,208,154
8	.....	FTEs	23.0

9 As a condition, limitation, and qualification of this appropriation, no more than \$1,011,434 from all revenue sources, plus an allocation for salary adjustment, may be expended for salaries and benefits for not more than the above full-time equivalent positions and not more than \$201,720 from all revenue sources may be expended for support and miscellaneous purposes. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to this condition.

6. For the fire marshal's office, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

24	.....	\$	1,353,133
25	.....	FTEs	31.0

26 As a condition, limitation, and qualification of this appropriation, no more than \$1,310,059 from all revenue sources, plus an allocation for salary adjustment, may be expended for salaries and benefits for not more than the above full-time equivalent positions and not more than \$184,174 from all revenue sources may be expended for support and miscellaneous purposes. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to this condition.

3795

7. For the capitol security division, and for not more

1 than the following full-time equivalent positions:

2	\$	1,107,345
3	FTEs	36.0

4 As a condition, limitation, and qualification of this
5 appropriation, no more than \$1,053,570 from all revenue
6 sources, plus an allocation for salary adjustment, may be
7 expended for salaries and benefits for not more than the above
8 full-time equivalent positions and not more than \$54,775 from
9 all revenue sources may be expended for support and
10 miscellaneous purposes. Unanticipated federal and local
11 grants or receipts received after this Act becomes effective
12 are not subject to this condition.

13 Sec. 8. Notwithstanding sections 99D.17 and 99D.18, there
14 is appropriated from funds paid to the state racing commission
15 pursuant to section 99D.14, to the department of public safety
16 for the fiscal year beginning July 1, 1989, and ending June
17 30, 1990, the following amount, or so much thereof as is
18 necessary, to be used for the purposes designated:

19 For salaries, support, maintenance, and miscellaneous
20 purposes of the pari-mutuel law enforcement agents, including
21 the state's contribution to the peace officers' retirement,
22 accident, and disability system provided in chapter 97A in the
23 amount of sixteen percent of the salaries for which the funds
24 are appropriated, and for not more than the following full-
25 time equivalent positions:

26	\$	255,317
27	FTEs	5.0

28 As a condition, limitation, and qualification of this
29 appropriation, no more than \$217,082 from all revenue sources,
30 plus an allocation for salary adjustment, may be expended for
31 salaries and benefits for not more than the above full-time
32 equivalent positions and not more than \$38,235 from all
33 revenue sources may be expended for support and miscellaneous
34 purposes. Unanticipated federal and local grants or receipts
35 received after this Act becomes effective are not subject to

1 this condition.

2 The unfunded liability of the peace officers' retirement,
3 accident, and disability system, as of July 1, 1989, is not a
4 liability of funds paid to the state racing commission under
5 section 99D.14.

6 Sec. 9. Notwithstanding section 384.15, subsection 7,
7 paragraph "b", there is appropriated from the unencumbered and
8 unobligated money remaining in the law enforcement training
9 reimbursement fund on June 30, 1989, to the department of
10 public safety for the fiscal year beginning July 1, 1989, and
11 ending June 30, 1990, the following amounts, or so much
12 thereof as is necessary, to be used for the purposes
13 designated:

14 1. For undercover purchases by the division of narcotics
15 and local law enforcement agencies:

16 \$ 200,000

17 2. For the continued purchase of the automated fingerprint
18 information system (AFIS):

19 \$ 270,000

20 Sec. 10. There is appropriated from the road use tax fund
21 to the department of public safety, division of highway safety
22 and uniformed force, for the fiscal year beginning July 1,
23 1989, and ending June 30, 1990, the following amounts, or so
24 much thereof as is necessary, to be used for the purposes
25 designated, and for not more than the following full-time
26 equivalent positions:

27 \$ 22,020,979

28 FTEs 450.5

29 1. As a condition, limitation, and qualification of this
30 appropriation, no more than \$18,224,899 from all revenue
31 sources, plus an allocation for salary adjustment, may be
32 expended for salaries and benefits for not more than the above
33 full-time equivalent positions and not more than \$4,570,319
34 from all revenue sources may be expended for support and
35 miscellaneous purposes including federal Highway Safety Act

1 programs, and the state's contributions to the peace officers'
2 retirement, accident, and disability system provided in
3 chapter 97A in the amount of sixteen percent of the salaries
4 for which the funds are appropriated, and as an additional
5 condition, limitation, and qualification of this appropriation
6 the Iowa law enforcement academy shall be allowed to annually
7 select at least five automobiles of the department of public
8 safety, division of highway safety and uniformed force, which
9 are being turned in to the state vehicle dispatcher to be
10 disposed of by public auction and the Iowa law enforcement
11 academy shall be allowed to exchange any automobile owned by
12 the academy for each automobile selected if the selected
13 automobile is used in training law enforcement officers at the
14 academy, however, any automobile exchanged by the academy
15 shall be substituted for the selected vehicle of the
16 department of public safety and sold by public auction with
17 the receipts being deposited in the depreciation fund to the
18 credit of the department of public safety, division of highway
19 safety and uniformed force. Unanticipated federal and local
20 grants or receipts received after this Act becomes effective
21 are not subject to these conditions.

22 However, the unfunded liability of the peace officers'
23 retirement, accident, and disability system, as of July 1,
24 1986 shall not be considered a liability of the road use tax
25 fund.

26 An employee of the department of public safety or its
27 successor who retires after the effective date of this section
28 of this Act but prior to June 30, 1990, is eligible for
29 payment of life or health insurance premiums as provided for
30 in the collective bargaining agreement covering the public
31 safety bargaining unit at the time of retirement if that
32 employee previously served in a position which would have been
33 covered by the agreement. The employee shall be given credit
34 for the service in that prior position as though it were
35 covered by that agreement. This section shall not operate to

1 receive any retirement benefits an employee may have earned
2 under other collective bargaining agreements or retirement
3 programs.

4 2. For the capital purchase of mobile vehicle repeater
5 radios and test equipment to be used by the Iowa highway
6 safety patrol, provided that only the lowest, most responsible
7 bid is accepted by the department of public safety in the
8 purchase of these motor vehicle repeater radios:

9 \$ 360,000

10 The mobile vehicle repeater radios are to be placed solely
11 in motor vehicles used by members of the Iowa highway safety
12 patrol below the rank of lieutenant for patrolling the
13 highways. However, this paragraph does not require that
14 mobile vehicle repeater radios be placed solely in new motor
15 vehicles.

16 3. For the purpose of making payments to the department of
17 personnel for expenses incurred in administering workers'
18 compensation on behalf of the highway safety division of
19 highway safety and uniformed force:

20 \$ 55,544

21 4. For the purpose of making payments to the department of
22 personnel for expenses incurred in administering the merit
23 system on behalf of the highway safety division of highway
24 safety and uniformed force:

25 \$ 65,000

26 Sec. 11. There is appropriated from the abstract fee fund
27 created in section 321A.3A to the department of public safety,
28 division of criminal investigation and bureau of
29 identification for the fiscal year beginning July 1, 1989, and
30 ending June 30, 1990, the following amount, or so much thereof
31 as is necessary, to be used for the purposes designated:

32 For salaries, support, maintenance, and miscellaneous
33 purposes:

34 \$ 850,000

35 Sec. 12. The department of public safety is projected to

1 raise at least an additional \$1,823,202 in receipts and
2 federal funds.

3 STATE DEPARTMENT OF TRANSPORTATION

4 Sec. 13. There is appropriated from the road use tax fund
5 to the state department of transportation for the fiscal year
6 beginning July 1, 1989, and ending June 30, 1990, the
7 following amounts, or so much thereof as may be necessary, to
8 be used for the purposes designated:

9 1. For salaries, support, maintenance, miscellaneous pur-
10 poses, and for not more than the following full-time
11 equivalent positions:

12 a. Administrative services:

13 \$ 3,299,676
14 FTEs 47.0

15 b. General counsel:

16 \$ 157,655
17 FTEs 1.0

18 c. Planning and research:

19 \$ 309,800
20 FTEs 9.0

21 d. Aeronautics and public transit:

22 \$ 214,090
23 FTEs 5.0

24 e. Motor vehicles:

25 \$ 16,268,407
26 FTEs 531.0

27 f. Rail and water:

28 \$ 622,213
29 FTEs 15.0

30 2. For the purpose of making payments to the department of
31 personnel for expenses incurred in administering the merit
32 system on behalf of the state department of transportation, as
33 required by chapter 19A:

34 \$ 16,000

35 3. Unemployment compensation:

1 \$ 12,250
3806 2 4. For an integrated roadside vegetation
3 management coordinator and staff to administer the
4 state department of transportation's integrated
5 roadside vegetation management plan and program, and
6 for not more than the following full-time equivalent
7 positions:

8 \$ 50,000
9 FTEs 1.5

10 Sec. 14. There is appropriated from the road use tax fund
11 to the department of personnel for the fiscal year beginning
12 July 1, 1989, and ending June 30, 1990, the following amount,
13 or so much thereof as is necessary, to be used for the
14 purposes designated:

15 For paying workers' compensation claims under chapter 85 on
16 behalf of employees of the state department of transportation:
17 \$ 35,080

18 Sec. 15. There is appropriated from the primary road fund
19 to the state department of transportation for the fiscal year
20 beginning July 1, 1989, and ending June 30, 1990, the
21 following amounts, or so much thereof as is necessary, to be
22 used for the purposes designated:

23 1. For salaries, support, maintenance, miscellaneous pur-
24 poses, and for not more than the following full-time
25 equivalent positions:

26 a. Administrative services:
27 \$ 20,197,853
28 FTEs 290.0

29 b. General counsel:
30 \$ 995,345
31 FTEs 7.0

32 c. Planning and research:
33 \$ 5,886,200
34 FTEs 162.0

35 d. Aeronautics and public transit:

1 \$ 214,090
 2 FTEs 5.0
 3 e. Highways:
 4 \$124,381,000
 5 FTEs 2,870.0
 6 f. Motor vehicles:
 7 \$ 590,593
 8 FTEs 19.0
 9 g. Rail and water:
 10 \$ 263,787
 11 FTEs 7.0
 12 2. To be deposited in the state department of
 13 transportation's highway materials and equipment revolving
 14 fund established by section 307.47 for funding the increased
 15 replacement cost of vehicles:
 16 \$ 2,000,000
 17 FTEs 92.0
 18 As a condition, limitation, and qualification of this
 19 appropriation, no more than \$2,475,000 from the highway
 20 materials and equipment revolving fund, plus an allocation
 21 from the salary adjustment fund pursuant to section 8.43, may
 22 be expended for salaries and benefits for not more than the
 23 above full-time equivalent positions.
 24 3. For the purpose of making payments to the department of
 25 personnel for expenses incurred in administering the merit
 26 system on behalf of the state department of transportation, as
 27 required by chapter 19A:
 28 \$ 304,000
 29 4. Unemployment compensation:
 30 \$ 232,750
 31 Sec. 16. There is appropriated from the primary road fund
 32 to the department of personnel for the fiscal year beginning
 33 July 1, 1989, and ending June 30, 1990, the following amount,
 34 or so much thereof as is necessary, to be used for the
 35 purposes designated:

1 For paying workers' compensation claims under chapter 85 on
2 behalf of the employees of the state department of
3 transportation:

4 \$ 666,540

5 Sec. 17. There is appropriated from the primary road fund
6 to the state department of transportation for the fiscal year
7 beginning July 1, 1989, and ending June 30, 1990, the follow-
8 ing amounts, or so much thereof as is necessary, to be used
9 for the purposes designated:

10 1. For the expansion of Fairfield materials laboratory:
11 \$ 150,000

12 The provisions of section 8.33 do not apply to the funds
13 appropriated by this subsection. Unencumbered or unobligated
14 funds remaining on June 30, 1991, from funds appropriated for
15 the fiscal year beginning July 1, 1989, shall revert to the
16 fund from which appropriated on September 30, 1991.

17 2. For the replacement of obsolete field facilities in the
18 cities of West Union, Osage, Mount Pleasant, and Oskaloosa:
19 \$ 2,941,000

20 The provisions of section 8.33 do not apply to the funds
21 appropriated by this subsection. Unencumbered or unobligated
22 funds remaining on June 30, 1993, from funds appropriated for
23 the fiscal year beginning July 1, 1989, shall revert to the
24 fund from which appropriated on September 30, 1993.

25 Sec. 18. There is appropriated from the road use tax fund
26 to the department of transportation for the fiscal year
27 beginning July 1, 1989, and ending June 30, 1990, the follow-
28 ing amounts, or so much thereof as is necessary, to be used
29 for the purposes designated:

30 1. For the construction of scale facilities at Brandon:
31 \$ 84,000

32 2. For the paving of the scale lot at the new Brandon
33 facility:
34 \$ 225,000

35 The provisions of section 8.33 do not apply to the funds

1 appropriated by this section. Unencumbered or unobligated
2 funds remaining on June 30, 1993, from funds appropriated for
3 the fiscal year beginning July 1, 1989, shall revert to the
4 fund from which appropriated on September 30, 1993.

5 Sec. 19. There is appropriated from the state aviation
6 fund to the state department of transportation for the fiscal
7 year beginning July 1, 1989, and ending June 30, 1990, the
8 following amount, or so much thereof as is necessary, to be
9 used for the purposes designated:

10 1. For salaries, support, maintenance, miscellaneous pur-
11 poses, and for not more than the following full-time
12 equivalent positions:

13	\$	373,820
14	FTEs	9.0

15 2. For terminal improvements at essential air service
16 airports:

17	\$	250,000
----------	----	---------

18 In selecting projects, the state department of
19 transportation shall give preference to projects that will
20 assist in maintaining and attracting air service. The
21 department shall provide funding for as many essential air
22 service communities as possible. From funds appropriated in
38:23 this section, the state department of transportation may award
24 dollar-for-dollar matching grants up to \$10,000 per airport to
25 implement marketing, advertising, and public relations
26 programs to increase passenger traffic by educating the public
27 on the value of essential air service airports.

3508, 8648, 28
3522
28 Sec. 20. There is appropriated from the road use tax fund
29 to the Iowa air link transportation commission for the fiscal
30 year beginning July 1, 1989, and ending June 30, 1990, the
31 following amount, or so much thereof as may be necessary, to
32 be used for the purposes designated:

33 For the Iowa air link transportation commission:

34	\$	300,000
----------	----	---------

35 Not more than twenty percent of the moneys appropriated may

1 be used for the operation of the commission and the hiring of
2 a consultant. The commission shall prepare a request for
3 proposals for a contract that will be let for an Iowa-based
4 company to provide for passenger air service that would at a
5 minimum tie together Iowa's ten largest cities. The
6 commission shall consider reasonable air fares and consistent
7 and reliable time schedules in awarding a contract. The
8 commission may consider allowing an Iowa-based company to
9 transport passengers to major air transportation hubs that are
10 located in states contiguous to Iowa.

3825, 3807 >

3805 >

11 CODE CHANGES

12 Sec. 21. Section 80.18, unnumbered paragraph 2, Code 1989,
13 is amended to read as follows:

14 The department may expend moneys from the support
15 allocation of the department as reimbursement for replacement
16 or repair of personal items of the department's employees
17 damaged or destroyed during the employee's tour of duty.
18 However, the reimbursement shall not exceed seventy-five one
19 hundred fifty dollars for each item. The department shall
20 establish rules in accordance with chapter 17A to carry out
21 the purpose of this paragraph.

3839

3820, 3803

22 Sec. 22. Section 306C.16, unnumbered paragraph 1, Code
23 1989, is amended to read as follows:

24 Compensation required by section 306C.15 or 306C.24 shall
25 be paid for the following:

3820, 3803

26 Sec. 23. NEW SECTION. 306C.24 COMPENSATION FOR SIGN
27 REMOVAL.

28 1. DEFINITION. As used in this section, "off-premises
29 advertising device" means an advertising device which does not
30 qualify as an "on-premises sign" under rules adopted by the
31 department pursuant to chapter 17A.

32 2. JUST COMPENSATION REQUIRED. Political subdivisions of
33 this state shall not remove, take, alter, or cause to be
34 removed, taken, or altered a lawfully erected off-premises
35 advertising device without paying just compensation in cash to

1 the owner of the advertising device and to the owner of the
2 real property on which the advertising device is located, as
3 provided in section 306C.16. The department shall not remove,
4 take, alter or cause to be removed, taken, or altered a
5 lawfully erected off-premises advertising device subject to
6 control under chapter 306B or 306C without paying just
7 compensation when required under 23 U.S.C. § 131(g) to the
8 owner of the advertising device and to the owner of the real
9 property on which the advertising device is located, as
10 provided in section 306C.16. For the department, the sole
11 intent of this section is to comply with 23 U.S.C. § 131(g)
12 and it is not the intent of this section to, in any manner,
13 relinquish any powers of the department relating to the
14 control and removal of advertising devices under police power.

15 3. EXCEPTIONS. This section does not apply to the
16 removal, taking, or altering of an off-premises advertising
17 device under any of the following conditions:

18 a. The device is unlawfully erected or is being maintained
19 in violation of the provisions of section 306C.13, subsection
20 8, or section 306C.18.

21 b. The device has been abandoned or not used for a period
22 of at least six months.

23 4. DEPARTMENT AUTHORIZATION. If required by 23 U.S.C. §
24 131(g), the department may acquire through purchase or
25 condemnation and shall pay just compensation as provided in
26 section 306C.16 for off-premises advertising devices removed
27 after the effective date of this section of this Act through
28 amortization by an ordinance of a political subdivision
29 enacted prior to the effective date of this Act.

30 Notwithstanding the requirements of section 306C.14, the
31 department may first pay just compensation from the highway
32 beautification fund and then claim reimbursement for the
33 federal share of the payment from the federal government.

34 5. SAVINGS CLAUSE. If any provision of this section which
35 relates to the department is inconsistent or conflicts with,

1 or is not required by, 23 U.S.C. § 131 to avoid the loss of
2 federal funds, the provision shall be suspended but only to
3 the extent necessary to eliminate the inconsistency, conflict,
4 or requirement. If any part of this section is found to be
5 invalid or unconstitutional, such judgment shall not affect
6 the validity of the section as a whole or any provision or
7 part of the section not found to be invalid or
8 unconstitutional.

3539

9 Sec. 24. Section 312.2, subsection 6, Code 1989, is
10 amended to read as follows:

11 6. The treasurer of state shall before making the
12 allotments provided for in this section credit monthly to the
13 state department of transportation funds sufficient in amount
14 to pay the costs of purchasing motor vehicle licenses,
15 certificate of title and registration forms, and supplies and
16 materials and for the cost of prison labor used in
17 manufacturing motor vehicle registration plates, decalcomania
18 emblems, and validation stickers at the prison industries.

19 Sec. 25. NEW SECTION. 314.22 GREEN SPACE PROVIDED.

20 The department shall use the property owned by it in the
21 city of Council Bluffs which is bounded by Broadway, Seventh
22 street, Kanessville boulevard, and Sixth street, exclusively
23 for green space.

24 Sec. 26. Section 321.211, unnumbered paragraph 1, Code
25 1989, is amended to read as follows:

26 Upon suspending the license of any a person as authorized,
27 the department shall immediately notify the licensee in
28 writing and upon the licensee's request shall afford the
29 licensee an opportunity for a hearing before the director or
30 the director's authorized agent as early as practical within
31 ~~not-to-exceed~~ thirty days after receipt of the request in the
32 county in which the licensee resides unless the department and
33 the licensee agree that such the hearing may be held in some
34 other county. Upon ~~such~~ hearing the director or the
35 director's authorized agent may administer oaths and may issue

1 subpoenas for the attendance of witnesses and the production
2 of relevant books and papers and may require a re-examination
3 of the licensee. Upon such hearing the department shall
4 either rescind its order of suspension or for good cause may
5 extend the suspension of such the license or revoke such the
6 license. There is appropriated each year from the road use
7 tax fund to the department one hundred seven twenty-five
8 thousand dollars or so much thereof as may be necessary to be
9 used to pay the cost of notice and personal delivery of
10 service, if necessary to meet the notice requirement of this
11 section. The department shall promulgate adopt rules
12 governing the payment of the cost of personal delivery of
13 service. The reinstatement fees collected under section
14 321.191 shall be deposited in the road use tax fund in a the
15 manner provided in section 321.192, as reimbursement for the
16 costs of notice under this section.

17 Sec. 27. Section 321J.17, Code 1989, is amended to read as
18 follows:

19 321J.17 CIVIL PENALTY -- SEPARATE FUND -- REINSTATEMENT.

20 When the department revokes a person's motor vehicle
21 license or nonresident operating privilege under this chapter,
22 the department shall assess the person a civil penalty of one
23 hundred dollars. The money collected by the department under
24 this section shall be transmitted to the treasurer of state
25 who shall deposit the money in a separate fund dedicated to
26 and used for the purposes of chapter 912 and section 709.10,
27 and for the operation of a missing person clearinghouse and
28 domestic abuse registry by the department of public safety.
29 Any Notwithstanding section 8.33, any balance in the fund on
30 June 30 of any fiscal year exceeding-fifty-thousand-dollars
31 shall not revert to the general fund of the state. A
32 temporary restricted license shall not be issued or a motor
33 vehicle license or nonresident operating privilege reinstated
34 until the civil penalty has been paid.

35 Sec. 28. Section 326.11, unnumbered paragraph 2, Code

1 1989, is amended to read as follows:

2 The director may issue temporary written authorization to
3 carriers for vehicles acquired by a fleet owner and added to
4 the fleet owner's prorata fleet after the beginning of the
5 registration year. The temporary authority shall permit the
6 operation of a commercial vehicle until permanent
7 identification is issued, except that the temporary authority
8 shall expire after ~~forty-five~~ ninety days.

3805 >

9 Sec. 29. NEW SECTION. 330.25 IOWA AIR LINK
10 TRANSPORTATION COMMISSION.

11 There is established an Iowa air link transportation
12 commission. The commission shall be composed of fifteen
13 members. Of the fifteen members, five shall be appointed by
14 the governor, subject to confirmation by the senate in
15 accordance with section 2.32, three of whom shall be selected
16 from names submitted by the airport commissions of the ten
17 largest airports in Iowa; five shall be appointed by the
18 speaker of the house of representatives in consultation with
19 the minority leader of the house; five shall be appointed by
20 the majority leader of the senate in consultation with the
21 minority leader of the senate. Each set of five appointments
22 shall be bipartisan and gender balanced insofar as possible in
23 accordance with sections 69.16 and 69.16A.

24 The members of the commission shall be appointed for terms
25 of four years beginning and ending as provided in section
26 69.19; however, the initial appointees of the governor shall
27 serve a term of two years. Vacancies in the membership shall
28 be filled for the unexpired term in the same manner as the
29 original appointment.

3790 >
3806 >
3824

30 MISCELLANEOUS PROVISIONS

31 Sec. 30. 1987 Iowa Acts, chapter 232, section 10,
32 subsection 6, unnumbered paragraph 2, as enacted by 1988 Iowa
33 Acts, chapter 1278, section 44, is amended to read as follows:

34 Section 8.33 does not apply to the funds appropriated by
35 this subsection. However, unencumbered or unobligated funds

1 remaining on June 30, 1989 1990, from funds appropriated for
2 the fiscal year beginning July 1, 1987, and ending June 30,
3 1988, shall revert to the fund from which appropriated on June
4 30, 1989 1990.

382938267
3816

5 Sec. 31. Moneys appropriated for any new program or
6 function shall be used solely for that program or function and
7 moneys shall not be transferred from such appropriations or
8 used for any other purpose.

9 Sec. 32. Each department of state government receiving
10 appropriations under this Act, when making purchases of
11 \$25,000 or more for which the department does not have
12 specific prior authority from the general assembly, shall
13 notify the legislative fiscal bureau, department of
14 management, the chairs, vice chairs, and ranking members of
15 the department's respective joint appropriations subcommittee,
16 and the caucus staff of each party in each house of the
17 general assembly at the time the bids are let.

18 Sec. 33. The department of public safety shall notify the
19 legislative fiscal bureau, department of management, the
20 chairs, vice chairs, and ranking members of the joint
21 transportation and safety appropriation subcommittee, on any
22 request for, approval of, or notification of award of federal
23 funds or of any loss of federal funds. The notification shall
24 include the name of the funding grant, planned expenditures,
25 and estimated amount which will be received. The department
26 shall also prepare a report at the end of each fiscal year
27 detailing the amount received, amount expended, and carry over
28 balance on all nonappropriated receipts, including federal
29 funds, received during that fiscal year.

3821

30 Sec. 34. All federal grants to and the federal receipts of
31 the agencies which are appropriated funds under this Act,
32 unless otherwise appropriated, are appropriated for the
33 purposes set forth in the federal grants and receipts unless
34 otherwise provided by the general assembly.

35 Sec. 35. Sections 3, 9, 27, and 30, and this section take

1 effect June 30, 1989.

2 Sec. 36. Section 25 of this Act and this section, being
3 deemed of immediate importance, take effect upon enactment.
4 Section 25 applies retroactively to January 1, 1989.

5 EXPLANATION

6 The bill appropriates moneys to the Iowa law enforcement
7 academy, department of public defense, department of public
8 safety, and the state department of transportation for the
9 fiscal year beginning July 1, 1989.

10 Sections 7, 8, and 10 condition various appropriations to
11 the department of public safety upon stated amounts not being
12 exceeded in expenditures for salaries and benefits to speci-
13 fied numbers of full-time equivalent positions and upon
14 specified amounts not being exceeded for expenditures for
15 support and miscellaneous purposes.

16 Section 10, subsection 1, further conditions an
17 appropriation to the department of public safety, division of
18 highway safety and uniformed force, upon allowing the Iowa law
19 enforcement academy to select at least five cars annually from
20 vehicles the division is turning in to the state vehicle
21 dispatcher to be disposed of by public auction and exchange
22 these vehicles for vehicles owned by the academy if the
23 selected vehicles are used for training law enforcement
24 officers at the academy. Moneys received from the sale of the
25 exchanged automobiles are credited to the depreciation fund of
26 the division.

27 Section 21 increases the amount the department of public
28 safety may reimburse its employees for the employees' personal
29 items damaged or destroyed during the employees' tours of duty
30 from \$75 to \$150 per item.

31 Sections 22 and 23 provide that political subdivisions of
32 the state shall not remove, take, alter or cause to be
33 removed, taken, or altered a lawfully erected off-premises
34 advertising device without paying just compensation in cash to
35 the owner of the advertising device and to the owner of the

1 real property on which the advertising device is located. The
2 state department of transportation is required to make similar
3 payments but only when required under federal law and the "in
4 cash" requirement is deleted. Section 23 requires payment to
5 the owner of the advertising device to compensate for all
6 right, title, leasehold, and interest in the advertising
7 device. The section requires payment to the owner of the real
8 property on which the device is located to compensate for the
9 right to erect and maintain such advertising devices upon such
10 real property. If required by federal statute, the state
11 department of transportation may acquire through purchase or
12 condemnation and shall pay just compensation for off-premises
13 advertising devices removed after the effective date of the
14 bill through amortization by an ordinance of a political
15 subdivision enacted prior to the effective date of section 23.

16 Section 23 does not apply to the removal, taking, or
17 altering of off-premises advertising devices which were
18 unlawfully erected or which are maintained without application
19 for a permit to be affixed to the advertising device under
20 section 306C.18 or to off-premises advertising devices which
21 are unlawfully erected or which are maintained in violation of
22 section 306C.13, subsection 8. Section 23 also does not apply
23 to devices which are abandoned or not used for a period of at
24 least six months.

25 Section 24 contains an off-the-top appropriation to the
26 state department of transportation whatever amount is
27 sufficient to pay the costs of purchasing motor vehicle
28 licenses.

29 Section 25 requires the state department of transportation
30 to use certain property owned by it in the city of Council
31 Bluffs exclusively for green space. This section applies
32 retroactively to January 1, 1989, under section 36.

33 Section 26 increases an appropriation from the road use tax
34 fund to the state department of transportation to pay the cost
35 of notice and personal delivery of service for license suspen-

1 sions.

2 Section 27 provides that the balance remaining on June 30
3 of any fiscal year in a separate fund dedicated to and used
4 for the purposes of crime victim reparation and payment of the
5 costs of medical examinations for the purpose of gathering
6 evidence and the cost of treatment for the purpose of
7 preventing venereal disease does not revert to the general
8 fund. Currently, all but fifty thousand dollars reverts
9 annually to the general fund.

10 Section 28 increases the effective period for a temporary
11 authority allowing operation of newly acquired vehicles for
12 carriers from forty-five days to ninety days.

13 Section 29 creates the Iowa air link transportation
14 commission composed of fifteen members.

15 The bill generally takes effect July 1 following its
16 enactment; however, sections 3, 9, 27, 30, and 35 relating to
17 reversions and appropriations which end June 30, 1989, take
18 effect June 30, 1989, and sections 25 and 36 take effect upon
19 enactment.

20 This bill may contain a state mandate as defined in section
21 25B.3.

22
23
24
25
26
27
28
29
30
31
32
33
34
35

IOWA LAW ENFORCEMENT ACADEMY

Section 1. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	856,592
.....	FTEs	27.7

4330

Sec. 2. Notwithstanding section 80B.11, subsection 5, during the fiscal year beginning July 1, 1989, not more than one-half of the cost of providing cognitive and psychological examinations of law enforcement officer candidates may be charged for taking the examinations by the Iowa law enforcement academy.

The Iowa law enforcement academy may also charge not more than one-half of the cost of providing the ten-week course which is designed to meet the minimum basic training requirements for a law enforcement officer.

Sec. 3. Notwithstanding section 384.15, subsection 7, paragraph "b", there is appropriated from the unencumbered and unobligated money remaining in the law enforcement training reimbursement fund on June 30, 1989, to the Iowa law enforcement academy for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For repair of dormitory room showers:

.....	\$	19,600
-------	----	--------

Sec. 4. The Iowa law enforcement academy is projected to raise at least an additional \$271,786 in receipts and federal funds.

DEPARTMENT OF PUBLIC DEFENSE

Sec. 5. There is appropriated from the general fund of the

1 state to the department of public defense for the fiscal year
2 beginning July 1, 1989, and ending June 30, 1990, the
3 following amounts, or so much thereof as is necessary, to be
4 used for the purposes designated:

5 1. MILITARY DIVISION

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

9 \$ 3,251,065
10 FTEs 144.26

11 Notwithstanding section 29A.33, the annual allowance to
12 units will be five dollars per capita to be paid on a
13 semiannual basis in installments of two dollars fifty cents
14 per capita for the fiscal year beginning July 1, 1989, and
15 ending June 30, 1990. The per capita allowance shall be used
16 for morale purposes and be for the welfare of the troops and
17 in no circumstances expended for support and maintenance.

18 b. For heating and electrical system maintenance and
19 repairs and roof upgrades:

20 \$ 79,500

21 2. DISASTER SERVICES DIVISION

22 a. For salaries, support, maintenance, miscellaneous pur-
23 poses, and for not more than the following full-time
24 equivalent positions:

25 \$ 251,975
26 FTEs 11.0

27 b. For salaries, support, maintenance, miscellaneous pur-
28 poses, and for not more than the following full-time
29 equivalent positions for the administration of enhanced 911
30 service under chapter 477B:

31 \$ 43,586
32 FTEs 1.0

33 3. VETERANS AFFAIRS DIVISION

34 For salaries, support, maintenance, miscellaneous purposes,
35 and for not more than the following full-time equivalent posi-

1 tions:

2	.....	\$	106,330
3	.....	FTEs	3.16

4 4. WAR ORPHANS

5 For the war orphans educational aid fund:

6	\$	15,185
---	-------	----	--------

7 Sec. 6. The department of public defense is projected to
8 raise at least an additional \$3,481,065 in receipts and
9 federal funds.

10 DEPARTMENT OF PUBLIC SAFETY

11 Sec. 7. There is appropriated from the general fund of the
12 state to the department of public safety for the fiscal year
13 beginning July 1, 1989, and ending June 30, 1990, the
14 following amounts, or so much thereof as is necessary, to be
15 used for funding the following functions and programs for the
16 purposes designated:

17 1. For the department's administrative functions including
18 the medical examiner's office and the criminal justice
19 information system, and for not more than the following full-
20 time equivalent positions:

21	.....	\$	2,007,730
22	.....	FTEs	45.0

23 As a condition, limitation, and qualification of this
24 appropriation, no more than \$1,484,151 from all revenue
25 sources, plus an allocation for salary adjustment, may be
26 expended for salaries and benefits for not more than the above
27 full-time equivalent positions and not more than \$1,175,334
28 from all revenue sources may be expended for support and
29 miscellaneous purposes. Unanticipated federal and local
30 grants or receipts received after this Act becomes effective
31 are not subject to this condition.

32 2. The balance of the fund created under section 32iJ.17
33 carried forward for the fiscal year beginning July 1, 1989,
34 and ending June 30, 1990, may be used to provide salary and
35 support of not more than nine and five-tenths FTEs and

1 maintenance for the victim compensation functions of the
2 department of public safety.

3 3. For purposes relating to radio communications, and not
4 more than the following full-time equivalent positions:

5	\$	2,997,067
6	FTEs	78.5

7 As a condition, limitation, and qualification of this
8 appropriation, no more than \$2,433,470 from all revenue
9 sources, plus an allocation for salary adjustment, may be
10 expended for salaries and benefits for not more than the above
11 full-time equivalent positions and not more than \$576,347 from
12 all revenue sources may be expended for support and
13 miscellaneous purposes. Unanticipated federal and local
14 grants or receipts received after this Act becomes effective
15 are not subject to this condition.

16 4. For the division of criminal investigation and bureau
17 of identification containing the bureaus of identification and
18 liquor law enforcement, including the state's contribution to
19 the peace officers' retirement, accident, and disability
20 system provided in chapter 97A in the amount of sixteen
21 percent of the salaries for which the funds are appropriated,
22 and for not more than the following full-time equivalent
23 positions:

24	\$	4,275,553
25	FTEs	111.00

26 As a condition, limitation, and qualification of this
27 appropriation, no more than \$4,585,503 from all revenue
28 sources, plus an allocation for salary adjustment, may be
29 expended for salaries and benefits for not more than the above
30 full-time equivalent positions and not more than \$777,408 from
31 all revenue sources may be expended for support and
32 miscellaneous purposes, including lease and lease purchase of
33 laboratory equipment. Unanticipated federal and local grants
34 or receipts received after this Act becomes effective are not
35 subject to this condition.

1 5. For the division of narcotics, including the state's
2 contribution to the peace officers' retirement, accident, and
3 disability system provided in chapter 97A in the amount of
4 sixteen percent of the salaries for which the funds are
5 appropriated, and for not more than the following full-time
6 equivalent positions:

7 \$ 1,208,154
8 FTEs 23.0

9 As a condition, limitation, and qualification of this
10 appropriation, no more than \$1,011,434 from all revenue
11 sources, plus an allocation for salary adjustment, may be
12 expended for salaries and benefits for not more than the above
13 full-time equivalent positions and not more than \$201,720 from
14 all revenue sources may be expended for support and
15 miscellaneous purposes. Unanticipated federal and local
16 grants or receipts received after this Act becomes effective
17 are not subject to this condition.

424-18 6. For the fire marshal's office, including the state's
19 contribution to the peace officers' retirement, accident, and
20 disability system provided in chapter 97A in the amount of
21 sixteen percent of the salaries for which the funds are
22 appropriated, and for not more than the following full-time
23 equivalent positions:

24 \$ 1,353,133
25 FTEs 31.0

26 As a condition, limitation, and qualification of this
27 appropriation, no more than \$1,310,059 from all revenue
28 sources, plus an allocation for salary adjustment, may be
29 expended for salaries and benefits for not more than the above
30 full-time equivalent positions and not more than \$184,174 from
31 all revenue sources may be expended for support and
32 miscellaneous purposes. Unanticipated federal and local
33 grants or receipts received after this Act becomes effective
34 are not subject to this condition.

424-35 7. For the fire marshal's office, for hiring a clerk IV

1 position for registration of aboveground storage tanks and
2 inspections of underground storage tanks, and for not more
3 than the following full-time equivalent positions:

4 \$ 20,150
5 FTEs 1.0

6 8. For the fire marshal's office, for office equipment for
7 registration of aboveground storage tanks and inspections of
8 underground storage tanks:

9 \$ 1,500

10 9. For the fire marshal's office, for hiring a fire
11 inspector I position for registration of aboveground storage
12 tanks and inspections of underground storage tanks, and for
13 not more than the following full-time equivalent positions:

14 \$ 29,715
15 FTEs 1.0

16 10. For the fire marshal's office, for the purchase of a
17 motor vehicle for use in registration of aboveground storage
18 tanks and inspections of underground storage tanks:

19 \$ 11,000

20 11. For the fire marshal's office, for the purchase of
21 radio equipment for the motor vehicle used in registration of
22 aboveground storage tanks and inspections of underground
23 storage tanks:

24 \$ 5,000

25 12. For the fire marshal's office, for miscellaneous
26 equipment for use in registration of aboveground storage tanks
27 and inspections of underground storage tanks:

28 \$ 1,500

29 13. For the capitol security division, and for not more
30 than the following full-time equivalent positions:

31 \$ 1,107,345
32 FTEs 36.0

33 As a condition, limitation, and qualification of this
34 appropriation, no more than \$1,053,570 from all revenue
35 sources, plus an allocation for salary adjustment, may be

1 expended for salaries and benefits for not more than the above
2 full-time equivalent positions and not more than \$54,775 from
3 all revenue sources may be expended for support and
4 miscellaneous purposes. Unanticipated federal and local
5 grants or receipts received after this Act becomes effective
6 are not subject to this condition.

7 Sec. 8. Notwithstanding sections 99D.17 and 99D.18, there
8 is appropriated from funds paid to the state racing commission
9 pursuant to section 99D.14, to the department of public safety
10 for the fiscal year beginning July 1, 1989, and ending June
11 30, 1990, the following amount, or so much thereof as is
12 necessary, to be used for the purposes designated:

13 For salaries, support, maintenance, and miscellaneous
14 purposes of the pari-mutuel law enforcement agents, including
15 the state's contribution to the peace officers' retirement,
16 accident, and disability system provided in chapter 97A in the
17 amount of sixteen percent of the salaries for which the funds
18 are appropriated, and for not more than the following full-
19 time equivalent positions:

20	\$	255,317
21	FTEs	5.0

22 As a condition, limitation, and qualification of this
23 appropriation, no more than \$217,082 from all revenue sources,
24 plus an allocation for salary adjustment, may be expended for
25 salaries and benefits for not more than the above full-time
26 equivalent positions and not more than \$38,235 from all
27 revenue sources may be expended for support and miscellaneous
28 purposes. Unanticipated federal and local grants or receipts
29 received after this Act becomes effective are not subject to
30 this condition.

31 The unfunded liability of the peace officers' retirement,
32 accident, and disability system, as of July 1, 1989, is not a
33 liability of funds paid to the state racing commission under
34 section 99D.14.

35 Sec. 9. Notwithstanding section 384.15, subsection 7,

1 paragraph "b", there is appropriated from the unencumbered and
2 unobligated money remaining in the law enforcement training
3 reimbursement fund on June 30, 1989, to the department of
4 public safety for the fiscal year beginning July 1, 1989, and
5 ending June 30, 1990, the following amounts, or so much
6 thereof as is necessary, to be used for the purposes
7 designated:

8 1. For undercover purchases by the division of narcotics
9 and local law enforcement agencies:

10 \$ 200,000

11 2. For the continued purchase of the automated fingerprint
12 information system (AFIS):

13 \$ 270,000

14 Sec. 10. There is appropriated from the road use tax fund
15 to the department of public safety, division of highway safety
16 and uniformed force, for the fiscal year beginning July 1,
17 1989, and ending June 30, 1990, the following amounts, or so
18 much thereof as is necessary, to be used for the purposes
19 designated, and for not more than the following full-time
20 equivalent positions:

4337-21 \$ 22,020,979
22 FTEs 450.5

23 1. As a condition, limitation, and qualification of this
24 appropriation, no more than \$18,224,899 from all revenue
25 sources, plus an allocation for salary adjustment, may be
26 expended for salaries and benefits for not more than the above
27 full-time equivalent positions and not more than \$4,570,319
28 from all revenue sources may be expended for support and
29 miscellaneous purposes including federal Highway Safety Act
30 programs, and the state's contributions to the peace officers'
31 retirement, accident, and disability system provided in
32 chapter 97A in the amount of sixteen percent of the salaries
33 for which the funds are appropriated, and as an additional
34 condition, limitation, and qualification of this appropriation
35 the Iowa law enforcement academy shall be allowed to annually

1 select at least five automobiles of the department of public
2 safety, division of highway safety and uniformed force, which
3 are being turned in to the state vehicle dispatcher to be
4 disposed of by public auction and the Iowa law enforcement
5 academy shall be allowed to exchange any automobile owned by
6 the academy for each automobile selected if the selected
7 automobile is used in training law enforcement officers at the
8 academy, however, any automobile exchanged by the academy
9 shall be substituted for the selected vehicle of the
10 department of public safety and sold by public auction with
11 the receipts being deposited in the depreciation fund to the
12 credit of the department of public safety, division of highway
13 safety and uniformed force. Unanticipated federal and local
14 grants or receipts received after this Act becomes effective
15 are not subject to these conditions.

16 However, the unfunded liability of the peace officers'
17 retirement, accident, and disability system, as of July 1,
18 1986 shall not be considered a liability of the road use tax
19 fund.

20 An employee of the department of public safety or its
21 successor who retires after the effective date of this section
22 of this Act but prior to June 30, 1990, is eligible for
23 payment of life or health insurance premiums as provided for
24 in the collective bargaining agreement covering the public
25 safety bargaining unit at the time of retirement if that
26 employee previously served in a position which would have been
27 covered by the agreement. The employee shall be given credit
28 for the service in that prior position as though it were
29 covered by that agreement. This section shall not operate to
30 reduce any retirement benefits an employee may have earned
31 under other collective bargaining agreements or retirement
32 programs.

33 2. For the capital purchase of mobile vehicle repeater
34 radios and test equipment to be used by the Iowa highway
35 safety patrol, provided that only the lowest, most responsible

1 bid is accepted by the department of public safety in the
2 purchase of these motor vehicle repeater radios:

3 \$ 360,000

4 The mobile vehicle repeater radios are to be placed solely
5 in motor vehicles used by members of the Iowa highway safety
6 patrol below the rank of lieutenant for patrolling the
7 highways. However, this paragraph does not require that
8 mobile vehicle repeater radios be placed solely in new motor
9 vehicles.

10 3. For the purpose of making payments to the department of
11 personnel for expenses incurred in administering workers'
12 compensation on behalf of the highway safety division of
13 highway safety and uniformed force:

14 \$ 55,544

15 4. For the purpose of making payments to the department of
16 personnel for expenses incurred in administering the merit
17 system on behalf of the highway safety division of highway
18 safety and uniformed force:

19 \$ 65,000

20 Sec. 11. There is appropriated from the abstract fee fund
21 created in section 321A.3A to the department of public safety,
22 division of criminal investigation and bureau of
23 identification for the fiscal year beginning July 1, 1989, and
24 ending June 30, 1990, the following amount, or so much thereof
25 as is necessary, to be used for the purposes designated:

26 For salaries, support, maintenance, and miscellaneous
27 purposes:

28 \$ 850,000

29 Sec. 12. The department of public safety is projected to
30 raise at least an additional \$1,823,202 in receipts and
31 federal funds.

32 STATE DEPARTMENT OF TRANSPORTATION

33 Sec. 13. There is appropriated from the road use tax fund
34 to the state department of transportation for the fiscal year
35 beginning July 1, 1989, and ending June 30, 1990, the

1 following amounts, or so much thereof as may be necessary, to
 2 be used for the purposes designated:

3 1. For salaries, support, maintenance, miscellaneous pur-
 4 poses, and for not more than the following full-time
 5 equivalent positions:

6 a. Administrative services:
 7 \$ 3,299,676
 8 FTEs 47.0

9 b. General counsel:
 10 \$ 157,655
 11 FTEs 1.0

12 c. Planning and research:
 13 \$ 309,800
 14 FTEs 9.0

15 d. Aeronautics and public transit:
 16 \$ 214,090
 17 FTEs 5.0

18 e. Motor vehicles:
 19 \$ 16,268,407
 20 FTEs 531.0

21 f. Rail and water:
 22 \$ 622,213
 23 FTEs 15.0

24 2. For the purpose of making payments to the department of
 25 personnel for expenses incurred in administering the merit
 26 system on behalf of the state department of transportation, as
 27 required by chapter 19A:

28 \$ 16,000

29 3. Unemployment compensation:
 30 \$ 12,250

31 Sec. 14. There is appropriated from the road use tax fund
 32 to the department of personnel for the fiscal year beginning
 33 July 1, 1989, and ending June 30, 1990, the following amount,
 34 or so much thereof as is necessary, to be used for the
 35 purposes designated:

1 For paying workers' compensation claims under chapter 85 on
 2 behalf of employees of the state department of transportation:
 3 \$ 35,080

4 Sec. 15. There is appropriated from the primary road fund
 5 to the state department of transportation for the fiscal year
 6 beginning July 1, 1989, and ending June 30, 1990, the
 7 following amounts, or so much thereof as is necessary, to be
 8 used for the purposes designated:

9 1. For salaries, support, maintenance, miscellaneous pur-
 10 poses, and for not more than the following full-time
 11 equivalent positions:

12 a. Administrative services:

13 \$ 20,197,853
 14 FTEs 290.0

15 b. General counsel:

16 \$ 995,345
 17 FTEs 7.0

18 c. Planning and research:

19 \$ 5,886,200
 20 FTEs 162.0

21 d. Aeronautics and public transit:

22 \$ 214,090
 23 FTEs 5.0

24 e. Highways:

25 \$124,381,000
 26 FTEs 2,870.0

27 f. Motor vehicles:

28 \$ 590,593
 29 FTEs 19.0

30 g. Rail and water:

31 \$ 263,787
 32 FTEs 7.0

33 2. To be deposited in the state department of
 34 transportation's highway materials and equipment revolving
 35 fund established by section 307.47 for funding the increased

1 replacement cost of vehicles:

2 \$ 2,000,000

4246-3 FTEs 92.0

4 As a condition, limitation, and qualification of this
5 appropriation, no more than \$2,475,000 from the highway
6 materials and equipment revolving fund, plus an allocation
4246-7 from the salary adjustment fund pursuant to section 8.43, may
8 be expended for salaries and benefits for not more than the
9 above full-time equivalent positions.

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

14 \$ 304,000

15 4. Unemployment compensation:

4152-16 \$ 232,750

* 17 Sec. 16. There is appropriated from the primary road fund
18 to the department of personnel for the fiscal year beginning
19 July 1, 1989, and ending June 30, 1990, the following amount,
20 or so much thereof as is necessary, to be used for the
21 purposes designated:

22 For paying workers' compensation claims under chapter 85 on
23 behalf of the employees of the state department of
24 transportation:

25 \$ 666,540

26 Sec. 17. There is appropriated from the primary road fund
27 to the state department of transportation for the fiscal year
28 beginning July 1, 1989, and ending June 30, 1990, the follow-
29 ing amounts, or so much thereof as is necessary, to be used
30 for the purposes designated:

31 1. For the expansion of Fairfield materials laboratory:

32 \$ 150,000

33 The provisions of section 8.33 do not apply to the funds
34 appropriated by this subsection. Unencumbered or unobligated
35 funds remaining on June 30, 1991, from funds appropriated for

1 the fiscal year beginning July 1, 1989, shall revert to the
2 fund from which appropriated on September 30, 1991.

3 2. For the replacement of obsolete field facilities in the
4 cities of West Union, Osage, Mount Pleasant, and Oskaloosa:
5 \$ 2,941,000

6 The provisions of section 8.33 do not apply to the funds
7 appropriated by this subsection. Unencumbered or unobligated
8 funds remaining on June 30, 1993, from funds appropriated for
9 the fiscal year beginning July 1, 1989, shall revert to the
10 fund from which appropriated on September 30, 1993.

4295
4322

11 Sec. 18. There is appropriated from the road use tax fund
12 to the department of transportation for the fiscal year
13 beginning July 1, 1989, and ending June 30, 1990, the follow-
14 ing amounts, or so much thereof as is necessary, to be used
15 for the purposes designated:

16 1. For the construction of scale facilities at Brandon:
17 \$ 84,000

18 2. For the paving of the scale lot at the new Brandon
19 facility:
20 \$ 225,000

21 The funds appropriated by this section shall not be used
22 for an inspection shelter at the Brandon location.

23 The provisions of section 8.33 do not apply to the funds
24 appropriated by this section. Unencumbered or unobligated
25 funds remaining on June 30, 1993, from funds appropriated for
26 the fiscal year beginning July 1, 1989, shall revert to the
27 fund from which appropriated on September 30, 1993.

28 Sec. 19. There is appropriated from the state aviation
29 fund to the state department of transportation for the fiscal
30 year beginning July 1, 1989, and ending June 30, 1990, the
31 following amount, or so much thereof as is necessary, to be
32 used for the purposes designated:

33 1. For salaries, support, maintenance, miscellaneous pur-
34 poses, and for not more than the following full-time
35 equivalent positions:

1 \$ 373,820
2 FTEs 9.0

3 2. For terminal improvements at essential air service
4 airports:

5 \$ 250,000

6 In selecting projects, the state department of
7 transportation shall give preference to projects that will
8 assist in maintaining and attracting air service. The
9 department shall provide funding for as many essential air
10 service communities as possible. From funds appropriated in
11 this section, the state department of transportation may award
12 dollar-for-dollar matching grants up to \$10,000 per airport to
13 implement marketing, advertising, and public relations
14 programs to increase passenger traffic by educating the public
15 on the value of essential air service airports.

4224 16 Sec. 20. Notwithstanding section 423.24 and prior to
17 application of section 423.24, subsection 1, paragraph "b",
18 there is appropriated from revenues derived from the operation
19 of section 423.7 to the Iowa air link transportation
20 commission for the fiscal year beginning July 1, 1989, and
21 ending June 30, 1990, the following amount, or so much thereof
22 as may be necessary, to be used for the purposes designated:

23 For the Iowa air link transportation commission:

24 \$ 300,000

25 Not more than twenty percent of the moneys appropriated may
26 be used for the operation of the commission and the hiring of
27 a consultant. The commission shall prepare a request for
28 proposals for a contract that will be let for an Iowa-based
29 company to provide for passenger air service that would at a
4224 30 minimum tie together Iowa's largest metropolitan areas. The
31 commission shall consider reasonable air fares and consistent
32 and reliable time schedules in awarding a contract. The
33 commission may consider allowing an Iowa-based company to
34 transport passengers to major air transportation hubs that are
35 located in states contiguous to Iowa.

4246-

1 Sec. 21. There is appropriated from the railroad
 2 assistance fund created under section 327H.18 to the state
 3 department of transportation for the fiscal year beginning
 4 July 1, 1989, and ending June 30, 1990, the following amount,
 5 or so much thereof as is necessary, to be used for the
 6 purposes designated:
 7 For completing the rehabilitation of the Altoona-Pella rail
 8 branch line:
 9 \$ 70,000
 10 Notwithstanding section 8.33, unobligated and unencumbered
 11 funds remaining on June 30, 1992, from the funds appropriated
 12 in this section for the fiscal year beginning July 1, 1989,
 13 shall revert to the railroad assistance fund on June 30, 1992.

CODE CHANGES

4338, 4337

15 Sec. 22. Section 80.18, unnumbered paragraph 2, Code 1989,
 16 is amended to read as follows:

17 The department may expend moneys from the support
 18 allocation of the department as reimbursement for replacement
 19 or repair of personal items of the department's employees
 20 damaged or destroyed during the employee's tour of duty.
 21 However, the reimbursement shall not exceed seventy-five one
 22 hundred fifty dollars for each item. The department shall
 23 establish rules in accordance with chapter 17A to carry out
 24 the purpose of this paragraph.

4246

25 Sec. 23. Section 306C.16, unnumbered paragraph 1, Code
 26 1989, is amended to read as follows:

27 Compensation required by section 306C.15 or 306C.24 shall
 28 be paid for the following:

29 Sec. 24. NEW SECTION. 306C.24 COMPENSATION FOR SIGN
 30 REMOVAL.

31 1. DEFINITION. As used in this section, "off-premises
 32 advertising device" means an advertising device which does not
 33 qualify as an "on-premises sign" under rules adopted by the
 34 department pursuant to chapter 17A.

35 2. JUST COMPENSATION REQUIRED. Political subdivisions of

1 this state shall not remove, take, alter, or cause to be
2 removed, taken, or altered a lawfully erected off-premises
3 advertising device without paying just compensation in cash to
4 the owner of the advertising device and to the owner of the
5 real property on which the advertising device is located, as
6 provided in section 306C.16. The department shall not remove,
7 take, alter or cause to be removed, taken, or altered a
8 lawfully erected off-premises advertising device subject to
9 control under chapter 306B or 306C without paying just
10 compensation when required under 23 U.S.C. § 131(g) to the
11 owner of the advertising device and to the owner of the real
12 property on which the advertising device is located, as
13 provided in section 306C.16. For the department, the sole
14 intent of this section is to comply with 23 U.S.C. § 131(g)
15 and it is not the intent of this section to, in any manner,
16 relinquish any powers of the department relating to the
17 control and removal of advertising devices under police power.

18 3. EXCEPTIONS. This section does not apply to the
19 removal, taking, or altering of an off-premises advertising
20 device under any of the following conditions:

21 a. The device is unlawfully erected or is being maintained
22 in violation of the provisions of section 306C.13, subsection
23 8, or section 306C.18.

24 b. The device has been abandoned or not used for a period
25 of at least six months.

26 4. DEPARTMENT AUTHORIZATION. If required by 23 U.S.C. §
27 131(g), the department may acquire through purchase or
28 condemnation and shall pay just compensation as provided in
29 section 306C.16 for off-premises advertising devices removed
30 after the effective date of this section of this Act through
31 amortization by an ordinance of a political subdivision
32 enacted prior to the effective date of this Act.

33 Notwithstanding the requirements of section 306C.14, the
34 department may first pay just compensation from the highway
35 beautification fund and then claim reimbursement for the

1 federal share of the payment from the federal government.

2 5. SAVINGS CLAUSE. If any provision of this section which
3 relates to the department is inconsistent or conflicts with,
4 or is not required by, 23 U.S.C. § 131 to avoid the loss of
5 federal funds, the provision shall be suspended but only to
6 the extent necessary to eliminate the inconsistency, conflict,
7 or requirement. If any part of this section is found to be
8 invalid or unconstitutional, such judgment shall not affect
9 the validity of the section as a whole or any provision or
10 part of the section not found to be invalid or
11 unconstitutional.

4246-12 Sec. 25. Section 312.2, subsection 6, Code 1989, is
13 amended to read as follows:

14 6. The treasurer of state shall before making the
15 allotments provided for in this section credit monthly to the
16 state department of transportation funds sufficient in amount
17 to pay the costs of purchasing motor vehicle licenses,
18 certificate of title and registration forms, and supplies and
19 materials and for the cost of prison labor used in
20 manufacturing motor vehicle registration plates, decalcomania
21 emblems, and validation stickers at the prison industries.

4335
4346, 4335

22 Sec. 26. NEW SECTION. 314.22 GREEN SPACE PROVIDED.

23 The department shall use the property owned by it in the
24 city of Council Bluffs which is bounded by Broadway, Seventh
25 street, Kanessville boulevard, and Sixth street, exclusively
26 for green space.

4177, 4166, 4167

27 Sec. 27. Section 321.211, unnumbered paragraph 1, Code
28 1989, is amended to read as follows:

29 Upon suspending the license of any a person as authorized,
30 the department shall immediately notify the licensee in
31 writing and upon the licensee's request shall afford the
32 licensee an opportunity for a hearing before the director or
33 the director's authorized agent as early as practical within
34 ~~not-to-exceed~~ thirty days after receipt of the request in the
35 county in which the licensee resides unless the department and

1 the licensee agree that such the hearing may be held in some
2 other county. Upon such hearing the director or the
3 director's authorized agent may administer oaths and may issue
4 subpoenas for the attendance of witnesses and the production
5 of relevant books and papers and may require a re-examination
6 of the licensee. Upon such hearing the department shall
7 either rescind its order of suspension or for good cause may
8 extend the suspension of such the license or revoke such the
9 license. There is appropriated each year from the road use
10 tax fund to the department one hundred seven twenty-five
11 thousand dollars or so much thereof as may be necessary to be
12 used to pay the cost of notice and personal delivery of
13 service, if necessary to meet the notice requirement of this
14 section. The department shall promulgate adopt rules
15 governing the payment of the cost of personal delivery of
16 service. The reinstatement fees collected under section
17 321.191 shall be deposited in the road use tax fund in a the
18 manner provided in section 321.192, as reimbursement for the
19 costs of notice under this section.

4246
20 Sec. 28. Section 321J.17, Code 1989, is amended to read as
21 follows:

22 321J.17 CIVIL PENALTY -- SEPARATE FUND -- REINSTATEMENT.

23 When the department revokes a person's motor vehicle
24 license or nonresident operating privilege under this chapter,
25 the department shall assess the person a civil penalty of one
26 hundred dollars. The money collected by the department under
27 this section shall be transmitted to the treasurer of state
28 who shall deposit the money in a separate fund dedicated to
29 and used for the purposes of chapter 912 and section 709.10,
30 and for the operation of a missing person clearinghouse and
31 domestic abuse registry by the department of public safety.
32 Any Notwithstanding section 8.33, any balance in the fund on
33 June 30 of any fiscal year exceeding-fifty-thousand-dollars
34 shall not revert to the general fund of the state. A
35 temporary restricted license shall not be issued or a motor

1 vehicle license or nonresident operating privilege reinstated
2 until the civil penalty has been paid.

3 Sec. 29. Section 326.11, unnumbered paragraph 2, Code
4 1989, is amended to read as follows:

5 The director may issue temporary written authorization to
6 carriers for vehicles acquired by a fleet owner and added to
7 the fleet owner's prorated fleet after the beginning of the
8 registration year. The temporary authority shall permit the
9 operation of a commercial vehicle until permanent
10 identification is issued, except that the temporary authority
11 shall expire after ~~forty-five~~ ninety days.

4246- 12 Sec. 30. Section 327C.38, Code 1989, is amended to read as
13 follows:

14 327C.38 ANNUAL REPORTS FROM COMPANIES.

15 The department shall require annual reports from all common
16 carriers subject to the provisions of chapter 327D, and except
17 railroad corporations as defined in section 327D.2, which
18 shall submit a copy of its reports to the department of
19 revenue and finance and shall submit reports to the department
20 of transportation specifying its mileage operated, both for
21 all tracks and intrastate tracks, changes in mileage within
22 the state, and freight density, as defined by the department.
23 The department shall prescribe the manner in which specific
24 answers to all questions upon which it may need information
25 shall be made.

26 Sec. 31. NEW SECTION. 330.25 IOWA AIR LINK
27 TRANSPORTATION COMMISSION.

28 There is established an Iowa air link transportation
29 commission. The commission shall be composed of fifteen
30 members. Of the fifteen members, five shall be appointed by
31 the governor, subject to confirmation by the senate in
32 accordance with section 2.32, three of whom shall be selected
33 from names submitted by the airport commissions of the ten
34 largest airports in Iowa; five shall be appointed by the
35 speaker of the house of representatives in consultation with

1 the minority leader of the house; five shall be appointed by
2 the majority leader of the senate in consultation with the
3 minority leader of the senate. Each set of five appointments
4 shall be bipartisan and gender balanced insofar as possible in
5 accordance with sections 69.16 and 69.16A.

6 The members of the commission shall be appointed for terms
7 of four years beginning and ending as provided in section
8 69.19; however, the initial appointees of the governor shall
9 serve a term of two years. Vacancies in the membership shall
10 be filled for the unexpired term in the same manner as the
11 original appointment. Members shall serve without
12 compensation except that members shall be reimbursed for their
13 actual and necessary expenses from funds appropriated to the
14 commission.

4338,
4323

15 MISCELLANEOUS PROVISIONS

16 Sec. 32. 1988, Iowa Acts, chapter 1278, section 19, is
17 amended to read as follows:

18 SEC. 19. Notwithstanding section 423.24, and prior to
19 application of section 423.24, subsection 1, paragraph "b",
20 there is appropriated from revenues derived from the operation
21 of section 423.7 to the state department of transportation for
22 the fiscal year period beginning July 1, 1988, and ending June
23 30, 1989 1990, the sum of two hundred fifty thousand (250,000)
24 dollars, or so much thereof as is necessary, for the purposes
25 of terminal improvements at essential air service airports.
26 In selecting projects, the state department of transportation
27 shall give preference to projects that will assist in
28 maintaining and attracting air service. Moneys appropriated
29 under this section shall be used only for new projects for
30 terminals which have annual enplanements of under forty
31 thousand persons. The department shall provide funding for as
32 many essential air service communities as possible.

33 Sec. 33. 1987 Iowa Acts, chapter 232, section 10,
34 subsection 6, unnumbered paragraph 2, as enacted by 1988 Iowa
35 Acts, chapter 1278, section 44, is amended to read as follows:

1 Section 8.33 does not apply to the funds appropriated by
2 this subsection. However, unencumbered or unobligated funds
3 remaining on June 30, ~~1989~~ 1990, from funds appropriated for
4 the fiscal year beginning July 1, 1987, and ending June 30,
5 1988, shall revert to the fund from which appropriated on June
6 30, ~~1989~~ 1990.

7 Sec. 34. Moneys appropriated for any new program or
8 function shall be used solely for that program or function and
9 moneys shall not be transferred from such appropriations or
10 used for any other purpose.

11 Sec. 35. Each department of state government receiving
12 appropriations under this Act, when making purchases of
13 \$25,000 or more for which the department does not have
14 specific prior authority from the general assembly, shall
15 notify the legislative fiscal bureau, department of
16 management, the chairs, vice chairs, and ranking members of
17 the department's respective joint appropriations subcommittee,
18 and the caucus staff of each party in each house of the
19 general assembly at the time the bids are let.

20 Sec. 36. The department of public safety shall notify the
21 legislative fiscal bureau, department of management, the
22 chairs, vice chairs, and ranking members of the joint
23 transportation and safety appropriation subcommittee, on any
24 request for, approval of, or notification of award of federal
25 funds or of any loss of federal funds. The notification shall
26 include the name of the funding grant, planned expenditures,
27 and estimated amount which will be received. The department
28 shall also prepare a report at the end of each fiscal year
29 detailing the amount received, amount expended, and carry over
30 balance on all nonappropriated receipts, including federal
31 funds, received during that fiscal year.

32 Sec. 37. All federal grants to and the federal receipts of
33 the agencies which are appropriated funds under this Act,
34 unless otherwise appropriated, are appropriated for the
35 purposes set forth in the federal grants and receipts unless

1 otherwise provided by the general assembly.

2 Sec. 38. Sections 3, 9, 28, and 33, and this section take
3 effect June 30, 1989.

4 Sec. 39. Section 26 of this Act and this section, being
5 deemed of immediate importance, take effect upon enactment.

6 Section 26 applies retroactively to January 1, 1989.

7
8
9

SENATE FILE 531

10 H-4167

11 1 Amend Senate File 531, as amended, passed, and
12 2 reprinted by the Senate, as follows:

13 3 1. Page 18, by inserting before line 27, the
14 4 following:

15 5 "Sec. ____ . NEW SECTION. 314.23 SALES COMPATIBLE
16 6 WITH DEVELOPMENT PLANS.

17 7 The department shall, prior to the sale of real
18 8 property owned by the department, ascertain the
19 9 intended use of the property by the prospective
10 10 purchaser and the department shall only sell the real
11 11 property if the prospective purchaser's intended use
12 12 is compatible with political subdivision development
13 13 plans for the area."

By HARBOR of Mills
PAVICH of Pottawattamie

20
21 H-4167 FILED APRIL 24, 1989

22 *Adopted 4-28-89 (p2209)*

23 SENATE FILE 531

24 H-4152

25 1 Amend Senate File 531, as amended, passed, and
26 2 reprinted by the Senate, as follows:

27 3 1. Page 13, by inserting after line 16 the
28 4 following:

29 5 " ____ . For an integrated roadside vegetation
30 6 management coordinator and staff to administer the
31 7 state department of transportation's integrated
32 8 roadside vegetation management plan and program, and
33 9 for not more than the following full-time equivalent
34 10 positions:

35 11 \$ 50,000
36 12 FTEs 1.5"

By CONNOLLY of Dubuque

37 H-4152 FILED APRIL 21, 1989

38 *Withdrawn 4-28-89 (p2205)*

39

SENATE FILE 531

H-4235

1 Amend Senate File 531, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 18, by inserting before line 22 the
4 following:

5 "Sec. _____. Section 312.2A, subsection 1, Code
6 1989, is amended by striking the subsection.

7 Sec. _____. Section 312.2A, subsection 2, Code 1989,
8 is amended to read as follows:

9 2. The treasurer of state, before making the
10 allotments provided for in section 312.2, shall credit
11 for the fiscal year period beginning July 1, 1988, and
12 ending June 30, ~~1989~~ 1990, to the state department of
13 transportation one hundred thousand dollars from the
14 road use tax fund from revenue credited to the road
15 use tax fund under section 423.24, subsection 1,
16 paragraph "b". The state department of transportation
17 ~~shall~~ may expend the moneys to carry out the statewide
18 trails development plan provided for in section 111F.2
19 and to acquire land and other property to complete
20 parts of existing recreational trails including, but
21 not limited to, the Cedar Valley nature trail, the
22 Heritage trail, the Grundy county nature trail, and
23 the Comet trail as provided in section 111F.2,
24 subsection 3."

By BLACK of Jasper
DIEMER of Black Hawk
CONNOLLY of Dubuque

H-4235 FILED APRIL 25, 1989

Withdrawn 4-28-89 (p-2208)

SENATE FILE 531

H-4177

1 Amend Senate File 531, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 18, by inserting after line 26, the
4 following:

5 "Sec. ____ . NEW SECTION. 314.23 NATURAL AND
6 HISTORIC PRESERVATION.

7 Cities, counties, and the department shall to the
8 extent practicable preserve and protect the natural
9 and historic heritage of the state in the design,
10 construction, reconstruction, relocation, repair, or
11 maintenance of roads, streets, or highways.
12 Destruction or damage to natural areas, including but
13 not limited to prime agricultural land, parks,
14 preserves, woodlands, wetlands, recreation areas,
15 greenbelts, historical sites, or archaeological sites
16 shall be avoided, if reasonable alternatives are
17 available for the location of roads, streets, or
18 highways at no significantly greater cost. In
19 implementing this section, cities, counties, and the
20 department shall make a diligent effort to identify
21 and examine the comparative cost of utilizing
22 alternative locations for roads, streets, or
23 highways."

24 2. Title page, line 6, by inserting after the
25 word "funds," the following: "providing for the
26 preservation of natural areas and historic sites in
27 road design, construction, and maintenance,".

By FULLER of Hardin

H-4177 FILED APRIL 25, 1989

Out of Order 4-28-89 (p.2209)

SENATE FILE 531

H-4224

1 Amend Senate File 531, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 15, by striking lines 16 through 19 and
4 inserting the following:

5 "Sec. ____ . There is appropriated from the state
6 aviation fund to the Iowa air link transportation".

7 2. Page 15, line 30, by inserting after the word
8 "Iowa's" the word "ten".

By CONNOLLY of Dubuque

H-4224 FILED APRIL 25, 1989

Adopted 4-28-89 (p.2206)

SENATE FILE 531

H-4246

1 Amend Senate File 531, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, line 24, by striking the figure
4 "1,353,133" and inserting the following: "1,421,998".

5 2. Page 5, line 25, by striking the figure "31.0"
6 and inserting the following: "33.0".

7 3. Page 5, line 27, by striking the figure
8 "1,310,059" and inserting the following: "1,359,924".

9 4. Page 5, line 30, by striking the figure
10 "184,174" and inserting the following: "203,174".

11 5. Page 5, line 34, by inserting after the word
12 "condition." the following: "The department of public
13 safety shall establish, for accounting purposes, a
14 separate organizational unit to provide budget
15 information on funds appropriated for responsibilities
16 relating to leaking underground storage tanks."

17 6. By striking page 5, line 35 through page 6,
18 line 28.

19 7. Page 13, by striking line 3.

20 8. Page 13, line 7, by striking the words and
21 figure "from the salary adjustment fund pursuant to
22 section 8.43" and inserting the following: "for
23 salary adjustment".

24 9. Page 13, lines 8 and 9, by striking the words
25 "the above" and inserting the following: "ninety-
26 two".

27 10. Page 16, by striking lines 1 through 13.

28 11. Page 16, by inserting after line 24 the
29 following:

30 "Sec. ____ . NEW SECTION. 306A.3A FRONTAGE ROADS -
31 -TWO-LANE HIGHWAYS.

32 The state department of transportation shall not
33 require the construction or use of frontage roads for
34 access to undivided two-lane highways without
35 agreement for such limited-access being received from
36 the affected landowners, unless the state department
37 of transportation can demonstrate that the existing
38 access to the highway poses a danger to traffic. If a
39 frontage road is required for access to an undivided
40 two-lane highway by the state department of
41 transportation, the state department of transportation
42 shall have the duty of maintaining the frontage access
43 road."

44 12. By striking page 16, line 25 through page 18,
45 line 11.

46 13. Page 18, by striking lines 12 through 21.

47 14. Page 18, by inserting before line 22 the
48 following:

49 "Sec. ____ . Section 314.21, subsection 3, Code
50 1989, as created under 1989 Iowa Acts, House File 723,

A

B

A

4304

4278-28

H-4246

Page 2

1 section 5, is amended by striking the subsection and
2 inserting in lieu thereof the following:

3 3. a. Moneys allocated to the state under
4 subsection 1 shall be expended as follows:

5 (1) Fifty thousand dollars annually to the
6 department for the services of the integrated roadside
7 vegetation management coordinator and support.

8 (2) One hundred thousand dollars annually for
9 education programs, research and demonstration
10 projects, and vegetation inventories and strategies,
11 under section 314.22, subsections 5, 6, and 8.

12 (3) All remaining moneys for the gateways program
13 under section 314.22, subsection 7.

14 b. Moneys allocated to the counties under
15 subsection 1 shall be expended as follows:

A 16 (1) For the fiscal period beginning July 1, 1989,
17 and ending June 30, 1991, fifty thousand dollars in
18 each fiscal year to the university of northern Iowa to
19 maintain the position of the state roadside specialist
20 and to continue its integrated roadside vegetation
21 management pilot program providing research,
22 education, training, and technical assistance.

23 (2) All remaining money for grants or loans under
24 subsection 2, paragraph "a".

25 c. Moneys allocated to the cities shall be
26 expended for grants or loans under subsection 2,
27 paragraph "a".

28 15. Page 18, line 26, by inserting after the word
29 "space" the following: ", and, if sold by the depart-
30 ment, the department shall sell the property with the
31 restricted covenant that the property shall be used
32 exclusively for green space or else revert to the
33 department".

34 16. Page 18, by inserting after line 26 the
35 following:

36 "Sec. ____ . NEW SECTION. 314.23 ENVIRONMENTAL
37 PROTECTION.

38 It is declared to be in the general public welfare
39 of Iowa and a highway purpose that highway
40 maintenance, construction, reconstruction, and repair
41 shall protect and preserve, by not causing unnecessary
42 destruction, the natural or historic heritage of the
43 state. In order to provide for the protection and
44 preservation, the following shall be accomplished in
45 the design, construction, reconstruction, relocation,
46 repair, or maintenance of roads, streets, and
47 highways:

48 1. WOODLANDS. Woodland removed shall be replaced
49 by plantings as close as possible to the initial site,
50 or by acquisition of an equal amount of woodland in

H-4246

Page 3

1 the general vicinity for public ownership and
2 preservation, or by other mitigation deemed to be
3 comparable to the woodland removed, including, but not
4 limited to, the improvement, development, or
5 preservation of woodland under public ownership.

6 2. WETLANDS. Wetland removed shall be replaced by
7 acquisition of wetland, in the same general vicinity
8 if possible, for public ownership and preservation, or
9 by other mitigation deemed to be comparable to the
10 wetland removed, including, but not limited to, the
11 improvement, development, or preservation of wetland
12 under public ownership.

13 3. PUBLIC PARKS. Highways, streets, and roads
14 constructed on or through publicly owned lands
15 comprising parks, preserves, or recreation areas,
16 shall be located and designed, in consultation with
17 the public entity owning the land, so as to blend
18 aesthetically with the areas and to minimize noise.
19 When land is taken from the areas for highway
20 construction and, if, in consultation with the public
21 entity owning the land, mitigation is deemed
22 necessary, the land shall be replaced by an equal or
23 greater amount for public use, or by other mitigation,
24 undertaken in consultation with the public entity own-
25 ing the land, and deemed to be appropriate to the
26 amount of land taken, including, but not limited to,
27 the improvement, development, or preservation of the
28 areas.

29 4. PRIME AGRICULTURAL LANDS. Topsoil removed may
30 be utilized for landscaping and other necessary
31 construction. Excess topsoil shall be made available
32 to the former landowner or other landowners whose land
33 was purchased for the construction or others, and if
34 not acquired by one of these parties, it may be
35 disposed of."

36 17. Page 18, by inserting after line 26, the
37 following:

38 "Sec. ____ . NEW SECTION. 314.24 NATURAL AND
39 HISTORIC PRESERVATION.

40 Cities, counties, and the department shall to the
41 extent practicable preserve and protect the natural
42 and historic heritage of the state in the design,
43 construction, reconstruction, relocation, repair, or
44 maintenance of roads, streets, or highways.
45 Destruction or damage to natural areas, including but
46 not limited to prime agricultural land, parks,
47 preserves, woodlands, wetlands, recreation areas,
48 greenbelts, historical sites, or archaeological sites
49 shall be avoided, if reasonable alternatives are
50 available for the location of roads, streets, or

H-4246

Page 4

1 highways at no significantly greater cost. In
2 implementing this section, cities, counties, and the
3 department shall make a diligent effort to identify
4 and examine the comparative cost of utilizing
5 alternative locations for roads, streets, or
6 highways."

7 18. Page 19, by inserting after line 19 the
8 following:

9 "Sec. _____. Section 321.266, subsection 2, Code
10 1989, is amended to read as follows:

11 2. The driver of a vehicle involved in an accident
12 resulting in injury to or death of any person, or
13 total property damage to an apparent extent of five
14 hundred dollars or more shall also, within seventy-two
15 hours after the accident, forward a written report of
16 the accident to the department on a carbon copy form.

17 Sec. _____. Section 321.271, unnumbered paragraph 1,
18 Code 1989, is amended to read as follows:

A 19 All accident reports filed by a driver of a vehicle
20 involved in an accident as required under section
21 321.266 shall be in writing on a carbon copy form.

22 The report shall be without prejudice to the
23 individual so reporting and shall be for the
24 confidential use of the department, except that upon
25 the request of any person involved in the accident,
26 the person's insurance company or its agent, or the
27 attorney for ~~such~~ the person, the department shall
28 disclose the identity and address of the person
29 involved in the accident. The department, upon
30 written request of the person who made the report,
31 shall provide a copy of the report to that person for
32 a fee of two dollars. The written report filed with
33 the department shall not be admissible in or used in
34 evidence in any civil or criminal case arising out of
35 the facts on which the report is based."

36 19. Page 19, by inserting after line 19 the
37 following:

38 "Sec. _____. Section 321A.3, subsection 1, Code
39 1989, is amended to read as follows:

40 1. The director shall upon request furnish any
41 person a certified abstract of the operating record of
42 a person subject to chapter 321 or this chapter. The
43 abstract shall also fully designate the motor
44 vehicles, if any, registered in the name of the
45 person. If there is no record of a conviction of the
46 person having violated any law relating to the
47 operation of a motor vehicle or of any injury or
48 damage caused by the person, the director shall so
49 certify. A fee of five dollars shall be paid for each
50 abstract except by state, county, city or court

H-4246

Page 5

1 officials. The director shall transfer the moneys
2 collected under this section to the treasurer of state
3 who shall credit annually to the abstract fee fund
4 created under section 321A.3A the first nine one
5 million three hundred fifty thousand dollars collected
6 and shall credit to the general fund all additional
7 moneys collected.

8 Sec. ____ . Section 321A.3A, subsection 2, Code
9 1989, is amended to read as follows:

10 2. The treasurer of state, after crediting moneys
11 appropriated from the abstract fee fund, shall credit
12 ~~any moneys remaining in the abstract fee fund on June~~
13 ~~30 of each fiscal year to the road use tax fund to be~~
14 ~~applied toward the repayment of moneys allocated from~~
15 ~~the road use tax fund to the department of public~~
16 ~~safety under 1988 Iowa Acts, chapter 1278, section 9,~~
17 ~~until the moneys have been repaid in full~~ monthly to
18 the state department of transportation moneys
19 sufficient in amount to pay the costs of purchasing
20 motor vehicle licenses, as defined in section 321.1,
21 subsection 77."

22 20. Page 20, by striking lines 12 through 25.

23 21. Title page, line 6, by inserting after the
24 word "funds," the following: "providing for the
25 preservation of natural areas and historic sites in
26 road design, construction, and maintenance,".

27 ⁴²⁸⁸ 22. Title page, line 6, by inserting after the
28 word "funds," the following: "limiting the state
29 department of transportation's required use of
30 frontage roads,".

31 23. Title page, line 6, by inserting after the
32 word "funds," the following: "requiring accident
33 reports to be written on a carbon form and requiring
34 copies to be provided upon payment of fee,".

35 ⁴³⁰⁻³⁵ 24. Title page, lines 9 through 11, by striking
36 the words "requiring the state and its political
37 subdivisions, under certain circumstances, to pay
38 compensation to owners of off-premises advertising
39 devices,".

40 25. By renumbering sections and correcting
41 internal references as necessary.

By COMMITTEE ON APPROPRIATIONS
JOCHUM of Dubuque, Chairperson

H-4246 FILED APRIL 26, 1989

4246A - Adopted 4-28-89 (p. 2204)
4246B - Lost 4-28-89 (p. 2204)

SENATE FILE 531

H-4338

1 Amend Senate File 531, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 16, by inserting after line 14 the
4 following:

5 "Sec. ____ . NEW SECTION. 25A.14A LIMITATION ON
6 LIABILITY -- HIGHWAYS.

7 Damages recoverable from the state in a single
8 action for a claim based upon or arising out of a
9 claim of negligent design or specification, negligent
10 adoption of design or specification, or negligent
11 construction, reconstruction, or maintenance of a
12 highway as defined in section 321.1, subsection 48,
13 shall not exceed one million dollars with respect to
14 all property damage, three hundred thousand dollars
15 with respect to bodily injury or death of one person,
16 and, subject to the limit for one person, one million
17 dollars with respect to bodily injury to or death of
18 two or more persons. This section takes effect on
19 July 1, 1989, and applies to all cases tried or
20 retried on or after July 1, 1989."

21 2. Page 21, by inserting before line 15 the
22 following:

23 "Sec. ____ . NEW SECTION. 613A.4A LIMITATION ON
24 LIABILITY -- HIGHWAYS.

25 Damages recoverable from a municipality in a single
26 action for a claim based upon or arising out of a
27 claim of negligent design or specification, negligent
28 adoption of design or specification, or negligent
29 construction, reconstruction, or maintenance of a
30 highway as defined in section 321.1, subsection 48,
31 shall not exceed one million dollars with respect to
32 all property damage, three hundred thousand dollars
33 with respect to bodily injury or death of one person,
34 and, subject to the limit for one person, one million
35 dollars with respect to bodily injury to or death of
36 two or more persons. This section takes effect on
37 July 1, 1989, and applies to all cases tried or
38 retired on or after July 1, 1989."

39 3. Title page, line 9, by inserting after the
40 word "purchases," the following: "limiting
41 liability,".

42 4. By renumbering as necessary.

By STROMER of Hancock

H-4338 FILED APRIL 28, 1989
NOT GERMANE

42889 (p2207)

SENATE FILE 531

H-4330

- 1 Amend H-4323 to Senate File 531, as amended,
- 2 passed, and reprinted by the Senate, as follows:
- 3 1. page 1, by striking line 11 and inserting in
- 4 lieu thereof the following: "vehicle violation
- 5 citations issued by motor vehicle division personnel
- 6 at portable and fixed weigh stations".

By TRENT of Muscatine

H-4330 FILED APRIL 28, 1989

ADOPTED 428-89 (p.2209)

SENATE FILE 531

H-4323

- 1 Amend Senate File 531, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 21, by inserting before line 15 the
- 4 following:
- 5 "Sec. ____ Section 602.8106, subsection 4, Code
- 6 1989, is amended to read as follows:
- 7 4. The clerk shall remit all other fines and
- 8 forfeited bail received from a magistrate to the
- 9 treasurer of state to be credited to the general fund
- 10 of the state, except fines which are imposed through
- 11 vehicle violation citations issued at weigh stations
- 12 in the state which shall be credited to the road use
- 13 tax fund."
- 14 2. By renumbering as necessary.

By TRENT of Muscatine

H-4323 FILED APRIL 28, 1989

LOST 428-89 (p.2210)

SENATE FILE 531

H-4322

- 1 Amend Senate File 531, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 14, line 11, by striking the words "road
- 4 use tax" and inserting the following: "general".

By TRENT of Muscatine

H-4322 FILED APRIL 28, 1989

LOST 428-89 (p.2205)

SENATE FILE 531

H-4337

1 Amend Senate File 531, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 8, line 21, by striking the figure
4 "22,020,979" and inserting the following:
5 "17,020,979".

6 2. Page 16, by inserting after line 14 the
7 following:

8 "Sec. ____ . NEW SECTION. 80.17A APPROPRIATION --
9 DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE.

10 There is appropriated from the general fund of the
11 state to the department of public safety, division of
12 highway safety and uniformed force, the following
13 amounts, or so much thereof as is necessary, to be
14 used for salaries, support, maintenance, and
15 miscellaneous purposes:

16 1. For the fiscal year beginning July 1, 1989,
17 five million dollars.

18 2. For the fiscal year beginning July 1, 1990, ten
19 million dollars.

20 3. For the fiscal year beginning July 1, 1991,
21 fifteen million dollars.

22 4. For the fiscal year beginning July 1, 1992,
23 twenty million dollars.

24 5. For the fiscal year beginning July 1, 1993, and
25 each fiscal year thereafter, so much thereof as is
26 necessary, not to exceed twenty-five million dollars."

27 2. By renumbering as necessary.

By HIBBARD of Madison

BROWN of Lucas

BRAND of Benton

NIELSEN of Linn

MERTZ of Kossuth

H-4337 FILED APRIL 28, 1989

LOST 4-28-89 (p205)

SENATE FILE 531

H-4335

1 Amend Senate File 531, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 18, by inserting before line 22 the
4 following:
5 "Sec. ____ . Section 312.2A, subsection 1, Code
6 1989, is amended by striking the subsection.
7 Sec. ____ . Section 312.2A, subsection 2, Code 1989,
8 is amended to read as follows:
9 2. The treasurer of state, before making the
10 allotments provided for in section 312.2, shall credit
11 for the fiscal year period beginning July 1, 1988, and
12 ending June 30, ~~1989~~ 1990, to the state department of
13 transportation one hundred thousand dollars from the
14 road use tax fund from revenue credited to the road
15 use tax fund under section 423.24, subsection 1,
16 paragraph "b". The state department of transportation
17 shall expend the moneys to carry out the statewide
18 trails development plan provided for in section 111F.2
19 and to acquire land and other property to complete
20 parts of existing recreational trails including, but
21 not limited to, the Cedar Valley nature trail, the
22 Heritage trail, the Grundy county nature trail, and
23 the Comet trail as provided in section 111F.2;
24 subsection 3."

By BLACK of Jasper
DIEMER of Black Hawk
CONNOLLY of Dubuque

H-4335 FILED APRIL 28, 1989
ADOPTED

4-28-89 (p-2208)

SENATE FILE 531

S-3803

- 1 Amend Senate File 531 as follows:
- 2 1. By striking page 15, line 22, through page 17,
- 3 line 8.
- 4 2. Title page, by striking lines 9 through 11,
- 5 and inserting the following: "agency purchases, and
- 6 providing".

By JEAN LLOYD-JONES
TOM MANN
JULIA GENTLEMAN

ELAINE SZYMONIAK
AL STURGEON

S-3803 FILED APRIL 19, 1989

LOST

4-19-89 (p. 1359)

SENATE FILE 531

S-3795

1 Amend Senate File 531 as follows:
2 1. Page 5, by inserting after line 34 the fol-
3 lowing:
4 "_____. For the fire marshal's office, for hiring a
5 clerk IV position for registration of aboveground
6 storage tanks and inspections of underground storage
7 tanks, and for not more than the following full-time
8 equivalent positions:
9 \$ 20,150
10 FTEs 1.0
11 _____. For the fire marshal's office, for office
12 equipment for registration of aboveground storage
13 tanks and inspections of underground storage tanks:
14 \$ 1,500
15 _____. For the fire marshal's office, for hiring a
16 fire inspector I position for registration of
17 aboveground storage tanks and inspections of
18 underground storage tanks, and for not more than the
19 following full-time equivalent positions:
20 \$ 29,715
21 FTEs 1.0
22 _____. For the fire marshal's office, for the
23 purchase of a motor vehicle for use in registration of
24 aboveground storage tanks and inspections of
25 underground storage tanks:
26 \$ 11,000
27 _____. For the fire marshal's office, for the
28 purchase of radio equipment for the motor vehicle used
29 in registration of aboveground storage tanks and
30 inspections of underground storage tanks:
31 \$ 5,000
32 _____. For the fire marshal's office, for
33 miscellaneous equipment for use in registration of
34 aboveground storage tanks and inspections of
35 underground storage tanks:
36 \$ 1,500"

By EMIL J. HUSAK

S-3795 FILED APRIL 19, 1989

ADOPTED 4-19-89 (p. 1558)

SENATE FILE 531

S-3790

1 Amend Senate File 531 as follows:
2 1. Page 19, line 29, by inserting after the word
3 "appointment." the following: "Members shall serve
4 without compensation except that members shall be
5 reimbursed for their actual and necessary expenses
6 from funds appropriated to the commission."

By JOE WELSH

S-3790 FILED APRIL 19, 1989

ADOPTED 4-19-89 (p. 1559)

SENATE FILE 531

S-3807

- 1 Amend Senate File 531 as follows:
 - 2 1. Page 15, line 5, by striking the word "cities"
 - 3 and inserting the following: "metropolitan areas".
- By JOE WELSH

S-3807 FILED APRIL 19, 1989

ADOPTED 4-19-89 (p.1558)

SENATE FILE 531

S-3808

- 1 Amend Senate File 531 as follows:
 - 2 1. Page 14, line 28, by striking the words "road
 - 3 use tax" and inserting the word "general".
- By RICHARD F. DRAKE

S-3808 FILED APRIL 19, 1989

LOST 4-20-89 (p.1572)

SENATE FILE 531

S-3812

- 1 Amend Senate File 531 as follows:
 - 2 1. Page 14, line 23, by striking the word "may"
 - 3 and inserting the following: "shall".
- By JIM LIND
JOE WELSH

S-3812 FILED APRIL 19, 1989

LOST 4-19-89 (p.1558)

SENATE FILE 531

S-3813

- 1 Amend Senate File 531 as follows:
 - 2 1. Page 13, by inserting after line 34, the
 - 3 following:
 - 4 "The funds appropriated by this section shall not
 - 5 be used for an inspection shelter at the Brandon
 - 6 location."
- By C. JOSEPH COLEMAN

S-3813 FILED APRIL 19, 1989

ADOPTED 4-19-89 (p.1558)

SENATE FILE 531

S-3805

1 Amend Senate File 531 as follows:

2 1. Page 15, by inserting after line 10 the
3 following:

4 "Sec. _____. There is appropriated from the railroad
5 assistance fund created under section 327H.18 to the
6 state department of transportation for the fiscal year
7 beginning July 1, 1989, and ending June 30, 1990, the
8 following amount, or so much thereof as is necessary,
9 to be used for the purposes designated:

10 For completing the rehabilitation of the Altoona-
11 Peila rail branch line:

12 \$ 70,000

13 Notwithstanding section 8.33, unobligated and
14 unencumbered funds remaining on June 30, 1992, from
15 the funds appropriated in this section for the fiscal
16 year beginning July 1, 1989, shall revert to the
17 railroad assistance fund on June 30, 1992."

18 2. Page 19, by inserting after line 8 the
19 following:

20 "Sec. _____. Section 327C.38, Code 1989, is amended
21 to read as follows:

22 327C.38 ANNUAL REPORTS FROM COMPANIES.

23 The department shall require annual reports from
24 all common carriers subject to the provisions of
25 chapter 327D, and except railroad corporations as
26 defined in section 327D.2, which shall submit a copy
27 of its reports to the department of revenue and
28 finance and shall submit reports to the department of
29 transportation specifying its mileage operated, both
30 for all tracks and intrastate tracks, changes in
31 mileage within the state, and freight density, as
32 defined by the department. The department shall
33 prescribe the manner in which specific answers to all
34 questions upon which it may need information shall be
35 made."

36 3. By renumbering as necessary.

By COMMITTEE ON APPROPRIATIONS
JOE WELSH, Chairperson

S-3805 FILED APRIL 19, 1989

ADOPTED

4-19-89 (p. 1558)

SENATE FILE 531

S-3806

1 Amend Senate File 531 as follows:

2 1. Page 11, by striking lines 2 through 9.

By DON GETTINGS

S-3806 FILED APRIL 19, 1989

ADOPTED

4-19-89 (p. 1563)

SENATE FILE 531

S-3822

- 1 Amend Senate File 531 as follows:
 - 2 1. Page 14, line 28, by striking the word "road".
- By JIM LIND

S-3822 FILED APRIL 19, 1989

WITHDRAWN 4-19-89 (p.1563)

SENATE FILE 531

S-3823

- 1 Amend Senate File 531 as follows:
 - 2 1. Page 15, line 5, by striking the word "ten".
- By EUGENE FRAISE

S-3823 FILED APRIL 19, 1989

ADOPTED 4-19-89 (p.1559)

SENATE FILE 531

S-3824

- 1 Amend Senate File 531 as follows:
- 2 1. Page 19, by inserting before line 31 the
- 3 following:
- 4 "Sec. ____ . 1988, Iowa Acts, chapter 1278, section
- 5 19, is amended to read as follows:
- 6 Sec. 19. Notwithstanding section 423.24, and prior
- 7 to application of section 423.24, subsection 1,
- 8 paragraph "b", there is appropriated from revenues
- 9 derived from the operation of section 423.7 to the
- 10 state department of transportation for the fiscal year
- 11 period beginning July 1, 1988, and ending June 30,
- 12 1989 1990, the sum of two hundred fifty thousand
- 13 (250,000) dollars, or so much thereof as is necessary,
- 14 for the purposes of terminal improvements at essential
- 15 air service airports. In selecting projects, the
- 16 state department of transportation shall give
- 17 preference to projects that will assist in maintaining
- 18 and attracting air service. Moneys appropriated under
- 19 this section shall be used only for new projects for
- 20 terminals which have annual enplanements of under
- 21 forty thousand persons. The department shall provide
- 22 funding for as many essential air service communities
- 23 as possible."

By ALVIN V. MILLER

S-3824 FILED APRIL 19, 1989

ADOPTED 4-19-89 (p.1560)

SENATE FILE 531

S-3816

1 Amend Senate File 531 as follows:
 2 1. Page 19, by inserting before line 30 the
 3 following:
 4 "Sec. ____ . Section 307.38, Code 1989, is repealed.
 5 This section applies to amounts which, except for the
 6 provisions of this section, would have been due and
 7 payable under section 307.38 after the effective date
 8 of this section."
 9 2. Page 20, by inserting before line 5 the
 10 following:
 11 "Sec. ____ . There is appropriated from the general
 12 fund to the road use tax fund \$1,000,000 to reimburse
 13 the road use tax fund for a loan for public transit
 14 assistance under section 307.38, Code 1989."

By TOM MANN, Jr.

S-3816 FILED APRIL 19, 1989

RULED OUT OF ORDER 4-19-89 (p. 1560)

SENATE FILE 531

S-3820

1 Amend Senate File 531 as follows:
 2 1. By striking page 15, line 22, through page 17,
 3 line 8.
 4 2. Title page, by striking lines 9 through 11,
 5 and inserting the following: "agency purchases, and
 6 providing".

By AL STURGEON
LINN FUHRMAN

S-3820 FILED APRIL 19, 1989

RULED OUT OF ORDER 4-19-89 (p. 1559)

SENATE FILE 531

S-3821

1 Amend Senate File 531 as follows:
 2 1. Page 19, by inserting before line 30 the
 3 following:
 4 "Sec. ____ . Section 602.8106, subsection 4, Code
 5 1989, is amended to read as follows:
 6 4. The clerk shall remit all other fines and
 7 forfeited bail received from a magistrate to the
 8 treasurer of state to be credited to the general fund
 9 of the state, except overweight vehicle fines which
 10 shall be credited to the road use tax fund."

By JOHN W. JENSEN
RICHARD F. DRAKE

S-3821 FILED APRIL 19, 1989

lost 420-89 (p. 1574)

SENATE FILE 531

S-3826

1 Amend Senate File 531 as follows:
 2 1. Page 19, by inserting before line 30 the
 3 following:
 4 "Sec. ____ . Section 307.38, Code 1989, is repealed.
 5 This section applies to amounts which, except for the
 6 provisions of this section, would have been due and
 7 payable under section 307.38 after the effective date
 8 of this section."
 9 2. Page 20, by inserting before line 5 the
 10 following:
 11 "Sec. ____ . There is appropriated from the general
 12 fund to the road use tax fund \$1,000,000 to reimburse
 13 the road use tax fund for a loan for public transit
 14 assistance under section 307.38, Code 1989."
 By TOM MANN, Jr. RICHARD F. DRAKE
 ELAINE SZYMONIAK JULIA GENTLEMAN

S-3826 FILED APRIL 19, 1989
 LOST 4-19-89 (p 1560)

SENATE FILE 531

S-3827

1 Amend Senate File 531 as follows:
 2 1. Page 2, line 9, by striking the figure
 3 "3,251,065" and inserting the following: "3,073,101".
 4 2. Page 2, line 10, by striking the figure
 5 "144.26" and inserting the following: "136.26".
 6 3. Page 5, line 7, by striking the figure
 7 "1,208,154" and inserting the following: "1,350,118".
 8 4. Page 5, line 8, by striking the figure "23.0"
 9 and inserting the following: "31.0".
 10 5. Page 5, line 10, by striking the figure
 11 "1,011,434" and inserting the figure "1,153,398".
 By BEVERLY A. HANNON
 TOM MANN, Jr.

S-3827 FILED APRIL 19, 1989
 LOST 4-19-89 (p 1562)

SENATE FILE 531

S-3828

1 Amend Senate File 531 as follows:
 2 1. Page 14, by striking line 28 and inserting the
 3 following:
 4 "Sec. ____ . Notwithstanding section 423.24 and
 5 prior to application of section 423.24, subsection 1,
 6 paragraph "b", there is appropriated from revenues
 7 derived from the operation of section 423.7".
 By JIM LIND

S-3828 FILED APRIL 19, 1989

Adopted 4-20-89 (p 1572)

SENATE FILE 531

S-3825

1 Amend Senate File 531 as follows:
2 1. Page 4, line 24, by striking the figure
3 "4,275,553" and inserting the following: "4,462,528".
4 2. Page 4, line 25, by striking the figure
5 "111.00" and inserting the following: "115.00".
6 3. Page 4, line 27, by striking the figure
7 "4,585,503" and inserting the following: "4,722,478".
8 4. Page 4, line 30, by striking the figure
9 "777,408" and inserting the following: "827,408".
10 5. Page 4, line 35, by inserting after the word
11 "condition." the following: "As an additional
12 condition, limitation, and qualification of this
13 appropriation, moneys shall be spent to hire four new
14 criminalists and provide related support items. The
15 department of public safety shall develop performance
16 measures which assist in evaluating the effectiveness
17 of the state criminalistics laboratory. The measures
18 shall address the length of time requested laboratory
19 analyses take to be performed. The measures may be
20 reviewed by the appropriations subcommittee on
21 transportation and safety and considered for adoption.
22 The department shall provide the information on a
23 quarterly basis."
24 6. Page 5, line 7, by striking the figure
25 "1,208,154" and inserting the following: "2,014,147".
26 7. Page 5, line 8, by striking the figure "23.0"
27 and inserting the following: "41.0".
28 8. Page 5, line 10, by striking the figure
29 "1,011,434" and inserting the following: "1,460,047".
30 9. Page 5, line 13, by striking the figure
31 "201,720" and inserting the following: "559,100".
32 10. Page 5, line 17, by inserting after the word
33 "condition." the following: "As an additional
34 condition, limitation, and qualification of this
35 appropriation, moneys shall be spent to hire ten new
36 special agents for narcotics enforcement efforts, four
37 support staff, and related support items. The
38 department of public safety shall report to the
39 appropriations subcommittee on transportation and
40 safety, during the 1990 legislative session, on the
41 expenditures of these funds for this purpose, and
42 shall develop performance measures for the entire
43 division which assist in evaluating the effectiveness
44 of the narcotics enforcement efforts. The measures
45 may be reviewed by the appropriations subcommittee and
46 considered for adoption. The department of public
47 safety shall provide the information on a quarterly
48 basis."

By CALVIN O. HULTMAN
JIM LIND

S-3825 FILED APRIL 19, 1989

LOST

4-19-89 (p. 563)

SENATE FILE 531

S-3829

1 Amend Senate File 531 as follows:
2 1. Page 20, by inserting before line 5 the
3 following:
4 "Sec. _____. The state department of transportation
5 shall provide an access road to property located to
6 the south of state highway 57 between Utica street and
7 Park road in the city of Waterloo."
8 2. Page 20, by inserting before line 5 the
9 following:
10 "Sec. _____. The state department of transportation
11 shall remove the median to permit a left hand turn on
12 United States highway 151 along the eleven hundred
13 block of Seventh avenue in the city of Marion to allow
14 access to the downtown shopping area for purposes of
15 promoting economic development, unless there is a
16 jurisdictional transfer of this portion of United
17 States highway 151 to the city of Marion by July 1,
18 1989."

By JIM LIND

S-3829 FILED APRIL 19, 1989

LOST

4-19-89 (p-151)

SENATE FILE 531

S-3839

1 Amend Senate File 531 as follows:
A 2 1. Page 15, by inserting after line 21 the
3 following:
4 "Sec. _____. Section 306C.10, Code 1989, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 22. "Outdoor advertising display
7 sign" means a rigidly assembled sign, display, or
8 device temporarily or permanently affixed to the
9 ground or attached to a building exterior or the
10 exterior of any other inherently permanent structure,
11 and constituting or used for the display of a
12 commercial or other advertisement or which otherwise
13 directs the attention of the public to a product."
B 14 2. Page 17, by inserting after line 8 the
15 following:
16 "Sec. _____. NEW SECTION. 306C.25 OUTDOOR
17 ADVERTISING OF TOBACCO PRODUCTS PROHIBITED.
18 Effective July 1, 1989, a person shall not place or
19 cause to be placed in any manner, an advertisement for
20 cigarettes as defined in section 98.1, subsection 1,
21 or tobacco products as defined in section 98.42,
22 subsection 1, on an outdoor advertising display sign."

By RAY TAYLOR

S-3839 FILED APRIL 20, 1989

DIVISION A-LOST, DIVISION B-RULED OUT OF ORDER

4-20-89 (p-153)

HOUSE AMENDMENT TO
SENATE FILE 531

S-4024

- 1 Amend Senate File 531, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 5, line 24, by striking the figure
4 "1,353,133" and inserting the following: "1,421,998".
5 2. Page 5, line 25, by striking the figure "31.0"
6 and inserting the following: "33.0".
7 3. Page 5, line 27, by striking the figure
8 "1,310,059" and inserting the following: "1,359,924".
9 4. Page 5, line 30, by striking the figure
10 "184,174" and inserting the following: "203,174".
11 5. Page 5, line 34, by inserting after the word
12 "condition." the following: "The department of public
13 safety shall establish, for accounting purposes, a
14 separate organizational unit to provide budget
15 information on funds appropriated for responsibilities
16 relating to leaking underground storage tanks."
17 6. By striking page 5, line 35 through page 6,
18 line 28.
19 7. Page 13, by striking line 3.
20 8. Page 13, line 7, by striking the words and
21 figure "from the salary adjustment fund pursuant to
22 section 8.43" and inserting the following: "for
23 salary adjustment".
24 9. Page 13, lines 8 and 9, by striking the words
25 "the above" and inserting the following: "ninety-
26 two".
27 10. Page 15, by striking lines 16 through 19 and
28 inserting the following:
29 "Sec. _____. There is appropriated from the state
30 aviation fund to the Iowa air link transportation".
31 11. Page 15, line 30, by inserting after the word
32 "Iowa's" the word "ten".
33 12. By striking page 16, line 25 through page 18,
34 line 11.
35 13. Page 18, by striking lines 12 through 21.
36 14. Page 18, by inserting before line 22 the
37 following:
38 "Sec. _____. Section 312.2A, subsection 1, Code
39 1989, is amended by striking the subsection.
40 Sec. _____. Section 312.2A, subsection 2, Code 1989,
41 is amended to read as follows:
42 2. The treasurer of state, before making the
43 allotments provided for in section 312.2, shall credit
44 for the fiscal year period beginning July 1, 1988, and
45 ending June 30, ~~1989~~ 1990, to the state department of
46 transportation one hundred thousand dollars from the
47 road use tax fund from revenue credited to the road
48 use tax fund under section 423.24, subsection 1,
49 paragraph "b". The state department of transportation
50 shall expend the moneys to carry out the statewide

1 trails development plan provided for in section 111F.2
2 and to acquire land and other property to complete
3 parts of existing recreational trails including, but
4 not limited to, the Cedar Valley nature trail, the
5 Heritage trail, the Grundy county nature trail, and
6 the Comet trail as provided in section 111F.2,
7 subsection 3."

8 15. Page 18, by inserting before line 22 the
9 following:

10 "Sec. ____ . Section 314.21, subsection 3, Code
11 1989, as created under 1989 Iowa Acts, House File 723,
12 section 5, is amended by striking the subsection and
13 inserting in lieu thereof the following:

14 3. a. Moneys allocated to the state under
15 subsection 1 shall be expended as follows:

16 (1) Fifty thousand dollars annually to the
17 department for the services of the integrated roadside
18 vegetation management coordinator and support.

19 (2) One hundred thousand dollars annually for
20 education programs, research and demonstration
21 projects, and vegetation inventories and strategies,
22 under section 314.22, subsections 5, 6, and 8.

23 (3) All remaining moneys for the gateways program
24 under section 314.22, subsection 7.

25 b. Moneys allocated to the counties under
26 subsection 1 shall be expended as follows:

27 (1) For the fiscal period beginning July 1, 1989,
28 and ending June 30, 1991, fifty thousand dollars in
29 each fiscal year to the university of northern Iowa to
30 maintain the position of the state roadside specialist
31 and to continue its integrated roadside vegetation
32 management pilot program providing research,
33 education, training, and technical assistance.

34 (2) All remaining money for grants or loans under
35 subsection 2, paragraph "a".

36 c. Moneys allocated to the cities shall be
37 expended for grants or loans under subsection 2,
38 paragraph "a".

39 16. Page 18, line 26, by inserting after the word
40 "space" the following: ", and, if sold by the depart-
41 ment, the department shall sell the property with the
42 restricted covenant that the property shall be used
43 exclusively for green space or else revert to the
44 department".

45 17. Page 18, by inserting after line 26 the
46 following:

47 "Sec. ____ . NEW SECTION. 314.23 ENVIRONMENTAL
48 PROTECTION.

49 It is declared to be in the general public welfare
50 of Iowa and a highway purpose that highway

1 maintenance, construction, reconstruction, and repair
2 shall protect and preserve, by not causing unnecessary
3 destruction, the natural or historic heritage of the
4 state. In order to provide for the protection and
5 preservation, the following shall be accomplished in
6 the design, construction, reconstruction, relocation,
7 repair, or maintenance of roads, streets, and
8 highways:

9 1. WOODLANDS. Woodland removed shall be replaced
10 by plantings as close as possible to the initial site,
11 or by acquisition of an equal amount of woodland in
12 the general vicinity for public ownership and
13 preservation, or by other mitigation deemed to be
14 comparable to the woodland removed, including, but not
15 limited to, the improvement, development, or
16 preservation of woodland under public ownership.

17 2. WETLANDS. Wetland removed shall be replaced by
18 acquisition of wetland in the same general vicinity
19 if possible, for public ownership and preservation, or
20 by other mitigation deemed to be comparable to the
21 wetland removed, including, but not limited to, the
22 improvement, development, or preservation of wetland
23 under public ownership.

24 3. PUBLIC PARKS. Highways, streets, and roads
25 constructed on or through publicly owned lands
26 comprising parks, preserves, or recreation areas,
27 shall be located and designed, in consultation with
28 the public entity owning the land, so as to blend
29 aesthetically with the areas and to minimize noise.
30 When land is taken from the areas for highway
31 construction and, if, in consultation with the public
32 entity owning the land, mitigation is deemed
33 necessary, the land shall be replaced by an equal or
34 greater amount for public use, or by other mitigation,
35 undertaken in consultation with the public entity own-
36 ing the land, and deemed to be appropriate to the
37 amount of land taken, including, but not limited to,
38 the improvement, development, or preservation of the
39 areas.

40 4. PRIME AGRICULTURAL LANDS. Topsoil removed may
41 be utilized for landscaping and other necessary
42 construction. Excess topsoil shall be made available
43 to the former landowner or other landowners whose land
44 was purchased for the construction or others, and if
45 not acquired by one of these parties, it may be
46 disposed of."

47 18. Page 18, by inserting after line 26, the
48 following:

49 "Sec. ____ . NEW SECTION. 314.24 NATURAL AND
50 HISTORIC PRESERVATION.

S-4024 Page 4

1 Cities, counties, and the department shall to the
2 extent practicable preserve and protect the natural
3 and historic heritage of the state in the design,
4 construction, reconstruction, relocation, repair, or
5 maintenance of roads, streets, or highways.
6 Destruction or damage to natural areas, including but
7 not limited to prime agricultural land, parks,
8 preserves, woodlands, wetlands, recreation areas,
9 greenbelts, historical sites, or archaeological sites
10 shall be avoided, if reasonable alternatives are
11 available for the location of roads, streets, or
12 highways at no significantly greater cost. In
13 implementing this section, cities, counties, and the
14 department shall make a diligent effort to identify
15 and examine the comparative cost of utilizing
16 alternative locations for roads, streets, or
17 highways."

18 19. Page 18, by inserting before line 27, the
19 following:

20 "Sec. ____ . NEW SECTION. 314.23 SALES COMPATIBLE
21 WITH DEVELOPMENT PLANS.

22 The department shall, prior to the sale of real
23 property owned by the department, ascertain the
24 intended use of the property by the prospective
25 purchaser and the department shall only sell the real
26 property if the prospective purchaser's intended use
27 is compatible with political subdivision development
28 plans for the area."

29 20. Page 19, by inserting after line 19 the
30 following:

31 "Sec. ____ . Section 321.266, subsection 2, Code
32 1989, is amended to read as follows:

33 2. The driver of a vehicle involved in an accident
34 resulting in injury to or death of any person, or
35 total property damage to an apparent extent of five
36 hundred dollars or more shall also, within seventy-two
37 hours after the accident, forward a written report of
38 the accident to the department on a carbon copy form.

39 Sec. ____ . Section 321.271, unnumbered paragraph 1,
40 Code 1989, is amended to read as follows:

41 All accident reports filed by a driver of a vehicle
42 involved in an accident as required under section
43 321.266 shall be in writing on a carbon copy form.

44 The report shall be without prejudice to the
45 individual so reporting and shall be for the
46 confidential use of the department, except that upon
47 the request of any person involved in the accident,
48 the person's insurance company or its agent, or the
49 attorney for such the person, the department shall
50 disclose the identity and address of the person

S-4024 Page 5

1 involved in the accident. The department, upon
2 written request of the person who made the report,
3 shall provide a copy of the report to that person for
4 a fee of two dollars. The written report filed with
5 the department shall not be admissible in or used in
6 evidence in any civil or criminal case arising out of
7 the facts on which the report is based."

8 21. Page 19, by inserting after line 19 the
9 following:

10 "Sec. ____ . Section 321A.3, subsection 1, Code
11 1989, is amended to read as follows:

12 1. The director shall upon request furnish any
13 person a certified abstract of the operating record of
14 a person subject to chapter 321 or this chapter. The
15 abstract shall also fully designate the motor
16 vehicles, if any, registered in the name of the
17 person. If there is no record of a conviction of the
18 person having violated any law relating to the
19 operation of a motor vehicle or of any injury or
20 damage caused by the person, the director shall so
21 certify. A fee of five dollars shall be paid for each
22 abstract except by state, county, city or court
23 officials. The director shall transfer the moneys
24 collected under this section to the treasurer of state
25 who shall credit annually to the abstract fee fund
26 created under section 321A.3A the first nine one
27 million three hundred fifty thousand dollars collected
28 and shall credit to the general fund all additional
29 moneys collected.

30 Sec. ____ . Section 321A.3A, subsection 2, Code
31 1989, is amended to read as follows:

32 2. The treasurer of state, after crediting moneys
33 appropriated from the abstract fee fund, shall credit
34 ~~any moneys remaining in the abstract fee fund on June~~
35 ~~30 of each fiscal year to the road use tax fund to be~~
36 ~~applied toward the repayment of moneys allocated from~~
37 ~~the road use tax fund to the department of public~~
38 ~~safety under 1988 Iowa Acts, chapter 2278, section 9,~~
39 ~~until the moneys have been repaid in full~~ monthly to
40 the state department of transportation moneys
41 sufficient in amount to pay the costs of purchasing
42 motor vehicle licenses, as defined in section 321.1,
43 subsection 77."

44 22. Page 20, by striking lines 12 through 25.

45 23. Title page, line 6, by inserting after the
46 word "funds," the following: "providing for the
47 preservation of natural areas and historic sites in
48 road design, construction, and maintenance,".

49 24. Title page, line 6, by inserting after the
50 word "funds," the following: "requiring accident

1 reports to be written on a carbon form and requiring
2 copies to be provided upon payment of fee,".

3 25. Title page, lines 9 through 11, by striking
4 the words "requiring the state and its political
5 subdivisions, under certain circumstances, to pay
6 compensation to owners of off-premises advertising
7 devices,".

8 26. By renumbering, relettering, or redesignating
9 and correcting internal references as necessary.

S-4024 LOST
FILED MAY 1, 1989

RECEIVED FROM THE HOUSE

*Senate refused to concur 5-1-89 (p. 1803)
Deise insisted*

SENATE FILE 531

S-4035

1 Amend the House amendment, S-4024, to Senate File
2 531, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 2, the
5 following:

6 "_____. By striking page 3, line 32, through page
7 4, line 2."

8 2. Renumber as necessary.

S-4035

FILED MAY 1, 1989 WITHDRAWN BY JOE WELSH

Withdrawn 5-1-89 (p. 1802)

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 531

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 531, a bill for An Act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application, respectfully make the following report:

1. That the House amendment, S-4024, be amended to read as follows:

1. Page 1, by inserting after line 2, the following:

"___. By striking page 3, line 32, through page 4, line 2."

2. Page 1, by inserting after line 26, the following:

"___. Page 15, line 12, by inserting after the word "per" the following: "essential air service"."

3. Page 1, by inserting after line 26, the following:

"___. Page 15, line 15, by inserting after the word "airports." the following: "From funds appropriated in this section, the state department of transportation may also award dollar-for-dollar matching grants up to \$10,000 for nonprofit community cultural programs and activities at essential air service airports."

___. Page 15, by inserting after line 15 the following:

"Sec. ___. There is appropriated from the general fund of

the state to the state department of transportation for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For essential air service airport terminal improvements:
..... \$ 250,000

In selecting projects, the state department of transportation shall give preference to projects that will assist in maintaining and attracting air service. The state department of transportation shall provide funding for as many essential air service communities as possible based on merit and need. Priority shall be given to those airports with projects closest to completion. Those airports that use moneys from this program must complete their projects in the fiscal year beginning July 1, 1990. The state department of transportation shall notify essential air service airports of this program and make tentative selection of projects forty-five days from the effective date of this Act.

Notwithstanding section 8.33, unobligated and unencumbered funds remaining on November 30, 1990, from the funds appropriated in this section for the fiscal year beginning July 1, 1989, shall revert to the general fund of the state on November 30, 1990."

4. Page 1, by striking lines 27 through 30.

5. Page 1, by inserting after line 32, the following:

"___. Page 15, by inserting after line 35, the following:

"Moneys appropriated to the Iowa air link transportation commission under this section shall be replaced by crediting the appropriated amount to the road use tax fund from the state aviation fund after moneys otherwise appropriated under this Act from the state aviation fund are provided."

6. Page 1, by striking lines 33 and 34.

7. Page 2, line 7, by inserting after the figure "3." the following: "Moneys credited under this section shall not be used for the acquisition of property through condemnation."

8. By striking page 2, line 45, through page 3, line 46.

9. Page 4, by striking lines 18 through 28.

10. By striking page 4, line 29, through page 5, line 7.

11. Page 5, by inserting before line 8, the following:

" ____ . Page 18, by inserting before line 27 the following:

"Sec. ____ . Section 321.34, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 12. PEARL HARBOR PLATES. Effective January 1, 1990, the owner of a motor vehicle subject to registration under section 321.109, subsection 1, light delivery truck, panel delivery truck or pickup who was at Pearl Harbor, Hawaii, as a member of the armed services of the United States on December 7, 1941, may, upon written application to the department, order special registration plates which shall bear the notation "PEARL HARBOR VETERAN". The special plates shall bear the identification "DEC 7 " followed by a two digit identifying number. Each applicant applying for special registration plates under this subsection may purchase only one set of registration plates under this subsection. The application is subject to approval by the department. Upon receipt of the special registration plates, the applicant shall surrender the regular registration plates to the county treasurer. The fee for the issuance of the special registration plates is twenty-five dollars which shall be in addition to the regular annual registration fee. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section with no additional registration fee being required other than the regular annual registration fee.

Sec. ____ . Section 321.190, subsection 1, unnumbered paragraph 3, Code 1989, is amended to read as follows:

The fee for a nonoperator's identification card shall be five dollars and the card shall be valid for the purpose of identification for a period of four years from the date of issuance. ~~A-fee-of-five-dollars-shall-be-charged-for-the-voluntary-replacement-of-an-identification-card-~~

Sec. ____ . Section 321.195, Code 1989, is amended to read as follows:

321.195 DUPLICATE CERTIFICATES, MOTOR VEHICLE LICENSES,
AND NONOPERATOR'S IDENTIFICATION CARDS.

In the event that ~~an instruction permit, operator's
chauffeur's license, motorized bicycle~~ a motor vehicle
license, nonoperator's identification card, or extension
certificate issued under the provisions of this chapter is
lost or destroyed, the person to whom the same was issued may
upon payment of a fee of ~~two~~ three dollars for an operator's
or chauffeur's a motor vehicle license or nonoperator's
identification card, or one dollar for an extension
certificate, ~~or motorized bicycle license,~~ obtain a duplicate,
or substitute thereof, upon furnishing proof satisfactory to
the department that ~~such permit,~~ the motor vehicle license,
nonoperator's identification card, or extension certificate
has been lost or destroyed. A fee of one dollar shall be
charged for the voluntary replacement of ~~an instruction permit
or an operator's or chauffeur's~~ a motor vehicle license or
nonoperator's identification card."

12. Page 5, by striking line 44.

13. Page 5, by inserting before line 45, the following:

" . Page 22, by inserting before line 7, the following:

"Sec. . If because of any court decision, the abstract
fee fund, its programs and functions are in jeopardy, the
state department of transportation may request the executive
council to charge to the road use tax fund the costs of
purchasing motor vehicle licenses, as defined in section
321.1, subsection 77, and the department of public safety,
division of criminal investigation and bureau of
identification may request the executive council to charge to
the general fund of the state the moneys appropriated to the
division from the abstract fee fund under this Act. There is
appropriated from the road use tax fund and the general fund
of the state the moneys charged under this section. The state
department of transportation and the department of public
safety, division of criminal investigation and bureau of
identification, shall provide a detailed accounting of the
charges if this change in the method of funding is

implemented.""

14. Page 5, by inserting after line 48, the following:

"___. Title page, line 6, by inserting after the word "funds," the following: "altering the fee for duplicate or replacement motor vehicle licenses and nonoperator's identification cards,.""

15. By striking page 5, line 49, through page 6, line 7.

16. Page 6, by inserting before line 8, the following:

"___. Title page, line 9, by inserting after the word "purchases," the following: "providing for the issuance of special Pearl Harbor registration plates,.""

ON THE PART OF THE SENATE:

DON E. GETTINGS, Chairperson
EMIL J. HUSAK
JIM LIND
JACK NYSTROM
JOE J. WELSH

ON THE PART OF THE HOUSE:

DEO KOENIGS, Chairperson
JACK BEAMAN
DENNIS COHOON
MIKE CONNOLLY
DON SHONING

Adopted by Senate 5-5-89 (p.1983)

CCR-5-

Adopted by House 5-5-89 (p.2563)



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

June 5, 1989

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 531, an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, providing for the preservation of natural areas and historic sites in road design, construction, and maintenance, altering the fee for duplicate or replacement motor vehicle licenses and non-operator's identification cards, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, providing for the issuance of special Pearl Harbor registration plates, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application.

Senate File 531 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 20, in its entirety. This provision appropriates \$250,000 ~~from the general fund~~ for airport terminal improvements. This new appropriation cannot be approved, given the level of excessive state spending in Fiscal Year 1990. Moreover, this appropriation duplicates a similar provision included in Section 19 of this bill.

The Honorable Elaine Baxter
June 5, 1989
Page 2

I am unable to approve the items designated as Section 21 and Section 40, in their entirety. These sections of the bill appropriate \$300,000 from the state aviation fund to a new Iowa Air Link Commission. Diverting these funds from the aviation fund would drastically reduce the effort of the DOT in improving runways in communities throughout the state. As a result, I cannot approve of this further diversion of funds.

Moreover, a study is underway by the Department of Economic Development and the Department of Transportation to develop a comprehensive plan for the air transportation system in the state of Iowa. Such a plan is critically needed to further the economic development of Iowa. Any new air program should await the results of that comprehensive study.

Finally, we should not be creating separate commissions to handle each mode of transportation. The DOT is rightly charged as handling all modes of transportation and this separate commission established in this bill would adversely affect our efforts to establish a comprehensive transportation policy in the state.

I am unable to approve the items designated as Sections 26 and 27, in their entirety. These items establish restrictions which could prevent the completion of the Cedar Valley Nature Trail project. DOT and the Iowa Natural Heritage Foundation are working very closely to complete this trail. The other trails mentioned in these sections will be reviewed by the DOT in the trails program that they are administering, therefore, these sections should not be included in Senate File 531.

I am unable to approve the item designated as Section 39, in its entirety. This item is not necessary to be codified because the Iowa Regional and Short Line Railroad Association and the Department of Transportation have agreed to develop annual reporting criteria.

I am unable to approve the items designated as Sections 44 and 45, in their entirety. These sections of the bill prohibit appropriation transfers and set up excessive reporting requirements for purchases. The current reporting and transfer criteria and practices serves the legislature and the citizens of Iowa appropriately. This proposed criteria infringes on the executive branch's managerial authority.

The Honorable Elaine Baxter
June 5, 1989
Page 3

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 531 are hereby approved as of this date.

Sincerely,

A handwritten signature in cursive script that reads "Terry E. Branstad". The signature is written in dark ink and is positioned above the printed name and title.

Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

Item Voted:

*Sec 20, 26, 27, 39, 40, 44 & 45
21,*

SENATE FILE 531

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO STATE AGENCIES WHOSE RESPONSIBILITIES RELATE TO PUBLIC DEFENSE, PUBLIC SAFETY, TRANSPORTATION, AND ENFORCEMENT, AND INCLUDING ALLOCATION AND USE OF MONEYS FROM THE ROAD USE TAX FUND, STATE AVIATION FUND, AND ABSTRACT FEE FUND, PROVIDING FOR AN EXEMPTION FROM REVERSION FOR CERTAIN FUNDS, PROVIDING FOR THE PRESERVATION OF NATURAL AREAS AND HISTORIC SITES IN ROAD DESIGN, CONSTRUCTION, AND MAINTENANCE, ALTERING THE FEE FOR DUPLICATE OR REPLACEMENT MOTOR VEHICLE LICENSES AND NON-OPERATOR'S IDENTIFICATION CARDS, EXTENDING THE EFFECTIVE PERIOD OF THE TEMPORARY AUTHORITY FOR THE OPERATION OF CERTAIN COMMERCIAL VEHICLES, MANDATING REPORTS OF CERTAIN AGENCY PURCHASES, PROVIDING FOR THE ISSUANCE OF SPECIAL PEARL HARBOR REGISTRATION PLATES, REQUIRING THE STATE AND ITS POLITICAL SUBDIVISIONS, UNDER CERTAIN CIRCUMSTANCES, TO PAY COMPENSATION TO OWNERS OF OFF-PREMISES ADVERTISING DEVICES, AND PROVIDING EFFECTIVE DATES AND RETROACTIVE APPLICATION.

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

IOWA LAW ENFORCEMENT ACADEMY

Section 1. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	856,592
.....	FTEs	27.7

Sec. 2. Notwithstanding section 80B.11, subsection 5, during the fiscal year beginning July 1, 1989, not more than one-half of the cost of providing cognitive and psychological examinations of law enforcement officer candidates may be charged for taking the examinations by the Iowa law enforcement academy.

The Iowa law enforcement academy may also charge not more than one-half of the cost of providing the ten-week course which is designed to meet the minimum basic training requirements for a law enforcement officer.

Sec. 3. Notwithstanding section 384.15, subsection 7, paragraph "b", there is appropriated from the unencumbered and unobligated money remaining in the law enforcement training reimbursement fund on June 30, 1989, to the Iowa law enforcement academy for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For repair of dormitory room showers:

..... \$ 19,600

Sec. 4. The Iowa law enforcement academy is projected to raise at least an additional \$271,786 in receipts and federal funds.

DEPARTMENT OF PUBLIC DEFENSE

Sec. 5. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

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

.....	\$	3,251,065
.....	FTEs	144.26

Notwithstanding section 29A.33, the annual allowance to units will be five dollars per capita to be paid on a semiannual basis in installments of two dollars fifty cents per capita for the fiscal year beginning July 1, 1989, and ending June 30, 1990. The per capita allowance shall be used for morale purposes and be for the welfare of the troops and in no circumstances expended for support and maintenance.

b. For heating and electrical system maintenance and repairs and roof upgrades:
 \$ 79,500

2. DISASTER SERVICES DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
 \$ 251,975
 FTEs 11.0

b. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for the administration of enhanced 911 service under chapter 477B:
 \$ 43,586
 FTEs 1.0

3. VETERANS AFFAIRS DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
 \$ 106,330
 FTEs 3.16

4. WAR ORPHANS

For the war orphans educational aid fund:
 \$ 15,185

Sec. 6. The department of public defense is projected to raise at least an additional \$3,481,065 in receipts and federal funds.

DEPARTMENT OF PUBLIC SAFETY

Sec. 7. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for funding the following functions and programs for the purposes designated:

1. For the department's administrative functions including the medical examiner's office and the criminal justice information system, and for not more than the following full-time equivalent positions:
 \$ 2,007,730
 FTEs 45.0

As a condition, limitation, and qualification of this appropriation, no more than \$1,484,151 from all revenue sources, plus an allocation for salary adjustment, may be expended for salaries and benefits for not more than the above full-time equivalent positions and not more than \$1,175,334 from all revenue sources may be expended for support and miscellaneous purposes. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to this condition.

2. For purposes relating to radio communications, and not more than the following full-time equivalent positions:
 \$ 2,997,067
 FTEs 78.5

As a condition, limitation, and qualification of this appropriation, no more than \$2,433,470 from all revenue sources, plus an allocation for salary adjustment, may be expended for salaries and benefits for not more than the above full-time equivalent positions and not more than \$576,347 from all revenue sources may be expended for support and miscellaneous purposes. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to this condition.

3. For the division of criminal investigation and bureau of identification containing the bureaus of identification and liquor law enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 4,275,553
..... FTEs 111.00

As a condition, limitation, and qualification of this appropriation, no more than \$4,585,503 from all revenue sources, plus an allocation for salary adjustment, may be expended for salaries and benefits for not more than the above full-time equivalent positions and not more than \$777,408 from all revenue sources may be expended for support and miscellaneous purposes, including lease and lease purchase of laboratory equipment. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to this condition.

4. For the division of narcotics, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 1,208,154
..... FTEs 21.0

As a condition, limitation, and qualification of this appropriation, no more than \$1,011,434 from all revenue sources, plus an allocation for salary adjustment, may be expended for salaries and benefits for not more than the above full-time equivalent positions and not more than \$201,720 from all revenue sources may be expended for support and miscellaneous purposes. Unanticipated federal and local

grants or receipts received after this Act becomes effective are not subject to this condition.

5. For the fire marshal's office, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 1,421,998
..... FTEs 33.0

As a condition, limitation, and qualification of this appropriation, no more than \$1,359,924 from all revenue sources, plus an allocation for salary adjustment, may be expended for salaries and benefits for not more than the above full-time equivalent positions and not more than \$203,174 from all revenue sources may be expended for support and miscellaneous purposes. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to this condition. The department of public safety shall establish, for accounting purposes, a separate organizational unit to provide budget information on funds appropriated for responsibilities relating to leaking underground storage tanks.

6. For the capitol security division, and for not more than the following full-time equivalent positions:

..... \$ 1,107,345
..... FTEs 36.0

As a condition, limitation, and qualification of this appropriation, no more than \$1,053,570 from all revenue sources, plus an allocation for salary adjustment, may be expended for salaries and benefits for not more than the above full-time equivalent positions and not more than \$54,775 from all revenue sources may be expended for support and miscellaneous purposes. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to this condition.

Sec. 8. Notwithstanding sections 99D.17 and 99D.18, there is appropriated from funds paid to the state racing commission pursuant to section 99D.14, to the department of public safety for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes of the pari-mutuel law enforcement agents, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	255,317
.....	FTEs	5.0

As a condition, limitation, and qualification of this appropriation, no more than \$217,082 from all revenue sources, plus an allocation for salary adjustment, may be expended for salaries and benefits for not more than the above full-time equivalent positions and not more than \$38,235 from all revenue sources may be expended for support and miscellaneous purposes. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to this condition.

The unfunded liability of the peace officers' retirement, accident, and disability system, as of July 1, 1989, is not a liability of funds paid to the state racing commission under section 99D.14.

Sec. 9. Notwithstanding section 384.15, subsection 7, paragraph "b", there is appropriated from the unencumbered and unobligated money remaining in the law enforcement training reimbursement fund on June 30, 1989, to the department of public safety for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For undercover purchases by the division of narcotics and local law enforcement agencies:
..... \$ 200,000
2. For the continued purchase of the automated fingerprint information system (AFIS):
..... \$ 270,000

Sec. 10. There is appropriated from the road use tax fund to the department of public safety, division of highway safety and uniformed force, for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, and for not more than the following full-time equivalent positions:

.....	\$	22,020,979
.....	FTEs	450.5

1. As a condition, limitation, and qualification of this appropriation, no more than \$18,224,899 from all revenue sources, plus an allocation for salary adjustment, may be expended for salaries and benefits for not more than the above full-time equivalent positions and not more than \$4,570,319 from all revenue sources may be expended for support and miscellaneous purposes including federal Highway Safety Act programs, and the state's contributions to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated, and as an additional condition, limitation, and qualification of this appropriation the Iowa law enforcement academy shall be allowed to annually select at least five automobiles of the department of public safety, division of highway safety and uniformed force, which are being turned in to the state vehicle dispatcher to be disposed of by public auction and the Iowa law enforcement academy shall be allowed to exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the

academy, however, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of highway safety and uniformed force. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to these conditions.

However, the unfunded liability of the peace officers' retirement, accident, and disability system, as of July 1, 1986 shall not be considered a liability of the road use tax fund.

An employee of the department of public safety or its successor who retires after the effective date of this section of this Act but prior to June 30, 1990, is eligible for payment of life or health insurance premiums as provided for in the collective bargaining agreement covering the public safety bargaining unit at the time of retirement if that employee previously served in a position which would have been covered by the agreement. The employee shall be given credit for the service in that prior position as though it were covered by that agreement. This section shall not operate to reduce any retirement benefits an employee may have earned under other collective bargaining agreements or retirement programs.

2. For the capital purchase of mobile vehicle repeater radios and test equipment to be used by the Iowa highway safety patrol, provided that only the lowest, most responsible bid is accepted by the department of public safety in the purchase of these motor vehicle repeater radios:
..... \$ 360,000

The mobile vehicle repeater radios are to be placed solely in motor vehicles used by members of the Iowa highway safety patrol below the rank of lieutenant for patrolling the highways. However, this paragraph does not require that

mobile vehicle repeater radios be placed solely in new motor vehicles.

3. For the purpose of making payments to the department of personnel for expenses incurred in administering workers' compensation on behalf of the highway safety division of highway safety and uniformed force:

..... \$ 55,544

4. For the purpose of making payments to the department of personnel for expenses incurred in administering the merit system on behalf of the highway safety division of highway safety and uniformed force:

..... \$ 65,000

Sec. 11. There is appropriated from the abstract fee fund created in section 321A.3A to the department of public safety, division of criminal investigation and bureau of identification for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:
..... \$ 850,000

Sec. 12. The department of public safety is projected to raise at least an additional \$1,823,202 in receipts and federal funds.

STATE DEPARTMENT OF TRANSPORTATION

Sec. 13. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as may be 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:

a. Administrative services:
..... \$ 3,299,676

.....	FTEs	47.0
b. General counsel:		
.....	\$	157,655
.....	FTEs	1.0
c. Planning and research:		
.....	\$	309,800
.....	FTEs	9.0
d. Aeronautics and public transit:		
.....	\$	214,090
.....	FTEs	5.0
e. Motor vehicles:		
.....	\$	16,268,407
.....	FTEs	531.0
f. Rail and water:		
.....	\$	622,213
.....	FTEs	15.0

2. For the purpose of making 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:

.....	\$	16,000
3. Unemployment compensation:		
.....	\$	12,250

Sec. 14. There is appropriated from the road use tax fund to the department of personnel for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

.....	\$	35,080
-------	----	--------

Sec. 15. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1989, and ending June 30, 1990, 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:

a. Administrative services:		
.....	\$	20,197,853
.....	FTEs	290.0
b. General counsel:		
.....	\$	995,345
.....	FTEs	7.0
c. Planning and research:		
.....	\$	5,886,200
.....	FTEs	162.0
d. Aeronautics and public transit:		
.....	\$	214,090
.....	FTEs	5.0
e. Highways:		
.....	\$	124,381,000
.....	FTEs	2,870.0
f. Motor vehicles:		
.....	\$	590,593
.....	FTEs	19.0
g. Rail and water:		
.....	\$	263,787
.....	FTEs	7.0

2. To be deposited 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 vehicles:

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

As a condition, limitation, and qualification of this appropriation, no more than \$2,475,000 from the highway materials and equipment revolving fund, plus an allocation for salary adjustment, may be expended for salaries and benefits for not more than ninety-two full-time equivalent positions.

3. For the purpose of making 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:

..... \$ 304,000

4. Unemployment compensation:

..... \$ 232,750

Sec. 16. There is appropriated from the primary road fund to the department of personnel for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For paying workers' compensation claims under chapter 85 on behalf of the employees of the state department of transportation:

..... \$ 666,540

Sec. 17. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the expansion of Fairfield materials laboratory:

..... \$ 150,000

The provisions of section 8.33 do not apply to the funds appropriated by this subsection. Unencumbered or unobligated funds remaining on June 30, 1991, from funds appropriated for the fiscal year beginning July 1, 1989, shall revert to the fund from which appropriated on September 30, 1991.

2. For the replacement of obsolete field facilities in the cities of West Union, Osage, Mount Pleasant, and Oskaloosa:

..... \$ 2,941,000

The provisions of section 8.33 do not apply to the funds appropriated by this subsection. Unencumbered or unobligated funds remaining on June 30, 1993, from funds appropriated for the fiscal year beginning July 1, 1989, shall revert to the fund from which appropriated on September 30, 1993.

Sec. 18. There is appropriated from the road use tax fund to the department of transportation for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the construction of scale facilities at Brandon:

..... \$ 84,000

2. For the paving of the scale lot at the new Brandon facility:

..... \$ 225,000

The funds appropriated by this section shall not be used for an inspection shelter at the Brandon location.

The provisions of section 8.33 do not apply to the funds appropriated by this section. Unencumbered or unobligated funds remaining on June 30, 1993, from funds appropriated for the fiscal year beginning July 1, 1989, shall revert to the fund from which appropriated on September 30, 1993.

Sec. 19. There is appropriated from the state aviation fund to the state department of transportation for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, 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:

..... \$ 373,820

..... PTEs 9.0

2. For terminal improvements at essential air service airports:

..... \$ 250,000

In selecting projects, the state department of transportation shall give preference to projects that will assist in maintaining and attracting air service. The department shall provide funding for as many essential air service communities as possible. From funds appropriated in

this section, the state department of transportation may award dollar-for-dollar matching grants up to \$10,000 per essential air service airport to implement marketing, advertising, and public relations programs to increase passenger traffic by educating the public on the value of essential air service airports. From funds appropriated in this section, the state department of transportation may also award dollar-for-dollar matching grants up to \$10,000 for nonprofit community cultural programs and activities at essential air service airports.

Sec. 20. There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For essential air service airport terminal improvements:
..... \$ 250,000

In selecting projects, the state department of transportation shall give preference to projects that will assist in maintaining and attracting air service. The state department of transportation shall provide funding for as many essential air service communities as possible based on merit and need. Priority shall be given to those airports with projects closest to completion. Those airports that use moneys from this program must complete their projects in the fiscal year beginning July 1, 1990. The state department of transportation shall notify essential air service airports of this program and make tentative selection of projects forty-five days from the effective date of this Act.

Notwithstanding section 8.33, unobligated and unencumbered funds remaining on November 30, 1990, from the funds appropriated in this section for the fiscal year beginning July 1, 1989, shall revert to the general fund of the state on November 30, 1990.

Sec. 21. Notwithstanding section 423.24 and prior to application of section 423.24, subsection 1, paragraph "b",

there is appropriated from revenues derived from the operation of section 423.7 to the Iowa air link transportation commission for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as may be necessary, to be used for the purposes designated:

For the Iowa air link transportation commission:
..... \$ 300,000

Not more than twenty percent of the moneys appropriated may be used for the operation of the commission and the hiring of a consultant. The commission shall prepare a request for proposals for a contract that will be let for an Iowa-based company to provide for passenger air service that would at a minimum tie together Iowa's ten largest metropolitan areas. The commission shall consider reasonable air fares and consistent and reliable time schedules in awarding a contract. The commission may consider allowing an Iowa-based company to transport passengers to major air transportation hubs that are located in states contiguous to Iowa.

Moneys appropriated to the Iowa air link transportation commission under this section shall be replaced by crediting the appropriated amount to the road use tax fund from the state aviation fund after moneys otherwise appropriated under this Act from the state aviation fund are provided.

Sec. 22. There is appropriated from the railroad assistance fund created under section 327H.18 to the state department of transportation for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For completing the rehabilitation of the Altoona-Pella rail branch line:
..... \$ 70,000

Notwithstanding section 8.33, unobligated and unencumbered funds remaining on June 30, 1992, from the funds appropriated in this section for the fiscal year beginning July 1, 1989, shall revert to the railroad assistance fund on June 30, 1992.

CODE CHANGES

Sec. 23. Section 80.18, unnumbered paragraph 2, Code 1989, is amended to read as follows:

The department may expend moneys from the support allocation of the department as reimbursement for replacement or repair of personal items of the department's employees damaged or destroyed during the employee's tour of duty. However, the reimbursement shall not exceed seventy-five one hundred fifty dollars for each item. The department shall establish rules in accordance with chapter 17A to carry out the purpose of this paragraph.

Sec. 24. Section 306C.16, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Compensation required by section 306C.15 or 306C.24 shall be paid for the following:

Sec. 25. NEW SECTION. 306C.24 COMPENSATION FOR SIGN REMOVAL.

1. DEFINITION. As used in this section, "off-premises advertising device" means an advertising device which does not qualify as an "on-premises sign" under rules adopted by the department pursuant to chapter 17A.

2. JUST COMPENSATION REQUIRED. Political subdivisions of this state shall not remove, take, alter, or cause to be removed, taken, or altered a lawfully erected off-premises advertising device without paying just compensation in cash to the owner of the advertising device and to the owner of the real property on which the advertising device is located, as provided in section 306C.16. The department shall not remove, take, alter or cause to be removed, taken, or altered a lawfully erected off-premises advertising device subject to control under chapter 306B or 306C without paying just compensation when required under 23 U.S.C. § 131(g) to the owner of the advertising device and to the owner of the real property on which the advertising device is located, as provided in section 306C.16. For the department, the sole

intent of this section is to comply with 23 U.S.C. § 131(g) and it is not the intent of this section to, in any manner, relinquish any powers of the department relating to the control and removal of advertising devices under police power.

3. EXCEPTIONS. This section does not apply to the removal, taking, or altering of an off-premises advertising device under any of the following conditions:

a. The device is unlawfully erected or is being maintained in violation of the provisions of section 306C.13, subsection 8, or section 306C.18.

b. The device has been abandoned or not used for a period of at least six months.

4. DEPARTMENT AUTHORIZATION. If required by 23 U.S.C. § 131(g), the department may acquire through purchase or condemnation and shall pay just compensation as provided in section 306C.16 for off-premises advertising devices removed after the effective date of this section of this Act through amortization by an ordinance of a political subdivision enacted prior to the effective date of this Act. Notwithstanding the requirements of section 306C.14, the department may first pay just compensation from the highway beautification fund and then claim reimbursement for the federal share of the payment from the federal government.

5. SAVINGS CLAUSE. If any provision of this section which relates to the department is inconsistent or conflicts with, or is not required by, 23 U.S.C. § 131 to avoid the loss of federal funds, the provision shall be suspended but only to the extent necessary to eliminate the inconsistency, conflict, or requirement. If any part of this section is found to be invalid or unconstitutional, such judgment shall not affect the validity of the section as a whole or any provision or part of the section not found to be invalid or unconstitutional.

Sec. 26. Section 312.2A, subsection 1, Code 1989, is amended by striking the subsection.

Sec. 27. Section 312.2A, subsection 2, Code 1989, is amended to read as follows:

2. The treasurer of state, before making the allotments provided for in section 312.2, shall credit for the fiscal year period beginning July 1, 1988, and ending June 30, 1989 1990, to the state department of transportation one hundred thousand dollars from the road use tax fund from revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "b". The state department of transportation shall expend the moneys to carry out the statewide trails development plan provided for in section 111P.2 and to acquire land and other property to complete parts of existing recreational trails including, but not limited to, the Cedar Valley nature trail, the Heritage trail, the Grundy county nature trail, and the Comet trail as provided in section 111P.2, subsection 3. Moneys credited under this section shall not be used for the acquisition of property through condemnation.

Sec. 28. Section 314.21, subsection 3, Code 1989, as created under 1989 Iowa Acts, House File 723, section 5, is amended by striking the subsection and inserting in lieu thereof the following:

3. a. Moneys allocated to the state under subsection 1 shall be expended as follows:

(1) Fifty thousand dollars annually to the department for the services of the integrated roadside vegetation management coordinator and support.

(2) One hundred thousand dollars annually for education programs, research and demonstration projects, and vegetation inventories and strategies, under section 314.22, subsections 5, 6, and 8.

(3) All remaining moneys for the gateways program under section 314.22, subsection 7.

b. Moneys allocated to the counties under subsection 1 shall be expended as follows:

(1) For the fiscal period beginning July 1, 1989, and ending June 30, 1991, fifty thousand dollars in each fiscal year to the university of northern Iowa to maintain the position of the state roadside specialist and to continue its integrated roadside vegetation management pilot program providing research, education, training, and technical assistance.

(2) All remaining money for grants or loans under subsection 2, paragraph "a".

c. Moneys allocated to the cities shall be expended for grants or loans under subsection 2, paragraph "a".

Sec. 29. NEW SECTION. 314.22 GREEN SPACE PROVIDED.

The department shall use the property owned by it in the city of Council Bluffs which is bounded by Broadway, Seventh street, Kanessville boulevard, and Sixth street, exclusively for green space, and, if sold by the department, the department shall sell the property with the restricted covenant that the property shall be used exclusively for green space or else revert to the department.

Sec. 30. NEW SECTION. 314.24 NATURAL AND HISTORIC PRESERVATION.

Cities, counties, and the department shall to the extent practicable preserve and protect the natural and historic heritage of the state in the design, construction, reconstruction, relocation, repair, or maintenance of roads, streets, or highways. Destruction or damage to natural areas, including but not limited to prime agricultural land, parks, preserves, woodlands, wetlands, recreation areas, greenbelts, historical sites, or archaeological sites shall be avoided, if reasonable alternatives are available for the location of roads, streets, or highways at no significantly greater cost. In implementing this section, cities, counties, and the department shall make a diligent effort to identify and examine the comparative cost of utilizing alternative locations for roads, streets, or highways.

Sec. 31. Section 321.34, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 12. PEARL HARBOR PLATES. Effective January 1, 1990, the owner of a motor vehicle subject to registration under section 321.109, subsection 1, light delivery truck, panel delivery truck or pickup who was at Pearl Harbor, Hawaii, as a member of the armed services of the United States on December 7, 1941, may, upon written application to the department, order special registration plates which shall bear the notation "PEARL HARBOR VETERAN". The special plates shall bear the identification "DEC 7" followed by a two digit identifying number. Each applicant applying for special registration plates under this subsection may purchase only one set of registration plates under this subsection. The application is subject to approval by the department. Upon receipt of the special registration plates, the applicant shall surrender the regular registration plates to the county treasurer. The fee for the issuance of the special registration plates is twenty-five dollars which shall be in addition to the regular annual registration fee. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section with no additional registration fee being required other than the regular annual registration fee.

Sec. 32. Section 321.190, subsection 1, unnumbered paragraph 3, Code 1989, is amended to read as follows:

The fee for a nonoperator's identification card shall be five dollars and the card shall be valid for the purpose of identification for a period of four years from the date of issuance. ~~A fee of five dollars shall be charged for the voluntary replacement of an identification card.~~

Sec. 33. Section 321.195, Code 1989, is amended to read as follows:

321.195 DUPLICATE CERTIFICATES, MOTOR VEHICLE LICENSES, AND NONOPERATOR'S IDENTIFICATION CARDS.

In the event that ~~an instruction permit, operator's, chauffeur's license, motorized bicycle a motor vehicle license, nonoperator's identification card, or extension~~ certificate issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may upon payment of a fee of ~~two~~ three dollars for ~~an operator's or chauffeur's a motor vehicle license or nonoperator's identification card, or~~ one dollar for an extension certificate, ~~or motorized bicycle license,~~ obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that ~~such permit, the motor vehicle license, nonoperator's identification card, or extension~~ certificate has been lost or destroyed. A fee of one dollar shall be charged for the voluntary replacement of ~~an instruction permit or an operator's or chauffeur's a motor vehicle license or nonoperator's identification card.~~

Sec. 34. Section 321.211, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Upon suspending the license of any a person as authorized, the department shall immediately notify the licensee in writing and upon the licensee's request shall afford the licensee an opportunity for a hearing before the director or the director's authorized agent as early as practical within ~~not-to-exceed~~ thirty days after receipt of the request in the county in which the licensee resides unless the department and the licensee agree that such the hearing may be held in some other county. Upon such hearing the director or the director's authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the department shall either rescind its order of suspension or for good cause may extend the suspension of such the license or revoke such the

license. There is appropriated each year from the road use tax fund to the department one hundred seven twenty-five thousand dollars or so much thereof as may be necessary to be used to pay the cost of notice and personal delivery of service, if necessary to meet the notice requirement of this section. The department shall promulgate adopt rules governing the payment of the cost of personal delivery of service. The reinstatement fees collected under section 321.191 shall be deposited in the road use tax fund in a the manner provided in section 321.192, as reimbursement for the costs of notice under this section.

Sec. 35. Section 321A.3, subsection 1, Code 1989, is amended to read as follows:

1. The director shall upon request furnish any person a certified abstract of the operating record of a person subject to chapter 321 or this chapter. The abstract shall also fully designate the motor vehicles, if any, registered in the name of the person. If there is no record of a conviction of the person having violated any law relating to the operation of a motor vehicle or of any injury or damage caused by the person, the director shall so certify. A fee of five dollars shall be paid for each abstract except by state, county, city or court officials. The director shall transfer the moneys collected under this section to the treasurer of state who shall credit annually to the abstract fee fund created under section 321A.3A the first nine one million three hundred fifty thousand dollars collected and shall credit to the general fund all additional moneys collected.

Sec. 36. Section 321A.3A, subsection 2, Code 1989, is amended to read as follows:

2. The treasurer of state, after crediting moneys appropriated from the abstract fee fund, shall credit any moneys remaining in the abstract fee fund on June 30 of each fiscal year to the road use tax fund to be applied toward the repayment of moneys allocated from the road use tax fund to

~~the department of public safety under 1988 Iowa Acts, chapter 1278, section 9, until the moneys have been repaid in full monthly to the state department of transportation moneys sufficient in amount to pay the costs of purchasing motor vehicle licenses, as defined in section 321.1, subsection 77.~~

Sec. 37. Section 321J.17, Code 1989, is amended to read as follows:

321J.17 CIVIL PENALTY -- SEPARATE FUND -- REINSTATEMENT.

When the department revokes a person's motor vehicle license or nonresident operating privilege under this chapter, the department shall assess the person a civil penalty of one hundred dollars. The money collected by the department under this section shall be transmitted to the treasurer of state who shall deposit the money in a separate fund dedicated to and used for the purposes of chapter 912 and section 709.10, and for the operation of a missing person clearinghouse and domestic abuse registry by the department of public safety. Any Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year exceeding fifty thousand dollars shall not revert to the general fund of the state. A temporary restricted license shall not be issued or a motor vehicle license or nonresident operating privilege reinstated until the civil penalty has been paid.

Sec. 38. Section 326.11, unnumbered paragraph 2, Code 1989, is amended to read as follows:

The director may issue temporary written authorization to carriers for vehicles acquired by a fleet owner and added to the fleet owner's prorate fleet after the beginning of the registration year. The temporary authority shall permit the operation of a commercial vehicle until permanent identification is issued, except that the temporary authority shall expire after forty-five ninety days.

Sec. 39. Section 327C.38, Code 1989, is amended to read as follows:

327C.38 ANNUAL REPORTS FROM COMPANIES.

The department shall require annual reports from all common carriers subject to the provisions of chapter 327D, and except railroad corporations as defined in section 327D.2, which shall submit a copy of its reports to the department of revenue and finance and shall submit reports to the department of transportation specifying its mileage operated, both for all tracks and intrastate tracks, changes in mileage within the state, and freight density, as defined by the department. The department shall prescribe the manner in which specific answers to all questions upon which it may need information shall be made.

Sec. 40. NEW SECTION. 330.25 IOWA AIR LINK TRANSPORTATION COMMISSION.

There is established an Iowa air link transportation commission. The commission shall be composed of fifteen members. Of the fifteen members, five shall be appointed by the governor, subject to confirmation by the senate in accordance with section 2.32, three of whom shall be selected from names submitted by the airport commissions of the ten largest airports in Iowa; five shall be appointed by the speaker of the house of representatives in consultation with the minority leader of the house; five shall be appointed by the majority leader of the senate in consultation with the minority leader of the senate. Each set of five appointments shall be bipartisan and gender balanced insofar as possible in accordance with sections 69.16 and 69.16A.

The members of the commission shall be appointed for terms of four years beginning and ending as provided in section 69.19; however, the initial appointees of the governor shall serve a term of two years. Vacancies in the membership shall be filled for the unexpired term in the same manner as the original appointment. Members shall serve without compensation except that members shall be reimbursed for their actual and necessary expenses from funds appropriated to the commission.

MISCELLANEOUS PROVISIONS

Sec. 41. 1988 Iowa Acts, chapter 1278, section 19, is amended to read as follows:

SEC. 19. Notwithstanding section 423.24, and prior to application of section 423.24, subsection 1, paragraph "b", there is appropriated from revenues derived from the operation of section 423.7 to the state department of transportation for the fiscal year period beginning July 1, 1988, and ending June 30, ~~1989~~ 1990, the sum of two hundred fifty thousand (250,000) dollars, or so much thereof as is necessary, for the purposes of terminal improvements at essential air service airports. In selecting projects, the state department of transportation shall give preference to projects that will assist in maintaining and attracting air service. Moneys appropriated under this section shall be used only for new projects for terminals which have annual enplanements of under forty thousand persons. The department shall provide funding for as many essential air service communities as possible.

Sec. 42. 1987 Iowa Acts, chapter 232, section 10, subsection 6, unnumbered paragraph 2, as enacted by 1988 Iowa Acts, chapter 1278, section 44, is amended to read as follows:

Section 8.33 does not apply to the funds appropriated by this subsection. However, unencumbered or unobligated funds remaining on June 30, ~~1989~~ 1990, from funds appropriated for the fiscal year beginning July 1, 1987, and ending June 30, 1988, shall revert to the fund from which appropriated on June 30, ~~1989~~ 1990.

Sec. 43. If because of any court decision, the abstract fee fund, its programs and functions are in jeopardy, the state department of transportation may request the executive council to charge to the road use tax fund the costs of purchasing motor vehicle licenses, as defined in section 321.1, subsection 77, and the department of public safety, division of criminal investigation and bureau of identification may request the executive council to charge to the general fund of the state the moneys appropriated to the

division from the abstract fee fund under this Act. There is appropriated from the road use tax fund and the general fund of the state the moneys charged under this section. The state department of transportation and the department of public safety, division of criminal investigation and bureau of identification, shall provide a detailed accounting of the charges if this change in the method of funding is implemented.

Sec. 44. Moneys appropriated for any new program or function shall be used solely for that program or function and moneys shall not be transferred from such appropriations or used for any other purpose.

Sec. 45. Each department of state government receiving appropriations under this Act, when making purchases of \$25,000 or more for which the department does not have specific prior authority from the general assembly, shall notify the legislative fiscal bureau, department of management, the chairs, vice chairs, and ranking members of the department's respective joint appropriations subcommittee, and the caucus staff of each party in each house of the general assembly at the time the bids are let.

Sec. 46. The department of public safety shall notify the legislative fiscal bureau, department of management, the chairs, vice chairs, and ranking members of the joint transportation and safety appropriation subcommittee, on any request for, approval of, or notification of award of federal funds or of any loss of federal funds. The notification shall include the name of the funding grant, planned expenditures, and estimated amount which will be received. The department shall also prepare a report at the end of each fiscal year detailing the amount received, amount expended, and carry over balance on all nonappropriated receipts, including federal funds, received during that fiscal year.

Sec. 47. All federal grants to and the federal receipts of the agencies which are appropriated funds under this Act,

unless otherwise appropriated, are appropriated for the purposes set forth in the federal grants and receipts unless otherwise provided by the general assembly.

Sec. 48. Sections 3, 9, 37, and 42, and this section take effect June 30, 1989.

Sec. 49. Section 29 of this Act and this section, being deemed of immediate importance, take effect upon enactment. Section 29 applies retroactively to January 1, 1989.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 531, Seventy-third General Assembly.

Item Vetoed
Approved June 5, 1989

JOHN P. DWYER
Secretary of the Senate

TERRY E. BRANSTAD
Governor