

Reprinted

FILED FEB 19 1990

SENATE FILE 2402
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 7290SC)

Passed Senate, Date 2/22/90 (p 688) Passed House, Date 3/23/90 (p 1381)

Vote: Ayes 33 Nays 0 Vote: Ayes 89 Nays 0

Approved 5/7/90
Jern

A BILL FOR

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,
5 primary road fund, and state aviation fund, mandating reports
6 of certain agency purchases and providing expenses for certain
7 members of the Iowa highway research board.

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

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SF 2402

IOWA LAW ENFORCEMENT ACADEMY

Section 1.

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

1.	For salaries, support, maintenance, miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:		
.....		\$	961,617
.....		FTEs	29.7

2.	For replacement of inefficient and outdated sanitary and maintenance equipment.		
.....		\$	12,000

DEPARTMENT OF PUBLIC DEFENSE

Sec. 2.

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

1. MILITARY DIVISION

a.	For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:		
.....		\$	3,448,957
.....		FTEs	151.59

b. For maintenance efforts at Iowa armories:

.....		\$	100,000
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2. DISASTER SERVICES DIVISION

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

1 \$ 320,482
2 FTEs 13

3 3. VETERANS AFFAIRS DIVISION

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

7 \$ 133,934
8 FTEs 4.16

9 b. For the purchase of POW/MIA flags to be flown on all
10 public buildings for public agencies that apply for the flags
11 or upon application by a veterans organization chartered by
12 the Congress of the United States to be presented to a public
13 agency for its use, the flags must be manufactured in the
14 United States:

15 \$ 15,000

16 4. WAR ORPHANS

17 For the war orphans educational aid fund:

18 \$ 10,185

19 DEPARTMENT OF PUBLIC SAFETY

20 Sec. 3.

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

26 1. For the department's administrative functions including
27 the medical examiner's office and the criminal justice
28 information system, and for not more than the following full-
29 time equivalent positions:

30 \$ 2,510,622
31 FTEs 51.50

32 2. a. For purposes relating to radio communications, and
33 not more than the following full-time equivalent positions:

34 \$ 3,227,667
35 FTEs 80

1 b. For purchase of service monitors and radio spare parts:
2 \$ 75,000

3 3. a. For the division of criminal investigation and
4 bureau of identification containing the bureaus of
5 identification and liquor law enforcement, including the
6 state's contribution to the peace officers' retirement,
7 accident, and disability system provided in chapter 97A in the
8 amount of 16 percent of the salaries for which the funds are
9 appropriated, and for not more than the following full-time
10 equivalent positions:

11 \$ 6,557,018
12 FTEs 137

13 b. For purchase of DNA laboratory equipment:
14 \$ 250,000

15 c. For the law enforcement intelligence network program,
16 to be used in consultation with the law enforcement
17 intelligence network advisory committee:
18 \$ 20,000

19 As a condition, limitation, and qualification of this
20 appropriation, the division of criminal investigation shall
21 commit sufficient resources to conduct 4 undercover operations
22 in cooperation with local law enforcement agencies to identify
23 the extent of bootlegging or illegal liquor operations at
24 state border counties and shall report on the undercover
25 operations to the committee by January 1, 1991.

26 4. For the division of narcotics:
27 a. The state's contribution to the peace officers'
28 retirement, accident, and disability system provided in
29 chapter 97A in the amount of 16 percent of the salaries for
30 which the funds are appropriated, and for not more than the
31 following full-time equivalent positions:

32 \$ 2,243,579
33 FTEs 38

34 b. Undercover purchases:
35 \$ 200,000

1 5. a. For the fire marshal's office, including the
2 state's contribution to the peace officers' retirement,
3 accident, and disability system provided in chapter 97A in the
4 amount of 16 percent of the salaries for which the funds are
5 appropriated, and for not more than the following full-time
6 equivalent positions:

7 \$ 1,560,379
8 FTEs 33

9 b. For a regional firefighters' training center in Black
10 Hawk county:

11 \$ 50,000

12 The Iowa fire service institute advisory committee shall
13 advise the firefighters' training center funded herein and
14 certify its programs in accordance with section 266.43.

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

17 \$ 1,219,281
18 FTEs 36

19 Sec. 4.

20 Notwithstanding sections 99D.17 and 99D.18, there is
21 appropriated from funds paid to the state racing and gaming
22 commission pursuant to section 99D.14, to the department of
23 public safety for the fiscal year beginning July 1, 1990, and
24 ending June 30, 1991, 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 of the pari-mutuel law enforcement agents, including
28 the state's contribution to the peace officers' retirement,
29 accident, and disability system provided in chapter 97A in the
30 amount of 16 percent of the salaries for which the funds are
31 appropriated, and for not more than the following full-time
32 equivalent positions:

33 \$ 281,970
34 FTEs 5

35 Sec. 5.

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

6 1. For the purchase of local AFIS remote terminals:
7 \$ 279,800

8 2. For the continued purchase of the automated fingerprint
9 information system (AFIS):

10 \$ 536,676

11 Sec. 6.

12 There is appropriated from the road use tax fund to the
13 department of public safety, division of highway safety and
14 uniformed force, for the fiscal year beginning July 1, 1990,
15 and ending June 30, 1991, the following amounts, or so much
16 thereof as is necessary, to be used for the purposes
17 designated:

18 1. For salaries, support, maintenance, and miscellaneous
19 purposes, including the state's contribution to the peace
20 officers' retirement, accident, and disability system provided
21 in chapter 97A in the amount of 16 percent of the salaries for
22 which the funds are appropriated, and for not more than the
23 following full-time equivalent positions:

24 \$ 23,568,231

25 FTEs 450.5

26 It is the intent of the general assembly, that so much as
27 is necessary of the appropriation in this subsection, shall
28 support federal Highway Safety Act programs.

29 As a condition, limitation, and qualification of the
30 appropriation in this subsection, the Iowa law enforcement
31 academy shall be allowed to annually select at least 5
32 automobiles of the department of public safety, division of
33 highway safety and uniformed force, which are being turned in
34 to the state vehicle dispatcher to be disposed of by public
35 auction and the Iowa law enforcement academy shall be allowed

1 to exchange any automobile owned by the academy for each
2 automobile selected if the selected automobile is used in
3 training law enforcement officers at the academy; however, any
4 automobile exchanged by the academy shall be substituted for
5 the selected vehicle of the department of public safety and
6 sold by public auction with the receipts being deposited in
7 the depreciation fund to the credit of the department of
8 public safety, division of highway safety and uniformed force.

9 An employee of the department of public safety or its
10 successor who retires after the effective date of this section
11 of this Act but prior to June 30, 1991, is eligible for
12 payment of life or health insurance premiums as provided for
13 in the collective bargaining agreement covering the public
14 safety bargaining unit at the time of retirement if that
15 employee previously served in a position which would have been
16 covered by the agreement. The employee shall be given credit
17 for the service in that prior position as though it were
18 covered by that agreement. This section shall not operate to
19 reduce any retirement benefits an employee may have earned
20 under other collective bargaining agreements or retirement
21 programs.

22 2. For purchase of a building and equipment related to
23 vehicle theft operations but not to include normal highway
24 patrol equipment:

25 \$ 300,000

26 Notwithstanding section 8.39, funds from this appropriation
27 shall not be transferred for any other purpose.

28 3. For the capital purchase of mobile vehicle repeater
29 radios and test equipment to be used by the Iowa highway
30 safety patrol:

31 \$ 150,000

32 4. For the purchase of radar units:

33 \$ 200,000

34 It is the intent of the general assembly that an additional
35 \$200,000 will be appropriated for the fiscal year beginning

1 July 1, 1991, to complete the purchase of radar units.

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

6 \$ 180,000

7 6. For payments to the department of personnel for
8 expenses incurred in administering the merit system on behalf
9 of the highway safety division of highway safety and uniformed
10 force:

11 \$ 95,274

12 7. For planning and site selection of a new Fort Dodge
13 highway patrol post:

14 \$ 25,000

15 8. For the purchase of scanners:

16 \$ 90,000

17 STATE DEPARTMENT OF TRANSPORTATION

18 Sec. 7.

19 There is appropriated from the general fund of the state to
20 the department of transportation for the fiscal year beginning
21 July 1, 1990, and ending June 30, 1991, the following amount,
22 or so much thereof as is necessary, for the purpose
23 designated:

24 For the payment of costs associated with the production of
25 motor vehicle licenses, as defined in section 321.1,
26 subsection 77:

27 \$ 500,000

28 Notwithstanding section 8.39, funds from this appropriation
29 shall not be transferred for any other purpose.

30 Sec. 8.

31 There is appropriated from the road use tax fund to the
32 state department of transportation for the fiscal year
33 beginning July 1, 1990, and ending June 30, 1991, the
34 following amounts, or so much thereof as may be necessary, to
35 be used for the purposes designated:

1 1. For salaries, support, maintenance, miscellaneous pur-
2 poses, and for not more than the following full-time
3 equivalent positions:
4 a. Administrative services:
5 \$ 3,353,787
6 FTEs 47.50
7 (1) To address environmental issues and to meet the
8 international fuel tax:
9 \$ 9,400
10 (2) For increased postage costs:
11 \$ 14,000
12 (3) For the purchase of computer hardware and software
13 enhancements:
14 \$ 105,000
15 (4) For the lease on the Park Fair mall facility:
16 \$ 24,500
17 b. General counsel:
18 \$ 167,860
19 FTEs 1.0
20 c. Planning and research:
21 \$ 333,300
22 FTEs 9
23 (1) For the implementation of a traffic monitoring guide:
24 \$ 4,805
25 (2) For assessment of hazardous materials at highway
26 location sites:
27 \$ 2,350
28 d. Aeronautics and public transit:
29 \$ 222,300
30 FTEs 5
31 e. Motor vehicles:
32 \$ 17,180,165
33 FTEs 541
34 (1) For additional motor carrier service operations due to
35 an increase in services:

1 \$ 139,800
2 (2) For implementation of the commercial driver license
3 program:
4 \$ 431,040
5 f. Rail and water:
6 \$ 655,900
7 FTEs 15
8 2. To be used to implement section 306D.3:
9 \$ 500,000
10 3. For payments to the department of personnel for
11 expenses incurred in administering the merit system on behalf
12 of the state department of transportation, as required by
13 chapter 19A:
14 \$ 39,000
15 4. Unemployment compensation:
16 \$ 12,250
17 Sec. 9.
18 There is appropriated from the road use tax fund to the
19 department of personnel for the fiscal year beginning July 1,
20 1990, and ending June 30, 1991, the following amount, or so
21 much thereof as is necessary, to be used for the purposes
22 designated:
23 For paying workers' compensation claims under chapter 85 on
24 behalf of employees of the state department of transportation:
25 \$ 75,000
26 Sec. 10.
27 There is appropriated from the primary road fund to the
28 state department of transportation for the fiscal year
29 beginning July 1, 1990, and ending June 30, 1991, the
30 following amounts, or so much thereof as is necessary, to be
31 used for the purposes designated:
32 1. For salaries, support, maintenance, miscellaneous pur-
33 poses, and for not more than the following full-time
34 equivalent positions:
35 a. Administrative services:

1	.....	\$ 20,597,213
2	.....	FTEs 293
3	(1) To address environmental issues and to meet the	
4	international fuel tax:	
5	.....	\$ 57,600
6	(2) For increased postage costs:	
7	.....	\$ 86,000
8	(3) For the purchase of computer hardware and software	
9	enhancements:	
10	.....	\$ 645,000
11	(4) For lease of the Park Fair mall facility:	
12	.....	\$ 150,500
13	b. General counsel:	
14	.....	\$ 1,031,140
15	.....	FTEs 7
16	c. Planning and research:	
17	.....	\$ 6,332,700
18	.....	FTEs 165
19	(1) For the implementation of the traffic monitoring	
20	guide:	
21	.....	\$ 91,295
22	(2) For assessment of hazardous materials at highway	
23	location sites:	
24	.....	\$ 44,650
25	d. Aeronautics and public transit:	
26	.....	\$ 222,300
27	.....	FTEs 5
28	e. Highways:	
29	.....	\$129,749,966
30	.....	FTEs 2,883
31	(1) For the implementation of the roadside vegetation	
32	management program:	
33	.....	\$ 215,000
34	(2) For increased design workload on commercial network	
35	improvements:	

1 \$ 202,000

2 As a condition, limitation, and qualification of the
3 appropriation in this paragraph, no new positions may be
4 filled in the office of right of way for the purpose of land
5 acquisition.

6 f. Motor vehicles:

7 \$ 693,835

8 FTEs 22

9 (1) For additional motor carrier service operations due to
10 an increase in services:

11 \$ 5,825

12 (2) For implementation of the commercial driver license
13 program:

14 \$ 17,960

15 g. Rail and water:

16 \$ 281,100

17 FTEs 7

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

22 \$ 1,750,000

23 As a condition, limitation, and qualification of this
24 appropriation, no more than \$2,603,034 from the highway
25 materials and equipment revolving fund, plus an allocation for
26 salary adjustment, may be expended for salaries and benefits
27 for not more than 92 full-time equivalent positions.

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

32 \$ 741,000

33 4. Unemployment compensation:

34 \$ 232,750

35 Sec. 11.

1 There is appropriated from the primary road fund to the
2 department of personnel for the fiscal year beginning July 1,
3 1990, and ending June 30, 1991, the following amount, or so
4 much thereof as is necessary, to be used for the purposes
5 designated:

6 For paying workers' compensation claims under chapter 85 on
7 behalf of the employees of the state department of
8 transportation:
9 \$ 1,425,000

10 Sec. 12.

11 There is appropriated from the primary road fund to the
12 state department of transportation for the fiscal year
13 beginning July 1, 1990, and ending June 30, 1991, the follow-
14 ing amounts, or so much thereof as is necessary, to be used
15 for the purposes designated:

16 For replacement of obsolete field facilities in the cities
17 of Ida Grove, Knoxville, Spencer, Grundy Center and Carroll:
18 \$ 3,700,000

19 As a condition, limitation, and qualification of the
20 appropriation in this section, the allocation for the Carroll
21 facility is contingent upon the execution of an agreement by
22 the department of transportation and the city of Carroll
23 mutually agreeing to the conditions of disposition of the
24 department of transportation's current facility site to the
25 city of Carroll.

26 The provisions of section 8.33 do not apply to the funds
27 appropriated by this section but remain available for
28 expenditure for the purposes designated until June 30, 1994.
29 Unencumbered or unobligated funds remaining on June 30, 1994,
30 from funds appropriated for the fiscal year beginning July 1,
31 1990, shall revert to the fund from which appropriated on
32 August 30, 1994.

33 Sec. 13.

34 There is appropriated from the road use tax fund to the
35 department of transportation for the fiscal year beginning

1 July 1, 1990, and ending June 30, 1991, the following amounts,
2 or so much thereof as is necessary, to be used for the
3 purposes designated:

4 1. For the construction of scale facilities at Agency:
5 \$ 50,000

6 2. For the paving of the scale lots at Agency, Charles
7 City, Muscatine and Mechanicsville:
8 \$ 250,000

9 The provisions of section 8.33 do not apply to the funds
10 appropriated by this section but remain available for
11 expenditure for the purposes designated until June 30, 1993.
12 Unencumbered or unobligated funds remaining on June 30, 1993,
13 from funds appropriated for the fiscal year beginning July 1,
14 1990, shall revert to the fund from which appropriated on
15 August 30, 1993.

16 Sec. 14.

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

22 1. For salaries, support, maintenance, miscellaneous pur-
23 poses, and for not more than the following full-time
24 equivalent positions:
25 \$ 410,400
26 FTEs 9

27 2. For terminal improvement or construction, to implement
28 marketing, advertising, or public relations programs, and for
29 nonprofit community, cultural programs to increase passenger
30 traffic at the following essential air service airports:

31 a. Burlington
32 \$ 7,000

33 b. Clinton
34 \$ 38,000

35 c. Fort Dodge

1	\$	35,000
2 d. Ottumwa		
3	\$	100,000
4 e. Waterloo		
5	\$	70,000
6 Sec. 15.		

7 There is appropriated from the moneys allocated under
8 section 312.2, subsection 5, to the primary road fund for the
9 fiscal year beginning July 1, 1990, and ending June 30, 1991,
10 for the express purpose of carrying out section 307A.2,
11 subsection 11, for completion of the North Shore Drive at
12 Clear Lake:

13	\$	175,000
14 Sec. 16.		

15 Moneys appropriated in this Act for any new program or
16 function shall be used solely for that program or function and
17 moneys shall not be transferred from that appropriation or
18 used for any other purpose.

19 Sec. 17.

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

33 Sec. 18. Section 29A.33, Code 1989, is amended to read as
34 follows:

35 29A.33 PER CAPITA ALLOWANCE TO UNIT.

1 Each unit of the national guard showing attendance and
2 actual drill of those present for such drills as are
3 prescribed in compliance with the National Defense Act or its
4 amendments and such regulations as prescribed by the secretary
5 of defense, shall receive an annual allowance for military
6 purposes, in the sum of ~~ten~~ five dollars per capita, to be
7 paid in semiannual installments on the basis of ~~five-dollars~~
8 two dollars and fifty cents per capita. For the purpose of
9 computing each semiannual installment the per capita strength
10 shall be the average enlisted strength of the unit, for that
11 semiannual period, however, if the average attendance of any
12 unit during any semiannual period falls below fifty percent of
13 the average enlisted strength of such unit in that period, the
14 allowance shall not be paid for that period. The semiannual
15 periods shall begin January 1 and July 1. The allowance shall
16 be paid from the funds appropriated for the support and
17 maintenance of the national guard, and the adjutant general
18 shall prescribe regulations requiring an itemized statement of
19 the allowance and governing its expenditure. The allowance
20 shall be used for morale purposes and for the welfare of the
21 troops. The allowance shall not be used to purchase an
22 alcoholic beverage or beer.

23 Sec. 19. NEW SECTION. 80B.11B EXAMINATION FEES --
24 TRAINING COST.

25 1. Notwithstanding section 80B.11, subsection 5, not more
26 than one-half of the cost of providing cognitive and
27 psychological examinations of law enforcement officer
28 candidates may be charged for taking the examinations by the
29 Iowa law enforcement academy.

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

34 Sec. 20. Section 103A.8, subsection 1, Code 1989, is
35 amended to read as follows:

1 1. Provide uniform standards and requirements for
2 construction, construction materials, and equipment through
3 the adoption by reference of applicable national codes where
4 appropriate and providing exceptions when necessary. The
5 rules adopted shall include provisions imposing requirements
6 reasonably consistent with or identical to recognized and
7 accepted standards contained in performance criteria as
8 ~~developed-by-nationally-recognized-model-codes-such-as-the~~
9 ~~model-codes-prepared-by-the-Building-Officials-Conference-of~~
10 ~~America-the-International-Conference-of-Building-Officials-~~
11 ~~the-Southern-Building-Codes-Congress-the-National-Fire~~
12 ~~Protection-Association-the-American-National-Standards~~
13 ~~Institute-the-American-Insurance-Association-the-United~~
14 ~~States-Department-of-Housing-and-Urban-Development-the~~
15 ~~American-Standards-Association-and-the-International~~
16 ~~Association-of-Plumbing-and-Mechanical-Officials.~~

17 Sec. 21. Section 307D.6, Code Supplement 1989, is amended
18 to read as follows:

19 307D.6 MEETINGS OF THE BOARD -- EXPENSES.

20 The board shall meet at least six times each year and shall
21 hold special meetings on the call of the chairperson. Except
22 as otherwise provided, the members of the board shall serve
23 without additional compensation to the salary and expenses
24 authorized for the office or position held by the member.
25 Members representing political subdivisions who are not
26 elected officials shall receive ~~forty-dollars-per-diem-and~~
27 necessary and actual expenses incurred in the performance of
28 their duties from the funds appropriated to the department
29 from the primary road fund. Legislative members shall be paid
30 for their actual and necessary expenses and, when the general
31 assembly is not in session, per diem as provided in sections
32 2.10 and 2.12. The department's members of the board shall be
33 reimbursed for their actual and necessary expenses from the
34 funds appropriated pursuant to section 313.5.

35 Sec. 22. NEW SECTION. 312.13 SPECIAL LEGAL COUNSEL.

1 There is appropriated annually an amount sufficient to
2 retain independent legal counsel to defend the state against
3 suits arising out of appropriations made from the road use tax
4 fund. The appropriation shall be funded from use tax receipts
5 under chapter 423 prior to deposit in the road use tax fund.
6 Legal counsel shall be selected by agreement between the
7 governor and the legislative council, after consultation with
8 the attorney general.

9 Sec. 23. Section 321.211, unnumbered paragraph 2, Code
10 Supplement 1989, is amended to read as follows:

11 There is appropriated each year from the road use tax fund
12 to the department of transportation one hundred ~~twenty-five~~
13 sixty thousand dollars or as much thereof as is necessary to
14 be used to pay the cost of notice and personal delivery of
15 service, as necessary to meet the notice requirement of this
16 section. The department shall adopt rules governing the
17 payment of the cost of personal delivery of service. The
18 reinstatement fees collected under section 321.191 shall be
19 deposited in the road use tax fund in the manner provided in
20 section 321.192, as reimbursement for the costs of notice
21 under this section.

22 Sec. 24. Section 321A.3, subsection 1, Code Supplement
23 1989, is amended to read as follows:

24 1. The director shall upon request furnish any person a
25 certified abstract of the operating record of a person subject
26 to chapter 321, 321J, or this chapter. The abstract shall
27 also fully designate the motor vehicles, if any, registered in
28 the name of the person. If there is no record of a conviction
29 of the person having violated any law relating to the
30 operation of a motor vehicle or of any injury or damage caused
31 by the person, the director shall so certify. A fee of five
32 dollars shall be paid for each abstract except by state,
33 county, city or court officials. The director shall transfer
34 the moneys collected under this section to the treasurer of
35 state who ~~shall credit annually to the abstract fee fund~~

1 ~~created under section 321A.3A the first one million three~~
2 ~~hundred fifty thousand dollars collected and shall credit to~~
3 ~~the general fund all additional moneys collected.~~

4 Sec. 25. Section 321A.3A, Code Supplement 1989, is
5 repealed.

6 EXPLANATION

7 This bill makes appropriations to the Iowa law enforcement
8 academy, department of public defense, the department of
9 public safety, and the department of transportation for the
10 fiscal year beginning July 1, 1990, and ending June 30, 1991.

11 The bill provides for a \$5.00 per capita allowance to each
12 unit of the national guard to be used for morale purposes and
13 welfare of the troops. The bill also provides for not more
14 than one-half of the costs of providing tests and examinations
15 and the minimum basic training shall be charged to the person
16 taking the test, examination, and training course.

17 The bill provides for nonelected members of the highway
18 research board to receive necessary and actual expenses from
19 the primary road fund.

20 The bill also repeals the abstract fee fund.

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SENATE FILE 2402

S-5194

Amend Senate File 2402 as follows:

1. Page 9, by striking lines 8 through 9.
2. By renumbering as necessary.

By CALVIN O. HULTMAN
RICHARD F. DRAKE
JOHN W. JENSEN

S-5194 FILED FEBRUARY 22, 1990
WITHDRAWN (p. 689)

SENATE FILE 2402

S-5195

1 Amend Senate File 2402 as follows:

- 2 1. Page 6, by striking lines 22 through 27.
- 3 2. By renumbering as necessary.

By CALVIN O. HULTMAN
RICHARD F. DRAKE
JOHN W. JENSEN

S-5195 FILED FEBRUARY 22, 1990
LOST (p. 689)

SENATE FILE 2402

S-5202

1 Amend Senate File 2402 as follows:

- 2 1. Page 11, line 22, by striking the figure
- 3 "1,750,000" and inserting the following: "2,000,000".

By JOE J. WELSH

S-5202 FILED FEBRUARY 22, 1990
ADOPTED (p. 689)

SENATE FILE 2402

S-5189

1 Amend Senate File 2402 as follows:

- 2 1. Page 1, line 28, by striking the figure
- 3 "3,448,957" and inserting the following: "3,508,957"
- 4 2. Page 1, by inserting after line 29 the
- 5 following:
- 6 "As a condition, limitation, and qualification of
- 7 this appropriation, \$60,000 of this appropriation
- 8 shall be used for establishment of a maintenance
- 9 detachment in Clarke county."

By LEONARD L. BOSWELL
JOE J. WELSH

S-5189 FILED FEBRUARY 22, 1990
ADOPTED (p. 682)

SENATE FILE 2402

S-5203

1 Amend Senate File 2402 as follows:
2 1. Page 16, by inserting after line 16 the
3 following:
4 "Sec. ____ . Section 135C.2, subsection 5, paragraph
5 b, Code Supplement 1989, is amended to read as
6 follows:
7 b. A facility must be located in an area zoned for
8 single or multiple-family housing and must be
9 constructed in compliance with applicable local
10 housing codes and the rules adopted for the special
11 classification by the state fire marshal in accordance
12 with the concept of the least restrictive environment
13 for the facility residents and which are no more
14 restrictive than standards provided in the applicable
15 sections of the appendix of chapter twenty-one of the
16 national fire protection association life safety code
17 of 1988 1985."

By JIM LIND
JOE WELSH

S-5203 FILED FEBRUARY 22, 1990
ADOPTED (y 689)

SENATE FILE 2402

S-5204

1 Amend Senate File 2402 as follows:
2 1. Page 4, by inserting after line 34 the fol-
3 lowing:
4 "The unfunded liability of the peace officers'
5 retirement, accident, and disability system, as of
6 July 1, 1990, is not a liability of funds paid to the
7 state racing and gaming commission under section
8 99D.14."
9 2. Page 6, by inserting after line 8 the fol-
10 lowing:
11 "The unfunded liability of the peace officers'
12 retirement, accident, and disability system, under
13 chapter 97A is not a liability of the road use tax
14 fund as of July 1, 1986."

By JIM LIND
RICHARD F. DRAKE
DALE L. TIEDEN

S-5204 FILED FEBRUARY 22, 1990
LOST (y 688)

IOWA LAW ENFORCEMENT ACADEMY

Section 1.

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

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

..... \$ 961,617
..... FTEs 29.7

2. For replacement of inefficient and outdated sanitary and maintenance equipment.

..... \$ 12,000

DEPARTMENT OF PUBLIC DEFENSE

Sec. 2.

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

1. MILITARY DIVISION

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

..... \$ 3,508,957
..... FTEs 151.59

As a condition, limitation, and qualification of this appropriation, \$60,000 of this appropriation shall be used for establishment of a maintenance detachment in Clarke county.

b. For maintenance efforts at Iowa armories:

..... \$ 100,000

2. DISASTER SERVICES DIVISION

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

4 \$ 320,482
5 FTEs 13

6 3. VETERANS AFFAIRS DIVISION

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

10 \$ 133,934
11 FTEs 4.16

12 b. For the purchase of POW/MIA flags to be flown on all
13 public buildings for public agencies that apply for the flags
14 or upon application by a veterans organization chartered by
15 the Congress of the United States to be presented to a public
16 agency for its use, the flags must be manufactured in the
17 United States:

18 \$ 15,000

19 4. WAR ORPHANS

20 For the war orphans educational aid fund:

21 \$ 10,185

22 DEPARTMENT OF PUBLIC SAFETY

23 Sec. 3.

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

29 1. For the department's administrative functions including
30 the medical examiner's office and the criminal justice
31 information system, and for not more than the following full-
32 time equivalent positions:

33 \$ 2,510,622
34 FTEs 51.50

35 2. a. For purposes relating to radio communications, and

1 not more than the following full-time equivalent positions:

2 \$ 3,227,667
3 FTEs 80

4 b. For purchase of service monitors and radio spare parts:
5 \$ 75,000

6 3. a. For the division of criminal investigation and
7 bureau of identification containing the bureaus of
8 identification and liquor law enforcement, including the
9 state's contribution to the peace officers' retirement,
10 accident, and disability system provided in chapter 97A in the
11 amount of 16 percent of the salaries for which the funds are
12 appropriated, and for not more than the following full-time
13 equivalent positions:

14 \$ 6,557,018
15 FTEs 137

16 b. For purchase of DNA laboratory equipment:
17 \$ 250,000

18 c. For the law enforcement intelligence network program,
19 to be used in consultation with the law enforcement
20 intelligence network advisory committee:
21 \$ 20,000

22 As a condition, limitation, and qualification of this
23 appropriation, the division of criminal investigation shall
24 commit sufficient resources to conduct 4 undercover operations
25 in cooperation with local law enforcement agencies to identify
26 the extent of bootlegging or illegal liquor operations at
27 state border counties and shall report on the undercover
28 operations to the committee by January 1, 1991.

29 4. For the division of narcotics:
30 a. The state's contribution to the peace officers'
31 retirement, accident, and disability system provided in
32 chapter 97A in the amount of 16 percent of the salaries for
33 which the funds are appropriated, and for not more than the
34 following full-time equivalent positions:

35 \$ 2,243,579

1 FTEs 38

2 b. Undercover purchases:

3 \$ 200,000

4 5. a. For the fire marshal's office, including the
5 state's contribution to the peace officers' retirement,
6 accident, and disability system provided in chapter 97A in the
7 amount of 16 percent of the salaries for which the funds are
8 appropriated, and for not more than the following full-time
9 equivalent positions:

10 \$ 1,560,379

11 FTEs 33

12 b. For a regional firefighters' training center in Black
13 Hawk county:

14 \$ 50,000

15 The Iowa fire service institute advisory committee shall
16 advise the firefighters' training center funded herein and
17 certify its programs in accordance with section 266.43.

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

20 \$ 1,219,281

21 FTEs 36

22 Sec. 4.

23 Notwithstanding sections 99D.17 and 99D.18, there is
24 appropriated from funds paid to the state racing and gaming
25 commission pursuant to section 99D.14, to the department of
26 public safety for the fiscal year beginning July 1, 1990, and
27 ending June 30, 1991, the following amount, or so much thereof
28 as is necessary, to be used for the purposes designated:

29 For salaries, support, maintenance, and miscellaneous
30 purposes of the pari-mutuel law enforcement agents, including
31 the state's contribution to the peace officers' retirement,
32 accident, and disability system provided in chapter 97A in the
33 amount of 16 percent of the salaries for which the funds are
34 appropriated, and for not more than the following full-time
35 equivalent positions:

*1 \$ 281,970
2 FTEs 5

3 Sec. 5.

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

9 1. For the purchase of local AFIS remote terminals:

10 \$ 279,800

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

13 \$ 536,676

14 Sec. 6.

15 There is appropriated from the road use tax fund to the
16 department of public safety, division of highway safety and
17 uniformed force, for the fiscal year beginning July 1, 1990,
18 and ending June 30, 1991, the following amounts, or so much
19 thereof as is necessary, to be used for the purposes
20 designated:

21 1. For salaries, support, maintenance, and miscellaneous
22 purposes, including the state's contribution to the peace
23 officers' retirement, accident, and disability system provided
* 24 in chapter 97A in the amount of 16 percent of the salaries for
25 which the funds are appropriated, and for not more than the
26 following full-time equivalent positions:

* 27 \$ 23,568,231
28 FTEs 450.5

29 It is the intent of the general assembly, that so much as
30 is necessary of the appropriation in this subsection, shall
31 support federal Highway Safety Act programs.

32 As a condition, limitation, and qualification of the
33 appropriation in this subsection, the Iowa law enforcement
34 academy shall be allowed to annually select at least 5
35 automobiles of the department of public safety, division of

1 highway safety and uniformed force, which are being turned in
2 to the state vehicle dispatcher to be disposed of by public
3 auction and the Iowa law enforcement academy shall be allowed
4 to exchange any automobile owned by the academy for each
5 automobile selected if the selected automobile is used in
6 training law enforcement officers at the academy; however, any
7 automobile exchanged by the academy shall be substituted for
8 the selected vehicle of the department of public safety and
9 sold by public auction with the receipts being deposited in
10 the depreciation fund to the credit of the department of
11 public safety, division of highway safety and uniformed force.

12 An employee of the department of public safety or its
13 successor who retires after the effective date of this section
14 of this Act but prior to June 30, 1991, is eligible for
15 payment of life or health insurance premiums as provided for
16 in the collective bargaining agreement covering the public
17 safety bargaining unit at the time of retirement if that
18 employee previously served in a position which would have been
19 covered by the agreement. The employee shall be given credit
20 for the service in that prior position as though it were
21 covered by that agreement. This section shall not operate to
22 reduce any retirement benefits an employee may have earned
23 under other collective bargaining agreements or retirement
24 programs.

25 2. For purchase of a building and equipment related to
26 vehicle theft operations but not to include normal highway
27 patrol equipment:

28 \$ 300,000

29 Notwithstanding section 8.39, funds from this appropriation
30 shall not be transferred for any other purpose.

31 3. For the capital purchase of mobile vehicle repeater
32 radios and test equipment to be used by the Iowa highway
33 safety patrol:

34 \$ 150,000

35 4. For the purchase of radar units:

1 \$ 200,000

2 It is the intent of the general assembly that an additional
3 \$200,000 will be appropriated for the fiscal year beginning
4 July 1, 1991, to complete the purchase of radar units.

5 5. For payments to the department of personnel for
6 expenses incurred in administering workers' compensation on
7 behalf of the highway safety division of highway safety and
8 uniformed force:

9 \$ 180,000

10 6. For payments to the department of personnel for
11 expenses incurred in administering the merit system on behalf
12 of the highway safety division of highway safety and uniformed
13 force:

14 \$ 95,274

15 7. For planning and site selection of a new Fort Dodge
16 highway patrol post:

17 \$ 25,000

18 8. For the purchase of scanners:

19 \$ 90,000

20 STATE DEPARTMENT OF TRANSPORTATION

21 Sec. 7.

22 There is appropriated from the general fund of the state to
23 the department of transportation for the fiscal year beginning
24 July 1, 1990, and ending June 30, 1991, the following amount,
25 or so much thereof as is necessary, for the purpose
26 designated:

27 For the payment of costs associated with the production of
28 motor vehicle licenses, as defined in section 321.1,
29 subsection 77:

30 \$ 500,000

31 Notwithstanding section 8.39, funds from this appropriation
32 shall not be transferred for any other purpose.

33 Sec. 8.

34 There is appropriated from the road use tax fund to the
35 state department of transportation for the fiscal year

1 beginning July 1, 1990, and ending June 30, 1991, the
 2 following amounts, or so much thereof as may be necessary, to
 3 be used for the purposes designated:

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

7	a. Administrative services:	
8	.....	\$ 3,353,787
9	.....	FTEs 47.50
10	(1) To address environmental issues and to meet the	
11	international fuel tax:	
12	.....	\$ 9,400
13	(2) For increased postage costs:	
14	.....	\$ 14,000
15	(3) For the purchase of computer hardware and software	
16	enhancements:	
17	.....	\$ 105,000
18	(4) For the lease on the Park Fair mall facility:	
19	.....	\$ 24,500
20	b. General counsel:	
21	.....	\$ 167,860
22	.....	FTEs 1.0
23	c. Planning and research:	
24	.....	\$ 333,300
25	.....	FTEs 9
26	(1) For the implementation of a traffic monitoring guide:	
27	.....	\$ 4,805
28	(2) For assessment of hazardous materials at highway	
29	location sites:	
30	.....	\$ 2,350
31	d. Aeronautics and public transit:	
32	.....	\$ 222,300
33	.....	FTEs 5
34	e. Motor vehicles:	
35	.....	\$ 17,180,165

1 FTEs 541

2 (1) For additional motor carrier service operations due to

3 an increase in services:

4 \$ 139,800

5 (2) For implementation of the commercial driver license

6 program:

7 \$ 431,040

8 f. Rail and water:

9 \$ 655,900

10 FTEs 15

11 2. To be used to implement section 306D.3:

12 \$ 500,000

13 3. For payments to the department of personnel for

14 expenses incurred in administering the merit system on behalf

15 of the state department of transportation, as required by

16 chapter 19A:

17 \$ 39,000

18 4. Unemployment compensation:

19 \$ 12,250

20 Sec. 9.

21 There is appropriated from the road use tax fund to the

22 department of personnel for the fiscal year beginning July 1,

23 1990, and ending June 30, 1991, the following amount, or so

24 much thereof as is necessary, to be used for the purposes

25 designated:

26 For paying workers' compensation claims under chapter 85 on

27 behalf of employees of the state department of transportation:

28 \$ 75,000

29 Sec. 10.

30 There is appropriated from the primary road fund to the

31 state department of transportation for the fiscal year

32 beginning July 1, 1990, and ending June 30, 1991, the

33 following amounts, or so much thereof as is necessary, to be

34 used for the purposes designated:

35 1. For salaries, support, maintenance, miscellaneous pur-

1 poses, and for not more than the following full-time
 2 equivalent positions:

3 a. Administrative services:

4 \$ 20,597,213
 5 FTEs 293

6 (1) To address environmental issues and to meet the
 7 international fuel tax:

8 \$ 57,600

9 (2) For increased postage costs:

10 \$ 86,000

11 (3) For the purchase of computer hardware and software
 12 enhancements:

13 \$ 645,000

14 (4) For lease of the Park Fair mall facility:

15 \$ 150,500

16 b. General counsel:

17 \$ 1,031,140
 18 FTEs 7

19 c. Planning and research:

20 \$ 6,332,700
 21 FTEs 165

22 (1) For the implementation of the traffic monitoring
 23 guide:

24 \$ 91,295

25 (2) For assessment of hazardous materials at highway
 26 location sites:

27 \$ 44,650

28 d. Aeronautics and public transit:

29 \$ 222,300
 30 FTEs 5

31 e. Highways:

32 \$129,749,966
 33 FTEs 2,883

34 (1) For the implementation of the roadside vegetation
 35 management program:

1 \$ 215,000

2 (2) For increased design workload on commercial network
3 improvements:

4 \$ 202,000

5 As a condition, limitation, and qualification of the
6 appropriation in this paragraph, no new positions may be
7 filled in the office of right of way for the purpose of land
8 acquisition.

9 f. Motor vehicles:

10 \$ 693,835

11 FTEs 22

12 (1) For additional motor carrier service operations due to
13 an increase in services:

14 \$ 5,825

15 (2) For implementation of the commercial driver license
16 program:

17 \$ 17,960

18 g. Rail and water:

19 \$ 281,100

20 FTEs 7

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

25 \$ 2,000,000

26 As a condition, limitation, and qualification of this
27 appropriation, no more than \$2,603,034 from the highway
28 materials and equipment revolving fund, plus an allocation for
29 salary adjustment, may be expended for salaries and benefits
30 for not more than 92 full-time equivalent positions.

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

35 \$ 741,000

1 4. Unemployment compensation:

2 \$ 232,750

3 Sec. 11.

4 There is appropriated from the primary road fund to the
5 department of personnel for the fiscal year beginning July 1,
6 1990, and ending June 30, 1991, the following amount, or so
7 much thereof as is necessary, to be used for the purposes
8 designated:

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

11 transportation:

12 \$ 1,425,000

13 Sec. 12.

14 There is appropriated from the primary road fund to the
15 state department of transportation for the fiscal year
16 beginning July 1, 1990, and ending June 30, 1991, the follow-
17 ing amounts, or so much thereof as is necessary, to be used
18 for the purposes designated:

19 For replacement of obsolete field facilities in the cities
20 of Ida Grove, Knoxville, Spencer, Grundy Center and Carroll:

21 \$ 3,700,000

22 As a condition, limitation, and qualification of the
23 appropriation in this section, the allocation for the Carroll
24 facility is contingent upon the execution of an agreement by
25 the department of transportation and the city of Carroll
26 mutually agreeing to the conditions of disposition of the
27 department of transportation's current facility site to the
28 city of Carroll.

29 The provisions of section 8.33 do not apply to the funds
30 appropriated by this section but remain available for
31 expenditure for the purposes designated until June 30, 1994.
32 Unencumbered or unobligated funds remaining on June 30, 1994,
33 from funds appropriated for the fiscal year beginning July 1,
34 1990, shall revert to the fund from which appropriated on
35 August 30, 1994.

1 Sec. 13.

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

7 1. For the construction of scale facilities at Agency:
8 \$ 50,000

9 2. For the paving of the scale lots at Agency, Charles
10 City, Muscatine and Mechanicsville:
11 \$ 250,000

12 The provisions of section 8.33 do not apply to the funds
13 appropriated by this section but remain available for
14 expenditure for the purposes designated until June 30, 1993.
15 Unencumbered or unobligated funds remaining on June 30, 1993,
16 from funds appropriated for the fiscal year beginning July 1,
17 1990, shall revert to the fund from which appropriated on
18 August 30, 1993.

19 Sec. 14.

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

25 1. For salaries, support, maintenance, miscellaneous pur-
26 poses, and for not more than the following full-time
27 equivalent positions:
28 \$ 410,400
29 FTEs 9

30 2. For terminal improvement or construction, to implement
31 marketing, advertising, or public relations programs, and for
32 nonprofit community, cultural programs to increase passenger
33 traffic at the following essential air service airports:

34 a. Burlington
35 \$ 7,000

1	b. Clinton		
2	.....	\$	38,000
3	c. Fort Dodge		
4	.....	\$	35,000
5	d. Ottumwa		
6	.....	\$	100,000
7	e. Waterloo		
8	.....	\$	70,000
9	Sec. 15.		

545210 There is appropriated from the moneys allocated under
11 section 312.2, subsection 5, to the primary road fund for the
12 fiscal year beginning July 1, 1990, and ending June 30, 1991,
13 for the express purpose of carrying out section 307A.2,
14 subsection 11, for completion of the North Shore Drive at
15 Clear Lake:
16 \$ 175,000

17 Sec. 16.

18 Moneys appropriated in this Act for any new program or
19 function shall be used solely for that program or function and
20 moneys shall not be transferred from that appropriation or
21 used for any other purpose.

22 Sec. 17.

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

57857

1 Sec. 18. Section 29A.33, Code 1989, is amended to read as
2 follows:

3 29A.33 PER CAPITA ALLOWANCE TO UNIT.

4 Each unit of the national guard showing attendance and
5 actual drill of those present for such drills as are
6 prescribed in compliance with the National Defense Act or its
7 amendments and such regulations as prescribed by the secretary
8 of defense, shall receive an annual allowance for military
9 purposes, in the sum of ~~ten~~ five dollars per capita, to be
10 paid in semiannual installments on the basis of ~~five-dollars~~
11 two dollars and fifty cents per capita. For the purpose of
12 computing each semiannual installment the per capita strength
13 shall be the average enlisted strength of the unit, for that
14 semiannual period, however, if the average attendance of any
15 unit during any semiannual period falls below fifty percent of
16 the average enlisted strength of such unit in that period, the
17 allowance shall not be paid for that period. The semiannual
18 periods shall begin January 1 and July 1. The allowance shall
19 be paid from the funds appropriated for the support and
20 maintenance of the national guard, and the adjutant general
21 shall prescribe regulations requiring an itemized statement of
22 the allowance and governing its expenditure. The allowance
23 shall be used for morale purposes and for the welfare of the
24 troops. The allowance shall not be used to purchase an
25 alcoholic beverage or beer.

26 Sec. 19. NEW SECTION. 80B.11B EXAMINATION FEES --
27 TRAINING COST.

28 1. Notwithstanding section 80B.11, subsection 5, not more
29 than one-half of the cost of providing cognitive and
30 psychological examinations of law enforcement officer
31 candidates may be charged for taking the examinations by the
32 Iowa law enforcement academy.

33 2. The Iowa law enforcement academy may also charge not
34 more than one-half of the cost of providing the basic training
35 course which is designed to meet the minimum basic training

1 requirements for a law enforcement officer.

2 Sec. 20. Section 103A.8, subsection 1, Code 1989, is
3 amended to read as follows:

4 1. Provide uniform standards and requirements for
5 construction, construction materials, and equipment through
6 the adoption by reference of applicable national codes where
7 appropriate and providing exceptions when necessary. The
8 rules adopted shall include provisions imposing requirements
9 reasonably consistent with or identical to recognized and
10 accepted standards contained in performance criteria ~~as~~
11 ~~developed-by-nationally-recognized-model-codes-such-as-the~~
12 ~~model-codes-prepared-by-the-Building-Officials-Conference-of~~
13 ~~America,-the-International-Conference-of-Building-Officials,-~~
14 ~~the-Southern-Building-Codes-Congress,-the-National-Fire~~
15 ~~Protection-Association,-the-American-National-Standards~~
16 ~~Institute,-the-American-Insurance-Association,-the-United~~
17 ~~States-Department-of-Housing-and-Urban-Development,-the~~
18 ~~American-Standards-Association,-and-the-International~~
19 ~~Association-of-Plumbing-and-Mechanical-Officials.~~

20 Sec. 21. Section 135C.2, subsection 5, paragraph b, Code
21 Supplement 1989, is amended to read as follows:

22 b. A facility must be located in an area zoned for single
23 or multiple-family housing and must be constructed in
24 compliance with applicable local housing codes and the rules
25 adopted for the special classification by the state fire
26 marshal in accordance with the concept of the least
27 restrictive environment for the facility residents and which
28 are no more restrictive than standards provided in the
29 applicable sections of the appendix of chapter twenty-one of
30 the national fire protection association life safety code of
31 1988 1985.

32 Sec. 22. Section 307D.6, Code Supplement 1989, is amended
33 to read as follows:

34 307D.6 MEETINGS OF THE BOARD -- EXPENSES.

35 The board shall meet at least six times each year and shall

1 hold special meetings on the call of the chairperson. Except
2 as otherwise provided, the members of the board shall serve
3 without additional compensation to the salary and expenses
4 authorized for the office or position held by the member.
5 Members representing political subdivisions who are not
6 elected officials shall receive ~~forty-dollars-per-diem-and~~
7 necessary and actual expenses incurred in the performance of
8 their duties from the funds appropriated to the department
9 from the primary road fund. Legislative members shall be paid
10 for their actual and necessary expenses and, when the general
11 assembly is not in session, per diem as provided in sections
12 2.10 and 2.12. The department's members of the board shall be
13 reimbursed for their actual and necessary expenses from the
14 funds appropriated pursuant to section 313.5.

51517

15 Sec. 23. NEW SECTION. 312.13 SPECIAL LEGAL COUNSEL.
16 There is appropriated annually an amount sufficient to
17 retain independent legal counsel to defend the state against
18 suits arising out of appropriations made from the road use tax
19 fund. The appropriation shall be funded from use tax receipts
20 under chapter 423 prior to deposit in the road use tax fund.
21 Legal counsel shall be selected by agreement between the
22 governor and the legislative council, after consultation with
23 the attorney general.

24 Sec. 24. Section 321.211, unnumbered paragraph 2, Code
25 Supplement 1989, is amended to read as follows:

26 There is appropriated each year from the road use tax fund
27 to the department of transportation one hundred ~~twenty-five~~
28 sixty thousand dollars or as much thereof as is necessary to
29 be used to pay the cost of notice and personal delivery of
30 service, as necessary to meet the notice requirement of this
31 section. The department shall adopt rules governing the
32 payment of the cost of personal delivery of service. The
33 reinstatement fees collected under section 321.191 shall be
34 deposited in the road use tax fund in the manner provided in
35 section 321.192, as reimbursement for the costs of notice

1 under this section.

2 Sec. 25. Section 321A.3, subsection 1, Code Supplement
3 1989, is amended to read as follows:

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

19 Sec. 26. Section 321A.3A, Code Supplement 1989, is
20 repealed.

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SENATE FILE 2402

H-5588

1 Amend Senate File 2402 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 12, by inserting after the word
4 "purchase" the following: "and distribution".

5 2. Page 3, line 8, by inserting after the word
6 "enforcement," the following: "and for river boat
7 gambling enforcement,".

8 3. Page 5, by inserting after line 2, the
9 following:

10 "The unfunded liability of the peace officers'
11 retirement, accident, and disability system, as of
12 July 1, 1990, is not a liability of funds paid to the
13 state racing and gaming commission under section
14 99D.14."

15 4. Page 6, by inserting after line 11 the fol-
16 lowing:

17 "The unfunded liability of the peace officers'
18 retirement, accident, and disability system, under
19 chapter 97A is not a liability of the road use tax
20 fund as of July 1, 1986."

21 5. Page 10, line 33, by striking the figure
22 "2,883" inserting the following: "2,886".

23 6. Page 11, by striking lines 5 through 8 and
24 inserting the following:

25 "(3) For parcel acquisition:
26 \$ 153,000".

27 7. Page 11, line 19, by striking the figure
28 "281,100" and inserting the following: "331,100".

29 8. Page 11, by inserting after line 20 the
30 following:

31 "As a condition, limitation, and qualification of
32 the appropriation in this paragraph, \$50,000, or so
33 much thereof as is necessary, shall be used to conduct
34 a demonstration study to assess the economic and
35 technical feasibility of establishing an intermodal
36 transportation facility at or near a location on the
37 Mississippi river that has access to year-round
38 navigation. The demonstration study shall be
39 conducted by a regional planning agency. The
40 department shall coordinate the demonstration study
41 with the department of economic development and shall
42 report to the general assembly, not later than March
43 31, 1991, on the outcome of the study, on the
44 applicability of integrating intermodal transportation
45 analysis into regional economic development studies,
46 and on the contribution that regional planning can
47 make to statewide planning."

48 9. Page 11, line 25, by striking the figure
49 "2,000,000" and inserting the following: "1,600,000".

50 10. By striking page 13, line 30, through page

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1 14, line 8, and inserting the following:

2 "2. For essential air service airport terminal
3 improvements:

4 \$ 250,000

5 In selecting projects, the state department of
6 transportation shall give preference to projects that
7 will assist in maintaining and attracting air service.
8 The state department of transportation shall provide
9 funding for as many essential air service communities
10 as possible based on merit and need. The state
11 department of transportation shall notify essential
12 air service airports of this program and make
13 tentative selection of projects forty-five days from
14 the effective date of this Act.

15 For an approved terminal improvement project, the
16 provisions of section 8.33 do not apply to the funds
17 appropriated by this section and the funds shall
18 remain available for expenditure for the purposes
19 designated until June 30, 1993. Unencumbered or
20 unobligated funds, not allocated to a specific
21 project, remaining on June 30, 1991, from funds
22 appropriated for the fiscal year beginning July 1,
23 1990, shall revert to the fund from which appropriated
24 on August 30, 1991."

25 11. Page 14, by inserting after line 35 the
26 following:

27 "Sec. ____ . RULES VALID.

28 The administrative rules adopted by the state fire
29 marshal pursuant to 1986 Iowa Acts, chapter 1246,
30 section 206, subsection 2, are valid."

31 12. Page 16, by striking lines 20 through 31 and
32 inserting the following:

33 "Sec. ____ . Section 135C.2, subsection 5, paragraph
34 b, Code Supplement 1989, is amended by striking the
35 paragraph and inserting in lieu thereof the following:

36 b. A facility must be located in an area zoned for
37 single or multiple-family housing and must be
38 constructed in compliance with applicable local
39 housing codes and the rules adopted for the special
40 classification by the state fire marshal in accordance
41 with the concept of the least restrictive environment
42 for the facility residents. The rules adopted by the
43 state fire marshal for the special classification
44 shall be no more restrictive than the rules adopted by
45 the state fire marshal for demonstration waiver
46 project facilities pursuant to 1986 Iowa Acts, chapter
47 1246, section 206, subsection 2."

48 13. Page 18, by inserting after line 18 the
49 following:

50 "Sec. ____ . NEW SECTION. 325.37 ADVERTISING BY

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1 MOTOR CARRIERS OF PROPERTY.

2 ~~Any advertising of available service provided by a~~

3 motor carrier of property shall contain or display the
4 number of the certificate issued by the department
5 pursuant to this chapter.

6 Sec. ____ Section 331.660, Code 1989, is amended
7 to read as follows:

8 331.660 APPROPRIATION -- INDIAN SETTLEMENT
9 OFFICER.

10 There is appropriated annually from the general
11 fund of the state to the county of Tama the sum of
12 three-thousand-three-hundred-sixty-five thirty-five
13 thousand dollars to be used by the county only for the
14 payment of the salary and expenses of an additional
15 deputy sheriff for the county. The principal duty of
16 the deputy sheriff is to provide law enforcement on
17 the Sac and Fox Indian settlement in the county of
18 Tama. If possible, the deputy sheriff shall reside on
19 the settlement. Additional funds necessary to pay the
20 salary and expenses of the deputy sheriff shall be
21 paid by the county of Tama."

By COMMITTEE ON APPROPRIATIONS
JOCHUM of Dubuque, Chairperson

H-5588 FILED MARCH 12, 1990
*Adopted as amended by 58 46, 56 77
3/23 (p. 1314)*

SENATE FILE 2402

H-5483

1 Amend Senate File 2402, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 14, by striking lines 13 and 14 and in-
4 serting the following: "for completion of the North
5 Shore Drive at".

By PETERSON of Carroll

H-5483 FILED MARCH 1, 1990
w/d 3/23 (p. 1379)

SENATE FILE 2402

H-5647

1 Amend Senate File 2402, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 3, line 11, by striking the figure "16"
- 4 and inserting the following: "18".
- 5 2. Page 3, line 32, by striking the figure "16"
- 6 and inserting the following: "18".
- 7 3. Page 4, line 7, by striking the figure "16"
- 8 and inserting the following: "18".
- 9 4. Page 4, line 33, by striking the figure "16"
- 10 and inserting the following: "18".
- 11 5. Page 5, line 24, by striking the figure "16"
- 12 and inserting the following: "18".

By CARPENTER of Polk	CONNORS of polk
HAMMOND of Story	LUNDBY of Linn
HANSON of Delaware	RENAUD of Polk
BLANSHAN of Greene	DODERER of Johnson

H-5647 FILED MARCH 13, 1990
w/d 3/23 (p. 1377)

SENATE FILE 2402

H-5751

1 Amend Senate File 2402, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 17, by inserting after line 14 the
4 following:

5 "Sec. _____. Section 309.10, unnumbered paragraph 2,
6 Code 1989, is amended to read as follows:

7 A county shall not use farm-to-market road funds as
8 described in this section unless the total funds that
9 the county transferred or provided during the prior
10 fiscal year pursuant to section 331.429, subsection 1,
11 paragraphs "a", "b", "d", and "e", are at least
12 seventy-five percent of the maximum funds the county
13 could have transferred in the prior fiscal year
14 ~~pursuant to section 331.429, subsection 1, paragraphs~~
15 ~~"a" and "b"~~ from the general fund of the county the
16 dollar equivalent of a tax of sixteen and seven-
17 eighths cents per thousand dollars of assessed value
18 on all taxable property in the county and from the
19 rural services fund of the county the dollar
20 equivalent of a tax of three dollars and three-eighths
21 cent per thousand dollars of assessed value on all
22 taxable property not located within the corporate
23 limits of a city in the county.

24 Sec. _____. Section 312.2, subsection 8, Code
25 Supplement 1989, is amended to read as follows:

26 8. The treasurer of state, before making any
27 allotments to counties under this section, shall
28 reduce the allotment to a county for the secondary
29 road fund by the amount by which the total funds that
30 the county transferred or provided during the prior
31 fiscal year under section 331.429, subsection 1,
32 paragraphs "a", "b", "d", and "e", are less than
33 seventy-five percent of the maximum funds that the
34 county could have transferred in the prior fiscal year
35 ~~under section 331.429, subsection 1, paragraphs "a"~~
36 ~~and "b"~~ from the general fund of the county the dollar
37 equivalent of a tax of sixteen and seven-eighths cents
38 per thousand dollars of assessed value on all taxable
39 property in the county and from the rural services
40 fund of the county the dollar equivalent of a tax of
41 three dollars and three-eighths cent per thousand
42 dollars of assessed value on all taxable property not
43 located within the corporate limits of a city in the
44 county. Funds remaining in the secondary road fund of
45 the counties due to a reduction of allocations to
46 counties for failure to maintain a minimum local tax
47 effort shall be reallocated to counties that are not
48 reduced under this subsection pursuant to the
49 allocation provisions of section 312.3, subsection 1,
50 based upon the needs and area of the county.

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1 information necessary to make allocations under this
2 subsection shall be provided by the state department
3 of transportation or the director of the department of
4 management upon request by the treasurer of state.

5 Sec. ____ . Section 312.3, subsection 1, Code 1989,
6 is amended to read as follows:

7 1. Apportion among the counties in the ratio that
8 the needs of the secondary roads of each county bear
9 to the total needs of the secondary roads of the state
10 for each fiscal year based upon the total needs of
11 secondary roads of the state as shown in the latest
12 quadrennial need study report developed by the state
13 department of transportation, and which is on record
14 at the department, ~~sixty~~ seventy percent of the
15 allocation from road use tax funds which is credited
16 to the secondary road fund of the counties, and
17 apportion among the counties in the ratio that the
18 area of each county bears to the total area of the
19 state, ~~forty~~ thirty percent of the allocation from
20 road use tax funds which is credited to the secondary
21 road fund of the counties. However, ~~for-a-hold~~
22 ~~harmless-period~~ in a fiscal year each county is
23 guaranteed a hold harmless base year amount. The
24 amount in the secondary road fund of the counties in
25 each fiscal year ~~during-the-hold-harmless-period~~ in
26 excess of the sum of the hold harmless base period
27 year amounts allocated to all counties shall be
28 distributed proportionally based on the relative needs
29 and area factors to only those counties entitled to
30 receive more than the hold harmless base year amount.

31 For the purposes of this subsection:

32 a. ~~"Hold-harmless Base period"~~ means the ~~fiscal~~
33 ~~years-beginning-July-1,-1979-and-ending-June-30,-1985~~
34 three-year period ending June 30, 1990.

35 b. ~~"Base-year-amount"~~ means ~~the-amount-of-the~~
36 ~~secondary-road-fund-of-the-counties-received-by-a~~
37 ~~county-for-the-fiscal-year-beginning-July-1,-1977-~~
38 "Local effort" means the ratio expressed as a percent
39 of the total funds that the county transferred or
40 provided during the base period pursuant to section
41 331.429, subsection 1, paragraphs "a", "b", "d", and
42 "e", to the maximum funds the county could have
43 transferred during the base period from the general
44 fund of the county the dollar equivalent of a tax of
45 sixteen and seven-eighths cents per thousand dollars
46 of assessed value on all taxable property in the
47 county and from the rural services fund of the county
48 the dollar equivalent of a tax of three dollars and
49 three-eighths cent per thousand dollars of assessed
50 value on all taxable property not located within the

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1 corporate limits of a city in the county.
 2 c. "Old formula amount" means the amount of moneys
 3 the county would receive if the apportionment to the
 4 county under this section was apportioned among the
 5 counties in the ratio that the needs of the secondary
 6 roads of each county bear to the total needs of the
 7 secondary roads of the state as shown by the latest
 8 quadrennial need study by the state department of
 9 transportation, and which is on record at the
 10 department, sixty percent of the allocation from road
 11 use tax funds which is credited to the secondary road
 12 fund of the counties, and apportioned among the
 13 counties in the ratio that the area of each county
 14 bears to the total area of the state, forty percent of
 15 the allocation from road use tax funds which is
 16 credited to the secondary road fund of the counties.
 17 d. (1) The "hold harmless base year amount" for a
 18 county for the fiscal year commencing July 1, 1990, is
 19 determined by the county's local effort in accordance
 20 with the following table:

	<u>LOCAL EFFORT</u>	<u>COUNTY'S</u> <u>HOLD HARMLESS BASE YEAR AMOUNT</u>
	<u>At</u>	
	<u>least:</u>	
	<u>but less</u>	
	<u>than:</u>	
25	96% unlimited	100% of old formula amount
26	92% 96%	96% of old formula amount
27	88% 92%	92% of old formula amount
28	84% 88%	88% of old formula amount
29	Less than 84%	\$0

30 (2) The "hold harmless base year amount" for a
 31 county for the fiscal year commencing July 1, 1991,
 32 and for each succeeding fiscal year, is the product of
 33 the county's hold harmless base year amount in the
 34 immediately preceding fiscal year times the sum of one
 35 plus one-half of the estimated increase in secondary
 36 road fund moneys in the fiscal year expressed as a
 37 fraction. Prior to June 30 of each year, the
 38 department shall prepare and deliver to the treasurer
 39 of state an estimate of the increase of secondary road
 40 fund moneys for the next fiscal year to be used in
 41 determining the hold harmless base year amount under
 42 this subsection.

43 Sec. . Section 312.5, Code 1989, is amended to
 44 read as follows:
 45 312.5 DIVISION OF FARM-TO-MARKET ROAD FUNDS.
 46 1. The road use tax funds credited to the farm-to-
 47 market road fund by the treasurer of state and federal
 48 and secondary road funds received by the state are
 49 hereby divided as follows, and are to be known
 50 respectively as:

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- 1 + a. Need allotment farm-to-market road funds,
2 sixty seventy percent; and
3 2 b. Area allotment farm-to-market road funds,
4 forty thirty percent.
- 5 2. All farm-to-market road funds, except funds
6 which under section 310.20 come from any county's
7 allotment of the road use tax funds, shall be allotted
8 among the counties by the department.
- 9 3. Area allotment farm-to-market road funds and
10 ~~federal-aid-secondary-road-funds-received-by-the~~
11 ~~state~~, shall be allotted among all the counties of the
12 state in the ratio that the area of each county bears
13 to the total area of the whole state.
- 14 4. Need allotment farm-to-market road funds shall
15 be allotted among the counties in the ratio that the
16 needs of the farm-to-market roads in each county bear
17 to the total needs of the farm-to-market roads in the
18 state for each fiscal year based upon the total needs
19 of the farm-to-market roads in the state as shown in
20 the latest quadrennial need study report developed by
21 the state department of transportation, and which is
22 on record at the department.
- 23 5. Notwithstanding subsections 1 through 4, in a
24 fiscal year each county is guaranteed a hold harmless
25 base year amount. The amount of farm-to-market road
26 funds and federal aid secondary road funds in each
27 fiscal year in excess of the sum of the hold harmless
28 base year amounts allocated to all counties shall be
29 distributed proportionally based on the relative needs
30 and area factors to only those counties entitled to
31 receive more than the hold harmless base year amount.
- 32 For the purposes of this subsection:
- 33 a. "Base period" means the three-year period
34 ending June 30, 1990.
- 35 b. "Local effort" means the ratio expressed as a
36 percent of the total funds that the county transferred
37 or provided during the base period pursuant to section
38 331.429, subsection 1, paragraphs "a", "b", "d", and
39 "e", to the maximum funds the county could have
40 transferred during the base period from the general
41 fund of the county the dollar equivalent of a tax of
42 sixteen and seven-eighths cents per thousand dollars
43 of assessed value on all taxable property in the
44 county and from the rural services fund of the county
45 the dollar equivalent of a tax of three dollars and
46 three-eighths cent per thousand dollars of assessed
47 value on all taxable property not located within the
48 corporate limits of a city in the county.
- 49 c. "Old formula amount" means the amount of moneys
50 the county would receive if the apportionment to the

1 county under this section was apportioned among the
2 counties with a sixty percent need allotment and forty
3 percent area allotment.

4 d. (1) The "hold harmless base year amount" for a
5 county for the fiscal year commencing July 1, 1990, is
6 determined by the county's local effort in accordance
7 with the following table:

	<u>LOCAL EFFORT</u>	<u>COUNTY'S</u> <u>HOLD HARMLESS BASE YEAR AMOUNT</u>
8		
9	<u>LOCAL EFFORT</u>	<u>COUNTY'S</u> <u>HOLD HARMLESS BASE YEAR AMOUNT</u>
10	<u>At</u>	
11	<u>least:</u>	
12	<u>but less</u>	
13	<u>than:</u>	
14	96% unlimited	100% of old formula amount
15	92% 96%	96% of old formula amount
16	88% 92%	92% of old formula amount
17	84% 88%	88% of old formula amount
18	Less than 84%	<u>\$0</u>

19 (2) The "hold harmless base year amount" for a
20 county for the fiscal year commencing July 1, 1991,
21 and for each succeeding fiscal year, is the product of
22 the county's hold harmless base year amount in the
23 immediately preceding fiscal year times the sum of one
24 plus one-half of the estimated increase in the
25 combined farm-to-market road fund and federal aid
26 secondary road fund moneys in the fiscal year
27 expressed as a fraction. Prior to June 30 of each
28 year the department shall prepare and deliver to the
29 treasurer of state an estimate of the increase of the
30 combined farm-to-market road fund and federal aid
31 secondary road fund moneys for the next fiscal year to
32 be used in determining the hold harmless base year
33 amount under this subsection."

34 2. By renumbering as necessary.

By MUHLBAUER of Crawford
JOCHUM of Dubuque

COHOON of Des Moines
KOENIGS of Mitchell

SENATE FILE 2402

H-5715

1 Amend Senate File 2402, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 17, by inserting after line 23 the
4 following:
5 "Sec. . . . Section 317.13, Code Supplement 1989,
6 is amended by adding the following new unnumbered
7 paragraph:
8 NEW UNNUMBERED PARAGRAPH. The program of weed
9 control shall include a program of permits for the
10 burning, mowing, or spraying of roadsides by private
11 individuals. The county board of supervisors shall
12 allow only that burning, mowing, or spraying of
13 roadsides by private individuals that is consistent
14 with the adopted integrated roadside vegetation
15 management plan. This paragraph applies only to those
16 roadside areas of a county which are included in an
17 integrated roadside vegetation management plan."
18 2. By renumbering as necessary.

By OSTERBERG of Linn
MCKEAN of Jones

H-5715 FILED MARCH 15, 1990

Adopted 3/23 (p 1380)

SENATE FILE 2402

H-5727

1 Amend the amendment, H-5588, to Senate File 2402,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, line 21, by inserting after the word
5 "Tama." the following: "The county sheriff shall
6 submit a report to the county auditor who shall bill
7 the department of management for services rendered.
8 The state shall not be held liable for law enforcement
9 duties performed pursuant to this section."

By SVOBODA of Tama

H-5727 FILED MARCH 15, 1990

w/15 3/23 (p 1374)

SENATE FILE 2402

H-5737

1 Amend the amendment, H-5588, to Senate File 2402,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, line 21, by inserting after the word
5 "Tama." the following: "The state shall not be held
6 liable for the performance or nonperformance of law
7 enforcement duties of the Tama county sheriff's office
8 relating to the Sac and Fox Indian settlement."

By HALVORSON of Clayton
HARBOR of Mills

H-5737 FILED MARCH 15, 1990

w/15 3/23 (p 1374)

SENATE FILE 2402

-5783

- 1 Amend Senate File 2402, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 14, by inserting after line 35 the
4 following:
5 "Sec. ____.
6 The Iowa highway research board in conjunction with
7 the industrial technology department of the university
8 of northern Iowa shall conduct an experimental roadway
9 paving project using hot asphalt rubber materials.
10 The materials shall be applied by a company with
11 experience in the use of recycled tire rubber. The
12 project shall be funded from moneys allocated to the
13 Iowa highway research board. The Iowa highway
14 research board shall submit a report to the general
15 assembly by January 1, 1991, detailing the results of
16 the project."
17 2. By renumbering as necessary.

By SVOBODA of Tama

H-5783 FILED MARCH 21, 1990

3/21 3/23 (p. 1279)

SENATE FILE 2402

H-5821

- 1 Amend the amendment, H-5751, to Senate File 2402,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, lines 47 and 48, by striking the words
5 "and federal aid secondary road funds received by the
6 state".
7 2. Page 4, lines 9 through 11, by striking the
8 words "and-federal-aid-secondary-road-funds-received
9 by-the-state" and inserting the following: "and
10 federal aid secondary road funds received by the
11 state".
12 3. Page 4, line 26, by striking the words "and
13 federal aid secondary road funds".
14 4. Page 5, line 1, by inserting after the word
15 "county" the following: "of farm-to-market road
16 funds".
17 5. Page 5, by striking lines 23 and 24 and
18 inserting the following: "farm-to-market road fund
19 moneys in the fiscal year".
20 6. Page 5, by striking lines 28 and 29 and
21 inserting the following: "farm-to-market road fund
22 moneys for the next fiscal year to".

By FOGARTY of Palo Alto

H-5821 FILED MARCH 22, 1990

3/22 3/23 (p. 1286)

SENATE FILE 2402

H-5750

1 Amend Senate File 2402, as amended, passed, and
 2 reprinted, by the Senate, as follows:
 3 1. Page 3, line 11, by striking the figure "16"
 4 and inserting the following: "18".
 5 2. Page 3, line 14, by striking the figure
 6 "6,557,018" and inserting the following: "6,610,133".
 7 3. Page 3, line 32, by striking the figure "16"
 8 and inserting the following: "18".
 9 4. Page 3, line 35, by striking the figure
 10 "2,243,579" and inserting the following: "2,264,416".
 11 5. Page 4, line 7, by striking the figure "16"
 12 and inserting the following: "18".
 13 6. Page 4, line 10, by striking the figure
 14 "1,560,379" and inserting the following: "1,568,020".
 15 7. Page 4, line 33, by striking the figure "16"
 16 and inserting the following: "18".
 17 8. Page 5, line 1, by striking the figure
 18 "281,970" and inserting the following: "285,177".
 19 9. Page 5, line 24, by striking the figure "16"
 20 and inserting the following: "18".
 21 10. Page 5, line 27, by striking the figure
 22 "23,568,231" and inserting the following:
 23 "23,849,387".

By CARPENTER of Polk	DODERER of Johnson
BLANSHAN of Greene	HAMMOND of Story
HANSON of Delaware	RENAUD of Polk
CONNORS of Polk	

H-5750 FILED MARCH 19, 1990

with 3/23 (p. 1377)

SENATE FILE 2402

H-5697

1 Amend the amendment, H-5588, to Senate File 2402,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. By striking page 1, line 50, through page 2,
 5 line 24.
 6 2. By renumbering as necessary.

By PONCY of Wapello
COHOON of Des Moines
JOCHUM of Dubuque

H-5697 FILED MARCH 14, 1990

Adopted 3/23 (p. 1377)

SENATE FILE 2402

H-5822

1 Amend the amendment, H-5588, to Senate File 2402,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

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

6 "_____. Page 1, line 12, by striking the figure
7 "961,617" and inserting the following: "953,617".

8 _____. Page 1, line 25, by striking the letter "a."

9 _____. Page 1, line 28, by striking the figure
10 "3,508,957" and inserting the following: "3,448,957".

11 _____. Page 1, by striking lines 30 through 34.

12 _____. Page 2, line 4, by striking the figure
13 "320,482" and inserting the following: "307,271".

14 _____. Page 2, line 5, by striking the figure "13"
15 and inserting the following: "12".

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

18 "_____. Page 2, line 18, by striking the figure
19 "15,000" and inserting the following: "10,000".

20 _____. Page 2, line 35, by striking the letter "a."

21 _____. Page 3, by striking lines 4 and 5."

22 3. Page 1, by inserting after line 7 the
23 following:

24 "_____. Page 3, line 14, by striking the figure
25 "6,557,018" and inserting the following: "6,534,828".

26 _____. Page 3, line 15, by striking the figure
27 "137" and inserting the following: "136".

28 _____. Page 3, line 17, by striking the figure
29 "250,000" and inserting the following: "100,000".

30 _____. Page 3, by striking lines 18 through 21.

31 _____. Page 4, line 14, by striking the figure
32 "50,000" and inserting the following: "25,000".

33 4. Page 1, line 12, by striking the figure "1990"
34 and inserting the following: "1989".

35 5. Page 1, by inserting after line 14 the
36 following:

37 "_____. Page 5, by striking lines 9 and 10.

38 _____. Page 5, line 11, by striking the figure

39 "2.000"

40 6. Page 1, by inserting after line 20 the
41 following:

42 "_____. Page 6, by striking lines 25 through 30.

43 _____. Page 7, by inserting after line 19 the
44 following:

45 "Sec. _____

46 _____ appropriated from use tax rec. _____

47 collected under chapter 423 prior to dep. _____

48 road use tax fund, to the department of _____ and safety,

49 for _____ year beginning July 1, _____ and ending

50 June 30, 1991, the following amount: _____

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1 thereof as may be necessary, to be used for the
2 purposes designated:

3 For communications equipment, the law enforcement
4 intelligence network, and the automated fingerprint
5 information system:

6 \$ 374,800

7 As a condition, limitation, and qualification of
8 this appropriation, the department of public safety
9 shall allocate \$75,000 to the communications division
10 for service monitors and radio spare parts, \$20,000 to
11 the division of criminal investigation for the law
12 enforcement intelligence network, and \$279,800 for the
13 continuing purchase of four local remote terminals for
14 the automated fingerprint information system."

15 _____. Page 7, line 22, by striking the words
16 "general fund of the state" and inserting the
17 following: "road use tax fund".

18 _____. Page 8, line 17, by striking the figure
19 "105,000" and inserting the following: "55,000".

20 _____. Page 9, by striking lines 11 and 12."

21 7. Page 1, by striking lines 21 through 26.

22 8. Page 3, line 12, by striking the word "thirty-
23 five" and inserting the following: "twenty-five".

24 9. Page 3, line 21 by inserting after the word
25 "Tama." the following: "The state shall not be held
26 liable for law enforcement duties performed pursuant
27 to this section."

28 10. By renumbering as necessary.

By COHOON of Des Moines

H-5822 FILED MARCH 22, 1990

w/s 3/23 (p 1273)

SENATE FILE 2402

H-5829

1 Amend Senate File 2402, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 14, by inserting after line 35 the
4 following:

5 "Sec. ____.

6 The Iowa highway research board in conjunction with
7 the industrial technology department of the university
8 of northern Iowa shall conduct an experimental roadway
9 paving project using recycled rubber in hot asphalt
10 concrete. The materials shall be applied by a company
11 with experience in the use of recycled tire rubber.
12 The project shall be funded from moneys allocated to
13 the Iowa highway research board. The Iowa highway
14 research board shall submit a report to the general
15 assembly by January 1, 1991, detailing the results of
16 the project."

17 2. By renumbering as necessary.

By SVOBODA of Tama

H-5829 FILED MARCH 22, 1990

w/s 3/23 (p 1274)

SENATE FILE 2402

H-5845

1 Amend the Senate File 2402, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 12, by striking the figure
- 4 "961,617" and inserting the following: "953,617".
- 5 2. Page 1, line 25, by striking the letter "a."
- 6 3. Page 1, line 28, by striking the figure
- 7 "3,508,957" and inserting the following: "3,448,957".

- A 8 4. Page 1, by striking lines 30 through 34.
- 9 5. Page 2, line 4, by striking the figure
- 10 "320,482" and inserting the following: "307,271".
- 11 6. Page 2, line 5, by striking the figure "13"
- 12 and inserting the following: "12".
- 13 7. Page 2, line 18, by striking the figure
- 14 "15,000" and inserting the following: "10,000".
- 15 8. Page 2, line 35, by striking the letter "a."
- 16 9. Page 3, by striking lines 4 and 5.

- B 17 10. Page 3, line 14, by striking the figure
- 18 "6,557,018" and inserting the following: "6,534,828".
- 19 11. Page 3, line 15, by striking the figure "137"
- 20 and inserting the following: "136".

- A 21 12. Page 3, line 17, by striking the figure
- 22 "250,000" and inserting the following: "100,000".
- 23 13. Page 3, by striking lines 18 through 21.
- 24 14. Page 4, line 14, by striking the figure
- 25 "50,000" and inserting the following: "25,000".
- 26 15. Page 5, by striking lines 9 and 10.
- 27 16. Page 5, line 11, by striking the figure "2."
- 28 17. Page 6, by striking lines 25 through 30.
- 29 18. Page 7, by inserting after line 19 the
- 30 following:

31 "Sec. _____.

32 There is appropriated from use tax receipts
33 collected under chapter 423 prior to deposit in the
34 road use tax fund, to the department of public safety,
35 for the fiscal year beginning July 1, 1990, and ending
36 June 30, 1991, the following amounts, or so much
37 thereof as may be necessary, to be used for the
38 purposes designated:

39 For communications equipment, the law enforcement
40 intelligence network, and the automated fingerprint
41 information system:

42 \$ 374,800

43 As a condition, limitation, and qualification of
44 this appropriation, the department of public safety
45 shall allocate \$75,000 to the communications division
46 for service monitors and radio spare parts, \$20,000 to
A 47 the division of criminal investigation for the law
48 enforcement intelligence network, and \$279,800 for the
49 continuing purchase of four local remote terminals for
50 the automated fingerprint information system."

H-5845

Page 2

1 19. Page 7, line 22, by striking the words
2 "general fund of the state" and inserting the
3 following: "road use tax fund".

4 20. Page 8, line 17, by striking the figure
5 "105,000" and inserting the following: "55,000".

6 21. Page 9, by striking lines 11 and 12.

7 22. Page 14, by inserting after line 35 the
8 following:

9 "Sec. ____.

A 10 The Iowa highway research board shall conduct an
11 experimental roadway paving project using recycled
12 rubber in hot asphalt concrete. The materials shall
13 be applied by a company with experience in the use of
14 recycled tire rubber. The project shall be funded
15 from moneys allocated to the Iowa highway research
16 board. The Iowa highway research board shall submit a
17 report to the general assembly by January 1, 1991,
18 detailing the results of the project."

19 23. By renumbering as necessary.

By COHOON of Des Moines

H-5845 FILED MARCH 23, 1990

DIVISION A - ADOPTED, DIVISION B - OUT OF ORDER

(p. 1377)

SENATE FILE 2402

H-5846

1 Amend the amendment, H-5588, to Senate File 2402,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 12, by striking the figure "1990"
5 and inserting the following: "1989".

6 2. Page 1, by striking lines 21 through 26.

7 3. Page 3, line 12, by striking the word "thirty-
8 five" and inserting the following: "twenty-five".

9 4. Page 3, line 21, by inserting after the word
10 "Tama." the following: "The state shall not be held
11 liable for the performance or nonperformance of law
12 enforcement duties pursuant to this section."

13 5. By renumbering as necessary.

By COHOON of Des Moines

H-5846 FILED MARCH 23, 1990

ADOPTED (p. 1373)

SENATE FILE 2402

H-5855

1 Amend amendment H-5845 to Senate File 2402, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 32 through 34 and
5 inserting the following:
6 "There is appropriated from the general fund, to
7 the department of public safety,".

By HALVORSON of Clayton

H-5855 FILED MARCH 23, 1990

LOST (p. 1377)

SENATE FILE 2402

H-5856

1 Amend Senate File 2402, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 18, by inserting after line 18 the
4 following:
5 "Sec. ____ . Section 321L.2, subsection 3,
6 unnumbered paragraph 2, Code Supplement 1989, is
7 amended to read as follows:
8 A handicapped person who owns a motor vehicle for
9 which the handicapped person has been issued radio
10 operator registration plates under section 321.34,
11 subsection 3, or registration plates as a seriously
12 disabled veteran under section 321.105 may apply to
13 the department for a handicapped identification
14 sticker to be affixed to the plates. The handicapped
15 identification stickers shall bear the international
16 symbol of accessibility. The handicapped
17 identification stickers shall be acquired by the
18 department and sold at a cost not to exceed five
19 dollars, to eligible handicapped persons upon
20 application on forms prescribed by the department."
21 2. Renumber sections as necessary.

By SCHRADER of Marion

H-5856 FILED MARCH 23, 1990

ADOPTED (p. 1386)

SENATE FILE 2401

H-5853

1 Amend amendment H-5845 to Senate File 2402, as
2 amended, passed and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 6 and 7.
5 2. By renumbering as necessary.

By BEAMAN of Clarke

H-5853 FILED MARCH 23, 1990

LOST (p. 1376)

SENATE FILE 2402

H-5850

1 Amend Senate File 2402, as amended, passed, and
 2 reprinted, by the Senate, as follows:
 3 1. Page 3, line 11, by striking the figure "16"
 4 and inserting the following: "18".
 5 2. Page 3, line 14, by striking the figure
 6 "6,557,018" and inserting the following: "6,587,943".
 7 3. Page 3, line 32, by striking the figure "16"
 8 and inserting the following: "18".
 9 4. Page 3, line 35, by striking the figure
 10 "2,243,579" and inserting the following: "2,264,416".
 11 5. Page 4, line 7, by striking the figure "16"
 12 and inserting the following: "18".
 13 6. Page 4, line 10, by striking the figure
 14 "1,560,379" and inserting the following: "1,568,020".
 15 7. Page 4, line 33, by striking the figure "16"
 16 and inserting the following: "18".
 17 8. Page 5, line 1, by striking the figure
 18 "281,970" and inserting the following: "285,177".
 19 9. Page 5, line 24, by striking the figure "16"
 20 and inserting the following: "18".
 21 10. Page 5, line 27, by striking the figure
 22 "23,568,231" and inserting the following:
 23 "23,849,387".

By BLANSHAN of Greene	DODERER of Johnson
CARPENTER of Polk	HAMMOND of Story
HANSON of Delaware	RENAUD of Polk
CONNORS of Polk	

H-5850 FILED MARCH 23, 1990
 ADOPTED (p 1375)

SENATE FILE 2402

H-5854

1 Amend Senate File 2402, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 9, by inserting after line 7 the
 4 following:
 5 "As a condition, limitation, and qualification of
 6 the appropriation in this lettered paragraph, and
 7 notwithstanding provisions of the Code to the
 8 contrary, the state department of transportation shall
 9 not issue a temporary restricted license under chapter
 10 321J if a person's motor vehicle license has been
 11 revoked under chapter 321J, until the first thirty
 12 days of the revocation period have expired."

By TRENT of Muscatine

H-5854 FILED MARCH 23, 1990
 NOT GERMANE, MOTION TO SUSPEND RULES LOST (p 1378)

SENATE FILE 2402

H-5834

1 Amend Senate File 2402, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Sec. ____ . Section 321L.2, subsection 3,
6 unnumbered paragraph 2, Code Supplement 1989, is
7 amended to read as follows:

8 A handicapped person who has been issued
9 registration plates ~~as a seriously disabled veteran~~
10 under section-321-105 this chapter for a motor vehicle
11 owned by the handicapped person may apply to the
12 department for a handicapped identification sticker to
13 be affixed to the plates. The handicapped
14 identification stickers shall bear the international
15 symbol of accessibility. The handicapped
16 identification stickers shall be acquired by the
17 department and sold at a cost not to exceed five
18 dollars, to eligible handicapped persons upon
19 application on forms prescribed by the department."

20 2. Renumber sections as necessary.

By SCHRADER of Marion

H-5834 FILED MARCH 22, 1990

o/s 3/23 (7.1280)

~~HOUSE FILE 2512~~
AMENDMENT H-5750 TO SENATE FILE 2402
FISCAL NOTE

A fiscal note for H-5750 to Senate File 2402 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

H-5750 to Senate File 2402 increases the contribution rate to the Peace Officers Retirement System for five divisions of the Department of Public Safety. The current contribution rate is 16% and the amendment increases the rate to 18% and adds funds to the appropriation to cover the cost of the increased contribution rate.

Fiscal Effect

Division	Increase	Source
Div. of Crim. Invest.	\$53,115	General Fund
Narcotics Unit	20,837	General Fund
Fire Marshal	7,641	General Fund
Pari-mutuel Enforce.	3,207	Racing and Gaming Funds
Highway Patrol	281,156	Road Use Tax Fund

Total increase to the General Fund is \$81,593.

(Source: Department of Public Safety)

(LSB 8370hv.2, DPW)

FILED MARCH 20, 1990

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE AMENDMENT TO
SENATE FILE 2402

S-5680

- 1 Amend the Senate File 2402, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 12, by striking the figure
- 4 "961,617" and inserting the following: "953,617".
- 5 2. Page 1, line 25, by striking the letter "a."
- 6 3. Page 1, line 28, by striking the figure
- 7 "3,508,957" and inserting the following: "3,448,957".
- 8 4. Page 1, by striking lines 30 through 34.
- 9 5. Page 2, line 4, by striking the figure
- 10 "320,482" and inserting the following: "307,271".
- 11 6. Page 2, line 5, by striking the figure "13"
- 12 and inserting the following: "12".
- 13 7. Page 2, line 12, by inserting after the word
- 14 "purchase" the following: "and distribution".
- 15 8. Page 2, line 18, by striking the figure
- 16 "15,000" and inserting the following: "10,000".
- 17 9. Page 2, line 35, by striking the letter "a."
- 18 10. Page 3, by striking lines 4 and 5.
- 19 11. Page 3, line 8, by inserting after the word
- 20 "enforcement," the following: "and for river boat
- 21 gambling enforcement,".
- 22 12. Page 3, line 11, by striking the figure "16"
- 23 and inserting the following: "18".
- 24 13. Page 3, line 14, by striking the figure
- 25 "6,557,018" and inserting the following: "6,587,943".
- 26 14. Page 3, line 15, by striking the figure "137"
- 27 and inserting the following: "136".
- 28 15. Page 3, line 17, by striking the figure
- 29 "250,000" and inserting the following: "100,000".
- 30 16. Page 3, by striking lines 18 through 21.
- 31 17. Page 3, line 32, by striking the figure "16"
- 32 and inserting the following: "18".
- 33 18. Page 3, line 35, by striking the figure
- 34 "2,243,579" and inserting the following: "2,264,416".
- 35 19. Page 4, line 7, by striking the figure "16"
- 36 and inserting the following: "18".
- 37 20. Page 4, line 10, by striking the figure
- 38 "1,560,379" and inserting the following: "1,568,020".
- 39 21. Page 4, line 14, by striking the figure
- 40 "50,000" and inserting the following: "25,000".
- 41 22. Page 4, line 33, by striking the figure "16"
- 42 and inserting the following: "18".
- 43 23. Page 5, line 1, by striking the figure
- 44 "281,970" and inserting the following: "285,177".
- 45 24. Page 5, by inserting after line 2, the
- 46 following:
- 47 "The unfunded liability of the peace officers'
- 48 retirement, accident, and disability system, as of
- 49 July 1, 1989, is not a liability of funds paid to the
- 50 state racing and gaming commission under section

S-5680

Page 2

1 99D.14."

2 25. Page 5, by striking lines 9 and 10.

3 26. Page 5, line 11, by striking the figure "2."

4 27. Page 5, line 24, by striking the figure "16"

5 and inserting the following: "18".

6 28. Page 5, line 27, by striking the figure

7 "23,568,231" and inserting the following:

8 "23,849,387".

9 29. Page 6, by inserting after line 11 the fol-

10 lowing:

11 "The unfunded liability of the peace officers'
12 retirement, accident, and disability system, under
13 chapter 97A is not a liability of the road use tax
14 fund as of July 1, 1986."

15 30. Page 6, by striking lines 25 through 30.

16 31. Page 7, by inserting after line 19 the

17 following:

18 "Sec. _____

19 There is appropriated from use tax receipts
20 collected under chapter 423 prior to deposit in the
21 road use tax fund, to the department of public safety,
22 for the fiscal year beginning July 1, 1990, and ending
23 June 30, 1991, the following amounts, or so much
24 thereof as may be necessary, to be used for the
25 purposes designated:

26 For communications equipment, the law enforcement
27 intelligence network, and the automated fingerprint
28 information system:

29 \$ 374,800

30 As a condition, limitation, and qualification of
31 this appropriation, the department of public safety
32 shall allocate \$75,000 to the communications division
33 for service monitors and radio spare parts, \$20,000 to
34 the division of criminal investigation for the law
35 enforcement intelligence network, and \$279,800 for the
36 continuing purchase of four local remote terminals for
37 the automated fingerprint information system."

38 32. Page 7, line 22, by striking the words

39 "general fund of the state" and inserting the
40 following: "road use tax fund".

41 33. Page 8, line 17, by striking the figure
42 "105,000" and inserting the following: "55,000".

43 34. Page 9, by striking lines 11 and 12.

44 35. Page 11, line 19, by striking the figure
45 "281,100" and inserting the following: "331,100".

46 36. Page 11, by inserting after line 20 the
47 following:

48 "As a condition, limitation, and qualification of
49 the appropriation in this paragraph, \$50,000, or so
50 much thereof as is necessary, shall be used to conduct

S-5680

Page 3

1 a demonstration study to assess the economic and
2 technical feasibility of establishing an intermodal
3 transportation facility at or near a location on the
4 Mississippi river that has access to year-round
5 navigation. The demonstration study shall be
6 conducted by a regional planning agency. The
7 department shall coordinate the demonstration study
8 with the department of economic development and shall
9 report to the general assembly, not later than March
10 31, 1991, on the outcome of the study, on the
11 applicability of integrating intermodal transportation
12 analysis into regional economic development studies,
13 and on the contribution that regional planning can
14 make to statewide planning."

15 37. Page 11, line 25, by striking the figure
16 "2,000,000" and inserting the following: "1,600,000".

17 38. Page 14, by inserting after line 35 the
18 following:

19 "Sec. ____.

20 The Iowa highway research board shall conduct an
21 experimental roadway paving project using recycled
22 rubber in hot asphalt concrete. The materials shall
23 be applied by a company with experience in the use of
24 recycled tire rubber. The project shall be funded
25 from moneys allocated to the Iowa highway research
26 board. The Iowa highway research board shall submit a
27 report to the general assembly by January 1, 1991,
28 detailing the results of the project."

29 39. Page 14, by inserting after line 35 the
30 following:

31 "Sec. ____ . RULES VALID.

32 The administrative rules adopted by the state fire
33 marshal pursuant to 1986 Iowa Acts, chapter 1246,
34 section 206, subsection 2, are valid."

35 40. Page 16, by striking lines 20 through 31 and
36 inserting the following:

37 "Sec. ____ . Section 135C.2, subsection 5, paragraph
38 b, Code Supplement 1989, is amended by striking the
39 paragraph and inserting in lieu thereof the following:

40 b. A facility must be located in an area zoned for
41 single or multiple-family housing and must be
42 constructed in compliance with applicable local
43 housing codes and the rules adopted for the special
44 classification by the state fire marshal in accordance
45 with the concept of the least restrictive environment
46 for the facility residents. The rules adopted by the
47 state fire marshal for the special classification
48 shall be no more restrictive than the rules adopted by
49 the state fire marshal for demonstration waiver
50 project facilities pursuant to 1986 Iowa Acts, chapter

S-5680

Page 4

1 1246, section 206, subsection 2."

2 41. Page 17, by inserting after line 23 the
3 following:

4 "Sec. _____. Section 317.13, Code Supplement 1989,
5 is amended by adding the following new unnumbered
6 paragraph:

7 NEW UNNUMBERED PARAGRAPH. The program of weed
8 control shall include a program of permits for the
9 burning, mowing, or spraying of roadsides by private
10 individuals. The county board of supervisors shall
11 allow only that burning, mowing, or spraying of
12 roadsides by private individuals that is consistent
13 with the adopted integrated roadside vegetation
14 management plan. This paragraph applies only to those
15 roadside areas of a county which are included in an
16 integrated roadside vegetation management plan."

17 42. Page 18, by inserting after line 18 the
18 following:

19 "Sec. _____. NEW SECTION. 325.37 ADVERTISING BY
20 MOTOR CARRIERS OF PROPERTY.

21 Any advertising of available service provided by a
22 motor carrier of property shall contain or display the
23 number of the certificate issued by the department
24 pursuant to this chapter.

25 Sec. _____. Section 331.660, Code 1989, is amended
26 to read as follows:

27 331.660 APPROPRIATION -- INDIAN SETTLEMENT
28 OFFICER.

29 There is appropriated annually from the general
30 fund of the state to the county of Tama the sum of
31 three-thousand-three-hundred-sixty-five twenty-five
32 thousand dollars to be used by the county only for the
33 payment of the salary and expenses of an additional
34 deputy sheriff for the county. The principal duty of
35 the deputy sheriff is to provide law enforcement on
36 the Sac and Fox Indian settlement in the county of
37 Tama. If possible, the deputy sheriff shall reside on
38 the settlement. Additional funds necessary to pay the
39 salary and expenses of the deputy sheriff shall be
40 paid by the county of Tama. The state shall not be
41 held liable for the performance or nonperformance of
42 law enforcement duties pursuant to this section."

43 43. Page 18, by inserting after line 18 the
44 following:

45 "Sec. _____. Section 321L.2, subsection 3,
46 unnumbered paragraph 2, Code Supplement 1989, is
47 amended to read as follows:

48 A handicapped person who owns a motor vehicle for
49 which the handicapped person has been issued radio
50 operator registration plates under section 321.34,

S-5680

Page 5

1 subsection 3, or registration plates as a seriously
2 disabled veteran under section 321.105 may apply to
3 the department for a handicapped identification
4 sticker to be affixed to the plates. The handicapped
5 identification stickers shall bear the international
6 symbol of accessibility. The handicapped
7 identification stickers shall be acquired by the
8 department and sold at a cost not to exceed five
9 dollars, to eligible handicapped persons upon
10 application on forms prescribed by the department."
11 44. By renumbering, relettering, or redesignating
12 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5680 FILED MARCH 26, 1990

*Amended (5715, 5720, 5737, 5739, 5744) ✓**Corrected 3/28 (p. 1366)*

SENATE FILE 2402

S-5715

- 1 Amend the House amendment, S-5680, to Senate File
2 2402, as amended, passed, and reprinted by the Senate,
3 as follows:
- 4 1. Page 1, by striking lines 6 through 8 and
5 inserting the following:
6 "____. Page 1, by striking lines 33 and 34."
7 2. Page 1, by striking lines 22 and 23.
8 3. Page 1, line 25, by striking the figure
9 "6,587,943" and inserting the following: "6,534,828".
10 4. Page 1, by striking lines 31 through 38.
11 5. Page 1, by striking lines 41 through 44.
12 6. Page 2, by striking lines 4 through 8.
13 7. Page 2, by striking line 15 and inserting the
14 following:
15 "____. Page 6, line 25, by striking the word
16 "purchase" and inserting the following:
17 "lease/purchase".
18 _____. Page 6, line 28, by striking the figure
19 "300,000" and inserting the following: "350,000".
20 8. Page 2, by striking line 43.
21 9. Page 3, by striking lines 15 and 16.
22 10. Page 3, line 20, by striking the word "shall"
23 and inserting the following: "may".
24 11. Page 3, by striking lines 24 through 28 and
25 inserting the following: "recycled tire rubber."
26 12. Page 4, by striking lines 2 through 16.
27 13. By striking page 4, line 43, through page 5,
28 line 10.

By DON E. GETTINGS
JOE WELSH

S-5715 FILED MARCH 27, 1990

Adopted 3/28 (p. 1365)

SENATE FILE 2402

S-5727

1 Amend the House amendment, S-5680, to Senate File
2 2402, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 3, by inserting after line 34 the
5 following:

6 "Sec. _____.

7 The state department of transportation shall
8 contact other states' transportation departments for
9 the purpose of initiating a lawsuit in conjunction
10 with the other states, to seek an injunction to
11 prevent the United States department of transportation
12 from impounding the states' portions of the federal
13 gas tax.""

14 2. By renumbering as necessary.

By RAY TAYLOR

C. JOSEPH COLEMAN

DALE L. TIEDEN

RICHARD F. DRAKE

LINN FUHRMAN

JOHN W. JENSEN

RICHARD VANDE HOEF

NORMAN J. GOODWIN

JACK NYSTROM

WILLIAM W. DIELEMAN

DONALD V. DOYLE

JOHN P. KIBBIE

DONALD E. GETTINGS

EUGENE FRAISE

BERL E. PRIEBE

KENNETH D. SCOTT

JEAN LLOYD-JONES

S-5737 FILED MARCH 28, 1990

ADOPTED (p. 1364)

SENATE FILE 2402

S-5739

1 Amend the House amendment, S-5680, to Senate File
2 2402, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by inserting before line 44 the
5 following:

6 "_____. Page 10, line 33, by striking the figure
7 "2,883" and inserting the following: "2,889".

8 _____. Page 11, by striking lines 5 through 8 and
9 inserting the following:

10 "(3) For parcel acquisition:

11 \$ 306,000".

By JOE WELSH

S-5739 FILED MARCH 28, 1990

ADOPTED (p. 1365)

SENATE FILE 2402

S-5726

1 Amend House amendment, S-5680, to Senate File 2402,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by inserting after line 40 the
 5 following:

6 "___ . Page 4, by striking lines 15 through 17."

By JIM LIND

S-5720 FILED MARCH 28, 1990

ADOPTED (p. 1365)

SENATE FILE 2402

S-5734

1 Amend the amendment, S-5715, to the House
 2 amendment, S-5680, to Senate File 2402, as amended,
 3 passed, and reprinted by the Senate, as follows:

4 1. Page 1, by inserting after line 6 the fol-
 5 lowing:

6 "___ . Page 1, by striking line 18."

7 2. Page 1, by inserting after line 9 the fol-
 8 lowing:

9 "___ . Page 1, by striking line 30."

10 3. Page 1, by inserting after line 11 the fol-
 11 lowing:

12 "___ . Page 2, by striking line 2."

13 4. Page 1, by striking lines 13 through 20 and
 14 inserting the following:

15 "___ . Page 2, by striking lines 16 through 37."

16 5. By renumbering as necessary.

By RICHARD F. DRAKE

LINN FUHRMAN

CALVIN O. HULTMAN

JIM LIND

JACK RIFE

S-5734 FILED MARCH 28, 1990

LOST (p. 1364)

SENATE FILE 2402

S-5735

1 Amend House amendment, S-5680, to Senate File 2402,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. By striking page 2, line 44 through page 3,
 5 line 14.

6 2. By renumbering as necessary.

By JIM LIND

JACK RIFE

S-5735 FILED MARCH 28, 1990

LOST (p. 1366)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2402
H-5937

1 Amend the House amendment, S-5680, to Senate File
2 2402, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 6 through 8 and
5 inserting the following:

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

7 2. Page 1, by striking lines 22 and 23.

8 3. Page 1, line 25, by striking the figure
9 "6,587,943" and inserting the following: "6,534,828".

10 4. Page 1, by striking lines 31 through 38.

11 5. Page 1, by inserting after line 40 the
12 following:

13 "____. Page 4, by striking lines 15 through 17."

14 6. Page 1, by striking lines 41 through 44.

15 7. Page 2, by striking lines 4 through 8.

16 8. Page 2, by striking line 15 and inserting the
17 following:

18 "____. Page 6, line 25, by striking the word
19 "purchase" and inserting the following:

20 "lease/purchase".

21 _____. Page 6, line 28, by striking the figure
22 "300,000" and inserting the following: "350,000".

23 9. Page 2, by striking line 43.

24 10. Page 2, by inserting before line 44 the
25 following:

26 "____. Page 9, by inserting before line 13 the
27 following:

28 "The funds appropriated in this subsection shall
29 remain available for obligation until June 30, 1992,
30 and once obligated shall remain available until
31 expended. Public or private entities willing to
32 donate land for scenic highway projects shall be given
33 a higher consideration.""

34 11. Page 2, by inserting before line 44 the
35 following:

36 "____. Page 10, line 33, by striking the figure
37 "2,883" and inserting the following: "2,889".

38 _____. Page 11, by striking lines 5 through 8 and
39 inserting the following:

40 "(3) For parcel acquisition:

41 \$ 306,000".

42 12. Page 3, by striking lines 15 and 16.

43 13. Page 3, line 20, by striking the word "shall"
44 and inserting the following: "may".

45 14. Page 3, by striking lines 24 through 28 and
46 inserting the following: "recycled tire rubber."

47 15. Page 3, by inserting after line 34 the
48 following:

49 "Sec. ____.

50 The state department of transportation shall

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Page 2

1 contact other states' transportation departments for
 2 the purpose of initiating a lawsuit in conjunction
 3 with the other states, to seek an injunction to
 4 prevent the United States department of transportation
 5 from impounding the states' portions of the federal
 6 gas tax.""

7 16. Page 4, by striking lines 2 through 16.

8 17. By striking page 4, line 43, through page 5,
 9 line 10.

10 18. By renumbering, relettering, or redesignating
 11 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-5937 FILED MARCH 29, 1990

House referred to committee 4/2 (p. 1278)
Senate initiated 4/2 (p. 1453)

SENATE FILE 2402

S-5744

1 Amend the House amendment, S-5680, to Senate File
 2 2402, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 2, by inserting before line 44 the
 5 following:

6 "____. Page 9, by inserting before line 13 the
 7 following:

8 "The funds appropriated in this subsection shall
 9 remain available for obligation until June 30, 1992,
 10 and once obligated shall remain available until
 11 expended. Public or private entities willing to
 12 donate land for scenic highway projects shall be given
 13 a higher consideration.""

By JOE WELSH

S-5744 FILED MARCH 28, 1990

ADOPTED (p. 1365)

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2402

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 the House of Representatives on Senate File 2402, 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, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway research board, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5937.
2. That the House recedes from its amendment, S-5680.
3. That Senate File 2402, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 1, line 12, by striking the figure "961,617" and inserting the following: "953,617".
 2. Page 1, line 25, by striking the letter "a."
 3. Page 1, by striking lines 33 and 34.
 4. Page 2, line 4, by striking the figure "320,482" and inserting the following: "307,271".
 5. Page 2, line 5, by striking the figure "13" and inserting the following: "12".
 6. Page 2, line 10, by striking the figure "133,934" and inserting the following: "143,934".
 7. Page 2, by inserting after line 11, the following:

"As a condition, limitation, and qualification of the appropriation in this paragraph, \$10,000 shall be used for the purchase of POW/MIA flags."
 8. Page 2, by striking lines 12 through 18.

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9. Page 3, line 5, by striking the figure "75,000" and inserting the following: "25,000".

10. Page 3, line 8, by inserting after the word "enforcement," the following: "and for river boat gambling enforcement,".

11. Page 3, line 14, by striking the figure "6,557,018" and inserting the following: "6,534,828".

12. Page 3, line 15, by striking the figure "137" and inserting the following: "136".

13. Page 3, line 17, by striking the figure "250,000" and inserting the following: "75,000".

14. Page 3, by inserting after line 17 the following:
"The department of public safety shall prepare a status report for the legislative fiscal committee, the transportation and safety appropriations subcommittee, and the legislative fiscal bureau, on or before November 1, 1990, which details the actual and planned expenditures from the appropriation made in this paragraph."

15. Page 3, line 21, by striking the figure "20,000" and inserting the following: "10,000".

16. Page 4, line 14, by striking the figure "50,000" and inserting the following: "25,000".

17. Page 4, by striking lines 15 through 17.

18. Page 4, by inserting after line 21 the following:
"7. For funding the department's administrative functions to implement the accreditation for law enforcement agencies:
..... \$ 25,000".

19. Page 5, by inserting after line 2, the following:
"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 and gaming commission under section 99D.14."

20. Page 5, by striking lines 9 and 10.

21. Page 5, line 11, by striking the figure "2".

22. Page 6, by inserting after line 11 the following:

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"The unfunded liability of the peace officers' retirement, accident, and disability system, under chapter 97A is not a liability of the road use tax fund as of July 1, 1986."

23. Page 6, line 25, by striking the word "purchase" and inserting the following: "lease/purchase".

24. Page 6, line 28, by striking the figure "300,000" and inserting the following: "350,000".

25. Page 7, line 1, by striking the figure "200,000" and inserting the following: "133,334".

26. Page 7, by striking line 19 and inserting the following:

"..... \$ 30,000

9. For the purchase of a new office facility as a law enforcement headquarters for the department:

..... \$ 220,000

Proceeds from the sale of any existing facility shall be deposited in the road use tax fund.

Sec. ____.

There is appropriated from use tax receipts collected under chapter 423 prior to deposit in the road use tax fund, to the department of public safety, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

For the purchase of automated fingerprint information system local remote terminals:

..... \$ 279,800

It is the intent of the general assembly that moneys shall be appropriated from the general fund of the state for the fiscal year beginning July 1, 1991, and ending June 30, 1992, for costs associated with the automated fingerprint information system local remote terminals."

27. Page 7, line 22, by striking the words "general fund of the state" and inserting the following: "road use tax fund".

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28. Page 8, line 17, by striking the figure "105,000" and inserting the following: "55,000".

29. Page 9, line 9, by striking the figure "655,900" and inserting the following: "705,900".

30. Page 9, by inserting after line 10 the following:

"As a condition, limitation, and qualification of the appropriation in this paragraph, \$50,000, or so much thereof as is necessary, shall be used to conduct a demonstration study to assess the economic and technical feasibility of establishing an intermodal transportation facility at or near a location on the Mississippi river that has access to year-round navigation. The demonstration study shall be conducted by a regional planning agency. The department shall coordinate the demonstration study with the department of economic development and shall report to the general assembly, not later than March 31, 1991, on the outcome of the study, on the applicability of integrating intermodal transportation analysis into regional economic development studies, and on the contribution that regional planning can make to statewide planning."

31. Page 9, by inserting after line 12, the following:

"Notwithstanding section 8.33, the funds appropriated in this subsection shall remain available for obligation until June 30, 1992, and once obligated shall remain available until expended. Public or private entities willing to donate land for scenic highway projects shall be given preference in project selection if the land is accepted by the department."

32. Page 10, line 33, by striking the figure "2,883" and inserting the following: "2,889".

33. Page 11, by striking lines 5 through 8 and inserting the following:

"(3) For parcel acquisition:

..... \$ 306,000".

34. Page 11, line 25, by striking the figure "2,000,000" and inserting the following: "1,750,000".

35. Page 14, by inserting after line 35 the following:

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marshal in accordance with the concept of the least restrictive environment for the facility residents. The rules adopted by the state fire marshal for the special classification shall be no more restrictive than the rules adopted by the state fire marshal for demonstration waiver project facilities pursuant to 1986 Iowa Acts, chapter 1246, section 206, subsection 2."

37. Page 17, by inserting after line 14 the following:

"Sec. ____ . Section 309.10, unnumbered paragraph 2, Code 1989, is amended to read as follows:

A county shall not use farm-to-market road funds as described in this section unless the total funds that the county transferred or provided during the prior fiscal year pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are at least seventy-five percent of the maximum funds the county could have transferred in the prior fiscal year ~~pursuant to section 331.429, subsection 1, paragraphs "a" and "b"~~ from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

Sec. ____ . Section 312.2, subsection 8, Code Supplement 1989, is amended to read as follows:

8. The treasurer of state, before making any allotments to counties under this section, shall reduce the allotment to a county for the secondary road fund by the amount by which the total funds that the county transferred or provided during the prior fiscal year under section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are less than seventy-five percent of the maximum funds that the county could have transferred in the prior fiscal year ~~under section 331.429, subsection 1, paragraphs "a" and "b"~~ from the general fund of

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"Sec. ____.

The Iowa highway research board may conduct an experimental roadway paving project using recycled rubber in hot asphalt concrete. The materials shall be applied by a company with experience in the use of recycled tire rubber.

Sec. ____ . RULES VALID.

The administrative rules adopted by the state fire marshal pursuant to 1986 Iowa Acts, chapter 1246, section 206, subsection 2, are valid.

Sec. ____ .

Notwithstanding the manual on uniform traffic control devices for streets and highways, the state department of transportation shall adopt rules regulating travel in the left-hand lane of uphill traffic lanes by posting signs which shall state "KEEP RIGHT EXCEPT TO PASS".

Sec. ____ .

The state department of transportation shall contact other states' transportation departments for the purpose of initiating a lawsuit in conjunction with the other states, to seek an injunction to prevent the United States department of transportation from impounding the states' portions of the federal gas tax.

Sec. 399.

Notwithstanding section 8.33, funds appropriated under 1989 Iowa Acts, chapter 317, section 19, subsection 2, shall not revert until after October 1, 1990, and shall remain available for expenditure until such date."

36. Page 16, by striking lines 20 through 31 and inserting the following:

"Sec. ____ . Section 135C.2, subsection 5, paragraph b, Code Supplement 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

b. A facility must be located in an area zoned for single or multiple-family housing and must be constructed in compliance with applicable local housing codes and the rules adopted for the special classification by the state fire

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the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county. Funds remaining in the secondary road fund of the counties due to a reduction of allocations to counties for failure to maintain a minimum local tax effort shall be reallocated to counties that are not reduced under this subsection pursuant to the allocation provisions of section 312.3, subsection 1, based upon the needs and area of the county. Information necessary to make allocations under this subsection shall be provided by the state department of transportation or the director of the department of management upon request by the treasurer of state.

Sec. ____ . Section 312.3, subsection 1, Code 1989, is amended to read as follows:

1. Apportion among the counties in the ratio that the needs of the secondary roads of each county bear to the total needs of the secondary roads of the state for each fiscal year based upon the total needs of secondary roads of the state as shown in the latest quadrennial need study report developed by the state department of transportation, and which is on record at the department, sixty seventy percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties, and apportion among the counties in the ratio that the area of each county bears to the total area of the state, forty thirty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties. However, ~~for-a-hold-harmless-period~~ in a fiscal year each county is guaranteed a hold harmless base year amount. The amount in the secondary road fund of the counties in each fiscal year ~~during-the-hold-harmless-period~~ in excess of the sum of the hold harmless base period year amounts

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allocated to all counties shall be distributed proportionally based on the relative needs and area factors to only those counties entitled to receive more than the hold harmless base year amount.

For the purposes of this subsection:

a. "Hold-harmless Base period" means the fiscal-years beginning-July-17-1979-and-ending-June-307-1985 three-year period ending June 30, 1989.

b. "Base-year-amount"-means-the-amount-of-the-secondary road-fund-of-the-counties-received-by-a-county-for-the-fiscal year-beginning-July-17-1977. "Local effort" means the ratio expressed as a percent of the total funds that the county transferred or provided during the base period pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", to the maximum funds the county could have transferred during the base period from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

c. "Old formula amount" means the amount of moneys the county would receive if the apportionment to the county under this section was apportioned among the counties in the ratio that the needs of the secondary roads of each county bear to the total needs of the secondary roads of the state as shown by the latest quadrennial need study by the state department of transportation, and which is on record at the department, sixty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties, and apportioned among the counties in the ratio that the area of each county bears to the total area of the state, forty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties.

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d. (1) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1990, is determined by the county's local effort in accordance with the following table:

<u>LOCAL EFFORT</u>		<u>COUNTY'S</u>
<u>At</u>	<u>but less</u>	<u>HOLD HARMLESS BASE YEAR AMOUNT</u>
<u>least:</u>	<u>than:</u>	
<u>96%</u>	<u>unlimited</u>	<u>100% of old formula amount</u>
<u>92%</u>	<u>96%</u>	<u>96% of old formula amount</u>
<u>88%</u>	<u>92%</u>	<u>92% of old formula amount</u>
<u>84%</u>	<u>88%</u>	<u>88% of old formula amount</u>
<u>Less than 84%</u>		<u>\$0</u>

(2) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1991, and for each succeeding fiscal year, is the product of the county's hold harmless base year amount in the immediately preceding fiscal year times the sum of one plus one-half of the estimated increase in secondary road fund moneys in the fiscal year expressed as a fraction. Prior to June 30 of each year, the department shall prepare and deliver to the treasurer of state an estimate of the increase of secondary road fund moneys for the next fiscal year to be used in determining the hold harmless base year amount under this subsection.

Sec. ____ . Section 312.5, Code 1989, is amended to read as follows:

312.5 DIVISION OF FARM-TO-MARKET ROAD FUNDS.

1. The road use tax funds credited to the farm-to-market road fund and federal aid secondary road funds received by the state by the treasurer of state are hereby divided as follows, and are to be known respectively as:

1 a. Need allotment farm-to-market road funds, sixty seventy percent; and

2 b. Area allotment farm-to-market road funds, forty thirty percent.

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2. All farm-to-market road funds, except funds which under section 310.20 come from any county's allotment of the road use tax funds, shall be allotted among the counties by the department.

3. ~~Area allotment farm-to-market road funds and federal aid-secondary-road-funds-received-by-the-state,~~ shall be allotted among all the counties of the state in the ratio that the area of each county bears to the total area of the whole state.

4. Need allotment farm-to-market road funds shall be allotted among the counties in the ratio that the needs of the farm-to-market roads in each county bear to the total needs of the farm-to-market roads in the state for each fiscal year based upon the total needs of the farm-to-market roads in the state as shown in the latest quadrennial need study report developed by the state department of transportation, and which is on record at the department.

5. Notwithstanding subsections 1 through 4, in a fiscal year each county is guaranteed a hold harmless base year amount. The amount of farm-to-market road funds in each fiscal year in excess of the sum of the hold harmless base year amounts allocated to all counties shall be distributed proportionally based on the relative needs and area factors to only those counties entitled to receive more than the hold harmless base year amount.

For the purposes of this subsection:

a. "Base period" means the three-year period ending June 30, 1989.

b. "Local effort" means the ratio expressed as a percent of the total funds that the county transferred or provided during the base period pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", to the maximum funds the county could have transferred during the base period from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county an

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the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

c. "Old formula amount" means the amount of moneys the county would receive if the apportionment to the county under this section was apportioned among the counties with the federal aid secondary road funds being apportioned by one hundred percent area allotment and the road use tax funds credited to the farm-to-market road fund apportioned to the counties with a sixty percent need allotment and forty percent area allotment.

d. (1) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1990, is determined by the county's local effort in accordance with the following table:

<u>LOCAL EFFORT</u>		<u>COUNTY'S</u>
<u>At</u>	<u>but less</u>	<u>HOLD HARMLESS BASE YEAR AMOUNT</u>
<u>least:</u>	<u>than:</u>	
<u>96%</u>	<u>unlimited</u>	<u>100% of old formula amount</u>
<u>92%</u>	<u>96%</u>	<u>96% of old formula amount</u>
<u>88%</u>	<u>92%</u>	<u>92% of old formula amount</u>
<u>84%</u>	<u>88%</u>	<u>88% of old formula amount</u>
<u>Less than 84%</u>		<u>30</u>

(2) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1991, and for each succeeding fiscal year, is the product of the county's hold harmless base year amount in the immediately preceding fiscal year times the sum of one plus one-half of the estimated increase in the farm-to-market road fund moneys in the fiscal year expressed as a fraction. Prior to June 30 of each year the department shall prepare and deliver to the treasurer of state an estimate of the increase of the farm-to-market road fund moneys for the next fiscal year to be used in determining the hold harmless base year amount under this subsection.

38. Page 17, by inserting after line 23 the following:

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"Sec. ____ . Section 313.2A, subsection 1, Code Supplement 1989, is amended to read as follows:

1. PURPOSE. It is the purpose of this section to enhance opportunities for the development and diversification of the state's economy through the identification and improvement of a network of commercial and industrial highways. The network shall consist of interconnected routes which provide long distance route continuity. The purpose of this highway network shall be to improve the flow of commerce; to make travel more convenient, safe, and efficient; and to better connect Iowa with regional, national, and international markets. The commission shall concentrate a major portion of its annual construction budget on this network of commercial and industrial highways. In order to ensure the greatest possible availability of funds for the improvement of the network, primary highway funds shall not be spent beyond continuing maintenance for improvements to route segments that will be bypassed by the relocation of portions of the commercial and industrial highway network ~~except-as-provided in-subsection-4.~~

Sec. ____ . Section 313.2A, subsection 4, Code Supplement 1989, is amended by striking the subsection.

Sec. ____ . Section 317.13, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The program of weed control shall include a program of permits for the burning, mowing, or spraying of roadsides by private individuals. The county board of supervisors shall allow only that burning, mowing, or spraying of roadsides by private individuals that is consistent with the adopted integrated roadside vegetation management plan. This paragraph applies only to those roadside areas of a county which are included in an integrated roadside vegetation management plan."

39. Page 18, by inserting after line 18 the following:

"Sec. ____ . Section 321L.2, subsection 3, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

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A handicapped person who owns a motor vehicle for which the handicapped person has been issued radio operator registration plates under section 321.34, subsection 3, or registration plates as a seriously disabled veteran under section 321.105 may apply to the department for a handicapped identification sticker to be affixed to the plates. The handicapped identification stickers shall bear the international symbol of accessibility. The handicapped identification stickers shall be acquired by the department and sold at a cost not to exceed five dollars, to eligible handicapped persons upon application on forms prescribed by the department.

Sec. ____ . NEW SECTION. 325.37 ADVERTISING BY MOTOR CARRIERS OF PROPERTY.

Any advertising of available service provided by a motor carrier of property shall contain or display the number of the certificate issued by the department pursuant to this chapter.

Sec. ____ . Section 331.660, Code 1989, is amended to read as follows:

331.660 APPROPRIATION -- INDIAN SETTLEMENT OFFICER.

There is appropriated annually from the general fund of the state to the county of Tama the sum of three-thousand-three hundred-sixty-five twenty-five thousand dollars to be used by the county only for the payment of the salary and expenses of an additional deputy sheriff for the county. The principal duty of the deputy sheriff is to provide law enforcement on the Sac and Fox Indian settlement in the county of Tama. If possible, the deputy sheriff shall reside on the settlement. Additional funds necessary to pay the salary and expenses of the deputy sheriff shall be paid by the county of Tama. The state shall not be held liable for the performance or nonperformance of law enforcement duties pursuant to this section.

Sec. 400. Section 455G.9, subsection 1, paragraph a, subparagraph (1), unnumbered paragraph 2, Code Supplement 1989, as amended by 1990 Iowa Acts, House File 3 , is amended to read as follows:

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Total payments for claims pursuant to this subparagraph are limited to no more than ~~six~~ eight million dollars. Claims for eligible retroactive releases shall be prorated if claims filed in a permitted application period or for a particular priority class of applicants exceed ~~six~~ eight million dollars or the then remaining balance of ~~six~~ eight million dollars. If claims remain partially or totally unpaid after total payments equal ~~six~~ eight million dollars, all remaining claims are void, and no entitlement exists for further payment.

Sec. 401. Section 455G.9, subsection 1, paragraph a, Code Supplement 1989, as amended by 1990 Iowa Acts, House File 2552, is amended by inserting the following new subparagraph:

NEW SUBPARAGRAPH. (3) Corrective action for an eligible release reported to the department of natural resources on or after January 1, 1985, but prior to July 1, 1987. Third-party liability is specifically excluded from remedial account coverage. For a claim for a release under this subparagraph, the remedial program shall pay no more than the lesser of twenty-five thousand dollars or one-third of the total costs of corrective action for that release, subsection 4 notwithstanding. For a release to be eligible for coverage under this subparagraph the following conditions must be satisfied:

(a) The owner or operator applying for coverage must be currently engaged in the business for which the tank connected with the release was used prior to the report of the release.

(b) The owner or operator applying for coverage shall not be a person who is maintaining, or has maintained, proof of financial responsibility for federal regulations through self-insurance.

(c) The owner or operator applying for coverage shall not have claimed bankruptcy any time on or after January 1, 1985.

(d) The claim for coverage pursuant to this subparagraph must have been filed with the board prior to September 1, 1990.

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(e) The owner or operator at the time the release was reported to the department of natural resources must have been in compliance with then current monitoring requirements, if any, or must have been in the process of compliance efforts with anticipated requirements, including installation of monitoring devices, a new tank, tank improvements or retrofit, or any combination.

Sec. 402. 1990 Iowa Acts, House File 2552, section 43, is amended to read as follows:

SEC. 43.

Provided that amounts reserved for the retroactive portion of the remedial account claims pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (1), do not exceed six eight million dollars, the administrator shall from the effective date of this Act, through September 1, 1990, reopen applications previously received but denied based upon section 455G.9, subsection 1, paragraph "a", subparagraph (1), subparagraph subdivision (a), Code Supplement 1989, which subparagraph subdivision is repealed by this Act, and may accept new applications under section 455G.9, subsection 1, paragraph "a", subparagraph (1) for that period. If claims reopened or received exceed the remaining balance of unobligated or unreserved funds of the six eight million dollars, the remaining balance shall be prorated-among-the reopened-and-newly-received-claims;--if-claims-remain partially-or-totally-unpaid-after-total-payments-under-the retroactive-portion-of-the-remedial-account-exceed-six-million dollars,--all-remaining-claims-are-void,--and-no-entitlement exists-for-further-payment;--if-claims-paid-pursuant-to-this section-do-not-exceed-the-remaining-balance-of-unobligated-or unreserved-funds-of-the-six-million-dollars,--the-remaining balance-shall-be-distributed-among-the-claims-accepted-for payment-which-were-submitted-on-or-before-January-31,--1990,--by increasing-the-allowable-percentage-of-payment-contained-in section-455G.9,--subsection-1,--paragraph-"a" subparagraph-(1) by-an-amount-necessary-to-reduce-the-remaining-balance-of-the

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six-million-dollars-allocated-for-retroactive-claims-to-zero-
distributed according to the following priority:

1. Claims reopened or submitted pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (1), first; provided, however, that payments pursuant to this subsection shall not exceed one million two hundred thousand dollars.

2. Claims submitted pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (3), second, on a first-come-first-served basis.

3. Claims submitted pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (3), not previously accepted for payment or paid because the claim was ineligible solely on the basis of section 455G.9, subsection 1, paragraph "a", subparagraph (3), subparagraph subdivision (a), third.

4. If claims paid pursuant to subsections 1, 2, and 3 do not exceed the remaining balance of unobligated or unreserved funds of the eight million dollars, the remaining balance shall be distributed among the claims accepted for payment which were submitted on or before January 31, 1990, by increasing the allowable percentage of payment contained in section 455G.9, subsection 1, paragraph "a", subparagraph (1) by an amount necessary to reduce the remaining balance of the eight million dollars allocated for retroactive claims to zero.

If claims remain partially or totally unpaid after total payments under the retroactive portion of the remedial account equal eight million dollars, all remaining claims are void, and no entitlement exists for further payment."

40. Page 18, by inserting after line 20 the following:

"Sec. ____.

Sections 399, 400, 401, and 402 of this Act, being deemed of immediate importance, take effect upon enactment."

41. Title page, line 6, by striking the word "purchases and" and inserting the following: "purchases,".

42. Title page, line 7, by inserting after the word "board" the following: ", providing for certain payments from

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the remedial account of the Iowa comprehensive petroleum underground storage tank fund, and providing an effective date".

43. By renumbering and relettering as necessary.

ON THE PART OF THE SENATE:

DONALD E. GETTINGS, Chairperson
EMIL J. HUSAK
JIM LIND
JOE WELSH

ON THE PART OF THE HOUSE:

DENNIS M. COHOON, Chairperson
JACK BEAMAN
DEO A. KOENIGS
LOUIS J. MUHLBAUER
DON SHONING

CCR-2402 FILED APRIL 7, 1990
FAILED, RECONSIDERED & ADOPTED

CP 1678

House adopted 4/7 (p. 2266)



OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANSTAD
GOVERNOR

May 7, 1990

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

Dear Madam Secretary:

I hereby transmit Senate File 2402, an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, primary road fund, and state aviation fund, mandating reports of certain agency purchases, providing expenses for certain members of the Iowa highway research board, providing for certain payments from the remedial account of the Iowa comprehensive petroleum underground storage tank fund, and providing an effective date.

Senate File 2402 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 1, subsection 2, in its entirety. This item calls for an appropriation of \$12,000 for replacement of sanitary and maintenance equipment for the Iowa Law Enforcement Academy. Given the fiscal constraints of the 1991 budget, I am unable to approve this item.

I am unable to approve the item designated as Section 3, subsection 3, paragraph b, in its entirety. This item would appropriate \$75,000 to the Department of Public Safety for the purchase of DNA laboratory equipment. I recommended an appropriation of \$250,000 for the purchase of laboratory equipment and the remodeling of facilities to accommodate this equipment. The remodeling must precede the purchase of equipment. Since this portion of Senate File 2402 has the "cart before the horse", I must disapprove of it. I will work with the legislature to accomplish remodeling prior to a fiscal year 1992 appropriation for the equipment.

I am unable to approve the item designated as Section 3, subsection 7, in its entirety. This item calls for funding the Department of Public Safety's administrative functions to implement the accreditation for law enforcement agencies with an appropriation of \$25,000, which is only a minor portion of the funding necessary to complete the accreditation process. The department is in the process of determining the benefits of accreditation and the total cost of implementation.

I am unable to approve the item designated as Section 6, subsection 2, in its entirety, which calls for the lease purchase of a building and equipment related to vehicle theft operations with an appropriation of \$350,000. While the Department of Public Safety is interested in new housing for this operation, it is in the process of examining the long term housing needs of the entire department and it would be unwise to enter into such an agreement at this time.

I am unable to approve the item designated as Section 6, subsection 7, in its entirety, which calls for the planning and site selection of a new Highway Patrol Post at Fort Dodge at a cost of \$25,000. The department is in the process of developing a priority rating system for post improvements and it is now inappropriate to approve planning money for any specific location.

I am unable to approve the item designated as Section 8, unnumbered paragraph 3, in its entirety. This section unnecessarily limits the utilization of unspent balances for other areas of potential need.

I am unable to approve the item designated as Section 15, subsection 2, in its entirety. This item would require a total expenditure of \$250,000 for terminal improvement or construction, marketing, advertising or public relations programs and cultural programs to increase passenger traffic at five airports. The pre-designation of recipients of funds by the legislature, as indicated, would be counterproductive to the sound programming of capital improvements. Decisions of this nature are better left to the Transportation Commission.

I am unable to approve the item designated as Section 16, in its entirety. This section appropriates \$175,000 from the Parks and Institutional Roads fund for the completion of North Shore Drive in Clear Lake. Lottery funds were appropriated last year for a similar project in neighboring Ventura but this use of Road Use Tax Funds appears illegal. While this road borders a state park, it is not wholly within the boundaries of the park as required in Chapter 306, Section 1, subsection k, paragraph 2, subparagraph k, Code of Iowa.

The Honorable Elaine Baxter

May 7, 1990

Page 3

I am unable to approve the item designated as Section 17, in its entirety. This section would unnecessarily limit the transfer of appropriations between programs or functions. While I do not anticipate the need for such transfers, this section could seriously infringe upon the executive branch's ability to manage the department.

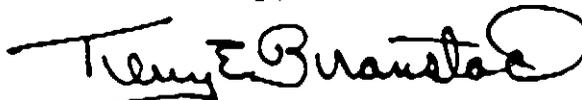
I am unable to approve the item designated as Section 21, in its entirety. This item requires the Department of Transportation to post "keep right except to pass" signs on uphill traffic lanes. This would be a departure from the nationally accepted standards recommended by the Federal Highway Administration. Additionally, requiring vehicles to change lanes unnecessarily creates the opportunity for accidents and during winter months the left-hand lanes are plowed and sanded first.

I am unable to approve the item designated as Section 22, in its entirety. It is unnecessary to put into law a requirement to have the state of Iowa, in conjunction with other states, initiate a lawsuit against the United States Department of Transportation. The executive branch should weigh the merits of such an action before proceeding.

I am unable to approve the item designated as Section 33, in its entirety. This section creates a standing unlimited appropriation from the Use Tax receipts to retain independent legal counsel to defend the state against suits arising out of appropriations made from the Road Use Tax Fund. The Attorney General is required to defend the state on issues of this nature. Therefore, the retention of independent legal counsel is both expensive and unnecessary.

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 2402 are hereby approved as of this date.

Sincerely,



Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

Item VETO
 Portions highlighted
 in PINK

SENATE FILE 2402

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO STATE AGENCIES WHOSE RESPONSIBILITIES RELATE TO PUBLIC DEFENSE, PUBLIC SAFETY, TRANSPORTATION, AND ENFORCEMENT, AND INCLUDING ALLOCATION AND USE OF MONEYS FROM THE ROAD USE TAX FUND, PRIMARY ROAD FUND, AND STATE AVIATION FUND, MANDATING REPORTS OF CERTAIN AGENCY PURCHASES, PROVIDING EXPENSES FOR CERTAIN MEMBERS OF THE IOWA HIGHWAY RESEARCH BOARD, PROVIDING FOR CERTAIN PAYMENTS FROM THE REMEDIAL ACCOUNT OF THE IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND, AND PROVIDING AN EFFECTIVE DATE.

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

IOWA LAW ENFORCEMENT ACADEMY

Section 1.

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

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

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

2. For replacement of inefficient and outdated sanitary and maintenance equipment:		
.....	\$	12,000

DEPARTMENT OF PUBLIC DEFENSE

Sec. 2.

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

1. MILITARY DIVISION

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

.....	\$	3,508,957
.....	FTEs	151.59

As a condition, limitation, and qualification of this appropriation, \$60,000 of this appropriation shall be used for establishment of a maintenance detachment in Clarke county.

2. DISASTER SERVICES DIVISION

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

.....	\$	307,271
.....	FTEs	12

3. VETERANS AFFAIRS DIVISION

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

.....	\$	143,934
.....	FTEs	4.16

As a condition, limitation, and qualification of the appropriation in this paragraph, \$10,000 shall be used for the purchase of POW/MIA flags.

4. WAR ORPHANS

For the war orphans educational aid fund:

.....	\$	10,185
-------	----	--------

DEPARTMENT OF PUBLIC SAFETY

Sec. 3.

There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning

July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For 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:

..... \$ 2,510,622
..... FTEs 51.50

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

..... \$ 3,227,667
..... FTEs 80

b. For purchase of service monitors and radio spare parts:
..... \$ 25,000

3. a. For the division of criminal investigation and bureau of identification containing the bureaus of identification and liquor law enforcement, and for river boat gambling enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 16 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 6,534,828
..... FTEs 136

b. For purchase of DNA laboratory equipment:
..... \$ 75,000

The department of public safety shall prepare a status report for the legislative fiscal committee, the transportation and safety appropriations subcommittee, and the legislative fiscal bureau, on or before November 1, 1990, which details the actual and planned expenditures from the appropriation made in this paragraph.

c. For the law enforcement intelligence network program, to be used in consultation with the law enforcement intelligence network advisory committee:

..... \$ 10,000

As a condition, limitation, and qualification of this appropriation, the division of criminal investigation shall commit sufficient resources to conduct 4 undercover operations in cooperation with local law enforcement agencies to identify the extent of bootlegging or illegal liquor operations at state border counties and shall report on the undercover operations to the committee by January 1, 1991.

4. For the division of narcotics:

a. The state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 16 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:
..... \$ 2,243,579
..... FTEs 38

b. Undercover purchases:

..... \$ 200,000

5. a. 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 16 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 1,560,379
..... FTEs 33

b. For a regional firefighters' training center in Black Hawk county:
..... \$ 25,000

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

..... \$ 1,219,281
..... FTEs 36

7. For funding the department's administrative functions to implement the accreditation for law enforcement agencies:
..... \$ 25,000

Sec. 4.

Notwithstanding sections 99D.17 and 99D.18, there is appropriated from funds paid to the state racing and gaming commission pursuant to section 99D.14, to the department of public safety for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes 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 16 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:
..... \$ 281,970
..... PTEs 5

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 and gaming commission under section 99D.14.

Sec. 5.

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

For the continued purchase of the automated fingerprint information system (APIS):
..... \$ 536,676

Sec. 6.

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, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 16 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 23,568,231
..... FTEs 450.5

It is the intent of the general assembly, that so much as is necessary of the appropriation in this subsection, shall support federal Highway Safety Act programs.

As a condition, limitation, and qualification of the appropriation in this subsection, the Iowa law enforcement academy shall be allowed to annually select at least 5 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.

The unfunded liability of the peace officers' retirement, accident, and disability system, under chapter 97A is not a liability of the road use tax fund as of July 1, 1986.

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, 1991, 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 lease/purchase of a building and equipment related to vehicle theft operations but not to include normal highway patrol equipment:

..... \$ 350,000

Notwithstanding section 8.39, funds from this appropriation shall not be transferred for any other purpose.

3. For the capital purchase of mobile vehicle repeater radios and test equipment to be used by the Iowa highway safety patrol:

..... \$ 150,000

4. For the purchase of radar units:

..... \$ 133,334

It is the intent of the general assembly that an additional \$200,000 will be appropriated for the fiscal year beginning July 1, 1991, to complete the purchase of radar units.

5. For 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:

..... \$ 180,000

6. For 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:

..... \$ 95,274

7. For planning and site selection of a new Fort Dodge highway patrol post:

..... \$ 25,000

8. For the purchase of scanners:

..... \$ 30,000

9. For the purchase of a new office facility as a law enforcement headquarters for the department:

..... \$ 220,000

Proceeds from the sale of any existing facility shall be deposited in the road use tax fund.

Sec. 7.

There is appropriated from use tax receipts collected under chapter 423 prior to deposit in the road use tax fund, to the department of public safety, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

For the purchase of automated fingerprint information system local remote terminals:

..... \$ 279,800

It is the intent of the general assembly that moneys shall be appropriated from the general fund of the state for the fiscal year beginning July 1, 1991, and ending June 30, 1992, for costs associated with the automated fingerprint information system local remote terminals.

STATE DEPARTMENT OF TRANSPORTATION

Sec. 8.

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

For the payment of costs associated with the production of motor vehicle licenses, as defined in section 321.1, subsection 77:

..... \$ 500,000

Notwithstanding section 8.39, funds from this appropriation shall not be transferred for any other purpose.

Sec. 9.

There is appropriated from the road use tax fund to the state department of transportation for the fiscal year

beginning July 1, 1990, and ending June 30, 1991, 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:
 - \$ 3,353,787
 - FTEs 47.50
 - (1) To address environmental issues and to meet the international fuel tax:
 - \$ 9,400
 - (2) For increased postage costs:
 - \$ 14,000
 - (3) For the purchase of computer hardware and software enhancements:
 - \$ 55,000
 - (4) For the lease on the Park Fair mall facility:
 - \$ 24,500
 - b. General counsel:
 - \$ 167,860
 - FTEs 1.0
 - c. Planning and research:
 - \$ 333,300
 - FTEs 9
 - (1) For the implementation of a traffic monitoring guide:
 - \$ 4,805
 - (2) For assessment of hazardous materials at highway location sites:
 - \$ 2,350
 - d. Aeronautics and public transit:
 - \$ 222,300
 - FTEs 5
 - e. Motor vehicles:
 - \$ 17,180,165
 - FTEs 541

- (1) For additional motor carrier service operations due to an increase in services:
 - \$ 139,800
- (2) For implementation of the commercial driver license program:
 - \$ 431,040
- f. Rail and water:
 - \$ 705,900
 - PTEs 15

As a condition, limitation, and qualification of the appropriation in this paragraph, \$50,000, or so much thereof as is necessary, shall be used to conduct a demonstration study to assess the economic and technical feasibility of establishing an intermodal transportation facility at or near a location on the Mississippi river that has access to year-round navigation. The demonstration study shall be conducted by a regional planning agency. The department shall coordinate the demonstration study with the department of economic development and shall report to the general assembly, not later than March 31, 1991, on the outcome of the study, on the applicability of integrating intermodal transportation analysis into regional economic development studies, and on the contribution that regional planning can make to statewide planning.

2. To be used to implement section 106D.3:
 - \$ 500,000

Notwithstanding section 8.33, the funds appropriated in this subsection shall remain available for obligation until June 30, 1992, and once obligated shall remain available until expended. Public or private entities willing to donate land for scenic highway projects shall be given preference in project selection if the land is accepted by the department.

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

.....	\$	39,000
4. Unemployment compensation:		
.....	\$	12,250
Sec. 10.		
There is appropriated from the road use tax fund to the department of personnel for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:		
For paying workers' compensation claims under chapter 85 on behalf of employees of the state department of transportation:	\$	75,000
.....		
Sec. 11.		
There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:		
1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:		
a. Administrative services:		
.....	\$	20,597,213
.....	FTEs	293
(1) To address environmental issues and to meet the international fuel tax:		
.....	\$	57,600
(2) For increased postage costs:		
.....	\$	86,000
(3) For the purchase of computer hardware and software enhancements:		
.....	\$	645,000
(4) For lease of the Park Fair mall facility:		
.....	\$	150,500
b. General counsel:		
.....	\$	1,031,140

.....	FTEs	7
c. Planning and research:		
.....	\$	6,332,700
.....	FTEs	165
(1) For the implementation of the traffic monitoring guide:		
.....	\$	91,295
(2) For assessment of hazardous materials at highway location sites:		
.....	\$	44,650
d. Aeronautics and public transit:		
.....	\$	222,300
.....	FTEs	5
e. Highways:		
.....	\$129,749,966	
.....	FTEs	2,889
(1) For the implementation of the roadside vegetation management program:		
.....	\$	215,000
(2) For increased design workload on commercial network improvements:		
.....	\$	202,000
(3) For parcel acquisition:		
.....	\$	306,000
f. Motor vehicles:		
.....	\$	693,835
.....	FTEs	22
(1) For additional motor carrier service operations due to an increase in services:		
.....	\$	5,825
(2) For implementation of the commercial driver license program:		
.....	\$	17,960
g. Rail and water:		
.....	\$	281,100
.....	FTEs	7

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

..... \$ 1,750,000

As a condition, limitation, and qualification of this appropriation, no more than \$2,603,034 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 92 full-time equivalent positions.

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

..... \$ 741,000

4. Unemployment compensation:

..... \$ 232,750

Sec. 12.

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

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

..... \$ 1,425,000

Sec. 13.

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

For replacement of obsolete field facilities in the cities of Ida Grove, Knoxville, Spencer, Grundy Center and Carroll:

\$ 3,700,000

As a condition, limitation, and qualification of the appropriation in this section, the allocation for the Carroll facility is contingent upon the execution of an agreement by the department of transportation and the city of Carroll mutually agreeing to the conditions of disposition of the department of transportation's current facility site to the city of Carroll.

The provisions of section 8.33 do not apply to the funds appropriated by this section but remain available for expenditure for the purposes designated until June 30, 1994. Unencumbered or unobligated funds remaining on June 30, 1994, from funds appropriated for the fiscal year beginning July 1, 1990, shall revert to the fund from which appropriated on August 30, 1994.

Sec. 14.

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

1. For the construction of scale facilities at Agency:

..... \$ 50,000

2. For the paving of the scale lots at Agency, Charles City, Muscatine and Mechanicsville:

..... \$ 250,000

The provisions of section 8.33 do not apply to the funds appropriated by this section but remain available for expenditure for the purposes designated until June 30, 1993. Unencumbered or unobligated funds remaining on June 30, 1993, from funds appropriated for the fiscal year beginning July 1, 1990, shall revert to the fund from which appropriated on August 30, 1993.

Sec. 15.

There is appropriated from the state aviation fund to the state department of transportation for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the

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

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

..... \$ 410,400
 FTEs 9

2. For terminal improvement or construction, to implement marketing, advertising, or public relations programs, and for nonprofit community, cultural programs to increase passenger traffic at the following essential air service airports:

a. Burlington
 \$ 7,000
 b. Clinton
 \$ 38,000
 c. Port Dodge
 \$ 35,000
 d. Ottumwa
 \$ 100,000
 e. Waterloo
 \$ 70,000

Sec. 16.

There is appropriated from the moneys allocated under section 312.2, subsection 5, to the primary road fund for the fiscal year beginning July 1, 1990, and ending June 30, 1991, for the express purpose of carrying out section 307A.2, subsection 11, for completion of the North Shore Drive at Clear Lake:

..... \$ 175,000

Sec. 17.

Moneys appropriated in this Act for any new program or function shall be used solely for that program or function and moneys shall not be transferred from that appropriation or used for any other purpose.

Sec. 18.

The department of public safety shall notify the legislative fiscal bureau, department of management, the chairpersons, vice chairpersons, 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. 19.

The Iowa highway research board may conduct an experimental roadway paving project using recycled rubber in hot asphalt concrete. The materials shall be applied by a company with experience in the use of recycled tire rubber.

Sec. 20. RULES VALID.

The administrative rules adopted by the state fire marshal pursuant to 1986 Iowa Acts, chapter 1246, section 206, subsection 2, are valid.

Sec. 21.

Notwithstanding the manual on uniform traffic control devices for streets and highways, the state department of transportation shall adopt rules regulating travel in the left-hand lane of uphill traffic lanes by posting signs which shall state "KEEP RIGHT EXCEPT TO PASS".

Sec. 22.

The state department of transportation shall contact other states' transportation departments for the purpose of initiating a lawsuit in conjunction with the other states, to seek an injunction to prevent the United States department of transportation from impounding the states' portions of the federal gas tax.

Sec. 23.

Notwithstanding section 8.33, funds appropriated under 1989 Iowa Acts, chapter 317, section 19, subsection 2, shall not revert until after October 1, 1990, and shall remain available for expenditure until such date.

Sec. 24. Section 29A.33, Code 1989, is amended to read as follows:

29A.33 PER CAPITA ALLOWANCE TO UNIT.

Each unit of the national guard showing attendance and actual drill of those present for such drills as are prescribed in compliance with the National Defense Act or its amendments and such regulations as prescribed by the secretary of defense, shall receive an annual allowance for military purposes, in the sum of ten five dollars per capita, to be paid in semiannual installments on the basis of five-dollars two dollars and fifty cents per capita. For the purpose of computing each semiannual installment the per capita strength shall be the average enlisted strength of the unit, for that semiannual period, however, if the average attendance of any unit during any semiannual period falls below fifty percent of the average enlisted strength of such unit in that period, the allowance shall not be paid for that period. The semiannual periods shall begin January 1 and July 1. The allowance shall be paid from the funds appropriated for the support and maintenance of the national guard, and the adjutant general shall prescribe regulations requiring an itemized statement of the allowance and governing its expenditure. The allowance shall be used for morale purposes and for the welfare of the troops. The allowance shall not be used to purchase an alcoholic beverage or beer.

Sec. 25. NEW SECTION. 80B.11B EXAMINATION FEES -- TRAINING COST.

1. Notwithstanding section 80B.11, subsection 5, 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.

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

Sec. 26. Section 103A.8, subsection 1, Code 1989, is amended to read as follows:

1. Provide uniform standards and requirements for construction, construction materials, and equipment through the adoption by reference of applicable national codes where appropriate and providing exceptions when necessary. The rules adopted shall include provisions imposing requirements reasonably consistent with or identical to recognized and accepted standards contained in performance criteria as ~~developed by nationally recognized model codes such as the model codes prepared by the Building Officials Conference of America, the International Conference of Building Officials, the Southern Building Codes Congress, the National Fire Protection Association, the American National Standards Institute, the American Insurance Association, the United States Department of Housing and Urban Development, the American Standards Association, and the International Association of Plumbing and Mechanical Officials.~~

Sec. 27. Section 135C.2, subsection 5, paragraph b, Code Supplement 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

b. A facility must be located in an area zoned for single or multiple-family housing and must be constructed in compliance with applicable local housing codes and the rules adopted for the special classification by the state fire marshal in accordance with the concept of the least restrictive environment for the facility residents. The rules adopted by the state fire marshal for the special classification shall be no more restrictive than the rules adopted by the state fire marshal for demonstration waiver project facilities pursuant to 1986 Iowa Acts, chapter 1246, section 206, subsection 2.

Sec. 28. Section 307D.6, Code Supplement 1989, is amended to read as follows:

307D.6 MEETINGS OF THE BOARD -- EXPENSES.

The board shall meet at least six times each year and shall hold special meetings on the call of the chairperson. Except as otherwise provided, the members of the board shall serve without additional compensation to the salary and expenses authorized for the office or position held by the member. Members representing political subdivisions who are not elected officials shall receive forty-dollars-per-diem-and necessary and actual expenses incurred in the performance of their duties from the funds appropriated to the department from the primary road fund. Legislative members shall be paid for their actual and necessary expenses and, when the general assembly is not in session, per diem as provided in sections 2.10 and 2.12. The department's members of the board shall be reimbursed for their actual and necessary expenses from the funds appropriated pursuant to section 313.5.

Sec. 29. Section 309.10, unnumbered paragraph 2, Code 1989, is amended to read as follows:

A county shall not use farm-to-market road funds as described in this section unless the total funds that the county transferred or provided during the prior fiscal year pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are at least seventy-five percent of the maximum funds the county could have transferred in the prior fiscal year pursuant-to-section-331-429-subsection-1-paragraphs-"a"-and-"b" from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

Sec. 30. Section 312.2, subsection 8, Code Supplement 1989, is amended to read as follows:

8. The treasurer of state, before making any allotments to counties under this section, shall reduce the allotment to a county for the secondary road fund by the amount by which the total funds that the county transferred or provided during the prior fiscal year under section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are less than seventy-five percent of the maximum funds that the county could have transferred in the prior fiscal year under-section-331-429, subsection-1, paragraphs-"a"-and-"b" from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county. Funds remaining in the secondary road fund of the counties due to a reduction of allocations to counties for failure to maintain a minimum local tax effort shall be reallocated to counties that are not reduced under this subsection pursuant to the allocation provisions of section 312.3, subsection 1, based upon the needs and area of the county. Information necessary to make allocations under this subsection shall be provided by the state department of transportation or the director of the department of management upon request by the treasurer of state.

Sec. 31. Section 312.3, subsection 1, Code 1989, is amended to read as follows:

1. Apportion among the counties in the ratio that the needs of the secondary roads of each county bear to the total needs of the secondary roads of the state for each fiscal year based upon the total needs of secondary roads of the state as shown in the latest quadrennial need study report developed by the state department of transportation, and which is on record

at the department, sixty seventy percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties, and apportion among the counties in the ratio that the area of each county bears to the total area of the state, forty thirty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties. However, for-a-~~hold-harmless-period~~ in a fiscal year each county is guaranteed a hold harmless base year amount. The amount in the secondary road fund of the counties in each fiscal year during-the-~~hold-harmless-period~~ in excess of the sum of the hold harmless base period year amounts allocated to all counties shall be distributed proportionally based on the relative needs and area factors to only those counties entitled to receive more than the hold harmless base year amount.

For the purposes of this subsection:

a. "Hold-harmless Base period" means the fiscal-years beginning-July-17-1979-and-ending-June-307-1985 three-year period ending June 30, 1989.

b. "Base-year-amount" means-the-amount-of-the-secondary road-fund-of-the-counties-received-by-a-county-for-the-fiscal year-beginning-July-17-19777. "Local effort" means the ratio expressed as a percent of the total funds that the county transferred or provided during the base period pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", to the maximum funds the county could have transferred during the base period from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

c. "Old formula amount" means the amount of moneys the county would receive if the apportionment to the county under

this section was apportioned among the counties in the ratio that the needs of the secondary roads of each county bear to the total needs of the secondary roads of the state as shown by the latest quadrennial need study by the state department of transportation, and which is on record at the department, sixty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties, and apportioned among the counties in the ratio that the area of each county bears to the total area of the state, forty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties.

d. (1) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1990, is determined by the county's local effort in accordance with the following table:

LOCAL EFFORT		COUNTY'S HOLD HARMLESS BASE YEAR AMOUNT
At	but less	
least:	than:	
96%	unlimited	100% of old formula amount
92%	96%	96% of old formula amount
88%	92%	92% of old formula amount
84%	88%	88% of old formula amount
Less than 84%		\$0

(2) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1991, and for each succeeding fiscal year, is the product of the county's hold harmless base year amount in the immediately preceding fiscal year times the sum of one plus one-half of the estimated increase in secondary road fund moneys in the fiscal year expressed as a fraction. Prior to June 30 of each year, the department shall prepare and deliver to the treasurer of state an estimate of the increase of secondary road fund moneys for the next fiscal year to be used in determining the hold harmless base year amount under this subsection.

Sec. 32. Section 312.5, Code 1989, is amended to read as follows:

312.5 DIVISION OF FARM-TO-MARKET ROAD FUNDS.

1. The road use tax funds credited to the farm-to-market road fund and federal aid secondary road funds received by the state by the treasurer of state are hereby divided as follows, and are to be known respectively as:

1 a. Need allotment farm-to-market road funds, sixty seventy percent; and

2 b. Area allotment farm-to-market road funds, forty thirty percent.

2. All farm-to-market road funds, except funds which under section 310.20 come from any county's allotment of the road use tax funds, shall be allotted among the counties by the department.

3. Area allotment farm-to-market road funds and federal aid-secondary-road-funds-received-by-the-state, shall be allotted among all the counties of the state in the ratio that the area of each county bears to the total area of the whole state.

4. Need allotment farm-to-market road funds shall be allotted among the counties in the ratio that the needs of the farm-to-market roads in each county bear to the total needs of the farm-to-market roads in the state for each fiscal year based upon the total needs of the farm-to-market roads in the state as shown in the latest quadrennial need study report developed by the state department of transportation, and which is on record at the department.

5. Notwithstanding subsections 1 through 4, in a fiscal year each county is guaranteed a hold harmless base year amount. The amount of farm-to-market road funds in each fiscal year in excess of the sum of the hold harmless base year amounts allocated to all counties shall be distributed proportionally based on the relative needs and area factors to only those counties entitled to receive more than the hold harmless base year amount.

For the purposes of this subsection:

a. "Base period" means the three-year period ending June 30, 1989.

b. "Local effort" means the ratio expressed as a percent of the total funds that the county transferred or provided during the base period pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", to the maximum funds the county could have transferred during the base period from the general fund of the county the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county and from the rural services fund of the county the dollar equivalent of a tax of three dollars and three-eighths cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

c. "Old formula amount" means the amount of moneys the county would receive if the apportionment to the county under this section was apportioned among the counties with the federal aid secondary road funds being apportioned by one hundred percent area allotment and the road use tax funds credited to the farm-to-market road fund apportioned to the counties with a sixty percent need allotment and forty percent area allotment.

d. (1) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1990, is determined by the county's local effort in accordance with the following table:

LOCAL EFFORT		COUNTY'S HOLD HARMLESS BASE YEAR AMOUNT
At least:	but less than:	
96%	unlimited	100% of old formula amount
92%	96%	96% of old formula amount
88%	92%	92% of old formula amount
84%	88%	88% of old formula amount
Less than 84%		\$0

(2) The "hold harmless base year amount" for a county for the fiscal year commencing July 1, 1991, and for each succeeding fiscal year, is the product of the county's hold harmless base year amount in the immediately preceding fiscal year times the sum of one plus one-half of the estimated increase in the farm-to-market road fund moneys in the fiscal year expressed as a fraction. Prior to June 30 of each year the department shall prepare and deliver to the treasurer of state an estimate of the increase of the farm-to-market road fund moneys for the next fiscal year to be used in determining the hold harmless base year amount under this subsection.

Sec. 33. NEW SECTION. 312.13 SPECIAL LEGAL COUNSEL.

There is appropriated annually an amount sufficient to retain independent legal counsel to defend the state against suits arising out of appropriations made from the road use tax fund. The appropriation shall be funded from use tax receipts under chapter 423 prior to deposit in the road use tax fund. Legal counsel shall be selected by agreement between the governor and the legislative council, after consultation with the attorney general.

Sec. 34. Section 313.2A, subsection 1, Code Supplement 1989, is amended to read as follows:

1. PURPOSE. It is the purpose of this section to enhance opportunities for the development and diversification of the state's economy through the identification and improvement of a network of commercial and industrial highways. The network shall consist of interconnected routes which provide long distance route continuity. The purpose of this highway network shall be to improve the flow of commerce; to make travel more convenient, safe, and efficient; and to better connect Iowa with regional, national, and international markets. The commission shall concentrate a major portion of its annual construction budget on this network of commercial and industrial highways. In order to ensure the greatest possible availability of funds for the improvement of the network, primary highway funds shall not be spent beyond

continuing maintenance for improvements to route segments that will be bypassed by the relocation of portions of the commercial and industrial highway network except-as-provided in-subsection-4.

Sec. 35. Section 313.2A, subsection 4, Code Supplement 1989, is amended by striking the subsection.

Sec. 36. Section 317.13, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The program of weed control shall include a program of permits for the burning, mowing, or spraying of roadsides by private individuals. The county board of supervisors shall allow only that burning, mowing, or spraying of roadsides by private individuals that is consistent with the adopted integrated roadside vegetation management plan. This paragraph applies only to those roadside areas of a county which are included in an integrated roadside vegetation management plan.

Sec. 37. Section 321.211, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

There is appropriated each year from the road use tax fund to the department of transportation one hundred twenty-five sixty thousand dollars or as much thereof as is necessary to be used to pay the cost of notice and personal delivery of service, as necessary to meet the notice requirement of this section. The department shall 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 the manner provided in section 321.192, as reimbursement for the costs of notice under this section.

Sec. 38. Section 321A.3, subsection 1, Code Supplement 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, 321J, 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 one million three hundred-fifty-thousand-dollars-collected-and~~ shall credit to the general fund all additional moneys collected.

Sec. 39. Section 321L.2, subsection 3, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

A handicapped person who owns a motor vehicle for which the handicapped person has been issued radio operator registration plates under section 321.34, subsection 3, or registration plates as a seriously disabled veteran under section 321.105 may apply to the department for a handicapped identification sticker to be affixed to the plates. The handicapped identification stickers shall bear the international symbol of accessibility. The handicapped identification stickers shall be acquired by the department and sold at a cost not to exceed five dollars, to eligible handicapped persons upon application on forms prescribed by the department.

Sec. 40. NEW SECTION. 325.37 ADVERTISING BY MOTOR CARRIERS OF PROPERTY.

Any advertising of available service provided by a motor carrier of property shall contain or display the number of the certificate issued by the department pursuant to this chapter.

Sec. 41. Section 331.660, Code 1989, is amended to read as follows:

331.660 APPROPRIATION -- INDIAN SETTLEMENT OFFICER.

There is appropriated annually from the general fund of the state to the county of Tama the sum of ~~three-thousand-three hundred-sixty-five~~ twenty-five thousand dollars to be used by

the county only for the payment of the salary and expenses of an additional deputy sheriff for the county. The principal duty of the deputy sheriff is to provide law enforcement on the Sac and Fox Indian settlement in the county of Tama. If possible, the deputy sheriff shall reside on the settlement. Additional funds necessary to pay the salary and expenses of the deputy sheriff shall be paid by the county of Tama. The state shall not be held liable for the performance or nonperformance of law enforcement duties pursuant to this section.

Sec. 42. Section 455G.9, subsection 1, paragraph a, subparagraph (1), unnumbered paragraph 2, Code Supplement 1989, as amended by 1990 Iowa Acts, House File 2552, is amended to read as follows:

Total payments for claims pursuant to this subparagraph are limited to no more than six eight million dollars. Claims for eligible retroactive releases shall be prorated if claims filed in a permitted application period or for a particular priority class of applicants exceed six eight million dollars or the then remaining balance of six eight million dollars. If claims remain partially or totally unpaid after total payments equal six eight million dollars, all remaining claims are void, and no entitlement exists for further payment.

Sec. 43. Section 455G.9, subsection 1, paragraph a, Code Supplement 1989, as amended by 1990 Iowa Acts, House File 2552, is amended by inserting the following new subparagraph: NEW SUBPARAGRAPH. (3) Corrective action for an eligible release reported to the department of natural resources on or after January 1, 1985, but prior to July 1, 1987. Third-party liability is specifically excluded from remedial account coverage. For a claim for a release under this subparagraph, the remedial program shall pay no more than the lesser of twenty-five thousand dollars or one-third of the total costs of corrective action for that release, subsection 4 notwithstanding. For a release to be eligible for coverage under this subparagraph the following conditions must be satisfied:

(a) The owner or operator applying for coverage must be currently engaged in the business for which the tank connected with the release was used prior to the report of the release.

(b) The owner or operator applying for coverage shall not be a person who is maintaining, or has maintained, proof of financial responsibility for federal regulations through self-insurance.

(c) The owner or operator applying for coverage shall not have claimed bankruptcy any time on or after January 1, 1985.

(d) The claim for coverage pursuant to this subparagraph must have been filed with the board prior to September 1, 1990.

(e) The owner or operator at the time the release was reported to the department of natural resources must have been in compliance with then current monitoring requirements, if any, or must have been in the process of compliance efforts with anticipated requirements, including installation of monitoring devices, a new tank, tank improvements or retrofit, or any combination.

Sec. 44. 1990 Iowa Acts, House File 2552, section 43, is amended to read as follows:

SEC. 43.

Provided that amounts reserved for the retroactive portion of the remedial account claims pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (1), do not exceed six eight million dollars, the administrator shall from the effective date of this Act, through September 1, 1990, reopen applications previously received but denied based upon section 455G.9, subsection 1, paragraph "a", subparagraph (1), subparagraph subdivision (a), Code Supplement 1989, which subparagraph subdivision is repealed by this Act, and may accept new applications under section 455G.9, subsection 1, paragraph "a", subparagraph (1) for that period. If claims reopened or received exceed the remaining balance of unobligated or unreserved funds of the six eight million dollars, the remaining balance shall be prorated among the

~~reopened and newly received claims:--if claims remain partially or totally unpaid after total payments under the retroactive portion of the remedial account exceed six million dollars, all remaining claims are void, and no entitlement exists for further payment:--if claims paid pursuant to this section do not exceed the remaining balance of unobligated or unreserved funds of the six million dollars, the remaining balance shall be distributed among the claims accepted for payment which were submitted on or before January 31, 1990, by increasing the allowable percentage of payment contained in section 455G.9, subsection 1, paragraph "a", subparagraph (1) by an amount necessary to reduce the remaining balance of the six million dollars allocated for retroactive claims to zero.~~
distributed according to the following priority:

1. Claims reopened or submitted pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (1), first, provided, however, that payments pursuant to this subsection shall not exceed one million two hundred thousand dollars.
2. Claims submitted pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (3), second, on a first-come-first-served basis.
3. Claims submitted pursuant to section 455G.9, subsection 1, paragraph "a", subparagraph (3), not previously accepted for payment or paid because the claim was ineligible solely on the basis of section 455G.9, subsection 1, paragraph "a", subparagraph (3), subparagraph subdivision (a), third.
4. If claims paid pursuant to subsections 1, 2, and 3 do not exceed the remaining balance of unobligated or unreserved funds of the eight million dollars, the remaining balance shall be distributed among the claims accepted for payment which were submitted on or before January 31, 1990, by increasing the allowable percentage of payment contained in section 455G.9, subsection 1, paragraph "a", subparagraph (1) by an amount necessary to reduce the remaining balance of the eight million dollars allocated for retroactive claims to zero.

If claims remain partially or totally unpaid after total payments under the retroactive portion of the remedial account equal eight million dollars, all remaining claims are void, and no entitlement exists for further payment.

Sec. 45. Section 321A.3A, Code Supplement 1989, is repealed.

Sec. 46.

Sections 23, 42, 43, and 44 of this Act, being deemed of immediate importance, take effect upon enactment.

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 2402, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Stem *Veto*
Approved May 7, 1990

TERRY E. BRANSTAD
Governor