

CHAPTER 232

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

S.F. 518

AN ACT relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation of moneys from the road use tax fund and providing effective dates.

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

Section 1. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1987 and ending June 30, 1988, the following amounts, or so much thereof as is necessary, for the purposes designated:

	1987-1988 <u>Fiscal Year</u>
1. For salaries and support for not more than twenty-four point thirty-six full-time equivalent positions, maintenance and miscellaneous purposes	\$ 749,800

Notwithstanding section 384.15, subsection 7, paragraph "b", there is appropriated from the unencumbered and unobligated money remaining in the law enforcement training reimbursement fund on June 30, 1987 to the Iowa law enforcement academy the sum of twenty-eight thousand two hundred (28,200) dollars for repair of a chiller unit, repair of a parking lot, repair or replacement of carpet and replacement of a washing machine at the academy.

2. Notwithstanding section 384.15, subsection 7, paragraph "b", there is appropriated from the unencumbered and unobligated money remaining in the law enforcement training reimbursement fund on June 30, 1987, to the Iowa law enforcement academy the sum of thirty-five thousand (35,000) dollars for the purchase of judgmental shooting equipment.

*3. *It is the intent of the general assembly that the Iowa law enforcement academy, in its training program, shall conform its activities to the mission, goals, and objectives provided in this subsection and collect information pertaining to performance measures developed by the legislative fiscal bureau. The academy shall provide a report at least quarterly to the legislative fiscal bureau and the co-chairpersons and ranking members of the transportation and safety appropriations subcommittee on the performance measures. The academy shall be notified by the legislative fiscal bureau by July 1, 1987 of the specific performance measures for which data shall be collected and reported.*

The academy exists to maximize training opportunities for law enforcement officers and jailers in an effort to upgrade and maintain law enforcement at a professional status by providing and coordinating basic and continued training.

The academy goals include providing basic and continued training of all law enforcement officers and jailers of the state and its political subdivisions, continuing to upgrade the professional status of law enforcement and jailer training in the state, and insuring uniformity and quality of training across the state to accomplish the following objectives:

- a. To continue the production of audio-visual training materials.*
- b. To serve as the principal library and media resource center.*
- c. To conduct law enforcement basic training courses and continued training courses.*
- d. To provide continued training for Iowa law enforcement academy training officers so they can maintain state-of-the-art information.*
- e. To design and prepare entrance level and promotional examinations for use by county civil service commissions.*
- f. To administer psychological tests to applicants for law enforcement positions.*

*Item veto, see message at end of the Act

- g. To direct research in the field of law enforcement.*
- h. To process applications for reserve peace officers to carry weapons.*
- i. To make recommendations to the governor, the general assembly, and others on matters to upgrade the law enforcement and jailer service.*
- j. To adopt rules and regulations.*
- k. To increase the incidence of regionally facilitated in-service training courses.**

Sec. 2. Notwithstanding section 80B.11, subsection 5, during the fiscal year beginning July 1, 1987, 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. However, no charge shall be made for officer candidates being tested on behalf of state departments or agencies.

The Iowa law enforcement academy may also charge not more than one-half of the cost of providing the ten-week course which is designed to meet the minimum basic training requirements for a law enforcement officer. However, a charge shall not be made for officers employed by state departments or agencies.

Sec. 3. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 1987 and ending June 30, 1988, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1987-1988
Fiscal Year

1. For salaries and support of not more than one hundred forty-two point zero five full-time equivalent positions, maintenance, and miscellaneous purposes \$ 3,221,000

Notwithstanding section 29A.33, the per capita annual allowance to units will be five dollars per capita to be paid on a semiannual basis in installments of two dollars and fifty cents per capita for the fiscal year beginning July 1, 1987 and ending June 30, 1988. The per capita allowance shall be used for morale purposes and be for the welfare of the troops and in no circumstances expended for support and maintenance.

2. For the war orphans educational aid fund \$ 15,200

Sec. 4. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1987 and ending June 30, 1988, the following amounts, or so much thereof as is necessary, to be used for funding the following functions and programs for the purposes designated:

1987-1988
Fiscal Year

1. ADMINISTRATIVE FUNCTION

a. For salaries and support for not more than forty-five point seventy-five full-time equivalent positions, maintenance, and miscellaneous purposes of the department's administrative functions including the medical examiner's office and the criminal justice information system \$ 1,957,800

b. For salaries and support of not more than seventy-nine full-time equivalent positions, maintenance, and miscellaneous purposes relating to radio communications \$ 2,612,000

The balance of the fund created under section 321J.17 carried forward each fiscal year may be used to provide salary and support of not more than eight and five-tenths full-time equivalent positions and maintenance for the victim compensation functions of the department of public safety.

2. INSPECTION FUNCTION

For salaries and support of not more than thirty two full-time equivalent positions, maintenance, and miscellaneous purposes of fire marshal's inspections, administration of the state

*Item veto, see message at end of the Act

building code, arson investigators including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated \$ 1,138,500

3. SECURITY FUNCTION

For salaries and support of not more than thirty-one full-time equivalent positions, maintenance, and miscellaneous purposes of the capitol security division \$ 808,500

4. INVESTIGATION FUNCTION

a. For salaries and support of not more than one hundred thirty-six full-time equivalent positions, maintenance, and miscellaneous purposes, including lease or lease-purchase of laboratory equipment, of the division of criminal investigation containing the bureaus of identification, drug law enforcement, and beer and liquor law enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated \$ 5,099,675

b. Notwithstanding section 384.15, subsection 7, paragraph "b", there is appropriated from the unencumbered and unobligated money remaining in the law enforcement training reimbursement fund on June 30, 1987, to the department of public safety, division of criminal investigation, the sum of two hundred thousand (200,000) dollars for undercover purchases by the division of criminal investigation and local law enforcement agencies.

c. Notwithstanding section 384.15, subsection 7, paragraph "b", there is appropriated from the unencumbered and unobligated money remaining in the law enforcement training reimbursement fund on June 30, 1987 to the department of public safety, division of criminal investigation, the sum of two hundred thousand (200,000) dollars, or so much thereof as is necessary, to be used for salaries, support, maintenance, and miscellaneous purposes.

d. For salaries and support of not more than four full-time equivalent positions, maintenance, and miscellaneous purposes for the employment of pari-mutuel law enforcement agents, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated \$ 180,900

Sec. 5. Notwithstanding section 384.15, subsection 7, paragraph "b", there is appropriated all unencumbered and unobligated money remaining in the law enforcement training reimbursement fund on June 30, 1987, after operation of section 1, subsections 1 and 2, and section 4, subsection 4, paragraphs "b" and "c" of this Act, to the department of public safety for the capital acquisition of an automated fingerprint identification system (AFIS). There is also appropriated the unencumbered and unobligated money credited to the law enforcement training reimbursement fund during the fiscal year beginning July 1, 1987 and ending June 30, 1988, to the department of public safety for such fiscal year for the capital acquisition of an automated fingerprint identification system (AFIS). However, the total moneys appropriated under this section shall not exceed five hundred thousand (500,000) dollars.

Except as otherwise provided by law, the automated fingerprint identification system computer committee as established in 1986 Iowa Acts, chapter 1207, section 18, paragraph "c", shall be maintained.

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, 1987 and ending June 30, 1988, the following amounts, or so much thereof as is necessary, to be used as follows:

1987-1988
Fiscal Year

1. For salaries and support of not more than four hundred forty-two full-time equivalent positions, maintenance, and miscellaneous purposes including the federal Highway Safety Act program, and the state's contributions to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated \$ 19,352,000

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

An employee of the department of public safety or the department of natural resources or their successor agencies who retires after the effective date of this Act 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 the 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.

It is the intent of the general assembly that the department of public safety, division of highway safety and uniformed force, increase the number of its vehicle theft officers by two full-time equivalent positions under this appropriation.

2. For the capital purchase of four hundred nine mobile vehicle repeaters and radios to be used by the Iowa state patrol, eight hundred forty thousand (840,000) dollars, or so much thereof as may be necessary. Moneys credited under this subsection are for mobile vehicle repeaters and radios to be placed solely in new motor vehicles used by members of the Iowa safety patrol below the rank of lieutenant for patrolling the highways.

Sec. 7. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1987 and ending June 30, 1988, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1987-1988
Fiscal Year

1. For salaries, support, maintenance, and miscellaneous purposes for:	
a. Administrative services (forty-nine full-time equivalent positions)	\$ 2,637,476
b. General counsel (one full-time equivalent position)	\$ 116,925
c. Planning and research (nine full-time equivalent positions)	\$ 283,645
d. Aeronautics and public transit (four full-time equivalent positions)	\$ 156,275
e. Motor vehicles (five hundred twenty-nine full-time equivalent positions)	\$ 14,225,922
f. Rail and water (fifteen full-time equivalent positions)	\$ 557,000
2. For the purpose of making payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A	
	\$ 16,000
3. Unemployment compensation	
	\$ 12,500

Sec. 8. There is appropriated from the road use tax fund to the department of personnel for the fiscal year beginning July 1, 1987 and ending June 30, 1988, the sum of ninety-five thousand eighty (95,080) dollars, or so much thereof as is necessary, to be used for the purpose of paying workers' compensation claims under chapter 85 on behalf of employees of the state department of transportation and the department of public safety, division of highway safety and uniformed force.

Sec. 9. There is appropriated from the road use tax fund from revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "b", to the department of transportation for the fiscal year beginning July 1, 1987 and ending June 30, 1988, the sum of seven hundred fifty thousand (750,000) dollars for improving the state aircraft pool.

Sec. 10. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1987 and ending June 30, 1988, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1987-1988 Fiscal Year
1. For salaries, support, maintenance, and miscellaneous purposes for:	
a. Administrative services (three hundred one full-time equivalent positions)	\$ 16,355,404
b. General counsel (seven full-time equivalent positions)	\$ 689,942
c. Planning and research (one hundred sixty-four full time equivalent positions)	\$ 5,388,387
d. Aeronautics and public transit (four full-time equivalent positions)	\$ 156,275
e. Highways (two thousand eight hundred seventy-six full-time equivalent positions)	\$ 111,735,947
f. Motor vehicles (eighteen full-time equivalent positions)	\$ 492,435
g. Rail and water (seven full-time equivalent positions)	\$ 236,000
2. To be deposited in the state department of transportation materials and equipment revolving fund established by section 307.47 for funding the increased replacement cost of vehicles	\$ 2,000,000
3. For the purpose of making payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A	\$ 304,000
4. Unemployment compensation	\$ 232,750
5. Subject to enactment of a new transportation network designed to serve business and industry, for salaries and support for not more than twenty-three full-time equivalent positions, maintenance and miscellaneous purposes	\$ 750,000

Sec. 11. There is appropriated from the road use tax fund from revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "b" to the state department of transportation for the fiscal year beginning July 1, 1987 and ending June 30, 1988, for the purposes of terminal improvements at essential air service airports, the sum of two hundred fifty thousand (250,000) dollars. In selecting projects the state department of transportation shall give preference to projects that will assist in maintaining and attracting air service.

Sec. 12. The treasurer of state shall credit in six equal installments prior to January 1, 1988, from the road use tax fund from revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "b", to the state department of transportation for purposes of retiring bonds and indebtedness on state-owned toll bridges an amount sufficient to repay all indebtedness on all state-owned toll bridges. Tolls on these bridges shall be eliminated no later than July 1, 1987.

Section 8.33 does not apply to moneys credited under this section. Any Iowa residents employed by the state department of transportation for collecting tolls on these bridges shall be given preference for subsequent employment with the state department of transportation for positions for which they are qualified.

Sec. 13. There is appropriated from the primary road fund to the department of personnel for the fiscal year beginning July 1, 1987 and ending June 30, 1988, the sum of six hundred sixty-six thousand five hundred forty (666,540) dollars, or so much thereof as is necessary, for

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

Sec. 14. There is appropriated from the state aviation fund to the state department of transportation for the administration of aeronautics and public transit for the fiscal year beginning July 1, 1987 and ending June 30, 1988, the following amount, or so much thereof as may be necessary, to be used for the following purposes:

	1987-1988 Fiscal Year
1. For salaries and support of not more than eight full-time equivalent positions, maintenance and miscellaneous purposes	\$ 276,548
2. For salary and support for not more than one full-time equivalent position, maintenance, and miscellaneous purposes if a new transportation network designed to serve business and industry is enacted and becomes law	\$ 35,000

Sec. 15. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1987 and ending June 30, 1988, the following amounts, or so much thereof as is necessary, to be used in the manner designated:

	1987-1988 Fiscal Year
1. For the repaving of the warehouse lot at the Ames complex	\$ 150,000
2. For the replacement of obsolete field facilities at Adair, Creston, Denison, Greenfield, Oakland, Sac City, and Sigourney	\$ 3,510,500

It is the intent of the general assembly that the state department of transportation check on the availability of existing buildings in these cities to determine the feasibility of remodeling existing buildings rather than constructing new facilities.

3. Section 8.33 does not apply to the funds appropriated by this section. However, unencumbered or unobligated funds remaining on June 30, 1991 from funds appropriated for the fiscal year beginning July 1, 1987 shall revert to the fund from which appropriated on September 30, 1991.

Sec. 16. The state department of transportation shall lower the entrance pipe by two feet at station 329 + 60 Rt on U.S. highway 63 in Tama county, Iowa.

Sec. 17. Section 80.4, Code 1987, is amended to read as follows:

80.4 HIGHWAY PATROL.

The Iowa highway safety patrol is established in the department of public safety ~~shall consist of a complement of not to exceed four hundred ten persons~~. The patrol shall be under the direction of the director of public safety.

Sec. 18. Section 306.42, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Notwithstanding any other provision of the Code, for transfers of roads and streets made after May 1, 1987, neither the transferring jurisdiction or the receiving jurisdiction shall be held liable for any claim or damage for any act or omission relating to the design, construction, or maintenance of the road or street that occurred prior to the effective date of the transfer. This paragraph shall apply to all transfers pursuant to this chapter or section 313.2.

Sec. 19. Section 312.2, subsection 17, Code 1987, is amended to read as follows:

17. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the public transit assistance fund, created under

*Item veto, see message at end of the Act

section 601J.6, an amount equal to one fortieth of the revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "b".

Sec. 20. Section 312.2, Code 1987, is amended by adding the following new subsection:
NEW SUBSECTION. 18. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the state department of transportation for county, city and state traffic safety improvement projects an amount equal to one-half of one percent of moneys credited to the road use tax fund.

Sec. 21. Section 313.63, Code 1987, is amended to read as follows:
313.63 ACTION BY ADJOINING STATE.

The department shall not enter into an agreement of acceptance until the adjoining state enters into an agreement to accept ownership of that portion of the bridge being within such the adjoining state, and agrees to pay the cost of maintaining such portion of the bridge or its proportionate share of the total cost of maintaining the bridge.

Sec. 22. Section 313A.34, subsection 6, Code 1987, is amended by striking the subsection and inserting in lieu thereof the following:

6. A provision for the division of ownership with the adjoining state and for a proportional division of the maintenance costs of the bridge when all outstanding indebtedness or other obligations payable from the revenues of the bridge have been paid.

Sec. 23. Section 316.15, Code 1987, is amended to read as follows:
316.15 FEDERAL GRANTS — PAYMENT OF RIGHT-OF-WAY AND RELOCATION ASSISTANCE BENEFITS.

The department may do all things necessary to carry out the provisions of this chapter and to secure federal grants to make the payments required by this chapter, but the absence of federal aid to make such payments shall not discharge the obligation to make the payments. The department is authorized to pay all right-of-way and relocation assistance benefits in the full amount authorized by federal standards and rules. In order to avoid delays, payment for such benefits made in cooperation with the federal government may be advanced from the primary road fund.

Sec. 24. Section 321J.17, Code 1987, is amended to read as follows:
321J.17 CIVIL PENALTY — SEPARATE FUND — REINSTATEMENT.

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

Sec. 25. Section 327H.24, Code 1987, is amended to read as follows:
327H.24 REVERSIONS — TRANSFERS — MONEYS TO BE REPAID.

Moneys deposited in the railroad assistance fund shall are not be subject to section sections 8.33 and 8.39. However, moneys credited to the fund by a city, county, or railroad district which are unexpended or unobligated following the expiration of an agreement shall be paid back to the city, county, or railroad district.

Sec. 26. Section 423.24, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

423.24 DEPOSIT OF REVENUE.

The revenue arising from the operation of this chapter shall be credited as follows:

1. a. All revenue derived from the use tax on motor vehicles, trailers, and motor vehicle accessories and equipment as collected pursuant to section 423.7 shall be credited to the primary road fund to the extent necessary to reimburse that fund for the expenditures, not otherwise eligible to be made from the primary road fund, made for repairing, improving and maintaining bridges over the rivers bordering the state. Expenditures for those portions of bridges within adjacent states may be included when they are made pursuant to an agreement entered into under sections 313.63, 313A.34 and 314.10.

b. Any remaining revenues derived from the operation of section 423.7 shall be credited to the road use tax fund.

2. All other revenue arising under the operation of this chapter shall be credited to the general fund of the state.

Sec. 27. Section 327H.24, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 453.7, subsection 2, interest and earnings on moneys deposited in the railroad assistance fund shall be credited to the railroad assistance fund. Interest and earnings credited to the railroad assistance fund under this paragraph shall be expended as nonreimbursable grants.

Sec. 28. 1983 Iowa Acts, chapter 198, section 32, unnumbered paragraph 1, is amended to read as follows:

SEC. 32. Notwithstanding the provisions of section 423.24, there is transferred from revenues collected under chapter 423 during each year of the fiscal period beginning July 1, 1983 and ending June 30, 1985 from the use tax imposed on motor vehicles, trailers and motor vehicle accessories and equipment under section 423.7 the sum of seven million five hundred thousand (7,500,000) dollars which shall be transferred to the special railroad facility fund to be used exclusively for the purposes provided in this section. The Iowa railway finance authority may enter into a partnership agreement as allowed under section 307B.7, subsection 7, for the purpose of acquiring the right-of-way of the Chicago, Rock Island and Pacific railroad. The funds shall be expended to supplement private investment capital obtained for that purpose by matching any private investment capital on an equal basis. The funds transferred to the special railroad facility fund under this section shall be considered an interest-free loan to be repaid to the road use tax fund from receipts credited to the special railroad facility fund under section 307B.23 except that moneys credited for repayment of the loan during the period beginning July 1, 1987 and ending June 30, 1989, shall be credited to the railroad assistance fund.

**Sec. 29. 1986 Iowa Acts, chapter 1246, section 12, subsection 5, is amended to read as follows:*

*5. For ~~area garages for the in~~ Tama-Toledo area, Dubuque and Centerville \$ 1,344,000**

Sec. 30. 1986 Iowa Acts, chapter 1246, section 12, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Section 8.33 does not apply to the funds appropriated by this section. However, unencumbered or unobligated funds remaining on June 30, 1991 from funds appropriated for the fiscal year beginning July 1, 1986 shall revert to the fund from which appropriated on September 30, 1991.

*Item veto; see message at end of the Act

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

Sec. 32. Section 1, subsections 1 and 2, section 4, subsection 4, paragraphs "b" and "c" and sections 5, 24, 25, and 30, take effect June 30, 1987.

Approved June 8, 1987, except the items which I hereby disapprove and which are designated as section 1, subsection 3; section 16; and section 29; all of which are bracketed in ink and initialed by me. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, *Governor*

Dear Madam Secretary:

I hereby transmit Senate File 518, an Act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation of moneys from the road use tax fund and providing effective dates.

Senate File 518 provides appropriations for law enforcement and transportation related agencies in state government. While I have some concern about the excessive appropriations from the law enforcement training reimbursement fund, the appropriations made in this bill are generally in line with my original recommendations. However, Senate File 518 includes several provisions which excessively tie the hands of the executive branch of state government and must be vetoed.

I am unable to approve the item designated as Section 1, Subsection 3 in its entirety. Subsection 3 of Section 1 of Senate File 518 establishes detailed performance review measures and reporting requirements for the law enforcement academy's training program. The management-related goals and reporting mechanisms included in this subsection are the essence of executive branch administrative discretion. The Department of Management has developed performance measures for each department. The results of these measures can be shared at appropriate times with the legislative branch. However, the legislative requirements imposed in Subsection 3 are excessive and cannot be approved.

I am unable to approve Section 16 of Senate File 518 in its entirety. Section 16 requires the Department of Transportation to lower the entrance pipe by two feet at station 329 + 60 Rt on U.S. highway 63 in Tama county, Iowa. The level of the drainage pipe referred to in Section 16 is now under study by the Department of Transportation in order to relieve a drainage problem in the area. There are different views in the area about the appropriate level at which the pipe should be located. The decision on the appropriate level for the pipe is one which should clearly be subject to administrative discretion and executive branch expertise. Such detail directed by the General Assembly is a glaring example of excessive legislative branch encroachment into executive branch authority. As such, I cannot approve Section 16.

I am unable to approve Section 29 of Senate File 518 in its entirety. Section 29 of this bill amends the 1986 Iowa Acts, to require that DOT maintenance garages be placed in Tama-Toledo, Dubuque and Centerville. This section prohibits the department from placing these garages in any area around these communities. I understand the intent of this section is to require the department to place the garage in an appropriate location in Tama-Toledo. And I am pleased that the Department of Transportation officials do plan to build that garage very near those communities. However, by requiring that these garages be placed within the city limits of Dubuque and Centerville, the legislature inadvertently created a serious problem for the department. At the present time, the maintenance garage in the Dubuque area is now under construction just outside of the city limits of that community. And the Centerville area garage is also proposed to be constructed just outside the city limits. Neither of these projects could move forward if this legislation were signed into law.

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 518 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*