

Approved April 13, 1994, except the items which I hereby disapprove and which are designated as Section 10, unnumbered and unlettered paragraph 4 in its entirety; and Section 30 in its entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the President of the Senate this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, *Governor*

Dear Mr. President:

I hereby transmit Senate File 2229, an Act relating to and making appropriations to state departments, agencies, funds, and certain other entities, and providing for other properly related matters.

Senate File 2229 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 10, unnumbered and unlettered paragraph 4, in its entirety. This provision would require the Department of Management to state staffing targets in terms of full-time equivalent positions. The executive branch must maintain flexibility to utilize reporting formats that best meet its management needs.

I am unable to approve the item designated as Section 30, in its entirety. This provision restricts executive branch agencies in their ability to enter into lease-purchase agreements. While additional review and oversight of lease-purchase contracting by state agencies may be worthwhile, sufficient flexibility must be provided to allow agencies to respond to situations which cannot be planned, e.g. emergencies and new federal requirements.

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 2229 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1189

APPROPRIATIONS – TRANSPORTATION AND SAFETY

S.F. 2217

AN ACT relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and law enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund, and relating to the driver’s license pilot project.

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, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:		
.....	\$	951,650
.....	FTEs	24.00

2. For salaries, support, maintenance, and miscellaneous purposes to provide statewide coordination of the drug abuse resistance education (D.A.R.E.) program:
 \$ 15,000

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, 1994, and ending June 30, 1995, 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:

..... \$ 3,718,896
 FTEs 210.26

If there is a surplus in the general fund of the state for the fiscal year ending June 30, 1995, within 60 days after the closing of the fiscal year, the military division may incur up to an additional \$500,000 in expenditures from the surplus prior to transfer of the surplus pursuant to section 8.57.

2. EMERGENCY MANAGEMENT DIVISION

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

..... \$ 486,208
 FTEs 13.83

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, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For 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:

..... \$ 2,148,096
 FTEs 41.00

2. For the division of criminal investigation and bureau of identification including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

..... \$ 7,046,332
 FTEs 141.00

3. For the division of narcotics enforcement:

a. The state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

..... \$ 2,358,608
 FTEs 38.00

b. Undercover purchases:

..... \$ 139,202

4. For the state 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 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 1,363,483
 FTEs 30.00

The state fire marshal may fill one additional full-time equivalent position, in addition to the 30 FTEs authorized in this subsection, if the state fire marshal's office is required to implement the underground storage tank installers and inspectors licensing program pursuant to House File 2177, if enacted.*

The legislative fiscal bureau shall conduct a program evaluation of the state fire marshal's office to determine the appropriate funding and staffing levels necessary to implement the statutory duties of the office and to evaluate the feasibility of establishing the state fire marshal's office as an entity of state government separate from the department of public safety. The evaluation shall be completed and reported to the general assembly by January 15, 1995.

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

.....	\$	1,106,779
.....	FTEs	27.00

Sec. 4. There is appropriated from the road use tax fund to the division of highway safety, uniformed force, and radio communications of the department of public safety for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, 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 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	32,211,089
.....	FTEs	552.50

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

b. The Iowa law enforcement academy may annually select at least five automobiles of the department of public safety, division of highway safety, uniformed force, and radio communications, prior to turning over the automobiles to the state vehicle dispatcher to be disposed of by public auction and the Iowa law enforcement academy may 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, uniformed force, and radio communications.

c. An employee of the department of public safety who retires after the effective date of this Act but prior to June 30, 1995, 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. The provisions of this paragraph shall not operate to reduce any retirement benefits an employee may have earned under other collective bargaining agreements or retirement programs.

d. The department of public safety shall allow a peace officer to stay at lodging facilities of the officer's choice while in travel status unless operational requirements dictate that the officer should stay at a facility approved by the department. Cost savings alone shall not be considered an operational requirement.

e. It is the intent of the general assembly that the division shall focus efforts on recruiting additional women and minority members of the state patrol.

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

.....	\$	403,475
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*House File 2177 not enacted

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

3. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the division of highway safety, uniformed force, and radio communications:

.....	\$	88,390
4. a. For replacement of the radio communications tower in Cedar Rapids:	\$	95,000
.....	\$	1,066,500

It is the intent of the general assembly that ownership of the property upon which Iowa patrol post number 7 was formerly located, shall be transferred to Iowa central community college.

c. For replacement of Iowa patrol post number 12 located in Davenport:	\$	1,593,000
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The money that is raised from the sale of Iowa patrol post number 12, located in Davenport, shall be deposited in the road use tax fund.

c. For improvements at various locations throughout the state to comply with the requirements of the federal Americans with Disabilities Act:

.....	\$	300,000
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The provisions of section 8.33 do not apply to the funds appropriated in subsection 4, which shall remain available for expenditure for the purposes designated until June 30, 1996. Unencumbered or unobligated funds remaining on June 30, 1996, from funds appropriated in subsection 4, shall revert to the fund from which appropriated on August 30, 1996.

Sec. 5. There is appropriated from use tax receipts collected pursuant to section 423.7, prior to their deposit in the road use tax fund pursuant to section 423.24, subsection 1, to the department of public safety for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

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

.....	\$	201,500
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2. 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 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	299,369
.....	FTEs	5.00

The appropriation made in this subsection is reduced by any amount appropriated by House File 2179, if enacted by the Seventy-fifth General Assembly, for the purposes described by this subsection.

STATE DEPARTMENT OF TRANSPORTATION

Sec. 6. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. For the payment of costs associated with the production of motor vehicle licenses, as defined in section 321.1, subsection 43:

.....	\$	670,000
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2. For salaries, support, maintenance, and for miscellaneous purposes:

a. Administrative services:	\$	4,294,780
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b. General counsel:	\$	184,660
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c. Planning and research:	\$	545,450
d. Aeronautics and public transit:	\$	265,000
e. Motor vehicles:	\$	21,295,920
The motor vehicle division of the department shall conduct all salvage theft examinations required under section 321.52.		
f. Rail and water:	\$	649,600
3. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A:	\$	35,000
4. Unemployment compensation:	\$	12,250
5. For payments to the department of personnel for paying workers' compensation claims under chapter 85 on behalf of employees of the state department of transportation:	\$	75,000
6. For payment to the general fund of the state for indirect cost recoveries:	\$	120,000
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:	\$	32,480
8. a. For the grading, paving, and lighting of the parking and inspection areas at the Brandon scale site:	\$	435,000
b. For the replacement of the scale in Story County:	\$	210,000
The provisions of section 8.33 do not apply to the funds appropriated in subsection 8, which shall remain available for expenditure for the purposes designated until June 30, 1998. Unencumbered or unobligated funds remaining on June 30, 1998, from funds appropriated in subsection 8, shall revert to the fund from which appropriated on August 30, 1998.		
Sec. 7. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following 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:	\$	26,382,220
	FTEs	321.50
b. General counsel:	\$	1,134,340
	FTEs	7.00
c. Planning and research:	\$	6,673,550
	FTEs	158.00
d. Aeronautics and public transit:	\$	265,000
	FTEs	17.00
e. Highways:	\$	149,045,583
	FTEs	2,859.00

f. Motor vehicles:		
.....	\$	822,080
.....	FTEs	549.00
g. Rail and water:		
.....	\$	278,400
.....	FTEs	18.00
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:		
.....	\$	3,120,000
3. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A:		
.....	\$	665,000
4. Unemployment compensation:		
.....	\$	232,750
5. For payments to the department of personnel for paying workers' compensation claims under chapter 85 on behalf of the employees of the state department of transportation:		
.....	\$	1,425,000
6. For costs associated with underground storage tank replacement and cleanup:		
.....	\$	1,000,000
7. For payment to the general fund for indirect cost recoveries:		
.....	\$	880,000
8. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:		
.....	\$	199,520
9. a. For completion of the design and installation of the fire alarm system at the Ames complex (Phase II):		
.....	\$	500,000
b. For improvements at various locations throughout the state to comply with the requirements of the federal Americans with Disabilities Act (Phase II):		
.....	\$	500,000
c. For improvements to upgrade the handling of waste water at various field facilities throughout the state:		
.....	\$	750,000
d. For completion of replacement of the east parking lot at the Ames complex:		
.....	\$	550,000
e. For repair or replacement of the concrete decking at the rear entry of the administration building at the Ames complex:		
.....	\$	220,000
f. For the purchase of land adjacent to the Akron garage:		
.....	\$	30,000

The provisions of section 8.33 do not apply to the funds appropriated in subsection 9 which shall remain available for expenditure for the purposes designated until June 30, 1998. Unencumbered or unobligated funds remaining on June 30, 1998, from funds appropriated in subsection 9 shall revert to the fund from which appropriated on August 30, 1998.

Sec. 8. There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. a. For providing assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, and sidings as required in section 327H.18; for use by the railway finance authority as provided in chapter 327I; to provide up to \$70,000 in funding, with local authorities providing matching funds, for a study to determine the potential costs and benefits of the development of rail passenger service between

Cedar Rapids and Iowa City and to provide up to \$15,000 in funding, with local authorities providing matching funds, for the construction of demonstration trackage for the operation of historic railroad equipment or the rehabilitation or restoration of historic railroad equipment:

.....	\$ 2,110,553
b. For airport engineering studies and improvement projects as provided in chapter 328:	
.....	\$ 2,262,000
2. For aeronautics and public transit, for salaries, support, maintenance, and miscellaneous purposes:	
.....	\$ 393,000

Sec. 9. There is appropriated from the road use tax fund to the motor vehicle division of the state department of transportation for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

To be used for costs associated with the driver's license pilot program implemented in accordance with 1993 Iowa Acts, chapter 169, section 14:	
.....	\$ 67,500

Of the moneys appropriated in this section, the division shall allocate moneys to the following counties:

1. Adams	\$ 9,000
2. Cass	\$ 11,000
3. Fremont	\$ 9,000
4. Mills	\$ 11,000
5. Montgomery	\$ 11,000
6. Page	\$ 16,500

Sec. 10. Notwithstanding section 8.33 and the reversion provisions in 1991 Iowa Acts, chapter 268, section 507, the unencumbered or unobligated funds remaining on June 30, 1994, from the appropriation for grading and resurfacing the east parking lot at the Ames complex shall not revert but shall be available for expenditure for the same purposes until June 30, 1998, and any unencumbered or unobligated funds remaining on June 30, 1998, shall revert to the fund from which appropriated on August 30, 1998.

Sec. 11. DRIVER'S LICENSE PILOT PROJECT. The driver's license pilot project implemented in accordance with 1993 Iowa Acts, chapter 169, section 14, is extended until June 30, 1995.

Sec. 12. LAW ENFORCEMENT ACADEMY STUDY. The director of the Iowa law enforcement academy shall study the feasibility of allowing persons to enroll in the academy basic training course prior to employment by a law enforcement agency. The director shall seek input from the Iowa state sheriffs and deputies association, the Iowa state police association, community colleges and higher education institutions offering police science courses, the Iowa state association of counties, and the league of Iowa municipalities. The director shall report the results of the study to the joint appropriations subcommittee on transportation and safety by January 15, 1995.

**Sec. 13. LEASE-PURCHASE — BUDGET SUBMISSION. This section applies to each state agency receiving an appropriation in this Act. The departmental estimate required under section 8.23 for the fiscal period beginning July 1, 1995, which includes the state agency, shall provide an itemized list indicating the nature and amount of each lease-purchase contract payment included in the estimate for proposed contracts which have not been reported by the state agency to the legislative fiscal committee of the legislative council pursuant to section 8.46 prior to the submission of the estimate. The governor shall include in the governor's budget for the fiscal year beginning July 1, 1995, a listing indicating the nature and amount of each lease-purchase contract which was itemized in a departmental estimate in accordance with*

*Item veto; see message at end of the Act

*this section and is included in the governor's budget. A state agency receiving an appropriation in this Act shall not enter into a lease-purchase contract during the fiscal year beginning July 1, 1995, unless the contract was itemized in a departmental estimate and included in the governor's budget in accordance with this section.**

Sec. 14. The legislative council is requested to authorize an interim study committee to study the issue of transferring the motor vehicle enforcement officers from the state department of transportation to the department of public safety, as well as the issue of whether or not those motor vehicle enforcement officers should have all the powers and duties of other peace officers defined in section 801.4.

Sec. 15. **SALE OF REAL PROPERTY — PREFERENCES.** The state department of transportation shall include veterans organizations chartered by the congress of the United States in any preference granted to a state agency, city, county, school district, or other public authority, for the sale of real property by the state department of transportation prior to July 1, 1995.

Sec. 16. Section 35C.1, subsection 2, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department of personnel shall inform the agency to which the person is seeking employment of the person's military service as specified in subsection 1.

Sec. 17. Section 80B.11B, Code 1993, is amended by adding the following new subsection:
NEW SUBSECTION. 3. The Iowa law enforcement academy may also charge an attendance fee as determined by the director of the academy and approved by the council for courses, schools, and seminars, other than the basic training course specified in subsection 2. Funds generated from attendance fees are appropriated to and shall be used at the direction of the academy to fulfill its responsibilities under this chapter.

Approved April 19, 1994, except the items which I hereby disapprove and which are designated as Section 4, subsection 1, paragraph d in its entirety; and Section 13 in its entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the President of the Senate this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, *Governor*

Dear Mr. President:

I hereby transmit Senate File 2217, an Act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and law enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund, and relating to the driver's license pilot project.

Senate File 2217 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 1, paragraph d, in its entirety. This provision limits the authority of the Department of Public Safety to make decisions regarding lodging of peace officers in training. The department should retain full authority to make such decisions, particularly when it results in substantial cost savings to Iowa taxpayers.

I am unable to approve the item designated as Section 13, in its entirety. This provision restricts executive branch agencies in their ability to enter into lease-purchase agreements. While additional review and oversight of lease-purchase contracting by state agencies may be worthwhile, sufficient flexibility must be provided to allow agencies to respond to situations which cannot be planned, e.g. emergencies and new federal requirements.

*Item veto; see message at end of the Act

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 2217 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1190

APPROPRIATION FOR IOWA COMMUNICATIONS NETWORK

S.F. 2329

AN ACT making an appropriation for the Iowa communications network fund for the fiscal year beginning July 1, 1994.

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

Section 1. STATE COMMUNICATIONS NETWORK. There is appropriated from the general fund of the state to the Iowa communications network fund created in section 18.137 for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary:

..... \$ 5,600,000

Upon the appropriation of the funds in this section to the Iowa communications network fund, the Iowa telecommunications and technology commission shall immediately transfer \$5,600,000 of the appropriated amount to a separate fund established in the office of the treasurer of state, to be used solely for making a payment on the principal amount of the certificates of participation issued for the Iowa communications network which is scheduled for July 1, 1995. The commission shall certify to the treasurer of state when such payment is due, and upon receipt of the certification the treasurer shall make the payment. The commission shall pay any additional amount due from funds deposited in the Iowa communications network fund.

Approved May 2, 1994

CHAPTER 1191

COMPENSATION FOR PUBLIC EMPLOYEES

H.F. 2429

AN ACT relating to the compensation and benefits for public officials and employees and making appropriations.

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

Section 1. STATE COURTS – JUSTICES, JUDGES, AND MAGISTRATES.

1. The salary rates specified in subsections 2 and 3 are effective for the pay periods beginning July 1, 1994, and ending December 29, 1994, and for the pay period beginning December 30, 1994, and for subsequent pay periods until otherwise provided by the general assembly. The salaries provided for in this section shall be paid from funds appropriated to the judicial department from the salary adjustment fund or if the appropriation is not sufficient, from the funds appropriated to the judicial department pursuant to any Act of the general assembly.

2. The following annual salary rates shall be paid to the persons holding the judicial positions indicated during the pay periods beginning July 1, 1994, and ending December 29, 1994: