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FEB 1 2000
TRANSPORTATION

HOUSE FILE **2113**
BY BRADLEY

Passed House, (p.471) Date 2/29/06 Passed Senate, Date (p.770) 3-21-00
Vote: Ayes 94 Nays 0 Vote: Ayes 49 Nays 0

Approved April 6, 2000
Passed 3/22/00
Revote 95-0
A BILL FOR

(p.906)

1 An Act relating to eligibility for United States armed forces
2 retired special motor vehicle license plates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE AMENDMENT TO HOUSE FILE 2113

H-8439

- 1 Amend House File 2113 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. NEW SECTION. 1C.12 BILL OF RIGHTS
- 5 DAY.
- 6 The governor of this state is hereby authorized and
- 7 requested to issue annually a proclamation designating
- 8 the fifteenth day of December as "Bill of Rights Day"
- 9 and to encourage all governmental bodies in the state
- 10 to observe the day in a manner that emphasizes the
- 11 meaning and importance of the first ten amendments to
- 12 the United States Constitution, and encourage a formal
- 13 recitation of the Bill of Rights in its entirety in
- 14 all public schools, government meetings, and
- 15 courtrooms on that date."
- 16 2. Title page, line 1, by inserting after the
- 17 words "relating to" the following: "the recognition
- 18 of federal rights and service, including".
- 19 3. Title page, line 2, by inserting after the
- 20 word "plates" the following: "and designation of a
- 21 "Bill of Rights Day"."
- 22 4. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-8439 FILED MARCH 21, 2000

House Concurred
3/22/00 (p.905)

HF 2113

1 Section 1. Section 321.34, subsection 19, Code Supplement
2 1999, is amended to read as follows:

3 19. UNITED STATES ARMED FORCES RETIRED SPECIAL PLATES. An
4 owner referred to in subsection 12 who is a retired member of
5 the United States armed forces, may, upon written application
6 to the department and upon presentation of satisfactory proof
7 of membership, order special registration plates with a United
8 States armed forces retired processed emblem. The emblem
9 shall be designed by the department in consultation with
10 service organizations. The application is subject to approval
11 by the department. For purposes of this subsection, a person
12 is considered to be retired if the person ~~served-twenty-years~~
13 ~~or-longer-in~~ is recognized by the United States armed forces
14 ~~or-is-a-person-who-served-a-minimum-of-ten-years-and-received~~
15 ~~an-honorable-discharge-from-service-due-to-a-medical~~
16 disqualification as retired from the United States armed
17 forces.

18 EXPLANATION

19 This bill provides that persons who are recognized by the
20 United States armed forces as retired from the United States
21 armed forces are considered to be "retired" for purposes of
22 obtaining a United States armed forces retired motor vehicle
23 license plate. Currently, only persons who have served 20
24 years or longer or persons who have served 10 years or longer
25 and received an honorable discharge due to a medical
26 disqualification are eligible to receive the special plate.

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HOUSE FILE 2113

S-5183

1 Amend House File 2113 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. NEW SECTION. 1C.12 BILL OF RIGHTS
5 DAY.

6 The governor of this state is hereby authorized and
7 requested to issue annually a proclamation designating
8 the fifteenth day of December as "Bill of Rights Day"
9 and to encourage all governmental bodies in the state
10 to observe the day in a manner that emphasizes the
11 meaning and importance of the first ten amendments to
12 the United States Constitution, and encourage a formal
13 recitation of the Bill of Rights in its entirety in
14 all public schools, government meetings, and
15 courtrooms on that date."

16 2. Title page, line 1, by inserting after the
17 words "relating to" the following: "the recognition
18 of federal rights and service, including".

19 3. Title page, line 2, by inserting after the
20 word "plates" the following: "and designation of a
21 "Bill of Rights Day"".

22 4. By renumbering as necessary.

By RICHARD F. DRAKE
JOHN W. JENSEN

EUGENE S. FRAISE
JOHN P. KIBBIE

S-5183 FILED MARCH 21, 2000
ADOPTED

(p. 770)



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 6, 2000

RECEIVED
APR 10
LEGISLATIVE
BUREAU

Brent Siegrist
Speaker of the House
State Capitol Building
LOCAL

Dear Speaker Siegrist:

I hereby transmit House File 2113, an act relating to the recognition of federal rights and service, including eligibility for United States armed forces retired special motor vehicle license plates and designation of a "Bill of Rights Day", in accordance with Article III, Section 16, of the Constitution of Iowa.

This bill contains two worthwhile provisions, one which designates December 15 as "Bill of Rights Day," and a second which makes it easier for certain retired and honorably discharged military veterans to obtain special vehicle license plates.

I regret to inform you that I am unable to approve House File 2113 as presented. Article III, Section 29, of the Constitution of Iowa, states, in part, that "Every act shall embrace but one subject, and matters properly connected therewith..." This legislation fails to meet that Constitutional test based on legal tests applied in relevant Iowa court decisions. The bill clearly contains two distinct and separate subjects, and each section of this bill has no relation to the other.

Throughout this legislative session there have been discussions of the proper use of legal authority within state government. In this case, the question of legal authority is a very basic one. This legislative enactment

violates Article III, Section 29 of the Constitution. As Governor, I have sworn to uphold the Constitution of the state. Therefore, I have no choice but to respectfully disapprove House File 2113.

I call upon legislators, during the time remaining in this legislative session to pass these two provisions in a proper Constitutional form. Both provisions have merit, and I will approve them, if presented to me in proper form.

Sincerely,



Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House

HOUSE FILE 2113

AN ACT

RELATING TO THE RECOGNITION OF FEDERAL RIGHTS AND SERVICE,
INCLUDING ELIGIBILITY FOR UNITED STATES ARMED FORCES RETIRED
SPECIAL MOTOR VEHICLE LICENSE PLATES AND DESIGNATION OF A
"BILL OF RIGHTS DAY".

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

Section 1. NEW SECTION. 1C.12 BILL OF RIGHTS DAY.

The governor of this state is hereby authorized and requested to issue annually a proclamation designating the fifteenth day of December as "Bill of Rights Day" and to encourage all governmental bodies in the state to observe the day in a manner that emphasizes the meaning and importance of the first ten amendments to the United States Constitution, and encourage a formal recitation of the Bill of Rights in its entirety in all public schools, government meetings, and courtrooms on that date.

Sec. 2. Section 321.34, subsection 19, Code Supplement 1999, is amended to read as follows:

19. UNITED STATES ARMED FORCES RETIRED SPECIAL PLATES. An owner referred to in subsection 12 who is a retired member of the United States armed forces, may, upon written application to the department and upon presentation of satisfactory proof of membership, order special registration plates with a United States armed forces retired processed emblem. The emblem shall be designed by the department in consultation with service organizations. The application is subject to approval by the department. For purposes of this subsection, a person is considered to be retired if the person ~~served-twenty-years or-longer-in~~ is recognized by the United States armed forces ~~or-is-a-person-who-served-a-minimum-of-ten-years-and-received an-honorable-discharge-from-service-due-to-a-medical~~

disqualification as retired from the United States armed forces.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2113, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Vetoed
Approved April 6, 2000

THOMAS J. VILSACK
Governor