

CHAPTER 317

**APPROPRIATIONS AND PROVISIONS RELATING TO LAW ENFORCEMENT,
PUBLIC DEFENSE, PUBLIC SAFETY, AND TRANSPORTATION**

S.F. 531

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

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

IOWA LAW ENFORCEMENT ACADEMY

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

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

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

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

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

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

For repair of dormitory room showers:

.....	\$	19,600
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Sec. 4. The Iowa law enforcement academy is projected to raise at least an additional \$271,786 in receipts and federal funds.

DEPARTMENT OF PUBLIC DEFENSE

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

1. MILITARY DIVISION

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

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

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

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

2. DISASTER SERVICES DIVISION

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

..... \$ 251,975
 FTEs 11.0

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

..... \$ 43,586
 FTEs 1.0

3. VETERANS AFFAIRS DIVISION

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

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

4. WAR ORPHANS

For the war orphans educational aid fund:

..... \$ 15,185

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

DEPARTMENT OF PUBLIC SAFETY

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

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

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

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

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

..... \$ 2,997,067
 FTEs 78.5

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 8. Notwithstanding sections 99D.17 and 99D.18, there is appropriated from funds paid to the state racing commission pursuant to section 99D.14, to the department of public safety

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

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

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

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

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

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

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

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

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

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

the depreciation fund to the credit of the department of public safety, division of highway safety and uniformed force. Unanticipated federal and local grants or receipts received after this Act becomes effective are not subject to these conditions.

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

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

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

..... \$ 360,000

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

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

..... \$ 55,544

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

..... \$ 65,000

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

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 850,000

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

STATE DEPARTMENT OF TRANSPORTATION

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

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

a. Administrative services:

..... \$ 3,299,676
..... FTEs 47.0

b. General counsel:

..... \$ 157,655
..... FTEs 1.0

c. Planning and research:		
.....	\$	309,800
.....	FTEs	9.0
d. Aeronautics and public transit:		
.....	\$	214,090
.....	FTEs	5.0
e. Motor vehicles:		
.....	\$	16,268,407
.....	FTEs	531.0
f. Rail and water:		
.....	\$	622,213
.....	FTEs	15.0
2. For the purpose of making payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A:		
.....	\$	16,000
3. Unemployment compensation:		
.....	\$	12,250
Sec. 14. There is appropriated from the road use tax fund to the department of personnel for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amount, or so much thereof as is necessary, to be used for the purposes designated:		
For paying workers' compensation claims under chapter 85 on behalf of employees of the state department of transportation:		
.....	\$	35,080
Sec. 15. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:		
1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:		
a. Administrative services:		
.....	\$	20,197,853
.....	FTEs	290.0
b. General counsel:		
.....	\$	995,345
.....	FTEs	7.0
c. Planning and research:		
.....	\$	5,886,200
.....	FTEs	162.0
d. Aeronautics and public transit:		
.....	\$	214,090
.....	FTEs	5.0
e. Highways:		
.....	\$	124,381,000
.....	FTEs	2,870.0
f. Motor vehicles:		
.....	\$	590,593
.....	FTEs	19.0
g. Rail and water:		
.....	\$	263,787
.....	FTEs	7.0
2. To be deposited in the state department of transportation's highway materials and equipment revolving fund established by section 307.47 for funding the increased replacement cost of vehicles:		
.....	\$	2,000,000

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

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

..... \$ 304,000

4. Unemployment compensation:

..... \$ 232,750

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

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

..... \$ 666,540

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

1. For the expansion of Fairfield materials laboratory:

..... \$ 150,000

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

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

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

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

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

1. For the construction of scale facilities at Brandon:

..... \$ 84,000

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

..... \$ 225,000

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

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

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

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

..... \$ 373,820

..... FTEs 9.0

2. For terminal improvements at essential air service airports:
 \$ 250,000

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

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

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

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

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

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

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

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

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

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

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

*Item veto; see message at end of the Act

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

CODE CHANGES

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

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

Sec. 24. Section 306C.16, unnumbered paragraph 1, Code 1989, is amended to read as follows: Compensation required by section 306C.15 or 306C.24 shall be paid for the following:

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

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

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

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

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

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

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

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

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

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

2. The treasurer of state, before making the allotments provided for in section 312.2, shall credit for the fiscal year period beginning July 1, 1988, and ending June 30, ~~1989~~ 1990, to the state department of transportation one hundred thousand dollars from the road use tax fund

*from revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "b". The state department of transportation shall expend the moneys to carry out the statewide trails development plan provided for in section 111F.2 and to acquire land and other property to complete parts of existing recreational trails including, but not limited to, the Cedar Valley nature trail, the Heritage trail, the Grundy county nature trail, and the Comet trail as provided in section 111F.2, subsection 3. Moneys credited under this section shall not be used for the acquisition of property through condemnation.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW SUBSECTION. 12. PEARL HARBOR PLATES. Effective January 1, 1990, the owner of a motor vehicle subject to registration under section 321.109, subsection 1, light delivery truck, panel delivery truck or pickup who was at Pearl Harbor, Hawaii, as a member of the armed services of the United States on December 7, 1941, may, upon written application to the department, order special registration plates which shall bear the notation "PEARL HARBOR VETERAN". The special plates shall bear the identification "DEC 7" followed by a two digit identifying number. Each applicant applying for special registration plates under this subsection may purchase only one set of registration plates under this subsection. The application is subject to approval by the department. Upon receipt of the special registration plates, the applicant shall surrender the regular registration plates to the county treasurer. The fee

*Item veto; see message at end of the Act

for the issuance of the special registration plates is twenty-five dollars which shall be in addition to the regular annual registration fee. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section with no additional registration fee being required other than the regular annual registration fee.

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

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

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

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

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

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

Upon suspending the license of ~~any~~ a person as authorized, the department shall immediately notify the licensee in writing and upon the licensee's request shall afford the licensee an opportunity for a hearing before the director or the director's authorized agent as early as practical within ~~not to exceed~~ thirty days after receipt of the request in the county in which the licensee resides unless the department and the licensee agree that ~~such the~~ hearing may be held in some other county. Upon ~~such~~ hearing the director or the director's authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon ~~such~~ hearing the department shall either rescind its order of suspension or for good cause may extend the suspension of ~~such the~~ license or revoke ~~such the~~ license. There is appropriated each year from the road use tax fund to the department one hundred ~~seven twenty-five~~ thousand dollars or so much thereof as may be necessary to be used to pay the cost of notice and personal delivery of service, if necessary to meet the notice requirement of this section. The department shall ~~promulgate~~ adopt rules governing the payment of the cost of personal delivery of service. The reinstatement fees collected under section 321.191 shall be deposited in the road use tax fund in ~~a the~~ manner provided in section 321.192, as reimbursement for the costs of notice under this section.

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

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

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

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

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

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

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

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

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

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

327C.38 ANNUAL REPORTS FROM COMPANIES.

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

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

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

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

*Item veto; see message at end of the Act

MISCELLANEOUS PROVISIONS

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

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

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

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

Sec. 43. If because of any court decision, the abstract fee fund, its programs and functions are in jeopardy, the state department of transportation may request the executive council to charge to the road use tax fund the costs of purchasing motor vehicle licenses, as defined in section 321.1, subsection 77, and the department of public safety, division of criminal investigation and bureau of identification may request the executive council to charge to the general fund of the state the moneys appropriated to the division from the abstract fee fund under this Act. There is appropriated from the road use tax fund and the general fund of the state the moneys charged under this section. The state department of transportation and the department of public safety, division of criminal investigation and bureau of identification, shall provide a detailed accounting of the charges if this change in the method of funding is implemented.

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

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

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

Sec. 47. All federal grants to and the federal receipts of the agencies which are appropriated funds under this Act, unless otherwise appropriated, are appropriated for the purposes set forth in the federal grants and receipts unless otherwise provided by the general assembly.

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

*Item veto; see message at end of the Act

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

Approved June 5, 1989, except those items which I hereby disapprove and which are designated as section 20 in its entirety; section 21 and section 40 in their entirety; sections 26 and 27 in their entirety; section 39 in its entirety; and sections 44 and 45 in their entirety. 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 531, an Act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund, state aviation fund, and abstract fee fund, providing for an exemption from reversion for certain funds, providing for the preservation of natural areas and historic sites in road design, construction, and maintenance, altering the fee for duplicate or replacement motor vehicle licenses and non-operator's identification cards, extending the effective period of the temporary authority for the operation of certain commercial vehicles, mandating reports of certain agency purchases, providing for the issuance of special Pearl Harbor registration plates, requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices, and providing effective dates and retroactive application.

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

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

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

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

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

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

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

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

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 531 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*