

There shall be attached to each tank vehicle used for the intrastate transportation of any flammable liquid distinctive markings or tags on each side and rear in letters a minimum of four inches high and a minimum width of five-eighths of an inch.

Intrastate tank vehicles transporting flammable liquids pursuant to the provisions of this section shall utilize the following options:

1. A sign or lettering with the word "FLAMMABLE".
2. The common name of the flammable liquid being transported.
3. The name or trademark of the carrier when the name or trademark plainly indicates the flammable nature of the cargo.

Vehicles in conformity with the federal department of transportation rules pertaining to the transportation of flammable liquids shall be deemed to be in compliance with the provisions of this section.

Sec. 3. This Act is effective January 1, 1978.

Approved June 7, 1977

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## CHAPTER 60

### CRIME COMMISSION, LAW ENFORCEMENT ACADEMY, TRANSPORTION, PUBLIC SAFETY AND PUBLIC DEFENSE

H. F. 327

AN ACT making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

*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 crime commission for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1977-1978

Fiscal Year

#### IOWA CRIME COMMISSION

1. For the purpose of matching federal funds available to the Iowa crime commission through the Omnibus Crime Control and Safe Streets

Act of 1968 as amended by the United States Congress, for salaries, support, maintenance and miscellaneous purposes: ..... \$ 73,351

2. For the purpose of matching federal funds available to the Iowa crime commission through the Omnibus Crime Control and Safe Streets Act of 1968 as amended by the United States Congress: ..... \$ 147,415

3. For the purpose of matching federal funds available to the Iowa crime commission through the Omnibus Crime Control and Safe Streets Act as amended by the United States Congress, for the Iowa crime commission standards and goals project and for salaries, support, maintenance and miscellaneous purposes: ..... \$ 8,500

4. For the purpose of matching federal funds available to the Iowa crime commission through the Juvenile Justice and Delinquency Prevention Act of 1974 as amended by the United States Congress for salaries, support, maintenance and miscellaneous purposes: ..... \$ 3,498

Sec. 2.

1. The funds appropriated by subsection two (2) of section one (1) of this Act constitute a portion of the federal statutory requirement to provide in the aggregate not less than one-half of the minimum required nonfederal funding for projects conducted by units of general local government or combinations of such units for the development and implementation of programs and projects for the improvement of law enforcement.

2. Any allocation of funds from funds appropriated by subsection two (2) of section one (1) of this Act shall be approved by the state comptroller and the governor.

3. All unencumbered or unobligated balances of funds appropriated by subsection two (2) of section one (1) of this Act shall on September 30, 1981 revert to the general fund of this state.

Sec. 3. There is appropriated from the general fund of the state to the following named agencies for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the following amounts, or so much thereof as is necessary, for the purposes designated:

	1977-1978 <u>Fiscal Year</u>
1. IOWA LAW ENFORCEMENT ACADEMY For salaries, support, maintenance, and miscellaneous purposes: .....	\$ 503,174
2. DEPARTMENT OF PUBLIC DEFENSE a. Military division For salaries except salaries provided for in paragraph b of this subsection, support, maintenance, and miscellaneous purposes: .....	\$1,648,000
b. For salaries of the adjutant general and members of his staff who are on full-time active state service, and for their support and maintenance: .....	\$ 173,815
3. OFFICE OF DISASTER SERVICES For salaries, support, maintenance, and miscellaneous purposes: .....	\$ 92,653
4. If funds for implementation of the state recruiting and retention program become available from other than state funding sources, not more than fifty thousand (50,000) dollars from such sources may be expended during the fiscal year 1977- 1978 for such purposes.	

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, 1977 and ending June 30, 1978, the following amounts, or so much thereof as is necessary, to be used for funding the following functions and programs for the purposes designated:

	1977-1978 <u>Fiscal Year</u>
DEPARTMENT OF PUBLIC SAFETY 1. ADMINISTRATIVE FUNCTION For salaries, support, maintenance, and miscellaneous purposes of the department, criminal justice information system, and radio communications: .....	\$3,462,000

## 2. INSPECTION AND SECURITY FUNCTION

For salaries, support, maintenance, and miscellaneous purposes of fire marshal's inspections and capitol security divisions: .....\$ 759,000

## 3. INVESTIGATION FUNCTION

For salaries, support, maintenance, and miscellaneous purposes of the divisions of criminal investigation and bureau of identification, drug law enforcement, beer and liquor law enforcement, fire protection, and arson function including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter ninety-seven A (97A) of the Code in the amount of sixteen percent of the salaries for which the funds are appropriated: ..... \$2,729,000

## 4. DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE

For salaries, support, maintenance, and miscellaneous purposes including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter ninety-seven A (97A) of the Code in the amount of sixteen percent of the salaries for which the funds are appropriated: ..... \$10,796,000

5.\* It is the intent of the general assembly that the state participation in renting telecommunication terminals which are located in local criminal justice agencies be reduced from the current seventy-five-twenty-five percent state-to-local match, to a fifty-fifty percent state-local match effective July 1, 1977 and to a twenty-five-seventy-five state-to-local match effective July 1, 1978.

\* Item Veto

6. In addition to the complement of not to exceed four hundred ten persons there shall be twenty persons who shall serve as members of the highway safety patrol for the period beginning July 1, 1975 and ending June 30, 1978. The twenty additional members of the highway safety patrol shall be totally funded through the use of federal funds.

7.\* The department of public safety to regulate and enforce motor vehicle laws governing traffic control and laws designed to maintain the public peace, pursuant to duties as provided in section eighty point nine (80.9), of the Code, may seek the cooperation of the Iowa national guard to enforce motor vehicle traffic control and safety laws at large public gatherings where traffic control and safety may require additional enforcement facilities. Under this provision the Iowa national guard may provide assistance only with "on duty" members assigned by the adjutant general of the guard who will be subject to the direction of the department of public safety while enforcing the motor vehicle traffic control laws.  
 \* Item veto

Sec. 5. There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1977-1978 <u>Fiscal Year</u>
DEPARTMENT OF TRANSPORTATION	
1. For salaries, support, maintenance, and miscellaneous purposes: .....	\$4,227,000
2. For public transit purposes to implement a state assistance plan: .....	\$2,000,000
Unencumbered or unobligated funds remaining on June 30, 1980 from funds appropriated by subsection two (2) of this section shall revert to the general fund on September 30, 1980.	
3. For deposit in the railroad assistance fund for branch-line improvement: .....	\$2,000,000

Sec. 6. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1977 and ending June 30, 1978 the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1977-1978 <u>Fiscal Year</u>
DEPARTMENT OF TRANSPORTATION	
1. For salaries, support, maintenance, and miscellaneous purposes: .....	\$6,928,000

ADMINISTRATION OF MERIT SYSTEM

2. For the purpose of making payments to the Iowa merit employment department for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter nineteen A (19A) of the Code: ..... \$ 10,000

UNEMPLOYMENT COMPENSATION COSTS

3. Unemployment compensation: ..... \$ 5,000

Sec. 7. There is appropriated from the road use tax fund to the state comptroller for the fiscal year beginning July 1, 1977 and ending June 30, 1978 the sum of twelve thousand five hundred (12,500) dollars, or so much thereof as is necessary, to be used for the purpose of paying workers' compensation claims under chapter eighty-five (85) of the Code on behalf of employees of the department of transportation.

Sec. 8. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1977-1978  
Fiscal Year

DEPARTMENT OF TRANSPORTATION

1. For salaries, support, maintenance, and miscellaneous purposes: ..... \$81,480,000

EQUIPMENT

2. Additional equipment to be purchased to supplement present inventory. All acquisitions, when acquired, will become a part of the state department of transportation materials and equipment revolving fund: ..... \$ 350,000

VEHICLE REPLACEMENT

3. To be deposited in the state department of transportation materials and equipment revolving fund established by section three hundred seven A point seven (307A.7) of the Code for funding the increased replacement cost of vehicles: ..... \$ 400,000

MERIT EXPENSES

4. For the purpose of making payments to the Iowa merit employment department for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter nineteen A (19A) of the Code: ..... \$ 200,000

UNEMPLOYMENT COMPENSATION COSTS

5. Unemployment compensation: ..... \$ 95,000

6. For the purpose of matching available federal planning and construction funds to be used in the planning and construction of the Iowa segments of the Great River Road: ..... \$ 250,000

Sec. 9. There is appropriated from the primary road fund to the state comptroller for the fiscal year beginning July 1, 1977 and ending June 30, 1978 the sum of two hundred thirty-seven thousand five hundred (237,500) dollars, or so much thereof as is necessary, for the purpose of paying workers' compensation claims under chapter eighty-five (85) of the Code on behalf of the employees of the department of transportation.

Sec. 10. There is appropriated from the aeronautics fund to the state department of transportation for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the sum of three hundred twenty-nine thousand (329,000) dollars, or so much thereof as may be necessary, to be used for salaries, support, maintenance, and miscellaneous purposes.

Sec. 11.

1. Unless otherwise provided, the primary road fund is appropriated for highway construction.

2. Unless otherwise provided, the aeronautics fund is appropriated for airport construction.

Sec. 12. No funds appropriated in sections five (5), six (6), eight (8) and eleven (11) of this Act may be used to develop, operate or maintain any vehicle race track or vehicle park outside the right-of-way of the primary road system including, but not limited to, motorcycle parks unless a specific appropriation is made for a particular project or category of projects except that the construction of one demonstration motorcycle park may be completed from administrative funds.

Sec. 13. Section one hundred one A point twelve (101A.12), Code 1977, is amended to read as follows:

101A.12 DEPOSIT AND USE OF FEES. The fees collected by the commissioner of public safety in issuing licenses shall be deposited in ~~a special fund in the state treasury to be used by the commissioner in administering and enforcing the provisions of this chapter~~ general fund. However, ~~one sixth of the commercial license fee established under section 101A.2 shall be paid by the treasurer of state to the general fund of the county or city for each storage facility inspected by the sheriff or the police authority of such city.~~

Unencumbered or unobligated funds remaining in the special fund on June 30, 1977 shall revert to the general fund.

Sec. 14. Section three hundred thirteen point eighteen (313.18), Code 1977, is amended to read as follows:

313.18 USE OF CONTINGENT FUND. When claims for labor, freight, or other items which must be paid promptly ~~and which are payable from the primary road fund~~ are presented to the said department for payment, the said department may direct that warrants in payment of said claims be drawn on said primary road contingent fund. Such warrants when so drawn and signed by the ~~auditor of the department~~ state comptroller, shall be honored by the state treasurer of state for payment from said contingent fund. The primary road contingent fund shall be reimbursed for expenditures made by the state department of transportation from the fund to which the expenditure should be properly charged.

Sec. 15. Section three hundred twenty-one point one hundred forty-five (321.145), Code 1977, is amended to read as follows:

321.145 DISPOSITION. The money, except fines and forfeitures, ~~and except operator's and chauffeur's license fees, certificate-of-title-fees-and-lien-or-encumbrance notation-fees~~ and except the collection fees retained by the county treasurer pursuant to section three hundred twenty-one point one hundred fifty-two (321.152) of the Code collected pursuant to the provisions of this chapter shall be credited by the treasurer of state to the following funds: road use tax fund.

~~1.--Three percent of the gross fees and penalties thereon, to the general fund of the state.~~

~~2.--The balance of said money, less the collection fees retained by the county treasurer pursuant to section 321.152 and less the one percent received by the department as a reimbursement fund from which to pay refunds, to the road use tax fund.~~



~~The treasurer of state shall credit certificate-of-title fees, and lien or encumbrance fees, to the general fund of the state, less the fees retained by the county treasurer pursuant to section 321.452.~~

Sec. 16. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection nine (9), Code 1977, is amended to read as follows:

9. All fees collected by the department under the provisions of this section shall be remitted monthly to the treasurer of state. The moneys remitted shall be placed by the treasurer of state in ~~a special fund to be known as the "motor vehicle inspection fund" and shall be used to defray the cost of administering the provisions of this section~~ the road use tax fund. ~~Any unencumbered balance in excess of twenty thousand dollars remaining in the motor vehicle inspection fund at the end of each fiscal year shall revert to the general fund of the state on the thirtieth day of September following the end of the fiscal year.~~

Sec. 17. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection twenty-one (21), Code 1977, is amended to read as follows:

21. Notice of the suspension or revocation shall be by certified mail, return receipt requested, addressed to the operator of the vehicle inspection station for which the permit was issued. The suspension or revocation shall become effective ten days from the date of the mailing of the notice unless the permit holder files a written request for a review hearing of the suspension or revocation order. The review hearing shall be de novo and shall be conducted at the seat of government by a review board composed of the following persons:

- a. A senior officer of the Iowa highway safety patrol designated by the ~~director~~ commissioner of public safety.
- b. The state car dispatcher or his designee.
- c. An employee of the state department of transportation experienced in automotive mechanics designated by the director.

Notwithstanding any other rule or statute to the contrary, the deposition of any witness taken in the manner prescribed by the rules of civil procedure shall be admissible at any hearing conducted by the review board in lieu of the witness appearing in person. Costs of depositions shall be paid from ~~the motor vehicle inspection fund~~ funds appropriated to the department.

After the hearing, the review board may sustain, modify, or reverse the director's order of suspension or revocation. A suspension or revocation sustained or modified by the review board shall take effect ten days from the date of the decision. Judicial review of actions of the review board may be sought in accordance with the terms of the Iowa administrative procedure Act.

The review board shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records and other evidence before it in any hearing conducted by it under this section.

If any person shall refuse to obey any such subpoena, or to give testimony, or to produce evidence as required thereby, any judge of the district court of the state in and for Polk county may, upon application and proof of such refusal, make an order awarding process of subpoena, or subpoena duces tecum, out of the said court, for the witness to appear before the review board and to give testimony, and to produce evidence as required thereby. Upon filing such order in the office of the clerk of said court, the clerk shall issue process of subpoena, as directed, under the seal of said court, requiring the person to whom it is directed to appear at the time and place therein designated.

Witnesses shall receive three dollars for each day's attendance and ten cents per mile for each mile actually traveled. Witnesses shall be compensated from ~~the-meter vehicle-inspection-fund~~ funds appropriated to the department. The treasurer of state may make rules setting forth the procedure for such reimbursement.

Sec. 18. Section three hundred twenty-one A point three (321A.3), Code 1977, is amended to read as follows:

321A.3 DIRECTOR TO FURNISH OPERATING RECORD--FEES TO BE CHARGED AND DISPOSITION OF FEES. The director shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, which abstract shall also fully designate the motor vehicles, if any, registered in the name of such person, and, if there shall be no record of any conviction of such person having violated any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the director shall so certify. A fee of two dollars shall be paid for each such abstract except by state, county, city or court officials. ~~Such-fees-shall-be-used-by-the~~

~~department-for-administering-this-chapter.~~ Such abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident.

Sec. 19. Section three hundred twenty-one F point eleven (321F.11), Code 1977, is amended to read as follows:

321F.11 RULES ADOPTED--DEPOSIT OF FEES. The director shall adopt rules for the purpose of administering this chapter. All fees and funds accruing from the administration of this chapter shall be remitted to the treasurer of state monthly and ~~by-him~~ deposited in the ~~motor-vehicle-dealer's license-fee-fund-in-the-manner-provided-in-section-322.42~~ road use tax fund.

Sec. 20. Section three hundred twenty-two point twelve (322.12), Code 1977, is amended to read as follows:

322.12 MOTOR VEHICLE DEALERS LICENSE FEE-FUND FEES. All fees ~~and-funds~~ of whatever character accruing from the administration of this chapter shall be accounted for and paid by the department into the state treasury monthly and shall ~~constitute-a-separate-and-distinct-fund-which-shall-be-known-as-the-"Motor-Vehicle-Dealers-License-Fee-Fund"~~ be placed in the road use tax fund. ~~All-expenses-incurred-and all-compensation-paid-by-the-department-in-the-administration-of-this-chapter-shall-be-paid-out-of-said-fund-in-the-same manner-as-other-state-expenses-and-compensation-are-paid. Any-amount-in-such-fund-in-excess-of-ten-thousand-dollars at-the-end-of-any-calendar-year-on-account-of-fees-applicable-to-that-calendar-year-shall-be-credited-to-the-state-general fund.~~

Sec. 21. Section three hundred twenty-five point thirty-six (325.36), Code 1977, is amended to read as follows:

325.36 USE OF FEES. All moneys received under the provisions of this chapter shall be remitted to the treasurer of state and credited to the ~~general-fund-of-the-state~~ road use tax fund.

Sec. 22. Section three hundred twenty-seven point thirteen (327.13), Code 1977, is amended to read as follows:

327.13 EXPENDITURE OF FUNDS. All moneys received under the provisions of this chapter shall be remitted monthly to the treasurer of state and credited to the ~~general-fund-of the-state~~ road use tax fund.

Sec. 23. Section three hundred twenty-seven A point nineteen (327A.19), Code 1977, is amended to read as follows:

327A.19 FEE FOR OPERATION. No certificate of convenience and necessity shall be issued nor continued in force until the holder thereof shall have paid to the board an annual certificate fee for each motor vehicle operated thereunder in the amount of five dollars, except that the fee for a tractor or truck tractor shall be fifteen dollars, and except that the fee herein provided shall not be imposed on any trailer or semitrailer. Fees collected pursuant to the provisions of this section shall be remitted to the treasurer of state and credited to the ~~general-fund-of-the-state~~ road use tax fund.

Sec. 24. Section three hundred twenty-seven B point three (327B.3), Code 1977, is amended to read as follows:

327B.3 FEES--USE. All fees paid under the provisions of this chapter shall be remitted to the treasurer of state and credited to the ~~general-fund-of-the-state~~ road use tax fund.

Sec. 25. Sections three hundred twenty-one point one hundred twenty-nine (321.129) and three hundred twenty-one point one hundred forty-six (321.146), Code 1977, are repealed.

Approved July 10, 1977 except the items designated as Subsection 5 and 7 of Section 4 herein which I hereby disapprove for the reasons in my veto message delivered to the Secretary of State this same date, the original of which is attached hereto.

The Honorable Melvin D. Synhorst  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 327, an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

House File 327 is approved July 10, 1977, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Subsection 5 of Section 4 which reads as follows:

"5. It is the intent of the general assembly that the state participation in renting telecommunication terminals which are located in local criminal justice agencies be reduced from the current seventy-five-twenty-five percent state-to-local match, to a fifty-fifty percent state-local match effective July 1, 1977 and to a twenty-five-seventy-five state-to-local match effective July 1, 1978."

I am also unable to approve the item designated as Subsection 7 of Section 4 which reads as follows:

"7. The department of public safety to regulate and enforce motor vehicle laws governing traffic control and laws designed to maintain the public peace, pursuant to duties as provided in section eighty point nine (80.9), of the Code, may seek the cooperation of the Iowa national guard to enforce motor vehicle traffic control and safety laws at large public gatherings where traffic control and safety may require additional enforcement facilities. Under this provision the Iowa national guard may provide assistance only with "on duty" members assigned by the adjutant general of the guard who will be subject to the direction of the department of public safety while enforcing the motor vehicle traffic control laws."

The first item lowers the current 75%-25% state-to-local match for the renting of TRACIS terminals to 50%-50% match effective July 1, 1977, and to 25%-75% match effective July 1, 1978. County and city law enforcement agencies which currently operate 80 of the telecommunication terminals pay \$100 a month in rental charges. The fee would increase to \$198 per month this year and \$297 next year under this item. The increase--a total of \$100,000--for local governments enabled the legislature to shave the same amount from our recommendations for the Department of Public Safety.

Local budgets for the next fiscal year were finalized long before this bill reached final passage. Assuming the match provision for TRACIS terminals would remain the same as it had for the previous five years, law enforcement officials had asked their governing boards for no increase in funds. The shift in the rental charges from the state to the local level comes too late for the local law enforcement agencies to adjust their budget askings. Now they will either have to squeeze funds from other programs or drop their TRACIS terminals altogether, as two agencies did in the past month.

At a time when the state is limiting the growth of property taxes, it is undesirable to shift costs to local governments, especially when they cannot adjust for the extra burden. While a case may be made for a different sharing of the TRACIS costs than presently exists, the legislature should not embark on such a course without adequate notice to and cooperation with local governments.

By item vetoing this provision, a greater financial responsibility is placed on the Department of Public Safety. I intend to ask for a deficiency appropriation at the beginning of the next session to cover the difference.

The second item, which is permissive in nature, provides that the Department of Public Safety may seek the cooperation of the Iowa National Guard to enforce traffic control and safety laws at large public gatherings which may require additional enforcement facilities.

The Department of Public Safety is not anxious for this authority. In asking for an item veto of the provision, the Commissioner noted that there is an on-going excellent working relationship between the Department and the Guard in response to various natural and man-made disasters. The authority of the Governor to call out the Guard at any time makes the provision unnecessary.

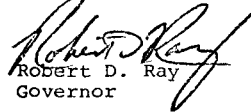
The item was offered with understandable motives. Its author saw it as a means to promote the Guard before large groups and encourage training in crowd control. I share his belief that we need to encourage recruitment in the Iowa National Guard. However, there are better ways to accomplish increased recruitment than this provision.

The Honorable Melvin D. Synhorst  
July 10, 1977  
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We should retain the present system for calling out the National Guard. People enter the Guard with the understanding they won't be called away from their jobs and homes for just any reason. It would be unwise to diffuse the authority to call out the Guard.

For the above reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 327 are hereby approved this date.

Sincerely,

  
Robert D. Ray  
Governor

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CHAPTER 61  
FIRE COMPANIES JURY SERVICE

H. F. 70

AN ACT repealing the lifetime statutory exemption from jury duty applicable to persons who have been active members of fire companies for ten years.

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

Section 1. Chapter one hundred two (102), Code 1977, is repealed.

Approved June 30, 1977

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CHAPTER 62  
MOBILE HOME TIEDOWNS

H. F. 224

AN ACT relating to mobile home tiedowns and providing a penalty.

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

Section 1. Section one hundred three A point three (103A.3), subsection twelve (12), Code 1977, is amended to read as follows:

12. "Factory-built structure" means any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation