

Appropriations No. Pass per 6218 -/15

FILED FEB 20 1976

SENATE FILE 1190

By COMMITTEE ON APPROPRIATIONS

Passed Senate, Date 2-24-76 (563) Passed House, Date 4-25-76 (2252)

Vote: Ayes 47 Nays 0 Vote: Ayes 70 Nays 5

Approved 5-21-76

Re-passed Senate per House amendment

5-11-76 (p. 1856)

37-0

A BILL FOR

1 An Act relating to the financing and administration of the
2 office of the attorney general and making an appropriation.

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

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Appropriations 2/2, Pass per 6313 4/15

FILED FEB 20 1976

SENATE FILE 1190

By COMMITTEE ON APPROPRIATIONS

Passed Senate, Date 2-24-76 (583) Passed House, Date 4-28-76 (2282)

Vote: Ayes 47 Nays 0 Vote: Ayes 90 Nays 5

Approved 5-21-76

*Repassed Senate per House amendment
5-11-76 (p. 1856)
39-0*

A BILL FOR

1 An Act relating to the financing and administration of the
2 office of the attorney general and making an appropriation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. There is appropriated from the general fund
2 of the state to the following department for the fiscal year
3 beginning July 1, 1976, and ending June 30, 1977, the follow-
4 ing amounts, or so much thereof as may be necessary, to be
5 used for the following purposes:

6 1976-1977
7 Fiscal Year

8 DEPARTMENT OF JUSTICE--OF-
9 FICE OF THE ATTORNEY GENERAL

10 1. For salaries, support,
11 maintenance and miscellaneous
12 purposes..... \$1,105,812

13 2. For court cost and the
14 employment of private counsel..... \$ 80,000

15 3. For matching funds for
16 the area prosecutor program..... \$ 157,735

17 Sec. 2. Section thirteen point three (13.3), Code 1975,
18 is amended to read as follows:

19 13.3 DISQUALIFICATION--SUBSTITUTE. If, for any reason,
20 the attorney general be disqualified from appearing in any
21 action or proceeding, the executive council shall appoint
22 some suitable person for that purpose and defray the reason-
23 able expense thereof from any unappropriated funds in the
24 state treasury. The department involved in the action or
25 proceeding shall be requested to recommend a suitable person
26 to represent it and when the executive council concurs in
27 the recommendation the person recommended shall be appointed.

28 Sec. 3. Section thirteen point seven (13.7), Code 1975,
29 is amended to read as follows:

30 13.7 SPECIAL COUNSEL. No compensation shall be allowed
31 to any person for services as an attorney or counselor to
32 any department of the state government, or the head thereof,
33 or to any state board or commission, but the executive council
34 may employ legal assistance, at a reasonable compensation,
35 in any pending action or proceeding to protect the interests

1 of the state, but only upon a sufficient showing, in writing,
2 made by the attorney general, that ~~his~~ the department of
3 justice cannot for reasons stated by ~~him~~ the attorney gen-
4 eral perform said service, which reasons and action of the
5 council shall be entered upon its records. When the attorney
6 general determines that the department of justice cannot per-
7 form legal service in an action or proceeding, the executive
8 council shall request the department involved in the action
9 or proceeding to recommend legal counsel to represent the
10 department. If the attorney general concurs with the depart-
11 ment that the person recommended is qualified and suitable
12 to represent the department, the person recommended shall
13 be employed. If the attorney general does not concur in the
14 recommendation, the department shall submit a new recommenda-
15 tion. This section shall not affect the office of the com-
16 merce counsel, the transportation regulation board counsel,
17 or the legal counsel of the Iowa employment security commis-
18 sion.

19 Sec. 4. Section nineteen point ten (19.10), Code 1975,
20 as amended by Acts of the Sixty-sixth General Assembly, 1975
21 Session, chapter seventy-five (75), section one (1), is amended
22 to read as follows:

23 19.10 COURT COSTS. ~~The~~ If funds for court costs have
24 not been appropriated to a state department, or if funds are
25 not otherwise available for such purposes within the budget
26 of a state department, the executive council may pay, out
27 of any money in the state treasury not otherwise appropriated,
28 expenses incurred, or costs taxed to the state, in any pro-
29 ceeding brought by or against any of the state departments
30 or in which the state is a party or is interested. This
31 section shall not be construed to authorize the payment of
32 travel or other personal expenses of state officers or em-
33 ployees.

34 Sec. 5. Section twenty-five point four (25.4), Code 1975,
35 is amended to read as follows:

1 Amend Senate File 1190 as amended and passed by
2 the Senate as follows:

3 1. Page 3, by inserting after line 13 the
4 following:

5 "Sec. _____. Section one hundred twenty-seven point
6 fifteen (127.15), Code 1975, is amended to read as
7 follows:

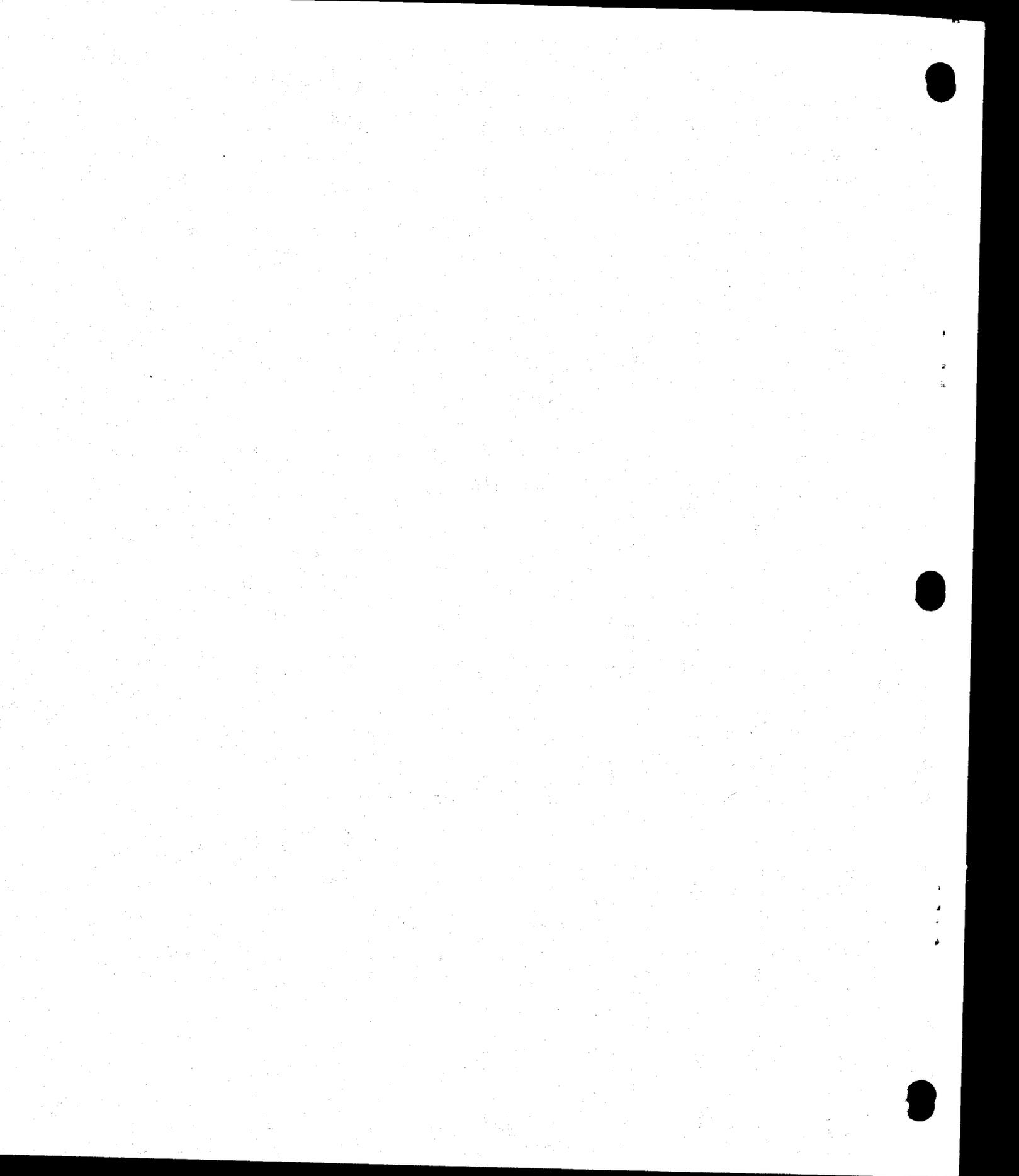
8 127.15 REQUISITION BY DEPARTMENT. The state
9 department of justice may, if the conveyance is such
10 a one as may be used by said department in connection
11 with its duties and the enforcement of the law,
12 requisition said conveyance for said department and
13 said requisition shall be delivered to the clerk of
14 the district court of the county having jurisdiction
15 of such conveyance, within ten days after the notice
16 of judgment of forfeiture has been received by the
17 bureau of investigation. All requisitions of
18 conveyances by the department of justice are subject
19 to approval or disapproval by the director of the
20 department of general services. If said conveyance
21 is not so requisitioned within ten days after the
22 clerk of the district court has notified the department
23 of justice of the judgment of forfeiture, then the
24 conveyance shall be sold by the sheriff as provided
25 in this chapter.

26 Sec. _____. Section one hundred twenty-seven point
27 sixteen (127.16), Code 1975, is amended to read as
28 follows:

29 127.16 ORDER FOR DELIVERY. When any such
30 conveyance is requisitioned by the department of
31 justice pursuant to approval by the director of the
32 department of general services, the clerk of the
33 district court shall immediately issue to the sheriff
34 of the county or other officer having possession of
35 said conveyance, an order directing that said
36 conveyance be turned over to the state department
37 of justice, or any of its duly commissioned agents
38 directed by the attorney general to receive it.

39 Sec. _____. Section one hundred twenty-seven point
40 nineteen (127.19), Code 1975, is amended to read as
41 follows:

42 127.19 REQUISITION BY COUNTY OR CITY. The board
43 of supervisors of a county or the council of any city
44 in such county may apply to the department of justice
45 that any motor vehicle seized in such county and
46 requisitioned under sections 127.15 to 127.17, inclu-
47 sive, be delivered to such board or council for use
48 in performing official duties by officials and officers
49 of the county or city. No officer of any county or
50 city shall be allowed mileage for the performance



1 of any official duty wherein he uses a publicly owned
2 car. The department of justice may shall allow such
3 application as approved by the director of the
4 department of general services whereupon the automobile
5 shall be delivered to the board of supervisors or
6 to the council for use in accord with such application.
7 Should the county and city both make application for
8 the same vehicle and the applications be granted,
9 the vehicle shall be delivered to the public body
10 whose officers first seized the vehicle.

11 Sec. _____. Section one hundred twenty-seven point
12 twenty-three (127.23), Code 1975, is amended to read
13 as follows:

14 127.23 OTHER STATE DEPARTMENTS. Any department A
15 of the state government needing a motor vehicle for
16 official use may make written application therefor
17 to the director of the department of general services.
18 The director shall, if he determines that the
19 department should have a motor vehicle, by-written
20 application-request direct the department of justice
21 to requisition a suitable motor vehicle for the
22 applicant department whenever one is available, in
23 the manner provided in this chapter. The department
24 of justice shall requisition such motor vehicles as
25 directed by the director of the department of general
26 services. Whenever any department receives a motor
27 vehicle under the provisions of this section, the
28 department shall cause the court costs and all other
29 costs incurred in connection with the confiscation
30 and forfeiture of the motor vehicle to be paid to
31 the clerk of the court or the sheriff of the proper
32 county.

33 Sec. _____. Chapter three hundred twenty-one (321),
34 Code 1975, as amended by Acts of the Sixty-sixth
35 General Assembly, 1975 Session, is amended by adding
36 the following new section:

37 NEW SECTION. LABELING PUBLICLY OWNED MOTOR
38 VEHICLES. All publicly owned motor vehicles shall B
39 bear at least two labels in a conspicuous place, one
40 on each side of said vehicle. This label shall be
41 designed to cover not less than one square foot of
42 surface. This section shall not apply when approved
43 by the director of the department of general services
44 to any motor vehicle which shall be specifically
45 assigned by the head of the department or office
46 owning or controlling it, to enforcement of police
47 regulations or to enforcement and control of venereal
48 disease pursuant to chapters one hundred thirty-nine
49 (139) and one hundred forty (140) of the Code. The
50 department of justice shall not operate an unlabeled

Page 3

1 publicly owned motor vehicle."

2 2. Page 3, by inserting after line 19 the
3 following:

4 "Sec. _____. Section seven hundred forty point
5 twenty-one (740.21), Code 1975, is repealed."

6 3. Renumber the sections and correct internal
7 references in conformance with this amendment.

H-5970

- 1 Amend Senate File 1190, as amended and passed by
- 2 the Senate, page 1, line 32, by inserting after the
- 3 word "any" the word "executive".

H-5970 FILED - *Adopted 4/28* BY MONROE of Des Moines
MARCH 24, 1976 (*p. 2278*)

H-6313

- 1 Amend Senate File 1190, as passed by the Senate,
- 2 as follows:
- 3 1. Page 2, line 23, by inserting after the word
- 4 "If" the word "sufficient".
- 5 2. Page 2, line 24, by inserting after the word
- 6 "if" the word "sufficient".

H-6313 FILED - *Adopted 4/28* BY COMMITTEE ON APPROPRIATIONS
APRIL 15, 1976 (*p. 2275*) DUNTON of Keokuk, Chair

S-5206

- 1 Amend Senate File 1190 as follows:
- 2 1. Page 3, by inserting after line 13 the
- 3 following new section:
- 4 "Sec. __. The department of justice shall not
- 5 purchase an aircraft without express authorization
- 6 by an Act of the general assembly."

S-5206 FILED & LOST (*581*) *22-26*
FEBRUARY 24, 1976 BY EUGENE M. HILL

S-5209

- 1 Amend Senate File 1190 as follows:
- 2 1. Page 1, after line 16 the following:
- 3 "4. For replacement of
- 4 the departmental airplane.....\$100,000."

S-5209 FILED & LOST (*592*) *22-26*
FEBRUARY 24, 1976 BY C. JOSEPH COLEMAN

S-5211

- 1 Amend Senate File 1190, page 1, line 12, by
- 2 striking the figure "\$1,105,812" and inserting in
- 3 lieu thereof the figure "\$1,172,812".

S-5211 FILED & LOST (*583*) *18-29*
FEBRUARY 24, 1976 BY JAMES W. GRIFFIN

S-5212

- 1 Amend the Coleman amendment S5209 to Senate
- 2 File 1190 as follows:
- 3 1. Page 1, line 4, by striking the words "the
- 4 departmental" and inserting in lieu thereof the
- 5 word "an".
- 6 2. Page 1, line 4, by inserting after the word
- 7 "airplane" the words "to be placed in the airplane pool
- 8 of the state".

S-5212

FILED & ADOPTED (582)
FEBRUARY 24, 1976

BY LUCAS J. DE KOSTER

H-5328

- 1 Amend Senate File 1190 as follows:
 - 2 1. Page 1, after line 16 the following:
 - 3 "4. For replacement of
 - 4 the departmental airplane.....\$100,000."
- H-5328 FILED - *Lost 4/28* BY CRABB of Crawford
FEBRUARY 25, 1976 (2278)

H-5329

- 1 Amend Senate File 1190, page 1, line 12, by
 - 2 striking the figure "\$1,105,812" and inserting in
 - 3 lieu thereof the figure "\$1,172,812".
- H-5329 FILED - *Lost 4/28* BY CRABB of Crawford
FEBRUARY 25, 1976 (p. 2276)

H-5541

- 1 Amend Senate File 1190 as follows:
 - 2 1. Page 3, by inserting after line 19 the
 - 3 following new section:
 - 4 "Sec. 8. Chapter thirteen (13), Code 1975, is
 - 5 amended by adding the following:
 - 6 NEW SECTION. ADDITIONAL LIMITATION. No
 - 7 funds appropriated to the department of justice
 - 8 or for court costs, expenses or attorney fees,
 - 9 shall be expended without the specific written
 - 10 approval of the attorney general or his designee."
- H-5541 FILED BY CRABB Of Crawford
MARCH 4, 1976 - *Lost 4/28 (2281)*

H-5557

- 1 Amend the Crabb amendment H-5541, to Senate
 - 2 File 1190, as passed by the Senate, as follows:
 - 3 1. Line 8, by inserting after the word
 - 4 "costs," the word "litigation".
- H-5557 FILED BY CRABB of Crawford
MARCH 5, 1976 - *Adopted 4/28 (2281)*

SENATE FILE 1190

H-5779

1 Amend Senate File 1190 as amended and passed by
2 the Senate as follows:
3 1. Page 1, by inserting after line 16 the fol-
4 lowing:
5 "Sec. ____ Chapter thirteen (13), Code 1975, is
6 amended by adding the following new section:
7 NEW SECTION. TRANSPORTATION. The department
8 of justice shall not own or operate any aircraft
9 of any type or modification unless otherwise provided
10 by this section. Funds appropriated to the department
11 of justice shall not be used for transportation by
12 aircraft of any persons unless prior approval of the
13 executive council has been obtained. This section
14 shall not prohibit use by the department of justice
15 of aircraft owned by the state of Iowa and assigned
16 to an aircraft pool."
17 2. Renumber sections and correct internal
18 references in conformance with this amendment.

H-5779 FILED BY MONROE of Des Moines
MARCH 16, 1976 - *Lost 4/28 (2278)*

HOUSE AMENDMENT TO SENATE FILE 1190

S-5641

1 Amend Senate File 1190, as amended by the Senate,
2 as follows:
3 1. Page 1, line 32, by inserting after the word
4 "any" the word "executive".
5 2. Page 2, line 23, by inserting after the word
6 "If" the word "sufficient".
7 3. Page 2, line 24, by inserting after the word
8 "if" the word "sufficient".

S-5641 FILED
MAY 3, 1976

RECEIVED FROM THE HOUSE
Senate concurred 5/11 (1856)

SENATE FILE 1190

AN ACT

RELATING TO THE FINANCING AND ADMINISTRATION OF THE OFFICE OF THE ATTORNEY GENERAL AND MAKING AN APPROPRIATION.

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 following department for the fiscal year beginning July 1, 1976, and ending June 30, 1977, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1976-1977
	<u>Fiscal Year</u>
DEPARTMENT OF JUSTICE--OFFICE OF THE ATTORNEY GENERAL	
1. For salaries, support, maintenance and miscellaneous purposes.....	\$1,105,812
2. For court cost and the employment of private counsel.....	\$ 80,000
3. For matching funds for the area prosecutor program.....	\$ 157,735

Sec. 2. Section thirteen point three (13.3), Code 1975, is amended to read as follows:

13.3 DISQUALIFICATION--SUBSTITUTE. If, for any reason, the attorney general be disqualified from appearing in any action or proceeding, the executive council shall appoint some suitable person for that purpose and defray the reasonable expense thereof from any unappropriated funds in the state treasury. The department involved in the action or proceeding shall be requested to recommend a suitable person to represent it and when the executive council concurs in the recommendation the person recommended shall be appointed.

Sec. 3. Section thirteen point seven (13.7), Code 1975, is amended to read as follows:

13.7 SPECIAL COUNSEL. No compensation shall be allowed to any person for services as an attorney or counselor to any executive department of the state government, or the head thereof, or to any state board or commission, but the executive council may employ legal assistance, at a reasonable compensation, in any pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that his the department of justice cannot for reasons stated by him the attorney general perform said service, which reasons and action of the council shall be entered upon its records. When the attorney general determines that the department of justice cannot perform legal service in an action or proceeding, the executive council shall request the department involved in the action or proceeding to recommend legal counsel to represent the department. If the attorney general concurs with the department that the person recommended is qualified and suitable to represent the department, the person recommended shall be employed. If the attorney general does not concur in the recommendation, the department shall submit a new recommendation. This section shall not affect the office of the commerce counsel, the transportation regulation board counsel, or the legal counsel of the Iowa employment security commission.

Sec. 4. Section nineteen point ten (19.10), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-five (75), section one (1), is amended to read as follows:

19.10 COURT COSTS. ~~The~~ If sufficient funds for court costs have not been appropriated to a state department, or if sufficient funds are not otherwise available for such purposes within the budget of a state department, the executive council may pay, out of any money in the state treasury not otherwise appropriated, expenses incurred, or costs taxed to the state, in any proceeding brought by or against any of the state departments or in which the state is a party or is interested. This section shall not be construed to authorize the payment of travel or other personal expenses of state officers or employees.

Sec. 5. Section twenty-five point four (25.4), Code 1975, is amended to read as follows:

25.4 ASSISTANT ATTORNEY GENERAL--SALARY. The attorney general shall appoint a special assistant attorney general for claims who shall, under the direction of the attorney general, investigate and report on all claims between the state and other parties, which may be referred to the state appeal board, and on any other claims or matters which the state appeal board or the attorney general may direct. He ~~shall receive such compensation as shall be fixed by the state appeal board and approved by the governor, and be paid his reasonable and necessary expenses incurred in connection with the performance of his duties, said compensation and expenses to be paid out of any funds in the state treasury not otherwise appropriated.~~

Sec. 6. All federal grants to and the federal receipts of the agency appropriated funds under this Act are appropriated for the purposes set forth in the federal grants or receipts except as limited by this Act.

Sec. 7. Funds appropriated by this Act shall not be used for capital improvements.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 1190, Sixty-sixth General Assembly.

STEVEN C. CROSS
Secretary of the Senate

Approved May 21, 1976

ROBERT D. RAY
Governor