

Budget Calendar

MAR 2 1978

Reprinted 4/78

HOUSE FILE 2290

By COMMITTEE ON BUDGET

(Formerly Study Bill 422)

Passed House, Date 4-6-78 (p. 1294) Passed Senate, Date 5/11/78 (p. 1446)

Vote: Ayes 73 Nays 20 Vote: Ayes 45 Nays 2

Approved June 26, 1978 Item Veto

Motion to reconsider p. 1410 w/d 5/3 (p. 2208)

A BILL FOR

1 An Act making appropriations to and relating to the financing
2 of agencies whose responsibilities relate to transportation,
3 public safety, and public defense.

5634-

4 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 Iowa crime commission for the fiscal year
3 beginning July 1, 1978 and ending June 30, 1979, the following
4 amounts, or so much thereof as is necessary, to be used for
5 the purposes designated:

6
7 Fiscal Year
8

8 IOWA CRIME COMMISSION

9 1. For the purpose of match-
10 ing federal funds available to
11 the Iowa crime commission for
12 programs other than area plan-
13 ning programs through the Om-
14 nibus Crime Control and Safe
15 Streets Act of 1968 as amended
16 by the United States Congress,
17 for salaries, support, mainte-
18 nance and miscellaneous purposes \$ 46,360

19 2. For the purpose of match-
20 ing federal funds available for
21 area planning purposes to the Iowa
22 crime commission through the Omni-
23 bus Crime Control and Safe Streets
24 Act of 1968 as amended by the United
25 States Congress, for salaries, sup-
26 port, maintenance and miscellaneous
27 purposes \$ 24,560

28 3. For the purpose of match-
29 ing federal funds available to the
30 Iowa crime commission through the
31 Omnibus Crime Control and Safe
32 Streets Act of 1968 as amended
33 by the United States Congress \$ 116,340

34 4. For the purpose of match-
35 ing federal funds available to

1 the Iowa crime commission through
2 the Juvenile Justice and Delin-
3 quency Prevention Act of 1974
4 as amended by the United States
5 Congress for salaries, support,
6 maintenance and miscellaneous
7 purposes \$ 3,520

8 Sec. 2.

9 1. The funds appropriated by subsection three (3) of
10 section one (1) of this Act constitute a portion of the federal
11 statutory requirement to provide in the aggregate not less
12 than one-half of the minimum required nonfederal funding for
13 projects conducted by units of general local government or
14 combinations of such units for the development and
15 implementation of programs and projects for the improvement
16 of law enforcement.

17 2. Any allocation of funds from funds appropriated by
18 subsection three (3) of section one (1) of this Act shall
19 be approved by the governor.

20 3. All unencumbered or unobligated balances of funds
21 appropriated by subsection three (3) of section one (1) of
22 this Act shall on September 30, 1982 revert to the general
23 fund of this state.

24 Sec. 3. There is appropriated from the general fund of
25 the state to the following named agencies for the fiscal year
26 beginning July 1, 1978 and ending June 30, 1979, the following
27 amounts, or so much thereof as is necessary, for the purposes
28 designated:

	1978-1979
	<u>Fiscal Year</u>
31 1. IOWA LAW ENFORCEMENT ACADEMY	
32 For salaries, support, mainte-	
33 nance and miscellaneous purposes \$	488,000
34 2. DEPARTMENT OF PUBLIC DEFENSE	
35 a. Military division	

1 For salaries except salaries
2 provided for in paragraph b of
3 this subsection, support, mainte-
5633-4 nance, and miscellaneous purposes \$ 1,662,000

5 b. For salaries of the adju-
6 tant general and members of the
7 adjutant general's staff who are
8 on full-time active state service,
9 and for their support and mainte-
10 nance \$ 173,000

11 3. OFFICE OF DISASTER SERVICES

12 For salaries, support, mainte-
13 nance and miscellaneous purposes \$ 102,000

14 Sec. 4. There is appropriated from the general fund of
15 the state for the fiscal period beginning July 1, 1978, to
16 the department of public defense for the purposes indicated,
17 the following amounts, or so much thereof as are necessary:

18 1. For repair, replacement,
19 alteration, equipment, and re-
20 habilitation of national guard
21 armory facilities throughout the
22 state, including the maintenance
23 and repair of equipment required
24 for use of such facilities \$ 75,000

25 2. For repair, replacement,
26 alteration, equipment, and re-
27 habilitation of buildings,
28 grounds, roads and facilities
29 located within the Camp Dodge
30 military reservation \$ 25,000

31 3. Unobligated or unencumbered
32 funds remaining on June 30, 1982,
33 from funds appropriated by this
34 section shall revert to the gen-
35 eral fund on September 30, 1982.

1 Sec. 5. There is appropriated from the general fund of
2 the state to the department of public safety for the fiscal
3 year beginning July 1, 1978 and ending June 30, 1979, the
4 following amounts, or so much thereof as is necessary, to
5 be used for funding the following functions and programs for
6 the purposes designated:

7
8 1978-1979
Fiscal Year

9 DEPARTMENT OF PUBLIC SAFETY

10 1. ADMINISTRATIVE FUNCTION

11 For salaries, support, mainte-
12 nance and miscellaneous purposes
13 of the department, criminal jus-
14 tice information system, and radio
15 communications \$ 3,543,700

16 2. INSPECTION AND SECURITY FUNCTION

17 For salaries, support, mainte-
18 nance and miscellaneous purposes
19 of fire marshal's inspections and
20 capitol security divisions \$ 630,000

21 3. INVESTIGATION FUNCTION

22 For salaries, support, mainte-
23 nance, and miscellaneous purposes
24 of the divisions of criminal in-
25 vestigation and bureau of iden-
26 tification, drug law enforcement,
27 beer and liquor law enforcement,
28 fire protection, and arson func-
29 tion including the state's con-
30 tribution to the peace officers'
31 retirement, accident, and dis-
32 ability system provided in chap-
33 ter ninety-seven A (97A) of the
34 Code in the amount of sixteen
35 percent of the salaries for

5617

5617- 1 which the funds are appropriated \$ 2,863,000

2 4. DIVISION OF HIGHWAY SAFETY AND
3 UNIFORMED FORCE

4 For salaries, support, mainte-
5 nance and miscellaneous purposes
6 including the state's contribution
7 to the peace officers' retirement,
8 accident, and disability system pro-
9 vided in chapter ninety-seven A
10 (97A) of the Code in the amount of
11 sixteen percent of the salaries

5618- 12 for which the funds are appropriated \$ 10,898,000

13 5. It is the intent of the general assembly that the state
14 participation in renting telecommunication terminals which
15 are located in local criminal justice agencies be reduced
16 from the current seventy-five-twenty-five percent state-to-
17 local match, to a fifty-fifty percent state-local match
18 effective July 1, 1979.

19 6. In addition to the complement of not to exceed four
20 hundred ten persons there shall be twenty persons who shall
21 serve as members of the highway safety patrol for the period
22 beginning July 1, 1975 and ending June 30, 1979. The twenty
23 additional members of the highway safety patrol shall be
24 totally funded through the use of federal funds.

5632 25 Sec. 6. There is appropriated from the general fund of
26 the state to the state department of transportation for the
27 fiscal year beginning July 1, 1978 and ending June 30, 1979,
28 the following amounts, or so much thereof as may be necessary,
29 to be used for the following purposes:

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1978-1979
Fiscal Year

32 DEPARTMENT OF TRANSPORTATION

33 1. For salaries, support,
34 maintenance and miscellaneous
35 purposes \$ 4,390,000

1 2. For public transit pur-
2 poses to implement a state assis-
3 tance plan \$ 1,950,000

4 Unencumbered or unobligated
5 funds remaining on June 30, 1981
6 from funds appropriated by sub-
7 section two (2) of this section
8 shall revert to the general fund
9 on September 30, 1981.

10 3. For deposit in the rail-
11 road assistance fund for branch-
12 line improvement \$ 1,700,000

13 4. For developing a program
14 to set aside and reserve for fu-
15 ture transportation uses the
16 right-of-way of abandoned rail
17 lines in selected locations

18 throughout the state \$ 200,000

19 Sec. 7. There is appropriated from the road use tax fund
20 to the state department of transportation for the fiscal year
21 beginning July 1, 1978 and ending June 30, 1979 the following
22 amounts, or so much thereof as may be necessary, to be used
23 for the following purposes:

24 1978-1979
25 Fiscal Year

26 DEPARTMENT OF TRANSPORTATION

27 1. For salaries, support,
28 maintenance and miscellaneous
29 purposes \$ 7,097,500

30 ADMINISTRATION OF MERIT SYSTEM

31 2. For the purpose of mak-
32 ing payments to the Iowa merit
33 employment department for ex-
34 penses incurred in administer-
35 ing the merit system on behalf

1 of the state department of trans-
2 portation, as required by chapter
3 nineteen A (19A) of the Code \$ 10,000

4 UNEMPLOYMENT COMPENSATION COSTS

5 3. Unemployment compensation \$ 5,000

6 4. For improving grade cross-
7 ing surfaces needing repair which
8 grade crossings are repaired with
9 funds from the highway-railroad
10 grade crossing surface repair fund \$ 290,000

11 5. For the purpose of
12 matching available federal
13 planning and construction
14 funds to be used in the plan-
15 ning and construction of the
16 Iowa segments of the great
17 river road \$ 250,000

18 6. For construction of the
19 Hudson road improvement project
20 on the campus of the university
21 of northern Iowa as proposed by
22 the state board of regents \$ 110,000

23 Sec. 8. There is appropriated from the road use tax fund
24 to the state comptroller for the fiscal year beginning July
25 1, 1978 and ending June 30, 1979 the sum of twelve thousand
26 five hundred (12,500) dollars, or so much thereof as is
27 necessary, to be used for the purpose of paying workers'
28 compensation claims under chapter eighty-five (85) of the
29 Code on behalf of employees of the state department of
30 transportation.

31 Sec. 9. There is appropriated from the primary road fund
32 to the state department of transportation for the fiscal year
33 beginning July 1, 1978 and ending June 30, 1979, the following
34 amounts, or so much thereof as may be necessary, to be used
35 for the following purposes:

		1978-1979 <u>Fiscal Year</u>
1		
2		
3	DEPARTMENT OF TRANSPORTATION	
4	1. For salaries, support,	
5	6 maintenance and miscellaneous	
6	purposes	\$ 84,117,500
7	EQUIPMENT	
8	2. Additional equipment to be	
9	10 purchased to supplement present	
10	inventory. All acquisitions, when	
11	11 acquired, will become a part of the	
12	12 state department of transportation	
13	13 materials and equipment revolving	
14	14 fund	\$ 200,000
15	VEHICLE REPLACEMENT	
16	3. To be deposited in the state	
17	17 department of transportation materials	
18	18 and equipment revolving fund estab-	
19	19 lished by section three hundred seven A	
20	20 point seven (307A.7) of the Code for	
21	21 funding the increased replacement cost	
22	22 of vehicles	\$ 400,000
23	MERIT EXPENSES	
24	4. For the purpose of making	
25	25 payments to the Iowa merit employ-	
26	26 ment department for expenses in-	
27	27 curred in administering the merit	
28	28 system on behalf of the state de-	
29	29 partment of transportation, as	
30	30 required by chapter nineteen A	
31	31 (19A) of the Code	\$ 200,000
32	UNEMPLOYMENT COMPENSATION COSTS	
33	5. Unemployment compensation	\$ 95,000
34	6. For the construction of	
35	35 field facilities	\$ 1,300,000

1 7. For the construction of
2 a steam line interconnect to con-
3 nect all power plants \$ 200,000

4 Sec. 10. All unencumbered or unobligated balances of funds
5 remaining on June 30, 1982, from funds appropriated by
6 subsections six (6) and seven (7) of section nine (9) of this
7 Act shall revert to the primary road fund on September 30,
8 1982.

9 Sec. 11. There is appropriated from the primary road fund
10 to the state comptroller for the fiscal year beginning July
11 1, 1978 and ending June 30, 1979 the sum of two hundred thirty-
12 seven thousand five hundred (237,500) dollars, or so much
13 thereof as is necessary, for the purpose of paying workers'
14 compensation claims under chapter eighty-five (85) of the
15 Code on behalf of the employees of the state department of
16 transportation.

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17 Sec. 12. There is appropriated from the aeronautics fund
18 to the state department of transportation for the fiscal year
19 beginning July 1, 1978 and ending June 30, 1979, the sum of
20 three hundred thirty-four thousand seven hundred (334,700)
21 dollars, or so much thereof as may be necessary, to be used
22 for salaries, support, maintenance, and miscellaneous purposes.

23 Sec. 13.

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

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

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28 Sec. 14. Section three hundred twelve point two (312.2),
29 subsection five (5), Code 1977, is amended to read as follows:

30 5. The treasurer of state shall before making the above
31 allotments credit annually to the highway grade crossing
32 safety fund the sum of five hundred thousand dollars, credit
33 annually to the primary road fund the sum of one million four
34 hundred fifty-five thousand dollars for carrying out subsection
35 ~~12~~ eleven (11) of section 307A.2, the last paragraph of section

1 313.4 and section 307A.5, and credit annually to the primary
 2 road fund the sum of five hundred thousand dollars to be used
 3 for paying expenses incurred by the state department of
 4 transportation other than expenses incurred for extensions
 5 of primary roads in cities. All unobligated funds provided
 6 by this subsection, except those funds credited to the highway
 7 grade crossing safety fund, shall at the end of each year
 8 revert to the road use tax fund. Funds in the highway grade
 9 crossing safety fund shall not revert to the road use tax
 10 fund except to the extent they exceed five hundred thousand
 11 dollars at the end of any biennium.

5634 >
 12 Sec. 15. Section six hundred ninety-three point seven
 13 (693.7), Code 1977 Supplement, is amended to read as follows:
 14 693.7 COMMUNICATION WITH LOCAL AGENCIES. The department
 15 of public safety shall maintain law enforcement communications
 16 with local enforcement agencies ~~using frequencies in use on~~
 17 ~~July 17, 1973. The Iowa highway safety patrol base stations~~
 18 ~~and all Iowa highway safety patrol cars assigned to troopers~~
 19 ~~and sergeants with field enforcement responsibilities shall~~
 20 ~~maintain law enforcement communications with local enforce-~~
 21 ~~ment agencies using transmitting and receiving frequencies~~
 22 ~~in use by the Iowa highway safety patrol on July 17, 1973.~~

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 23 Sec. 16. It is the intent of the general assembly that
 24 the additional fifty-five thousand dollars appropriated for
 25 the fiscal year beginning July 1, 1978 and ending June 30,
 5595- 26 1979, by the general assembly from the primary road fund to
 27 the fund to maintain state institutional roads and state park
 28 roads shall be expended by the state department of
 29 transportation for the construction of the Hudson road
 30 improvement project on the campus of the university of northern
 31 Iowa as proposed by the state board of regents. The state
 32 department of transportation shall also expend from the road
 5595- 33 use tax fund for the fiscal year beginning July 1, 1978 and
 34 ending June 30, 1979 the funds appropriated pursuant to
 35 subsection six (6) of section seven (7) of this Act for the

1 project. Funds appropriated from the road use tax fund for
2 the Hudson road improvement project shall be considered an
3 interest-free loan to the state board of regents to be repaid
4 by the board in the manner provided in this section. During
5 the fiscal year beginning July 1, 1979 and ending June 30,
6 1980, the state department of transportation shall, in
7 apportioning funds appropriated for state institutional roads
8 and state park roads pursuant to section three hundred twelve
9 point two (312.2), subsection five (5), of the Code, withhold
5595- 10 fifty-thousand (55,000) dollars from that portion of the funds
5619- 11 allocated to the state board of regents for its institutional
12 roads as payment of one-half of the loan from the road use
13 tax fund for the Hudson road improvement project. During
14 the fiscal year beginning July 1, 1980 and ending June 30,
15 1981, the state department of transportation shall, in appor-
16 tioning funds appropriated for state institutional roads and
17 state park roads pursuant to section three hundred twelve
18 point two (312.2), subsection five (5), of the Code, withhold
19 fifty-five thousand (55,000) dollars, or so much thereof as
20 is necessary, to be credited to the road use tax fund from
5619- 21 that portion of the funds allocated to the state board of
22 regents for its institutional roads as the final payment of
23 the outstanding balance of the loan for the Hudson road
5622- 24 improvement project.

25 Sec. 17. All federal grants to and the federal receipts
26 of the agencies appropriated funds under this division are
27 appropriated for the purposes set forth in such federal grants
28 or receipts.

29 EXPLANATION

30 This bill appropriates funds from the general fund, road
31 use tax fund, the primary road fund and aeronautics fund to
32 the departments having jurisdiction in regard to transportation
33 and law enforcement.

34 The bill appropriates \$190,780 from the general fund to
35 the crime commission for a reduced program due to a federal

1 funds reduction and completion of standards and goals. This
2 appropriation will match approximately \$5,700,000.

3 The bill appropriates \$488,000 from the general fund to
4 the law enforcement academy to maintain the current program
5 with the approval of their supplemental request for increased
6 cost of fuel oil, printing of a major volume of student
7 outlines used for basic training under the expanded curriculum
8 and providing state funds to match federal funds to develop
9 and validation of a civil service test.

10 The bill appropriates \$1,835,000 from the general fund
11 to the department of public defense, military division, to
12 maintain the current programs. No funds were appropriated
13 for the program of "recruiting and retention." The bill also
14 appropriates \$102,000 from the general fund to the Disaster
15 Services division. This amount increases the funding to allow
16 for two positions to be funded at the 50% state 50% federal
17 level rather than present 100% federal funds.

18 The bill appropriates \$17,934,700 from the general fund
19 to the Department of Public Safety.

20 The bill anticipates a reduction of state participation
21 in the rental of equipment for telecommunications terminals.

22 The bill specifies the number of persons in the highway
23 patrol.

24 This bill appropriates \$100,000 for maintenance capital
25 for the Department of Public Defense.

26 The bill appropriates from the general fund to the Depart-
27 ment of Transportation \$4,390,000 for operations, \$1,950,000
28 for public transit assistance, \$1,700,000 for railroad
29 assistance, and \$200,000 for rail land banking.

30 The bill appropriates from the road use tax fund to the
31 Department of Transportation \$7,097,500 for operations, \$10,000
32 for administering the department's merit system, \$5,000 unem-
33 ployment compensation, \$290,000 for railroad grade crossing
34 surface repair and \$110,000 for the construction of the Hudson
35 road improvement project on the campus of the University of

1 Northern Iowa as proposed by the state board of regents.

2 The bill contains an appropriation from the road use tax
3 fund for paying workers compensation claims.

4 The bill appropriates from the primary road fund to the
5 Department of Transportation \$84,117,500 for operations,
6 \$200,000 for additional equipment, \$400,000 for replacement
7 equipment, \$200,000 for merit employment and \$95,000 for
8 unemployment compensation.

9 There is an appropriation from the primary road fund for
10 paying workers compensation claims.

11 There is an appropriation of \$334,700 from the aeronautics
12 trust fund for operations.

13 The remainder of the funds in the primary road fund are
14 appropriated for highway construction and the remaining funds
15 in the aeronautics fund are appropriated for airport
16 construction.

17 The bill appropriates from the primary road fund \$1,300,000
18 for capital construction of field facilities and \$200,000
19 for a steam line interconnect at the Ames complex.

20 The bill increases the standing appropriation to the state
21 park and institutional road fund by \$55,000.

22 The bill provides that the \$55,000 from the state park
23 and institutional road fund and the \$110,000 appropriated
24 from the road use tax fund be expended by the state depart-
25 ment of transportation for the Hudson road improvement project
26 at the University of Northern Iowa. The state board of regents
27 shall repay the \$110,000 appropriated from the road use tax
28 fund during the fiscal years beginning July 1, 1979 and July
29 1, 1980 from its portion of the state park and institutional
30 road fund.

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HOUSE FILE 2290

H-5635

- 1 Amend House File 2290 as follows:
- 2 1. Page 9, by inserting after line 16 the
- 3 following:
- 4 "Sec. _____. There is appropriated from the primary
- 5 road fund to the department of transportation for
- 6 the fiscal year beginning July 1, 1978 and ending
- 7 June 30, 1979 the sum of one hundred thousand (100,000)
- 8 dollars or so much thereof as necessary for the purpose
- 9 of conducting a study into the effect of chemical
- 10 road deicing programs. The study shall review the
- 11 alternatives to using salt or other chemicals for
- 12 road deicing purposes. The study shall assess the
- 13 impact and estimate costs to the road, vehicles and
- 14 the environment that result from the chemical road
- 15 deicing programs. The department shall report the
- 16 findings of the study to the general assembly prior
- 17 to January 1, 1980, together with recommendations
- 18 to minimize the damage caused by chemical road deicing
- 19 programs together with appropriate bill drafts
- 20 necessary to implement the findings."
- 21 2. Renumber as necessary in conformance with this
- 22 amendment.

H-5635 FILED *Adopted 4/4* BY HORN of Linn
MARCH 13, 1978 *(p. 1357)*

HOUSE FILE 2290

H-5721

- 1 Amend House File 2290 as follows:
- 2 1. Page 6, line 15, by inserting after "ture"
- 3 the word "rail".

H-5721 FILED BY HINKHOUSE of Cedar
MARCH 21, 1978

HOUSE FILE 2290

H-5900

- 1 Amend the amendment, H-5617 to House File 2290
- 2 as follows:
- 3 1. Page 2, by striking line 41 and inserting in
- 4 lieu thereof the following: "was created, shall receive".
- 5 2. Page 2, by inserting after line 43 the following:
- 6 Arson investigators who have contributed to this system
- 7 prior to the effective date of this act shall receive
- 8 credit for such service in determining retirement and
- 9 disability benefits.

H-5900 FILED, SUSPENSION OF BY BYERLY of Polk
RULES AND ADOPTION BY
UNANIMOUS CONSENT *(p. 1394)*
APRIL 6, 1978

HOUSE FILE 2290

H-5852

- 1 Amend House File 2290 as follows:
2 1. Page 6, by inserting after line 3 the follow-
3 ing:
4 "Of the funds appropriated by this subsection, not
5 more than sixty-five thousand dollars shall be used for
6 development and implementation of a mass transit project
7 for state employees. Such project shall subsidize the
8 cost of mass transportation for state employees if the
9 participating state employees agree to abstain from
10 parking their motor vehicles on state property."

H-5852 FILED, MOTION TO BY BRUNOW of Appanoose
SUSPEND RULES TO CONSIDER RINAS of Linn
ADOPTED; ADOPTED (p. 1367) KRAUSE of Kossuth
APRIL 4, 1978 TAUKE of Dubuque
KREWSON of Polk

HOUSE FILE 2290

H-5896

- 1 Amend amendment H-5622 to House File 2290 as
2 follows:
3 1. Page 2, line 28, by striking the word "may"
4 and inserting in lieu thereof the word "shall".

H-5896 FILED, ADOPTED BY RIANS of Linn
BY UNANIMOUS CONSENT
APRIL 4, 1978 (p. 1353)

1 Amend House File 2290 as follows:

2 1. Page 9, by inserting after line 27 the following
3 new section:

4 "Sec. _____. Section sixty-eight A point seven
5 (68A.7), Code 1977, is amended by adding the following
6 new subsection:

7 NEW SUBSECTION. 12. Any reports, informations,
8 citations or warnings issued for traffic violations
9 for exceeding the posted speed limit by ten miles
10 per hour or less and any court reports of convictions
11 of a traffic violation for exceeding the posted speed
12 limit by ten miles per hour or less."

13 2. Page 10, by inserting after line 11 the
14 following new sections:

15 "Sec. _____. Section three hundred twenty-one point
16 two hundred seven (321.207), Code 1977, is amended
17 to read as follows:

18 321.207 RECORD FORWARDED. Every court having
19 jurisdiction over offenses committed under this
20 chapter, or any other law of this state or any city
21 traffic ordinances, other than parking regulations,
22 regulating the operation of motor vehicles on highways,
23 shall forward to the department a record of the
24 conviction of any person in said court for a violation
25 of any said laws except violations of the posted speed
26 limit by ten miles per hour or less, and may recommend
27 the suspension of the operator's or chauffeur's license
28 of the person so convicted, and the department shall
29 thereupon consider and act upon such recommendation
30 in such manner as may seem to it best.

31 Sec. _____. Section three hundred twenty-one point
32 two hundred ten (321.210), unnumbered paragraph two
33 (2), Code 1977, is amended to read as follows:

34 For the purpose of determining when to suspend
35 a license under this section the director may, in
36 accordance with the provisions of chapter 17A,
37 promulgate a point system for the purpose of weighing
38 traffic convictions, or offenses by their seriousness
39 and may change such weighted scale from time to time
40 as experience or the accident frequency in the state
41 makes necessary or desirable. However, points shall
42 not be awarded for violations of the posted speed
43 limits by ten miles per hour or less."

44 3. Page 10, by inserting after line 22 the follow-
45 ing new section:

46 "Sec. _____. Section eight hundred five point eight
47 (805.8), subsection two (2), paragraph f, unnumbered
48 paragraph one (1), Code 1977 Supplement, is amended
49 to read as follows:

50 For excessive speed violations when not more than

1 ten miles per hour in excess of the limit under
2 sections 111.36, 321.236, subsections 5 and 11,
3 321.285, 321.286 and 321.287, the scheduled fine is
4 ~~ten~~ twenty dollars."

5 4. Renumber sections and correct internal refer-
6 ences as are necessary in accordance with this
7 amendment.

8 5. Amend the title, line 3, by inserting after
9 the word "defense" the words "and the administration
10 of traffic offenses".

H-5634 FILED *Not german* BY HORN of Linn
MARCH 13, 1978 *4/4 (p. 1359)*

HOUSE FILE 2290

H-5633

1 Amend House File 2290 as follows:

2 1. Page 3, line 4, by striking the numerals
3 "1,662,000" and inserting in lieu thereof the
4 numerals "1,652,000".

H-5633 FILED *Lost 3/13* BY HARGRAVE of Johnson
MARCH 13, 1978 *(p. 956)*

HOUSE FILE 2290

H-5632

1 Amend House File 2290 as follows:

2 1. Page 5, by inserting after line 24 the
3 following:

4 "7. The department of public safety shall provide
5 uniformed highway safety patrol peace officers to
6 escort candidates for governor between the date the
7 candidate is certified by the state commissioner of
8 elections for placement on the general election ballot
9 and the date of the general election."

10 2. Renumber as necessary in conformance with this
11 amendment.

H-5632 FILED *Not german* BY HORN of Linn
MARCH 13, 1978 *2/13 (958)*

HOUSE FILE 2290

H-5630

1 Amend House File 2290 as follows:

2 1. Page 11, by adding after line 28 the follow-
3 ing:

4 "Sec. _____. No Department of Transportation em-
5 ployees or commission members shall travel outside
6 the state of Iowa until the Department of Transport-
7 ation legalizes sixty-five foot trucks.

H-5630 FILED *Lost 4/4* BY WOODS of Polk
MARCH 13, 1978 *(p. 1361)*

1 Amend House File 2290 as follows:

A 2 1. Page 5, line 18, by striking the figure
3 "200,000" and inserting in lieu thereof the figure
4 "100,000".

B 5 2. Page 6, by inserting after line 18 the following
6 sections:

7 "Sec. 7. Section three hundred eight point four
8 (308.4), Code 1977, is amended by adding the following
9 new subsection:

10 NEW SUBSECTION. There is appropriated from the
11 general fund of the state to the state department
12 of transportation the sum of one hundred thousand
13 (100,000) dollars for each fiscal year beginning July
14 1, 1978, and ending June 30, 1988. Said money is
15 to be utilized for the acquisition and construction
16 of highway-associated project components for the great
17 river road. Each annual appropriation shall first
18 be used to reimburse the great river road fund
19 established in section three hundred twelve point
20 two (312.2) of the Code, with remaining funds being
21 available for a period of one fiscal year following
22 the year of appropriation. The state department of
23 transportation, in cooperation with the state
24 conservation commission and the Mississippi river
25 parkway commission, shall administer the provisions
26 of this subsection and shall issue rules for such
27 administration in accordance with chapter seventeen
28 A (17A) of the Code. A report shall be submitted
29 listing the expenditures for the previous year and
30 cumulative expenditures of all funds appropriated
31 by this section and the report shall be incorporated
32 in the annual report required by section seventeen
33 point nine (17.9) of the Code.

34 Sec. 8. Section three hundred twelve point two
35 (312.2), Code 1977, is amended by adding the following
36 new subsection:

37 NEW SUBSECTION. The treasurer of state shall
38 establish a great river road fund and at the request
39 of the state department of transportation, shall
40 credit monthly before making the allotments provided
41 for in this section, sufficient funds to cover the
42 anticipated costs, as identified by the state
43 department of transportation, for the acquisition and
44 construction of eligible highway-associated project
45 components. Reimbursement to this fund shall be made
46 as necessary from the funds appropriated in section
47 three hundred eight point four (308.4) of the Code.
48 In no case shall the unreimbursed allotment to the
49 great river road fund exceed one million dollars less
50 the cumulative sum as annually appropriated in section

1 three hundred eight point four (308.4) of the Code.
2 Reimbursed funds shall be reallocated in accordance
3 with the provisions of section three hundred twelve
4 point two (312.2) of the Code."

5 3. Page 11, by inserting after line 24 the
6 following sections:

7 "Sec. 17. Section three hundred twelve point two
8 (312.2), Code 1977, is amended by adding the following
9 new subsection:

10 NEW SUBSECTION. The treasurer of the state shall
11 establish a revolving fund for use by affected
12 jurisdictions for great river road projects. Funds
13 shall be advanced at the request of the state depart-
14 ment of transportation to affected jurisdictions as
15 noninterest loans and shall be utilized for the
16 construction of eligible great river road highway
17 projects. Funds may be advanced from either the
18 primary road fund or the farm-to-market road fund.
19 The amount advanced and not reimbursed shall not
20 exceed five million dollars at any one time from
21 either the primary road fund or the farm-to-market
22 road fund, nor shall the amount advanced and not
23 reimbursed at any one time from all funds combined
24 exceed seven million five hundred thousand dollars.

25 Sec. 18. Funds advanced as provided by section
26 seventeen (17) of this Act shall be administered by
27 the state department of transportation. The department
28 may require repayment of the advanced funds within
29 ten years. The treasurer of state shall, upon the
30 request of the state department of transportation,
31 transfer a portion of the affected local jurisdiction's
32 allocation sufficient to meet repayment requirements
33 if the terms of the individual agreements are not
34 complied with."

35 4. Renumber sections and internal references to
36 comply with this amendment.

H-5622 FILED *Adopted as* BY RINAS of Linn
MARCH 13, 1978 *amended by* PERKINS of Greene
5896 4/4 (1254) CUSACK of Scott
CLARK of Lee
AVENSON of Fayette
HINKHOUSE of Cedar
BINA of Scott
HOFFMANN of Muscatine
SHIMANEK of Jones
SCHNEKLOTH of Scott
HALVORSON of Clayton

MARCH 14, 1978

PAGE 7

HOUSE FILE 2290

H-5621

- 1 Amend amendment H-5618, to House File 2290,
- 2 as follows:
- 3 1. Page 1, line 10, by striking the words
- 4 "eight cylinder engine" and inserting in lieu
- 5 thereof the words "engine of not more than eight
- 6 cylinders".

H-5621 FILED
MARCH 13, 1978

BY MONROE of Des Moines

HOUSE FILE 2290

H-5623

- 1 Amend House File 2290 as follows:
- 2 1. Page 11, by adding after line 28 the following:
- 3 "Sec. ____ Funds appropriated by this Act shall
- 4 not be used to pay travel and other necessary expenses
- 5 of any person who attends a conference, seminar, con-
- 6 vention, or other similar meeting in a state which has
- 7 not approved the proposed federal equal rights amend-
- 8 ment. The state comptroller shall not approve any
- 9 claim submitted requesting reimbursement which violates
- 10 this section."

H-5623 FILED *Loss 4/4*
MARCH 13, 1978 *(p. 1360)* BY LIPSKY of Linn

HOUSE FILE 2290

H-5624

- 1 Amend amendment H-5617 to House File 2290 as
- 2 follows:
- 3 1. Page 1, line 46, by inserting after the
- 4 word "enforcement" the words "and arson investigators".
- 5 2. Page 1, line 50, by striking the words "and
- 6 and arson investigators".
- 7 3. Page 2, line 20, by inserting after the word
- 8 "enforcement" the words "and arson investigators".
- 9 4. Page 2, line 23, by striking the words "and
- 10 and arson investigators".

H-5624 FILED, ADOPTED *(954)* BY SCHROEDER of Pottawattamie
MARCH 13, 1978

HOUSE FILE 2290

H-5629

- 1 Amend House File 2290 as follows:
- 2 1. Page 6, line 12, by striking the numerals
- 3 "1,700,000" and inserting in lieu thereof the
- 4 numerals "2,000,000".

H-5629 FILED
MARCH 13, 1978

Loss 3/13
(p. 960)

BY SPENCER of Clay
DAGGETT of Adams
GILSON of Guthrie
HOWELL of Floyd
BAKER of Buena Vista
MILLER of Buchanan
HARBOR of Mills

H-5620

1 Amend House File 2290 as follows:

2 1. Page 9 by inserting after line 27 the fol-
3 lowing section:

4 "Sec _____ Section three hundred seven point
5 twenty-eight (307.28), Code 1977, is amended by add-
6 ing the following new unnumbered paragraphs:

7 NEW UNNUMBERED PARAGRAPH. For the purpose of
8 prorating the portion of the funding for the several
9 divisions which is to be appropriated from the road
10 use tax fund, the planning, development, adminis-
11 tration or operation of any transit system or other
12 program for use of the public highways shall not be
13 construed as supervision of public highways.

14 NEW UNNUMBERED PARAGRAPH. Road use tax funds
15 allocated to any division partially funded by gen-
16 eral fund appropriations shall not be expended in
17 a percentage of the total expenditures of that divis-
18 ion greater than that determined by the director
19 under the provisions of this section."

20 2. Paragraph one (1) of this amendment shall
21 become effective July 1, 1979.

H-5620 FILED *Lat 4/4* BY WELDEN of Hardin
MARCH 13, 1978 (*p. 1356*) MILLEN of Van Buren

HOUSE FILE 2290

H-5619

1 Amend House File 2290 as follows:

2 1. Page 11, by striking lines 10 through 12
3 and inserting in lieu thereof the words "fifty-five
4 thousand (55,000) dollars as payment of one-half of
5 the loan from the road use".

6 2. Page 11, by striking lines 20 through 22
7 and inserting in lieu thereof the words "is necessary,
8 to be credited to the road use tax fund as the final
9 payment of".

H-5619 FILED *Adopted 4/4* BY RINAS of Linn
MARCH 13, 1978 (*p. 1360*)

HOUSE FILE 2290

H-5618

1 Amend House File 2290 as follows:

2 1. Page 5, line 12, by striking the figure
A 3 "\$10,898,000" and inserting in lieu thereof the figure
4 "\$10,763,000".

5 2. Page 5, by inserting after line 18 the follow-
6 ing:

7 "6. It is the intent of the general assembly that
B 8 motor vehicles purchased after January 1, 1979, for
9 the Iowa highway safety patrol shall be equipped with
10 an eight-cylinder engine having the smallest engine
11 displacement available for the particular make and
12 type of motor vehicle purchased."

13 3. Renumber as necessary in conformance with this
14 amendment.

H-5618 FILED *Lat 3/13* BY HORN of Linn
MARCH 13, 1978 (*pp. 955-756*)

1 Amend House File 2290 as follows:

2 1. Page 4, by striking lines 16 through 35 and
3 inserting in lieu thereof the following:

4 "2. INSPECTION AND SECURITY

A 5 FUNCTION

6 For salaries, support, mainte-
7 nance and miscellaneous purposes of
8 fire marshal's inspections, arson
9 investigators including the state's
10 contribution to the peace officers'
11 retirement, accident, and disability
12 system provided in chapter ninety-
13 seven A (97A) of the Code in the
14 amount of sixteen percent of the
15 salaries for which the funds are
16 appropriated, and capitol security
17 divisions.....\$ 805,000

18 3. INVESTIGATION FUNCTION

19 For salaries, support, mainte-
20 nance, and miscellaneous purposes of
21 the divisions of criminal investiga-
22 tion and bureau of identification,
23 drug law enforcement, and beer and
24 liquor law enforcement, including the
25 state's contribution to the peace
26 officers' retirement, accident, and
27 disability system provided in chap-
28 ter ninety-seven A (97A) of the Code
29 in the amount of sixteen percent of
30 the salaries for which the funds are
31 appropriated.....\$ 2,688,000"

32 2. Page 5, by striking line 1.

33 3. Page 9, by inserting after line 27 the following
34 new sections:

35 "Sec. ____ Section ninety-seven A point one
36 (97A.1), subsections two (2) and six (6), Code 1977,
37 is amended to read as follows:

38 2. "PEACE OFFICER" OR "PEACE OFFICERS" shall mean
39 all members of the divisions of highway safety and
40 uniformed force and criminal investigation and bureau
41 of identification in the department of public safety,
42 except clerical workers, who have passed a satisfactory
43 physical and mental examination and have been duly
44 appointed as members of the state department of public
45 safety in accordance with the provisions of section
46 80.15 and the division of drug law enforcement in
47 the department of public safety except clerical
48 workers, and the division of beer and liquor law
49 enforcement of the department of public safety, except
50 clerical workers, and arson investigators.

5627

5627

1 6. "MEMBERSHIP SERVICE" shall mean service as
2 a peace officer in the division of highway safety
3 and uniformed forces or the division of criminal
4 investigation and bureau of identification or division
5 of drug law enforcement in the department of public
6 safety and arson investigators rendered since last
7 becoming a member, or, where membership is regained
8 as provided in this chapter, all of such service.

9 Sec. _____. Section ninety-seven A point three
10 (97A.3), subsection one (1), Code 1977, is amended
11 to read as follows:

12 1. All members of the division of highway safety
13 and uniformed force and the division of criminal
14 investigation and bureau of identification in the
15 department of public safety, excepting the members
16 of the clerical force, who are employed by the state
17 of Iowa when this chapter becomes effective, and all
18 persons thereafter employed as members of such
19 divisions in the department of public safety or
20 division of drug law enforcement or qualified members
21 of the division of beer and liquor law enforcement
22 in said department except the members of the clerical
23 force, and arson investigators shall be members of
24 this system. Such members shall not be required to
25 make contributions under any other pension or
26 retirement system of the state of Iowa, anything to
27 the contrary notwithstanding.

28 Sec. _____. Section ninety-seven A point four
29 (97A.4), unnumbered paragraph two (2), Code 1977,
30 is amended to read as follows:

31 Any member of the system who has been employed
32 continuously prior to the passage of this chapter
33 in the division of highway safety and uniformed force
34 or the division of criminal investigation and bureau
35 of identification in the department of public safety,
36 or as a member of the Iowa highway safety patrol,
37 or as a peace officer or a member of the uniformed
38 force in any department or division whose functions
39 were transferred to, merged, or consolidated in the
40 department of public safety at the time such department
41 was created, or arson investigators shall receive
42 credit for such service in determining retirement
43 and disability benefits provided for in this chapter.

44 Sec. _____. Section ninety-seven A point six (97A.6),
45 subsection seven (7), paragraph c, Code 1977, is
46 amended to read as follows:

47 c. The commissioner of public safety may, subject
48 to approval of the medical board, assign any former
49 member of the division of highway safety and uniformed
50 force or the division of criminal investigation and

1 bureau of identification or an arson investigator
2 who is retired and drawing a pension for disability
3 under the provisions of this chapter, to the
4 performance of light duties in such division.

5 Sec. _____. Section ninety-seven A point six (97A.6),
6 subsection ten (10), Code 1977, is amended to read
7 as follows:

8 10. RETURN OF ACCUMULATED CONTRIBUTIONS. Should
9 a member cease to be a peace officer in the division
10 of highway safety and uniformed force or the
11 division of criminal investigation and bureau of
12 identification in the department of public safety
13 or an arson investigator except by death or retirement,
14 he or she shall be paid on demand the amount of his
15 or her accumulated contributions standing to the
16 credit of his or her individual account in the annuity
17 savings fund."

18 4. Page 10, by inserting after line 22 the
19 following new section:

20 "Sec. _____. It is the intent of the general assem-
21 bly that the commissioner of public safety shall
22 reassign the arson investigators from the division
23 of criminal investigation and bureau of identification
24 of the department of public safety to the state fire
25 marshal's office effective July 1, 1978 and the arson
26 investigators shall be under the direct supervision
27 of the state fire marshal."

28 5. Renumber sections and correct internal refer-
29 ences as are necessary in accordance with this
30 amendment.

-5617 FILED; A-LOST; (p. 952) BY MONROE of Des Moines
-ADOPTED; C-ADOPTED (p. 954) HUSAK of Tama
as amended GILSON of Guthrie
by 5614 DAGGETT of Adams
action to reconsider A 3/13 (p. 962) PELLETT of Cass
HANSEN of O'Brien
TOFTE of Winneshiek

HOUSE FILE 2290

5616

1 Amend House File 2290 as follows:

2 1. Page 6, by striking lines 13 through 18.

5616 FILED Lost 4/4 BY WYCKOFF of Benton
MARCH 13, 1978 (p. 1351) HARBOR of Mills
CRABB of Crawford
HINKHOUSE of Cedar

H-5553

1 Amend House File 2290 as follows:

2 1. Page 6 by inserting after line 18 the fol-
3 lowing new subsection:4 "5. The road use tax fund and the primary
5 road fund shall be reimbursed from general fund ap-
6 propriations made to the department in this Act or
7 transferred from other state departments for any
8 payments made from funds in this appropriation
9 consisting in whole or in part of road use tax or
10 primary road funds used for the administration of,
11 or the training or additional supervision of, any
12 trainees in the Iowa prisoner employment program,
13 development or operation of any local or regional
14 bus systems, or the construction, maintenance or
15 operation of the Wilcox Wildlife Preserve or any
16 new recreational or educational areas.17 In preparing the next budget request, the dir-
18 ector shall request a general fund appropriation or
19 set out a procedure for reimbursing the road use tax
20 fund and the primary road fund for expenditures of
21 the highway, motor vehicle, public transit and gen-
22 eral services divisions which are not for the "con-
23 struction, maintenance or supervision of the public
24 highways".H-5553 FILED *W/D 4/4* BY WELDEN of Hardin
MARCH 6, 1978 *(p. 1355)* MILLEN of Van Buren

HOUSE FILE 2290

H-5595

1 Amend House File 2290 as follows:

2 1. Page 10, line 26, by striking the words "primary
3 road" and inserting in lieu thereof the words "road
4 use tax".5 2. Page 10, lines 32, 33, and 34, by striking
6 the words "from the road use tax fund for the fiscal
7 year beginning July 1, 1978 and ending June 30, 1979".8 3. Page 11, line 10, by striking the word "fifty-
9 thousand" and inserting in lieu thereof the words
10 "fifty-five thousand".H-5595 FILED *Adopted* BY RINAS of Linn
MARCH 8, 1978 *4/4 (p. 1360)*

Sen. Budget 5/4 Do Pass 5/10 (p. 1479)

HOUSE FILE 2290

- Budget
- Carr, Chairperson
- Coleman
- Drake
- Gallagher
- Hansen

HOUSE FILE 2290

By COMMITTEE ON BUDGET

(As Amended and Passed by the House)

Re Passed House, Date ^{page 6656} 5-12-78 (p. 2582) Passed Senate, Date 5-11-78 (p. 1446)

Vote: Ayes 82 Nays 10 Vote: Ayes 45 Nays 2

Approved June 26, 1978 - Stem Veto

A BILL FOR

1 An Act making appropriations to and relating to the financing
2 of agencies whose responsibilities relate to transportation,
3 public safety, and public defense.

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

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House Amendments _____

1 Section 1. There is appropriated from the general fund
2 of the state to the Iowa crime commission for the fiscal year
3 beginning July 1, 1978 and ending June 30, 1979, the following
4 amounts, or so much thereof as is necessary, to be used for
5 the purposes designated:

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1978-1979
Fiscal Year

IOWA CRIME COMMISSION

1. For the purpose of match-
ing federal funds available to
the Iowa crime commission for
programs other than area plan-
ning programs through the Om-
nibus Crime Control and Safe
Streets Act of 1968 as amended
by the United States Congress,
for salaries, support, mainte-
nance and miscellaneous purposes \$ 46,360

2. For the purpose of match-
ing federal funds available for
area planning purposes to the Iowa
crime commission through the Omni-
bus Crime Control and Safe Streets
Act of 1968 as amended by the United
States Congress, for salaries, sup-
port, maintenance and miscellaneous
purposes \$ 24,560

3. For the purpose of match-
ing 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 \$ 116,340

4. For the purpose of match-
ing federal funds available to

1 the Iowa crime commission through
 2 the Juvenile Justice and Delin-
 3 quency Prevention Act of 1974
 4 as amended by the United States
 5 Congress for salaries, support,
 6 maintenance and miscellaneous
 7 purposes \$ 3,520

8 Sec. 2.

9 1. The funds appropriated by subsection three (3) of
 10 section one (1) of this Act constitute a portion of the federal
 11 statutory requirement to provide in the aggregate not less
 12 than one-half of the minimum required nonfederal funding for
 13 projects conducted by units of general local government or
 14 combinations of such units for the development and
 15 implementation of programs and projects for the improvement
 16 of law enforcement.

17 2. Any allocation of funds from funds appropriated by
 18 subsection three (3) of section one (1) of this Act shall
 19 be approved by the governor.

20 3. All unencumbered or unobligated balances of funds
 21 appropriated by subsection three (3) of section one (1) of
 22 this Act shall on September 30, 1982 revert to the general
 23 fund of this state.

24 Sec. 3. There is appropriated from the general fund of
 25 the state to the following named agencies for the fiscal year
 26 beginning July 1, 1978 and ending June 30, 1979, the following
 27 amounts, or so much thereof as is necessary, for the purposes
 28 designated:

	1978-1979
	<u>Fiscal Year</u>
31 1. IOWA LAW ENFORCEMENT ACADEMY	
32 For salaries, support, mainte-	
33 nance and miscellaneous purposes \$	488,000
34 2. DEPARTMENT OF PUBLIC DEFENSE	
35 a. Military division	

1 For salaries except salaries
2 provided for in paragraph b of
3 this subsection, support, mainte-
4 nance, and miscellaneous purposes \$ 1,662,000

5 b. For salaries of the adju-
6 tant general and members of the
7 adjutant general's staff who are
8 on full-time active state service,
9 and for their support and mainte-
10 nance \$ 173,000

11 3. OFFICE OF DISASTER SERVICES

12 For salaries, support, mainte-
13 nance and miscellaneous purposes \$ 102,000

14 Sec. 4. There is appropriated from the general fund of
15 the state for the fiscal period beginning July 1, 1978, to
16 the department of public defense for the purposes indicated,
17 the following amounts, or so much thereof as are necessary:

18 1. For repair, replacement,
19 alteration, equipment, and re-
20 habilitation of national guard
21 armory facilities throughout the
22 state, including the maintenance
23 and repair of equipment required
24 for use of such facilities \$ 75,000

25 2. For repair, replacement,
26 alteration, equipment, and re-
27 habilitation of buildings,
28 grounds, roads and facilities
29 located within the Camp Dodge
30 military reservation \$ 25,000

5270

31 3. Unobligated or unencumbered
32 funds remaining on June 30, 1982,
33 from funds appropriated by this
34 section shall revert to the gen-
35 eral fund on September 30, 1982.

1 Sec. 5. There is appropriated from the general fund of
2 the state to the department of public safety for the fiscal
3 year beginning July 1, 1978 and ending June 30, 1979, the
4 following amounts, or so much thereof as is necessary, to
5 be used for funding the following functions and programs for
6 the purposes designated:

7
8 1978-1979
Fiscal Year

9 DEPARTMENT OF PUBLIC SAFETY

10 1. ADMINISTRATIVE FUNCTION

11 For salaries, support, mainte-
12 nance and miscellaneous purposes
13 of the department, criminal jus-
14 tice information system, and radio
15 communications \$ 3,543,700

16 2. INSPECTION AND SECURITY FUNCTION

17 For salaries, support, mainte-
18 nance and miscellaneous purposes
19 of fire marshal's inspections and
20 capitol security divisions \$ 630,000

21 3. INVESTIGATION FUNCTION

22 For salaries, support, mainte-
23 nance, and miscellaneous purposes
24 of the divisions of criminal in-
25 vestigation and bureau of iden-
26 tification, drug law enforcement,
27 beer and liquor law enforcement,
28 fire protection, and arson func-
29 tion including the state's con-
30 tribution to the peace officers'
31 retirement, accident, and dis-
32 ability system provided in chap-
33 ter ninety-seven A (97A) of the
34 Code in the amount of sixteen
35 percent of the salaries for

5282-1 which the funds are appropriated \$ 2,863,000

2 4. DIVISION OF HIGHWAY SAFETY AND
3 UNIFORMED FORCE

4 For salaries, support, mainte-
5 nance and miscellaneous purposes
6 including the state's contribution
7 to the peace officers' retirement,
8 accident, and disability system pro-
9 vided in chapter ninety-seven A
10 (97A) of the Code in the amount of
11 sixteen percent of the salaries
12 for which the funds are appropriated \$ 10,898,000

13 5. It is the intent of the general assembly that the state
14 participation in renting telecommunication terminals which
15 are located in local criminal justice agencies be reduced
16 from the current seventy-five-twenty-five percent state-to-
17 local match, to a fifty-fifty percent state-local match
18 effective July 1, 1979.

19 6. In addition to the complement of not to exceed four
20 hundred ten persons there shall be twenty persons who shall
21 serve as members of the highway safety patrol for the period
22 beginning July 1, 1975 and ending June 30, 1979. The twenty
23 additional members of the highway safety patrol shall be
24 totally funded through the use of federal funds.

25 Sec. 6. There is appropriated from the general fund of
26 the state to the state department of transportation for the
27 fiscal year beginning July 1, 1978 and ending June 30, 1979,
28 the following amounts, or so much thereof as may be necessary,
29 to be used for the following purposes:

30 1978-1979
31 Fiscal Year

32 DEPARTMENT OF TRANSPORTATION

33 1. For salaries, support,
34 maintenance and miscellaneous
35 purposes \$ 4,390,000

1 2. For public transit pur-
2 poses to implement a state assis-
3 tance plan \$ 1,950,000

4 Of the funds appropriated by this subsection, not
5 more than sixty-five thousand dollars shall be used for
6 development and implementation of a mass transit project
7 for state employees. Such project shall subsidize the
8 cost of mass transportation for state employees if the
9 participating state employees agree to abstain from
10 parking their motor vehicles on state property.

11 Unencumbered or unobligated
12 funds remaining on June 30, 1981
13 from funds appropriated by sub-
14 section two (2) of this section
15 shall revert to the general fund
16 on September 30, 1981.

17 3. For deposit in the rail-
18 road assistance fund for branch-
19 line improvement \$ 1,700,000

20 4. For developing a program
21 to set aside and reserve for fu-
22 ture transportation uses the
23 right-of-way of abandoned rail
24 lines in selected locations
25 throughout the state \$ 100,000

26 Sec. 7. Section three hundred eight point four (308.4),
27 Code 1977, is amended by adding the following new subsection:

28 NEW SUBSECTION. There is appropriated from the general
29 fund of the state to the state department of transportation
30 the sum of one hundred thousand (100,000) dollars for each
31 fiscal year beginning July 1, 1978, and ending June 30, 1988.
32 Said money is to be utilized for the acquisition and
33 construction of highway-associated project components for
34 the great river road. Each annual appropriation shall first
35 be used to reimburse the great river road fund established

1 in section three hundred twelve point two (312.2) of the Code,
2 with remaining funds being available for a period of one
3 fiscal year following the year of appropriation. The state
4 department of transportation, in cooperation with the state
5 conservation commission and the Mississippi river parkway
6 commission, shall administer the provisions of this subsection
7 and shall issue rules for such administration in accordance
8 with chapter seventeen A (17A) of the Code. A report shall
9 be submitted listing the expenditures for the previous year
10 and cumulative expenditures of all funds appropriated by this
11 section and the report shall be incorporated in the annual
12 report required by section seventeen point nine (17.9) of
13 the Code.

14 Sec. 8. Section three hundred twelve point two (312.2),
15 Code 1977, is amended by adding the following new subsection:

16 NEW SUBSECTION. The treasurer of state shall establish
17 a great river road fund and at the request of the state
18 department of transportation, shall credit monthly before
19 making the allotments provided for in this section, sufficient
20 funds to cover the anticipated costs, as identified by the
21 state department of transportation, for the acquisition and
22 construction of eligible highway-associated project components.
23 Reimbursement to this fund shall be made as necessary from
24 the funds appropriated in section three hundred eight point
25 four (308.4) of the Code. In no case shall the unreimbursed
26 allotment to the great river road fund exceed one million
27 dollars less the cumulative sum as annually appropriated in
28 section three hundred eight point four (308.4) of the Code.
29 Reimbursed funds shall be reallocated in accordance with the
30 provisions of section three hundred twelve point two (312.2)
31 of the Code.

32 Sec. 9. There is appropriated from the road use tax fund
33 to the state department of transportation for the fiscal year
34 beginning July 1, 1978 and ending June 30, 1979 the following
35 amounts, or so much thereof as may be necessary, to be used

1 for the following purposes:

	1978-1979
	<u>Fiscal Year</u>
4 DEPARTMENT OF TRANSPORTATION	
5 1. For salaries, support,	
6 maintenance and miscellaneous	
7 purposes	\$ 7,097,500
8 ADMINISTRATION OF MERIT SYSTEM	
9 2. For the purpose of mak-	
10 ing payments to the Iowa merit	
11 employment department for ex-	
12 penses incurred in administer-	
13 ing the merit system on behalf	
14 of the state department of trans-	
15 portation, as required by chapter	
16 nineteen A (19A) of the Code	\$ 10,000
17 UNEMPLOYMENT COMPENSATION COSTS	
18 3. Unemployment compensation	\$ 5,000
19 4. For improving grade cross-	
20 ing surfaces needing repair which	
21 grade crossings are repaired with	
22 funds from the highway-railroad	
23 grade crossing surface repair fund	\$ 290,000
24 5. For the purpose of	
25 matching available federal	
26 planning and construction	
27 funds to be used in the plan-	
28 ning and construction of the	
29 Iowa segments of the great	
30 river road	\$ 250,000
31 6. For construction of the	
32 Hudson road improvement project	
33 on the campus of the university	
34 of northern Iowa as proposed by	
35 the state board of regents	\$ 110,000

1 Sec. 10. There is appropriated from the road use tax fund
 2 to the state comptroller for the fiscal year beginning July
 3 1, 1978 and ending June 30, 1979 the sum of twelve thousand
 4 five hundred (12,500) dollars, or so much thereof as is
 5 necessary, to be used for the purpose of paying workers'
 6 compensation claims under chapter eighty-five (85) of the
 7 Code on behalf of employees of the state department of
 8 transportation.

9 Sec. 11. There is appropriated from the primary road fund
 10 to the state department of transportation for the fiscal year
 11 beginning July 1, 1978 and ending June 30, 1979, the following
 12 amounts, or so much thereof as may be necessary, to be used
 13 for the following purposes:

	1978-1979
	<u>Fiscal Year</u>
16 DEPARTMENT OF TRANSPORTATION	
17 1. For salaries, support,	
18 maintenance and miscellaneous	
19 purposes	\$ 84,117,500
20 EQUIPMENT	
21 2. Additional equipment to be	
22 purchased to supplement present	
23 inventory. All acquisitions, when	
24 acquired, will become a part of the	
25 state department of transportation	
26 materials and equipment revolving	
27 fund	\$ 200,000
28 VEHICLE REPLACEMENT	
29 3. To be deposited in the state	
30 department of transportation materials	
31 and equipment revolving fund estab-	
32 lished by section three hundred seven A	
33 point seven (307A.7) of the Code for	
34 funding the increased replacement cost	
35 of vehicles	\$ 400,000

1 MERIT EXPENSES

2 4. For the purpose of making
 3 payments to the Iowa merit employ-
 4 ment department for expenses in-
 5 curred in administering the merit
 6 system on behalf of the state de-
 7 partment of transportation, as
 8 required by chapter nineteen A
 9 (19A) of the Code \$ 200,000

10 UNEMPLOYMENT COMPENSATION COSTS

11 5. Unemployment compensation \$ 95,000
 12 6. For the construction of
 13 field facilities \$ 1,300,000
 14 7. For the construction of
 15 a steam line interconnect to con-
 16 nect all power plants \$ 200,000

17 Sec. 12. All unencumbered or unobligated balances of funds
 18 remaining on June 30, 1982, from funds appropriated by
 19 subsections six (6) and seven (7) of section eleven (11) of this
 20 Act shall revert to the primary road fund on September 30,
 21 1982.

22 Sec. 13. There is appropriated from the primary road fund
 23 to the state comptroller for the fiscal year beginning July
 24 1, 1978 and ending June 30, 1979 the sum of two hundred thirty-
 25 seven thousand five hundred (237,500) dollars, or so much
 26 thereof as is necessary, for the purpose of paying workers'
 27 compensation claims under chapter eighty-five (85) of the
 28 Code on behalf of the employees of the state department of
 29 transportation.

30 Sec. 14. There is appropriated from the primary road fund
 31 to the department of transportation for the fiscal year
 32 beginning July 1, 1978 and ending June 30, 1979 the sum of
 33 one hundred thousand (100,000) dollars or so much thereof
 34 as necessary for the purpose of conducting a study into the
 35 effect of chemical road deicing programs. The study shall

1 review the alternatives to using salt or other chemicals for
2 road deicing purposes. The study shall assess the impact
3 and estimate costs to the road, vehicles and the environment
4 that result from the chemical road deicing programs. The
5 department shall report the findings of the study to the
6 general assembly prior to January 1, 1980, together with
7 recommendations to minimize the damage caused by chemical
8 road deicing programs together with appropriate bill drafts
9 necessary to implement the findings.

10 Sec. 15. There is appropriated from the aeronautics fund
11 to the state department of transportation for the fiscal year
12 beginning July 1, 1978 and ending June 30, 1979, the sum of
13 three hundred thirty-four thousand seven hundred (334,700)
14 dollars, or so much thereof as may be necessary, to be used
15 for salaries, support, maintenance, and miscellaneous purposes.

16 Sec. 16.

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

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

21 Sec. 17. Section ninety-seven A point one (97A.1),
22 subsections two (2) and six (6), Code 1977, is amended to
23 read as follows:

24 2. "PEACE OFFICER" or "PEACE OFFICERS" shall mean all
25 members of the divisions of highway safety and uniformed force
26 and criminal investigation and bureau of identification in
27 the department of public safety, except clerical workers,
28 who have passed a satisfactory physical and mental examination
29 and have been duly appointed as members of the state department
30 of public safety in accordance with the provisions of section
31 80.15 and the division of drug law enforcement and arson
32 investigators in the department of public safety except
33 clerical workers, and the division of beer and liquor law
34 enforcement of the department of public safety, except clerical
35 workers.

1 6. "MEMBERSHIP SERVICE" shall mean service as a peace
2 officer in the division of highway safety and uniformed forces
3 or the division of criminal investigation and bureau of
4 identification or division of drug law enforcement in the
5 department of public safety and arson investigators rendered
6 since last becoming a member, or, where membership is regained
7 as provided in this chapter, all of such service.

8 Sec. 18. Section ninety-seven A point three (97A.3),
9 subsection one (1), Code 1977, is amended to read as follows:

10 1. All members of the division of highway safety and
11 uniformed force and the division of criminal investigation
12 and bureau of identification in the department of public
13 safety, excepting the members of the clerical force, who are
14 employed by the state of Iowa when this chapter becomes
15 effective, and all persons thereafter employed as members
16 of such divisions in the department of public safety or
17 division of drug law enforcement and arson investigators or
18 qualified members of the division of beer and liquor law
19 enforcement in said department except the members of the
20 clerical force shall be members of this system. Such members
21 shall not be required to make contributions under any other
22 pension or retirement system of the state of Iowa, anything
23 to the contrary notwithstanding.

24 Sec. 19. Section ninety-seven A point four (97A.4),
25 unnumbered paragraph two (2), Code 1977, is amended to read
26 as follows:

27 Any member of the system who has been employed continuously
28 prior to the passage of this chapter in the division of highway
29 safety and uniformed force or the division of criminal
30 investigation and bureau of identification in the department
31 of public safety, or as a member of the Iowa highway safety
32 patrol, or as a peace officer or a member of the uniformed
33 force in any department or division whose functions were
34 transferred to, merged, or consolidated in the department
35 of public safety at the time such department was created,

1 shall receive credit for such service in determining retirement
2 and disability benefits provided for in this chapter. Arson
3 investigators who have contributed to this system prior to
4 the effective date of this act shall receive credit for such
5 service in determining retirement and disability benefits.

6 Sec. 20. Section ninety-seven A point six (97A.6),
7 subsection seven (7), paragraph c, Code 1977, is amended to
8 read as follows:

9 c. The commissioner of public safety may, subject to
10 approval of the medical board, assign any former member of
11 the division of highway safety and uniformed force or the
12 division of criminal investigation and bureau of identification
13 or an arson investigator who is retired and drawing a pension
14 for disability under the provisions of this chapter, to the
15 performance of light duties in such division.

16 Sec. 21. Section ninety-seven A point six (97A.6),
17 subsection ten (10), Code 1977, is amended to read as follows:

18 10. RETURN OF ACCUMULATED CONTRIBUTIONS. Should a member
19 cease to be a peace officer in the division of highway safety
20 and uniformed force or the division of criminal investigation
21 and bureau of identification in the department of public
22 safety or an arson investigator except by death or retirement,
23 he or she shall be paid on demand the amount of his or her
24 accumulated contributions standing to the credit of his or
25 her individual account in the annuity savings fund.

26 Sec. 22. Section three hundred twelve point two (312.2),
27 subsection five (5), Code 1977, is amended to read as follows:

28 5. The treasurer of state shall before making the above
29 allotments credit annually to the highway grade crossing
30 safety fund the sum of five hundred thousand dollars, credit
31 annually to the primary road fund the sum of one million four
32 hundred fifty-five thousand dollars for carrying out subsection
33 ~~12~~ eleven (11) of section 307A.2, the last paragraph of section
34 313.4 and section 307A.5, and credit annually to the primary
35 road fund the sum of five hundred thousand dollars to be used

1 for paying expenses incurred by the state department of
2 transportation other than expenses incurred for extensions
3 of primary roads in cities. All unobligated funds provided
4 by this subsection, except those funds credited to the highway
5 grade crossing safety fund, shall at the end of each year
6 revert to the road use tax fund. Funds in the highway grade
7 crossing safety fund shall not revert to the road use tax
8 fund except to the extent they exceed five hundred thousand
9 dollars at the end of any biennium.

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10 Sec. 23. Section six hundred ninety-three point seven
11 (693.7), Code 1977 Supplement, is amended to read as follows:

12 693.7 COMMUNICATION WITH LOCAL AGENCIES. The department
13 of public safety shall maintain law enforcement communications
14 with local enforcement agencies ~~using frequencies in use on~~
15 ~~July 17, 1973. The Iowa highway safety patrol base stations~~
16 ~~and all Iowa highway safety patrol cars assigned to troopers~~
17 ~~and sergeants with field enforcement responsibilities shall~~
18 ~~maintain law enforcement communications with local enforce-~~
19 ~~ment agencies using transmitting and receiving frequencies~~
20 ~~in use by the Iowa highway safety patrol on July 17, 1973.~~

21 Sec. 24. It is the intent of the general assembly that
22 the additional fifty-five thousand dollars appropriated for
23 the fiscal year beginning July 1, 1978 and ending June 30,
24 1979, by the general assembly from the road use tax fund to
25 the fund to maintain state institutional roads and state park
26 roads shall be expended by the state department of
27 transportation for the construction of the Hudson road
28 improvement project on the campus of the university of northern
29 Iowa as proposed by the state board of regents. The state
30 department of transportation shall also expend the funds
31 appropriated pursuant to subsection six (6) of section nine
32 (9) of this Act for the project. Funds appropriated from
33 the road use tax fund for the Hudson road improvement project
34 shall be considered an interest-free loan to the state board
35 of regents to be repaid by the board in the manner provided

1 in this section. During the fiscal year beginning July 1,
2 1979 and ending June 30, 1980, the state department of
3 transportation shall, in apportioning funds appropriated for
4 state institutional roads and state park roads pursuant to
5 section three hundred twelve point two (312.2), subsection
6 five (5), of the Code, withhold fifty-five thousand (55,000)
7 dollars as payment of one-half of the loan from the road use
8 tax fund for the Hudson road improvement project. During
9 the fiscal year beginning July 1, 1980 and ending June 30,
10 1981, the state department of transportation shall, in appor-
11 tioning funds appropriated for state institutional roads and
12 state park roads pursuant to section three hundred twelve
13 point two (312.2), subsection five (5), of the Code, withhold
14 fifty-five thousand (55,000) dollars, or so much thereof as
15 is necessary, to be credited to the road use tax fund as the
16 final payment of the outstanding balance of the loan for the
17 Hudson road improvement project.

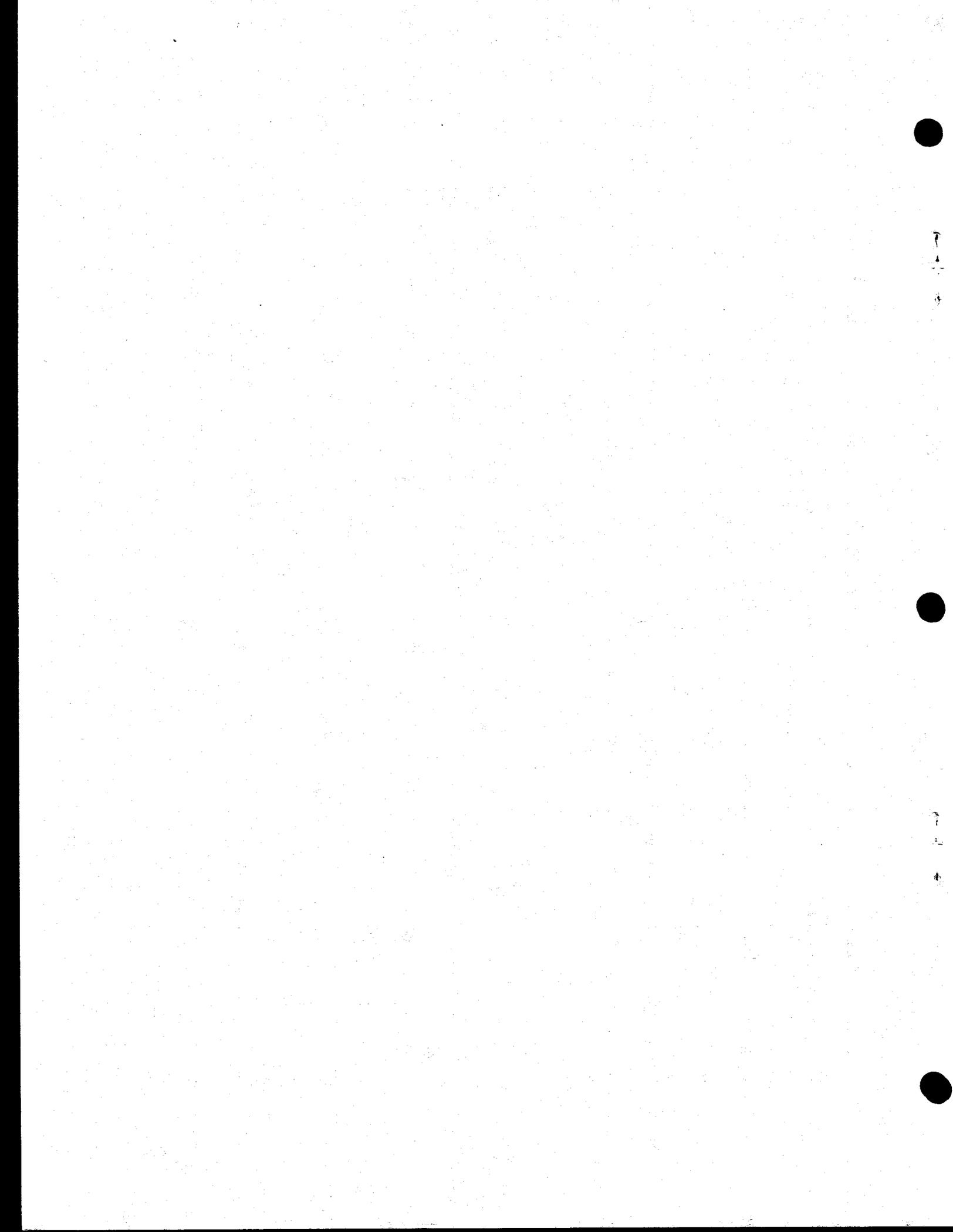
18 Sec. 25. Section three hundred twelve point two (312.2),
19 Code 1977, is amended by adding the following new subsection:

20 NEW SUBSECTION. The treasurer of the state shall establish
21 a revolving fund for use by affected jurisdictions for great
22 river road projects. Funds shall be advanced at the request
23 of the state department of transportation to affected
24 jurisdictions as noninterest loans and shall be utilized for
25 the construction of eligible great river road highway projects.
26 Funds may be advanced from either the primary road fund or
27 the farm-to-market road fund. The amount advanced and not
28 reimbursed shall not exceed five million dollars at any one
29 time from either the primary road fund or the farm-to-market
30 road fund, nor shall the amount advanced and not reimbursed
31 at any one time from all funds combined exceed seven million
32 five hundred thousand dollars.

33 Sec. 26. Funds advanced as provided by section twenty-
34 five (25) of this Act shall be administered by the state
35 department of transportation. The department shall require

1 repayment of the advanced funds within ten years. The
2 treasurer of state shall, upon the request of the state
3 department of transportation, transfer a portion of the
4 affected local jurisdiction's allocation sufficient to meet
5 repayment requirements if the terms of the individual
6 agreements are not complied with.

7 Sec. 27. All federal grants to and the federal receipts
8 of the agencies appropriated funds under this division are
9 appropriated for the purposes set forth in such federal grants
10 or receipts.



H-6660

1 Amend Senate amendment H-6656 to House File 2290
2 as follows:

3 1. Page 3 by inserting after line 8 the following:
4 " Page 14, by inserting after line 9 the
5 following:

6 "Sec. 9. Chapter three hundred twelve (312), Code
7 1977, is amended by adding the following new sections:

8 NEW SECTION. PAVEMENT WEAR FUND. There is created
9 in the state treasury a pavement wear fund.

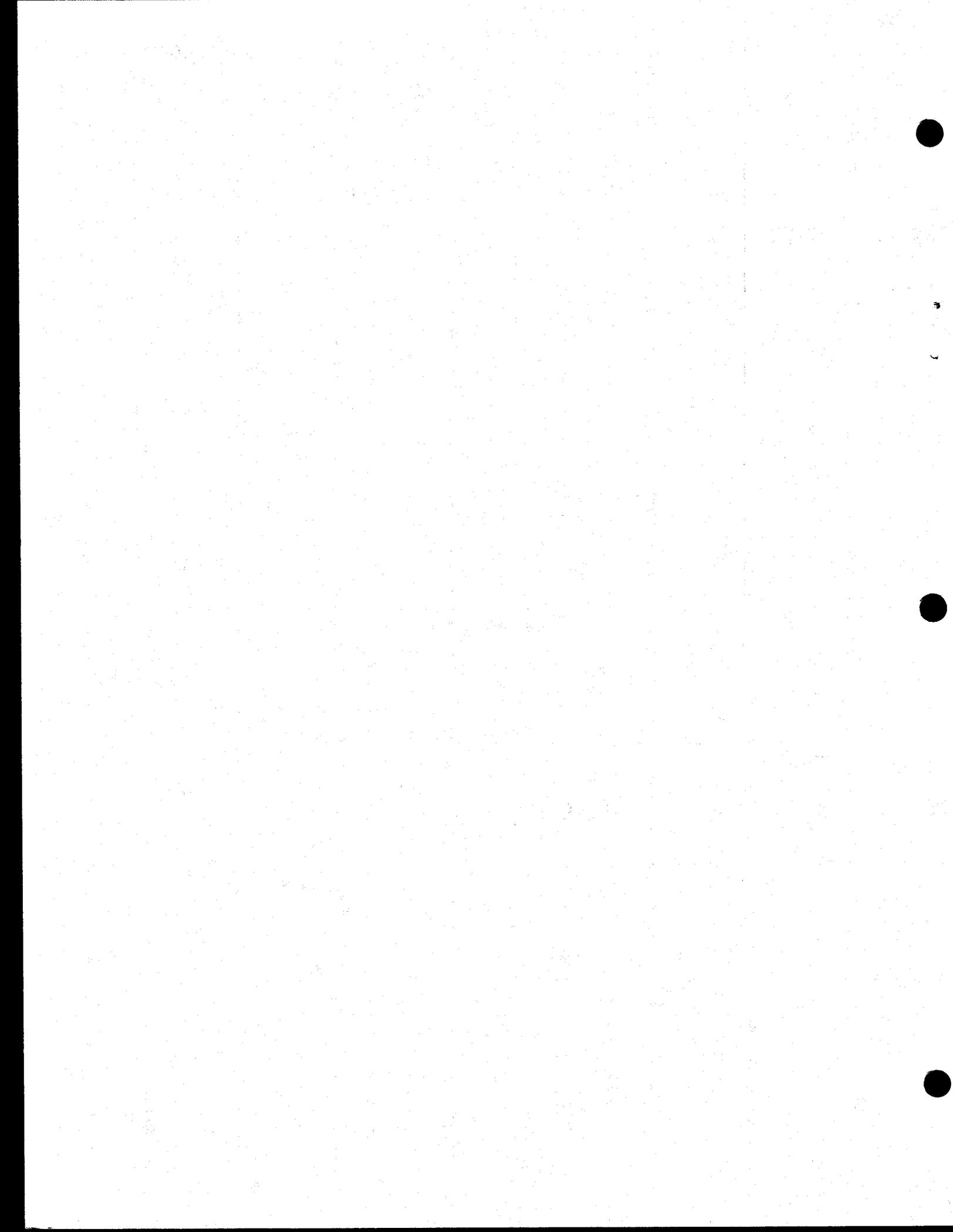
10 NEW SECTION. PAVEMENT WEAR FUND DISTRIBUTION.

11 The department shall recommend to the legislature
12 on or before February first of each year, a formula
13 distribution of the funds in the pavement wear fund.
14 The formula shall be based on studies of the relative
15 wear on routes designated by the functional
16 classification review board. Funds shall be dis-
17 tributed from the pavement wear fund pursuant to the
18 established formula beginning January 1, 1980 and
19 each subsequent year.

20 Sec. 10. Section three hundred twelve point two
21 (312.2), Code 1977, is amended by adding the following
22 new subsection:

23 NEW SUBSECTION. 8. Each month the treasurer of
24 the state, before making the allotments provided for
25 in this section, shall compute and credit to the
26 pavement wear fund the proceeds from the two cents
27 per gallon excise tax as set forth in the second new
28 section added by section fifty-one (51) of this
29 amendment and the portion of the registration fees
30 collected under section twenty-one (21) of this
31 amendment, according to the following schedule:

32 For a combined gross	And not	The portion to be
33 <u>weight exceeding:</u>	<u>exceeding:</u>	<u>allocated shall be:</u>
34 19 Tons	20 Tons	\$ 3
35 20 Tons	21 Tons	\$ 7
36 21 Tons	22 Tons	\$ 15
37 22 Tons	23 Tons	\$ 24
38 23 Tons	24 Tons	\$ 34
39 24 Tons	25 Tons	\$ 50
40 25 Tons	26 Tons	\$ 62
41 26 Tons	27 Tons	\$ 76
42 27 Tons	28 Tons	\$ 91
43 28 Tons	29 Tons	\$106
44 29 Tons	30 Tons	\$123
45 30 Tons	31 Tons	\$141
46 31 Tons	32 Tons	\$159
47 32 Tons	33 Tons	\$179
48 33 Tons	34 Tons	\$199
49 34 Tons	35 Tons	\$225
50 35 Tons	36 Tons	\$248



36 Tons	37 Tons	\$271
37 Tons	38 Tons	\$296
38 Tons	39 Tons	\$321
39 Tons	40 Tons	\$348

For a combined gross weight exceeding forty tons, the portion to be allocated shall be three hundred and forty-eight dollars and in addition thereto twenty-

"Sec. 21. Section three hundred twenty-one point one hundred twenty-two (321.122), subsection one (1), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred four (104), section five (5), is amended by striking the subsection and inserting in lieu thereof the following:

1. The annual registration fee for motor trucks, except special trucks, truck tractors, or road tractors, shall be based on the combined gross weight of the vehicle or combination of vehicles. All trucks, truck tractors, semitrailers, or road tractors shall be registered for a gross weight equal to or in excess of the unladen weight of the vehicle or combination of vehicles. The annual registration fee for such vehicles or combination of vehicles shall be:

a. For a combined gross weight of three tons or less forty dollars and after ten registrations thirty dollars.

b. For a combined gross weight exceeding three tons, the annual registration fee shall be as set forth in the following schedule:

For a combined gross weight exceeding:	And not exceeding:	The annual registration fee shall be:
3 Tons	4 Tons	\$ 45
4 Tons	5 Tons	\$ 60
5 Tons	6 Tons	\$ 75
6 Tons	7 Tons	\$ 100
7 Tons	8 Tons	\$ 135
8 Tons	9 Tons	\$ 170
9 Tons	10 Tons	\$ 205
10 Tons	11 Tons	\$ 240
11 Tons	12 Tons	\$ 275
12 Tons	13 Tons	\$ 310
13 Tons	14 Tons	\$ 335
14 Tons	15 Tons	\$ 380
15 Tons	16 Tons	\$ 415
16 Tons	17 Tons	\$ 450
17 Tons	18 Tons	\$ 485
18 Tons	19 Tons	\$ 520

1	19 Tons	20 Tons	\$ 578
2	20 Tons	21 Tons	\$ 617
3	21 Tons	22 Tons	\$ 660
4	22 Tons	23 Tons	\$ 704
5	23 Tons	24 Tons	\$ 749
6	24 Tons	25 Tons	\$ 875
7	25 Tons	26 Tons	\$ 927
8	26 Tons	27 Tons	\$ 981
9	27 Tons	28 Tons	\$1,036
10	28 Tons	29 Tons	\$1,091
11	29 Tons	30 Tons	\$1,148
12	30 Tons	31 Tons	\$1,206
13	31 Tons	32 Tons	\$1,264
14	32 Tons	33 Tons	\$1,324
15	33 Tons	34 Tons	\$1,384
16	34 Tons	35 Tons	\$1,475
17	35 Tons	36 Tons	\$1,538
18	36 Tons	37 Tons	\$1,601
19	37 Tons	38 Tons	\$1,666
20	38 Tons	39 Tons	\$1,731
21	39 Tons	40 Tons	\$1,798

22 c. For a combined gross weight exceeding forty
 23 tons, the annual registration fee shall be one thousand
 24 seven hundred ninety-eight dollars plus eighty-five
 25 dollars for each ton over forty tons.

26 Where an auxiliary axle has been registered under
 27 the provisions of this chapter, the registered gross
 28 weight of the vehicle or combination of vehicles shall
 29 be the sum of the registered gross weight of such
 30 auxiliary axle or axles added to the registered gross
 31 weight of the truck, truck tractor, or road tractor."

32
 33

34 "Sec. 43. Section three hundred twenty-one point
 35 four hundred fifty-seven (321.457), Code 1977, as
 36 amended by Acts of the Sixty-seventh General Assembly,
 37 1977 Session, chapter one hundred three (103), section
 38 fifty-one (51), is amended by adding the following
 39 new subsection:

40 NEW SUBSECTION. No semitrailer registered for
 41 the first time for the calendar year beginning January
 42 1, 1979, or for a subsequent period shall have an
 43 overall length in excess of forty-five feet except
 44 semitrailers transporting livestock, semitrailers
 45 transporting implements of husbandry, and those
 46 semitrailers used exclusively for the transportation
 47 of passenger vehicles, light delivery trucks, panel
 48 delivery trucks, pickup trucks and boats. The
 49 department may issue permits to operate such
 50 semitrailers in excess of forty-five feet but not

1 exceeding forty-seven and one-half feet, pursuant
2 to rules adopted by the department.

3 Sec. 44. Section three hundred twenty-one point
4 four hundred fifty-seven (321.457), subsection three
5 (3), Code 1977, is amended by striking the subsection
6 and inserting in lieu thereof the following:

7 3. No combination of vehicles coupled together,
8 unladen or with load, shall have an overall length,
9 inclusive of front and rear bumpers, in excess of
10 sixty feet.

11 Sec. 45. Section three hundred twenty-one point
12 four hundred fifty-seven (321.457), subsection five
13 (5), Code 1977, is amended by striking the subsection
14 and inserting in lieu thereof the following:

15 5. Passenger vehicles, light delivery trucks,
16 panel delivery trucks, pickup trucks and boats being
17 transported on a combination of vehicles used
18 exclusively for the transportation of such vehicles
19 and boats may extend up to three feet beyond the front
20 and rear bumpers of the transporting vehicles when
21 the overall length of the vehicle with load does not
22 exceed sixty-five feet.

23 Sec. 46. Section three hundred twenty-one point
24 four hundred fifty-nine (321.459), Code 1977, is
25 amended by striking the section and inserting in lieu
26 thereof the following:

27 321.459 DUAL AXLE REQUIREMENT. Axles of a motor
28 vehicle, trailer, or semitrailer which are less than
29 forty inches apart center to center shall be considered
30 as one axle for the purpose of determining permissible
31 weight under section three hundred twenty-one point
32 four hundred sixty-three (321.463) of the Code.

33 Sec. 47. Section three hundred twenty-one point
34 four hundred sixty-three (321.463), Code 1977, is
35 amended by striking the section and inserting in lieu
36 thereof the following:

37 321.463 MAXIMUM GROSS WEIGHT. An axle may be
38 divided into two or more parts, except that all parts
39 in the same vertical transverse plane shall be
40 considered as one axle.

41 The gross weight on any one axle of a vehicle,
42 or of a combination of vehicles, operated on the
43 highways of this state, shall not exceed twenty
44 thousand pounds on an axle equipped with pneumatic
45 tires, and shall not exceed fourteen thousand pounds
46 on an axle equipped with solid rubber tires. The
47 gross weight on any tandem axle of a vehicle, or any
48 combination of vehicles, shall not exceed thirty-four
49 thousand pounds on an axle equipped with pneumatic
50 tires.

A group of two or more consecutive axles of any vehicle or combination of vehicles, shall not carry a load in pounds in excess of the overall gross weight determined by application of the following formula: W equals 500 times (LN/N-1 + 12N + 36) where W equals the overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L equals the distance in feet between the extreme of any group of two or more consecutive axles, and N equals the number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

In no event shall the maximum gross weight, including the enforcement tolerances, exceed eighty thousand pounds.

A tolerance above the maximum legal weight of any axle or vehicle or combination of vehicles may be allowed as follows:

Three percent on any axle, including tandem axles, of any vehicle or combination of vehicles operated on highways not part of the interstate system.

Eight percent of the gross weight on any particular group of axles.

Eight percent on the total gross weight of a vehicle or combination of vehicles.

The weight on any one axle, including a tandem axle, of a vehicle which is transporting livestock on highways not part of the interstate system may exceed the legal maximum weight given in this chapter providing that the gross weight on any particular group of axles on such vehicle does not exceed the gross weight allowable under this chapter for such group of axles.

Any person who operates any vehicle in violation of the provisions of this section, and any owner, or any other person, employing or otherwise directing the operator of any vehicle who requires or knowingly permits the operation of any vehicle in violation of the provisions of this section shall upon conviction or a plea of guilty be punished in accordance with the following schedule:

AXLE, TANDEM AXLE, GROUP OF AXLES, AND
GROSS WEIGHT VIOLATIONS

Percentage of Overload	Amount of Fine Per Hundred Pounds
Up to and including 8%	\$1.00
Over 8% to and including 10%	\$1.25

1	Over 10% to and including 12%	\$1.50
2	Over 12% to and including 14%	\$2.00
3	Over 14% to and including 16%	\$3.00
4	Over 16% to and including 18%	\$4.00
5	Over 18% to and including 20%	\$5.00
6	Over 20%	\$6.00

7 A fine shall not be assessed if the overload does
8 not exceed the tolerance specified in this section.
9 If the overload does exceed the tolerance specified
10 in this section, the amount of the fine to be assessed
11 shall be computed on the difference between the actual
12 weight and the maximum legal weight specified in this
13 section without allowance of any tolerance, by applying
14 the appropriate rate in the preceding schedule for
15 the total percentage of overload. The total percentage
16 of overload shall be determined by dividing the
17 appropriate maximum legal weight as specified in this
18 section without allowance for any tolerance into the
19 amount of pounds overloaded.

20 Overloads on axles and tandem axles and overloads
21 on groups of axles or on an entire vehicle or
22 combination of vehicles shall be considered as separate
23 violations of the provisions of this section.

24 The penalties provided in this section shall not
25 be construed to be in lieu of any other penalties
26 provided for violations of other provisions of this
27 chapter.

28 Any person who issues or executes, or causes to
29 be issued or executed, any bill of lading, manifest,
30 or shipping document of any kind which states the
31 false weight of the cargo set forth on such bill,
32 manifest, or document, to be less than the actual
33 weight of such cargo, shall be punished by a fine
34 of not more than one hundred dollars or by imprisonment
35 for not more than thirty days."

36
37 f

38 "Sec. 51. Chapter three hundred twenty-four (324),
39 Code 1977, is amended by adding the following new
40 division:

41 DIVISION V

42 MOTOR FUEL AND SPECIAL FUEL USE TAX

43 FOR HEAVY MOTOR VEHICLE OPERATIONS

44 NEW SECTION. PURPOSE. The purpose of this division
45 is to provide a method of collecting additional fuel
46 taxes from interstate and intrastate operators of
47 motor vehicles registered at a gross weight of twenty
48 tons or more commensurate with their operations on
49 Iowa highways. This division shall be administered
50 by the state department of transportation, referred

1 to as the department in this division.

2 NEW SECTION. LEVY OF HEAVY VEHICLE FUEL TAX.

3 For the privilege of operating a motor vehicle
4 registered at a gross weight of twenty tons or more
5 in this state, an excise tax of two cents a gallon
6 is imposed upon the use of all motor fuel and special
7 fuel used in said vehicles. This excise tax is in
8 addition to those taxes provided for in Division I
9 and II of this chapter.

10 NEW SECTION. PERMIT--BOND. No person shall operate
11 a motor vehicle registered for a gross weight of
12 twenty tons or more on Iowa highways without a heavy
13 vehicle fuel tax permit. The department shall issue
14 a permit annually upon the posting of an indemnity
15 bond in a sum to be fixed by the department to assure
16 the required reporting, tax payments and record
17 keeping. The department may audit persons not holding
18 permits who are suspected of evading the heavy vehicle
19 fuel tax. Audits shall be conducted pursuant to
20 section three hundred twenty-four point fifty-five
21 (324.55). The annual permit fee shall be five dollars.
22 Each vehicle operated under the provisions of this
23 division shall carry a duplicate or evidence of the
24 permit. A fee of fifty cents shall be charged for
25 each duplicate issued. Any person holding a heavy
26 vehicle fuel tax permit shall not be required for
27 vehicles registered at twenty tons and over to hold
28 an Iowa interstate fuel permit issued under section
29 three hundred twenty-four point fifty-three (324.53)
30 of the Code.

31 NEW SECTION. FUEL TAX COMPUTATION--REPORTING AND
32 PAYMENT. To determine the amount of fuel taxes due
33 under this provision, a quarterly report shall be
34 filed not later than the last day of the month
35 following the quarter reported and each quarter
36 thereafter. Reports shall be on forms prescribed
37 by the department and be required of all persons who
38 have been issued a permit under this division. Reports
39 shall cover actual operation and fuel consumption
40 in Iowa. Taxes shall be based on the permittee's
41 average fuel consumption. Average fuel consumption
42 shall be determined by the total miles traveled and
43 the total fuel purchased and consumed for highway
44 use by the permittee's motor vehicle in its entire
45 operation in all states to establish an overall miles
46 per gallon ratio, which ratio shall be used to compute
47 the gallons used for the miles traveled in Iowa."

H-6660 FILED *Withdrawn* BY NIELSEN of Polk
MAY 11, 1978 *5/12 (p. 2551)* SCHROEDER of Pottawattamie
WYCKOFF of Benton
SCHEELHAASE of Woodbury
DAVITT of Warren

H-6659

1 Amend the Senate amendment, H-6656, to House File
2 2290, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 3, by inserting after line 18 the follow-
5 ing:

6 "_____. Page 14, by inserting after line 20 the
7 following new sections:

8 "Sec. 24. Chapter three hundred twenty-four (324),
9 Code 1977, is amended by adding sections twenty-five
10 (25) through thirty-one (31) of this Act as division
11 five (V).

12 Sec. 25. NEW SECTION. SHORT TITLE. This division
13 shall be known and may be cited as the aviation fuel
14 tax law and referred to in this Act as a division.

15 Sec. 26. NEW SECTION. DEFINITIONS. As used in
16 this division:

17 1. "Aviation fuel" means and includes all
18 combustible fuels suitable for the generation of power
19 for the propulsion of any aircraft. Aviation fuel
20 includes aviation gasoline and aviation turbine fuel
21 commonly known as jet fuel.

22 2. "Aviation gasoline" means motor fuel which
23 has been produced, compounded or blended to meet the
24 standards and requirements of reciprocating internal
25 combustion aircraft engines.

26 3. "Aviation turbine fuel" means fuel of kerosene
27 base which has been produced, compounded or blended
28 to meet the standards and requirements of turbine
29 aircraft engines.

30 4. "Aviation fuel distributor" means and includes
31 any person who:

32 a. Makes aviation fuel available in bulk quantities
33 for receipt at a refinery, marine or pipeline terminal
34 within or outside Iowa or from any other sources
35 outside Iowa and which fuel after being received
36 thereat will be sold or used in the state or exported
37 therefrom.

38 b. First receives aviation fuel, within the meaning
39 of the term "received" as defined in section three
40 hundred twenty-four point two (324.2) of the Code,
41 from an aviation fuel distributor set out in paragraph
42 a of this subsection and who will subsequently
43 distribute the aviation fuel in bulk quantities in
44 the state or export it in bulk quantities from the
45 state.

46 5. "Aviation fuel dealer" means any person in
47 the business of handling aviation fuel who delivers
48 any part of the aviation fuel into a fuel supply tank
49 of any aircraft.

50 6. "Aviation fuel user" means the owner or other

MAY 12, 1978

PAGE 84

H-6659

Page 2

1 person responsible for the operation of an aircraft
2 at the time aviation fuel is placed in the fuel supply
3 tank of the aircraft.

4 7. "Licensee" means any person who holds an
5 uncanceled aviation gasoline distributor or aviation
6 turbine fuel distributor license issued pursuant
7 to this division.

8 8. "Aircraft" means aircraft as defined in section
9 three hundred twenty-eight point one (328.1) of the
10 Code. Aircraft while used in agricultural aircraft
11 operations shall not be deemed to be an aircraft.

12 9. "Receive" or "received" shall have the same
13 meaning as the term "motor fuel deemed received"
14 defined in section three hundred twenty-four point
15 two (324.2) of the Code.

16 10. "Use" means use as defined in section four
17 hundred twenty-three point one (423.1) of the Code.

18 11. "Agricultural aircraft operation" means the
19 operation of an aircraft for which a valid agricultural
20 aircraft operator certificate or a valid rotorcraft
21 external-load operator certificate has been issued
22 to the operator by the federal aviation administration
23 which is in effect for the purposes of:

24 a. Dispensing any substance for preventing,
25 destroying, repelling or mitigating any insects,
26 rodents, nematodes, fungi, weeds and other forms of
27 plant or animal life or viruses or for use as a plant
28 regulator, defoliant or desiccant.

29 b. Dispensing any other substance intended for
30 plant nourishment, soil treatment, propagation of
31 plant life, or pest control.

32 c. Engaging in dispensing activities directly
33 affecting agriculture, horticulture, or forest
34 preservation, but not including the dispensing of
35 live insects.

36 d. Transporting agricultural grain storage
37 containers.

38 e. Aiding in the construction of agricultural
39 buildings.

40 Sec. 27. NEW SECTION. TAX IMPOSED. For the
41 privilege of operating aircraft in this state, there
42 is imposed an excise tax on the use of aviation fuel
43 in any aircraft. The rate of tax on aviation gasoline
44 shall be seven cents per gallon. The rate of tax
45 on aviation turbine fuel shall be one cent per gallon.
46 The tax on aviation gasoline shall be paid in the
47 first instance by the aviation gasoline distributor
48 upon the invoiced gallonage of all aviation gasoline
49 received by the distributor in this state less
50 deductions authorized in this Act. Thereafter, the

Page 3 1 per gallon amount of such tax shall be added to the
2 selling price of each gallon of aviation gasoline
3 sold in this state and collected from the purchaser
4 in order that the ultimate consumer shall bear the
5 burden of the tax. The tax on aviation turbine fuel
6 shall be imposed upon and paid in the first instance
7 by the aviation turbine fuel distributor upon the
8 invoice gallonage of all aviation turbine fuel received
9 in this state less deductions authorized in this Act.

10 Thereafter, the per gallon amount of the aviation
11 turbine fuel tax may be added to the selling price
12 of each gallon of aviation fuel sold in this state
13 and collected from the purchaser in order that the
14 ultimate consumer may bear the burden of the tax.
15 The tax owing under this section shall be paid to
16 the department of revenue in the form of remittances
17 payable to the treasurer of state. The tax imposed
18 under this section is expressly declared to be a tax
19 upon the use of aviation fuel in this state.

20 Sec. 28. NEW SECTION. REFUNDS. Aviation fuel
21 shall be sold tax paid to the state of Iowa, any of
22 its agencies, or to any political subdivision of the
23 state. Tax on aviation fuel which is used for public
24 purposes shall be subject to refund. Claims for
25 refunds will be filed with the department on a
26 quarterly basis and in no case will the director grant
27 a refund of aviation fuel tax where a claim is not
28 filed within one year from the date the tax was due.
29 The claim shall contain the number of gallons pur-
30 chased, the calculation of the amount of aviation
31 fuel tax subject to refund and any other information
32 required by the department necessary to process the
33 refund.

34 Sec. 29. NEW SECTION. DISTRIBUTOR LICENSE.
35 It is unlawful for any person to (a) make aviation
36 gasoline available in bulk quantities received in
37 this state or to receive aviation gasoline in bulk
38 quantities in this state unless such person holds
39 an uncanceled aviation gasoline distributor license
40 issued by the department of revenue or (b) to make
41 aviation turbine fuel available in bulk quantities
42 received in this state or to receive aviation turbine
43 fuel in bulk quantities in this state unless such
44 person holds an uncanceled aviation turbine fuel
45 distributor license issued by the department of
46 revenue. To obtain either an aviation gasoline or
47 aviation turbine fuel distributor license a person
48 shall file with the department of revenue an
49 application signed under penalty for false certificate
50 and in such form as the department may prescribe

1 information listed in section three hundred twenty-
2 four point four (324.4) of the Code.

3 Sec. 30. NEW SECTION. STATUTES APPLICABLE. The
4 provisions of sections three hundred twenty-four point
5 four (324.4), three hundred twenty-four point five
6 (324.5), three hundred twenty-four point eight (324.8)
7 to three hundred twenty-four point fifteen (324.15)
8 and three hundred twenty-four point twenty (324.20)
9 of the Code, consistent with the provisions of this
10 division, shall apply with respect to the tax imposed
11 under this division in the same manner and with the
12 same effect as if the aviation fuel tax was a motor
13 fuel tax within the meaning of those statutes. However
14 the deductions allowed in section three hundred twenty-
15 four point eight (324.8) of the Code for the percentage
16 allowance for evaporation, shrinkage and losses, other
17 than those provided for in section three hundred
18 twenty-four point three (324.3) of the Code, and the
19 distributor's expenses and losses in accounting for,
20 collecting and paying the tax shall not apply to the
21 tax on aviation turbine fuel.

22 Sec. 31. NEW SECTION. AVIATION FUEL DEALERS AND
23 USERS. It shall be unlawful (a) for a dealer of
24 aviation gasoline to procure original bulk supplies
25 of aviation gasoline to be resold under a dealership
26 from other than a licensed aviation gasoline
27 distributor, (b) for a bulk user of aviation gasoline
28 to procure bulk supplies of aviation gasoline from
29 other than a licensed aviation distributor, (c) for
30 a dealer of aviation turbine fuel to procure original
31 bulk supplies of aviation turbine fuel to be resold
32 under a dealership from other than a licensed aviation
33 turbine fuel distributor and (d) for a bulk user of
34 aviation turbine fuel to procure bulk supplies of
35 aviation turbine fuel from other than a licensed
36 aviation turbine fuel distributor. All sales of
37 aviation gasoline made in bulk, or other quantities,
38 by an aviation gasoline distributor shall be made
39 to include, as a part of the purchase price, the
40 applicable fuel tax imposed thereon. All sales of
41 aviation turbine fuel made in bulk, or other quantities
42 by an aviation turbine distributor may be made to
43 include, as a part of the purchase price, the
44 applicable fuel tax imposed thereon.

45 Sec. 32. Section three hundred twenty-four point
46 two (324.2), subsection one (1), Code 1977, is amended
47 to read as follows:

48 1. "Motor fuel" shall mean (a) all products
49 commonly or commercially known or sold as gasoline
50 (including casinghead and absorption or natural

MAY 12, 1978

PAGE 87

H-6659 1 gasoline) regardless of their classifications or uses;
Page 5 2 and (b) any liquid advertised, offered for sale, sold
3 for use as, or commonly or commercially used as a
4 fuel for propelling motor vehicles, which when
5 subjected to distillation of gasoline, naphtha,
6 kerosene and similar petroleum products (American
7 Society of Testing Materials Designation D-86), show
8 not less than ten per centum distilled (recovered)
9 below three hundred forty-seven degrees Fahrenheit
10 (one hundred seventy-five degrees Centigrade) and
11 not less than ninety-five per centum distilled
12 (recovered) below four hundred sixty-four degrees
13 Fahrenheit (two hundred forty degrees Centigrade);
14 provided, that the term "motor fuel" shall not include
15 special fuel as defined in section 324.33, subsection
16 1, aviation fuel as defined in section twenty-six
17 (26) of this Act and shall not include liquefied gases
18 which would not exist as liquids at a temperature
19 of sixty degrees Fahrenheit and a pressure of fourteen
20 and seven-tenths pounds per square inch absolute,
21 nor naphthas and solvents as hereinafter defined
22 unless the liquefied gases or naphthas and solvents
23 are used as a component in the manufacture,
24 compounding, or blending of a liquid within (b) above,
25 in which event the resulting product shall be deemed
26 to be motor fuel.

27 Sec. 33. Section three hundred twenty-four point
28 eleven (324.11), subsection one (1), Code 1977, as
29 amended by Acts of the Sixty-seventh General Assembly,
30 1977 Session, chapter one hundred seven (107), section
31 two (2), is amended to read as follows:

32 1. Any person operating as a common or contract
33 carrier and any distributor who is also engaged in
34 transportation within this state of motor fuel,
35 aviation fuel or special fuel for others, shall
36 register with the department of revenue on or before
37 the first day of the third calendar month which begins
38 after the effective date of this division and current-
39 ly thereafter as additional equipment is put to use,
40 each vehicle used in aforesaid transportation in this
41 state, except railroad, water-vessel or pipe-line
42 equipment. The registration shall be on forms
43 furnished by and shall contain such information as
44 may reasonably be required by the department of
45 revenue. A fee of five dollars shall be paid to the
46 department of revenue for original registration of
47 each vehicle. The department of revenue shall furnish
48 to the registrant for each vehicle registered suitable
49 identification which shall be permanently attached
50 to the vehicle and shall be available for inspection

1 at all times. Currently as any vehicle is retired
2 or its use for the transportation of motor fuel or
3 aviation fuel for others is discontinued, the
4 registrant shall notify the department of revenue
5 or at the direction of the department of revenue shall
6 either surrender to the department of revenue or
7 destroy the vehicle identification issued under this
8 section. Annually on or before the first day of July
9 of each year, each carrier as aforesaid shall file
10 with the department of revenue a statement showing
11 each registered vehicle then in use for transportation
12 of motor fuel or aviation fuel for others.

13 Sec. 34. Section three hundred twenty-four point
14 sixteen (324.16), Code 1977, is amended to read as
15 follows:

16 324.16 CREDIT TO LICENSEE--NONMOTOR VEHICLE OR
17 WATERCRAFT USE--CASUALTY LOSSES--NONTAXABLE PRODUCTS-
18 -REFUNDS. A licensee as defined under division one
19 (I), two (II) or five (V) of this chapter having
20 received motor fuel, aviation fuel or special fuel
21 which thereafter (1) he or she uses for any purpose
22 other than as fuel for propelling motor vehicles,
23 aircraft or watercraft or (2) while owned by him or
24 her is lost or destroyed through accountable leakage
25 or through fire, accident, lightning, flood, storm,
26 act of war or public enemy or other like cause, shall
27 upon application to the department of revenue supported
28 by two notarized affidavits covering circumstances
29 of loss as proof, be entitled to a memorandum of
30 credit which he may apply be applied against subsequent
31 liability under this chapter, or, if an applicant
32 having paid the tax on the gallonage covered in the
33 application is no longer engaged in activity for which
34 his a license was issued, the department of revenue
35 shall refund the appropriate amount to the applicant.

36 Sec. 35. Section three hundred twenty-four point
37 seventeen (324.17), unnumbered paragraph one (1),
38 Code 1977, is amended to read as follows:

39 Any person other than a licensee as defined under
40 division one (I), two (II) or five (V) of this chapter
41 who shall use motor fuel for the purpose of operating
42 or propelling farm tractors, corn shellers, roller
43 mills, truck-mounted feed grinders, stationary gas
44 engines, ~~aircraft~~, for cleaning or dyeing, for use
45 in agricultural aircraft operations or for any purpose
46 other than in watercraft, aircraft or in motor vehicles
47 operated or intended to be operated upon the public
48 highways and having paid the motor fuel tax on the
49 fuel either directly to the department of revenue
50 or by having the tax added to the price of the fuel,

1 and who has a refund permit shall, upon presentation
2 to and approval by the department of revenue of a
3 claim for refund be reimbursed and repaid the amount
4 of the tax which the claimant has paid on the gallonage
5 so used. Every claim filed subsequent to July 4, 1957,
6 shall be subject to the following conditions:

7 Sec. 36. Section three hundred twenty-four point
8 seventeen (324.17), subsections four (4), five (5),
9 and six (6), Code 1977, are amended to read as follows:

10 4. The claim shall state the gallonage of motor
11 fuel that was used or will be used by the claimant
12 other than in watercraft, aircraft or motor vehicles,
13 the manner in which the motor fuel was used or will
14 be used and the equipment in which it was used or
15 will be used.

16 5. The claim shall also state whether or not the
17 claimant used fuel for watercraft, aircraft or motor
18 vehicles from the same tanks or receptacles in which
19 the claimant kept the motor fuel on which the refund
20 is claimed.

21 6. No A refund will not be paid with respect to
22 any motor fuel taken out of this state in fuel supply
23 tanks of motor vehicles or aircraft.

24 Sec. 37. Section three hundred twenty-four point
25 seventeen (324.17), Code 1977, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. Refund may also be made on aviation
28 fuel taxes paid on fuel used for any purpose other
29 than in aircraft, watercraft or motor vehicles operated
30 or intended to be operated upon the public highways
31 under the same conditions as provided by law for
32 refunds on motor vehicle fuel tax.

33 Sec. 38. Section three hundred twenty-four point
34 eighteen (324.18), Code 1977, is amended to read as
35 follows:

36 324.18 REFUND PERMIT. No A person may not claim
37 a refund under section 324.17 until he the person
38 shall have obtained a refund permit from the department
39 of revenue and paid the fee therefor. A special
40 permit shall be obtained by applicants claiming a
41 refund under the provisions of this chapter on account
42 of motor fuel or aviation fuel used for the purpose
43 of operating aircraft in agricultural aircraft
44 operations. Application for a refund permit shall
45 be made to the department of revenue on a form provided
46 by the department of revenue, shall be certified by
47 the applicant under penalty for false certificate
48 and shall contain among other things, the name, the
49 address and occupation of the applicant, the nature
50 of his the applicant's business and a sufficient

Page 81 description for identification of the machines and
2 equipment in which ~~is-to-be-used~~ the motor fuel or
3 aviation fuel is to be used and for which refund may
4 be claimed under the permit. Each permit shall bear
5 a separate number and each claim for refund shall
6 bear the number of the permit under which it is made.
7 The department of revenue shall keep a permanent
8 record of all permits issued and a cumulative record
9 of the amount of refund claimed and paid under each.
10 A fee of one dollar shall be collected by the
11 department of revenue from each person to whom a
12 refund permit is issued. A refund permit shall
13 continue in effect until revoked ~~as-hereinafter~~
14 ~~provided~~ or until the claimant shall ~~have-moved~~ move
15 from the county with which his the refund permit is
16 identified.

17 Sec. 39. Section three hundred twenty-four point
18 thirty-three (324.33), subsection one (1), Code 1977,
19 is amended to read as follows:

20 1. "Special fuel" means and includes fuel oils
21 and all combustible gases and liquids suitable for
22 the generation of power for propulsion of motor
23 vehicles also any substance used for that purpose,
24 except that it does not include motor fuel as defined
25 in the motor fuel tax law or aviation fuel as defined
26 in the aviation fuel tax law.

27 Sec. 40. Section three hundred twenty-four point
28 fifty-seven (324.57), subsections one (1) and two
29 (2), Code 1977, are amended to read as follows:

30 1. "Fuel taxes" means and includes the per gallon
31 excise taxes imposed under divisions I, II, and III
32 and five (V) of this chapter with respect to motor
33 fuel, and special fuel and aviation fuel.

34 2. "Motor vehicle" shall mean and include all
35 vehicles (except those operated on rails) which are
36 propelled by internal combustion engines and are of
37 such design as to permit their mobile use on public
38 highways for transporting persons or property. A
39 farm tractor while operated on a farm or for the
40 purpose of hauling farm machinery, equipment or produce
41 shall not be deemed to be a motor vehicle. "Motor
42 vehicle" shall not include "mobile machinery and
43 equipment" as hereinafter defined or an aircraft as
44 defined in section three hundred twenty-eight point
45 one (328.1) of the Code.

46 Sec. 41. Section three hundred twenty-four point
47 fifty-seven (324.57), Code 1977, is amended by adding
48 the following new subsections:

49 NEW SUBSECTION. "Licensee" shall mean any person
50 holding an uncanceled license issued under division

Page 9 1 one (I), two (II) or five (V) of this chapter.

2 NEW SUBSECTION. "Distributor" shall mean any
3 person who is a distributor as defined in division
4 one (I) or five (V) of this chapter.

5 Sec. 42. Section three hundred twenty-four point
6 sixty (324.60), unnumbered paragraph one (1), Code
7 1977, is amended to read as follows:

8 The department of revenue shall prescribe and
9 furnish all forms upon which reports and applications
10 shall be made and claims for refund presented under
11 this chapter and may prescribe forms of record to
12 be kept by motor fuel distributors, motor fuel dealers,
13 motor fuel carriers, special fuel dealers, special
14 fuel users, aviation fuel distributors, dealers and
15 users and interstate commercial motor vehicle
16 operators.

17 Sec. 43. Section three hundred twenty-four point
18 sixty-two (324.62), unnumbered paragraph one (1),
19 Code 1977, is amended to read as follows:

20 The department of revenue is hereby given the
21 authority within the time prescribed for keeping
22 records (1) to examine, during the usual business
23 hours of the day, the records, books, papers, receipts,
24 invoices, storage tanks, and any other equipment of
25 (a) any distributor, dealer, purchaser, or common,
26 contract or other carrier, pertaining to motor fuel
27 or aviation fuel received, used, sold, delivered,
28 or otherwise disposed of, or (b) of any special fuel
29 dealer, special fuel user or person supplying special
30 fuel to any dealer therein or user thereof and (c)
31 of any interstate operator of motor vehicles to verify
32 the truth and accuracy of any statement, report or
33 return, or to ascertain whether or not the taxes
34 imposed by this chapter have been paid; (d) any person
35 selling fuel oil that can be used for highway use;
36 (e) any aviation fuel dealer, user or person supplying
37 aviation fuel to any dealer or user; and (2) to examine
38 the records, books, papers, receipts, and invoices
39 of any distributor, special fuel dealer or special
40 fuel user or aviation fuel dealer or user to determine
41 financial responsibility for the payment of the taxes
42 imposed by this chapter.

43 . Sec. 44. Section three hundred twenty-four point
44 sixty-three (324.63), unnumbered paragraph (1), Code
45 1977 Supplement, is amended to read as follows:

46 All information obtained by the department of
47 revenue from the examining of reports or records
48 required to be filed or kept under the provisions
49 of this chapter shall be treated as confidential and
50 shall not be divulged except to other state officers,

Page 101 a member or members of the general assembly or any
2 duly appointed committee of either or both houses
3 thereof or to a representative of the state having
4 some responsibility in connection with the collection
5 of the taxes imposed or in proceedings brought under
6 the provisions of this chapter; provided, however,
7 that the department of revenue shall make available
8 for public information on or before the last day of
9 the month following the month in which the tax is
10 required to be paid the names of the distributors
11 and as to each of them the total gallons received
12 in the state and separately, the received gallons
13 (1) exported or sold for export, (2) sold tax-free
14 in the state to entities that are exempt from the
15 tax and (3) sold tax-free in the state to entities
16 required to report and account for the tax thereon.
17 The department of revenue shall also make available
18 to the public information with respect to special
19 fuel dealers and users and as to each of them the
20 gallonage used and taxes paid. The department of
21 revenue, upon request of officials entrusted with
22 enforcement of the motor vehicle fuel tax laws of
23 the federal government or any other state, may forward
24 to such officials any pertinent information which
25 the department may have relative to motor fuel,
26 aviation fuel, and special fuel provided the officials
27 of the other state furnish to the department of revenue
28 like information.

29 Sec. 45. Section three hundred twenty-four point
30 sixty-five (324.65), Code 1977, is amended to read
31 as follows:

32 324.65 PENALTY FOR FAILURE TO PROMPTLY REPORT
33 OR PAY FUEL TAXES. If a licensee or other person
34 fails to file a required report with the department
35 of revenue on or before the due date, unless it is
36 shown that such failure was due to reasonable cause
37 there shall be added to the amount required to be
38 shown as tax due on the return five percent of the
39 amount of the tax if the failure is for not more than
40 one month, with an additional five percent for each
41 additional month or fraction of a month during which
42 such failure continues, not exceeding twenty-five
43 percent in the aggregate. If a licensee or other
44 person fails to remit the tax due with the filing
45 of the return on or before the due date or fails to
46 pay any amount of the tax required to be shown on
47 the return, there shall be added to the tax a penalty
48 of five percent of the amount of the tax due, unless
49 it is shown that such failure was due to reasonable
50 cause. The taxpayer shall also pay interest on the

Page 1 | tax or additional tax at the rate of three-fourths
2 of one percent per month counting each fraction of
3 a month as an entire month, computed from the date
4 the return was required to be filed. The department
5 of revenue shall not remit any part of a penalty for
6 delinquent payment where the delinquency results from
7 the fact that a check given in payment is not honored
8 because of insufficient funds in the account upon
9 which the check was drawn. Provided, further, that
10 if it appears as a result of investigation by the
11 department of revenue or from a preponderance of the
12 evidence adduced at a hearing before the department
13 of revenue that there has been a deliberate attempt
14 on the part of a licensee or other person to evade
15 payment of fuel taxes there shall be added to the
16 assessment against the offending person and collected
17 a penalty of fifty percent of the tax due. When
18 penalties are applicable for failure to file a return
19 and failure to pay the tax due or required on the
20 return, the penalty provision for failure to file
21 shall be in lieu of the penalty for failure to pay
22 the tax due or required on the return, except in the
23 case of a deliberate attempt on the part of the
24 licensee or other person to evade payment of fuel
25 taxes. Any report required of licensees or persons
26 operating under divisions I, II, and III and five
27 (V), upon which no tax may be due, shall be subject
28 to a penalty of ten dollars if such report is not
29 timely filed.

30 Sec. 46. Section three hundred twenty-four point
31 sixty-seven (324.67), subsection one (1), Code 1977,
32 is amended to read as follows:

33 1. It shall be unlawful for any distributor to
34 sell or offer for sale motor fuel or aviation fuel
35 or for any special fuel dealer or user to dispense
36 or offer to dispense special fuel into a fuel supply
37 tank of a motor vehicle, while in default of or
38 delinquent in the payment of the whole or any part
39 of fuel taxes imposed under this chapter, and in the
40 event of the failure or refusal to pay the whole of
41 any of these taxes after assessment and notice thereof
42 by the department of revenue, the delinquent fuel
43 taxes, together with penalties and interest provided
44 for shall be recovered by and in the name of the
45 state of Iowa and the attorney general of the state
46 of Iowa or the county attorney of any county in which
47 the distributor, dealer or user resides or is engaged
48 in business is hereby authorized and directed to
49 institute suit therefor in any court of competent
50 jurisdiction against the distributor, ~~er-special-fuel~~

Page 121 dealer or user or his or her surety or sureties, if
2 any, or both.

3 Sec. 47. Section three hundred twenty-four point
4 seventy-one (324.71), Code 1977, is amended to read
5 as follows:

6 324.71 REFUNDS TO PERSONS OTHER THAN DISTRIBUTORS.

7 Any person other than a distributor who has paid or
8 has had charged to his or her account with a
9 distributor, dealer or special fuel dealer fuel taxes
10 imposed under this chapter with respect to motor fuel,
11 aviation fuel or special fuel in excess of one hundred
12 gallons, which is subsequently lost or destroyed,
13 while he or she shall be the owner thereof, through
14 leakage, fire, explosion, lightning, flood, storm,
15 or other casualty, except evaporation, shrinkage,
16 or unknown causes, shall be entitled to a refund of
17 the tax so paid or charged. To qualify for the refund,
18 he the owner shall notify the department of revenue
19 in writing of the loss or destruction and the gallonage
20 lost or destroyed within ten days from the date of
21 discovery of the loss or destruction. Within sixty
22 days after filing the notice, he the owner shall file
23 with the department of revenue an affidavit sworn
24 to by the person having immediate custody of the motor
25 fuel, aviation fuel or special fuel at the time of
26 the loss or destruction setting forth in full the
27 circumstances and amount of the loss or destruction
28 and such other information with respect thereto as
29 the department of revenue may require.

30 Sec. 48. Section three hundred twenty-four point
31 seventy-three (324.73), Code 1977 Supplement, is
32 amended to read as follows:

33 324.73 EMBEZZLEMENT OF FUEL TAX MONEY--PENALTY.

34 Every sale of motor fuel or aviation fuel in this
35 state and every sale of special fuel or aviation fuel
36 dispensed by the seller into a fuel supply tank of
37 a motor vehicle or aircraft shall, unless otherwise
38 provided, be presumed to include as a part of the
39 purchase price the fuel tax due the state of Iowa
40 under the provisions of this chapter. Every person
41 collecting fuel tax money as part of the selling price
42 of motor fuel, aviation fuel or special fuel, shall
43 hold the tax money in trust for the state of Iowa
44 unless the fuel tax on the fuel has been previously
45 paid to the state of Iowa. Any person receiving fuel
46 tax money in trust and failing to remit it to the
47 department of revenue on or before time required shall
48 be guilty of theft.

49 Sec. 49. Section three hundred twenty-four point
50 seventy-four (324.74), subsections two (2), three

Page 131 (3), five (5) and six (6) and unnumbered paragraph
2 two (2), Code 1977, are amended to read as follows:

3 2. For any person to knowingly make any false,
4 incorrect or materially incomplete record required
5 to be kept or made under the provisions of this
6 chapter, to refuse to offer his or her books and
7 records to the department of revenue for inspection
8 on demand or to refuse to permit the department of
9 revenue to examine his or her motor fuel, aviation
10 fuel or special fuel storage tanks and handling or
11 dispensing equipment.

12 3. For any seller to issue or any purchaser to
13 receive and retain any incorrect or false invoice
14 or sales ticket in connection with the sale or
15 purchase of motor fuel, aviation fuel or special
16 fuel.

17 5. For any person to act as a ~~meter-fuel~~
18 distributor, special fuel dealer or special fuel user
19 without the required license.

20 6. For any person to use motor fuel, aviation
21 fuel or special fuel with respect to which he or she
22 knowingly has not paid or had charged to his or her
23 account with a distributor or dealer, or with respect
24 to which does not within the time required in this
25 chapter report and pay the applicable fuel tax.

26 Any person found guilty of any of the foregoing
27 illegal acts shall for the first offense be fined
28 three hundred dollars, and for the second and
29 subsequent offenses shall be fined five hundred dollars
30 and all of his the licenses held under the "Iowa Motor
31 Fuel Tax Law" or the "Aviation Fuel Tax Law" may,
32 at the discretion of the court, be suspended for a
33 period of up to six months.

34 Sec. 50. Section three hundred twenty-four point
35 seventy-four (324.74), Code 1977, is amended by adding
36 after subsection eight (8) the following new
37 subsection:

38 NEW SUBSECTION. Any person violating section
39 thirty (30) of this Act.

40 Sec. 51. Section three hundred twenty-four point
41 seventy-seven (324.77), Code 1977, is amended by
42 adding the following new unnumbered paragraph:

43 NEW UNNUMBERED PARAGRAPH. However, the provisions
44 of this section shall not apply to any fees, taxes,
45 interest, penalties, transfers, refunds or
46 administrative expenses imposed, required or incurred
47 under division five (V) of this chapter.

48 Sec. 52. Section three hundred twenty-four point
49 seventy-eight (324.78), Code 1977, is amended to read
50 as follows:

324.78 OTHER REMEDIES AVAILABLE. The special remedies provided under the provisions of this chapter to enable the state to collect ~~meter-vehicle~~ fuel ~~excise-tax~~ taxes shall not be construed as depriving the state of any other remedy it might have either at law or in equity independent of this chapter. The state shall have the right to maintain an action at law for the collection of said taxes required to be paid herein and in connection therewith shall be entitled to a writ of attachment without bond.

Sec. 53. Section three hundred twenty-four point seventy-nine (324.79), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The net proceeds of seven and one-half cents per gallon excise tax on the diesel special fuel and six and one-half cents per gallon excise tax on motor fuel and other special fuel, and penalties collected under the provision of this chapter, except penalties collected as a result of the tax imposed under division five (V) of this chapter, shall be credited to the road use tax fund.

Sec. 54. Section three hundred twenty-four point eighty (324.80), Code 1977, is amended to read as follows:

324.80 MICROFILM OR PHOTOGRAPHIC COPIES--ORIGINALS DESTROYED. The department of revenue shall have the power and authority to record, copy or reproduce by any photographic, photostatic, microfilm, microcard, miniature photographic or other process which accurately reproduces or forms a durable medium for so reproducing the original of any forms or records pertaining to ~~meter-fuel-tax-or-special-fuel-tax~~ fuel taxes, or any paper or document with respect to refund of such ~~tax~~ taxes, and when such forms and records shall have been so reproduced, the department of revenue shall have the power to destroy the originals and such reproductions shall be competent evidence in any court in accordance with the provision of section 622.30.

Sec. 55. Section three hundred twenty-four point eighty-two (324.82), Code 1977, is amended to read as follows:

324.82 AVIATION GAS TAX FUND. The portion of the moneys collected under the provisions of this chapter received on account of aviation ~~gasoline~~ fuel shall be deposited in a separate fund to be maintained by the treasurer. All moneys reimbursed and repaid pursuant to section 324.17 or transferred pursuant to section 422.88 ~~on-account-of-meter-fuel-used-for~~ the-purpose-of-operating-aircraft shall be paid from

Page 151 said separate fund and all moneys remaining in said
2 separate fund after all claims for refund and the
3 cost of administering said fund have been paid shall
4 be credited to the state aviation fund.

5 Sec. 56. Section three hundred twenty-eight point
6 thirty-six (328.36), Code 1977, is amended to read
7 as follows:

8 328.36 STATE AVIATION FUND. There is hereby
9 created a fund to be known as the state aviation fund,
10 which shall consist of all moneys received by the
11 department, together with all moneys appropriated
12 to said fund by the state.

13 Unless otherwise provided, the aeronautics state
14 aviation fund is hereby appropriated for airport
15 construction and the department shall give priority
16 in the distribution of funds to those airports which
17 need construction or modernization of facilities to
18 meet state and federal safety standards.

19 Sec. 57. Section four hundred twenty-two point
20 forty-five (422.45), subsection eleven (11), Code
21 1977 Supplement, is amended to read as follows:

22 11. The gross receipts from the sale of motor
23 fuel and special fuel consumed for highway use or
24 in watercraft or the gross receipts from the sale
25 of aviation gasoline, as defined in section twenty-
26 six (26) of this Act, where the fuel tax has been
27 imposed and paid and no refund has been or will be
28 allowed.

29 Sec. 58. Section four hundred twenty-two point
30 eighty-six (422.86), subsection one (1), Code 1977,
31 is amended to read as follows:

32 1. Motor fuel as defined in section 324.2,
33 subsection 1, used for the purpose of operating or
34 propelling farm tractors, corn shellers, roller mills,
35 truck-mounted feed grinders, stationary engines,
36 ~~aircraft~~, for cleaning or dyeing, for use in
37 agricultural aircraft operations or for any purpose
38 other than in watercraft, aircraft or in motor vehicles
39 operated or intended to be operated upon the public
40 highways.

41 Sec. 59. Section four hundred twenty-two point
42 eighty-six (422.86), Code 1977, is amended by adding
43 the following new subsection:

44 NEW SUBSECTION. Aviation fuel as defined in section
45 twenty-six (26) of this Act used for the purpose for
46 which an income tax credit is allowed under this
47 section for the tax paid on motor fuel.

48 Sec. 60. Section four hundred twenty-two point
49 eighty-seven (422.87), unnumbered paragraph one (1),
50 Code 1977, is amended to read as follows:

2 The fuel tax credit may be applied against the
3 income tax liability of the person or corporation
4 as determined on the tax return filed for the year
5 in which the fuel tax was paid. The fuel tax credit
6 for tax paid on ~~motor~~ aviation fuel used for the
7 purpose of operating aircraft in agricultural air-
8 craft operations must be itemized separately. The
9 department shall provide forms for claiming the fuel
10 tax credit. If the fuel tax credit would result in
11 an overpayment of income tax, the person or corporation
12 may apply for a refund of the amount of overpayment
13 or may have the overpayment credited to income tax
14 due in subsequent years. Each person or corporation
15 that claims a fuel tax credit shall maintain the
16 original invoices showing the purchase of the fuel
17 on which a credit is claimed. No invoice is acceptable
18 in support of a claim for credit unless it is a
19 separate serially numbered invoice covering no more
20 than one purchase of motor fuel, aviation fuel or
21 special fuel, prepared by the seller on a form approved
22 by the department, nor unless it is legibly written
23 with no corrections or erasures and shows the date
24 of sale, the name and address of the seller and of
25 the purchaser, the kind of fuel, the gallonage in
26 figures, the per gallon price of the fuel, the total
27 purchase price including the Iowa fuel tax, and that
28 the total purchase price has been paid. However,
29 as to refund invoices made on a billing machine the
30 department may waive these requirements. If an
31 original invoice is lost or destroyed, the department
32 may approve a credit supported by a copy identified
33 and certified by the seller as being a true copy of
34 the original. Each person or corporation that claims
35 a fuel tax credit shall maintain complete records
36 of purchases of motor fuel, aviation fuel or special
37 fuel on which Iowa fuel tax was paid, and for which
38 a fuel tax credit is claimed.

39 Sec. 61. Section four hundred twenty-two point
40 eighty-eight (422.88), Code 1977, is amended to read
41 as follows:

42 422.88 AIRCRAFT FUEL TAX TRANSFER. The department
43 shall certify quarterly to the treasurer of state
44 the amount of credit that has been taken against
45 income tax liability since the time of the last
46 certification, for the Iowa fuel tax paid on motor
47 fuel, special fuel and ~~motor-fuel-used-for-the-purpose~~
48 ~~of-operating-aircraft~~ aviation fuel, and the treasurer
49 of state shall transfer the amount of the total credit
50 from the motor fuel tax fund, or in the case of
51 ~~aircraft-motor~~ aviation fuel, from the separate fund

MAY 12, 1978

PAGE 99

H-6659

Page 17

1 established by section 324.82, to the general fund
2 of the state.

3 Sec. 62. Any licensed distributor, dealer, user,
4 or unlicensed retailer having title on January 1,
5 1979 to aviation turbine fuel upon which the aviation
6 turbine fuel tax has not been paid shall take an
7 inventory of gallonage on hand as of the close of
8 business December 31, 1978. All inventoried gallonage
9 sold or dispersed on and after January 1, 1978 shall
10 be taxed at the rate of one cent per gallon as
11 established by this Act. The licensed distributor,
12 dealer, user or licensed retailer shall pay to the
13 treasurer of the state such tax on the gallonage on
14 hand as of December 31, 1978. All those falling
15 within the purview of this legislation shall report
16 gallonage on hand on forms provided by the department
17 of revenue and remit the tax due by January 10, 1979.
18 The department of revenue shall have authority to
19 make such rules in accordance with chapter seventeen
20 A (17A) of the Code as shall be necessary to carry
21 out the provisions of this section.""

22 2. Page 5, by inserting after line 18 the follow-
23 ing:

24 "____. Amend the title, by striking all of the
25 title after the word "Act" and inserting in lieu
26 thereof the words "financing agencies whose
27 responsibilities relate to transportation, public
28 safety, and public defense by making appropriations
29 and providing for the imposition of an excise tax
30 on the use of aviation fuel and providing penalties.""

H-6659 FILED *160 germane* BY RINAS of Linn
MAY 11, 1978 *5/12 (p. 2551)* TAUKE of Dubuque

HOUSE FILE 2290

H-6665

- 1 Amend the Senate amendment, H-6656, to House File
- 2 2290, as amended, passed and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 21 through 50.
- 5 2. Page 2, by striking line 1.
- 6 3. Page 2, by striking lines 14 through 24.
- 7 4. Page 3, by striking lines 9 through 18

H-6665 FILED
MAY 11, 1978

Last 5/12
(P2578)

BY BRUNOW of Appanoose
SCHROEDER of Pottawattamie
MENKE of O'Brien

HOUSE FILE 2290

H-6673

- 1 Amend amendment H-6660, to Senate amendment
- 2 H-6656, to House File 2290, as follows:
- 3 1. Page 2, line 28, by striking the word "forty"
- 4 and inserting in lieu thereof the word "thirty-five".
- 5 2. Page 2, line 28, by striking the word "thirty"
- 6 and inserting in lieu thereof the word "twenty-five".

H-6673 FILED
MAY 11, 1978

Out of order
5/12 (P2581)

BY SCHNEKLOTH of Scott

HOUSE FILE 2290

H-6674

- 1 Amend H-6660 to the Senate amendment H-6656 to
- 2 House File 2290 as follows:
- 3 1. Page 5, line 18, by inserting after the word
- 4 "pounds." the following: "A vehicle or a combination
- 5 of vehicles exceeding the gross weight, including the
- 6 enforcement tolerances, of seventy-three thousand
- 7 two hundred eighty (73,280) pounds shall be limited
- 8 to travel on the interstate system and no more than
- 9 five miles therefrom."

H-6674 FILED
MAY 11, 1978

Out of Order
5/12 (P2581)

BY GARRISON of Black Hawk
KOOGLER of Mahaska
MILLER of Buchanan
LIND of Black Hawk

SENATE AMENDMENT TO
HOUSE FILE 2290

H-6656

1 Amend House File 2290 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 3, by inserting after line 30 the following
4 new subsection:
5 "____. For the construction
6 of a national guard armory at
7 Dubuque, the location of which
8 shall be determined by the executive
9 council\$231,000".

10 2. Page 3, by inserting after line 35 the follow-
11 ing new section:
12 "Sec. ____ . It is the intent of the general assembly
13 that upon completion of the construction of the new
14 national guard armory at Dubuque, the executive council
15 shall convey any interest held by the state in Lot
16 1 of Lot 2 of Lot 3 of Randalls' Subdivision in the
17 city of Dubuque, Iowa to the city of Dubuque, Iowa."

18 3. Page 4, line 15, by striking the figure
19 "\$3,543,700" and inserting in lieu thereof the figure
20 "\$3,579,700".

21 4. Page 4, by striking lines 16 through 35 and
22 inserting in lieu thereof the following:

23 "2. INSPECTION AND SECURITY
24 FUNCTION

25 For salaries, support, mainte-
26 nance and miscellaneous purposes of
27 fire marshal's inspections, arson
28 investigators including the state's
29 contribution to the peace officers'
30 retirement, accident, and disability
31 system provided in chapter ninety-
32 seven A (97A) of the Code in the
33 amount of sixteen percent of the
34 salaries for which the funds are
35 appropriated, and capitol security
36 divisions.....\$ 805,000

37 3. INVESTIGATION FUNCTION

38 For salaries, support, mainte-
39 nance, and miscellaneous purposes of
40 the divisions of criminal investiga-
41 tion and bureau of identification,
42 drug law enforcement, and beer and
43 liquor law enforcement, including the
44 state's contribution to the peace
45 officers' retirement, accident, and
46 disability system provided in chap-
47 ter ninety-seven A (97A) of the Code
48 in the amount of sixteen percent of
49 the salaries for which the funds are
50 appropriated.....\$ 2,688,000"

66654

H-6656
Page 2

- 1 5. Page 5, by striking line 1.
2 6. Page 5, by striking lines 13 through 18.
3 7. Page 5, by inserting after line 24 the following
4 new subsection:
5 "____. It is the intent of the general assembly
6 that prior to the expenditure of funds by the
7 department for the purpose of organizing or providing
8 continuous support of an internal affairs division
9 within the department of public safety, the department
10 shall adopt rules pursuant to chapter seventeen A
11 (17A) of the Code providing for the method and
12 procedures to be followed in an internal affairs
13 investigation."
14 8. Page 5, by inserting after line 24 the following
15 new subsection:
16 "____. It is the intent of the general assembly
17 that the department of public safety make a concerted
18 effort, by efficiently coordinating the resources
19 of the state fire marshal and the division of
20 investigation, to apprehend persons who have committed
21 the serious crime of arson. The department of public
22 safety shall assure that the crime of arson will
23 continue to receive a high degree of investigative
24 priority."
25 9. Page 6, line 10, by inserting after the word
26 "property" the words "at their job site".
27 10. Page 6, line 10, by inserting after the period
28 the words "In allocating funds appropriated by this
29 subsection to implement a state assistance program,
30 the department shall review each allocation to consider
31 whether the allocation should be revised where a
32 public transit has received funds for the development
33 and implementation of a mass transit project for state
34 employees."
35 11. Page 6, by striking lines 21 through 23 and
36 inserting in lieu thereof the words "for future
37 transportation uses of abandoned rail".
38 12. Page 6, line 25, by striking the figure
39 "100,000" and inserting in lieu thereof the figure
40 "50,000".
41 13. Page 9, line 19, by striking the figure
42 "84,117,500" and inserting in lieu thereof the figure
43 "86,117,500".
44 14. Page 11, by inserting after line 20 the
45 following new section:
46 "Sec. _____. Section eighty point eighteen (80.18),
47 Code 1977, is amended by adding the following new
48 unnumbered paragraph:
49 NEW UNNUMBERED PARAGRAPH. The department may
50 expend moneys from the support allocation of the

H-6656

Page 3

1 department as reimbursement for replacement or repair
2 of personal items of the department's employees damaged
3 or destroyed during the employee's tour of duty.
4 However, the reimbursement shall not exceed seventy-
5 five dollars for each item. The department shall
6 establish rules in accordance with chapter seventeen
7 (17A) of the Code to carry out the purpose of this
8 paragraph."

6660 9 15. Page 14, by inserting after line 20 the follow-
10 ing new section:

11 "Sec. _____. It is the intent of the general assem-
12 bly that the commissioner of public safety shall
6665 13 reassign the arson investigators from the division
14 of criminal investigation and bureau of identification
15 of the department of public safety to the state fire
16 marshal's office effective July 1, 1978 and the arson
17 investigators shall be under the direct supervision
18 of the state fire marshal."

6657 19 16. Page 14, line 22, by striking the words "the
20 additional" and inserting in lieu thereof the words
21 "an amount equal to".

22 17. Page 16, by inserting after line 6 the fol-
23 lowing new sections:

24 "Sec. 27. Section three hundred twenty-four point
25 three (324.3), Code 1977, as amended by Acts of the
26 Sixty-seventh General Assembly, 1977 Session, chapter
27 one hundred six (106), section one (1), and House
28 File four hundred ninety-one (491), as enacted by
29 the Sixty-seventh General Assembly, 1978 Session,
30 section sixteen (16), is amended by striking subsec-
31 tion four (4).

32 Sec. 28. Section three hundred twenty-four point
33 three (324.3), Code 1977, as amended by Acts of the
34 Sixty-seventh General Assembly, 1977 Session, chapter
35 one hundred six (106), section one (1), and House
36 File four hundred ninety-one (491), as enacted by
37 the Sixty-seventh General Assembly, 1978 Session,
38 section sixteen (16), is amended by adding the
39 following new unnumbered paragraphs:

40 NEW UNNUMBERED PARAGRAPH. Motor fuel shall be
41 sold tax paid to the state of Iowa, any of its
42 agencies, or to any political subdivision of the
43 state. Tax on fuel which is used for public purposes
44 shall be subject to refund. Claims for refunds will
45 be filed with the department on a quarterly basis
46 and in no case will the director grant a refund of
47 motor fuel or special fuel tax where a claim is not
48 filed within one year from the date the tax was due.
49 The claim shall contain the number of gallons pur-
50 chased, the calculation of the amount of motor fuel

1 and special fuel tax subject to refund and any other
2 information required by the department necessary to
3 process the refund.

4 NEW UNNUMBERED PARAGRAPH. Each state agency and
5 political subdivision of the state which has purchased
6 special fuel tax free as a user shall file with the
7 department of revenue, prior to January fifteenth
8 in each year, a report of the number of gallons of
9 special fuel purchased tax free by the state agency
10 or the political subdivision of the state in the prior
11 calendar year and a calculation of the amount of
12 special fuel tax that would have been required for
13 the previous calendar year if the state agency or
14 political subdivision had been required to pay state
15 motor fuel and state special fuel taxes.

16 Sec. 29. Section three hundred twenty-four point
17 thirty-five (324.35), Code 1977, as amended by Acts
18 of the Sixty-seventh General Assembly, 1977 Session,
19 chapter one hundred six (106), section two (2), and
20 House File four hundred ninety-one (491), as enacted
21 by the Sixty-seventh General Assembly, 1978 Session,
22 section twenty (20), is amended by striking unnumbered
23 paragraph two (2) and inserting in lieu thereof the
24 following:

25 Tax on special fuel sold to the state of Iowa,
26 any of its agencies, or any political subdivisions
27 of the state where such fuel is used for public
28 purposes shall be subject to refund. Claims shall
29 be filed in accordance with the claims for motor fuel
30 tax refunds provided by section three hundred twenty-
31 four point three (324.3) of the Code.

32 Sec. 30. If House File four hundred ninety-one
33 (491), as enacted by the Sixty-seventh General
34 Assembly, 1978 Session, does not become law, the
35 provisions of sections twenty-seven (27), twenty-eight
36 (28), and twenty-nine (29) of this Act are void.

37 Sec. 31. It is the intent of the general assembly
38 that if Senate File two thousand one hundred eighty-
39 four (2184) is enacted by the Sixty-seventh General
40 Assembly, 1978 Session, and becomes law, the funds
41 appropriated to the railroad assistance fund pursuant
42 to section six (6), subsection three (3) of this Act
43 shall not be transferred to the state department of
44 transportation from the general fund of the state
45 and the appropriation made pursuant to section six
46 (6), subsection three (3) of this Act is void.

47 Sec. 32. If House File four hundred ninety-one
48 (491) is enacted by the Sixty-seventh General Assembly,
49 1978 Session, and becomes law, and House File four
50 hundred ninety-one (491) amends the provisions of

H-6656
Page 5

1 section three hundred twelve point two (312.2),
2 subsection five (5) of the Code by increasing the
3 annual standing appropriation from the road use tax
4 fund to the primary road fund by fifty-five thousand
5 dollars or more for fiscal years beginning July 1,
6 1978 for carrying out the provisions of section three
7 hundred seven A point two (307A.2), subsection eleven
8 (11) of the Code, section twenty-two (22) of this
9 Act is void."

10 18. Page 16, line 8, by striking the word
11 "division" and inserting in lieu thereof the word
12 "Act".

13 19. Page 16, by inserting after line 10 the follow-
14 ing section:

15 "Sec. ____ . Acts of the Sixty-sixth General
16 Assembly, 1976 Session, chapter one thousand two
17 hundred forty-six (1246), section two (2), is
18 repealed."

6650
667 19 20. Renumber sections and correct internal refer-
20 ences as are necessary in accordance with this
21 amendment.

H-6656 FILED
RECEIVED FROM SENATE
MAY 11, 1978

House concurred 5/12/78 (p. 258)



HOUSE FILE 2290

S-5891 .

- 1 Amend House File 2290 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 6, line 25, by striking the figure
- 4 "100,000" and inserting in lieu thereof "25,000".

S-5891 FILED
MAY 11, 1978

BY BERL E. PRIEBE
CLOYD E. ROBINSON

RULED OUT OF ORDER (p. 1446)

HOUSE FILE 2290

S-5892

- 1 Amend the Hutchins et al. amendment, S-5878, to
- 2 House File 2290, as amended, passed and reprinted by
- 3 the House as follows:
- 4 1. Page 1, line 32, by striking the figure
- 5 "2,688,000" and inserting in lieu thereof the figure
- 6 "3,100,000".

S-5892 FILED & LOST (p. 1446)
MAY 11, 1978

BY CALVIN O. HULTMAN

HOUSE FILE 2290

S-5893

- 1 Amend House File 2290 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 6, by striking lines 21 through 23 and
- 4 inserting in lieu thereof the words "for future
- 5 transportation uses of abandoned rail".
- 6 2. Page 6, line 25, by striking the figure
- 7 "100,000" and inserting in lieu thereof the figure
- 8 "50,000".

S-5893 FILED & ADOPTED (p. 1446)
MAY 11, 1978

BY BERL E. PRIEBE
JOHN SCOTT
NORMAN G. RODGERS



HOUSE FILE 2290

S-5888

1 Amend the Committee on Budget amendment, S-5870,
2 to House File 2290 as amended, passed and reprinted
3 by the House as follows:
4 1. Page 1, by striking lines 7 through 9 and
5 inserting in lieu thereof the words "Dubuque, the
6 location of which shall be determined by the executive
7 council \$231,000"

S-5888 FILED & ADOPTED (p. 1444) BY RICHARD F. DRAKE
MAY 11, 1978

HOUSE FILE 2290

S-5889

1 Amend House File 2290 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 6, line 22, by inserting after the word
4 "ture" the word "rail".

S-5889 FILED BY RAY TAYLOR
MAY 11, 1978
RULED OUT OF ORDER (p. 1446)

HOUSE FILE 2290

S-5890

1 Amend the Committee on Budget amendment, S-5870,
2 to House File 2290, as amended, passed and reprinted
3 by the House, as follows:
4 1. Page 1, by inserting after line 9 the
5 following:
6 "____. Page 3, by inserting after line 35 the
7 following new section:
8 "Sec. ____ . It is the intent of the general assembly
9 that upon completion of the construction of the new
10 national guard armory at Dubuque, the executive
11 council shall convey any interest held by the state in
12 Lot 1 of Lot 2 of Lot 3 of Randalls' Subdivision in
13 the city of Dubuque, Iowa to the city of
14 Dubuque, Iowa."
15 2. Page 4, by inserting after line 31 the follow-
16 ing:
17 "____. Page 16, by inserting after line 10 the
18 following section:
19 "Sec. ____ . Acts of the Sixty-sixth General
20 Assembly, 1976 Session, chapter one thousand two
21 hundred forty-six (1246), section two (2), is
22 repealed."

S-5890 FILED & ADOPTED (p. 1444) BY BOB CARR
MAY 11, 1978 DALE L. TIEDEN

HOUSE FILE 2290

S-5880

1 Amend the Committee on Budget amendment, S-5870,
 2 to House File 2290, as amended, passed and reprinted
 3 by the House, as follows:
 4 1. Page 2, by inserting after line 20 the follow-
 5 ing:
 6 "____. Page 14, line 22, by striking the words
 7 "the additional" and inserting in lieu thereof the
 8 words "an amount equal to".
 9 2. Page 4, line 27, by striking the word and
 10 figure "twenty-three (23)" and inserting in lieu
 11 thereof the word and figure "twenty-two (22)".

S-5880 FILED & ADOPTED (p. 1443) BY BOB CARR
 MAY 11, 1978

HOUSE FILE 2290

S-5881

1 Amend the Committe on Budget amendment, S-5870,
 2 to House File 2290 as amended, passed and reprinted
 3 by the House as follows:
 4 1. Page 1, by striking lines 7 through 9 and
 5 inserting in lieu thereof the words "Dubuque, the
 6 location of which shall be determined by the Dubuque
 7 city council \$231,000"

S-5881 FILED & LOST (p. 1444) BY STEPHEN W. BIENIUS
 MAY 11, 1978

HOUSE FILE 2290

S-5882

1 Amend House File 2290 as amended, passed and re-
 2 printed by the House as follows:
 3 1. Page 5, line 1, by striking the figure
 4 "\$2,863,000" and inserting in lieu thereof the figure
 5 "\$3,100,000".

S-5882 FILED BY CALVIN O. HULTMAN
 MAY 11, 1978
 RULED OUT OF ORDER (p. 1446)

HOUSE FILE 2290

S-5886

1 Amend the Committe on Budget amendment, S-5870, to
 2 House File 2290 as amended, passed and reprinted by
 3 the House as follows:
 4 1. Page 1, by striking line 31.

S-5886 FILED & ADOPTED (p. 1444) BY JOHN SCOTT
 MAY 11, 1978 TOM SLATER
 BOB CARR

HOUSE FILE 2290

S-5883

1 Amend House File 2290 as amended, passed and re-
2 printed by the House as follows:
3 1. Page 4, line 15, by striking the figure
4 "\$3,543,700" and inserting in lieu thereof the figure
5 "\$3,579,700".

S-5883 FILED & ADOPTED (p. 1444) BY CALVIN O. HULTMAN
MAY 11, 1978

HOUSE FILE 2290

S-5884

1 Amend the Committee on Budget amendment, S-5870,
2 to House File 2290, as amended, passed and reprinted
3 by the House, as follows:
4 1. Page 1, by inserting after line 9 the follow-
5 ing:
6 "_____. Page 3, by inserting after line 35 the
7 following new section:
8 "Sec. _____. It is the intent of the general assembly
9 that upon completion of the construction of the new
10 national guard armory at the Dubuque municipal airport,
11 the executive council shall convey any interest held
12 by the state in Lot 1 of Lot 2 of Lot 3 of Randalls'
13 Subdivision in the city of Dubuque, Iowa to the city
14 of Dubuque, Iowa."
15 2. Page 4, by inserting after line 31 the follow-
16 ing:
17 "_____. Page 16, by inserting after line 10 the
18 following section:
19 "Sec. _____. Acts of the Sixty-sixth General
20 Assembly, 1976 Session, chapter one thousand two
21 hundred forty-six (1246), section two (2), is
22 repealed."

S-5884 FILED & WITHDRAWN (1444) BY ROBERT M. CARR
MAY 11, 1978 DALE L. TIEDEN

HOUSE FILE 2290

S-5885

1 Amend House File 2290 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 5 by striking lines 13 through 18.

S-5885 FILED & ADOPTED (p. 1445) BY E. KEVIN KELLY
MAY 11, 1978

HOUSE FILE 2290

S-5876

- 1 Amend the Committee on Budget amendment, S-5870,
- 2 to House File 2290, as amended, passed, and reprinted
- 3 by the House as follows:
- 4 1. Page 1, by striking line 50.
- 5 2. Page 2, by striking lines 1 through 20.

S-5876 FILED & ADOPTED (p. 1441) BY EUGENE M. HILL
MAY 11, 1978

HOUSE FILE 2290

S-5877

- 1 Amend House File 2290, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, by inserting after line 24 the following new
- 4 subsection:
- 5 "____. It is the intent of the general assembly that the
- 6 department of public safety make a concerted effort, by
- 7 efficiently coordinating the resources of the state fire
- 8 marshal and the division of investigation, to apprehend
- 9 persons who have committed the serious crime of arson.
- 10 The department of public safety shall assure that the
- 11 crime of arson will continue to receive a high degree of
- 12 investigative priority."

S-5877 FILED & ADOPTED (p. 1446) BY RICHARD F. DRAKE
MAY 11, 1978 FORREST F. ASHCRAFT

HOUSE FILE 2290

S-5879

- 1 Amend the Committee on Budget amendment S-5870 to
- 2 House File 2290 as amended, passed, and reprinted by the
- 3 House, as follows:
- 4 1. Page 3, by striking line 36 through page 4, line 5.

S-5879 FILED & ADOPTED (p. 1443) BY JOHN N. NYSTROM
MAY 11, 1978 C. W. HUTCHINS
BASS VAN GILST

HOUSE FILE 2290

S-5878

1 Amend House File 2290, as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 4, by striking lines 16 through 35 and
 4 inserting in lieu thereof the following:
 5 "2. INSPECTION AND SECURITY
 6 FUNCTION
 7 For salaries, support, mainte-
 8 nance and miscellaneous purposes of
 9 fire marshal's inspections, arson
 10 investigators including the state's
 11 contribution to the peace officers'
 12 retirement, accident, and disability
 13 system provided in chapter ninety-
 14 seven A (97A) of the Code in the
 15 amount of sixteen percent of the
 16 salaries for which the funds are
 17 appropriated, and capitol security
 18 divisions.....\$ 805,000
 19 3. INVESTIGATION FUNCTION
 20 For salaries, support, mainte-
 21 nance, and miscellaneous purposes of
 22 the divisions of criminal investiga-
 23 tion and bureau of identification,
 24 drug law enforcement, and beer and
 25 liquor law enforcement, including the
 26 state's contribution to the peace
 27 officers' retirement, accident, and
 28 disability system provided in chap-
 29 ter ninety-seven A (97A) of the Code
 30 in the amount of sixteen percent of
 31 the salaries for which the funds are
 32 appropriated.....\$ 2,688,000"
 33 2. Page 5, by striking line 1.
 34 3. Page 14, by inserting after line 20 the follow-
 35 ing new section:
 36 "Sec. ____ . It is the intent of the general assem-
 37 bly that the commissioner of public safety shall
 38 reassign the arson investigators from the division
 39 of criminal investigation and bureau of identification
 40 of the department of public safety to the state fire
 41 marshal's office effective July 1, 1978 and the arson
 42 investigators shall be under the direct supervision
 43 of the state fire marshal."
 44 4. Renumber sections and correct internal refer-
 45 ences as are necessary in accordance with this
 46 amendment.

S-5878 FILED & ADOPTED (p. 1446) BY C. W. HUTCHINS
MAY 11, 1978

DALE L. TIEDEN
 NORMAN RODGERS
 LOUIS P. CULVER
 JAMES E. BRILES
 MILO MERRITT
 CLIFF BURROUGHS
 JOHN R. SCOTT

ALVIN MILLER
 TOM SLATER
 RICHARD RAMSEY
 JOHN NYSTROM
 IRVIN L. BERGMAN
 FORREST V. SCHWENGE

S-5870

1 Amend House File 2290, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 30 the following
4 new subsection:

5 "_____. For the construction
6 of a national guard armory at
7 Dubuque which shall be located
8 at the Dubuque municipal air-
9 port\$ 231,000"

10 2. Page 5, by inserting after line 24 the following
11 new subsection:

12 "_____. It is the intent of the general assembly
13 that prior to the expenditure of funds by the
14 department for the purpose of organizing or providing
15 continuous support of an internal affairs division
16 within the department of public safety, the department
17 shall adopt rules pursuant to chapter seventeen A
18 (17A) of the Code providing for the method and
19 procedures to be followed in an internal affairs
20 investigation."

21 3. Page 6, line 10, by inserting after the word
22 "property" the words "at their job site".

23 4. Page 6, line 10, by inserting after the period
24 the words "In allocating funds appropriated by this
25 subsection to implement a state assistance program,
26 the department shall review each allocation to consider
27 whether the allocation should be revised where a
28 public transit has received funds for the development
29 and implementation of a mass transit project for state
30 employees."

31 5. Page 6, by striking lines 20 through 25.

32 6. Page 9, line 19, by striking the figure
33 "84,117,500" and inserting in lieu thereof the figure
34 "86,117,500".

35 7. Page 11, by inserting after line 20 the
36 following new section:

37 "Sec. _____. Section eighty point eighteen (80.18),
38 Code 1977, is amended by adding the following new
39 unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. The department may
41 expend moneys from the support allocation of the
42 department as reimbursement for replacement or repair
43 of personal items of the department's employees damaged
44 or destroyed during the employee's tour of duty.
45 However, the reimbursement shall not exceed seventy-
46 five dollars for each item. The department shall
47 establish rules in accordance with chapter seventeen
48 (17A) of the Code to carry out the purpose of this
49 paragraph."

50 8. Page 14, by inserting after line 9 the following,

1 new section:

2 "Sec. _____. Section three hundred thirteen point
3 four (313.4), Code 1977, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. Such fund is appropriated and
6 shall be used by the department to provide energy
7 and for the operation and maintenance of those primary
8 road freeway lighting systems within the corporate
9 boundaries of cities.

10 The costs of serving freeway lighting for each
11 utility providing the service shall be determined
12 by the Iowa commerce commission, and rates for such
13 service shall be no higher than necessary to recover
14 these costs. In determining such costs the Iowa
15 commerce commission shall give full recognition to
16 freeway lighting's usage, or lack thereof, during
17 the time of peak demand on each such utility. Funds
18 received under the provisions of this Act shall be
19 used solely for the operation and maintenance of a
20 freeway lighting system."

21 9. Page 16, by inserting after line 6 the fol-
22 lowing new sections:

23 "Sec. 27. Section three hundred twenty-four point
24 three (324.3), Code 1977, as amended by Acts of the
25 Sixty-seventh General Assembly, 1977 Session, chapter
26 one hundred six (106), section one (1), and House
27 File four hundred ninety-one (491), as enacted by
28 the Sixty-seventh General Assembly, 1978 Session,
29 section sixteen (16), is amended by striking subsec-
30 tion four (4).

31 Sec. 28. Section three hundred twenty-four point
32 three (324.3), Code 1977, as amended by Acts of the
33 Sixty-seventh General Assembly, 1977 Session, chapter
34 one hundred six (106), section one (1), and House
35 File four hundred ninety-one (491), as enacted by
36 the Sixty-seventh General Assembly, 1978 Session,
37 section sixteen (16), is amended by adding the
38 following new unnumbered paragraphs:

39 NEW UNNUMBERED PARAGRAPH. Motor fuel shall be
40 sold tax paid to the state of Iowa, any of its
41 agencies, or to any political subdivision of the
42 state. Tax on fuel which is used for public purposes
43 shall be subject to refund. Claims for refunds will
44 be filed with the department on a quarterly basis
45 and in no case will the director grant a refund of
46 motor fuel or special fuel tax where a claim is not
47 filed within one year from the date the tax was due.
48 The claim shall contain the number of gallons pur-
49 chased, the calculation of the amount of motor fuel
50 and special fuel tax subject to refund and any other

1 information required by the department necessary to
2 process the refund.

3 NEW UNNUMBERED PARAGRAPH. Each state agency and
4 political subdivision of the state which has purchased
5 special fuel tax free as a user shall file with the
6 department of revenue, prior to January fifteenth
7 in each year, a report of the number of gallons of
8 special fuel purchased tax free by the state agency
9 or the political subdivision of the state in the prior
10 calendar year and a calculation of the amount of
11 special fuel tax that would have been required for
12 the previous calendar year if the state agency or
13 political subdivision had been required to pay state
14 motor fuel and state special fuel taxes.

15 Sec. 29. Section three hundred twenty-four point
16 thirty-five (324.35), Code 1977, as amended by Acts
17 of the Sixty-seventh General Assembly, 1977 Session,
18 chapter one hundred six (106), section two (2), and
19 House File four hundred ninety-one (491), as enacted
20 by the Sixty-seventh General Assembly, 1978 Session,
21 section twenty (20), is amended by striking unnumbered
22 paragraph two (2) and inserting in lieu thereof the
23 following:

24 Tax on special fuel sold to the state of Iowa,
25 any of its agencies, or any political subdivisions
26 of the state where such fuel is used for public
27 purposes shall be subject to refund. Claims shall
28 be filed in accordance with the claims for motor fuel
29 tax refunds provided by section three hundred twenty-
30 four point three (324.3) of the Code.

31 Sec. 30. If House File four hundred ninety-one
32 (491), as enacted by the Sixty-seventh General
33 Assembly, 1978 Session, does not become law, the
34 provisions of sections twenty-seven (27), twenty-eight
35 (28), and twenty-nine (29) of this Act are void.

36 Sec. 31. Senate File two thousand one hundred
37 twenty-five (2125), as enacted by the Sixty-seventh
38 General Assembly, 1978 Session, section five (5),
39 is amended to read as follows:

40 SEC. 5. There is appropriated from the general
41 fund of the state to the higher education facilities
42 commission for the fiscal year beginning July 1, 1978,
43 and ending June 30, 1979, the sum of fifty thousand
44 (50,000) dollars, or so much thereof as may be
45 necessary, to provide for a national guard enlistment
46 program. Funds shall only be expended for Iowa
47 residents showing financial need and enlisting in
48 the Iowa national guard between July 1, 1978, and
49 February 1, 1979, who enroll as an undergraduate in
50 an Iowa post secondary educational institution and

1 funds expended on behalf of each qualified enlistee
2 shall not exceed two hundred fifty ~~(250)~~ dollars per
3 year. "Financial need" means financial need as
4 determined by the higher education facilities
5 commission pursuant to rules adopted by the commission.

6 Sec. 32. It is the intent of the general assembly
7 that if Senate File two thousand one hundred eighty-
8 four (2184) is enacted by the Sixty-seventh General
9 Assembly, 1978 Session, and becomes law, the funds
10 appropriated to the railroad assistance fund pursuant
11 to section six (6), subsection three (3) of this Act
12 shall not be transferred to the state department of
13 transportation from the general fund of the state
14 and the appropriation made pursuant to section six
15 (6), subsection three (3) of this Act is void.

16 Sec. 33. If House File four hundred ninety-one
17 (491) is enacted by the Sixty-seventh General Assembly,
18 1978 Session, and becomes law, and House File four
19 hundred ninety-one (491) amends the provisions of
20 section three hundred twelve point two (312.2),
21 subsection five (5) of the Code by increasing the
22 annual standing appropriation from the road use tax
23 fund to the primary road fund by fifty-five thousand
24 dollars or more for fiscal years beginning July 1,
25 1978 for carrying out the provisions of section three
26 hundred seven A point two (307A.2), subsection eleven
27 (11) of the Code, section twenty-three (23) of this
28 Act is void."

29 10. Page 16, line 8, by striking the word
30 "division" and inserting in lieu thereof the word
31 "Act".

32 11. Renumber sections and correct internal
33 references as are necessary in accordance with this
34 amendment.

S-5870 FILED
MAY 10, 1978

*Adopted as amended
by 5816, 5879, 5/11
5880, 5886
(page 1445)*

BY COMMITTEE ON BUDGET
WILLIAM D. PALMER, CHAIRPERSON



Office of the Governor

STATE CAPITOL
DES MOINES, IOWA 50319

ROBERT D. RAY
GOVERNOR

June 26, 1978

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

Dear Mr. Secretary:

I hereby transmit House File 2290, an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

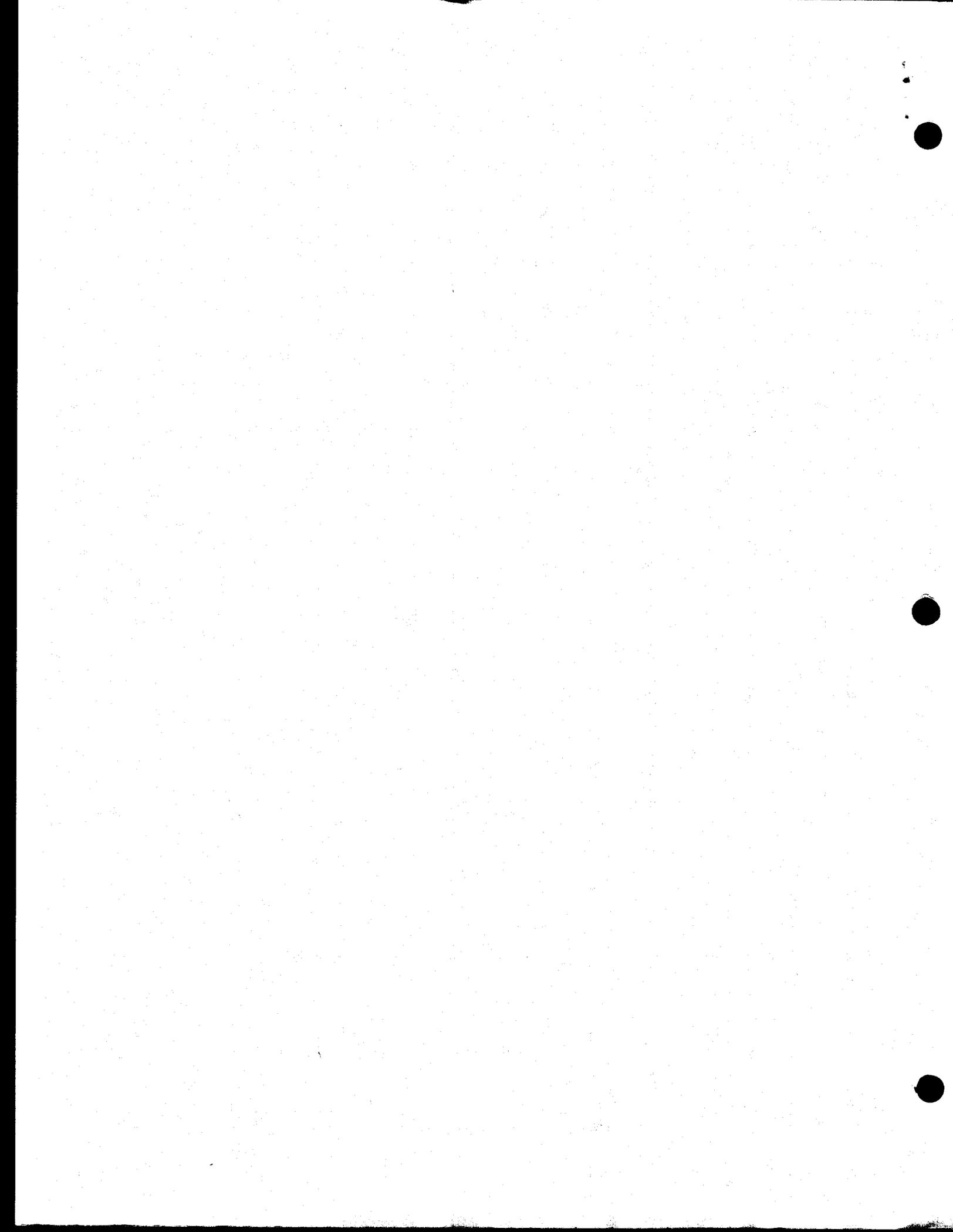
House File 2290 is approved June 26, 1978, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the Act as Subsection 6 of Section 6 which reads as follows:

6. It is the intent of the general assembly that prior to the expenditure of funds by the department for the purpose of organizing or providing continuous support of an internal affairs division within the department of public safety, the department shall adopt rules pursuant to chapter seventeen A (17A) of the Code providing for the method and procedures to be followed in an internal affairs investigation.

I am unable to approve the item designated in the Act as Section 34 which reads as follows:

Sec. 34. It is the intent of the general assembly that if Senate File two thousand one hundred eighty-four (2184) is enacted by the Sixth-seventh General Assembly, 1978 Session, and becomes law, "the funds appropriated to the railroad assistance fund pursuant to section seven (7), subsection three (3) of this Act shall not be transferred to the state department of transportation from the general fund of the state and the appropriation made pursuant to section seven (7), subsection three (3) of this Act is void.



The Honorable Melvin D. Synhorst
Page Two
June 26, 1978

Subsection 6 of Section 6 requires the Department of Public Safety to adopt rules pursuant to the Administrative Procedures Act regarding the method and procedures to be followed in an internal affairs investigation prior to the use of the appropriation to support the Internal Affairs Division of the Department.

The Internal Affairs Division has been in existence since August, 1976. It is designed to handle the especially sensitive area of investigating complaints and suggestions of alleged wrongdoing by law enforcement officers and members of the Department of Public Safety.

Public Safety has not adopted rules for internal affairs investigations pursuant to the Administrative Procedures Act because the Administrative Procedures Act was not intended for such a purpose. The Administrative Procedures Act was passed to protect the general public from arbitrary actions of state agencies and provide adequate notice to the public of intended actions or procedural changes of the agency. The Administrative Procedures Act was not intended to hamstring or tie down the management of a state agency when it comes to the agency's internal operations which do not directly affect the rights of the public. Specifically to that point, 17A.2(7)(a) of the Administrative Procedures Act exempts from the definition of "rule":

A statement concerning only the internal management of an agency and which does not substantially affect the legal rights of, or procedures available to, the public or any segment thereof.

While no agency is required to adopt rules pursuant to the Administrative Procedures Act for its internal operations, the officers and members of the Department of Public Safety have a legitimate right to know how investigations of alleged complaints against them will be handled. To that end, the Department of Public Safety two years ago adopted peace officer personnel rules which outline the department's disciplinary procedures including how complaints against officers are to be handled. These rules, based on the model rules proposed by the International Association of Chiefs of Police, have been widely publicized among the personnel of the Department of Public Safety and are available to anyone on demand. Every procedure of an internal investigation is not spelled out to the last detail since there must be some discretion left to supervisors to handle the merits of each case as it arises.



The Honorable Melvin D. Synhorst
Page Three
June 26, 1978

It should also be noted that the Commissioner of Public Safety intends to file rules relating to the procedure for the filing of a complaint against a peace officer by a member of the general public. The rules will specify how a complaint may be filed, what information should be provided and how notice will be provided to the complainant when final action on the complaint has been taken.

These new rules are appropriate because they advise the public of how complaints will be accepted and processed. This format for these rules is also appropriate. Attempting to use the Administrative Procedures Act for the internal operations of an agency is inappropriate.

Section 34, which controls the funding of the branch line revitalization program in Subsection 3 of Section 7 was inserted into House File 2290 because of the uncertain legislative fate of Senate File 2184 to which it is tied. I have vetoed the provision of Senate File 2184 which would have provided an alternative source of funds for the branch line program. To keep the remaining branch line revitalization appropriation contained in House File 2290 alive, this provision should be deleted. Therefore, it is.

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 2290 are hereby approved as of this date.

Sincerely,


Robert D. Ray
Governor

RDR:cg

cc: Secretary of the Senate
Chief Clerk of the House



HOUSE FILE 2290

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, 1978 and ending June 30, 1979, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1978-1979
Fiscal Year

IOWA CRIME COMMISSION

1. For the purpose of matching federal funds available to the Iowa crime commission for programs other than area planning programs 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 \$ 46,360

2. For the purpose of matching federal funds available for area planning purposes 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 \$ 24,560

3. 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 \$ 116,340

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 \$ 3,520

Sec. 2.

1. The funds appropriated by subsection three (3) 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 three (3) of section one (1) of this Act shall be approved by the governor.

3. All unencumbered or unobligated balances of funds appropriated by subsection three (3) of section one (1) of this Act shall on September 30, 1982 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, 1978 and ending June 30, 1979, the following

amounts, or so much thereof as is necessary, for the purposes designated:

	1978-1979 <u>Fiscal Year</u>
1. IOWA LAW ENFORCEMENT ACADEMY For salaries, support, maintenance and miscellaneous purposes	\$ 488,000
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	\$ 1,662,000
b. For salaries of the adjutant general and members of the adjutant general's staff who are on full-time active state service, and for their support and maintenance	\$ 173,000
3. OFFICE OF DISASTER SERVICES For salaries, support, maintenance and miscellaneous purposes	\$ 102,000
Sec. 4. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1978, to the department of public defense for the purposes indicated, the following amounts, or so much thereof as are necessary:	
1. For repair, replacement, alteration, equipment, and rehabilitation of national guard armory facilities throughout the state, including the maintenance and repair of equipment required for use of such facilities	\$ 75,000
2. For repair, replacement, alteration, equipment, and re-	

habilitation of buildings, grounds, roads and facilities located within the Camp Dodge military reservation	\$ 25,000
3. For the construction of a national guard armory at Dubuque, the location of which shall be determined by the executive council	\$ 231,000
4. Unobligated or unencumbered funds remaining on June 30, 1982, from funds appropriated by this section shall revert to the general fund on September 30, 1982.	

Sec. 5. It is the intent of the general assembly that upon completion of the construction of the new national guard armory at Dubuque, the executive council shall convey any interest held by the state in Lot 1 of Lot 2 of Lot 3 of Randalls' Subdivision in the city of Dubuque, Iowa to the city of Dubuque, Iowa.

Sec. 6. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1978 and ending June 30, 1979, the following amounts, or so much thereof as is necessary, to be used for funding the following functions and programs for the purposes designated:

	1978-1979 <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	\$ 3,579,700

2. INSPECTION AND SECURITY

FUNCTION

For salaries, support, maintenance and miscellaneous purposes of fire marshal's inspections, arson investigators 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, and capitol security divisions \$ 805,000

3. INVESTIGATION FUNCTION

For salaries, support, maintenance, and miscellaneous purposes of the divisions of criminal investigation and bureau of identification, drug law enforcement, and beer and liquor law enforcement, 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 \$ 2,688,000

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 pro-

vided in chapter ninety-seven A (97A) of the Code in the amount of sixteen percent of the salaries for which the funds are appropriated \$ 10,898,000

5. 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, 1979. The twenty additional members of the highway safety patrol shall be totally funded through the use of federal funds.

6. It is the intent of the general assembly that prior to the expenditure of funds by the department for the purpose of organizing or providing continuous support of an internal affairs division within the department of public safety, the department shall adopt rules pursuant to chapter seventeen A (17A) of the Code providing for the method and procedures to be followed in an internal affairs investigation.

7. It is the intent of the general assembly that the department of public safety make a concerted effort, by efficiently coordinating the resources of the state fire marshal and the division of investigation, to apprehend persons who have committed the serious crime of arson. The department of public safety shall assure that the crime of arson will continue to receive a high degree of investigative priority.

Sec. 7. There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1978 and ending June 30, 1979, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1978-1979
Fiscal Year

DEPARTMENT OF TRANSPORTATION

1. For salaries, support, maintenance and miscellaneous purposes \$ 4,390,000

2. For public transit purposes to implement a state assistance plan \$ 1,950,000

Of the funds appropriated by this subsection, not more than sixty-five thousand dollars shall be used for development and implementation of a mass transit project for state employees. Such project shall subsidize the cost of mass transportation for state employees if the participating state employees agree to abstain from parking their motor vehicles on state property at their job site. In allocating funds appropriated by this subsection to implement a state assistance program, the department shall review each allocation to consider whether the allocation should be revised where a public transit has received funds for the development and implementation of a mass transit project for state employees.

Unencumbered or unobligated funds remaining on June 30, 1981 from funds appropriated by subsection two (2) of this section shall revert to the general fund on September 30, 1981.

3. For deposit in the railroad assistance fund for branch-line improvement \$ 1,700,000

4. For developing a program for future transportation uses of abandoned rail lines in selected locations throughout the state \$ 50,000

Sec. 8. Section three hundred eight point four (308.4), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. There is appropriated from the general fund of the state to the state department of transportation the sum of one hundred thousand (100,000) dollars for each fiscal year beginning July 1, 1978, and ending June 30, 1988.

Said money is to be utilized for the acquisition and construction of highway-associated project components for the great river road. Each annual appropriation shall first be used to reimburse the great river road fund established in section three hundred twelve point two (312.2) of the Code, with remaining funds being available for a period of one fiscal year following the year of appropriation. The state department of transportation, in cooperation with the state conservation commission and the Mississippi river parkway commission, shall administer the provisions of this subsection and shall issue rules for such administration in accordance with chapter seventeen A (17A) of the Code. A report shall be submitted listing the expenditures for the previous year and cumulative expenditures of all funds appropriated by this section and the report shall be incorporated in the annual report required by section seventeen point nine (17.9) of the Code.

Sec. 9. Section three hundred twelve point two (312.2), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. The treasurer of state shall establish a great river road fund and at the request of the state department of transportation, shall credit monthly before making the allotments provided for in this section, sufficient funds to cover the anticipated costs, as identified by the state department of transportation, for the acquisition and construction of eligible highway-associated project components. Reimbursement to this fund shall be made as necessary from the funds appropriated in section three hundred eight point four (308.4) of the Code. In no case shall the unreimbursed allotment to the great river road fund exceed one million dollars less the cumulative sum as annually appropriated in section three hundred eight point four (308.4) of the Code. Reimbursed funds shall be reallocated in accordance with the provisions of section three hundred twelve point two (312.2) of the Code.

Sec. 10. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1978 and ending June 30, 1979 the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1978-1979 <u>Fiscal Year</u>
DEPARTMENT OF TRANSPORTATION	
1. For salaries, support, maintenance and miscellaneous purposes	\$ 7,097,500
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
4. For improving grade crossing surfaces needing repair which grade crossings are repaired with funds from the highway-railroad grade crossing surface repair fund	\$ 290,000
5. 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
6. For construction of the	

Hudson road improvement project on the campus of the university of northern Iowa as proposed by the state board of regents \$ 110,000

Sec. 11. There is appropriated from the road use tax fund to the state comptroller for the fiscal year beginning July 1, 1978 and ending June 30, 1979 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 state department of transportation.

Sec. 12. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1978 and ending June 30, 1979, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1978-1979 <u>Fiscal Year</u>
DEPARTMENT OF TRANSPORTATION	
1. For salaries, support, maintenance and miscellaneous purposes	\$ 86,117,500
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	\$ 200,000
VEHICLE REPLACEMENT	
3. To be deposited in the state department of transportation materials and equipment revolving fund estab-	

lished 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 construction of field facilities \$ 1,300,000

7. For the construction of a steam line interconnect to connect all power plants \$ 200,000

Sec. 13. All unencumbered or unobligated balances of funds remaining on June 30, 1982, from funds appropriated by subsections six (6) and seven (7) of section twelve (12) of this Act shall revert to the primary road fund on September 30, 1982.

Sec. 14. There is appropriated from the primary road fund to the state comptroller for the fiscal year beginning July 1, 1978 and ending June 30, 1979 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 state department of transportation.

Sec. 15. There is appropriated from the primary road fund to the department of transportation for the fiscal year

beginning July 1, 1978 and ending June 30, 1979 the sum of one hundred thousand (100,000) dollars or so much thereof as necessary for the purpose of conducting a study into the effect of chemical road deicing programs. The study shall review the alternatives to using salt or other chemicals for road deicing purposes. The study shall assess the impact and estimate costs to the road, vehicles and the environment that result from the chemical road deicing programs. The department shall report the findings of the study to the general assembly prior to January 1, 1980, together with recommendations to minimize the damage caused by chemical road deicing programs together with appropriate bill drafts necessary to implement the findings.

Sec. 16. There is appropriated from the aeronautics fund to the state department of transportation for the fiscal year beginning July 1, 1978 and ending June 30, 1979, the sum of three hundred thirty-four thousand seven hundred (334,700) dollars, or so much thereof as may be necessary, to be used for salaries, support, maintenance, and miscellaneous purposes.

Sec. 17.

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. 18. Section eighty point eighteen (80.18), Code 1977, is amended by adding the following new unnumbered paragraph: NEW UNNUMBERED PARAGRAPH. 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 dollars for each item. The department shall establish rules in accordance with chapter seventeen A (17A) of the Code to carry out the purpose of this paragraph.

Sec. 19. Section ninety-seven A point one (97A.1),

subsections two (2) and six (6), Code 1977, is amended to read as follows:

2. "PEACE OFFICER" or "PEACE OFFICERS" shall mean all members of the divisions of highway safety and uniformed force and criminal investigation and bureau of identification in the department of public safety, except clerical workers, who have passed a satisfactory physical and mental examination and have been duly appointed as members of the state department of public safety in accordance with the provisions of section 80.15 and the division of drug law enforcement and arson investigators in the department of public safety except clerical workers, and the division of beer and liquor law enforcement of the department of public safety, except clerical workers.

6. "MEMBERSHIP SERVICE" shall mean service as a peace officer in the division of highway safety and uniformed forces or the division of criminal investigation and bureau of identification or division of drug law enforcement in the department of public safety and arson investigators rendered since last becoming a member, or, where membership is regained as provided in this chapter, all of such service.

Sec. 20. Section ninety-seven A point three (97A.3), subsection one (1), Code 1977, is amended to read as follows:

1. All members of the division of highway safety and uniformed force and the division of criminal investigation and bureau of identification in the department of public safety, excepting the members of the clerical force, who are employed by the state of Iowa when this chapter becomes effective, and all persons thereafter employed as members of such divisions in the department of public safety or division of drug law enforcement and arson investigators or qualified members of the division of beer and liquor law enforcement in said department except the members of the clerical force shall be members of this system. Such members shall not be required to make contributions under any other

pension or retirement system of the state of Iowa, anything to the contrary notwithstanding.

Sec. 21. Section ninety-seven A point four (97A.4), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

Any member of the system who has been employed continuously prior to the passage of this chapter in the division of highway safety and uniformed force or the division of criminal investigation and bureau of identification in the department of public safety, or as a member of the Iowa highway safety patrol, or as a peace officer or a member of the uniformed force in any department or division whose functions were transferred to, merged, or consolidated in the department of public safety at the time such department was created, shall receive credit for such service in determining retirement and disability benefits provided for in this chapter. Arson investigators who have contributed to this system prior to the effective date of this Act shall receive credit for such service in determining retirement and disability benefits.

Sec. 22. Section ninety-seven A point six (97A.6), subsection seven (7), paragraph c, Code 1977, is amended to read as follows:

c. The commissioner of public safety may, subject to approval of the medical board, assign any former member of the division of highway safety and uniformed force or the division of criminal investigation and bureau of identification or an arson investigator who is retired and drawing a pension for disability under the provisions of this chapter, to the performance of light duties in such division.

Sec. 23. Section ninety-seven A point six (97A.6), subsection ten (10), Code 1977, is amended to read as follows:

10. RETURN OF ACCUMULATED CONTRIBUTIONS. Should a member cease to be a peace officer in the division of highway safety and uniformed force or the division of criminal investigation and bureau of identification in the department of public

safety or an arson investigator except by death or retirement, he or she shall be paid on demand the amount of his or her accumulated contributions standing to the credit of his or her individual account in the annuity savings fund.

Sec. 24. Section three hundred twelve point two (312.2), subsection five (5), Code 1977, is amended to read as follows:

5. The treasurer of state shall before making the above allotments credit annually to the highway grade crossing safety fund the sum of five hundred thousand dollars, credit annually to the primary road fund the sum of one million four hundred ~~fifty-five~~ thousand dollars for carrying out subsection ~~42 eleven (11)~~ of section 307A.2, the last paragraph of section 313.4 and section 307A.5, and credit annually to the primary road fund the sum of five hundred thousand dollars to be used for paying expenses incurred by the state department of transportation other than expenses incurred for extensions of primary roads in cities. All unobligated funds provided by this subsection, except those funds credited to the highway grade crossing safety fund, shall at the end of each year revert to the road use tax fund. Funds in the highway grade crossing safety fund shall not revert to the road use tax fund except to the extent they exceed five hundred thousand dollars at the end of any biennium.

Sec. 25. Section six hundred ninety-three point seven (693.7), Code 1977 Supplement, is amended to read as follows:

693.7 COMMUNICATION WITH LOCAL AGENCIES. The department of public safety shall maintain law enforcement communications with local enforcement agencies ~~using-frequencies-in-use-on July-1-1973. The-Iowa-highway-safety-patrol-base-stations and-all-Iowa-highway-safety-patrol-cars-assigned-to-troopers and-sergeants-with-field-enforcement-responsibilities-shall maintain-law-enforcement-communications-with-local-enforcement-agencies-using-transmitting-and-receiving-frequencies in-use-by-the-Iowa-highway-safety-patrol-on-July-1-1973.~~

Sec. 26. It is the intent of the general assembly that

the commissioner of public safety shall reassign the arson investigators from the division of criminal investigation and bureau of identification of the department of public safety to the state fire marshal's office effective July 1, 1978 and the arson investigators shall be under the direct supervision of the state fire marshal.

Sec. 27. It is the intent of the general assembly that an amount equal to fifty-five thousand dollars appropriated for the fiscal year beginning July 1, 1978 and ending June 30, 1979, by the general assembly from the road use tax fund to the fund to maintain state institutional roads and state park roads shall be expended by the state department of transportation for the construction of the Hudson road improvement project on the campus of the university of northern Iowa as proposed by the state board of regents. The state department of transportation shall also expend the funds appropriated pursuant to subsection six (6) of section ten (10) of this Act for the project. Funds appropriated from the road use tax fund for the Hudson road improvement project shall be considered an interest-free loan to the state board of regents to be repaid by the board in the manner provided in this section. During the fiscal year beginning July 1, 1979 and ending June 30, 1980, the state department of transportation shall, in apportioning funds appropriated for state institutional roads and state park roads pursuant to section three hundred twelve point two (312.2), subsection five (5), of the Code, withhold fifty-five thousand (55,000) dollars as payment of one-half of the loan from the road use tax fund for the Hudson road improvement project. During the fiscal year beginning July 1, 1980 and ending June 30, 1981, the state department of transportation shall, in apportioning funds appropriated for state institutional roads and state park roads pursuant to section three hundred twelve point two (312.2), subsection five (5), of the Code, withhold fifty-five thousand (55,000) dollars, or so much thereof as

is necessary, to be credited to the road use tax fund as the final payment of the outstanding balance of the loan for the Hudson road improvement project.

Sec. 28. Section three hundred twelve point two (312.2), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. The treasurer of the state shall establish a revolving fund for use by affected jurisdictions for great river road projects. Funds shall be advanced at the request of the state department of transportation to affected jurisdictions as noninterest loans and shall be utilized for the construction of eligible great river road highway projects. Funds may be advanced from either the primary road fund or the farm-to-market road fund. The amount advanced and not reimbursed shall not exceed five million dollars at any one time from either the primary road fund or the farm-to-market road fund, nor shall the amount advanced and not reimbursed at any one time from all funds combined exceed seven million five hundred thousand dollars.

Sec. 29. Funds advanced as provided by section twenty-eight (28) of this Act shall be administered by the state department of transportation. The department shall require repayment of the advanced funds within ten years. The treasurer of state shall, upon the request of the state department of transportation, transfer a portion of the affected local jurisdiction's allocation sufficient to meet repayment requirements if the terms of the individual agreements are not complied with.

Sec. 30. Section three hundred twenty-four point three (324.3), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred six (106), section one (1), and House File four hundred ninety-one (491), as enacted by the Sixty-seventh General Assembly, 1978 Session, section sixteen (16), is amended by striking subsection four (4).

Sec. 31. Section three hundred twenty-four point three

(324.3), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred six (106), section one (1), and House File four hundred ninety-one (491), as enacted by the Sixty-seventh General Assembly, 1978 Session, section sixteen (16), is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Motor fuel shall be sold tax paid to the state of Iowa, any of its agencies, or to any political subdivision of the state. Tax on fuel which is used for public purposes shall be subject to refund. Claims for refunds will be filed with the department on a quarterly basis and in no case will the director grant a refund of motor fuel or special fuel tax where a claim is not filed within one year from the date the tax was due. The claim shall contain the number of gallons purchased, the calculation of the amount of motor fuel and special fuel tax subject to refund and any other information required by the department necessary to process the refund.

NEW UNNUMBERED PARAGRAPH. Each state agency and political subdivision of the state which has purchased special fuel tax free as a user shall file with the department of revenue, prior to January fifteenth in each year, a report of the number of gallons of special fuel purchased tax free by the state agency or the political subdivision of the state in the prior calendar year and a calculation of the amount of special fuel tax that would have been required for the previous calendar year if the state agency or political subdivision had been required to pay state motor fuel and state special fuel taxes.

Sec. 32. Section three hundred twenty-four point thirty-five (324.35), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred six (106), section two (2), and House File four hundred ninety-one (491), as enacted by the Sixty-seventh General Assembly, 1978 Session, section twenty (20), is amended by striking

unnumbered paragraph two (2) and inserting in lieu thereof the following:

Tax on special fuel sold to the state of Iowa, any of its agencies, or any political subdivisions of the state where such fuel is used for public purposes shall be subject to refund. Claims shall be filed in accordance with the claims for motor fuel tax refunds provided by section three hundred twenty-four point three (324.3) of the Code.

Sec. 33. If House File four hundred ninety-one (491), as enacted by the Sixty-seventh General Assembly, 1978 Session, does not become law, the provisions of sections thirty (30), thirty-one (31), and thirty-two (32) of this Act are void.

Sec. 34. It is the intent of the general assembly that if Senate File two thousand one hundred eighty-four (2184) is enacted by the Sixty-seventh General Assembly, 1978 Session, and becomes law, the funds appropriated to the railroad assistance fund pursuant to section seven (7), subsection three (3) of this Act shall not be transferred to the state department of transportation from the general fund of the state and the appropriation made pursuant to section seven (7), subsection three (3) of this Act is void.

Sec. 35. If House File four hundred ninety-one (491) is enacted by the Sixty-seventh General Assembly, 1978 Session, and becomes law, and House File four hundred ninety-one (491) amends the provisions of section three hundred twelve point two (312.2), subsection five (5) of the Code by increasing the annual standing appropriation from the road use tax fund to the primary road fund by fifty-five thousand dollars or more for fiscal years beginning July 1, 1978 for carrying out the provisions of section three hundred seven A point two (307A.2), subsection eleven (11) of the Code, section twenty-four (24) of this Act is void.

Sec. 36. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants

or receipts.

Sec. 37. Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one thousand two hundred forty-six (1246), section two (2), is repealed.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2290, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Stem Veto
June 26
Approved _____, 1978

ROBERT D. RAY
Governor