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SENATE FILE 187

By BUDGET TRANSPORTATION
AND LAW ENFORCEMENT
SUBCOMMITTEE

Approved 2/2/77 (p. 533)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

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

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

1977-1978
Fiscal Year

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8 IOWA CRIME COMMISSION

9 1. For the purpose of matching
10 federal funds available to the
11 Iowa crime commission through the
12 Omnibus Crime Control and Safe Streets
13 Act of 1968 as amended by the United
14 States Congress, for salaries, support,
15 maintenance and miscellaneous purposes: \$ 73,351

16 2. For the purpose of matching
17 federal funds available to the Iowa
18 crime commission through the Omnibus
19 Crime Control and Safe Streets Act of
20 1968 as amended by the United States
21 Congress: \$ 147,415

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

31 4. For the purpose of matching federal
32 funds available to the Iowa crime
33 commission through the Juvenile Justice
34 and Delinquency Prevention Act of 1974
35 as amended by the United States Congress

1 for salaries, support, maintenance and
2 miscellaneous purposes: \$ 3,498

3 Sec. 2.

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

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

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

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

24		1977-1978
25		<u>Fiscal Year</u>
26	1. IOWA LAW ENFORCEMENT ACADEMY	
27	For salaries, support, maintenance,	
28	and miscellaneous purposes:	\$ 503,174

29	2. DEPARTMENT OF PUBLIC DEFENSE	
30	a. Military division	
31	For salaries except salaries provided	
32	for in paragraph b of this subsection,	
33	support, maintenance, and miscellaneous	
34	purposes:	\$1,648,000

35 b. For salaries of the adjutant

1 general and members of his staff who
2 are on full-time active state service,
3 and for their support and maintenance: \$ 173,815

4 3. OFFICE OF DISASTER SERVICES

5 For salaries, support, maintenance,
6 and miscellaneous purposes: \$ 92,653

7 4. If funds for implementation of the state recruiting
8 and retention program become available from other than state
9 funding sources, not more than fifty thousand (50,000) dollars
10 from such sources may be expended during the fiscal year 1977-
11 1978 for such purposes.

12 Sec. 4. There is appropriated from the general fund of
13 the state to the department of public safety for the fiscal
14 year beginning July 1, 1977 and ending June 30, 1978, the
15 following amounts, or so much thereof as is necessary, to
16 be used for funding the following functions and programs for
17 the purposes designated:

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1977-1978
Fiscal Year

DEPARTMENT OF PUBLIC SAFETY

1. ADMINISTRATIVE FUNCTION

For salaries, support, maintenance,
and miscellaneous purposes of the
department, criminal justice information
system, and radio communications: \$3,462,000

2. INSPECTION AND SECURITY FUNCTION

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

3. INVESTIGATION FUNCTION

For salaries, support, maintenance,
and miscellaneous purposes of the
divisions of criminal investigation
and bureau of identification, drug

1 law enforcement, beer and liquor law
2 enforcement, fire protection,
3 and arson function including the
4 state's contribution to the peace
5 officers' retirement, accident, and
6 disability system provided in chapter
7 ninety-seven A (97A) of the Code in
8 the amount of sixteen percent of the
9 salaries for which the funds are
10 appropriated: \$2,729,000

11 4. DIVISION OF HIGHWAY SAFETY AND
12 UNIFORMED FORCE

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

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

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

34 Sec. 5. There is appropriated from the general fund of
35 the state to the state department of transportation for the

1 fiscal year beginning July 1, 1977 and ending June 30, 1978
2 the following amounts, or so much thereof as may be necessary,
3 to be used for the following purposes:

4
5 1977-1978
Fiscal Year

6 DEPARTMENT OF TRANSPORTATION

7 1. For salaries, support, maintenance,
8 and miscellaneous purposes: \$4,227,000

9 2. For public transit purposes to
10 implement a state assistance plan: \$2,000,000

11 Unencumbered or unobligated funds remaining on June 30,
12 1980 from funds appropriated by subsection two (2) of this
13 section shall revert to the general fund on September 30,
14 1980.

15 3. For deposit in the rail-
16 road assistance fund for branch-
17 line improvement: \$2,000,000

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

23 1977-1978
24 Fiscal Year

25 DEPARTMENT OF TRANSPORTATION

26 1. For salaries, support, maintenance,
27 and miscellaneous purposes: \$6,928,000

28 ADMINISTRATION OF MERIT SYSTEM

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

35 UNEMPLOYMENT COMPENSATION COSTS

1 3. Unemployment compensation: \$ 5,000

2 4. For the purpose of matching
3 federal funds to be used on the Great
4 River Road: \$ 250,000

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

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

18		1977-1978
19		<u>Fiscal Year</u>
20	DEPARTMENT OF TRANSPORTATION	
21	1. For salaries, support, maintenance,	
22	and miscellaneous purposes:	\$81,480,000

23	EQUIPMENT	
24	2. Additional equipment to be	
25	purchased to supplement present	
26	inventory. All acquisitions, when	
27	acquired, will become a part of the	
28	state department of transportation	
29	materials and equipment revolving	
30	fund:	\$ 350,000

31	VEHICLE REPLACEMENT	
32	3. To be deposited in the state	
33	department of transportation materials	
34	and equipment revolving fund estab-	
35	lished by section three hundred seven A	

1 point seven (307A.7) of the Code for
2 funding the increased replacement cost
3 of vehicles: \$ 400,000

4 MERIT EXPENSES

5 4. For the purpose of making pay-
6 ments to the Iowa merit employment
7 department for expenses incurred in
8 adminstering the merit system on
9 behalf of the state department of
10 transportation, as required by chapter
11 nineteen A (19A) of the Code: \$ 200,000

12 UNEMPLOYMENT COMPENSATION COSTS

13 5. Unemployment compensation: \$ 95,000

14 Sec. 9. There is appropriated from the primary road fund
15 to the state comptroller for the fiscal year beginning July
16 1, 1977 and ending June 30, 1978 the sum of two hundred thirty-
17 seven thousand five hundred (237,500) dollars, or so much
18 thereof as is necessary, for the purpose of paying workers'
19 compensation claims under chapter eighty-five (85) of the
20 Code on behalf of the employees of the department of
21 transportation.

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

28 Sec. 11.

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

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

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

35 101A.12 DEPOSIT AND USE OF FEES. The fees collected by

1 the commissioner of public safety in issuing licenses shall
2 be deposited in a ~~special fund in the state treasury to be~~
3 ~~used by the commissioner in administering and enforcing the~~
4 ~~provisions of this chapter~~ general fund. However, ~~one-sixth~~
5 ~~of the commercial license fee established under section 404A-2~~
6 ~~shall be paid by the treasurer of state to the general fund~~
7 ~~of the county or city for each storage facility inspected~~
8 ~~by the sheriff or the police authority of such city.~~

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

11 Sec. 13. Section three hundred thirteen point eighteen
12 (313.18), Code 1977, is amended to read as follows:

13 313.18 USE OF CONTINGENT FUND. When claims for labor,
14 freight, or other items which must be paid promptly ~~and which~~
15 ~~are payable from the primary road fund~~ are presented to the
16 said department for payment, the said department may direct
17 that warrants in payment of said claims be drawn on said
18 primary road contingent fund. Such warrants when so drawn
19 and signed by the ~~auditor of the department~~ state comptroller,
20 shall be honored by the ~~state~~ treasurer of state for payment
21 from said contingent fund. The primary road contingent fund
22 shall be reimbursed for expenditures made by the state
23 department of transportation from the fund to which the
24 expenditure should be properly charged.

25 Sec. 14. Section three hundred twenty-one point one hundred
26 forty-five (321.145), Code 1977, is amended to read as follows:

27 321.145 DISPOSITION. The money, except fines and
28 forfeitures, ~~and except~~ operator's and chauffeur's license
29 fees, ~~certificate-of-title-fees-and-lien-or-encumbrance~~
30 ~~notation-fees~~ and except the collection fees retained by the
31 county treasurer pursuant to section three hundred twenty-
32 one point one hundred fifty-two (321.152) of the Code collected
33 pursuant to the provisions of this chapter shall be credited
34 by the treasurer of state to the ~~following funds:~~ road use
35 tax fund.

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

3 2.--The-balance-of-said-money,-less-the-collection-fees
4 retained-by-the-county-treasurer-pursuant-to-section-324.452
5 and-less-the-one-percent-received-by-the-department-as-a
6 reimbursement-fund-from-which-to-pay-refunds,-to-the-road
7 use-tax-fund:

8 The-treasurer-of-state-shall-credit-certificate-of-title
9 fees,-and-lien-or-encumbrance-fees,-to-the-general-fund-of
10 the-state,-less-the-fees-retained-by-the-county-treasurer
11 pursuant-to-section-324.452:

12 Sec. 15. Section three hundred twenty-one point two hundred
13 thirty-eight (321.238), subsection nine (9), Code 1977, is
14 amended to read as follows:

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

26 Sec. 16. Section three hundred twenty-one point two hundred
27 thirty-eight (321.238), subsection twenty-one (21), Code 1977,
28 is amended to read as follows:

29 21. Notice of the suspension or revocation shall be by
30 certified mail, return receipt requested, addressed to the
31 operator of the vehicle inspection station for which the
32 permit was issued. The suspension or revocation shall become
33 effective ten days from the date of the mailing of the notice
34 unless the permit holder files a written request for a review
35 hearing of the suspension or revocation order. The review

1 hearing shall be de novo and shall be conducted at the seat
2 of government by a review board composed of the following
3 persons:

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

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

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

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

27 If any person shall refuse to obey any such subpoena, or
28 to give testimony, or to produce evidence as required thereby,
29 any judge of the district court of the state in and for Polk
30 county may, upon application and proof of such refusal, make
31 an order awarding process of subpoena, or subpoena duces
32 tecum, out of the said court, for the witness to appear before
33 the review board and to give testimony, and to produce evidence
34 as required thereby. Upon filing such order in the office
35 of the clerk of said court, the clerk shall issue process

1 of subpoena, as directed, under the seal of said court,
2 requiring the person to whom it is directed to appear at the
3 time and place therein designated.

4 Witnesses shall receive three dollars for each day's
5 attendance and ten cents per mile for each mile actually
6 traveled. Witnesses shall be compensated from ~~the-motor~~
7 ~~vehicle-inspection-fund~~ funds appropriated to the department.

8 The treasurer of state may make rules setting forth the
9 procedure for such reimbursement.

10 Sec. 17. Section three hundred twenty-one A point three
11 (321A.3), Code 1977, is amended to read as follows:

12 321A.3 DIRECTOR TO FURNISH OPERATING RECORD--FEES TO BE
13 CHARGED AND DISPOSITION OF FEES. The director shall upon
14 request furnish any person a certified abstract of the
15 operating record of any person subject to the provisions of
16 this chapter, which abstract shall also fully designate the
17 motor vehicles, if any, registered in the name of such person,
18 and, if there shall be no record of any conviction of such
19 person having violated any law relating to the operation of
20 a motor vehicle or of any injury or damage caused by such
21 person, the director shall so certify. A fee of two dollars
22 shall be paid for each such abstract except by state, county,
23 city or court officials. ~~Such-fees-shall-be-used-by-the~~
24 ~~department-for-administering-this-chapter.~~ Such abstracts
25 shall not be admissible as evidence in any action for damages
26 or criminal proceedings arising out of a motor vehicle
27 accident.

28 Sec. 18. Section three hundred twenty-one F point eleven
29 (321F.11), Code 1977, is amended to read as follows:

30 321F.11 RULES ADOPTED--DEPOSIT OF FEES. The director
31 shall adopt rules for the purpose of administering this
32 chapter. All fees and funds accruing from the administration
33 of this chapter shall be remitted to the treasurer of state
34 monthly and ~~by-him~~ deposited in the ~~motor-vehicle-dealer's~~
35 ~~license-fee-fund-in-the-manner-provided-in-section-322.12~~

1 road use tax fund.

2 Sec. 19. Section three hundred twenty-two point twelve
3 (322.12), Code 1977, is amended to read as follows:

4 322.12 MOTOR VEHICLE DEALERS LICENSE FEE-FUND FEES. All
5 fees and-funds of whatever character accruing from the
6 administration of this chapter shall be accounted for and
7 paid by the department into the state treasury monthly and
8 shall ~~constitute-a-separate-and-distinct-fund-which-shall~~
9 ~~be-known-as-the-"Motor-Vehicle-Dealers-License-Fee-Fund"~~ be
10 placed in the road use tax fund. All-expenses-incurred-and
11 all-compensation-paid-by-the-department-in-the-administration
12 of-this-chapter-shall-be-paid-out-of-said-fund-in-the-same
13 manner-as-other-state-expenses-and-compensation-are-paid.
14 Any-amount-in-such-fund-in-excess-of-ten-thousand-dollars
15 at-the-end-of-any-calendar-year-on-account-of-fees-applicable
16 to-that-calendar-year-shall-be-credited-to-the-state-general
17 fund.

18 Sec. 20. Section three hundred twenty-five point thirty-
19 six (325.36), Code 1977, is amended to read as follows:

20 325.36 USE OF FEES. All moneys received under the
21 provisions of this chapter shall be remitted to the treasurer
22 of state and credited to the ~~general-fund-of-the-state~~ road
23 use tax fund.

24 Sec. 21. Section three hundred twenty-seven point thirteen
25 (327.13), Code 1977, is amended to read as follows:

26 327.13 EXPENDITURE OF FUNDS. All moneys received under
27 the provisions of this chapter shall be remitted monthly to
28 the treasurer of state and credited to the ~~general-fund-of~~
29 the-state road use tax fund.

30 Sec. 22. Section three hundred twenty-seven A point
31 nineteen (327A.19), Code 1977, is amended to read as follows:

32 327A.19 FEE FOR OPERATION. No certificate of convenience
33 and necessity shall be issued nor continued in force until
34 the holder thereof shall have paid to the board an annual
35 certificate fee for each motor vehicle operated thereunder

1 in the amount of five dollars, except that the fee for a
2 tractor or truck tractor shall be fifteen dollars, and except
3 that the fee herein provided shall not be imposed on any
4 trailer or semitrailer. Fees collected pursuant to the
5 provisions of this section shall be remitted to the treasurer
6 of state and credited to the ~~general-fund-of-the-state~~ road
7 use tax fund.

8 Sec. 23. Section three hundred twenty-seven B point three
9 (327B.3), Code 1977, is amended to read as follows:

10 327B.3. FEES--USE. All fees paid under the provisions
11 of this chapter shall be remitted to the treasurer of state
12 and credited to the ~~general-fund-of-the-state~~ road use tax
13 fund.

14 Sec. 24. Sections three hundred twenty-one point one
15 hundred twenty-nine (321.129) and three hundred twenty-one
16 point one hundred forty-six (321.146), Code 1977, are repealed.

17 EXPLANATION

18 This bill appropriates funds from the general fund, road
19 use tax fund, the primary road fund and the aeronautics fund
20 to the departments having jurisdiction in regard to
21 transportation and law enforcement.

22 The bill appropriates \$232,764 from the general fund to
23 the crime commission for a reduced program due to a federal
24 funds reduction. This appropriation will match approximately
25 \$6,200,000.

26 The bill appropriates \$503,174 from the general fund to
27 the law enforcement academy to maintain the current program
28 and appropriates \$1,914,468 from the general fund to the
29 department of public defense to maintain current programs.

30 The bill appropriates \$17,746,000 from the general fund
31 to the department of public safety.

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

34 The bill specifies the number of persons in the highway
35 patrol.

1 The bill appropriates from the general fund to the
2 department of transportation \$4,227,000 for operations,
3 \$2,000,000 for public transit assistance and \$2,000,000 for
4 the railroad assistance program. It also appropriates from
5 the road use tax fund to the department of transportation
6 \$6,928,000 for operations, \$10,000 for administering the
7 departments merit system, \$5,000 for unemployment, and \$250,000
8 to match federal funds to be used for the Great River Road.

9 It contains an appropriation from the road use tax fund
10 for paying for workers compensation claims.

11 The bill appropriates from the primary road fund to the
12 department of transportation \$81,480,000 for operations,
13 \$350,000 for additional equipment, \$400,000 for replacement
14 equipment, \$200,000 for merit employment and \$95,000 for
15 unemployment compensation.

16 There is also an appropriation from the primary road fund
17 for paying for workers compensation claims and an appropriation
18 from the aeronautics trust fund of \$329,000 for operations.

19 The remainder of the funds in the primary road fund are
20 appropriated for highway construction and the remaining funds
21 in the aeronautics fund are appropriated for airport
22 construction.

23 The bill provides that the primary road contingent fund
24 may be used by all divisions of the department but that the
25 fund shall be reimbursed by the divisions.

26 The bill provides that all fees deposited in the motor
27 vehicle inspection fund and the motor vehicle dealers license
28 fee fund shall be deposited in the road use tax fund. It
29 also provides that motor vehicle certificated carrier fees,
30 truck operator fees, liquid transport carrier fees, and
31 interstate commerce commission authority fees shall be credited
32 to the road use tax fund.

33 The bill provides that fees collected under chapter 321
34 of the Code, except fines and forfeitures and operator's and
35 chauffeur's license fees, be credited to the road use tax

1 fund.

2 The bill provides that the cost of administering the
3 enforcement of the laws relating to weight, size, and load
4 shall be paid from the road use tax fund.

5 In addition it provides that fees collected under chapter
6 321F of the Code be credited to the road use tax fund.

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