

Fiscal Note

Fiscal Services Division



SF 513 – Motor Vehicle Enforcement Bureau, Department of Public Safety (LSB1473SV.2)
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Description

Senate File 513 provides for the transition of certain Motor Vehicle Enforcement (MVE) employees, including civilian employees and peace officers, from the Department of Transportation (DOT) to the Department of Public Safety (DPS) effective July 1, 2023. Transferred MVE peace officers will become peace officers in the Iowa State Patrol (ISP). The ISP will assume responsibility for the supervision of highways and conducting enforcement activities regarding the operating of commercial motor vehicles (CMVs) and vehicles transporting loads, including but not limited to the enforcement of motor vehicle laws relating to the operating authority, registration, size, weight, and load of motor vehicles and trailers. Under the Bill, the DOT is authorized to retain certain employees with limited authority as peace officers. The limited authority of these employees includes the ability to investigate motor vehicle fraud and abuse. Under the Bill, employees designated by the DOT as peace officers are authorized to use force in emergent circumstances and in defense of life or property.

Under SF 513, transferred DOT MVE peace officers with 10 or more years of membership in the Iowa Public Employees' Retirement System (IPERS) will retain IPERS Protection Occupation membership. Transferred DOT MVE peace officers with fewer than 10 years of membership in IPERS will become members of the Peace Officers' Retirement System (PORS). The Bill requires a lump sum transfer from IPERS to PORS for the transferred employees and directs the DPS to engage an actuary to determine the remaining actuarial cost. The transfer shall not be deemed a termination of a member's plan, and an affected member is not entitled to a distribution of the moneys as a result of the member's transfer. Additionally, all transferred DOT MVE peace officers retain all rights to longevity pay.

The Bill directs the DPS and the DOT, in consultation with the Department of Administrative Services (DAS), to identify and transfer affected positions. The Bill provides that any transferred DOT peace officer employees covered by a collective bargaining agreement must be placed in an existing DPS peace officer classification within the State Police Officers Council (SPOC) Bargaining Unit without loss of seniority or loss of accrued pay. Any transferred peace officer is entitled to all benefits of the new classification, including longevity pay that is calculated based on years of service in a peace officer position.

Under current law, revenue from commercial motor vehicle citations issued by DPS personnel is deposited into the State General Fund, and revenue from commercial motor vehicle citations issued by DOT personnel is deposited into the Road Use Tax Fund (RUTF). The Bill directs all revenue from commercial vehicle violation citations by DPS personnel to be deposited into the RUTF.

The Bill requires the DPS to adopt, in consultation with the DOT, administrative rules regulating how a person may operate a CMV on highways; rules concerning the hours of service for drivers of vehicles operated for hire and designed to transport seven or more persons; and rules

necessary to govern and control the operation, maintenance, and inspections of vehicles operating under motor carrier authority. The Bill requires the DPS to adopt, in consultation with the Department of Natural Resources (DNR) and the DOT, administrative rules relating to the enforcement of transportation of hazardous materials. The Bill requires the adopted rules to be consistent with federal law.

The DOT is required to ensure the DPS is aware of current DOT administrative rules related to the administration and enforcement of commercial motor vehicle violations. All administrative rules currently adopted by the DOT are required to remain in full force and effect until they are transferred to the DPS. The DOT is also required to provide all documentation and data required for the Motor Carrier Safety Assistance Program (MCSAP) to the DPS for compliance with federal law.

The DPS is required to submit a report annually by December 1 to the General Assembly that includes details on activities conducted by the ISP regarding the movement and operation of commercial motor vehicles and vehicles transporting loads. The DPS is also required to submit a report to the General Assembly by December 1, 2023, regarding the transfer of peace officers from the DOT to the DPS. This report must include actual and anticipated expenditures by the DPS and DOT to complete the transition, moneys transferred between Asset Forfeiture Funds and retirement systems, and any equipment costs incurred by either department.

Senate File 513 also transfers the moneys in the DOT's Asset Forfeiture Fund to the DPS Asset Forfeiture Fund for costs associated with the transition.

Background

DOT MVE

MVE is currently housed within the DOT and receives funding from the RUTF and the Primary Road Fund (PRF). Approximately 96.0% of the MVE budget is funded by the RUTF, and 4.0% is funded by the PRF. Within the DOT budget, the MVE is appropriated funding within the Transportation Operations budget line item and does not receive a separate appropriation.

In federal fiscal year 2022, the MVE had 98.0 sworn peace officer positions and 2.0 civilian staff positions.

Figure 1 includes the structure of MVE personnel and associated minimum and maximum salaries based on the DAS [Interactive Class and Pay Plan](#).

Figure 1 — DOT MVE Personnel Salary Costs

Class Title	Minimum Salary	Maximum Salary
Motor Vehicle Officer	\$57,366	\$85,176
Motor Vehicle Sergeant	62,046	93,766
Motor Vehicle Investigator	62,046	93,766
Motor Vehicle Captain (S)	73,570	113,152
Motor Vehicle Commander (S)	77,168	118,310
(S) = Supervisory		

DOT MVE officers and sergeants are covered under the American Federation of State, County, and Municipal Employees (AFSCME) Public Safety collective bargaining unit, and all DOT MVE peace officers are under the IPERS Protection Occupation retirement classification. For IPERS Protection Occupation retirement contribution, the employee share is 6.21% and the employer share is 9.31%. There are also two civilian employees within the MVE who are covered under regular IPERS.

MVE peace officers are sworn law enforcement officers and complete the 16-week Iowa Law Enforcement Academy (ILEA) Basic Training. Iowa Code section [80B.11B](#)(2)(a) requires the DOT to pay the full cost for candidates to attend the ILEA Basic Training. MVE officers are also trained and certified to conduct level one through level three inspections on commercial vehicles and buses in the MCSAP.

Current responsibilities of MVE peace officers within the DOT include enforcing size and weight regulations and enforcing the State and federal motor carrier and hazardous materials safety regulations. According to the DOT's 2022 [Nature and Scope of Enforcement Activities by Peace Officers Report](#), Iowa is eligible for approximately \$42.8 million in federal highway funding for maintaining and implementing Iowa's size and weight plan for the federal-aid systems. The DOT also receives federal MCSAP funding. The MCSAP is a federal grant program relating to improving highway safety by reducing the number and severity of crashes and hazardous materials incidents involving commercial motor vehicles. The MCSAP authorizes MVE and ISP officers to conduct the Commercial Vehicle Inspection Program. Currently, the DOT is the lead agency and administers the grant funds, with the ISP as a subrecipient.

The DOT has 11 weigh stations across the State. The DOT receives an annual appropriation of \$400,000 from the RUTF to maintain weigh scales and driver's license stations across Iowa. The DOT has a Materials and Equipment Revolving Fund established under Iowa Code section [307.47](#) that is used for materials, supplies, equipment, and vehicle purchases.

Pursuant to Iowa Code section [602.8108](#)(8), revenue from commercial motor vehicle citations issued by DOT personnel is deposited into the RUTF. Revenue from commercial motor vehicle citations issued by DPS personnel is deposited into the General Fund. Between FY 2013 and FY 2021, an average of \$2.4 million in DOT commercial vehicle revenue was deposited each fiscal year into the RUTF.

DPS — State Patrol

The ISP is currently a division within the DPS. Between FY 1982 and FY 1995, the ISP was funded directly from the RUTF. From FY 1996 to FY 1999, the ISP was funded from motor vehicle use tax receipts and in part from General Fund appropriations. Since FY 2000, the ISP has been funded from the General Fund. According to Iowa Code section [312.9](#), "moneys credited to the RUTF shall not be appropriated for the payment of salaries, support, or maintenance of any personnel in the department of public safety."

The ISP General Fund appropriation comprises approximately 60.0% of the total DPS General Fund appropriations. In addition, the ISP may, at the discretion of the Commissioner of the DPS, receive funding from either State or federal asset forfeiture funds based on the availability of moneys in either account. The ISP also receives federal moneys through programs such as the MCSAP and the National Highway Traffic Safety Administration's traffic safety programs.

In FY 2022, the ISP had 399.0 sworn peace officer positions and 41.0 civilian staff positions, with 47.0 vacancies. Troopers patrol and conduct traffic enforcement on Iowa's highways and interstate systems, provide police services for special events, provide support services to other law enforcement agencies and government entities, and assist local agencies during large-scale events or natural disasters. For FY 2023, the estimated cost of an additional State trooper, including salary, benefits, travel, fuel, equipment, and a vehicle, is \$198,000. The ongoing cost of maintaining a trooper is \$111,000.

Figure 2 includes the structure of the ISP personnel and associated minimum and maximum salaries based on the DAS [Interactive Class and Pay Plan](#).

Figure 2 — DPS ISP Personnel Salary Costs

<u>Class Title</u>	<u>Minimum Salary</u>	<u>Maximum Salary</u>
Peace Officer Candidate	\$45,635	\$67,101
Peace Officer Candidate Senior	55,952	85,176
Trooper I	47,757	71,698
Trooper II	58,365	87,755
Trooper III	59,571	89,502
Trooper Pilot	60,778	91,333
Trooper Pilot Senior	61,984	93,142
Sergeant (S)	66,768	102,794
Lieutenant (S)	73,570	113,152
Captain (S)	86,528	123,115
Major (S)	95,014	135,262
Colonel (S)	109,408	155,464
(S) = Supervisory		

DPS ISP officers are covered under the SPOC Bargaining Unit, and all DPS ISP peace officers are under PORS. For PORS, the employee share is 11.4% and the employer share is 37.0%.

According to the [DPS's website](#), DPS peace officers must attend a 20-week DPS Basic Training Academy. During the 20-week academy, all training materials, meals, and lodging are furnished at no cost to the recruits. Recruits receive a salary during academy training. The DPS pays for academy costs through the ISP's General Fund appropriation. Upon graduation from the DPS Basic Training Academy, each officer will complete at least 70 working days of field training for Iowa State Patrol Trooper 2 positions, who work from various district offices around the State; 30 working days of field training for Iowa State Patrol Trooper 1 positions, who work from Post 16 (Capitol Complex in Des Moines); or up to 12 months of field training for DPS special agent positions, who work statewide.

Assumptions

The Bill directs the DOT and the DPS to identify and transfer affected positions and provides requirements for the transferred positions. The exact transition details are unknown at this time.

Salaries

- One hundred DOT full-time equivalent (FTE) positions within the DOT MVE will be transferred to the DPS ISP. This includes 98.0 peace officer positions and two civilian staff positions. The DPS estimates it will need 6.0 additional FTE support staff positions. Therefore, it is assumed there will be a decrease of 100.0 FTE positions in the DOT and an increase of 106.0 FTE positions in the DPS.
- Following the reclassification of MVE personnel into the DPS rank structure and pay plans, there will be an ongoing additional cost to the DPS beyond what is currently budgeted for salaries for the MVE personnel within the DOT budget, due to differences in rank and salaries.

Benefits

- For the purposes of this **Fiscal Note**, it is assumed that transferred nonsupervisory DOT employees will be covered under the SPOC, which will result in additional ongoing costs to the DPS.
- Transferred DOT MVE peace officers with fewer than 10 years of membership in IPERS will become members of PORS. The Bill requires a lump sum transfer payment from IPERS to PORS for the transferred employees and directs the DPS to engage an actuary to determine

the remaining actuarial cost. Due to the differences in employer contributions, there will be an increased cost to the DPS as a result of the transition.

Administration and Indirect Costs

- There will be additional ongoing training costs to the DPS.
- The DPS will incur annual costs associated with vehicle fuel, maintenance, and depreciation costs that are currently funded to the DOT through the RUTF.
- When the DPS administers citations to commercial motor vehicles currently, the citation revenue is deposited into the State General Fund. The Bill directs all commercial motor vehicle citation revenue to be deposited into the RUTF. It is assumed there would be a loss of funding to the State General Fund as a result of this change.

One-Time Costs

There may be additional one-time costs to the DPS as a result of the transition, including costs associated with the following:

- Trooper and vehicle outfitting.
- Depreciation costs for the DOT Revolving Equipment Fund and the DPS Equipment Fund if MVE equipment, including vehicles, is moved to the DPS in the transfer.
- Initial DPS training costs for transferred MVE officers.
- The remaining unfunded actuarial costs to PORS following the transition.

Fiscal Impact

Figure 3 includes the estimated annual ongoing costs for transferring MVE from the DOT to the DPS. The decrease to the DOT represents an estimated reduction to appropriations made in the DOT budget from the PRF and RUTF. The DPS currently receives funding from the General Fund for annual costs associated with the ISP, and it is assumed that additional annual funding to the DPS as a result of the transition would be provided from the General Fund. The DPS is prohibited from receiving funding from the RUTF for any transition costs, as specified in Iowa Code section [312.9](#).

Figure 3 — Estimated Annual Fiscal Impact to the DOT and DPS Budgets Under SF 513

	DOT	DPS
Salaries and Benefits	\$ -11,900,000	\$ 13,955,000
Administration and Indirect Costs	-1,400,000	1,530,000
Total Annual Estimated Costs	\$ -13,300,000	\$ 15,485,000
Note: The costs outlined in Figure 3 do not offset one another. The DOT receives funding from the RUTF and the PRF, and the DPS receives funding from the General Fund. Moneys credited to the RUTF cannot be appropriated for the payment of salaries, support, or maintenance of any personnel in the DPS, pursuant to Iowa Code section 312.9.		

Additionally, there could be approximately \$17.9 million in one-time costs associated with the transition. This includes the following:

- \$10.4 million for vehicles and equipment, including depreciation costs to the DOT Equipment Revolving Fund and DPS Equipment Fund.
- \$4.6 million for trooper and vehicle outfitting.
- \$146,000 for training costs.
- \$2.8 million in estimated unfunded actuarial costs to PORS.

As of March 2023, there is \$782,000 in the DOT's Asset Forfeiture Fund. Under SF 513, this amount would be transferred to the DPS's Asset Forfeiture Fund.

Under the Bill, all revenue from commercial motor vehicle citations is deposited into the RUTF. Currently, revenue from commercial motor vehicle citations issued by the DPS is deposited into the General Fund. This change would result in an annual increase of \$250,000 to the RUTF and a decrease of \$250,000 to the General Fund.

The DOT currently receives federal MCSAP funding as the State lead agency responsible for administering the Commercial Vehicle Safety Plan within the State. Estimated FY 2023 funding from the MCSAP to the State is approximately \$7.0 million. Under the Bill, the DPS would administer the MCSAP following the transition.

Further, there may be additional considerations for costs associated with the transition related to the maintenance and ownership of the current DOT weigh stations and any existing infrastructure. The DOT currently owns State weigh stations. The weigh stations are maintained through an annual appropriation of \$400,000 from the RUTF, and additional infrastructure upkeep is programmed through the Five-Year Highway Plan by the Transportation Commission. Infrastructure costs required for the DPS to store additional vehicles and equipment and any associated costs are unknown.

Sources

Department of Management
Integrated Information for Iowa (I/3)
Legislative Services Agency
Federal Motor Carrier Safety Administration
Department of Public Safety [website](#)

/s/ Jennifer Acton

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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