

*The Appropriation, Pass 6/16*

SENATE FILE 580

By COMMITTEE ON APPROPRIATIONS

Passed Senate, Date 6-14-71 Passed House, Date 6-16-71  
Vote: Ayes 45 Nays 0 Vote: Ayes 87 Nays 0  
Approved June 30, 1971

## A BILL FOR

1 An Act relating to an appropriation for payment of certain  
2 damages occasioned by the nonnegligent operation of an  
3 Iowa highway safety patrol vehicle.

4 WHEREAS, on April 25, 1969, an on-duty state highway  
5 safety patrolman was operating his patrol car in Maquoketa,  
6 Iowa, and had no knowledge he was afflicted with functional  
7 hypoglycemia; and

8 WHEREAS, this condition caused the state highway safety  
9 patrolman to "black out" and lose control of his patrol car;  
10 and

11 WHEREAS, the patrol car crashed into the Hi-Way Market  
12 located on state highway 61 in Maquoketa, Iowa, causing  
13 damages to the building and its contents; and

14 WHEREAS, the owners of the building have sustained  
15 a loss through no fault of their own and have filed a claim  
16 with the state appeal board which was rejected due to lack  
17 of negligence on the part of the state highway safety  
18 patrolman, NOW THEREFORE,

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

20 Section 1. That there is hereby appropriated out of any  
21 funds in the state treasury not otherwise appropriated, the  
22 sum of five thousand seven hundred and eighty-nine (5,789)  
23 dollars, to be paid in the manner and for the purpose provided  
24 in section two (2) of this Act.

25 Sec. 2. The state comptroller is authorized and directed

1 to issue his warrant for the amount appropriated by this Act  
2 to Donald and Pauline Streets of Maquoketa, Iowa, and the  
3 treasurer of state is hereby authorized and directed to pay  
4 the same from the general fund of the state of Iowa.

5 Sec. 3. Receipt of said sum by said persons shall be in  
6 full settlement of all claims they may hold against the state  
7 of Iowa for the circumstances which gave rise to claim number  
8 T-1320-64 filed with the state appeal board on March 21, 1970.

9 EXPLANATION

10 This bill provides compensation to the owners of a Maquoketa  
11 building damaged by a highway patrol vehicle.

12 Special legislation is necessary to compensate the owners  
13 of this building because under Iowa law the state is liable  
14 for damages only if it is negligent. The state is not liable  
15 where it is not negligent even though the injured party is  
16 clearly not at fault.

17 In this case a highway patrolman "blacked out" at the wheel  
18 of his vehicle and it ran into a grocery store causing \$5789  
19 worth of damages.

20 The store owners filed a claim with the state appeals board  
21 which was denied because the highway patrolman was not aware  
22 that he was affected with functional hypoglycemia which caused  
23 the "black out". The only other avenue of recovery for the  
24 store owners is a tort claims suit against the state. The  
25 highway patrolman was unaware of his condition and recovery  
26 by the owners in a tort suit was denied by the district  
27 court.

28 The store owners remain innocently injured and should be  
29 compensated by the state.

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