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Senate File 1141  
Schroeder, Chairman  
Clark of Dubuque  
Jesse  
Menke  
Peterson  
Rinas  
Roorda

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SENATE FILE

1141

BY COMMITTEE ON STATE GOVERNMENT

Passed Senate, Date 2-19-74 (440)

Passed House, Date \_\_\_\_\_

Vote: Ayes 36 Nays 14

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

*Note: to memorial filed 2-17 (441) withdrawn 1-26 (503)*

## A BILL FOR

1 An Act to create a state department of transportation by trans-  
2 ferring certain duties of the state highway commission,  
3 Iowa aeronautics commission, Iowa reciprocity board, Iowa  
4 state commerce commission, and the department of public  
5 safety to a state department of transportation, and making  
6 coordinating amendments to the Code, including penalty  
7 provisions.

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

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1 Section 1. PUBLIC POLICY AND INTENT--TRANSFER OF FUNC-  
2 TIONS. It is the public policy of this state that the general  
3 welfare, economic growth, job mobility, convenience, stability,  
4 and well-being of the citizens of the state can best be served  
5 by a coordinated transportation policy to assure adequate,  
6 safe, and efficient transportation facilities and services.

7 In order to accomplish this goal, the general assembly  
8 finds that it is necessary to reorganize the executive branch  
9 of government and to combine and transfer the duties and func-  
10 tions of certain existing state agencies into a state depart-  
11 ment of transportation created by this Act.

12 The duties and responsibilities of the state highway com-  
13 mission are transferred to the state department of transporta-  
14 tion. The duties and responsibilities of the Iowa aeronau-  
15 tics commission are transferred to the state department of  
16 transportation. The duties and responsibilities of the Iowa  
17 reciprocity board are transferred to the state department  
18 of transportation. The duties and responsibilities of the  
19 department of public safety relating to motor vehicle regis-  
20 tration, motor vehicle dealer licensing, motor vehicle inspec-  
21 tion, and operators and chauffeurs licensing are transferred  
22 to the state department of transportation. The duties and  
23 responsibilities of the Iowa state commerce commission relat-  
24 ing to the regulation of railroads and motor transportation  
25 are transferred to the state department of transportation.

26 DIVISION I

27 Sec. 2. NEW SECTION. DEFINITIONS. When used in this  
28 division of this Act, unless the context otherwise requires:

- 29 1. "Director" means the director of transportation or  
30 his designee.  
31 2. "Department" means the state department of transporta-  
32 tion.  
33 3. "Commission" means the state transportation commis-  
34 sion.  
35 4. "Board" means the transportation regulation board.

1       Sec. 3. NEW SECTION. DEPARTMENT OF TRANSPORTATION. There  
2 is created a state department of transportation which shall  
3 be responsible for the planning, development, regulation,  
4 and improvement of transportation in the state as provided  
5 by law.

6       Sec. 4. NEW SECTION. TRANSPORTATION COMMISSION. There  
7 is created a state transportation commission which shall con-  
8 sist of seven members, not more than four of whom shall be  
9 from the same political party. The governor shall appoint  
10 the members of the state transportation commission for a term  
11 of four years, subject to the confirmation of the senate.  
12 However, of the members first appointed, one member shall  
13 be appointed for a term of one year commencing July 1, 1974  
14 and ending June 30, 1975, two members shall be appointed for  
15 a term of two years commencing July 1, 1974 and ending June  
16 30, 1976, two members shall be appointed for a term of three  
17 years commencing July 1, 1974 and ending June 30, 1977, and  
18 two members shall be appointed for a term of four years com-  
19 mencing July 1, 1974 and ending June 30, 1978.

20       Of the members first appointed, the governor shall appoint  
21 at least two members of the state highway commission and one  
22 member of the Iowa aeronautics commission as of July 1, 1974  
23 to the state transportation commission and such persons  
24 appointed shall serve simultaneously on the state transporta-  
25 tion commission and the state highway commission or the Iowa  
26 aeronautics commission. The term of office of all highway  
27 commissioners and aeronautics commissioners shall expire June  
28 30, 1975.

29       The governor shall appoint the chairman of the state trans-  
30 portation commission and the chairman shall serve in such  
31 position at the pleasure of the governor.

32       Sec. 5. NEW SECTION. CONFLICT OF INTEREST. A person  
33 shall not serve as a member of the state transportation  
34 commission who has an interest in a contract or job of work  
35 or material or the profits thereof or service to be performed

1 for the department. Any member of the state transportation  
2 commission who accepts employment with or acquires any stock,  
3 bonds, or other interest in any company or corporation doing  
4 business with the department shall be disqualified from  
5 remaining a member of the state transportation commission.

6 Sec. 6. NEW SECTION. VACANCIES. Any vacancy on the  
7 commission which may occur when the general assembly is not  
8 in session shall be filled by appointment by the governor,  
9 which appointment shall expire at the end of thirty days  
10 following the convening of the next session of the general  
11 assembly. Prior to the expiration of the thirty-day period,  
12 the governor shall transmit to the senate for its approval  
13 the name of the appointee for the unexpired portion of the  
14 regular term. Any vacancy occurring when the general assembly  
15 is in session shall be filled in the same manner as regular  
16 appointments are made, and before the end of such session,  
17 and for the unexpired portion of the regular term.

18 Sec. 7. NEW SECTION. COMPENSATION. Each member of the  
19 commission shall receive a salary as fixed by the general  
20 assembly.

21 However, for the fiscal year commencing July 1, 1974 and  
22 ending June 30, 1975, members of the state transportation  
23 commission shall receive a per diem of forty dollars and  
24 all expenses actually incurred in the performance of their  
25 official duties. Members of the state transportation  
26 commission serving simultaneously as members of the state  
27 highway commission or the Iowa aeronautics commission shall  
28 continue to receive the salary or per diem provided by law  
29 for such persons when performing their official duties as  
30 members of the state highway commission or the Iowa aeronautics  
31 commission for the fiscal year commencing July 1, 1974 and  
32 ending June 30, 1975.

33 Sec. 8. NEW SECTION. COMMISSION MEETINGS. The commission  
34 shall meet at the call of the chairman or when any four members  
35 of the commission file a written request with the chairman

1 for a meeting. Written notice of the time and place of each  
2 meeting shall be given to each member of the commission.

3 A majority of the commission members shall constitute a quorum.

4 Sec. 9. NEW SECTION. EXPENSES. Members of the commis-  
5 sion, the director, and other employees of the department  
6 shall be allowed their actual and necessary expenses incurred  
7 in the performance of their duties. All expenses and salaries  
8 shall be paid from appropriations for such purposes and the  
9 department shall be subject to the budget requirements of  
10 chapter eight (8) of the Code.

11 Sec. 10. NEW SECTION. REMOVAL FROM OFFICE. Any member  
12 of the commission may be removed for any of the causes and  
13 in the manner provided in chapter sixty-six (66) of the Code  
14 and such removal shall not be in lieu of any other punishment  
15 that may be prescribed by the laws of this state.

16 Sec. 11. NEW SECTION. DUTIES. The commission shall:

17 1. Develop and coordinate a comprehensive transportation  
18 policy for the state not later than July 1, 1975, and develop  
19 a comprehensive transportation plan by July 1, 1976 to be  
20 submitted to the governor and the general assembly, and to  
21 update the transportation policy and plan annually.

22 2. Promote the coordinated and efficient use of all avail-  
23 able modes of transportation for the benefit of the state  
24 and its citizens.

25 3. Identify the needs for city, county, and regional  
26 transportation facilities and services in the state and develop  
27 programs appropriate to meet these needs.

28 4. Identify methods of improving transportation safety  
29 in the state and develop programs appropriate to meet these  
30 needs.

31 5. Adopt rules and regulations in accordance with the  
32 provisions of chapter seventeen A (17A) of the Code as it  
33 may deem necessary to transact its business and for the  
34 administration and exercise of its powers and duties.

35 6. Approve the budget of the department as prepared by

1 the director, prior to submission of the budget to the gover-  
2 nor and the general assembly.

3 7. Approve the reorganization of any existing divisions  
4 within the department.

5 8. Consider the energy and environmental issues in  
6 transportation development.

7 Sec. 12. NEW SECTION. DIRECTOR OF TRANSPORTATION--QUAL-  
8 IFICATIONS--SALARY. The commission shall appoint a director  
9 of transportation who shall serve at the pleasure of the  
10 commission and who shall in no event be a member of the com-  
11 mission. The director shall not hold any other office under  
12 the laws of the United States or of this or any other state  
13 or hold any other position for profit. The director shall  
14 not engage in any occupation, business, or profession inter-  
15 fering with or inconsistent with his duties, serve on or  
16 under any committee of any political party, or contribute  
17 to the campaign fund of any person or political party. The  
18 director shall be appointed on the basis of his executive  
19 and administrative abilities and he shall devote his entire  
20 time to the duties of his position.

21 The director shall receive a salary as fixed by the general  
22 assembly.

23 Sec. 13. NEW SECTION. DUTIES OF THE DIRECTOR. The  
24 director shall:

25 1. Manage the internal operations of the department and  
26 establish guidelines and procedures to promote the orderly  
27 and efficient administration of the department.

28 2. Employ such personnel as are necessary to carry out  
29 the duties and responsibilities of the department, consistent  
30 with the provisions of chapter nineteen A (19A) of the Code  
31 and subject to the policies of the commission.

32 3. Assist the commission in developing state transporta-  
33 tion policy and a state transportation plan and execute the  
34 policies adopted by the commission.

35 4. Establish temporary advisory boards of such size as

1 he deems appropriate to advise the department, subject to  
2 the approval of the commission.

3 5. Prepare a budget for the department, subject to the  
4 approval of the commission, and prepare reports required by  
5 law or required by the commission.

6 6. Appoint the deputy director of transportation and the  
7 administrators of the various divisions of the department,  
8 subject to the approval of the commission.

9 7. Review and submit legislative proposals necessary to  
10 maintain current state transportation laws.

11 8. Appoint hearing officers or designate department per-  
12 sonnel or the board to conduct hearings required by law or  
13 administrative rule.

14 Sec. 14. NEW SECTION. REASSIGNMENT OF PERSONNEL. The  
15 director may reassign personnel within the department among  
16 the various divisions of the department in order to properly  
17 coordinate the work of the divisions and perform the duties  
18 and responsibilities of the department efficiently and  
19 economically.

20 Sec. 15. NEW SECTION. DIVISIONS OF THE DEPARTMENT. The  
21 following divisions are created within the department:

- 22 1. Transportation regulation board.
- 23 2. Administration division.
- 24 3. Planning division.
- 25 4. General counsel division.
- 26 5. Highway division.
- 27 6. Aeronautics division.
- 28 7. Rail and water transportation division.
- 29 8. City, county, and regional transportation division.
- 30 9. Transportation regulation and safety division.

31 The divisions created pursuant to subsections two (2),  
32 three (3), and four (4) of this section shall be created as  
33 of July 1, 1974. The divisions created pursuant to subsections  
34 one (1), five (5), six (6), seven (7), eight (8), and nine  
35 (9), of this section shall be created as of July 1, 1975.

1 This section shall not restrict the authority of the direc-  
2 tor to reorganize existing divisions which may be necessary  
3 for the proper and efficient operation of the department,  
4 subject to the approval of the commission.

5 Sec. 16. NEW SECTION. TRANSPORTATION REGULATION BOARD.  
6 The transportation regulation board shall consist of three  
7 members, not more than two of whom shall be from the same  
8 political party. The governor shall appoint the members of  
9 the board for a term of six years, subject to the confirmation  
10 of the senate. However, of the members first appointed, one  
11 member shall be appointed for a term of two years commencing  
12 July 1, 1975 and ending June 30, 1977, one member shall be  
13 appointed for a term of four years commencing July 1, 1975  
14 and ending June 30, 1979, and one member shall be appointed  
15 for a term of six years commencing July 1, 1975 and ending  
16 June 30, 1981.

17 Sec. 17. NEW SECTION. VACANCIES. Any vacancy on the  
18 transportation regulation board which may occur when the  
19 general assembly is not in session shall be filled by  
20 appointment by the governor, which appointment shall expire  
21 at the end of thirty days following the convening of the next  
22 session of the general assembly. Prior to the expiration  
23 of the thirty-day period, the governor shall transmit to the  
24 senate for its approval the name of the appointee for the  
25 unexpired portion of the regular term. Any vacancy occurring  
26 when the general assembly is in session shall be filled in  
27 the same manner as regular appointments are made, and before  
28 the end of such session, and for the unexpired portion of  
29 the regular term.

30 Sec. 18. NEW SECTION. COMPENSATION. Each member of the  
31 transportation regulation board shall receive a salary as  
32 fixed by the general assembly. Each member shall be allowed  
33 actual and necessary expenses in the same amounts paid to  
34 other state employees incurred in the performance of his  
35 duties.

1       Sec. 19. NEW SECTION. DUTIES. The transportation  
2 regulation board shall have the following duties and responsi-  
3 bilities:

4       1. Fix and approve rates, fares, and charges of common  
5 carriers regulated by chapters three hundred twenty-five  
6 (325), three hundred twenty-seven (327), three hundred twenty-  
7 seven A (327A), and four hundred seventy-nine (479) of the  
8 Code.

9       2. Issue certificates of public convenience and necessity  
10 pursuant to the provisions of chapters three hundred twenty-  
11 five (325) and three hundred twenty-seven A (327A) of the  
12 Code.

13       3. Fix and approve rates, fares, and charges of railroads  
14 and conduct safety and service permission hearings with respect  
15 to railroads regulated by chapters four hundred seventy-four  
16 (474) through four hundred eighty-six (486), inclusive, of  
17 the Code.

18       Sec. 20. NEW SECTION. PROCEEDINGS. The transportation  
19 regulation board shall conduct its hearings pursuant to rules  
20 and regulations promulgated under the provisions of chapter  
21 seventeen A (17A) of the Code.

22       Sec. 21. NEW SECTION. ENFORCEMENT. The department shall  
23 be responsible for the enforcement of all orders issued by  
24 the board.

25       Sec. 22. NEW SECTION. ADMINISTRATION DIVISION. The  
26 administrator of the administration division shall have the  
27 following duties and responsibilities:

28       1. Provide for the proper maintenance and protection of  
29 the grounds, buildings, and equipment of the department, in  
30 cooperation with the department of general services.

31       2. Establish, supervise, and maintain a system of central-  
32 ized electronic data processing for the department, in cooper-  
33 ation with the department of general services.

34       3. Assist the director in preparing the departmental  
35 budget.

1 4. Provide centralized purchasing services for the depart-  
2 ment, in cooperation with the department of general services.

3 5. Assist the director in employing the professional,  
4 technical, clerical, and secretarial staff for the department  
5 and maintain employee records, in cooperation with the merit  
6 employment department and provide personnel services, includ-  
7 ing but not limited to training, safety education, and employee  
8 counseling.

9 6. Assist the director in coordinating the responsibili-  
10 ties and duties of the various divisions within the depart-  
11 ment.

12 7. Carry out all other general administrative duties for  
13 the department.

14 8. Perform such other duties and responsibilities as may  
15 be assigned by the director.

16 The administrator of the administration division may  
17 purchase items from the department of general services and  
18 may cooperate with the director of general services by  
19 providing centralized purchasing services for the department  
20 of general services.

21 Sec. 23. NEW SECTION. PLANNING DIVISION. The adminis-  
22 trator of the planning division shall have the following  
23 duties and responsibilities:

24 1. Assist the director in planning all modes of  
25 transportation in order to develop an integrated transportation  
26 system providing adequate transportation services for all  
27 citizens of the state.

28 2. Develop and maintain transportation statistical data  
29 for the department.

30 3. Assist the director in establishing, analyzing, and  
31 evaluating alternative transportation policies for the state.

32 4. Coordinate the planning division's duties and responsi-  
33 bilities with the planning functions carried on by other  
34 divisions of the department.

35 5. Perform such other planning functions as may be assigned

1 by the director.

2 The planning functions of this division shall not include  
3 the detailed design of highways or other modal transportation  
4 facilities, but shall be restricted to the needs of this  
5 state for multi-modal transportation systems.

6 Sec. 24. NEW SECTION. GENERAL COUNSEL DIVISION. The  
7 general counsel shall be a special assistant attorney general  
8 appointed by the attorney general who shall act as the attorney  
9 for the department and he shall have the following duties  
10 and responsibilities:

11 1. Act as legal advisor to the commission, the board,  
12 the director, and the various divisions of the department  
13 and provide all legal services for the department.

14 2. Investigate the legality of all rates, charges, tariffs,  
15 rules, regulations, and practices of all common carriers and  
16 persons under the jurisdiction of the board, and institute  
17 civil proceedings before the board or any proper court to  
18 correct any illegality on the part of any common carrier and  
19 prosecute the same to final determination.

20 3. Investigate the reasonableness of rates, tariffs,  
21 charges, rules, regulations, and practices of all such common  
22 carriers in interstate transportation when directed by the  
23 board, or when in his judgment they are unlawful, prejudicial,  
24 and discriminate against any city, town, community, business,  
25 industry, or citizen of the state, and institute before the  
26 interstate commerce commission or any other tribunal having  
27 jurisdiction and prosecute to final determination any pro-  
28 ceeding growing out of such matters.

29 The attorney general shall appoint such additional assistant  
30 attorneys general as he deems necessary to carry out the  
31 duties assigned to the general counsel division. The salary  
32 of the general counsel shall be fixed by the commission,  
33 subject to the approval of the attorney general. The  
34 commission shall provide and furnish a suitable office for  
35 the general counsel upon request of the attorney general.

1       Sec. 25. NEW SECTION. HIGHWAY DIVISION. The administra-  
2 tor of the highway division shall be responsible for the plan-  
3 ning, design, construction, and maintenance of the state  
4 primary highways and shall administer the provisions of  
5 chapters three hundred six (306) through three hundred twenty  
6 (320) of the Code and perform such other duties as may be  
7 assigned by the director.

8       Sec. 26. NEW SECTION. AERONAUTICS DIVISION. The  
9 administrator of the aeronautics division shall administer  
10 the provisions of chapters three hundred twenty-eight (328),  
11 three hundred twenty-nine (329), and three hundred thirty  
12 (330) of the Code and carry out such other duties as may be  
13 assigned by the director.

14       Sec. 27. NEW SECTION. RAIL AND WATER TRANSPORTATION  
15 DIVISION. The administrator of the rail and water trans-  
16 portation division shall have the following duties and  
17 responsibilities:

18       1. Advise and assist the director in the development of  
19 river transportation and port facilities in the state.

20       2. Administer the provisions of chapters four hundred  
21 seventy-four (474), four hundred seventy-six (476), four  
22 hundred seventy-seven (477), four hundred seventy-eight (478),  
23 four hundred seventy-nine (479), four hundred eighty (480),  
24 four hundred eighty-one (481), four hundred eighty-two (482),  
25 four hundred eighty-three (483), four hundred eighty-four  
26 (484), four hundred eighty-five (485), and four hundred eighty-  
27 six (486) of the Code.

28       3. Perform such other duties and responsibilities as may  
29 be assigned by the director and the commission.

30       Sec. 28. NEW SECTION. CITY, COUNTY, AND REGIONAL TRANS-  
31 PORTATION DIVISION. The administrator of the city, county,  
32 and regional transportation division shall have the following  
33 duties and responsibilities:

34       1. Advise and assist the director in formulating a city,  
35 county, and regional transportation policy for the state.

1        2. Advise and assist the director to formulate proposals  
2 designed to resolve problems of city, county, and regional  
3 transportation within the state.

4        3. Study city, county, and regional transportation problems  
5 and provide technical assistance to local governments, subject  
6 to the approval of the director.

7        4. Consult and cooperate with officials and representa-  
8 tives of the state and its political subdivisions, other  
9 states, the federal government, and interstate agencies on  
10 city, county, and regional transportation problems.

11       5. Administer the provisions of chapters three hundred  
12 twenty-two A (322A), three hundred twenty-five (325), three  
13 hundred twenty-seven (327), three hundred twenty-seven A  
14 (327A), and three hundred twenty-seven B (327B) of the Code.

15       6. Perform such other duties and responsibilities as may  
16 be assigned by the director and the commission.

17       Sec. 29. NEW SECTION. TRANSPORTATION REGULATION AND  
18 SAFETY DIVISION. The administrator of the transportation  
19 regulation and safety division shall have the following duties  
20 and responsibilities:

21       1. Administer and supervise the registration of motor  
22 vehicles pursuant to chapter three hundred twenty-one (321)  
23 of the Code.

24       2. Administer and supervise the licensing of motor vehicle  
25 manufacturers, distributors, and dealers pursuant to chapter  
26 three hundred twenty-two (322) of the Code.

27       3. Administer the inspection of motor vehicles pursuant  
28 to chapter three hundred twenty-one (321) of the Code.

29       4. Administer motor vehicle registration reciprocity  
30 pursuant to chapter three hundred twenty-six (326) of the  
31 Code.

32       5. Administer the provisions of chapters three hundred  
33 twenty-one A (321A), three hundred twenty-one B (321B), three  
34 hundred twenty-one E (321E), and three hundred twenty-one  
35 F (321F) of the Code relating to motor vehicle financial

1 responsibility, the implied consent law, the movement of  
2 vehicles of excessive size and weight, and the leasing and  
3 renting of vehicles.

4 Sec. 30. NEW SECTION. PRORATING DEPARTMENTAL COSTS.  
5 The director shall, with the approval of the commission,  
6 prorate the costs of the department which will be expended  
7 for highways and such costs shall be paid from money appro-  
8 priated from the road use tax fund. Prorated costs payable  
9 from the road use tax fund shall be based upon that portion  
10 of the commission's duties related to the construction, main-  
11 tenance, and supervision of the public highways within the  
12 state or for the payment of bonds issued for the construction  
13 of public highways and the payment of interest on such bonds.  
14 The general assembly shall appropriate from the general fund  
15 of the state the remaining necessary departmental costs.

16 DIVISION II

17 Sec. 31. The provisions of this division shall apply only  
18 for the fiscal year commencing July 1, 1974 and ending June  
19 30, 1975. This division shall be printed in the session laws  
20 only, and shall not be made a part of the permanent Code of  
21 Iowa.

22 Sec. 32. DEFINITIONS. When used in this division of this  
23 Act, unless the context otherwise requires:

- 24 1. "Director" means the director of transportation or  
25 his designee.
- 26 2. "Department" means the state department of transporta-  
27 tion.
- 28 3. "Commission" means the state transportation commission.
- 29 4. "Board" means the transportation regulation board.

30 Sec. 33. INTERIM DUTIES OF THE COMMISSION AND DIRECTOR.  
31 The commission shall commence the development of a transporta-  
32 tion policy for the state, to be submitted to the governor  
33 and the general assembly, not later than July 1, 1975. During  
34 the fiscal year commencing July 1, 1974 and ending June 30,  
35 1975, the commission shall file quarterly progress reports

1 with the governor and the general assembly outlining the  
2 development of the state transportation policy. If the general  
3 assembly is not in session when progress reports are due,  
4 the reports shall be filed with the legislative council.

5 The director shall develop the program and budget for the  
6 first operational biennium of the department commencing July  
7 1, 1975 and ending June 30, 1977. Such programs and budget  
8 shall be submitted to the commission for its approval. The  
9 director shall prepare a table of organization for the depart-  
10 ment and develop operating procedures providing for the inter-  
11 nal management of the department.

12 For the fiscal year commencing July 1, 1974, and ending  
13 June 30, 1975, the salary of the director shall not exceed  
14 thirty-five thousand dollars.

15 The director shall appoint persons qualified and experi-  
16 enced in the fields of management, finance, and planning to  
17 assist in organization of the department, subject to the  
18 approval of the commission.

19 Nothing in this section shall prohibit the director from  
20 drawing upon expertise and personnel of the state highway  
21 commission and the Iowa aeronautics commission or any other  
22 public agency.

23 Sec. 34. INFORMATION AND ASSISTANCE. The commission may  
24 call upon the state highway commission, Iowa reciprocity  
25 board, department of public safety, Iowa state commerce com-  
26 mission, and the Iowa aeronautics commission for such informa-  
27 tion and assistance as may be needed in the performance of  
28 its duties and these agencies shall furnish such assistance,  
29 information, and cooperation insofar as the same shall be  
30 within the resources and authority of the agencies.

31 All personnel who are employed by the state highway commis-  
32 sion, Iowa reciprocity board, department of public safety,  
33 Iowa state commerce commission, or the Iowa aeronautics com-  
34 mission and render services for the department shall remain  
35 employees of their respective agencies during the fiscal

1 year commencing July 1, 1974 and ending June 30, 1975 and  
2 shall receive compensation for services rendered from the  
3 state highway commission, Iowa reciprocity board, department  
4 of public safety, Iowa state commerce commission, or the Iowa  
5 aeronautics commission from funds appropriated to such agen-  
6 cies.

7 Sec. 35. LOCATION OF OFFICES. The commission shall furnish  
8 sufficient office space for the use of the state department  
9 of transportation during the fiscal year commencing July 1,  
10 1974 and ending June 30, 1975.

11 Sec. 36. Any person employed by the director on or after  
12 July 1, 1974 and not later than June 30, 1975, whose duty  
13 assignments will be terminated because of this Act may be  
14 reassigned to other duties in the department on July 1, 1975.  
15 The Iowa merit employment commission shall promulgate rules  
16 and regulations to carry out any reassignment and shall  
17 arbitrate and decide any written appeal made by any employee  
18 concerning reassignment or reclassification made necessary  
19 by this Act. No employee shall lose any benefits he may have  
20 accrued, including but not limited to salary, retirement,  
21 vacation, sick leave, or longevity, because of reassignment  
22 provided for in this section.

23 DIVISION III

24 Sec. 37. NEW SECTION. MEMBERS--ORGANIZATION. The Iowa  
25 state commerce commission shall be composed of three mem-  
26 bers, not more than two of whom shall be from the same politi-  
27 cal party, and each commissioner appointed shall serve for  
28 six years from July first of the year of his appointment.  
29 Within sixty days after the convening of each regular session  
30 of the general assembly, the governor shall appoint, with  
31 the approval of two-thirds of the senate, a successor to the  
32 member of the Iowa state commerce commission whose term will  
33 expire on July first following. Vacancies occurring while  
34 the general assembly is in session shall be filled for the  
35 unexpired portion of the term as full-term appointments are

1 filled. Vacancies occurring while the general assembly is  
2 not in session shall be filled by the governor, but such  
3 appointments shall terminate at the end of thirty days after  
4 the convening of the next regular session of the general  
5 assembly and the vacancy shall be filled for the unexpired  
6 portion of the term as full-term appointments are filled.

7 On the second Tuesday of July of each year, the Iowa state  
8 commerce commission shall organize by electing one of its  
9 members as chairman, and appointing a secretary, who shall  
10 take the same oath as the commissioners. The commission may  
11 employ such additional personnel as it may find necessary.

12 As used in sections thirty-six (36) through forty-four  
13 (44) of this Act, the words "commerce commission" mean the  
14 Iowa state commerce commission.

15 Sec. 38. NEW SECTION. CERTAIN PERSONS BARRED FROM OFFICE.  
16 No person in the employ of any common carrier or other public  
17 utility, or owning any bonds, stock, or property in any  
18 railroad company or other public utility shall be eligible  
19 to the office of Iowa state commerce commissioner or secretary  
20 of the commerce commission; and the entering into the employ  
21 of any common carrier or other public utility or the acquiring  
22 of any stock or other interest in any common carrier or other  
23 public utility by such commissioner or secretary after his  
24 appointment shall disqualify him to hold the office or perform  
25 the duties thereof.

26 Sec. 39. NEW SECTION. PROCEEDINGS. The commerce com-  
27 mission may in all cases conduct its proceedings, when not  
28 otherwise prescribed by law, in such manner as will best con-  
29 duce to the proper dispatch of business and the attainment  
30 of justice.

31 Sec. 40. NEW SECTION. QUORUM--PERSONAL INTEREST. A  
32 majority of the commerce commission shall constitute a quorum  
33 for the transaction of business, but no commissioner shall  
34 participate in any hearing or proceeding in which he has any  
35 pecuniary interest.



1       Sec. 47. Section seventeen point thirty (17.30), unnum-  
2 bered paragraph one (1), Code 1973, is amended to read as  
3 follows:

4       Each state board, commission, department and division  
5 of state government and each institution under the control  
6 of the department of social services and the state board of  
7 regents and each ~~subdivision~~ division of the ~~highway-commissioner~~  
8 state department of transportation shall be responsible for  
9 keeping a written, detailed, up-to-date inventory of all real  
10 and personal property belonging to the state and under their  
11 charge, control and management. Such inventories shall be  
12 in such form as may be prescribed by the director of the  
13 department of general services.

14       Sec. 48. Section nineteen A point three (19A.3), Code  
15 1973, is amended by adding the following new subsection:

16       NEW SUBSECTION. The director of transportation, his deputy,  
17 and his divisional administrators, one secretary or  
18 stenographer for each, and one administrative assistant or  
19 deputy for each.

20       Sec. 49. Section twenty point one (20.1), Code 1973, as  
21 amended by Acts of the Sixty-fifth General Assembly, 1973  
22 Session, chapter one hundred twenty (120), section ten (10),  
23 is amended to read as follows:

24       20.1 BOARD CREATED. A state war surplus commodities board  
25 is hereby created and established hereinafter referred to  
26 as the "board", to consist of the commissioner of the  
27 department of social services or any division director assigned  
28 by him, a member of the state board of regents, a member of  
29 the ~~Iowa~~ Iowa state highway transportation commission, a member  
30 of the executive council of the state, a member of the state  
31 conservation commission ~~of-the-state~~, the commissioner of  
32 the Iowa state department of health, a member of the department  
33 of public instruction, a member of the Iowa development  
34 commission, and director of the department of general services.

35       Sec. 50. Section sixty-four point six (64.6), subsection

1 twenty-three (23), Code 1973, is amended to read as follows:

2 23. Members state highway transportation commission, five  
3 ten thousand dollars.

4 Sec. 51. Section sixty-eight B point two (68B.2), subsec-  
5 tion four (4), Code 1973, as amended by Acts of the Sixty-  
6 fifth General Assembly, 1973 Session, chapter one hundred  
7 thirty-nine (139), section one (1), is amended to read as  
8 follows:

9 4. "Regulatory agency" means department of agriculture,  
10 industrial commissioner, bureau of labor, employment security  
11 commission, department of banking, insurance department of  
12 Iowa, state department of health, department of public safety,  
13 department of public instruction, state board of regents,  
14 department of social services, state department of revenue,  
15 Iowa state commerce commission, Iowa beer and liquor control  
16 commission department, board of pharmacy examiners, state  
17 conservation commission, ~~aeronautics-commissioner~~, ~~state-highway~~  
18 ~~commission~~ state department of transportation, Iowa state  
19 civil rights commission, department of soil conservation,  
20 department of public defense, and Iowa natural resources  
21 council.

22 Sec. 52. Section eighty point nine (80.9), subsection  
23 two (2), paragraph b, Code 1973, is amended to read as follows:

24 b. To enforce all laws relating to traffic on the public  
25 highways of the state, including those relating to the safe  
26 and legal operation of passenger cars, motorcycles, motor  
27 trucks and buses; ~~to-issue-operators-and-chauffeurs--licenses,~~  
28 to see that proper safety rules are observed and to give first  
29 aid to the injured;

30 Sec. 53. Section four hundred sixty point eight (460.8),  
31 Code 1973, is amended to read as follows:

32 460.8 PAYMENT FROM ROAD FUNDS. The amount fixed by the  
33 final order of the board of supervisors to be paid:

34 1. On account of the primary road system, shall be payable  
35 by the state ~~highway-commissioner~~ department of transporta-

1 tion on due certification of the amount by the county trea-  
 2 surer to ~~said-commission~~ the state department of transportation  
 3 out of the primary road fund.

4 2. On account of the secondary road system, may be pay-  
 5 able from the secondary road construction fund, or from the  
 6 secondary road maintenance fund, or from both of said funds.

7 Sec. 54. Section four hundred seventy-one point ten  
 8 (471.10), Code 1973, is amended to read as follows:

9 471.10 FINDING BY ~~COMMERCE-COMMISSION~~ TRANSPORTATION  
 10 REGULATION BOARD. The company, before instituting condemnation  
 11 proceedings under section 471.9, shall apply in writing to  
 12 the ~~Iowa-state-commerce-commission~~ transportation regulation  
 13 board, for permission to so condemn. ~~Said-commission~~ The  
 14 transportation regulation board shall give notice to the  
 15 landowner, and examine into the matter, and report by cer-  
 16 tificate to the clerk of the district court in the county  
 17 in which the land is situated, the amount and description  
 18 of the additional lands necessary for such purposes, present  
 19 and prospective, of such company; whereupon the company shall  
 20 have power to condemn the lands so certified by the ~~commiss-~~  
 21 ~~ion~~ transportation regulation board.

22 Sec. 55. Section four hundred seventy-one point eleven  
 23 (471.11), Code 1973, is amended to read as follows:

24 471.11 LANDS FOR WATER STATIONS--HOW SET ASIDE. Lands  
 25 which are sought to be condemned for water stations, dams,  
 26 or reservoirs, including all the overflowed lands, if any,  
 27 shall, if requested by the owner, be set aside in a square  
 28 or rectangular shape by the ~~Iowa-state-commerce-commission~~  
 29 transportation regulation board.

30 Sec. 56. Section four hundred seventy-two point nineteen  
 31 (472.19), Code 1973, is amended to read as follows:

32 472.19 SERVICE OF NOTICE--HIGHWAY MATTERS. Such notice  
 33 of appeal shall be served in the same manner as an original  
 34 notice. In case of condemnation proceedings instituted by  
 35 the state ~~highway-commission~~ department of transportation,

1 when the owner appeals from the assessment made, such notice  
2 of appeal shall be served upon the attorney general, or the  
3 ~~special-assistant-attorney-general-acting-as~~ department general  
4 counsel to said-commission the state department of  
5 transportation, or the chief highway engineer for said  
6 ~~commission~~ the department. When service of notice of appeal  
7 cannot be made as provided in this section, the district court  
8 of the county in which the real estate is situated, on  
9 application, shall direct what notice shall be sufficient.

10 Sec. 57. Section four hundred seventy-two point forty-  
11 two (472.42), Code 1973, is amended by striking the section  
12 and inserting in lieu thereof the following: \*

13 472.42 EMINENT DOMAIN--PAYMENT TO DISPLACED PERSONS.

14 1. Any utility or railroad subject to section four hun-  
15 dred seventy-four point ten (474.10), chapter four hundred  
16 ninety (490), or chapter four hundred ninety A (490A) of the  
17 Code, authorized by law to acquire property by condemnation  
18 that does acquire the property of any person who is displaced  
19 thereby after July 1, 1971, shall pay to such person in  
20 addition to all other sums of money required by law a dis-  
21 placement allowance in accordance with and in the same manner  
22 as provided for acquisition for highway projects in sections  
23 three hundred sixteen point four (316.4), three hundred sixteen  
24 point five (316.5), three hundred sixteen point six (316.6)  
25 and three hundred sixteen point eight (316.8) of the Code.

26 2. The displacement allowance to be paid by a utility  
27 subject to the provisions of chapters four hundred ninety  
28 (490) or four hundred ninety A (490A) of the Code, shall be  
29 paid in the manner provided in sections three hundred sixteen  
30 point four (316.4), three hundred sixteen point five (316.5),  
31 three hundred sixteen point six (316.6), and three hundred  
32 sixteen point eight (316.8) of the Code and pursuant to rules  
33 promulgated by the Iowa state commerce commission. Any person  
34 aggrieved by a determination as to eligibility for a payment  
35 or the amount of the payment may, upon application, have the

1 matter reviewed by the Iowa state commerce commission. The  
2 decision of the Iowa state commerce commission upon review  
3 shall be final as to all parties.

4 3. The displacement allowance to be paid by a railroad  
5 subject to the provisions of section four hundred seventy-  
6 four point ten (474.10) of the Code, shall be paid in the  
7 manner provided in sections three hundred sixteen point four  
8 (316.4), three hundred sixteen point five (316.5), three  
9 hundred sixteen point six (316.6), and three hundred sixteen  
10 point eight (316.8) of the Code and pursuant to rules  
11 promulgated by the transportation regulation board. Any  
12 person aggrieved by a determination as to eligibility for  
13 a payment or the amount of the payment may, upon application,  
14 have the matter reviewed by the transportation regulation  
15 board. The decision of the transportation regulation board  
16 upon review shall be final as to all parties.

17 4. Any utility or railroad subject to the provisions of  
18 this section that proposes to acquire the property of any  
19 person who will be displaced by such acquisition shall inform  
20 the person of his right to receive a displacement allowance  
21 and, if his right to the displacement allowance or the amount  
22 of the allowance is in dispute, his right to appeal to the  
23 Iowa state commerce commission or the transportation regula-  
24 tion board.

25 Sec. 58. Sections eight point two (8.2), eleven point  
26 three (11.3), seventeen point nine (17.9), seventy-nine point  
27 one (79.1), one hundred eleven point twenty (111.20), one  
28 hundred eleven point twenty-three (111.23), one hundred eleven  
29 point fifty-eight (111.58), one hundred eleven B point eight  
30 (111B.8), three hundred four point twelve (304.12), three  
31 hundred five A point two (305A.2), three hundred five A point  
32 five (305A.5), four hundred twenty-two point forty-five  
33 (422.45), four hundred fifty-five point one hundred eighteen  
34 (455.118), four hundred seventy-two point twenty-six (472.26),  
35 four hundred ninety point twenty-five (490.25), five hundred

1 seventy-three point eight (573.8), five hundred seventy-three  
2 point fifteen (573.15), five hundred seventy-three point  
3 twenty-four (573.24), six hundred thirteen point twelve  
4 (613.12), and six hundred thirteen point thirteen (613.13),  
5 Code 1973, are amended by striking from such sections the  
6 words "highway commission", "state highway commission", and  
7 "Iowa state highway commission" and inserting in lieu thereof  
8 the words "state department of transportation".

9 Sec. 59. Chapter three hundred six (306), Code 1973, is  
10 amended by adding the following new section:

11 NEW SECTION. DEFINITIONS. As used in this chapter, unless  
12 the context otherwise requires:

13 1. "Department" means the state department of transporta-  
14 tion.

15 2. "Agency" means any governmental body which exercises  
16 jurisdiction over any road as provided in section three hun-  
17 dred six point four (306.4) of the Code.

18 Sec. 60. Sections three hundred six point four (306.4),  
19 three hundred six point five (306.5), three hundred six point  
20 six (306.6), three hundred six point seven (306.7), three  
21 hundred six point twelve (306.12), three hundred six point  
22 fourteen (306.14), and three hundred six point sixteen  
23 (306.16), Code 1973, are amended by striking from such sections  
24 the words "state highway commission" and "Iowa state highway  
25 commission" and inserting in lieu thereof the word  
26 "department".

27 Sec. 61. Sections three hundred six point ten (306.10),  
28 three hundred six point eleven (306.11), three hundred six  
29 point twelve (306.12), three hundred six point fourteen  
30 (306.14), three hundred six point sixteen (306.16), three  
31 hundred six point seventeen (306.17), three hundred six point  
32 eighteen (306.18), three hundred six point nineteen (306.19),  
33 three hundred six point twenty-two (306.22), three hundred  
34 six point twenty-three (306.23), three hundred six point  
35 thirty-eight (306.38), three hundred six point thirty-nine

1 (306.39), and three hundred six point forty-one (306.41),  
2 Code 1973, are amended by striking from such sections the  
3 words "board or commission", "board", "commission", and "com-  
4 mission, board or boards" and inserting in lieu thereof the  
5 word "agency".

6 Sec. 62. Section three hundred six A point ten (306A.10),  
7 Code 1973, is amended to read as follows:

8 306A.10 NOTICE TO RELOCATE--COSTS PAID BY STATE. Whenever  
9 the Iowa state highway-commission department of transportation  
10 shall determine that relocation or removal of any utility  
11 facility now located in, over, along, or under any highway  
12 or street, is necessitated by the construction of a project  
13 on routes of the national system of interstate and defense  
14 highways including extensions within cities and towns, the  
15 utility owning or operating such facility shall relocate or  
16 remove the same in accordance with statutory notice. The  
17 costs of relocation or removal, including the costs of  
18 installation in a new location, shall be ascertained by the  
19 Iowa state highway-commission department of transportation  
20 or as determined in condemnation proceedings for such purposes  
21 and paid by the state out of the primary road fund as part  
22 of the cost of such federally aided project.

23 Sec. 63. Section three hundred six B point one (306B.1),  
24 Code 1973, is amended by adding the following new subsection:  
25 NEW SUBSECTION. "Department" means the state department  
26 of transportation.

27 Sec. 64. Sections three hundred six B point two (306B.2),  
28 three hundred six B point three (306B.3), three hundred six  
29 B point four (306B.4), three hundred six B point five (306B.5),  
30 three hundred six B point six (306B.6), three hundred six  
31 B point seven (306B.7), and three hundred six B point eight  
32 (306B.8), Code 1973, are amended by striking from such sections  
33 the words "commission" and "state highway commission" and  
34 inserting in lieu thereof the word "department".

35 Sec. 65. Section three hundred six C point one (306C.1),

1 subsection five (5), Code 1973, is amended by striking the  
2 subsection and inserting in lieu thereof the following:

3 5. "Department" means the state department of transporta-  
4 tion.

5 Sec. 66. Section three hundred six C point ten (306C.10),  
6 subsection one (1), Code 1973, is amended by striking the  
7 subsection and inserting in lieu thereof the following:

8 1. "Department" means the state department of transporta-  
9 tion.

10 Sec. 67. Sections three hundred six C point one (306C.1),  
11 three hundred six C point two (306C.2), three hundred six  
12 C point three (306C.3), three hundred six C point four  
13 (306C.4), three hundred six C point five (306C.5), three  
14 hundred six C point six (306C.6), three hundred six C point  
15 eight (306C.8), three hundred six C point ten (306C.10), as  
16 amended by Acts of the Sixty-fifth General Assembly, 1973  
17 Session, chapter two hundred one (201), section one (1), three  
18 hundred six C point eleven (306C.11), as amended by Acts of  
19 the Sixty-fifth General Assembly, 1973 Session, chapter two  
20 hundred one (201), section two (2), three hundred six C point  
21 thirteen (306C.13), as amended by Acts of the Sixty-fifth  
22 General Assembly, 1973 Session, chapter two hundred one (201),  
23 sections three (3) and four (4), three hundred six C point  
24 fourteen (306C.14), as amended by Acts of the Sixty-fifth  
25 General Assembly, 1973 Session, chapter two hundred one (201),  
26 section five (5), three hundred six C point fifteen (306C.15),  
27 as amended by Acts of the Sixty-fifth General Assembly, 1973  
28 Session, chapter two hundred one (201), section six (6), three  
29 hundred six C point seventeen (306C.17), as amended by Acts  
30 of the Sixty-fifth General Assembly, 1973 Session, chapter  
31 two hundred one (201), section seven (7), three hundred six  
32 C point eighteen (306C.18), as amended by Acts of the Sixty-  
33 fifth General Assembly, 1973 Session, chapter two hundred  
34 one (201), section eight (8), three hundred six C point  
35 nineteen (306C.19), as amended by Acts of the Sixty-fifth

1 General Assembly, 1973 Session, chapter two hundred one (201),  
2 section nine (9), three hundred six C point twenty (306C.20),  
3 and three hundred six C point twenty-one (306C.21), Code 1973,  
4 are amended by striking from such sections the word  
5 "commission" and inserting in lieu thereof the word  
6 "department".

7 Sec. 68. Chapter three hundred seven (307), Code 1973,  
8 is amended by adding the following new section:

9 NEW SECTION. DEFINITIONS. As used in this chapter, unless  
10 the context otherwise requires:

11 1. "Commission" means the state transportation commission  
12 of the state department of transportation.

13 2. "Department" means the state department of transporta-  
14 tion.

15 Sec. 69. Section three hundred seven point five (307.5),  
16 subsections three (3), four (4), five (5), six (6), twelve  
17 (12), and thirteen (13), Code 1973, are amended to read as  
18 follows:

19 3. ~~Appoint all assistants necessary to carry on the work~~  
20 ~~of the commission, define their duties, fix their compensation,~~  
21 ~~and provide for necessary bonds and the amounts thereof.~~  
22 ~~The term of employment of all such assistants may be terminated~~  
23 ~~by the commission, at any time and for any cause.~~ When in  
24 the interest of the state, the commission may allow ~~not to~~  
25 exceed forty-five days a subsistence expense to an employee  
26 of the highway division of the department for continuous stay  
27 in one location while on duty away from established  
28 headquarters and place of domicile or either for a period  
29 not to exceed forty-five days; allow automobile expenses in  
30 accordance with section 79.9, for moving an employee and his  
31 family from place of present domicile to new domicile, and  
32 actual transportation expense for moving not to exceed seven  
33 thousand pounds of household goods. Such household goods  
34 shall not include pets or animals.

35 4. Investigate highway conditions in any county, and

1 report all violations of duty to the ~~attorney-general~~  
2 department general counsel.

3 5. Make surveys, plans, and estimates of cost, for the  
4 elimination of danger at railroad crossings on highways, and  
5 confer with local, and railroad officials, ~~and with the Iowa~~  
6 ~~state-commerce-commission~~ with reference to such elimination  
7 of the danger.

8 6. Assist the board of supervisors and the ~~attorney-general~~  
9 department general counsel in the defense of suits wherein  
10 infringement of patents, relative to highway construction,  
11 is alleged.

12 12. Construct, reconstruct, improve and maintain state  
13 institutional roads and state park roads as defined in section  
14 306.3 and bridges on such roads, upon the request of the state  
15 board, department or commission which has jurisdiction over  
16 such roads. This shall be done in such manner as may be  
17 agreed upon by the highway commission and the state board,  
18 department or commission which has jurisdiction. The highway  
19 commission may contract with any county or municipality for  
20 the construction, reconstruction, improvement or maintenance  
21 of such roads and bridges. Any state park road which is an  
22 extension of either a primary or secondary highway which both  
23 enters and exits from a state park at separate points shall  
24 be constructed, reconstructed, improved and maintained as  
25 provided in section 306.4.

26 13. Prepare, adopt and cause to be published a long-range  
27 program for the primary road system, in conjunction with the  
28 state transportation plan adopted by the commission. Such  
29 program shall be prepared for a period of at least five years  
30 and shall be revised, brought up to date and republished at  
31 least once every year in order to have a continuing five-year  
32 program. The program shall include, insofar as such estimates  
33 can be made, an estimate of the money expected to become  
34 available during the period covered by the program and a  
35 statement of the construction, maintenance, and other work

1 planned to be performed during such period. The commission  
2 shall conduct periodic reinspections of the primary roads  
3 in order to revise, from time to time, its estimates of future  
4 needs to conform to the physical and service conditions of  
5 the primary roads. The commission shall annually cause to  
6 be published a sufficiency rating report showing the relative  
7 conditions of the primary roads. Before the last day of  
8 December of each year, the commission shall adopt and cause  
9 to be published from its long-range program, a plan of  
10 improvements to be accomplished during the next calendar year.  
11 This annual program shall list definite projects in order  
12 of urgency and shall include a reasonable year's work with  
13 the funds estimated to be available. The annual program shall  
14 be final and followed by the commission in the next year  
15 except that deviations may be made in case of disaster or  
16 other unforeseen emergencies or difficulties. The relative  
17 urgency of the proposed improvements shall be determined by  
18 a consideration of the physical condition, safety, and service  
19 characteristics of the various primary roads.

20 Sec. 70. Section three hundred seven point ten (307.10),  
21 Code 1973, is amended to read as follows:

22 307.10 STATE-OWNED LANDS--ASSESSMENT. Municipalities  
23 and counties may assess the cost of a public improvement when  
24 such improvement benefits property owned by the state and  
25 under the jurisdiction and control of the ~~state-highway~~  
26 ~~commission~~ highway division of the department. The commission  
27 shall pay from the primary road fund such portion of the cost  
28 of the improvement as would be legally assessable against  
29 the land if privately owned.

30 Assessments against property under the jurisdiction of  
31 the ~~state-highway-commission~~ highway division of the depart-  
32 ment shall be made in the same manner as those made against  
33 private property, except that the municipality or county  
34 making the assessment shall cause a copy of the public notice  
35 of hearing to be mailed to the commission by restricted cer-

1 tified mail.

2 Assessments against property owned by the state and not  
3 under the jurisdiction and control of the ~~state-highway~~  
4 ~~commission~~ highway division of the department shall be made  
5 in the same manner as those made against private property  
6 and payment thereof shall be made by the executive council  
7 from any funds of the state not otherwise appropriated.

8 No such assessment in excess of twenty thousand dollars  
9 shall be valid unless it is provided for by or contained  
10 within a capital appropriation by the general assembly.

11 Sec. 71. Section three hundred seven point twelve (307.12),  
12 Code 1973, is amended to read as follows:

13 307.12 MATERIALS AND EQUIPMENT REVOLVING FUND. There  
14 is appropriated out of the primary road fund the sum of one  
15 hundred thousand dollars which shall be known as the highway  
16 ~~commission~~ materials and equipment revolving fund. From this  
17 fund shall be paid all materials and supplies, inventoried  
18 stock supplies, maintenance and operational costs of equip-  
19 ment and equipment replacements incurred in the operation  
20 of centralized purchasing for the highway division of the  
21 department. Direct salaries and expenses properly chargeable  
22 thereto shall be paid from said fund. For each month the  
23 highway commission shall render a statement to each depart-  
24 ment within the ~~commission~~ highway division for the actual  
25 cost of materials and supplies, operational and maintenance  
26 costs of equipment, and equipment depreciation used by ~~such~~  
27 ~~department~~ the highway division. Such expense shall be paid  
28 by ~~said-department~~ the highway division in the same manner  
29 as other interdepartmental billings are paid and when such  
30 expense is paid by the ~~department~~ highway division, such sum  
31 shall be credited to the highway ~~commission~~ materials and  
32 equipment revolving fund. If any surplus accrues to said  
33 revolving fund in excess of one hundred thousand dollars for  
34 which there is no anticipated need or use, the governor shall  
35 order such surplus reverted to the primary road fund. When

1 the highway division shares equipment with other divisions  
2 of the department, the director of transportation shall prorate  
3 the costs of the equipment among the divisions using the  
4 equipment.

5 Sec. 72. Section three hundred seven point thirteen  
6 (307.13), Code 1973, is amended by adding the following new  
7 paragraph:

8 NEW PARAGRAPH. Any employee of the state highway commission  
9 who becomes an employee of the state department of  
10 transportation on July 1, 1974 shall retain all rights to  
11 longevity pay so long as he continues employment with the  
12 state department of transportation.

13 Sec. 73. Sections three hundred seven point six (307.6),  
14 three hundred seven point seven (307.7), and three hundred  
15 seven point eleven (307.11), Code 1973, are amended by striking  
16 from such sections the words "state highway commission" and  
17 inserting in lieu thereof the word "commission".

18 Sec. 74. Sections three hundred eight point one (308.1),  
19 three hundred eight point two (308.2), three hundred eight  
20 point three (308.3), three hundred eight point four (308.4),  
21 and three hundred eight point five (308.5), Code 1973, are  
22 amended by striking the words "Iowa state highway commission",  
23 "state highway commission", and "highway commission" and  
24 inserting in lieu thereof the words "state transportation  
25 commission".

26 Sec. 75. Section three hundred eight A point one (308A.1),  
27 Code 1973, is amended to read as follows:

28 308A.1 CONSERVATION COMMISSION AND HIGHWAY STATE TRANS-  
29 PORTATION COMMISSION TO CO-OPERATE. The state conservation  
30 commission, in consultation with the highway state trans-  
31 portation commission, is hereby authorized to establish  
32 recreational bikeways within this state for the use, enjoy-  
33 ment, and participation of the public in nonmotorized bicy-  
34 cling. The routes established for such bikeways shall be  
35 designed to maximize the safety of cyclists and motorists

1 and may utilize secondary roads when the normal flow of motor  
2 vehicle traffic will not be hindered, as well as other infre-  
3 quently traveled roads, streets, parkways, and appropriate  
4 thoroughfares. Such bikeways shall be routed, wherever pos-  
5 sible, to allow the enjoyment of scenic views and points of  
6 historical interest, and may connect state parks and other  
7 recreational areas throughout the state.

8 Bikeway routes shall be clearly marked with appropriate  
9 signs to guide cyclists and to alert motorists. Such signs  
10 shall be placed at intervals and designed in such form as  
11 prescribed by the conservation commission in consultation  
12 with the highway state transportation commission.

13 The conservation commission is hereby authorized to co-  
14 operate with county conservation boards, boards of supervisors,  
15 city or town councils, or any private organizations interested  
16 in the establishment of bikeways, and may consult with such  
17 groups in the planning of appropriate bikeway routes and  
18 related activities.

19 Sec. 76. Chapter three hundred nine (309), Code 1973,  
20 is amended by adding the following new section:

21 NEW SECTION. DEFINITION. As used in this chapter, unless  
22 the context otherwise requires, "department" means the state  
23 department of transportation.

24 Sec. 77. Sections three hundred nine point sixteen  
25 (309.16), three hundred nine point twenty-two (309.22), three  
26 hundred nine point forty-two (309.42), three hundred nine  
27 point forty-six (309.46), three hundred nine point fifty-six  
28 (309.56), three hundred nine point sixty-eight (309.68), three  
29 hundred nine point sixty-nine (309.69), three hundred nine  
30 point seventy (309.70), three hundred nine point seventy-one  
31 (309.71), three hundred nine point seventy-three (309.73),  
32 three hundred nine point seventy-nine (309.79), three hundred  
33 nine point eighty (309.80), three hundred nine point eighty-  
34 two (309.82), three hundred nine point ninety-three (309.93),  
35 three hundred nine point ninety-four (309.94), three hundred

1 nine point ninety-five (309.95), and three hundred nine point  
2 ninety-six (309.96), Code 1973, are amended by striking from  
3 such sections the words "commission", "highway commission",  
4 and "state highway commission" and inserting in lieu thereof  
5 the word "department".

6 Sec. 78. Section three hundred ten point one (310.1),  
7 Code 1973, is amended by adding the following new subsection:

8 NEW SUBSECTION. "Department" means the state department  
9 of transportation.

10 Sec. 79. Section three hundred ten point one (310.1),  
11 subsection two (2), Code 1973, is amended to read as follows:

12 2. "Federal aid" or "federal aid secondary road fund"  
13 shall mean funds allotted to the state of Iowa by the federal  
14 government to aid in the construction of secondary roads and  
15 which funds must be matched with funds under the control of  
16 the state-highway-commission department.

17 Sec. 80. Sections three hundred ten point six (310.6),  
18 three hundred ten point eight (310.8), three hundred ten point  
19 nine (310.9), three hundred ten point ten (310.10), three  
20 hundred ten point eleven (310.11), three hundred ten point  
21 thirteen (310.13), three hundred ten point fourteen (310.14),  
22 three hundred ten point eighteen (310.18), three hundred ten  
23 point twenty-seven (310.27), three hundred ten point twenty-  
24 eight (310.28), three hundred ten point twenty-nine (310.29),  
25 three hundred ten point thirty-two (310.32), three hundred  
26 ten point thirty-four (310.34), three hundred ten point thirty-  
27 five (310.35), and three hundred ten point thirty-six (310.36),  
28 Code 1973, are amended by striking from such sections the  
29 words "commission", "highway commission" and "state high-  
30 way commission" and inserting in lieu thereof the word "depart-  
31 ment".

32 Sec. 81. Section three hundred eleven point seven (311.7),  
33 unnumbered paragraph five (5), Code 1973, is amended to read  
34 as follows:

35 If the engineer's estimated cost of the grading, bridges,

1 culverts, and draining of the road proposed to be included  
2 in any special assessment district project under this section,  
3 exceeds an average of seven thousand dollars per mile, the  
4 board of supervisors of said county may appeal to the state  
5 highway transportation commission as to whether the county  
6 shall proceed with the construction of said project. The  
7 state highway transportation commission shall hold a hearing  
8 on said matter, at a time and place of which the petitioners  
9 and the county board shall be duly notified, and shall have  
10 an opportunity to appear and be heard. After such hearing  
11 the state highway transportation commission shall determine  
12 whether the county shall proceed with said project, which  
13 determination shall be final.

14 Sec. 82. Chapter three hundred twelve (312), Code 1973,  
15 is amended by adding the following new section:

16 NEW SECTION. DEFINITION. As used in this chapter, unless  
17 the context otherwise requires, "department" means the state  
18 department of transportation.

19 Sec. 83. Sections three hundred twelve point three (312.3),  
20 three hundred twelve point four (312.4), three hundred twelve  
21 point five (312.5), three hundred twelve point ten (312.10),  
22 three hundred twelve point twelve (312.12), three hundred  
23 twelve point fourteen (312.14), and three hundred twelve point  
24 fifteen (312.15), Code 1973, are amended by striking from  
25 such sections the words "state highway commission" and  
26 inserting in lieu thereof the word "department".

27 Sec. 84. Chapter three hundred thirteen (313), Code 1973,  
28 is amended by adding the following new section:

29 NEW SECTION. DEFINITION. As used in this chapter, unless  
30 the context otherwise requires, "department" means the state  
31 department of transportation.

32 Sec. 85. Sections three hundred thirteen point one (313.1),  
33 three hundred thirteen point two (313.2), three hundred  
34 thirteen point four (313.4), as amended by Acts of the Sixty-  
35 fifth General Assembly, 1973 Session, chapter one hundred

1 two (102), section nine (9), three hundred thirteen point  
2 five (313.5), three hundred thirteen point six (313.6), three  
3 hundred thirteen point eight (313.8), three hundred thirteen  
4 point nine (313.9), three hundred thirteen point ten (313.10),  
5 three hundred thirteen point twelve (313.12), three hundred  
6 thirteen point thirteen (313.13), three hundred thirteen point  
7 sixteen (313.16), three hundred thirteen point eighteen  
8 (313.18), three hundred thirteen point nineteen (313.19),  
9 three hundred thirteen point twenty (313.20), three hundred  
10 thirteen point twenty-one (313.21), three hundred thirteen  
11 point twenty-two (313.22), three hundred thirteen point twenty-  
12 three (313.23), three hundred thirteen point twenty-four  
13 (313.24), three hundred thirteen point twenty-seven (313.27),  
14 three hundred thirteen point twenty-eight (313.28), three  
15 hundred thirteen point twenty-nine (313.29), three hundred  
16 thirteen point thirty-six (313.36), three hundred thirteen  
17 point thirty-seven (313.37), three hundred thirteen point  
18 forty-four (313.44), three hundred thirteen point fifty-eight  
19 (313.58), three hundred thirteen point fifty-nine (313.59),  
20 three hundred thirteen point sixty (313.60), three hundred  
21 thirteen point sixty-one (313.61), three hundred thirteen  
22 point sixty-two (313.62), three hundred thirteen point sixty-  
23 three (313.63), three hundred thirteen point sixty-four  
24 (313.64), three hundred thirteen point sixty-five (313.65),  
25 three hundred thirteen point sixty-six (313.66), and three  
26 hundred thirteen point sixty-seven (313.67), Code 1973, are  
27 amended by striking from such sections the words "commis-  
28 sion", "highway commission", "state highway commission", and  
29 "Iowa highway commission" and inserting in lieu thereof the  
30 word "department".

31 Sec. 86. Section three hundred thirteen A point one  
32 (313A.1), Code 1973, is amended to read as follows:

33 313A.1 DEFINITIONS. The following words or terms, as  
34 used in this chapter, shall have the respective meanings as  
35 stated:

1        1. "Toll bridge" shall mean an interstate bridge con-  
2        structed, purchased or acquired under the provisions of this  
3        chapter, upon which tolls are charged, together with all  
4        appurtenances, additions, alterations, improvements, and  
5        replacements thereof, and the approaches thereto, and all  
6        lands and interests therein used therefor, and buildings and  
7        improvements thereon.

8        2. "~~Commission Department~~" shall mean the state highway  
9        ~~commission, the agency of the state of Iowa created and~~  
10        ~~provided for under the provisions of chapter 307~~ department  
11        of transportation.

12        3. "Construct, constructing, construction or constructed"  
13        shall include the completion, reconstruction, remodeling,  
14        repair, or improvement of any existing toll bridge or any  
15        partially constructed interstate bridge, as well as the  
16        construction of any new toll bridge.

17        4. "Acquisition by purchase, gift, or condemnation" as  
18        used in this chapter shall mean acquisition by the state  
19        ~~highway commission~~ department, whether such terms "purchase,  
20        gift, or condemnation" are used singularly or in sequence.

21        5. "Federal bridge commission" shall mean any bridge  
22        commission organized and operating pursuant to an Act of the  
23        Congress of the United States, even though such Act of Con-  
24        gress may declare the bridge commission not to be an agency  
25        of the federal government.

26        Sec. 87. Section three hundred thirteen A point thirty-  
27        four (313A.34), unnumbered paragraph one (1), Code 1973, is  
28        amended to read as follows:

29        ~~The commission is authorized to~~ director of transportation  
30        may, subject to the approval of the state transportation  
31        commission, enter into such agreement or agreements with other  
32        state highway commissions and the governmental agencies or  
33        subdivisions of the state of Iowa or other states and with  
34        federal bridge commissions as they shall find necessary or  
35        convenient to carry out the purposes of this chapter, and

1 is authorized to do any and all acts contained in such  
2 agreement or agreements that are necessary or convenient to  
3 carry out the purposes of this chapter. Such agreements may  
4 include, but shall not be restricted to, the following  
5 provisions:

6       Sec. 88. Sections three hundred thirteen A point two  
7 (313A.2), three hundred thirteen A point three (313A.3), three  
8 hundred thirteen A point four (313A.4), three hundred thirteen  
9 A point five (313A.5), three hundred thirteen A point six  
10 (313A.6), three hundred thirteen A point seven (313A.7), three  
11 hundred thirteen A point eight (313A.8), three hundred thirteen  
12 A point nine (313A.9), three hundred thirteen A point ten  
13 (313A.10), three hundred thirteen A point eleven (313A.11),  
14 three hundred thirteen A point twelve (313A.12), three hundred  
15 thirteen A point thirteen (313A.13), three hundred thirteen  
16 A point fourteen (313A.14), three hundred thirteen A point  
17 fifteen (313A.15), three hundred thirteen A point sixteen  
18 (313A.16), three hundred thirteen A point seventeen (313A.17),  
19 three hundred thirteen A point eighteen (313A.18), three  
20 hundred thirteen A point nineteen (313A.19), three hundred  
21 thirteen A point twenty (313A.20), three hundred thirteen  
22 A point twenty-one (313A.21), three hundred thirteen A point  
23 twenty-two (313A.22), three hundred thirteen A point twenty-  
24 three (313A.23), three hundred thirteen A point twenty-four  
25 (313A.24), three hundred thirteen A point twenty-five  
26 (313A.25), three hundred thirteen A point twenty-six (313A.26),  
27 three hundred thirteen A point twenty-seven (313A.27), three  
28 hundred thirteen A point twenty-eight (313A.28), three hundred  
29 thirteen A point twenty-nine (313A.29), three hundred thirteen  
30 A point thirty-one (313A.31), three hundred thirteen A point  
31 thirty-two (313A.32), three hundred thirteen A point thirty-  
32 four (313A.34), three hundred thirteen A point thirty-five  
33 (313A.35), as amended by Acts of the Sixty-fifth General  
34 Assembly, 1973 Session, chapter one hundred thirty-six (136),  
35 section three hundred forty-nine (349), and three hundred

1 thirteen A point thirty-six (313A.36), Code 1973, are amended  
2 by striking from such sections the words "state highway  
3 commission", "Iowa highway commission", and "commission" and  
4 inserting in lieu thereof the word "department".

5 Sec. 89. Chapter three hundred fourteen (314), Code 1973,  
6 is amended by adding the following new section:

7 NEW SECTION. DEFINITIONS. As used in this chapter, unless  
8 the context otherwise requires:

9 1. "Department" means the state department of transporta-  
10 tion.

11 2. "Agency" means any governmental body which exercises  
12 jurisdiction over any road as provided by law.

13 Sec. 90. Sections three hundred fourteen point one (314.1)  
14 and three hundred fourteen point three (314.3), Code 1973,  
15 are amended by striking from such sections the words "state  
16 highway commission" and "highway commission" and inserting  
17 in lieu thereof the word "department".

18 Sec. 91. Sections three hundred fourteen point one (314.1),  
19 three hundred fourteen point three (314.3), three hundred  
20 fourteen point four (314.4), three hundred fourteen point  
21 five (314.5), three hundred fourteen point nine (314.9), three  
22 hundred fourteen point ten (314.10), three hundred fourteen  
23 point eleven (314.11), and three hundred fourteen point twelve  
24 (314.12), Code 1973, are amended by striking from such sections  
25 the words "board or commission" and "boards, commissions"  
26 and inserting in lieu thereof the word "agency".

27 Sec. 92. Section three hundred sixteen point one (316.1),  
28 subsection seven (7), Code 1973, is amended by striking the  
29 subsection and inserting in lieu thereof the following:

30 7. "Department" means the state department of transporta-  
31 tion.

32 Sec. 93. Sections three hundred sixteen point one (316.1),  
33 three hundred sixteen point four (316.4), three hundred six-  
34 teen point five (316.5), three hundred sixteen point six  
35 (316.6), three hundred sixteen point seven (316.7), three

1 hundred sixteen point eight (316.8), three hundred sixteen  
2 point nine (316.9), three hundred sixteen point ten (316.10),  
3 three hundred sixteen point thirteen (316.13), three hundred  
4 sixteen point fourteen (316.14), and three hundred sixteen  
5 point fifteen (316.15), Code 1973, are amended by striking  
6 from such sections the words "commission" and "state highway  
7 commission" and inserting in lieu thereof the word  
8 "department".

9 Sec. 94. Section three hundred seventeen point eleven  
10 (317.11), Code 1973, is amended to read as follows:

11 317.11 WEEDS ON ROADS OR HIGHWAYS. The board of super-  
12 visors shall destroy noxious weeds growing in secondary roads,  
13 and the ~~highway-commissioner~~ state department of transporta-  
14 tion shall destroy noxious weeds growing on primary roads.  
15 Nothing herein shall prevent the landowner from harvesting,  
16 in proper season, the grass grown on the road along his land.

17 Sec. 95. Chapter three hundred nineteen (319), Code 1973,  
18 is amended by adding the following new section:

19 NEW SECTION. DEFINITION. As used in this chapter, unless  
20 the context otherwise requires, "department" means the state  
21 department of transportation.

22 Sec. 96. Section three hundred nineteen point eleven  
23 (319.11), Code 1973, is amended to read as follows:

24 319.11 ENFORCEMENT. Boards of supervisors and county  
25 attorneys as to secondary roads, and the ~~state-highway~~  
26 ~~commissioner~~ department and the ~~attorney-general~~ department  
27 general counsel as to primary roads, shall enforce section  
28 319.10 by appropriate civil or criminal proceeding or by both  
29 such proceedings.

30 Sec. 97. Sections three hundred nineteen point one (319.1),  
31 three hundred nineteen point five (319.5), three hundred  
32 nineteen point nine (319.9), and three hundred nineteen point  
33 thirteen (319.13), Code 1973, are amended by striking from  
34 such sections the words "state highway commission" and "highway  
35 commission" and inserting in lieu thereof the word "depart-

1 ment".

2 Sec. 98. Sections three hundred twenty point four (320.4)  
3 and three hundred twenty point eight (320.8), Code 1973, are  
4 amended by striking from such sections the words "state highway  
5 commission" and inserting in lieu thereof the words "state  
6 department of transportation".

7 Sec. 99. Section three hundred twenty-one point one  
8 (321.1), Code 1973, as amended by Acts of the Sixty-fifth  
9 General Assembly, 1973 Session, chapter two hundred seven  
10 (207), section one (1), is amended by striking subsections  
11 thirty-three (33) and thirty-four (34) and inserting in lieu  
12 thereof the following:

13 33. "Department" means the state department of transporta-  
14 tion.

15 34. "Director" means the director of the state department  
16 of transportation or his designee.

17 Sec. 100. Section three hundred twenty-one point two  
18 (321.2), Code 1973, is amended by striking the section and  
19 inserting in lieu thereof the following:

20 321.2 DEPARTMENT. The state department of transportation  
21 shall administer and enforce the provisions of this chapter.

22 The division of the highway safety patrol of the depart-  
23 ment of public safety shall enforce the provisions of this  
24 chapter relating to traffic on the public highway of the  
25 state, including those relating to the safe and legal oper-  
26 ation of passenger cars, motorcycles, motor trucks, and buses,  
27 and to see that proper safety rules are observed.

28 The state department of transportation and the department  
29 of public safety shall cooperate to insure the proper and  
30 adequate enforcement of the provisions of this chapter.

31 Sec. 101. Section three hundred twenty-one point six  
32 (321.6), Code 1973, is amended to read as follows:

33 321.6 RECIPROCAL ENFORCEMENT--PATROL BEATS IN TOWNS.

34 There shall be reciprocal co-operation between the members  
35 of the department, the state department of public safety and

1 local authorities in the enforcing of local and state traffic  
2 laws and in making inspections, although this section shall  
3 not be construed to give the state department of public safety  
4 any right to establish regular patrol beats inside municipal  
5 limits unless requested for a special occasion or emergency  
6 by the mayor of such city or town or the sheriff of the county.

7 Sec. 102. Section three hundred twenty-one point ninety-  
8 four (321.94), Code 1973, is amended to read as follows:

9 321.94 TEST TO DETERMINE TRUE NUMBER. Where it appears  
10 that a factory, serial or motor number has been altered,  
11 defaced or tampered with, any sheriff, state agent or peace  
12 officer of the department of justice, or inspector employed  
13 by the ~~motor-vehicle~~ department, or any other person acting  
14 under their direction, may apply any recognized process or  
15 test to the part containing such number for the purpose of  
16 determining the true number.

17 Sec. 103. Section three hundred twenty-one point one hun-  
18 dred forty-six (321.146), Code 1973, is amended to read as  
19 follows:

20 321.146 UNEXPENDED BALANCES. The treasurer of state shall  
21 at the end of said fiscal year ascertain the cost of ~~mainte-~~  
22 ~~nance-of-the-motor-vehicle-department~~ administering the motor  
23 vehicle registration provisions of this chapter and transfer  
24 to the road use tax fund the ascertained difference between  
25 the amount retained in the general fund under the provision  
26 of this chapter and the maintenance cost of said department,  
27 together with any unexpended balance in the reimbursement  
28 fund.

29 Sec. 104. Section three hundred twenty-one point two hun-  
30 dred fifty-nine (321.259), unnumbered paragraph one (1), Code  
31 1973, is amended to read as follows:

32 No person shall place, maintain, or display upon or in  
33 view of any highway any sign, signal, marking, or device which  
34 purports to be or is an imitation of or resembles an official  
35 parking sign, curb or other marking, traffic-control device

1 or railroad sign or signal, or which attempts to direct the  
2 movement of traffic, or which hides from view or interferes  
3 with the effectiveness of any official traffic-control device  
4 or any railroad sign or signal, if such sign, signal, marking,  
5 or device has not been authorized by the ~~state-highway-com-~~  
6 ~~mission-with-reference-to-highways-under-their-jurisdiction,~~  
7 department and local authorities with reference to streets  
8 and highways under their jurisdiction, ~~and the Iowa state~~  
9 ~~commerce-commission-with-reference-to-railroad-crossings,~~  
10 and no person shall place or maintain nor shall any public  
11 authority permit upon any highway any traffic sign or signal  
12 bearing thereon any commercial advertising. This shall not  
13 be deemed to prohibit the erection upon private property  
14 adjacent to highways of signs giving useful directional  
15 information of a type that cannot be mistaken for official  
16 signs.

17 Sec. 105. Section three hundred twenty-one point four  
18 hundred forty-five (321.445), unnumbered paragraph one (1),  
19 Code 1973, is amended to read as follows:

20 Every new or used car, pickup or school bus, 1966 model  
21 or newer, sold, offered for sale, or subject to registration  
22 in Iowa except commercial vehicles registered with the ~~com-~~  
23 ~~merce-commission~~ department, shall be equipped with at least  
24 two sets of safety belts or safety harnesses installed for  
25 use in the front seat of such vehicle; however, when a pickup  
26 or school bus has only an operator's seat, such vehicle need  
27 be equipped with only one safety belt or safety harness  
28 installed for use by the operator thereof. The safety belts  
29 or safety harnesses required shall not be removed unless  
30 replaced with approved safety belts or safety harnesses as  
31 long as the vehicle is subject to registration.

32 Sec. 106. Section three hundred twenty-one point four  
33 hundred seventy-seven (321.477), Code 1973, is amended to  
34 read as follows:

35 321.477 EMPLOYEES AS PEACE OFFICERS. The ~~state-highway~~

1 ~~commissioner~~ department may designate by resolution certain  
2 of its employees upon each of whom there is hereby conferred  
3 the authority of a peace officer to control and direct traffic  
4 and weigh vehicles, and to make arrests for violations of  
5 the motor vehicle laws relating to the operating authority,  
6 registration, size, weight, and load of motor vehicles and  
7 trailers and registration of a motor carrier's interstate  
8 transportation service with the ~~Iowa-commerce-commissioner~~  
9 department.

10 Sec. 107. Section three hundred twenty-one point five  
11 hundred (321.500), Code 1973, is amended to read as follows:

12 321.500 ORIGINAL NOTICE--FORM. The original notice of  
13 suit filed with the ~~commissioner~~ director of transportation  
14 shall be in form and substance the same as now provided in  
15 suits against residents of this state, except that that part  
16 of said notice pertaining to the return day shall be in sub-  
17 stantially the following form, to wit:

18 "and unless you appear thereto and defend in the district  
19 court of Iowa in and for ..... county at the courthouse in  
20 ....., Iowa before noon of the sixtieth day following  
21 the filing of this notice with the ~~commissioner-of-the-public~~  
22 safety-department director of transportation of this state,  
23 default will be entered and judgment rendered against you  
24 by the court."

25 Sec. 108. Section three hundred twenty-one point five  
26 hundred two (321.502), Code 1973, is amended to read as  
27 follows:

28 321.502 NOTIFICATION TO NONRESIDENT--FORM. The notifica-  
29 tion, provided for in section 321.501, shall be in substan-  
30 tially the following form, to wit:

31 "To ..... (Here insert the name of each  
32 defendant and his residence or last known place of abode as  
33 definitely as known.)

34 You will take notice that an original notice of suit against  
35 you, a copy of which is hereto attached, was duly served upon

1 you at Des Moines, Iowa, by filing a copy of said notice on  
2 the ..... day of ....., 19.., with the com-  
3 ~~missioner-of-the-public-safety-department~~ director of trans-  
4 portation of the state of Iowa.

5 Dated at ....., Iowa, this ..... day of  
6 ....., 19...

7 .....  
8 Plaintiff.

9 By.....  
10 Attorney for plaintiff."

11 Sec. 109. Sections three hundred twenty-one point three  
12 (321.3), three hundred twenty-one point four (321.4), three  
13 hundred twenty-one point eight (321.8), three hundred twenty-  
14 one point nine (321.9), three hundred twenty-one point ten  
15 (321.10), three hundred twenty-one point twelve (321.12),  
16 three hundred twenty-one point thirty-five (321.35), as amended  
17 by Acts of the Sixty-fifth General Assembly, 1973 Session,  
18 chapter two hundred nine (209), section two (2), three hundred  
19 twenty-one point forty-three (321.43), three hundred twenty-  
20 one point forty-four (321.44), three hundred twenty-one point  
21 eighty-six (321.86), three hundred twenty-one point one hundred  
22 five (321.105), as amended by Acts of the Sixty-fifth General  
23 Assembly, 1973 Session, chapter two hundred twelve (212),  
24 section one (1), three hundred twenty-one point one hundred  
25 nine (321.109), three hundred twenty-one point one hundred  
26 sixty-five (321.165), three hundred twenty-one point one  
27 hundred seventy-seven (321.177), three hundred twenty-one  
28 point one hundred eighty-seven (321.187), three hundred twenty-  
29 one point one hundred ninety-six (321.196), three hundred  
30 twenty-one point two hundred ten (321.210), three hundred  
31 twenty-one point two hundred eleven (321.211), three hundred  
32 twenty-one point two hundred fifteen (321.215), three hundred  
33 twenty-one point two hundred thirty-eight (321.238), as amended  
34 by Acts of the Sixty-fifth General Assembly, 1973 Session,  
35 chapter two hundred eight (208), sections three (3) through

1 seven (7), and chapter two hundred fifteen (215), section  
2 one (1), three hundred twenty-one point two hundred sixty-  
3 one (321.261), three hundred twenty-one point three hundred  
4 eighty-three (321.383), three hundred twenty-one point four  
5 hundred twenty-three (321.423), three hundred twenty-one point  
6 four hundred twenty-four (321.424), three hundred twenty-one  
7 point four hundred twenty-eight (321.428), three hundred  
8 twenty-one point four hundred twenty-nine (321.429), three  
9 hundred twenty-one point four hundred thirty (321.430), three  
10 hundred twenty-one point four hundred forty (321.440), three  
11 hundred twenty-one point four hundred forty-four (321.444),  
12 three hundred twenty-one point four hundred forty-five  
13 (321.445), three hundred twenty-one point four hundred fifty-  
14 one (321.451), three hundred twenty-one point four hundred  
15 sixty-two (321.462), three hundred twenty-one point four  
16 hundred sixty-four (321.464), three hundred twenty-one point  
17 four hundred eighty-four (321.484), three hundred twenty-one  
18 point four hundred ninety-eight (321.498), three hundred  
19 twenty-one point five hundred one (321.501), three hundred  
20 twenty-one point five hundred five (321.505), and three hundred  
21 twenty-one point five hundred nine (321.509), Code 1973, are  
22 amended by striking from such sections the words  
23 "commissioner", "commissioner of public safety", "safety  
24 commissioner", and "commissioner of the public safety  
25 department" and inserting in lieu thereof the word "director".  
26 Sec. 110. Sections three hundred twenty-one point nineteen  
27 (321.19), as amended by Acts of the Sixty-fifth General Assem-  
28 bly, 1973 Session, chapter one hundred twenty-one (121),  
29 section seventeen (17), three hundred twenty-one point sixty-  
30 six (321.66), three hundred twenty-one point seventy-one  
31 (321.71), as amended by Acts of the Sixty-fifth General  
32 Assembly, 1973 Session, chapter two hundred ten (210), sections  
33 one (1), two (2), and three (3), three hundred twenty-one  
34 point eighty-nine (321.89), three hundred twenty-one point  
35 one hundred seventy-four (321.174), three hundred twenty-one

1 point one hundred seventy-eight (321.178), three hundred  
2 twenty-one point two hundred ten (321.210), three hundred  
3 twenty-one point two hundred thirty-eight (321.238), as amended  
4 by Acts of the Sixty-fifth General Assembly, 1973 Session,  
5 chapter two hundred eight (208), sections three (3) through  
6 seven (7), and chapter two hundred fifteen (215), section  
7 one (1), three hundred twenty-one point two hundred seventy-  
8 one (321.271), and three hundred twenty-one point three hundred  
9 seventy-six (321.376), Code 1973, are amended by striking  
10 from such sections the words "state department of public  
11 safety" and "department of public safety" and inserting in  
12 lieu thereof the word "department".

13 Sec. 111. Sections three hundred twenty-one point one  
14 hundred seven (321.107) and three hundred twenty-one point  
15 one hundred twenty-six (321.126), Code 1973, are amended by  
16 striking from such sections the words "Iowa reciprocity board"  
17 and inserting in lieu thereof the word "department".

18 Sec. 112. Sections three hundred twenty-one point one  
19 hundred forty-eight (321.148), three hundred twenty-one point  
20 two hundred thirty-seven (321.237), three hundred twenty-one  
21 point two hundred forty-nine (321.249), three hundred twenty-  
22 one point two hundred fifty-two (321.252), three hundred  
23 twenty-one point two hundred fifty-four (321.254), three  
24 hundred twenty-one point two hundred fifty-nine (321.259),  
25 three hundred twenty-one point two hundred eighty-five  
26 (321.285), three hundred twenty-one point two hundred eighty-  
27 nine (321.289), three hundred twenty-one point two hundred  
28 ninety (321.290), three hundred twenty-one point two hundred  
29 ninety-three (321.293), three hundred twenty-one point two  
30 hundred ninety-five (321.295), three hundred twenty-one point  
31 three hundred forty-two (321.342), three hundred twenty-one  
32 point three hundred forty-five (321.345), three hundred twenty-  
33 one point three hundred forty-seven (321.347), three hundred  
34 twenty-one point three hundred forty-eight (321.348), three  
35 hundred twenty-one point four hundred forty-three (321.443),

1 as amended by Acts of the Sixty-fifth General Assembly, 1973  
2 Session, chapter two hundred eighteen (218), section two (2),  
3 three hundred twenty-one point four hundred seventy-four  
4 (321.474), as amended by Acts of the Sixty-fifth General  
5 Assembly, 1973 Session, chapter two hundred twenty (220),  
6 section three (3), three hundred twenty-one point four hundred  
7 seventy-six (321.476), three hundred twenty-one point four  
8 hundred seventy-nine (321.479), and three hundred twenty-one  
9 point four hundred eighty (321.480), Code 1973, are amended  
10 by striking from such sections the words "highway commission"  
11 and "state highway commission" and inserting in lieu thereof  
12 the word "department".

13 Sec. 113. Section three hundred twenty-one A point one  
14 (321A.1), Code 1973, is amended by striking subsection one  
15 (1) and inserting in lieu thereof the following:

16 1. "Director" means the director of transportation or  
17 his designee.

18 Sec. 114. Section three hundred twenty-one A point two  
19 (321A.2), subsection one (1), Code 1973, is amended to read  
20 as follows:

21 1. The ~~commissioner~~ director shall administer and enforce  
22 the provisions of this chapter and may make rules necessary  
23 for its administration and shall provide for hearings upon  
24 request of persons aggrieved by orders or acts of the  
25 ~~commissioner~~ director under the provisions of sections 321A.4  
26 to 321A.11, inclusive.

27 Such hearings shall be held before the ~~commissioner-or~~  
28 ~~his-duly-authorized-agent~~ director as early as practicable  
29 within not to exceed twenty days after receipt of such request  
30 in the county wherein the requesting person resides unless  
31 the ~~commissioner~~ director and such person agree that such  
32 hearing may be held in some other county. Upon such hearing  
33 the ~~commissioner-or-his-duly-authorized-agent~~ director may  
34 administer oaths and may issue subpoenas for the attendance  
35 of witnesses and the production of relevant books and papers

1 and may require an examination under oath of the person  
2 requesting such hearing.

3 Sec. 115. Section three hundred twenty-one A point thirty-  
4 five (321A.35), Code 1973, is amended to read as follows:

5 321A.35 PAST APPLICATION OF CHAPTER. This chapter shall  
6 not apply with respect to any accident, or judgment arising  
7 therefrom, or violation of the motor vehicle laws of this  
8 state, occurring prior to October 1, 1947. Any person who  
9 has before October 1, 1947, had his operator's license  
10 suspended or has had his motor vehicle registration plates  
11 suspended or who has been refused registration or license  
12 to operate a motor vehicle upon the highways of the state  
13 of Iowa, under the provisions of sections of the Code in  
14 effect before October 1, 1947, and has not had such suspension  
15 removed, as therein provided, shall not be issued an operator's  
16 license nor be entitled to registration of a motor vehicle  
17 in this state until proof is filed with the county treasurer  
18 and the state department of public-safety transportation that  
19 the judgment against him rendered by the court has been stayed,  
20 satisfied or otherwise discharged of record.

21 Sec. 116. Sections three hundred twenty-one A point two  
22 (321A.2), three hundred twenty-one A point three (321A.3),  
23 three hundred twenty-one A point four (321A.4), three hundred  
24 twenty-one A point five (321A.5), three hundred twenty-one  
25 A point six (321A.6), three hundred twenty-one A point seven  
26 (321A.7), three hundred twenty-one A point nine (321A.9),  
27 three hundred twenty-one A point ten (321A.10), three hundred  
28 twenty-one A point eleven (321A.11), three hundred twenty-  
29 one A point twelve (321A.12), three hundred twenty-one A point  
30 thirteen (321A.13), three hundred twenty-one A point sixteen  
31 (321A.16), three hundred twenty-one A point seventeen  
32 (321A.17), three hundred twenty-one A point nineteen (321A.19),  
33 three hundred twenty-one A point twenty (321A.20), three  
34 hundred twenty-one A point twenty-two (321A.22), three hundred  
35 twenty-one A point twenty-four (321A.24), three hundred twenty-

1 one A point twenty-five (321A.25), three hundred twenty-one  
2 A point twenty-six (321A.26), three hundred twenty-one A point  
3 twenty-seven (321A.27), three hundred twenty-one A point  
4 twenty-eight (321A.28), three hundred twenty-one A point  
5 twenty-nine (321A.29), three hundred twenty-one A point thirty-  
6 one (321A.31), and three hundred twenty-one A point thirty-  
7 four (321A.34), Code 1973, are amended by striking from such  
8 sections the word "commissioner" and inserting in lieu thereof  
9 the word "director".

10 Sec. 117. Section three hundred twenty-one B point two  
11 (321B.2), Code 1973, is amended by adding the following new  
12 paragraph:

13 NEW PARAGRAPH. As used in this chapter, unless the context  
14 otherwise requires, "director" means the director of  
15 transportation or his designee, and "department" means the  
16 state department of transportation.

17 Sec. 118. Sections three hundred twenty-one B point seven  
18 (321B.7), three hundred twenty-one B point eight (321B.8),  
19 three hundred twenty-one B point nine (321B.9), three hundred  
20 twenty-one B point thirteen (321B.13), three hundred twenty-  
21 one B point twenty (321B.20), and three hundred twenty-one  
22 B point twenty-four (321B.24), Code 1973, are amended by  
23 striking from such sections the words "commissioner",  
24 "commissioner of public safety", "commissioner or his  
25 authorized agent", "commissioner or his duly authorized agent",  
26 "commissioner or his agent", and "commissioner of public  
27 safety or his authorized agent" and inserting in lieu thereof  
28 the word "director".

29 Sec. 119. Sections three hundred twenty-one B point  
30 thirteen (321B.13), three hundred twenty-one B point sixteen  
31 (321B.16), three hundred twenty-one B point eighteen (321B.18),  
32 three hundred twenty-one B point twenty (321B.20), three  
33 hundred twenty-one B point twenty-four (321B.24), and three  
34 hundred twenty-one B point twenty-six (321B.26), Code 1973,  
35 are amended by striking from such sections the words

1 "department of public safety" and inserting in lieu thereof  
2 the word "department".

3 Sec. 120. Section three hundred twenty-one C point one  
4 (321C.1), unnumbered paragraph one (1), Code 1973, is amended  
5 to read as follows:

6 ~~The commissioner of public safety is hereby authorized~~  
7 to director of transportation may, subject to the approval  
8 of the state transportation commission, enter into drivers  
9 license compacts with other jurisdictions legally joining  
10 therein in substantially the following form.

11 Sec. 121. Section three hundred twenty-one D point one  
12 (321D.1), unnumbered paragraph one (1), Code 1973, is amended  
13 to read as follows:

14 ~~The commissioner of public safety is hereby authorized~~  
15 to director of transportation may, subject to the approval  
16 of the state transportation commission, enter into vehicle  
17 equipment safety compacts with other jurisdictions legally  
18 joining therein in substantially the following form.

19 Sec. 122. Chapter three hundred twenty-one E (321E), Code  
20 1973, is amended by adding the following new section:

21 NEW SECTION. DEFINITION. As used in this chapter, unless  
22 the context otherwise requires, "department" means the state  
23 department of transportation.

24 Sec. 123. Section three hundred twenty-one E point twenty-  
25 two (321E.22), Code 1973, is amended to read as follows:

26 321E.22 SERVICE OF PROCESS. Service of such process shall  
27 be made by serving a copy upon or filing a copy in the office  
28 of the secretary of state. The service shall be sufficient  
29 service upon the person if notice of the service and a copy  
30 of the process are within ten days sent by registered mail  
31 by the ~~attorney-general~~ department general counsel to the  
32 permit holder at the last known address of said permit holder.  
33 An affidavit of compliance therewith of the ~~attorney-general~~  
34 ~~or an assistant attorney-general~~ department general counsel  
35 shall be appended to the summons. The issuing authority may

1 order such continuances as may be necessary to afford the  
2 permit holder reasonable opportunity to defend the action.  
3 The secretary of state shall keep a record of all such  
4 processes which shall show the day and hour of such service.

5 Sec. 124. Sections three hundred twenty-one E point one  
6 (321E.1), as amended by Acts of the Sixty-fifth General Assem-  
7 bly, 1973 Session, chapter two hundred thirteen (213), section  
8 three (3), three hundred twenty-one E point two (321E.2),  
9 three hundred twenty-one E point ten (321E.10), three hundred  
10 twenty-one E point fourteen (321E.14), three hundred twenty-  
11 one E point fifteen (321E.15), three hundred twenty-one E  
12 point nineteen (321E.19), and three hundred twenty-one E point  
13 twenty-five (321E.25), Code 1973, are amended by striking  
14 from such sections the words "commission", "state highway  
15 commission", and "Iowa state highway commission" and inserting  
16 in lieu thereof the word "department".

17 Sec. 125. Section three hundred twenty-one F point one  
18 (321F.1), Code 1973, is amended by striking subsection eight  
19 (8), and inserting in lieu thereof the following:

20 8. "Director" means the director of transportation or  
21 his designee.

22 Sec. 126. Sections three hundred twenty-one F point three  
23 (321F.3), three hundred twenty-one F point five (321F.5),  
24 three hundred twenty-one F point six (321F.6), three hundred  
25 twenty-one F point seven (321F.7), and three hundred twenty-  
26 one F point eleven (321F.11), Code 1973, are amended by  
27 striking from such sections the word "commissioner" and  
28 inserting in lieu thereof the word "director".

29 Sec. 127. Sections three hundred twenty-one G point two  
30 (321G.2) and three hundred twenty-one G point fourteen  
31 (321G.14), Code 1973, are amended by striking from such  
32 sections the words "commissioner of public safety" and  
33 inserting in lieu thereof the words "director of  
34 transportation".

35 Sec. 128. Section three hundred twenty-two point one

1 (322.1), Code 1973, is amended to read as follows:

2 322.1 ADMINISTRATION. The administration of this chapter  
3 shall be vested in the ~~commissioner-of-public-safety~~ director  
4 of transportation. The ~~commissioner~~ department may employ  
5 such employees as are necessary for the administration of  
6 this chapter, provided the amount expended in any one year  
7 shall not exceed the revenue derived from the provisions of  
8 this chapter.

9 Sec. 129. Section three hundred twenty-two point two  
10 (322.2), subsection two (2), Code 1973, is amended to read  
11 as follows:

12 2. "Department" means the state department of ~~public~~  
13 ~~safety~~ transportation.

14 Sec. 130. Section three hundred twenty-two point twelve  
15 (322.12), Code 1973, is amended by striking unnumbered  
16 paragraph two (2).

17 Sec. 131. Section three hundred twenty-two point twenty-  
18 four (322.24), Code 1973, is amended to read as follows:

19 322.24 HEARING. The ~~commissioner-of-public-safety~~ director  
20 of transportation shall have the power to issue subpoenas  
21 to compel the attendance of witnesses and the production of  
22 documents, papers, books, records and other evidence before  
23 him in any matter over which he has jurisdiction, control  
24 or supervision pertaining to this chapter.

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

1 person to whom it is directed to appear at the time and place  
2 therein designated.

3       Sec. 132. Section three hundred twenty-two A point one  
4 (322A.1), subsection eight (8), Code 1973, is amended by  
5 striking the subsection and inserting in lieu thereof the  
6 following:

7       8. "Board" means the transportation regulation board of  
8 the state department of transportation.

9       Sec. 133. Sections three hundred twenty-two A point six  
10 (322A.6), three hundred twenty-two A point seven (322A.7),  
11 three hundred twenty-two A point eight (322A.8), three hundred  
12 twenty-two A point nine (322A.9), three hundred twenty-two  
13 A point ten (322A.10), three hundred twenty-two A point  
14 thirteen (322A.13), three hundred twenty-two A point fifteen  
15 (322A.15), three hundred twenty-two A point sixteen (322A.16),  
16 and three hundred twenty-two A point seventeen (322A.17),  
17 Code 1973, are amended by striking from such sections the  
18 word "commission" and inserting in lieu thereof the word  
19 "board".

20       Sec. 134. Section three hundred twenty-five point one  
21 (325.1), subsection four (4), Code 1973, is amended by striking  
22 the subsection and inserting in lieu thereof the following:

23       4. "Board" means the transportation regulation board of  
24 the state department of transportation.

25       Sec. 135. Section three hundred twenty-five point one  
26 (325.1), Code 1973, is amended by adding the following new  
27 subsection:

28       NEW SUBSECTION. "Department" means the state department  
29 of transportation.

30       Sec. 136. Section three hundred twenty-five point twenty-  
31 two (325.22), Code 1973, is amended to read as follows:

32       325.22 TRANSCRIPT ON APPEAL. Upon appeal being taken,  
33 the ~~secretary-of-the-commission~~ board shall make and certify  
34 a transcript of all papers, records, and proceedings in connec-  
35 tion with such application and hearing and file the same with

1 the clerk of said court within twenty days following the  
2 taking of such appeal.

3 Sec. 137. Sections three hundred twenty-five point two  
4 (325.2), three hundred twenty-five point three (325.3), three  
5 hundred twenty-five point four (325.4), three hundred twenty-  
6 five point six (325.6), three hundred twenty-five point seven  
7 (325.7), three hundred twenty-five point nine (325.9), three  
8 hundred twenty-five point ten (325.10), three hundred twenty-  
9 five point twelve (325.12), three hundred twenty-five point  
10 thirteen (325.13), three hundred twenty-five point fourteen  
11 (325.14), three hundred twenty-five point sixteen (325.16),  
12 three hundred twenty-five point twenty (325.20), three hundred  
13 twenty-five point twenty-one (325.21), three hundred twenty-  
14 five point twenty-three (325.23), three hundred twenty-five  
15 point twenty-five (325.25), three hundred twenty-five point  
16 twenty-six (325.26), three hundred twenty-five point thirty-  
17 one (325.31), three hundred twenty-five point thirty-two  
18 (325.32), three hundred twenty-five point thirty-three  
19 (325.33), three hundred twenty-five point thirty-five (325.35),  
20 three hundred twenty-five point thirty-eight (325.38), and  
21 three hundred twenty-five point thirty-nine (325.39), Code  
22 1973, are amended by striking from such sections the words  
23 "commission" and "state commerce commission" and inserting  
24 in lieu thereof the word "board".

25 Sec. 138. Sections three hundred twenty-five point three  
26 (325.3), three hundred twenty-five point eighteen (325.18),  
27 three hundred twenty-five point twenty-eight (325.28), three  
28 hundred twenty-five point twenty-nine (325.29), as amended  
29 by Acts of the Sixty-fifth General Assembly, 1973 Session,  
30 chapter one hundred forty (140), section thirty-seven (37),  
31 three hundred twenty-five point thirty-three (325.33), three  
32 hundred twenty-five point thirty-eight (325.38), and three  
33 hundred twenty-five point thirty-nine (325.39), Code 1973,  
34 are amended by striking from such sections the words "state  
35 department of public safety", "department of public safety",

1 "commissioner", and "commissioner of public safety" and  
2 inserting in lieu thereof the word "department".

3 Sec. 139. Section three hundred twenty-six point one  
4 (326.1), subsections one (1) and two (2), Code 1973, are  
5 amended by striking such subsections and inserting in lieu  
6 thereof the following:

7 1. "Department" means the state department of transporta-  
8 tion.

9 2. "Director" means the director of transportation or  
10 his designee.

11 Sec. 140. Section three hundred twenty-six point five  
12 (326.5), Code 1973, is amended to read as follows:

13 326.5 AUTHORITY TO AGREE TO RECIPROCITY. The ~~board~~  
14 director may, subject to the approval of the transportation  
15 commission, enter into reciprocity agreements with the duly  
16 authorized representatives of any jurisdiction exempting non-  
17 residents of this state using the highways of this state from  
18 the registration requirements of chapter 321 and payment of  
19 any fees to this state with such conditions, restrictions,  
20 and privileges or lack of same as the ~~board~~ director deems  
21 advisable.

22 Sec. 141. Section three hundred twenty-six point fourteen  
23 (326.14), Code 1973, is amended to read as follows:

24 326.14 PLATES AND RECEIPTS FROM-~~SAFETY-DEPARTMENT~~. The  
25 ~~board-shall-obtain-registration-plates-and-receipts-to-be~~  
26 ~~issued-pursuant-to-apportionment-agreements-or-arrangements~~  
27 ~~authorized-under-this-chapter-from-the-department-of-public~~  
28 ~~safety-in-accordance-with-law~~. The ~~board~~ department shall  
29 then issue such registration plates and receipts pursuant  
30 to apportionment agreements or arrangements authorized under  
31 this chapter.

32 Sec. 142. Section three hundred twenty-six point eighteen  
33 (326.18), Code 1973, is amended to read as follows:

34 326.18 FULLY REGISTERED FOR INTERSTATE MOVEMENT. When  
35 a nonresident fleet owner has registered vehicles on a prorated

1 basis, the vehicles shall be considered fully registered  
2 insofar as interstate commerce is concerned. The privileges  
3 granted to a nonresident pursuant to this chapter shall permit  
4 the operation of a vehicle which is simultaneously engaged  
5 in interstate movements and intrastate commerce, provided  
6 that the owner has intrastate authority or rights granted  
7 by the ~~Iowa-state-commerce-commission~~ transportation regulation  
8 board. Each vehicle upon which an Iowa base plate is required  
9 to be displayed under this chapter shall be considered fully  
10 registered for both interstate commerce and intrastate  
11 commerce.

12 Sec. 143. Section three hundred twenty-six point thirty-  
13 one (326.31), Code 1973, is amended to read as follows:

14 326.31 FILING INCORRECT INFORMATION--EFFECT. Whenever  
15 the ~~reciprocity-board~~ director has reason to believe that  
16 a fleet owner has filed incorrect information with the  
17 ~~reciprocity-board, department-of-public-safety,~~ department  
18 or the department of revenue, for the purpose of reducing  
19 the fleet owner's obligation for registration fees or fuel  
20 taxes, the ~~reciprocity-board~~ director may cancel the  
21 apportioned registration privileges on all of the vehicles  
22 owned by such person. Any person who has such privileges  
23 canceled shall be subject to the payment of the full annual  
24 registration fee for all vehicles operated on the highways  
25 of this state for a period of at least five years thereafter.  
26 The ~~commissioner-of-public-safety-and-the~~ director of revenue  
27 shall co-operate with the ~~reciprocity-board~~ department in  
28 ascertaining the accuracy of all reports filed pertaining  
29 to registration fees and motor fuel taxes.

30 Any person whose privileges are canceled may request an  
31 administrative hearing of said action before the transporta-  
32 tion regulation board, and during the period pending the  
33 hearing the apportioned registration privileges shall be  
34 reinstated if the fleet owner posts security with the  
35 ~~reciprocity-board~~ department in an amount sufficient to pay

1 such full annual fees if an adverse decision is rendered at  
2 the hearing. At such hearing the fleet owner shall have the  
3 burden of proof as to the accuracy of any report filed by  
4 the fleet owner with the ~~reciprocity-board~~, ~~department-of~~  
5 ~~public-safety~~, department or the department of revenue. Any  
6 person aggrieved by a decision reached at the administrative  
7 hearing may appeal from such decision of the transportation  
8 regulation board to the district court.

9       Sec. 144. Section three hundred twenty-six point thirty-  
10 four (326.34), subsections one (1) and two (2), Code 1973,  
11 are amended by striking the subsections and inserting in lieu  
12 thereof the following:

13       1. "Director" means the director of transportation or  
14 his designee.

15       2. "Participating agencies" means the state department  
16 of transportation and the department of revenue.

17       Sec. 145. Sections three hundred twenty-six point six  
18 (326.6), three hundred twenty-six point seven (326.7), three  
19 hundred twenty-six point ten (326.10), three hundred twenty-  
20 six point eleven (326.11), three hundred twenty-six point  
21 twelve (326.12), three hundred twenty-six point thirteen  
22 (326.13), three hundred twenty-six point fifteen (326.15),  
23 three hundred twenty-six point sixteen (326.16), three hundred  
24 twenty-six point nineteen (326.19), three hundred twenty-six  
25 point twenty (326.20), three hundred twenty-six point twenty-  
26 one (326.21), three hundred twenty-six point twenty-two  
27 (326.22), three hundred twenty-six point twenty-three (326.23),  
28 three hundred twenty-six point twenty-four (326.24), three  
29 hundred twenty-six point twenty-five (326.25), three hundred  
30 twenty-six point twenty-six (326.26), three hundred twenty-  
31 six point twenty-seven (326.27), three hundred twenty-six  
32 point twenty-eight (326.28), and three hundred twenty-six  
33 point twenty-nine (326.29), Code 1973, are amended by striking  
34 from such sections the words "board", "reciprocity board",  
35 and "Iowa reciprocity board" and inserting in lieu thereof

1 the word "department".

2 Sec. 146. Sections three hundred twenty-six point thirteen  
3 (326.13), three hundred twenty-six point nineteen (326.19),  
4 three hundred twenty-six point twenty-eight (326.28), three  
5 hundred twenty-six point thirty-six (326.36), three hundred  
6 twenty-six point thirty-seven (326.37), and three hundred  
7 twenty-six point thirty-eight (326.38), Code 1973, are amended  
8 by striking from such sections the words "executive secretary"  
9 and inserting in lieu thereof the word "director".

10 Sec. 147. Section three hundred twenty-seven point one  
11 (327.1), subsection four (4), Code 1973, is amended by striking  
12 the subsection and inserting in lieu thereof the following:

13 4. "Board" means the transportation regulation board of  
14 the state department of transportation.

15 Sec. 148. Section three hundred twenty-seven point one  
16 (327.1), Code 1973, is amended by adding the following new  
17 subsection:

18 NEW SUBSECTION. "Department" means the state department  
19 of transportation.

20 Sec. 149. Sections three hundred twenty-seven point two  
21 (327.2), three hundred twenty-seven point three (327.3), three  
22 hundred twenty-seven point four (327.4), three hundred twenty-  
23 seven point six (327.6), three hundred twenty-seven point  
24 eight (327.8), three hundred twenty-seven point nine (327.9),  
25 three hundred twenty-seven point eleven (327.11), three hundred  
26 twenty-seven point fourteen (327.14), three hundred twenty-  
27 seven point fifteen (327.15), three hundred twenty-seven point  
28 sixteen (327.16), three hundred twenty-seven point nineteen  
29 (327.19), three hundred twenty-seven point twenty-one (327.21),  
30 and three hundred twenty-seven point twenty-three (327.23),  
31 Code 1973, are amended by striking from such sections the  
32 words "commission" and "Iowa state commerce commission" and  
33 inserting in lieu thereof the word "board".

34 Sec. 150. Sections three hundred twenty-seven point two  
35 (327.2), three hundred twenty-seven point three (327.3),

1 three hundred twenty-seven point eight (327.8), three hundred  
2 twenty-seven point ten (327.10), three hundred twenty-seven  
3 point sixteen (327.16), three hundred twenty-seven point  
4 seventeen (327.17), three hundred twenty-seven point eighteen  
5 (327.18), three hundred twenty-seven point twenty (327.20),  
6 and three hundred twenty-seven point twenty-two (327.22),  
7 Code 1973, are amended by striking the words "department of  
8 public safety", "commissioner of public safety", and "reci-  
9 procity board" and inserting in lieu thereof the word "depart-  
10 ment".

11 Sec. 151. Section three hundred twenty-seven A point one  
12 (327A.1), subsection five (5), Code 1973, is amended by strik-  
13 ing the subsection and inserting in lieu thereof the follow-  
14 ing:

15 5. "Board" means the transportation regulation board of  
16 the state department of transportation.

17 Sec. 152. Section three hundred twenty-seven A point one  
18 (327A.1), Code 1973, is amended by adding the following new  
19 subsection:

20 NEW SUBSECTION. "Department" means the state department  
21 of transportation.

22 Sec. 153. Sections three hundred twenty-seven A point  
23 two (327A.2), three hundred twenty-seven A point four (327A.4),  
24 three hundred twenty-seven A point five (327A.5), three hundred  
25 twenty-seven A point eight (327A.8), three hundred twenty-  
26 seven A point nine (327A.9), three hundred twenty-seven A  
27 point twelve (327A.12), three hundred twenty-seven A point  
28 fourteen (327A.14), three hundred twenty-seven A point eighteen  
29 (327A.18), three hundred twenty-seven A point nineteen  
30 (327A.19), and three hundred twenty-seven A point twenty  
31 (327A.20), Code 1973, are amended by striking from such sec-  
32 tions the words "commission" and "state commerce commission"  
33 and inserting in lieu thereof the word "board".

34 Sec. 154. Sections three hundred twenty-seven A point  
35 six (327A.6), three hundred twenty-seven A point seven

1 (327A.7), as amended by Acts of the Sixty-fifth General  
2 Assembly, 1973 Session, chapter one hundred forty (140),  
3 section thirty-eight (38), three hundred twenty-seven A point  
4 nine (327A.9), three hundred twenty-seven A point twelve  
5 (327A.12), and three hundred twenty-seven A point seventeen  
6 (327A.17), Code 1973, are amended by striking from such  
7 sections the words "department of public safety", "state  
8 department of public safety", and "commissioner of public  
9 safety" and inserting in lieu thereof the word "department".

10 Sec. 155. Sections three hundred twenty-seven B point  
11 one (327B.1), three hundred twenty-seven B point two (327B.2),  
12 three hundred twenty-seven B point three (327B.3), and three  
13 hundred twenty-seven B point four (327B.4), Code 1973, are  
14 amended by striking from such sections the words "commis-  
15 sion" and "Iowa state commerce commission" and inserting in  
16 lieu thereof the words "state department of transportation".

17 Sec. 156. Section three hundred twenty-eight point one  
18 (328.1), subsection eleven (11), Code 1973, is amended by  
19 striking the subsection and inserting in lieu thereof the  
20 following:

21 11. a. "Commission" means the state transportation commis-  
22 sion of the state department of transportation.

23 b. "Department" means the state department of transporta-  
24 tion.

25 c. "Director" means the director of transportation or  
26 his designee.

27 Sec. 157. Section three hundred twenty-eight point twelve  
28 (328.12), Code 1973, is amended to read as follows:

29 328.12 POWERS AND DUTIES. The commission in carrying  
30 out its duties relating to aeronautics shall have the follow-  
31 ing powers and duties:

32 1. PROMOTION OF AERONAUTICS. It is empowered and directed  
33 to encourage, foster and assist in the general development  
34 and promotion of aeronautics in this state, and to make  
35 disbursements from the state aviation fund for such purposes.

1 2. RULES AND REGULATIONS. It shall have power to make  
2 such reasonable rules and regulations, consistent with the  
3 provisions of this chapter, as may be deemed by the commis-  
4 sion to be necessary and expedient for the administration  
5 ~~of the affairs of the commission, and the administration~~ and  
6 enforcement of this chapter, and to amend said rules and  
7 regulations at any time.

8 3. FILING OF RULES. It shall keep on file at the office  
9 of the commission, for public inspection, a copy of all its  
10 aeronautic rules and regulations with all amendments thereto,  
11 and mail copy thereof to all registered landing areas in this  
12 state.

13 4. TECHNICAL SERVICES AVAILABLE. It shall, insofar as  
14 is reasonably possible, make available the engineering and  
15 other technical services of the ~~commission~~ department, without  
16 charge, in connection with aeronautics.

17 5. INTERVENTION. It may participate as party plaintiff  
18 or defendant, or as intervenor, complainant or movant, on  
19 behalf of the state or any municipality or citizen thereof,  
20 in any proceeding having to do with aeronautics; provided,  
21 however, that in any application before the civil aeronautics  
22 board the commission shall take no position as between  
23 applicants or municipalities.

24 6. ENFORCEMENT OF AERONAUTICS LAWS. It shall be the duty  
25 of the ~~commission, its members and employees, and the direc-~~  
26 ~~tor of aeronautics,~~ department to enforce and assist in the  
27 enforcement of this chapter and of all rules and regulations  
28 issued pursuant thereto, and of all other laws of this state  
29 relating to aeronautics; and, in the aid of such enforce-  
30 ment and within the scope of such duties general powers of  
31 peace officers are hereby conferred upon the commission, ~~each~~  
32 ~~of its members,~~ the director ~~of aeronautics,~~ and such ~~of the~~  
33 officers and employees of the ~~commission~~ department as may  
34 be designated by ~~it~~ the commission to exercise such powers.  
35 The commission is further authorized, in the name of this

1 state, to enforce the provisions of this chapter and the rules  
2 and regulations issued pursuant thereto by injunction in the  
3 courts of this state.

4 7. USE OF EXISTING FACILITIES. The commission, in the  
5 discharge of all functions prescribed by this chapter, law  
6 enforcement, technical, and other, to every feasible extent  
7 shall use the facilities of other agencies of the state, and  
8 such agencies are authorized and directed to make available  
9 to the commission such facilities and services.

10 8. INVESTIGATIONS. The commission, ~~any member thereof,~~  
11 ~~the director of aeronautics,~~ or any officer or employee of  
12 the ~~commission~~ department designated by it, when acting for,  
13 and with the authority of the commission, shall have the power  
14 to hold investigations, inquiries, and hearings concerning  
15 matters covered by the provisions of this chapter and orders,  
16 rules, and regulations of the commission. In any such inquiry,  
17 investigation, or hearing, the person acting for the commission  
18 shall have power to administer oaths and affirmations, certify  
19 to all official acts, issue subpoenas, and compel the atten-  
20 dance and testimony of witnesses, and the production of papers,  
21 books, and documents.

22 9. REPORTS OF INVESTIGATIONS--LIMITATIONS ON USE. The  
23 reports of investigations or hearings, or any part thereof,  
24 shall not be admitted in evidence or used for any purpose  
25 in any civil suit, growing out of any matter referred to in  
26 said investigation, hearing, or report thereof, except in  
27 case of criminal or other proceedings instituted in behalf  
28 of the commission or this state under the provisions of this  
29 chapter and other laws of this state relating to aeronautics.

30 10. AUTHORITY TO CONTRACT. It may enter into any con-  
31 tracts necessary to the execution of the powers granted it  
32 by this chapter.

33 11. NO EXCLUSIVE RIGHTS GRANTED. It shall grant no exclu-  
34 sive right for the use of any airway, airport, landing area,  
35 or other air navigation facility under its jurisdiction.

1       Sec. 158. Sections three hundred twenty-eight point  
2 nineteen (328.19), three hundred twenty-eight point twenty  
3 (328.20), three hundred twenty-eight point twenty-one (328.21),  
4 three hundred twenty-eight point twenty-six (328.26), three  
5 hundred twenty-eight point twenty-seven (328.27), three hundred  
6 twenty-eight point twenty-nine (328.29), three hundred twenty-  
7 eight point thirty (328.30), three hundred twenty-eight point  
8 thirty-one (328.31), three hundred twenty-eight point thirty-  
9 two (328.32), three hundred twenty-eight point thirty-three  
10 (328.33), three hundred twenty-eight point thirty-four  
11 (328.34), three hundred twenty-eight point thirty-six (328.36),  
12 three hundred twenty-eight point thirty-seven (328.37), three  
13 hundred twenty-eight point thirty-eight (328.38), three hundred  
14 twenty-eight point thirty-nine (328.39), three hundred twenty-  
15 eight point forty (328.40), three hundred twenty-eight point  
16 forty-one (328.41), three hundred twenty-eight point forty-  
17 three (328.43), three hundred twenty-eight point forty-four  
18 (328.44), three hundred twenty-eight point forty-five (328.45),  
19 three hundred twenty-eight point forty-nine (328.49), and  
20 three hundred twenty-eight point fifty-two (328.52), Code  
21 1973, are amended by striking from such sections the words  
22 "commission" and "aeronautics commission" and inserting in  
23 lieu thereof the word "department".

24       Sec. 159. Section three hundred twenty-nine point one  
25 (329.1), subsection nine (9), Code 1973, is amended by strik-  
26 ing the subsection and inserting in lieu thereof the following:

27       9. "Department" means the state department of transporta-  
28 tion.

29       Sec. 160. Section three hundred twenty-nine point six  
30 (329.6), Code 1973, is amended by striking the words "aero-  
31 nautics commission of the state" and inserting in lieu thereof  
32 the word "department".

33       Sec. 161. Section three hundred thirty point nine (330.9),  
34 unnumbered paragraph one (1), Code 1973, is amended to read  
35 as follows:

1 Before an airport is acquired by any such city or town  
2 the plans and specifications therefor shall be submitted to  
3 the Iowa state ~~aeromatics-commission~~ department of trans-  
4 portation which shall require that they show:

5 Sec. 162. Chapter four hundred seventy-four (474), Code  
6 1973, is amended by adding the following new section:

7 NEW SECTION. DEFINITION. As used in this chapter, unless  
8 the context otherwise requires "department" means the state  
9 department of transportation.

10 Sec. 163. Section four hundred seventy-four point ten  
11 (474.10), Code 1973, is amended to read as follows:

12 474.10 GENERAL JURISDICTION. The ~~commission~~ state  
13 department of transportation shall have general supervision  
14 of all railroads in the state, express companies, car  
15 companies, sleeping-car companies, freight and freight-line  
16 companies, interurban railway companies, motor carriers, and  
17 any common carrier engaged in the transportation of passengers  
18 or freight by railroads, except street railroads, ~~and also~~  
19 ~~all lines for the transmission, sale, and distribution of~~  
20 ~~electrical current for light, heat, or power, except in cities~~  
21 ~~and towns.~~ It shall investigate any alleged neglect or  
22 violation of law by any such common carrier, its agents,  
23 officers, or employees.

24 Sec. 164. Section four hundred seventy-four point twenty-  
25 four (474.24), Code 1973, is amended to read as follows:

26 474.24 JURISDICTION OF COURTS TO ENFORCE ORDER. The dis-  
27 trict courts of this state shall have jurisdiction to enforce,  
28 by proper decrees, injunctions, and orders, the rulings,  
29 orders and regulations affecting public rights, made by the  
30 ~~commission~~ state department of transportation as authorized  
31 by law for the direction and observance of railroads in this  
32 state. The proceedings therefor shall be by equitable action  
33 in the name of the state, and shall be instituted by the ~~com-~~  
34 ~~merce-counsel~~ department general counsel, whenever advised  
35 by the ~~commission~~ department that any railway corporation,

1 or person operating a line of road in this state, is violating  
2 and refusing to comply with any rule, order, or regulation  
3 made by the ~~commission~~ department, and applicable to such  
4 railroad or person.

5 Sec. 165. Section four hundred seventy-four point thirty-  
6 nine (474.39), Code 1973, is amended to read as follows:

7 474.39 DUTY OF ~~COMMERCE~~ GENERAL COUNSEL AND COUNTY  
8 ATTORNEY. When any proceeding has been instituted under sec-  
9 tions 474.37 and 474.38, the ~~commerce~~ department general  
10 counsel shall prosecute the same, and the county attorney  
11 of the county in which such proceeding is pending shall render  
12 such assistance as the ~~commerce~~ department general counsel  
13 may require of him.

14 Sec. 166. Section four hundred seventy-four point forty-  
15 three (474.43), Code 1973, is amended to read as follows:

16 474.43 SUITS BY ~~COMMISSION~~ DEPARTMENT. When the ~~commis-~~  
17 sion department has reason to believe that any common carrier  
18 has been guilty of extortion or unjust discrimination, it  
19 shall immediately cause actions to be commenced and prosecuted  
20 against such carrier. Such action may be brought in any  
21 county through or into which any line of railway owned or  
22 operated by such carrier may extend. No actions thus commenced  
23 shall be dismissed unless the ~~commission~~ department and the  
24 ~~commerce~~ department general counsel consent thereto. The  
25 court in which any such action is pending may, in its  
26 discretion, give preference as to the time of trial of such  
27 action over other business, except criminal cases.

28 Sec. 167. Section four hundred seventy-four point fifty-  
29 three (474.53), subsection ten (10), Code 1973, is amended  
30 to read as follows:

31 10. Such statistics of the road and of its transportation  
32 business for the year as may, in the judgment of the ~~commis-~~  
33 sioners department, be necessary and proper for the information  
34 of the general assembly or as may be required by the governor.

35 Sec. 168. Sections four hundred seventy-four point eleven

1 (474.11), four hundred seventy-four point twelve (474.12),  
2 four hundred seventy-four point thirteen (474.13), four hundred  
3 seventy-four point fourteen (474.14), four hundred seventy-  
4 four point fifteen (474.15), four hundred seventy-four point  
5 sixteen (474.16), four hundred seventy-four point seventeen  
6 (474.17), four hundred seventy-four point eighteen (474.18),  
7 four hundred seventy-four point nineteen (474.19), four hundred  
8 seventy-four point twenty (474.20), four hundred seventy-four  
9 point twenty-two (474.22), four hundred seventy-four point  
10 twenty-five (474.25), four hundred seventy-four point twenty-  
11 six (474.26), four hundred seventy-four point twenty-seven  
12 (474.27), four hundred seventy-four point twenty-eight  
13 (474.28), four hundred seventy-four point twenty-nine (474.29),  
14 four hundred seventy-four point thirty-one (474.31), four  
15 hundred seventy-four point thirty-two (474.32), four hundred  
16 seventy-four point thirty-three (474.33), four hundred seventy-  
17 four point thirty-four (474.34), four hundred seventy-four  
18 point thirty-five (474.35), four hundred seventy-four point  
19 thirty-six (474.36), four hundred seventy-four point thirty-  
20 seven (474.37), four hundred seventy-four point thirty-eight  
21 (474.38), four hundred seventy-four point forty (474.40),  
22 four hundred seventy-four point forty-two (474.42), four  
23 hundred seventy-four point forty-four (474.44), four hundred  
24 seventy-four point forty-six (474.46), four hundred seventy-  
25 four point forty-seven (474.47), four hundred seventy-four  
26 point forty-nine (474.49), four hundred seventy-four point  
27 fifty (474.50), four hundred seventy-four point fifty-one  
28 (474.51), four hundred seventy-four point fifty-two (474.52),  
29 and four hundred seventy-four point fifty-three (474.53),  
30 Code 1973, are amended by striking from such sections the  
31 words "commission", "state commerce commission", and "Iowa  
32 state commerce commission" and inserting in lieu thereof the  
33 word "department".

34 Sec. 169. Section four hundred seventy-five point seven  
35 (475.7), Code 1973, is amended by striking the section and

1 inserting in lieu thereof the following:

2 475.7 DUTIES. The commerce counsel shall:

3 1. Act as attorney for, and legal advisor of, the Iowa  
4 state commerce commission.

5 2. Investigate the legality of all rates, charges, rules,  
6 regulations, and practices of all persons under the jurisdic-  
7 tion of the commission, and institute civil proceedings before  
8 the commission or any court to correct any illegality on the  
9 part of any such person and prosecute the same to final deter-  
10 mination.

11 3. Appear for the commission or for the state and its  
12 citizens and industries in all actions instituted in any state  
13 or federal court which involves the validity of any rule,  
14 regulation, or order of the commission, and prosecute in any  
15 state or federal court in the name of the state, all actions  
16 necessary to enforce, or to restrain the violation of any  
17 rule, order, or regulation of the commission.

18 Sec. 170. Section four hundred seventy-six point eighteen  
19 (476.18), Code 1973, is amended to read as follows:

20 476.18 PREFERRED STOCK. Any railway corporation may  
21 increase its capital stock by the issuance of preferred stock  
22 in one or more classes entitled to such rate or rates of pre-  
23 ferred dividends not exceeding eight percent per annum, and  
24 to such other preferences including accumulation thereon for  
25 future payment of any dividends not earned or paid in any  
26 fiscal or corporate year, and with such other privileges and  
27 rights as may be authorized by the stockholders pursuant  
28 hereto, and may issue the same either in exchange for property  
29 upon compliance with the provisions of sections 492.5 to  
30 492.8, inclusive, or for sale for cash at par or for the  
31 retirement of its indebtedness at the rate of par for par;  
32 no such stock increase shall be made, and no such preferred  
33 stock shall be issued, unless authorized by the vote of not  
34 less than seventy-five percent of the total amount of the  
35 capital stock of such corporation at the time outstanding,

1 expressed at a meeting called for the purpose, upon not less  
2 than thirty days' notice inserted in a newspaper published  
3 in the city or town wherein such corporation may have its  
4 principal place of business in this state, and mailed to each  
5 stockholder of record at his address appearing upon the stock  
6 books of such corporation, provided that the plan and purpose  
7 for the issuance of any preferred stock under the provisions  
8 of this section, shall first be submitted to and receive the  
9 approval of the Iowa state ~~commerce-commissioner~~ department  
10 of transportation.

11 Sec. 171. Section four hundred seventy-seven point thirty-  
12 six (477.36), Code 1973, is amended to read as follows:

13 477.36 DUTY TO ENFORCE. It shall be the duty of the said  
14 Iowa state ~~commerce-commissioner~~ department of transportation  
15 to enforce the provisions of section 477.35, and, upon a com-  
16 plaint signed by five or more shippers of livestock, it shall  
17 be its duty to investigate the stockyards and loading facili-  
18 ties at any such station and determine their adequacy and  
19 shall have power to make such order for the improvement of  
20 said yards as shall, in its judgment, seem necessary.

21 Sec. 172. Section four hundred seventy-seven point forty-  
22 eight (477.48), Code 1973, is amended to read as follows:

23 477.48 INVESTIGATION BY COMMISSION DEPARTMENT. It shall  
24 be the duty of the Iowa state ~~commerce-commissioner~~ depart-  
25 ment of transportation to receive written statements of viola-  
26 tions of section 477.45, and when so requested to hold the  
27 same without disclosure of the name of the person making such  
28 statement, and to investigate each and every complaint filed  
29 alleging such violation.

30 Sec. 173. Section four hundred seventy-seven point forty-  
31 nine (477.49), Code 1973, is amended to read as follows:

32 477.49 HEARING--REPORT. The ~~commissioner~~ state department  
33 of transportation in making such investigation shall have  
34 the power to administer oaths, interrogate witnesses, take  
35 testimony, and require the production of books and papers,

1 and must file a report of such investigation in writing with  
2 a full statement of its finding to the governor.

3 Sec. 174. Section four hundred seventy-seven point fifty  
4 (477.50), Code 1973, is amended to read as follows:

5 477.50 PROSECUTIONS. In all cases of violation of said  
6 provisions, the state ~~commerce-commission~~ department of  
7 transportation, through the ~~attorney-general~~ general counsel  
8 division, must at once begin the prosecution of all parties  
9 against whom evidence of violation is found; but said provi-  
10 sions shall not be construed to prevent any other person from  
11 beginning prosecution for violation thereof.

12 Sec. 175. Section four hundred seventy-seven point fifty-  
13 eight (477.58), Code 1973, is amended to read as follows:

14 477.58 CHANGING NAMES OF STATIONS. In all cases where  
15 any railway company shall fail or refuse to make the name  
16 of the railway station conform to the name of the village,  
17 incorporated town, or city within the limits of which it is  
18 situated, it shall be the duty of the state ~~commerce-commission~~  
19 department of transportation to order a change of the name  
20 of said railway station to effect such uniformity, within  
21 sixty days after a petition in writing by the town council  
22 of said incorporated town or city, or, in the case of a  
23 village, by the township trustees, asking for such order,  
24 is filed with ~~said~~ the state commerce-commission department  
25 of transportation.

26 Sec. 176. Section four hundred seventy-seven point fifty-  
27 nine (477.59), Code 1973, is amended to read as follows:

28 477.59 NOTICE. When the ~~commissioners~~ state department  
29 of transportation shall order a change in the name of a rail-  
30 way station, ~~they~~ it shall give the company owning or operating  
31 the same notice of such order, and if it is not complied with  
32 within thirty days from the date of service of such notice,  
33 the ~~commissioners~~ state department of transportation shall  
34 notify the ~~attorney-general-thereof~~, the general counsel  
35 division which shall begin proceedings in the proper court

1 to compel the enforcement of said order.

2 Sec. 177. Section four hundred seventy-seven point sixty  
3 (477.60), Code 1973, is amended to read as follows:

4 477.60 VIOLATIONS. A failure to comply with the order  
5 of the ~~commissioners~~ state department of transportation within  
6 thirty days from service of such notice shall also be a misde-  
7 meanor, for which said company shall be subject to a fine  
8 of one thousand dollars, and noncompliance for each thirty  
9 days thereafter shall constitute a separate and distinct  
10 offense, subject to a fine of one thousand dollars.

11 Sec. 178. Section four hundred seventy-eight point twenty-  
12 one (478.21), Code 1973, as amended by Acts of the Sixty-fifth  
13 General Assembly, 1973 Session, chapter two hundred four  
14 (204), section two (2), is amended to read as follows:

15 478.21 RAILWAY AND HIGHWAY CROSSING AT GRADE. Wherever  
16 a railway track crosses or shall hereafter cross a highway,  
17 street or alley, the railway company owning such track and  
18 the state-highway-commission highway division of the depart-  
19 ment of transportation, in the case of primary highways, the  
20 board of supervisors of the county in which such crossing  
21 is located, in the case of secondary roads, or the council  
22 of the city or town, in the case of streets and alleys located  
23 within such city or town, may agree upon the location and  
24 manner of crossing, or crossing protection, or upgrading  
25 thereof, or upon a separation of grades so as to carry such  
26 highway over or under the railway track, and upon any change,  
27 alteration, vacation or relocation of such highway, street  
28 or alley, and upon repairs, alteration, or elimination of  
29 any crossing, and upon the expense each party shall pay for  
30 such changes, except that if flasher light or gate signals  
31 are ordered installed prior to July 1, 1973 the maintenance  
32 thereof shall be assumed by the railroad and if flasher light  
33 or gate signals are ordered installed on or after July 1,  
34 1973 the maintenance thereof shall be assumed equally by the  
35 railroad and the grade crossing safety fund; provided, however,

1 the grade crossing safety fund shall not expend more than  
2 four hundred fifty dollars for any one crossing in any one  
3 year; provided, however, nothing contained herein shall be  
4 construed to affect any of the provisions of chapter 387.

5 Sec. 179. Chapter four hundred seventy-eight (478), Code  
6 1973, is amended by adding the following new section:

7 NEW SECTION. DEFINITION. As used in this chapter, unless  
8 the context otherwise requires, the term "department" means  
9 the state department of transportation.

10 Sec. 180. Sections four hundred seventy-eight point thir-  
11 teen (478.13), four hundred seventy-eight point fourteen  
12 (478.14), four hundred seventy-eight point fifteen (478.15),  
13 four hundred seventy-eight point sixteen (478.16), four hun-  
14 dred seventy-eight point seventeen (478.17), four hundred  
15 seventy-eight point eighteen (478.18), four hundred seventy-  
16 eight point twenty-two (478.22), four hundred seventy-eight  
17 point twenty-three (478.23), four hundred seventy-eight point  
18 twenty-six (478.26), as amended by Acts of the Sixty-fifth  
19 General Assembly, 1973 Session, chapter two hundred four  
20 (204), section three (3), four hundred seventy-eight point  
21 twenty-nine (478.29), four hundred seventy-eight point thirty  
22 (478.30), four hundred seventy-eight point thirty-three  
23 (478.33), four hundred seventy-eight point thirty-four  
24 (478.34), four hundred seventy-eight point thirty-five  
25 (478.35), and four hundred seventy-eight point thirty-six  
26 (478.36), Code 1973, are amended by striking from such sections  
27 the words "commission", "commissioners", and "state commerce  
28 commission" and inserting in lieu thereof the word  
29 "department".

30 Sec. 181. Section four hundred seventy-nine point two  
31 (479.2), unnumbered paragraph four (4), Code 1973, is amended  
32 to read as follows:

33 The term "switching service" is hereby defined to be  
34 shifting of a car or of cars between two points, both of which  
35 points are within the industrial vicinity of an industry,

1 a group of industries, a station, a village, or a city, as  
2 such industrial vicinity may be defined by the ~~state-commerce~~  
3 commission department.

4 Sec. 182. Section four hundred seventy-nine point two  
5 (479.2), Code 1973, is amended by adding the following new  
6 paragraph:

7 NEW PARAGRAPH. The term "department", as used in this  
8 chapter, means the state department of transportation.

9 Sec. 183. Section four hundred seventy-nine point forty-  
10 eight (479.48), unnumbered paragraph one (1), Code 1973, is  
11 amended by striking such paragraph and inserting in lieu  
12 thereof the following:

13 As used in this chapter, unless the context otherwise  
14 requires:

15 Sec. 184. Sections four hundred seventy-nine point five  
16 (479.5), four hundred seventy-nine point ten (479.10), four  
17 hundred seventy-nine point fourteen (479.14), four hundred  
18 seventy-nine point twenty-one (479.21), four hundred seventy-  
19 nine point twenty-five (479.25), four hundred seventy-nine  
20 point twenty-seven (479.27), four hundred seventy-nine point  
21 thirty-seven (479.37), four hundred seventy-nine point thirty-  
22 eight (479.38), four hundred seventy-nine point thirty-nine  
23 (479.39), four hundred seventy-nine point forty-one (479.41),  
24 four hundred seventy-nine point forty-three (479.43), four  
25 hundred seventy-nine point forty-four (479.44), four hundred  
26 seventy-nine point forty-six (479.46), four hundred seventy-  
27 nine point forty-nine (479.49), four hundred seventy-nine  
28 point fifty (479.50), four hundred seventy-nine point fifty-  
29 one (479.51), four hundred seventy-nine point fifty-four  
30 (479.54), four hundred seventy-nine point fifty-six (479.56),  
31 four hundred seventy-nine point fifty-seven (479.57), four  
32 hundred seventy-nine point fifty-eight (479.58), four hundred  
33 seventy-nine point fifty-nine (479.59), four hundred seventy-  
34 nine point sixty-one (479.61), four hundred seventy-nine point  
35 sixty-two (479.62), four hundred seventy-nine point sixty-

1 three (479.63), four hundred seventy-nine point sixty-four  
2 (479.64), four hundred seventy-nine point sixty-five (479.65),  
3 four hundred seventy-nine point sixty-six (479.66), four  
4 hundred seventy-nine point sixty-seven (479.67), four hundred  
5 seventy-nine point sixty-eight (479.68), four hundred seventy-  
6 nine point sixty-nine (479.69), four hundred seventy-nine  
7 point seventy (479.70), four hundred seventy-nine point  
8 seventy-one (479.71), four hundred seventy-nine point seventy-  
9 two (479.72), four hundred seventy-nine point seventy-three  
10 (479.73), four hundred seventy-nine point seventy-four  
11 (479.74), four hundred seventy-nine point eighty-one (479.81),  
12 four hundred seventy-nine point eighty-two (479.82), four  
13 hundred seventy-nine point eighty-three (479.83), four hundred  
14 seventy-nine point eighty-four (479.84), four hundred seventy-  
15 nine point ninety-eight (479.98), four hundred seventy-nine  
16 point one hundred three (479.103), four hundred seventy-nine  
17 point one hundred nine (479.109), four hundred seventy-nine  
18 point one hundred ten (479.110), four hundred seventy-nine  
19 point one hundred eleven (479.111), four hundred seventy-nine  
20 point one hundred twelve (479.112), four hundred seventy-nine  
21 point one hundred thirteen (479.113), and four hundred seventy-  
22 nine point one hundred fourteen (479.114), Code 1973, are  
23 amended by striking from such sections the words "commission",  
24 "state commerce commission", and "Iowa state commerce  
25 commission" and inserting in lieu thereof the word  
26 "department".

27 Sec. 185. Chapter four hundred eighty-one (481), Code  
28 1973, is amended by adding the following new section:

29 NEW SECTION. DEFINITION. As used in this chapter,  
30 "department" means the state department of transportation.

31 Sec. 186. Sections four hundred eighty-one point one  
32 (481.1), four hundred eighty-one point three (481.3), four  
33 hundred eighty-one point four (481.4), four hundred eighty-  
34 one point five (481.5), four hundred eighty-one point six  
35 (481.6), four hundred eighty-one point seven (481.7), and

1 four hundred eighty-one point eight (481.8), Code 1973, are  
2 amended by striking the words "commission", "commissioners",  
3 and "state commerce commission" and inserting in lieu thereof  
4 the word "department".

5 Sec. 187. Section four hundred eighty-two point two  
6 (482.2), Code 1973, is amended to read as follows:

7 482.2 EMINENT DOMAIN. Every corporation formed under  
8 the provisions of section 482.1 shall have power to take and  
9 hold, for the purposes therein mentioned, such real estate  
10 as may be found necessary by the state ~~commerce-commission~~  
11 department of transportation for the location of its depot  
12 and approaches, which it may acquire by purchase or  
13 condemnation as provided for the taking of private property  
14 for works of internal improvement.

15 Sec. 188. Section four hundred eighty-three point three  
16 (483.3), Code 1973, is amended to read as follows:

17 483.3 EXCEPTION--APPROVAL BY ~~COMMISSION~~ DEPARTMENT. No  
18 tax shall be levied to aid in the electrification of any steam  
19 railway for the benefit of any person, firm, or individual,  
20 who is not the owner in fee simple of said steam railway,  
21 unless with or prior to the presentation of the petition to  
22 the board of supervisors asking for said election, the  
23 agreement between the person, firm, or corporation proposing  
24 to electrify said steam railway and the owner of said steam  
25 railway, for its electrification and use, has been presented  
26 to the state ~~commerce-commission~~ department of transportation,  
27 and its duration, terms, and conditions found suitable by  
28 said ~~commission~~ department, and said approval made a matter  
29 of record in the proceedings of said ~~commission~~ department,  
30 and certified to such board of supervisors.

31 Sec. 189. Section four hundred eighty-four point one  
32 (484.1), Code 1973, is amended by adding the following new  
33 paragraph:

34 NEW PARAGRAPH. As used in this chapter, "department" means  
35 the state department of transportation.

1     Sec. 190. Sections four hundred eighty-four point sixteen  
2 (484.16), four hundred eighty-four point seventeen (484.17),  
3 four hundred eighty-four point eighteen (484.18), four hundred  
4 eighty-four point twenty-three (484.23), four hundred eighty-  
5 four point twenty-four (484.24), and four hundred eighty-four  
6 point twenty-five (484.25), Code 1973, are amended by striking  
7 the words "commission" and "state commerce commission" and  
8 inserting in lieu thereof the word "department".

9     Sec. 191. Chapter four hundred eighty-five (485), Code  
10 1973, is amended by adding the following new section:

11     NEW SECTION. DEFINITION. As used in this chapter, unless  
12 the context otherwise requires, "department" means the state  
13 department of transportation.

14     Sec. 192. Section four hundred eighty-five point three  
15 (485.3), unnumbered paragraph three (3), Code 1973, is amended  
16 to read as follows:

17     Such notice of appeal shall be served and proof of service  
18 thereof made in the same manner as an original notice in a  
19 civil action, and shall be filed with the ~~secretary-of-the~~  
20 ~~state-commerce-commission~~ department. Service of such notice  
21 of appeal may be made upon any attorney appearing for any  
22 party in the proceedings before the ~~state-commerce-commission~~  
23 department with the same force and effect as if served upon  
24 such party.

25     Sec. 193. Sections four hundred eighty-five point two  
26 (485.2), four hundred eighty-five point three (485.3), four  
27 hundred eighty-five point four (485.4), four hundred eighty-  
28 five point five (485.5), and four hundred eighty-five point  
29 six (485.6), Code 1973, are amended by striking the words  
30 "commission", "state commerce commission", and "Iowa state  
31 commerce commission" and inserting in lieu thereof the word  
32 "department".

33     Sec. 194. Chapter four hundred eighty-six (486), Code  
34 1973, is amended by adding the following new section:

35     NEW SECTION. DEFINITION. As used in this chapter, unless

1 the context otherwise requires, "department" means the state  
2 department of transportation.

3 Sec. 195. Sections four hundred eighty-six point two  
4 (486.2), four hundred eighty-six point three (486.3), four  
5 hundred eighty-six point four (486.4), four hundred eighty-  
6 six point five (486.5), and four hundred eighty-six point  
7 six (486.6), Code 1973, are amended by striking the words  
8 "commission", "state commerce commission", and "Iowa state  
9 commerce commission" and inserting in lieu thereof the word  
10 "department".

11 Sec. 196. Sections three hundred seven point one (307.1),  
12 three hundred seven point two (307.2), three hundred seven  
13 point three (307.3), three hundred seven point four (307.4),  
14 three hundred seven point eight (307.8), three hundred seven  
15 point nine (307.9), three hundred twenty-six point three  
16 (326.3), three hundred twenty-six point four (326.4), three  
17 hundred twenty-eight point two (328.2), three hundred twenty-  
18 eight point three (328.3), three hundred twenty-eight point  
19 four (328.4), three hundred twenty-eight point five (328.5),  
20 three hundred twenty-eight point six (328.6), as amended by  
21 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter  
22 one hundred twenty-four (124), section sixteen (16), three  
23 hundred twenty-eight point seven (328.7), three hundred twenty-  
24 eight point eight (328.8), three hundred twenty-eight point  
25 nine (328.9), three hundred twenty-eight point ten (328.10),  
26 three hundred twenty-eight point eleven (328.11), three hundred  
27 twenty-eight point seventeen (328.17), three hundred twenty-  
28 eight point eighteen (328.18), four hundred seventy-four point  
29 one (474.1), four hundred seventy-four point two (474.2),  
30 four hundred seventy-four point three (474.3), four hundred  
31 seventy-four point four (474.4), four hundred seventy-four  
32 point five (474.5), four hundred seventy-four point six  
33 (474.6), four hundred seventy-four point seven (474.7), and  
34 four hundred seventy-four point eight (474.8), Code 1973,  
35 are repealed.

1     Sec. 197. All rules, regulations, forms, orders, and  
2 directives promulgated by and in effect for the Iowa aeronau-  
3 tics commission on the effective date of this Act shall con-  
4 tinue in full force and effect as rules, regulations, forms,  
5 orders, and directives of the state department of  
6 transportation until amended or supplemented by affirmative  
7 action of the state transportation commission.

8     All rules, regulations, forms, orders, and directives  
9 promulgated by and in effect for the state highway commission  
10 on the effective date of this Act shall continue in full force  
11 and effect as rules, regulations, forms, orders, and directives  
12 of the state department of transportation until amended or  
13 supplemented by affirmative action of the state transpor-  
14 tation commission.

15     All rules, regulations, forms, orders, and directives  
16 promulgated by and in effect for the Iowa reciprocity board  
17 on the effective date of this Act shall continue in full force  
18 and effect as rules, regulations, forms, orders, and direc-  
19 tives of the state department of transportation until amended  
20 or supplemented by affirmative action of the state transporta-  
21 tion commission.

22     All rules, regulations, forms, orders, and directives  
23 promulgated by and in effect for the department of public  
24 safety under the provisions of chapter three hundred twenty-  
25 one (321) of the Code relating to the registration of motor  
26 vehicles, motor vehicle inspection, and the licensing of  
27 drivers of motor vehicles, chapter three hundred twenty-one  
28 A (321A) of the Code relating to financial responsibility,  
29 chapter three hundred twenty-one B (321B) of the Code relating  
30 to the implied consent law, chapter three hundred twenty-one  
31 F (321F) of the Code relating to leasing and renting of  
32 vehicles, and chapter three hundred twenty-two (322) of the  
33 Code relating to motor vehicle dealer licensing shall continue  
34 in full force and effect as rules, regulations, forms, orders,  
35 and directives of the state department of transportation until

1 amended or supplemented by affirmative action of the state  
2 transportation commission.

3 All rules, regulations, forms, orders, and directives  
4 promulgated by and in effect for the Iowa state commerce  
5 commission pursuant to the provisions of chapters three hun-  
6 dred twenty-two A (322A), three hundred twenty-five (325),  
7 three hundred twenty-seven (327), three hundred twenty-seven  
8 A (327A), and three hundred twenty-seven B (327B), and chapters  
9 four hundred seventy-four (474) through four hundred eighty-  
10 six (486), inclusive, of the Code shall continue in full force  
11 and effect as rules of the state department of transportation  
12 until amended or supplemented by affirmative action of the  
13 state transportation commission.

14 Sec. 198. All employees of the state highway commission,  
15 Iowa aeronautics commission, and Iowa reciprocity board are  
16 transferred to the state department of transportation. Any  
17 employee of the Iowa state commerce commission and the depart-  
18 ment of public safety whose duty assignments will be terminated  
19 because of this Act may be reassigned to other duties or may  
20 be transferred to the state department of transportation.  
21 The Iowa merit employment commission shall promulgate rules  
22 and regulations to carry out such reassignment or transfer  
23 and shall arbitrate and decide any written appeal made by  
24 any employee concerning any transfer, reassignment, or  
25 reclassification made necessary by this Act. No employee  
26 shall lose any benefits he may have accrued, including but  
27 not limited to salary, retirement, vacation, sick leave, or  
28 longevity, because of reassignment provided in this section.

29 Sec. 199. The provisions of divisions one (I) and two  
30 (II) of this Act shall become effective July 1, 1974. The  
31 provisions of divisions three (III) and four (IV) of this  
32 Act shall become effective July 1, 1975.

33 EXPLANATION

34 Section 1 states the public policy of the General Assembly  
35 and contains the legislative intent of the bill which is to

1 abolish the State Highway Commission, the Iowa Aeronautics  
2 Commission, and the Iowa Reciprocity Board and transfer the  
3 functions of these agencies to the new state department.  
4 This section also denotes the intent of the General Assembly  
5 to transfer the functions of the Motor Transportation Division  
6 and the Railroad Safety and Service Division of the Iowa  
7 State Commerce Commission to the new department. The section  
8 further outlines the intent of the General Assembly to transfer  
9 the motor vehicle registration, motor vehicle dealer licensing,  
10 motor vehicle inspection, and drivers' licensing functions  
11 from the Department of Public Safety to the new State  
12 Department of Transportation.

13 Section 3 creates the new State Department of Transporta-  
14 tion.

15 Section 4 creates the State Transportation Commission which  
16 will consist of seven members. The Study Committee agreed  
17 that the State Transportation Commission should be larger  
18 than the present State Highway Commission because of the  
19 additional duties which are assigned to this commission, but  
20 agreed that more than 7 members might tend to hamper the work  
21 of the commission. This section specifically requires the  
22 Governor to appoint two persons serving on the State Highway  
23 Commission and one member from the Iowa Aeronautics Commission  
24 to the new State Transportation Commission and that any persons  
25 so appointed may serve on both agency commissions  
26 simultaneously. This section also provides that the Governor  
27 shall appoint the chairman of the State Transportation  
28 Commission.

29 Section 6 denotes a method for appointing individuals to  
30 a vacancy on the State Transportation Commission.

31 Section 7 gives the General Assembly the authority to set  
32 the salary of Transportation Commission members. The section  
33 contains a provision which limits the amount of compensation  
34 a commissioner may receive during the fiscal year commencing  
35 July 1, 1974, and ending June 30, 1975, to only those expenses

1 actually incurred in the performance of their official duties.  
2 The members of the Study Committee agreed that because members  
3 of the State Transportation Commission will have few duties  
4 to perform during the first year of operations, no salaries  
5 should be provided.

6 Section 8 provides for the calling of meetings. The provi-  
7 sions of this section are very similar to the provisions found  
8 in chapter 307 which provides for the organization of the  
9 State Highway Commission.

10 Section 9 authorizes the payment of all actual and necessary  
11 expenses incurred by members of the Commission, the Director,  
12 and employees of the State Department of Transportation, in  
13 the performance of their actual duties.

14 Section 10 provides for the removal of Commission members  
15 for cause in the manner provided in chapter 66 of the Code.

16 Section 11 outlines the duties of the Transportation  
17 Commission. The Commission has the responsibility for  
18 developing a comprehensive transportation policy and plan  
19 for the state within a period of four years. The Commission  
20 is responsible for developing a multi-modal transportation  
21 plan which is intended to provide adequate transportation  
22 services and facilities to all areas of the state without  
23 unnecessary and costly duplication of services and facilities.  
24 The Study Committee intends to place the policy making  
25 responsibility for operating the State Department of  
26 Transportation in the hands of the Transportation Commission.

27 Section 12 provides for the appointment of a Director of  
28 Transportation by the State Transportation Commission. It  
29 is the intent of the Department of Transportation Study  
30 Committee that this appointment be made on the basis of  
31 professional administrative abilities. The section  
32 specifically prohibits the director from engaging in any type  
33 of political activity and he shall receive a salary as fixed  
34 by the General Assembly.

35 Section 13 enumerates the responsibilities of the director

1 which include the management of the internal operations of  
2 the department, including the employment of personnel, budget  
3 preparation responsibilities, appointments of deputy directors  
4 of the department, and carrying out those policy decisions  
5 determined by the Transportation Commission.

6 Section 14 allows the Director to reassign personnel within  
7 the State Department of Transportation. It is intended by  
8 the Department of Transportation Study Committee that  
9 reassignment of personnel will mean greater efficiency and  
10 economy within the departmental structure.

11 Section 15 outlines the basic departmental divisions which  
12 the Study Committee agreed should be established by statute.  
13 The divisions of the department which the Study Committee  
14 feels are necessary include the Transportation Regulation  
15 Board, Planning Division, Administration Division, General  
16 Counsel Division, Highway Division, Aeronautics Division,  
17 Rail and Water Transportation Division, City, County and  
18 Regional Transportation Division, and the Transportation Regu-  
19 lation and Safety Division. The provisions of this section  
20 do not restrict the authority of the director to create new  
21 divisions, subject to the approval of the Transportation Com-  
22 mission, which may be necessary in the future.

23 Section 16 creates the Transportation Regulation Board,  
24 consisting of three members, appointed by the Governor,  
25 confirmed by the Senate, for a term of six years.

26 Section 18 provides that the salary of the members of the  
27 Transportation Regulation Board shall be fixed by the General  
28 Assembly, and each member is allowed actual and necessary  
29 expenses actually incurred in the performance of his duties.

30 Section 19 provides that the Transportation Regulation  
31 Board assumes the present responsibilities of the Iowa State  
32 Commerce Commission in the regulation of common carriers.  
33 This includes fixing rates, fares, tariffs, and other charges  
34 levied by motor transportation carriers and railways. Another  
35 duty includes the issuance of certificates of public

1 convenience and necessity to motor transport carriers.

2 Section 20 authorizes the Transportation Regulation Board  
3 to adopt its own rules and regulations relating to the conduct  
4 of the hearings before the board.

5 Section 22 provides that the Administration Division is  
6 primarily responsible for building and equipment of the Depart-  
7 ment, electronic data processing for the department,  
8 departmental budget preparation, centralized purchasing  
9 services, employing personnel, and coordinating  
10 responsibilities and duties of the various divisions of the  
11 department to promote greater efficiency and economy within  
12 the State Department of Transportation. It will be necessary  
13 for this division to cooperate with the Department of General  
14 Services and the Merit Employment Department.

15 Section 23 creates the Planning Division which is a very  
16 important division within the new department because it is  
17 responsible for multi-modal transportation planning to develop  
18 an integrated transportation system for the state and to  
19 eliminate the overlap of transportation services. This  
20 division is responsible for transportation system planning  
21 and its functions do not include design planning of highways,  
22 airport facilities, and other transportation facilities.

23 Section 24 creates the General Counsel Division. The  
24 attorneys are assistant attorneys general. Its primary  
25 responsibility is to act as legal counsel and advisor to the  
26 State Transportation Commission, the Director and the various  
27 divisions of that Department and to provide the necessary  
28 legal services required by the Department. It is responsible  
29 for appearing before other agencies representing the general  
30 public in issues which directly affect the State of Iowa  
31 and the State Department of Transportation. This Division  
32 is also responsible for representing the public in all hearings  
33 before the Transportation Appeals Board on matters relating  
34 to the issuance of certificates of public convenience and  
35 necessity and any rate hearing held by the Board.

1 Section 25 specifies the duties of the Highway Division  
2 which will include the functions presently performed by the  
3 State Highway Commission.

4 Section 26 specifies the duties of the Aeronautics Division  
5 which is responsible for the enforcement of the provisions  
6 of chapters 328, 329 and 330 which are presently enforced  
7 by the Iowa Aeronautics Commission. The purpose of including  
8 the Aeronautics Division within the State Department of  
9 Transportation is to bring about greater efficiency and economy  
10 without duplication of transportation facilities in the state.

11 Section 27 creates the Rail and Water Transportation  
12 Division which is responsible for the administration of the  
13 railroad laws and development of water transportation and  
14 port facilities.

15 Section 28 creates the City, County, and Regional  
16 Transportation Division which is responsible for mass trans-  
17 portation and motor carrier transportation. One of the  
18 purposes of this Division is to assist the Transportation  
19 Regulation Board in administering the provisions of chapters  
20 325, 327, and 327A of the Code. The parts of this Division  
21 which are responsible for administering motor carrier laws  
22 should work closely in conjunction with the Transportation  
23 Regulation Board and the City, County, and Regional Trans-  
24 portation Division and should enjoy the same close working  
25 relationship which is presently enjoyed by the Iowa State  
26 Commerce Commission and the Motor Transportation Division  
27 of the Iowa State Commerce Commission.

28 Section 29 outlines the responsibilities of the Trans-  
29 portation Regulation and Safety Division which assumes those  
30 duties of the Department of Public Safety relating to the  
31 registration of motor vehicles, the licensing of motor vehicle  
32 manufacturers, distributors, and dealers, the inspection of  
33 motor vehicles, the motor vehicle reciprocity chapter, and  
34 the traffic weight operations divisions of the State Highway  
35 Commission.

1 Section 30 allows the Director of Transportation and the  
2 State Transportation Commission to prorate costs of the  
3 Department which will be expended for highways and other  
4 transportation systems to allow the payment of the road use  
5 tax fund of money necessary to support the Department's highway  
6 efforts and the use of general fund appropriations to support  
7 other transportation functions performed by this agency.

8 Section 33 enumerates the responsibilities of the commission  
9 and the Director in the first year in which the State  
10 Department of Transportation exists. The Study Committee  
11 agreed that a period of one year would allow the Transportation  
12 Commission and the Director of Transportation adequate time  
13 to develop a program and budget for the new agency before  
14 the Highway Commission, Iowa Aeronautics Commission, and Iowa  
15 Reciprocity Board are abolished and the functions of those  
16 agencies are assumed by the new State Department of  
17 Transportation.

18 Section 36 is a temporary provision. Because the Director  
19 of Transportation is authorized to employ certain personnel  
20 to assist in developing a table of organization of the State  
21 Department of Transportation, it is necessary to guarantee  
22 the accrual of benefits of any employee whose job is not  
23 terminated at the end of one year. The Director is allowed  
24 to reassign and reclassify these individuals within the State  
25 Department of Transportation following the one-year interim.

26 Sections 37-45 reestablish the Iowa State Commerce  
27 Commission as a separate chapter. While these sections have  
28 been designated as new sections, they are, in fact, not new  
29 sections. These sections compare with sections 474.1-474.8,  
30 inclusive, of the Code. Chapter 474 presently creates the  
31 Iowa State Commerce Commission and grants general jurisdiction  
32 over all common carriers to the Commission. Since the  
33 responsibility of regulating common carriers is assigned to  
34 the new State Department of Transportation, it was felt that  
35 in drafting this bill, the provisions of the Code creating

1 the Iowa State Commerce Commission should be deleted from  
2 chapter 474, thus allowing the Code Editor to assign new  
3 numbers to these sections and giving the Iowa State Commerce  
4 Commission a separate chapter and thereby allowing the new  
5 State Department of Transportation to administer the provisions  
6 of chapter 474.

7 Sections 46-196 contain the coordinating amendments  
8 necessary to carry out the intent of the bill.

9 Section 197 adopts by reference all existing rules and  
10 regulations, forms, orders, and directives promulgated and  
11 in effect by the Iowa Aeronautics Commission, State Highway  
12 Commission, the Iowa Reciprocity Board, Specified Divisions  
13 of the Department of Public Safety, Specified Divisions of  
14 the Iowa State Commerce Commission, when these functions are  
15 assumed by the State Department of Transportation. The intent  
16 of this section is to allow an orderly transition into the  
17 State Department of Transportation.

18 Section 198 assigns all employees of the State Highway  
19 Commission, Iowa Aeronautics Commission, and the Iowa  
20 Reciprocity Board to the new State Department of Transportation  
21 without loss of any benefits which may have been accrued while  
22 employed by the state. Employees of the Iowa State Commerce  
23 Commission and the Department of Public Safety whose duty  
24 assignments are terminated because of transfer of duties under  
25 the provisions of this Act are authorized to be transferred  
26 to the new state agency or may be reassigned within the agency  
27 from which they would be transferred.

28 Section 199 contains the effective date clause. Division  
29 I which creates the State Department of Transportation and  
30 Division II which specifies the interim duties of the Director  
31 of Transportation and the State Transportation Commission  
32 become effective July 1, 1974. The effective date for  
33 Divisions III and IV, which are coordinating amendments, is  
34 July 1, 1975. At this time, the functions of the State Highway  
35 Commission, Iowa Aeronautics Commission, and Iowa Reciprocity

1 Board and certain functions of the Iowa State Commerce  
2 Commission and the Department of Public Safety are transferred  
3 to the new State Department of Transportation.

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SENATE FILE 1141

S-2199

1 Amend the Lamborn, et al., amendment S-2192 to  
2 Senate File 1141, page 1, by inserting after line  
3 26 the following new subsections:

4 "3. The administrator shall employ not less than  
5 two railroad track inspectors, each of whom shall  
6 meet the following minimum qualifications:

7 a. Six years or more of experience in the field  
8 of construction and maintenance of railroad trackage.

9 b. Comprehensive knowledge of track inspection,  
10 track equipment, and track maintenance methods.

11 c. Comprehensive knowledge of railroad main-  
12 tenance standards and the ability to inspect  
13 trackage to determine compliance with these  
14 standards.

15 d. Capability to conduct investigations of  
16 railroad accidents.

17 4. Any inspectors employed under subsection  
18 three (3) of this section shall receive an annual  
19 salary equivalent to salaries paid to persons with  
20 similar responsibilities employed in private  
21 industry.

22 5. The administrator shall employ at least one  
23 railroad signal inspector who shall inspect all  
24 railroad crossings to determine whether proper  
25 signal devices are installed and operating properly.

Page 2

1 A railroad signal inspector shall receive an annual  
2 salary equivalent to salaries paid to persons with  
3 similar responsibilities employed in private industry.

4 6. The administrator shall employ at least one  
5 railroad bridge inspector who shall inspect all rail-  
6 road bridges to determine whether railroad bridges  
7 are properly maintained by the railroad in order to  
8 avoid railroad accidents. A railroad bridge  
9 inspector shall receive an annual salary equivalent  
10 to salaries paid to persons with similar responsibi-  
11 lities employed in private industry.

12 7. The administrator shall employ at least one  
13 mechanical inspector who shall annually inspect the  
14 rolling stock of the railroad to insure the safe  
15 operation of railroad equipment to assure the  
16 provision of maximum service to the citizens of this  
17 state. The annual salary of the mechanical inspector  
18 shall be equivalent to salaries paid to persons with  
19 similar responsibilities employed in private  
20 industry.

21 8. Persons employed under the provisions of  
22 this section shall meet the minimum qualifications  
23 set forth by the Federal Railway Administration as  
24 defined in the Railroad Safety Act of 1970."

SENATE FILE 1141

S-2192

1 Amend Senate File 1141 as follows:

- 2 1. Page 7, by striking lines 27 through 30 and  
3 inserting in lieu thereof the following new subsec-  
4 tions:  
5 6. Public transportation division.  
6 7. Transportation regulation and safety division.  
7 2. Page 7, lines 34 and 35, by striking the words  
8 ", seven (7), eight (8), and nine (9)" and inserting  
9 in lieu thereof the words ", and seven (7)".  
10 3. Page 12, by inserting after the period in line  
11 7 the words "There shall be a subdivision for urban  
12 systems, a subdivision for secondary roads, and such  
13 other subdivisions as may be necessary within the  
14 highway division."  
15 4. Page 12, by striking lines 8 through 35 and  
16 page 13, by striking line 1 through 13 and  
17 inserting in lieu thereof the following new section:  
18 Sec. \_\_\_\_ . NEW SECTION. PUBLIC TRANSPORTATION  
19 DIVISION. The administrator of the public transporta-  
20 tion division shall have the following duties and  
21 responsibilities:  
22 1. Advise and assist the director in the develop-  
23 ment of airport facilities in the state.  
24 2. Advise and assist the director in the develop-  
25 ment of river transportation and port facilities in  
26 the state.

Page 2

- 1 3. Advise and assist the director in the study of  
2 local and regional transportation problems and consult  
3 and cooperate with officials and representatives of  
4 the state and its political subdivisions, other states,  
5 the federal government, and interstate agencies to  
6 resolve these transportation problems.  
7 4. Administer the provisions of chapters three  
8 hundred twenty-two A (322A), three hundred twenty-  
9 five (325), three hundred twenty-seven (327), three  
10 hundred twenty-seven A (327A), three hundred twenty-  
11 seven B (327B), three hundred twenty-eight (328),  
12 three hundred twenty-nine (329), three hundred thirty  
13 (330), four hundred seventy-four (474), four hundred  
14 seventy-six (476), four hundred seventy-seven (477),  
15 four hundred seventy-eight (478), four hundred  
16 seventy-nine (479), four hundred eighty (480), four  
17 hundred eighty-one (481), four hundred eighty-two  
18 (482), four hundred eighty-three (483), four hundred  
19 eighty-four (484), four hundred eighty-five (485),  
20 and four hundred eighty-six (486) of the Code.  
21 5. Renumber sections and correct internal  
22 references as may be necessary in accordance with  
23 this amendment.

S-2192 Filed - *Adopted 2/19*  
February 18, 1974

By LAMBORN, RABEDEAUX, POTTER, MILLER  
of Marshall, BRILES, ANDERSEN, GRIFFIN,  
NYSTROM, CURTIS, PLYMAT, BURROUGHS,  
SHAW, NOLIN and GLUBA

SENATE FILE 1141

S—2187

1 Amend Senate File 1141 as follows:

2 1. Page 1, by inserting after line 7 the  
3 following:

4 "Whereas, it is the public policy of this  
5 state that the general welfare, economic growth,  
6 job mobility, convenience, stability, and well-  
7 being of the citizens of the state can best be  
8 served by a coordinated transportation policy  
9 to assure adequate, safe, and efficient trans-  
10 portation facilities and services, and

11 Whereas, in order to accomplish this goal,  
12 the general assembly finds that it is necessary  
13 to reorganize the executive branch of government  
14 and to combine and transfer the duties and  
15 functions of certain existing state agencies into  
16 a state department of transportation created by  
17 this Act, and

18 Whereas, the duties and responsibilities of  
19 the state highway commission should be trans-  
20 ferred to the state department of transportation.  
21 The duties and responsibilities of the Iowa  
22 aeronautics commission should be transferred to  
23 the state department of transportation. The  
24 duties and responsibilities of the Iowa reci-  
25 procity board should be transferred to the state

Page 2

1 department of transportation. The duties and  
2 responsibilities of the department of public  
3 safety relating to motor vehicle registration,  
4 motor vehicle dealer licensing, motor vehicle  
5 inspection, and operators and chauffeurs licensing  
6 should be transferred to the state department of  
7 transportation. The duties and responsibilities  
8 of the Iowa state commerce commission relating to  
9 the regulation of railroads and motor transporta-  
10 tion should be transferred to the state depart-  
11 ment of transportation, now therefore,".

12 2. Page 2, by striking lines 1 through 25.

13 3. By renumbering the remaining sections.

S—2187 Filed - *Adopted 2/19*  
February 18, 1974

By DODERER

SENATE CLIP SHEET

Monday, February 18, 1974

SENATE FILE 1141

S-2182 - *Last 2/18*

1 Amend Senate File 1141 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:  
4 Section 1. PUBLIC POLICY AND INTENT -- TRANSFER  
5 OF FUNCTIONS. It is the public policy of this state  
6 that the general welfare, economic growth, job  
7 mobility, convenience, stability, and well-being of  
8 the citizens of the state can best be served by a  
9 coordinated transportation policy to assure adequate,  
10 safe and efficient transportation facilities and  
11 services.

12 In order to accomplish this goal, the general  
13 assembly finds that it is necessary to establish a  
14 new facility in the executive branch of government to  
15 provide continuing comprehensive transportation  
16 coordination and planning and to recommend the  
17 combination and transfer of duties and functions of  
18 existing state agencies.

19 Sec. 2. NEW SECTION. DEFINITIONS. When used in  
20 this Act, unless the context otherwise requires:

21 1. "Director" means the director of transporta-  
22 tion or his designee.

23 2. "Department" means the state department of  
24 transportation.

25 3. "Commission" means the state transportation

Page 2

1 commission.

2 Sec. 3. NEW SECTION. DEPARTMENT OF TRANSPORTA-  
3 TION. There is created a state department of trans-  
4 portation which shall be responsible for developing  
5 a comprehensive state transportation policy and plan  
6 for the development, regulation, and improvement of  
7 transportation in the state.

8 Sec. 4. NEW SECTION. TRANSPORTATION COMMISSION.  
9 There is created a state transportation commission  
10 which shall consist of nine members, not more than  
11 five of whom shall be from the same political party.

12 The governor shall appoint the members of the state  
13 transportation commission for a term of four years,  
14 subject to the confirmation of the senate. However,  
15 of the members first appointed, three members shall  
16 be appointed for a term of one year commencing July 1,  
17 1974 and ending June 30, 1975, two members shall be  
18 appointed for a term of two years commencing July 1,  
19 1974 and ending June 30, 1976, two members shall be  
20 appointed for a term of three years commencing July 1,  
21 1974 and ending June 30, 1977 and two members shall  
22 be appointed for a term of four years commencing  
23 July 1, 1974 and ending June 30, 1978.

24 Of the members first appointed as of July 1, 1974,  
25 the governor shall appoint one member of the state

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1 highway commission, one member of the state commerce  
2 commission, one member of the Iowa aeronautics commis-  
3 sion. Of the remaining members first appointed, and  
4 thereafter, appointments shall include one member  
5 knowledgeable in railroad management, one member  
6 knowledgeable in matters concerning state development,  
7 one member knowledgeable in matters of environmental  
8 quality and conservation, one member knowledgeable in  
9 matters of county transportation systems, one member  
10 knowledgeable in matters of city transportation  
11 systems, and one member knowledgeable in matters of  
12 public safety.

13 Such members of the transportation commission  
14 appointed from other state commissions or agencies or  
15 political subdivisions of the state shall serve  
16 simultaneously on the state transportation commission.  
17 The commission shall meet in July of each year for  
18 the purpose of electing one of its members as chair-  
19 man.

20 Sec. 5. NEW SECTION. VACANCIES. Any vacancy on  
21 the commission which may occur when the general  
22 assembly is not in session shall be filled by  
23 appointment by the governor, which appointment shall  
24 expire at the end of thirty days following the con-  
25 vening of the next session of the general assembly.

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1 Prior to the expiration of the thirty-day period, the  
2 governor shall transmit to the senate for its approval  
3 the name of the appointee for the unexpired portion  
4 of the regular term. Any vacancy occurring when the  
5 general assembly is in session shall be filled in the  
6 same manner as regular appointments are made, and  
7 before the end of such session, and for the unexpired  
8 portion of the regular term.

9           Sec. 6. NEW SECTION. COMPENSATION. Each member  
10 of the commission shall receive a salary as fixed by  
11 the general assembly.

12           However, for the fiscal year commencing July 1,  
13 1974 and ending June 30, 1975, members of the state  
14 transportation commission shall receive a per diem of  
15 forty dollars and all expenses actually incurred in  
16 the performance of their official duties. Members of  
17 the state transportation commission serving simultane-  
18 ously as members of other state commissions or  
19 agencies or political subdivisions of the state shall  
20 continue to receive the salary or per diem provided  
21 by law for such persons when performing their  
22 official duties as members of the other state commis-  
23 sions or agencies for the fiscal year commencing  
24 July 1, 1974 and ending June 30, 1975.

25           Sec. 7. NEW SECTION. COMMISSION MEETINGS. The

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1           commission shall meet at the call of the chairman or  
2 when any four members of the commission file a written  
3 request with the chairman for a meeting. Written  
4 notice of the time and place of each meeting shall  
5 be given to each member of the commission. A  
6 majority of the commission members shall constitute  
7 a quorum.

8           Sec. 8. NEW SECTION. EXPENSES. Members of the  
9 commission, the director, and other employees of the  
10 department shall be allowed their actual and neces-  
11 sary expenses incurred in the performance of their  
12 duties. All expenses and salaries shall be paid  
13 from appropriations for such purposes and the depart-  
14 ment shall be subject to the budget requirements of  
15 chapter eight (8) of the Code.

16           Sec. 9. NEW SECTION. REMOVAL FROM OFFICE. Any  
17 member of the commission may be removed for any of the  
18 causes and in the manner provided in chapter sixty-  
19 six (66) of the Code and such removal shall not be in  
20 lieu of any other punishment that may be prescribed  
21 by the laws of this state.

22           Sec. 10. NEW SECTION. DUTIES. The commission  
23 shall:

24           1. Develop a comprehensive transportation policy  
25 for the state not later than January 1, 1975 to be

Page 6

1           submitted to the governor and the general assembly  
2 for approval; and, develop a comprehensive state  
3 transportation plan by January 1, 1976 to be submitted  
4 to the governor and the general assembly for approval.

5           2. Prepare recommendations considered feasible,  
6 necessary and consistent with the state transportation  
7 policy and plan, for reorganization of and or combina-  
8 tion of appropriate current or new functions of exist-

9 ing state commissions, departments, divisions or  
10 agencies with transportation related duties or  
11 responsibilities; including a proposed table of  
12 organization with an estimated three year operational  
13 budget, and; submit by January 1, 1976 the recommended  
14 reorganization plan and budget estimates to the  
15 governor and the general assembly for their approval.  
16 3. Update the transportation policy and plan  
17 annually.  
18 4. Promote the coordinated and efficient use of  
19 all available modes of transportation for the benefit  
20 of the state and its citizens.  
21 5. Identify the needs for city, county, regional  
22 and state transportation facilities and services in  
23 the state and develop programs appropriate to meet  
24 these needs.  
25 6. Identify methods of improving transportation

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1 safety in the state and develop programs appropriate  
2 to meet these needs.  
3 7. Consider the energy and environmental issues  
4 in transportation development.  
5 8. Adopt rules and regulations in accordance with  
6 the provisions of chapter seventeen A (17A) of the  
7 Code as it may deem necessary to transact its business  
8 and for the administration and exercise of its powers  
9 and duties.  
10 9. Approve the budget of the department as pre-  
11 pared by the director, prior to submission of the  
12 budget to the governor and the general assembly.  
13 Sec. 11. NEW SECTION. DIRECTOR OF TRANSPORTATION  
14 -- QUALIFICATIONS -- SALARY. The commission shall  
15 appoint a director of transportation who shall serve  
16 at the pleasure of the commission and who shall in no  
17 event be a member of the commission. The director  
18 shall not hold any other office under the laws of the  
19 United States or of this or any other state or hold  
20 any other position for profit. The director shall  
21 not engage in any occupation, business, or profession  
22 interfering with or inconsistent with his duties,  
23 serve on or under any committee of any political  
24 party, or contribute to the campaign fund of any person  
25 or political party. The director shall be appointed

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1 on the basis of his executive and administrative  
2 abilities and he shall devote his entire time to the  
3 duties of his position.  
4 The director shall receive a salary as fixed by  
5 the general assembly.  
6 Sec. 12. NEW SECTION. DUTIES OF THE DIRECTOR.  
7 The director shall:  
8 1. Manage the internal operations of the depart-

9 ment and establish guidelines and procedures to pro-  
10 mote the orderly and efficient administration of the  
11 department.

12 2. Employ such personnel as are necessary to carry  
13 out the duties and responsibilities of the department  
14 consistent with the provisions of chapter nineteen A  
15 (19A) of the Code and subject to the policies of the  
16 commission.

17 3. Assist the commission in developing a state  
18 transportation policy and a state transportation plan  
19 and execute the policies adopted by the commission.

20 4. Establish temporary advisory boards of such  
21 size as he deems appropriate to advise the depart-  
22 ment, subject to the approval of the commission.

23 5. Prepare a budget for the department, subject  
24 to the approval of the commission, and prepare re-  
25 ports required by law or required by the commission.

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1 6. Review and submit legislative proposals neces-  
2 sary to keep state transportation laws current.

3 7. Appoint hearing officers of designate depart-  
4 ment personnel to conduct hearings required by law  
5 or administrative rule.

6 8. The director shall appoint persons qualified  
7 and experienced in the fields of management, finance,  
8 and planning to assist in carrying out the duties  
9 and responsibilities of the department, subject to  
10 the approval of the commission.

11 9. Nothing in this section shall prohibit the  
12 director from drawing upon expertise and personnel  
13 of other state commissions or any other public agency.

14 Sec. 13. NEW SECTION. INFORMATION AND ASSISTANCE.  
15 The transportation commission may call upon the state  
16 highway commission, state reciprocity board, state  
17 department of public safety, state commerce commis-  
18 sion, state aeronautics commission, state universities,  
19 or any other state agency or political subdivision of  
20 the state for such information and assistance as may  
21 be needed in the performance of its duties and these  
22 agencies shall furnish such assistance, information  
23 and cooperation insofar as the same shall be within  
24 the resources and authority of the agencies.

25 The commission may retain such private consultants

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1 as may be needed to supplement available governmental  
2 information and assistance and may compensate for  
3 such services from funds appropriated to the commis-  
4 sion.

Senate 6  
February 18, 1974

5           2. Amend the title, page 1, line 1, by striking  
6 everything after the word "transportation" and insert-  
7 ing in lieu thereof a period.

S—2182 Filed - *Last 2/18*  
February 15, 1974

By JUNKINS, SCHWENGELS, SCHABEN,  
TAYLOR, BRILES, RODGERS,  
WINKELMAN, BERGMAN,  
MILLER of Des Moines,  
KENNEDY, TIEDEN, SCOTT,  
VAN GILST, PALMER and FRIEBE

#### EXPLANATION OF AMENDMENT

This amendment establishes a Department of Transportation with a Transportation Commission and staff to be responsible for development of a comprehensive state transportation policy and plan. It requires preparation of organizational recommendations consistent with the state policy and plan including tables of organization for implementing the plan and budget proposals showing estimated operational costs for the first three years. The Transportation Commission is required to present the state transportation policy by January 1, 1975 and the state transportation plan with recommended organizational structure and cost estimates by January 1, 1976 for consideration by the Governor and General Assembly.

SENATE FILE 1141  
FISCAL NOTE

Date prepared February 15, 1974

Requested by Senator Curtis.

Prepared in regard to Senate File 1141 - An Act to create a Department of Transportation. Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16.

Senate File 1141 is a bill to create a State Department of Transportation. The bill states the general structure of the new department by creating new divisions and combining present departments or divisions pertaining to transportation. In the initial year of planning the director may draw upon the expertise and personnel of any public agency.

The estimated additional cost of \$115,000 is for only the fiscal year 1974-75. Senate File 1141 gives the commissioners and director of the Department of Transportation the authority to develop a program, budget, table of organization, and operating procedures for the department. Without this information we cannot determine the estimated cost for the years following fiscal year 1974-75.

	F Y 1975
Additional cost to the State of Iowa for the development of the D.O.T.	
Commissioners:	
Per Diem & Expenses	\$ 35,000
Director's Office:	
Salaries, Support & Maintenance	<u>80,000</u>
Estimated Cost	<u>\$115,000</u>
Appropriations of the department or divisions being transferred to the new D.O.T.	
	F Y 1975
<u>General Fund</u>	
Public Safety	
Motor Vehicle Registration	\$ 857,940
Driver's License	1,543,560
Reciprocity	238,040
Commerce Commission	
Motor Transportation	536,310
Railroad Safety & Service	52,500
General Fund Total	<u>\$3,228,350</u>

Senate 5  
February 19, 1974

Fiscal Note--S.F. 1141  
Page 2

<u>Trust Funds</u>	
Aeronautics (Administration)	\$ 218,700
Public Safety	
Dealer's License	119,800
Motor Vehicle Inspection	182,950
Highway Commission	
Administration	1,360,550
Support Services	4,735,080
Planning	2,898,910
Development	8,198,140
Field operations	44,685,340
Headquarters	3,258,820
Misc.	<u>2,314,300</u>
Trust Fund Total	<u>\$67,972,590</u>
TOTAL	<u>\$71,200,940</u>

Filed  
February 18, 1974

GERRY D. RANKIN  
Legislative Fiscal Director

S—2190

1 Amend Senate File 1114, page 14, by striking lines 5  
2 through 15 and inserting in lieu thereof the following:  
3 The cost of operating the highway division and the  
4 costs of construction, maintenance, and supervision of  
5 the public highways within the state or for the payment  
6 of bonds issued for the construction of public highways  
7 and the payment of interest on such bonds shall be paid  
8 from the road use tax fund. All other funds necessary  
9 to fund the operations of the department shall be  
10 appropriated from the general fund of the state.

S—2190 Filed - *Lost 2/19*  
February 18, 1974

By TIEDEN

S—2191

1 Amend the Junkins et al., amendment, S-2182, to Senate  
2 File 1114, page 10, by inserting after line 4 the follow-  
3 ing new section:  
4 Sec. \_\_\_\_\_. NEW SECTION. FUNDING. The department  
5 shall not expend any road use tax funds to cover the  
6 costs of its operations and moneys appropriated for this  
7 purpose shall be from the general fund of the state.

S—2191 Filed - *Lost 2/19*  
February 18, 1974

By TIEDEN

S—2193

1 Amend the Junkins, et al., amendment S-2182 to Senate  
2 File 1141, page 7, by striking lines 14 through 17  
3 and inserting in lieu thereof the following:  
4 "-- QUALIFICATIONS -- SALARY. The governor, with  
5 the approval of the senate, shall appoint a director  
6 of transportation who shall serve for a six-year  
7 term and shall in no event be a member of the  
8 commission. The director".

S—2193 Filed and lost  
February 19, 1974

By BLOUIN

S—2196

1 Amend Senate File 1141, page 6, by striking  
2 lines 8 through 11, and inserting in lieu thereof  
3 the following:  
4 "IFICATIONS--SALARY. The governor, with the  
5 approval of the senate, shall appoint a director  
6 of transportation who shall serve for a four-year  
7 term and shall in no event be a member of the com-  
8 mission. The director shall not hold any other  
9 office under".

S—2196 Filed and lost  
February 19, 1974

By BLOUIN

S-2195

1 Amend Senate File 1141 as follows:

- 2 1. Page 7, line 6, by inserting after the  
3 word "transportation" the words ", general counsel".  
4 2. Page 11, by striking lines 7 through 9,  
5 and inserting in lieu thereof the following: "gen-  
6 eral counsel of the general counsel division shall  
7 have the following duties".  
8 3. Page 11, by striking lines 29 through 35  
9 and inserting in lieu thereof the following: "The  
10 general counsel and the attorney general's office  
11 shall cooperate and the general counsel shall give  
12 the attorney general a reasonable opportunity to  
13 review and comment on all legal opinions issued by  
14 the general counsel."  
15 4. Page 18, by inserting the following after  
16 line 35:  
17 Sec. \_\_\_\_\_. Section thirteen point seven (13.7),  
18 Code 1973, is amended to read as follows:  
19 13.7 SPECIAL COUNSEL. No compensation shall  
20 be allowed to any person for services as an attorney  
21 or counselor to any department of the state govern-  
22 ment, or the head thereof, or to any state board  
23 or commission, but the executive council may employ  
24 legal assistance, at a reasonable compensation,  
25 in any pending action or proceeding to protect the

Page 2

- 1 interests of the state, but only upon a sufficient  
2 showing, in writing, made by the attorney general,  
3 that his department cannot for reasons stated by  
4 him perform said service, which reasons and action  
5 of the council shall be entered upon its records.  
6 This section shall not affect the office of the  
7 commerce counsel, the office of general counsel  
8 of the state department of transportation, or the  
9 nor legal counsel of the Iowa employment security  
10 commission.  
11 5. By renumbering the remaining sections  
12 of the bill to conform to this amendment.

S-2195 Filed and adopted *recommended* By WILLITS and CURTIS  
February 19, 1974 *and in Johnson 2/19*

S-2203

Division S-2203-A

- 1 Amend Senate File 1141 as follows:  
2 1. Page 9, by inserting after line 17 the  
3 following:  
4 4. Appoint such counsel as it deems necessary.  
5 5. Investigate the legality of all rates,  
6 charges, tariffs, rules, regulations, and practices  
7 of all common carriers and persons under the juris-  
8 diction of the board, and institute civil proceed-  
9 ings before the board or any proper court to correct  
10 any illegality on the part of any common carrier  
11 and prosecute the same to final determination.  
12 6. Investigate the reasonableness of rates,  
13 tariffs, charges, rules, regulations, and practices  
14 of all such common carriers in interstate transporta-  
15 tion when directed by the board, or when in his judg-  
16 ment they are unlawful, prejudicial, and discrim-  
17 inate against any city, town, community, business,  
18 industry, or citizen of the state, and institute  
19 before the interstate commerce commission or any  
20 other tribunal having jurisdiction and prosecute  
21 to final determination any proceeding growing out  
22 of such matters.  
23 2. Page 11, line 11, strike the words "the  
24 board,".  
25 3. Page 11, line 13 by inserting after the

Page 2

- 1 word "department" the words "except for those pro-  
2 vided to the board by its counsel".  
3 4. Page 11, by striking lines 14 through 28.

Division S-2203-B

- 4 5. Page 11, line 30, by striking the word  
5 "he" and inserting in lieu thereof the words "the  
6 commission".

S-2203 Filed

By McCARTNEY and WILLITS

division S-2203-A adopted

division S-2203-B adopted

February 19, 1974

S-2204

- 1 Amend Senate File 1141, page 18, by inserting the  
2 following section after line 35:  
3 Sec. \_\_\_\_\_. Section thirteen point seven (13.7),  
4 Code 1973, is amended to read as follows:  
5 13.7 SPECIAL COUNSEL. No compensation shall be  
6 allowed to any person for services as an attorney or  
7 counselor to any department of the state government, or  
8 the head thereof, or to any state board or commission,  
9 but the executive council may employ legal assistance,  
10 at a reasonable compensation, in any pending action or  
11 proceeding to protect the interests of the state, but  
12 only upon a sufficient showing, in writing, made by the  
13 attorney general, that his department cannot for  
14 reasons stated by him perform said service, which  
15 reasons and action of the council shall be entered upon  
16 its records. This section shall not affect the office  
17 of the commerce counsel, the transportation regulation  
18 board counsel, or the ~~now~~ legal counsel of the Iowa  
19 employment security commission.

S-2204 Filed and adopted  
February 19, 1974

By McCARTNEY and WILLITS

S—2197

1 Amend Senate File 1141, page 3, by striking lines 6  
2 through 31 and inserting in lieu thereof the following:  
3 Sec. \_\_\_\_ . NEW SECTION. TRANSPORTATION COMMISSION.  
4 There is created a state transportation commission which  
5 shall consist of nine members, not more than five of  
6 whom shall be from the same political party. The gov-  
7 ernor shall appoint the members of the state transporta-  
8 tion commission for a term of four years subject to the  
9 confirmation of the senate. However, of the members  
10 first appointed, five members shall be appointed for a  
11 term of two years commencing July 1, 1974 and ending  
12 June 30, 1976, two members shall be appointed for a  
13 term of three years commencing July 1, 1974 and ending  
14 June 30, 1977 and two members shall be appointed for a  
15 term of four years commencing July 1, 1974 and ending  
16 June 30, 1978.

17 Of the members first appointed as of July 1, 1974,  
18 the governor shall appoint one member of the state  
19 highway commission, one member of the state commerce  
20 commission, and one member of the Iowa aeronautics  
21 commission. Of the remaining members first appointed,  
22 and thereafter, appointments shall include one member  
23 knowledgeable in railroad management, one member  
24 knowledgeable in matters concerning state development,  
25 one member knowledgeable in matters of environmental  
26 quality and conservation, one member knowledgeable in

Page 2

1 matters of county transportation systems, one member  
2 knowledgeable in matters of city transportation systems,  
3 and one member knowledgeable in matters of public safety.

4 Such members of the transportation commission  
5 appointed from other state commissions or agencies or  
6 political subdivisions of the state shall serve  
7 simultaneously on the state transportation commission.  
8 The commission shall meet in July of each year for the  
9 purpose of electing one of its members as chairman.

S—2197 Filed and lost  
February 19, 1974

By GALLAGHER

February 26, 1974

SENATE FILE 1141

By COMMITTEE ON STATE GOVERNMENT

SENATE AMENDMENTS

SHOWN IN BOLD FACE

(AS PASSED BY THE SENATE)

*Appropriations 3/22, further recommendation 7/22  
per Committee Report*

Passed Senate, Date 4-29-74 (157) Passed House, Date 4-9-74 (161)

Vote: Ayes 32 Nays 17 Vote: Ayes 69 Nays 29

Approved 5-29-74  
*motion to reconsider filed 4-9, lost 4-9*

# A BILL FOR

1 An Act to create a state department of transportation by trans-  
 2 ferring certain duties of the state highway commission,  
 3 Iowa aeronautics commission, Iowa reciprocity board, Iowa  
 4 state commerce commission, and the department of public  
 5 safety to a state department of transportation, and making  
 6 coordinating amendments to the Code, including penalty  
 7 provisions.

8 *Whereas*, it is the public policy of this state  
 9 that the general welfare, economic growth, job mobility,  
 10 convenience, stability, and well-being of the citizens  
 11 of the state can best be served by a coordinated trans-  
 12 portation policy to assure adequate, safe, and efficient  
 13 transportation facilities and services, and

14 *Whereas*, in order to accomplish this goal, the  
 15 general assembly finds that it is necessary to recognize  
 16 the executive branch of government and to combine and  
 17 transfer the duties and functions of certain existing  
 18 state agencies into a state department of transportation  
 19 created by this Act, and

*Conference Committee H/S  
Senators Lamborn, DeKoster,  
Jenkins, Nelson, Robinson  
(1429)*

*Rep. Dresh, Kramer, Menke,  
Nelson, Schneider*

*Senate passed 4-25-74 (157)  
32-17*

*House passed 4-26-74 (215)  
59-39*





1 for the department. Any member of the state transportation  
2 commission who accepts employment with or acquires any stock,  
3 bonds, or other interest in any company or corporation doing  
4 business with the department shall be disqualified from  
5 remaining a member of the state transportation commission.

6 Sec. 5. *NEW SECTION. VACANCIES.* Any vacancy on the  
7 commission which may occur when the general assembly is not  
8 in session shall be filled by appointment by the governor,  
9 which appointment shall expire at the end of thirty days  
10 following the convening of the next session of the general  
11 assembly. Prior to the expiration of the thirty-day period,  
12 the governor shall transmit to the senate for its approval  
13 the name of the appointee for the unexpired portion of the  
14 regular term. Any vacancy occurring when the general assembly  
15 is in session shall be filled in the same manner as regular  
16 appointments are made, and before the end of such session,  
17 and for the unexpired portion of the regular term.

18 Sec. 6. *NEW SECTION. COMPENSATION.* Each member of the  
19 commission shall receive a salary as fixed by the general  
20 assembly.

21 However, for the fiscal year commencing July 1, 1974 and  
22 ending June 30, 1975, members of the state transportation  
23 commission shall receive a per diem of forty dollars and  
24 all expenses actually incurred in the performance of their  
25 official duties. Members of the state transportation  
26 commission serving simultaneously as members of the state  
27 highway commission or the Iowa aeronautics commission shall  
28 continue to receive the salary or per diem provided by law  
29 for such persons when performing their official duties as  
30 members of the state highway commission or the Iowa aeronautics  
31 commission for the fiscal year commencing July 1, 1974 and  
32 ending June 30, 1975.

33 Sec. 7. *NEW SECTION. COMMISSION MEETINGS.* The com-  
34 shall meet at the call of the chairman or when any four members mission  
35 of the commission file a written request with the chairman

1 for a meeting. Written notice of the time and place of each  
2 meeting shall be given to each member of the commission.

3 A majority of the commission members shall constitute a quorum.

4 Sec. 8. *NEW SECTION. EXPENSES.* Members of the commis-  
5 sion, the director, and other employees of the department  
6 shall be allowed their actual and necessary expenses incurred  
7 in the performance of their duties. All expenses and salaries  
8 shall be paid from appropriations for such purposes and the  
9 department shall be subject to the budget requirements of  
10 chapter eight (8) of the Code.

11 Sec. 9. *NEW SECTION. REMOVAL FROM OFFICE.* Any  
12 of the commission may be removed for any of the causes and  
13 in the manner provided in chapter sixty-six (66) of the Code  
14 and such removal shall not be in lieu of any other punishment  
15 that may be prescribed by the laws of this state.

16 Sec. 10. *NEW SECTION. DUTIES.* The commission shall:

17 1. Develop and coordinate a comprehensive transportation  
18 policy for the state not later than July 1, 1975, and develop  
19 a comprehensive transportation plan by July 1, 1976 to be  
20 submitted to the governor and the general assembly, and to  
21 update the transportation policy and plan annually.

22 2. Promote the coordinated and efficient use of all avail-  
23 able modes of transportation for the benefit of the state  
24 and its citizens.

25 3. Identify the needs for city, county, and regional  
26 transportation facilities and services in the state and develop  
27 programs appropriate to meet these needs.

28 4. Identify methods of improving transportation safety  
29 in the state and develop programs appropriate to meet these  
30 needs.

31 5. Adopt rules and regulations in accordance with the  
32 provisions of chapter seventeen A (17A) of the Code as it  
33 may deem necessary to transact its business and for the  
34 administration and exercise of its powers and duties.

35 6. Approve the budget of the department as prepared by

1 the director, prior to submission of the budget to the gover-  
2 nor and the general assembly.

3 7. Approve the reorganization of any existing divisions  
4 within the department.

5 8. Consider the energy and environmental issues in  
6 transportation development.

7 Sec. 11. *NEW SECTION. DIRECTOR OF TRANSPORTATION*  
8 *—QUAL-*

9 *IFICATIONS—SALARY.* The commission shall appoint a director  
10 of transportation who shall serve at the pleasure of the  
11 commission and who shall in no event be a member of the com-  
12 mission. The director shall not hold any other office under  
13 the laws of the United States or of this or any other state  
14 or hold any other position for profit. The director shall  
15 not engage in any occupation, business, or profession inter-  
16 fering with or inconsistent with his duties, serve on or  
17 under any committee of any political party, or contribute  
18 to the campaign fund of any person or political party. The  
19 director shall be appointed on the basis of his executive  
20 and administrative abilities and he shall devote his entire  
21 time to the duties of his position.

22 The director shall receive a salary as fixed by the general  
23 assembly.

24 Sec. 12. *NEW SECTION. DUTIES OF THE DIRECTOR.* The  
25 director shall:

26 1. Manage the internal operations of the department and  
27 establish guidelines and procedures to promote the orderly  
28 and efficient administration of the department.

29 2. Employ such personnel as are necessary to carry out  
30 the duties and responsibilities of the department, consistent  
31 with the provisions of chapter nineteen A (19A) of the Code  
32 and subject to the policies of the commission.

33 3. Assist the commission in developing state transporta-  
34 tion policy and a state transportation plan and execute the  
35 policies adopted by the commission.

36 4. Establish temporary advisory boards of such size as

1 he deems appropriate to advise the department, subject to  
2 the approval of the commission.

3 5. Prepare a budget for the department, subject to the  
4 approval of the commission, and prepare reports required by  
5 law or required by the commission.

6 6. Appoint the deputy director of transportation and the  
7 administrators of the various divisions of the department,  
8 subject to the approval of the commission.

9 7. Review and submit legislative proposals necessary to  
10 maintain current state transportation laws.

11 8. Appoint hearing officers or designate department per-  
12 sonnel or the board to conduct hearings required by law or  
13 administrative rule.

14 Sec. 13. *NEW SECTION. REASSIGNMENT OF PERSONNEL.* The

15 director may reassign personnel within the department among  
16 the various divisions of the department in order to properly  
17 coordinate the work of the divisions and perform the duties  
18 and responsibilities of the department efficiently and  
19 economically.

20 Sec. 14. *NEW SECTION. DIVISIONS OF THE DEPARTMENT.* The

21 following divisions are created within the department:

- 22 1. Transportation regulation board.
- 23 2. Administration division.
- 24 3. Planning division.
- 25 4. General counsel division.
- 26 5. Highway division.
- 27 6. Public transportation division.
- 28 7. Transportation regulation and safety division.

29 The divisions created pursuant to subsections two (2),  
30 three (3), and four (4) of this section shall be created as  
31 of July 1, 1974. The divisions created pursuant to subsections  
32 one (1), five (5), six (6), and seven (7)

33 , of this section shall be created as of July 1, 1975.

1 This section shall not restrict the authority of the direc-  
2 tor to reorganize existing divisions which may be necessary  
3 for the proper and efficient operation of the department,  
4 subject to the approval of the commission.

5 Sec. 15. *NEW SECTION.* TRANSPORTATION REGULATION  
BOARD.

6 The transportation regulation board shall consist of three  
7 members, not more than two of whom shall be from the same  
8 political party. The governor shall appoint the members of  
9 the board for a term of six years, subject to the confirmation  
10 of the senate. However, of the members first appointed, one  
11 member shall be appointed for a term of two years commencing  
12 July 1, 1975 and ending June 30, 1977, one member shall be  
13 appointed for a term of four years commencing July 1, 1975  
14 and ending June 30, 1979, and one members shall be appointed  
15 for a term of six years commencing July 1, 1975 and ending  
16 June 30, 1981.

17 Sec. 16. *NEW SECTION.* VACANCIES. Any vacancy on the  
18 transportation regulation board which may occur when the  
19 general assembly is not in session shall be filled by  
20 appointment by the governor, which appointment shall expire  
21 at the end of thirty days following the convening of the next  
22 session of the general assembly. Prior to the expiration  
23 of the thirty-day period, the governor shall transmit to the  
24 senate for its approval the name of the appointee for the  
25 unexpired portion of the regular term. Any vacancy occurring  
26 when the general assembly is in session shall be filled in  
27 the same manner as regular appointments are made, and before  
28 the end of such session, and for the unexpired portion of  
29 the regular term.

30 Sec. 17. *NEW SECTION.* COMPENSATION. Each member of  
the  
31 transportation regulation board shall receive a salary as  
32 fixed by the general assembly. Each member shall be allowed  
33 actual and necessary expenses in the same amounts paid to  
34 other state employees incurred in the performance of his  
35 duties.

1     Sec. 18. *NEW SECTION.* DUTIES. The transportation  
2 regulation board shall have the following duties and responsi-  
3 bilities:

4     1. Fix and approve rates, fares, and charges of common  
5 carriers regulated by chapters three hundred twenty-five  
6 (325), three hundred twenty-seven (327), three hundred twenty-  
7 seven A (327A), and four hundred seventy-nine (479) of the  
8 Code.

9     2. Issue certificates of public convenience and necessity  
10 pursuant to the provisions of chapters three hundred twenty-  
11 five (325) and three hundred twenty-seven A (327A) of the  
12 Code.

13     3. Fix and approve rates, fares, and charges of railroads  
14 and conduct safety and service permission hearings with respect  
15 to railroads regulated by chapters four hundred seventy-four  
16 (474) through four hundred eighty-six (486), inclusive, of  
17 the Code.

18     4. Appoint such counsel as it deems necessary.

19     5. Investigate the legality of all rates, charges,  
20 tariffs, rules, regulations, and practices of all common  
21 carriers and persons under the jurisdiction of the board,  
22 and institute civil proceedings before the board or any  
23 proper court to correct any illegality on the part of  
24 any common carrier and prosecute the same to final deter-  
25 mination.

26     6. Investigate the reasonableness of rates, tariffs,  
27 charges, rules, regulations, and practices of all such  
28 common carriers in interstate transportation when directed  
29 by the board, or when in his judgment they are unlawful,  
30 prejudicial, and discriminate against any city, town,  
31 community, business, industry, or citizen of the state, and  
32 institute before the interstate commerce commission or any  
33 other tribunal having jurisdiction and prosecute to final  
34 determination any proceeding growing out of such matters.

35     Sec. 19. *NEW SECTION.* PROCEEDINGS. The transportation

36 regulation board shall conduct its hearings pursuant to rules  
37 and regulations promulgated under the provisions of chapter  
38 seventeen A (17A) of the Code.

39 Sec. 20. *NEW SECTION. ENFORCEMENT.* The department shall  
40 be responsible for the enforcement of all orders issued by  
41 the board.

42 Sec. 21. *NEW SECTION. ADMINISTRATIVE DIVISION.* The  
43 administrator of the administration division shall have the  
44 following duties and responsibilities:

45 1. Provide for the proper maintenance and protection of  
46 the grounds, buildings, and equipment of the department, in  
47 cooperation with the department of general services.

48 2. Establish, supervise, and maintain a system of central-  
49 ized electronic data processing for the department, in cooper-  
50 ation with the department of general services.

51 3. Assist the director in preparing the departmental  
52 budget.

1 4. Provide centralized purchasing services for the depart-  
2 ment, in cooperation with the department of general services.

3 5. Assist the director in employing the professional,  
4 technical, clerical, and secretarial staff for the department  
5 and maintain employee records, in cooperation with the merit  
6 employment department and provide personnel services, includ-  
7 ing but not limited to training, safety education, and employee  
8 counseling.

9 6. Assist the director in coordinating the responsibili-  
10 ties and duties of the various divisions within the depart-  
11 ment.

12 7. Carry out all other general administrative duties for  
13 the department.

14 8. Perform such other duties and responsibilities as may  
15 be assigned by the director.

16 The administrator of the administration division may  
17 purchase items from the department of general services and  
18 may cooperate with the director of general services by  
19 providing centralized purchasing services for the department  
20 of general services.

21 Sec. 22. *NEW SECTION. PLANNING DIVISION.* The adminis-  
22 trator of the planning division shall have the following  
23 duties and responsibilities:

24 1. Assist the director in planning all modes of  
25 transportation in order to develop an integrated transportation  
26 system providing adequate transportation services for all  
27 citizens of the state.

28 2. Develop and maintain transportation statistical data  
29 for the department.

30 3. Assist the director in establishing, analyzing, and  
31 evaluating alternative transportation policies for the state.

32 4. Coordinate the planning division's duties and responsi-  
33 bilities with the planning functions carried on by other  
34 divisions of the department.

35 5. Perform such other planning functions as may be assigned

1 by the director.

2 The planning functions of this division shall not include  
3 the detailed design of highways or other modal transportation  
4 facilities, but shall be restricted to the needs of this  
5 state for multi-modal transportation systems.

6 Sec. 23. *NEW SECTION.* GENERAL COUNSEL DIVISION.

The

7 general counsel shall be a special assistant attorney general  
8 appointed by the attorney general who shall act as the attorney  
9 for the department and he shall have the following duties  
10 and responsibilities:

11 1. Act as legal advisor to the commission,  
12 the director, and the various divisions of the department  
13 and provide all legal services for the department **except**  
14 **for those provided to the board by its counsel.**

15 The attorney general shall appoint such additional assistant  
16 attorneys general as the commission deems necessary to carry out the  
17 duties assigned to the general counsel division. The salary  
18 of the general counsel shall be fixed by the commission,  
19 subject to the approval of the attorney general. The  
20 commission shall provide and furnish a suitable office for  
21 the general counsel upon request of the attorney general.



1 6. Perform such other duties and responsibilities as may  
2 be assigned by the director and the commission.

3 Sec. 26. *NEW SECTION.* TRANSPORTATION REGULATION  
AND

4 SAFETY DIVISION. The administrator of the transportation  
5 regulation and safety division shall have the following duties  
6 and responsibilities:

7 1. Administer and supervise the registration of motor  
8 vehicles pursuant to chapter three hundred twenty-one (321)  
9 of the Code.

10 2. Administer and supervise the licensing of motor vehicle  
11 manufacturers, distributors, and dealers pursuant to chapter  
12 three hundred twenty-two (322) of the Code.

13 3. Administer the inspection of motor vehicles pursuant  
14 to chapter three hundred twenty-one (321) of the Code.

15 4. Administer motor vehicle registration reciprocity  
16 pursuant to chapter three hundred twenty-six (326) of the  
17 Code.

18 5. Administer the provisions of chapters three hundred  
19 twenty-one A (321A), three hundred twenty-one B (321B), three  
20 hundred twenty-one E (321E), and three hundred twenty-one  
21 F (321F) of the Code relating to motor vehicle financial

1 responsibility, the implied consent law, the movement of  
2 vehicles of excessive size and weight, and the leasing and  
3 renting of vehicles.

4 Sec. 27. *NEW SECTION.* PRORATING DEPARTMENTAL  
5 COSTS.

6 The director shall, with the approval of the commission,  
7 prorate the costs of the department which will be expended  
8 for highways and such costs shall be paid from money appro-  
9 priated from the road use tax fund. Prorated costs payable  
10 from the road use tax fund shall be based upon that portion  
11 of the commission's duties related to the construction, main-  
12 tenance, and supervision of the public highways within the  
13 state or for the payment of bonds issued for the construction  
14 of public highways and the payment of interest on such bonds.  
15 The general assembly shall appropriate from the general fund  
16 of the state the remaining necessary departmental costs.

17 DIVISION II

18 Sec. 28. The provisions of this division shall apply only  
19 for the fiscal year commencing July 1, 1974 and ending June  
20 30, 1975. This division shall be printed in the session laws  
21 only, and shall not be made a part of the permanent Code of  
22 Iowa.

23 Sec. 29. *DEFINITIONS.* When used in this division of this  
24 Act, unless the context otherwise requires:

- 25 1. "Director" means the director of transportation or  
26 his designee.
- 27 2. "Department" means the state department of transporta-  
28 tion.
- 29 3. "Commission" means the state transportation commission.
- 30 4. "Board" means the transportation regulation board.

31 Sec. 30. *INTERIM DUTIES OF THE COMMISSION AND DIREC-*  
32 *TOR.*

33 The commission shall commence the development of a transporta-  
34 tion policy for the state, to be submitted to the governor  
35 and the general assembly, not later than July 1, 1975. During  
the fiscal year commencing July 1, 1974 and ending June 30,  
1975, the commission shall file quarterly progress reports

1 with the governor and the general assembly outlining the  
2 development of the state transportation policy. If the general  
3 assembly is not in session when progress reports are due,  
4 the reports shall be filed with the legislative council.

5 The director shall develop the program and budget for the  
6 first operational biennium of the department commencing July  
7 1, 1975 and ending June 30, 1977. Such programs and budget  
8 shall be submitted to the commission for its approval. The  
9 director shall prepare a table of organization for the depart-  
10 ment and develop operating procedures providing for the inter-  
11 nal management of the department.

12 For the fiscal year commencing July 1, 1974, and ending  
13 June 30, 1975, the salary of the director shall not exceed  
14 thirty-five thousand dollars.

15 The director shall appoint persons qualified and experi-  
16 enced in the fields of management, finance, and planning to  
17 assist in organization of the department, subject to the  
18 approval of the commission.

19 Nothing in this section shall prohibit the director from  
20 drawing upon expertise and personnel of the state highway  
21 commission and the Iowa aeronautics commission or any other  
22 public agency.

23 Sec. 31. INFORMATION AND ASSIGNMENT. The commission  
24 call upon the state highway commission, Iowa reciprocity  
25 board, department of public safety, Iowa state commerce com-  
26 mission, and the Iowa aeronautics commission for such informa-  
27 tion and assistance as may be needed in the performance of  
28 its duties and these agencies shall furnish such assistance,  
29 information, and cooperation insofar as the same shall be  
30 within the resources and authority of the agencies.

31 All personnel who are employed by the state highway commis-  
32 sion, Iowa reciprocity board, department of public safety,  
33 Iowa state commerce commission, or the Iowa aeronautics com-  
34 mission and render services for the department shall remain  
35 employees of their respective agencies during the fiscal

1 year commencing July 1, 1974 and ending June 30, 1975 and  
2 shall receive compensation for services rendered from the  
3 state highway commission, Iowa reciprocity board, department  
4 of public safety, Iowa state commerce commission, or the Iowa  
5 aeronautics commission from funds appropriated to such agen-  
6 cies.

7 Sec. 32. LOCATION OF OFFICES. The commission shall furnish  
8 sufficient office space for the use of the state department  
9 of transportation during the fiscal year commencing July 1,  
10 1974 and ending June 30, 1975.

11 Sec. 33. Any person employed by the director on or after  
12 July 1, 1974 and not later than June 30, 1975, whose duty  
13 assignments will be terminated because of this Act may be  
14 reassigned to other duties in the department on July 1, 1975.  
15 The Iowa merit employment commission shall promulgate rules  
16 and regulations to carry out any reassignment and shall  
17 arbitrate and decide any written appeal made by any employee  
18 concerning reassignment or reclassification made necessary  
19 by this Act. No employee shall lose any benefits he may have  
20 accrued, including but not limited to salary, retirement,  
21 vacation, sick leave, or longevity, because of reassignment  
22 provided for in this section.

23 DIVISION III

24 Sec. 34. NEW SECTION. MEMBERS—ORGANIZATION. The  
25 state commerce commission shall be composed of three mem- Iowa  
26 bers, not more than two of whom shall be from the same politi-  
27 cal party, and each commissioner appointed shall serve for  
28 six years from July first of the year of his appointment.  
29 Within sixty days after the convening of each regular session  
30 of the general assembly, the governor shall appoint, with  
31 the approval of two-thirds of the senate, a successor to the  
32 member of the Iowa state commerce commission whose term will  
33 expire on July first following. Vacancies occurring while  
34 the general assembly is in session shall be filled for the  
35 unexpired portion of the term as full-term appointments are

1 filled. Vacancies occurring while the general assembly is  
2 not in session shall be filled by the governor, but such  
3 appointments shall terminate at the end of thirty days after  
4 the convening of the next regular session of the general  
5 assembly and the vacancy shall be filled for the unexpired  
6 portion of the term as full-time appointments are filled.

7 On the second Tuesday of July of each year, the Iowa state  
8 commerce commission shall organize by electing one of its  
9 members as chairman, and appointing a secretary, who shall  
10 take the same oath as the commissioners. The commission may  
11 employ such additional personnel as it may find necessary.

12 As used in sections *thirty-four (34) through forty-two*  
13 *(42)* of this Act, the words "commerce commission" mean the  
14 Iowa state commerce commission.

15 Sec. 35. *NEW SECTION. CERTAIN PERSONS BARRED FROM*  
OFFICE.

16 No person in the employ of any common carrier or other public  
17 utility, or owning any bonds, stock, or property in any  
18 railroad company or other public utility shall be eligible  
19 to the office of Iowa state commerce commissioner or secretary  
20 of the commerce commission; and the entering into the employ  
21 of any common carrier or other public utility or the acquiring  
22 of any stock or other interest in any common carrier or other  
23 public utility by such commissioner or secretary after his  
24 appointment shall disqualify him to hold the office or perform  
25 the duties thereof.

26 Sec. 36. *NEW SECTION. PROCEEDINGS.* The commerce com-  
27 mission may in all cases conduct its proceedings, when not  
28 otherwise prescribed by law, in such manner as will best con-  
29 duce to the proper dispatch of business and the attainment  
30 of justice.

31 Sec. 37. *NEW SECTION. QUORUM—PERSONAL INTEREST.*  
A

32 majority of the commerce commission shall constitute a quorum  
33 for the transaction of business, but no commissioner shall  
34 participate in any hearing or proceeding in which he has any  
35 pecuniary interest.



36 Sec. 44. Section thirteen point seven (13.7),

37 Code 1973, is amended to read as follows:

38 13.7 SPECIAL COUNSEL. No compensation shall be  
39 allowed to any person for services as an attorney or  
40 counselor to any department of the state government, or  
41 the head thereof, or to any state board or commission,  
42 but the executive council may employ legal assistance,  
43 at a reasonable compensation, in any pending action or  
44 proceeding to protect the interests of the state, but  
45 only upon a sufficient showing, in writing, made by the  
46 attorney general, that his department cannot for reasons  
47 stated by him perform said service, which reasons and  
48 action of the council shall be entered upon its records.  
49 This section shall not affect the office of the commerce  
50 counsel, *the transportation regulation board counsel, or*  
51 *the* [nor] legal counsel of the Iowa employment security  
52 commission.

1 Pages 19 through 78 of Senate File 1141 as filed by the  
2 Committee on State Government on February 11, 1974, were  
3 not amended by the Senate. However, due to changes in  
4 internal references, Section 47 of the original bill  
5 becomes Section 45, and so on, until Section 199 becomes  
6 Section 197.

7 *CORRECTED EXPLANATION*

8 Section 2 creates the new State Department of Transporta-  
9 tion.

10 Section 3 creates the State Transportation Commission which  
11 will consist of seven members. The Study Committee agreed  
12 that the State Transportation Commission should be larger  
13 than the present State Highway Commission because of the  
14 additional duties which are assigned to this commission, but  
15 agreed that more than 7 members might tend to hamper the work  
16 of the commission. This section specifically requires the  
17 Governor to appoint two persons serving on the State Highway  
18 Commission and one member from the Iowa Aeronautics Commission  
19 to the new State Transportation Commission and that any persons  
20 so appointed may serve on both agency commissions  
21 simultaneously. This section also provides that the Governor  
22 shall appoint the chairman of the State Transportation  
23 Commission.

24 Section 5 denotes a method for appointing individuals to  
25 a vacancy on the State Transportation Commission.

26 Section 6 gives the General Assembly the authority to set  
27 the salary of Transportation Commission members. The section  
28 contains a provision which limits the amount of compensation  
29 a commissioner may receive during the fiscal year commencing  
30 July 1, 1974, and ending June 30, 1975, to only those expenses  
31 actually incurred in the performance of their official duties.  
32 The members of the Study Committee agreed that because members  
33 of the State Transportation Commission will have few duties  
34 to perform during the first year of operations, no salaries  
35 shall be provided.

1 Section 7 provides for the calling of meetings. The provi-  
2 sions of this section are very similar to the provisions found  
3 in chapter 307 which provides for the organization of the  
4 State Highway Commission.

5 Section 8 authorizes the payment of all actual and necessary  
6 expenses incurred by members of the Commission, the Director,  
7 and employees of the State Department of Transportation, in  
8 the performance of their actual duties.

9 Section 9 provides for the removal of Commission members  
10 for cause in the manner provided in chapter 66 of the Code.

11 Section 10 outlines the duties of the Transportation  
12 Commission. The Commission has the responsibility for  
13 developing a comprehensive transportation policy and plan  
14 for the state within a period of four years. The Commission  
15 is responsible for developing a multi-modal transportation  
16 plan which is intended to provide adequate transportation  
17 services and facilities to all areas of the state without  
18 unnecessary and costly duplication of services and facilities.  
19 The Study Committee intends to place the policy making  
20 responsibility for operating the State Department of  
21 Transportation in the hands of the Transportation Commission.

22 Section 11 provides for the appointment of a Director of  
23 Transportation by the State Transportation Commission. It  
24 is the intent of the Department of Transportation Study  
25 Committee that this appointment be made on the basis of  
26 professional administrative abilities. The section  
27 specifically prohibits the director from engaging in any type  
28 of political activity and he shall receive a salary as fixed  
29 by the General Assembly.

30 Section 12 enumerates the responsibilities of the director  
31 which include the management of the internal operations of  
32 the department, including the employment of personnel, budget  
33 preparation responsibilities, appointments of deputy directors  
34 of the department, and carrying out those policy decisions  
35 determined by the Transportation Commission.

1 Section 13 allows the Director to reassign personnel within  
2 the State Department of Transportation. It is intended by  
3 the Department of Transportation Study Committee that  
4 reassignment of personnel will mean greater efficiency and  
5 economy within the departmental structure.

6 Section 14 outlines the basic departmental divisions which  
7 the Study Committee agreed should be established by statute.  
8 The divisions of the department which the Study Committee  
9 feels are necessary include the Transportation Regulation  
10 Board, Planning Division, Administration Division, General  
11 Counsel Division, Highway Division, Aeronautics Division,  
12 Rail and Water Transportation Division, City, County and  
13 Regional Transportation Division, and the Transportation Regu-  
14 lation and Safety Division. The provisions of this section  
15 do not restrict the authority of the director to create new  
16 divisions, subject to the approval of the Transportation Com-  
17 mission, which may be necessary in the future.

18 Section 15 creates the Transportation Regulation Board,  
19 consisting of three members, appointed by the Governor,  
20 confirmed by the Senate, for a term of six years.

21 This section also provides for the Board to employ its  
22 own legal counsel.

23 Section 17 provides that the salary of the members of the  
24 Transportation Regulation Board shall be fixed by the General  
25 Assembly, and each member is allowed actual and necessary  
26 expenses actually incurred in the performance of his duties.

27 Section 18 provides that the Transportation Regulation  
28 Board assumes the present responsibilities of the Iowa State  
29 Commerce Commission in the regulation of common carriers.  
30 This includes fixing rates, fares, tariffs, and other charges  
31 levied by motor transportation carriers and railways. Another  
32 duty includes the issuance of certificates of public  
33 convenience and necessity to motor transport carriers.

34 Section 19 authorizes the Transportation Regulation Board  
35 to adopt its own rules and regulations relating to the conduct

1 of the hearings before the board.

2 Section 20 provides that the Administration Division is  
3 primarily responsible for building and equipment of the Depart-  
4 ment, electronic data processing for the department,  
5 departmental budget preparation, centralized purchasing  
6 services, employing personnel, and coordinating  
7 responsibilities and duties of the various divisions of the  
8 department to promote greater efficiency and economy within  
9 the State Department of Transportation. It will be necessary  
10 for this division to cooperate with the Department of General  
11 Services and the Merit Employment Department.

12 Section 22 creates the Planning Division which is a very  
13 important division within the new department because it is  
14 responsible for multi-modal transportation planning to develop  
15 an integrated transportation system for the state and to  
16 eliminate the overlap of transportation services. This  
17 division is responsible for transportation system planning  
18 and its functions do not include design planning of highways,  
19 airport facilities, and other transportation facilities.

20 Section 23 creates the General Counsel Division. The  
21 attorneys are assistant attorneys general. Its primary  
22 responsibility is to act as legal counsel and advisor to the  
23 State Transportation Commission, the Director and the various  
24 divisions of that Department, except the Transportation Regulation  
25 Board, and to provide the necessary  
26 legal services required by the Department. It is responsible  
27 for appearing before other agencies representing the general  
28 public in issues which directly affect the State of Iowa  
29 and the State Department of Transportation.

30 Section 24 specifies the duties of the Highway Division  
31 which will include the functions presently performed by the  
32 State Highway Commission.

33 Section 25 creates the Public Transportation Division.  
34 The administration of the public transportation division  
35 shall advise and assist the director in the development

1 of airport facilities in the state; the development of  
2 river transportation and port facilities in the state; and  
3 the study of local and regional transportation problems.

4 Section 26 outlines the responsibilities of the Trans-  
5 portation Regulation and Safety Division which assumes those  
6 duties of the Department of Public Safety relating to the  
7 registration of motor vehicles, the licensing of motor vehicle  
8 manufacturers, distributors, and dealers, the inspection of  
9 motor vehicles, the motor vehicle reciprocity chapter, and  
10 the traffic weight operations divisions of the State Highway  
11 Commission.

12 Section 27 allows the Director of Transportation and the  
13 State Transportation Commission to prorate costs of the  
14 Department which will be expended for highways and other  
15 transportation systems to allow the payment of the road use  
16 tax fund of money necessary to support the Department's highway  
17 efforts and the use of general fund appropriations to support  
18 other transportation functions performed by this agency.

19 Section 30 enumerates the responsibilities of the commission  
20 and the Director in the first year in which the State  
21 Department of Transportation exists. The Study Committee  
22 agreed that a period of one year would allow the Transportation  
23 Commission and the Director of Transportation adequate time  
24 to develop a program and budget for the new agency before  
25 the Highway Commission, Iowa Aeronautics Commission, and Iowa  
26 Reciprocity Board are abolished and the functions of those  
27 agencies are assumed by the new State Department of  
28 Transportation.

29 Section 33 is a temporary provision. Because the Director  
30 of Transportation is authorized to employ certain personnel  
31 to assist in developing a table of organization of the State  
32 Department of Transportation, it is necessary to guarantee  
33 the accrual of benefits of any employee whose job is not  
34 terminated at the end of one year. The Director is allowed  
35 to reassign and reclassify these individuals within the State

1 Department of Transportation following the one-year interim.  
2 Sections 34-42 reestablish the Iowa State Commerce  
3 Commission as a separate chapter. While these sections have  
4 been designated as new sections, they are, in fact, not new  
5 sections. These sections compare with sections 474.1-474.8,  
6 inclusive, of the Code. Chapter 474 presently creates the  
7 Iowa State Commerce Commission and grants general jurisdiction  
8 over all common carriers to the Commission. Since the  
9 responsibility of regulating common carriers is assigned to  
10 the new State Department of Transportation, it was felt that  
11 in drafting this bill, the provisions of the Code creating  
12 the Iowa State Commerce Commission should be deleted from  
13 chapter 474, thus allowing the Code Editor to assign new  
14 numbers to these sections and giving the Iowa State Commerce  
15 Commission a separate chapter and thereby allowing the new  
16 State Department of Transportation to administer the provisions  
17 of chapter 474.

18 Sections 43-194 contain the coordinating amendments  
19 necessary to carry out the intent of the bill.

20 Section 195 adopts by reference all existing rules and  
21 regulations, forms, orders, and directives promulgated and  
22 in effect by the Iowa Aeronautics Commission, State Highway  
23 Commission, the Iowa Reciprocity Board, Specified Divisions  
24 of the Department of Public Safety, Specified Divisions of  
25 the Iowa State Commerce Commission, when these functions are  
26 assumed by the State Department of Transportation. The intent  
27 of this section is to allow an orderly transition into the  
28 State Department of Transportation.

29 Section 196 assigns all employees of the State Highway  
30 Commission, Iowa Aeronautics Commission, and the Iowa  
31 Reciprocity Board to the new State Department of Transportation  
32 without loss of any benefits which may have been accrued while  
33 employed by the state. Employees of the Iowa State Commerce  
34 Commission and the Department of Public Safety whose duty  
35 assignments are terminated because of transfer of duties under

- 1 the provisions of this Act are authorized to be transferred
- 2 to the new state agency or may be reassigned within the agency
- 3 from which they would be transferred.
- 4 Section 197 contains the effective date clause. Division
- 5 I which creates the State Department of Transportation and
- 6 Division II which specifies the interim duties of the Director
- 7 of Transportation and the State Transportation Commission
- 8 become effective July 1, 1974. The effective date for
- 9 Divisions III and IV, which are coordinating amendments, is
- 10 July 1, 1975. At this time, the functions of the State Highway
- 11 Commission, Iowa Aeronautics Commission, the Iowa Reciprocity
- 12 Board and certain functions of the Iowa State Commerce
- 13 Commission and the Department of Public Safety are transferred
- 14 to the new State Department of Transportation.

FISCAL NOTE  
SENATE FILE 1141

Date prepared March 28, 1974

Requested by Representative Fischer of Grundy.

Prepared in regard to Amendment H—2591 to Senate File 1141. Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16.

The Committee on Appropriations amendment to Senate File 1141, because of its wording, requires an appropriation bill for implementation. Section 8 states that each member of the Commission shall receive a salary as fixed by the General Assembly. Section 10 states that all expenses and salaries shall be paid from appropriations for such purposes . . . . Section 13 states the director shall receive a salary as fixed by the General Assembly. We cannot foreknow the General Assembly's action on setting these amounts.

Therefore, the fiscal effect of the amendment is dependent upon further action of the Legislature.

Filed  
March 28, 1974

GERRY D. RANKIN  
Legislative Fiscal Director

SENATE FILE 1141

H-2591

1 Amend Senate File 1141, as amended and passed  
2 by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:

5 Section 1. NEW SECTION. PUBLIC POLICY AND INTENT.

6 It is the public policy of this state that the general  
7 welfare, economic growth, job mobility, convenience,  
8 stability, and well-being of the citizens of the  
9 state can best be served by a coordinated  
10 transportation policy to assure adequate, safe, and  
11 efficient transportation facilities and services.

12 In order to control the unstable energy situation  
13 which the nation is temporarily experiencing, it  
14 is necessary to establish an agency which will  
15 function as a center for energy-related information  
16 and, in cases of emergency, as a coordinator and  
17 administrator of programs which will be developed  
18 to resolve such emergencies. Procedures are estab-  
19 lished with assist the governor at those times when  
20 an emergency is declared.

21 Sec. 2. NEW SECTION. DEFINITIONS. When used  
22 in this Act, unless the context otherwise requires:

23 1. "Director" means the director of transportation  
24 and energy management or his designee.

25 2. "Department" means the state department of  
26 transportation and energy management.

27 3. "Commission" means the state transportation  
28 and energy management commission.

29 4. "Energy" means gasoline, fuel oil, natural  
30 gas, propane, coal, special fuels, and electricity.

31 5. "Supplier" means any person engaged in the  
32 business of selling, importing, storing, or generating  
33 energy in this state.

34 Sec. 3. NEW SECTION. DEPARTMENT OF TRANSPORTATION  
35 AND ENERGY MANAGEMENT. There is created a state  
36 department of transportation and energy management  
37 which shall be responsible for the planning of  
38 transportation and energy management in the state  
39 as provided by law.

40 Sec. 4. NEW SECTION. TRANSPORTATION AND ENERGY  
41 MANAGEMENT COMMISSION. There is created a state  
42 transportation and energy management commission which  
43 shall consist of seven members, not more than four  
44 of whom shall be from the same political party.  
45 The governor shall appoint the members of the  
46 commission for a term of four years, subject to the  
47 confirmation of the senate. However, of the members  
48 first appointed, one member shall be appointed for  
49 a term of one year commencing July 1, 1974 and ending  
50 June 30, 1975, two members shall be appointed for

51 a term of two years commencing July 1, 1974 and  
52 ending June 30, 1976, two members shall be appointed  
53 for a term of three years commencing July 1, 1974  
54 and ending June 30, 1977, and two members shall be  
55 appointed for a term of four years commencing July  
56 1, 1974 and ending June 30, 1978.

57 Of the members first appointed, the governor shall  
58 appoint at least one person who has served as a  
59 member of the state highway commission and who is  
60 presently not a member of the state highway  
61 commission.

62 Sec. 5. NEW SECTION. CONFLICT OF INTEREST.  
63 A person shall not serve as a member of the commission  
64 who has an interest in a contract or job of work  
65 or material or the profits thereof or service to  
66 be performed for the department. Any member of the  
67 commission who accepts employment with or acquires  
68 any stock, bonds, or other interest in any company  
69 or corporation doing business with the department  
70 shall be disqualified from remaining a member of  
71 the commission.

72 Sec. 6. NEW SECTION. ADVISORY MEMBERS. Ex  
73 officio members to the commission shall include the  
74 state geologist, the chairman of the Iowa state  
75 commerce commission, the director of the department  
76 of environmental quality, the state comptroller,  
77 and the director of civil defense. Ex officio members  
78 of the commission shall be nonvoting members.

79 Sec. 7. NEW SECTION. VACANCIES. Any vacancy  
80 on the commission which may occur when the general  
81 assembly is not in session shall be filled by  
82 appointment by the governor, which appointment shall  
83 expire at the end of thirty days following the  
84 convening of the next session of the general as-  
85 sembly. Prior to the expiration of the thirty-day  
86 period, the governor shall transmit to the senate  
87 for its approval the name of the appointee for the  
88 unexpired portion of the regular term. Any vacancy  
89 occurring when the general assembly is in session  
90 shall be filled in the same manner as regular  
91 appointments are made, and before the end of such  
92 session, and for the unexpired portion of the regular  
93 term.

94 Sec. 8. NEW SECTION. COMPENSATION. Each member  
95 of the commission shall receive a salary as fixed  
96 by the general assembly.

97 Sec. 9. NEW SECTION. COMMISSION MEETINGS. The  
98 commission shall meet at the call of the chairman  
99 or when any four members of the commission file a  
100 written request with the chairman for a meeting.

101 Written notice of the time and place of each meeting  
102 shall be given to each member of the commission.  
103 A majority of the commission members shall constitute  
104 a quorum.

105 Sec. 10. NEW SECTION. EXPENSES. Members of  
106 the commission, the director, and other employees  
107 of the department shall be allowed their actual and  
108 necessary expenses incurred in the performance of  
109 their duties. All expenses and salaries shall be  
110 paid from appropriations for such purposes and the  
111 department shall be subject to the budget require-  
112 ments of chapter eight (8) of the Code.

113 Sec. 11. NEW SECTION. REMOVAL FROM OFFICE.  
114 Any member of the commission may be removed for any  
115 of the causes and in the manner provided in chapter  
116 sixty-six (66) of the Code and such removal shall  
117 not be in lieu of any other punishment that may be  
118 prescribed by the laws of this state.

119 Sec. 12. NEW SECTION. DUTIES. The commission  
120 shall:

121 1. Develop and coordinate a comprehensive  
122 transportation policy for the state not later than  
123 January 1, 1975, and develop a comprehensive  
124 transportation plan by January 1, 1976 to be submitted  
125 to the governor and the general assembly, and to  
126 update the transportation policy and plan annually.

127 2. Promote the coordinated and efficient use  
128 of all available modes of transportation for the  
129 benefit of the state and its citizens.

130 3. Identify the needs for city, county, and  
131 regional transportation facilities and services in  
132 the state and develop plans appropriate to meet these  
133 needs.

134 4. Identify methods of improving transportation  
135 safety in the state and develop plans appropriate  
136 to meet these needs.

137 5. Adopt rules and regulations in accordance  
138 with the provisions of chapter seventeen A (17A)  
139 of the Code as it may deem necessary to transact  
140 its business and for the administration and exercise  
141 of its powers and duties.

142 6. Approve the budget of the department as  
143 prepared by the director, prior to submission of  
144 the budget to the governor and the general assembly.

145 7. Consider the energy and environmental issues  
146 in transportation development.

147 8. Coordinate the department's planning with  
148 the planning functions carried on by other state  
149 departments and governmental subdivisions.

150 9. Determine and plan an essential rail network

151 for the state as follows:

152 a. The commission shall identify those segments  
153 of rail lines not subject to abandonment which, if  
154 improved, could better serve the requirements of  
155 Iowa commerce and the public interest of the people  
156 of Iowa; the commission shall further develop and  
157 evaluate programs which will encourage improvement  
158 of rail freight service on such rail lines and  
159 encourage railroads to upgrade the branch rail lines  
160 in order to improve freight-carrying capacity and  
161 speed limitations.

162 b. The commission shall develop and evaluate  
163 programs which shall maintain and improve the  
164 transportation of goods by safe, economically feasible  
165 and energy efficient means. Such programs may include  
166 but not be limited to railroads and waterway  
167 transportation facilities.

168 10. Identify those locations in Iowa where there  
169 is a potential for developing a safe, energy efficient  
170 and economically feasible public transportation  
171 system. Such programs may include but not be limited  
172 to the provision of inter-city rail passenger service  
173 and public transit services.

174 11. Consider and make recommendations for shifting  
175 energy utilization by industry and commerce from  
176 energy sources which are in short supply to more  
177 abundant sources.

178 12. Administer transportation and energy  
179 activities as may be required by law.

180 13. Develop and update a state policy for the  
181 development, utilization, and conservation of all  
182 energy resources and serve as policy advisor to the  
183 governor on all energy matters.

184 14. Review, propose and recommend legislation  
185 having implications for the use of energy in this  
186 state.

187 15. Allocate state-owned or operated energy  
188 supplies to those determined to be in need pursuant  
189 to section sixteen (16) of this Act. In the  
190 performance of this duty the director of the  
191 department may, with the approval of the commission,  
192 contract with fuel suppliers for the purpose of  
193 establishing a state-owned emergency fuel reserve  
194 and may cooperate with the federal government in  
195 implementing federally-mandated allocation and  
196 rationing programs for refined petroleum products.

197 16. When necessary to carry out its duties under  
198 this Act, enter into contracts with state agencies  
199 and other qualified contractors.

200 17. Receive and accept grants made available

201 for programs relating to duties of the commission  
202 under this Act.

203 18. Administer, as may be required, for the state  
204 any laws, rules, or regulations of the United States  
205 government pertaining to the allocation of energy.

206 19. Transmit to the governor and the general  
207 assembly on or before January 1, 1976:

208 a. Recommendations on reorganization of and or  
209 combination of existing state functions dealing with  
210 transportation together with recommendations for  
211 any new functions together with estimates of increase  
212 or decrease in cost.

213 b. A report of trends relating to energy.

214 Sec. 13. NEW SECTION. DIRECTOR OF TRANSPORTATION  
215 AND ENERGY MANAGEMENT--QUALIFICATIONS--SALARY. The  
216 commission shall appoint a director of transportation  
217 and energy management who shall serve at the pleasure  
218 of the commission and who shall not be a member of  
219 the commission. The director shall not hold any  
220 other office under the laws of the United States  
221 or of this or any other state or hold any other  
222 position for profit. The director shall not engage  
223 in any occupation, business, or profession interfering  
224 with or inconsistent with his duties, serve on or  
225 under any committee of any political party, or  
226 contribute to the campaign fund of any person or  
227 political party. The director shall be appointed  
228 on the basis of his executive and administrative  
229 abilities and he shall devote his entire time to  
230 the duties of his position.

231 The director shall receive a salary as fixed by  
232 the general assembly.

233 Sec. 14. NEW SECTION. DUTIES OF THE DIRECTOR.

234 The director shall:

235 1. Manage the internal operations of the  
236 department and establish guidelines and procedures  
237 to promote the orderly and efficient administration  
238 of the department.

239 2. Employ such personnel as are necessary to  
240 carry out the duties and responsibilities of the  
241 department, consistent with the provisions of chapter  
242 nineteen A (19A) of the Code and subject to the  
243 policies of the commission.

244 3. Assist the commission in developing state  
245 transportation policy and a state transportation  
246 plan and execute the administrative policies adopted  
247 by the commission.

248 4. Establish temporary energy allocation boards  
249 of such size and at such time as he deems appropriate  
250 to operate and manage any federally-mandated energy

251 allocation program, subject to the approval of the  
252 commission.

253 5. Prepare a budget for the department, subject  
254 to the approval of the commission, and prepare reports  
255 required by law or required by the commission.

256 6. Review and submit legislative proposals  
257 necessary to maintain current state transportation  
258 laws.

259 7. Appoint hearing officers or designate  
260 departmental personnel to conduct hearings required  
261 by law or administrative rule.

262 Sec. 15. NEW SECTION. INFORMATION AND ASSISTANCE.

263 The commission may call upon the state highway  
264 commission, Iowa reciprocity board, department of  
265 public safety, Iowa state commerce commission, and  
266 the Iowa aeronautics commission for such information  
267 and assistance as may be needed in the performance  
268 of its duties and these agencies shall furnish such  
269 assistance, information, and cooperation insofar  
270 as the same shall be within the resources and  
271 authority of the agencies.

272 All personnel who are employed by the state highway  
273 commission, Iowa reciprocity board, department of  
274 public safety, Iowa state commerce commission, or  
275 the Iowa aeronautics commission and render services  
276 for the department shall remain employees of their  
277 respective agencies during the fiscal year commencing  
278 July 1, 1974 and ending June 30, 1975 and shall  
279 receive compensation for services rendered from the  
280 state highway commission, Iowa reciprocity board,  
281 department of public safety, Iowa state commerce  
282 commission, or the Iowa aeronautics commission from  
283 funds appropriated to such agencies.

284 Sec. 16. NEW SECTION. EMERGENCY POWERS. If  
285 the commission by resolution determines the health,  
286 safety, or welfare of the people of this state is  
287 threatened by an actual or impending acute shortage  
288 of usable energy, it shall transmit the resolution  
289 to the governor together with its recommendation  
290 on the declaration of an emergency by the governor  
291 and recommended actions, if any, to be undertaken.  
292 Within thirty days of the date of the resolution,  
293 the governor may issue a proclamation of emergency  
294 which shall be filed with the secretary of state.  
295 The proclamation shall state the facts relied upon  
296 and the reasons for the proclamation.

297 Pursuant to the proclamation of an emergency,  
298 the governor by executive order may:

299 1. Direct the department to establish a central  
300 depository within the state for energy data. The

301 commission may require a supplier to provide  
302 information pertaining to the supply, storage,  
303 distribution and sale of energy in this state. The  
304 information shall be furnished on a periodic basis,  
305 shall be of a nature which directly relates to the  
306 supply, storage, distribution and sale of energy,  
307 and shall not include any records, documents, books,  
308 or other data which relates to the financial position  
309 of the supplier. Notwithstanding the provisions  
310 of chapter sixty-eight A (68A) of the Code, in-  
311 formation and reports obtained under this section  
312 shall be confidential except when used for statistical  
313 purposes without identifying a specific supplier  
314 and when release of the information will not give  
315 an advantage to competitors and serves a public  
316 purpose.

317 2. Regulate the operating hours of energy  
318 consuming instrumentalities of state government,  
319 its political subdivisions, and private institutions,  
320 business, facilities, and persons to the extent the  
321 regulation is not hazardous or detrimental to the  
322 health, safety, or welfare of the people of this  
323 state.

324 3. Direct the department to establish a system  
325 for the distribution and supply of energy. The  
326 system shall not include a coupon rationing program,  
327 unless the program is federally mandated.

328 4. Delegate any administrative authority vested  
329 in him to the department.

330 5. Temporarily transfer the directors, personnel,  
331 or functions of other state departments and agencies,  
332 for the purpose of advising the department in  
333 performing or facilitating emergency measures pursuant  
334 to subsections (1) and two (2) of this section.

335 On at least a quarterly basis, the commission  
336 shall submit to the governor and the general assembly,  
337 or the legislative council when the general assembly  
338 is not in session, a report identifying trends  
339 relating to energy supply, demand, and conservation  
340 and making recommendations to the governor and the  
341 general assembly for additional action in accordance  
342 with the report. The commission shall include in  
343 its report the amount, price, and disposition of  
344 the fuel contracted for each month pursuant to  
345 subsection three (3) of this section and the name  
346 of the supplier of the fuel.

347 The commission may subpoena witnesses, administer  
348 oaths, and require the production of records, books,  
349 and documents for examination in order to obtain  
350 information required to be submitted under this

351 section. In case of failure or refusal on the part  
352 of any person to comply with a subpoena issued by  
353 the commission, or in the case of the refusal of  
354 any witness to testify as to any matter regarding  
355 which he may be interrogated under this Act, the  
356 district court, upon the application of the  
357 commission, may order the person to show cause why  
358 the person shall not be held in contempt for failure  
359 to testify or comply with a subpoena, and may order  
360 the person to produce the records, books, and docu-  
361 ments for examination, and to give his testimony.  
362 The courts may punish for contempt as in the case  
363 of disobedience to a like subpoena issued by the  
364 court, or for refusal to testify.

365 If the general assembly is in session, it may  
366 revoke by concurrent resolution any proclamation  
367 of emergency by the governor. If the general assembly  
368 is not in session, the proclamation of emergency  
369 by the governor may be revoked by a majority vote  
370 of the standing membership of the legislative council.  
371 Such revocation shall be effective upon receipt by  
372 the secretary of state and any functions being  
373 performed pursuant to the governor's proclamation  
374 shall cease immediately.

375 Sec. 17. Section sixteen (16) of this Act is  
376 repealed effective June 30, 1977 and shall not be  
377 printed as part of the permanent part of the Code  
378 of Iowa, but shall be printed in the session laws.

379 Sec. 18. This Act, being deemed of immediate  
380 importance, shall take effect and be in force from  
381 and after its publication in the Citizen Herald,  
382 a newspaper published in Jesup, Iowa, and in The  
383 Red Oak Express, a newspaper published in Red Oak,  
384 Iowa.

385 2. Amend the title, page 1, line 1, by striking  
386 everything after the word "transportation" and by  
387 striking lines 2 through 7, and inserting in lieu  
388 thereof the words "and energy management."

389 3. Page 1, as reprinted, by striking lines 8  
390 through 19.

391 4. Page 2, as reprinted, by striking lines 1  
392 through 16.

H-2591 Filed - *Law 43*  
March 22, 1974

*Amended by 2717, 2748, 2749, 2754  
2750,*

By COMMITTEE ON APPROPRIATIONS  
GRASSLEY of Butler, Chairman

SENATE FILE 1141

H—2692

1 Amend Senate File 1141, as amended and passed by  
2 the Senate, as follows:

3 1. Page 1, as reprinted, by inserting after line  
4 19 the following:

5 WHEREAS, that in the reorganization of the execu-  
6 tive branch of government relative to the reorganiza-  
7 tion and regulation of the railroad industry, it shall  
8 be the policy of the state that a complete study and  
9 survey of the problems of coordination with the fed-  
10 eral law, rules and regulations be made, including  
11 equalization of taxation, preemption and conflict  
12 of authority, authorization and justification for  
13 use and application of state and local funds, the  
14 improvement of rail facilities through modernizing,  
15 regulation and competition, continuation and  
16 improvement of service to the shipping public, and

17 WHEREAS, it is the policy of the state to encourage,  
18 foster, and assist in the general development and  
19 promotion of highway transportation to promote uni-  
20 formity in highway design and highway transportation  
21 consistent with the economic needs of the state and  
22 nation, and

23 2. Page 5, as reprinted, line 18, by inserting  
24 after the figure "1975," the words "which shall be  
25 submitted to the general assembly for its approval,".

26 3. Page 6, as reprinted, by inserting after line  
27 6 the following new subsection:

28 9. Enter into such contracts and agreements as  
29 provided in this Act.

30 4. Page 7, as reprinted, by inserting after line  
31 28 the following new subsection:

32 8. Railroad transportation division.

33 5. Page 7, as reprinted, line 32, by inserting  
34 after the word and figure "seven (7)" the words and  
35 figure ", eight (8)".

36 6. Page 12, as reprinted, by striking lines 14  
37 through 23 and inserting in lieu thereof the follow-  
38 ing:

39 1. Advise and assist the director in the develo-  
40 ment of aeronautics, including but not limited to  
41 the location of air terminals, accessibility of air  
42 terminals by other modes of public transportation,  
43 protective zoning provisions considering safety fac-  
44 tors, noise, and air pollution, facilities for private  
45 and commercial aircraft, air freight facilities, and  
46 such other physical and technical aspects as may be  
47 necessary to meet present and future needs.

48 2. Advise and assist the director in the develop-  
49 ment of river transportation and port facilities in  
50 the state.

A  
Adopted 4/4  
(1501)

B  
Adopted 4/4 (1501)

D  
amended and  
adopted 4/4 (1501)

C  
Adopted 4/4 (1501)

D  
Adopted on  
amended 4/4

- 51           3. Advise and assist the director in the study  
52 of local and regional transportation of goods and  
53 people including intracity and intercity bus systems,  
54 dial-a-bus facilities, rural and urban bus and taxi  
55 systems, the collection of data from these systems,  
56 feasibility study of increased government subsidy  
57 assistance and determination of the allocation of  
58 such subsidies to each mass transportation system,  
59 such other physical and technical aspects which may  
60 be necessary to meet present and future needs and  
61 apply for, accept, and expend federal, state, or  
62 private funds for the improvement of mass transit.
- 63           4. Advise and assist the director to study and  
64 develop highway transport economics to assure avail-  
65 ability and productivity of highway transport services.
- 66           7. Page 12, as reprinted, line 29, by striking  
67 the words "four hundred seventy-four (474), four  
68 hundred".
- 69           8. Page 12, as reprinted, by striking lines 30  
70 through 34.
- 71           9. Page 12, as reprinted, line 35, by striking  
72 the words "and four hundred eighty-six (486)".
- 73           10. Page 13, as reprinted, by inserting after  
74 line 2 the following new section:
- 75           Sec. \_\_\_\_ . NEW SECTION. RAILROAD TRANSPORTATION  
76 DIVISION. The administrator of the railroad transpor-  
77 tation division shall have the following duties and  
78 responsibilities:
- 79           1. Advise and assist the director in conducting  
80 research on the basic railroad problems and identify  
81 the present capability of the existing railroads in  
82 order to determine the present obligation of the rail-  
83 roads to provide acceptable levels of public service.
- 84           2. Advise and assist the director in the develop-  
85 ment of rail transportation systems for expansion  
86 of passenger and freight services.
- 87           3. Advise and assist the director in developing  
88 programs in anticipation of railroad abandonment,  
89 including:
- 90           a. Development and evaluation of programs which  
91 will encourage improvement of rail freight and the  
92 upgrading of rail lines in order to improve freight  
93 service.
- 94           b. Development of alternative modes of transporta-  
95 tion to areas and communities which lose rail service.
- 96           c. Represent the state in interstate commerce  
97 commission proceedings, coordinate the determination  
98 of impacts and reuse potential, and consult and  
99 cooperate with any other state agency, officials,  
100 and representatives of any political subdivision and

101 citizens having an interest in the proposed  
102 abandonment.  
103 d. Advise the director when it may appear in the  
104 best interest of the state to assume the role of advoc-  
105 cate in railroad abandonments and railroad rate  
106 schedules.  
107 4. Develop and maintain a federal-state relation-  
108 ship of programs relating to railroad safety enforce-  
109 ment, track standards, rail equipment, operating rules  
110 and transportation of hazardous materials.  
111 5. Advise and assist the director in the conduct  
112 of research on railroad-highway grade crossings and  
113 encourage and develop a safety program in order to  
114 reduce injuries or fatalities.  
115 6. Apply for, accept, and expend federal, state  
116 or private funds for the improvement of rail transpor-  
117 tation.  
118 7. Advise and assist the director on studies for  
119 coordination of railway service with that of other  
120 transportation modes.  
121 8. Advise and assist the director with studies  
122 of regulatory changes deemed necessary to effectuate  
123 economical and efficient railroad service.  
124 9. Advise and assist the director regarding agree-  
125 ments with the owners of operating railroads for the  
126 upgrading of railroad right-of-way and trackage on  
127 such terms, conditions, rates, rentals, or subsidy  
128 levels as may be in the best interest of the state.  
129 The commission may enter into such contracts and  
130 agreements as are necessary to effectuate the purposes  
131 of this section. For purposes of this Act, "railroad  
132 right-of-way and trackage" includes but shall not  
133 be limited to any roadbed, drains, fences, ties,  
134 switches, rails, ballast, signs, signals, lights,  
135 equipment, bridges, tools, crossings, underpasses,  
136 overpasses, construction and administration buildings  
137 and any and all other property, rights, easements  
138 and interest whether owned in fee or leased.  
139 10. Administer the provisions of chapters four  
140 hundred seventy-four (474), four hundred seventy-six  
141 (476), four hundred seventy-seven (477), four hundred  
142 seventy-eight (478), four hundred seventy-nine (479),  
143 four hundred eighty (480), four hundred eighty-one  
144 (481), four hundred eighty-two (482), four hundred  
145 eighty-three (483), four hundred eighty-four (484),  
146 four hundred eighty-five (485), and four hundred  
147 eighty-six (486) of the Code.  
148 11. Perform such other duties and responsibilities  
149 as may be assigned by the director and the commis-  
150 sion.

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151 12. Page 14, as reprinted, line 33, by inserting  
152 after the word "assembly" the words "for its approval". *adopted 4/1*  
153 13. Page 15, as reprinted, line 24, by inserting  
154 after the word "commission," the words "board of *adopted 4/1*  
155 regents institutions of higher learning,".

H—2692 Filed  
March 28, 1974

By DRAKE of Muscatine  
SMALL of Johnson  
EDELLEN of Emmet  
OAKLEY of Clinton  
EGENES of Story  
AVENSON of Fayette  
KRAUSE of Palo Alto  
NEWHARD of Jones  
HARVEY of Scott  
JUNKER of Woodbury  
WEST of Marshall  
RINAS of Linn  
DE JONG of Marion  
LIPSKY of Linn  
DUNLAP of Story  
FITZGERALD of Webster  
BUTLER of Pottawattamie  
HIGGINS of Scott  
WELLS of Linn  
CLARK of Lee  
HORN of Linn  
HANSEN of O'Brien  
McCORMICK of Delaware  
CAFFREY of Polk  
STROMER of Hancock  
MILLER of Buchanan  
JORDAN of Linn

SENATE FILE 1141

H-2717

1 Amend the Committee on Appropriations amendment,  
2 H-2591, to Senate File 1141, as amended and passed by  
3 the Senate, as follows:

4 1. Line 98, by inserting after the word "commis-  
5 sion" the words "shall meet in July of each year for  
6 the purpose of selecting a chairman and thereafter".

7 2. Line 139, by inserting after the word "Code"  
8 the words ", after holding a public hearing prior to  
9 submission of the rules and regulations to the legis-  
10 lative rules review committee,".

11 3. By inserting after line 213 the following new  
12 subsection:

13 20. Direct the department to establish a central  
14 depository within the state for energy data. The  
15 commission may require a supplier to provide informa-  
16 tion pertaining to the supply, storage, distribution  
17 and sale of energy in this state. The information  
18 shall be furnished on a periodic basis, shall be of a  
19 nature which directly relates to the supply, storage,  
20 distribution and sale of energy, and shall not include  
21 any records, documents, books, or other data which re-  
22 lates to the financial position of the supplier. Pro-  
23 vided the commission, prior to requiring any supplier  
24 to furnish it with such information, shall make every  
25 reasonable effort to determine if the same is available  
26 from any other governmental source. If it finds such  
27 information is available, the commission shall not re-  
28 quire submission of the same from a supplier. Notwith-  
29 standing the provisions of chapter sixty-eight A (68A)  
30 of the Code, information and reports obtained under  
31 this section shall be confidential except when used  
32 for statistical purposes without identifying a specific  
33 supplier and when release of the information will not  
34 give an advantage to competitors and serves a public  
35 purpose. The commission may subpoena witnesses, ad-  
36 minister oaths, and require the production of records,  
37 books, and documents for examination in order to  
38 obtain information required to be submitted under this  
39 subsection. In case of failure or refusal on the part  
40 of any person to comply with a subpoena issued by the  
41 commission, or in the case of the refusal of any  
42 witness to testify as to any matter regarding which  
43 he may be interrogated under this Act, the district  
44 court, upon the application of the commission, may  
45 order the person to show cause why the person shall  
46 not be held in contempt for failure to testify or  
47 comply with a subpoena, and may order the person to  
48 produce the records, books, and documents for examina-  
49 tion, and to give his testimony. The courts may  
50 punish for contempt as in the case of disobedience to

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April 2, 1974

51 a like subpoena issued by the court, or for refusal  
52 to testify.  
53 4. Line 325, by striking the word "energy" and in-  
54 serting in lieu thereof the words "petroleum products".  
55 5. By striking lines 299 through 316 and by re-  
56 numbering the remaining subsections.  
57 6. Line 334, by striking the words "subsections  
58 one (1) and two (2) of this section" and inserting  
59 in lieu thereof the words "subsection one (1) of this  
60 section and section twelve (12), subsection twenty  
61 (20), of this amendment".  
62 7. Line 334, by inserting after the period the  
63 words "If the commission employs additional personnel  
64 to implement the emergency measures under the provi-  
65 sions of this section, the employment of such personnel  
66 shall be terminated at such time as the proclamation  
67 declaring the emergency is revoked or the governor de-  
68 clares that an emergency no longer exists.  
69 8. By striking lines 347 through 364.  
70 9. By inserting after line 374 the following new  
71 section:  
72 Sec. \_\_\_\_\_. The governor shall have no authority to  
73 suspend, amend, or nullify any services being provided  
74 by a public utility pursuant to an order or rule of  
75 a federal agency which has jurisdiction over the pub-  
76 lic utility.

H-2717 Filed - *Adopted 4/3 (1461)* By HOLDEN of Scott  
April 1, 1974 WELDEN of Hardin  
SCHROEDER of Pottawattamie

H-2755  
1 Amend Senate File 1141 as passed by the Senate and  
2 reprinted as follows:  
3 1. Page 9B, by striking from lines 49 and 50 the  
4 words "in cooperation with" and inserting in lieu  
5 thereof the words "with the approval of."  
6 2. By adding the following new section:  
7 "Sec. \_\_\_\_\_. Section nineteen B point three (19B.3),  
8 Code 1973, as amended by Acts of the Sixty-fifth  
9 General Assembly, 1973 Session, chapter one hundred  
10 twenty-one (121), section eight (8) is amended by  
11 adding the following new subsection:  
12 NEW SUBSECTION. Establishing, supervising, and  
13 maintaining a system of centralized electronic data  
14 processing including a data processing service center  
15 for the benefit of the state agencies in need of  
16 data processing services."

H-2755 Filed and ruled By KRAUSE of Palo Alto  
not germane  
April 4, 1974

SENATE FILE 1141

H-2700

1 Amend amendment H-2591 to Senate File 1141 as follows:  
2 1. Delete Section 4, lines 40 through 61, and insert  
3 in lieu thereof the following:

4 Sec. 4. NEW SECTION. TRANSPORTATION AND ENERGY  
5 MANAGEMENT COMMISSION. There is created a state trans-  
6 portation and energy management commission which shall  
7 consist of nine (9) members, not more than five (5)  
8 of whom shall be from the same political party. The  
9 governor shall appoint the members of the commission  
10 for a term of four years, subject to confirmation of  
11 the senate. However, of the members first appointed,  
12 three members shall be appointed for a term of one  
13 year commencing July 1, 1974 and ending June 30, 1975,  
14 two members shall be appointed for a term of two  
15 years commencing July 1, 1974 and ending June 30, 1976,  
16 two members shall be appointed for a term of three  
17 years commencing July 1, 1974 and ending June 30, 1977  
18 and two members shall be appointed for a term of four  
19 years commencing July 1, 1974 and ending June 30, 1978.

20 Of the members first appointed, and thereafter,  
21 appointments shall include one member knowledgeable  
22 in highway transportation systems, one member know-  
23 ledgeable in intrastate and interstate commerce activ-  
24 ities, one member knowledgeable in air transportation  
25 systems, one member knowledgeable in railroad opera-  
26 tion, one member knowledgeable in matters concerning  
27 state development, one member knowledgeable in matters  
28 of environmental quality and conservation, one member  
29 knowledgeable in county transportation systems, one  
30 member knowledgeable in city transportation systems  
31 and one member knowledgeable in matters of public  
32 safety.

33 Members of the commission appointed from other  
34 state commissions or agencies or political subdivi-  
35 sions of the state may serve simultaneously on the  
36 transportation and energy management commission.

37 2. Amend Section 7 by addition of the following new  
38 unnumbered paragraph:

39 In the event the governor fails to make an ap-  
40 pointment to fill a vacancy, or fails to submit the  
41 appointment to the senate for confirmation, the  
42 senate may make the appointment prior to adjournment  
43 of the General Assembly.

44 3. Amend Section 15, by striking from line 263 the  
45 word "highway", all of lines 264 and 265, and through  
46 the word "commission" in line 266, and inserting in  
47 lieu thereof the following:

48 "universities, or any state agency or political  
49 subdivision of the state".

H-2729

1 Amend the Drake, et al., amendment H-2692  
2 to Senate File 1141 by adding the following  
3 after the period in line 138:  
4 There is appropriated from the general  
5 fund of the state the sum of fifty million  
6 dollars, or so much thereof as may be necessary,  
7 for the carrying out of the duties of the  
8 department as required by this Act. These moneys  
9 shall be available to the department commencing  
10 January 1, 1975 on the basis of ten million  
11 dollars per year for a period of five years.  
12 The unused moneys shall remain under the control  
13 of the comptroller and he shall release such  
14 amount as requested by the department and as  
15 set forth in this Act.

H-2729 Filed - *Lost 4/4*  
April 2, 1974

By BRINCK of Lee

H-2747

1 Amend the Drake, et al., amendment H-2692 to page  
2 13 of Senate File 1141, as passed by the Senate and  
3 reprinted, by striking from lines 127 and 128 the  
4 following:  
5 ", or subsidy levels".

H-2747 Filed - *adopted 4/4*  
April 2, 1974

By SMALL of Johnson

H-2748

1 Amend the Committee on Appropriations amendment  
2 H-2591, to Senate File 1141, as passed by the Senate  
3 and reprinted, by striking all of lines 317 through  
4 323 and inserting in lieu thereof the following:  
5 "2. Regulate the operating hours of energy con-  
6 suming instrumentalities of state government and its  
7 political subdivisions."

H-2748 Filed - *adopted 4/3*  
April 2, 1974

By WEST of Marshall  
WELDEN of Hardin

H-2749

1 Amend the Committee on Appropriations  
2 amendment H-2591, to Senate File 1141, as passed  
3 by the Senate and reprinted, by striking from  
4 line 153 the following:  
5 "not subject to abandonment"

H-2749 Filed and adopted  
April 3, 1974

By BENNETT of Ida

H-2765

1 Amend the Nielsen amendment H-2760 to Senate  
2 File 1141 as follows:  
3 By striking lines 30, 31 and 32.

H-2765 Filed - *Lost 4/4*  
April 4, 1974

By HORN of Linn  
MENNENGA of Clinton

H-2741

1 Amend Senate File 1141, as amended and passed by  
2 the Senate, as follows:

3 1. Page 14, as reprinted, by adding after line  
4 3 the following:

5 "Sec. \_\_\_\_\_. NEW SECTION. TRANSPORTATION FUND.  
6 There is created in the office of the treasurer of  
7 state a fund to be known as the transportation fund.  
8 The commission may budget moneys in this fund for the  
9 improvement of transportation and may expend such  
10 funds for the following purposes:

11 1. Provide subsidies to political subdivisions  
12 of this state to finance capital and operating costs  
13 related to mass transportation systems and to pro-  
14 vide funds to planning agencies carrying on compre-  
15 hensive studies on the problems of mass transporta-  
16 tion and for training and education of personnel  
17 for managerial, technical, and professional positions  
18 in mass transportation.

19 2. Acquisition and maintenance of railroad  
20 right-of-way, including rolling stock, and contract-  
21 ing with the national railroad passenger service.

22 3. Construction and maintenance of barge facil-  
23 ities, and construction and maintenance of hiking and  
24 biking trails.

25 4. Construction and maintenance of highways."

26 2. Page 20, by adding after line 29 the following:

27 "Sec. \_\_\_\_\_. Section four hundred twenty-two  
28 point sixty-nine (422.69), Code 1973, as amended by  
29 Acts of the Sixty-fifth General Assembly, 1973  
30 Session, chapter two hundred two (202), sections  
31 two (2) and three (3), is amended by adding the  
32 following new subsection:

33 NEW SUBSECTION. Effective July 1, 1975, during  
34 the first quarter of each fiscal year an amount  
35 equal to ten percent of the net receipts from two-  
36 thirds of the sales tax collected under division  
37 four (IV) of this chapter for the fiscal year  
38 shall be transferred in monthly installments during  
39 the first quarter to the transportation fund created  
40 by this Act. The remainder of the net receipts from  
41 the sales tax shall be credited to the general fund."

H-2741 Filed *Small*  
April 2, 1974

By SMALL of Johnson

H-2730

1 Amend Amendment H-2692 to Senate File 1141 by  
2 striking lines 129 through 131 and inserting in  
3 lieu thereof the following:

4 "The commission may enter into contracts and  
5 agreements which are binding only to the extent  
6 that appropriations have been or may subsequently  
7 be made by the legislature to effectuate the pur-  
8 poses of this section. For purposes of this Act,  
9 'railroad'.

H-2730 Filed *Adopted as amended*  
April 2, 1974 *by 2730 4/4*

By WELDEN of Hardin

SENATE FILE 1141

H—2760

1 Amend Senate File 1141, as amended and passed  
2 by the Senate, as follows:

3 1. By adding the following new sections:

4 NEW SECTION. Sec. \_\_\_\_\_. Section three hundred  
5 twenty-one point four hundred fifty seven (321.457),  
6 subsection six (6), Code 1973, is amended to read  
7 as follows:

8 6. No combination of three vehicles coupled  
9 together, one of which is a motor vehicle, unladen  
10 or with load, which has a point of departure within  
11 this state or has a destination point in this state,  
12 shall have an overall length, inclusive of front  
13 and rear bumpers in excess of sixty sixty-five feet.  
14 No single semitrailer or trailer, together with any  
15 hitching device and any load thereon, included in  
16 such combination, shall have an overall length, in-  
17 clusive of rear bumper, in excess of thirty feet.  
18 A combination of three vehicles in excess of sixty  
19 feet but not in excess of sixty-five feet, which  
20 has a point of departure in this state or has a des-  
21 tination point in this state, may be operated only  
22 as follows:

23 a. On four-lane highways or on highways other  
24 than four-lane highways when moving from a four-lane  
25 highway to a point within five miles, on the most  
26 direct route, of such four-lane highway or when mov-  
27 ing to a four-lane highway from a point within five  
28 miles on the most direct route, of such four-lane  
29 highway.

30 b. On other highways of at least twenty-two  
31 foot width as designated by the state highway com-  
32 mission.

33 NEW SECTION. Sec. \_\_\_\_\_. Section three hundred  
34 twenty-one point four hundred fifty seven (321.457),  
35 subsection three (3), Code 1973, is amended by add-  
36 ing the following new language:

37 3. Except as to combinations of vehicles, pro-  
38 visions for which are otherwise made in this chap-  
39 ter, no combination of truck tractor and a semitrailer  
40 hauling livestock shall have an overall length, in-  
41 clusive of front and rear bumpers, in excess of sixty  
42 feet, nor shall any other combination of vehicles  
43 coupled together, unladen or with load, shall have  
44 an overall length, inclusive of front and rear bump-  
45 ers, in excess of fifty-five feet.

46 2. By striking the period in line seven (7),  
47 inserting a comma in lieu thereof and adding the  
48 following:

49 "and establish dimensions of vehicles and motor  
50 vehicles."

H—2760 Filed - *Ruled non germane,*  
April 3, 1974 *rule suspended,*  
*adopted 4/9 (1609)*

By NIELSEN of Polk  
WOODS of Polk  
LOGUE of Iowa  
JORDAN of Linn  
RINAS of Linn  
MILLER of Buchanan  
BYERLY of Polk  
WYCKOFF of Benton  
DUNTON of Keokuk  
CAFFREY of Polk

H-2753

1 Amend Senate File 1141, as amended, passed, and  
2 reprinted by the Senate, as follows:

Division H-2753A

3 Page 3, by inserting after the period in line  
4 26 the words, "Of the members first appointed, the  
5 governor shall also appoint at least one member know-  
6 ledgeable in rail operation, and at least one per-  
7 son knowledgeable in city and county transportation  
8 systems.

Division H-2753B

9 Page 4, by inserting after line 17 the following  
10 new unnumbered paragraph:  
11 "In the event the governor fails to make an ap-  
12 pointment to fill a vacancy, or fails to submit the  
13 appointment to the Senate for confirmation, the Senate  
14 may make the appointment prior to adjournment of the  
15 General Assembly."

Division H-2753C

16 Page 7, by inserting after line 19 the new un-  
17 numbered paragraph:  
18 However, any employee so transferred or trans-  
19 ferred from one employment system to another either  
20 administratively or legislatively, shall not be con-  
21 sidered to be a probationary employee simply because  
22 of this action.

Division H-2753B

23 Page 8, by inserting after line 29 the following  
24 new unnumbered paragraph:  
25 "In the event the governor fails to make an ap-  
26 pointment to fill a vacancy, or fails to submit the  
27 appointment to the Senate for confirmation, the Se-  
28 nate may make the appointment prior to the adjourn-  
29 ment of the General Assembly."

H-2753 Filed

By KRAUSE of Palo Alto

Division H-2753A lost

Division H-2753B adopted

Division H-2753C adopted

H-2751

1 Amend Senate File 1141, as amended and passed by  
2 the Senate, page 10, as reprinted, by inserting after  
3 line 34 the following new subsection:

4 Develop a procedure for the review of transporta-  
5 tion plans developed by or for political subdivisions  
6 of this state before and after the effective date of  
7 this Act and meet with public officials of the  
8 political subdivisions of this state at least twice  
9 a year for the purpose of soliciting ideas and sug-  
10 gestions for the consideration of local transportation  
11 plans for inclusion in the development of a state  
12 transportation plan.

H-2751 Filed and lost  
April 4, 1974

By SMALL of Johnson

H-2754

1 Amend Amendment H-2591 to Senate File 1141 by  
2 inserting after line 167 the following:  
3 "c. The commission shall develop procedures  
4 and make agreements with the owners of operating  
5 railroads for the upgrading of railroad right-of-way  
6 and trackage on such terms, conditions, rates, rentals  
7 or subsidy levels as may be in the best interest of  
8 the state. The commission may enter into contracts  
9 and agreements which are binding only to the extent  
10 that appropriations have been or may subsequently  
11 be made by the legislature to effectuate the pur-  
12 poses of this section. For purposes of this Act,  
13 "railroad right-of-way and trackage" includes but  
14 shall not be limited to any roadbed, drains, fences,  
15 ties, switches, rails, ballast, signs, signals,  
16 lights, equipment, bridges, tools, crossings, under-  
17 passes, overpasses, construction and administration  
18 buildings and any and all other property, rights,  
19 easements and interest whether owned in fee or leased."

H-2754 Filed and adopted  
April 3, 1974

By WELDEN of Hardin  
HOLDEN of Scott

H-2757

1 Amend Senate File 1141, as amended and passed  
2 by the Senate and reprinted, as follows:  
Division H-2757A  
3 1. Page 5, line 18, by striking the word "July"  
4 and inserting in lieu thereof the word "January".  
Division H-2757B  
5 2. Page 5, line 19, by striking the word "July"  
6 and inserting in lieu thereof the word "January".  
Division H-2757C  
7 3. Page 5, line 20, by striking all of line 20  
8 after the word governor and inserting in lieu thereof  
9 the words ", and to the general assembly for its  
10 approval, and shall".

H-2757 Filed  
Division H-2757A adopted  
Division H-2757B adopted  
Division H-2757C lost  
April 4, 1974

By SCHROEDER of Pottawattamie

H-2752

1 Amend the Drake, et al., amendment, H-2692, to Senate  
2 File 1141 as amended and passed by the Senate, by  
3 striking lines 33 through 35 and inserting in lieu  
4 thereof the following:  
5 5. Page 7, as reprinted, by inserting after line  
6 33 the words "The division created pursuant to sub-  
7 section eight (8) of this section shall be created as  
8 of November 1, 1974."

H-2752 Filed and withdrawn  
April 4, 1974

By KRAUSE of Palo Alto

SENATE FILE 1141

H-2764

1 Amend Senate File 1141 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:

4 Section 1. PUBLIC POLICY AND INTENT -- TRANSFER  
5 OF FUNCTIONS. It is the public policy of this state  
6 that the general welfare, economic growth, job  
7 mobility, convenience, stability, and well-being of  
8 the citizens of the state can best be served by a  
9 coordinated transportation policy to assure adequate,  
10 safe and efficient transportation facilities and  
11 services.

12 In order to accomplish this goal, the general  
13 assembly finds that it is necessary to establish a  
14 new facility in the executive branch of government to  
15 provide continuing comprehensive transportation  
16 coordination and planning and to recommend the  
17 combination and transfer of duties and functions of  
18 existing state agencies.

19 Sec. 2. NEW SECTION. DEFINITIONS. When used in  
20 this Act, unless the context otherwise requires:

21 1. "Director" means the director of transporta-  
22 tion or his designee.

23 2. "Department" means the state department of  
24 transportation.

25 3. "Commission" means the state transportation  
26 commission.

27 Sec. 3. NEW SECTION. DEPARTMENT OF TRANSPORTA-  
28 TION. There is created a state department of trans-  
29 portation which shall be responsible for developing  
30 a comprehensive state transportation policy and plan  
31 for the development, regulation, and improvement of  
32 transportation in the state.

33 Sec. 4. NEW SECTION. TRANSPORTATION COMMISSION.  
34 There is created a state transportation commission  
35 which shall consist of nine members, not more than  
36 five of whom shall be from the same political party.  
37 The governor shall appoint the members of the commis-  
38 sion for a term of four years, subject to confirmation  
39 of the senate. However, of the members first  
40 appointed, three members shall be appointed for a term  
41 of one year commencing July 1, 1974 and ending June 30,  
42 1975, two members shall be appointed for a term of two  
43 years commencing July 1, 1974 and ending June 30, 1976,  
44 two members shall be appointed for a term of three  
45 years commencing July 1, 1974 and ending June 30, 1977  
46 and two members shall be appointed for a term of four  
47 years commencing July 1, 1974 and ending June 30, 1978.

48 Of the members first appointed, and thereafter,  
49 appointments shall include one member knowledgeable  
50 in highway transportation systems, one member know-

51 ledgeable in intrastate and interstate commerce activ-  
52 ities, one member knowledgeable in air transportation  
53 systems, one member knowledgeable in railroad opera-  
54 tions, one member knowledgeable in matters concerning  
55 state development, one member knowledgeable in matters  
56 of environmental quality and conservation, one member  
57 knowledgeable in county transportation systems, one  
58 member knowledgeable in city transportation systems  
59 and one member knowledgeable in matters of public  
60 safety.

61 Such members of the transportation commission  
62 appointed from other state commissions or agencies or  
63 political subdivisions of the state may serve  
64 simultaneously on the state transportation commission.  
65 The commission shall meet in July of each year for  
66 the purpose of electing one of its members as chair-  
67 man.

68 Sec. 5. NEW SECTION. CONFLICT OF INTEREST.  
69 A person shall not serve as a member of the commission  
70 who has an interest in a contract of work  
71 or material or the profits thereof or service to be  
72 performed for the department. Any member of the  
73 commission who accepts employment with or acquires any  
74 stock, bonds, or other interest in any company or  
75 corporation doing business with the department shall  
76 be disqualified from remaining a member of the  
77 commission.

78 Sec. 6. NEW SECTION. VACANCIES. Any vacancy on  
79 the commission which may occur when the general  
80 assembly is not in session shall be filled by appoint-  
81 ment by the governor, which appointment shall expire  
82 at the end of thirty days following the convening of  
83 the next session of the general assembly.

84 Prior to the expiration of the thirty-day period,  
85 the governor shall transmit to the senate for its  
86 approval the name of the appointee for the unexpired  
87 portion of the regular term. Any vacancy occurring  
88 when the general assembly is in session shall be  
89 filled in the same manner as regular appointments are  
90 made, and before the end of such session, and for the  
91 unexpired portion of the regular term.

92 In the event the governor fails to make an ap-  
93 pointment to fill a vacancy, or fails to submit the  
94 appointment to the senate for confirmation, the senate  
95 may make the appointment prior to adjournment of  
96 general assembly.

97 Sec. 7. NEW SECTION. COMPENSATION. Each member  
98 of the commission shall receive a salary as fixed by  
99 the general assembly.

100 However, for the fiscal year commencing July 1,

101 1974 and ending June 30, 1975, members of the state  
102 transportation commission shall receive a per diem of  
103 forty dollars and all expenses actually incurred in  
104 the performance of their official duties. Members of  
105 the state transportation commission serving simultan-  
106 eously as members of other state commissions or  
107 agencies or political subdivisions of the state shall  
108 continue to receive the salary or per diem provided  
109 by law for such persons when performing their  
110 official duties as members of the other state commis-  
111 sions or agencies for the fiscal year commencing  
112 July 1, 1974 and ending June 30, 1975.

113 Sec. 8. NEW SECTION. COMMISSION MEETINGS. The  
114 commission shall meet at the call of the chairman or  
115 when any four members of the commission file a written  
116 request with the chairman for a meeting. Written  
117 notice of the time and place of each meeting shall  
118 be given to each member of the commission. A  
119 majority of the commission members shall constitute  
120 a quorum.

121 Sec. 9. NEW SECTION. EXPENSES. Members of the  
122 commission, the director, and other employees of the  
123 department shall be allowed their actual and necessary  
124 expenses incurred in the performance of their duties.  
125 All expenses and salaries shall be paid from appropria-  
126 tions for such purposes and the department shall be  
127 subject to the budget requirements of chapter eight (8)  
128 of the Code.

129 Sec. 10. NEW SECTION. REMOVAL FROM OFFICE. Any  
130 member of the commission may be removed for any of the  
131 causes and in the manner provided in chapter sixty-  
132 six (66) of the Code and such removal shall not be in  
133 lieu of any other punishment that may be prescribed  
134 by the laws of this state.

135 Sec. 11. NEW SECTION. DUTIES. The commission  
136 shall:

137 1. Develop and coordinate a comprehensive  
138 transportation policy for the state not later than  
139 January 1, 1975 to be submitted to the governor and  
140 the general assembly for approval, and develop a  
141 comprehensive state transportation plan by January 1,  
142 1976 to be submitted to the governor and the general  
143 assembly for approval.

144 2. Prepare recommendations considered feasible,  
145 necessary and consistent with the state transportation  
146 policy and plan, for reorganization of and or combina-  
147 tion of appropriate current or new functions of exist-  
148 ing state commissions, departments, divisions or  
149 agencies with transportation related duties or  
150 responsibilities, including a proposed table of

151 organization with an estimated three year operational  
152 budget, and submit by January 1, 1976 the recommended  
153 reorganization plans and budget estimates to the  
154 governor and the general assembly for their approval.

155 3. Update the transportation policy and plan  
156 annually.

157 4. Promote the coordinated and efficient use of  
158 all available modes of transportation for the benefit  
159 of the state and its citizens.

160 5. Identify the needs for city, county, regional  
161 and state transportation facilities and services in  
162 the state and develop plans appropriate to meet these  
163 needs.

164 6. Identify methods of improving transportation  
165 safety in the state and develop programs appropriate  
166 to meet these needs.

167 7. Consider the energy and environmental issues  
168 in transportation development.

169 8. Coordinate the department's planning with  
170 the planning functions carried on by other state  
171 departments and governmental subdivisions.

172 9. Determine and plan an essential rail network  
173 for the state as follows:

174 a. The commission shall identify those segments  
175 of rail lines not subject to abandonment which, if  
176 improved, could better serve the requirements of  
177 Iowa commerce and the public interest of the people  
178 of Iowa. The commission shall further develop and  
179 evaluate programs which will encourage improvement  
180 of rail freight service on such rail lines and  
181 encourage railroads to upgrade the branch rail lines  
182 in order to improve freight-carrying capacity and  
183 speed limitations.

184 b. The commission shall develop and evaluate  
185 programs which shall maintain and improve the  
186 transportation of goods by safe, economically feasible  
187 and energy efficient means. Such programs may include  
188 but not be limited to railroads and waterway  
189 transportation facilities.

190 "c. The commission shall develop procedures  
191 and make agreements with the owners of operating  
192 railroads for the upgrading of railroad right-of-way  
193 and trackage on such terms, conditions, rates, rentals,  
194 or subsidy levels as may be in the best interest of  
195 the state. The commission may enter into contracts  
196 and agreements which are binding only to the extent  
197 that appropriations have been or may subsequently be  
198 made by the legislature to effectuate the pur-  
199 poses of this section. For purposes of this Act,  
200 "railroad right-of-way and trackage" includes but

201 shall not be limited to any roadbed, drains, fences,  
202 ties, switches, rails, ballast, signs, signals,  
203 lights, equipment, bridges, tools, crossing, under-  
204 passes, overpasses, construction and administration  
205 buildings and any and all other property, rights,  
206 easements and interest whether owned in fee or leased."

207 10. Identify those locations in Iowa where there  
208 is a potential for developing a safe, energy efficient  
209 and economically feasible public transportation  
210 system. Such programs may include but not be limited  
211 to the provision of inter-city rail passenger service  
212 and public transit services.

213 11. Receive and accept grants made available  
214 for programs relating to duties of the commission  
215 under this Act.

216 12. Adopt rules and regulations in accordance with  
217 the provisions of chapter seventeen A (17A) of the  
218 Code as it may deem necessary to transact its business  
219 and for the administration and exercise of its powers  
220 and duties.

221 13. Approve the budget of the department as pre-  
222 pared by the director, prior to submission of the  
223 budget to the governor and the general assembly.

224 Sec. 13. NEW SECTION. DUTIES OF THE DIRECTOR.  
225 The director shall:

226 1. Manage the internal operations of the depart-  
227 ment and establish guidelines and procedures to pro-  
228 mote the orderly and efficient administration of the  
229 department.

230 2. Employ such personnel as are necessary to carry  
231 out the duties and responsibilities of the department  
232 consistent with the provisions of chapter nineteen A  
233 (19A) of the Code and subject to the policies of the  
234 commission.

235 3. Assist the commission in developing a state  
236 transportation policy and a state transportation plan  
237 and execute the administrative policies adopted by the  
238 commission.

239 4. Establish temporary advisory boards of such  
240 size as he deems appropriate to advise the depart-  
241 ment, subject to the approval of the commission.

242 5. Prepare a budget for the department, subject  
243 to the approval of the commission, and prepare re-  
244 ports required by law or required by the commission.

245 6. Review and submit legislative proposals nec-  
246 essary to maintain current state transportation laws.

247 7. Appoint hearing officers of designate depart-  
248 ment personnel to conduct hearings required by law  
249 or administrative rule.

250 8. The director shall appoint persons qualified

251 and experienced in the fields of management, finance,  
252 and planning to assist in carrying out the duties  
253 and responsibilities of the department, subject to  
254 the approval of the commission.

255 9. Nothing in this section shall prohibit the  
256 director from drawing upon expertise and personnel  
257 of other state commissions or any other public agency.

258 Sec. 14. NEW SECTION. INFORMATION AND ASSISTANCE.

259 The transportation commission may call upon the state  
260 highway commission, state reciprocity board, state  
261 department of public safety, state commerce commis-  
262 sion, state aeronautics commission, state universities,  
263 or any other state agency or political subdivision of  
264 the state for such information and assistance as may  
265 be needed in the performance of its duties and these  
266 agencies shall furnish such assistance, information  
267 and cooperation insofar as the same shall be within  
268 the resources and authority of the agencies.

269 All personnel who are employed by state univer-  
270 sities or any state agency or political sub-division  
271 of the state and render services for the department  
272 shall remain employees of their respective agencies  
273 during the fiscal year commencing July 1, 1974 and  
274 ending June 30, 1975 and shall receive compensation  
275 for services rendered from funds appropriated to such  
276 agencies.

277 The commission may retain such private consultants  
278 as may be needed to supplement available governmental  
279 information and assistance and may compensate for  
280 such services from funds appropriated to the commis-  
281 sion.

282 2. Amend the title, page 1, line 1, by striking  
283 everything after the word "transportation" and by  
284 striking lines 2 through 7 and inserting in lieu  
285 thereof a period.

H-2764 Filed - *Last 4/4* By WELDEN of Hardin  
April 3, 1974 *motion to reconsider*

*Roll 4-4 (1513)*  
*Revised 4-9*  
*Last 4/9 (1605)*

#### EXPLANATION OF AMENDMENT

This amendment establishes a Department of Transportation with a Transportation Commission and staff to be responsible for development of a comprehensive state transportation policy and plan. It requires preparation of organizational recommendations consistent with the state policy and plan including tables of organization for implementing the plan and budget proposals showing estimated operational costs for the first three years. The Transportation Commission is required to present the state transportation policy by January 1, 1975 and the state transportation plan with recommended organizational structure and cost estimates by January 1, 1976 for consideration by the Governor and General Assembly.

~~REPORT OF THE CONFERENCE COMMITTEE~~  
ON SENATE FILE 1141

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1141, a bill for an Act to create a state department of transportation by transferring certain duties of the state highway commission, Iowa aeronautics commission, Iowa reciprocity board, Iowa state commerce commission, and the department of public safety to a state department of transportation, and making coordinating amendments to the Code, including penalty provisions, respectfully make the following recommendations:

That the House recede from amendments, 2, 11, 20, and 21 of the House amendment to Senate File 1141.

That the Senate concur in the remainder of the House amendment to Senate File 1141.

That the House amendment to Senate File 1141 be further amended as follows:

1. Page 2, by inserting after line 14 the following amendments:

\_\_\_\_\_. Page 5, line 24, by inserting after the word "citizens" the words "including, but not limited to, the designation and development of multi-modal public transfer facilities if carriers or other private businesses fail to develop such facilities".

\_\_\_\_\_. Page 5, by inserting after line 34 the words "The transportation commission shall also adopt rules and regulations, which rules and regulations shall be exempt from the provisions of chapter seventeen A (17A) of the Code, governing the length of vehicles and combinations of vehicles which are subject to the limitations imposed under section three hundred twenty-one point four hundred fifty-seven (321.457) of the Code. The commission may adopt such rules and regulations which permit vehicles and combinations of vehicles in excess of the length limitations imposed under section three hundred twenty-one point four hundred fifty-seven (321.457) of the Code, but not exceeding sixty-five feet in length, which may be moved on the highways of this state. Any such proposed rules and regulations shall be submitted to the general assembly within five days following the convening of a regular session of the general assembly. The general assembly may approve or disapprove the rules and regulations submitted by the commission not later than sixty days from the date such rules and regulations are submitted and, if approved or no action is taken by the general assembly on the proposed rules and regulations, such rules and regulations shall become effective May first and thereafter all laws in conflict therewith shall be of no further force and effect."

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

Page 7, line 32, by striking the words "and seven (7)" and inserting in lieu thereof the words "seven (7). and eight (8)".

3. Page 7, by inserting after line 16 the following amendment:

Page 14, by inserting after line 15 the following new sections:

Sec. \_\_\_\_\_. Section three hundred twenty-one point four hundred fifty-seven (321.457), subsection three (3), Code 1973, is amended to read as follows:

3. Except as to combinations of vehicles, provisions for which are otherwise made in this chapter, no combination of truck tractor and a semitrailer hauling livestock shall have an overall length, inclusive of front and rear bumpers, in excess of sixty feet, nor shall any other combination of vehicles coupled together, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of fifty-five feet.

Sec. \_\_\_\_\_. Section three hundred twenty-one point four hundred fifty-seven (321.457), Code 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, chapter two hundred nineteen (219), section one (1), is amended by adding the following new subsection:

NEW SUBSECTION. A motor vehicle or combination of vehicles may be operated upon the highways of this state, irrespective of the length and weight limitations imposed by the laws of this state, if the motor vehicle or combination of vehicles is operated within the corporate limits of a city abutting a border of this state and such operations have been approved by ordinance of the city council and if the length and weight of the motor vehicle or combination of vehicles is in conformity with the laws relating to length and weight of the abutting state on the effective date of this Act. If a city council has authorized such operation upon highways within the corporate limits, then the limit of travel for such motor vehicles or combination of vehicles within the state is extended to the commercial zones as described by federal regulations concerning interstate commerce, forty-nine (49), code of federal regulations, paragraphs one thousand forty-eight point ten (1048.10), one thousand forty-eight point thirty-eight (1048.38), and one thousand forty-eight point one hundred one (1048.101) as they exist on the effective date of this Act.

4. Amend the title, page 1, line 5, by inserting after the word "transportation," the words "relating to the dimensions of vehicles,".

On the Part of the Senate:

CLIFTON C. LAMBORN, CHAIRMAN  
LUCAS J. DeKOSTER  
KARL NOLIN  
W. R. RABEDEAUX

On the Part of the House:

RICHARD F. DRAKE, CHAIRMAN  
ROBERT A. KRAUSE  
LESTER D. MENKE  
LAVERNE W. SCHROEDER

*Senate adopted 4/25*  
*House 4/24*

HOUSE AMENDMENT TO SENATE FILE 1141

- 1 Amend Senate File 1141, as amended and passed by the  
2 Senate, as follows:  
3 1. Page 1, by inserting after line 19 the following:  
4 WHEREAS, that in the reorganization of the executive  
5 branch of government relative to the reorganization and  
6 regulation of the railroad industry, it shall be the policy  
7 of the state that a complete study and survey of the problems  
8 of coordination with the federal law, rules and regulations  
9 be made, including equalization of taxation, preemption and  
10 conflict of authority, authorization and justification for  
11 use and application of state and local funds, the improvement  
12 of rail facilities through modernizing, regulation and  
13 competition, continuation and improvement of service to the  
14 shipping public, and  
15 WHEREAS, it is the policy of the state to encourage,  
16 foster, and assist in the general development and promotion  
17 of highway transportation to promote uniformity in highway  
18 design and highway transportation consistent with the economic  
19 needs of the state and nation, and  
20 2. Page 3, line 11, by inserting after the period the  
21 words "The governor shall appoint at least one member of  
22 the commission from each congressional district."  
23 3. Page 3, by striking lines 29, 30, and 31 and inserting  
24 in lieu thereof the following:  
25 "The commission shall meet in July of each year for the

Page 2

- 1 purpose of electing one of its members as chairman."  
2 4. Page 4, by inserting after line 17 the following new  
3 unnumbered paragraph:  
4 "In the event the governor fails to make an appointment to  
5 fill a vacancy, or fails to submit the appointment to the  
6 Senate for confirmation, the Senate may make the appointment  
7 prior to adjournment of the General Assembly."  
8 5. Page 5, line 18, by striking the word "July" and  
9 inserting in lieu thereof the word "January".  
10 6. Page 5, line 18, by inserting after the figure "1975,"  
11 the words "which shall be submitted to the general assembly  
12 for its approval,".  
13 7. Page 5, line 19, by striking the word "July" and  
14 inserting in lieu thereof the word "January".  
15 8. Page 6, by inserting after line 6 the following new  
16 subsection:  
17 9. Enter into such contracts and agreements as provided  
18 in this Act.  
19 9. Page 7, by inserting after line 19 the following new  
20 unnumbered paragraph:  
21 However, any employee so transferred or transferred from  
22 one employment system to another either administratively or  
23 legislatively, shall not be considered to be a probationary  
24 employee simply because of this action.  
25 10. Page 7, by inserting after line 28 the following new

Page 3

1 subsection:

2 8. Railroad transportation division.

3 11. Page 7, line 32, by inserting after the word and  
4 figure "seven (7)" the word and figure ", eight (8)".

5 12. Page 8, by inserting after line 29 the following new  
6 unnumbered paragraph:

7 "In the event the governor fails to make an appointment  
8 to fill a vacancy, or fails to submit the appointment to the  
9 Senate for confirmation, the Senate may make the appointment  
10 prior to the adjournment of the General Assembly."

11 13. Page 12, by striking lines 14 through 23 and inserting  
12 in lieu thereof the following:

13 1. Advise and assist the director in the development of  
14 aeronautics, including but not limited to the location of  
15 air terminals, accessibility of air terminals by other modes  
16 of public transportation, protective zoning provisions con-  
17 sidering safety factors, noise, and air pollution, facilities  
18 for private and commercial aircraft, air freight facilities,  
19 and such other physical and technical aspects as may be  
20 necessary to meet present and future needs.

21 2. Advise and assist the director in the development of  
22 river transportation and port facilities in the state.

23 3. Advise and assist the director in the study of local  
24 and regional transportation of goods and people including  
25 intracity and intercity bus systems, dial-a-bus facilities,

Page 4

1 rural and urban bus and taxi systems, the collection of data  
2 from these systems, feasibility study of increased government  
3 subsidy assistance and determination of the allocation of  
4 such subsidies to each mass transportation system, such other  
5 physical and technical aspects which may be necessary to meet  
6 present and future needs and apply for, accept, and expend  
7 federal, state, or private funds for the improvement of mass  
8 transit.

9 4. Advise and assist the director to study and develop  
10 highway transport economics to assure availability and  
11 productivity of highway transport services.

12 14. Page 12, line 29, by striking the words ", four  
13 hundred seventy-four (474), four hundred".

14 15. Page 12, by striking lines 30 through 34.

15 16. Page 12, line 35, by striking the words "and four  
16 hundred eighty-six (486)".

17 17. Page 13, by inserting after line 2 the following new  
18 section:

19 Sec. \_\_\_\_ . NEW SECTION. RAILROAD TRANSPORTATION DIVISION.  
20 The administrator of the railroad transportation division  
21 shall have the following duties and responsibilities:

22 1. Advise and assist the director in conducting research  
23 on the basic railroad problems and identify the present  
24 capability of the existing railroads in order to determine  
25 the present obligation of the railroads to provide acceptable

Page 5

- 1 levels of public service.
- 2 2. Advise and assist the director in the development of  
3 rail transportation systems for expansion of passenger and  
4 freight services.
- 5 3. Advise and assist the director in developing programs  
6 in anticipation of railroad abandonment, including:
- 7 a. Development and evaluation of programs which will  
8 encourage improvement of rail freight and the upgrading of  
9 rail lines in order to improve freight service.
- 10 b. Development of alternative modes of transportation to  
11 areas and communities which lose rail service.
- 12 c. Represent the state in interstate commerce commission  
13 proceedings, coordinate the determination of impacts and  
14 reuse potential, and consult and cooperate with any other  
15 state agency, officials, and representatives of any  
16 political subdivision and citizens having an interest in the  
17 proposed abandonment.
- 18 d. Advise the director when it may appear in the best in-  
19 terest of the state to assume the role of advocate in rail-  
20 road abandonments and railroad rate schedules.
- 21 4. Develop and maintain a federal-state relationship  
22 of programs relating to railroad safety enforcement, track  
23 standards, rail equipment, operating rules and transportation  
24 of hazardous materials.
- 25 5. Advise and assist the director in the conduct of

Page 6

- 1 research on railroad-highway grade crossings and encourage  
2 and develop a safety program in order to reduce injuries or  
3 fatalities.
- 4 6. Apply for, accept, and expend federal, state or private  
5 funds for the improvement of rail transportation.
- 6 7. Advise and assist the director on studies for  
7 coordination of railway service with that of other transporta-  
8 tion modes.
- 9 8. Advise and assist the director with studies of  
10 regulatory changes deemed necessary to effectuate economical  
11 and efficient railroad service.
- 12 9. Advise and assist the director regarding agreements  
13 with the owners of operating railroads for the upgrading of  
14 railroad right-of-way and trackage on such terms, conditions,  
15 rates, rentals, or subsidy levels as may be in the best  
16 interest of the state. The commission may enter into contracts  
17 and agreements which are binding only to the extent that  
18 appropriations have been or may subsequently be made by the  
19 legislature to effectuate the purposes of this subsection.  
20 For purposes of this Act, "railroad right-of-way and  
21 trackage" includes but shall not be limited to any roadbed,  
22 drains, fences, ties, switches, rails, ballast, signs,  
23 signals, lights, equipment, bridges, tools, crossings, under  
24 passes, overpasses, construction and administration buildings  
25 and any and all other property, rights, easements and interest

1 whether owned in fee or leased.  
 2 10. Administer the provisions of chapters four hundred  
 3 seventy-four (474), four hundred seventy-six (476), four  
 4 hundred seventy-seven (477), four hundred seventy-eight (478),  
 5 four hundred seventy-nine (479), four hundred eighty (480),  
 6 four hundred eighty-one (481), four hundred eighty-two (482),  
 7 four hundred eighty-three (483), four hundred eighty-four (484),  
 8 four hundred eighty-five (485), and four hundred eighty-six  
 9 (486) of the Code.  
 10 11. Perform such other duties and responsibilities as may  
 11 be assigned by the director and the commission.  
 12 18. Page 14, line 33, by inserting after the word  
 13 "assembly" the words "for its approval".  
 14 19. Page 15, line 24, by inserting after the word  
 15 "commission," the words "board of regents institutions of  
 16 higher learning,".  
 17 20. Page 79, by adding the following new sections:  
 18 Sec. \_\_\_\_\_. NEW SECTION. Section three hundred twenty-  
 19 one point four hundred fifty-seven (321.457), subsection six  
 20 (6), Code 1973, is amended to read as follows:  
 21 6. No combination of three vehicles coupled together  
 22 one of which is a motor vehicle, unladen or with load, which  
 23 has a point of departure within this state or has a destination  
 24 point in this state, shall have an over-all length, inclusive  
 25 of front and rear bumpers in excess of sixty sixty-five feet.

1 No single semitrailer or trailer, together with any hitching  
 2 device and any load thereon, included in such combination,  
 3 shall have an over-all length, inclusive of rear bumper, in  
 4 excess of thirty feet. A combination of three vehicles in  
 5 excess of sixty feet but not in excess of sixty-five feet,  
 6 which has a point of departure in this state or has a destina-  
 7 tion point in this state, may be operated only as follows:  
 8 a. On four-lane highways or on highways other than four-  
 9 lane highways when moving from a four-lane highway to a  
 10 point within five miles, on the most direct route, of such  
 11 four-lane highway or when moving to a four-lane highway from  
 12 a point within five miles on the most direct route, of such  
 13 four-lane highway.  
 14 b. On other highways of at least twenty-two foot width as  
 15 designated by the state highway commission.  
 16 Sec. \_\_\_\_\_. NEW SECTION. Section three hundred twenty-  
 17 one point four hundred fifty-seven (321.457), subsection  
 18 three (3), Code 1973, is amended by adding the following new  
 19 language:  
 20 3. Except as to combinations of vehicles, provisions for  
 21 which are otherwise made in this chapter, no combination of  
 22 truck tractor and a semitrailer hauling livestock shall have  
 23 an over-all length, inclusive of front and rear bumpers, in  
 24 excess of sixty feet, nor shall any other combination of  
 25 vehicles coupled together, unladen or with load, shall have

1 an over-all length, inclusive of front and rear bumpers, in  
 2 excess of fifty-five feet.  
 3 21. Page 1, amend the title by striking the period in line  
 4 seven (7), and inserting a comma in lieu thereof and adding  
 5 the following: "and establish dimensions of vehicles and  
 6 motor vehicles."

*Senate referred to committee 4/16  
House committee 4/17*

SENATE FILE 1141

H-2807

1 Amend amendment H-2764 to Senate File 1141, as  
2 passed and reprinted by the Senate, as follows:

3 1. By striking lines 157 through 163 and inserting  
4 in lieu thereof the following:

5 "4. Develop plans and coordinate the statewide  
6 development of aeronautics, including but not limited  
7 to, the location of air terminals and their provisions  
8 for private and commercial aircraft and air freight,  
9 their integration with other modes of public trans-  
10 portation, providing protective zoning regulations  
11 considering safety, noise and air pollution and other  
12 physical and technical aspects.

13 5. Identify the needs and promote the coordina-  
14 ted and efficient use of all modes of transportation.  
15 Special attention shall be paid to the study of local  
16 and regional transportation of goods and people, in-  
17 cluding intracity and intercity bus systems and any  
18 innovations in that field with collection of data  
19 pertaining to them, feasibility studies of increased  
20 government subsidy assistance and determination of  
21 allocation of such subsidies and apply for, accept  
22 and expend federal, state or private funds for the  
23 improvement of mass transit."

24 2. Insert after line 206 the following:

25 "d. The commission shall develop programs which  
26 will encourage improvement of rail freight movement  
27 and the upgrading of rail lines and facilitate move-  
28 ment of freight by alternate modes of transportation  
29 to the rail lines from areas and communities which  
30 lose rail service.

31 e. The commission shall represent the state in  
32 interstate commerce commission proceedings relating  
33 to abandonment in cooperation with political sub-  
34 divisions and citizens having an interest in the  
35 abandonment and may assume the role of advocate in  
36 railroad abandonments, railroad rate schedules and  
37 in efforts to change federal regulations.

38 f. The commission shall pursue all reasonable  
39 means of promoting rail safety."

40 3. Insert after line 212 the following:

41 "11. The commission shall assist local government subdiv-  
42 isions in the development of port facilities connected  
43 with river transportation and shall implement plans  
44 to facilitate the movement of freight by other modes  
45 of transportation to these facilities."

46 4. By renumbering the remaining subsections.

H-2807 Filed and adopted  
April 9, 1974

By WELDEN of Hardin  
CARR of Dubuque  
BORTELL of Madison  
PONCY of Wapello  
WELLS of Linn  
HOLDEN of Scott  
CRABB of Crawford  
LOGUE of Iowa

H-2817

1 Amend the Welden amendment H-2764 to Senate File  
2 1141 as passed by the Senate and reprinted as  
3 follows:

4 1. Add the new section after the period on  
5 line 285 as follows:

6 The board of supervisors shall have the  
7 authority to establish a county-wide bus transporta-  
8 tion system either on its own motion or in  
9 cooperation with the cities and towns within the  
10 county. The board, before establishing the system,  
11 shall adopt a transportation, plan which shall  
12 include provisions for adequate bus services for  
13 all incorporated and unincorporated areas of the  
14 county. Upon adoption a copy of the plan shall be  
15 filed with the state department of transportation.  
16 The board may purchase or contract for whatever  
17 equipment and facilities are necessary to establish  
18 and operate the system, and may establish rules and  
19 regulations, including fare schedules relating to  
20 the operation of the system within any area included  
21 in the plan.

22 The board may enter into cooperative agreement  
23 with other units of government or agencies as  
24 provided in chapter twenty-eight E (28E), of the  
25 Code.

26 The board may levy a sales, income, or  
27 property tax in any area served by the system for  
28 the purpose of establishing, maintaining and  
29 operating the system. The amount of money collected  
30 from any form of taxation under this section shall  
31 not exceed the equivalent of the amount of money  
32 raised by a levy of one and one half mills of  
33 property tax annually.

H-2817 Filed, ruled not  
germane, motion to suspend  
rules lost  
April 9, 1974

By BRINCK of Lee  
MONROE of Des Moines

H-2776

1 Amend Senate File 1141, as passed and reprinted  
2 by the Senate, page 3, by striking lines 29, 30,  
3 and 31 and inserting in lieu thereof the following:  
4 "The commission shall meet in July of each year  
5 for the purpose of electing one of its members as  
6 chairman."

H-2776 Filed and adopted  
April 4, 1974

By WELDEN of Hardin

H-2780

1 Amend the Welden amendment H-2730, to amendment  
2 H-2692, to Senate File 1141 by striking the word  
3 "section" in line 8 and inserting in lieu thereof the  
4 word "subsection".

H-2780 Filed and adopted  
April 4, 1974

By WELDEN of Hardin

SENATE FILE 1141

H--2750

1 Amend the Appropriations committee amendment,  
2 H-2591, to Senate File 1141 as follows:

Division H--2750A

3 1. By adding the following new sections:

4 NEW SECTION. Section three hundred twenty-one  
5 point four hundred fifty seven (321.457), subsection  
6 six (6), Code 1973, is amended to read as follows:

7 6. No combination of three vehicles coupled  
8 together, one of which is a motor vehicle, unladen  
9 or with load, which has a point of departure within  
10 this state or has a destination point in this state,  
11 shall have an overall length, inclusive of front and  
12 rear bumpers in excess of sixty sixty-five feet. No  
13 single semitrailer or trailer, together with any  
14 hitching device and any load thereon, included in  
15 such combination, shall have an overall length, in-  
16 clusive of rear bumper, in excess of thirty feet. A  
17 combination of three vehicles in excess of sixty feet  
18 but not in excess of sixty-five feet, which has a  
19 point of departure in this state or has a destination  
20 point in this state, may be operated only as follows:

21 a. On four-lane highways or on highways other  
22 than four-lane highways when moving from a four-lane  
23 highway to a point within five miles, on the most  
24 direct route, of such four-lane highway or when moving  
25 to a four-lane highway from a point within five miles  
26 on the most direct route, of such four-lane highway.

27 b. On other highways of at least twenty-two foot  
28 width as designated by the state highway commission.

Division H--2750B

29 NEW SECTION. Section three hundred twenty-one  
30 point four hundred fifty-seven (321.457), subsection  
31 three (3), Code 1973, is amended by adding the follow-  
32 ing new language:

33 3. Except as to combinations of vehicles, pro-  
34 visions for which are otherwise made in this chapter,  
35 no combination of truck tractor and a semitrailer  
36 hauling livestock shall have an overall length, in-  
37 clusive of front and rear bumpers, in excess of sixty  
38 feet, nor shall any other combination of vehicles  
39 coupled together, unladen or with load, shall have an  
40 overall length, inclusive of front and rear bumpers,  
41 in excess of fifty-five feet.

42 2. By striking the period in line 388, inserting  
43 a comma in lieu thereof and adding the following:

44 "and establish dimensions of vehicles and motor  
45 vehicles."

H--2750 Filed, ruled not germane,  
motion to suspend rules lost, motion  
to reconsider prevailed, rules  
suspended, divided,  
Division H--2750A adopted  
Division H--2750B adopted

By NIELSEN of Polk

H-2766

1 Amend the Welden amendment H-2764 to  
2 Senate File 1141, as amended and passed  
3 by the Senate, as follows:

Division H-2766A

4 1. By adding the following new sections:

5 NEW SECTION. Sec. \_\_\_\_\_. Section three hundred  
6 twenty-one point four hundred fifty seven (321.457),  
7 subsection six (6), Code 1973, is amended to read  
8 as follows:

9 6. No combination of three vehicles coupled  
10 together, one of which is a motor vehicle, unladen  
11 or with load, which has a point of departure within  
12 this state or has a destination point in this state,  
13 shall have an overall length, inclusive of front  
14 and rear bumpers in excess of ~~sixty~~ sixty-five feet.  
15 No single semitrailer or trailer, together with any  
16 hitching device and any load thereon, included in  
17 such combination, shall have an overall length, in-  
18 clusive of rear bumper, in excess of thirty feet.  
19 A combination of three vehicles in excess of sixty  
20 feet but not in excess of sixty-five feet, which  
21 has a point of departure in this state or has a des-  
22 tination point in this state, may be operated only  
23 as follows:

24 a. On four-lane highways or on highways other  
25 than four-lane highways when moving from a four-lane  
26 highway to a point within five miles, on the most  
27 direct route, of such four-lane highway or when mov-  
28 ing to a four-lane highway from a point within five  
29 miles on the most direct route, of such four-lane  
30 highway.

31 b. On other highways of at least twenty-two  
32 foot width as designated by the state highway com-  
33 mission.

Division H-2766B

34 NEW SECTION. Sec. \_\_\_\_\_. Section three hundred  
35 twenty-one point four hundred fifty seven (321.457),  
36 subsection three (3), Code 1973, is amended by add-  
37 ing the following new language:

38 3. Except as to combinations of vehicles, pro-  
39 visions for which are otherwise made in this chap-  
40 ter, no combination of truck tractor and a semitrailer  
41 hauling livestock shall have an overall length, in-  
42 clusive of front and rear bumpers, in excess of sixty  
43 feet, nor shall any other combination of vehicles  
44 coupled together, unladen or with load, shall have  
45 an overall length, inclusive of front and rear bump-  
46 ers, in excess of fifty-five feet.

47 2. By striking line 285 and inserting in lieu  
48 thereof the following:

49 "and establish dimensions of vehicles and motor  
50 vehicles."

H--2766 Filed, rules  
suspended for its  
consideration, divided,  
Division H-2766A adopted  
Division H-2766B adopted  
April 4, 1974

By NIELSEN of Polk  
WOODS of Polk  
LOGUE of Iowa  
JORDAN of Linn  
RINAS of Linn  
MILLER of Buchanan  
BYERLY of Polk  
WYCKOFF of Benton  
DUNTON of Keokuk  
CAFFREY of Polk

H-2781

1 Amend Senate File 1141, as amended and passed by  
2 the Senate, page 3, as reprinted, line 11, by insert-  
3 ing after the period the words "The governor shall  
4 appoint at least one member of the commission from  
5 each congressional district."

H-2781 Filed and adopted By FREEMAN of Buena Vista  
April 4, 1974

H-2795

1 Amend Senate File 1141 as passed by the Senate,  
2 and reprinted, as follows:  
3 1. Page 12, line 2, by inserting after the  
4 word "be" the words "the chief engineer and shall  
5 be".  
6 2. Page 14, line 6, preceding the word "costs"  
7 by inserting the word "administrative".  
8 3. Page 14, line 10, preceding the word  
9 "duties" by inserting the word "administrative".

H-2795 Filed *Last 4-9* By WELDEN of Hardin  
April 8, 1974

H-2769

1 Amend amendment H-2764 to Senate File 1141, as  
2 passed and reprinted by the Senate, as follows:  
3 1. By adding the following new section after  
4 line 223:  
5 Sec. 12. NEW SECTION. DIRECTOR OF TRANSPORTA-  
6 TION -- QUALIFICATIONS -- SALARY. The commission  
7 shall appoint a director of transportation who shall  
8 serve at the pleasure of the commission and who shall  
9 in no event be a member of the commission. The  
10 director shall not hold any other office under the  
11 laws of the United States or of this or any other  
12 state or hold any other position for profit. The  
13 director shall not engage in any occupation, busi-  
14 ness, or profession interfering with or inconsistent  
15 with his duties, serve on or under any committee of  
16 any political party, or contribute to the campaign  
17 fund of any person or political party. The director  
18 shall be appointed on the basis of his executive and  
19 administrative abilities and he shall devote his en-  
20 tire time to the duties of his position.  
21 The director shall receive a salary as fixed by  
22 the general assembly.  
23 2. By adding the following after line 285:  
24 "Page 1, as reprinted, by striking lines 8  
25 through 19"  
26 "Page 2, as reprinted by striking lines 1 through  
27 16."

H-2769 Filed and adopted By WELDEN of Hardin  
April 4, 1974

H-2768

1 Amend Senate File 1141, as passed and reprinted  
2 by the Senate, as follows: Page 7, line 33, by in-  
3 serting after the figure "1975" the words "or upon  
4 the approval by the legislature of the policy and  
5 plan called for in section 10, subsection 1, of  
6 this Act, whichever last occurs."

H-2768 Filed and lost  
April 4, 1974

By WELDEN of Hardin

H-2767

1 Amend the Welden amendment H-2764, to  
2 Senate File 1141, as passed by the Senate and  
3 reprinted, by striking from line 175 the  
4 following:  
5 "not subject to abandonment"

H-2767 Filed and adopted  
April 4, 1974

By BENNETT of Ida

H-2759

1 Amend the Appropriations Committee amendment,  
2 H-2591, to Senate File 1141 as follows:  
3 1. By adding the following new sections:  
4 NEW SECTION. Section three hundred twenty-one  
5 point four hundred fifty seven (321.457), subsection  
6 six (6), Code 1973, is amended to read as follows:  
7 6. No combination of three vehicles coupled  
8 together, one of which is a motor vehicle, unladen  
9 or with load, which has a point of departure within  
10 this state or has a destination point in this state,  
11 shall have an overall length, inclusive of front and  
12 rear bumpers in excess of sixty-five feet. No  
13 single semitrailer or trailer, together with any  
14 hitching device and any load thereon, included in  
15 such combination, shall have an overall length, in-  
16 clusive of rear bumper, in excess of thirty feet. A  
17 combination of three vehicles in excess of sixty feet  
18 but not in excess of sixty-five feet, which as a  
19 point of departure in this state or has a destination  
20 point in this state, may be operated only as follows:  
21 a. On four lane highways or on highways other  
22 than four-lane highways when moving from a four-lane  
23 highway to a point within five miles, on the most  
24 direct route, of such four-lane highway or when moving  
25 to a four-lane highway from a point within five miles  
26 on the most direct route, of such four-lane highway.

H-2759 Filed, motion to  
substitute for amendment  
H-2750A lost  
April 3, 1974

By HORN of Linn