

MAY 1 1975

HOUSE FILE 848

APPROPRIATIONS CALENDAR, Page 5/2
Sen. " 5/20, Pass per 4026 6/3

BY COMMITTEE ON APPROPRIATIONS

Passed House, Date 5-8-75 (p. 1657) Passed Senate, Date 6-9-75 (1823)

Vote: Ayes 82 Nays 10 Vote: Ayes 49 Nays 1

Approved 7-15-75 -- Here Vetoed -

Motion to reconsider filed 5-8 (1657) lost 5-15 (1786)

See Amend H-4164

Repassed House as amended by Senate

See letter attached

6-12-73 (2398)
82-9

A BILL FOR

1 An Act making appropriations to the Iowa crime commission
2 and the department of public safety and providing for
3 the administration and use of funds and personnel of
4 such departments.

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

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1 Section 1. There is appropriated from the general fund
2 of the state to the Iowa crime commission for the fiscal year
3 beginning July 1, 1975 and ending June 30, 1976 except as
4 provided in subsection three (3) of section three (3) of this
5 Act, the following amounts, or so much thereof as is necessary,
6 to be used for the purposes designated:

	1975-1976
	<u>Fiscal Year</u>
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9 1. For salaries, support, mainte-	
10 nance and miscellaneous purposes	\$ 71,302
11 2. For the purpose of matching	
12 federal funds available to the Iowa	
13 crime commission through the Omnibus	
14 Crime Control and Safe Streets Act of	
15 1968 as amended by the Omnibus Crime	
16 Control Act of 1970 and 1973	\$ 183,582

17 Sec. 2. There is appropriated from the general fund of
18 the state to the department of public safety for the fiscal
19 year beginning July 1, 1975 and ending June 30, 1976, the
20 following amounts, or so much thereof as is necessary, to
21 be used for funding the following programs for the purposes
22 designated:

	1975-1976
	<u>Fiscal Year</u>
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25 1. ADMINISTRATION	
26 a. For salaries	\$ 202,000
27 b. For support, maintenance, and	
28 miscellaneous purposes	\$ 105,000
29 c. For matching federal funds with	
30 the approval of the governor	\$ 100,000
31 2. DIVISION OF CRIMINAL INVESTIGA-	
32 TION AND BUREAU OF IDENTIFICATION	
33 a. For salaries	\$1,176,700
34 b. For support, maintenance, and	
35 miscellaneous purposes	\$ 333,300

1	3. DRUG LAW ENFORCEMENT	
2	a. For salaries	\$ 262,500
3	b. For support, maintenance, and	
4	miscellaneous purposes	\$ 124,400
5	4. DIVISION OF FIRE PROTECTION	
6	a. For salaries	\$ 182,200
7	b. For support, maintenance, and	
8	miscellaneous purposes	\$ 79,000
9	5. DIVISION OF HIGHWAY SAFETY AND	
10	UNIFORMED FORCE	
11	a. For salaries	\$6,642,500
12	b. For support, maintenance, and	
13	miscellaneous purposes	\$2,989,000
14	6. DIVISION OF RADIO COMMUNICATIONS	
15	a. For salaries	\$1,160,000
16	b. For support, maintenance, and	
17	miscellaneous purposes	\$ 314,000
18	7. TRAFFIC RECORDS AND CRIMINAL	
19	INFORMATION SYSTEM	
20	a. For salaries	\$ 264,000
21	b. For support, maintenance, and	
22	miscellaneous purposes	\$ 565,100
23	8. DIVISION OF BEER AND LIQUOR	
24	LAW ENFORCEMENT	
25	a. For salaries	\$ 287,000
26	b. For support, maintenance, and	
27	miscellaneous purposes	\$ 98,000

28 Sec. 3.

29 1. The funds appropriated by subsection two (2) of sec-
30 tion one (1) of this Act constitute a portion of the federal
31 statutory requirement to provide in the aggregate not less
32 than one-half of the nonfederal funding for projects con-
33 ducted by units of general local government or combinations
34 of such units for the development and implementation of
35 programs and projects for the improvement of law enforce-

1 ment.

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

5 3. Notwithstanding the provisions of section eight point
6 thirty-three (8.33) of the Code, all unencumbered or unobli-
7 gated balances of funds appropriated by subsection two (2)
8 of section one (1) of this Act shall on June 30, 1979 revert
9 to the general fund of this state.

10 Sec. 4. In addition to the complement of not to exceed
11 four hundred ten persons there shall be twenty persons who
12 shall serve as members of the highway safety patrol for the
13 period beginning July 1, 1975 and ending June 30, 1977. The
14 twenty additional members of the highway safety patrol shall
15 be totally funded through the use of federal funds and at
16 least one-half of the members employed pursuant to this sec-
17 tion shall either be women or members of a minority group.

18 Minority group means persons who are either Negro, American
19 Indian, Spanish surnamed American, Portuguese, Oriental,
20 Alaskan natives, or Hawaiian natives, or who have been
21 determined by the civil rights commission to have been
22 segregated or separated on the basis of race, color, religion,
23 or national origin as a result of state or local law or
24 official action.

25 Sec. 5. NEW SECTION. After the effective date of this
26 Act, the department of public safety shall not maintain a
27 permanent notation on an individual's traffic record, either
28 manual or automated, relating to an individual's involvement
29 in a motor vehicle accident unless the individual was charged
30 by a peace officer with a violation of a motor vehicle law
31 or ordinance, and was found guilty by a court of law. Where
32 a charge has been filed by a peace officer the department
33 may maintain a temporary record pending court disposition.
34 Upon notification that the individual has been acquitted of
35 the charge, the department shall destroy a temporary record.

1 from the present 410 to 430 for the next two years. These
2 20 additional troopers are not funded in public safety portion
3 of this bill. The troopers are to be funded from federal
4 funds received by the department.

5 Section 5 provides that a person's traffic record shall
6 not contain reference to accident involvement where he is
7 not charged with a traffic violation or if charged is not
8 found guilty.

9 It is the intent of the committee on appropriations that
10 funds appropriated by this Act shall not be used to purchase
11 filing equipment and these funds shall not be transferred
12 within these departments for the purpose of using funds other
13 than for a specific purpose for which appropriated.

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LSB 1874
sg/jw/5

H-3767

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Amend House File 848 as follows:

1. Page 2, line 20, by striking "\$264,000" and inserting in lieu thereof "\$243,000".
2. Page 2, line 22 by striking "\$565,100" and inserting in lieu thereof "\$166,600".

H-3767 FILED - *Loct 5/8 (1654)*
MAY 6, 1975

BY BAKER of Buena Vista

H-3797

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Amend House File 848 as follows:

- Page 3, by striking all after the word "funds" in line 15, all of lines 16 through 24, and inserting in lieu thereof a period.

H-3797 FILED, ADOPTED (1656)
MAY 8, 1975

BY NIELSEN of Polk
WYCKOFF of Benton
MILLER of Buchanan

H-3798

- 1 Amend House File 848, page 4, after line 18, by
- 2 inserting the following:
- 3 "Sec. 9. Chapter eighty C (80C), Code 1975, is
- 4 amended by adding the following new section:
- 5 NEW SECTION. An area crime commission office
- 6 existing on July 1, 1974 shall not be merged with,
- 7 nor its administrative structure be reduced in
- 8 favor of, another area crime commission office
- 9 unless the merger or reduction is approved by
- 10 the county crime commissions of the area to be
- 11 merged, or is approved by law."

H-3798 FILED, ADOPTED (1657)
MAY 8, 1975

BY HARVEY of Scott
CUSACK of Scott
BINA of Scott
TAUKE of Dubuque
WALTER of Pottawattamie

S-4057

1 Amend House File 848 as amended and passed by the
2 House as follows:

3 1. Page 4, by inserting before line 19 the fol-
4 lowing:

5 "Sec. ____ . Section three hundred twenty-one point
6 one hundred eighty-nine (321.189), Code 1975, is
7 amended to read as follows:

8 321.189 LICENSES ISSUED. The department shall
9 upon payment of the required fee, issue to every
10 applicant qualifying therefor an operator's ~~or~~, school
11 or chauffeur's license, or an instruction permit,
12 or temporary driving permit, as applied for, which
13 license shall bear thereon a distinguishing number
14 assigned to the licensee, the full name, date of
15 birth, occupation, sex, residence address, a brief
16 description of the licensee, a color photograph, and
17 the usual signature of the licensee. No license shall
18 be valid unless it bears the signature of the licensee.
19 The department may issue to any Iowa resident over
20 the age of fourteen years an identification card
21 bearing such information and on such form as pre-
22 scribed by the department. The identification card
23 shall bear a color photograph of the applicant and
24 shall be valid for a period of four years. Any
25 qualified applicant temporarily residing outside the
26 state or whose religious beliefs prohibit photo-
27 graphing of the person shall be issued, upon
28 application, a license, permit or identification card
29 without a color photograph.

30 Sec. ____ . Section three hundred twenty-one point
31 one hundred ninety-one (321.191), unnumbered paragraph
32 one (1), Code 1975, is amended to read as follows:

33 The fee for an operator's license shall be ~~five~~
34 six dollars if issued for a period of two years, and
35 ten eleven dollars if issued for a period of four
36 years. The fee for a chauffeur's license shall be
37 ten eleven dollars if issued for a period of two
38 years, and twenty twenty-one dollars if issued for
39 a period of four years. The fee for an instruction
40 permit shall be three four dollars and for a temporary
41 driver's permit, five six dollars. The fee for an
42 identification card shall be four dollars.

43 Sec. ____ . The provisions of this Act amending
44 sections three hundred twenty-one point one hundred
45 eighty-nine (321.189) and three hundred twenty-one
46 point one hundred ninety-one (321.191) of the Code
47 shall become effective for new and renewal licenses
48 and identification cards issued by the department
49 after July 1, 1977."

50 2. Amend the title, line 4, by inserting after

PAGE 2
S-4057

1 the word "departments" the words "and providing for
2 color photographs on operator's and chauffeur's
3 licenses, permits, and identification cards issued
4 by the state department of transportation".

5 3. Renumber the sections and correct internal
6 references in conformance with this amendment.

S-4086

1 Amend the Appropriations Committee amendment S-4026
 2 to House File 848, as follows:
 3 1. Line 14, by inserting after the word "used" the
 4 word "only".
 5 2. Line 15, by inserting after the word "state" the
 6 words "between sunrise and sunset".

S-4086 FILED & WITHDRAWN (1822) BY BERL E. PRIEBE
 JUNE 9, 1975

HOUSE FILE 848

S-4088

1 Amend the Appropriations Committee amendment S-4026
 2 to House File 848, line 15, by inserting after the word
 3 "state" the following: ". None of the fourteen unmarked
 4 cars shall patrol the highways of the state between
 5 sunset and sunrise."

S-4088 FILED & WITHDRAWN (1822) BY BERL E. PRIEBE
 JUNE 9, 1975

Senate Amendment to House File 848

H-4164

1 Amend House File 848, as amended and passed by
 2 the House, as follows:
 3 1. Page 2, by striking lines 12 and 13 and
 4 inserting in lieu thereof the following:
 5 "b. For support, maintenance,
 6 and miscellaneous purposes, except
 7 for maintenance of state cars as-
 8 signed to the department..... \$2,089,000
 9 c. For the maintenance of state cars
 10 assigned to the department for
 11 patrolling the highways of the state,
 12 except that such funds shall not be
 13 expended for the maintenance of more than fourteen
 14 unmarked cars used for patrolling the
 15 highways of the state..... \$ 900,000"
 16 2. Page 3, by striking lines 25 through 35 and
 17 inserting in lieu thereof the following new section:
 18 "Sec. __. NEW SECTION. The department of public
 19 safety and the state department of transportation
 20 shall not make available to persons other than the
 21 named driver or a person authorized by the named
 22 driver, or a court or a peace officer, an individual's
 23 manual or automated traffic record relating to an
 24 individual's involvement in a motor vehicle accident
 25 unless such involvement resulted in the person's
 26 conviction of a violation of a motor vehicle law or
 27 ordinance or unless such person failed to comply with
 28 the provisions of chapter three hundred twenty-one
 29 A (321A) of the Code."
 30 3. Page 4, by striking lines 18a through 18h.

*Item
 Voted
 for
 attached
 letter*

H-4164 FILED, RECEIVED FROM SENATE
 JUNE 11, 1975

Have concurred 6/12 (2397)

S-4026

1 Amend House File 848, as amended and passed by
2 the House, as follows:
3 1. Page 2, by striking lines 12 and 13 and
4 inserting in lieu thereof the following:
5 "b. For support, maintenance,
6 and miscellaneous purposes, except
7 for maintenance of state cars as-
8 signed to the department..... \$2,089,000 A
9 c. For the maintenance of state
10 cars assigned to the department for
11 patrolling the highways of the state,
12 except that such funds shall not be
13 expended for the maintenance of un-
14 marked cars used for patrolling the
15 highways of the state..... \$ 900,000"
16 2. Page 3, by striking lines 25 through 35 and
17 inserting in lieu thereof the following new section: B
18 "Sec. . NEW SECTION. The department of public
19 safety and the state department of transportation
20 shall not make available to persons other than the
21 named driver or a person authorized by the named
22 driver, or a court or a peace officer, an individual's
23 manual or automated traffic record relating to an
24 individual's involvement in a motor vehicle accident
25 unless such involvement resulted in the person's
26 conviction of a violation of a motor vehicle law or
27 ordinance or unless such person failed to comply with
28 the provisions of chapter three hundred twenty-one
29 A (321A) of the Code."

S-4026 FILED - *Adopted 6/9 (1823)* BY COMMITTEE ON APPROPRIATIONS
JUNE 3, 1975 WILLIAM D. PALMER, CHAIRMAN

S-4035

1 Amend House File 848 as amended and passed
2 by the House, page 4 by striking lines 18a through
3 18h.

4035 FILED - *Adopted 6/9 (1823)* BY COMMITTEE ON APPROPRIATIONS
JUNE 4, 1975 WILLIAM D. PALMER, CHAIRMAN

S-4049

1 Amend the Appropriations Committee amendment S-4026
2 to House File 848, on line 13, by inserting after the
3 word "of" the words "more than fourteen".

S-4049 FILED - *Adopted 6/9 (1818)* BY LOWELL L. JUNKINS
JUNE 4, 1975

b. For support, maintenance, and miscellaneous purposes \$ 565,100

8. DIVISION OF BEER AND LIQUOR LAW ENFORCEMENT

a. For salaries \$ 287,000

b. For support, maintenance, and miscellaneous purposes \$ 98,000

Sec. 3.

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

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

3. Notwithstanding the provisions of section eight point thirty-three (8.33) of the Code, all unencumbered or unobligated balances of funds appropriated by subsection two (2) of section one (1) of this Act shall on June 30, 1979 revert to the general fund of this state.

Sec. 4. In addition to the complement of not to exceed four hundred ten persons there shall be twenty persons who shall serve as members of the highway safety patrol for the period beginning July 1, 1975 and ending June 30, 1977. The twenty additional members of the highway safety patrol shall be totally funded through the use of federal funds.

Sec. 5. NEW SECTION. The department of public safety and the state department of transportation shall not make available to persons other than the named driver or a person authorized by the named driver, or a court or a peace officer, an individual's manual or automated traffic record relating to an individual's involvement in a motor vehicle accident unless such involvement resulted in the person's

Veto

conviction of a violation of a motor vehicle law or ordinance or unless such person failed to comply with the provisions of chapter three hundred twenty-one A (321A) of the Code.

Sec. 6. Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, there shall be no transfer of funds appropriated by this Act between categories or line items provided by this Act.

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

Sec. 8. Notwithstanding the provisions of section eight point thirty-three (8.33) of the Code, all unencumbered or unobligated balances of appropriations made by this Act for the fiscal year beginning July 1, 1975 remaining on June 30, 1976 shall revert to the general fund on August 31, 1976. In all other respects the provisions of section eight point thirty-three (8.33) of the Code shall apply to this Act.

However, funds appropriated pursuant to subsection two (2) of section one (1) of this Act shall revert as provided in subsection three (3) of section three (3) of this Act.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 848, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved 7/15, 1975

ROBERT D. RAY
Governor

Veto

HOUSE FILE 848

AN ACT

MAKING APPROPRIATIONS TO THE IOWA CRIME COMMISSION AND THE DEPARTMENT OF PUBLIC SAFETY AND PROVIDING FOR THE ADMINISTRATION AND USE OF FUNDS AND PERSONNEL OF SUCH DEPARTMENTS.

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

Section 1. There is appropriated from the general fund of the state to the Iowa crime commission for the fiscal year beginning July 1, 1975 and ending June 30, 1976 except as provided in subsection three (3) of section three (3) of this Act, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1975-1976
Fiscal Year

- 1. For salaries, support, maintenance and miscellaneous purposes \$ 71,302
- 2. For the purpose of matching federal funds available to the Iowa crime commission through the Omnibus Crime Control and Safe Streets Act of 1968 as amended by the Omnibus Crime Control Act of 1970 and 1973 \$ 183,582

Sec. 2. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1975 and ending June 30, 1976, the following amounts, or so much thereof as is necessary, to be used for funding the following programs for the purposes designated:

1975-1976
Fiscal Year

- 1. ADMINISTRATION
 - a. For salaries \$ 202,000
 - b. For support, maintenance, and

- miscellaneous purposes \$ 105,000
 - c. For matching federal funds with the approval of the governor \$ 100,000
- 2. DIVISION OF CRIMINAL INVESTIGATION AND BUREAU OF IDENTIFICATION
 - a. For salaries \$1,176,700
 - b. For support, maintenance, and miscellaneous purposes \$ 333,300
- 3. DRUG LAW ENFORCEMENT
 - a. For salaries \$ 262,500
 - b. For support, maintenance, and miscellaneous purposes \$ 120,400
- 4. DIVISION OF FIRE PROTECTION
 - a. For salaries \$ 182,200
 - b. For support, maintenance, and miscellaneous purposes \$ 79,000
- 5. DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE
 - a. For salaries \$6,642,500
 - b. For support, maintenance, and miscellaneous purposes, except for maintenance of state cars assigned to the department \$2,089,000
 - c. For the maintenance of state cars assigned to the department for patrolling the highways of the state, except that such funds shall not be expended for the maintenance of more than fourteen unmarked cars used for patrolling the highways of the state \$ 900,000
- 6. DIVISION OF RADIO COMMUNICATIONS
 - a. For salaries \$1,160,000
 - b. For support, maintenance, and miscellaneous purposes \$ 314,000
- 7. TRAFFIC RECORDS AND CRIMINAL INFORMATION SYSTEM
 - a. For salaries \$ 264,000

3/4 848



Office of the Governor

STATE CAPITOL
DES MOINES, IOWA 50319

ROBERT D. RAY
GOVERNOR

July 15, 1975

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

Dear Mr. Secretary:

I hereby transmit House File 848, An Act making appropriations to the Iowa Crime Commission and the Department of Public Safety and providing for the administration and use of funds and personnel of such departments.

House File 848 is approved July 15, 1975, with the following exception which I hereby disapprove.

I am unable to approve Item 5 designated in the Act as Section 5 which reads as follows:

"Sec. 5. NEW SECTION. The department of public safety and the state department of transportation shall not make available to persons other than the named driver or a person authorized by the named driver, or a court or a peace officer, an individual's manual or automated traffic record relating to an individual's involvement in a motor vehicle accident unless such involvement resulted in the person's conviction of a violation of a motor vehicle law or ordinance or unless such person failed to comply with the provisions of chapter three hundred twenty-one A (321A) of the Code."

This item would restrict the Departments of Public Safety and Transportation from releasing information on motor vehicle accidents on a driver's record unless that driver first authorized the release of that information.

I am not doubting that this provision was inserted in House File 848 with good intent -- that of protecting an individual's right of privacy. I share that same concern. Yet, there are several other concerns in this case which convince me that this is an inappropriate effort and does not accomplish the desired result.

The purpose of this item was to prevent insurance companies from securing information on motor vehicle accidents that do not result in a conviction. Apparently it was felt by some legislators that

The Honorable Melvin D. Synhorst

July 15, 1975

Page Two

insurance companies do not need this type of information to write insurance policies. However, this restriction would not accomplish the desired intent.

To properly rate and classify a policyholder, an insurance company needs as complete a record of information as possible. Since this item provides that a driver may authorize another person to secure his complete driving record, the insurance companies would be forced into the position of requiring that before any new policy is issued or an existing policy is renewed, that the driver authorize the insurance company to secure his or her complete driving record including all motor vehicle accidents.

While this can be accomplished, it will not be done so without cost and delay. In insuring Iowa's 1.9 million drivers, insurance companies will have considerably more paper work. The costs involved in securing authorization from drivers, processing them, and keeping them on file will mean increased expenses for the insurance companies. In all likelihood these increased expenses will be passed on to the consumer in the form of higher premium costs.

Since this section speaks to individual drivers, it is probable that insurance companies would require authorization from each driver who is covered under a specific policy. That would mean that in a family, each spouse and child who drives would have to provide their individual authorization. This might be difficult to secure in some families whose members are away from home. The delays and additional expenses experienced by insurance companies would be similarly passed on to the consumer.

Drivers who enjoy good driving records and are free of accidents should not be placed in the position of subsidizing bad drivers who may have numerous traffic citations and accidents on their record. This restriction on the dissemination of information could help protect the bad drivers at the expense of the good drivers.

I would be more receptive to this approach if I were aware of abuses that have occurred under the present system. Yet we have not learned of any. Rather the present system seems to do an effective job of keeping the Departments of Public Safety and Transportation informed of a person's driving performance. By maintaining complete driving records, departmental personnel continue to improve driver safety habits.

Another concern of mine is the question of whether this item would be effective for only the one-year lifespan of this appropriation bill or be incorporated into the permanent language of the Code. If it were to be effective for only one year, insurance companies would have to go to the expense of printing up new forms at ultimate cost to the consumer that would be used only one year. If it were to be made

The Honorable Melvin D. Synhorst

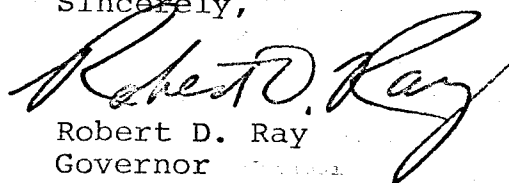
July 15, 1975

Page Three

a permanent part of law, then it raises a constitutional question. The Attorney General has suggested that second subject matters in a bill (including this matter in this bill) make the entire bill unconstitutional. Whether this is so or not, this is a good illustration of what does not belong in an appropriation bill. Section 5 of House File 848 should stand on its own merits in an individual bill.

For these reasons I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 848 are hereby approved this date.

Sincerely,



Robert D. Ray
Governor

RDR:kjd

cc: Secretary of the Senate
Chief Clerk of the House