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HOUSE FILE 327

Budget Calendar

By COMMITTEE ON BUDGET

(Formerly Study Bill 185)

Passed House, Date 3-8-77 (p. 673) Passed Senate, Date _____
Vote: Ayes 81 Nays 16 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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

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

5

H-3168

1 Amend House File 327 as follows:

2 1. Page 7, by inserting after line 32 the fol-
3 lowing section:

4 "Sec. . No funds appropriated in sections
5 five (5), ~~six~~ (6), eight (8) and eleven (11) of this
6 Act may be used to develop, operate or maintain any
7 vehicle race track or vehicle park outside the right-
8 of-way of the primary road system including, but not
9 limited to, motorcycle parks unless a specific appro-
10 priation is made for a particular project or category
11 of projects.

H-3168 FILED - *Adopted 3/8* BY WELDEN of Hardin
MARCH 7, 1977 (*664*) MILLEN of Van Buren

17

18

H-3167

1 Amend House File 327 as follows:

2 1. Page 3, line 25, by striking the figure
3 "3,462,000" and inserting in lieu thereof the figure
4 "3,652,000".

5 2. Page 4, line 23, by striking the word "reduced".

6 3. Page 4, by striking lines 24 through 27 and
7 inserting in lieu thereof the words "maintained at
8 the current matching state-to-local funds for existing
9 telecommunication terminals and the same matching
10 formula be provided for one terminal for those counties
11 which do not presently have any terminals but install
12 such terminals during the 1977-1978 fiscal year."

H-3167 FILED - *Adopted 3/8 (455)* BY WULFF of Black Hawk
MARCH 7, 1977

1 Section 1. There is appropriated from the general fund
2 of the state to the Iowa crime commission for the fiscal year
3 beginning July 1, 1977 and ending June 30, 1978, the following
4 amounts, or so much thereof as is necessary, to be used for
5 the purposes designated:

6
7 1977-1978
Fiscal Year

8 IOWA CRIME COMMISSION

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

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

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

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

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

3 Sec. 2.

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

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

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

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

| | | |
|----|--|--------------------|
| 24 | | 1977-1978 |
| 25 | | <u>Fiscal Year</u> |

| | | |
|----|-------------------------------------|------------|
| 26 | 1. IOWA LAW ENFORCEMENT ACADEMY | |
| 27 | For salaries, support, maintenance, | |
| 28 | and miscellaneous purposes: | \$ 503,174 |

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

35 b. For salaries of the adjutant

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

4 3. OFFICE OF DISASTER SERVICES

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

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

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

18 1977-1978
19 Fiscal Year

20 DEPARTMENT OF PUBLIC SAFETY

21 1. ADMINISTRATIVE FUNCTION

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

26 2. INSPECTION AND SECURITY FUNCTION

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

31 3. INVESTIGATION FUNCTION

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

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

11 4. DIVISION OF HIGHWAY SAFETY AND
12 UNIFORMED FORCE

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

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

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

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

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

1977-1978
Fiscal Year

DEPARTMENT OF TRANSPORTATION

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

2. For public transit purposes for
the period July 1, 1977 through June
30, 1979, to implement a state assis-
tance plan: \$2,000,000

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

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

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

1977-1978
Fiscal Year

DEPARTMENT OF TRANSPORTATION

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

ADMINISTRATION OF MERIT SYSTEM

2. For the purpose of making payments
to the Iowa merit employment department
for expenses incurred in administering the
merit system on behalf of the state

1 department of transportation, as required
2 by chapter nineteen A (19A) of the Code: \$ 10,000

3 UNEMPLOYMENT COMPENSATION COSTS

4 3. Unemployment compensation: \$ 5,000

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

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

18 1977-1978
19 Fiscal Year

20 DEPARTMENT OF TRANSPORTATION

21 1. For salaries, support, maintenance,
22 and miscellaneous purposes: \$81,480,000

23 EQUIPMENT

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

31 VEHICLE REPLACEMENT

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

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

4 MERIT EXPENSES

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

12 UNEMPLOYMENT COMPENSATION COSTS

13 5. Unemployment compensation: \$ 95,000

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

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

28 Sec. 11.

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

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

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

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

1 the commissioner of public safety in issuing licenses shall
2 be deposited in ~~a special fund in~~ the state treasury to be
3 ~~used by the commissioner in administering and enforcing the~~
4 provisions of this chapter general fund. However, ~~one sixth~~
5 ~~of the commercial license fee established under section 101A.2~~
6 ~~shall be paid by the treasurer of state to the general fund~~
7 ~~of the county or city for each storage facility inspected~~
8 ~~by the sheriff or the police authority of such city.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

4 a. A senior officer of the Iowa highway safety patrol
5 designated by the ~~director~~ commissioner of public safety.

6 b. The state car dispatcher or his designee.

7 c. An employee of the state department of transportation
8 experienced in automotive mechanics designated by the director.

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

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

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

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

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

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

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

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

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

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

30 321F.11 RULES ADOPTED--DEPOSIT OF FEES. The director
31 shall adopt rules for the purpose of administering this
32 chapter. All fees and funds accruing from the administration
33 of this chapter shall be remitted to the treasurer of state
34 monthly and by ~~him~~ deposited in the ~~motor-vehicle-dealer's~~
35 ~~license-fee-fund-in-the-manner-provided-in-section-322-42~~

1 road use tax fund.

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

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

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

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

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

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

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

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

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

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

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

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

17 EXPLANATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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H-3381

1 Amend the Senate Amendment H-3339 to page 8 of
2 House File 327 as follows:

3 1. Page 1, by inserting after line 4 the follow-
4 ing:

5 "Page 8, by inserting after line 33, the
6 following sections:

7 Sec. _____. Section three hundred seven A point
8 two(307A.2), Code 1977, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. Quadrennially beginning July
11 1, 1977, prepare, adopt and cause to be published the
12 results of a study of all secondary, farm-to-market
13 and local secondary roads in the state. The study
14 shall be so designed to investigate present de-
15 ficiencies and future twenty-year maintenance and
16 construction needs of the roads and the ability of
17 each applicable authority to meet the needs for the
18 planning, construction, repair and maintenance of
19 roads within their jurisdiction. The commission shall
20 have the authority to gather information necessary
21 to complete this study and shall be furnished such
22 assistance from any state agency as necessary to
23 prepare, update and publish prior to December thirty-
24 first in odd-numbered years the quadrennial report to
25 be referred to as the "quadrennial needs study" for
26 the purposes of this chapter and chapter three hundred
27 twelve (312) of the Code.

28 Sec. Section three hundred twelve point three
29 (312.3), subsection one (1), Code 1977, is amended
30 by striking the subsection and inserting in lieu
31 thereof the following:

32 1. Apportion among the counties sixty percent
33 of the allocation from the road use tax funds credited
34 to the secondary road fund of the counties based upon
35 the latest quadrennial update of the twenty-year high-
36 way need study report developed by the state depart-
37 ment of transportation referred to as the "quadrennial
38 needs study".

39 Forty percent of the allocation from the road use
40 tax funds credited to the secondary road fund of
41 counties shall be allocated among the counties in
42 the proportion that the area of such county bears
43 to the total area of the state.

44 Sec. _____. Section three hundred twelve point five
45 (312.5), unnumbered paragraph three (3), Code 1977,
46 is amended to read as follows:

47 Need allotment farm-to-market road funds shall be
48 allotted among the counties in the ratio that the
49 needs of the farm-to-market roads in each county bear
50 to the total needs of the farm-to-market roads in

H-3381

Page 2

1 ~~the state for the twenty-year program developed by~~
2 ~~the automotive safety foundation and filed with the~~
3 ~~Iowa highway study committee created by chapter 426~~
4 ~~Acts of the Fifty-eighth General Assembly, and which~~
5 ~~is on record at the department based upon the~~
6 quadrennial needs study"."

H-3378

- 1 Amend Senate amendment H-3339 to House File 327
- 2 as amended and passed by the House as follows:
- 3 1. By striking lines 3 and 4 and inserting in
- 4 lieu thereof the following:
- 5 "Page 8, line 20, by inserting after the word
- 6 "projects" the following:
- 7 "except that the construction of one demonstra-
- 8 tion motorcycle park may be completed from adminis-
- 9 trative funds".

H-3378 FILED - *Adopted 4/15* BY WELDEN of Hardin
MARCH 22, 1977 (*p. 1407*)

SENATE AMENDMENT TO
HOUSE FILE 327

H-3339

- 1 Amend House File 327 as amended and passed by the
- 2 House as follows:
- 3 Page 8, line 14, by striking the word and figure
- 4 "five (5)".

H-3339 FILED
RECEIVED FROM SENATE
MARCH 21, 1977

House concurred as amended by 3378 4/15 (p. 1407)

House Amendment to
Senate Amendment to House File 327

S-3376

- 1 Amend Senate amendment H-3339 to House File 327
- 2 as amended and passed by the House as follows:
- 3 1. By striking lines 3 and 4 and inserting in
- 4 lieu thereof the following:
- 5 "Page 8, line 20, by inserting after the word
- 6 "projects" the following: "except that the
- 7 construction of one demonstration motorcycle park
- 8 may be completed from administrative funds".

S-3376 FILED
APRIL 19, 1977

RECEIVED FROM THE HOUSE

Senate concurred 5/3 (p. 1307)

H-3197

- 1 Amend House File 327 as follows:
 2 1. Page 7, by inserting after line 13 the
 3 following:
 4 "6. For the purpose of matching available
 5 federal planning and construction funds to be
 6 used in the planning and construction of the Iowa
 7 segments of the Great River Road.....\$250,000".

H-3197 FILED *3/8 Adopted* BY KOOGLER of Mahaska
 MARCH 8, 1977 *(669)*

HOUSE FILE 327

H-3205

- 1 Amend amendment H-3196, to House File 327,
 2 found on page 7, as follows:
 3 1. Page 2, by inserting after line 4 the
 4 following:
 5 "Sec. _____. Notwithstanding chapter nineteen
 6 A (19A) of the Code, department and agency heads of
 7 departments and agencies receiving funds appropriated
 8 by this Act may place at least one employee, but not
 9 more than two percent of all employees of the de-
 10 partment or agency, on a probationary status by giving
 11 an employee written notice of such action. The pro-
 12 bationary status shall last not more than six months
 13 from the time of receipt of the notice. Prior to or
 14 at the end of the six-month period the employee may
 15 be discharged, reduced in grade, returned to the
 16 previous status, or increased in grade. Not later
 17 than five months after receiving notice of the pro-
 18 bationary status, the employee shall be informed
 19 why the action of the agency or department head has
 20 been taken and what the employee must do to main-
 21 tain the present employment status or qualify for an
 22 increase in grade."

H-3205 FILED *Lat 3/8* BY SCHROEDER of Pottawattamie
 MARCH 8, 1977 *(668)*

H-3208

- 1 Amend amendment H-3196, to page 7 of House
 2 File 327, as follows:
 3 1. Page 1, by striking lines 22 through 30
 4 and inserting in lieu thereof the following:
 5 "2. Such amounts as may become available to
 6 an employee under this section shall be considered
 7 salary for the purposes of computing retirement
 8 benefits under chapter ninety-seven B (97B) of the
 9 Code, and any cost of living increases which may
 10 be authorized by the General Assembly."

H-3208 FILED *Lat 3/8* BY CONNORS of Polk
 MARCH 8, 1977 *(671)* HINES of Story
 PAVICH of Pottawattamie

H-3196

1 Amend House File 327 as follows:

2 Page 7 after line 27 by adding the following:

3 "Sec. ____ . EMPLOYEE INCENTIVE PLAN.

4 1. Notwithstanding chapter nineteen A (19A) of
5 the Code, if an employee of the state department of
6 transportation retires and another person is not
7 employed to fill the position vacated because of
8 retirement, those persons who perform the functions
9 of the retiring employee shall be granted incentive
10 pay in the manner and subject to the conditions
11 provided in this section. The incentive pay equal
12 to one-half the total salary which the retiring
13 employee was receiving at the time of retirement shall
14 be paid equally to those who assume the work of the
15 retiring employee, and shall be paid from funds which
16 are available to the department because another person
17 is not hired to replace the retiring employee. The
18 remaining one-half of funds which become available
19 shall be deposited in the fund from which appropriated,
20 and the appropriation of the department which shall
21 be reduced by such amount.

22 2. Incentive pay shall not be part of salary
23 subject to chapter ninety-seven B (97B) of the Code
24 and shall not be computed as salary for determining
25 retirement benefits or matching funds for the purpose
26 of chapter ninety-seven B (97B) of the Code. However,
27 such amounts as may become available to an employee
28 under this section shall be considered as salary for
29 the purposes of computing any cost of living increases
30 which may be authorized by the general assembly.
31 Incentive pay shall not be computed as salary which
32 may be due because of overtime work.

33 3. A supervisory employee shall not be eligible
34 to receive incentive pay. Incentive pay shall not
35 be paid to any person unless two or more employees
36 present a petition to a supervisor or department head
37 asking to fill the vacancy resulting from retirement.
38 The incentive pay shall be reevaluated each year by
39 the immediate supervisor for the persons receiving
40 the incentive pay or by the head of the department
41 or division participating in the incentive pay program.

42 4. The provisions of this section shall become
43 effective July 1, 1977 and shall apply to the state
44 department of transportation commencing with such
45 date.

46 The director of the state department of
47 transportation shall develop guidelines and rules
48 pursuant to chapter seventeen A (17A) of the Code
49 to carry out the provisions of this section. The
50 director of the state department of transportation

H-3196

Page 2

1 shall give notice to all employees of the department
2 who may be eligible for incentive pay of the fact
3 that they are eligible prior to initiating any action
4 to replace the position vacated."

1 Amend House File 327 as follows:

2 1. Page 4, by inserting after line 33 the
3 following:

4 " 7. The department of public safety to
5 regulate and enforce motor vehicle laws governing
6 traffic control and laws designed to maintain
7 the public peace, pursuant to duties as provided
8 in section eighty point nine (80.9), of the Code,
9 may seek the cooperation of the Iowa national
10 guard to enforce motor vehicle traffic control and
11 safety laws at large public gatherings where traffic
12 control and safety may require additional enforce-
13 ment facilities. Under this provision the Iowa
14 national guard may provide assistance only with "on
15 duty" members assigned by the adjutant general of
16 the guard who will be subject to the direction of
17 the department of public safety while enforcing the
18 motor vehicle traffic control laws."

H-3188 FILED, ADOPTED (656) BY MILLER of Buchanan
MARCH 8, 1977

HOUSE FILE 327

H-3192

1 Amend House File 327 as follows:

2 1. Page 3, line 25, by striking the figure
3 "3,462,000" and inserting in lieu thereof the figure
4 "3,499,000".

5 2. Page 3, by inserting after line 25 the
6 following:

7 "From funds appropriated by this subsection the
8 sum of one hundred thousand (100,000) dollars shall
9 be used for the purchase of radio parts."

H-3192 FILED, LOST (658) BY DOYLE of Woodbury
MARCH 8, 1977 SCHROEDER of Pottawattamie

HOUSE FILE 327

H-3194

1 Amend House File 327 as follows:

2 1. Page 7, by inserting after line 32 the
3 following section:

4 "Sec. _____. No position, funded under this Act,
5 vacated by death, resignation, retirement, or
6 discharge for cause shall be filled unless the
7 department receives approval for such an action
8 from the executive council."

H-3194 FILED, ADOPTED BY JUNKER of Woodbury
MARCH 8, 1977 (664) HARBOR of Mills

Reconsidered and Lost 3/8 (670)

H-3186

1 Amend House File 327 as follows:

2 1. Page 8, by inserting after line 10 the
3 following sections:

4 Sec. _____. Section three hundred seven A point two
5 (307A.2), Code 1977, is amended by adding the following
6 new subsection:

7 NEW SUBSECTION. Biennially beginning July 1, 1977,
8 prepare, adopt and cause to be published the results
9 of a study of all secondary, farm-to-market and local
10 secondary roads in the state. The study shall be
11 so designed to investigate present deficiencies and
12 future twenty-year maintenance and construction needs
13 of the roads and the ability of each applicable
14 authority to meet the needs for the planning, con-
15 struction, repair and maintenance of roads within
16 their jurisdiction. The commission shall have the
17 authority to gather information necessary to complete
18 this study and shall be furnished such assistance
19 from any state agency as necessary to prepare, update
20 and publish prior to December thirty-first in odd-
21 numbered years the biennial report to be referred
22 to as the "biennial needs study" for the purposes
23 of this chapter and chapter three hundred twelve (312)
24 of the Code.

25 Sec. Section three hundred twelve point three
26 (312.3), subsection one (1), Code 1977, is amended
27 by striking the subsection and inserting in lieu
28 thereof the following:

29 1. Apportion among the counties sixty percent
30 of the allocation from the road use tax funds credited
31 to the secondary road fund of the counties based upon
32 the latest biennial update of the twenty-year highway
33 need study report developed by the state department
34 of transportation referred to as the "biennial needs
35 study".

36 Forty percent of the allocation from the road use
37 tax funds credited to the secondary road fund of
38 counties shall be allocated among the counties in
39 the proportion that the area of such county bears
40 to the total area of the state.

41 Sec. _____. Section three hundred twelve point five
42 (312.5), unnumbered paragraph three (3), Code 1977,
43 is amended to read as follows:

44 Need allotment farm-to-market road funds shall be
45 allotted among the counties in the ratio that the
46 needs of the farm-to-market roads in each county bear
47 to the total needs of the farm-to-market roads in
48 the state ~~for the twenty-year program developed by~~
49 ~~the automotive safety foundation and filed with the~~
50 ~~Iowa highway study committee created by chapter 4267~~

H-3186

Page 2

1 ~~Acts of the Fifty-eighth General Assembly, and which~~
2 ~~is on record at the department based upon the "biennial~~
3 ~~needs study".~~

H-3186 FILED, LOST BY GILLOON of Dubuque

MARCH 8, 1977 *Ruled not germane**Motion to suspend ruled lost 2/8 (663)*

H-3180

1 Amend House File 327 as follows:
2 Page 7, by inserting after line 27 the following
3 section:
4 "Sec. _____. The department of transportation shall
5 not expend any funds for the employment of new persons
6 or to fill new positions until such time as the number
7 of employees in the department are reduced in number
8 by death, resignation, retirement, or discharge for
9 cause and equal not more than ninety percent of the
10 table of organization of the department as approved
11 by the Budget Committee. This section shall not apply
12 to the chief executive officer of the department."

H-3180 FILED, LOST (661) BY HARBOR of Mills
MARCH 8, 1977

HOUSE FILE 327

H-3181

1 Amend House File 327 as follows:
2 1. Page 13, by inserting after line 16
3 the following:
4 "Sec. _____. Notwithstanding chapter nineteen
5 A (19A) of the Code, department and agency heads of
6 departments and agencies receiving funds appropriated
7 by this Act may place at least one employee, but not
8 more than two percent of all employees of the de-
9 partment or agency, on a probationary status by giving
10 an employee written notice of such action. The pro-
11 bationary status shall last not more than six months
12 from the time of receipt of the notice. Prior to or
13 at the end of the six-month period the employee may
14 be discharged, reduced in grade, returned to the
15 previous status, or increased in grade. Not later
16 than five months after receiving notice of the pro-
17 bationary status, the employee shall be informed
18 why the action of the agency or department head has
19 been taken and what the employee must do to main-
20 tain the present employment status or qualify for an
21 increase in grade."
22 2. Renumber the sections in accordance with this
23 amendment.

H-3181 FILED, NOT GERMANE BY SCHROEDER of Pottawattami
MARCH 8, 1977 (665)

HOUSE FILE 327

H-3183

1 Amend House File 327 as follows:
2 1. Page 3, line 8, by striking the words
3 "other than state" and inserting in lieu thereof
4 the words "any other".

H-3183 FILED, LOST (654) BY SCHROEDER of Pottawattamie
MARCH 8, 1977 *Not to reconsider previous
amendment re lost (668)*

H-3176

- 1 Amend House File 327 as follows:
 2 1. Page 5, line 2, by striking the words "except
 3 as otherwise provided,".
 4 2. Page 5, lines 10, 11, and 12, by striking the
 5 words "for the period July 1, 1977 through June 30,
 6 1979,".

H-3176 FILED, ADOPTED (657) BY HARPER of Davis
 MARCH 8, 1977 RINAS of Linn
 CUSACK of Scott
 DUNTON of Keokuk
 DEN HERDER of Sioux
 AVENSON of Fayette
 TAUKE of Dubuque
 KRAUSE of Kossuth

HOUSE FILE 327

H-3177

- 1 Amend House File 327 as follows:
 2 1. Page 2, line 28, by striking the figures
 3 "503.174" and inserting in lieu thereof the
 4 figures "531,574".

H-3177 FILED, LOST (651) BY HALVORSON of Clayton
 MARCH 8, 1977 SCHEELHAASE of Woodbury

HOUSE FILE 327

-3178

- 1 Amend House File 327 as follows:
 2 1. Page 5, line 12, by striking the figures
 3 "1979" and inserting in lieu thereof the figures
 4 "1978".
 5 2. Page 6, by inserting after line 4 the
 6 following:
 7 "4. For the purpose of matching available
 8 federal planning and construction funds to be
 9 used in the planning and construction of the
 10 Iowa segments of the Great River Road...\$250,000".
 -3178 FILED: BY TAUKE of Dubuque WELLS of Linn
 -3178A WITHDRAWN (658) DEN HERDER of SiouxBYRLAND of Clayton
 -2178B ADOPTED (659) AVENSON of Fayette RINAS of Linn
 arch 8, 1977 JESSE of Polk HALVORSON of Clayton
 3178B reconsidered and VARLEY of Adair
 Post 3/8 (669)

HOUSE FILE 327

H-3179

- 1 Amend House File 327 as follows:
 2 1. Page 2, line 34, by inserting after the word
 3 "purposes" the words ", not more than \$50,000 of which
 4 shall be used for recruiting and retention".
 5 2. Page 2, line 34, by striking the numerals
 6 "\$1,648,000" and inserting in lieu thereof the numerals
 7 "\$1,698,000".

H-3179 FILED, LOST (652) BY SPENCER of Clay
 MARCH 8, 1977

Sen. Budget, Do pass 3/15 (661)

HOUSE FILE 327

By COMMITTEE ON BUDGET

(As Amended and Passed by the House)

*as amended by
Senate & further
amended by House*

Passed House, Date 4-15-77 (1408) Passed Senate, Date 3-17-77 (p. 674)

Vote: Ayes 89 Nays 0 Vote: Ayes 44 Nays 0

Approved Item veto - July 16, 1977 - See letter
Repassed Senate as further amended by House
5-3-77 (p. 1309)

46-0

A BILL FOR

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

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

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1 Section 1. There is appropriated from the general fund
2 of the state to the Iowa crime commission for the fiscal year
3 beginning July 1, 1977 and ending June 30, 1978, the following
4 amounts, or so much thereof as is necessary, to be used for
5 the purposes designated:

1977-1978
Fiscal Year

8 IOWA CRIME COMMISSION

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

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

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

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

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

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

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

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

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

24
25 1977-1978
Fiscal Year

26 1. IOWA LAW ENFORCEMENT ACADEMY

27 For salaries, support, maintenance,
28 and miscellaneous purposes: \$ 503,174

29 2. DEPARTMENT OF PUBLIC DEFENSE

30 a. Military division

31 For salaries except salaries provided
32 for in paragraph b of this subsection,
33 support, maintenance, and miscellaneous
34 purposes: \$1,648,000

35 b. For salaries of the adjutant

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

4 3. OFFICE OF DISASTER SERVICES
5 For salaries, support, maintenance,
6 and miscellaneous purposes: \$ 92,653

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

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

18 1977-1978
19 Fiscal Year

20 DEPARTMENT OF PUBLIC SAFETY

21 1. ADMINISTRATIVE FUNCTION

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

26 2. INSPECTION AND SECURITY FUNCTION

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

31 3. INVESTIGATION FUNCTION

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

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

11 4. DIVISION OF HIGHWAY SAFETY AND
12 UNIFORMED FORCE

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

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

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

34 7. The department of public safety to regulate and enforce
35 motor vehicle laws governing traffic control and laws designed

1 to maintain the public peace, pursuant to duties as provided
2 in section eighty point nine (80.9), of the Code, may seek
3 the cooperation of the Iowa national guard to enforce motor
4 vehicle traffic control and safety laws at large public
5 gatherings where traffic control and safety may require
6 additional enforcement facilities. Under this provision the
7 Iowa national guard may provide assistance only with "on duty"
8 members assigned by the adjutant general of the guard who
9 will be subject to the direction of the department of public
10 safety while enforcing the motor vehicle traffic control laws.

11 Sec. 5. There is appropriated from the general fund of
12 the state to the state department of transportation for the
13 fiscal year beginning July 1, 1977 and ending June 30, 1978,
14 the following amounts, or so much thereof as may be necessary,
15 to be used for the following purposes:

16 : 1977-1978
17 : Fiscal Year

18 DEPARTMENT OF TRANSPORTATION

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

21 2. For public transit purposes
22 to implement a state assis-
23 tance plan: \$2,000,000

24 Unencumbered or unobligated funds remaining on June 30,
25 1980 from funds appropriated by subsection two (2) of this
26 section shall revert to the general fund on September 30,
27 1980.

28 3. For deposit in the rail-
29 road assistance fund for branch-
30 line improvement: \$2,000,000

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

1977-1978
Fiscal Year

DEPARTMENT OF TRANSPORTATION

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

ADMINISTRATION OF MERIT SYSTEM

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

UNEMPLOYMENT COMPENSATION COSTS

3. Unemployment compensation: \$ 5,000

Sec. 7. There is appropriated from the road use tax fund
to the state comptroller for the fiscal year beginning July
1, 1977 and ending June 30, 1978 the sum of twelve thousand
five hundred (12,500) dollars, or so much thereof as is
necessary, to be used for the purpose of paying workers'
compensation claims under chapter eighty-five (35) of the
Code on behalf of employees of the department of
transportation.

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

1977-1978
Fiscal Year

DEPARTMENT OF TRANSPORTATION

1. For salaries, support, maintenance,
and miscellaneous purposes: \$81,480,000

EQUIPMENT

2. Additional equipment to be
purchased to supplement present

1 inventory. All acquisitions, when
2 acquired, will become a part of the
3 state department of transportation
4 materials and equipment revolving
5 fund: \$ 350,000

6 VEHICLE REPLACEMENT

7 3. To be deposited in the state
8 department of transportation materials
9 and equipment revolving fund estab-
10 lished by section three hundred seven A
11 point seven (307A.7) of the Code for
12 funding the increased replacement cost
13 of vehicles: \$ 400,000

14 MERIT EXPENSES

15 4. For the purpose of making pay-
16 ments to the Iowa merit employment
17 department for expenses incurred in
18 administering the merit system on
19 behalf of the state department of
20 transportation, as required by chapter
21 nineteen A (19A) of the Code: \$ 200,000

22 UNEMPLOYMENT COMPENSATION COSTS

23 5. Unemployment compensation: \$ 95,000

24 6. For the purpose of matching
25 available federal planning
26 and construction funds to be
27 used in the planning and construction
28 of the Iowa segments of the Great
29 River Road: \$ 250,000

30
31 Sec. 9. There is appropriated from the primary road fund
32 to the state comptroller for the fiscal year beginning July
33 1, 1977 and ending June 30, 1978 the sum of two hundred thirty-
34 seven thousand five hundred (237,500) dollars, or so much
35 thereof as is necessary, for the purpose of paying workers'
compensation claims under chapter eighty-five (85) of the

1 Code on behalf of the employees of the department of
2 transportation.

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

9 Sec. 11.

10 1. Unless otherwise provided, the primary road fund is
11 appropriated for highway construction.

12 2. Unless otherwise provided, the aeronautics fund is
13 appropriated for airport construction.

14 Sec.12. No funds appropriated in sections five (5), six
15 (6), eight (8) and eleven (11) of this Act may be used to
16 develop, operate or maintain any vehicle race track or vehicle
17 park outside the right-of-way of the primary road system
18 including, but not limited to, motorcycle parks unless a
19 specific appropriation is made for a particular project or
20 category of projects.

21 Sec. 13. Section one hundred one A point twelve (101A.12),
22 Code 1977, is amended to read as follows:

23 101A.12 DEPOSIT AND USE OF FEES. The fees collected by
24 the commissioner of public safety in issuing licenses shall
25 be deposited in ~~a special fund in~~ the state treasury ~~to be~~
26 ~~used by the commissioner in administering and enforcing the~~
27 ~~provisions of this chapter~~ general fund. However, ~~one-sixth~~
28 ~~of the commercial license fee established under section 101A-2~~
29 ~~shall be paid by the treasurer of state to the general fund~~
30 ~~of the county or city for each storage facility inspected~~
31 ~~by the sheriff or the police authority of such city.~~

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

34 Sec. 14. Section three hundred thirteen point eighteen
35 (313.18), Code 1977, is amended to read as follows:

1 313.18 USE OF CONTINGENT FUND. When claims for labor,
 2 freight, or other items which must be paid promptly ~~and which~~
 3 ~~are payable from the primary road fund~~ are presented to the
 4 said department for payment, the said department may direct
 5 that warrants in payment of said claims be drawn on said
 6 primary road contingent fund. Such warrants when so drawn
 7 and signed by the ~~auditor of the department~~ state comptroller,
 8 shall be honored by the ~~state~~ state treasurer of state for payment
 9 from said contingent fund. The primary road contingent fund
 10 shall be reimbursed for expenditures made by the state
 11 department of transportation from the fund to which the
 12 expenditure should be properly charged.

13 Sec. 15. Section three hundred twenty-one point one hundred
 14 forty-five (321.145), Code 1977, is amended to read as follows:

15 321.145 DISPOSITION. The money, except fines and
 16 forfeitures, ~~and except operator's and chauffeur's license~~
 17 ~~fees, certificate of title fees and lien or encumbrance~~
 18 ~~notation fees~~ and except the collection fees retained by the
 19 county treasurer pursuant to section three hundred twenty-
 20 one point one hundred fifty-two (321.152) of the Code collected
 21 pursuant to the provisions of this chapter shall be credited
 22 by the treasurer of state to the following funds: road use
 23 tax fund.

24 1. ~~Three percent of the gross fees and penalties thereon,~~
 25 ~~to the general fund of the state.~~

26 2. ~~The balance of said money, less the collection fees~~
 27 ~~retained by the county treasurer pursuant to section 321.152~~
 28 ~~and less the one percent received by the department as a~~
 29 ~~reimbursement fund from which to pay refunds, to the road~~
 30 ~~use tax fund.~~

31 ~~The treasurer of state shall credit certificate of title~~
 32 ~~fees, and lien or encumbrance fees, to the general fund of~~
 33 ~~the state, less the fees retained by the county treasurer~~
 34 ~~pursuant to section 321.152.~~

35 Sec. 16. Section three hundred twenty-one point two hundred

1 thirty-eight (321.238), subsection nine (9), Code 1977, is
2 amended to read as follows:

3 9. All fees collected by the department under the
4 provisions of this section shall be remitted monthly to the
5 treasurer of state. The moneys remitted shall be placed by
6 the treasurer of state in ~~a special fund to be known as the~~
7 ~~"motor vehicle inspection fund" and shall be used to defray~~
8 ~~the cost of administering the provisions of this section~~ the
9 road use tax fund. ~~Any unencumbered balance in excess of~~
10 ~~twenty thousand dollars remaining in the motor vehicle~~
11 ~~inspection fund at the end of each fiscal year shall revert~~
12 ~~to the general fund of the state on the thirtieth day of~~
13 ~~September following the end of the fiscal year.~~

14 Sec. 17. Section three hundred twenty-one point two hundred
15 thirty-eight (321.238), subsection twenty-one (21), Code 1977,
16 is amended to read as follows:

17 21. Notice of the suspension or revocation shall be by
18 certified mail, return receipt requested, addressed to the
19 operator of the vehicle inspection station for which the
20 permit was issued. The suspension or revocation shall become
21 effective ten days from the date of the mailing of the notice
22 unless the permit holder files a written request for a review
23 hearing of the suspension or revocation order. The review
24 hearing shall be de novo and shall be conducted at the seat
25 of government by a review board composed of the following
26 persons:

- 27 a. A senior officer of the Iowa highway safety patrol
28 designated by the ~~director~~ commissioner of public safety.
- 29 b. The state car dispatcher or his designee.
- 30 c. An employee of the state department of transportation
31 experienced in automotive mechanics designated by the director.

32 Notwithstanding any other rule or statute to the contrary,
33 the deposition of any witness taken in the manner prescribed
34 by the rules of civil procedure shall be admissible at any
35 hearing conducted by the review board in lieu of the witness

1 appearing in person. Costs of depositions shall be paid from
2 ~~the-motor-vehicle-inspection-fund~~ funds appropriated to the
3 department.

4 After the hearing, the review board may sustain, modify,
5 or reverse the director's order of suspension or revocation.
6 A suspension or revocation sustained or modified by the review
7 board shall take effect ten days from the date of the decision.
8 Judicial review of actions of the review board may be sought
9 in accordance with the terms of the Iowa administrative
10 procedure Act.

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

15 If any person shall refuse to obey any such subpoena, or
16 to give testimony, or to produce evidence as required thereby,
17 any judge of the district court of the state in and for Polk
18 county may, upon application and proof of such refusal, make
19 an order awarding process of subpoena, or subpoena duces
20 tecum, out of the said court, for the witness to appear before
21 the review board and to give testimony, and to produce evidence
22 as required thereby. Upon filing such order in the office
23 of the clerk of said court, the clerk shall issue process
24 of subpoena, as directed, under the seal of said court,
25 requiring the person to whom it is directed to appear at the
26 time and place therein designated.

27 Witnesses shall receive three dollars for each day's
28 attendance and ten cents per mile for each mile actually
29 traveled. Witnesses shall be compensated from ~~the-motor~~
30 ~~vehicle-inspection-fund~~ funds appropriated to the department.
31 The treasurer of state may make rules setting forth the
32 procedure for such reimbursement.

33
34 Sec. 18. Section three hundred twenty-one A point three
35 (321A.3), Code 1977, is amended to read as follows:

321A.3 DIRECTOR TO FURNISH OPERATING RECORD--FEES TO BE

1 CHARGED AND DISPOSITION OF FEES. The director shall upon
2 request furnish any person a certified abstract of the
3 operating record of any person subject to the provisions of
4 this chapter, which abstract shall also fully designate the
5 motor vehicles, if any, registered in the name of such person,
6 and, if there shall be no record of any conviction of such
7 person having violated any law relating to the operation of
8 a motor vehicle or of any injury or damage caused by such
9 person, the director shall so certify. A fee of two dollars
10 shall be paid for each such abstract except by state, county,
11 city or court officials. ~~Such fees shall be used by the~~
12 ~~department for administering this chapter.~~ Such abstracts
13 shall not be admissible as evidence in any action for damages
14 or criminal proceedings arising out of a motor vehicle
15 accident.

16 Sec. 19. Section three hundred twenty-one F point eleven
17 (321F.11), Code 1977, is amended to read as follows:

18 321F.11 RULES ADOPTED--DEPOSIT OF FEES. The director shall
19 adopt rules for the purpose of administering this chapter.
20 All fees and funds accruing from the administration of this
21 chapter shall be remitted to the treasurer of state monthly
22 and ~~by him~~ deposited in the ~~motor vehicle dealer's license~~
23 ~~fee fund in the manner provided in section 322.12~~ road use
24 tax fund.

25 Sec. 20. Section three hundred twenty-two point twelve
26 (322.12), Code 1977, is amended to read as follows:

27 322.12 MOTOR VEHICLE DEALERS LICENSE ~~FEE FUND FEES~~. All
28 ~~fees and funds~~ of whatever character accruing from the
29 administration of this chapter shall be accounted for and
30 paid by the department into the state treasury monthly and
31 shall ~~constitute a separate and distinct fund which shall~~
32 ~~be known as the "Motor Vehicle Dealers License Fee Fund"~~ be
33 placed in the road use tax fund. ~~All expenses incurred and~~
34 ~~all compensation paid by the department in the administration~~
35 ~~of this chapter shall be paid out of said fund in the same~~

1 ~~manner-as-other-state-expenses-and-compensation-are-paid-~~
2 ~~Any-amount-in-such-fund-in-excess-of-ten-thousand-dollars~~
3 ~~at-the-end-of-any-calendar-year-on-account-of-fees-applicable~~
4 ~~to-that-calendar-year-shall-be-credited-to-the-state-general~~
5 ~~fund-~~

6 Sec. 21. Section three hundred twenty-five point thirty-
7 six (325.36), Code 1977, is amended to read as follows:

8 325.36 USE OF FEES. All moneys received under the
9 provisions of this chapter shall be remitted to the treasurer
10 of state and credited to the ~~general-fund-of-the-state~~ road
11 use tax fund.

12 Sec. 22. Section three hundred twenty-seven point thirteen
13 (327.13), Code 1977, is amended to read as follows:

14 327.13 EXPENDITURE OF FUNDS. All moneys received under
15 the provisions of this chapter shall be remitted monthly to
16 the treasurer of state and credited to the ~~general-fund-of~~
17 ~~the-state~~ road use tax fund.

18 Sec. 23. Section three hundred twenty-seven A point
19 nineteen (327A.19), Code 1977, is amended to read as follows:

20 327A.19 FEE FOR OPERATION. No certificate of convenience
21 and necessity shall be issued nor continued in force until
22 the holder thereof shall have paid to the board an annual
23 certificate fee for each motor vehicle operated thereunder
24 in the amount of five dollars, except that the fee for a
25 tractor or truck tractor shall be fifteen dollars, and except
26 that the fee herein provided shall not be imposed on any
27 trailer or semitrailer. Fees collected pursuant to the
28 provisions of this section shall be remitted to the treasurer
29 of state and credited to the ~~general-fund-of-the-state~~ road
30 use tax fund.

31 Sec. 24. Section three hundred twenty-seven B point three
32 (327B.3), Code 1977, is amended to read as follows:

33 327B.3. FEES--USE. All fees paid under the provisions
34 of this chapter shall be remitted to the treasurer of state
35 and credited to the ~~general-fund-of-the-state~~ road use tax

1 fund.

2 Sec. 25. Sections three hundred twenty-one point one
3 hundred twenty-nine (321.129) and three hundred twenty-one
4 point one hundred forty-six (321.146), Code 1977, are repealed.

5 EXPLANATION

6 This bill appropriates funds from the general fund, road
7 use tax fund, the primary road fund and the aeronautics fund
8 to the departments having jurisdiction in regard to
9 transportation and law enforcement.

10 The bill appropriates \$232,764 from the general fund to
11 the crime commission for a reduced program due to a federal
12 funds reduction. This appropriation will match approximately
13 \$6,200,000.

14 The bill appropriates \$503,174 from the general fund to
15 the law enforcement academy to maintain the current program
16 and appropriates \$1,914,468 from the general fund to the
17 department of public defense to maintain current programs.

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

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

22 The bill specifies the number of persons in the highway
23 patrol.

24 The bill appropriates from the general fund to the
25 department of transportation \$4,227,000 for operations,
26 \$2,000,000 for public transit assistance and \$2,000,000 for
27 the railroad assistance program. It also appropriates from
28 the road use tax fund to the department of transportation
29 \$6,928,000 for operations, \$10,000 for administering the
30 departments merit system, and \$5,000 for unemployment.

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

33 The bill appropriates from the primary road fund to the
34 department of transportation \$81,480,000 for operations,
35 \$350,000 for additional equipment, \$400,000 for replacement

1 equipment, \$200,000 for merit employment and \$95,000 for
2 unemployment compensation.

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

6 The remainder of the funds in the primary road fund are
7 appropriated for highway construction and the remaining funds
8 in the aeronautics fund are appropriated for airport
9 construction.

10 The bill provides that the primary road contingent fund
11 may be used by all divisions of the department but that the
12 fund shall be reimbursed by the divisions.

13 The bill provides that all fees deposited in the motor
14 vehicle inspection fund and the motor vehicle dealers license
15 fee fund shall be deposited in the road use tax fund. It
16 also provides that motor vehicle certificated carrier fees,
17 truck operator fees, liquid transport carrier fees, and
18 interstate commerce commission authority fees shall be credited
19 to the road use tax fund.

20 The bill provides that fees collected under chapter 321
21 of the Code, except fines and forfeitures and operator's and
22 chauffeur's license fees, be credited to the road use tax
23 fund.

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

27 In addition it provides that fees collected under chapter
28 321F of the Code be credited to the road use tax fund.
29
30
31
32
33
34
35

S-3181

HOUSE FILE 327

1 Amend House File 327 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 4, line 10, by striking the figure
4 "2,729,000" and inserting in lieu thereof the figure DIV. A
5 "2,834,000". LOST

6 2. Page 4, by inserting after line 10 the
7 following:

8 "Notwithstanding any other provision of this DIV. B
9 section, the funds appropriated by this subsection W/D
10 shall be composed of \$2,729,000 appropriated from
11 the general fund of the state and \$105,000 appropriated
12 from the road use tax fund."

13 3. Page 6, line 5, by striking the figure
14 "6,928,000" and inserting in lieu thereof the figure DIV. A
15 "6,823,000". LOST

S-3181 FILED A-*Lost* B-*w/d* BY JAMES M. REDMOND
MARCH 17, 1977 *3/17 (p. 674)*

House File 327

S-3178

1 Amend House File 327 as amended, passed and reprinted
2 by the House as follows:

3 1. Page 3, line 8, by striking the words "other than
4 state" and inserting in lieu thereof the words "any other".

S-3178 FILED & LOST (673) BY JOHN N. NYSTROM
MARCH 17, 1977

S-3163

HOUSE FILE 327

- 1 Amend House File 327 as amended and passed by the
- 2 House as follows:
- 3 Page 8, line 14, by striking the word and figure
- 4 "five (5),".

S-3163 FILED - *Adopted 3/17 (p. 672)* BY ROBERT M. CARR
 MARCH 16, 1977 CLOYD E. ROBINSON
 RICHARD F. DRAKE

HOUSE FILE 327

S-3173

- 1 Amend House File 327, as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 25, by striking the figure
- 4 "3,462,000" and inserting in lieu thereof the figure
- 5 "3,562,000".
- 6 2. Page 4, by striking lines 21 through 27.
- 7 3. Renumber the sections and correct internal
- 8 references as necessary in conformance with this
- 9 amendment.

S-3173 FILED & LOST (670) BY RAY TAYLOR
 MARCH 17, 1977

HOUSE FILE 327

S-3174

- 1 Amend House File 327, as amended, passed and
- 2 reprinted by the House, page 4, line 10, by striking
- 3 the figure "2,729,000" and inserting in lieu thereof
- 4 the figure "2,856,000".

S-3174 FILED & W/D (671) BY RAY TAYLOR
 MARCH 17, 1977 FORREST F. ASHCRAFT

HOUSE FILE 327

S-3175

- 1 Amend House File 327, as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 25, by striking the figure
- 4 "\$3,462,000" and inserting in lieu thereof the figure
- 5 "\$3,499,300".
- 6 2. Page 4, line 10, by striking the figure
- 7 "\$2,729,000" and inserting in lieu thereof the figure
- 8 "\$2,791,800".

DIV. A
W/D

DIV. B
LOS

S-3175 FILED A-*Withdrawn (671)* BY RICHARD F. DRAKE
 MARCH 17, 1977 B-*Lost (671)*



Office of the Governor

STATE CAPITOL
DES MOINES, IOWA 50319

ROBERT D. RAY
GOVERNOR

July 10, 1977

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

Dear Mr. Secretary:

I hereby transmit House File 327, an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

House File 327 is approved July 10, 1977, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Subsection 5 of Section 4 which reads as follows:

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

I am also unable to approve the item designated as Subsection 7 of Section 4 which reads as follows:

"7. The department of public safety to regulate and enforce motor vehicle laws governing traffic control and laws designed to maintain the public peace, pursuant to duties as provided in section eighty point nine (80.9), of the Code, may seek the cooperation of the Iowa national guard to enforce motor vehicle traffic control and safety laws at large public gatherings where traffic control and safety may require additional enforcement facilities. Under this provision the Iowa national guard may provide assistance only with "on duty" members assigned by the adjutant general of the guard who will be subject to the direction of the department of public safety while enforcing the motor vehicle traffic control laws."

The Honorable Melvin D. Synhorst
July 10, 1977
Page Two

The first item lowers the current 75%-25% state-to-local match for the renting of TRACIS terminals to 50%-50% match effective July 1, 1977, and to 25%-75% match effective July 1, 1978. County and city law enforcement agencies which currently operate 80 of the telecommunication terminals pay \$100 a month in rental charges. The fee would increase to \$198 per month this year and \$297 next year under this item. The increase--a total of \$100,000--for local governments enabled the legislature to shave the same amount from our recommendations for the Department of Public Safety.

Local budgets for the next fiscal year were finalized long before this bill reached final passage. Assuming the match provision for TRACIS terminals would remain the same as it had for the previous five years, law enforcement officials had asked their governing boards for no increase in funds. The shift in the rental charges from the state to the local level comes too late for the local law enforcement agencies to adjust their budget askings. Now they will either have to squeeze funds from other programs or drop their TRACIS terminals altogether, as two agencies did in the past month.

At a time when the state is limiting the growth of property taxes, it is undesirable to shift costs to local governments, especially when they cannot adjust for the extra burden. While a case may be made for a different sharing of the TRACIS costs than presently exists, the legislature should not embark on such a course without adequate notice to and cooperation with local governments.

By item vetoing this provision, a greater financial responsibility is placed on the Department of Public Safety. I intend to ask for a deficiency appropriation at the beginning of the next session to cover the difference.

The second item, which is permissive in nature, provides that the Department of Public Safety may seek the cooperation of the Iowa National Guard to enforce traffic control and safety laws at large public gatherings which may require additional enforcement facilities.

The Department of Public Safety is not anxious for this authority. In asking for an item veto of the provision, the Commissioner noted that there is an on-going excellent working relationship between the Department and the Guard in response to various natural and man-made disasters. The authority of the Governor to call out the Guard at any time makes the provision unnecessary.

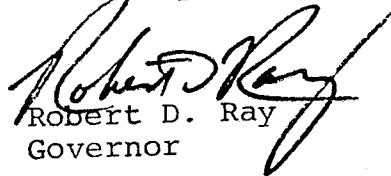
The item was offered with understandable motives. Its author saw it as a means to promote the Guard before large groups and encourage training in crowd control. I share his belief that we need to encourage recruitment in the Iowa National Guard. However, there are better ways to accomplish increased recruitment than this provision.

The Honorable Melvin D. Synhorst
July 10, 1977
Page Three

We should retain the present system for calling out the National Guard. People enter the Guard with the understanding they won't be called away from their jobs and homes for just any reason. It would be unwise to diffuse the authority to call out the Guard.

For the above reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 327 are hereby approved this date.

Sincerely,


Robert D. Ray
Governor

RDR:kjd

cc: Secretary of the Senate
Chief Clerk of the House

HOUSE FILE 327

AN ACT

MAKING APPROPRIATIONS TO AND RELATING TO THE FINANCING OF AGENCIES WHOSE RESPONSIBILITIES RELATE TO TRANSPORTATION, PUBLIC SAFETY, AND PUBLIC DEFENSE.

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

1977-1978
Fiscal Year

IOWA CRIME COMMISSION

1. 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 United States Congress, for salaries, support, maintenance and miscellaneous purposes: \$ 73,351

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 United States Congress: \$ 147,415

3. For the purpose of matching federal funds available to the Iowa crime commission through the Omnibus Crime Control and Safe Streets Act as amended by the United States Congress, for the Iowa crime commission standards

and goals project and for salaries, support, maintenance and miscellaneous purposes: \$ 8,500

4. For the purpose of matching federal funds available to the Iowa crime commission through the Juvenile Justice and Delinquency Prevention Act of 1974 as amended by the United States Congress for salaries, support, maintenance and miscellaneous purposes: \$ 3,498

Sec. 2.

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

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

1977-1978
Fiscal Year

1. IOWA LAW ENFORCEMENT ACADEMY
For salaries, support, maintenance,

and miscellaneous purposes: \$ 503,174

2. DEPARTMENT OF PUBLIC DEFENSE

a. Military division

For salaries except salaries provided for in paragraph b of this subsection, support, maintenance, and miscellaneous purposes: \$1,648,000

b. For salaries of the adjutant general and members of his staff who are on full-time active state service, and for their support and maintenance: \$ 173,815

3. OFFICE OF DISASTER SERVICES

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

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

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

1977-1978
Fiscal Year

DEPARTMENT OF PUBLIC SAFETY

1. ADMINISTRATIVE FUNCTION

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

2. INSPECTION AND SECURITY FUNCTION

For salaries, support, maintenance,

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

3. INVESTIGATION FUNCTION

For salaries, support, maintenance, and miscellaneous purposes of the divisions of criminal investigation and bureau of identification, drug law enforcement, beer and liquor law enforcement, fire protection, and arson function including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter ninety-seven A (97A) of the Code in the amount of sixteen percent of the salaries for which the funds are appropriated: \$2,729,000

4. DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE

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

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

6. 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, 1978. The twenty additional members of the highway safety patrol shall be totally funded through the use of federal funds.

7. The department of public safety to regulate and enforce motor vehicle laws governing traffic control and laws designed to maintain the public peace, pursuant to duties as provided in section eighty point nine (80.9), of the Code, may seek the cooperation of the Iowa national guard to enforce motor vehicle traffic control and safety laws at large public gatherings where traffic control and safety may require additional enforcement facilities. Under this provision the Iowa national guard may provide assistance only with "on duty" members assigned by the adjutant general of the guard who will be subject to the direction of the department of public safety while enforcing the motor vehicle traffic control laws.

Sec. 5. There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1977-1978
Fiscal Year

DEPARTMENT OF TRANSPORTATION

- 1. For salaries, support, maintenance, and miscellaneous purposes: \$4,227,000
- 2. For public transit purposes to implement a state assistance plan: \$2,000,000

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

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

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

1977-1978
Fiscal Year

DEPARTMENT OF TRANSPORTATION

- 1. For salaries, support, maintenance, and miscellaneous purposes: \$6,928,000
- ADMINISTRATION OF MERIT SYSTEM
- 2. For the purpose of making payments to the Iowa merit employment department for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter nineteen A (19A) of the Code: \$ 10,000
- UNEMPLOYMENT COMPENSATION COSTS
- 3. Unemployment compensation: \$ 5,000

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

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

1977-1978
Fiscal Year

DEPARTMENT OF TRANSPORTATION

1. For salaries, support, maintenance,
and miscellaneous purposes: \$81,480,000

EQUIPMENT

2. Additional equipment to be
purchased to supplement present
inventory. All acquisitions, when
acquired, will become a part of the
state department of transportation
materials and equipment revolving
fund: \$ 350,000

VEHICLE REPLACEMENT

3. To be deposited in the state
department of transportation materials
and equipment revolving fund estab-
lished by section three hundred seven A
point seven (307A.7) of the Code for
funding the increased replacement cost
of vehicles: \$ 400,000

MERIT EXPENSES

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

UNEMPLOYMENT COMPENSATION COSTS

5. Unemployment compensation: \$ 95,000
6. For the purpose of matching
available federal planning
and construction funds to be
used in the planning and construction

of the Iowa segments of the Great

River Road: \$ 250,000

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

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

Sec. 11.

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

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

Sec. 12. No funds appropriated in sections five (5), six
(6), eight (8) and eleven (11) of this Act may be used to
develop, operate or maintain any vehicle race track or vehicle
park outside the right-of-way of the primary road system
including, but not limited to, motorcycle parks unless a
specific appropriation is made for a particular project or
category of projects except that the construction of one
demonstration motorcycle park may be completed from
administrative funds.

Sec. 13. Section one hundred one A point twelve (101A.12),
Code 1977, is amended to read as follows:

101A.12 DEPOSIT AND USE OF FEES. The fees collected by
the commissioner of public safety in issuing licenses shall
be deposited in ~~a special fund in~~ the state ~~treasury to be~~

~~used by the commissioner in administering and enforcing the provisions of this chapter~~ general fund. However, ~~one-sixth of the commercial license fee established under section 404A.2 shall be paid by the treasurer of state to the general fund of the county or city for each storage facility inspected by the sheriff or the police authority of such city.~~

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

Sec. 14. Section three hundred thirteen point eighteen (313.18), Code 1977, is amended to read as follows:

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

Sec. 15. Section three hundred twenty-one point one hundred forty-five (321.145), Code 1977, is amended to read as follows:

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

~~1. Three percent of the gross fees and penalties thereon to the general fund of the state.~~

~~2. The balance of said money, less the collection fees retained by the county treasurer pursuant to section 321.152 and less the one percent received by the department as a reimbursement fund from which to pay refunds, to the road use tax fund.~~

~~The treasurer of state shall credit certificate of title fees, and lien or encumbrance fees, to the general fund of the state, less the fees retained by the county treasurer pursuant to section 321.152.~~

Sec. 16. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection nine (9), Code 1977, is amended to read as follows:

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

Sec. 17. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection twenty-one (21), Code 1977, is amended to read as follows:

21. Notice of the suspension or revocation shall be by certified mail, return receipt requested, addressed to the operator of the vehicle inspection station for which the permit was issued. The suspension or revocation shall become effective ten days from the date of the mailing of the notice unless the permit holder files a written request for a review hearing of the suspension or revocation order. The review hearing shall be de novo and shall be conducted at the seat of government by a review board composed of the following persons:

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

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

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

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

If any person shall refuse to obey any such subpoena, or to give testimony, or to produce evidence as required thereby, any judge of the district court of the state in and for Polk county may, upon application and proof of such refusal, make an order awarding process of subpoena, or subpoena duces tecum, out of the said court, for the witness to appear before the review board and to give testimony, and to produce evidence as required thereby. Upon filing such order in the office of the clerk of said court, the clerk shall issue process of subpoena, as directed, under the seal of said court, requiring the person to whom it is directed to appear at the time and place therein designated.

Witnesses shall receive three dollars for each day's attendance and ten cents per mile for each mile actually traveled. Witnesses shall be compensated from ~~the-motor-vehicle-inspection-fund~~ funds appropriated to the department. The treasurer of state may make rules setting forth the procedure for such reimbursement.

Sec. 18. Section three hundred twenty-one A point three (321A.3), Code 1977, is amended to read as follows:

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

Sec. 19. Section three hundred twenty-one F point eleven (321F.11), Code 1977, is amended to read as follows:

321F.11 RULES ADOPTED--DEPOSIT OF FEES. The director shall adopt rules for the purpose of administering this chapter. All fees and funds accruing from the administration of this chapter shall be remitted to the treasurer of state monthly and ~~by-him~~ deposited in the ~~motor-vehicle-dealer's license-fee-fund-in-the-manner-provided-in-section-322-42~~ road use tax fund.

Sec. 20. Section three hundred twenty-two point twelve (322.12), Code 1977, is amended to read as follows:

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

Sec. 21. Section three hundred twenty-five point thirty-six (325.36), Code 1977, is amended to read as follows:

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

Sec. 22. Section three hundred twenty-seven point thirteen (327.13), Code 1977, is amended to read as follows:

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

Sec. 23. Section three hundred twenty-seven A point nineteen (327A.19), Code 1977, is amended to read as follows:

327A.19 FEE FOR OPERATION. No certificate of convenience and necessity shall be issued nor continued in force until the holder thereof shall have paid to the board an annual certificate fee for each motor vehicle operated thereunder in the amount of five dollars, except that the fee for a tractor or truck tractor shall be fifteen dollars, and except that the fee herein provided shall not be imposed on any

trailer or semitrailer. Fees collected pursuant to the provisions of this section shall be remitted to the treasurer of state and credited to the general fund of the state road use tax fund.

Sec. 24. Section three hundred twenty-seven B point three (327B.3), Code 1977, is amended to read as follows:

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

Sec. 25. Sections three hundred twenty-one point one hundred twenty-nine (321.129) and three hundred twenty-one point one hundred forty-six (321.146), Code 1977, are repealed.

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 327, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved *Stem Veto* *July 10*, 1977

ROBERT D. RAY
Governor