

Senate Do pass 4/27/83 (p. 1427)

Reprinted 5/3/83

APR 22 1983

SENATE FILE 531

BY COMMITTEE ON APPROPRIATIONS

Approved 4/22 (p. 1380)

Passed Senate, Date 4-29-83 (p. 1466) Passed House, Date _____
Vote: Ayes 42 Nays 0 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:

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SF 531

1 Section 1. There is appropriated from the general fund
2 of the state to the following named agencies for the fiscal
3 year beginning July 1, 1983 and ending June 30, 1984, the
4 following amounts, or so much thereof as is necessary, for
5 the purposes designated:

6
7 1983-1984
Fiscal Year

8 1. IOWA LAW ENFORCEMENT
9 ACADEMY

10 For salaries, support, main-
11 tenance, and miscellaneous pur-
12 poses \$ 847,656

13 2. DEPARTMENT OF PUBLIC
14 DEFENSE

15 Military division

16 a. For salaries, support, main-
17 tenance, and miscellaneous pur-
18 poses \$ 2,996,016

19 b. For purchases of motor
20 fuel and special fuel \$ 28,993

21 Notwithstanding section 29A.33, the per capita annual
22 allowance to units will be five dollars per capita to be paid
23 on a semiannual basis in installments of two dollars fifty
24 cents per capita for the fiscal year beginning July 1, 1983
25 and ending June 30, 1984. The per capita allowance shall
26 be used for morale purposes and be for the welfare of the
27 troops and in no circumstances expended for support and
28 maintenance.

29 3. OFFICE OF DISASTER SERVICES

30 For salaries, support, main-
31 tenance, and miscellaneous pur-
32 poses \$ 121,703

33 Sec. 2. There is appropriated from the general fund of
34 the state to the department of public safety for the fiscal
35 year beginning July 1, 1983 and ending June 30, 1984, the

1 following amounts, or so much thereof as is necessary, to
2 be used for funding the following functions and programs for
3 the purposes designated:

4
5 1983-1984
Fiscal Year

6 DEPARTMENT OF PUBLIC SAFETY

7 1. ADMINISTRATIVE FUNCTION

8 a. For salaries, support,
9 maintenance, and miscellaneous
10 purposes of the department,

11 criminal justice information sys-
12 tem, and radio communications \$ 4,589,967

13 b. For purchases of motor
14 fuel and special fuel \$ 7,332

3724 15 c. For payment of claims
16 filed under the victim compen-
17 sation program \$ 200,000

18 2. INSPECTION FUNCTION

19 a. For salaries, support,
20 maintenance, and miscellaneous
21 purposes of fire marshal's
22 inspections, administration of
23 the state building code, arson
24 investigators including the
25 state's contribution to the
26 peace officers' retirement,
27 accident, and disability
28 system provided in chapter 97A
29 in the amount of sixteen percent
30 of the salaries for which the
31 funds are appropriated \$ 1,034,684

32 b. For purchases of motor
33 fuel and special fuel \$ 23,354

34 c. For repayment to the
35 United States government for

1 overpayments received in 1980
2 and 1981 for intermediate care
3 facility inspections \$ 79,553

4 d. The fire marshal shall also determine which exits of
5 the Wallace building and Hoover building should be equipped
6 with panic bars and direct that the panic bars be installed
7 by the department of general services with funds appropriated
8 to the department of general services.

9 3. SECURITY FUNCTION

10 a. For salaries, support, mainte-
11 nance, and miscellaneous purposes
12 of the capitol security division \$ 674,862

13 b. For purchases of motor
14 fuel and special fuel \$ 2,957

15 4. INVESTIGATION FUNCTION

16 a. For salaries, support, main-
17 tenance, and miscellaneous pur-
18 poses, including lease or lease
19 purchase of laboratory equipment,
20 of the division of criminal
21 investigation containing the
22 bureaus of identification, drug
23 law enforcement, welfare fraud,
24 and beer and liquor law enforce-
25 ment, including the state's con-
26 tribution to the peace officers'
27 retirement, accident, and dis-
28 ability system provided in chap-
29 ter 97A in the amount of six-
30 teen percent of the salaries for
31 which the funds are appropriated \$ 4,836,947

32 b. For purchases of motor
33 fuel and special fuel \$ 85,107

34 c. All undercover funds shall
35 be used for that purpose and intra-

1 departmental transfers shall not
2 be allowed.

3 5. DIVISION OF HIGHWAY SAFETY
4 AND UNIFORMED FORCE

5 a. For salaries, support,
6 maintenance, and miscellaneous
7 purposes including the state's
8 contribution to the peace offi-
9 cers' retirement, accident, and
10 disability system provided in
11 chapter 97A in the amount of six-
12 teen percent of the salaries for
13 which the funds are appropriated \$ 15,837,572

14 b. For purchases of motor
15 fuel and special fuel \$ 836,196

16 c. For various crime preven-
17 tion programs sponsored within
18 the department of public safety \$ 54,000

19 d. Not later than July 1, 1984, the chief of the Iowa
20 highway safety patrol shall have developed for implementation
21 a plan which shall be effective on that date which provides
22 that law enforcement motor vehicles shall no longer be assigned
23 on an individual basis to each of the Iowa highway safety
24 patrol personnel assigned to duty in the administrative
25 headquarters located in the Wallace building and provides
26 for a pool of seven law enforcement motor vehicles to be
27 located at the Wallace building and allocated on a need basis
28 by the chief of the Iowa highway safety patrol to the Iowa
29 highway safety patrol personnel assigned to duty in the
30 administrative headquarters.

31 e. By January 1, 1984, the Iowa highway safety patrol
32 shall not have more than seven aircraft.

33 6. The department of public safety shall not increase
34 any fees to political subdivisions of the state for services
35 provided to local law enforcement agencies unless notification

1 has been provided by the department of public safety of the
2 fee increases prior to March 1, 1983. The department of
3 public safety shall determine the actual costs of services
4 provided to local law enforcement agencies and the current
5 allocation of those costs between the department and the local
6 law enforcement agencies and submit its report to the
7 transportation and law enforcement appropriations subcommittee
8 of the standing committees on appropriations.

9 Sec. 3. There is appropriated from the general fund of
10 the state to the state department of transportation for the
11 fiscal year beginning July 1, 1983 and ending June 30, 1984,
12 the following amounts, or so much thereof as may be necessary,
13 to be used for the following purposes:

14 1983-1984
15 Fiscal Year

16 STATE DEPARTMENT OF TRANSPOR-
17 TATION

18 1. a. For salaries, support,
19 maintenance, and miscellaneous
20 purposes \$ 5,686,642

21 b. For purchases of motor
22 fuel and special fuel \$ 63,334

23 2. For public transit purposes
24 to implement a state assistance
25 plan \$ 1,908,000

3723 26 3. For deposit in the rail-
27 road assistance fund for branch
28 line improvement \$ 1,000,000

29 Sec. 4. There is appropriated from the road use tax fund
30 to the state department of transportation for the fiscal year
31 beginning July 1, 1983 and ending June 30, 1984, the following
32 amounts, or so much thereof as may be necessary, to be used
33 for the following purposes:

34 1983-1984
35 Fiscal Year

1 STATE DEPARTMENT OF TRANSPOR-
2 TATION

3 1. For salaries, support,
4 maintenance, and miscellaneous
5 purposes \$ 12,661,021

6 2. For the purpose of making
7 payments to the Iowa merit employ-
8 ment department for expenses in-
9 curred in administering the merit
10 system on behalf of the state
11 department of transportation, as
12 required by chapter 19A \$ 18,000

13 3. Unemployment compensation \$ 12,250

14 Sec. 5. There is appropriated from the road use tax fund
15 to the state comptroller for the fiscal year beginning July
16 1, 1983 and ending June 30, 1984, the sum of twenty-three
17 thousand (23,000) dollars, or so much thereof as is necessary,
18 to be used for the purpose of paying workers' compensation
19 claims under chapter 85 on behalf of employees of the state
20 department of transportation.

21 Sec. 6. There is appropriated from the primary road fund
22 to the state department of transportation for the fiscal year
23 beginning July 1, 1983 and ending June 30, 1984, the following
24 amounts, or so much thereof as may be necessary, to be used
25 for the following purposes:

26
27 1983-1984
Fiscal Year

28 STATE DEPARTMENT OF TRANSPOR-
29 TATION

30 1. For salaries, support,
31 maintenance, and miscellaneous
32 purposes \$120,011,333

33 2. To be deposited in the
34 state department of transportation
35 materials and equipment revolving

1 fund established by section 307A.7
2 for funding the increased replace-
3 ment cost of vehicles \$ 2,000,000

4 3. For the purpose of making
5 payments to the Iowa merit em-
6 ployment department for expenses
7 incurred in administering the
8 merit system on behalf of the
9 state department of transportation,
10 as required by chapter 19A \$ 342,000

11 4. Unemployment compensation \$ 232,750

12 Sec. 7. There is appropriated from the primary road fund
13 to the state comptroller for the fiscal year beginning July
14 1, 1983 and ending June 30, 1984, the sum of four hundred
15 thirty-seven thousand (437,000) dollars, or so much thereof
16 as is necessary, for the purpose of paying workers'
17 compensation claims under chapter 85 on behalf of the employees
18 of the state department of transportation.

19 Sec. 8. There is appropriated from the state aviation
20 fund to the state department of transportation for the fiscal
21 year beginning July 1, 1983 and ending June 30, 1984, the
22 following amount, or so much thereof as may be necessary,
23 to be used for the following purposes:

24
25 1983-1984
Fiscal Year
26 For salaries, support, main-
27 tenance, and miscellaneous pur-
28 poses \$ 351,000

29 Sec. 9. There is appropriated from the primary road fund
30 to the state department of transportation for the fiscal year
31 beginning July 1, 1983 and ending June 30, 1984, the following
32 amounts, or so much thereof as may be necessary, to be used
33 for the following purposes:

34 1983-1984
Fiscal Year
35

1 STATE DEPARTMENT OF TRANS-
2 PORTATION

3 1. For handicapped
4 accessibility \$ 91,000

5 2. For Cedar Rapids materials
6 laboratory \$ 188,000

7 3. Any unencumbered balance remaining as of June 30, 1987
8 of the funds appropriated by this section shall revert to
9 the primary road fund on September 30, 1987.

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10 Sec. 10. Section 100.18, subsection 5, Code 1983, is
11 amended to read as follows:

12 5. The state fire marshal ~~or-a-designated-subordinate~~
13 shall ~~annually-inspect-smoke-detectors-installed-as-required~~
14 by enforce the requirements of subsection 2 and shall implement
15 a program of inspections to monitor compliance with the
16 provisions of that subsection. Upon inspection, the state
17 fire marshal shall issue a written notice to the owner or
18 manager of a multiple-unit residential building informing
19 the owner or manager of compliance or noncompliance with this
20 section. The state fire marshal may contract with any
21 political subdivision without fee assessed to either the state
22 fire marshal or the political subdivision, for the performance
23 of the inspection and notification responsibilities. The
24 inspections authorized under this section are limited to the
25 placement, repair, and operability of smoke detectors. Any
26 broader inspection authority is not derived from this section.
27 The state fire marshal shall adopt rules under chapter 17A
28 as necessary to enforce this section including rules concerning
29 the placement of smoke detectors and the use of acceptable
30 smoke detectors. The smoke detectors shall display a label
31 or other identification issued by an approved testing agency
32 or another label specifically approved by the state fire
33 marshal. The state fire marshal shall not require other than
34 single-station smoke detectors. If smoke detectors are not
35 required under subsection 4 due to th presence of an automatic

1 smoke detection system, the state fire marshal shall not
2 require other than the automatic smoke detection system.

3 Sec. 11. Section 306.9, Code 1983, is amended by inserting
4 after unnumbered paragraph 2 the following new unnumbered
5 paragraph:

6 NEW UNNUMBERED PARAGRAPH. It is further declared to be
7 the policy of the state of Iowa that on construction of roads
8 classified as freeway-expressway and which are designed with
9 four-lane divided roadways, access controls shall be limited
10 to the minimum level necessary to comply with federal aid
11 requirements.

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3658 12 Sec. 12. Section 308.4, subsection 3, Code 1983, is amended
13 to read as follows:

14 3. There is appropriated from the general fund of the
15 state to the state department of transportation the sum of
16 ~~ninety-five~~ one hundred thousand ~~four-hundred~~ dollars for
17 each fiscal year beginning July 1, ~~1981~~ 1983, and ending June
18 30, 1988. The money is to be utilized for the acquisition
19 and construction of highway-associated project components
20 for the great river road. Each annual appropriation shall
21 first be used to reimburse the great river road fund
22 established in section 312.2, with remaining funds being
23 available for a period of one fiscal year following the year
24 of appropriation. The state department of transportation,
25 in co-operation with the state conservation commission and
26 the Mississippi river parkway commission, shall administer
27 this subsection and shall issue rules for administration in
28 accordance with chapter 17A. A report shall be submitted
29 listing the expenditures for the previous year and cumulative
30 expenditures of all funds appropriated by this section and
31 the report shall be incorporated in the annual report required
32 by section 17.9.

33 Sec. 13. Section 312.2, subsection 5, Code 1983, is amended
34 to read as follows:

35 5. The treasurer of state shall before making the above

1 allotments credit annually to the highway grade crossing
 2 safety fund the sum of ~~five~~ seven hundred thousand dollars,
 3 credit annually from the road use tax fund the sum of five
 4 hundred thousand dollars to the highway railroad grade crossing
 5 surface repair fund, credit monthly to the primary road fund
 6 the dollars yielded from an allotment of sixty-five hundredths
 7 of one percent of all road use tax funds for the express
 8 purpose of carrying out subsection 11 of section 307A.2,
 9 section 313.4, subsection 2, and section 307A.5, and credit
 10 annually to the primary road fund the sum of five hundred
 11 thousand dollars to be used for paying expenses incurred by
 12 the state department of transportation other than expenses
 13 incurred for extensions of primary roads in cities. All
 14 unobligated funds provided by this subsection, except those
 15 funds credited to the highway grade crossing safety fund,
 16 shall at the end of each year revert to the road use tax fund.
 17 Funds in the highway grade crossing safety fund shall not
 18 revert to the road use tax fund except to the extent they
 19 exceed five hundred thousand dollars at the end of any
 20 biennium. The cost of each highway railroad grade crossing
 21 repair project shall be allocated in the following manner:

- 3674 22 a. Thirty-three percent of the project cost shall be paid
 23 by the railroad company.
- 3674 24 b. Fifteen percent of the project cost shall be paid by
 25 the highway authority having jurisdiction of the road crossing
 26 the railroad.
- 3674 27 c. Fifty-two percent of the project cost shall be paid
 28 from the highway railroad grade crossing surface repair fund.

3746 29 Sec. 14. Section 312.2, subsection 9, Code 1983, is amended
 3750 30 to read as follows:

31 9. The treasurer of state, before making the allotments
 32 provided for in this section, shall credit annually to the
 33 ~~Iowa state~~ department of soil-conservation-five transportation
 34 one hundred thousand dollars from the road use tax funds.
 35 ~~The department-of-soil-conservation,--in-co-operation-with~~

1 ~~the state~~ department of transportation ~~and-the-Iowa~~
2 ~~conservation-commission~~ shall expend ~~such~~ the funds, for the
3 ~~lease-or-other-use-of-land-intended-for-the~~ planting or
4 maintenance of trees in shelter belts for wind erosion control
5 ~~barriers-designed~~ to reduce wind erosion interfering with
6 the maintenance of highways in the state or the safe operation
7 of vehicles ~~thereon~~ on the highways.

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8 Sec. 15. Section 321.211, unnumbered paragraph 1, Code
9 1983, is amended to read as follows:

10 Upon suspending the license of any person as authorized
11 the department shall immediately notify the licensee in writing
12 and upon the licensee's request shall afford the licensee
13 an opportunity for a hearing before the director or the
14 director's authorized agent as early as practical within not
15 to exceed thirty days after receipt of the request in the
16 county in which the licensee resides unless the department
17 and the licensee agree that such hearing may be held in some
18 other county. Upon such hearing the director or the director's
19 authorized agent may administer oaths and may issue subpoenas
20 for the attendance of witnesses and the production of relevant
21 books and papers and may require a re-examination of the
22 licensee. Upon such hearing the department shall either
23 rescind its order of suspension or for good cause may extend
24 the suspension of such license or revoke such license. There
25 is appropriated each year from the general fund of the state
26 to the department ~~sixty~~ ninety thousand dollars or so much
27 thereof as may be necessary to be used to pay the cost of
28 notice and personal delivery of service, if necessary to meet
29 the notice requirement of this section. The department shall
30 promulgate rules governing the payment of the cost of personal
31 delivery of service. The reinstatement fees collected under
32 section 321.191 shall be deposited in the general fund of
33 the state in a manner provided in section 321.192, as
34 reimbursement for the costs of notice under this section.

35 Sec. 16. Section 327G.30, Code 1983, is amended to read

1 as follows:

2 327G.30 ADJUSTMENT OF EXPENSE. If a grade crossing surface
3 of a railroad track and a highway, street, or alley shall
4 require repairs or maintenance, the costs for ~~such the~~
5 maintenance may be paid ~~equally-by-the-owner-of-the-track,~~
6 ~~the-jurisdiction-having-primary-authority-over-the-highway,~~
7 ~~street,-or-alley,-and-the-highway-grade-crossing-surface~~
8 repair-fund as provided in section 312.2, subsection 5.

9 If the railroad corporation and the jurisdiction having
10 authority agree on the method of crossing maintenance and
11 establish an agreement to each contribute ~~one-third-of-the~~
12 costs as provided in section 312.2, subsection 5, a copy of
13 the agreement shall be filed with the department which shall
14 allocate an amount ~~equal-to-one-third~~ of the cost for the
15 work if funds are available in the highway railroad grade
16 crossing surface repair fund. The department shall make
17 appropriate notification if the fund is exhausted in which
18 case agreements shall not be made under ~~the-provisions-of~~
19 this section until additional funds are available. The fund
20 shall be administered by the department.

21 Upon completion of the agreed repair work, a statement
22 of costs shall be filed with the department by the railroad
23 corporation in a form and manner prescribed by the department.
24 The department, upon approval of the statement, shall pay
25 to the railroad corporation an amount equal to one-third of
26 the cost of the work from the highway railroad grade crossing
27 surface repair fund. The owner of the track and the
28 jurisdiction entering into the agreement shall each pay ~~one-~~
29 ~~third-of~~ the cost as provided in section 312.2, subsection
30 5.

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31 Sec. 17. Notwithstanding the provisions of section 423.24,
32 there is transferred from revenues collected under chapter
33 423 during the fiscal year beginning July 1, 1983 and ending
34 June 30, 1984, from the use tax imposed on motor vehicles,
35 trailers and motor vehicle accessories and equipment under

1 section 423.7 the sum of one million (1,000,000) dollars which
2 shall be transferred to the state department of transportation
3 for public transit assistance for the fiscal year beginning
3735 > 4 July 1, 1983 and ending June 30, 1984.

5 Sec. 18. Notwithstanding section 312.2, subsection 5,
6 the treasurer of state shall credit to the highway railroad
7 grade crossing surface repair fund from the road use tax fund
8 the sum of four hundred thousand dollars for each year of
9 the fiscal biennium beginning July 1, 1983 and ending June
10 30, 1985. The moneys allocated under this section shall be
11 in addition to the funds credited to the fund under section
12 312.2, subsection 5.

13 Sec. 19. All federal grants to and the federal receipts
14 of the agencies appropriated funds under this Act are
15 appropriated for the purposes set forth in such federal grants
16 and receipts unless otherwise provided by the general assembly.

17 EXPLANATION

18 The bill appropriates funds from the general fund of the
19 state to the department of public safety, the Iowa law
20 enforcement academy, the office of disaster services, and
21 the department of public defense for the fiscal year beginning
22 July 1, 1983 and ending June 30, 1984. The bill also
23 appropriates funds from the general fund of the state, the
24 primary road fund, and the road use tax fund to the state
25 department of transportation for the fiscal year beginning
26 July 1, 1983 and ending June 30, 1984. The bill increases
27 the standing appropriation for acquisition and construction
28 of highway-associated project components for the great river
29 road from \$95,400 annually to \$100,000. The bill increases
30 the annual standing appropriation to the highway grade crossing
31 safety fund from \$500,000 to \$700,000. The bill also provides
32 for an additional \$400,000 appropriation to the highway
33 railroad grade crossing surface repair fund for each year
34 of the fiscal biennium beginning July 1, 1983 and ending June
35 30, 1985 and changes the statutory formula for allocating

1 costs on those projects. The bill provides that funds in
 2 the highway railroad grade crossing surface repair fund shall
 3 not revert annually to the road use tax fund. The bill also
 4 changes the standing appropriation of \$500,000 to the
 5 department of soil conservation for wind erosion control to
 6 a \$100,000 appropriation to the state department of
 7 transportation for wind erosion control. The bill increases
 8 from \$60,000 to \$90,000 the standing annual appropriation
 9 to the state department of transportation for costs of notice
 10 and service and license suspension and revocation proceedings.
 11 The bill also transfers \$1,000,000 from use tax revenues to
 12 the state department of transportation for public transit
 13 assistance. The bill provides that the state fire marshal
 14 implement an inspection program to monitor compliance with
 15 the smoke detector requirements of section 100.18, subsection
 16 2. The bill takes effect July 1 following enactment.

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S-3683

1 Amend Senate File 531 as follows:

2 1. Page 9, by inserting after line 11 the following
3 new sections:

4 "Sec. 30. Sections 31 through 36 shall be codified
5 as a new division of chapter 306.

6 Sec. 31. NEW SECTION. 306.50 CONSTRUCTION PROGRAM
7 NOTICE. The appropriate highway authority shall
8 provide copies of its annual construction program
9 to the soil conservation district commissioner's
10 office in each county. The soil conservation district
11 commissioner's office shall review the construction
12 program submitted by each highway authority to
13 determine those projects which may impact upon soil
14 erosion and water diversion or retention.

15 Sec. 32. NEW SECTION. 306.51 SOIL EROSION IMPACT.
16 The soil conservation district commissioners shall
17 notify the appropriate highway authority of the
18 projects which will impact upon soil erosion and water
19 drainage and request that the appropriate highway
20 authority submit preliminary design plans to the soil
21 conservation district commissioners at least thirty
22 days prior to the design hearing on preliminary plans.

23 Sec. 33. NEW SECTION. 306.52 REVIEW OF PLANS.
24 Upon receipt of the preliminary plans on a road
25 project, the soil conservation district commissioners
26 shall review each road project on which a drainage
27 structure is required in the roadway. The soil
28 conservation commissioners shall ascertain whether
29 or not an erosion control or runoff control structure
30 is needed to reduce the velocity of runoff, reduce
31 gully erosion, or provide for sedimentation or other
32 improvement that would enhance soil conservation.

33 Sec. 34. NEW SECTION. 306.53 RECOMMENDATIONS.
34 The soil conservation district commissioners shall
35 make recommendations to the appropriate highway
36 authority as to the size, type and design of structure
37 needed. In addition to culverts and bridges, the
38 commissioners shall consider earthen dams adjacent
39 to the roadway to control runoff and provide siltation
40 settlement. The district may also assist in acquiring
41 any additional right-of-way required to accommodate
42 the construction of earthen or other structures.

43 Sec. 35. NEW SECTION. 306.54 SUBMISSION OF
44 RECOMMENDATIONS. The soil conservation district
45 commissioners shall submit their findings and
3704 46 recommendations to the appropriate highway authority.
47 The appropriate highway authority shall respond
48 to the soil conservation district commissioners and
49 indicate their agreement to the suggested installation
50 or their rejection of the proposal.

S-3683
PAGE 2

1 If the proposal is accepted, the appropriate highway
2 authority shall invite the soil conservation district
3 commissioners to participate in the design of the
4 appropriate erosion control structure.

5 Where feasible and cost-sharing funds are available,
6 the soil conservation district may contribute in part
7 or in its entirety to any additional cost for the
8 erosion control structure.

9 Sec. 36. NEW SECTION. 306.55 ARBITRATION. If
10 the proposal is rejected, the appropriate highway
11 authority shall provide a written report documenting
12 the reasons for the rejection. If the soil
13 conservation district commissioners do not agree with
14 the rejection of the installation or the reasons
15 given, they may defer the problem for arbitration
16 by a representative of the appropriate highway
17 authority and the soil conservation district
18 commissioners and a third party mutually agreed upon
19 by the first two to resolve the disagreement and their
20 recommendations shall be final. Any additional costs
21 to be incurred as a result of the arbitrator's decision
22 shall be shared equally by the appropriate highway
23 authority and the soil conservation district unless
24 the parties mutually agree upon a funding proposal."

25 2. Renumber sections and correct internal
26 references as necessary in accordance with this
27 amendment.

S-3683 FILED
APRIL 27, 1983

Filed not germane 4/29/83 (p. 1461)

BY ARNE WALDSTEIN

C. JOSEPH COLEMAN

FORREST V. SCHWENGELS

NORMAN G. RODGERS

JACK HESTER

EMIL J. HUSAK

SENATE FILE 531

S-3674

1 Amend Senate File 531 as follows:

2 1. Page 10, line 22, by striking the word "Thirty-
3 three" and inserting in lieu thereof the word "Twenty".

4 2. Page 10, line 24, by striking the word "Fifteen"
5 and inserting in lieu thereof the word "Twenty".

6 3. Page 10, line 27, by striking the word "Fifty-two"
7 and inserting in lieu thereof the word "Sixty".

S-3674 FILED
APRIL 27, 1983

Adopted 4/29 (p. 1461)

BY RICHARD F. DRAKE

JOE J. WELSH

BILL HUTCHINS

S-3702

- 1 Amend the Waldstein et al. amendment, S-3683, to
- 2 Senate File 531 as follows:
- 3 1. Page 2, by striking lines 9 through 24.

S-3702 FILED

BY JOE WELSH

APRIL 28, 1983

Placed out of order 4/29/83 (p. 1461)

SENATE FILE 531

S-3703

- 1 Amend Senate File 531 as follows:
- 2 1. Page 5, by inserting after line 25 the follow-
- 3 ing:
- 4 "Notwithstanding chapter 8, it is the intent of
- 5 the general assembly that funds appropriated for
- 6 public transit purposes to implement a state assistance
- 7 plan shall be allocated in whole or in part to a
- 8 public transit system prior to the time actual
- 9 expenditures are incurred if the allocation is first
- 10 approved by the state department of transportation.
- 11 A public transit system shall make application for
- 12 advance allocations to the state department of
- 13 transportation specifically stating the reasons why
- 14 an advance allocation is required and this allocation
- 15 shall be included in the total to be audited."

S-3703 FILED

BY JOE WELSH

APRIL 28, 1983

Adopted 4/29/83 (p. 1459)

SENATE FILE 531

S-3704

- 1 Amend the Waldstein et al amendment, S-3683, to
- 2 Senate File 531 as follows:
- 3 1. Page 1, line 16, by inserting after the word
- 4 "shall" the words ", within thirty days after receipt
- 5 of the construction program,".
- 6 2. Page 1, line 46, by inserting after the word
- 7 "authority" the words "not later than twenty days
- 8 following the receipt of the construction program".
- 9 3. Page 2, by striking lines 9 through 24 and
- 10 inserting in lieu thereof the following:
- 11 "Sec. 36. NEW SECTION. REPORTING. If the proposal
- 12 is rejected, the appropriate highway authority shall
- 13 provide a written report documenting the reason for
- 14 the rejection to the soil conservation district
- 15 commissioners and the state department of
- 16 transportation. The state department of transportation
- 17 shall submit a written report to the general assembly
- 18 not later than March 1 of each year. The report shall
- 19 be filed with the secretary of the senate and the
- 20 chief clerk of the house of representatives. The
- 21 report shall contain a list of those highway projects
- 22 submitted to the soil conservation district
- 23 commissioners and the response of the soil conservation
- 24 district commissioners regarding each submission.
- 25 The report shall also include whether or not there
- 26 was agreement on the projects and how any differences
- 27 were resolved."

S-3704 FILED

BY ARNE WALDSTEIN

APRIL 28, 1983

Adopted 4/29 (p. 1459)

SENATE FILE 531

S-3713

1 Amend Senate File 531 as follows:

2 1. Page 11 by inserting after line 7 the following:
3 "Section 321.166, subsection 5, Code 1983, is amend-
4 ed to read as follows:

5 5. There shall be a marked contrast between the
6 color of the registration plates and the date which is
7 required to be displayed on the registration plates.

3736 8 When a new series of registration plates is issued to
9 replace a current series, the new registration plates
10 shall be of a distinctively different color from the
11 series which is replaced. The registration plates
12 shall meet the minimum performance standard specified
13 in the Federal Motor Vehicle Safety Standard 108,
14 Chapter V., National Highway Traffic Safety Admini-
15 stration, Department of Transportation, and shall meet
16 the minimum performance standard for a period of six
17 years."

S-3713 FILED
APRIL 28, 1983

BY LEE HOLT
C. JOSEPH COLEMAN
NORMAN G. RODGERS
JOE BROWN

Revised not germane 4/29 (p. 1465)

SENATE FILE 531

S-3724

1 Amend Senate File 531 as follows:

2 1. Page 2, by striking lines 15, 16, and 17 and
3 inserting in lieu thereof the following:

4 "c. For payment of claims
5 filed under the victim reparation
6 program and for the payment of
7 operational expenses \$200,000".

3736

S-3724 FILED
APRIL 28, 1983

BY JOE J. WELSH

Adopted as amended by 3736 4/29 (p. 1459)

SENATE FILE 531

S-3730

1 Amend Senate File 531 as follows:

2 1. Page 10, by striking line 29 through page 11,
3 line 7.

S-3730 FILED & ADOPTED
APRIL 29, 1983 (p. 1462)

BY FORREST SCHWENGELS
ARNE WALDSTEIN JULIA GENTLEMAN
RICHARD VANDE HOEF DALE TIEDEN
MICK LURA NORMAN GOODWIN
ARTHUR L. GRATIAS JACK W. HESTER
RAY TAYLOR JIM GALLAGHER
WILLIAM W. DIELEMAN HURLEY HALL
JOE BROWN ALVIN V. MILLER

1 Amend Senate File 531 as follows:
 2 1. Page 9, by inserting after line 11 the following
 3 sections:
 4 "Sec. ____ . Section 306A.10, Code 1983, is amended
 5 to read as follows:
 6 306A.10 NOTICE TO RELOCATE--COSTS PAID BY-STATE.
 7 Whenever the state department of transportation shall
 8 determine, city or county determines that relocation
 9 or removal of any utility facility now located in,
 10 over, along, or under any highway or street, is
 11 necessitated by the construction of a project on
 12 routes of the national system of interstate and defense
 13 highways including extensions within cities or on
 14 streets or highways resulting from interstate
 15 substitutions in a qualified metropolitan area under
 16 title 23, U.S.C., the utility owning or operating
 17 such the facility shall relocate or remove the same
 18 in accordance with statutory notice. The costs of
 19 relocation or removal, including the costs of
 20 installation in a new location, shall be ascertained
 21 by the state-department authority having jurisdiction
 22 over the project or as determined in condemnation
 23 proceedings for such purposes and may be paid by-the
 24 state-out-of-the-primary-read-fund-as-part-of-the
 25 cost-of-such-federally-aided-project from participating
 26 federal aid or other funds.
 27 Sec. ____ . Section 306A.12, Code 1983, is amended
 28 to read as follows:
 29 306A.12 LIMITATION ON REIMBURSEMENT. No A
 30 reimbursement shall not be made for any relocation
 31 or removal of facilities under this division chapter
 32 unless funds to be provided by federal aid amount
 33 to at least ninety eighty-five percent of each
 34 reimbursement payment."
 35 2. Renumber sections and correct internal
 36 references as necessary in accordance with this
 37 amendment.

S-3688 FILED

APRIL 27, 1983

Adopted 4/29/83 (p. 1461)

BY TED ANDERSON
 RICHARD F. DRAKE
 JOE J. WELSH
 TOM SLATER

SENATE FILE 531

S-3738

1 Amend Senate File 531 as follows:

2 1. Page 8, by inserting after line 9 the following
3 new section:

4 "Sec. ____ Chapter 80, Code 1983, is amended by
5 adding the following new section:

6 NEW SECTION. DISPOSITION OF PERSONAL PROPERTY.

7 1. Personal property, except for property subject
8 to forfeiture, motor vehicles subject to sale pursuant
9 to section 321.89, weapons subject to disposition
10 pursuant to section 691.9, and seized property subject
11 to disposition pursuant to chapter 809, which personal
12 property is found or seized by, turned in to, or
13 otherwise lawfully comes into the possession of the
14 department of public safety and which the department
15 does not own, shall be disposed of pursuant to this
16 section. If by examining the property the owner or
17 lawful custodian of the property is known or can be
18 readily ascertained, the department shall notify the
19 owner or custodian by certified mail directed to the
20 owner's or custodian's last known address, as to the
21 location of the property. If the identity or address
22 of the owner cannot be determined, notice by one
23 publication in a newspaper of general circulation
24 in the area where the property was found is sufficient
25 notice. Publication notice may contain multiple
26 items.

27 2. The department may return the property to a
28 person if that person or the person's representative
29 does all of the following:

30 a. Appears at the location where the property
31 is located.

32 b. Provides proper identification.

33 c. Demonstrates ownership or lawful possession
34 of the property to the satisfaction of the department.

35 d. Makes payment to the department for any expenses
36 incurred, due to the removing, carrying, transporting,
37 storing, or handling of the property.

38 3. After ninety days following the mailing or
39 publication of the notice required by this section,
40 or if the owner or lawful custodian of the property
41 is unknown or cannot be readily determined, or the
42 department has not turned the property over to the
43 owner, the lawful custodian, or the owner's or
44 custodian's representative, the department may dispose
45 of the property in any lawful way, including but not
46 limited to the following:

47 a. Selling the property at public auction with
48 the proceeds, less department expenses, going to the
49 general fund of the state, however, the department
50 shall be reimbursed from the proceeds for the

1 reasonable expenses incurred in selling the property
2 at the auction.

3 b. Retaining the property for the department's
4 own use.

5 c. Giving the property to another agency of govern-
6 ment.

7 d. Giving the property to an appropriate charitable
8 organization.

9 e. Destroying the property.

10 4. Except when a person appears in person or
11 through a representative within the time periods set
12 by this section, and satisfies the department that
13 the person is the owner or lawful custodian of the
14 property, disposition of the property shall be at
15 the discretion of the department. The department
16 shall maintain the receipt and disposition records
17 for all property processed under this section. Good
18 faith compliance with this section is a defense to
19 any claim or action at law or in equity regarding
20 the disposition of the property."

21 2. Renumber sections and correct internal
22 references as necessary in accordance with this
23 amendment.

S-3738 FILED
APRIL 29, 1983
RULED OUT OF ORDER (p.1461)

BY JOE WELSH
RICHARD DRAKE
FORREST SCHWENGELS
JOHN JENSEN WALLY HORN
JACK NYSTROM BERL PRIEBE

SENATE FILE 531

S-3735

1 Amend Senate File 531 as follows:

2 1. Page 13, line 4, by inserting after the period
3 the words "The funds transferred under this section
4 to the state department of transportation for public
5 transit assistance shall be considered an advance
6 of funds to be received for public transit assistance
7 under the Surface Transportation Assistance Act of
8 1982 and the road use tax fund shall receive
9 reimbursement of the funds from receipts received
10 by the state department of transportation for public
11 transit assistance from the United States government
12 pursuant to the Surface Transportation Assistance
13 Act of 1982 during the fiscal period beginning July
14 1, 1983 and ending June 30, 1985."

S-3735 FILED & ADOPTED
APRIL 29, 1983 (p.1466)

BY RICHARD DRAKE
JOE WELSH
JACK NYSTROM

SENATE FILE 531

S-3736

1 Amend the amendment S-3724 to Senate File 531 as
2 follows:

3 1. Page 1, by inserting after line 7 the following:
4 "It is the intent of the general assembly that only
5 ten percent of the funds appropriated under this para-
6 graph shall be used for the payment of operational
7 expenses."

S-3736 FILED & ADOPTED
APRIL 29, 1983 (p.1458)

BY JOE WELSH

SENATE FILE 531

S-3739

- 1 Amend Senate File 531 as follows:
2 1. Page 12, by striking line 31 through page 13,
3 line 4.

S-3739 FILED & LOST
APRIL 29, 1983 (p. 1466)

BY EDGAR H. HOLDEN

SENATE FILE 531

S-3740

- 1 Amend Senate File 531 as follows:
2 1. Page 8, by inserting after line 9 the following:
3 "Sec. ____ . Section 97B.41, subsection 3, paragraph
4 b, Code 1983, is amended by adding the following new
5 subparagraph:
6 NEW SUBPARAGRAPH. Employees who are receiving re-
7 tirement allowances under chapter 97A, annuities under
8 chapter 605A, or retirement benefits, other than bene-
9 fits under this chapter, from a public retirement
10 system administered by the state board of regents."

S-3740 FILED
APRIL 29, 1983

BY BILL HUTCHINS

RULED OUT OF ORDER (p. 1461)

SENATE FILE 531

S-3742

- 1 Amend Senate File 531 as follows:
2 1. Page 3, line 31, by striking the figure "4,836,947"
3 and inserting in lieu thereof the figure "4,926,947".

S-3742 FILED & LOST
APRIL 29, 1983 (p. 1465)

BY RICHARD F. DRAKE

SENATE FILE 531

S-3746

- 1 Amend Senate File 531 as follows:
2 1. Page 10, by inserting after line 28 the
3 following section:
4 "Sec. ____ . Section 312.2, subsection 9, Code 1983,
5 is amended to read as follows:
6 9. The treasurer of state, before making the
7 allotments provided for in this section, shall credit
8 annually to the Iowa department of soil conservation
9 five hundred thousand dollars from the road use tax
10 funds. The department of soil conservation, in co-
11 operation with the state department of transportation
12 and the Iowa conservation commission shall expend
13 such the funds, for the lease or other use of land
14 intended for the planting or maintenance of wind
15 erosion control barriers designed to reduce wind
16 erosion interfering with the maintenance of highways
17 in the state or the safe operation of vehicles thereon
18 on the highway. However, the funds shall not be
19 expended for wind erosion control barriers located
20 more than forty rods from the center of a roadway."
21 2. Renumber sections and correct internal
22 references as necessary in accordance with this
23 amendment.

S-3746 FILED & ADOPTED
APRIL 29, 1983 (p. 1465)

BY JOE J. WELSH
FORREST V. SCHWENGELS
BERL E. PRIEBE
HURLEY HALL

SENATE FILE 531

S-3732

- 1 Amend Senate File 531 as follows:
- 2 1. Page 2, line 12, by striking the figure
- 3 "4,589,967" and inserting in lieu thereof the figure
- 4 "4,639,967".
- 5 2. Page 2, by inserting after line 12 the
- 6 following:
- 7 "____. If funds appropriated
- 8 under paragraph a are insufficient,
- 9 reductions shall be made in support,
- 10 maintenance, and miscellaneous costs
- 11 and the department shall not implement
- 12 any personnel reductions."
- 13 3. Renumber sections and correct internal
- 14 references as necessary in accordance with this
- 15 amendment.

S-3732 FILED & ADOPTED BY JOE WELSH
APRIL 29, 1983 (p. 1458)

SENATE FILE 531

S-3733

- 1 Amend Senate File 531 as follows:
- 2 1. Page 12, by inserting after line 30 the
- 3 following section:
- 4 "Sec. ____ Section 331.655, subsection 1, paragraph
- 5 a, Code 1983, is amended to read as follows:
- 6 a. For serving a notice and returning it, for
- 7 the first person served, six dollars, and each
- 8 additional person, six dollars except the fee for
- 9 serving additional persons in the same household shall
- 10 be three dollars for each additional service, or if
- 11 the service of notice cannot be made or several
- 12 attempts are necessary, the repayment of all necessary
- 13 expenses actually incurred by the sheriff while
- 14 attempting in good faith to serve the notice."
- 15 2. Renumber sections and correct internal
- 16 references as necessary in accordance with this
- 17 amendment.

S-3733 FILED & ADOPTED BY JOE WELSH
APRIL 29, 1983 (p. 1466) CHARLES BRUNER

SENATE FILE 531

S-3734

- 1 Amend Senate File 531 as follows:
- 2 1. By striking page 12, line 31 through page 13,
- 3 line 4.
- 4 2. Renumber sections and correct internal
- 5 references as necessary in accordance with this
- 6 amendment.

S-3734 FILED BY JOHN N. NYSTROM
APRIL 29, 1983
RULED OUT OF ORDER (p. 1466)

Finance: Halvorson of Webster, Chair; Branstad and Chiodo.

(AS AMENDED AND PASSED BY THE SENATE APRIL 29, 1983)

Passed Senate, Date 5-10-83 (p.1628) Passed House, Date 5-5-83 (p.1831)

Vote: Ayes 42 Nays 3 Vote: Ayes 76 Nays 17

Approved Item Veto 6-3-83

A BILL FOR

3996 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

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Conference Committee appointed
Senators Kelek (Chair), Doyle, Drake, Birtsema, Hentschel 5/11/83 (p.1657)
Representatives Jackson (Chair) Gronings, Woods, Harbor, Maulby 5/11 (p.2023)

Passed per Conference Committee Report
Senate 5-14-83 (p.1780) House 5-14-83 (p.2231)
26-21 52-42

_____ = New Language by the Senate

* Equals Language stricken by the Senate

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 531

H-4131

- 1 Amend the amendment S-3817 to Senate File 531 as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 1, by striking line 16 through page 6 line
- 4 21.

H-4131 FILED MAY 10, 1983
House REFUSED TO CONCUR (p.2004)

RECEIVED FROM THE SENATE
Senate insisted 5/11/83 (p.1657)

23

24

25

1 Section 1. There is appropriated from the general fund
2 of the state to the following named agencies for the fiscal
3 year beginning July 1, 1983 and ending June 30, 1984, the
4 following amounts, or so much thereof as is necessary, for
5 the purposes designated:

6 1983-1984
7 Fiscal Year

8 1. IOWA LAW ENFORCEMENT
9 ACADEMY

10 For salaries, support, main-
11 tenance, and miscellaneous pur-
12 poses \$ 847,656

13 2. DEPARTMENT OF PUBLIC
14 DEFENSE

15 Military division
16 a. For salaries, support, main-
17 tenance, and miscellaneous pur-
18 poses \$ 2,996,016

19 b. For purchases of motor
20 fuel and special fuel \$ 28,993

21 Notwithstanding section 29A.33, the per capita annual
22 allowance to units will be five dollars per capita to be paid
23 on a semiannual basis in installments of two dollars fifty
24 cents per capita for the fiscal year beginning July 1, 1983
25 and ending June 30, 1984. The per capita allowance shall
26 be used for morale purposes and be for the welfare of the
27 troops and in no circumstances expended for support and
28 maintenance.

29 3. OFFICE OF DISASTER SERVICES

30 For salaries, support, main-
31 tenance, and miscellaneous pur-
32 poses \$ 121,703

33 Sec. 2. There is appropriated from the general fund of
34 the state to the department of public safety for the fiscal
35 year beginning July 1, 1983 and ending June 30, 1984, the

1 following amounts, or so much thereof as is necessary, to
2 be used for funding the following functions and programs for
3 the purposes designated:

1983-1984
Fiscal Year

6 DEPARTMENT OF PUBLIC SAFETY

7 1. ADMINISTRATIVE FUNCTION

8 a. For salaries, support,
9 maintenance, and miscellaneous
10 purposes of the department,
11 criminal justice information sys-

12 tem, and radio communications \$ 4,639,967

13 b. If funds appropriated
14 under paragraph a are insufficient,
15 reductions shall be made in support,
16 maintenance, and miscellaneous costs
17 and the department shall not implement
18 any personnel reductions.

19 c. For purchases of motor
20 fuel and special fuel \$ 7,332

21 d. For payment of claims
22 filed under the victim reparation
23 program and for the payment of
24 operational expenses \$ 200,000

25 It is the intent of the general assembly that only ten
26 percent of the funds appropriated under this paragraph shall
27 be used for the payment of operational expenses.

28 2. INSPECTION FUNCTION

29 a. For salaries, support,
30 maintenance, and miscellaneous
31 purposes of fire marshal's
32 inspections, administration of
33 the state building code, arson
34 investigators including the
35 state's contribution to the

1 peace officers' retirement,
2 accident, and disability
3 system provided in chapter 97A
4 in the amount of sixteen percent
5 of the salaries for which the
6 funds are appropriated \$ 1,034,684
7 b. For purchases of motor
8 fuel and special fuel \$ 23,354
9 c. For repayment to the
10 United States government for
11 overpayments received in 1980
12 and 1981 for intermediate care
13 facility inspections \$ 79,553
14 d. The fire marshal shall also determine which exits of
15 the Wallace building and Hoover building should be equipped
16 with panic bars and direct that the panic bars be installed
17 by the department of general services with funds appropriated
18 to the department of general services.

19 3. SECURITY FUNCTION
20 a. For salaries, support, mainte-
21 nance, and miscellaneous purposes
22 of the capitol security division \$ 674,862
23 b. For purchases of motor
24 fuel and special fuel \$ 2,957

25 4. INVESTIGATION FUNCTION
26 a. For salaries, support, main-
27 tenance, and miscellaneous pur-
28 poses, including lease or lease
29 purchase of laboratory equipment,
30 of the division of criminal
31 investigation containing the
32 bureaus of identification, drug
33 law enforcement, welfare fraud,
34 and beer and liquor law enforce-
35 ment, including the state's con-

1 tribution to the peace officers'
2 retirement, accident, and dis-
3 ability system provided in chap-
4 ter 97A in the amount of six-
5 teen percent of the salaries for
6 which the funds are appropriated \$ 4,836,947

7 b. For purchases of motor
8 fuel and special fuel \$ 85,107

9 c. All undercover funds shall
10 be used for that purpose and intra-
11 departmental transfers shall not
12 be allowed.

13 5. DIVISION OF HIGHWAY SAFETY
14 AND UNIFORMED FORCE

15 a. For salaries, support,
16 maintenance, and miscellaneous
17 purposes including the state's
18 contribution to the peace offi-
19 cers' retirement, accident, and
20 disability system provided in
21 chapter 97A in the amount of six-
22 teen percent of the salaries for
23 which the funds are appropriated \$ 15,837,572

24 b. For purchases of motor
25 fuel and special fuel \$ 836,196

26 c. For various crime preven-
27 tion programs sponsored within
28 the department of public safety \$ 54,000

29 d. Not later than July 1, 1984, the chief of the Iowa
30 highway safety patrol shall have developed for implementation
31 a plan which shall be effective on that date which provides
32 that law enforcement motor vehicles shall no longer be assigned
33 on an individual basis to each of the Iowa highway safety
34 patrol personnel assigned to duty in the administrative
35 headquarters located in the Wallace building and provides

1 for a pool of seven law enforcement motor vehicles to be
2 located at the Wallace building and allocated on a need basis
3 by the chief of the Iowa highway safety patrol to the Iowa
4 highway safety patrol personnel assigned to duty in the
5 administrative headquarters.

6 e. By January 1, 1984, the Iowa highway safety patrol
7 shall not have more than seven aircraft.

8 6. The department of public safety shall not increase
9 any fees to political subdivisions of the state for services
10 provided to local law enforcement agencies unless notification
11 has been provided by the department of public safety of the
12 fee increases prior to March 1, 1983. The department of
13 public safety shall determine the actual costs of services
14 provided to local law enforcement agencies and the current
15 allocation of those costs between the department and the local
16 law enforcement agencies and submit its report to the
17 transportation and law enforcement appropriations subcommittee
18 of the standing committees on appropriations.

19 Sec. 3. There is appropriated from the general fund of
20 the state to the state department of transportation for the
21 fiscal year beginning July 1, 1983 and ending June 30, 1984,
22 the following amounts, or so much thereof as may be necessary,
23 to be used for the following purposes:

	1983-1984
	<u>Fiscal Year</u>
24	
25	
26 STATE DEPARTMENT OF TRANSPOR-	
27 TATION	
28 1. a. For salaries, support,	
29 maintenance, and miscellaneous	
30 purposes	\$ 5,686,642
31 b. For purchases of motor	
32 fuel and special fuel	\$ 63,334
33 2. For public transit purposes	
34 to implement a state assistance	
35 plan	\$ 1,908,000

1 Notwithstanding chapter 8, it is the intent of the general
2 assembly that funds appropriated for public transit purposes
3 to implement a state assistance plan shall be allocated in
4 whole or in part to a public transit system prior to the time
5 actual expenditures are incurred if the allocation is first
6 approved by the state department of transportation. A public
7 transit system shall make application for advance allocations
8 to the state department of transportation specifically stating
9 the reasons why an advance allocation is required and this
10 allocation shall be included in the total to be audited.

11 3. For deposit in the rail-
12 road assistance fund for branch
13 line improvement \$ 1,000,000

14 Sec. 4. There is appropriated from the road use tax fund
15 to the state department of transportation for the fiscal year
16 beginning July 1, 1983 and ending June 30, 1984, the following
17 amounts, or so much thereof as may be necessary, to be used
18 for the following purposes:

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1983-1984
Fiscal Year

21 STATE DEPARTMENT OF TRANSPOR-
22 TATION

23 1. For salaries, support,
24 maintenance, and miscellaneous
25 purposes \$ 12,661,021

26 2. For the purpose of making
27 payments to the Iowa merit employ-
28 ment department for expenses in-
29 curred in administering the merit
30 system on behalf of the state
31 department of transportation, as
32 required by chapter 19A \$ 18,000

33 3. Unemployment compensation \$ 12,250

34 Sec. 5. There is appropriated from the road use tax fund
35 to the state comptroller for the fiscal year beginning July

1 1, 1983 and ending June 30, 1984, the sum of twenty-three
2 thousand (23,000) dollars, or so much thereof as is necessary,
3 to be used for the purpose of paying workers' compensation
4 claims under chapter 85 on behalf of employees of the state
5 department of transportation.

6 Sec. 6. There is appropriated from the primary road fund
7 to the state department of transportation for the fiscal year
8 beginning July 1, 1983 and ending June 30, 1984, the following
9 amounts, or so much thereof as may be necessary, to be used
10 for the following purposes:

	1983-1984
	<u>Fiscal Year</u>
13 STATE DEPARTMENT OF TRANSPOR-	
14 TATION	
15 1. For salaries, support,	
16 maintenance, and miscellaneous	
17 purposes	\$120,011,333
18 2. To be deposited in the	
19 state department of transportation	
20 materials and equipment revolving	
21 fund established by section 307A.7	
22 for funding the increased replace-	
23 ment cost of vehicles	\$ 2,000,000
24 3. For the purpose of making	
25 payments to the Iowa merit em-	
26 ployment department for expenses	
27 incurred in administering the	
28 merit system on behalf of the	
29 state department of transportation,	
30 as required by chapter 19A	\$ 342,000
31 4. Unemployment compensation	\$ 232,750

32 Sec. 7. There is appropriated from the primary road fund
33 to the state comptroller for the fiscal year beginning July
34 1, 1983 and ending June 30, 1984, the sum of four hundred
35 thirty-seven thousand (437,000) dollars, or so much thereof

1 as is necessary, for the purpose of paying workers'
2 compensation claims under chapter 85 on behalf of the employees
3 of the state department of transportation.

4 Sec. 8. There is appropriated from the state aviation
5 fund to the state department of transportation for the fiscal
6 year beginning July 1, 1983 and ending June 30, 1984, the
7 following amount, or so much thereof as may be necessary,
8 to be used for the following purposes:

9
10 1983-1984
Fiscal Year

11 For salaries, support, main-
12 tenance, and miscellaneous pur-
13 poses \$ 351,000

14 Sec. 9. There is appropriated from the primary road fund
15 to the state department of transportation for the fiscal year
16 beginning July 1, 1983 and ending June 30, 1984, the following
17 amounts, or so much thereof as may be necessary, to be used
18 for the following purposes:

19
20 1983-1984
Fiscal Year

21 STATE DEPARTMENT OF TRANS-
22 PORTATION

23 1. For handicapped
24 accessibility \$ 91,000

25 2. For Cedar Rapids materials
26 laboratory \$ 188,000

27 3. Any unencumbered balance remaining as of June 30, 1987
28 of the funds appropriated by this section shall revert to
29 the primary road fund on September 30, 1987.

30 3970 Sec. 10. Section 100.18, subsection 5, Code 1983, is
31 amended to read as follows:

32 5. The state fire marshal ~~er-a-designated-subordinate~~
33 shall ~~annually-inspect-smoke-detectors-installed-as-required~~
34 by enforce the requirements of subsection 2 and shall implement
35 a program of inspections to monitor compliance with the

1 provisions of that subsection. Upon inspection, the state
2 fire marshal shall issue a written notice to the owner or
3 manager of a multiple-unit residential building informing
4 the owner or manager of compliance or noncompliance with this
5 section. The state fire marshal may contract with any
6 political subdivision without fee assessed to either the state
7 fire marshal or the political subdivision, for the performance
8 of the inspection and notification responsibilities. The
9 inspections authorized under this section are limited to the
10 placement, repair, and operability of smoke detectors. Any
11 broader inspection authority is not derived from this section.
12 The state fire marshal shall adopt rules under chapter 17A
13 as necessary to enforce this section including rules concerning
14 the placement of smoke detectors and the use of acceptable
15 smoke detectors. The smoke detectors shall display a label
16 or other identification issued by an approved testing agency
17 or another label specifically approved by the state fire
18 marshal. The state fire marshal shall not require other than
19 single-station smoke detectors. If smoke detectors are not
20 required under subsection 4 due to the presence of an automatic
21 smoke detection system, the state fire marshal shall not
22 require other than the automatic smoke detection system.

23 Sec. 11. Section 306.9, Code 1983, is amended by inserting
24 after unnumbered paragraph 2 the following new unnumbered
25 paragraph:

26 NEW UNNUMBERED PARAGRAPH. It is further declared to be
27 the policy of the state of Iowa that on construction of roads
28 classified as freeway-expressway and which are designed with
29 four-lane divided roadways, access controls shall be limited
30 to the minimum level necessary to comply with federal aid
31 requirements.

32 Sec. 12. Section 306A.10, Code 1983, is amended to read
33 as follows:

34 306A.10 NOTICE TO RELOCATE--COSTS PAID BY-STATE. Whenever
35 the state department of transportation shall-determine, city

1 or county determines that relocation or removal of any utility
 2 facility now located in, over, along, or under any highway
 3 or street, is necessitated by the construction of a project
 4 on routes of the national system of interstate and defense
 5 highways including extensions within cities or on streets
 6 or highways resulting from interstate substitutions in a
 7 qualified metropolitan area under title 23, U.S.C., the utility
 8 owning or operating such the facility shall relocate or remove
 9 the same in accordance with statutory notice. The costs of
 10 relocation or removal, including the costs of installation
 11 in a new location, shall be ascertained by the state-department
 12 authority having jurisdiction over the project or as determined
 13 in condemnation proceedings for such purposes and may be paid
 14 by-the-state-out-of-the-primary-road-fund-as-part-of-the-cost
 15 of-such-federally-aided-project from participating federal
 16 aid or other funds.

17 Sec. 13. Section 306A.12, Code 1983, is amended to read
 18 as follows:

19 306A.12 LIMITATION ON REIMBURSEMENT. No A reimbursement
 20 shall not be made for any relocation or removal of facilities
 21 under this ~~division~~ chapter unless funds to be provided by
 22 federal aid amount to at least ninety eighty-five percent
 23 of each reimbursement payment.

24 Sec. 14. Section 308.4, subsection 3, Code 1983, is amended
 25 to read as follows:

26 3. There is appropriated from the general fund of the
 27 state to the state department of transportation the sum of
 28 ninety-five one hundred thousand ~~four-hundred~~ dollars for
 29 each fiscal year beginning July 1, ~~1981~~ 1983, and ending June
 30 30, 1988. The money is to be utilized for the acquisition
 31 and construction of highway-associated project components
 32 for the great river road. Each annual appropriation shall
 33 first be used to reimburse the great river road fund
 34 established in section 312.2, with remaining funds being
 35 available for a period of one fiscal year following the year

1 of appropriation. The state department of transportation,
2 in co-operation with the state conservation commission and
3 the Mississippi river parkway commission, shall administer
4 this subsection and shall issue rules for administration in
5 accordance with chapter 17A. A report shall be submitted
6 listing the expenditures for the previous year and cumulative
7 expenditures of all funds appropriated by this section and
8 the report shall be incorporated in the annual report required
9 by section 17.9.

10 Sec. 15. Section 312.2, subsection 5, Code 1983, is amended
11 to read as follows:

12 5. The treasurer of state shall before making the above
13 allotments credit annually to the highway grade crossing
14 safety fund the sum of ~~five~~ seven hundred thousand dollars,
15 credit annually from the road use tax fund the sum of five
16 hundred thousand dollars to the highway railroad grade crossing
17 surface repair fund, credit monthly to the primary road fund
18 the dollars yielded from an allotment of sixty-five hundredths
19 of one percent of all road use tax funds for the express
20 purpose of carrying out subsection 11 of section 307A.2,
21 section 313.4, subsection 2, and section 307A.5, and credit
22 annually to the primary road fund the sum of five hundred
23 thousand dollars to be used for paying expenses incurred by
24 the state department of transportation other than expenses
25 incurred for extensions of primary roads in cities. All
26 unobligated funds provided by this subsection, except those
27 funds credited to the highway grade crossing safety fund,
28 shall at the end of each year revert to the road use tax fund.
29 Funds in the highway grade crossing safety fund shall not
30 revert to the road use tax fund except to the extent they
31 exceed five hundred thousand dollars at the end of any
32 biennium. The cost of each highway railroad grade crossing
33 repair project shall be allocated in the following manner:
34 a. Twenty percent of the project cost shall be paid by
35 the railroad company.

1 b. Twenty percent of the project cost shall be paid by
 2 the highway authority having jurisdiction of the road crossing
 3 the railroad.

4 c. Sixty percent of the project cost shall be paid from
 5 the highway railroad grade crossing surface repair fund.

6 Sec. 16. Section 312.2, subsection 9, Code 1983, is amended
 7 to read as follows:

39958 8 9. The treasurer of state, before making the allotments
 9 provided for in this section, shall credit annually to the
 10 Iowa department of soil conservation five hundred thousand
 11 dollars from the road use tax funds. The department of soil
 12 conservation, in co-operation with the state department of
 13 transportation and the Iowa conservation commission shall
 14 expend such the funds, for the lease or other use of land
 15 intended for the planting or maintenance of wind erosion
 16 control barriers designed to reduce wind erosion interfering
 17 with the maintenance of highways in the state or the safe
 18 operation of vehicles thereon on the highway. However, the
 19 funds shall not be expended for wind erosion control barriers
 20 located more than forty rods from the center of a roadway.

* 21 Sec. 17. Section 321.211, unnumbered paragraph 1, Code
 22 1983, is amended to read as follows:

23 Upon suspending the license of any person as authorized
 24 the department shall immediately notify the licensee in writing
 25 and upon the licensee's request shall afford the licensee
 26 an opportunity for a hearing before the director or the
 27 director's authorized agent as early as practical within not
 28 to exceed thirty days after receipt of the request in the
 29 county in which the licensee resides unless the department
 30 and the licensee agree that such hearing may be held in some
 31 other county. Upon such hearing the director or the director's
 32 authorized agent may administer oaths and may issue subpoenas
 33 for the attendance of witnesses and the production of relevant
 34 books and papers and may require a re-examination of the
 35 licensee. Upon such hearing the department shall either

1 rescind its order of suspension or for good cause may extend
2 the suspension of such license or revoke such license. There
3 is appropriated each year from the general fund of the state
4 to the department ~~sixty~~ ninety thousand dollars or so much
5 thereof as may be necessary to be used to pay the cost of
6 notice and personal delivery of service, if necessary to meet
7 the notice requirement of this section. The department shall
8 promulgate rules governing the payment of the cost of personal
9 delivery of service. The reinstatement fees collected under
10 section 321.191 shall be deposited in the general fund of
11 the state in a manner provided in section 321.192, as
12 reimbursement for the costs of notice under this section.

13 Sec. 18. Section 327G.30, Code 1983, is amended to read
14 as follows:

15 327G.30 ADJUSTMENT OF EXPENSE. If a grade crossing surface
16 of a railroad track and a highway, street, or alley shall
17 require repairs or maintenance, the costs for ~~such the~~
18 maintenance may be paid ~~equally-by-the-owner-of-the-track,~~
19 ~~the-jurisdiction-having-primary-authority-over-the-highway,~~
20 ~~street,-or-alley,-and-the-highway-grade-crossing-surface~~
21 ~~repair-fund~~ as provided in section 312.2, subsection 5.

22 If the railroad corporation and the jurisdiction having
23 authority agree on the method of crossing maintenance and
24 establish an agreement to each contribute ~~one-third-of-the~~
25 costs as provided in section 312.2, subsection 5, a copy of
26 the agreement shall be filed with the department which shall
27 allocate an amount ~~equal-to-one-third~~ of the cost for the
28 work if funds are available in the highway railroad grade
29 crossing surface repair fund. The department shall make
30 appropriate notification if the fund is exhausted in which
31 case agreements shall not be made under ~~the-provisions-of~~
32 this section until additional funds are available. The fund
33 shall be administered by the department.

34 Upon completion of the agreed repair work, a statement
35 of costs shall be filed with the department by the railroad

1 corporation in a form and manner prescribed by the department.
2 The department, upon approval of the statement, shall pay
3 to the railroad corporation an amount equal to one-third of
4 the cost of the work from the highway railroad grade crossing
5 surface repair fund. The owner of the track and the
6 jurisdiction entering into the agreement shall each pay ~~one-~~
7 ~~third-of~~ the cost as provided in section 312.2, subsection
8 5.

9 Sec. 19. Section 331.655, subsection 1, paragraph a, Code
10 1983, is amended to read as follows:

11 a. For serving a notice and returning it, for the first
12 person served, six dollars, and each additional person, six
13 dollars except the fee for serving additional persons in the
14 same household shall be three dollars for each additional
15 service, or if the service of notice cannot be made or several
16 attempts are necessary, the repayment of all necessary expenses
17 actually incurred by the sheriff while attempting in good
18 faith to serve the notice.

19 Sec. 20. Notwithstanding the provisions of section 423.24,
20 there is transferred from revenues collected under chapter
21 423 during the fiscal year beginning July 1, 1983 and ending
22 June 30, 1984, from the use tax imposed on motor vehicles,
23 trailers and motor vehicle accessories and equipment under
24 section 423.7 the sum of one million (1,000,000) dollars which
25 shall be transferred to the state department of transportation
26 for public transit assistance for the fiscal year beginning
27 July 1, 1983 and ending June 30, 1984. The funds transferred
28 under this section to the state department of transportation
29 for public transit assistance shall be considered an advance
30 of funds to be received for public transit assistance under
31 the Surface Transportation Assistance Act of 1982 and the
32 road use tax fund shall receive reimbursement of the funds
33 from receipts received by the state department of
34 transportation for public transit assistance from the United
35 States government pursuant to the Surface Transportation

1 Assistance Act of 1982 during the fiscal period beginning
2 July 1, 1983 and ending June 30, 1985.

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3 Sec. 21. Notwithstanding section 312.2, subsection 5,
4 the treasurer of state shall credit to the highway railroad
5 grade crossing surface repair fund from the road use tax fund
6 the sum of four hundred thousand dollars for each year of
7 the fiscal biennium beginning July 1, 1983 and ending June
8 30, 1985. The moneys allocated under this section shall be
9 in addition to the funds credited to the fund under section
10 312.2, subsection 5.

11 Sec. 22. All federal grants to and the federal receipts
12 of the agencies appropriated funds under this Act are
13 appropriated for the purposes set forth in such federal grants
14 and receipts unless otherwise provided by the general assembly.

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SF 531
bk/slc/26b

SENATE FILE 531

H-3996

1 Amend Senate File 531, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, line 6, by striking the figure
4 "4,836,947" and inserting in lieu thereof the figure
5 "4,600,197".

6 2. Page 4, by striking lines 9 through 12 and
7 inserting in lieu thereof the following:

8 c. For undercover pur-
9 chases by the division of criminal
10 investigation agents and local law
11 enforcement agents \$200,000".

12 3. Page 8, by inserting after line 29 the following
13 new section:

14 "Sec. ____ Chapter 79, Code 1983, is amended by
15 adding the following new section:

16 NEW SECTION. An employee of the department of
17 public safety or the state conservation commission
18 who retires after the effective date of this Act is
19 eligible for payment of life or health insurance
20 premiums as provided for in the collective bargaining
21 agreement covering the public safety bargaining unit
22 at the time of retirement if that employee previously
23 served in a position which would have been covered
24 by that agreement. The employee shall be given credit
25 for the service in that prior position as though it
26 was covered by the agreement. This section shall
27 not operate to reduce any retirement benefits the
28 employee may have earned under other collective
29 bargaining agreements or retirement programs."

30 4. Page 8, by inserting after line 29 the following
31 section:

32 "Sec. 30. Section 25A.14, Code 1983, is amended
33 by adding the following new subsection:

34 NEW SUBSECTION. 8. Any claim based upon or arising
35 out of a claim of negligent design or specification,
36 negligent adoption of design or specification, or
37 negligent construction or reconstruction of a highway,
38 secondary road, or street as defined in section 321.1,
39 subsection 48, or a public improvement as defined
40 in section 384.37, subsection 1, or other public
41 facility that was constructed or reconstructed in
42 accordance with a generally recognized engineering
43 or safety standard, criteria, or design theory in
44 existence at the time of the construction or
45 reconstruction. A claim under this chapter shall
46 not be allowed for failure to upgrade, improve, or
47 alter any aspect of an existing highway, secondary
48 road, street, public improvement, or other public
49 facility to new, changed, or altered design standards.
50 In respect to highways and roads, sealcoating,

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1 asphaltting, patching, resurfacing, ditching, draining,
2 repairing, graveling, rocking, blading, or maintaining
3 an existing highway or road does not constitute
4 reconstruction."

5 5. Page 14, by inserting after line 18 the
6 following:

7 "Sec. 40. Section 613A.4, Code 1983, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. Any claim based upon or arising
10 out of a claim of negligent design or specification,
11 negligent adoption of design or specification, or
12 negligent construction or reconstruction of a highway,
13 secondary road, or street as defined in section 321.1,
14 subsection 48, or a public improvement as defined
15 in section 384.37, subsection 1, or other public
16 facility that was constructed or reconstructed in
17 accordance with a generally recognized engineering
18 or safety standard, criteria, or design theory in
19 existence at the time of the construction or
20 reconstruction. A claim under this chapter shall
21 not be allowed for failure to upgrade, improve, or
22 alter any aspect of an existing highway, secondary
23 road, street, public improvement, or other public
24 facility to new, changed, or altered design standards.
25 In respect to highways and roads, sealcoating,
26 asphaltting, patching, resurfacing, ditching, draining,
27 repairing, graveling, rocking, blading, or maintaining
28 an existing highway or road does not constitute
29 reconstruction.

30 Sec. 41. Section 613A.4, subsection 3, Code 1983,
31 is amended to read as follows:

32 3. Any claim based upon an act or omission of
33 an officer or employee of the municipality, exercising
34 due care, in the execution of a statute, ordinance,
35 or regulation whether the statute, ordinance or
36 regulation is valid, or based upon the exercise or
37 performance or the failure to exercise or perform
38 a discretionary function or duty on the part of the
39 municipality or an officer or employee of the
40 municipality, whether or not the discretion is abused.

41 Sec. 42. NEW SECTION. COMPARATIVE NEGLIGENCE-
42 -EFFECTS.

43 1. If a claim alleges negligence as the basis
44 for the recovery of damages for injury or death of
45 a person or harm to property, negligence that is
46 chargeable to the claimant diminishes proportionately
47 the amount to be awarded to the claimant as compen-
48 satory damages for loss to which the claimant's
49 negligence contributed, provided that recovery by
50 the claimant for the loss is barred if the contributing

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1 negligence that is chargeable to the claimant is
2 greater than the negligence that is chargeable to
3 all other persons in respect to the loss.

4 2. In the trial of a claim involving the negligence
5 of two or more persons, including claimants,
6 defendants, third-party defendants, persons who have
7 been released under section 44 of this Act, and persons
8 who are not parties to the action, the court, unless
9 otherwise agreed by all the parties to the action,
10 shall instruct the jury to answer special
11 interrogatories, or if there is no jury the court
12 shall make findings of both of the following:

13 a. The amount of damages the claimant would be
14 entitled to recover if negligence chargeable to the
15 claimant is disregarded.

16 b. The percentage of the total negligence allocated
17 to each claimant, defendant, third-party defendant,
18 person who has been released from liability under
19 section 44 of this Act, and person who is determined
20 to have been negligent but who is not a party to the
21 action. For purposes of this paragraph, the court
22 shall disregard the rule of joint and several liability
23 of defendants, but the court may determine that two
24 or more persons are to be treated as one negligent
25 person.

26 3. In determining the percentages of negligence,
27 the trier of fact shall consider both the nature of
28 the conduct of each negligent party and the extent
29 of the causal relation between negligent conduct and
30 the loss for which damages are claimed.

31 4. If the claim is tried to a jury, the court
32 shall not give instructions or permit evidence or
33 argument with respect to the effects of the answers
34 to be returned to the interrogatories submitted under
35 subsection 2.

36 5. The court shall determine the amount of damages
37 payable to each claimant by each other party, if any,
38 in accordance with the findings of the court or jury
39 and the provisions of sections 42 through 44 of this
40 Act.

41 6. The liability of a party, if any, is limited
42 to that percentage of the damages as found under
43 subsection 2, paragraph a, that is equal to the
44 percentage of negligence chargeable to the party as
45 found under subsection 2, paragraph b. The rule of
46 joint and several liability does not apply if plaintiff
47 is found to bear any comparative negligence.

48 Sec. 43. NEW SECTION. OFFSETTING CLAIMS. A claim
49 and counterclaim shall not be set off against each
50 other, except by agreement of both parties. However,

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1 if upon motion of either party the court finds that
2 the obligation of either party is likely to be
3 uncollectible the court may order that both parties
4 make payment to the court for distribution. The court
5 shall distribute the funds received, and shall declare
6 obligations discharged as if the payment to the court
7 by either party had been a payment to the other party
8 and as if the distribution of the funds back to the
9 party making payment had been a payment to that party
10 by the other party.

11 Sec. 44. NEW SECTION. EFFECT OF RELEASE. A
12 release, covenant not to sue, or similar agreement
13 entered into by a claimant and a person who is or
14 may be liable to the claimant for damages discharges
15 the person from liability to the claimant. The agree-
16 ment does not discharge other persons that are or
17 may be liable unless the agreement so provides, but
18 the agreement does reduce the amount of damages that
19 are recoverable from other persons who are or may
20 be liable to the extent of amounts paid to the claimant
21 in contemplation of the agreement.

22 Sec. 45. The supreme court shall submit to the
23 general assembly during the 1984 session in the manner
24 provided in section 684.19 changes in the rules of
25 procedure for courts which are necessitated by the
26 enactment of this Act.

27 Sec. 46. Section 619.17, Code 1983, is repealed.
28 This section shall not be construed to reinstate a
29 rule requiring a claimant to plead and prove freedom
30 from contributory negligence.

4038 31 Sec. 47. This Act takes effect July 1, 1983, and
32 applies to all cases tried or retried on or after
33 that date.

4035 34 Sec. 48. The legislative council is directed to
35 establish a joint subcommittee of the senate committee
36 on judiciary, the house committee on judiciary and
37 law enforcement, and the senate and house committees
38 on commerce, to be composed of seven members of the
39 house and seven members of the senate, to study the
40 matter of comparative negligence, comparative fault
41 and contributory negligence as they apply to the broad
42 spectrum of tort law in Iowa, during the interim
43 between the Seventieth General Assembly's first and
44 second session. This joint subcommittee shall be
45 authorized to meet for not less than five days."

46 6. Page 15, by inserting after line 2 the following
47 section:

48 "Sec. _____. If the state comptroller reduces the
49 state revenue estimates in May or any succeeding month
50 below the state revenue estimates and projections

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Page Five

provided by the state comptroller in April, 1983,
funds shall be transferred to the general fund of
the state in the manner provided in this section.
Notwithstanding the provisions of section 423.24,
there shall be transferred from the revenues collected
under chapter 423 in the fiscal year beginning July
1, 1983 and ending June 30, 1984, from the use tax
collected on motor vehicles, trailers and motor vehicle
accessories and equipment under section 423.7 an
amount equal to the total cumulative difference between
the state comptroller's April, 1983 state revenue
estimates and the state comptroller's state revenue
estimates for the fiscal year beginning July 1, 1983
and ending June 30, 1984 and the state comptroller's
state revenue estimates in May, 1983 for the fiscal
year beginning July 1, 1983 and ending June 30, 1984
or any succeeding month for the fiscal year beginning
July 1, 1983 and ending June 30, 1984 shall be
transferred to the general fund of the state. However,
the amount transferred during the fiscal year beginning
July 1, 1983 and ending June 30, 1984 shall not exceed
twenty million (20,000,000) dollars."

7. Title page, by striking lines 1 through 3,
and inserting in lieu thereof the following: "An
Act providing for the maintenance of the financial
stability of certain state and local agencies by
providing conditions by which they may be held liable
for damages and making appropriations to state agencies
whose responsibilities relate to transportation,
public safety, and public defense."

8. Renumber sections and correct internal
references as necessary in accordance with this
amendment.

H-3996 FILED MAY 3, 1983 BY COMMITTEE ON APPROPRIATIONS

- A- Adopted as amended by 4035 5/5/83 (p. 1816)
- B- Adopted (p. 1817)
- C- Referred not germane, rules suspended
Adopted as amended by 4038 (p. 1419)
- D- Adopted as amended by 4045 (P. 4037 5/5 (p. 1826)
- E- Adopted (p. 1822)

SENATE FILE 531

H-3989

1 Amend Senate File 531 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 12, by inserting after line 20 the
 4 following:
 5 "Sec. ____ Section 321.37, unnumbered paragraph
 6 1, Code 1983, is amended to read as follows:
 7 ~~Registration-plates-issued-for-a-motor-vehicle~~
 8 ~~other-than-a-motorcycle,-motorized-bicycle-or-a-truck~~
 9 ~~tractor-shall-be-attached-to-the-motor-vehicle,-one~~
 10 ~~in-the-front-and-the-other-in-the-rear-~~ The
 11 registration plate issued for a motor vehicle,
 12 motorcycle, motorized bicycle, or other vehicle
 13 required to be registered hereunder under this chap-
 14 ter, other than a truck tractor, shall be attached
 15 to the rear of the vehicle. The registration plate
 16 issued for a truck tractor shall be attached to the
 17 front of the truck tractor. The special plate issued
 18 to a dealer shall be attached on the rear of the
 19 vehicle when operated on the highways of this state."
 20 2. Renumber sections and correct internal
 21 references as necessary in accordance with this
 22 amendment.

Lost 5/5/83 (p. 1831)
 H-3989 FILED MAY 3, 1983
Ruled not germane, ruled suspended

BY SCHNEKLOTH of Scott
 JOCHUM of Dubuque

SENATE FILE 531

H-3995

1 Amend Senate File 531 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 12, by striking lines 8 through 20 and
 4 inserting in lieu thereof the following:
 5 "9. The treasurer of state, before making the
 6 allotments provided for in this section, shall credit
 7 annually to the Iowa state department of soil
 8 conservation-five transportation one hundred thousand
 9 dollars from the road use tax funds. The state
 10 department of soil-conservation,-in-co-operation-with
 11 the-department-of transportation and-the-Iowa
 12 conservation-commission shall expend such the funds,
 13 for the lease-or-other-use-of-land-intended-for-the
 14 planting or maintenance of trees or shrubs in shelter
 15 belts for wind erosion control barriers-designed to
 16 reduce wind erosion interfering with the maintenance
 17 of highways in the state or the safe operation of
 18 vehicles thereon on the highways."

H-3995 FILED MAY 3, 1983
Lost 5/5 (p. 1828)

BY WELDEN of Hardin
 JOCHUM of Dubuque

SENATE FILE 531

H-4012

Amend the Committee on Appropriations amendment,
2 H-3996, to Senate File 531, as amended, passed, and
3 reprinted by the Senate, as follows:
4 1. Page 5, line 22, by inserting after the period
5 the following: "Any funds transferred to the general
6 fund of the state under this section during the fiscal
7 year beginning July 1, 1983 and ending June 30, 1984
8 shall revert from the general fund of the state to
9 the road use tax fund not more than ninety days
10 following June 30, 1984."

H-4012 FILED MAY 4, 1983 BY WELDEN of Hardin

Placed out of order 5/5/83 (p. 1822)

SENATE FILE 531

H-4013

1 Amend the Committee on Appropriations amendment,
2 H-3996, to Senate File 531 as amended, passed, and
3 reprinted by the Senate, as follows:
4 1. By striking page 4, line 48 through page 5,
5 line 22 and inserting in lieu thereof the following:
6 "Sec. ____ . If the governor finds that the estimated
7 budget resources during the fiscal year beginning
8 July 1, 1983 and ending June 30, 1984 are insufficient
9 to pay all appropriations in full and the governor's
10 findings are concurred in by the executive council,
11 the governor shall not make any reductions in allotment
12 as allowed under section 8.31 until the transfers
13 authorized by this section have been made.
14 Notwithstanding the provisions of section 423.24,
15 there shall be transferred from the revenues collected
16 under chapter 423 in the fiscal year beginning July
17 1, 1983 and ending June 30, 1984, from the use tax
18 collected on motor vehicles, trailers and motor vehicle
19 accessories and equipment under section 422.7 an
20 amount necessary to provide the estimated budget
21 resources necessary to pay all appropriations in full.
22 However, the total amount transferred during the
23 fiscal year beginning July 1, 1983 and ending June
24 30, 1984 shall not exceed twenty million (20,000,000)
25 dollars.
26 If upon transfer of the twenty million (20,000,000)
27 dollars authorized by this section, the governor finds
28 that the estimated budget resources during the fiscal
29 year are insufficient to pay all appropriations in
30 full and the executive council concurs in the
31 governor's findings, the governor may make the
32 reductions of allotments allowed under section 8.31."

H-4013 FILED MAY 4, 1983

BY JOCHUM of Dubuque

Adopted 5/5 (p. 1822)

SENATE FILE 531

H-3998

1 Amend Senate File 531, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 6, by inserting after line 33 the
4 following:

5 "4. For the purchase of
6 registration plates for regis-
7 tration years beginning on or
8 after January 1, 1985 which re-
9 gistration plates shall meet the
10 minimum performance standards
11 specified in the federal motor
12 vehicle safety standard 108,
13 chapter V, national highway
14 traffic safety administration,
15 United States department of
16 transportation.....\$ 5,950,000".

H-3998 FILED MAY 4, 1983

BY WOODS of Polk

Lost 5/5/83 (p. 1823)

SENATE FILE 531

H-4004

1 Amend Senate File 531 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 12, line 10, by striking the word "five"
4 and inserting in lieu thereof the words "five four".

5 2. Page 12, by inserting after line 20 the
6 following new section:

7 "Sec. ____ Section 312.2, Code 1983, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 14. The treasurer of state,
10 before making the allotments provided for in this
11 section, shall credit annually to the state department
12 of transportation one hundred thousand dollars from
13 the road use tax funds. The state department of
14 transportation shall expend the funds for the planting
15 or maintenance of trees or shrubs in shelter belts
16 for erosion control to reduce wind erosion interfering
17 with the maintenance of highways in the state or the
18 safe operation of vehicles on the highways."

19 3. Renumber sections and correct internal
20 references as necessary in accordance with this
21 amendment.

BY MAULSBY of Calhoun

~~MULLINS of Kossuth~~ 5/5/83

H-4004 FILED MAY 4, 1983

Adopted 5/5 (p. 1829)

SENATE FILE 531

H-4011

1 Amend Senate File 531 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 12, line 20, by striking the words "center
4 of a roadway" and inserting in lieu thereof the word
5 "highway".

H-4011 FILED MAY 4, 1983

BY COPENHAVER of Buchanan

Adopted 5/5 (p. 1826)

MAY 6, 1983

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SENATE FILE 531

H-4038

1 Amend the House amendment H-3996 to Senate File
2 531, as amended, passed, and reprinted by the Senate
3 as follows:
4 1. By striking page 2, line 49 through page 3,
5 line 3 and inserting in lieu thereof the words
6 "negligence contributed."
7 2. Page 4, by striking lines 31 through 33, and
8 inserting in lieu thereof the following:
9 "Sec. 47. Sections 30 and 40 through 44 of this
10 Act apply only to cases tried or retried on or after
11 July 1, 1983 and before July 1, 1984. Sections 30
12 and 40 through 44 of this Act are repealed July 1,
13 1984."
14 3. Page 4, line 38, by striking the word "seven"
15 and inserting in lieu thereof the word "eight".
16 4. Page 4, line 39, by striking the word "seven"
17 and inserting in lieu thereof the word "eight".

BY JOCHUM of Dubuque
SKOW of Guthrie
SCHROEDER of Pottawattamie
BLANSHAN of Greene
HALVORSON of Clayton
HARBOR of Mills
FOGARTY of Palo Alto
ROYER of Page
MUHLBAUER of Crawford
RENKEN of Grundy
TORRENCE of Muscatine
COOPER of Lucas
GRANDIA of Marion
HANDORF of Marshall

H-4038 FILED MAY 5, 1983

ADOPTED (p. 1817)

SENATE FILE 531

H-4045

1 Amend amendment H-4013 to amendment H-3996 to
2 Senate File 531 as follows:
3 1. Page 1, line 19, by striking the numerals
4 "422.7" and inserting in lieu thereof the numerals
5 "423.7".

H-4045 FILED MAY 5, 1983

BY JOCHUM of Dubuque

ADOPTED BY UNANIMOUS CONSENT (p. 1820)

SENATE FILE 531

H-4046

1 Amend amendment H-3996 to Senate File 531 as amended,
2 passed and reprinted by the Senate as follows:
3 1. Page 5, by inserting after line 22 the following:
4 "Any funds transferred to the general fund of the
5 state under this section during the fiscal year beginning
6 July 1, 1983 and ending June 30, 1984 shall revert from
7 the general fund of the state to the road use tax fund
8 not more than ninety days following June 30, 1984."

H-4046 FILED MAY 5, 1983

BY WELDEN of Hardin

LOST (p. 1825)

1 Amend the Committee on Appropriations amendment,
 2 H-3996, to Senate File 531, as amended, passed, and
 3 reprinted by the Senate, as follows:
 4 1. Page 1, by striking lines 3, 4, and 5 and
 5 inserting in lieu thereof the following:
 6 " ". Page 2, line 12, by striking the figure
 7 "4,639,967" and inserting in lieu thereof the figure
 8 "4,603,217".
 9 Page 4, line 6, by striking the figure
 10 "4,836,947" and inserting in lieu thereof the figure
 11 "4,636,947".

H-4035 FILED MAY 5, 1983

BY JOCHUM of Dubuque

ADOPTED (p. 1816)

SENATE FILE 531

H-4037

A
 1 Amend the Committee on Appropriations amendment,
 2 H-3996, to Senate File 531, as amended, passed, and
 3 reprinted by the Senate, as follows:
 4 1. Page 4, line 47, by striking the word "section"
 5 and inserting in lieu thereof the word "sections".
 6 2. Page 5, by inserting after line 22 the following
 7 section:
 8 "Sec. ____ . It is the intent of the general assembly
 9 that any funds transferred during the fiscal year
 10 beginning July 1, 1983 and ending June 30, 1984 to
 11 the general fund of the state from use tax receipts
 12 collected on motor vehicles, trailers and motor vehicle
 13 accessories and equipment under section 423.7 shall
 14 be repaid from the general fund of the state to the
 15 road use tax fund in the fiscal year beginning July
 16 1, 1984 and ending June 30, 1985."

H-4037 FILED MAY 5, 1983

BY JOCHUM of Dubuque

DIVISIONS A AND B ADOPTED
 (p. 1822) (p. 1825)

SENATE FILE 531

H-4039

1 Amend Senate File 531, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 14, line 3, by striking the words "equal
 4 to one-third" and inserting in lieu thereof the words
 5 "~~equal-to-one-third~~".
 6 2. Page 14, line 5, by inserting after the word
 7 "fund" the words "as provided in section 312.2,
 8 subsection 5".

H-4039 FILED MAY 5, 1983

BY GRONINGA of Cerro Gordo

ADOPTED (p. 1831)

SENATE FILE 531

H-4041

1 Amend Senate File 531, as amended, passed and re-
 2 printed by the Senate, as follows:
 3 1. Page 2, by striking lines 13 through 18.
 4 2. Renumber sections and correct internal refer-
 5 ences as necessary in accordance with this amendment.

H-4041 FILED MAY 5, 1983

BY STROMER of Hancock

ADOPTED (p. 1923)

House Amendment to Senate File 531

S-3817

1 Amend Senate File 531, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 12, by striking the figure
4 "4,639,967" and inserting in lieu thereof the figure
5 "4,603,217".

6 2. Page 2, by striking lines 13 through 18.

7 3. Page 4, line 6, by striking the figure
8 "4,836,947" and inserting in lieu thereof the figure
9 "4,636,947".

10 4. Page 4, by striking lines 9 through 12 and
11 inserting in lieu thereof the following:

12 "c. For undercover pur-
13 chases by the division of criminal
14 investigation agents and local law
15 enforcement agents \$200,000",

16 5. Page 8, by inserting after line 29 the following
17 new section:

18 "Sec. ____ . Chapter 79, Code 1983, is amended by
19 adding the following new section:

20 NEW SECTION. An employee of the department of
21 public safety or the state conservation commission
22 who retires after the effective date of this Act is
23 eligible for payment of life or health insurance
24 premiums as provided for in the collective bargaining
25 agreement covering the public safety bargaining unit
26 at the time of retirement if that employee previously
27 served in a position which would have been covered
28 by that agreement. The employee shall be given credit
29 for the service in that prior position as though it
30 was covered by the agreement. This section shall
31 not operate to reduce any retirement benefits the
32 employee may have earned under other collective
33 bargaining agreements or retirement programs."

34 6. Page 8, by inserting after line 29 the following
35 section:

36 "Sec. 30. Section 25A.14, Code 1983, is amended
37 by adding the following new subsection:

38 NEW SUBSECTION. 8. Any claim based upon or arising
39 out of a claim of negligent design or specification,
40 negligent adoption of design or specification, or
41 negligent construction or reconstruction of a highway,
42 secondary road, or street as defined in section 321.1,
43 subsection 48, or a public improvement as defined
44 in section 384.37, subsection 1, or other public
45 facility that was constructed or reconstructed in
46 accordance with a generally recognized engineering
47 or safety standard, criteria, or design theory in
48 existence at the time of the construction or
49 reconstruction. A claim under this chapter shall
50 not be allowed for failure to upgrade, improve, or

1 alter any aspect of an existing highway, secondary
2 road, street, public improvement, or other public
3 facility to new, changed, or altered design standards.
4 In respect to highways and roads, sealcoating,
5 asphaltting, patching, resurfacing, ditching, draining,
6 repairing, graveling, rocking, blading, or maintaining
7 an existing highway or road does not constitute
8 reconstruction."

9 7. Page 12, line 10, by striking the word "five"
10 and inserting in lieu thereof the words "five four".

11 8. Page 12, line 20, by striking the words "center
12 of a roadway" and inserting in lieu thereof the word
13 "highway".

14 9. Page 12, by inserting after line 20 the
15 following new section:

16 "Sec. ____ . Section 312.2, Code 1983, is amended
17 by adding the following new subsection:

18 NEW SUBSECTION. 14. The treasurer of state,
19 before making the allotments provided for in this
20 section, shall credit annually to the state department
21 of transportation one hundred thousand dollars from
22 the road use tax funds. The state department of
23 transportation shall expend the funds for the planting
24 or maintenance of trees or shrubs in shelter belts
25 for erosion control to reduce wind erosion interfering
26 with the maintenance of highways in the state or the
27 safe operation of vehicles on the highways."

28 10. Page 14, line 3, by striking the words "equal
29 to one-third" and inserting in lieu thereof the words
30 "equal-to-one-third".

31 11. Page 14, line 5, by inserting after the word
32 "fund" the words "as provided in section 312.2,
33 subsection 5".

34 12. Page 14, by inserting after line 18 the
35 following:

36 "Sec. 40. Section 613A.4, Code 1983, is amended
37 by adding the following new subsection:

38 NEW SUBSECTION. Any claim based upon or arising
39 out of a claim of negligent design or specification,
40 negligent adoption of design or specification, or
41 negligent construction or reconstruction of a highway,
42 secondary road, or street as defined in section 321.1,
43 subsection 48, or a public improvement as defined
44 in section 384.37, subsection 1, or other public
45 facility that was constructed or reconstructed in
46 accordance with a generally recognized engineering
47 or safety standard, criteria, or design theory in
48 existence at the time of the construction or
49 reconstruction. A claim under this chapter shall
50 not be allowed for failure to upgrade, improve, or

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1 alter any aspect of an existing highway, secondary
2 road, street, public improvement, or other public
3 facility to new, changed, or altered design standards.
4 In respect to highways and roads, sealcoating,
5 asphaltting, patching, resurfacing, ditching, draining,
6 repairing, graveling, rocking, blading, or maintaining
7 an existing highway or road does not constitute
8 reconstruction.

9 Sec. 41. Section 613A.4, subsection 3, Code 1983,
10 is amended to read as follows:

11 3. Any claim based upon an act or omission of
12 an officer or employee of the municipality, exercising
13 due care, in the execution of a statute, ordinance,
14 or regulation whether the statute, ordinance or
15 regulation is valid, or based upon the exercise or
16 performance or the failure to exercise or perform
17 a discretionary function or duty on the part of the
18 municipality or an officer or employee of the
19 municipality, whether or not the discretion is abused.

20 385- Sec. 42. NEW SECTION. COMPARATIVE NEGLIGENCE-
21 -EFFECTS.

22 1. If a claim alleges negligence as the basis
23 for the recovery of damages for injury or death of
24 a person or harm to property, negligence that is
25 chargeable to the claimant diminishes proportionately
26 the amount to be awarded to the claimant as compen-
27 satory damages for loss to which the claimant's
28 386-2- negligence contributed.

29 2. In the trial of a claim involving the negligence
30 of two or more persons, including claimants,
31 defendants, third-party defendants, persons who have
32 been released under section 44 of this Act, and persons
33 who are not parties to the action, the court, unless
34 otherwise agreed by all the parties to the action,
35 shall instruct the jury to answer special
36 interrogatories, or if there is no jury the court
37 shall make findings of both of the following:

38 a. The amount of damages the claimant would be
39 entitled to recover if negligence chargeable to the
40 claimant is disregarded.

41 b. The percentage of the total negligence allocated
42 to each claimant, defendant, third-party defendant,
43 person who has been released from liability under
44 section 44 of this Act, and person who is determined
45 to have been negligent but who is not a party to the
46 action. For purposes of this paragraph, the court
47 shall disregard the rule of joint and several liability
48 of defendants, but the court may determine that two
49 or more persons are to be treated as one negligent
50 person.

1 3. In determining the percentages of negligence,
2 the trier of fact shall consider both the nature of
3 the conduct of each negligent party and the extent
4 of the causal relation between negligent conduct and
5 the loss for which damages are claimed.

6 4. If the claim is tried to a jury, the court
7 shall not give instructions or permit evidence or
8 argument with respect to the effects of the answers
9 to be returned to the interrogatories submitted under
10 subsection 2.

11 5. The court shall determine the amount of damages
12 payable to each claimant by each other party, if any,
13 in accordance with the findings of the court or jury
14 and the provisions of sections 42 through 44 of this
15 Act.

16 6. The liability of a party, if any, is limited
17 to that percentage of the damages as found under
18 subsection 2, paragraph a, that is equal to the
19 percentage of negligence chargeable to the party as
20 found under subsection 2, paragraph b. The rule of
21 joint and several liability does not apply if plaintiff
22 is found to bear any comparative negligence.

23 Sec. 43. NEW SECTION. OFFSETTING CLAIMS. A claim
24 and counterclaim shall not be set off against each
25 other, except by agreement of both parties. However,
26 if upon motion of either party the court finds that
27 the obligation of either party is likely to be
28 uncollectible the court may order that both parties
29 make payment to the court for distribution. The court
30 shall distribute the funds received, and shall declare
31 obligations discharged as if the payment to the court
32 by either party had been a payment to the other party
33 and as if the distribution of the funds back to the
34 party making payment had been a payment to that party
35 by the other party.

36 Sec. 44. NEW SECTION. EFFECT OF RELEASE. A
37 release, covenant not to sue, or similar agreement
38 entered into by a claimant and a person who is or
39 may be liable to the claimant for damages discharges
40 the person from liability to the claimant. The agree-
41 ment does not discharge other persons that are or
42 may be liable unless the agreement so provides, but
43 the agreement does reduce the amount of damages that
44 are recoverable from other persons who are or may
45 be liable to the extent of amounts paid to the claimant
46 in contemplation of the agreement.

47 Sec. 45. The supreme court shall submit to the
48 general assembly during the 1984 session in the manner
49 provided in section 684.19 changes in the rules of
50 procedure for courts which are necessitated by the

1 enactment of this Act.

2 Sec. 46. Section 619.17, Code 1983, is repealed.
3 This section shall not be construed to reinstate a
4 rule requiring a claimant to plead and prove freedom
5 from contributory negligence.

6 Sec. 47. Sections 30 and 40 through 44 of this
7 Act apply only to cases tried or retried on or after
8 July 1, 1983 and before July 1, 1984. Sections 30
9 and 40 through 44 of this Act are repealed July 1,
10 1984.

11 Sec. 48. The legislative council is directed to
12 establish a joint subcommittee of the senate committee
13 on judiciary, the house committee on judiciary and
14 law enforcement, and the senate and house committees
15 on commerce, to be composed of eight members of the
16 house and eight members of the senate, to study the
17 matter of comparative negligence, comparative fault
18 and contributory negligence as they apply to the broad
19 spectrum of tort law in Iowa, during the interim
20 between the Seventieth General Assembly's first and
21 second session. This joint subcommittee shall be
22 authorized to meet for not less than five days."

23 13. Page 15, by inserting after line 2 the
24 following sections:

25 "Sec. 9. If the governor finds that the estimated
26 budget resources during the fiscal year beginning
27 July 1, 1983 and ending June 30, 1984 are insufficient
28 to pay all appropriations in full and the governor's
29 findings are concurred in by the executive council,
30 the governor shall not make any reductions in allotment
31 as allowed under section 8.31 until the transfers
32 authorized by this section have been made.

33 Notwithstanding the provisions of section 423.24,
34 there shall be transferred from the revenues collected
35 under chapter 423 in the fiscal year beginning July
36 1, 1983 and ending June 30, 1984, from the use tax
37 collected on motor vehicles, trailers and motor vehicle
38 accessories and equipment under section 423.7 an
39 amount necessary to provide the estimated budget
40 resources necessary to pay all appropriations in full.
41 However, the total amount transferred during the
42 fiscal year beginning July 1, 1983 and ending June
43 30, 1984 shall not exceed twenty million (20,000,000)
44 dollars.

45 If upon transfer of the twenty million (20,000,000)
46 dollars authorized by this section, the governor finds
47 that the estimated budget resources during the fiscal
48 year are insufficient to pay all appropriations in
49 full and the executive council concurs in the
50 governor's findings, the governor may make the

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PAGE 6

1 reductions of allotments allowed under section 8.31.
2 Sec. 10. It is the intent of the general assembly
3 that any funds transferred during the fiscal year
4 beginning July 1, 1983 and ending June 30, 1984 to
5 the general fund of the state from use tax receipts
6 collected on motor vehicles, trailers and motor vehicle
7 accessories and equipment under section 423.7 shall
8 be repaid from the general fund of the state to the
9 road use tax fund in the fiscal year beginning July
10 1, 1984 and ending June 30, 1985."
11 14. Title page, by striking lines 1 through 3,
12 and inserting in lieu thereof the following: "An
13 Act providing for the maintenance of the financial
14 stability of certain state and local agencies by
15 providing conditions by which they may be held liable
16 for damages and making appropriations to state agencies
17 whose responsibilities relate to transportation,
18 public safety, and public defense."
19 15. Renumber sections and correct internal
20 references as necessary in accordance with this
21 amendment.

S-3817 FILED
MAY 6, 1983

RECEIVED FROM THE HOUSE

Senate amended (3881) & concurred 5/10/82 (p.1628)

SENATE FILE 531

S-3879

1 Amend the House amendment S-3817 to Senate File
2 531 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 1, by striking lines 16 through 33.

S-3879 FILED
MAY 10, 1983

BY ARTHUR A. SMALL, JR.

RULED OUT OF ORDER *(p.1628)*

SENATE FILE 531

S-3881

1 Amend the amendment S3817 to Senate File 531 as
2 amended, passed and reprinted by the Senate as follows:
3 1. Page 1, by striking line 16 through page 6 line
4 21.

S-3881 FILED & ADOPTED
MAY 10, 1983 *(p.1626)*

BY ARTHUR A. SMALL, JR.

SENATE 5
MAY 11, 1983

SENATE FILE 531

S-3877

1 Amend House amendment S-3817 to Senate File 531,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 35 and 36 and
5 inserting in lieu thereof the following: "new
6 sections:

7 "Sec. 29. NEW SECTION.

8 1. In a case where a claimant disputes an offer
9 of settlement made by an insurer based upon a claim
10 that the insurer erroneously calculated the claimant's
11 comparative negligence, if the court determines that
12 such offer of settlement was erroneous, the court
13 shall assess the comparative negligence of the claimant
14 and award the claimant a settlement which is in
15 accordance with the court's determination of
16 negligence, and shall also award claimant all
17 reasonable attorney's fees incurred.

18 2. For the purposes of subsection 1, if the court
19 determines that the offer of settlement was based
20 upon an erroneous and bad faith miscalculation of
21 the claimant's comparative negligence, the court
22 shall, in addition to the awards given in subsection
23 1, award the claimant punitive damages to be determined
24 by the court.

25 Sec. 30. Section 25A.14, Code 1983, is amended".

26 2. Page 2, by striking line 8 and inserting in
27 lieu thereof the following: "reconstruction.

28 This subsection shall not apply to claims based
29 upon gross negligence."

30 3. Page 3, by inserting after line 8 the following:

31 "This subsection shall not apply to claims based
32 upon gross negligence."

S-3877 FILED BY JOE WELSH
MAY 10, 1983
RULED OUT OF ORDER (p. 1628)

SENATE FILE 531

S-3880

1 Amend the amendment S-3817 to Senate File 531 as
2 amended, passed and reprinted by the Senate as follows:

3 1. Page 1, by striking line 34 through page 2, line
4 13.

5 2. Page 2, by striking line 34 through page 3, line
6 19.

S-3880 FILED BY TOM MANN, JR.
MAY 10, 1983 DONALD DOYLE MILO COLTON
RULED OUT OF CRDER (p. 1628) DAVE READINGER WALLY E. HORN
C. JOSEPH COLEMAN JAMES GALLAGHER
BOB CARR

SENATE FILE 531

S-3842

1 Amend the House amendment S-3817 to Senate File 531
2 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 5, by striking line 23 through page 6,
5 line 10.

S-3842 FILED

MAY 9, 1983

Out of order 5/10/83 (p.1627)

BY JOE WELSH

RICHARD F. DRAKE

SENATE FILE 531

S-3849

1 Amend the House amendment S-3817 to Senate File
2 531 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 1, by striking line 34 through page 2,
5 line 33.
6 2. Page 2, by striking line 36 through page 3,
7 line 19.

S-3849 FILED

MAY 9, 1983

Out of order 5/10 (p.1627)

BY TOM MANN

DONALD V. DOYLE

MILO COLTON

DAVE READINGER

WALLY E. HORN

C. JOSEPH COLEMAN

JAMES GALLAGHER

BOB CARR

SENATE FILE 531

S-3850

1 Amend the House amendment S-3817 to Senate File
2 531 as amended, passed and reprinted by the House as
3 follows:
4 1. Page 3, by striking line 20 through page 5,
5 line 10.

S-3850 FILED

MAY 9, 1983

Out of order 5/10 (p.1627)

BY TOM MANN, JR.

DONALD DOYLE

DOUG RITSEMA

JAMES GALLAGHER

WALLY E. HORN

BOB CARR

MILO COLTON

DAVE READINGER

SENATE FILE 531

S-3862

1 Amend House amendment S-3817 to Senate File 531,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, line 28, by inserting after the word
5 "contributed" the words ", provided that recovery
6 by the claimant for the loss is barred if the
7 contributing negligence that is chargeable to the
8 claimant is greater than the negligence that is
9 chargeable to all other persons in respect to the
10 loss".

S-3862 FILED

MAY 9, 1983

Out of order 5/10/83 (p.1627)

BY EDGAR H. HOLDEN

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 531

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 531, a bill for an Act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense, respectfully make the following report:

1. That the Senate recede from its amendment, H-4131, to the House amendment, S-3817, to Senate File 531, as amended, passed, and reprinted by the Senate.

2. That the House recede from its amendment, S-3817, to Senate File 531, as amended, passed, and reprinted by the Senate.

3. That Senate File 531, as amended, passed, and reprinted by the Senate, be amended as follows:

1. Page 2, line 12, by striking the figure "4,639,967" and inserting in lieu thereof the figure "4,603,217".

2. Page 2, by striking lines 13 through 18.

3. Page 4, line 6, by striking the figure "4,836,947"

and inserting in lieu thereof the figure "4,636,947".

4. Page 4, by striking lines 9 through 12 and inserting in lieu thereof the following:

"c. For undercover purchases by the division of criminal investigation agents and local law enforcement agents \$200,000"

5. Page 5, by inserting after line 18 the following section:

"Sec. ____ . An employee of the department of public safety or the state conservation commission who retires after the effective date of this Act is eligible for payment of life or health insurance premiums as provided for in the collective bargaining agreement covering the public safety bargaining unit at the time of retirement if that employee previously served in a position which would have been covered by that agreement. The employee shall be given credit for the service in that prior position as though it was covered by the agreement. This section shall not operate to reduce any retirement benefits the employee may have earned under other collective bargaining agreements or retirement programs. This section is repealed July 1, 1985."

6. Page 8, by inserting after line 29 the following sections:

"Sec. 30. Section 25A.14, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a highway, secondary road, or street as defined in section 321.1, subsection 48, that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect

of an existing highway, secondary road, or street, to new, changed, or altered design standards. In respect to highways and roads, sealcoating, asphaltting, patching, resurfacing, ditching, draining, repairing, graveling, rocking, blading, or maintaining an existing highway or road does not constitute reconstruction. This subsection shall not apply to claims based upon gross negligence.

Sec. 31. Section 25A.14, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a public improvement as defined in section 384.37, subsection 1, or other public facility that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing public improvement or other public facility to new, changed, or altered design standards. This subsection shall not apply to claims based upon gross negligence. This subsection takes effect July 1, 1984 and applies to all cases tried or retried on or after July 1, 1984."

7. Page 12, line 10, by striking the words "five hundred" and inserting in lieu thereof the words "~~five~~ two hundred fifty".

8. Page 12, line 20, by striking the words "center of a roadway" and inserting in lieu thereof the word "highway".

9. Page 12, by inserting after line 20 the following section:

"Sec. ____ . Section 312.2, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 14. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the state department of transportation one hundred

thousand dollars from the road use tax funds. The state department of transportation shall expend the funds for the planting or maintenance of trees or shrubs in shelter belts for erosion control to reduce wind erosion interfering with the maintenance of highways in the state or the safe operation of vehicles on the highways."

10. Page 14, line 3, by striking the words "equal to one-third" and inserting in lieu thereof the words "~~equal to one-third~~".

11. Page 14, line 5, by inserting after the word "fund" the words "as provided in section 312.2, subsection 5".

12. Page 14, by inserting after line 18 the following:

"Sec. 40. Section 613A.4, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a highway, secondary road, or street as defined in section 321.1, subsection 48, that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing highway, secondary road, street, to new, changed, or altered design standards. In respect to highways and roads, sealcoating, asphaltting, patching, resurfacing, ditching, draining, repairing, graveling, rocking, blading, or maintaining an existing highway or road does not constitute reconstruction. This subsection shall not apply to claims based upon gross negligence.

Sec. 41. Section 613A.4, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction

or reconstruction of a public improvement as defined in section 384.37, subsection 1, or other public facility that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing public improvement or other public facility to new, changed, or altered design standards. This subsection shall not apply to claims based upon gross negligence. This subsection takes effect July 1, 1984 and applies to all cases tried or retried on or after July 1, 1984.

Sec. 42. Section 613A.4, subsection 3, Code 1983, is amended to read as follows:

3. Any claim based upon an act or omission of an officer or employee of the municipality, exercising due care, in the execution of a statute, ordinance, or regulation whether the statute, ordinance or regulation is valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of the municipality or an officer or employee of the municipality, whether or not the discretion is abused.

Sec. 43. LEGISLATIVE INTENT. It is the intent of sections 30 and 40 of this legislation, to define those cases in which a state or municipality, by its highway or road construction or reconstruction policy, may be liable for negligent acts or omissions, and it is not the intent of this legislation to affect those rights, claims, or defenses which exist in the law and which are in areas of litigation other than highway or road construction or reconstruction. The rule of statutory construction that the express mention of one thing implies the exclusion of the other does not apply to this Act.

Sec. 44. NEW SECTION. The doctrine of joint and several liability shall not apply if a plaintiff is found to bear any comparative negligence with respect to any claim.

Sec. 45. Sections 30, 40 and 42 of this Act shall apply to all cases tried or retried after July 1, 1983. Section 44 of this Act shall apply to cases tried or retried on or after July 1, 1984.

Sec. 46. The legislative council is directed to establish a joint subcommittee of the senate committee on judiciary, the house committee on judiciary and law enforcement, and the senate and house committees on commerce, to be composed of eight members of the house and eight members of the senate, to study the matter of comparative negligence, comparative fault and contributory negligence as they apply to the broad spectrum of tort law in Iowa, during the interim between the Seventieth General Assembly's first and second session. This joint subcommittee shall be authorized to meet for not less than five days."

13. Page 15, by inserting after line 2 the following sections:

"Sec. _____. Notwithstanding the provisions of section 423.24, there is transferred from revenues collected under chapter 423 during each year of the fiscal period beginning July 1, 1983 and ending June 30, 1985 from the use tax imposed on motor vehicles, trailers and motor vehicle accessories and equipment under section 423.7 the sum of seven million five hundred thousand (7,500,000) dollars which shall be transferred to the special railroad facility fund to be used exclusively for the purposes provided in this section. The Iowa railway finance authority may enter into a partnership agreement as allowed under section 307B.7, subsection 7, for the purpose of acquiring the right-of-way of the Chicago, Rock Island and Pacific railroad. The funds shall be expended to supplement private investment capital obtained for that purpose by matching any private investment capital on an equal basis. The funds transferred to the special railroad facility fund under this section shall be considered an interest-free loan to be repaid to the road use tax fund from receipts credited to the special railroad facility fund under section

307B.23.

The Iowa railway finance authority shall obtain a lien against the railroad right-of-way and related materials to secure the loan and secure repayment. If the purchase of the railroad right-of-way is not completed by January 1, 1986, the entire amount of the loan shall become due and payable.

Sec. _____. If the governor finds that the estimated budget resources during the fiscal year beginning July 1, 1983 and ending June 30, 1984, are insufficient to pay all appropriations in full prior to February 1, 1984, and the governor's findings are concurred in by the executive council, the governor shall not make any reductions in allotment as allowed under section 8.31 until the transfers authorized by this section have been made.

Notwithstanding the provisions of section 423.24, there shall be transferred from the revenues collected under chapter 423 in the fiscal year beginning July 1, 1983 and ending June 30, 1984, from the use tax collected on motor vehicles, trailers and motor vehicle accessories and equipment under section 423.7 an amount necessary to provide the estimated budget resources necessary to pay all appropriations in full. However, the total amount transferred prior to February 1, 1984, shall not exceed twelve million five hundred thousand (12,500,000) dollars.

If upon transfer of the twelve million five hundred thousand (12,500,000) dollars authorized by this section, the governor finds that the estimated budget resources during the fiscal year are insufficient to pay all appropriations in full and the executive council concurs in the governor's findings, the governor may make the reductions of allotments allowed under section 8.31.

Any funds transferred to the general fund of the state under this section prior to February 1, 1984, shall be considered an interest-free loan and the loan shall be repaid from the general fund of the state to the road use tax fund not later than May 31, 1984."

14. Amend the title, by striking all of the title after the word "Act" in line 1 and inserting in lieu thereof the words "relating to transportation by making appropriations to state agencies whose responsibilities relate to transportation, public safety, and public defense and providing for the maintenance of the fiscal stability of certain state and local agencies by providing conditions by which they may be held liable for damages."

15. Renumber sections and correct internal references as are necessary in accordance with this amendment.

ON THE PART OF THE SENATE:

JOE J. WELSH, CHAIR
RICHARD F. DRAKE
C. W. BILL HUTCHINS

ON THE PART OF THE HOUSE:

THOMAS J. JOCHUM, CHAIR
JOHN GRONINGA
WILLIAM H. HARBOR
RUHL MAULSBY
JACK E. WOODS

FILED:

MAY 14, 1983

FAILED (p. 1765)

RECONSIDERED AND ADOPTED (p. 1779)

House adopted 5/14/83 (p. 2231)

*Analysis of negligence provisions contained within
the REPORT OF THE CONFERENCE COMMITTEE ON SENATE
FILE 531.*

Provision as contained within report:

"Sec. 30. Section 25A.14, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a highway, secondary road, or street as defined in section 321.1, subsection 48, that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing highway, secondary road, or street, to new, changed, or altered design standards. In respect to highways and roads, sealcoating, asphaltting, patching, resurfacing, ditching, draining, repairing, graveling, rocking, blading, or maintaining an existing highway or road does not constitute reconstruction. This subsection shall not apply to claims based upon gross negligence.

This section provides for immunity to the state for the construction or reconstruction of highways, roads, etc. etc..., if the construction or reconstruction was done to the state of the art as it existed at the time of the construction or reconstruction. This provision does not provide immunity from a suit alleging gross negligence, only negligence. This provision is effective July 1, 1983 and applies to all cases tried or retried after that date. (see sec. 45)

Provision as contained within report:

Sec. 31. Section 25A.14, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a public improvement as defined in section 384.37, subsection 1, or other public facility that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing public improvement or other public facility to new, changed, or altered design standards. This subsection shall not apply to claims based upon gross negligence. This subsection takes effect July 1, 1984 and applies to all cases tried or retried on or after July 1, 1984."

This section provides for immunity for the state for the construction or reconstruction of public improvements, facilities, etc. etc..., if the construction or reconstruction was done to the state of the art which existed at the time of the construction. This provision is effective July 1, 1984, and applies to all cases tried or retried after that date. This provision does not provide immunity from suit alleging gross negligence, only negligence.

Provision as contained within report:

"Sec. 40. Section 613A.4, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a highway, secondary road, or street as defined in section 321.1, subsection 48, that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing highway, secondary road, street, to new, changed, or altered design standards. In respect to highways and roads, sealcoating, asphaltting, patching, resurfacing, ditching, draining, repairing, graveling, rocking, blading, or maintaining an existing highway or road does not constitute reconstruction. This subsection shall not apply to claims based upon gross negligence.

This section provides immunity to a municipality for the construction or reconstruction of highways, streets, etc., etc..., if the construction or reconstruction was done to the state of the art as it existed at the time of construction. This provision does not provide immunity from suit alleging gross negligence., only negligence. This provision is effective July 1 1983, and applies to all cases tried or retried after that date. (see sec. 45)

Provision as contained within report:

Sec. 41. Section 613A.4, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a public improvement as defined in section 384.37, subsection 1, or other public facility that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing public improvement or other public facility to new, changed, or altered design standards.

This subsection shall not apply to claims based upon gross negligence. This subsection takes effect July 1, 1984 and applies to all cases tried or retried on or after July 1, 1984.

This section provides for immunity for the state for the construction or reconstruction of public improvements, facilities, etc., etc..., if the construction or reconstruction was done to the state of the art which existed at the time of the work. This provision is effective July 1, 1984, and applies to all cases tried or retried after that date. This provision does not provide immunity from suit alleging gross negligence, only negligence.

Provision as contained within report:

Sec. 42. Section 613A.4, subsection 3, Code 1983, is amended to read as follows:

3. Any claim based upon an act or omission of an officer or employee of the municipality, exercising due care, in the execution of a statute, ordinance, or regulation whether the statute, ordinance or regulation is valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of the municipality or an officer or employee of the municipality, whether or not the discretion is abused.

This section provides that a municipality is immune from suit not only for the exercise of, or failure to exercise, a discretionary function, but is also immune from suit for the abuse of that discretionary function. (This section was intended to mirror the protection now given to the state with regard to discretionary functions.

Sec. 43. LEGISLATIVE INTENT. It is the intent of sections 30 and 40 of this legislation, to define those cases in which a state or municipality, by its highway or road construction or reconstruction policy, may be liable for negligent acts or omissions, and it is not the intent of this legislation to affect those rights, claims, or defenses which exist in the law and which are in areas of litigation other than highway or road construction or reconstruction. The rule of statutory construction that the express mention of one thing implies the exclusion of the other does not apply to this Act.

This section provides that the sections which provide immunity to the state or municipality (sec.s 30 & 40) for highway or road construction are, to be construed as only applying to actions involving highway and road construction, and not applied to areas outside this scope. It also provides protection against a rule of construction which might be read as limiting the protection only to those mentioned aspects of highways or roads.

Provision as contained within report:

Sec. 44. NEW SECTION. The doctrine of joint and several liability shall not apply if a plaintiff is found to bear any comparative negligence with respect to any claim.

This section modifies the doctrine of Joint and several liability. The doctrine will be held to no longer apply to cases in which the plaintiff is found to be some percentage negligent in his injury. Therefore, when the plaintiff is found to be negligent in his own injury, he can collect his damages from the defendants only by percent.

Sec. 45. Sections 30, 40 and 42 of this Act shall apply to all cases tried or retried after July 1, 1983. Section 44 of this Act shall apply to cases tried or retried on or after July 1, 1984.

This section provides an explanation of the cases to which the provisions dealing with highway construction and joint and several liability shall apply

Sec. 46. The legislative council is directed to establish a joint subcommittee of the senate committee on judiciary, the house committee on judiciary and law enforcement, and the senate and house committees on commerce, to be composed of eight members of the house and eight members of the senate, to study the matter of comparative negligence, comparative fault and contributory negligence as they apply to the broad spectrum of tort law in Iowa, during the interim between the Seventieth General Assembly's first and second session. This joint subcommittee shall be authorized to meet for not less than five days."

(Self explanatory)

14. Amend the title, by striking all of the title after the word "Act" in line 1 and inserting in lieu thereof the words "relating to transportation by making appropriations to state agencies whose responsibilities relate to transportation, public safety, and public defense and providing for the maintenance of the fiscal stability of certain state and local agencies by providing conditions by which they may be held liable for damages."

Section provides for a 'constitutional title' in light of the rule that every law may embrace but one subject, and that subject must be presented in the title.



OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANSTAD
GOVERNOR

June 3, 1983

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 531, an act relating to transportation by making appropriations to state agencies whose responsibilities relate to transportation, public safety, and public defense and providing for the maintenance of the fiscal stability of certain state and local agencies by providing conditions by which they may be held liable for damages.

Senate File 531 is approved June 3, 1983, with the following exceptions which I hereby disapprove.

I am unable to approve that item designated in the Act as Section 33, which reads as follows:

Sec. 33. If the governor finds that the estimated budget resources during the fiscal year beginning July 1, 1983 and ending June 30, 1984, are insufficient to pay all appropriations in full prior to February 1, 1984, and the governor's findings are concurred in by the executive council, the governor shall not make any reductions in allotment as allowed under section 8.31 until the transfers authorized by this section have been made.

Notwithstanding the provisions of section 423.24, there shall be transferred from the revenues collected under chapter 423 in the fiscal year beginning July 1, 1983 and ending June 30, 1984, from the use tax collected on motor vehicles, trailers and motor vehicle accessories and equipment under section 423.7 an amount necessary to provide the estimated budget resources necessary to pay all appropriations in full. However, the total amount transferred prior to February 1, 1984, shall not exceed twelve million five hundred thousand (12,500,000) dollars.

The Honorable Mary Jane Odell
June 3, 1983
Page 2

If upon transfer of the twelve million five hundred thousand (12,500,000) dollars authorized by this section, the governor finds that the estimated budget resources during the fiscal year are insufficient to pay all appropriations in full and the executive council concurs in the governor's findings, the governor may make the reductions of allotments allowed under section 8.31.

Any funds transferred to the general fund of the state under this section prior to February 1, 1984, shall be considered an interest-free loan and the loan shall be repaid from the general fund of the state to the road use tax fund not later than May 31, 1984.

Section 33 of Senate File 531 would allow the transfer of up to \$12.5 million of the use tax on motor vehicles from the Road Use Tax Fund (RUTF) to the state's general fund if revenue estimates are less than total appropriations. This transfer is required to be implemented prior to any action to reduce state allotments under section 8.31 of the Code of Iowa. The transfer must be made prior to February 1, 1984 and the amounts transferred must be repaid to the RUTF no later than May 31, 1984.

I can understand the legislative desire to provide for alternatives to across-the-board budget cuts. I, too, view such cuts as one of the last resorts to be used to balance the state budget. However, I cannot approve this section of Senate File 531 because it would not effectively forestall such a cut, it could tempt the General Assembly into funding on-going state programs with RUTF, and it could unnecessarily disrupt the expenditure of these funds for needed road projects.

This concept was added to Senate File 531 as an amendment during debate in the House. The House amendment did not specifically include a provision to repay these funds to the RUTF. However, intent language was added stating that the legislature would repay these funds no later than June 30, 1985. As a result, the ending fiscal year 1984 balance, which is calculated based on the status of the general fund on June 30, 1984, would have been increased by the amount of the transfer.

The Honorable Mary Jane Odell
June 3, 1983
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However, the conference committee report which was passed by the legislature requires repayment by May 31, 1984 -- one month before the close of the 1984 fiscal year. Thus, the fiscal year 1984 ending balance for the general fund would not be affected by the transfer. There would be no net increase in the general fund balance.

The Governor must base the decision to exercise a section 8.31 budget reduction on the expected ending general fund balance. Since Section 33 would have no impact on that balance, it would not act as an alternative to an across-the-board budget cut. Therefore, this section would apparently be unable to meet its intended purpose.

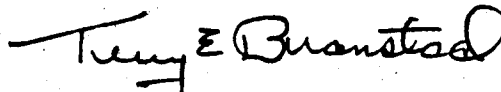
Moreover, the section could have adverse impacts. This provision would prevent the Department of Transportation from budgeting for the use of the \$12.5 million available for transfer since those funds would potentially be placed in the state's general fund for a few months of every year. This would lead to an unstable road repair program with fluctuations in the work force and in the accompanying supply system. Those funds would be better spent on highway projects where they could create jobs and economic activity, especially in light of the fact that they would provide no net benefit to the state's general fund.

Also, I am concerned that this provision could tempt the General Assembly into funding on-going state operations with funds intended for the RUTF. At one time, a portion of the sales tax on automobile parts and accessories was earmarked for the RUTF. However, a temporary diversion to balance the general fund and to meet budget priorities eventually resulted in a permanent loss of the revenue to the RUTF. I am concerned that the same temptation could exist as a result of this temporary effort to balance the general fund.

The Honorable Mary Jane Odell
June 3, 1983
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For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 531 are hereby approved as of this date.

Very truly yours,



Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

SENATE FILE 531

AN ACT

RELATING TO TRANSPORTATION BY MAKING APPROPRIATIONS TO STATE AGENCIES WHOSE RESPONSIBILITIES RELATE TO TRANSPORTATION, PUBLIC SAFETY, AND PUBLIC DEFENSE AND PROVIDING FOR THE MAINTENANCE OF THE FISCAL STABILITY OF CERTAIN STATE AND LOCAL AGENCIES BY PROVIDING CONDITIONS BY WHICH THEY MAY BE HELD LIABLE FOR DAMAGES.

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 following named agencies for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amounts, or so much thereof as is necessary, for the purposes designated:

	1983-1984 <u>Fiscal Year</u>
1. IOWA LAW ENFORCEMENT	
ACADEMY	
For salaries, support, main- tenance, and miscellaneous pur- poses	\$ 847,656
2. DEPARTMENT OF PUBLIC	
DEFENSE	
Military division	
a. For salaries, support, main- tenance, and miscellaneous pur- poses	\$ 2,996,016
b. For purchases of motor fuel and special fuel	\$ 28,993

Notwithstanding section 29A.33, the per capita annual allowance to units will be five dollars per capita to be paid on a semiannual basis in installments of two dollars fifty cents per capita for the fiscal year beginning July 1, 1983 and ending June 30, 1984. The per capita allowance shall be used for morale purposes and be for the welfare of the troops and in no circumstances expended for support and maintenance.

3. OFFICE OF DISASTER SERVICES

For salaries, support, main-
tenance, and miscellaneous pur-
poses \$ 121,703

Sec. 2. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amounts, or so much thereof as is necessary, to be used for funding the following functions and programs for the purposes designated:

	1983-1984 <u>Fiscal Year</u>
DEPARTMENT OF PUBLIC SAFETY	
1. ADMINISTRATIVE FUNCTION	
a. For salaries, support, maintenance, and miscellaneous purposes of the department, criminal justice information sys- tem, and radio communications	\$ 4,603,217
b. For purchases of motor fuel and special fuel	\$ 7,332
c. For payment of claims filed under the victim reparation program and for the payment of operational expenses	\$ 200,000

It is the intent of the general assembly that only ten percent of the funds appropriated under this paragraph shall

be used for the payment of operational expenses.

2. INSPECTION FUNCTION

a. For salaries, support, maintenance, and miscellaneous purposes of fire marshal's inspections, administration of the state building code, arson investigators including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated \$ 1,034,684

b. For purchases of motor fuel and special fuel \$ 23,354

c. For repayment to the United States government for overpayments received in 1980 and 1981 for intermediate care facility inspections \$ 79,553

d. The fire marshal shall also determine which exits of the Wallace building and Hoover building should be equipped with panic bars and direct that the panic bars be installed by the department of general services with funds appropriated to the department of general services.

3. SECURITY FUNCTION

a. For salaries, support, maintenance, and miscellaneous purposes of the capitol security division \$ 674,862

b. For purchases of motor fuel and special fuel \$ 2,957

4. INVESTIGATION FUNCTION

a. For salaries, support, main-

tenance, and miscellaneous purposes, including lease or lease purchase of laboratory equipment, of the division of criminal investigation containing the bureaus of identification, drug law enforcement, welfare fraud, and beer and liquor law enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated \$ 4,636,947

b. For purchases of motor fuel and special fuel \$ 85,107

c. For undercover purchases by the division of criminal investigation agents and local law enforcement agents \$ 200,000

5. DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE

a. For salaries, support, maintenance, and miscellaneous purposes including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of sixteen percent of the salaries for which the funds are appropriated \$ 15,837,572

b. For purchases of motor fuel and special fuel \$ 836,196

c. For various crime preven-

tion programs sponsored within
the department of public safety \$ 54,000

d. Not later than July 1, 1984, the chief of the Iowa highway safety patrol shall have developed for implementation a plan which shall be effective on that date which provides that law enforcement motor vehicles shall no longer be assigned on an individual basis to each of the Iowa highway safety patrol personnel assigned to duty in the administrative headquarters located in the Wallace building and provides for a pool of seven law enforcement motor vehicles to be located at the Wallace building and allocated on a need basis by the chief of the Iowa highway safety patrol to the Iowa highway safety patrol personnel assigned to duty in the administrative headquarters.

e. By January 1, 1984, the Iowa highway safety patrol shall not have more than seven aircraft.

6. The department of public safety shall not increase any fees to political subdivisions of the state for services provided to local law enforcement agencies unless notification has been provided by the department of public safety of the fee increases prior to March 1, 1983. The department of public safety shall determine the actual costs of services provided to local law enforcement agencies and the current allocation of those costs between the department and the local law enforcement agencies and submit its report to the transportation and law enforcement appropriations subcommittee of the standing committees on appropriations.

Sec. 3. An employee of the department of public safety or the state conservation commission who retires after the effective date of this Act is eligible for payment of life or health insurance premiums as provided for in the collective bargaining agreement covering the public safety bargaining unit at the time of retirement if that employee previously served in a position which would have been covered by that agreement. The employee shall be given credit for the service

in that prior position as though it was covered by the agreement. This section shall not operate to reduce any retirement benefits the employee may have earned under other collective bargaining agreements or retirement programs. This section is repealed July 1, 1985.

Sec. 4. There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1983-1984
Fiscal Year

STATE DEPARTMENT OF TRANSPOR-
TATION

- 1. a. For salaries, support, maintenance, and miscellaneous purposes \$ 5,686,642
 - b. For purchases of motor fuel and special fuel \$ 63,334
 - 2. For public transit purposes to implement a state assistance plan \$ 1,908,000
- Notwithstanding chapter 8, it is the intent of the general assembly that funds appropriated for public transit purposes to implement a state assistance plan shall be allocated in whole or in part to a public transit system prior to the time actual expenditures are incurred if the allocation is first approved by the state department of transportation. A public transit system shall make application for advance allocations to the state department of transportation specifically stating the reasons why an advance allocation is required and this allocation shall be included in the total to be audited.
- 3. For deposit in the rail-road assistance fund for branch line improvement \$ 1,000,000

Sec. 5. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1983-1984
Fiscal Year

STATE DEPARTMENT OF TRANSPORTATION

- 1. For salaries, support, maintenance, and miscellaneous purposes \$ 12,661,021
- 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 19A \$ 18,000
- 3. Unemployment compensation \$ 12,250

Sec. 6. There is appropriated from the road use tax fund to the state comptroller for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the sum of twenty-three thousand (23,000) dollars, or so much thereof as is necessary, to be used for the purpose of paying workers' compensation claims under chapter 85 on behalf of employees of the state department of transportation.

Sec. 7. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1983-1984
Fiscal Year

STATE DEPARTMENT OF TRANSPORTATION

TATION

- 1. For salaries, support, maintenance, and miscellaneous purposes \$120,011,333
- 2. To be deposited in the state department of transportation materials and equipment revolving fund established by section 307A.7 for funding the increased replacement cost of vehicles \$ 2,000,000
- 3. 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 19A \$ 342,000
- 4. Unemployment compensation \$ 232,750

Sec. 8. There is appropriated from the primary road fund to the state comptroller for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the sum of four hundred thirty-seven thousand (437,000) dollars, or so much thereof as is necessary, for the purpose of paying workers' compensation claims under chapter 85 on behalf of the employees of the state department of transportation.

Sec. 9. There is appropriated from the state aviation fund to the state department of transportation for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amount, or so much thereof as may be necessary, to be used for the following purposes:

1983-1984
Fiscal Year

- For salaries, support, maintenance, and miscellaneous purposes \$ 351,000

Sec. 10. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1983 and ending June 30, 1984, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1983-1984
	<u>Fiscal Year</u>
STATE DEPARTMENT OF TRANSPORTATION	
1. For handicapped accessibility	\$ 91,000
2. For Cedar Rapids materials laboratory	\$ 188,000
3. Any unencumbered balance remaining as of June 30, 1987 of the funds appropriated by this section shall revert to the primary road fund on September 30, 1987.	

Sec. 11. Section 25A.14, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a highway, secondary road, or street as defined in section 321.1, subsection 48, that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing highway, secondary road, or street, to new, changed, or altered design standards. In respect to highways and roads, sealcoating, asphaltting, patching, resurfacing, ditching, draining, repairing, graveling, rocking, blading, or maintaining an existing highway or road does not constitute reconstruction. This subsection shall not apply to claims based upon gross negligence.

Sec. 12. Section 25A.14, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a public improvement as defined in section 384.37, subsection 1, or other public facility that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing public improvement or other public facility to new, changed, or altered design standards. This subsection shall not apply to claims based upon gross negligence. This subsection takes effect July 1, 1984 and applies to all cases tried or retried on or after July 1, 1984.

Sec. 13. Section 100.18, subsection 5, Code 1983, is amended to read as follows:

5. The state fire marshal ~~or a designated subordinate shall annually inspect smoke detectors installed as required by enforce the requirements of subsection 2 and shall implement a program of inspections to monitor compliance with the provisions of that subsection.~~ Upon inspection, the state fire marshal shall issue a written notice to the owner or manager of a multiple-unit residential building informing the owner or manager of compliance or noncompliance with this section. The state fire marshal may contract with any political subdivision without fee assessed to either the state fire marshal or the political subdivision, for the performance of the inspection and notification responsibilities. The inspections authorized under this section are limited to the placement, repair, and operability of smoke detectors. Any broader inspection authority is not derived from this section. The state fire marshal shall adopt rules under chapter 17A

as necessary to enforce this section including rules concerning the placement of smoke detectors and the use of acceptable smoke detectors. The smoke detectors shall display a label or other identification issued by an approved testing agency or another label specifically approved by the state fire marshal. The state fire marshal shall not require other than single-station smoke detectors. If smoke detectors are not required under subsection 4 due to the presence of an automatic smoke detection system, the state fire marshal shall not require other than the automatic smoke detection system.

Sec. 14. Section 306.9, Code 1983, is amended by inserting after unnumbered paragraph 2 the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. It is further declared to be the policy of the state of Iowa that on construction of roads classified as freeway-expressway and which are designed with four-lane divided roadways, access controls shall be limited to the minimum level necessary to comply with federal aid requirements.

Sec. 15. Section 306A.10, Code 1983, is amended to read as follows:

306A.10 NOTICE TO RELOCATE--COSTS PAID BY-STATE. Whenever the state department of transportation ~~shall-determine,~~ city or county determines that relocation or removal of any utility facility now located in, over, along, or under any highway or street, is necessitated by the construction of a project on routes of the national system of interstate and defense highways including extensions within cities or on streets or highways resulting from interstate substitutions in a qualified metropolitan area under title 23, U.S.C., the utility owning or operating ~~such~~ the facility shall relocate or remove the same in accordance with statutory notice. The costs of relocation or removal, including the costs of installation in a new location, shall be ascertained by the ~~state-department~~ authority having jurisdiction over the project or as determined

in condemnation proceedings for such purposes and may be paid by-the-state-out-of-the-primary-road-fund-as-part-of-the-cost-of-such-federally-aided-project from participating federal aid or other funds.

Sec. 16. Section 306A.12, Code 1983, is amended to read as follows:

306A.12 LIMITATION ON REIMBURSEMENT. ~~No~~ A reimbursement shall not be made for any relocation or removal of facilities under this ~~division~~ chapter unless funds to be provided by federal aid amount to at least ~~ninety~~ ninety-eighty-five percent of each reimbursement payment.

Sec. 17. Section 308.4, subsection 3, Code 1983, is amended to read as follows:

3. There is appropriated from the general fund of the state to the state department of transportation the sum of ~~ninety-five~~ one hundred thousand ~~four-hundred~~ dollars for each fiscal year beginning July 1, ~~1981~~ 1983, and ending June 30, 1988. The money is to be utilized for the acquisition and construction of highway-associated project components for the great river road. Each annual appropriation shall first be used to reimburse the great river road fund established in section 312.2, with remaining funds being available for a period of one fiscal year following the year of appropriation. The state department of transportation, in co-operation with the state conservation commission and the Mississippi river parkway commission, shall administer this subsection and shall issue rules for administration in accordance with chapter 17A. A report shall be submitted listing the expenditures for the previous year and cumulative expenditures of all funds appropriated by this section and the report shall be incorporated in the annual report required by section 17.9.

Sec. 18. Section 312.2, subsection 5, Code 1983, is amended to read as follows:

5. The treasurer of state shall before making the above allotments credit annually to the highway grade crossing safety fund the sum of ~~five~~ seven hundred thousand dollars, credit annually from the road use tax fund the sum of five hundred thousand dollars to the highway railroad grade crossing surface repair fund, credit monthly to the primary road fund the dollars yielded from an allotment of sixty-five hundredths of one percent of all road use tax funds for the express purpose of carrying out subsection 11 of section 307A.2, section 313.4, subsection 2, and section 307A.5, and credit annually to the primary road fund the sum of five hundred thousand dollars to be used for paying expenses incurred by the state department of transportation other than expenses incurred for extensions of primary roads in cities. All unobligated funds provided by this subsection, except those funds credited to the highway grade crossing safety fund, shall at the end of each year revert to the road use tax fund. Funds in the highway grade crossing safety fund shall not revert to the road use tax fund except to the extent they exceed five hundred thousand dollars at the end of any biennium. The cost of each highway railroad grade crossing repair project shall be allocated in the following manner:

a. Twenty percent of the project cost shall be paid by the railroad company.

b. Twenty percent of the project cost shall be paid by the highway authority having jurisdiction of the road crossing the railroad.

c. Sixty percent of the project cost shall be paid from the highway railroad grade crossing surface repair fund.

Sec. 19. Section 312.2, subsection 9, Code 1983, is amended to read as follows:

9. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the Iowa department of soil conservation ~~five~~ two hundred ~~fifty~~ thousand dollars from the road use tax funds. The department

of soil conservation, in co-operation with the state department of transportation and the Iowa conservation commission shall ~~expend such the~~ funds, for the lease or other use of land intended for the planting or maintenance of wind erosion control barriers designed to reduce wind erosion interfering with the maintenance of highways in the state or the safe operation of vehicles ~~thereon on the highway~~. However, the funds shall not be expended for wind erosion control barriers located more than forty rods from the highway.

Sec. 20. Section 312.2, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 14. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the state department of transportation one hundred thousand dollars from the road use tax funds. The state department of transportation shall expend the funds for the planting or maintenance of trees or shrubs in shelter belts for erosion control to reduce wind erosion interfering with the maintenance of highways in the state or the safe operation of vehicles on the highways.

Sec. 21. Section 321.211, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Upon suspending the license of any person as authorized the department shall immediately notify the licensee in writing and upon the licensee's request shall afford the licensee an opportunity for a hearing before the director or the director's authorized agent as early as practical within not to exceed thirty days after receipt of the request in the county in which the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the director or the director's authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the department shall either

rescind its order of suspension or for good cause may extend the suspension of such license or revoke such license. There is appropriated each year from the general fund of the state to the department ~~sixty ninety~~ thousand dollars or so much thereof as may be necessary to be used to pay the cost of notice and personal delivery of service, if necessary to meet the notice requirement of this section. The department shall promulgate rules governing the payment of the cost of personal delivery of service. The reinstatement fees collected under section 321.191 shall be deposited in the general fund of the state in a manner provided in section 321.192, as reimbursement for the costs of notice under this section.

Sec. 22. Section 327G.30, Code 1983, is amended to read as follows:

327G.30 ADJUSTMENT OF EXPENSE. If a grade crossing surface of a railroad track and a highway, street, or alley shall require repairs or maintenance, the costs for ~~such the~~ maintenance may be paid ~~equally-by-the-owner-of-the-track, the-jurisdiction-having-primary-authority-over-the-highway, street,-or-alley,-and-the-highway-grade-crossing-surface~~ repair fund as provided in section 312.2, subsection 5.

If the railroad corporation and the jurisdiction having authority agree on the method of crossing maintenance and establish an agreement to each contribute ~~one-third-of-the~~ costs as provided in section 312.2, subsection 5, a copy of the agreement shall be filed with the department which shall allocate an amount ~~equal-to-one-third~~ of the cost for the work if funds are available in the highway railroad grade crossing surface repair fund. The department shall make appropriate notification if the fund is exhausted in which case agreements shall not be made under ~~the-provisions-of~~ this section until additional funds are available. The fund shall be administered by the department.

Upon completion of the agreed repair work, a statement of costs shall be filed with the department by the railroad

corporation in a form and manner prescribed by the department. The department, upon approval of the statement, shall pay to the railroad corporation an amount ~~equal-to-one-third~~ of the cost of the work from the highway railroad grade crossing surface repair fund as provided in section 312.2, subsection 5. The owner of the track and the jurisdiction entering into the agreement shall each pay ~~one-third-of~~ the cost as provided in section 312.2, subsection 5.

Sec. 23. Section 331.655, subsection 1, paragraph a, Code 1983, is amended to read as follows:

a. For serving a notice and returning it, for the first person served, six dollars, and each additional person, six dollars except the fee for serving additional persons in the same household shall be three dollars for each additional service, or if the service of notice cannot be made or several attempts are necessary, the repayment of all necessary expenses actually incurred by the sheriff while attempting in good faith to serve the notice.

Sec. 24. Section 613A.4, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a highway, secondary road, or street as defined in section 321.1, subsection 48, that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing highway, secondary road, street, to new, changed, or altered design standards. In respect to highways and roads, sealcoating, asphaltting, patching, resurfacing, ditching, draining, repairing, graveling, rocking, blading, or maintaining an existing highway or road does not constitute

reconstruction. This subsection shall not apply to claims based upon gross negligence.

Sec. 25. Section 613A.4, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a public improvement as defined in section 384.37, subsection 1, or other public facility that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of the construction or reconstruction. A claim under this chapter shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing public improvement or other public facility to new, changed, or altered design standards. This subsection shall not apply to claims based upon gross negligence. This subsection takes effect July 1, 1984 and applies to all cases tried or retried on or after July 1, 1984.

Sec. 26. Section 613A.4, subsection 3, Code 1983, is amended to read as follows:

3. Any claim based upon an act or omission of an officer or employee of the municipality, exercising due care, in the execution of a statute, ordinance, or regulation whether the statute, ordinance or regulation is valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of the municipality or an officer or employee of the municipality, whether or not the discretion is abused.

Sec. 27. LEGISLATIVE INTENT. It is the intent of sections 11 and 24 of this legislation, to define those cases in which a state or municipality, by its highway or road construction or reconstruction policy, may be liable for negligent acts or omissions, and it is not the intent of this legislation to affect those rights, claims, or defenses which exist in

the law and which are in areas of litigation other than highway or road construction or reconstruction. The rule of statutory construction that the express mention of one thing implies the exclusion of the other does not apply to this Act.

Sec. 28. NEW SECTION. The doctrine of joint and several liability shall not apply if a plaintiff is found to bear any comparative negligence with respect to any claim.

Sec. 29. Sections 11, 24 and 26 of this Act shall apply to all cases tried or retried after July 1, 1983. Section 28 of this Act shall apply to cases tried or retried on or after July 1, 1984.

Sec. 30. The legislative council is directed to establish a joint subcommittee of the senate committee on judiciary, the house committee on judiciary and law enforcement, and the senate and house committees on commerce, to be composed of eight members of the house and eight members of the senate, to study the matter of comparative negligence, comparative fault and contributory negligence as they apply to the broad spectrum of tort law in Iowa, during the interim between the Seventieth General Assembly's first and second session. This joint subcommittee shall be authorized to meet for not less than five days.

Sec. 31. Notwithstanding the provisions of section 423.24, there is transferred from revenues collected under chapter 423 during the fiscal year beginning July 1, 1983 and ending June 30, 1984, from the use tax imposed on motor vehicles, trailers and motor vehicle accessories and equipment under section 423.7 the sum of one million (1,000,000) dollars which shall be transferred to the state department of transportation for public transit assistance for the fiscal year beginning July 1, 1983 and ending June 30, 1984. The funds transferred under this section to the state department of transportation for public transit assistance shall be considered an advance of funds to be received for public transit assistance under

the Surface Transportation Assistance Act of 1982 and the road use tax fund shall receive reimbursement of the funds from receipts received by the state department of transportation for public transit assistance from the United States government pursuant to the Surface Transportation Assistance Act of 1982 during the fiscal period beginning July 1, 1983 and ending June 30, 1985.

Sec. 32. Notwithstanding the provisions of section 423.24, there is transferred from revenues collected under chapter 423 during each year of the fiscal period beginning July 1, 1983 and ending June 30, 1985 from the use tax imposed on motor vehicles, trailers and motor vehicle accessories and equipment under section 423.7 the sum of seven million five hundred thousand (7,500,000) dollars which shall be transferred to the special railroad facility fund to be used exclusively for the purposes provided in this section. The Iowa railway finance authority may enter into a partnership agreement as allowed under section 307B.7, subsection 7, for the purpose of acquiring the right-of-way of the Chicago, Rock Island and Pacific railroad. The funds shall be expended to supplement private investment capital obtained for that purpose by matching any private investment capital on an equal basis. The funds transferred to the special railroad facility fund under this section shall be considered an interest-free loan to be repaid to the road use tax fund from receipts credited to the special railroad facility fund under section 307B.23.

The Iowa railway finance authority shall obtain a lien against the railroad right-of-way and related materials to secure the loan and secure repayment. If the purchase of the railroad right-of-way is not completed by January 1, 1986, the entire amount of the loan shall become due and payable.

Sec. 33. If the governor finds that the estimated budget resources during the fiscal year beginning July 1, 1983 and ending June 30, 1984, are insufficient to pay all

appropriations in full prior to February 1, 1984, and the governor's findings are concurred in by the executive council, the governor shall not make any reductions in allotment as allowed under section 8.31 until the transfers authorized by this section have been made.

Notwithstanding the provisions of section 423.24, there shall be transferred from the revenues collected under chapter 423 in the fiscal year beginning July 1, 1983 and ending June 30, 1984, from the use tax collected on motor vehicles, trailers and motor vehicle accessories and equipment under section 423.7 an amount necessary to provide the estimated budget resources necessary to pay all appropriations in full. However, the total amount transferred prior to February 1, 1984, shall not exceed twelve million five hundred thousand (12,500,000) dollars.

If upon transfer of the twelve million five hundred thousand (12,500,000) dollars authorized by this section, the governor finds that the estimated budget resources during the fiscal year are insufficient to pay all appropriations in full and the executive council concurs in the governor's findings, the governor may make the reductions of allotments allowed under section 8.31.

Any funds transferred to the general fund of the state under this section prior to February 1, 1984, shall be considered an interest-free loan and the loan shall be repaid from the general fund of the state to the road use tax fund not later than May 31, 1984.

Sec. 34. Notwithstanding section 312.2, subsection 5, the treasurer of state shall credit to the highway railroad grade crossing surface repair fund from the road use tax fund the sum of four hundred thousand dollars for each year of the fiscal biennium beginning July 1, 1983 and ending June 30, 1985. The moneys allocated under this section shall be in addition to the funds credited to the fund under section 312.2, subsection 5.

Sec. 35. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants and receipts unless otherwise provided by the general assembly.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 531, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved *Item Veto* 6/3, 1983

TERRY E. BRANSTAD
Governor