

Accordingly, Chapter 8 of the Code of Iowa establishes an executive-initiated budget which should not be circumvented through somewhat unclear requests. If this provision were allowed to stand, we would experience a fragmented approach to the state budget especially when applied to a single department. Requiring, as this would, the expensive process of preparing two separate budgets, without correlation to the procedure followed for other departments, could be substantially disruptive.

For the above reasons, I hereby disapprove the aforementioned 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 2163 are hereby approved as of this date.

Sincerely,



Robert D. Ray
Governor

CHAPTER 1019

TRANSPORTATION, PUBLIC SAFETY AND PUBLIC DEFENSE

H. F. 2290

AN ACT making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. There is appropriated from the general fund of the state to the Iowa crime commission for the fiscal year beginning July 1, 1978 and ending June 30, 1979, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1978-1979

Fiscal Year

IOWA CRIME COMMISSION

1. For the purpose of matching federal funds available to the Iowa crime commission for

1978-1979
Fiscal Year

programs other than area planning programs through the Omnibus Crime Control and Safe Streets Act of 1968 as amended by the United States Congress, for salaries, support, maintenance and miscellaneous purposes \$ 46,360

2. For the purpose of matching federal funds available for area planning purposes to the Iowa crime commission through the Omnibus Crime Control and Safe Streets Act of 1968 as amended by the United States Congress, for salaries, support, maintenance and miscellaneous purposes \$ 24,560

3. For the purpose of matching federal funds available to the Iowa crime commission through the Omnibus Crime Control and Safe Streets Act of 1968 as amended by the United States Congress \$ 116,340

4. For the purpose of matching federal funds available to the Iowa crime commission through the Juvenile Justice and Delinquency Prevention Act of 1974 as amended by the United States Congress for salaries, support, maintenance and miscellaneous purposes \$ 3,520

Sec. 2.

1. The funds appropriated by subsection three (3) of section one (1) of this Act constitute a portion of the federal statutory requirement to provide in the aggregate not less than one-half of the minimum required nonfederal funding for projects conducted by units of general local government or combinations of such units for the development and implementation of programs and projects for the improvement of law enforcement.

2. Any allocation of funds from funds appropriated by subsection three (3) of section one (1) of this Act shall be approved by the governor.

3. All unencumbered or unobligated balances of funds appropriated by subsection three (3) of section one (1) of this Act shall on September 30, 1982 revert to the general fund of this state.

Sec. 3. There is appropriated from the general fund of the state to the following named agencies for the fiscal year beginning July 1, 1978 and ending June 30, 1979, the following amounts, or so much thereof as is necessary, for the purposes designated:

	1978-1979
	<u>Fiscal Year</u>
1. IOWA LAW ENFORCEMENT ACADEMY	
For salaries, support, maintenance and miscellaneous purposes	\$ 488,000
2. DEPARTMENT OF PUBLIC DEFENSE	
a. Military division	
For salaries except salaries provided for in paragraph b of this subsection, support, maintenance, and miscellaneous purposes	\$ 1,662,000
b. For salaries of the adjutant general and members of the adjutant general's staff who are on full-time active state service, and for their support and maintenance	\$ 173,000
3. OFFICE OF DISASTER SERVICES	
For salaries, support, maintenance and miscellaneous purposes	\$ 102,000

Sec. 4. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1978, to the department of public defense for the purposes indicated, the following amounts, or so much thereof as are necessary:

1. For repair, replacement, alteration, equipment, and rehabilitation of national guard armory facilities throughout the state, including the maintenance and repair of equipment required for use of such facilities	\$ 75,000
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2. For repair, replacement, alteration, equipment, and rehabilitation of buildings, grounds, roads and facilities located within the Camp Dodge military reservation \$ 25,000

3. For the construction of a national guard armory at Dubuque, the location of which shall be determined by the executive council \$ 231,000

4. Unobligated or unencumbered funds remaining on June 30, 1982, from funds appropriated by this section shall revert to the general fund on September 30, 1982.

Sec. 5. It is the intent of the general assembly that upon completion of the construction of the new national guard armory at Dubuque, the executive council shall convey any interest held by the state in Lot 1 of Lot 2 of Lot 3 of Randalls' Subdivision in the city of Dubuque, Iowa to the city of Dubuque, Iowa.

Sec. 6. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1978 and ending June 30, 1979, the following amounts, or so much thereof as is necessary, to be used for funding the following functions and programs for the purposes designated:

1978-1979

Fiscal Year

DEPARTMENT OF PUBLIC SAFETY

1. ADMINISTRATIVE FUNCTION

For salaries, support, maintenance and miscellaneous purposes of the department, criminal justice information system, and radio communications \$ 3,579,700

2. INSPECTION AND SECURITY FUNCTION

For salaries, support, maintenance and miscellaneous purposes of fire marshal's inspections, arson investigators including the state's

contribution to the peace officers' retirement, accident, and disability system provided in chapter ninety-seven A (97A) of the Code in the amount of sixteen percent of the salaries for which the funds are appropriated, and capitol security divisions \$ 805,000

3. INVESTIGATION FUNCTION

For salaries, support, maintenance, and miscellaneous purposes of the divisions of criminal investigation and bureau of identification, drug law enforcement, and beer and liquor law enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter ninety-seven A (97A) of the Code in the amount of sixteen percent of the salaries for which the funds are appropriated \$ 2,688,000

4. DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE

For salaries, support, maintenance and miscellaneous purposes including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter ninety-seven A (97A) of the Code in the amount of sixteen percent of the salaries for which the funds are appropriated \$ 10,898,000

5. In addition to the complement of not to exceed four hundred ten persons there shall be twenty persons who shall serve as members of the highway safety patrol for the period beginning July 1, 1975 and ending June 30, 1979. The twenty additional members of the highway safety patrol shall be totally funded through the use of federal funds.

6. It is the intent of the general assembly that prior to the expenditure of funds by the department for the purpose of organizing or providing continuous support of an internal

***Item veto

affairs division within the department of public safety, the department shall adopt rules pursuant to chapter seventeen A (17A) of the Code providing for the method and procedures to be followed in an internal affairs investigation. ***

7. It is the intent of the general assembly that the department of public safety make a concerted effort, by efficiently coordinating the resources of the state fire marshal and the division of investigation, to apprehend persons who have committed the serious crime of arson. The department of public safety shall assure that the crime of arson will continue to receive a high degree of investigative priority.

Sec. 7. There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1978 and ending June 30, 1979, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1978-1979
Fiscal Year

DEPARTMENT OF TRANSPORTATION

1. For salaries, support, maintenance and miscellaneous purposes \$ 4,390,000

2. For public transit purposes to implement a state assistance plan \$ 1,950,000

Of the funds appropriated by this subsection, not more than sixty-five thousand dollars shall be used for development and implementation of a mass transit project for state employees. Such project shall subsidize the cost of mass transportation for state employees if the participating state employees agree to abstain from parking their motor vehicles on state property at their job site. In allocating funds appropriated by this subsection to implement a state assistance program, the department shall review each allocation to consider whether the allocation should be revised where a public transit has received funds for the development and implementation of a mass transit project for state employees.

Unencumbered or unobligated funds remaining on June 30, 1981 from funds appropriated by subsection two (2) of this section shall revert to the general fund on September 30, 1981.

***Item veto

3. For deposit in the rail-road assistance fund for branch-line improvement \$ 1,700,000

4. For developing a program for future transportation uses of abandoned rail lines in selected locations throughout the state \$ 50,000

Sec. 8. Section three hundred eight point four (308.4), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. There is appropriated from the general fund of the state to the state department of transportation the sum of one hundred thousand (100,000) dollars for each fiscal year beginning July 1, 1978, and ending June 30, 1988. Said 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 three hundred twelve point two (312.2) of the Code, with remaining funds being available for a period of one fiscal year following the year of appropriation. The state department of transportation, in cooperation with the state conservation commission and the Mississippi river parkway commission, shall administer the provisions of this subsection and shall issue rules for such administration in accordance with chapter seventeen A (17A) of the Code. 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 seventeen point nine (17.9) of the Code.

Sec. 9. Section three hundred twelve point two (312.2), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. The treasurer of state shall establish a great river road fund and at the request of the state department of transportation, shall credit monthly before making the allotments provided for in this section, sufficient funds to cover the anticipated costs, as identified by the state department of transportation, for the acquisition and construction of eligible highway-associated project components. Reimbursement to this fund shall be made as necessary from the funds appropriated in section three hundred eight point four (308.4) of the Code. In no case shall the unreimbursed

allotment to the great river road fund exceed one million dollars less the cumulative sum as annually appropriated in section three hundred eight point four (308.4) of the Code. Reimbursed funds shall be reallocated in accordance with the provisions of section three hundred twelve point two (312.2) of the Code.

Sec. 10. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1978 and ending June 30, 1979 the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1978-1979
	<u>Fiscal Year</u>
DEPARTMENT OF TRANSPORTATION	
1. For salaries, support, maintenance and miscellaneous purposes	\$ 7,097,500
ADMINISTRATION OF MERIT SYSTEM	
2. For the purpose of making payments to the Iowa merit employment department for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter nineteen A (19A) of the Code	\$ 10,000
UNEMPLOYMENT COMPENSATION COSTS	
3. Unemployment compensation	\$ 5,000
4. For improving grade crossing surfaces needing repair which grade crossings are repaired with funds from the highway-railroad grade crossing surface repair fund	\$ 290,000
5. For the purpose of matching available federal planning and construction funds to be used in the planning and construction of the Iowa segments of the great river road	\$ 250,000
6. For construction of the Hudson road improvement project on the campus of the university of northern Iowa as proposed by	

the state board of regents \$ 110,000

Sec. 11. There is appropriated from the road use tax fund to the state comptroller for the fiscal year beginning July 1, 1978 and ending June 30, 1979 the sum of twelve thousand five hundred (12,500) dollars, or so much thereof as is necessary, to be used for the purpose of paying workers' compensation claims under chapter eighty-five (85) of the Code on behalf of employees of the state department of transportation.

Sec. 12. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1978 and ending June 30, 1979, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1978-1979
Fiscal Year

DEPARTMENT OF TRANSPORTATION

1. For salaries, support, maintenance and miscellaneous purposes \$ 86,117,500

EQUIPMENT

2. Additional equipment to be purchased to supplement present inventory. All acquisitions, when acquired, will become a part of the state department of transportation materials and equipment revolving fund \$ 200,000

VEHICLE REPLACEMENT

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

MERIT EXPENSES

4. For the purpose of making payments to the Iowa merit employment department for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter nineteen A

(19A) of the Code	\$	200,000
UNEMPLOYMENT COMPENSATION COSTS		
5. Unemployment compensation	\$	95,000
6. For the construction of field facilities	\$	1,300,000
7. For the construction of a steam line interconnect to con- nect all power plants	\$	200,000

Sec. 13. All unencumbered or unobligated balances of funds remaining on June 30, 1982, from funds appropriated by subsections six (6) and seven (7) of section twelve (12) of this Act shall revert to the primary road fund on September 30, 1982.

Sec. 14. There is appropriated from the primary road fund to the state comptroller for the fiscal year beginning July 1, 1978 and ending June 30, 1979 the sum of two hundred thirty-seven thousand five hundred (237,500) dollars, or so much thereof as is necessary, for the purpose of paying workers' compensation claims under chapter eighty-five (85) of the Code on behalf of the employees of the state department of transportation.

Sec. 15. There is appropriated from the primary road fund to the department of transportation for the fiscal year beginning July 1, 1978 and ending June 30, 1979 the sum of one hundred thousand (100,000) dollars or so much thereof as necessary for the purpose of conducting a study into the effect of chemical road deicing programs. The study shall review the alternatives to using salt or other chemicals for road deicing purposes. The study shall assess the impact and estimate costs to the road, vehicles and the environment that result from the chemical road deicing programs. The department shall report the findings of the study to the general assembly prior to January 1, 1980, together with recommendations to minimize the damage caused by chemical road deicing programs together with appropriate bill drafts necessary to implement the findings.

Sec. 16. There is appropriated from the aeronautics* fund to the state department of transportation for the fiscal year beginning July 1, 1978 and ending June 30, 1979, the sum of three hundred thirty-four thousand seven hundred (334,700) dollars, or so much thereof as may be necessary, to be used for salaries, support, maintenance, and miscellaneous purposes.

*Aviation fund §328.36 probably intended

Sec. 17.

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

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

Sec. 18. Section eighty point eighteen (80.18), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department may expend moneys from the support allocation of the department as reimbursement for replacement or repair of personal items of the department's employees damaged or destroyed during the employee's tour of duty. However, the reimbursement shall not exceed seventy-five dollars for each item. The department shall establish rules in accordance with chapter seventeen A (17A) of the Code to carry out the purpose of this paragraph.

Sec. 19. Section ninety-seven A point one (97A.1), subsections two (2) and six (6), Code 1977, is amended to read as follows:

2. "PEACE OFFICER" or "PEACE OFFICERS" shall mean all members of the divisions of highway safety and uniformed force and criminal investigation and bureau of identification in the department of public safety, except clerical workers, who have passed a satisfactory physical and mental examination and have been duly appointed as members of the state department of public safety in accordance with the provisions of section 80.15 and the division of drug law enforcement and arson investigators in the department of public safety except clerical workers, and the division of beer and liquor law enforcement of the department of public safety, except clerical workers.

6. "MEMBERSHIP SERVICE" shall mean service as a peace officer in the division of highway safety and uniformed forces or the division of criminal investigation and bureau of identification or division of drug law enforcement in the department of public safety and arson investigators rendered since last becoming a member, or, where membership is regained as provided in this chapter, all of such service.

Sec. 20. Section ninety-seven A point three (97A.3), subsection one (1), Code 1977, is amended to read as follows:

1. All members of the division of highway safety and uniformed force and the division of criminal investigation and bureau of identification in the department of public safety, excepting the members of the clerical force, who are

*Aviation fund §328.36 probably intended

employed by the state of Iowa when this chapter becomes effective, and all persons thereafter employed as members of such divisions in the department of public safety or division of drug law enforcement and arson investigators or qualified members of the division of beer and liquor law enforcement in said department except the members of the clerical force shall be members of this system. Such members shall not be required to make contributions under any other pension or retirement system of the state of Iowa, anything to the contrary notwithstanding.

Sec. 21. Section ninety-seven A point four (97A.4), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

Any member of the system who has been employed continuously prior to the passage of this chapter in the division of highway safety and uniformed force or the division of criminal investigation and bureau of identification in the department of public safety, or as a member of the Iowa highway safety patrol, or as a peace officer or a member of the uniformed force in any department or division whose functions were transferred to, merged, or consolidated in the department of public safety at the time such department was created, shall receive credit for such service in determining retirement and disability benefits provided for in this chapter. Arson investigators who have contributed to this system prior to the effective date of this Act shall receive credit for such service in determining retirement and disability benefits.

Sec. 22. Section ninety-seven A point six (97A.6), subsection seven (7), paragraph c, Code 1977, is amended to read as follows:

c. The commissioner of public safety may, subject to approval of the medical board, assign any former member of the division of highway safety and uniformed force or the division of criminal investigation and bureau of identification or an arson investigator who is retired and drawing a pension for disability under the provisions of this chapter, to the performance of light duties in such division.

Sec. 23. Section ninety-seven A point six (97A.6), subsection ten (10), Code 1977, is amended to read as follows:

10. RETURN OF ACCUMULATED CONTRIBUTIONS. Should a member cease to be a peace officer in the division of highway safety and uniformed force or the division of criminal investigation and bureau of identification in the department of public

safety or an arson investigator except by death or retirement, he or she shall be paid on demand the amount of his or her accumulated contributions standing to the credit of his or her individual account in the annuity savings fund.

Sec. 24. Section three hundred twelve point two (312.2), subsection five (5), Code 1977, 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 hundred thousand dollars, credit annually to the primary road fund the sum of one million four hundred fifty-five thousand dollars for carrying out subsection ~~42~~ eleven (11) of section 307A.2, the last paragraph of section 313.4 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.

Sec. 25. Section six hundred ninety-three point seven (693.7), Code 1977 Supplement, is amended to read as follows:

693.7 COMMUNICATION WITH LOCAL AGENCIES. The department of public safety shall maintain law enforcement communications with local enforcement agencies ~~using-frequencies-in-use-on July-47-1973. The-Iowa-highway-safety-patrol-base-stations and-all-Iowa-highway-safety-patrol-cars-assigned-to-troopers and-sergeants-with-field-enforcement-responsibilities-shall maintain-law-enforcement-communications-with-local-enforcement-agencies-using-transmitting-and-receiving-frequencies in-use-by-the-Iowa-highway-safety-patrol-on-July-47-1973.~~

Sec. 26. It is the intent of the general assembly that the commissioner of public safety shall reassign the arson investigators from the division of criminal investigation and bureau of identification of the department of public safety to the state fire marshal's office effective July 1, 1978 and the arson investigators shall be under the direct supervision of the state fire marshal.

Sec. 27. It is the intent of the general assembly that an amount equal to fifty-five thousand dollars appropriated

for the fiscal year beginning July 1, 1978 and ending June 30, 1979, by the general assembly from the road use tax fund to the fund to maintain state institutional roads and state park roads shall be expended by the state department of transportation for the construction of the Hudson road improvement project on the campus of the university of northern Iowa as proposed by the state board of regents. The state department of transportation shall also expend the funds appropriated pursuant to subsection six (6) of section ten (10) of this Act for the project. Funds appropriated from the road use tax fund for the Hudson road improvement project shall be considered an interest-free loan to the state board of regents to be repaid by the board in the manner provided in this section. During the fiscal year beginning July 1, 1979 and ending June 30, 1980, the state department of transportation shall, in apportioning funds appropriated for state institutional roads and state park roads pursuant to section three hundred twelve point two (312.2), subsection five (5), of the Code, withhold fifty-five thousand (55,000) dollars as payment of one-half of the loan from the road use tax fund for the Hudson road improvement project. During the fiscal year beginning July 1, 1980 and ending June 30, 1981, the state department of transportation shall, in apportioning funds appropriated for state institutional roads and state park roads pursuant to section three hundred twelve point two (312.2), subsection five (5), of the Code, withhold fifty-five thousand (55,000) dollars, or so much thereof as is necessary, to be credited to the road use tax fund as the final payment of the outstanding balance of the loan for the Hudson road improvement project.

Sec. 28. Section three hundred twelve point two (312.2), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. The treasurer of the state shall establish a revolving fund for use by affected jurisdictions for great river road projects. Funds shall be advanced at the request of the state department of transportation to affected jurisdictions as noninterest loans and shall be utilized for the construction of eligible great river road highway projects. Funds may be advanced from either the primary road fund or the farm-to-market road fund. The amount advanced and not reimbursed shall not exceed five million dollars at any one time from either the primary road fund or the farm-to-market road fund, nor shall the amount advanced and not reimbursed

at any one time from all funds combined exceed seven million five hundred thousand dollars.

Sec. 29. Funds advanced as provided by section twenty-eight (28) of this Act shall be administered by the state department of transportation. The department shall require repayment of the advanced funds within ten years. The treasurer of state shall, upon the request of the state department of transportation, transfer a portion of the affected local jurisdiction's allocation sufficient to meet repayment requirements if the terms of the individual agreements are not complied with.

Sec. 30. Section three hundred twenty-four point three (324.3), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred six (106), section one (1), and House File four hundred ninety-one (491), as enacted by the Sixty-seventh General Assembly, 1978 Session, section sixteen (16), is amended by striking subsection four (4).

Sec. 31. Section three hundred twenty-four point three (324.3), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred six (106), section one (1), and House File four hundred ninety-one (491), as enacted by the Sixty-seventh General Assembly, 1978 Session, section sixteen (16), is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Motor fuel shall be sold tax paid to the state of Iowa, any of its agencies, or to any political subdivision of the state. Tax on fuel which is used for public purposes shall be subject to refund. Claims for refunds will be filed with the department on a quarterly basis and in no case will the director grant a refund of motor fuel or special fuel tax where a claim is not filed within one year from the date the tax was due. The claim shall contain the number of gallons purchased, the calculation of the amount of motor fuel and special fuel tax subject to refund and any other information required by the department necessary to process the refund.

NEW UNNUMBERED PARAGRAPH. Each state agency and political subdivision of the state which has purchased special fuel tax free as a user shall file with the department of revenue, prior to January fifteenth in each year, a report of the number of gallons of special fuel purchased tax free by the state agency or the political subdivision of the state in the prior calendar year and a calculation of the amount of

special fuel tax that would have been required for the previous calendar year if the state agency or political subdivision had been required to pay state motor fuel and state special fuel taxes.

Sec. 32. Section three hundred twenty-four point thirty-five (324.35), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred six (106), section two (2), and House File four hundred ninety-one (491), as enacted by the Sixty-seventh General Assembly, 1978 Session, section twenty (20), is amended by striking unnumbered paragraph two (2) and inserting in lieu thereof the following:

Tax on special fuel sold to the state of Iowa, any of its agencies, or any political subdivisions of the state where such fuel is used for public purposes shall be subject to refund. Claims shall be filed in accordance with the claims for motor fuel tax refunds provided by section three hundred twenty-four point three (324.3) of the Code.

Sec. 33. If House File four hundred ninety-one (491), as enacted by the Sixty-seventh General Assembly, 1978 Session, does not become law, the provisions of sections thirty (30), thirty-one (31), and thirty-two (32) of this Act are void.

Sec. 34. It is the intent of the general assembly that if Senate File two thousand one hundred eighty-four (2184) is enacted by the Sixty-seventh General Assembly, 1978 Session, and becomes law, the funds appropriated to the railroad assistance fund pursuant to section seven (7), subsection three (3) of this Act shall not be transferred to the state department of transportation from the general fund of the state and the appropriation made pursuant to section seven (7), subsection three (3) of this Act is void. ***

Sec. 35. If House File four hundred ninety-one (491) is enacted by the Sixty-seventh General Assembly, 1978 Session, and becomes law, and House File four hundred ninety-one (491) amends the provisions of section three hundred twelve point two (312.2), subsection five (5) of the Code by increasing the annual standing appropriation from the road use tax fund to the primary road fund by fifty-five thousand dollars or more for fiscal years beginning July 1, 1978 for carrying out the provisions of section three hundred seven A point two (307A.2), subsection eleven (11) of the Code, section twenty-four (24) of this Act is void.

***Item veto

Sec. 36. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts.

Sec. 37. Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one thousand two hundred forty-six (1246), section two (2), is repealed.

Approved June 26, 1978, except the items designated as Subsection 6 of Section 6 and Section 34 herein which I hereby disapprove for the reasons set forth in my veto message delivered to the Secretary of State, the original of which is attached hereto.

Robert D. Ray
Governor

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

Dear Mr. Secretary:

I hereby transmit House File 2290, an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

House File 2290 is approved June 26, 1978, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the Act as Subsection 6 of Section 6 which reads as follows:

6. It is the intent of the general assembly that prior to the expenditure of funds by the department for the purpose of organizing or providing continuous support of an internal affairs division within the department of public safety, the department shall adopt rules pursuant to chapter seventeen A (17A) of the Code providing for the method and procedures to be followed in an internal affairs investigation.

I am unable to approve the item designated in the Act as Section 34 which reads as follows:

Sec. 34. It is the intent of the general assembly that if Senate File two thousand one hundred eighty-four (2184) is enacted by the Sixth-seventh General Assembly, 1978 Session, and becomes law, the funds appropriated to the railroad assistance fund pursuant to section seven (7), subsection three (3) of this Act shall not be transferred to the state department of transportation from the general fund of the state and the appropriation made pursuant to section seven (7), subsection three (3) of this Act is void.

Subsection 6 of Section 6 requires the Department of Public Safety to adopt rules pursuant to the Administrative Procedures Act regarding the method and procedures to be followed in an internal affairs investigation prior to the use of the appropriation to support the Internal Affairs Division of the Department.

The Internal Affairs Division has been in existence since August, 1976. It is designed to handle the especially sensitive area of investigating complaints and suggestions of alleged wrongdoing by law enforcement officers and members of the Department of Public Safety.

Public Safety has not adopted rules for internal affairs investigations pursuant to the Administrative Procedures Act because the Administrative Procedures Act was not intended for such a purpose. The Administrative Procedures Act was passed to protect the general public from arbitrary actions of state agencies and provide adequate notice to the public of intended actions or procedural changes of the agency. The Administrative Procedures Act was not intended to hamstring or tie down the management of a state agency when it comes to the agency's internal operations which do not directly affect the rights of the public. Specifically to that point, 17A.2(7)(a) of the Administrative Procedures Act exempts from the definition of "rule":

A statement concerning only the internal management of an agency and which does not substantially affect the legal rights of, or procedures available to, the public or any segment thereof.

While no agency is required to adopt rules pursuant to the Administrative Procedures Act for its internal operations, the officers and members of the Department of Public Safety have a legitimate right to know how investigations of alleged complaints against them will be handled. To that end, the Department of Public Safety two years ago adopted peace officer personnel rules which outline the department's disciplinary procedures including how complaints against officers are to be handled. These rules, based on the model rules proposed by the International Association of Chiefs of Police, have been widely publicized among the personnel of the Department of Public Safety and are available to anyone on demand. Every procedure of an internal investigation is not spelled out to the last detail since there must be some discretion left to supervisors to handle the merits of each case as it arises.

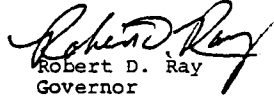
It should also be noted that the Commissioner of Public Safety intends to file rules relating to the procedure for the filing of a complaint against a peace officer by a member of the general public. The rules will specify how a complaint may be filed, what information should be provided and how notice will be provided to the complainant when final action on the complaint has been taken.

These new rules are appropriate because they advise the public of how complaints will be accepted and processed. This format for these rules is also appropriate. Attempting to use the Administrative Procedures Act for the internal operations of an agency is inappropriate.

Section 34, which controls the funding of the branch line revitalization program in Subsection 3 of Section 7 was inserted into House File 2290 because of the uncertain legislative fate of Senate File 2184 to which it is tied. I have vetoed the provision of Senate File 2184 which would have provided an alternative source of funds for the branch line program. To keep the remaining branch line revitalization appropriation contained in House File 2290 alive, this provision should be deleted. Therefore, it is.

For the above reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 2290 are hereby approved as of this date.

Sincerely,


Robert D. Ray
Governor

CHAPTER 1020
CLAIMS REIMBURSEMENTS

H. F. 2466

AN ACT to make appropriations from the general fund and reimbursement fund of the state to certain persons in settlement of claims made against the state of Iowa.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. There is appropriated from the general fund and reimbursement fund of the state to the following persons the amount set opposite their respective names in full settlement of all claims which they may have against the state of Iowa:

Claimant	Claim No.	Nature of Claim	Amount
1. Valerie Ann Hunter Des Moines, Iowa	2936-67-25	Merit Pay adjustment	\$ 513.00
2. Bessie Crann Avoca, Iowa	2924-67-25	Property damage caused by foster child	75.00
3. Admiral Merchants Motor Freight, Inc., Minneapolis, Minnesota	3527-67-25	Registration fee refund	700.00
4. Othie R. McMurry Ankeny, Iowa	3354-67-25	Vacation pay re-fund	3,638.30