

and development for parents, guardians, prospective biological and adoptive parents, and foster parents.

5. The state department of education shall make available model human growth and development curricula for grades kindergarten through twelve which shall include the instructional topics specified in subsection 1, paragraphs "a" through "k". The department of education shall distribute the model curricula to each school board, to the authorities in charge of each accredited nonpublic school, and to each resource committee appointed pursuant to subsection 1, and shall provide technical assistance to school boards and resource committees in the use or adaptation of the curricula.

6. Each area education agency shall periodically offer a staff development program for teachers who provide instruction in human growth and development.

7. The department of education shall identify and disseminate information about early intervention programs for students who are at the greatest risk of suffering from the problems of dropping out of school, substance abuse, adolescent pregnancy, or suicide.

Sec. 4. HUMAN GROWTH AND DEVELOPMENT. Rules adopted by the state board under section 256.17 which prescribe standards for accredited schools shall include human sexuality, self-esteem, stress management, interpersonal relationships, the characteristics of acquired immune deficiency syndrome, and give attention to experiences relating to the development of life skills and human growth and development.

Sec. 5. Section 279.50, subsections 1 through 3 and 5, as enacted in this Act, are amended by striking the subsections.

Sec. 6. Section 5 of this Act takes effect July 1, 1992.

Approved March 29, 1988

CHAPTER 1019

GAS TAX, HIGHWAYS, TRANSPORTATION FUNDING

S.F. 2196

AN ACT relating to transportation funding by providing for a network of commercial and industrial highways, increasing the excise taxes on motor fuel and special fuel, increasing the standing appropriation for public transit assistance, authorizing the transfer of RISE funds to the primary road fund, providing for a study of highway financing, making appropriations from the road use tax fund, and providing effective dates.

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

Section 1. Section 307A.2, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commission shall identify, within the primary road system, a network of commercial and industrial highways. The improvement of this network shall be considered in the development of the long-range program and plan of improvements under this section.

Sec. 2. Section 312.1, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 453.7, subsection 2, interest or earnings on investments or time deposits of the moneys in the road use tax fund and the

funds to which moneys from the road use tax fund are credited shall be credited to the respective funds which generated the interest or earnings.

Sec. 3. Section 312.2, subsection 17, Code Supplement 1987, is amended to read as follows:

17. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the public transit assistance fund, created under section 601J.6, an amount equal to ~~one-fortieth~~ one-twentieth of the revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "b".

Sec. 4. Section 312.2, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 20. The treasurer of state, before making the allotments provided for in this section, shall credit annually from the revenue to be credited to the road use tax fund under section 423.24, subsection 1, paragraph "b", the sum of one million dollars to the state department of transportation for the purpose of acquiring, constructing, and improving recreational trails within the state. Unobligated portions of this allotment shall remain available to the state department of transportation for the purposes for which the funds are originally allocated. The state department of transportation shall adopt rules under chapter 17A to establish procedures for the expenditure of the funds allotted under this subsection.

Sec. 5. Section 312.2, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 21. The treasurer of state shall credit for the fiscal period beginning July 1, 1988, and ending March 31, 1990, the moneys received under section 314.20 to the living roadway trust fund, which is created in the office of the treasurer of state. The moneys in this fund shall be used exclusively for the development of alternative roadside vegetation for living windbreaks, wildlife habitat, roadside erosion control, and aesthetic purposes. The moneys shall only be expended adjacent to streets and highways. The state department of transportation and the department of natural resources shall jointly establish standards relating to the type of projects available for assistance. Of the moneys in the fund, fifty-six percent shall be expended for state department of transportation projects. Thirty percent shall be expended on county projects and fourteen percent shall be expended for city projects. Any city or county which has a project which qualifies for the use of these funds shall submit a request for the funds to the state department of transportation. The state department of transportation and the department of natural resources shall determine which projects qualify for the funds and which projects shall be funded if the requests for the funds exceed the availability of the funds. Funds allocated under this subsection shall be in addition to expenditures currently made for the purposes specified in this subsection. Beginning April 1, 1990, the moneys in the fund shall be allocated between the state, counties, and cities in the same proportion that the road use tax funds are allocated under section 312.2, subsections 1, 2, 3, and 4.

Sec. 6. Section 313.4, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 5. During the fiscal year beginning July 1, 1990, and ending June 30, 1991, and each subsequent fiscal year, the department shall spend from the primary road fund an amount of not less than thirty million dollars for the network of commercial and industrial highways.

Sec. 7. Section 313.8, Code 1987, is amended to read as follows:

313.8 IMPROVEMENT OF PRIMARY SYSTEM.

The department shall proceed to the improvement of the primary road system as rapidly as funds become available therefor until the entire mileage of the primary road system is built to established grade, bridged and surfaced with pavement or other surface suited to the traffic on such road. Improvements shall be made and carried out in such manner as to equalize the

condition of the primary roads and accessibility for commercial and industrial economic development purposes, as nearly as possible, in all sections of the state.

Sec. 8. NEW SECTION. 314.15 ENVIRONMENTAL PROTECTION.

Highway construction and reconstruction shall not cause unnecessary destruction of the natural or historic heritage of the state. Accordingly, the following features shall be protected in the design, construction, and reconstruction of highways:

1. **WOODLANDS.** All natural woodland removed shall be replaced by plantings of the same species mix on the same number of acres as the woodland removed on similar terrain as close as possible to the construction site, or by purchase of an equal number of acres of natural woodland in the general vicinity for public ownership and preservation.

2. **WETLANDS.** All natural wetlands removed shall be replaced by purchase of natural wetlands in the same general vicinity for public ownership and preservation.

3. **PUBLIC PARKS.** Highways constructed through publicly owned parks, preserves, and recreation areas shall be designed to blend aesthetically with the areas and to minimize noise as requested by the public entity owning the land. Highways crossing rivers, streams, or wetlands and their associated riparian vegetation within publicly owned areas shall be built on structures to minimize damage to aesthetic and natural values. Any land taken from publicly owned parks, preserves, or recreation areas for highway construction shall be replaced by purchase of an equal or greater number of acres for public use, to be chosen in cooperation with the public entity owning the land.

4. **PRIME AGRICULTURAL LAND.** Topsoil shall be removed and stockpiled and shall be made available at no cost to the former landowner or other landowners whose land was purchased for the highway construction. Excess topsoil shall be utilized for landscaping.

Sec. 9. NEW SECTION. 314.20 UTILITY EASEMENTS ON HIGHWAY RIGHT-OF-WAY.

The department shall develop an accommodation plan for the longitudinal utility use of free-way right-of-way, in consultation with the utilities board. The plan shall be consistent with the rules of the federal highway administration of the United States department of transportation and shall be submitted to the federal highway administration for its approval by January 1, 1989. In developing the plan, the department shall provide for extended payment and lease agreements to provide continuous funding for the living roadway trust fund. The plan shall provide for charges for the use of the right-of-way and all moneys collected shall be credited to the living roadway trust fund established in section 312.2, subsection 21, and shall be used by the department for the planting and maintenance of alternative roadside vegetation on interstate highways.

Sec. 10. Section 315.3, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The state transportation commission may authorize the temporary transfer of funds between the department's share of the RISE fund under section 315.4 and the primary road fund in an amount not to exceed forty million dollars at one time. Transferred funds shall be repaid not later than July 1, 1993. The commission shall manage the RISE fund to ensure that funds will be available to meet contract obligations on approved RISE projects.

Sec. 11. Section 321.122, subsection 1, paragraph a, Code 1987, is amended to read as follows:

a. For a combined gross weight of three tons or less ~~forty-five~~ sixty-five dollars and a vehicle which is more than ten model years old ~~thirty-five~~ fifty-five dollars and a vehicle which is more than thirteen model years old forty-five dollars and a vehicle which is more than fifteen years old thirty-five dollars.

Sec. 12. Section 321.122, subsection 1, paragraph b, Code 1987, is amended to read as follows:
 b. For a combined gross weight exceeding three tons, the annual registration fee shall be as set forth in the following schedule:

For a combined gross weight exceeding:	And not exceeding:	The annual registration fee shall be:
3 Tons	4 Tons	\$ 60
		80
4 Tons	5 Tons	\$ 70
		90
5 Tons	6 Tons	\$ 85
		105
6 Tons	7 Tons	\$ 110
		130
7 Tons	8 Tons	\$ 145
		165
8 Tons	9 Tons	\$ 180
		200
9 Tons	10 Tons	\$ 215
		235
10 Tons	11 Tons	\$ 250
		270
11 Tons	12 Tons	\$ 285
		305
12 Tons	13 Tons	\$ 320
		340
13 Tons	14 Tons	\$ 355
		375
14 Tons	15 Tons	\$ 445
15 Tons	16 Tons	\$ 485
16 Tons	17 Tons	\$ 525
17 Tons	18 Tons	\$ 565
18 Tons	19 Tons	\$ 610
19 Tons	20 Tons	\$ 675
20 Tons	21 Tons	\$ 715
21 Tons	22 Tons	\$ 755
22 Tons	23 Tons	\$ 795
23 Tons	24 Tons	\$ 835
24 Tons	25 Tons	\$ 965
25 Tons	26 Tons	\$1,010
26 Tons	27 Tons	\$1,060
27 Tons	28 Tons	\$1,105
28 Tons	29 Tons	\$1,150
29 Tons	30 Tons	\$1,200
30 Tons	31 Tons	\$1,245
31 Tons	32 Tons	\$1,295
32 Tons	33 Tons	\$1,340
33 Tons	34 Tons	\$1,415
34 Tons	35 Tons	\$1,465
35 Tons	36 Tons	\$1,510
36 Tons	37 Tons	\$1,555

37 Tons	.....	38 Tons	.....	\$1,605
38 Tons	.....	39 Tons	.....	\$1,650
39 Tons	.....	40 Tons	.....	\$1,695

Sec. 13. Section 324.3, unnumbered paragraph 1, Code 1987, is amended to read as follows:

For the privilege of operating motor vehicles in this state an excise tax of fifteen cents per gallon for the period beginning July 1, 1985 and ending December 31, 1985, and sixteen cents per gallon for the period beginning January 1, 1986, and ending March 31, 1988, and eighteen cents per gallon for the period beginning April 1, 1988, and ending December 31, 1988, and twenty cents per gallon beginning January 1, 1989, is imposed upon the use of all motor fuel used for any purpose except motor fuel containing at least ten percent alcohol distilled from cereal grains grown in the United States for the period beginning July 1, 1978 and ending June 30, 1992 and except as otherwise provided in this division.

Sec. 14. Section 324.3, unnumbered paragraph 4, Code 1987, is amended to read as follows:

For the privilege of operating motor vehicles in this state an excise tax of fourteen cents per gallon beginning July 1, 1985 and ending December 31, 1985, and fifteen cents per gallon for the period beginning January 1, 1986, and ending March 31, 1988, and seventeen cents per gallon for the period beginning April 1, 1988, and ending December 31, 1988, and nineteen cents per gallon beginning January 1, 1989, and ending June 30, 1992, is imposed upon the use of gasohol used for any purpose except as otherwise provided in this division.

Sec. 15. Section 324.34, unnumbered paragraph 1, Code 1987, is amended to read as follows:

For the privilege of operating motor vehicles in this state, there is imposed an excise tax on the use, as defined in section 324.33, of special fuel in a motor vehicle. The tax rate on special fuel for diesel engines is sixteen and one-half cents per gallon for the period beginning July 1, 1985 and ending December 31, 1985, is seventeen and one-half cents per gallon for the period beginning January 1, 1986 and ending December 31, 1986, and is eighteen and one-half cents per gallon for the period beginning January 1, 1987, and ending March 31, 1988, and is twenty and one-half cents per gallon for the period beginning April 1, 1988, and ending December 31, 1988, and twenty-two and one-half cents per gallon beginning January 1, 1989. On all other special fuel the per gallon rate is the same as the motor fuel tax.

Sec. 16. Section 324.34, unnumbered paragraph 9, Code 1987, is amended to read as follows:

For natural gas used as a special fuel the rate of tax that is equivalent to the motor fuel tax shall be thirteen sixteen cents per hundred cubic feet adjusted to a base temperature of sixty degrees Fahrenheit and a pressure of fourteen and seventy-three hundredths pounds per square inch absolute. The tax on natural gas shall attach at the time of delivery into equipment for compressing the gas for subsequent delivery into the fuel supply tank of a motor vehicle and shall be paid over to the department by the person operating the compressing equipment under the applicable provisions for users or dealers. Natural gas used as a special fuel shall be delivered into compressing equipment through sealed meters certified for accuracy by the department of agriculture and land stewardship.

Sec. 17. There is appropriated from the road use tax fund to the legislative service bureau the sum of three hundred thousand (300,000) dollars, or so much thereof as may be necessary, for the purpose of carrying out a study of the needs for the total road network and the mechanisms for the distribution of the revenues derived from fuel taxes, vehicle registration fees, license fees, the use tax on vehicles, and other sources of the road use tax fund. The study shall be independently conducted but administered by a steering committee composed of two members appointed by the state transportation commission, two members appointed by the

Iowa state association of counties, and two members appointed by the league of Iowa municipalities. The steering committee shall report the findings of the study to the governor, the chief clerk of the house of representatives, and the secretary of the senate not later than January 31, 1989.

Sec. 18. There is appropriated from the public transit assistance fund to the legislative service bureau the sum of seventy-five thousand (75,000) dollars, or so much thereof as may be necessary, for the purpose of carrying out a study of the mechanisms for the distribution of the public transit assistance fund. All sources of funding for public transit shall be considered for purposes of this study. The study shall be independently conducted but administered by a steering committee composed of two members appointed by the state transportation commission, two members appointed by the regional transit systems, two members appointed by the large urban transit systems, and two members appointed by the small urban transit systems. The steering committee shall report the findings of the study to the governor, the chief clerk of the house of representatives, and the secretary of the senate not later than January 31, 1989.

Sec. 19. There is appropriated from the road use tax fund to the legislative service bureau the sum of fifty thousand (50,000) dollars, or so much thereof as is necessary, for the purpose of conducting a study to develop an immediate long-range policy for the planting and maintenance of alternative roadside vegetation adjacent to the streets and highways in the state. The study shall be independently conducted by a consultant employed by a steering committee composed of two members appointed by the state transportation commission, two members appointed by the Iowa state association of counties, and two members appointed by the league of Iowa municipalities. The steering committee shall report the findings of the study to the governor, the chief clerk of the house of representatives, and the secretary of the senate not later than January 31, 1989.

Sec. 20. There is appropriated from the road use tax fund for the fiscal year beginning July 1, 1988, and ending June 30, 1989, for the purpose of replacing lost federal highway funds, to the primary road fund the sum of twelve million seven hundred eighty-eight thousand one hundred forty-four (12,788,144) dollars, to the farm-to-market road fund the sum of three million fifty-four thousand six hundred eighty-eight (3,054,688) dollars, to the secondary road fund of the counties the sum of nine hundred forty-one thousand four hundred fifty-five (941,455) dollars, and to the street construction fund of the cities the sum of seven hundred eleven thousand one hundred thirty-one (711,131) dollars.

Sec. 21. There is appropriated from the road use tax fund for the fiscal year beginning July 1, 1989, and ending June 30, 1990, for the purpose of replacing lost federal highway funds, to the primary road fund the sum of twenty million nine hundred thirty-two thousand (20,932,000) dollars, to the farm-to-market road fund the sum of five million (5,000,000) dollars, to the secondary road fund of the counties the sum of one million five hundred forty-one thousand (1,541,000) dollars, and to the street construction fund of the cities the sum of one million one hundred sixty-four thousand (1,164,000) dollars.

Sec. 22. There is appropriated from the road use tax fund for the fiscal year beginning July 1, 1988, and ending June 30, 1989, to the primary road fund for the commercial and industrial network of highways the sum of eleven million nine hundred seventy-four thousand three hundred seventy-five (11,974,375) dollars, to the secondary road fund of the counties the sum of nine million nine hundred fifty-eight thousand two hundred eighty-one (9,958,281) dollars, and to the street construction fund of the cities the sum of five million nine hundred eighty-seven thousand one hundred eighty-eight (5,987,188) dollars.

Sec. 23. There is appropriated from the road use tax fund for the fiscal period beginning July 1, 1989, and ending March 31, 1990, to the primary road fund for the commercial and industrial network of highways the sum of ten million four hundred thousand (10,400,000) dollars, to the secondary road fund of the counties the sum of eight million seven hundred thousand (8,700,000) dollars, and to the street construction fund of the cities the sum of five million two hundred thousand (5,200,000) dollars.

Sec. 24. Beginning April 1, 1990, the treasurer of state shall, each month before distributing funds allotted from the road use tax fund under section 312.2, credit to a separate fund held by the treasurer of state the following amounts:

1. From the moneys allotted to the primary road fund, one-twelfth of twenty-eight million three hundred thousand dollars.

2. From the moneys allotted to the secondary road fund of the counties, one-twelfth of eleven million three hundred thousand dollars.

3. From the moneys allotted to the farm-to-market road fund, one-twelfth of three million six hundred thousand dollars.

4. From the moneys allotted to the street construction fund of the cities, one-twelfth of six million eight hundred thousand dollars.

The moneys in this separate fund, together with interest or earnings on investments or time deposits of the moneys, shall be restored to the road use tax fund upon completion of the study required by section 17 of this Act and action by the general assembly on the formula for allocating road use tax funds between jurisdictions.

Sec. 25. Sections 2, 3, and 4 of this Act take effect July 1 following enactment.

Sec. 26. Sections 11 and 12 of this Act take effect July 1 following enactment for vehicle registrations subject to renewal and new vehicle registrations on or after that date for vehicles registered for a combined gross weight of five tons or less.

Sec. 27. Section 12 of this Act takes effect December 1 following enactment for vehicle registrations subject to renewal and new vehicle registrations on or after that date for vehicles registered for a combined gross weight exceeding five tons.

Sec. 28. Section 16 of this Act takes effect April 1 following enactment.

Sec. 29. This Act, being deemed of immediate importance, takes effect upon its enactment.

Approved March 29, 1988