

House Amendment 1039

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1 1 Amend House File 466 as follows:
1 2 ~~#1.~~ Page 5, by inserting after line 3 the
1 3 following:
1 4 <Sec. _____. Section 307.22, subsection 7, Code
1 5 2005, is amended to read as follows:
1 6 7. Annually recalculate the construction and
1 7 maintenance needs of roads under the jurisdiction of
1 8 each county to take into account the needs of a road
1 9 whose jurisdiction has been transferred from the
1 10 department to a county or from a county to the
1 11 department during the previous year. Prior to the
1 12 fiscal year beginning July 1, 2013, the annual
1 13 recalculation shall not include those roads
1 14 transferred to a county pursuant to section 306.8A.
1 15 The recalculation shall be reported by January 1 of
1 16 the year following the transfer and shall take effect
1 17 the following July 1 for the purposes of allocating
1 18 moneys under ~~sections~~ section 312.3 ~~and 312.5.~~
1 19 Sec. _____. Section 309.10, Code 2005, is amended to
1 20 read as follows:
1 21 309.10 USE OF FARM=TO=MARKET ROAD ~~FUND~~ ACCOUNT.
1 22 1. Notwithstanding section 310.4, if the board of
1 23 supervisors of a county does not plan to utilize its
1 24 farm-to-market road ~~fund~~ account allocation for the
1 25 succeeding fiscal year for farm-to-market projects,
1 26 the board may annually, by stipulation in the
1 27 secondary road construction program and secondary road
1 28 budget submitted to the department in accordance with
1 29 sections 309.22 and 309.93, determine an amount of the
1 30 unobligated portion of its allocation, up to a maximum
1 31 of fifty percent of its anticipated total annual
1 32 allocation, for the construction and reconstruction of
1 33 local secondary roads. However, moneys from the farm=
1 34 to-market road ~~fund~~ account shall not be so used if
1 35 the moneys are needed to match federal funds available
1 36 for farm-to-market road projects.
1 37 2. A county shall not use farm-to-market road
1 38 ~~funds~~ account moneys as described in this section
1 39 unless the total funds that the county transferred or
1 40 provided during the prior fiscal year pursuant to
1 41 section 331.429, subsection 1, paragraphs "a", "b",
1 42 "d", and "e", are at least seventy-five percent of the
1 43 sum of the following:
1 44 ~~1-~~ a. From the general fund of the county, the
1 45 dollar equivalent of a tax of sixteen and seven=
1 46 eighths cents per thousand dollars of assessed value
1 47 on all taxable property in the county.
1 48 ~~2-~~ b. From the rural services fund of the county,
1 49 the dollar equivalent of a tax of three dollars and
1 50 three-eighths of a cent per thousand dollars of
2 1 assessed value on all taxable property not located
2 2 within the corporate limits of a city in the county.
2 3 Sec. _____. Section 310.3, Code 2005, is amended to
2 4 read as follows:
2 5 310.3 ~~FUNDS~~ FARM=TO=MARKET ROAD ACCOUNT OF
2 6 SECONDARY ROAD FUND.
2 7 ~~There is hereby created a fund As provided in~~
2 8 ~~section 312.2, the treasurer of state shall maintain a~~
2 9 ~~separate account in the secondary road fund which~~
2 10 shall be known as the farm-to-market road ~~fund~~ account
2 11 which shall be made up ~~as follows of the following:~~
2 12 1. All federal aid secondary road funds received
2 13 by the state.
2 14 2. All road use tax funds by law credited to the
2 15 farm-to-market road ~~fund~~ account.
2 16 3. All other funds which may, under ~~the provisions~~
2 17 ~~of this chapter or any other law, be credited or~~
2 18 appropriated for the use of the farm-to-market road
2 19 ~~fund~~ account.
2 20 Sec. _____. Section 310.4, Code 2005, is amended to
2 21 read as follows:
2 22 310.4 USE OF ~~FUND~~ ACCOUNT.
2 23 ~~Said~~ The farm-to-market road ~~fund~~ account is hereby
2 24 appropriated for and shall be used in the

2 25 establishment, construction, reconstruction, or
2 26 improvement of the farm-to-market road system,
2 27 including the drainage, grading, surfacing,
2 28 resurfacing, construction of bridges and culverts, the
2 29 elimination, protection, or improvement of railroad
2 30 crossings, the acquiring of additional right of way
2 31 and all other expenses incurred in the construction,
2 32 reconstruction, or improvement of ~~said the~~ farm-to-
2 33 market road system under this chapter.

2 34 Sec. _____. Section 310.6, Code 2005, is amended to
2 35 read as follows:

2 36 310.6 ACCOUNTS BY DEPARTMENT.

2 37 The department shall keep ~~accounts~~ subaccounts in
2 38 relation to the farm-to-market road ~~fund~~ account and
2 39 each county's allotment ~~thereof of the account~~,
2 40 crediting each ~~fund~~ subaccount with all amounts by law
2 41 creditable ~~thereto to the subaccount~~, and charging
2 42 each with all duly and finally approved vouchers for
2 43 claims properly chargeable ~~thereto to the subaccount~~.

2 44 Sec. _____. Section 310.8, Code 2005, is amended to
2 45 read as follows:

2 46 310.8 QUARTERLY STATEMENT TO COUNTY ENGINEER.

2 47 The department shall, quarterly, advise each county
2 48 engineer of the condition of ~~said the~~ county's
2 49 allotment of the farm-to-market road ~~fund~~ account.

2 50 ~~Said The~~ statement shall show the balance in ~~said the~~
3 1 county's allotment at the beginning of ~~said the~~
3 2 period, the amount or amounts allotted to ~~said the~~
3 3 county during ~~said the~~ period, the amount disbursed
3 4 from ~~said the~~ county's allotment during ~~said the~~
3 5 period, and the balance in ~~said the~~ county's allotment
3 6 at the end of the ~~said~~ period. ~~Said The~~ statement
3 7 shall also show the estimated outstanding obligations
3 8 against the ~~said~~ county's allotment at the date of
3 9 ~~said the~~ statement.

3 10 Sec. _____. Section 310.16, Code 2005, is amended to
3 11 read as follows:

3 12 310.16 CLAIMS CHARGED TO COUNTY ALLOTMENT.

3 13 All claims for improving farm-to-market roads
3 14 hereunder shall be paid from the farm-to-market road
3 15 account of the secondary road fund and charged to the
3 16 allotment of ~~said fund the account~~ for the county in
3 17 which ~~said the~~ project is located.

3 18 Sec. _____. Section 310.20, Code 2005, is amended to
3 19 read as follows:

3 20 310.20 SUPERVISORS RESOLUTION TO STATE TREASURER.

3 21 Any county may, in any year, by resolution of its
3 22 board of supervisors, make available for improvement
3 23 or construction of farm-to-market roads within the
3 24 county any portion of its allotment of road use tax
3 25 funds. Upon certification of such a resolution, the
3 26 state treasurer shall place in the county's allotment
3 27 of the farm-to-market road account of the secondary
3 28 road fund the amount authorized by ~~such the~~
3 29 resolution.

3 30 Sec. _____. Section 310.27, Code 2005, is amended to
3 31 read as follows:

3 32 310.27 PERIOD OF ALLOCATION == REVERSION ==

3 33 TEMPORARY TRANSFERS.

3 34 1. The portion of the farm-to-market road account
3 35 of the secondary road fund allotted to any county as
3 36 provided in this chapter shall remain available for
3 37 expenditure in ~~said the~~ county for three years after
3 38 the close of the fiscal year during which ~~said sums~~
3 39 ~~respectively were the portion was~~ allocated. Any ~~sum~~
3 40 portion remaining unexpended at the end of the period
3 41 during which it is available for expenditure, shall be
3 42 reapportioned among all the counties ~~as provided in~~
3 43 ~~section 312.5 for original allocations.~~

3 44 2. For the purposes of this section, any sums
3 45 portions of the farm-to-market road account of the
3 46 secondary road fund allotted to any county shall be

3 47 presumed to have been "~~expended~~" expended when a
3 48 contract has been awarded obligating the ~~sums~~
3 49 portions. When projects and their estimated costs,
3 50 which are proposed to be funded from the farm-to-
4 1 market road ~~fund~~ account, are submitted to the
4 2 department for approval, the department shall estimate
4 3 the total funding necessary and the period during
4 4 which claims for the projects will be filed. After
4 5 anticipating the funding necessary for approved

4 6 projects, the department may temporarily allocate
4 7 additional moneys from the farm-to-market road ~~fund~~
4 8 account for use in any other farm-to-market projects.
4 9 However, a county shall not be temporarily allocated
4 10 funds for projects in excess of the county's
4 11 anticipated farm-to-market road ~~fund~~ account
4 12 allocation for the current fiscal year plus the four
4 13 succeeding fiscal years.

4 14 3. If in the judgment of the department the
4 15 anticipated claims against the primary road fund for
4 16 any month are in excess of moneys available, a
4 17 temporary transfer for highway construction costs may
4 18 be made from the farm-to-market road ~~fund~~ account to
4 19 the primary road fund providing there will remain in
4 20 the ~~transferring fund~~ farm-to-market road account a
4 21 sufficient balance to meet the anticipated
4 22 obligations. All transfers shall be repaid from the
4 23 primary road fund to the farm-to-market road ~~fund~~
4 24 account within sixty days from the date of the
4 25 transfer. A transfer shall be made only with the
4 26 approval of the director of management and shall
4 27 comply with the director of management's rules
4 28 relating to the transfer of funds. Similar transfers
4 29 may be made by the department from the primary road
4 30 fund to the farm-to-market road ~~fund~~ account and these
4 31 transfers shall be subject to the same terms and
4 32 conditions that transfers from the farm-to-market road
4 33 ~~fund~~ account to the primary road fund are subject.

4 34 Sec. _____. Section 310.28, Code 2005, is amended to
4 35 read as follows:

4 36 310.28 ENGINEERING AND OTHER EXPENSE.

4 37 1. Engineering, inspection, and administration
4 38 ~~expense expenses~~ in connection with any farm-to-market
4 39 road project may be paid from ~~said the~~ county's
4 40 allotment of the farm-to-market road account of the
4 41 secondary road fund. Any such expense incurred by the
4 42 department may in the first instance be advanced out
4 43 of the primary road fund, ~~said the~~ amounts later being
4 44 reimbursed to ~~said funds the primary road fund~~ out of
4 45 the farm-to-market road ~~fund~~ account.

4 46 2. ~~Provided, that no~~ No part of the salary or
4 47 expense of the county engineer, any member of the
4 48 county board of supervisors, any member of the
4 49 department, the chief engineer, or any department head
4 50 or district engineer of the department shall be paid
5 1 out of the farm-to-market road ~~fund~~ account.

5 2 Sec. _____. Section 310.34, Code 2005, is amended to
5 3 read as follows:

5 4 310.34 SECONDARY ROAD RESEARCH FUND.

5 5 Notwithstanding any provision of law to the
5 6 contrary, the department ~~is hereby authorized to may~~
5 7 set aside each year not to exceed one and one-half
5 8 percent of the receipts in the farm-to-market road
5 9 ~~fund~~ account of the secondary road fund in a fund to
5 10 be known as the secondary road research fund.

5 11 Sec. _____. Section 312.2, unnumbered paragraph 1,
5 12 Code 2005, is amended to read as follows:

5 13 The treasurer of ~~the~~ state shall, on the first day
5 14 of each month, credit all road use tax funds which
5 15 have been received by the treasurer, to the primary
5 16 road fund, the secondary road fund of the counties,
5 17 ~~the farm-to-market road fund,~~ and the street
5 18 construction fund of the cities in the following
5 19 manner and amounts:

5 20 Sec. _____. Section 312.2, subsections 1 through 4,
5 21 Code 2005, are amended to read as follows:

5 22 1. To the primary road fund, ~~forty-seven and one-~~
5 23 ~~half~~ fifty percent.

5 24 2. To the secondary road fund of the counties,
5 25 ~~twenty-four and one-half~~ twenty-five percent. The
5 26 treasurer shall maintain a separate farm-to-market
5 27 road account in the secondary road fund for deposit of
5 28 moneys to be used for farm-to-market roads.

5 29 3. ~~To the farm-to-market road fund, eight percent.~~

5 30 4. 3. To the street construction fund of the
5 31 cities, ~~twenty~~ twenty-five percent.

5 32 Sec. _____. Section 312.2, subsection 8, unnumbered
5 33 paragraph 2, Code 2005, is amended to read as follows:

5 34 Funds remaining in the secondary road fund of the
5 35 counties due to a reduction of allocations to counties
5 36 for failure to maintain a minimum local tax effort

5 37 shall be reallocated to counties that are not reduced
5 38 under this subsection pursuant to the allocation
5 39 provisions of section 312.3, subsection 1, ~~based upon~~
5 40 ~~the needs and area of the county~~. Information
5 41 necessary to make allocations under this subsection
5 42 shall be provided by the state department of
5 43 transportation or the director of the department of
5 44 management upon request by the treasurer of state.

5 45 Sec. _____. Section 312.2, subsection 10, Code 2005,
5 46 is amended to read as follows:

5 47 10. The treasurer of state, before making the
5 48 other allotments provided for in this section, shall
5 49 credit annually to the primary road fund from the road
5 50 use tax fund the sum of four million four hundred
6 1 thousand dollars and to the farm-to-market road
6 2 account of the secondary road fund from the road use
6 3 tax fund the sum of one million five hundred thousand
6 4 dollars for partial compensation of allowing trucks to
6 5 operate on the roads of this state as provided in
6 6 section 321.463.

6 7 Sec. _____. Section 312.3, subsection 1, Code 2005,
6 8 is amended by striking the subsection and inserting in
6 9 lieu thereof the following:

6 10 1. Apportion among the counties of the state, in
6 11 the ratio which the population of each county, as
6 12 shown by the latest available federal census, bears to
6 13 the total population of all counties in the state, the
6 14 percentage of the road use tax fund which is credited
6 15 to the secondary road fund of the counties. A county
6 16 may have one special federal census taken each decade,
6 17 and the population figure thus obtained shall be used
6 18 in apportioning amounts under this subsection
6 19 beginning the calendar year following the year in
6 20 which the special census is certified by the secretary
6 21 of state.

6 22 Sec. _____. Section 312.3C, Code 2005, is amended to
6 23 read as follows:

6 24 312.3C SECONDARY ROAD FUND DISTRIBUTION ADVISORY
6 25 COMMITTEE.

6 26 A secondary road fund distribution advisory
6 27 committee is established to consider methodologies for
6 28 distribution of moneys in the secondary road fund ~~and~~
6 29 ~~farm-to-market road fund~~. The committee shall be
6 30 comprised of representatives appointed by the
6 31 president of the Iowa county engineers association,
6 32 the president of the Iowa county supervisors
6 33 association, and the department. The committee shall
6 34 recommend to the general assembly, for the general
6 35 assembly's consideration and adoption, one or more
6 36 alternative methodologies for distribution of moneys
6 37 in the secondary road fund ~~and the farm-to-market road~~
6 38 ~~fund~~.

6 39 Sec. _____. Section 312.4, subsections 2 and 4, Code
6 40 2005, are amended to read as follows:

6 41 2. The amount of the road use tax fund ~~which that~~
6 42 the treasurer has credited to ~~(a) the following:~~

6 43 a. The primary road fund, ~~(b) the,~~
6 44 b. The secondary road fund of the counties, ~~(c)~~
6 45 ~~the farm-to-market road fund, and (d) the,~~

6 46 c. The street construction fund of the cities.
6 47 4. The amount of federal aid secondary road funds
6 48 which the treasurer has received from the federal
6 49 government and credited to the farm-to-market road
6 50 account of the secondary road fund.

7 1 Sec. _____. Section 314.3, Code 2005, is amended to
7 2 read as follows:

7 3 314.3 CLAIMS == APPROVAL AND PAYMENT.

7 4 1. All claims for construction, reconstruction,
7 5 improvement, repair, or maintenance on any highway
7 6 shall be itemized on voucher forms prepared for that
7 7 purpose, certified to by the claimants and by the
7 8 engineer in charge, and then forwarded to the agency
7 9 in control of that highway for final audit and
7 10 approval. Claims payable from the farm-to-market road
7 11 account of the secondary road fund shall be approved
7 12 by both the board of supervisors and the department.
7 13 Upon approval by the department of vouchers which are
7 14 payable from the farm-to-market road ~~fund~~ account, or
7 15 from the primary road fund, as the case may be, such
7 16 vouchers shall be forwarded to the director of the
7 17 department of administrative services, who shall draw

7 18 warrants ~~therefor for the vouchers~~ and ~~said the~~
7 19 warrants shall be paid by the treasurer of ~~the~~ state
7 20 from the farm-to-market road ~~fund account~~ or from the
7 21 primary road fund, as the case may be.

7 22 2. If the engineer makes such certificate or a
7 23 member of the agency approves such claim when ~~said the~~
7 24 work has not been done in accordance with the plans
7 25 and specifications, and ~~said the~~ work be not promptly
7 26 made good without additional cost, the engineer or
7 27 member shall be liable on the person's bond for the
7 28 amount of such claim.

7 29 Sec. _____. Section 331.401, subsection 1, paragraph
7 30 b, Code 2005, is amended to read as follows:

7 31 b. Establish budgets for the farm-to-market road
7 32 account of the secondary road fund and the secondary
7 33 road fund in accordance with sections 309.10 and
7 34 309.93 to 309.97.

7 35 Sec. _____. Section 331.429, Code 2005, is amended
7 36 to read as follows:

7 37 331.429 SECONDARY ROAD FUND.

7 38 1. Except as otherwise provided by state law,
7 39 county revenues for secondary and farm-to-market road
7 40 services shall be credited to the secondary road fund,
7 41 including the following:

7 42 a. Transfers from the general fund not to exceed
7 43 in any year the dollar equivalent of a tax of sixteen
7 44 and seven-eighths cents per thousand dollars of
7 45 assessed value on all taxable property in the county
7 46 multiplied by the ratio of current taxes actually
7 47 collected and apportioned for the general basic levy
7 48 to the total general basic levy for the current year,
7 49 and an amount equivalent to the moneys derived by the
7 50 general fund from military service tax credits under
8 1 chapter 426A, manufactured or mobile home taxes under
8 2 section 435.22, and delinquent taxes for prior years
8 3 collected and apportioned to the general basic fund in
8 4 the current year, multiplied by the ratio of sixteen
8 5 and seven-eighths cents to three dollars and fifty
8 6 cents.

8 7 b. Transfers from the rural services fund not to
8 8 exceed in any year the dollar equivalent of a tax of
8 9 three dollars and three-eighths cents per thousand
8 10 dollars of assessed value on all taxable property not
8 11 located within the corporate limits of a city in the
8 12 county multiplied by the ratio of current taxes
8 13 actually collected and apportioned for the rural
8 14 services basic levy to the total rural services basic
8 15 levy for the current year and an amount equivalent to
8 16 the moneys derived by the rural services fund from
8 17 military service tax credits under chapter 426A,
8 18 manufactured or mobile home taxes under section
8 19 435.22, and delinquent taxes for prior years collected
8 20 and apportioned to the rural services basic fund in
8 21 the current year, multiplied by the ratio of three
8 22 dollars and three-eighths cents to three dollars and
8 23 ninety-five cents.

8 24 c. Moneys allotted to the county from the state
8 25 road use tax fund.

8 26 d. Moneys provided by individuals from their own
8 27 contributions for the improvement of any secondary or
8 28 farm-to-market road.

8 29 e. Other moneys dedicated to this fund by law
8 30 including but not limited to funds so dedicated
8 31 pursuant to sections 306.15, 309.52, 311.23, 311.29,
8 32 and 313.28.

8 33 f. All federal aid secondary road funds received
8 34 by the state.

8 35 2. The board may make appropriations from the
8 36 secondary road fund and from the farm-to-market road
8 37 account within the fund for the following secondary
8 38 road services:

8 39 a. Construction and reconstruction of secondary
8 40 and farm-to-market roads and costs incident to the
8 41 construction and reconstruction.

8 42 b. Maintenance and repair of secondary and farm-
8 43 to-market roads and costs incident to the maintenance
8 44 and repair.

8 45 c. Payment of all or part of the cost of
8 46 construction and maintenance of bridges in cities
8 47 having a population of eight thousand or less and all
8 48 or part of the cost of construction of roads which are

8 49 located within cities of less than four hundred
8 50 population and which lead to state parks.
9 1 d. Special drainage assessments levied on account
9 2 of benefits to secondary or farm-to-market roads.
9 3 e. Payment of interest and principal on bonds of
9 4 the county issued for secondary or farm-to-market
9 5 roads, bridges, or culverts constructed by the county.
9 6 f. A legal obligation in connection with secondary
9 7 and farm-to-market roads and bridges, which obligation
9 8 is required by law to be taken over and assumed by the
9 9 county.
9 10 g. Secondary and farm-to-market road equipment,
9 11 materials, and supplies, and garages or sheds for
9 12 their storage, repair, and servicing.
9 13 h. Assignment or designation of names or numbers
9 14 to roads in the county and erection, construction, or
9 15 maintenance of guideposts or signs at intersections of
9 16 roads in the county.
9 17 i. The services provided under sections 306.15,
9 18 309.18, 309.52, 311.7, 311.23, 313A.23, 316.14,
9 19 468.43, 468.108, 468.341, and 468.342, chapter 310, or
9 20 other state law relating to secondary or farm-to-
9 21 market roads.
9 22 Sec. _____. Sections 310.7 and 312.5, Code 2005, are
9 23 repealed.
9 24 Sec. _____. TRANSITION PROVISIONS. The treasurer of
9 25 state and the state department of transportation shall
9 26 cooperate to coordinate any transitional procedures
9 27 required for allocation of road use tax funds as
9 28 provided in this Act.>
9 29 #2. Title page, line 5, by inserting after the
9 30 word <fund> the following: <, and modifying
9 31 allocations and apportionments of road use tax funds>.
9 32 #3. By renumbering as necessary.
9 33
9 34
9 35
9 36 _____
9 37 HOGG of Linn
9 38
9 39
9 40 _____
9 41 HF 466.501 81
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