

Reprinted 4/3/81

FILED MAR 19 1981

SENATE FILE 456

BY COMMITTEE ON COUNTY GOVERNMENT

Approved 3/19/81 (3 289)

Passed Senate, Date 4-1-81 (A 1055) Passed House, Date _____

Vote: Ayes 48 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the jurisdictional transfer of highways
2 and streets.

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

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1 Section 1. Chapter 306, Code 1981, is amended by adding
2 the following new section:

3 NEW SECTION. The jurisdictional transfer of roads and
4 streets required under this chapter shall be limited to those
5 transfers which have taken place prior to the effective date
6 of this Act until such time as the general assembly provides
7 compensation to the state department of transportation,
8 counties, and cities for additional roads and streets needs
9 resulting from the reclassification and jurisdictional transfer
10 of roads and streets. However, transfers of roads and streets
11 due to reclassification may be made after the effective date
12 of this Act if agreements are entered into by the parties
13 involved in the transfer of the roads and streets.

14 EXPLANATION

15 The bill freezes road and street jurisdictional transfers
16 as of the effective date of this Act until compensation is
17 provided to the highway authorities for additional road and
18 street needs arising from reclassification and transfer.
19 The bill permits transfers if agreements are entered into
20 by the highway authorities. The bill takes effect July 1
21 following enactment.

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SENATE FILE 456

S-3292

1 Amend Senate File 456 as follows:

2 1. Page 1, line 2, by striking the word "section"
3 and inserting in lieu thereof the word "sections".
4 2. Page 1, by inserting after line 13 the
5 following:

6 "NEW SECTION. Transfers not executed as of the

7 effective date of this Act shall be void unless

8 mutually agreed upon by the parties involved. ~~The~~

9 department shall conduct a study to determine the

10 size of the primary and secondary road systems and

11 provide the general assembly with alternative primary

12 and secondary road systems prior to February 1, 1982

13 for its review. The general assembly shall approve

14 a method for classifying the primary and secondary

15 road systems."

S-3292 FILED

BY RICHARD F. DRAKE

MARCH 31, 1981

Adopted as amended by 2297, 3305.

4/1/81 (p 1055)

SENATE FILE 456

S-3304

1 Amend Senate File 456 as follows:

2 1. Page 1, by striking lines 5 and 6 and inserting
3 in lieu thereof the following: "transfers which have
4 been executed prior to April 1, 1981 or until such time
5 as the general assembly provides".

6 2. Page 1, lines 11 and 12, by striking the words
7 "the effective date of this Act" and inserting in lieu
8 thereof the words "April 1, 1981".

S-3304 FILED & ADOPTED

BY BILL HUTCHINS

APRIL 1, 1981 *(p 1054)*

SENATE FILE 456

S-3305

1 Amend the Drake amendment S-3292 to Senate

2 File 456 as follows:

3 1. Page 1, line 6, by striking the word "the"
4 and inserting in lieu thereof the words "April 1, 1981".

5 2. Page 1, line 7, by striking the words "effective
6 date of this Act".

S-3305 FILED & ADOPTED

BY BILL HUTCHINS

APRIL 1, 1981 *(p 1054)*

JAMES E. BRILES

C. JOSEPH COLEMAN

SENATE FILE 456

S-3307

1 Amend Senate File 456 as follows:

2 1. Page 1, by inserting after line 13 the following:

3 "Sec. ____ . This Act takes effect from and after
4 its publication in The Glidden Graphic, a newspaper published
5 in Glidden, Iowa, and in The Messenger, a newspaper
6 published in Fort Dodge, Iowa, and is retroactive to
7 April 1, 1981."

S-3307 FILED & ADOPTED

BY BILL HUTCHINS

APRIL 1, 1981 *(p 1054)*

C. JOSEPH COLEMAN

SENATE FILE 456

S-3297

- 1 Amend the Drake amendment S-3292, to Senate
- 2 File 456 as follows:
- 3 1. Page 1, by striking line 10 and inserting
- 4 in lieu thereof the following: "size of the
- 5 primary road systems, and the department in conjunction
- 6 with the county boards of supervisors or the supervisors'
- 7 designee shall conduct a study to determine the size of
- 8 the secondary road systems and".
- 9 2. Page 1, line 13, by striking the word "shall"
- 10 and inserting in lieu thereof the word "may".

S-3297 FILED

BY JACK W. HESTER

MARCH 31, 1981

Adopted 4/1/81 (A.1055)

Her County Gov. 4/3/81
Dr. Pass 4/10 (p. 1192)

SENATE FILE 456
BY COMMITTEE ON COUNTY GOVERNMENT

(AS AMENDED AND PASSED BY THE SENATE APRIL 1, 1981)

Passed Senate, Date 4-1-81 (p. 1055) Passed House, Date 5-14-81 (p. 1925)
Vote: Ayes 48 Nays 0 Vote: Ayes 87 Nays 8
Approved June 15, 1981
Motion to reconsider (p. 1940) failed

A BILL FOR

1 An Act relating to the jurisdictional transfers of highways
2 and streets.

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

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5 SENATE FILE 456

6 H-4096

7 1 Amend Senate File 456, as amended, passed and
8 2 reprinted by the Senate, as follows:

9 3 1. Page 1, by striking lines 25 through 28 and
10 4 inserting in lieu thereof the following:

11 5 "NEW SECTION. Commencing July 1, 1981, and July
12 6 1 of each succeeding year, the state department of
13 7 transportation shall compute the percentage of the
14 8 average annual needs of all jurisdictions as determined
15 9 by the latest quadrennial need study conducted by
16 10 the department, that were funded by the allocation
17 11 during the preceding fiscal year.

18 12 Commencing July 1, 1981, and each fiscal year
19 13 thereafter, the needs of any road or street, the
20 14 jurisdiction of which has been transferred since
21 15 January 1, 1978, shall be multiplied by the percentage
22 16 determined in the preceding paragraph. The calculation
23 17 shall apply only to those routes where the state
24 18 functional classification has changed and the
25 19 jurisdictional transfer has been completed since
20 20 January 1, 1978. The resulting amount shall be
21 21 distributed to the treasurer of state before making
22 22 the allotments to the counties, cities, or state
23 23 department of transportation for the remaining roads
24 24 or streets in each of the jurisdictions."

25 H-4096 FILED MAY 12, 1981

BY WELDEN of Hardin

2/15 5/14/81 (p. 1925)

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1 Section 1. Chapter 306, Code 1981, is amended by adding
2 the following new sections:

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3 NEW SECTION. The jurisdictional transfer of roads and
4 streets required under this chapter shall be limited to those
5 transfers which have been executed prior to April 1, 1981
6 or until such time as the general assembly provides
7 compensation to the state department of transportation,
8 counties, and cities for additional roads and streets needs
9 resulting from the reclassification and jurisdictional transfer
10 of roads and streets. However, transfers of roads and streets
11 due to reclassification may be made after April 1, 1981 if
12 agreements are entered into by the parties involved in the
13 transfer of the roads and streets.

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14 NEW SECTION. Transfers not executed as of April 1, 1981
15 shall be void unless mutually agreed upon by the parties
16 involved. The department shall conduct a study to determine
17 the size of the primary road systems, and the department in
18 conjunction with the county boards of supervisors or the
19 supervisors' designee shall conduct a study to determine the
20 size of the secondary road svstems and provide the general
21 assembly with alternative primary and secondary road systems
22 prior to February 1, 1982 for its review. The general assembly
23 may approve a method for classifying the primary and secondary
24 road svstems.

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25 Sec. 2. This Act takes effect from and after its
26 publication in The Glidden Graphic, a newspaper published
27 in Glidden, Iowa, and in The Messenger, a newspaper published
28 in Fort Dodge, Iowa, and is retroactive to April 1, 1981.

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SENATE FILE 456

H-3668

- 1 Amend Senate File 456, as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 2 through 28 and
- 4 inserting in lieu thereof the following: "the
- 5 following new section:
- 6 NEW SECTION. Commencing July 1, 1981 and each
- 7 July 1 thereafter, ~~the~~ state department of
- 8 transportation shall compute the percentage of need
- 9 as determined by the latest needs study of the roads
- 10 or streets under each of the jurisdictions that was
- 11 funded by the receipts to the road use tax fund during
- 12 the preceding fiscal year.
- 13 Each fiscal year commencing July 1, 1981, the needs
- 14 of any road or street, the jurisdiction of which has
- 15 been transferred after January 1, 1978, multiplied
- 16 by the percentage determined in the preceding paragraph
- 17 shall be distributed from the road use tax fund before
- 18 the division of the fund between the various systems
- 19 to the city, county, or state department of
- 20 transportation to which the road or street has been
- 21 transferred."
- 22 2. Title page, line 1, by inserting after the
- 23 word "the" the words "funding of the".

H-3668 FILED
APRIL 15, 1981

BY WELDEN of Hardin
SCHROEDER of Pottawattamie

W/O 5/14 (p. 1925)

SENATE FILE 456

H-4025

- 1 Amend Senate File 456, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 28 and inserting in
- 4 lieu thereof the words "in Fort Dodge, Iowa."

H-4025 FILED MAY 6, 1981

BY SCHROEDER of Pottawattamie

W/O 5/14 (p. 1925)

SENATE FILE 456

H-4022

- 1 Amend amendment H-3650 to Senate File 456, as
- 2 amended, passed and reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by striking the word "April"
- 4 and inserting in lieu thereof the word "July".

H-4022 FILED MAY 6, 1981

BY SCHROEDER of Pottawattamie

Placed out of order 5/14/81 (p. 1925)

SENATE FILE 456

H-3650

1 Amend Senate File 456, as passed by the Senate,
2 as follows:

3 1. Page 1, by inserting after line 13 the
4 following:

5 "The transfer of jurisdiction of a street or road
6 executed on or after January 1, 1978 and on or before
7 April 1, 1981, may be voided by action of one of the
8 parties to the jurisdictional transfer agreement.
9 Any unexpended funds transferred to the party receiving
10 a street or road pursuant to a jurisdictional transfer
11 agreement shall be returned to the party to whom the
12 road or street is returned. An action to void a
13 jurisdictional transfer agreement must be taken no
14 later than December 1, 1981 and all refunds of
15 unexpended funds must be made no later than February
16 15, 1982. The notice of action taken to void a
17 jurisdictional transfer agreement shall be given to
18 the party which will receive the return of the
19 jurisdiction of a street or road. The jurisdiction
20 of a street or road shall not be transferred under
21 this paragraph until ten days after receipt of the
22 notice of the action to void a jurisdictional transfer
23 agreement or ten days after receipt of any unexpended
24 funds to be returned with the road or street, whichever
25 date is later.

26 As used in this section, "unexpended funds" means
27 the difference between the amount of funds transferred
28 with a street or road under a jurisdictional transfer
29 agreement and the amount of funds actually expended
30 for repairs to the transferred street or road under
31 the agreement. For the purpose of notice, the
32 receiving agent for streets and roads returned to
33 the state is the director of the state department
34 of transportation, the receiving agent for a county
35 is the county engineer, and the receiving agent for
36 a city is the city clerk."

BY SCHROEDER of Pottawattamie
KIRKENSLAGER of Des Moines
HOFFMANN of Muscatine
DODERER of Johnson
JOHNSON of Linn

LLOYD-JONES of Johnson
SMITH of Scott
WOODS of Polk
HARBOR of Mills
MENKE of O'Brien
HANSEN of O'Brien

H-3650 FILED

APRIL 14, 1981

W/D 5/14 (p. 1925)

SENATE FILE 456

H-4061

1 Amend Senate File 456, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 "Section 1. Chapter 306, Code 1981, is amended
6 by adding the following new sections:

7 NEW SECTION. The jurisdictional transfer of roads
8 and streets required under this chapter shall be
9 limited to those transfers which have been executed
10 prior to July 1, 1981 or until such time as the general
11 assembly provides compensation to the state department
12 of transportation, counties, and cities for additional
13 roads and streets needs resulting from the
14 reclassification and jurisdictional transfer of roads
15 and streets. However, transfers of roads and streets
16 due to reclassification may be made after July 1,
17 1981 if agreements are entered into by the parties
18 involved in the transfer of the roads and streets.

19 The transfer of jurisdiction of a street or road
20 executed on or after January 1, 1978 and on or before
21 July 1, 1981, may be voided by action of one of the
22 parties to the jurisdictional transfer agreement.
23 Any unexpended funds transferred to the party receiving
24 a street or road pursuant to a jurisdictional transfer
25 agreement shall be returned to the party to whom the
26 road or street is returned. An action to void a
27 jurisdictional transfer agreement must be taken no
28 later than December 1, 1981 and all refunds of
29 unexpended funds must be made no later than February
30 15, 1983. The notice of action taken to void a
31 jurisdictional transfer agreement shall be given to
32 the party which will receive the return of the
33 jurisdiction of a street or road. The jurisdiction
34 of a street or road shall not be transferred under
35 this paragraph until ten days after receipt of the
36 notice of the action to void a jurisdictional transfer
37 agreement or ten days after receipt of any unexpended
38 funds to be returned with the road or street, whichever
39 date is later.

40 As used in this section, "unexpended funds" means
41 the difference between the amount of funds transferred
42 with a street or road under a jurisdictional transfer
43 agreement and the amount of funds actually expended
44 for repairs to the transferred street or road under
45 the agreement. For the purpose of notice, the
46 receiving agent for streets and roads returned to
47 the state is the director of the state department
48 of transportation, the receiving agent for a county
49 is the county engineer, and the receiving agent for
50 a city is the city clerk.

1 NEW SECTION. Transfers not executed as of July
2 1, 1981 shall be void unless mutually agreed upon
3 by the parties involved. The department shall conduct
4 a study to determine the size of the primary road
5 systems, and the department in conjunction with the
6 county boards of supervisors or the supervisors'
7 designee shall conduct a study to determine the size
8 of the secondary road systems and provide the general
9 assembly with alternative primary and secondary road
10 systems prior to February 1, 1983 for its review.
11 The general assembly may approve a method for
12 classifying the primary and secondary road systems."

BY SCHROEDER of Pottawattamie
HANSEN of O'Brien
HARBOR of Mills
DODERER of Johnson

H-4061 FILED
MAY 8, 1981

W/D 5/14/81 (p 1925)

SENATE FILE 456

H-4023

1 Amend Senate File 456, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 5, by striking the word "April"
4 and inserting in lieu thereof the word "July".
5 2. Page 1, line 11, by striking the word "April"
6 and inserting in lieu thereof the word "July".
7 3. Page 1, line 14, by striking the word "April"
8 and inserting in lieu thereof the word "July".
9 4. Page 1, line 22, by striking the figure "1982"
10 and inserting in lieu thereof the figure "1983".

H-4023 FILED MAY 6, 1981

BY SCHROEDER of Pottawattamie

W/D 5/14/81 (p 1925)

SENATE FILE 456

H-4024

1 Amend Senate File 456, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 25 through 28.

H-4024 FILED MAY 6, 1981

BY SCHROEDER of Pottawattamie

W/D 5/14/81 (p 1925)

SENATE FILE 456

H-4026

1 Amend Senate File 456, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 2, by striking the word "sections"
4 and inserting in lieu thereof the word "section".
5 2. Page 1, by striking lines 14 through 24.

H-4026 FILED MAY 6, 1981

BY SCHROEDER of Pottawattamie

W/D 5/14 (p 1925)

SENATE FILE 456

in Glidden, Iowa, and in The Messenger, a newspaper published in Fort Dodge, Iowa, and is retroactive to April 1, 1981.

AN ACT

RELATING TO THE JURISDICTIONAL TRANSFER OF HIGHWAYS AND STREETS.

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

Section 1. Chapter 306, Code 1981, is amended by adding the following new sections:

NEW SECTION. The jurisdictional transfer of roads and streets required under this chapter shall be limited to those transfers which have been executed prior to April 1, 1981 or until such time as the general assembly provides compensation to the state department of transportation, counties, and cities for additional roads and streets needs resulting from the reclassification and jurisdictional transfer of roads and streets. However, transfers of roads and streets due to reclassification may be made after April 1, 1981 if agreements are entered into by the parties involved in the transfer of the roads and streets.

NEW SECTION. Transfers not executed as of April 1, 1981 shall be void unless mutually agreed upon by the parties involved. The department shall conduct a study to determine the size of the primary road systems, and the department in conjunction with the county boards of supervisors or the supervisors' designee shall conduct a study to determine the size of the secondary road systems and provide the general assembly with alternative primary and secondary road systems prior to February 1, 1982 for its review. The general assembly may approve a method for classifying the primary and secondary road systems.

Sec. 2. This Act takes effect from and after its publication in The Glidden Graphic, a newspaper published

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 456, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved June 15, 1981

ROBERT D. RAY
Governor