

FILED APR 17 '03

SENATE FILE 451
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1196)

Passed Senate, Date 4/23/03 Passed House, Date 4/29/03
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved 5/23/03

A BILL FOR

1 An Act providing for the jurisdiction and funding of roads by
2 transferring funding for and jurisdiction of certain primary
3 and farm-to-market roads, modifying the procedure for
4 classification of area service "C" roads, and establishing a
5 street construction fund distribution advisory committee, and
6 making appropriations.

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

- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

SF 451

1 Section 1. Section 306.3, subsection 5, Code 2003, is
2 amended to read as follows:

3 5. "Municipal street system" means those streets within
4 municipalities that are not primary roads or secondary roads.

5 Sec. 2. Section 306.4, Code 2003, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 2A. a. Effective July 1, 2004,
8 jurisdiction and control over a farm-to-market extension or
9 road transferred pursuant to section 306.8A within a city with
10 a population of less than five hundred shall be vested in the
11 county board of supervisors of the respective county.

12 b. If the population of a city drops below five hundred
13 after July 1, 2004, as determined by the latest available
14 federal census or special census, jurisdiction and control
15 over a farm-to-market extension located within the city shall
16 be vested in the county board of supervisors of the respective
17 county effective July 1 following census certification by the
18 secretary of state.

19 c. If the population of a city from which jurisdiction and
20 control over a road has been transferred pursuant to paragraph
21 "a" or "b" exceeds seven hundred fifty, as determined by the
22 latest available federal census or special census, such
23 jurisdiction and control shall be transferred back to the city
24 effective July 1 following census certification by the
25 secretary of state.

26 Sec. 3. NEW SECTION. 306.8A TRANSFER OF ROADS IDENTIFIED
27 IN REPORT.

28 1. The department shall maintain on file the transfer of
29 jurisdiction report compiled by the ad hoc road use tax fund
30 committee. Such report identifies primary roads for transfer
31 to local jurisdictions.

32 2. The jurisdiction and control of only those primary
33 roads identified in the transfer of jurisdiction report that
34 are also classified by the department as local service roads
35 shall be transferred from the state to the appropriate county

1 or city effective July 1, 2003. Such transfers are not
2 subject to the terms and conditions provided in section 306.8.

3 Sec. 4. Section 307.22, subsection 7, Code 2003, is
4 amended to read as follows:

5 7. Annually recalculate the construction and maintenance
6 needs of roads under the jurisdiction of each county to take
7 into account the needs of a road whose jurisdiction has been
8 transferred from the department to a county or from a county
9 to the department during the previous year. Prior to the
10 fiscal year beginning July 1, 2013, the annual recalculation
11 shall not include those roads transferred to a county pursuant
12 to section 306.8A. The recalculation shall be reported by
13 January 1 of the year following the transfer and shall take
14 effect the following July 1 for the purposes of allocating
15 moneys under sections 312.3 and 312.5.

16 Sec. 5. Section 309.57, unnumbered paragraph 3, Code 2003,
17 is amended to read as follows:

18 Roads may only be classified as area service "C" by
19 ordinance or resolution ~~upon-petition-signed-by-all-landowners~~
20 ~~adjoining-the-road~~. The ordinance or resolution shall specify
21 the level of maintenance effort and the persons who will have
22 access rights to the road. The county shall only allow access
23 to the road to the owner, lessee, or person in lawful
24 possession of any adjoining land, or the agent or employee of
25 the owner, lessee, or person in lawful possession, or to any
26 peace officer, magistrate, or public employee whose duty it is
27 to supervise the use or perform maintenance of the road.
28 Access to the road shall be restricted by means of a gate or
29 other barrier.

30 Sec. 6. Section 312.3, subsection 2, Code 2003, is amended
31 to read as follows:

32 2. a. Apportion among the cities of the state, in the
33 ratio which the population of each city, as shown by the
34 latest available federal census, bears to the total population
35 of all such cities in the state, the percentage of the road

1 use tax funds which is credited to the street construction
2 fund of the cities, and shall remit to the city clerk of each
3 such city the amount so apportioned to such city. A city may
4 have one special federal census taken each decade, and the
5 population figure thus obtained shall be used in apportioning
6 amounts under this subsection beginning the calendar year
7 following the year in which the special census is certified by
8 the secretary of state.

9 b. The apportionment of moneys from the street
10 construction fund of the cities to a city with a farm-to-
11 market extension under county jurisdiction pursuant to section
12 306.4, shall be reduced in the proportion which the share of
13 mileage of the farm-to-market extension bears to the total
14 mileage of streets within the city. The amount of moneys by
15 which the apportionment to the city is reduced shall be
16 transferred to the secondary road fund of the respective
17 county, to be used only for the maintenance or construction of
18 roads under the county's jurisdiction, and all interest and
19 earnings on the moneys transferred shall remain in the
20 secondary road fund of the county, to be used for the same
21 purposes.

22 c. The apportionment of moneys from the transfer of
23 jurisdiction fund pursuant to section 313.4, subsection 6,
24 paragraph "b", subparagraph (1), to a city with a street under
25 county jurisdiction pursuant to section 306.4, subsection 2A,
26 shall be transferred to the secondary road fund of the
27 respective county.

28 Sec. 7. NEW SECTION. 312.3D STREET CONSTRUCTION FUND
29 DISTRIBUTION ADVISORY COMMITTEE.

30 A street construction fund distribution advisory committee
31 is established to consider methodologies for distribution of
32 moneys in the street construction fund of the cities. The
33 committee shall be comprised of representatives appointed by
34 the president of the Iowa section of the American public works
35 association, the president of the Iowa league of cities, and

1 the department. The committee shall recommend to the general
2 assembly by January 1, 2004, for the general assembly's
3 consideration and adoption, one or more alternative
4 methodologies for distribution of moneys in the street
5 construction fund of the cities.

6 Sec. 8. Section 313.4, Code 2003, is amended by adding the
7 following new subsections:

8 NEW SUBSECTION. 6. a. A transfer of jurisdiction fund is
9 created in the office of the treasurer of state under the
10 control of the department. For each fiscal year in the period
11 beginning July 1, 2003, and ending June 30, 2013, there is
12 transferred from the primary road fund to the transfer of
13 jurisdiction fund one and seventy-five hundredths percent of
14 the moneys credited to the primary road fund pursuant to
15 section 312.2, subsection 1.

16 b. For each fiscal year in the period beginning July 1,
17 2003, and ending June 30, 2013, there is appropriated the
18 following percentages of the moneys deposited in the transfer
19 of jurisdiction fund for the fiscal year for the following
20 purposes:

21 (1) Seventy-five percent of the moneys shall be
22 apportioned among the counties and cities that assume
23 jurisdiction of primary roads pursuant to section 306.8A.
24 Such apportionment shall be made based upon the specific
25 construction needs identified for the specific counties and
26 cities in the transfer of jurisdiction report on file with the
27 department pursuant to section 306.8A. All funds, including
28 any interest or other earnings on the funds, received by a
29 county from the transfer of jurisdiction fund shall be
30 deposited in the secondary road fund of the county to be used
31 only for the maintenance and construction of roads under the
32 county's jurisdiction. All funds received by a city from the
33 transfer of jurisdiction fund shall be used only for the
34 maintenance and construction of roads under the city's
35 jurisdiction.

1 (2) Twenty-two and one-half percent of the moneys shall be
2 deposited in the secondary road fund.

3 (3) Two and one-half percent of the moneys shall be
4 deposited in the street construction fund of the cities.

5 NEW SUBSECTION. 7. For the fiscal year beginning July 1,
6 2013, and ending June 30, 2014, and each subsequent fiscal
7 year, there is transferred the following percentages of the
8 moneys credited to the primary road fund pursuant to section
9 312.2, subsection 1, to the following funds:

10 a. One and five hundred seventy-five thousandths percent
11 to the secondary road fund.

12 b. One hundred seventy-five thousandths of one percent to
13 the street construction fund of the cities.

14 EXPLANATION

15 This bill provides for the transfer of jurisdiction of
16 certain roads and the transfer of funds associated with those
17 roads, modifies the procedure required for reclassification of
18 county roads as area service "C" roads, and establishes a
19 study committee to evaluate the distribution of the street
20 construction fund of the cities.

21 The bill redefines "municipal street system" to exclude
22 roads that are secondary roads within a municipality. The
23 current definition excludes only those roads within a
24 municipality that are primary roads.

25 The bill provides for the transfer of jurisdiction of
26 several different types of roads. The bill transfers
27 jurisdiction of farm-to-market road extensions within cities
28 with a population of less than 500 to the applicable county
29 boards of supervisors. Once a city reaches a population of
30 750, jurisdiction over such extensions is to be transferred
31 back to the applicable city. The bill also provides for a
32 reduction in the apportionment of moneys from the street
33 construction fund of the cities to a city that has transferred
34 jurisdiction of a farm-to-market road extension to a county.
35 The amount of such reduction is to be transferred to the

1 secondary road fund of the respective county, and all interest
2 and earnings on the moneys transferred is to remain in the
3 secondary road fund. Similarly, the bill provides for the
4 transfer of moneys received by a city from the transfer of
5 jurisdiction fund established in the bill if a street within
6 the city is under county jurisdiction.

7 The bill also provides for the transfer of jurisdiction and
8 control of primary roads identified in a transfer of
9 jurisdiction report on file with the state department of
10 transportation that are also classified by the department as
11 local service roads. Such transfers are not subject to the
12 terms and conditions required for other transfers of road
13 jurisdiction, including the requirement that the transferring
14 jurisdiction either place the road in good repair prior to
15 transfer or transfer moneys to the receiving jurisdiction for
16 sufficient repair of the road. Prior to FY 2013-2014, roads
17 transferred to a county under the new provision are not to be
18 included in the department's annual recalculation of
19 construction and maintenance needs for secondary roads, which
20 recalculation is used to determine counties' apportionments of
21 road use tax fund moneys.

22 The bill temporarily establishes a transfer of jurisdiction
23 fund within the state treasury, under the control of the state
24 department of transportation, to provide for the transfer of
25 moneys from the primary road fund to local jurisdictions in
26 each fiscal year of the fiscal period beginning July 1, 2003,
27 and ending June 30, 2013. Seventy-five percent of the moneys
28 in the transfer of jurisdiction fund are appropriated for
29 apportionment among the counties and cities that assume
30 jurisdiction of primary roads pursuant to the transfer of
31 jurisdiction report on file with the department. Such funds
32 are only to be used for the maintenance and construction of
33 roads. Moneys so apportioned to counties, including any
34 interest or other earnings on the moneys, are to be deposited
35 in the secondary road fund. The secondary road fund is

1 appropriated 22.5 percent of the moneys and the street
2 construction fund of the cities is appropriated 2.5 percent.
3 For subsequent fiscal years, 1.575 percent and .175 percent of
4 the moneys in the primary road fund are transferred directly
5 to the secondary road fund and the street construction fund of
6 the cities, respectively.

7 The bill removes the requirement that a petition signed by
8 all landowners adjoining a road be presented prior to
9 reclassification of a secondary road as an area service "C"
10 road pursuant to a county ordinance or resolution. Area
11 service "C" classification roads may have restricted access
12 and a minimal level of maintenance.

13 The bill establishes a street construction fund
14 distribution advisory committee. The committee is to be
15 comprised of representatives appointed by the president of the
16 Iowa section of the American public works association, the
17 president of the Iowa league of cities, and the state
18 department of transportation. The committee is to recommend
19 to the general assembly by January 1, 2004, one or more
20 alternative methodologies for distribution of moneys in the
21 street construction fund of the cities.

22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 451

S-3257

1 Amend Senate File 451 as follows:
2 1. Page 2, line 1, by inserting after the figure
3 "2003." the following: "However, the jurisdiction and
4 control of the portion of state highway 79 from
5 Middletown west to Geode State park shall not be so
6 transferred."

By THOMAS G. COURTNEY

S-3257 FILED APRIL 21, 2003

Lost 4/23/03

SENATE FILE 451

S-3265

1 Amend Senate File 451 as follows:
2 1. Page 1, lines 8 and 9, by striking the words
3 and figure "or road transferred pursuant to section
4 306.8A".
5 2. By striking page 1, line 26, through page 2,
6 line 15.
7 3. Page 3, by striking lines 22 through 27.
8 4. By striking page 4, line 6, through page 5,
9 line 13.
10 5. Title page, lines 2 and 3, by striking the
11 words "primary and".
12 6. Title page, lines 5 and 6, by striking the
13 words ", and making appropriations".
14 7. By renumbering as necessary.

By EUGENE S. FRAISE
HUBERT M. HOUSER
THOMAS G. COURTNEY

KEITH A. KREIMAN
PAUL MCKINLEY
JOHN P. KIBBIE

S-3265 FILED APRIL 22, 2003

Lost 4/23/03

SENATE FILE 451

S-3258

1 Amend Senate File 451 as follows:
2 1. Page 2, line 1, by inserting after the figure
3 "2003." the following: "However, the jurisdiction and
4 control of the portion of state highway 99 between
5 Wapello and Burlington shall not be so transferred."

By THOMAS G. COURTNEY

S-3258 FILED APRIL 21, 2003

Lost 4/23/03

SENATE FILE 451

S-3286

1 Amend Senate File 451 as follows:
2 1. Page 2, line 2, by inserting after the figure
3 "306.8." the following: "However, the department
4 shall place all roads subject to such transfer in a
5 condition that complies with the "3R's" guidelines
6 established by the department prior to such transfer."

By HUBERT M. HOUSER
PAUL MCKINLEY

S-3286 FILED APRIL 23, 2003

LOST 4/23/03

SENATE FILE 451

S-3293

1 Amend Senate File 451 as follows:
2 1. Page 1, line 34, by inserting after the word
3 "roads" the following: ", except the portion of state
4 highway 16 located between United States highway 218
5 and United States highway 61,".

By EUGENE S. FRAISE

S-3293 FILED APRIL 23, 2003
LOST

SENATE FILE 451

S-3299

1 Amend Senate File 451 as follows:
2 1. Page 5, by inserting after line 13 the
3 following:
4 "Sec. ____ . FUTURE CONTINGENT REPEAL OF PRIMARY
5 ROAD TRANSFER PROVISIONS. Sections 3, 4, and 8 of
6 this Act, and section 312.3, subsection 2, paragraph
7 "c", as enacted in this Act, are repealed effective
8 July 1, 2008, if the total revenues deposited in the
9 road use tax fund for the fiscal year beginning July
10 1, 2007, equal or exceed the total revenues deposited
11 in the road use tax fund for the fiscal year beginning
12 July 1, 2000. The treasurer of state shall notify the
13 Code editor at the end of the fiscal year beginning
14 July 1, 2007, regarding the total revenues deposited
15 in the road use tax fund for that fiscal year."
16 2. By renumbering as necessary.

By KEITH A. KREIMAN

S-3299 FILED APRIL 23, 2003
LOST

SENATE FILE 451

H-1500

1 Amend Senate File 451, as passed by the Senate, as
2 follows:

3 1. Page 1, line 34, by inserting after the word
4 "roads" the following: ", except the portion of state
5 highway 16 located between United States highway 218
6 and United States highway 61,".

By HEATON of Henry
WISE of Lee
COHOON of Des Moines

H-1500 FILED APRIL 29, 2003
LOST

SENATE FILE 451

H-1501

1 Amend Senate File 451, as passed by the Senate, as
2 follows:

3 1. Page 2, line 1, by inserting after the figure
4 "2003." the following: "However, the jurisdiction and
5 control of the portion of state highway 79 from
6 Middletown west to Geode state park shall not be so
7 transferred."

By COHOON of Des Moines
WISE of Lee
HEATON of Henry

H-1501 FILED APRIL 29, 2003
LOST

SENATE FILE 451

H-1502

1 Amend Senate File 451, as passed by the Senate, as
2 follows:

3 1. Page 2, line 1, by inserting after the figure
4 "2003." the following: "However, the jurisdiction and
5 control of the portion of state highway 99 between
6 Wapello and Burlington shall not be so transferred."

By COHOON of Des Moines
WISE of Lee
HEATON of Henry

H-1502 FILED APRIL 29, 2003
LOST

SENATE FILE 451

H-1505

1 Amend Senate File 451, as passed by the Senate, as
2 follows:

3 1. Page 2, line 1, by inserting after the figure
4 "2003." the following: "However, the jurisdiction and
5 control of the portion of state highway 273 from
6 United States highway 63 west to Lake Wapello state
7 park shall not be so transferred."

By SWAIM of Davis

GASKILL of Wapello

H-1505 FILED APRIL 29, 2003

LOST

SENATE FILE 451

H-1514

1 Amend Senate File 451, as passed by the Senate, as
2 follows:

3 1. Page 2, line 1, by inserting after the figure
4 "2003." the following: "However, the jurisdiction and
5 control of the portion of state highway 276 from the
6 city of Orleans to the Minnesota border shall not be
7 so transferred."

By STEVENS of Dickinson

H-1514 FILED APRIL 29, 2003

LOST

SENATE FILE 451

H-1515

1 Amend Senate File 451, as passed by the Senate, as
2 follows:

3 1. Page 2, line 1, by inserting after the figure
4 "2003." the following: "However, the jurisdiction and
5 control of the portion of state highway 327 from the
6 city of Orleans to the Minnesota border shall not be
7 so transferred."

By STEVENS of Dickinson

H-1515 FILED APRIL 29, 2003

LOST

Shull
Lamberti
Wamstadt

Appropriations

SSB 1194
SU By
(SF) HF 451

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON LAMBERTI)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the jurisdiction and funding of roads by
2 transferring funding for and jurisdiction of certain primary
3 and farm-to-market roads, modifying the procedure for
4 classification of area service "C" roads, and establishing a
5 street construction fund distribution advisory committee, and
6 making appropriations.

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

- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. Section 306.3, subsection 5, Code 2003, is
2 amended to read as follows:

3 5. "Municipal street system" means those streets within
4 municipalities that are not primary roads or secondary roads.

5 Sec. 2. Section 306.4, Code 2003, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 2A. a. Effective July 1, 2004,
8 jurisdiction and control over a farm-to-market extension or
9 road transferred pursuant to section 306.8A within a city with
10 a population of less than five hundred shall be vested in the
11 county board of supervisors of the respective county.

12 b. If the population of a city drops below five hundred
13 after July 1, 2004, as determined by the latest available
14 federal census or special census, jurisdiction and control
15 over a farm-to-market extension located within the city shall
16 be vested in the county board of supervisors of the respective
17 county effective July 1 following census certification by the
18 secretary of state.

19 c. If the population of a city from which jurisdiction and
20 control over a road has been transferred pursuant to paragraph
21 "a" or "b" exceeds seven hundred fifty, as determined by the
22 latest available federal census or special census, such
23 jurisdiction and control shall be transferred back to the city
24 effective July 1 following census certification by the
25 secretary of state.

26 Sec. 3. NEW SECTION. 306.8A TRANSFER OF ROADS IDENTIFIED
27 IN REPORT.

28 1. The department shall maintain on file the transfer of
29 jurisdiction report compiled by the ad hoc road use tax fund
30 committee. Such report identifies primary roads for transfer
31 to local jurisdictions.

32 2. The jurisdiction and control of only those primary
33 roads identified in the transfer of jurisdiction report that
34 are also classified by the department as local service roads
35 shall be transferred from the state to the appropriate county

1 or city effective July 1, 2003. Such transfers are not.
2 subject to the terms and conditions provided in section 306.8.

3 Sec. 4. Section 307.22, subsection 7, Code 2003, is
4 amended to read as follows:

5 7. Annually recalculate the construction and maintenance
6 needs of roads under the jurisdiction of each county to take
7 into account the needs of a road whose jurisdiction has been
8 transferred from the department to a county or from a county
9 to the department during the previous year. Prior to the
10 fiscal year beginning July 1, 2013, the annual recalculation
11 shall not include those roads transferred to a county pursuant
12 to section 306.8A. The recalculation shall be reported by
13 January 1 of the year following the transfer and shall take
14 effect the following July 1 for the purposes of allocating
15 moneys under sections 312.3 and 312.5.

16 Sec. 5. Section 309.57, unnumbered paragraph 3, Code 2003,
17 is amended to read as follows:

18 Roads may only be classified as area service "C" by
19 ordinance or resolution ~~upon-petition-signed-by-all-landowners~~
20 ~~adjoining-the-road.~~ The ordinance or resolution shall specify
21 the level of maintenance effort and the persons who will have
22 access rights to the road. The county shall only allow access
23 to the road to the owner, lessee, or person in lawful
24 possession of any adjoining land, or the agent or employee of
25 the owner, lessee, or person in lawful possession, or to any
26 peace officer, magistrate, or public employee whose duty it is
27 to supervise the use or perform maintenance of the road.
28 Access to the road shall be restricted by means of a gate or
29 other barrier.

30 Sec. 6. Section 312.3, subsection 2, Code 2003, is amended
31 to read as follows:

32 2. a. Apportion among the cities of the state, in the
33 ratio which the population of each city, as shown by the
34 latest available federal census, bears to the total population
35 of all such cities in the state, the percentage of the road

1 use tax funds which is credited to the street construction
2 fund of the cities, and shall remit to the city clerk of each
3 such city the amount so apportioned to such city. A city may
4 have one special federal census taken each decade, and the
5 population figure thus obtained shall be used in apportioning
6 amounts under this subsection beginning the calendar year
7 following the year in which the special census is certified by
8 the secretary of state.

9 b. The apportionment of moneys from the street
10 construction fund of the cities to a city with a farm-to-
11 market extension under county jurisdiction pursuant to section
12 306.4, shall be reduced in the proportion which the share of
13 mileage of the farm-to-market extension bears to the total
14 mileage of streets within the city. The amount of moneys by
15 which the apportionment to the city is reduced shall be
16 transferred to the secondary road fund of the respective
17 county.

18 c. The apportionment of moneys from the transfer of
19 jurisdiction fund pursuant to section 313.4, subsection 6,
20 paragraph "b", subparagraph (1), to a city with a street under
21 county jurisdiction pursuant to section 306.4, subsection 2A,
22 shall be transferred to the secondary road fund of the
23 respective county.

24 Sec. 7. NEW SECTION. 312.3D STREET CONSTRUCTION FUND
25 DISTRIBUTION ADVISORY COMMITTEE.

26 A street construction fund distribution advisory committee
27 is established to consider methodologies for distribution of
28 moneys in the street construction fund of the cities. The
29 committee shall be comprised of representatives appointed by
30 the president of the Iowa section of the American public works
31 association, the president of the Iowa league of cities, and
32 the department. The committee shall recommend to the general
33 assembly by January 1, 2004, for the general assembly's
34 consideration and adoption, one or more alternative
35 methodologies for distribution of moneys in the street

1 construction fund of the cities.

2 Sec. 8. Section 313.4, Code 2003, is amended by adding the
3 following new subsections:

4 NEW SUBSECTION. 6. a. A transfer of jurisdiction fund is
5 created in the office of the treasurer of state under the
6 control of the department. For each fiscal year in the period
7 beginning July 1, 2003, and ending June 30, 2013, there is
8 transferred from the primary road fund to the transfer of
9 jurisdiction fund one and seventy-five hundredths percent of
10 the moneys credited to the primary road fund pursuant to
11 section 312.2, subsection 1.

12 b. For each fiscal year in the period beginning July 1,
13 2003, and ending June 30, 2013, there is appropriated the
14 following percentages of the moneys deposited in the transfer
15 of jurisdiction fund for the fiscal year for the following
16 purposes:

17 (1) Seventy-five percent of the moneys shall be
18 apportioned among the counties and cities that assume
19 jurisdiction of primary roads pursuant to section 306.8A.
20 Such apportionment shall be made based upon the specific
21 construction needs identified for the specific counties and
22 cities in the transfer of jurisdiction report on file with the
23 department pursuant to section 306.8A. All funds received by
24 a county or city from the transfer of jurisdiction fund shall
25 be used only for the maintenance and construction of roads
26 under the county's or city's jurisdiction.

27 (2) Twenty-two and one-half percent of the moneys shall be
28 deposited in the secondary road fund.

29 (3) Two and one-half percent of the moneys shall be
30 deposited in the street construction fund of the cities.

31 NEW SUBSECTION. 7. For the fiscal year beginning July 1,
32 2013, and ending June 30, 2014, and each subsequent fiscal
33 year, there is transferred the following percentages of the
34 moneys credited to the primary road fund pursuant to section
35 312.2, subsection 1, to the following funds:

1 a. One and five hundred seventy-five thousandths percent
2 to the secondary road fund.

3 b. One hundred seventy-five thousandths of one percent to
4 the street construction fund of the cities.

5 EXPLANATION

6 This bill provides for the transfer of jurisdiction of
7 certain roads and the transfer of funds associated with those
8 roads, modifies the procedure required for reclassification of
9 county roads as area service "C" roads, and establishes a
10 study committee to evaluate the distribution of the street
11 construction fund of the cities.

12 The bill redefines "municipal street system" to exclude
13 roads that are secondary roads within a municipality. The
14 current definition excludes only those roads within a
15 municipality that are primary roads.

16 The bill provides for the transfer of jurisdiction of
17 several different types of roads. The bill transfers
18 jurisdiction of farm-to-market road extensions within cities
19 with a population of less than 500 to the applicable county
20 boards of supervisors. Once a city reaches a population of
21 750, jurisdiction over such extensions is to be transferred
22 back to the applicable city. The bill also provides for a
23 reduction in the apportionment of moneys from the street
24 construction fund of the cities to a city that has transferred
25 jurisdiction of a farm-to-market road extension to a county.
26 The amount of such reduction is to be transferred to the
27 secondary road fund of the respective county. Similarly, the
28 bill provides for the transfer of moneys received by a city
29 from the transfer of jurisdiction fund established in the bill
30 if a street within the city is under county jurisdiction.

31 The bill also provides for the transfer of jurisdiction and
32 control of primary roads identified in a transfer of
33 jurisdiction report on file with the state department of
34 transportation that are also classified by the department as
35 local service roads. Such transfers are not subject to the

1 terms and conditions required for other transfers of road
2 jurisdiction, including the requirement that the transferring
3 jurisdiction either place the road in good repair prior to
4 transfer or transfer moneys to the receiving jurisdiction for
5 sufficient repair of the road. Prior to FY 2013-2014, roads
6 transferred to a county under the new provision are not to be
7 included in the department's annual recalculation of
8 construction and maintenance needs for secondary roads, which
9 recalculation is used to determine counties' apportionments of
10 road use tax fund moneys.

11 The bill temporarily establishes a transfer of jurisdiction
12 fund within the state treasury, under the control of the state
13 department of transportation, to provide for the transfer of
14 moneys from the primary road fund to local jurisdictions in
15 each fiscal year of the fiscal period beginning July 1, 2003,
16 and ending June 30, 2013. Seventy-five percent of the moneys
17 in the transfer of jurisdiction fund are appropriated for
18 apportionment among the counties and cities that assume
19 jurisdiction of primary roads pursuant to the transfer of
20 jurisdiction report on file with the department. Such funds
21 are only to be used for the maintenance and construction of
22 roads. The secondary road fund is appropriated 22.5 percent
23 of the moneys and the street construction fund of the cities
24 is appropriated 2.5 percent. For subsequent fiscal years,
25 1.575 percent and .175 percent of the moneys in the primary
26 road fund are transferred directly to the secondary road fund
27 and the street construction fund of the cities, respectively.

28 The bill removes the requirement that a petition signed by
29 all landowners adjoining a road be presented prior to
30 reclassification of a secondary road as an area service "C"
31 road pursuant to a county ordinance or resolution. Area
32 service "C" classification roads may have restricted access
33 and a minimal level of maintenance.

34 The bill establishes a street construction fund
35 distribution advisory committee. The committee is to be

1 comprised of representatives appointed by the president of the
2 Iowa section of the American public works association, the
3 president of the Iowa league of cities, and the state
4 department of transportation. The committee is to recommend
5 to the general assembly by January 1, 2004, one or more
6 alternative methodologies for distribution of moneys in the
7 street construction fund of the cities.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 451

AN ACT

PROVIDING FOR THE JURISDICTION AND FUNDING OF ROADS BY TRANSFERRING FUNDING FOR AND JURISDICTION OF CERTAIN PRIMARY AND FARM-TO-MARKET ROADS, MODIFYING THE PROCEDURE FOR CLASSIFICATION OF AREA SERVICE "C" ROADS, AND ESTABLISHING A STREET CONSTRUCTION FUND DISTRIBUTION ADVISORY COMMITTEE, AND MAKING APPROPRIATIONS.

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

Section 1. Section 306.3, subsection 5, Code 2003, is amended to read as follows:

5. "Municipal street system" means those streets within municipalities that are not primary roads or secondary roads.

Sec. 2. Section 306.4, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. a. Effective July 1, 2004, jurisdiction and control over a farm-to-market extension or road transferred pursuant to section 306.8A within a city with a population of less than five hundred shall be vested in the county board of supervisors of the respective county.

b. If the population of a city drops below five hundred after July 1, 2004, as determined by the latest available federal census or special census, jurisdiction and control over a farm-to-market extension located within the city shall be vested in the county board of supervisors of the respective county effective July 1 following census certification by the secretary of state.

c. If the population of a city from which jurisdiction and control over a road has been transferred pursuant to paragraph "a" or "b" exceeds seven hundred fifty, as determined by the latest available federal census or special census, such jurisdiction and control shall be transferred back to the city effective July 1 following census certification by the secretary of state.

Sec. 3. NEW SECTION. 306.8A TRANSFER OF ROADS IDENTIFIED IN REPORT.

1. The department shall maintain on file the transfer of jurisdiction report compiled by the ad hoc road use tax fund committee. Such report identifies primary roads for transfer to local jurisdictions.

2. The jurisdiction and control of only those primary roads identified in the transfer of jurisdiction report that are also classified by the department as local service roads shall be transferred from the state to the appropriate county or city effective July 1, 2003. Such transfers are not subject to the terms and conditions provided in section 306.8.

Sec. 4. Section 307.22, subsection 7, Code 2003, is amended to read as follows:

7. Annually recalculate the construction and maintenance needs of roads under the jurisdiction of each county to take into account the needs of a road whose jurisdiction has been transferred from the department to a county or from a county to the department during the previous year. Prior to the fiscal year beginning July 1, 2013, the annual recalculation shall not include those roads transferred to a county pursuant

to section 306.8A. The recalculation shall be reported by January 1 of the year following the transfer and shall take effect the following July 1 for the purposes of allocating moneys under sections 312.3 and 312.5.

Sec. 5. Section 309.57, unnumbered paragraph 3, Code 2003, is amended to read as follows:

Roads may only be classified as area service "C" by ordinance or resolution ~~upon petition signed by all landowners adjoining the road.~~ The ordinance or resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The county shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road. Access to the road shall be restricted by means of a gate or other barrier.

Sec. 6. Section 312.3, subsection 2, Code 2003, is amended to read as follows:

2. a. Apportion among the cities of the state, in the ratio which the population of each city, as shown by the latest available federal census, bears to the total population of all such cities in the state, the percentage of the road use tax funds which is credited to the street construction fund of the cities, and shall remit to the city clerk of each such city the amount so apportioned to such city. A city may have one special federal census taken each decade, and the population figure thus obtained shall be used in apportioning amounts under this subsection beginning the calendar year following the year in which the special census is certified by the secretary of state.

b. The apportionment of moneys from the street construction fund of the cities to a city with a farm-to-market extension under county jurisdiction pursuant to section

306.4, shall be reduced in the proportion which the share of mileage of the farm-to-market extension bears to the total mileage of streets within the city. The amount of moneys by which the apportionment to the city is reduced shall be transferred to the secondary road fund of the respective county, to be used only for the maintenance or construction of roads under the county's jurisdiction, and all interest and earnings on the moneys transferred shall remain in the secondary road fund of the county, to be used for the same purposes.

c. The apportionment of moneys from the transfer of jurisdiction fund pursuant to section 313.4, subsection 6, paragraph "b", subparagraph (1), to a city with a street under county jurisdiction pursuant to section 306.4, subsection 2A, shall be transferred to the secondary road fund of the respective county.

Sec. 7. NEW SECTION. 312.3D STREET CONSTRUCTION FUND DISTRIBUTION ADVISORY COMMITTEE.

A street construction fund distribution advisory committee is established to consider methodologies for distribution of moneys in the street construction fund of the cities. The committee shall be comprised of representatives appointed by the president of the Iowa section of the American public works association, the president of the Iowa league of cities, and the department. The committee shall recommend to the general assembly by January 1, 2004, for the general assembly's consideration and adoption, one or more alternative methodologies for distribution of moneys in the street construction fund of the cities.

Sec. 8. Section 313.4, Code 2003, is amended by adding the following new subsections:

NEW SUBSECTION. 6. a. A transfer of jurisdiction fund is created in the office of the treasurer of state under the control of the department. For each fiscal year in the period beginning July 1, 2003, and ending June 30, 2013, there is

transferred from the primary road fund to the transfer of jurisdiction fund one and seventy-five hundredths percent of the moneys credited to the primary road fund pursuant to section 312.2, subsection 1.

b. For each fiscal year in the period beginning July 1, 2003, and ending June 30, 2013, there is appropriated the following percentages of the moneys deposited in the transfer of jurisdiction fund for the fiscal year for the following purposes:

(1) Seventy-five percent of the moneys shall be apportioned among the counties and cities that assume jurisdiction of primary roads pursuant to section 306.8A. Such apportionment shall be made based upon the specific construction needs identified for the specific counties and cities in the transfer of jurisdiction report on file with the department pursuant to section 306.8A. All funds, including any interest or other earnings on the funds, received by a county from the transfer of jurisdiction fund shall be deposited in the secondary road fund of the county to be used only for the maintenance and construction of roads under the county's jurisdiction. All funds received by a city from the transfer of jurisdiction fund shall be used only for the maintenance and construction of roads under the city's jurisdiction.

(2) Twenty-two and one-half percent of the moneys shall be deposited in the secondary road fund.

(3) Two and one-half percent of the moneys shall be deposited in the street construction fund of the cities.

NEW SUBSECTION. 7. For the fiscal year beginning July 1, 2013, and ending June 30, 2014, and each subsequent fiscal year, there is transferred the following percentages of the moneys credited to the primary road fund pursuant to section 312.2, subsection 1, to the following funds:

a. One and five hundred seventy-five thousandths percent to the secondary road fund.

b. One hundred seventy-five thousandths of one percent to the street construction fund of the cities.

MARY E. KRAMER
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 451, Eightieth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2003

THOMAS J. VILSACK
Governor