

Senate File 2413 - Introduced

SENATE FILE 2413

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3214)

A BILL FOR

1 An Act relating to transportation and other
2 infrastructure-related appropriations to the department of
3 transportation, including allocation and use of moneys from
4 the road use tax fund and the primary road fund, providing
5 for other properly related matters, and including effective
6 date provisions.

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

1
2
3
4
5
6
7
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

DIVISION I

FY 2018-2019 APPROPRIATIONS

Section 1. 2017 Iowa Acts, chapter 164, section 3, is amended to read as follows:

SEC. 3. ROAD USE TAX FUND. There is appropriated from the road use tax fund created in section 312.1 to the department of transportation for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the payment of costs associated with the production of driver's licenses, as defined in section 321.1, subsection 20A:

.....	\$ 1,938,000
	<u>3,876,000</u>

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes specified in this subsection until the close of the succeeding fiscal year.

2. For salaries, support, maintenance, and miscellaneous purposes:

a. ~~Operations~~ Administrative services:

.....	\$ 3,350,073
	<u>6,677,758</u>

b. Planning:

.....	\$ 224,770
	<u>447,822</u>

c. Motor vehicles:

.....	\$ 18,005,103
	<u>25,962,748</u>

~~Performance and technology~~ Strategic performance:

.....	\$ 262,670
	<u>671,369</u>

e. Highways:

.....	<u>\$ 10,233,174</u>
-------	----------------------

1	3. For payments to the department of administrative		
2	services for utility services:		
3	.....	\$	129,780
4			<u>259,560</u>
5	4. For unemployment compensation:		
6	.....	\$	3,500
7			<u>7,000</u>
8	5. For payments to the department of administrative		
9	services for paying workers' compensation claims under chapter		
10	85 on behalf of employees of the department of transportation:		
11	.....	\$	87,740
12			<u>175,748</u>
13	6. For payment to the general fund of the state for indirect		
14	cost recoveries:		
15	.....	\$	45,000
16			<u>90,000</u>
17	7. For reimbursement to the auditor of state for audit		
18	expenses as provided in section 11.5B :		
19	.....	\$	43,659
20			<u>87,318</u>
21	8. For automation, telecommunications, and related costs		
22	associated with the county issuance of driver's licenses and		
23	vehicle registrations and titles:		
24	.....	\$	703,000
25			<u>1,406,000</u>
26	9. For costs associated with the participation in the		
27	Mississippi river parkway commission:		
28	.....	\$	20,000
29			<u>40,000</u>
30	10. For costs associated with the traffic and criminal		
31	software program and the mobile architecture and communications		
32	handling program:		
33	.....	\$	150,000
34			<u>300,000</u>
35	11. For motor vehicle division field facility maintenance		

1 projects at various locations:

2	.....	\$	150,000
3			<u>300,000</u>

4 For purposes of [section 8.33](#), unless specifically provided
5 otherwise, moneys appropriated in subsection 11 that remain
6 unencumbered or unobligated shall not revert but shall remain
7 available for expenditure for the purposes designated until
8 the close of the fiscal year that ends three years after the
9 end of the fiscal year for which the appropriation was made.
10 However, if the projects for which the appropriation was
11 made are completed in an earlier fiscal year, unencumbered
12 or unobligated moneys shall revert at the close of that same
13 fiscal year.

14 12. For costs associated with the statewide
15 interoperability network:

16	\$	<u>497,191</u>
----	-------	----	----------------

17 Sec. 2. 2017 Iowa Acts, chapter 164, section 4, is amended
18 to read as follows:

19 SEC. 4. PRIMARY ROAD FUND. There is appropriated from the
20 primary road fund created in [section 313.3](#) to the department of
21 transportation for the fiscal year beginning July 1, 2018, and
22 ending June 30, 2019, the following amounts, or so much thereof
23 as is necessary, to be used for the purposes designated:

24 1. For salaries, support, maintenance, miscellaneous
25 purposes, and for not more than the following full-time
26 equivalent positions:

27 a. Operations Administrative services:

28	.....	\$	20,579,021
29			<u>41,020,512</u>
30	.....	FTEs	259.00
31			<u>250.00</u>

32 b. Planning:

33	.....	\$	4,270,616
34			<u>8,508,616</u>
35	.....	FTEs	97.00

S.F. 2413

1			<u>94.00</u>
2	c. Highways:		
3	.....	\$	122,985,456
4			<u>247,828,001</u>
5	.....	FTEs	1,962.00
6			<u>2,056.00</u>
7	d. Motor vehicles:		
8	.....	\$	750,213
9			<u>1,081,781</u>
10	.....	FTEs	395.00
11			<u>281.00</u>
12	e. Performance and technology <u>Strategic performance:</u>		
13	.....	\$	1,611,825
14			<u>4,124,123</u>
15	.....	FTEs	35.00
16			<u>41.00</u>
17	2. For payments to the department of administrative		
18	services for utility services:		
19	.....	\$	797,220
20			<u>1,594,440</u>
21	3. For unemployment compensation:		
22	.....	\$	69,000
23			<u>138,000</u>
24	4. For payments to the department of administrative		
25	services for paying workers' compensation claims under		
26	chapter 85 on behalf of the employees of the department of		
27	transportation:		
28	.....	\$	2,105,762
29			<u>4,217,954</u>
30	5. For disposal of hazardous wastes from field locations and		
31	the central complex:		
32	.....	\$	400,000
33			<u>800,000</u>
34	6. For payment to the general fund of the state for indirect		
35	cost recoveries:		

S.F. 2413

1	.....	\$	330,000
2			<u>660,000</u>
3	7. For reimbursement to the auditor of state for audit		
4	expenses as provided in section 11.5B :		
5	.....	\$	268,191
6			<u>536,382</u>
7	8. For costs associated with producing transportation maps:		
8	.....	\$	121,000
9			<u>242,000</u>
10	9. For inventory and equipment replacement:		
11	.....	\$	5,232,500
12			<u>10,465,000</u>
13	<u>9A. For costs associated with the statewide</u>		
14	<u>interoperability network:</u>		
15	.....	\$	<u>3,054,172</u>
16	10. For utility improvements at various locations:		
17	.....	\$	200,000
18			<u>400,000</u>
19	11. For roofing projects at various locations:		
20	.....	\$	250,000
21			<u>500,000</u>
22	12. For heating, cooling, and exhaust system improvements		
23	at various locations:		
24	.....	\$	350,000
25			<u>700,000</u>
26	13. For deferred maintenance projects at field facilities		
27	throughout the state:		
28	.....	\$	850,000
29			<u>1,700,000</u>
30	14. For maintenance projects at rest area facilities		
31	throughout the state:		
32	.....	\$	125,000
33			<u>250,000</u>
34	15. For improvements related to compliance with the federal		
35	Americans with Disabilities Act to facilities throughout the		

1 state:

2	.....	\$	75,000
3			<u>150,000</u>
4	16. For renovations to the Waterloo maintenance garage:		
5	.....	\$	895,000
6			<u>1,790,000</u>

7 For purposes of [section 8.33](#), unless specifically provided
8 otherwise, moneys appropriated in subsections 10 through 16
9 that remain unencumbered or unobligated shall not revert
10 but shall remain available for expenditure for the purposes
11 designated until the close of the fiscal year that ends
12 three years after the end of the fiscal year for which the
13 appropriation was made. However, if the project or projects
14 for which such appropriation was made are completed in an
15 earlier fiscal year, unencumbered or unobligated moneys shall
16 revert at the close of that same fiscal year.

17 DIVISION II

18 SPECIAL MINOR'S LICENSES

19 Sec. 3. Section 321.194, subsection 1, Code 2018, is amended
20 to read as follows:

21 1. *Persons eligible.* ~~Upon certification of a special need~~
22 ~~by the school board, superintendent of the applicant's school,~~
23 ~~or principal, if authorized by the superintendent, the The~~
24 department may issue a class C or M driver's license to a
25 person between the ages of fourteen and eighteen years if all
26 of the following apply:

27 a. The person's driving privileges have not been suspended,
28 revoked, or barred under [this chapter](#) or [chapter 321J](#) during,
29 and the person has not been convicted of a moving traffic
30 violation or involved in a motor vehicle accident for, the
31 six-month period immediately preceding the application for the
32 special minor's license.

33 b. The person has successfully completed an approved driver
34 education course. However, the completion of a course is not
35 required if the applicant demonstrates to the satisfaction

1 of the department that completion of the course would impose
2 a hardship upon the applicant. The department shall adopt
3 rules defining the term "*hardship*" and establish procedures for
4 the demonstration and determination of when completion of the
5 course would impose a hardship upon an applicant.

6 c. The person's school has certified to the department
7 that the person has a special need for the license pursuant to
8 subsection 3.

9 Sec. 4. Section 321.194, subsection 2, paragraph a, Code
10 2018, is amended to read as follows:

11 *a. Permitted operations.* The driver's license entitles
12 the ~~holder~~ licensee, while having the license in immediate
13 possession, to operate a motor vehicle, other than a commercial
14 motor vehicle or as a chauffeur, during the times and for the
15 purposes set forth in this paragraph.

16 (1) If the licensee attends a public school, the licensee
17 may operate a motor vehicle during the hours of 5:00 a.m. to
18 10:00 p.m. as follows:

19 ~~(a) During the hours of 5:00 a.m. to 10:00 p.m. over~~ Over
20 the most direct and accessible route between the licensee's
21 residence and schools of enrollment or the closest school bus
22 stop or public transportation service, and between schools of
23 enrollment, for the purpose of attending duly scheduled courses
24 of instruction and extracurricular activities within the school
25 district of enrollment.

26 ~~(2) (b) During the hours of 5:00 a.m. to 10:00 p.m.~~
27 ~~over~~ Over the most direct and accessible route between the
28 licensee's residence or school of enrollment and a site,
29 facility, or school that is not the licensee's school of
30 enrollment, for the purpose of participating in extracurricular
31 activities conducted under a sharing agreement with the
32 licensee's school of enrollment or conducted at a site,
33 ~~or~~ facility, or school designated by the licensee's school
34 district for the accommodation of the school's extracurricular
35 activities, provided the site, facility, or school is within

1 the licensee's school district of enrollment or is within a
2 school district contiguous to the licensee's school district
3 of enrollment.

4 (2) If the licensee attends an accredited nonpublic school,
5 the licensee may operate a motor vehicle during the hours of
6 5:00 a.m. to 10:00 p.m. as follows:

7 (a) Over the most direct and accessible route between
8 the licensee's residence and schools of enrollment or the
9 closest school bus stop or public transportation service, and
10 between schools of enrollment, for the purpose of attending
11 duly scheduled courses of instruction and extracurricular
12 activities, provided the driving distance between the point of
13 origin and the destination is no more than twenty-five miles.

14 (b) Over the most direct and accessible route between
15 the licensee's residence or school of enrollment and a site,
16 facility, or school that is not the licensee's school of
17 enrollment, for the purpose of participating in extracurricular
18 activities conducted at a site, facility, or school designated
19 by the licensee's school of enrollment for the accommodation of
20 the school's extracurricular activities, provided the driving
21 distance between the point of origin and the destination is no
22 more than twenty-five miles.

23 (3) To a service station for the purpose of refueling, so
24 long as the service station is the station closest to the route
25 on which the licensee is traveling ~~on~~ under subparagraph (1)
26 or (2).

27 (4) At any time when the licensee is accompanied in
28 accordance with [section 321.180B, subsection 1](#).

29 Sec. 5. Section 321.194, subsection 3, Code 2018, is amended
30 to read as follows:

31 3. *Certification of need and issuance of license.*

32 a. Each application shall be accompanied by a statement from
33 ~~the school board, superintendent, or principal, if authorized~~
34 ~~by the superintendent, of the applicant's school of enrollment.~~
35 The statement shall be upon a form provided by the department.

1 ~~The school board, superintendent, or principal, if authorized~~
2 ~~by the superintendent, and~~ shall certify that a need exists for
3 the license and that the ~~board, superintendent, or principal~~
4 ~~authorized by the superintendent~~ person signing the statement
5 is not responsible for actions of the applicant which pertain
6 to the use of the driver's license.

7 (1) If the applicant attends a public school, the
8 certification shall be made by the school board, superintendent
9 of the applicant's school, or principal, if authorized by the
10 superintendent.

11 (2) If the applicant attends an accredited nonpublic
12 school, the certification shall be made by the authorities in
13 charge of the accredited nonpublic school or a duly authorized
14 representative of the authorities.

15 b. Upon receipt of a statement of necessity, the department
16 shall issue the driver's license provided the applicant is
17 otherwise eligible for issuance of the license. The fact that
18 the applicant resides at a distance less than one mile from the
19 applicant's school of enrollment is prima facie evidence of the
20 nonexistence of necessity for the issuance of a license.

21 c. The school ~~board~~ shall develop and adopt a policy
22 establishing the criteria that the school shall ~~be used~~
23 ~~by a school district administrator~~ use to approve or deny
24 certification that a need exists for a license. If the school
25 is a public school, the policy shall be developed and adopted
26 by the school board. If the school is an accredited nonpublic
27 school, the policy shall be developed and adopted according
28 to procedures determined by the authorities in charge of the
29 accredited nonpublic school.

30 d. The A student enrolled in a public school may appeal
31 to the school board the decision of a school district
32 administrator to deny certification. A student enrolled in an
33 accredited nonpublic school may appeal the school's decision to
34 deny certification as permitted by the authorities in charge of
35 the accredited nonpublic school. The decision of the school

1 board or authorities in charge of the accredited nonpublic
2 school is final.

3 e. The driver's license shall not be issued for purposes
4 of attending a public school in a school district other than
5 either of the following:

6 a. (1) The district of residence of the parent or guardian
7 of the student.

8 b. (2) A district which is contiguous to the district of
9 residence of the parent or guardian of the student, if the
10 student is enrolled in the public school which is not the
11 school district of residence because of open enrollment under
12 section 282.18 or as a result of an election by the student's
13 district of residence to enter into one or more sharing
14 agreements pursuant to the procedures in [chapter 282](#).

15 f. The driver's license shall not be issued for purposes
16 of attending an accredited nonpublic school if the driving
17 distance between the school and the residence of the parent or
18 guardian of the student is more than twenty-five miles.

19 DIVISION III

20 DEPARTMENT OF TRANSPORTATION EMPLOYEES DESIGNATED AS PEACE
21 OFFICERS

22 Sec. 6. 2017 Iowa Acts, chapter 149, section 4, is amended
23 to read as follows:

24 SEC. 4. REPEAL. The section of this Act amending section
25 321.477 is repealed July 1, ~~2018~~ 2019.

26 Sec. 7. EFFECTIVE DATE. This division of this Act, being
27 deemed of immediate importance, takes effect upon enactment.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill makes appropriations for FY 2018-2019 from the
32 road use tax fund and the primary road fund to the department
33 of transportation (DOT), and provides for other properly
34 related matters.

35 DIVISION I — FY 2018-2019 APPROPRIATIONS. Appropriations

1 from the road use tax fund include appropriations for driver's
2 license production, administrative services, planning, motor
3 vehicles, strategic performance, highways, utility services
4 provided by the department of administrative services,
5 unemployment and workers' compensation, indirect cost
6 recoveries, audits, county issuance of driver's licenses
7 and vehicle registration and titling, participation in the
8 Mississippi river parkway commission, the traffic and criminal
9 software program and the mobile architecture and communications
10 handling program, motor vehicle division field facility
11 maintenance projects, and the statewide interoperability
12 network.

13 Appropriations from the primary road fund include
14 appropriations for administrative services, planning, highways,
15 motor vehicles, strategic performance, utility services
16 provided by the department of administrative services,
17 unemployment and workers' compensation, hazardous waste
18 disposal, indirect cost recoveries, audits, production of
19 transportation maps, inventory and equipment replacement, the
20 statewide interoperability network, utility improvements,
21 roofing projects, heating, cooling, and exhaust system
22 improvements, deferred maintenance projects at field
23 facilities, maintenance projects at rest area facilities,
24 improvements related to compliance with the federal Americans
25 with Disabilities Act, and renovations to the Waterloo
26 maintenance garage.

27 DIVISION II — SPECIAL MINOR'S LICENSES. Under current
28 law, upon certification of a special need by the school board,
29 superintendent, or principal authorized by the superintendent,
30 the DOT may issue a class C or M driver's license to a person
31 between the ages of 14 and 18 years old. The bill allows
32 the authorities in charge of a person's accredited nonpublic
33 school, or a duly authorized representative of the authorities,
34 to provide the certification of special need.

35 The bill authorizes a person who holds such a license and

1 attends an accredited nonpublic school to operate a motor
2 vehicle during the hours of 5:00 a.m. to 10:00 p.m. over
3 the most direct and accessible route between the licensee's
4 residence and schools of enrollment or the closest school bus
5 stop or public transportation service, and between schools
6 of enrollment, for the purpose of attending duly scheduled
7 courses of instruction and extracurricular activities, provided
8 the driving distance between the point of origin and the
9 destination is no more than 25 miles. In addition, the bill
10 authorizes a person who holds such a license and attends
11 an accredited nonpublic school to operate a motor vehicle
12 during the hours of 5:00 a.m. to 10:00 p.m. over the most
13 direct and accessible route between the licensee's residence
14 or school of enrollment and a site, facility, or school that
15 is not the licensee's school of enrollment, for the purpose
16 of participating in extracurricular activities conducted at
17 a site, facility, or school designated by the licensee's
18 school of enrollment for the accommodation of the school's
19 extracurricular activities, provided the driving distance
20 between the point of origin and the destination is no more than
21 25 miles. By operation of law, a violation of these provisions
22 is punishable by a scheduled fine of \$50.

23 Under current law, a school board is required to develop and
24 adopt a policy establishing the criteria to be used by a school
25 district administrator to approve or deny certification that
26 a need exists for a license. The student may appeal to the
27 school board the decision of a school district administrator to
28 deny certification. The decision of the school board is final.
29 The bill requires the authorities in charge of an accredited
30 nonpublic school to develop and adopt a policy establishing
31 the criteria to be used by the authorities to approve or deny
32 certification that a need exists for a license. The bill
33 allows a student enrolled in an accredited nonpublic school to
34 appeal the school's decision to deny certification as permitted
35 by the authorities in charge of the accredited nonpublic

1 school. The bill provides that the decision of the authorities
2 in charge of the accredited nonpublic school is final.

3 The bill prohibits the DOT from issuing a driver's license
4 for purposes of attending an accredited nonpublic school if the
5 driving distance between the school and the residence of the
6 parent or guardian of the student is more than 25 miles.

7 DIVISION III — DEPARTMENT OF TRANSPORTATION EMPLOYEES
8 DESIGNATED AS PEACE OFFICERS. In 2017, the general assembly
9 amended Code section 321.477 to specify the powers, duties, and
10 limitations of employees of the department of transportation
11 who are designated as peace officers by the department. Under
12 the terms of the legislation, the amended language is set to be
13 repealed effective July 1, 2018. The bill changes the date of
14 the future repeal provision to July 1, 2019. This division of
15 the bill takes effect upon enactment.