

Sec. 6. INCREASE IN FEES. The real estate commission shall, by administrative rule, increase the fees for a real estate salesperson's and a real estate broker's license by the equivalent of ten dollars per year. The amount of the increase shall be paid by the professional licensing and regulation division of the department of commerce into the Iowa real estate education fund of the state treasury.

Approved June 2, 1989

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## CHAPTER 293

### HIGHWAYS, ROADS, AND STREETS

*S.F. 524*

**AN ACT** relating to roads and funding available for roads including appropriations of moneys to the affected jurisdictions, creating the county bridge construction fund and the city bridge construction fund, and creating the Iowa highway research board and providing for the board's compensation and expenses.

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

Section 1. NEW SECTION. 307D.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Board" means the Iowa highway research board of the state department of transportation.
2. "Department" means the state department of transportation.

Sec. 2. NEW SECTION. 307D.2 IOWA HIGHWAY RESEARCH BOARD.

There is created the Iowa highway research board for the purpose of providing for the ongoing research of materials, design, and maintenance of Iowa's highways as provided in this chapter.

Sec. 3. NEW SECTION. 307D.3 DUTIES AND OBJECTIVES.

The duties and objectives of the board are:

1. To supervise and coordinate research and development with the United States department of transportation and all other transportation research organizations. The research shall include, but not be limited to, the study of standards for road and bridge construction, design, and maintenance, and the development of new materials.
2. To acquire a knowledge of research and development needs of Iowa's roads and transportation systems.
3. To act as a clearinghouse for suggestions, problem statements, and proposals for highway research and development.
4. To make recommendations to the general assembly, the governor, Iowa's congressional delegation, the department and the United States department of transportation based upon research conducted and supervised by the board.
5. To monitor the progress of recommended projects and periodically evaluate each project's success and impact upon Iowa's highways.
6. To periodically report and publish the results of research conducted by the board.
7. To annually report by December 15 of each year to the general assembly and the governor regarding the board's activities and research.

Sec. 4. NEW SECTION. 307D.4 GOVERNING BOARD — STAFF.

The powers of the board shall be vested in and exercised by a governing board consisting of fourteen members appointed by the governor, subject to confirmation by the senate in accordance with section 2.32, and four members of the general assembly. The membership shall be qualified as follows:

1. Three members shall be county engineers or members of county boards of supervisors.
2. Three members shall be city engineers.
3. Three members shall be employed by the department in the administration of highways.
4. Five members shall be university representatives, two from the state university of Iowa, two from Iowa state university of science and technology, and one from the university of northern Iowa. One of the members from both the state university of Iowa and Iowa state university of science and technology shall be faculty members of the respective institution's engineering college; the other members shall be faculty members of any college or department excluding the engineering college of the respective institution.
5. Four members shall be members of the general assembly, one to be appointed by the speaker of the house from the membership of the house, one to be appointed by the minority leader of the house from the membership of the house, one to be appointed by the majority leader of the senate from the membership of the senate, and one to be appointed by the minority leader of the senate from the membership of the senate.

No more than a simple majority of the members of the board shall be of the same political party or same gender as provided in sections 69.16 and 69.16A.

Sec. 5. NEW SECTION. 307D.5 TERMS OF OFFICE — OFFICERS SELECTED.

The board shall be appointed for staggered terms of four years beginning and ending as provided in section 69.19. The legislative members of the board shall be appointed to staggered four-year terms of office, two of which shall expire every two years. A legislative member's tenure on the board is terminated if the board member ceases to be a member of the general assembly. Vacancies in the membership shall be filled for the unexpired term in the same manner as the original appointment. The board shall annually select from its membership a chairperson and a vice chairperson by a majority vote of the total membership. A member of the department, as selected by the board, shall serve as secretary.

Sec. 6. NEW SECTION. 307D.6 MEETINGS OF THE BOARD — EXPENSES.

The board shall meet at least six times each year and shall hold special meetings on the call of the chairperson. Except as otherwise provided, the members of the board shall serve without additional compensation to the salary and expenses authorized for the office or position held by the member. Members representing political subdivisions who are not elected officials shall receive forty dollars per diem and necessary and actual expenses incurred in the performance of their duties. Legislative members shall be paid for their actual and necessary expenses and, when the general assembly is not in session, per diem as provided in sections 2.10 and 2.12. The department's members of the board shall be reimbursed for their actual and necessary expenses from the funds appropriated pursuant to section 313.5.

Sec. 7. NEW SECTION. 307D.7 ADDITIONAL AUTHORITY.

The board may:

1. Do all things necessary, proper and expedient in executing and achieving the duties and objectives assigned to the board in this chapter.
2. Hold public hearings.
3. Enter into contracts, within the limits of funds made available to the board, with individuals, organizations, and institutions for services furthering the objectives of the board.
4. Accept grants of money, property, or other resources from the federal government or any other source, and upon its own order use the money, property, or other resources to accomplish the duties and objectives of the board.

Sec. 8. Section 310.10, Code 1989, is amended to read as follows:

310.10 FARM-TO-MARKET ROAD SYSTEM DEFINED.

The farm-to-market road system shall embrace those roads as defined in section 306.3, subsection 5. However, a road which is classified as being part of the arterial or arterial connector system under chapter 306 but whose jurisdiction still vests in the county in which it is

located, shall be deemed to be part of the farm-to-market road system until the time the jurisdiction of the road is transferred to the department.

Sec. 9. Section 312.1, unnumbered paragraph 2, Code 1989, is amended to read as follows:

Notwithstanding section 453.7, subsection 2, interest or earnings on investments or time deposits of the moneys in the road use tax fund and the funds to which moneys from the road use tax fund are credited shall be credited to the respective funds which generated the interest or earnings road use tax fund.

Sec. 10. Section 312.2, subsections 1 through 4, Code 1989, are amended to read as follows:

1. To the primary road fund, ~~forty-five~~ forty-seven and one-half percent.
2. To the secondary road fund of the counties, ~~twenty-eight~~ twenty-four and one-half percent.
3. To the farm-to-market road fund, ~~nine~~ eight percent.
4. To the street construction fund of the cities, ~~eighteen~~ twenty percent.

Sec. 11. Section 312.2, subsection 14, Code 1989, is amended to read as follows:

14. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the revitalize Iowa's sound economy fund, created under section 315.2, the revenue accruing to the road use tax fund in the amount equal to ~~two thirds~~ of the revenues collected under each of the following:

a. From the excise tax on motor fuel and special fuel imposed under the tax rate of section 324.3 except aviation gasoline:

(1) ~~For the period July 1, 1985, through December 31, 1985, the amount of excise tax collected from two cents per gallon.~~

(2) ~~From and after January 1, 1986, the amount of excise tax collected from three one and eleven-twentieths cents per gallon.~~

b. From the excise tax on special fuel for diesel engines:

(1) ~~For the period July 1, 1985, through December 31, 1985, the amount of excise tax collected from one cent per gallon.~~

(2) ~~For the period January 1, 1986, through December 31, 1986, the amount of excise tax collected from two cents per gallon.~~

(3) ~~From and after January 1, 1987, the amount of excise tax collected from three one and eleven-twentieths cents per gallon.~~

Sec. 12. Section 312.2, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 14A. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the secondary road fund the revenue accruing to the road use tax fund in the amount equal to the revenues collected under each of the following:

a. From the excise tax on motor fuel and special fuel imposed under the tax rate of section 324.3, except aviation gasoline, the amount of excise tax collected from nine-twentieths cent per gallon.

b. From the excise tax on special fuel for diesel engines, the amount of excise tax collected from nine-twentieths cent per gallon.

Sec. 13. Section 312.2, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 19. a. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, credit from the road use tax fund two million dollars to the county bridge construction fund, which is hereby created. Moneys credited to the county bridge construction fund shall be allocated to counties by the department for bridge construction and reconstruction based on needs in accordance with rules adopted by the department.

b. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, credit from the road use tax fund five hundred thousand dollars to the city bridge construction fund, which is hereby created. Moneys credited to the city bridge construction fund shall be allocated to cities by

the department for bridge construction and reconstruction based on needs in accordance with rules adopted by the department.

**NEW SUBSECTION. 20.** Subsections 1 through 4 do not apply during the fiscal period beginning July 1, 1989, through June 30, 1991. For the fiscal year beginning July 1, 1989, and the succeeding fiscal year, the treasurer of state, after making the other allotments provided for in this section, shall credit:

a. To the primary road fund, two hundred eighty-five million dollars less the combined amount of moneys credited in the fiscal year to the primary road fund under subsections 7 and 11 and moneys credited for the use of the department on primary road projects under section 315.4, subsection 1.

b. To the secondary road fund of the counties, one hundred forty-eight million dollars less the combined amount of moneys credited in the fiscal year to the secondary road fund under subsection 14A and moneys credited for the use of counties on secondary road projects under section 315.4, subsection 2.

c. To the farm-to-market road fund, forty-eight million dollars less the amount of moneys credited to the farm-to-market road fund under subsection 11.

d. To the street construction fund of the cities, one hundred twelve million dollars less the amount of moneys credited for the use of cities on city street projects under section 315.4, subsection 3.

e. If in a fiscal year there are insufficient moneys credited to the road use tax fund to fully credit to the respective funds the full amount appropriated under paragraphs "a" through "d", the treasurer of state shall reduce the amounts credited under paragraphs "a" through "d" by the amount of the shortfall among the respective funds in proportion to the allocation among the funds under subsections 1 through 4. Similarly, if in a fiscal year there are moneys credited to the road use tax fund in excess of those necessary to fully credit the respective funds with the amounts appropriated under paragraphs "a" through "d", the treasurer of state shall increase the amounts credited under paragraphs "a" through "d" by the amount of the additional available moneys among the respective funds in proportion to the allocation among the funds under subsections 1 through 4.

This subsection is repealed effective July 1, 1991.

**Sec. 14. NEW SECTION. 312.3A STREET RESEARCH FUND.**

Prior to the allocation to the cities under section 312.3, subsection 2, the department is authorized to set aside each year two hundred thousand dollars from the street construction fund of the cities in a fund to be known as the street research fund. The street research fund shall be used by the department solely for the purpose of financing engineering studies and research projects which have as their objective the more efficient use of funds and materials that are available for the construction and maintenance of city streets, including city street bridges and culverts. The research projects and engineering studies authorized shall be conducted in cooperation with the city engineers. On or before January 31 each year the department shall file a report with the governor, state transportation commission, city engineers, chief clerk of the house of representatives, and secretary of the senate showing the work accomplished and projects undertaken under this section.

**Sec. 15.** Section 312.16, Code 1989, is amended to read as follows:

**312.16 DEFINITION DEFINITIONS.**

As used in this chapter, unless the context otherwise requires, "department":

1. "Department" means the state department of transportation.
2. "Fiscal year" means the period of twelve months beginning on July 1 and ending on June 30.

**Sec. 16.** Section 315.4, Code 1989, is amended to read as follows:

**315.4 ALLOCATION OF FUND.**

Moneys credited to the RISE fund shall be allocated as follows:

1. ~~Fifty percent~~ Twenty thirty-firsts for the use of the department on primary road projects exclusively for highways which are identified under section 307A.2 as being part of the network of commercial and industrial highways.

2. ~~Twenty-five percent~~ One thirty-first for the use of counties on secondary road projects.

3. ~~Twenty-five percent~~ Ten thirty-firsts for the use of cities on city street projects.

Commencing June 30, 1990, all uncommitted moneys in the RISE fund on June 30 of each year which are allocated under this section for the use of counties on secondary road projects shall be credited to the secondary road fund.

Sec. 17. Section 602.8106, subsection 4, Code 1989, is amended to read as follows:

4. The clerk shall remit all other fines and forfeited bail received from a magistrate to the treasurer of state to be credited to the general fund of the state, except that annually the first two million five hundred thousand dollars in fines which are imposed through vehicle violation citations issued by motor vehicle division personnel at portable and fixed weigh stations in the state which shall be credited to the road use tax fund.

Sec. 18. 1988 Iowa Acts, chapter 1019, sections 21, 23, and 24, are repealed.

Sec. 19. Except for the provisions of section 13 of this Act relating to the county bridge construction fund and the city bridge construction fund, it is the intent of the general assembly that no additional statutory off-the-top allocations from the road use tax fund shall be enacted by the general assembly.

Sec. 20. The legislative council shall appoint a study committee for the purpose of studying, and making recommendations for the allocation of secondary road fund moneys and farm-to-market road fund moneys among the counties. A majority of the members of the study committee shall be representatives of the counties. The recommendations shall be submitted to the governor, the chief clerk of the house, and the secretary of the senate not later than January 31, 1990.

Sec. 21. The Iowa highway research board created prior to the enactment of this Act by the state department of transportation shall advise the Iowa highway research board created under this Act.

Sec. 22. There is appropriated from the road use tax fund to the state department of transportation the sum of \$15,000 or so much thereof as is necessary, for the purpose of conducting a study, in consultation with the department of natural resources and representatives of cities and counties, to analyze and report on the impact of waterway opening and floodplain requirements existing in federal or state law, regulations, administrative rules or design guides, on current and future road and bridge requirements, costs, and needs. The analysis shall consider what economies the various road programs might achieve by modifying these requirements, including reducing or eliminating the liability a road jurisdiction might have with current or alternative future requirements for road and bridge features for waterways and floodplains, including analyzing the risk to and benefits for roads and bridges and the risks and costs to land, improvements, and human activity. The study shall recommend methods for reducing the future highway program costs for providing bridges in Iowa. The study shall be submitted to the governor, the chief clerk of the house, and the secretary of the senate not later than January 31, 1990.

Sec. 23. Section 17 of this Act takes effect July 1, 1990.