

# 2011 Summary of Legislation

84th General Assembly, 1st Session





# ABOUT ISAC

The Iowa State Association of Counties (ISAC) is a private, nonprofit corporation. The organization was established by law on June 30, 1971, with the signing of Senate File 37. ISAC members are elected and appointed county officials from all 99 counties. ISAC is comprised of several statewide associations called affiliates. For example, all the county auditors in the state have their own association, which is called the Iowa State Association of County Auditors and is one of ISAC's affiliates. In total, there are 15 of these associations that are affiliated with ISAC.

The main purpose of ISAC is to secure and maintain cooperation among the counties and county officials, promote comprehensive study and resolution of local problems, provide methods of interchange of ideas among various county officials, and promote and work for the enactment of legislation that is most beneficial to the citizens of Iowa. Counties pay voluntary dues to belong to ISAC. In return, ISAC provides a number of services to member counties, such as training, benefit programs, education, technical assistance, and intergovernmental services.

ISAC's mission is to promote effective and responsible county government for the people of Iowa. ISAC's vision is to be the principal, authoritative source of representation, information and services for and about county government in Iowa.



**Contact Information:**

Iowa State Association of Counties  
5500 Westown Parkway, Suite 190  
West Des Moines, IA 50266  
Phone: 515.244.7181  
Fax: 515.244.6397  
[www.iowacounties.org](http://www.iowacounties.org)

# TABLE OF CONTENTS

Introduction .....	6
ISAC Priorities Update .....	7
<b>County Administration and Organization</b>	
HF 132 .....	Notification of Urban Renewal Plans ..... 8
HF 243 .....	County Transfer Books ..... 8
HF 299 .....	Copper Theft Ordinance ..... 8
HF 321 .....	County Attorney Duties ..... 8
HF 393 .....	Death Certificates ..... 8
HF 454 .....	Unpaid City Utility Collection ..... 8
HF 461 .....	Deer Tags ..... 8
HF 493 .....	Public Employee Repayment of Leave Pay upon Conviction of Felony ..... 8
HF 512 .....	Exemptions from Public Funds Investment Requirements ..... 8
HF 536 .....	Duties of State Auditor ..... 9
HF 651 .....	Special Registration Plates ..... 9
HF 654 .....	Drainage District Funds ..... 9
SF 289 .....	Open Records and Public Meetings ..... 9
SF 315 .....	Emergency Management Planning ..... 9
SF 396 .....	Indemnification Provisions in Construction Contracts ..... 10
SF 434 .....	Delinquent Taxes ..... 10
SF 464 .....	Hunting Mourning Doves ..... 10
<b>Human Services and Public Health</b>	
HF 363 .....	Commission on Veterans Affairs ..... 11
HF 364 .....	Veterans Records ..... 11
HF 389 .....	Medicaid Fraud Unit Costs ..... 11
HF 467 .....	Department of Public Health Programs ..... 11
SF 233 .....	Authorized Medicaid Providers ..... 11
SF 313 .....	IowaCare Changes ..... 11
SF 525 .....	Mental Health/Disability Services Redesign ..... 11
<b>Land Use and Environmental Health</b>	
HF 392 .....	Plumber, Mechanical Professional, and Contractor Licensing Changes ..... 13
HF 516 .....	Subdivision Improvements ..... 13
SF 393 .....	Drainage and Levee Districts-Delivery of Written Communication ..... 13
SF 407 .....	Sewage Disposal Systems ..... 13
SF 428 .....	Drainage and Levee Districts-Assessment of Lakes and Wetlands ..... 13
SF 478 .....	Livestock Remediation Fund ..... 13
<b>Public Safety</b>	
HF 271 .....	Bail Restrictions ..... 14
SF 7 .....	Boating While Intoxicated ..... 14
SF 124 .....	Cell Phones in Jail ..... 14
SF 236 .....	Department of Public Safety ..... 14
SF 259 .....	Presentence Investigation Reports ..... 14
SF 291 .....	Discovery of Mental Health Records ..... 14
SF 327 .....	Juvenile Court Orders ..... 15
SF 456 .....	Firearm Prohibition ..... 15
SF 482 .....	DHS Technical - County Attorney Study ..... 15
SF 482 .....	DHS Technical - Medicaid Suspension ..... 15

# TABLE OF CONTENTS

## Taxation and Finance

HF 679 .....	Utility Replacement Tax for Cogeneration Facilities .....	16
SF 530 .....	Family Farm Property Tax Credit .....	16

## Transportation

HF 676 .....	Fee Exemption for Leased Government Vehicles .....	17
SF 149 .....	Incompetent to Operate a Motor Vehicle .....	17
SF 205 .....	DOT Omnibus .....	17
SF 312 .....	Business-Trade Truck Registration Fees .....	17

## Appropriations

HF 45 .....	FY 2011 Deappropriations and Supplemental Funding .....	18
HF 646 .....	Administration and Regulation Appropriations .....	18
HF 648 .....	Infrastructure Appropriations .....	18
HF 649 .....	Health and Human Services Appropriations .....	19
SF 209 .....	Tax Changes and Supplemental Appropriations .....	22
SF 508 .....	Federal Block Grant Appropriations .....	22
SF 509 .....	Agriculture and Natural Resources Appropriations .....	23
SF 510 .....	Justice System Appropriations .....	24
SF 511 .....	Judicial Branch Appropriations .....	25
SF 517 .....	Economic Development Appropriations .....	25
SF 533 .....	Standings Appropriations .....	25
SF 536 .....	Transportation Appropriations .....	26

2011 Bills That Failed .....		27
------------------------------	--	----

# INTRODUCTION

In 2011 Iowa counties participated with the 1st Session of the 84th General Assembly in the development of many important public policy decisions.

These bill summaries are organized according to ISAC areas of interest. In addition, all appropriations bills are located in the section entitled "Appropriations." All members should look through this section to see appropriations items that are of interest. Most appropriations bills contain multiple topics so there is probably something in there for everyone.

Generally, bill summaries should be easy to find since the category subjects are so distinct. For example, a bill dealing with mental health redesign would be found under "Human Services." However, there are some occasions where a bill could logically fit under more than one category. We have cross-referenced those bills for your convenience.

At the end of each summary, you may find the effective date for the bill or certain portions of the bill. If no effective date is listed, the bill is effective July 1, 2011. On the title line of each summary you will find the initials of the ISAC staff member(s) who summarized the bill. Their initials are:

HD - Hanna De Groot, Public Policy Specialist  
KH - Kristi Harshbarger, Legal Counsel  
LH - Linda Hinton, Government Relations Manager  
MBM - Mary Beth Mellick, Fiscal Analyst/Public Policy Specialist  
WRP - William Peterson, Executive Director

As always, this summary is not intended to report on every bill down to the smallest detail. As the name says, it is a "summary." While we strive for completeness and accuracy, time and space restrictions prevent us from including everything on a piece of legislation. If you think a bill might have some specific application for your office, please get a copy of the enrolled bill and review it in detail for yourself. You can get an enrolled bill by calling the Legislature's Legislative Information Office at 515.281.5129 or at <http://www.legis.state.ia.us>.

We always want to improve this product. After you have read this book please let us know what additional information you would like to see in next year's summary book.

# ISAC Priorities Update

**Funding for Disability Services** - After an entire session of discussion regarding Iowa's disability service system, the legislature agreed on an infusion of \$26 million into the county-managed adult disability services system. Of the \$26 million in new funding, \$10 million was allocated to the Risk Pool to provide funding to address county waiting lists for services. The remaining \$16 million was added into allowed growth to be distributed via formula to the counties.

Frustration with the ongoing mental health funding crisis faced by the counties led the legislature to pass SF 525, setting out the legislative intent to redesign the mental health and disability services (MH/DS) system in Iowa. It proposes that the state assume responsibility for the provision and funding of Medicaid services and that non-Medicaid funded services be managed and funded on a regional basis. Unfortunately, the Legislature also repealed the current county-managed system in SF 209 effective July 1, 2013. The code sections repealed are: Iowa Code §331.424A (county mental health, mental retardation and developmental disabilities (MH/MR/DD) services fund); Iowa Code §331.438 (county services expenditures); Iowa Code §331.439 (county eligibility for state payment); Iowa Code §331.440 (central point of coordination process); and Iowa Code §426B (property tax relief).

The redesign bill calls for the creation of a legislative interim committee to establish a plan for revising disability services for adults during the 2011 interim. This interim committee will be made up of an equal number of legislators from both chambers and both parties. The interim is charged specifically with looking at property tax issues, the repeals of the current system that were included in SF 209 and go into effect July 1, 2013, and state funding of services.

The Department of Human Services is directed to set up a number of work groups to address specific issues and provide recommendations to the interim committee. There will be work groups on children's mental health, brain injury, adult mental health, adult intellectual/developmental disabilities, and regional administration. In addition, the Judicial Branch work group on commitments that has been meeting for a year is to continue during this interim. The brain injury, adult mental health and adult intellectual /developmental disabilities work groups are expected to form subgroups that will look at dual diagnosis issues with substance abuse.

The plan developed by the interim committee will be presented during the 2012 legislative session for consideration, with full implementation of the changes by July 1, 2013.

**Agricultural Building Value** – Although there were numerous discussions with legislators about this issue, no bills were introduced that reflected the ISAC priority to remove agricultural buildings from the agricultural productivity formula and to place the buildings in a new classification for taxation. This would allow new buildings to create growth beyond what the current productivity formula allows to assist counties in funding the roads, bridges, and other infrastructure necessary for agribusinesses to continue to flourish in Iowa.

**Funding of TIME-21** - There were no bills filed this year to increase road funding. The Governor made it clear that he did not want to address a gas tax during the first year of his term. He has formed a Transportation 2020 Citizen Advisory Commission (CAC) designed to establish new and innovative ways of financing infrastructure needs of Iowa's roadways.

**Guidelines for Classification of Agricultural Property** - ISAC was successful in getting a bill, SSB 1033, introduced that would have given assessors more specific guidelines in determining whether to classify a property as residential or agricultural. The bill was discussed in subcommittee but did not move any further.

**Funding of County Programs** – County programs, as most other line items, were generally funded at the FY 2011 level. Military and elderly and disabled property tax credits were fully funded, while agricultural and family farm credits saw no change and homestead credits were decreased by \$1,569,526.

The funding for local public health saw slight decreases in various line items over the FY 2011 level. The Environment First Fund was funded at the same level for FY 2012 and increased an additional \$2 million for FY 2013. The appropriation is set to increase to the statutory amount of \$42 million for FY 2014. The appropriation for the Resources Enhancement and Protection Fund was \$3 million less than FY 2011.

# COUNTY ADMINISTRATION AND ORGANIZATION

## **HF 132 - Notification of Urban Renewal Plans**

HD

Auditors

This bill requires a municipality, following approval of an urban renewal plan that provides for a division of revenue, to file the plan in the office of the county auditor of each county where the property is located.

## **HF 243 - County Transfer Books**

HD

Auditors, Recorders

The bill provides that upon the receipt by the recorder of certain instruments containing information relating to the ownership of real estate and the payment of all required fees, the auditor shall enter the updated or corrected real estate ownership information in the transfer books and index. The county recorder is directed to deliver such instruments.

## **HF 299 - Copper Theft Ordinance**

KH

County Attorneys, Sheriffs, Supervisors

In counties where copper theft has been reported, this bill allows the board of supervisors to adopt an ordinance requiring salvage dealers to maintain records of all purchases and receipt of salvaged materials for a minimum of one year from the date of purchase or receipt by the salvage dealer. If the county issues a license or permit to a salvage dealer for the operation of a salvage business, the ordinance provides for the suspension, revocation, or nonrenewal of the salvage dealer's license or permit in the event the ordinance is violated. If the county does not issue such a license or permit to a salvage dealer, the ordinance may provide for such penalty as the board of supervisors deems appropriate.

In addition, this bill amends the definition of "trespass" to include public utility property. It specifies that "trespass" will also include entering the public utility to retrieve personal property accidentally or inadvertently left there, if the person has been notified to abstain from entering. Trespassing upon public utility property is a class "D" felony.

## **HF 321 - County Attorney Duties**

LH

County Attorneys

This bill strikes provisions requiring a county attorney to bring an action against a debtor who owes money to the permanent school fund and specifies that the school board shall bring the action. The bill strikes a provision requiring a county attorney to provide legal advice to a school or school officer. The bill repeals Iowa Code chapter 818, which established the interstate extradition compact for fugitive criminal defendants, and Iowa Code chapter 819A, the Uniform Act for rendition of prisoners as witnesses in criminal proceedings.

## **HF 393 - Death Certificates**

HD

Recorders

This bill allows a physician assistant or advanced registered nurse practitioner who is licensed in Iowa and who was in charge of a deceased patient's care to sign a death certificate, unless there is a nonnatural cause of death.

## **HF 454 - Unpaid City Utility Collection**

LH

Treasurers

This bill relates to the certification to a county treasurer of unpaid sewer, storm water drainage, sewage treatment, solid waste collection, water, or solid waste disposal charges. The bill allows a city utility to delegate its certification authority to a designee by a resolution of the utility's governing board. The bill also allows a city council to delegate its certification authority by ordinance, to a city utility under an Iowa Code chapter 28E agreement for joint billing or collection services, or to that utility's designee.

## **HF 461 - Deer Tags**

HD

Recorders

This bill requires that a deer tag must be attached to the carcass of a deer taken within 15 minutes of the time the deer is located or before the carcass is moved to be transported from the place where the deer was taken, whichever occurs first. Currently, by rule, a tag must be attached to the carcass of a deer taken within 15 minutes of the time the deer is killed or before the carcass is moved in any manner, whichever occurs first.

## **HF 493 - Repayment of Salary and Settlement Pay for Public Employees Convicted of a Felony**

WRP

All County Officials

This bill requires a public employee charged with a felony and ultimately convicted of the crime to pay a civil penalty equal to the cash wages received during a paid leave of absence plus any contract termination payments.

## **HF 512 - Exemptions from Public Funds Investment Requirements**

WRP

Auditors, Supervisors, Treasurers

This bill provides an exemption from standards and requirements otherwise applicable to the investment of public funds. The exemption allows a joint investment trust organized pursuant to Iowa Code chapter 28E that has established a qualified trust for cities and counties to fund future liabilities for "other post employee benefits" as defined in Government Accounting Standards Board Statements 43 and 45 to invest in long-term securities such as equities.

# COUNTY ADMINISTRATION AND ORGANIZATION

## **HF 536 - Duties of State Auditor**

*KH*

*Auditors*

This bill makes various changes to the State Auditor's duties including two minor changes of interest to counties to Iowa Code chapter 11. First, the number of signatures required to petition for a re-audit is increased from 50 to 100. Second, the bill formalizes the Iowa Attorney General's position that any request for proposals by a governmental subdivision concerning the employment of certified public accountants must be in writing.

Damages for a violation of the open records or public meetings laws are increased by this bill, to not less than \$1,000 but not more than \$2,500, if the member of the governmental body *knowingly participated* in a violation. In addition, in order to rely upon an opinion of the Attorney General or county attorney in defense of a violation of the open records or public meetings laws, the opinion must be in writing or in the minutes of a meeting at which a formal oral opinion was given. The bill removes the provisions in the open records statutes that allowed criminal prosecution and made violation of the open records laws a simple misdemeanor.

## **HF 651 - Special Registration Plates**

*HD*

*Treasurers*

This bill adds the combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge plates, as well as Civil War sesquicentennial plates and fallen peace officers plates to the options for special registration plates. The Department of Transportation is to design a distinguishing emblem for each of these badges and issue special registration plates with these emblems after 250 orders are received along with a \$20 start-up fee per order. The current registration plates have to be surrendered to the county treasurer who shall validate the special registration plates.

The bill makes information regarding compensation in personnel records a public record. Compensation is broadly defined to include "means of payment of, or agreement to pay, any money, thing of value, or financial benefit conferred in return for labor or services...including but not limited to casualty, disability, life, or health insurance, other health or wellness benefits, vacation, holiday, and sick leave, severance payments, retirement benefits, and deferred compensation." In addition, all of the following information about current and former county employees is now specifically classified as public records: 1) the dates an individual was employed by the county; 2) the positions held with the county; 3) certain educational history; 4) work history; and 5) a statement whether an individual was discharged as the result of a final disciplinary action.

## **HF 654 - Drainage District Funds**

*HD*

*Treasurers*

This bill allows the board of a drainage district having a pumping station to direct the county treasurer to deposit all or any part of moneys levied and collected in taxes from a special county drainage or levee fund into a checking account for the board. The board, at its own expense, must employ a certified public accountant to perform an annual audit of the account.

Finally, the bill makes settlement agreements related to legal disputes and, if requested, a summary of any settlement agreement a public record.

Effective Date: Upon enactment, May 12, 2011

## **SF 315 - Emergency Management Planning**

*MBM*

*Emergency Management, Supervisors*

## **SF 289 - Open Records and Public Meetings**

*KH*

*All County Officials*

This bill amends notice requirements applicable to reconvened meetings. There is no need for additional notice if a meeting reconvenes within four hours of the start of its recess, if there is no change in the agenda, and if oral notice of the reconvened meeting is given at the original meeting in open session and recorded in the minutes of the meeting.

This bill changes the name of comprehensive, countywide emergency operations plans to comprehensive emergency plans, and makes conforming amendments. The bill defines the term "commission" as a local emergency management commission or a joint emergency management commission.

This bill amends the closed session or confidential records exemption for the purchase of real estate to include discussions of the sale of real estate, where premature disclosure could reasonably be expected to reduce the price the governmental body would receive for that property, and real estate sale contracts or appraisals submitted in connection with the sale of real estate.

The bill changes the entities required to work with the Homeland Security and Emergency Management Division of the Department of Public Defense in establishing local emergency management commissions. Currently, the county boards of supervisors, city councils, and school district boards of directors are the designated entities. The bill replaces the school district boards of directors with the county sheriff as a designated entity.

# COUNTY ADMINISTRATION AND ORGANIZATION

The bill makes the following Code language changes: any reference to county emergency management coordinator is replaced with local emergency management coordinator; any reference to political subdivisions of a county, or any reference to a city or county, is replaced with political subdivisions of an emergency management commission or joint commission. Additionally, the bill makes the local emergency planning committee member on the Iowa emergency response commission a voting member.

Currently, the Homeland Security and Emergency Management Division of the Department of Public Defense performs certain annual reporting duties related to the disaster aid individual assistance grant fund. The bill replaces the Homeland Security and Emergency Management Division with the Department of Human Services for this reporting function.

## **SF 396 - Indemnification Provisions in Construction Contracts**

*WRP Attorneys, Engineers, Supervisors*

This bill declares indemnity provisions of construction contracts that require one party to indemnify and hold harmless the other party for losses, damages, attorney fees or expenses resulting from negligent acts or omissions of the indemnitee or the indemnitee's employees is void and unenforceable as contrary to public policy. A construction contract includes buildings and other public infrastructures but does not include roads, bridges, and highways.

## **SF 434 - Delinquent Tax Process Changes**

*LH Treasurers*

This bill makes several changes in the delinquent property tax processes used by county treasurers. The bill specifies that delinquent sanitary district fees are treated similarly to special assessments so that the delinquent sewer rental fees do not attach to the property if the property is transferred before the certification of the delinquency to the treasurer.

The bill requires the county treasurer to provide a taxpayer a receipt only if payment is made in cash. In all other cases, receipts are only required if requested.

The bill moves the required date for delinquency notices from the amount due on February 1 to the amount due on November 1 in order to notify taxpayers earlier in the process.

The bill specifies that in regards to levee and drainage districts assessments that if the last day of September is a Saturday or Sunday, the amount is delinquent beginning on second business day of October.

## **SF 464 - Hunting Mourning Doves**

*HD Conservation Directors, Recorders*

This bill authorizes the natural resource commission to establish an open season for hunting mourning doves.

# HUMAN SERVICES AND PUBLIC HEALTH

## **HF 363 - Commission on Veterans Affairs**

*HD Veterans Affairs Directors*

This bill gives the Commission on Veterans Affairs the duty of approving prior to adoption all proposed rules submitted by the Department of Veterans Affairs relating to programs administered by the department. The bill also gives the Commission the duty of providing guidance and recommendations regarding the department's budget and consulting with the department on training for county veterans affairs directors and administrators of county commissions of veterans affairs.

## **HF 364 - Veterans Records**

*HD Veterans Affairs Directors*

This bill requires the Department of Veterans Affairs to provide the appropriate county commission of veterans affairs with a roster of information, including the name, address of record and the county of residence of military service members discharged from active duty within 30 days of the department receiving notification.

## **HF 389 - Medicaid Fraud Unit Costs**

*LH Community Services*

This bill provides that investigative costs recouped by the Medicaid fraud control unit, as well as penalties and other amounts received through prosecution that are not credited to the Medicaid program, may be credited to the Medicaid fraud account. The bill defines "investigative costs" as the reasonable value of a Medicaid fraud control unit investigator's, auditor's, or employee's time attributable to a particular case, any moneys expended by the Medicaid fraud control unit attributable to a particular case, and the reasonable fair market value of resources used or expended by the Medicaid fraud control unit attributable to a particular case. The bill also amends the definition of "restitution" to include payment to the medical assistance program for expenditures paid on behalf of the victim resulting from the offender's criminal activities, including investigative costs incurred by the Medicaid fraud control unit.

## **HF 467 - Department of Public Health Programs**

*HD Public Health*

This bill makes various changes to the programs of the Department of Public Health. One provision in the bill removes the county boards of supervisors as potential recipients of grants to promote healthy aging and limits grants to local boards of health.

## **SF 233 - Authorized Medicaid Providers**

*LH Community Services*

This bill directs the Department of Human Services (DHS) to adopt rules entitling licensed mental health counselors and certified alcohol and drug counselors to payment for behavioral health services provided to recipients of medical assistance, subject to any limitations and exclusions required by federal laws and regulations. The bill also directs DHS to amend the Medicaid state plan to allow licensed mental health counselors and certified alcohol and drug counselors to be participating behavioral health providers under the Medicaid program.

## **SF 313 - IowaCare Changes**

*LH Community Services*

This bill provides that unpaid premiums under the Medicaid for employed people with disabilities (MEPD) program and the IowaCare program are considered "qualifying debts" subject to debt setoff procedures. In order to comply with federal requirements, the bill provides that IowaCare members with household incomes at or below 150% of the federal poverty level (FPL) would not be assessed a monthly premium and that those with incomes greater than 150% of the FPL, regardless of the number of IowaCare members in the household, would be assessed a monthly premium not to exceed one-twelfth of 5% of the household's monthly income. The bill also provides that a member is subject to disenrollment if premiums are not paid within 60 days of the date the premiums are due. The bill extends the date by which all Medicaid recipients age 12 years or younger are to have a designated dental home from December 31, 2011, until July 1, 2013.

**SF 482 - DHS Technical: Medicaid Suspension** - See Public Safety

## **SF 525 - Mental Health/Disability Services Redesign**

*LH Community Services, Supervisors*

Division I of this bill sets out the legislative intent to redesign the mental health and disability services (MH/DS) system in Iowa. The bill proposes that the state assume responsibility for the provision and funding of Medicaid services and that non-Medicaid funded services be managed and funded on a regional basis.

The bill calls for the creation of a legislative interim committee to establish a plan for revising disability services for adults during the 2011 interim. The Department of Human Services (DHS) is directed to set up a number of work groups to address specific issues and provide recommendations to the interim committee. The plan developed by the interim committee will be presented to the 2012 legislative session for consideration, with full implementation of the changes by July 1, 2013.

# HUMAN SERVICES AND PUBLIC HEALTH

Division I takes effect upon enactment.

Division II of the bill directs the Legislative Services Agency to draft a study bill of changes to conform Code provisions with the redesign effort implemented in the bill.

Division III of the bill also provides for a work group on children's mental health issues that is directed to submit a plan by December 2012. The bill also provides for a transformation of services provided through psychiatric medical institutions for children with inclusion of these services in the state's Medicaid mental health managed care contract in FY 2013.

Division IV of the bill rewrites Iowa Code provisions related to community mental health centers and Division V provides for changes in terminology dealing with substance abuse issues. Both of these divisions go into effect on July 1, 2012.

Effective date: Upon enactment, retroactive to June 30, 2011

# LAND USE AND ENVIRONMENTAL HEALTH

## **HF 392 - Plumber, Mechanical Professional, and Contractor Licensing Changes**

*MBM Environmental Health, Supervisors, Zoning*

This bill revises a number of definitions and establishes license fees for an apprentice and journeyman, and for a master license for calendar years 2011 and 2012. The bill specifies that a county shall not impose any fee or charge on any individual or business licensed by the board in plumbing, HVAC, refrigeration, or hydronic systems work. The county may, however, charge fees for the issuance of work permits and inspections of work performed in the county.

## **HF 516 - Subdivision Improvements**

*MBM Recorders, Supervisors, Zoning*

This bill defines subdivision improvements as any fixture, structure or other improvement to land to be constructed or installed by the proprietor as a condition of the governing body's (city council or county board of supervisors) approval of a subdivision plat.

## **SF 393 - Drainage and Levee Districts - Delivery of Written Communication**

*MBM Engineers, Supervisors, Zoning*

Under current law, a levee and drainage district is managed by the county board of supervisors, joint boards of supervisors if the district crosses county lines, or by the district's landowners acting through a board of trustees. When a board or county officer is required to deliver written communication to a state agency or local government, the bill specifies the entity for which the written communication is to be delivered.

## **SF 407 - Sewage Disposal Systems**

*MBM Environmental Health, Supervisors, Zoning*

This bill allows the delegation of the Department of Natural Resources' (DNR) permitting and enforcement powers of the construction of semipublic sewage disposal systems to a county through mutual agreement, and makes various changes relating to the DNR's authority to provide for a variance of regulations in regard to disadvantaged communities. The bill also allows counties to assess civil penalties and provides that the revenues collected be deposited into the Unsewered Community Revolving Loan Fund.

## **SF 428 - Drainage and Levee Districts - Assessment of Lakes and Wetlands**

*MBM Engineers, Supervisors, Zoning*

Under current law, the land on which a levee and drainage district is located is assessed by three commissioners appointed by a board to classify lands, fix percentages of benefits, and apportion and assess costs and expenses. The bill provides that the recognized public benefit derived from draining surface water from land includes state-owned lakes and wetlands. The bill also specifies the manner for assessment.

Effective Date: Upon enactment, April 14, 2011

## **SF 478 - Livestock Remediation Fund**

*KH Supervisors*

This bill changes the manure storage indemnity fund to a livestock remediation fund, which allows for the funds to be allocated to the Iowa Department of Agriculture and Land Stewardship (IDALS) for the payment of expenses associated with providing for the sustenance and disposition of livestock in immediate need of sustenance. Upon petition from IDALS, and determination by the court that livestock are in immediate need of sustenance, an order will be issued that IDALS shall assume supervision and provide for the sustenance of the livestock.

# PUBLIC SAFETY

## **HF 271 - Bail Restrictions**

LH

*County Attorneys, Sheriffs*

This bill specifies that a defendant awaiting sentencing or appealing a conviction for a forcible felony is not eligible for bail. The bill allows bail for a defendant convicted of or appealing a conviction for assault without the intent to cause serious injury but causing serious injury, willful injury causing bodily injury, sexual abuse between spouses, sexual abuse against a minor 14 or 15 years of age when the defendant is at least four years older than the minor, or child endangerment. The bill makes a defendant ineligible for bail if the defendant was convicted of or appealing a conviction for robbery in the second degree.

## **SF 7 - Boating While Intoxicated**

LH

*County Attorneys, Sheriffs*

This bill lowers the current .10 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses to .08 and clarifies the meaning of "operating." Operating is defined as a motorboat or a sailboat with a motor that is running. Operating a sailboat also includes having the sails hoisted and being underway.

## **SF 124 - Cell Phones in Jail**

LH

*Sheriffs*

This bill expands the definition of contraband to include a mobile telephone or other hand-held electronic communication device. Under the bill, a person commits the criminal offense of possessing contraband, if the person, not authorized by law, introduces into, conveys, makes, obtains or possesses a mobile telephone or other hand-held electronic communication device in a jail, municipal holding facility or correctional institution. A person who violates this provision commits a class "D" felony, punishable by up to five years and a fine ranging from \$750 to \$7,500. Failure to report a known possession of contraband violation to an official or officer of a secure facility is an aggravated misdemeanor, punishable by up to two years in prison and a fine of \$625 to \$6,250.

## **SF 236 - Department of Public Safety**

LH

*County Attorneys, Sheriffs*

This bill makes changes to the makeup of the Iowa Law Enforcement Academy Council increasing the number of members from seven to 13. The membership now includes two county sheriffs from a county of more than 50,000 population and one from a county of fewer than 50,000 population and a deputy sheriff. The sheriffs and the deputy must be members of the Iowa State Sheriffs and Deputies Association. Other new members come from the Iowa Peace Officers Association, the Iowa State Police Association and the Iowa Police Chiefs Association and from the Office of Motor Vehicle Enforcement of the Department of Transportation.

The bill also eliminates the requirement that fingerprints of all unidentified corpses and all persons taken into custody for a serious misdemeanor, aggravated misdemeanor, or felony be forwarded to the Federal Bureau of Investigation.

## **SF 259 - Presentence Investigation Report**

LH

*Community Services, County Attorneys, Sheriffs*

This bill provides that a presentence investigation must include the defendant's mental health and substance abuse history and the treatment options available in the community and the correctional system. The bill prohibits the originating source from releasing the mental health or substance abuse information relating to the histories, treatment, and use of medications of a defendant, unless the defendant authorizes the release.

## **SF 291 - Discovery of Mental Health Records**

LH

*Community Services, County Attorneys*

In *State v. Cashen*, 789 N.W.2d 400 (2010), the Iowa Supreme Court set forth certain protocol that must be followed to balance a patient's right to privacy with a defendant's right to present privileged mental health records that might influence a jury's determination of guilt. In response, this bill provides that, except as otherwise provided in the bill, the confidentiality privilege under Iowa Code §622.10 shall be absolute in relation to a criminal action and that the bill shall not be construed to authorize or require the disclosure of any privileged records to a defendant in a criminal action unless either the privilege holder voluntarily waives the confidentiality privilege or the defendant seeking access to privileged records files a motion demonstrating in good faith: 1) a reasonable probability that the information sought is likely to contain exculpatory information; 2) that the information is not available from any other source; and 3) there is a compelling need for the information to present a defense in the case. Upon such defense motion, the court shall conduct an in camera review of the records to determine whether there is any other source for the information contained in the records. If exculpatory information is contained in the records, the court is required to balance the need to disclose such information against the privacy interest of the privilege holder. If the court determines that the privileged information sought is exculpatory and that there is a compelling need for such information that outweighs the privacy interests of the privilege holder, the court shall issue an order allowing the disclosure of only those portions of the records that contain the exculpatory information. The court's order shall also prohibit any further dissemination of the information to any person, other than the defendant, the defendant's attorney, and the prosecutor, unless otherwise authorized by the court. The bill provides that privileged information obtained by any means other than as provided in the bill is not admissible in a criminal action.

Effective Date: Upon enactment, March 30, 2011

# PUBLIC SAFETY

## **SF 327 - Juvenile Court Orders**

*LH County Attorneys, Sheriffs*

This bill eliminates the requirement that if that child is civilly committed for treatment as a child with mental retardation or mental illness a juvenile court order adjudicating a child to have committed a delinquent act shall be set aside and the petition shall be dismissed. The bill also provides that if, prior to the adjudicatory or dispositional hearing, the child is committed as a child with a mental illness or mental retardation and is ordered into a residential facility, institution or hospital for inpatient treatment, the delinquency proceeding shall be suspended until the juvenile court either terminates the civil commitment order or the child is released from the residential facility, institution, or hospital. During the suspension period, any time limits are tolled. The tolling provision does not apply to waiver hearings requesting jurisdictional waiver from juvenile court to district court.

## **SF 456 - Firearm Prohibition**

*LH Community Services, County Attorneys, Sheriffs*

Pursuant to federal law, this bill provides persons who have been subject to mental health commitments or adjudications are barred from possessing or receiving firearms. When a court issues a commitment order, the clerk of the district court shall forward the information necessary to identify the person to the Department of Public Safety (DPS). DPS shall forward the information to the Federal Bureau of Investigation for inclusion in the national instant criminal background check system database.

A person who is subject to these firearm restrictions may petition the court that issued the order or the court in the county where the person resides to remove the restrictions. The court shall receive and consider evidence concerning the petitioner's mental health and criminal history records, reputation, and any change in the petitioner's condition or circumstances.

Effective Date: Upon enactment, April 19, 2011

## **SF 482 - DHS Technical - County Attorney Study**

*LH County Attorneys*

This bill requires the Department of Human Services, in consultation with stakeholders, to conduct a review of the role of the county attorney in representing the department in juvenile proceeding under Iowa Code chapter 232 and to report the findings and recommendations by December 15, 2011.

## **SF 482 - DHS Technical - Medicaid Suspension**

*LH Community Services, Sheriffs*

This bills requires the Department of Human Services to suspend rather than terminate an individual's Medicaid eligibility when incarcerated for periods of less than 12 months, for persons who are eligible by reason of disability or being 65 years of age or older. To implement this, the department shall: 1) request a waiver from the Centers for Medicaid and Medicaid Services for the delay in suspension of eligibility for a period of the first 30 days upon commitment to a public institution; 2) develop a process for suspension of Medicaid eligibility in these circumstances beginning January 1, 2012; and 3) incorporate the suspension process into any future redesign of the Medicaid information management system.

Effective Date: Upon enactment, April 26, 2011

# TAXATION AND FINANCE

## **HF 512 - Exemptions from Public Funds Investment Requirements** - County Administration and Organization

## **HF 679 - Replacement Tax for Cogeneration Facilities** *WRP Assessors, Auditors, Treasurers*

This bill applies special valuation provisions limiting the valuation of machinery, equipment, and computers, or exempting them from tax, to new cogeneration facilities subject to assessed value provisions. The bill provides, however, that the exemptions shall be reduced for new cogeneration facilities by an amount bearing the same ratio to the value of the exempt property as the allowable credit bears to the assessable value of the entire new cogeneration facility before the application of any abatements, credits or exemptions against that value.

Effective Date: Upon enactment, May 3, 2011, and is retroactively applicable to tax years beginning on or after January 1, 2010.

## **SF 530 - Family Farm Property Tax Credit** *MBM Assessors, Auditors, Treasurers*

This bill creates a family farm tax credit for owners of agricultural land located in a school district in which the levy for its general school fund exceeds \$5.40 per thousand dollars of assessed value. To be eligible for the tax credit, the owner of the agricultural land must be an individual or an eligible corporate entity, and the land must be farmed by the owner or a person related to the owner.

The bill increases the number of eligible corporate entities entitled to claim the tax credit. Currently, the credit can be claimed by a family farm corporation or an authorized farm corporation which are both exempt from the provisions of Iowa Code chapter 9H, prohibiting corporate entities from holding agricultural land.

The bill provides that a family farm limited liability company must comply with the same conditions as a family farm corporation, and an authorized limited liability company must comply with the same conditions as an authorized farm corporation. The bill specifies those conditions.

The bill provides that an owner cannot qualify for the tax credit if the owner leases the agricultural land to another person. One exception applies when the owner is also a shareholder of a family farm corporation and leases the land to that entity. The same exception applies to an owner who is also a member of a family farm limited liability company.

Effective Date: The bill takes effect January 1, 2012 and applies to a family farm limited liability company and authorized limited liability company tax credit filed on or after that date.

# TRANSPORTATION

## **HF 676 - Fee Exemption for Leased Government Vehicles**

*MBM*

*All County Officials*

This bill creates exemptions from the fee for new registration for vehicles leased to federal, state or local governmental agencies or certain nonprofit entities that are also exempt from the payment of sales tax and for vehicles leased to a governmental agency and titled in an individual's name pursuant to a governmental program authorized by law.

## **SF 149 - Incompetent to Operate a Motor Vehicle**

*LH*

*Treasurers*

This bill allows a licensed advanced registered nurse practitioner or a licensed physician's assistant to make the same kind of report to the Department of Transportation regarding a diagnosis affecting a person's ability to safely operate a motor vehicle, as currently allowed by a licensed physician or optometrist, disclosing a condition which would render the person incompetent to operate a motor vehicle in a safe manner.

## **SF 205 - DOT Omnibus**

*MBM*

*Engineers, Supervisors, Treasurers*

This bill requires the Department of Transportation (DOT) to waive the \$20 title fee and \$5 certificate of title surcharge when ownership of a vehicle is transferred to the surviving spouse of the decedent. In addition, the bill provides that, for purposes of calculating the annual registration fee of a motor vehicle that's transferred to a surviving spouse, the term "owner" includes the surviving spouse.

The bill provides that the DOT may suspend a person's driver's license or instruction permit, for violations of the restriction against the use of an electronic communication or entertainment device while driving. The bill also provides that if a citation is issued for such a violation, it must be issued under the Iowa Code sections relating to license restrictions in general.

The bill also makes changes to restrictions against the use of electronic communication or entertainment devices while driving; property damage threshold amounts for accidents involving snowmobiles and all-terrain vehicles; commercial driver's license requirements in regard to submission of vision reports and medical examiner certificates; and other changes relating to restricted driver's licenses.

## **SF 312 - Business-Trade Truck Registration Fees**

*LH*

*Treasurers*

This bill provides business-trade or special truck owners the option of applying for specialty plates. The bill requires the Department of Transportation (DOT) to discontinue the issuance of business-trade and special truck registration plates on or before January 1, 2012. The DOT may provide another means of identifying business-trade trucks and special trucks for enforcement purposes by rule. Most current owners of trucks with business-trade or special truck plates shall continue to use those plates until ownership transfers or the DOT issues a new series of Iowa registration plates. However, an owner may elect to trade current business-trade or special truck plates for any of the specialty plates for which the owner qualifies, subject to the additional fees applicable for the specialty plates. An owner who applies for a new registration of a business-trade truck or special truck will have the option to choose specialty plates or be issued regular registration plates.

Effective Date: Applicable to plates issued on or after January 1, 2012

## **SF 396 - Indemnification Provisions in Construction Contracts** - See County Administration and Organization

# APPROPRIATIONS

## **HF 45 - FY 2011 Deappropriations and Supplemental Funding**

MBM

All County Officials

This bill relates to public funding and regulatory matters and making, reducing and transferring appropriations and revising fund amounts. The divisions of interest to local governments are summarized below.

The bill directs the Iowa Telecommunications and Technology Commission to implement a request for proposals process to sell or lease the Iowa Communications Network (ICN), with the sale to be concluded or lease to commence in FY 2013. Public funds are not to be used to secure the purchase of the network. The bill also requires the commission to submit status reports to the General Assembly every three months, beginning October 1, 2011, regarding progress made toward selling or leasing the network.

Under current law, effective June 30, 2011, the Rebuild Iowa Office (RIO) sunsets. The bill eliminates all Iowa Code references to RIO and requires the Justice System Joint Appropriations subcommittee to consult with the Homeland Security and Emergency Management Division of the Department of Public Defense, and other entities, in proposing legislation identifying state agencies to assume duties of RIO. The bill also deappropriates the FY 2011 appropriation to RIO by \$150,000.

The bill requires each state department that provides funding to a political subdivision to annually review the statutory and regulatory requirements applicable to the political subdivision's receipt of the funding. The purpose of the review is to identify any barrier in statute, rule or policy that would prevent recovery of any funding provided to a political subdivision that remains unencumbered or unobligated in cases where the political subdivision no longer complies with the requirements to receive the funding. If a barrier exists, the Department of Management (DOM) is required to propose legislation or rule or policy changes to remove the barrier.

The bill creates the Taxpayer Transparency Act and requires DOM to develop and make available to the public by January 1, 2013, a searchable budget database and website. The website would allow the public, at no cost, to search an aggregated database that would provide the names of recipients of state funds, the amount of funds expended, the program or activity of the expenditure, and other relevant information. The bill provides that by January 1, 2014, data is to be added for previous fiscal years.

The bill also requires DOM, in consultation with the Department of Revenue (DOR), by January 1, 2012, to develop and make publicly available, a searchable database of all the tax rates in the state for each taxing jurisdiction. The information is to include all applicable tax types imposed in the taxing jurisdiction, and be organized, presented and accessible by county, city and physical address for each residency or business. Individual tax levies are to be further specified within each tax rate. In addition, searches are to be accommodated by a geographical tax rate map corresponding to each jurisdiction. To facilitate DOM's efforts in creating and maintaining the database, each jurisdiction may annually be required to report its tax rates to DOM or DOR, and report any tax rate changes within 30 days of the change.

## **HF 646 - Administration and Regulation Appropriations**

MBM

All County Officials

This bill makes appropriations from the state general fund to various administrative and regulatory state agencies for FY 2012 and includes policy provisions.

To the Governor's Office of Drug Control Policy ..... \$290,000 (-\$56,854)

The bill requires the first \$750,000 collected by the Department of Transportation from the sale of certified driver's records be allocated to the lowAccess Revolving Fund. This is a decrease of \$250,000 compared to FY 2011. The bill also appropriates \$75,000 from the lowAccess Revolving Fund to the Office of the Secretary of State for costs associated with redistricting.

## **HF 648 - Infrastructure Appropriations**

MBM

All County Officials

This bill makes infrastructure-related appropriations from a number of sources to various state departments and agencies for FY 2012 and later years.

# APPROPRIATIONS

## From the Rebuild Iowa Infrastructure Fund

To the Department of Natural Resources (DNR)	
For floodplain management and dam safety .....	\$2,000,000 (no change)
For the lake restoration and water quality program .....	\$5,459,000 (-\$4,541,000)
• Of this amount, \$350,000 is allocated for the engineering and hydrological study needed for preconstruction on the dam at Lake Delhi in Delaware County.	
• For FY 2011, a total of \$10 million was appropriated for the lake restoration and water quality program from the Revenue Bonds Capitals Funds (RBC and RBCII), of which \$100,000 was allocated for dredging and related improvements of Lake Delhi.	
For costs associated with the hiring of an asset manager at Honey Creek Resort State Park .....	\$75,000 (-\$25,000)
To the Board of Regents	
For the Iowa Flood Center at the University of Iowa .....	\$1,300,000 (-\$1,000,000)
To the Department of Cultural Affairs	
For the Iowa Great Places Program .....	\$1,000,000 (-\$1,000,000)
To the Department of Transportation	
For recreational trails .....	\$3,000,000
To the Treasurer of State	
For county fair infrastructure improvements .....	\$1,060,000 (no change)
• The funds are used for vertical infrastructure improvements at the 106 county fairs in the Association of Iowa Fairs. County fairs will receive \$10,000 each.	

## From the Technology Reinvestment Fund

To the Department of Management (DOM)	
For a searchable budget database .....	\$50,000
To the Department of Public Safety	
For radio upgrades .....	\$2,500,000
• In addition to this FY 2012 appropriation, the bill appropriates \$2.5 million each year for FY 2013 and FY 2014, for a total of \$7.5 million. The appropriation is for costs associated with purchasing radio equipment for the goal of meeting compliance with the federal narrowbanding mandate and achieving interoperability as defined in Iowa Code §80.28. The Department of Public Safety (DPS) is authorized to submit a report to the Legislative Services Agency and DOM by January 13, 2012, to include the estimated needs of DPS, Department of Corrections, and DNR to meet the narrowbanding mandate and to achieve interoperability, estimated costs to meet those needs, and any efforts to develop a public-private partnership.	

## Public Bidding and Contracting

The bill expands the state's reciprocal bidder preferences to include a resident labor force preference. The resident labor force preference is a requirement that all, or a portion of, a labor force working on the project is a resident of a particular state or country. The bill also specifies numerous requirements for nonresident bidders, including keeping accurate records for three years of residency for all workers employed by the contractor for public improvements projects. The bill includes civil penalties for violations and for enforcement by the Labor Commissioner.

The bill also strikes the requirement that a county board of supervisors give preference to Iowa labor, in accordance with Iowa Code chapter 73, when contracting for public improvement projects, and repeals the requirement that public bodies give preferences to Iowa labor in public improvement or public work projects. In addition, the bill specifies that to be a resident bidder, the resident bidder has to use, to the greatest extent possible, resident subcontractors.

Effective Date: Division V relating to public bidding and contracting takes effect September 1, 2011.

## HF 649 - Health and Human Services Appropriations

MBM, LH

All County Officials

This bill makes appropriations from various sources for human services, aging, veterans and public health programs for FY 2012.

# APPROPRIATIONS

## General Fund and Block Grant Appropriations

To the Department of Aging

For case management for the frail elderly ..... \$10,302,577 (+\$5,907,263)

- The Senior Living Trust Fund appropriation is eliminated for FY 2012 and funds are replaced with General Fund appropriations. A portion of this general fund increase is to restore funds that were previously appropriated from the Senior Living Trust Fund.

To the Department of Public Health

For addictive disorders ..... \$23,503,190 (-\$3,887,863)

For strengthening local health care delivery systems ..... \$4,235,166 (-\$823,941)

For an initiative to expand and improve the workforce engaged in mental health treatment and services

- To the University of Iowa ..... \$111,308 (-\$18,433)
- To the state mental health institute at Cherokee ..... \$100,493 (-\$16,649)
- For a mental health professional shortage program ..... \$144,542 (+\$1,392)
- For psychologists in urban and rural mental health professional shortage areas ..... \$38,263 (-\$2,637)
- To local boards of health for three pilot programs to assist patients in determining an appropriate medical home ..... \$77,609 (+\$3,092)
- To maternal and child health centers for pilot programs to assist patients in determining an appropriate medical home ..... \$77,609 (+\$3,092)
- To rural health clinics to assist patients in determining a medical home ..... \$110,430 (no change)

For reducing public exposure to environmental hazards ..... \$813,777 (-\$20,689)

- For childhood lead poisoning prevention, testing and remediation ..... \$544,377 (-\$46,003)

For infectious diseases prevention and care ..... \$1,345,847 (-\$85,905)

For public protection ..... \$2,776,232 (-\$369,015)

- To the emergency medical services fund ..... \$471,690 (no change)

To the Department of Veterans Affairs

For the Iowa Veterans Home ..... \$8,952,151 (no change)

For the county commissions of veterans affairs fund ..... \$990,000 (+\$90,000)

- The \$90,000 increase is a General Fund increase. For FY 2011, a total of \$990,000 was appropriated for the county commissions of veterans affairs fund, \$900,000 from the General Fund and \$90,000 from the Merchant Marine Bonus Fund.

To the Department of Human Services (DHS)

- For MH/DD community services ..... \$4,894,052 (no change)

- For medical assistance ..... \$909,993,421 (+\$516,310,194)

- Of the funds appropriated, \$5 million is to be used to reduce waiting lists of the following medical assistance home and community-based services waivers: the waiver for persons with intellectual disabilities, the waiver for persons with brain injury, and the children's mental health waiver. DHS is to distribute the funding proportionately among the waivers.

- For an integrated substance abuse managed care system ..... \$950,000 (no change)

For state supplementary assistance ..... \$16,850,747 (-\$1,408,488)

For child and family services ..... \$82,830,163 (+\$4,964,613)

- Up to \$30,169,129 (+\$936,123) is to be used for group foster care maintenance and services.

- DHS shall examine all group foster care placements and identify those that might be appropriate for termination when a service area is at risk of exceeding its expenditure target by more than 5%.

- \$1,717,753 (no change) is allocated specifically for de-categorization service funding pools and governance boards.

- State funding for shelter care is limited to ..... \$7,170,116 (-\$724,031)

- For continuation and expansion of child protection sites ..... \$630,240 (no change)

- For continuation of minority youth and family projects ..... \$371,250 (no change)

- For a substance abuse and mental health services grant ..... \$1,200,495 (+\$275,189)

For MH/DD community services ..... \$14,211,100 (no change)

- For the MH/DD community services fund for FY 2012 ..... \$14,187,556 (no change)

- For the Iowa Compass program ..... \$ 23,544 (no change)

For Medicaid, state supplementary assistance and provider reimbursement rates

- The bill provides that the actual and allowable reimbursement rates for juvenile shelter care homes shall be determined based on a financial and statistical report submitted to DHS. The state's share of the cost per day is capped to \$92.36 (no change from FY 2011).

# APPROPRIATIONS

- DHS is to adjust the Home and Community-Based Services (HCBS) rates in effect on June 30, 2012, for providers of HCBS waiver services to distribute an additional \$1.5 million in reimbursement for the fiscal year.

## County MH/MR/DD/BI Allowed Growth Distribution

For distribution to counties of mental health allowed growth funding for FY 2012 ..... \$54,697,893 (+\$6,000,000)

- In addition, the bill appropriates \$10 million of the \$20 million credited to the property tax relief fund in SF 209, for a total appropriation of \$64,697,893 for allowed growth for FY 2012.
- Special allocation ..... \$28,000,000 (+\$16,000,000)
  - Eligibility for this pool is conditioned on a county having a FY 2010 adjusted fund balance of 15% or less after disregarding the temporary funding increase provided to counties for FY 2010 through the federal American Recovery and Reinvestment Act of 2009 (ARRA); a FY 2011 levy of either 100% or 90% with a rate of at least \$2.00; or a FY 2010 levy of at least 92%.
- Allowed growth ..... \$28,000,000 (+\$16,000,000)
  - All counties are eligible for funding from this pool.
- Community services ..... \$14,187,556 (no change)
  - All counties are eligible for funding from this pool.
- Withhold target ..... \$13,075,453 (no change)
- Withholding factors for FY 2012
  - For an ending fund balance of less than 5%, a withholding factor of 0%.
    - Counties in this category shall also receive an inflation adjustment factor equal to 3% of the gross expenditures for the fiscal year.
  - For an ending fund balance of at least 5% but less than 10%, a withholding factor of 0%.
    - Counties in this category shall also receive an inflation adjustment factor equal to 2% of the gross expenditures for the fiscal year.
  - For an ending fund balance of at least 10% but less than 25%, a withholding factor of 25%.
    - For counties with an ending balance of between 10% and 15%, the amount withheld is to be limited to the amount by which the county's ending balance was in excess of the ending balance percentage of 10%.
  - For an ending fund balance of at least 25%, a withholding factor of 100%.
  - The bill provides that if a county borrowed money to provide mental health services on or before July 1, 2009, and the county's fund balance includes loan proceeds or amounts designated to service the loan, those amounts shall not be considered when calculating the ending fund balance under this section.
  - The bill provides for purposes of calculating ending balance amounts, the county ending balances shall be adjusted to disregard the temporary funding increases provided to the counties for FY 2012 through ARRA.
  - A county also may adjust their FY 2011 ending fund balance amount by rebating, no later than 10 calendar days after this bill's enactment date, all or a portion of the state funding received in FY 2011.

To be eligible to receive any funding from the allowed growth distribution, counties must levy at least 90% of their maximum mental health levy in FY 2012 and meet the reporting deadlines.

## Miscellaneous Provisions

The bill directs that the workgroup implemented by the judicial branch and DHS in last year's Health and Human Services Appropriations Act (HF 2526), and continued pursuant to SF 525, also address recommendations included in the final report of the stakeholder workgroup on residential care facilities implemented in HF 2526. The recommendations addressed are to include educating judicial magistrates and mental health patient advocates on ways to enhance the consistency of services for individuals who are court ordered to a residential care facility. In addition, the workgroup is to address issues involved with identifying facilities with the capacity to provide an appropriate placement for an individual who has been arrested, charged, or convicted of assault, a forcible felony, arson, or an offense that requires registration as a sex offender under the sex offender registry. The recommendations are to be included in the report submitted by the workgroup pursuant to SF 525.

## Effective Dates:

- The provision relating to child and family services takes effect upon enactment and applies retroactively to June 30, 2011.
- The provision making appropriations from the property tax relief fund for allowable growth funding pursuant to SF 209 takes effect upon enactment and applies retroactively to April 21, 2011.

# APPROPRIATIONS

## **SF 209 - Tax Changes and Supplemental Appropriations**

MBM

All County Officials

This bill makes numerous FY 2011 supplemental appropriations, appropriates funds for support of the elimination of county waiting lists for MH/ID services, and creates a taxpayers trust fund.

### **General Fund FY 2011 Supplemental Appropriations**

To the Department of Public Health (DPH)

For addictive disorders .....	\$675,896
For healthy children and families .....	\$68,192
For community capacity .....	\$13,275
For healthy aging .....	\$403,500
For infectious diseases .....	\$51,688

To the Department of Human Services (DHS)

For the state mental health institute at Cherokee .....	\$784,607
For the state mental health institute at Clarinda .....	\$623,793
For the state mental health institute at Independence .....	\$1,235,916
For the office of the state debt coordinator .....	\$300,000

### **General Fund FY 2012 Appropriations**

To DHS

To the property tax relief fund to address needs in the adult mental health and intellectual and other developmental disability services system, which may include but are not limited to eliminating county waiting lists and providing risk pool funding .....

- The act provides that it is the intent of the General Assembly to enact legislation providing for the reform of the adult MH/ID and other developmental disability services system and to implement a new services system structure by July 1, 2013, when the following repeals specified in the act take effect.
  - Iowa Code §31.424A - County mental health, mental retardation, and developmental disabilities services fund.
  - Iowa Code §331.438 - County mental health, mental retardation, and developmental disabilities services expenditures - joint state-county planning, implementing, and funding.
  - Iowa Code §331.439 - Eligibility for state payment.
  - Iowa Code §331.440 - Mental health, mental retardation, and developmental disabilities services - central point of coordination process - state case services.
  - Iowa Code Chapter 426B - Property Tax Relief - Mental Health, Mental Retardation, and Developmental Disabilities Services.

### **Taxpayers Trust Fund**

This bill creates a taxpayers trust fund under the Department of Management, separate from the state general fund, and requires that money in the fund be used for tax relief. The act also exempts monies in the fund from application of any formula, index or other triggering mechanism which would affect appropriations, payments or taxation rates, and from consideration of any collective bargaining provisions.

This bill changes the destination of excess funds after the Economic Emergency Fund reaches 2.5% of the adjusted revenue estimate. Prior to enactment of the bill, excess funds were transferred to the general fund to be appropriated in the next fiscal year. This act would distribute the excess amount as follows:

- The first \$60 million of the difference between the actual net revenue for the general fund and the adjusted revenue estimate for the fiscal year is transferred to the taxpayer's trust fund.
- The remainder is transferred to the general fund.

Effective Date: Upon enactment, April 21, 2011

## **SF 508 - Federal Block Grant Appropriations**

MBM

All County Officials

This bill appropriates funds made available from federal block grants for the federal fiscal year beginning October 1, 2011 (FFY 2012), to various state departments and agencies, and funds FFY 2013 at the same level as FFY 2012.

# APPROPRIATIONS

To the Department of Economic Development	
For community development block grants .....	\$28,514,788 (-\$54,860,026)
To the Department of Human Rights	
For community services block grants (CAP agencies) .....	\$7,540,877 (-\$4,059,976)
For low-income home energy assistance .....	\$70,527,851 (no change)
To the Department of Human Services	
For community mental health services (CMHCs) .....	\$3,370,840 (-\$678,413)
For social services .....	\$16,562,583 (+\$432,830)
• MH/MR/DD/BI community services (local purchase) .....	\$7,546,954 (-\$24,253)
For child care and development.....	\$43,792,517 (+\$431,017)
To the Department of Justice	
For the stop violence against women program.....	\$1,588,692 (-\$514,000)
To the Drug Policy Coordinator	
For substance abuse treatment programs in state and local correctional facilities .....	\$246,826 (+\$4,682)
For Byrne grants (state and local law enforcement assistance) .....	\$2,974,695 (no change)
To the Department of Public Health	
For substance abuse treatment and prevention .....	\$13,571,229 (-\$114,438)
For maternal and child health services .....	\$6,529,540 (+\$11,359)
For preventive health and health services .....	\$1,102,464 (+\$35,207)

Effective Date: Takes effect upon enactment, and applies retroactively to July 1, 2011.

## **SF 509 - Agriculture and Natural Resources Appropriations**

MBM

All County Officials

This bill makes appropriations for agriculture and natural resources programs for FY 2012 and includes policy provisions affecting agriculture and natural resources.

To the Department of Natural Resources (DNR)

### **From the Groundwater Protection Fund**

For groundwater quality .....

	\$3,455,832 (no change)
--	-------------------------

### **From the Special Snowmobile Fund**

For enforcing snowmobile laws.....

	\$100,000 (no change)
--	-----------------------

### **From the Unassigned Revenue Fund**

For underground storage tank programs .....

	\$200,000 (no change)
--	-----------------------

### **From the Environment First Fund**

To the Department of Agriculture and Land Stewardship (DALs)

For the conservation reserve enhancement program .....

	\$1,000,000 (-\$500,000)
--	--------------------------

- Permits DALs to use these funds in combination with other appropriate Environment First Fund (EFF) monies to match federal funds provided from the federal Wetlands Reserve Enhancement Program.

For flood and erosion control, water quality and conservation .....

	\$900,000 (-\$600,000)
--	------------------------

For soil and water conservation administration .....

	\$2,000,000 (+\$248,400)
--	--------------------------

- This appropriation is to be used for administration of soil and water conservation programs and to support soil and water conservation districts.

For the soil and water conservation cost share program .....

	\$6,300,000 (+\$5,250,000)
--	----------------------------

- For FY 2011, the cost share program received a total of \$8,000,000 (\$1,050,000 from the EFF, \$1,000,000 from the Revenue Bonds Capital Fund and \$5,950,000 from the Revenue Bonds Capitals II Fund). The \$6,300,000 appropriation is the total appropriation for FY 2012, which is a decrease of \$1.7 million compared to FY 2011.

For a local food and farm program coordinator.....

	\$75,000
--	----------

For the Loess Hills development and conservation fund .....

	\$475,000 (-\$25,000)
--	-----------------------

# APPROPRIATIONS

To DNR

For water quality monitoring ..... \$2,955,000 (no change)  
 For regulation of animal feeding operations ..... \$420,000 (-\$188,400)  
 For air quality monitoring ..... \$425,000 (no change)

To the Iowa Resources Enhancement and Protection Fund ..... \$12,000,000 (-\$3,000,000)

## **Radios – Narrowbanding Mandate**

The bill provides that DNR has until June 30, 2012 to expend the unappropriated funds in the Fish and Game Protection Fund for radios, as required by the Federal Homeland Security Department. The radios must be compatible with the Department of Public Safety’s statewide network and must be purchased using a competitive bidding process. The bill also requires DNR to submit a report to the Legislative Services Agency and the Department of Management on or before January 13, 2012 detailing the estimated needs to achieve interoperability and to meet the federal narrowbanding mandate and any changes in estimated costs for those needs.

## **Rural Improvement Zones**

This bill authorizes a board of trustees of a rural improvement zone to authorize construction, reconstruction or repair of improvements outside of the zone following procedures set out in Iowa Code §331.341.

## **Watershed Improvement Fund**

The bill authorizes the revenue from civil penalties collected for violations of the Animal Agriculture Compliance Act to be deposited into the Watershed Improvement Fund beginning in FY 2013.

The bill divides the Watershed Improvement fund into two separate accounts. Currently, the fund includes appropriations, interest, recapture of awards and other payments. The two accounts are a general account consisting of appropriations and other items previously included, and a special account consisting of moneys assessed and collected by DNR from fines for certain water and air quality violations and animal feedlot violations.

Effective Dates:

- Division IX relating to the use of moneys from the State Fish and Game Protection Fund for radios takes effect upon enactment and applies retroactively to June 30, 2011.
- Division XIV relating to the Watershed Improvement Fund takes effect July 1, 2012.

## **SF 510 - Justice System Appropriations**

*MBM*

*All County Officials*

This bill makes the following general fund appropriations to the justice system for FY 2012.

To the Department of Corrections (DOC)

For reimbursement for county confinement of state prisoners ..... \$775,092 (no change)  
 For offender mental health and substance abuse treatment ..... \$22,319 (no change)

The bill includes intent language that provides that the DOC, in cooperation with townships, the Iowa cemetery associations, and other nonprofit or governmental entities, may use inmate labor during FY 2012 to restore or preserve rural cemeteries and historical landmarks. The DOC, in cooperation with the counties, may also use inmate labor to clean up roads, major water sources and other water sources around the state.

To the Iowa Law Enforcement Academy ..... \$868,698 (+\$19,551)

To the Department of Public Defense

For the Homeland Security and Emergency Management Division ..... \$1,836,877 (-\$117,248)

The bill appropriates up to \$200,000 from the wireless E911 emergency communications fund to the homeland security and emergency management division for FY 2012 for costs associated with implementation, support and maintenance of the functions of the E911 program manager and with an annual state audit of the wireless E911 emergency communications fund.

# APPROPRIATIONS

## **SF 511 - Judicial Branch Appropriations**

MBM

County Attorneys, Supervisors

This bill makes judicial branch appropriations and contains a number of policy provisions. The bill encourages the judicial branch to focus collection efforts on delinquent fines, penalties, court costs, and other fees and surcharges, and requires a semiannual update of the amount collected using the Iowa Court Information System. The bill also states the intent of the General Assembly that clerks of court operate in all 99 counties and "be accessible to the public as much as is reasonably possible."

The bill allows a civil trial to be held in a county contiguous to the county with proper jurisdiction, if all parties consent. The bill allows any judicial officer to waive travel reimbursement for any travel outside the home county. Finally, the bill authorizes the Iowa Supreme Court to order unpaid leave for all judicial officers on any day that judicial branch employees are also on unpaid leave.

Effective Date: Takes effect upon enactment, and applies retroactively to July 1, 2011.

## **SF 517 - Economic Development Appropriations**

MBM

All County Officials

This bill makes appropriations for various economic development programs for FY 2012 and contains related policy provisions.

To the Department of Cultural Affairs

For the great places program ..... \$150,000 (-\$56,195)

To the Department of Economic Development

To the workforce development fund ..... \$4,000,000 (no change)

To the Department of Workforce Development

For the workforce development board and field office operations ..... \$8,671,352 (-\$1,655,288)

- Of this amount, \$8,660,480 is allocated for the operation of field offices, a decrease of \$2,449,657 compared to FY 2011.

To the Public Employment Relations Board

For a website that allows access to a database of collective bargaining information ..... \$15,000 (no change)

## **SF 533 - Standings Appropriations**

MBM

All County Officials

This bill makes appropriations for property tax credits and other programs for FY 2012.

### **Property Tax Credits**

Limits the following FY 2012 General Fund standing appropriations to specified amounts:

- Homestead ..... \$86,188,387 (-\$1,569,526)
- Agricultural land and family farm ..... \$32,395,131 (no change)
- Elderly and disabled and military ..... Fully funded for FY 2012

### **Subdivided Property**

The bill allows counties to adopt an ordinance to extend for five years preferential property tax treatment for all housing property that was platted (subdivided into individual lots) between January 1, 2004, and December 31, 2010, and remains without permanent construction. With board of supervisor approval, a city council may provide the same extension for property within the city's borders, as long as the board of supervisors has not provided a five-year extension for that same property.

The amendment is first effective for taxes payable in FY 2014 and is not retroactive to previous tax years. The five-year extension is an extension to the current eight-year timeframe for counties with a population of 20,000 or more, and ten-year timeframe for counties with a population of less than 20,000. Thus, a five-year special assessment could be extended to 10 years, an eight-year special assessment could be extended to 13 years, and a 10-year special assessment could be extended to 15 years, for all counties.

# APPROPRIATIONS

The amendment also extends the preferential property tax treatment timeframe to all future subdivided housing property from the current maximum of three and five years, depending on population, to a consistent five-year timeframe.

The bill also extends the timeframe for plats pursuant to Chapter 354, without adoption of an ordinance. The amendment extends for five years preferential property tax treatment for all housing property that was platted between January 1, 2004, and December 31, 2010, and remains without permanent construction.

**Effective Dates:**

- Unless otherwise provided, the bill takes effect upon enactment and applies retroactively to July 1, 2011.
- Division XXIII relating to the tax status of subdivided property takes effect upon enactment, and applies to assessment years beginning on or after January 1, 2012.

**SF 536 - Transportation Appropriations**

*MBM*

*Supervisors, Treasurers*

This bill makes appropriations for FY 2012 from the Road Use Tax Fund to the state Department of Transportation (DOT).

**From the Road Use Tax Fund**

For drivers' licenses production costs/central issuance ..... \$3,876,000 (no change)

- This appropriation to the DOT is for costs associated with the lease of the Driver's License Digitized Photo Imaging System. The bill appropriates the same amount for FY 2013.

For county issuance of drivers' licenses and vehicle registrations and titles ..... \$1,406,000 (no change)

- Of the total amount appropriated, \$174,000 will be used for electronic processing of debit and credit cards for payments of driver's licenses, nonoperator identification cards, and civil penalties at county treasurer sites. Approximately \$1,202,000 of the appropriation will be used for information technology expenditures such as Iowa Communications Network (ICN) connection to issuance machines, servers, and databases for issuance activity.
- In addition to this appropriation, the DOT receives an annual Road Use Tax Fund standing appropriation of \$650,000 for the purchase of automation and telecommunications equipment, and support for issuing vehicle registrations, titles, and driver's licenses at county treasurer offices.

# 2011 BILLS THAT FAILED

Getting bills through the Legislature is obviously important to ISAC. But sometimes things that did not happen can also measure the success of a legislative session. ISAC policy statements and input from the legislative policy committee are principally used as the guideline for ISAC staff in opposing legislation. The following is a list of bills that ISAC opposed that were successfully defeated.

HF 73	Fair Share Agreements	SF 369	Unprocessed Food
HF 89	Local Prevailing Wage	SF 430	Open Meetings/Open Records
HF 104	Silencer Manufacture	SF 488	Property Assessment Limitation
HF 121	Firearm Federal Regulation Exemption	SF 501	Commercial Property Tax
HF 135	Instructional Support Levy	*SF 522	Commercial Property Tax
HF 136	Commercial Property Assessment Limitation	SSB 1004	Residential Property Classification
		SSB 1051	Telecom Property Taxation
HF 161	Unmarked Law Enforcement Vehicles	SSB 1189	Geothermal
HF 164	Disabled Person Property Tax Exemption	SSB 1200	Telecom Property Assessment
HF 177	Elected Official Recall		
HF 202	Municipality Property Tax Exemption	* Opposed after amended	
HF 220	Annual Gun Permit Requirement		
HF 232	Smoke Free Air Act Exemption	Bills that reflect ISAC objective or policy statements that failed	
HF 291	Weapons Permits		
HF 320	Firearm Regulation	HF 20	Sanitary Landfills
HF 394	Raw Milk Sales	HF 21	Casino Smoking Ban
HF 570	Suing Cities and Counties	HF 93	Mental Health Insurance
HF 573	Reasonable Force	HF 351	Mobile Homes
HF 603	Eminent Domain	HF 412	Casino Smoking Ban
HF 613	City/County Ordinance Restriction	HF 478	MH/DD Redesign
HF 639	Farm Electrical Exemption	HF 519	Voter Registration Deadline
HF 653	Telecom Property Assessment	HF 524	Assessors Funds
HF 655	Subdivision Property Tax	HF 531	Telemedicine
HF 671	Property Tax Reform	HF 569	City Elective Office Vacancy
HF 673	Telecom Property Assessment	HF 622	Electronic Titling
HF 691	Governor's Tax Limitation Bill	HF 662	Outdoor Recreation Trust Sales Tax
HSB 16	Annual Gun Permit Elimination	HF 674	LOST-TIF Repeal
HSB 17	Arms Constitutional Amendment	HF 680	Forest Reservation Tax Exemption
HSB 19	State Firearm Regulation Preemption	HF 681	Forest Reservation Tax Exemption
HSB 20	Carrying Weapons	HSB 72	Newspaper Legal Notice Fee
HSB 36	Reasonable Force	HSB 118	City Vacancy
HSB 37	Possession of Offensive Weapons	SF 97	ICN Expansion
HSB 74	Bottle Bill Repeal	SF 128	State/Municipal Building Weapons Ban
HSB 129	Commercial Property Tax	SF 252	Mobile Home Tenant laws
HSB 219	Weapons Permits	SF 268	Flood Damaged Structure Purchase
HSB 225	Recreational Property Class	SF 283	Casino Smoking Ban
SF 16	Property Assessment at age 70	SF 314	County Judicial Building Projects
SF 61	School Foundation Property Tax	SF 359	County Recorder Fees
SF 81	Smokefree Air Act Exemption	SF 435	County Auditors' Duties
SF 98	County Duty to Provide EMS	SF 448	Wireless Surcharge
SF 107	Property Tax Adjustment at age 65	SF 457	Weapons Permits
SF 111	HAWK-I	SF 507	Natural Resources Sales Tax
SF 162	Right to Carry	SSB 1044	Agricultural Property Definition
SF 183	Public Employee Differential Pay	SSF 1034	ICN Expansion
SF 199	Property Tax Limitation	SSB 1151	County Auditor Precinct Authority
SF 249	Bottle Bill Repeal	SSB 1153	City Office Vacancy
SF 263	Reasonable Force		
SF 264	Gun Permits		
SF 278	Raw Milk Transfer		
SF 298	National Guard Property Tax Exemption		
SF 306	Property Assessment Limitation		
SF 352	Smokefree Air Act Exemptions		



---

Iowa State Association of Counties  
5500 Westown Parkway, Suite 190  
West Des Moines, IA 50266  
Phone: 515.244.7181  
Fax: 515.244.6397

[www.iowacounties.org](http://www.iowacounties.org)