

# 2012 Summary of Legislation

84th General Assembly, 2nd 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 treasurers in the state have their own association, which is called the Iowa State County Treasurers Association 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.



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# INTRODUCTION

In 2012 Iowa counties participated with the 2nd 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, 2012. 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

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

## **Mental Health Redesign**

ISAC has long supported a variety of specific proposals that would resolve many of the long-standing problems with the county managed disability services system. In preparing for the 2012 session, ISAC set out a set of principals, many of which are addressed by the Mental Health and Disability Services (MH/DS) Redesign bill (SF 2315). The bill includes the following items proposed by ISAC over the years:

- Define/redefine roles of the state and counties in the management of the system;
- Standardization of clinical and financial eligibility;
- A defined set of core community-based services;
- Transition from the concept of legal settlement to one of residency;
- Increased utilization of federal funding for disability services; and
- Standardization of provider cost reports.

Two important principles set out by ISAC were not included in the final legislation: the creation of a funding formula that is directly linked to the individual receiving services; and expansion of the state-operated risk pool and creation of local risk pools.

In regard to the development of a regional system of service management, the bill addresses some, but not all of ISAC's concerns. Those that were addressed include:

- To the degree possible, counties must be given the choice of region;
- There must be some meaningful county involvement in the regional system; and
- The proposal must include a resolution to the disputed bills.

Those issues that were not addressed include:

- Current mandates must be repealed or revised;
- The new system must provide at least as much service to as many persons with disabilities as the current system;
- Counties must have some levy capacity left to address gaps in the new service system;
- Community-based services must be adequately funded to ensure individuals the choice to live in the community;
- The employment of mental health advocates must be aligned at either the regional or state level; and
- The system must include specific protections from cost shifting back to the counties and to the regions, if the counties remain at risk through the regions.

## **Mental Health Funding**

The legislature funded the buy-out of all Medicaid services from the county managed system. They appropriated an additional \$40 million along with directing all of the state funding that had been going to the counties for services to accomplish this. This leaves the counties with a significant shortfall for FY 2013 and beyond if additional state funding is not appropriated to the regions. In addition, the legislature repealed the repeal of the county property tax authority for MH/DS services and requested a legislative interim committee to review the proposal to equalize property taxes on a per capita basis going forward.

The redesign bills sets up a transition fund to replace the current state funding that goes to the counties, but the legislature did not fund it. The counties will be required to make application to the Department of Human Services for additional funds to get through FY 2013 and the legislature will have to determine when it reconvenes in January whether to appropriate supplemental funding for this purpose.

Counties were given the authority to borrow other county funds to cash flow the MH/DS services fund through the first half of the fiscal year. Counties without adequate levy capacity to fund non-Medicaid services will continue to cut non-mandated services and populations in order to stay solvent. There continues to be a critical need for the state to appropriate sufficient funds for counties to maintain the current services whether as single counties or as part of a region.

# ISAC PRIORITIES UPDATE

## **Property Tax Reform**

For the past two years the House and Governor have tried to overhaul Iowa's commercial property tax system. As was the case last year, a consensus could not be reached between the House, Senate and Governor. Legislation proposed by the House this session included a rollback in value for commercial, industrial and rail property, while appropriating insufficient backfill to replace the loss in property tax dollars to local governments. The House also included local government revenue limitations in their legislation.

The Senate's bill for 2012 created a Business Property Tax Credit aimed at small businesses, and their bill did not include revenue limitations or a rollback. It did, however, include creation of an Enterprise Property Tax Credit, which is similar to a rollback.

Both the House and Senate proposals created a new multi-residential property class, which included apartments and other human habitation property currently classified as commercial. The House phased in a 40% rollback on multi-residential property over four years, while the Senate phased in a 36% rollback over six years.

The House and Senate proposals also provided for changes in the way telecommunications property is assessed and taxed, phasing in a system similar to commercial property.

## **Road Funding**

In March 2011, Governor Branstad created the Transportation 2020 Citizen Advisory Commission to seek public input on the conditions of Iowa's roads, including funding needs. Based on the public's response and analysis of relevant data, the Commission recommended increasing certain road-related fees, including increasing the gas tax.

Shortly after the 2012 legislative session commenced, the Governor announced that he would not endorse the Commission's report, stating that a gas tax increase should be delayed for at least one year in an effort to find efficiencies and savings within Iowa's existing transportation system that could generate additional dollars for the state's road funding needs. The Governor then challenged the DOT to find \$50 million in efficiencies. With assistance from city and county engineers and other stakeholders, the DOT identified 13 efficiency measures totaling \$50 million.

After the Governor's lack of endorsement, but with no indication as to whether he would veto a gas tax increase – the House and Senate moved forward with legislation. The bill introduced by the House increased the gas tax eight cents over two years, while the Senate bill increased it by 10 cents over two years. Both pieces of legislation pushed the effective date of the increase to 2013, with the anticipation that the Governor would sign a bill that delayed the increase for one year. But, with both parties cognizant that it is an election year and with gas prices rising at the pumps, the legislation did not move to the floor of either chamber.

## **Preservation of County Services**

Other than the significant funding gap in MH/DS, counties held their own in funding of county services for FY 2013. Counties saw improvement in funding of property tax credits with the full funding of military, elderly and disabled, and agricultural and family farm property tax credits. There was an increase of \$20.8 million in funding for the homestead credit, although this is still \$30 million less than the demand.

The funding for local public health saw either slight increases or the same funding in various line items over the FY 2012 level. The Environment First Fund was funded at \$35 million for FY 2013, an increase of \$2 million compared to FY 2012. 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 the same as FY 2012, which was \$3 million less than FY 2011.

# COUNTY ADMINISTRATION AND ORGANIZATION

## **HF 524 - Assessment Expense Fund**

*MBM*

*Assessors*

This bill combines the special appraiser's fund with the assessment expense fund and specifies that the levy rate is limited to 67.5 cents per \$1,000 of assessed value.

## **HF 675 - Mechanics' Liens**

*KH*

*Recorders*

This bill establishes a state construction registry for mechanics' liens related to residential construction property, which will be managed by the Secretary of State's office.

## **HF 2101 - Public Land Survey Corner Certificates**

*HD*

*Recorders*

This bill permits that more than one United States public land survey system corner may be included on a United States public land survey corner certificate recorded by the county recorder.

## **HF 2231 - Memorial Hospital Commissioners**

*KH*

*Supervisors*

This bill changes the residency requirements for a memorial hospital commissioner from a resident of the county in which the memorial hospital is located, to a resident of Iowa who lives in the memorial hospital's service area.

## **HF 2264 - Veteran Burial Rights**

*HD*

*Supervisors, Veteran Affairs Directors*

This bill requires that a governmental subdivision allow a veteran who purchases burial space in a cemetery owned and controlled by the governmental subdivision to also purchase burial space for their spouse. The bill also allows for a spouse of a veteran already interred in the cemetery to purchase their own burial space. Current law allows only a veteran to be interred in the cemetery.

## **HF 2321 - Uniform Commercial Code Updates**

*KH*

*Recorders*

This bill makes modifications to the Uniform Commercial Code, most of which are technical in nature. Changes that may apply to county recorders include:

- The definition of "authenticate" is amended to include a present intent "to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process."
- The definition of "certificate of title" is amended to add that "the term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's

obtaining priority over the rights of a lien creditor with respect to the collateral."

- In order to be effective as a financing statement, a record of mortgage must now also provide the name of the debtor, and it shall be enough to list the surname and first personal name of the debtor, if the debtor is an individual.
- The requirements for the sufficiency of the debtor's name are amended for: organizations; trusts; collateral being administered by a personal representative of a decedent; collateral held in trust that is not a registered organization; and individuals. The amendments include new sections on how to list the names of decedents, how to address listing an individual with multiple Iowa driver's licenses and a definition for the "name of the settler or testator."
- The requirements for an information statement (formerly a correction statement), no longer include the date and time that the initial financing statement was filed or recorded with the county.
- The bill creates a new category of information statements (formerly correction statements), which allows a secured party of record to file a statement in the event the party believes that the person that filed the related financing statement was not entitled to do so.
- In addition to the general July 1, 2013 effective date, the bill contains several provisions for determining effectiveness for financing statements filed before this bill, filed after this bill but before July 1, 2013, effectiveness for continuation statements, and other related timing issues.

## **HF 2369 - Burial Transit Permits and County Death Certificates**

*HD*

*Recorders*

This bill removes county recorders from the list of officials that may issue a burial transit permit and adds the state registrar at the Department of Public Health. The bill also requires when a person dies outside of the county of residence that the state registrar send a copy of the person's death certificate to the county of residence.

Effective Date: The provision relating to county copies of death certificates effective upon enactment, April 5, 2012.

# COUNTY ADMINISTRATION AND ORGANIZATION

## **HF 2370 - Lis Pendens**

*HD*

This bill updates lis pendens notice for claims on real estate. The bill extends service of process requirements and updates the Iowa Code to conform to 2009 foreclosure legislation.

The bill does not apply to a mechanic's lien filed pursuant to Iowa Code chapter 572 or to a person who has taken possession of the property for value prior to indexing of the petition or citation.

## **HF 2399 - Salvage Dealers**

*KH*

*Supervisors*

This bill strikes current Iowa Code §714.27, which was passed in 2011 and allowed political subdivisions to pass copper theft ordinances, and replaces it with record keeping requirements for a broader group – scrap metal dealers. Scrap metal is defined in the bill as “any metal suitable for reprocessing.” The bill provides penalties for scrap metal dealers who do not keep the required records. The bill also states that it shall take precedence over and supersede any local ordinance that regulates scrap metal transactions.

## **HF 2403 - Military Commercial Drivers License**

*HD*

*Treasurers*

This bill authorizes the Department of Transportation to waive the driving skills testing requirement for a commercial driver's license for someone who is currently active military service or separated from service within the last 90 days, provided the applicant meets certain experience and federal motor carrier safety regulations.

## **HF 2404 - Military Driver's License Extension**

*HD*

*County Attorneys, Sheriffs, Treasurers*

This bill amends Iowa Code §321.198 to specify that a person's department of defense common access card is satisfactory evidence of current military service, and a certificate of release or discharge from active duty, known as a DD214, is satisfactory evidence of a person's previous military service and discharge from active duty. The bill provides that a person who produces either a common access card or DD214, along with the driver's license previously issued to the person, shall not be required to produce any additional documentation to a peace officer or to a court in order to satisfy the requirements for a military extension.

## **SF 430 - Open Meetings / Public Records**

*KH*

*All County Officials*

This bill establishes the Iowa Public Information Board (the “Board”), which is designed to oversee compliance and enforcement of the open meetings and public records statutes. The bill adds an opinion from the Board as one of the things a person can rely on to avoid penalties for a violation of the open meetings and public records statutes. In addition, the bill adds a new category of confidential records – “tentative, preliminary, draft, speculative or research material,” which are prior to completion and prior to the form used or to be used in the actual policy action.

The rest of the bill creates Iowa Code chapter 23, which is to be known as the “Iowa Public Information Board Act.” The Board shall consist of nine members appointed by the Governor and confirmed by the Senate. No more than three members shall be from the media, and no more than three members shall be representatives of local governments. Board members shall serve staggered four-year terms. The Board shall employ a licensed attorney to serve as the Board's executive director.

The Board shall have broad authority, including all of the following:

- Issue declaratory orders with the force of law;
- Issue informal advice;
- Seek resolution of complaints;
- Request and receive from a government body assistance and information;
- Examine the records of a government body;
- Issue subpoenas enforceable in court;
- Impose civil penalties, and “any other appropriate remedies calculated to declare, terminate, or remediate any violation” of the statutes;
- Represent itself in judicial proceedings;
- Make training opportunities available;
- Disseminate information to inform the public about its right to access government; and
- Prepare and transmit reports to the Governor and the General Assembly at least annually.

“An aggrieved person, any taxpayer or citizen of this state, the attorney general, or any county attorney” may file a complaint with the Board, with such complaint to be considered timely filed within 60 days “from the time the alleged violation occurred or the complainant could have become aware of the violation with reasonable diligence.” Upon receiving a complaint, the Board must first determine whether the complaint “appears legally sufficient, and could have merit” (in which case the Board will accept the complaint), or if the complaint “is legally insufficient, is frivolous, is without merit, involves harmless error, or relates to a specific incident that has previously been finally disposed of” (in which case the Board will reject the complaint). If the complaint is accepted, the Board will work with the parties on an informal resolution. If one cannot be reached, the Board will then offer a mediation and settlement process. If any party declines mediation or

# COUNTY ADMINISTRATION AND ORGANIZATION

mediation does not resolve the issue, then the Board shall initiate a formal investigation.

After the formal investigation, the Board shall determine if the complaint is within the Board's jurisdiction and if there is "probable cause to believe that the facts and circumstances alleged in the complaint constitute a violation of" the statutes. If so, the Board shall commence a contested case proceeding, following the administrative hearing rules found in Iowa Code chapter 17A. The Board may determine that there are no material facts in dispute, in which case the procedures relating to the presentation of evidence will not apply. The executive director of the Board shall choose an attorney to prosecute the case. The defense must show "if such a violation occurred it was only harmless error or that clear and convincing evidence demonstrated that grounds existed to justify a court to issue an injunction against disclosure pursuant to" Iowa Code §22.8.

Then, the Board shall render a final decision, based on the majority vote of its members. If the Board finds the complaint has merit, it may issue "any appropriate order to ensure enforcement" and it may do any of the following:

- Require damages to be paid as provided for in the Code;
- Void any action taken in violation of the Open Meetings Act; and
- Require any remedial action deemed appropriate by the Board.

The Board shall not have authority to remove someone from public office, but they may file an action to remove a person from office.

A final order from the Board is subject to judicial review pursuant to Iowa Code §17A.19.

Effective Date: July 1, 2013

## **SF 2112 - Veteran Licenses**

*HD*

*Treasurers*

This bill adds an exception to the requirement that all cars bear a manufacturer's label certifying that the car meets federal motor vehicle safety standards for certain military vehicles. The military vehicle must not be one that runs on tracks (or a combination of wheels and tracks). The military vehicle must have originally been manufactured for and sold directly to the United States Armed Forces. If so, it can be registered and titled in Iowa if the owner provides satisfactory evidence to the Department of Transportation (DOT) that the vehicle substantially complies with the federal motor vehicle safety standards. The DOT is given the ability to adopt rules as necessary regarding the registration and titling of these vehicles.

The bill gives veterans the option of putting the word "Veteran" on their driver's license or non-operator identification card. The veteran will have to prove this status. The bill sets an implementation date beginning no later

than July 1, 2013, requires a veteran to be honorably discharged, and makes the notation available upon renewal only.

The bill allows the Commission of Veteran's Affairs to allocate up to \$50,000 from the veterans license fee fund to the Department of Transportation for the cost of putting "Veteran" on driver's licenses and non-operator identification cards.

## **SF 2170 - Tax Sale Redemption Notice**

*LH*

*Treasurers*

This bill adds a certified mail notice requirement to the right of redemption notice following a tax sale required under Iowa Code chapter 447. Current law only requires the notice of the expiration of the right of redemption to any mortgagee having a lien upon the parcel, a vendor of the parcel under a recorded contract of sale, a lessor who has a recorded lease or recorded memorandum of a lease, and any other person who has an interest of record, be sent by regular mail. The bill specifies that service of the notice is completed when the notice is deposited in the mail and postmarked for delivery.

Effective Date: Pursuant to Iowa Code §447.14, the law in effect at the time of tax sale governs redemption.

## **SF 2202 - Banking Division**

*HD*

*Recorders*

This bill relates to matters under the purview of the banking division of the Department of Commerce. One provision in the bill provides that after the involuntary dissolution of a state bank, the superintendent of banking shall file a notice of the dissolution with the Secretary of State and the county recorder of the county in which the state bank is located, that no fee shall be charged, and that the corporate existence of the state bank shall cease upon filing of the notice of dissolution with the Secretary of State. Provisions relating to filing of a final report by the superintendent and filing of a decree of dissolution by the district court are deleted. The changes reflect the transfer of the responsibilities to the Federal Deposit Insurance Corporation.

Effective Date: Upon enactment, March 22, 2012

## **SF 2212 - Economic Development**

*KH*

*All County Officials*

This bill makes several technical and policy changes related to programs administered by the Economic Development Authority, and two changes apply to counties. First, government entities are excluded from the definition of "business" for purpose of qualifying for the Targeted Jobs Withholding Credit. Second, the sunset provision for a county to apply to have an area certified as an enterprise zone is extended from July 1, 2012 to July 1, 2014.

# COUNTY ADMINISTRATION AND ORGANIZATION

## **SF 2260 - Nonprofit Corporation Act**

*KH*

*All County Officials*

This bill makes changes to the Nonprofit Corporation Act (Act). Definitions are added for domestic and foreign unincorporated entities, private and public organic records, and organic law. These terms seemed designed to broaden the scope of various provisions in the Act, for example, the term "unincorporated entity" was used in several provisions regarding mergers, where the term "limited liability company" was previously used. Unincorporated entities include limited liability companies, limited partnerships, business or statutory trusts, joint stock associations, and unincorporated nonprofit associations. Provisions were added to allow annual or special meetings of members to be held "by means of the internet or other electronic communications technology" rather than "at a geographic location." The bill also added new sections regarding conduct of meetings, procedures for dealing with business opportunities, and provides for advisory committees, which are distinct from the currently allowed committees of the board, because advisory committee members do not have to be directors and the advisory committees shall not exercise any board powers.

## **SF 2317 - Hunting and Fishing Licenses**

*HD*

*Conservation Directors, Recorders*

This bill relates to the issuance of hunting and fishing licenses. The bill provides for the annual purchase of a third line fishing permit costing \$10 by a resident or nonresident. The bill also provides for three new license options for residents. A new three-year fishing license is available for residents at a cost of \$51 and \$9 from each three-year fishing license must be used for fish habitat development. A new three-year hunting license, including the wildlife habitat fees, is available for \$84 of which \$33 is allocated to wildlife habitat fees. A new annual combination hunting and fishing license, including the wildlife habitat fee, is available for \$45.

The bill makes changes to include payment of the wildlife habitat fee in resident and nonresident hunting and fur harvester license fees. However, such licenses are available without inclusion of the wildlife habitat fee for purchase by residents who are permanently disabled, or are younger than 16 or older than 65 years of age and are not required to pay the wildlife habitat fee. The bill specifies that \$11 of the fee paid for each resident or nonresident hunting or fur harvester license that includes the wildlife habitat fee is designated as a wildlife habitat fee and shall be administered as a wildlife habitat fee. A resident of the state under 16 years of age is not required to have a fur harvester license if accompanying an adult, not hunting, and not carrying or using a weapon.

The bill specifies that a three-year fishing license or a three-year hunting license is not subject to the requirement that a license cannot be issued prior to December 15 for the subsequent year.

The bill also adds a one-day, one-location nonresident fur dealer license.

Effective Date: January 1, 2013

## **SF 2328 - Department of Revenue Technical Bill**

*KH*

*All County Officials*

This bill contains the Iowa Department of Revenue's technical changes. These changes include a clarification that the fees charged for the release of medical records is exempt from sales tax. The bill also states that if a sales and use tax collection permit holder relocates their business outside of its current county, then a new permit must be obtained. In addition, if a city adopts, amends or repeals an ordinance relating to franchise fees, the city must promptly notify the director of revenue. Finally, holders of permits related to the sale of cigarettes that operate a cigarette vending machine, must have a meter on the machine that counts the number of cigarettes dispensed, and the meter cannot be reset or altered by the permit holder.

# HUMAN SERVICES AND PUBLIC HEALTH

## **HF 2464 - Department of Public Health Programs**

HD

*Public Health Directors*

Division III relates to local boards of health. This bill strikes the definition of "sanitation officer." The bill also clarifies that the district public health fund budget provisions do not apply to a district board of health or district health department in existence prior to July 1, 2010. The bill strikes the requirement that the county auditor submit the names and addresses of the secretary of the local board of health to the Department of Human Services. The bill repeals the department's duty to publish and distribute its rules to the counties.

Effective Date: Division III is effective upon enactment, May 2, 2012 with the application of the provisions of the health fund budget retroactive to July 1, 2010.

## **SF 2038 - Department of Veterans Affairs Duties**

HD

*Veterans Affairs Directors*

This bill specifies that the Department of Veterans Affairs conduct one service school each year specifically for commissioners of the county commissions of veterans' affairs and one service school each year specifically for executive directors and administrators of the county commissions of veteran affairs. The bill requires that the service school for executive directors and administrators provide at least 16 hours of continuing education.

## **SF 2086 - Health Care Facility Inspections**

LH

*Community Services*

This bill repeals the moratorium on regular state-licensed health care facility inspections and makes the repeal retroactive to October 24, 2011, the date the Department of Inspections and Appeals resumed conducting regular inspections. The majority of these facilities are residential care facilities, which provide services to persons with disabilities or mental illness.

Under Iowa Code chapter 135C, residential care facilities are to receive at least one general unannounced inspection within a thirty-month period. Due to lack of funding, the legislature passed a moratorium of this requirement for state fiscal years 2011 and 2012. Due to the availability of funding during SFY 2012, the decision was made to resume the regular inspections in October, 2011.

Effective Date: Upon enactment, retroactive to October 24, 2011.

## **SF 2186 - Medicaid Suspension**

LH

*Community Services*

This bill expands the suspension, rather than termination, of Medicaid for an inmate of a public institution who is on Medicaid to include any individual who remains eligible except for their institutional status. Last year legislation was passed that allowed for the suspension, rather than

termination, of Medicaid for persons who were eligible for Medicaid by reason of disability or being 65 years of age or older.

## **SF 2247 - Mental Retardation Code References**

LH

*Community Services*

This bill changes all references to "mental retardation" or "mentally retarded" to "intellectual disability" throughout the Iowa Code. The bill does not change the definition in Iowa Code §222.2: "a disability of children and adults who as a result of inadequately developed intelligence have a significant impairment in ability to learn or to adapt to the demands of society."

The bill also provides that if a diagnosis is required, "intellectual disability" means a diagnosis of mental retardation as defined in the diagnostic and statistical manual of mental disorders, fourth edition, text revised, published by the American Psychiatric Association.

## **SF 2312 - Mental Health and Substance Abuse Commitments**

LH

*Community Services, Supervisors*

This bill requires all law enforcement officers to complete a course on mental health at least once every four years. A law enforcement officer who has completed academy-approved mental health training within the 12-month period prior to July 1, 2012 will be considered to have met the first four-year mental health training requirement.

The bill provides that a nursing facility or residential care facility is not required to admit an individual through court order, referral, or other means without the prior approval of the administrator of the facility.

The bill amends the current emergency detention and hospitalization procedures available under Iowa Code §§125.91 and 229.22 to allow access to emergency detention and treatment services, at all times, even if an application for involuntary commitment or hospitalization has not been filed.

The bill amends the definition of "mental health professional" in Iowa Code chapter 228 (relating to the disclosure of mental health and psychological information). The bill eliminates the definition of "qualified mental health professional" in Iowa Code chapter 229 (hospitalization of persons with mental illness) and adopts the new definition of "mental health professional" in the bill for purposes of Iowa Code chapter 229.

The bill provides that prior to filing an application for involuntary hospitalization pursuant to Iowa Code §229.6, the clerk of court shall inform the applicant of the option to request a pre-application screening assessment.

# HUMAN SERVICES AND PUBLIC HEALTH

The bill provides that a mental health advocate shall utilize the related best practices for the mental health advocate's duties identified in Iowa Code §229.19. The bill allows a mental health advocate to be appointed for an individual who has been diagnosed with a co-occurring mental illness and substance-related disorder.

The bill requires the judicial branch and Department of Human Services to continue the workgroup to study and make recommendations relating to the consolidation of the processes for involuntary commitment for persons with substance-related disorders under Iowa Code chapter 125, for intellectual disability under Iowa Code chapter 222, and for serious mental illness under Iowa Code chapter 229.

In addition, the workgroup shall make recommendations concerning the establishment of an independent statewide patient advocate program for individuals who are involuntarily committed due to mental illness, intellectual disability, or a substance-related disorder. The workgroup shall also include recommendations for a patient advocate for individuals found not guilty of a crime by reason of insanity.

The workgroup shall also consider the implementation of consistent reimbursement standards for patient advocates and the role of the advocate for a person who has been diagnosed with a co-occurring mental illness and substance-related disorder. The workgroup shall submit a report to the governor and the general assembly by December 1, 2012.

The bill directs the Division of Criminal and Juvenile Justice Planning of the Department of Human Rights to conduct a study regarding the possible establishment of a comprehensive statewide jail diversion program, including the establishment of mental health courts, for nonviolent criminal offenders who suffer from mental illness. The division shall submit a report on the study and make recommendations to the governor and the general assembly by December 1, 2012.

## **SF 2315 - Mental Health and Disability Services (MH/DS) Redesign**

*LH Auditors, Community Services, Supervisors*

This bill transforms the management structure for mental health services from a county-based system to a regional system; transitions the basis for funding responsibility from legal settlement to residency; and establishes core services that will be available throughout the entire state.

Division I specifies the core service and service management requirements for the regional service system envisioned by the bill. This division specifies that the county-based regional service system is responsible for MH/DS services for adults that are not covered under the medical assistance program.

The division establishes the mental health and disability regional services fund, which will distribute future state appropriations to the MH/DS regions to pay for services. During the year beginning July 1, 2012, this division requires counties to begin using functional assessments approved by the director of the Department of Human Services (DHS) for determining a person's eligibility for services. This division also outlines the requirements for the regional services system management plan; financial eligibility; diagnoses, functional assessments, and other eligibility standards in the regional system; regional core services; and regional service system financing. The financing of each regional service system is limited to a fixed budget amount, plus an allowed growth adjustment recommended to the Governor by the MH/DS Commission by July 15 of each year.

Division II relates to redesign planning, support and implementation. The division directs DHS to create a transition committee for consultation with the department on the transition from the current system to the new system. The division creates a transition fund, to which counties can apply by October 15, 2012 for funding for FY 2013. DHS shall make recommendations for funding of these applications to the General Assembly by December 1, 2012.

This division provides for the write-off of disputed bills between the state and a county for services provided prior to July 1, 2011.

The division also directs DHS to work with ISAC to provide support and technical assistance to counties in developing regions; to study and identify third-party options for payment of mental health services; to convene a MHDS Workforce Development Workgroup to address issues related to the adequacy of the workforce to meet the service needs in the state; to establish an outcomes and performance measures committee for the regional service system; and to work with the Department of Inspections and Appeals (DIA) and the Department of Public Health to improve the regulatory requirements for the regional service system administration and the service providers.

Division III relates to community mental health centers (CMHC) national accreditation standards.

Division IV specifies the requirements for counties to form MH/DS regions and allows a county an exemption from the regional requirement if they provide clear evidence that they can meet the requirements of a region. The bill creates Iowa Code §331.438B, which sets out the minimum criteria for the formation of a MH/DS region:

- The counties in the region must be contiguous;
- There must be a minimum of three counties in a region;
- There must be a capacity to provide the core services and perform the required functions of the region;

# HUMAN SERVICES AND PUBLIC HEALTH

- There must be a CMHC or a federally qualified health center with the capacity to provide mental health services located with the region;
- There must be a hospital with a psychiatric unit either in the region or close to the region; and
- There must be a regional administrator structure with clear lines of accountability.

The full implementation date for regions is June 30, 2014. The division also outlines the regional governance structure and what should be included in the region's 28E agreement. The division includes a definition of county of residence, which is intended to take effect on July 1, 2013, and provides a dispute resolution process, which will be used for disputes for services beginning July 1, 2012 forward.

Division V creates a new health care facility licensure regulated by DIA for "subacute care facility for persons with serious and persistent mental illness."

Division VI includes conforming amendments plus the request to the Legislative Council for a study committee to analyze the viability of the MH/DS redesign financing provisions. The division sets out the per capita funding for FY 2014 and FY 2015. The per capita target is the property tax equivalent of \$47.28 per capita. Future growth will be added to this amount. For those counties with levies that generate less than the target, the state will fund the difference. For those counties with levies that generate more than the target, the levies will have to be reduced to the amount equaling \$47.28 per capita.

This division also repeals the repeal of the county managed MH/DS system including the property tax authority that was passed last year.

Effective Date: July 1, 2013, unless otherwise specified.

# LAND USE AND ENVIRONMENTAL HEALTH

## **HF 2292 - Fish Confinement Feeding Operations**

*MBM Conservation Directors, Zoning*

This bill adds fish to the definition of “animal” under the confinement animal feeding operation (CAFO) law. The bill also specifies that a person who exclusively confines fish as part of a CAFO may elect to comply with the state’s general permitting requirements pertaining to water quality, in lieu of the permitting requirements applicable to CAFOs. In addition, the bill provides that a person who confines fish is required to comply with the applicable permit requirements under the federal Water Pollution Control Act. A person who violates the provisions of the bill is subject to civil penalties of up to \$10,000 for a single violation.

**HF 2464 - DPH Programs** - Human Services and Public Health.

## **SF 2172 - Swine Breeding**

*KH Supervisors*

This bill provides that for purposes of determining whether a swine confinement feeding operation is a qualified confinement feeding operation, replacement breeding swine shall not be counted towards the animal unit capacity of a confinement feeding operation, if the replacement breeding swine are raised at the confinement feeding operation, and used in the farrowing and gestating operation.

## **SF 2217 - Flood Mitigation**

*MBM All County Officials*

This bill allows a government entity to retain a portion of growth from their sales tax revenue to pay for flood protection. The bill establishes a Flood Mitigation Program and Board to review proposed projects and to authorize funding for approved projects. The bill also establishes two funding sources, a Flood Mitigation Fund and a Sales Tax Increment Fund, to provide funding for flood mitigation projects. The Flood Mitigation Fund will consist of appropriations and other moneys. The Sales Tax Increment Fund will receive deposits of increased sales tax revenues from impacted areas, as calculated by the Department of Revenue. The Flood Mitigation Board will determine the funding source and amounts allocated for approved projects. The Board may approve up to \$15 million for a project or up to \$30 million for all approved projects in the aggregate in a fiscal year.

Effective Date: Upon enactment, April 19, 2012.

# PUBLIC SAFETY

## **HF 2379 - Expunging Criminal Records**

*KH*

*County Attorneys*

This bill creates a definition of “expunged” as it relates to a criminal record for a deferred judgment. The bill provides that a criminal record for a deferred judgment will be expunged when a person is discharged from probation and the person has paid any financial obligations ordered or assessed by the court in the case. Under the bill, expunged records are confidential records exempt from public access under the open records laws, but shall be made available upon request to certain persons listed in Iowa Code §907.4(2). The bill also addresses how related charges will be dealt with in the process of expunging the criminal record.

## **SF 413 - Emergency Management Funding**

*LH*

*Emergency Management Directors, Supervisors*

This bill provides that local emergency management commission members may designate an alternate to the commission, but that any action relating to the commission’s budget shall only be taken by elected officials from the designated entities. Currently, a local emergency management agency’s approved budget may be funded by one or more of four specific methods. The bill requires the budgets to be funded by one or more of the four currently specified methods and adds a fifth option: “other funding sources allowed by law.” The bill requires that joint emergency response communication services be funded as provided for in a 28E agreement. The bill specifies that agency budgets be provided to funding entities in a form prescribed by the Department of Management. The bill requires that the portion of any tax levied by a county or city to support the local emergency management agency shall be identified separately on tax statements.

## **SF 2096 - State Prisoner Reimbursements**

*KH*

*County Attorneys, Sheriffs, Supervisors*

This bill amends the time for a county to submit a reimbursement voucher to the Department of Corrections (DOC) from 15 days from the end of a calendar quarter to 30 days from the end of a calendar quarter, in cases where state prisoners are at county jails related to operating while intoxicated violators in treatment facilities, work release violators, or alleged parole violators. In addition, if the county misses the new 30 day deadline, the bill requires the DOC to deny the reimbursement request, where the denial was previously discretionary for the DOC.

## **SF 2312 - Mental Health and Substance Abuse Commitments** - Human Services and Public Health

## **SF 2332 - Enhanced 911 Telephone Systems**

*LH*

*Emergency Management, Sheriffs, Supervisors*

This bill redirects the portion of the emergency communications service surcharge revenue from wireless carriers for E911 Phase I service cost recovery, to Public Safety Answering Points (PSAPs). This will result in approximately \$3.7 million in additional revenue per year to the PSAPs.

The bill also establishes a \$0.33 prepaid wireless service surcharge fee collected at the point of sale beginning January 1, 2013. This may be increased or decreased proportionately with any change in the emergency communications service surcharge level.

The bill adds definitions for communications service, communications service provider, emergency communication service surcharge, prepaid wireless telecommunications services, wireless communications and wireless communications provider. The bill makes changes to the allowable costs associated with both the wire and wireless surcharge. For wire surcharge, it allows the surcharge to fund equipment related to receiving and dispatching the 911 call, as opposed to specific types of equipment. For wireless surcharge, it adds equipment that is used by the PSAP and E911 services in addition to equipment located solely in the PSAP. The bill also expands language adding hardware and software for an internet protocol-enabled next generation network to permissible uses of carryover operating surplus moneys. Under current law, the language restricts the carryover funds to be used for Phase 2 within the PSAPs. Emergency alert notification systems are not eligible for surcharge funding.

Additionally, the bill directs the Division of Homeland Security and Emergency Management to convene an E911 task force of stakeholders, including emergency management representatives, to make recommendations regarding needed upgrades and enhancements to the state’s E911 programs. The task force report is due to the general assembly by December 1, 2012.

The bill places a temporary moratorium on any new surcharges over \$1.00 until the task force recommendations have been submitted.

Effective Date: The bill provides that the provisions establishing the prepaid wireless E911 surcharge take effect January 1, 2013, for retail sales of prepaid wireless telecommunications service occurring on or after that date.

## **SF 2343 - Controlled Substance Schedules**

*KH County Attorneys, Public Health*

This bill makes several changes to the controlled substance schedules found in Iowa Code chapter 124. The changes include:

### Division I

- Removing the “other materials” category from Schedule I controlled substances;
- Adding a new category to immediate precursors in Schedule II;
- Adding categories to anabolic steroids in Schedule III;
- Adding a category to depressants in Schedule IV;
- Adding a category to depressants in Schedule V;
- Adding a category of precursor substances that require reporting under Iowa Code §124B.2.

### Division II

This division of the bill makes several changes and additions to what qualifies as Schedule I hallucinogenic substances and adds several categories to the list of Schedule I stimulants.

Effective Date: Division II of the bill is effective upon enactment, May 25, 2012.

# TAXATION AND FINANCE

## **HF 2168 - Public Fund Deposits**

*KH*

*Treasurers*

This bill amends the public funds investment standards to allow uninsured portions of public funds invested through a depository to be invested in insured deposits, in addition to the previously allowed certificates of deposit. The bill provides that such deposits will not be deemed public funds deposits in the bank or savings association for purposes of determining the amount of collateral required under Iowa Code §12C.22. The bill also allows public funds depositors to make claims with the treasurer of the state in the event a bank that accepts this type of deposits closes. The bill also adds a category of collateral that can be used to secure public deposits under Iowa Code §12C.22(6).

## **HF 2460 - Tax Increment Financing (TIF)**

*MBM*

*All County Officials*

This bill includes new reporting requirements, transparency provisions, and anti-piracy language for cities, counties, and rural improvement zones that utilize TIF.

### **Reporting**

- Requires municipalities to provide a variety of information annually to the Department of Management before their budget can be certified, including:
  - Copies of the ordinance and plan of the adopted urban renewal area.
  - A description of expenditures and debt that qualifies for payment from a county's urban renewal fund, the amount of taxes deposited into a county's urban renewal fund, and property taxes exempted or refunded for property in an urban renewal area using money from the urban renewal fund.
  - The aggregate assessed value of the taxable property in the urban renewal area.
  - The total number of jobs created in the urban renewal area and the wages associated with those jobs, the total private capital investment, and the total cost of the public infrastructure constructed.
- Amends the Local Option Sales Tax (LOST)-TIF law by requiring cities to receive approval from the board of supervisors prior to adopting a LOST-TIF.

### **Transparency**

- When an urban renewal project includes financing for a public building, municipalities must provide to affected taxing entities an analysis of alternative development options and funding and the reasons those options would be less feasible than the proposed urban renewal plan

- When undertaking a new TIF project in an existing urban renewal area, municipalities are required to hold a new project-based public hearing and to amend the urban renewal plan.
- Once a TIF ends, the fund balance must be allocated to the respective taxing districts.
- Once a TIF district is classified as slum and blight or economic development, it cannot be changed.

### **Anti-piracy**

- Provides that TIF funds cannot be used for the relocation of a commercial or industrial enterprise unless there is either a written agreement between the two jurisdictions concerning the relocation or concerning the general use of economic incentives to attract commercial or industrial development within those municipalities (a "fair play" agreement) or the "receiving" local governing body finds that such a relocation is in the public interest.

## **SF 2137 - Property Taxes for Joint County-City Buildings**

*MBM*

*All County Officials*

This bill allows levies made by cities or counties for a joint authority project to be included in the same category as all other levies made to pay service on debt.

Effective Date: Upon enactment, April 5, 2012, and applies to property taxes due and payable in fiscal years beginning on or after July 1, 2013.

## **SF 2342 - State Tax Exemptions and Credits**

*KH*

*Assessors*

This bill provides various tax exemptions and credits, one of which relates to property taxes in the case of geothermal heating and cooling systems. The bill provides that the value of any new or refitted construction or installation of a geothermal heating and cooling system on or after July 1, 2012, on residential property, shall be exempt from property tax for 10 years. Persons wishing to claim such exemption shall obtain and file forms with the assessor.

Effective Date: Upon enactment, May 25, 2012, to apply to assessment years beginning on or after January 1, 2013.

# TRANSPORTATION

## **HF 2467 - Regulation of Snowmobiles, All-Terrain Vehicles (ATVs) and Watercraft**

*MBM Conservation Directors, Engineers, Recorders, Supervisors, Treasurers*

This bill updates Iowa Code language and definitions pertaining to snowmobiles, ATVs, and watercraft. The bill:

- Requires residents to purchase a \$15 resident user permit to operate snowmobiles on public land, public ice or designated snowmobile trails.
- Amends the definition of “off-road utility vehicle” to include rubber-tracked vehicles and vehicles with at least four and not more than eight non-highway tires, and increases the maximum dry weight allowed.
- Applies the same dealer registration and titling requirements to off-road utility vehicles as other ATVs.
- Revises the definition of “designated riding trail” to include public land, private land or public ice.
- Allows motorcycles and off-road utility vehicles to be used in special events.
- Changes snowmobile and ATV dealer special registration fees from an annual \$15 fee to a three-year fee of \$45.
- Prohibits “water skipping” except on rivers and streams during the period between November 1 and April 1. Water skipping violations will be fined \$100.
- Strikes the limitation on the writing fee collected by a county recorder for two or more transactions for the same watercraft at one time and provides that \$1.25 be collected for each transaction.

## **HF 2472 - Ethanol Tax Credit Extension**

*MBM Engineers, Supervisors*

This bill extends the tax credit on ethanol to July 1, 2013. Under current law, ethanol is taxed at 19 cents per gallon compared to 21 cents per gallon for unblended gasoline.

## **SF 2153 - Commercial and Industrial Highway Network**

*MBM Engineers, Supervisors*

This bill increases the limit on the commercial and industrial highway network from 2,500 miles to 2,600 miles.

## **SF 2216 - Commercial Vehicle Registration**

*LH Treasurers*

This bill addresses the registration of commercial vehicles that operate in interstate trucking and are subject to the International Registration Plan (IRP). “International registration plan” is the registration reciprocity agreement among states of the United States, the District of Columbia, and provinces of Canada that apportions fees on the basis of total distance operated in all jurisdictions. It also substitutes the concept of “apportioned registration” under the IRP for the current “proportional registration.”

Application for renewal for a vehicle registered under Iowa Code chapter 326 (Registration Reciprocity) shall be made on or after the first day of the month prior to the month of expiration of registration and up to and including the last day of the month of expiration of registration. The department is authorized to establish procedures for a one-time collection of fewer than 12 or up to 18 months of registration fees to transition to staggered registration periods. Notice of suspension of registration for nonpayment of fees may be sent by regular mail under the bill.

The bill eliminates the current option of a three-year registration for trailers and semitrailers licensed under the IRP, but retains the option of an annual and a five-year registration and allows the issuance of a permanent registration plate for those vehicles. The bill strikes the option for trucks under the IRP to make semiannual installments and requires full payment of registration fees on an annual basis. The bill authorizes the department to determine the necessary apportionable registration fees for fleets of commercial vehicles.

The bill directs the department to accept payment of apportioned registration fees by any means allowed by the department. The bill provides that newly acquired vehicles shall be apportioned according to the IRP. Current restrictions on the deletion of vehicles and the allowance of credit for replacement vehicles are stricken.

Effective Date: On and after January 1, 2013, for vehicles whose registration expires after December 31, 2012. However, it authorizes the department of transportation to begin implementation earlier to the extent necessary to transition to full implementation.

## **SF 2282 - All-Terrain Vehicles (ATVs) and Off-Road Vehicles**

*MBM Engineers, Supervisors, Recorders*

This bill amends the definition of “all-terrain vehicle” to include vehicles with at least three, and not more than six, non-highway tires, and amends the definition of “off-road utility vehicle” to include vehicles with at least four, and not more than eight, non-highway tires. The bill also revises the definitions for engine displacement and dry weight for both vehicle types.

# APPROPRIATIONS

## **HF 2335 - Justice System Appropriations**

MBM

All County Officials

This bill makes appropriations from the general fund and other funds to the justice system for FY 2013.

To the Department of Corrections

For reimbursement for county confinement of state prisoners ..... \$1,075,092 (no change)

For offender mental health and substance abuse treatment ..... \$22,319 (no change)

To the Iowa Law Enforcement Academy ..... \$968,698 (+\$100,000)

To the Department of Public Defense

For the Homeland Security and Emergency Management Division ..... \$1,836,877 (no change)

For E911 Communications ..... \$250,000 (+\$50,000)

- This appropriation from the wireless E911 emergency communications fund to the homeland security and emergency management division is 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.

To the Department of Public Safety

For training and operation of the statewide interoperable communication system board ..... \$48,000

## **HF 2336 - Agriculture and Natural Resources Appropriations**

MBM

All County Officials

This bill makes appropriations from the general fund and other funds for agriculture and natural resources programs for FY 2013.

To the Department of Agriculture and Land Stewardship (DALs)

For a local food and farm program coordinator ..... \$75,000 (no change)

For the conservation reserve enhancement program ..... \$1,000,000 (no change)

- Permits DALs to use these funds in combination with other 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 (no change)

For soil and water conservation administration ..... \$2,550,000 (+\$550,000)

- 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 ..... \$6,650,000 (+\$350,000)

For the Loess Hills development and conservation fund ..... \$525,000 (+\$50,000)

For the agricultural drainage well water quality assistance fund ..... \$550,000

- This is in addition to the \$1 million Rebuild Iowa Infrastructure Fund appropriation.

For the agricultural drainage well water quality assistance fund ..... \$1,000,000

- This is in addition to the \$550,000 EFF appropriation.

To the Department of Natural Resources (DNR)

For flood management and dam safety ..... \$2,000,000 (no change)

- Of this amount, up to \$400,000 may be used to install stream gauges for tracking and predicting flood events and for compiling necessary data to improve flood frequency analysis.

For water quality monitoring stations ..... \$2,955,000 (no change)

For regulation of animal feeding operations ..... \$620,000 (+\$200,000)

For air quality monitoring ..... \$425,000 (no change)

For groundwater quality protection ..... \$3,455,832 (no change)

For enforcing snowmobile programs ..... \$100,000 (no change)

For underground storage tank programs ..... \$200,000 (no change)

To the Iowa Resources Enhancement and Protection Fund ..... \$12,000,000 (no change)

# APPROPRIATIONS

## **HF 2337 - Economic Development Appropriations**

MBM

All County Officials

This bill makes appropriations for various economic development programs for FY 2013 and contains related policy provisions.

To the Department of Cultural Affairs  
For the Great Places Program ..... \$150,000 (no change)

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 ..... \$11,439,497 (-\$2,687,199)

- This amount includes \$9,179,413 (+\$508,061) from the general fund, \$1,627,084 (+\$410,000) from the Special Employment Security Contingency Fund and \$633,000 (-\$3,605,260) from the Unemployment Compensation Reserve Fund.
- Of the total general fund appropriation, the department is to allocate at least \$1,130,602 for the operation of satellite field offices in Decorah, Fort Madison, Iowa City and Webster City, and \$150,000 to the state library for licensing of an online resource to assist persons with enhancing job skills and vocational test-taking abilities.

To the Public Employment Relations Board  
For a website that allows access to a database of collective bargaining information ..... \$15,000 (no change)

The bill amends Iowa Code §15G.111(2)(b)(1), which allocated \$175,000 annually through FY 2013 to the Council of Governments (COGs) from the interest earned on the Grow Iowa Values Fund. The bill allocates \$350,000 to the COGs for the remainder of FY 2012, and allows the Department of Economic Development to carry forward the unobligated balance into FY 2013.

Effective Date: Section 25 of Division III relating to the COGs takes effect upon enactment.

## **HF 2338 - Judicial Branch Appropriations**

MBM

County Attorneys, Supervisors

In addition to making appropriations for the judicial branch, this bill contains a number of policy provisions. It encourages the judicial branch to increase its delinquent fine collection efforts, and requires a semiannual update of the amount collected using the Iowa Court Information System. It 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.”

## **HF 2465 - Standing Appropriations**

MBM

All County Officials

This bill makes appropriations for property tax credits and other programs for FY 2013, and includes language from the county treasurers’ bill.

### **Property Tax Credits**

With the exception of the Homestead credit, the bill fully funds the property tax credits for the first time since FY 2000:

- Homestead - \$107 million, an increase of \$20.8 million compared to FY 2012, but \$30 million less than the projected demand.
- Agricultural Land and Family Farm - \$39.1 million, fully funded
- Elderly and Disabled - \$24.9 million, fully funded
- Military - \$2.4 million, fully funded

### **County Treasurers**

The bill includes the language from the county treasurers bill, SF 2240. The bill increases the amount that can be waived on properties with city special assessments and drainage districts from \$100 to \$500. Changes are made to the way that partial payments can be apportioned to the various taxing entities to allow the county treasurer to make partial payment either on a monthly basis or following the due date of the next semiannual tax installment. The bill changes when taxes for a subsequent year may be paid by the tax sale certificate holder adding an additional month to the current 14 days following the date an installment becomes delinquent.

# APPROPRIATIONS

## All-Terrain Vehicles (ATVs)

The bill requires owners of snowmobiles and ATVs to maintain proof of financial liability.

## Grant Program

The bill creates a grant program for children of a peace officer, police officer, fire fighter, sheriff or deputy sheriff killed in the line of duty. The bill allocates funds from the college student aid commission for the program.

## SF 2071 - Supplemental Appropriations

MBM

All County Officials

The bill specifies that an additional round of funding from the Mental Health Risk Pool for FY 2012 will be distributed first to counties that currently have a waiting list, and second to counties applying for the nonfederal share for individuals from the Intellectual Disabilities Waiver waiting list.

In addition, the bill appropriates \$7.2 million from the Economic Emergency Fund (EEF) to restore the standing appropriation to the Property Tax Relief fund for mental health services. The bill also removes the requirement for counties to submit a three-year plan by April 1, 2012.

Effective Date: Upon enactment, March 2, 2012.

## SF 2313 - 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 2013 and includes policy provisions.

To the Governor's Office of Drug Control Policy ..... \$240,000 (-\$50,000)

- The bill requires the Governor's Office of Drug Control Policy to remain independent but be colocated with the Department of Public Safety (DPS). The bill also permits DPS to provide administrative support.

## SF 2314 - Transportation Appropriations

MBM

Engineers, Supervisors, Treasurers

This bill makes appropriations for FY 2013 from the Road Use Tax Fund and the Primary Road Fund to the Department of Transportation (DOT).

From the Road Use Tax Fund

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

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

In addition to the appropriations, the bill requires the DOT to submit quarterly electronic reports to various legislative committees and the Legislative Services Agency regarding implementation of efficiency measures identified in the January 2012 "Road Use Tax Fund Efficiency Report." The first report is to be submitted by October 1, 2012.

## SF 2316 - 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 2013 and later years.

### From the Rebuild Iowa Infrastructure Fund (RIIF)

To the Department of Cultural Affairs

For the Great Places Program ..... \$1,000,000 (no change)

To the Department of Natural Resources

For lake restoration and water quality projects ..... \$6,000,000 (+\$541,000)

For Lake Delhi dam reconstruction ..... \$2,500,000

# APPROPRIATIONS

- The bill appropriates an additional \$2.5 million for FY 2014. The appropriations are contingent on the completion of a plan by Lake Delhi to increase public access areas to the lake such as boat ramps and beaches, and to address wastewater treatment systems for homeowners in an effort to reduce pollution and increase the water quality of the lake. The plan is to be submitted to the General Assembly by December 31, 2012.

For water trails and low head dam safety grants .....\$1,000,000

To the Department of Transportation

For recreational trails ..... \$3,000,000 (no change)

To the Treasurer of State

For county fair infrastructure improvements ..... \$1,060,000 (no change)

- The money is distributed to all 106 county fairs in the Association of Iowa Fairs (\$10,000 each).

## From the Technology Reinvestment Fund

To the Iowa Telecommunications and Technology Commission

For replacement of equipment for the ICN ..... \$2,198,653

To the Department of Management

For a searchable budget database ..... \$45,000 (-\$5,000)

- This is the second year of funding for development of a public, online searchable database of budget and tax rate information. The database is to be completed by January 1, 2013.

To the Iowa Judicial Branch

For implementation of an electronic document management system ..... \$1,000,000

To the Department of Public Safety

For statewide public safety radio network ..... \$2,500,000

## **SF 2324 - Workforce Development Appropriations**

*MBM*

*All County Officials*

The Iowa Supreme Court decision of *Homan v. Branstad* invalidated the FY 2012 and FY 2013 appropriations to the Department of Workforce Development. This bill reenacts the FY 2012 appropriations, and HF 2337, the Economic Development Appropriations Bill, enacts the FY 2013 appropriations. See the bill summary for HF 2337 for the FY 2013 appropriations.

## **SF 2336 - 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 2013.

### **General Fund Appropriations**

To the Department of Aging

For case management for the frail elderly ..... \$10,342,086 (+\$39,509)

To the Department of Public Health

For addictive disorders ..... \$23,863,690 (+\$360,500)

For strengthening local health care delivery systems ..... \$4,869,980 (+\$634,814)

For infectious diseases prevention and care ..... \$1,335,155 (-\$10,692)

For public protection ..... \$2,779,127 (+\$2,895)

- Of this amount, \$471,690 (no change) is to be credited to the emergency medical services fund.

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

- To the University of Iowa ..... \$111,308 (no change)

- To the state mental health institute at Cherokee ..... \$100,493 (no change)

- For a mental health professional shortage program ..... \$144,542 (no change)

- For psychologists in urban and rural mental health professional shortage areas ..... \$38,263 (no change)

- To local boards of health for three pilot programs to assist patients in determining an appropriate medical home ..... \$77,609 (no change)

# APPROPRIATIONS

- To maternal and child health centers for pilot programs to assist patients in determining an appropriate medical home .....\$95,582 (+\$17,973)
  - To rural health clinics to assist patients in determining a medical home ..... \$142,192 (+\$31,762)
- For reducing public exposure to environmental hazards ..... \$803,870 (-\$9,907)
- Of this amount, \$544,377 (no change) is for childhood lead poisoning prevention, testing and remediation.

To the Department of Veterans Affairs

- For the Iowa Veterans Home ..... \$8,025,714 (-\$926,437)
- For the county commissions of veterans affairs fund .....\$990,000 (no change)

To the Department of Human Services (DHS)

- For distribution to counties for MI/ID/DD state case services ..... \$12,381,763(-\$212,281)
- For medical assistance ..... \$914,993,421 (+\$11,500,000)
  - o In addition to this appropriation, any funds remaining in the health care transformation account at the close of FY 2013, and any funds remaining in the risk pool of the property tax relief fund at the end of FY 2012, are to be appropriated to DHS for Medicaid.

For state supplementary assistance ..... \$15,450,747 (-\$1,400,000)

For child and family services ..... \$81,231,561 (-\$1,598,602)

- Up to \$30,837,098 (+\$667,969) is to be used for group foster care maintenance and services.
  - o 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%.
- For de-categorization service funding pools and governance boards .....\$1,717,753 (no change)
- State funding for shelter care is limited to .....\$6,870,116 (-\$300,000)
- 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 funding of the community circle of care collaboration for children and youth in NE Iowa (formerly the substance abuse and mental health services administration grant) ..... \$1,436,595 (+\$236,100)
- For continuation of a system of care grant in Cerro Gordo and Linn Counties .....\$160,000 (no change)

For the state mental health institute at Cherokee ..... \$5,535,738 (-\$341,570)

For the state mental health institute at Clarinda ..... \$6,442,688 (+\$30,954)

For the state mental health institute at Independence ..... \$9,738,520 (-\$537,165)

For the state mental health institute at Mount Pleasant ..... \$885,459 (-\$58,864)

## **Mental Health and Disability Services (MH/DS) Redesign Fund**

The bill creates a MH/DS redesign fund and appropriates to the fund:

- \$40 million from the general fund.
- \$11,150,820 from the general fund (previously appropriated to counties for state cases).
- \$14,211,100 from the general fund (previously credited to the mental health development disabilities community services fund).
- \$81,199,911 from the general fund (in lieu of the property tax relief standing appropriation).
- \$74,697,893 from the general fund (in lieu of mental health allowed growth funding).
- \$7.2 million from the Iowa economic emergency fund.
- Replacement generation tax revenues (previously credited to the property tax relief fund).

The redesign funds are appropriated to DHS and are to be used to pay for the nonfederal share of Medicaid costs that would be billed to counties for the following services:

- Habilitation;
- Targeted case management;
- Intermediate care facilities for persons with mental retardation (ICF/MR);
- Home-based and community-based waiver services for persons with intellectual disabilities and brain injury;
- Community-based intermediate care facilities for persons with mental retardation (ICF/MR); and
- The state resource centers.

Moneys remaining in the redesign fund at the close of the fiscal year are to be transferred to the MH/DS regional services fund.

# APPROPRIATIONS

## **Miscellaneous Provisions**

The bill allows counties to temporarily transfer moneys from other county funds to Fund 10 for cash flow purposes.

The bill requires DHS to implement the federal Balancing Incentive Program, designed to move individuals from institutional-based settings to home and community based settings.

The bill provides a 2% provider rate increase for HCBS waiver providers beginning January 1, 2013.

The bill requires DHS to study rebasing for HCBS and Home Health providers with a report to the General Assembly by December 31, 2012.

The bill makes the necessary change to Iowa Code §249A to move the responsibility for funding Medicaid services from the county of legal settlement to the state.

The bill moves the deadline for counties to spend risk pool funds from November 1, 2012 to June 30, 2013.

# 2012 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.

**The following is a list of bills that ISAC opposed that were successfully defeated.**

HF 2006 - County Conference Boards  
HF 2019 - Workers Compensation  
HF 2050 - Broadband Service Property Tax Exemption  
HF 2115 - Carrying of Dangerous Weapons  
HF 2116 - Optional Pistol or Revolver Permit  
HF 2274/HF 2475/HSB 676 - Property Tax Reform  
HF 2304 - Whole Body Scanners  
HF 2391 - Medical Parole  
HSB 500 - Property Tax  
HSB 519 - Property Taxation and Local Government budgets  
HSB 531 - Telecommunications Assessment  
HSB 585 - Raw Milk  
SF 2088 - Elimination of Road Use Tax Fund  
SF 2187 - Repeal Collective Bargaining  
SF 2191 - Automated Traffic Finer  
SF 2201 - Airport Full-Body Scanner  
HJR 2010 - TABOR Amendment

**The following is a list of bills supported by ISAC that failed.**

HF 2043 - State Implementation of Federal Statute  
HF 2129 - Risk Pool Applications  
HF 2205 - County Enterprise Definition  
HF 2258 - Forest and Fruit Tree Committee  
HF 2317/SF 2246 - Absentee Ballot Notices  
HF 2319 - Elections Technical  
HF 2424 - County Attorney Duties  
HSB 528 - Inmate Medical Expenses  
HSB 547/SF 2224 - Road Funding  
HSB 652 - Bottle Bill  
SF 2001 - Empty Beverage Container Refund  
SF 2124 - Mandate Clean-Up  
SF 2243 - Licensed Social Worker Loan Repayment Program  
SF 2266 - County Enterprise  
SF 2301 - Dog and Cat Breeders  
SF 2335 - Public Safety Training  
SSB 3188 - Bottle Bill Expansion

## LEGISLATIVE POLICY COMMITTEE

### 2012 ISAC Legislative Policy Committee Members

Committee Chair: Darin Raymond, Plymouth County Attorney and ISAC 2nd Vice-President

Committee Co-Vice Chairs: Dianne Kiefer, Wapello County Treasurer

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Deb McWhirter, Butler County  
Dale McCrea, Muscatine County

#### Auditors

Ken Kline, Cerro Gordo County  
Dennis Parrott, Jasper County

#### Community Services

Teresa Kanning, Cass County  
Shane Walter, Sioux County

#### Conservation

Dan Cohen, Buchanan County  
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#### Emergency Management

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#### Zoning

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RJ Moore, Johnson County





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