Summary of Legislation

passed by the
76th General Assembly
First Session

1995

"Working Together for Property Tax Relief"



IOWA STATE ASSOCIATION OF COUNTIES



MISSION:

To promote efficient and economically sound county government for the citizens of Iowa.

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INTRODUCTION

In 1995, the counties of Iowa saw some of the most important public policy decisions in recent memory. This summary contains 120 bills affecting counties which passed during the 1995 legislative session. There were 18 more bills affecting the way counties do business than last year.

Since it worked so well last year, this summary continues the organizational layout by steering committee topics. Our "1995 Policy Statements and Legislative Objectives" book was also organized this way, so we thought it makes sense to be consistent with it.

Generally, bill summaries should be fairly easy to find, since steering committee topics are so distinct. For example, a bill dealing with road maintenance would obviously be found under "Transportation."

However, there are some occasions where a bill could logically fit into more than one steering committee. An example would be SF 69, which significantly affects county mental health service delivery and also phases out the property assessment on business machinery and equipment. The summary could fit under "County Administration and Organization," "Health and Human Services," or "Taxation and Finance." We placed the SF 69 summary under "Taxation and Finance."

In anticipation of situations such as this, we have cross-referenced those bills that could fit under more than one steering committee topic. This should help you find bills of interest to you.

If you still can't find a bill you are looking for, there are two indexes in the back of this book. One is organized by affiliate. For example, if you are an auditor, you can look under "Auditor" and find topics with bill and page numbers affecting your office. A new index was also added, listing all bills in numerical order with a short title and page number.

Please note that the shaded areas have been vetoed by the Governor.

As always, this bill summary is <u>not</u> intended to report on every bill down to the last 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 we might want on a given bill. If you think a bill might have some specific application for your office, please get a copy of the enrolled bill and review it yourself. You can get an enrolled bill by calling the legislature's Public Information Office at (515) 281-5129.

The initials of the person(s) who summarized the bills appear at the end of each individual summary. Their initials are:

JE - John Easter
TF - Tricia Fazzini
HG - Heather Guess (intern)
SKL - Sandy Longfellow
REM - Robert E. Mulqueen
WP - William Peterson
DV - David Vestal
DAW - Deb Westvold

A special thanks is in order to Holly Herman, ISAC secretary, who compiled all of this information to create this book.

Finally, we are pleased to acknowledge the efforts of the Iowa General Assembly for its hard work in developing public policy favorable to counties. We strongly encourage county officials to thank their legislators for a job well done.

We always want to improve this bill summary book. After you've read this one, please let us know what you think. We have included a colored tear-out comment sheet in the middle of this book. Any comments or suggestions you have would be greatly appreciated.

ISAC PRIORITY UPDATE

At the ISAC Fall School of Instruction last November, the general membership approved a series of policy statements and legislative objectives for the 1995 session of the General Assembly.

These policies and objectives originated in the seven ISAC steering committees, and then were approved by the ISAC Board of Directors before being voted on by the general membership. In addition, the Board identified five of them as "top" policy priorities for ISAC. The entire package was presented in the theme of "Working Together for Property Tax Relief."

While all of the policy statements and legislative objectives established the work program for ISAC staff, the top priorities received special attention in 1995. The update below will give you some idea of what happened to our top priorities in the legislative session.

If there is a particular issue that you think should be an ISAC policy or objective for 1996, the ISAC legislative process begins again with the steering committee meetings this August 30 at the Holiday Inn Airport in Des Moines. You are all encouraged to come and participate.

COUNTY HOME RULE: The most central tenet of county government in Iowa is "home rule." The home rule principle enables county officials to enact ordinances pertaining to matters of local concern that are not in conflict with state law. This concept is designed to maintain control at the local level.

In recent years, Iowa has seen a continued erosion of control at the local level. Unfunded mandates, tax freezes, and rigid state program controls comprise the essential elements of a strong central state government.

At a time when federal officials in Washington, D.C. are returning more control back to the states, it is fitting that the state, in turn, loosen controls and mandates on local units of government.

Therefore, ISAC based many positions on legislative proposals from the policy statement on home rule.

MENTAL HEALTH SERVICE SYSTEM and FUNDING: One of the most important legislative objectives for ISAC over the last several years has been to acquire significant state funding of mental health costs. In 1995, the state of Iowa experienced a revenue surplus for the first time in many years. As a result, lawmakers of both houses and both parties agreed that $100 million in tax relief for Iowa's citizens was the most vital goal of the session.

Numerous interest groups and programs were competing for tax breaks. Counties came out the biggest victor in the tax relief sweepstakes, as over half of the package was dedicated to helping county government with mental health costs.

Specifically, $61 million was allocated for this purpose in FY96, $78 million in FY97, and $95 million for each fiscal year thereafter. By FY98, this funding allocation will bring the state up to a 50 percent share of the county FY94 base year mental health expenditure.

As the plan for a partnership between the counties and the state moved forward, SF 69 also brought continued refinements in managed care and mental health planning and services. Some of these changes are geared toward making the system more client-driven and community-based.

CORPORATE INCOME TAX CREDIT IN LIEU OF REPEAL OF M&E: Counties are as interested in economic development as any other group. Counties also understand that whenever a tax break is given on the local level, the tax burden shifts to those remaining taxpayers who did not receive the break.

Therefore, ISAC presented the concept of a corporate income tax credit (based on machinery and equipment values) in lieu of the repeal of M&E. The purpose of this approach was to keep the local revenue base intact by placing the burden of the corporate tax break on the state.

As SF 69 was debated, serious consideration was given to the ISAC proposal. For a period of time, it seemed possible that this approach might be used.

Political dynamics dictated, however, and another approach was used. The result is an attempt to hold local units of government harmless through state replacement dollars for diminishing revenues during a ten-year period as a result of a phase-out of the M&E assessment.

The implementation of this portion of SF 69 is rather vague since the language in the bill is unclear. The thing that appears to be certain, however, is that if the ISAC plan were not on the table as a viable option, we would probably have had an outright repeal of the M&E tax.

PROPERTY TAX CREDITS: Property tax credits also received much attention during the 1995 legislative session. Two bills passed the House which made a number of mechanical changes in various property tax credits.

The original SF 69 as passed by the Senate would have used any monies remaining in the property tax relief fund (after paying all mental health cost increases and half of the base) to begin fully funding the various property tax credits.

The final version of SF 69 has a provision to begin funding the state shortfall of the homestead credit with any remaining monies in the newly created property tax relief fund when all mental health cost increases are paid and half of the base is paid. Time will tell if this provision will ever kick into effect.

In the meantime, it is certain that the various property tax credits will be back on the table for significant debate in 1996.

CHILDREN AND FAMILY ISSUES: Children and family issues were popular in 1995. SF 433 provided key improvements to maximize program efficiency of the FIP. Such changes are geared toward creating greater self-dependence of those families in the FIP system. SF 462 continued or improved funding levels of many human services, including juvenile detention. HF 530 provided continued and improved funding levels of many public health programs and services. Children and family issues continue to be a key area of interest for ISAC, as counties often play a vital role in the delivery of human service programs.

AGRICULTURE AND RURAL AFFAIRS

SF 85 - Animal Health

Environmental Health Specialists

DALS is required to study the needs and desirability of adopting or enhancing animal health requirements, including health certificates for farm deer.

Effective Date: July 1, 1995 TF

SF 215 - Private Wells

Supervisors, Environmental Health Specialists

Section 1 amends §455E.11 by appropriating moneys from the ground water protection fund to administer grants to counties and oversee county-based programs for the testing of private rural water supply wells, private rural water supply well sealing, and the proper closure of private rural abandoned wells and cisterns, which constitutes two percent of the fund. Not more that 35 percent of the moneys is appropriated annually for grants to counties to conduct programs of private rural water supply testing, private rural water supply well sealing, the proper closure of private rural abandoned wells and cisterns, or any combination thereof. To be eligible for a grant, a county must have adopted standards for private water supply and private disposal facilities at least as stringent as the standards adopted by the commission. Not more than six percent of the moneys is appropriated annually to the state hygienic laboratory to assist in well testing.

Effective Date: July 1, 1995 HG

SF 256 - Application of Pesticides, see Environment and Land Use

SF 333 - Notice Requirements for Work on Drainage Districts

Supervisors, Engineers, Auditors

This act amends §468.101 by providing that, upon completion of work on a drainage or levee district and upon receipt of a report of completed work from the engineer in charge of construction to the county board of supervisors, the board shall give notice of a meeting to consider the report to the owners of the land on which the work was done and to the owners of each tract of land or lot within the district. The publication of such a notice is not required to name the owners of any tract of land or lot within the district. The date for the meeting considering the report shall not be less than 10 days after a mailing [to the above owners], or publication, whichever is later.

Effective Date: July 1, 1995 REM

HF 128 - Joint Investment of Funds of Rural Water Districts

Treasurers, Auditors, Supervisors

This act amends §331.555 (6) to read that the county treasurer may invest funds jointly with several public entities now including rural water districts created under chapter 357A.

This act also amends §357A by stating that a petition requesting incorporation of a rural water district be signed by the owners of at least 30 percent (rather than 50) of all real property lying within the outside perimeter of the proposed district. The bylaws of such districts (provided in §357A) have had to provide for an annual meeting of participating members of the rural water district between January 1 and March 1. This act amends this to state that such meeting shall take place between January 1 and May 1.

This act also amends §357A.11 by adding the power to place all funds in investments which may be invested jointly with one or more counties, judicial district departments of correctional services, cities or city utilities pursuant to a joint investment agreement.

This also amends §357A.20 by changing the percent of property owner signatures for a petition to the county boards of supervisors for district incorporation by an already existing nonprofit corporation from 50 to 30.

Effective Date: July 1, 1995 REM

HF 481 - Federal Block Grants, see County Administration and Organization

HF 512 - Economic Development Appropriations

Supervisors, Auditors

This legislation appropriates $34.3 million from the Iowa general fund for agencies related to Iowa's economic development and workforce development efforts. Of particular importance to counties are the following programs:

Community Development Division

* Community Assistance in the community economic preparedness program, the Iowa community betterment program, and the city development board $615,000

* Main Street/Rural Main Street Program $410,000

* Rural Development Program for rural resource coordination, rural community leadership, the rural enterprise fund, and for $50,000 to be allocated competitively to 10 to 20 communities for

direct purchase of services or goods that meet local development needs or to enhance heritage and tourism efforts from state and private sources $600,000

*Appropriates from the rural community 2000 program revolving fund to the rural development program for the rural enterprise fund and collaborative skills development training . $226,000

* Community development block grant and HOME $390,000

* Councils of Governments $178,000

* Housing Development Fund for technical assistance to communities of all sizes and local financial institutions to help meet local housing needs $100,000

* Community Voice Mail Pilot Project for Homeless . . . . . $ 10,000

Tourism Division

* Tourism operations for ads for in-state and out-of-state tourism marketing $716,000

* Tourism advertising for tourism marketing services, promotion programs, electronic media, print media, and printed materials with emphasis on the heritage tourism program and the sesquicentennial $2,687,000

* Welcome Center Program $240,000

Finally, section 2 of the bill provides that funds appropriated in FY96 from the Iowa Community Development Loan Fund for DED's rural development program will be used by DED for that program notwithstanding language in §15E.120 stating that loan repayments shall not revert to the state general fund.

Effective Date: July 1, 1995 JE, REM

HF 519 - Regulation of Animal Feeding Operations

Supervisors, Auditors, Environmental Health Specialists, Zoning Administrators

Section 3 of the act adds a new section to chapter 159 to deal with disposal of manure within designated areas. New §159.27 defines a "designated area" as "a known sinkhole, or a cistern, abandoned well, unplugged agricultural drainage well, agricultural drainage well surface inlet, drinking water well, or lake, or a farm pond or privately owned lake." It does not include a terrace tile inlet. According to this section, manure shall not be disposed of on cropland within 200 feet of a designated area, unless one of the following occurs:

1. It is applied by injection or incorporation within 24 hours after application
2. An area of permanent vegetation covers 50 feet surrounding the designated area. This area is one where manure cannot be applied.

Section 4 defines "animal unit," "confinement feeding operations," "indemnity fee," and "manure storage structure,"

Section 5 creates the Manure Storage Indemnity Fund. This fund shall be in the state treasury under the control of DALS. This fund shall be composed of

1. Indemnity fees paid to the Department of Natural Resources (DNR) for permits to construct a manure storage structure or for a confinement feeding operation if a manure storage structure is connected
2. Sums collected by DALS through legal actions or legal settlements
3. Funds repaid to DALS by counties according to this chapter
4. Civil penalties collected by the DNR
5. Funds from the settlement of enforcement actions for civil penalties by DNR
6. Interest, property and securities acquired through use of this fund, and
7. Contributions to the fund from other sources. This fund shall be used only for "indemnifying a county for expenses related to cleaning up the site of the confinement feeding operation, including removing and disposing of manure from a manure storage structure, and to pay the Department for costs related to administering the provisions of this chapter." The fund shall not exceed $1 million. Any amount in excess shall, each August 31, be deposited in the Organic Nutrient Management Fund.

Section 6 provides for the amounts of the indemnity fee assessed on those granted construction permits for confinement feeding operations, as follows:

1. For confinement feeding operations with animal weight capacity of less than 625,000 lbs.:
   A. non-poultry --- five cents per animal unit;
   B. poultry ------- two " " " " ;
2. For confinement feeding operations with animal weight capacity of more than 625,000 lbs. but less than 1,250,000 lbs. :
   A. non-poultry --- seven and one-half cents per animal unit;
   B. poultry ------- three cents per animal unit;
3. For confinement feeding operations with animal weight capacity of more than 1,250,000 lbs.:
   A. non-poultry --- 10 cents per animal unit;
   B. poultry ------- four cents per animal unit;

Section 7 provides for making claims of the fund. The mechanics for claims are as follows:
1) A county which has taken the deed to property containing a manure storage structure following non-payment of property taxes may make a claim "to pay the costs of cleaning up the site of the confinement feeding operation, including the costs of removing and disposing of the

manure from a manure storage structure. Each claim shall include a bid by a qualified person, other than a governmental entity, to remove and dispose of the manure for a fixed amount specified in the bid."
2) DALS shall determine the eligibility of the claim and shall either A) pay the claim based on the amount submitted by the county upon completion of cleanup or B) "Obtain a lower fixed amount bid for the work from another qualified person, other than a governmental entity, and pay the amount of the claim" based upon the bid on completion of the cleanup.
3) If the claim is found eligible, DALS shall pay 100 percent of the claim. If the fund is not sufficient to pay all standing claims, DALS shall pay the earliest claims first until funds are exhausted. Some claims will be deferred until payment can be made.
4) A legal compromise or settlement between a county and a property owner over cleanup of a manure storage structure and payment of taxes which also involves a claim against the fund cannot be settled without consent of DALS.
5) "If upon disposition of the real estate the county realizes an amount which exceeds the total amount of the delinquent real estate taxes, the county shall forward to the fund any excess amount which is not more than the amount expended by the fund to pay the claim by the county."

Section 8 states that a county which has taken deed to property containing a confinement feeding operation may clean up the site and seek reimbursement from the property owner abandoning the site. Anyone cleaning the site acquired by a county "may dispose of any building or equipment used in the confinement feeding operation located on the land according to rules adopted by the DNR pursuant to chapter 17A".

Section 9 informs us that this act "does not imply any guarantee or obligation on the part of this state."

Section 14 of the act amends §455B.134 by providing that the existing minimum distance requirements for anaerobic lagoons and earthen waste slurry storage basins (for operations of less than 625,000 lbs. live animal weight other than beef cattle or 1,600,000 lbs. live animal weight for beef cattle) of 1,250 feet from a residence or a public use area (other than a road) shall apply to lagoons built or expanded between June 20, 1979 and the effective date of this act and to waste slurry storage basins built or expanded between July 1, 1990 and the effective date of this act.

Section 16 creates §455B.162 which sets forth minimum distance requirements for animal feeding operations structures built or expanded on or after the effective date of this measure. The minimum separation distances are "between an animal feeding operation structure and a residence not owned by the owner of the animal feeding operation, or a commercial enterprise, bona fide religious institution or an educational institution," as follows:

1. For an operation of less than 625,000 lbs. animal weight other than cattle or less than 1,600,000 lbs. for cattle: 1250 feet from an anaerobic lagoon or an uncovered earthen manure storage basin, 1000 feet from an uncovered formed manure storage structure, and 750 feet from covered earthen or formed manure storage structure, a confinement building

or an egg wash water storage structure.

2. For an operation of more than 625,000 lbs. but less than 1,250,000 lbs. animal weight other than cattle or 1,600,000 lbs. but less than 4,000,000 lbs. animal weight for cattle: 1875 feet from an anaerobic lagoon or uncovered earthen manure storage basin, 1500 feet from an uncovered formed manure storage structure, 1000 feet from a covered earthen or formed manure storage structure, a confinement building or an egg wash water storage structure.
3. For an operation of 1,250,000 or more lbs. animal weight other than cattle or for 4,000,000 or more lbs. for cattle: 2500 feet from an anaerobiclagoon or an uncovered earthen manure storage basin, 2000 feet from an uncovered formed manure storage structure, and 1500 feet from a covered earthen or formed manure storage basin, a confinement building or an egg wash water storage structure.

Section 17 creates new §455B.163 which further details which parties must comply with the minimum distance separation requirements of this act. A feeding operation which does not comply with the distance requirements in §455B.162 "may continue to operate regardless of those separation distances. Such an operation may expand regardless of separation distances, if either the operation's structures comply with distance requirements, or if no portion of the feeding operation after expansion is closer than prior to expansion to those locations provided for in minimum distance requirements and if the animal weight capacity of the operation (as expanded) "is not more than the lesser of the following: double its capacity of the effective date of this act, or one of the following: 625,000 lbs. capacity for animals other than bovine or 1,600,000 lbs. capacity for bovine."

Section 19 creates new §455B.164 which provides for exemptions from minimum distance requirements. These exemptions include a structure which stores dry manure; a structure, other than an earthen lagoon, which is part of a small animal feeding operation; a structure which, when built or expanded, is part of agreement (in the form of a written waiver) between the owner of the land where the structure stands and owners of adjoining or nearby property; (The waiver must be recorded with the county recorder of the county in which the properties are located); a structure or the separation distance between the structure and designated areas within the corporate limits of a city, if the city approves a waiver, which must be recorded with the county recorder of the county where the structures are located, though this provision does not affect the minimum separation distances required between such a structure and "designated areas"; a structure built or established prior to the establishment of any designated area or prior to the expansion of any city boundary or public use areas.

Section 21 strikes from §455B.173 a provision that the Commission and the director of the DNR have powers to issue, revoke or deny permits for the disposal of water wastes resulting from poultry and livestock operations.

Section 22 amends §455B.173 by providing that the DNR not require an animal feeding operation structure permit for a small animal feeding operation. It also provides that the DNR shall not approve a permit for construction of three or more animal feeding operation structures unless the

applicant files a statement (approved by a professional engineer) certifying that construction will not impede drainage through existing drainage tile lines. Further, this section states that the DNR shall require that a copy of the application for a construction permit be delivered to the county board of supervisors and that the DNR shall not approve or issue a permit until 30 days after the application is delivered to the supervisors. The DNR shall consider comments from the county board of supervisors regarding legal compliance by the permit applicant with the requirements for construction of such a structure. The DNR shall also consider the comments of the county supervisors regarding the administrative rules adopted by the Department if the comments are delivered to the DNR within fourteen days of receipt of the application by the supervisors. The DNR may require installation of a hydrological monitoring system for an earthen lagoon if the DNR determines that the site presents "an extraordinary potential for groundwater pollution." The DNR shall not issue a permit for five years after the date of the last violation committed by a person or a feeding operation in which that person holding controlling interest was classified as a "habitual violator" under §455B.191.

Section 24 creates new §455B.201 dealing with minimum manure control. Among other provisions, it states that a confinement feeding operation shall not discharge manure into "water of the state" or into a tile line which discharges into such water. It also states that the owner of such an operation which discontinues operations "shall remove all manure from related confinement feeding operation structures used to store manure, by a date specified in an order issued to the operation by the department [DNR], or six months following the date that the confinement feeding operation is discontinued, whichever is earlier."

Section 26 creates new §455B.204 which states that "an animal feeding operation structure shall be located at least 500 feet away from the surface intake of an agricultural drainage well or known sinkhole and at least 200 feet away from a lake, river, or stream within the state of Iowa or any "marginal river area" adjacent to the state. No distance separation is required between such a structure and a farm pond or privately owned lake.

Sections 28 through 33 create new §654C which creates a new mediation service regarding animal feeding operations.

Sections 34 and 35 amend §657.1 and §657.2 by adding to what constitutes a legal nuisance that which is "unreasonably" offensive.

Section 36 adds a new section to chapter 657. It provides that it will be presumed in a manner which can be overturned through argument (a "rebuttable presumption") that an animal feeding operation is not a public or private nuisance and that such an operation "does not unreasonably and continuously interfere with another person's comfortable use and enjoyment of the person's life or property under any other cause of action." The rebuttable presumption shall not apply if personal injury or property damage is caused by failure to comply with federal or state statute or rules which apply to animal feeding operations. The rebuttable presumption may be overcome by "clear and convincing evidence" of: 1) the feeding operation "unreasonably and continuously interferes" with "comfortable use and enjoyment" of life or property; 2) injury or damage caused

by negligent operation of the feeding operation. This rebuttable presumption shall apply regardless of the date of operation or expansion of a feeding operation.

Section 38 states that indemnity fees (for deposit in the indemnity fund) shall not be imposed on anyone who received a construction permit more than ten years prior to the effective date of this act.

Effective Date: Upon Enactment REM

HF 553 - Agriculture and Natural Resources Appropriations, see Environment and Land Use

HF 583 - Animal Feeding Operation TIFs

Assessors, Supervisors

This legislation eliminates a provision included in HF 519 (Feedlot Regulation) that prohibits community colleges from providing services to employees of confinement operations under the Industrial New Jobs Training Program (job training TIFs). Specifically, the provision that is eliminated by HF 583 is §260E.3, subsection 6, as enacted by Iowa Acts, HF 519.

Effective Date: Upon Enactment JE

HF 577 - Real Estate Improvement Districts Pilot Project, see County Administration and Organization

COUNTY ADMINISTRATION AND ORGANIZATION

SF 9 - Abolition of Office of Recorder--Identification of Office

Recorders, Auditors

Section 1 explains that if the county recorder position is abolished, the duties of the recorder are included under the responsibilities of the county auditor, creating the position of county auditor and recorder.

Section 2 refers to Woodbury County's abolishing of its county recorder position. This act clarifies that any instruments filed between January 1, 1995 and the date this bill was signed by the governor shall be deemed to be properly filed.

Effective Date: Upon Enactment HG

SF 45 - League of Municipalities Name Change

All County Officials

The act changes the name of the League of Iowa Municipalities to the Iowa League of Cities in the Code of Iowa.

Effective Date: July 1, 1995 WP

SF 106 - Red Cross Volunteers

Auditors, Supervisors, Emergency Management Directors

This bill allows counties to grant up to 15 working days of paid leave in any 12-month period to employees who are certified disaster service volunteers of the American Red Cross. The leave must be at the request of the American Red Cross and upon the approval of the employee's county. The leave shall be taken without loss of seniority, pay, vacation time, personal days, sick leave, insurance and health coverage benefits, or earned overtime accumulation. The county granting the leave shall compensate the employee at the employee's regular rate of pay for those regular work hours during which the employee is absent from work. Leave under this bill shall be granted only for services relating to a disaster in the state of Iowa.

Effective Date: July 1, 1995 DV

SF 155 - Eliminating Wage Credit Liability Transfer

Auditors

Section 1 amends Iowa Code §96.3 (7) unnumbered paragraph 2. The amendment provides that an employer's account will be credited for any overpayment whether or not it is a contributory or reimbursable account.

Section 2 amends Iowa Code §96.5 (1) (a). This amendment provides that an employer's account will not be charged for benefits paid to individuals who left employment for the purpose of accepting better employment. Current law provides that if an individual voluntarily leaves employment for the purposes of accepting another job and loses that employment, the former employer can be charged for benefits.

Section 3 amends Iowa Code §96.6 (2). This section clarifies that in the event of a decision by an administrative law judge on appeal, if the initial determination is reversed, the employer's account shall not be charged whether they are contributory or reimbursable.

Section 4 amends Iowa Code §96.7 (2) (a) (2) unnumbered paragraph 3. This section provides that an employer's account shall not be charged for benefits for individuals who left employment without good cause attributable to the employer. The unemployment trust fund will be charged.

Effective Date: July 2, 1995 WP

SF 159 - Payment of Wages Upon Suspension or Termination

Auditors, Supervisors

This act requires the payment of earned wages to a terminated or suspended employee not later than the next regular payday for the pay period in which the wages were earned.

Effective Date: July 1, 1995 WP

SF 202 - Public Health Issues

Public Health Nurses, Recorders

Section 1 amends §144.13 (1) (d) to allow the state registrar of vital statistics to transmit to the appropriate local boards of health information from birth certificates for the sole purpose of identifying those children in need of immunizations.

Section 2 states that an out-of-state applicant for an athletic trainer license must fulfill the requirements stated in §152D.3 (1) and also submit proof of active engagement as an athletic

trainer in the other state.

Effective Date: July 1, 1995 HG

SF 225 - Bids for the Printing of Ballots

Auditors

Section 1 of the act strikes §47.5 (5) regarding competitive bidding.

Section 2 of the bill amends §47.5 (1) so that bids shall not be required for legal services of the printing of ballots.

Effective Date: July 1, 1995 HG

SF 234 - DNR Permits & Licenses, see Environment and Land Use

SF 280 - Townships Providing Emergency Medical Services

Supervisors, Auditors, Treasurers, Emergency Management Directors

Section 1 amends §359.42 by stating that township trustees may provide emergency medical service. The section strikes language stating that township trustees may provide such service only in counties not providing ambulance service.

Section 2 amends §359.43 by changing the reference from ambulance service agreements to emergency medical service agreements.

Effective Date: July 1, 1995 REM

SF 286 - Workers' Compensation Benefits

Community Services Directors, Auditors, Emergency Management Directors, Supervisors

This bill amends Iowa Code §85.36(10)(a) to provide that, in computing the compensation to be allowed volunteer ambulance driver or emergency medical technician trainee, their earnings shall be disregarded and they shall be paid an amount equal to the compensation they would be paid if injured in the normal course of their regular employment or an amount equal to 140 percent of the statewide average weekly wage, whichever is greater.

The state shall not pay any additional costs incurred by a political subdivision as a result of this bill.

Effective Date: July 1, 1995 DV

SF 394 - Instruments Filed or Recorded with the County Recorder

Recorders

Section 1 of this bill amends §331.602 by stating that instruments filed at the recorder's office must be submitted with space available to make additions to that document as needed.

Effective Date: January 1, 1996 HG

SF 422 - Vital Statistics

Recorders, Supervisors

This bill transfers the duties of the clerk of the district court relating to vital statistics to the office of the county recorder.

The county recorder serves as the county registrar of vital statistics for the purposes of maintaining birth and death records, issuing marriage licenses, and maintaining related information concerning the solemnization of marriages. County recorders will collect a fee for the state general fund for certified copies of birth records, death records, and marriage certificates. This fee will be set by the DPH and be based on administrative costs. In addition, a fee of $4 per certified copy will be collected by the recorder and deposited in the county general fund. A $4 fee for any original birth certificate filed with the county recorder will be collected for the county general fund in addition to the state fees.

The bill also provides that the county recorder will provide services related to passport applications which the clerks of the district court have discontinued. It amends Chapter 144 to divide the duties of the county registrar between the county recorder and the clerk of the district court. The clerks of the district court will keep the duties of the county registrar related to birth and death records where the district court is involved. Chapters 331 and 595 are amended to provide cross-references to the county recorder's duties and transfer duties relating to the issuing and keeping of marriage records. The board of supervisors shall assign the duties of county registrar in counties where the office of county recorder is abolished.

SF 422 contains a provision, effective upon enactment, which requires the clerks of the district court and the county recorders to implement a modernization of the vital statistics records system within the counties. The remainder of the bill takes effect July 1, 1997.

Effective Date: July 1, 1997 JE

SF 457 - Civil Rights Commission

Supervisors

Several sections of this bill amend portions of chapter 216 regarding the Iowa Civil Rights Commission to clarify that one role of the commission is to mediate complaints alleging unfair or discriminatory practices.

For instance, section 13 provides that the commission or a party to a complaint may request mediation of the complaint at any time during the commission's processing of the complaint.

Effective Date: July 1, 1995 DV

SF 458 - County Treasurer's Duties

Assessors, Auditors, Supervisors, Treasurers

This legislation makes numerous technical changes in county treasurer's duties. Section 1 requires all county treasurers to mail a statement of fees due by the 15th day of the month of expiration for vehicle owners.

Section 2 deletes the requirement that a mobile home dealer certify information regarding the sale of a mobile home or manufactured home to the county treasurer within seven days of the sale and delivery of the "home." It also requires the dealer to obtain a title within 15 days of acquisition of a used "home" that was previously titled in Iowa.

Section 3 requires that pertinent information relating to warrants be entered in the "county system." The "county system" may be either in the form of manual records or computer records.

Section 4 requires the treasurer's seal be placed on certificates of title rather than on the registration receipt.

Section 5 adds a new subsection authorizing the treasurer to collect a $5 administrative fee for all rates, charges rentals, and special assessments certified to the treasurer as a lien. The fee shall be credited to the general fund.

The bill changes recording requirements in warrant books and the "county system," deletes certificates of overplus, makes clarifying changes pertaining to amortized special assessments, increases the fee a treasurer may charge from $2 to $5 in §384.84 (4), changes the definition of mobile home park, makes changes to the definition of the word "taxes" in §445.1 makes remedial changes in § 445.3 and § 445.4 concerning the personal judgement remedy, and outlines the procedure for abatement of certain taxes.

Section 15 makes changes in the delinquency date for the September and March tax installments. The September/March installments become delinquent from October 1/April 1, including those instances when the last day of September/March is a Saturday or Sunday.

Section 17 requires that the treasurer use a random selection process to select a tax sale bidder in cases of a tie bid during the sale of a parcel at a tax sale. The treasurer may determine what type of random selection process is used.

Section 18 requires that the treasurer bid for the county at a public bidder sale rather than the board of supervisors.

Section 20 amends § 446.31 and provides for an assignment transaction fee of $10 to be collected from the assignee for each tax sale certificate assignment. The fee is deposited in the county general fund. The assignment fee applies to all assignments made on or after the effective date of this section, regardless of the date the certificate was originally issued. The assignment fee is not a part of the sale redemption calculation. This section makes other conforming changes pertaining to effective dates of assignment transactions.

Section 21 makes changes relevant to the filing of the 90 day notice of right of redemption. Once the notice is filed with the treasurer, a person who has acquired an interest in, or has come into possession of the parcel subsequent to the filing of the notice of expiration, is not entitled to service but does have the right of redemption.

Section 22 relates to those cases where more than one tax sale certificate exists on the same parcel (i.e. subsequent taxes were not paid by the first certificate holder resulting in the issuance of another tax sale certificate for the subsequent taxes). It clarifies the legal status of a tax sale certificate holder who fails to redeem after receipt of notice of expiration of right of redemption from a holder of a tax sale certificate from a prior sale (i.e., the second certificate holder fails to redeem after receiving notice from the first certificate holder) by providing that the holder of the tax sale deed (first certificate holder) obtains title subject to the rights of a holder of a certificate of purchase from a subsequent sale (second certificate holder).

The bill removes the requirement of "possession" as a prerequisite to the filing of the affidavit for a tax sale deed and provides that the state shall not pay additional costs incurred by a political subdivision as a result of SF 458.

Effective Dates:

Sections 17, 18, 20 and 21 are effective April 24, 1995.

Section 10 applies to the tax year beginning July 1, 1995, for FY96, and ending June 30, 1997.

All other sections are effective on July 1, 1995. JE

HF 3 - State Flag

Auditors, Supervisors

This bill describes the state flag and instructs custodians of public buildings on proper use and display of the state flag. Also changes designation from state "banner" to state "flag."

Effective Date: July 1, 1995 TF

HF 30 - Hunting and Fishing Licenses

Recorders, Conservation Directors

This act amends §483A.1 by stating that hunting and fishing combined licenses will cost $23.00 rather than $23.50. It applies to all hunting and fishing combined licenses sold for the 1996 license year and subsequent license years.

Effective Date: December 15, 1995 REM

HF 113 - Hunting, Fishing, Trapping, and Protected Species Licenses

Recorders

This act amends §483A.1A and §483A.26 of the Iowa Code to expand the definition of "resident" to include full-time students and non-resident minors whose parent is a resident of the state. It also strikes language relating the applicability of the provisions of §321.1A to licenses issued under this chapter.

Effective Date: July 1, 1995 DAW

HF 447 - Old Code Books & Legislative Information

All County Officials

The Department of General Services will send out legislative publications upon receipt of requests including return postage. Also, any Code books, Code Supplements or session laws that are at least four years old can be sent to those who request them. County officials are exempted from the requirement to include postage for such requests of Code documents.

Effective Date: July 1, 1995 TF

HF 475 - Relating to the State Archivist's Office

Recorders

Section 1 of the bill adds to the definition of the "archives" to include electronic records. It also states that county and municipal archives are not included in the state archives of Iowa unless they are voluntarily transferred to the custody of the state archivist and are physically delivered to the state archives of Iowa.

Section 2 concerns the transfer of archives. All parties shall deliver to the state archives of Iowa and transfer to the custody of the state archivist all archives as defined in §303.12. It also states that if certain classifications of the records listed are not of sufficient historical, legal, or informational value to justify permanent preservation, the state archivist shall not accept or retain the material in the state archives.

Section 3 states that any request of certified copies of articles from the state archivist will be honored unless reproduction is inappropriate because of legal, curatorial, or physical considerations.

Effective Date: July 1, 1995 HG

HF 481 - Federal Block Grants

Auditors, Community Services Directors, Public Health Nurses, Sheriffs, Supervisors

This bill appropriates funding received from various block grants from the federal government to the appropriate state agencies for the federal fiscal year beginning October 1, 1995, and ending September 30, 1996. This provides the mechanism for Iowa to receive federal block grant funds for FY96. These funds include the following:

Department of Economic Development:
1. Community Development $31,501,000

Department of Education:
1. Education $4,076,355

Department of Human Services
1. Community Mental Health Services $2,829,397
2. Social Services $30,379,684
   - Administrative $1,844,952
   - Field Operations $11,034,866
   - Child and Family Services $1,650,509
   - Child Care Assistance $1,365,329
   - Local Administrative Costs

and Other Local Services $1,170,281
- Volunteers $127,900
- Community-Based Services $147,084
- MH/MR/DD/BI Community Service (Local Purchase) $13,038,763
3. Child Care Development $8,306,132
4. Projects for Assistance in Transition from Homelessness ..... Unspecified Amount

Department of Human Rights:
1. Community Services $4,216,399
2. Low Income Home Energy Assistance $23,976,768

Department of Public Health:
1. Substance Abuse $11,190,416
2. Maternal and Child Health Services $6,949,058
3. Preventive Health & Health Services $1,783,899

Office of the Governor:
1. Drug Control and System Improvement $5,297,000

This bill also appropriates federal and non-state funds to all state agencies for the purposes set forth in grants, receipts, or conditions accompanying the funds unless otherwise provided by law. The bill requires the Governor to prorate the funds to various programs on the same percentage basis as specified in the act, if funding from the federal governments is less than or exceeds the amount appropriated.

The bill requires that the federal funds formerly received as categorical grants and consolidated into block grants, or block grants expanded to include programs funded by categorical grants, be appropriated for the programs formerly funded by the categorical grants subject to certain conditions.

The bill also appropriates the funds from other federal grants, receipts, and funds and other nonstate grants, receipts, and funds to the other state agencies.

Effective Date: July 1, 1995 DAW

HF 486 - Cemeteries and Funerals

Auditors, Supervisors

HF 486 is an omnibus bill relating to the regulation of cemeteries and funerals. It requires perpetual care cemeteries (except county cemeteries) to file an annual report accompanied with a filing fee and to maintain an on-site registry. All cemeteries, except county cemeteries, will

be required to have burial contracts, and to have such contracts approved by the Iowa Department of Commerce, insurance division. Other fee and reporting requirements are established for cemeteries other than city-owned and county-owned cemeteries. Finally, the division of insurance is authorized to promulgate rules and regulations to implement this legislation.

Effective Date: Upon Enactment JE

HF 494 - Election Procedures and Voter Registration Amendments

Supervisors, Auditors

This measure makes various technical changes to existing voter registration and election statutes in 43, 44, 47, 49, 50, 53, 69, 275, 277, 296 and 384.

Section 1 amends §43.49 by adding to the duties of the county board of supervisors at the time of a vote canvass, that they include in their abstract "the votes of all write-in candidates who each received less than two percent of the votes cast for an office reported collectively under the heading 'scattering.'"

Section 2 amends §43.53 by striking the language that, in dealing with those whose names are not on the official primary ballot, nomination can be declared only if they receive the number of votes equal to at least five percent of the votes cast in that political subdivision in the preceding general election for that party's candidate for President of the U.S. or for Governor.

Section 3 amends §43.63 by striking existing language and inserting that, after receiving the abstract of votes from the counties, the Secretary of State shall canvass the results for all offices. (Previously, this was the duty of the Executive Council.) Further, the Secretary of State shall invite to the canvass one representative from each political party that cast at least two percent of the total vote for President of the U.S. or Governor. The presence of these representatives is not necessary for the canvass. Finally, no later than the 27th day following a primary election, the Secretary of State shall present to the state board of canvassers the abstracts of ballots cast by each political party for each office county by county. Upon review, the state board of canvassers shall approve.

Section 4 amends §43.88 by stating that, in the event of a special election to fill a legislative seat while it is in session or within 45 days of the session convening, the nomination for that legislative candidate shall be certified not less than 14 days before the special election. This section strikes language which has stated that the time limits provided in §43.88 do not apply in these cases.

Section 5 amends §44.4 by stating that, in the event of a vacancy for a Congressional or state legislative seat, the nominations for a special election shall be filed not less than 14 days before the date of an election called upon at least 18 days' notice. (The previous language had stated

that such nominations must be filed not less than seven days prior to an election called with 10 days' notice.)

Section 6 amends §47.8 by adding to the makeup of the state voter registration commission "a county commissioner of registration appointed by the president of the Iowa State Association of County Auditors, or an employee of the commissioner." Registration commission membership must be balanced by political party affiliation.

Section 7 amends §47.8 by stating that the state Registrar of Voters shall provide to the Voter Registration Commission statistical reports for planning and analyzing voter registration services.

Section 8 amends §49.66 by providing that if the chair of the precinct election officials determines that ballots will run out prior to the close of the polls, that person "shall immediately contact the commissioner by telephone. If no telephone is available, a messenger shall be sent to the commissioner with a written application for additional ballots. The application shall be signed by a majority of the precinct election officials." The county elections commissioner must keep written records of all requests for additional ballots.

Section 9 amends §49.67 by striking the existing section and substituting language which states that 1) the number of reserve ballots in each precinct shall be determined by the county election commissioner; 2) if necessary, the county election commissioner may make photocopies of official ballots to replenish or replace ballots and that the commissioner shall keep record of the number of photocopied ballots, the person who made the photocopies and the date, time, and location where the copies were made, as prescribed by the Secretary of State; 3) in any precinct where photocopied ballots are used, each one must be initialed by two precinct officials just before issuance to the voter and, in partisan elections, the two officials must be of different parties.

Section 10 amends §50.24 by adding that when votes are canvassed by the county board of supervisors, "the votes of all write-in candidates who each received less than two percent of the votes cast for an office shall be reported collectively under the heading 'scattering.'"

Section 11 amends §50.36 by striking existing language and substituting provisions that 1) the Secretary of State shall open and canvass the abstracts of votes for all offices except Governor and Lieutenant Governor; 2) the Secretary of State shall invite to the canvass one representative of each political party which, at the last general election, cast at least two percent of the total vote for President of the U.S. or Governor, though their presence is not necessary for the canvass.

Section 12 amends §50.37 by striking the provision that no member of the state Executive Council acting as a state board of canvassers shall take part in canvassing the votes for the office for which the member of the board is a candidate and by adding that the Secretary of State shall, in addition to the state board of canvassers, convey clerical errors found in the canvass to county election commissioners.

Section 13 amends §50.38 by striking the language and inserting provision that the Secretary of State shall present to the board of state canvassers the abstract of votes for each office, county by county, no later than 27 days after the election.

Section 14 adds new §50.49 which makes provisions for a recount for a public measure to be ordered by the board of canvassers if a petition signed by not less than 10 electors or one percent of the total number of voters (whichever is greater) is filed with the county election commissioner no later than three days following the canvass. The recount board shall be 1) a designee named in the petition, 2) a designee named by the county election commissioner, 3) someone named jointly by the first two. The recount commission shall meet at 9:00 a.m. on the seventh day after the canvass. Unless the difference between "for" and "against" votes on the public measure is less than 50 votes or one percent of all votes cast (whichever is greater), the petitioners requesting the recount shall post a bond of $1,000 for a statewide measure or $100 dollars for other measures.

Section 15 amends §53.2 by striking provision that a requested primary election ballot be mailed or given to the applicant together with a "change or declaration of party affiliation" form to be completed at the time of voting. This section adds that an application for a primary ballot for a party other than the voter's registered party "shall be accepted as a change or declaration of party affiliation." Notice must be sent with the ballot that the voter's party registration will be changed to reflect the ballot requested.

Section 16 amends §53.23 by adding to those who may be admitted to the room where absentee ballots are counted one observer representing those supporting a public measure on the ballot and one observer representing those opposed to that measure.

Section 17 amends §69.14 by stating that, in the event of a special election to fill a state legislative seat while the General Assembly is in session or within 45 days of convening, the Governor's order of a special election must give at least 18 days' notice. This replaces previous provision for 10 days' notice.

Section 18 amends §275.23A by adding to the kinds of plans of school districts which might be redistricted 1) division of the district into designated geographical single director or multi-director subdistricts on the basis of population for each director, and 2) election of not more than half of school directors at large and the remaining directors from single member or multi-member director districts based on population.

Section 19 amends §277.4 by providing that, in the event that a school board candidate is running at-large, their petition must be signed by at least 10 electors or a number not less than one percent of the registered voters of the school district. The petition for such a candidate running for a seat voted for only by voters of a director district must be signed by at least 10 electors of the director district or a number equal to not less than one percent of the registered voters in that district. Such a petition "shall not be required to have more than 100 signatures."

Section 21 amends §384.12 by specifying that, in the event of a city special tax levy election, notice for such an election must be given by the city council not later than "32 days before the second Tuesday in March" to the county election commissioner. The section strikes the provision that such an election's notice must be given by February 15.

Effective Date: July 1, 1995 REM

HF 507 - Deferred Compensation Plans and Health Insurance Contracts

Supervisors, Auditors

Section 10 amends Iowa Code §509A.6. The amendment allows a county or other governmental body to contract with an organized delivery system.

Section 11 amends Iowa Code §509A.12. The amendment clarifies that when the state of Iowa acquires an investment product according to the plan document under this chapter, the state does not become a shareholder, stockholder, or owner of a corporation. This section deals with requirements for the deferred compensation plans for public employees of the state and political subdivisions.

Effective Date: July 1, 1995 WP

HF 571 - Gambling Referenda

Supervisors

This bill amends Iowa Code §99F.7(10) by adding new language which provides that after a referendum has been held which defeats a proposal to conduct riverboat gambling or racetrack gambling, another referendum on such a proposal shall not be held for at least two years.

Effective Date: September 1, 1994 (Retroactive) DV

HF 577 - Real Estate Improvement Districts Pilot Project

Supervisors, Auditors, Engineers

This act recognizes the links between community economic development and affordable housing and the need for developing affordable housing in Iowa. In doing so, this act creates §358C in the Iowa Code which establishes "real estate improvement districts" in six pilot counties. The six counties shall be chosen by the director of the Iowa Finance Authority within two years.

Section 3 of the act provides for creation of "real estate improvement districts" through petition with the county auditor by a majority of the owners of real property. The petition must request that the question of such a district be submitted to the voters within the proposed boundaries of

such a district. The petition shall be addressed to the county board of supervisors if all or part of the proposed district is outside a city's limits. The petition must state that the property owners who wish to form such a district are willing to pay the taxes levied against the property in the district and special assessments to pay the costs of carrying out the purposes of the district. The property owners shall also waive objections to subsequent annexation by a city. The petition shall propose three or more trustees (all property owners within the proposed district or their designees) to serve until such time as their successors are elected, if such a district is organized. Such a petition, if the district is within a city's limits, shall be first submitted to and approved by a city council prior to submittal to the county auditor. If the district lies solely within a city's limits, a petition need not be submitted to a county board of supervisors. A proposed district shall be created only from parcels of land within a city or from parcels within a city and within two miles of a city limits.

Section 4 lists the authorized powers of such a district. These include acquisition, construction, reconstruction, installation, maintenance and repair of underground utility connections, sanitary sewers, storm sewers, waterworks and mains, emergency warning systems, pedestrian over or underpasses, drainage conduits, levees, public waterways, public parks and recreational facilities, streets, street lighting, sewage pumping stations, stop lights.

Section 5 provides for the procedures for a public hearing on the establishment of such a district.

Section 6 provides for the procedures for the county board of supervisors to preside over a public hearing.

Sections 7 and 8 provide for notice for a public election regarding such a district's creation and for the election itself.

Section 9 provides that the costs of such an election shall be paid by "those who will be benefitted by the proposed district. If the district is not established, the expenses and costs shall be collected upon the bonds of the petitioners."

Sections 10 and 11 deal with the selection of district trustees, their terms of office and provision for a trustee's bond.

Section 12 provides for the powers of such a district that such a district shall have powers of eminent domain, that such a district shall not own or hold land in excess of 10 acres unless such land is used for a public purpose within three years of acquisition, provides that a district must comply with all city building and use codes and city design and construction standards, and that such a district shall not incorporate as a city if all or a major part of it is within two miles of a city.

Section 13 provides for the powers and prohibited actions of a real estate improvement district's board of trustees. Among its powers, the trustees may adopt ordinances and regulations and negotiate for short-term loans and issue warrants. Should the trustees desire to expand their

authority to carry out public improvements beyond those contained in this act, they must submit such a request in the form of a petition to the county board of supervisors. The trustees shall not purchase or resell electric service or operate either a natural gas system or a light and power system. The trustees cannot require or grant a franchise for public improvements.

Section 14 grants the trustees the power, by ordinance, to levy taxes upon the territory of the district for paying administrative costs and for payment of deficiencies in special assessments. Such a tax cannot exceed 54 cents per $1000 of the adjusted taxable valuation of the land in the district. All such taxes shall be certified on or before March 1 to the county auditor.

Section 15 allows the trustees, by ordinance, to establish rates, charges, or rentals for the utilities and services furnished by the district. Such charges would be paid by every person or entity the premises of which are served by a connection to the utilities or services in the district. If such rates, charges or rents are not paid, a lien may be brought against the property served. The lien shall have equal precedence with ordinary taxes and may be certified to the county treasurer. Sewer rentals, charges or rates may replace tax levies authorized by the trustees for paying off bonds, or to pay construction, maintenance or repair costs of sewage or utility facilities.

Section 16 authorizes such a district to borrow money for corporate purposes not to exceed the debt limit of five percent of the value of the taxable property within the district. Such indebtedness within this limit shall not include the indebtedness of any other municipal corporation located wholly or partly within the district. This section also authorizes a real estate improvement district to issue both general obligation and revenue bonds the revenue which shall only be used for the public improvements specified in section 4 of this act.

Section 17 provides for special assessments. The trustees may provide for payment of the costs of public improvements by assessing all or any portion of the costs on adjacent property according to the benefits derived. The assessments may extend not over 15 years.

Section 18 makes provision for enlargement of such a district by either 1) petitions signed by owners of all property to be annexed, approval by the trustees and certification to the county auditor or 2) petitions signed by those owning not less than 50 percent of the area to be annexed. If the second procedure is used, provision is made for a public hearing and the annexation decision shall be made by the trustees. The trustees resolution shall be filed with the county auditor.

Section 19 contains the procedures for annexation of a real estate improvement district by a city. Should annexation of the district occur, the city assumes all property rights, contracts and obligations of the district. The section does not authorize the annexing city to revoke any resolution, order, or finding made by the district regarding special benefits or increase in assessments made by the district.

Section 20 provides that a city's annexation shall take effect 30 days after the annexation ordinance.

Section 21 makes provision for dissolution of such a district through a majority vote of the trustees and a public hearing procedure during which objections to dissolution may be heard. A resolution of dissolution shall not be adopted if the district has outstanding financial obligations.

Section 22 contains the mechanism for detachment of land from the district. Such detachment requires a majority vote of the trustees and a public hearing. A resolution to detach part of the district may not be adopted if the district is indebted on outstanding bonds or if a majority of the property owners in the district petition the trustees against such detachment. These steps also apply to detachment of a discrete tract of land which is part of the district but which is not connected to the rest of the district. However, such a tract may be detached upon petition to the trustees by the owner or owners of that property only if 1) it has an area of 25 acres or more, 2) it is undeveloped and is predominately devoted to agriculture and 3) it has no improvements or obligations placed upon it and receives no services from the district.

Section 24 calls for a "housing summit" to be convened by the Iowa League of Cities and the Iowa State Association of Counties. Such a meeting may examine, among other topics, the use of tax increment financing, the establishment of local housing development bond programs within the Iowa Finance Authority, the effect of rescissions of federal funds on housing development in Iowa, and existing housing programs. Participants should also include the Iowa chapter of the American Planning Association, home developers and builders, economic development experts, and others involved with housing development and/or financing. The summit shall submit a report to the studies committee of the Legislative Council by September 1, 1995.

Section 25 requests that the Legislative Council schedule an interim legislative study committee to 1) receive the report of the housing summit and 2) to study and recommend changes in Iowa law regarding housing development. The section calls for a 16 member study committee, including eight legislators and eight citizen members. Of the latter, one shall represent the Iowa State Association of Counties and one shall represent the councils of government.

Effective Date: July 1, 1995

REM

COUNTY CORRECTIONS AND LAW ENFORCEMENT

SF 66 - Police Dogs

Sheriffs

This bill 1 amends Iowa Code §717B.9, related to cruelty to police service dogs.

Section 1 changes tormenting, striking or interfering with a police service dog from a simple to a serious misdemeanor.

Section 2 changes injuring a police service dog from a serious misdemeanor to a class "D" felony.

Section 3 clarifies that "police service dog" includes dogs used by correctional officers.

Effective Date: July 1, 1995 DV

SF 93 - Sex Offender Registry

Sheriffs, Attorneys

This bill creates new chapter 692A, relating to a sex offender registry.

Section 2 provides that a person who has been convicted of either certain criminal offenses against a minor, sexual exploitation or a sexually violent offense shall register as provided in this bill for a period of 10 years commencing from the date of placement on probation, parole, work release or other release from custody.

Section 2 also requires that a person who qualifies as a sexually violent predator under the 1994 Crime Bill shall register as provided in this chapter for an indeterminate period terminating only upon a determination by the sentencing court that registration is no longer required.

Section 3 requires that a person required to register under this bill shall register with the sheriff of the county of the person's residence within 10 days of establishment of residence in the state or within 10 days of release from custody or placement on probation, parole or work release.

Section 3 also requires that a person required to register under this bill shall notify the sheriff within 10 days of changing residence within a county in this state. Notification shall be on a

form provided by the sheriff. The sheriff shall send a copy of the notification to the DPS within three working days of receipt.

Section 3 also requires that a person required to register under this bill shall register with the sheriff within 10 days of establishing residence within a county in this state. Registration shall be on a form provided by the sheriff. The person shall also notify the sheriff of the county where the person was registered. The sheriff of the new county of residence shall send a copy of the notification to the DPS within three working days of receipt.

Section 3 also requires that a person required to register under this bill shall notify the sheriff within 10 days of changing residence to a location outside the state. The person shall also register in the other state if required to do so by the laws of that state. The sheriff of the old county of residence shall send a copy of the notification to the DPS within three working days of receipt.

Section 4 requires the DPS to verify annually the address of a person required to register under this bill.

Section 5 requires that when a person required to register under this bill is released from jail, the sheriff shall take certain steps, including informing the person of the duty to register and requiring the person to sign a form stating that the duty to register has been explained. The sheriff shall send the initial registration information to the DPS within three working days of completion. The sheriff shall also send one copy of the registration information to the sheriff of the county in which the person is to reside.

Section 6 requires that at the time a person files a registration statement or changes a registration statement, the person shall pay a fee of $10 to the sheriff. Fees paid to the sheriff shall help defray the cost of the duties related to registration.

Section 7 provides that willful failure to register is an aggravated misdemeanor for the first offense, and a class "D" felony for the second or subsequent offense.

Section 9 provides that registration forms shall be prepared by the DPS. Copies of blank forms shall be available upon request to any person from the sheriff.

Section 10 requires that the DPS develop and disseminate standard forms for use in registering persons, and maintain a central registry of information collected from persons required to register.

Section 12 requires that the sheriff of each county comply with the requirements of this bill and the rules adopted by the DPS pursuant to this bill.

Section 13 provides that information contained in the sex offender registry is a confidential record under the Public Records Law, and shall be disseminated only as follows:
*DPS may disclose to criminal justice agencies for law enforcement purposes;

*DPS may disclose to government agencies conducting confidential background investigations;
*DPS may release relevant information "that is necessary to protect the public" concerning a specific person;
*a sheriff shall release information regarding a specific person to a member of the general public if the person requesting the information states his or her name, address, reason for wanting the information and provides the name and address of the person about whom information is sought. The names of those persons requesting information is a confidential record.

Section 15 provides that criminal justice agencies shall be immune from liability for acts or omissions arising from a good faith effort to comply with this bill.

Section 17 provides that this bill applies to persons convicted prior to the effective date of this bill, but who are released on or after the effective date of this bill.

Effective Date: July 1, 1995 DV

SF 114 - Anabolic Steroids

Sheriffs

This act amends Iowa Code §124.208 (6) related to Schedule III substances, by inserting a new subsection listing the specific names of anabolic steroids.

Effective Date: July 1, 1995 SKL

SF 132 - Victim Compensation

Community Services Directors, Supervisors, Attorneys

This act amends §912.1 of the Iowa Code to define "secondary victims" and make them eligible for victim compensation from the state. It also amends §912.6 to increase the compensation for loss of income from work from $2,000 to $6,000, and to allow the fund to pay for reasonable charges incurred for mental health care for secondary victims of a crime.

Effective Date: July 1, 1995 DAW

SF 142 - Child Endangerment

Sheriffs

This bill adds felonious child endangerment as a nonbailable offense under Iowa Code §811.1.

Effective Date: July 1, 1995 DV

SF 150 - Courtroom Security

Sheriffs, Supervisors

Section 21 of this bill amends Iowa Code §598.8 regarding child custody hearings to provide that, upon the request of either party, the court shall provide security in the courtroom during the custody hearing if a history of domestic abuse relating to either party exists.

Effective Date: July 1, 1995 DV

SF 176 - 28E Agreements

Recorders, Auditors

This bill amends Iowa Code §28E.8 regarding the filing of 28E agreements to provide that in counties in which the office of county recorder is abolished, the 28E agreements shall be recorded instead with the county auditor.

Effective Date: July 1, 1995 DV

SF 233 - Driver's License Suspensions, see Transportation

SF 293 - Dangerous Weapons

Sheriffs

This bill amends Iowa Code §902.7, which provides a five-year minimum sentence for persons using a firearm while participating in a forcible felony. The amendment replaces all references to "firearm" with the term "dangerous weapon."

Effective Date: July 1, 1995 DV

SF 358 - Motor Vehicle Laws

Sheriffs, Public Health Nurses, Attorneys

This bill provides for administrative determination by the DOT of habitual offender status, subject to review by the district court. A person who violates a habitual offender sentence is guilty of an aggravated misdemeanor. It also provides that operating a motor vehicle in violation of an impoundment or immobilization order related to an OWI conviction is a serious misdemeanor, and the vehicle shall be seized and forfeited.

The bill provides that a motor vehicle license, revoked due to an OWI conviction, shall not be reinstated until the civil penalty is paid. It also provides that after suspension of a license due

to an OWI conviction, a temporary restricted license shall not be issued unless an ignition interlock device is installed on the vehicle.

The bill establishes a youthful offender substance abuse awareness program for person age 14 or older who violate Iowa Code §321J.2A, imposing an alcohol limit of 0.2. A fee may be charged not to exceed $100 per participant. A period of suspension of a person age 14 or older who violates §321J.2A and has no prior convictions, is 60 days. This may be reduced to 30 days if the individual successfully completes a youthful offender substance abuse program.

Effective Date: July 1, 1995 DV

SF 367 - Domestic Abuse

Sheriffs, Attorneys

Section 1 requires that the Attorney General's office develop written procedures and policies to be followed by prosecuting attorneys in domestic abuse cases.

Section 3 allows placement of a child in detention if there is probable cause to believe that the child committed a delinquent act which would be considered domestic abuse or domestic abuse assault if committed by an adult.

Section 4 provides that an informal adjustment agreement regarding a child in detention may include voluntary participation in a batterers' treatment program.

Section 5 provides that a consent decree regarding a child in detention for domestic abuse or domestic abuse assault shall include participation in a batterers' treatment program.

Section 6 provides that a court's dispositional order regarding a child in detention for domestic abuse or domestic abuse assault may include participation in a batterers' treatment program.

Section 10 amends Iowa Code §236.3 to provide that if the person against whom relief from domestic abuse is being sought is 17 years old or younger, the district court shall waive its jurisdiction over the action to the juvenile court.

Section 13 creates a new Code section allowing a protective order from another state, authenticated in accordance with Iowa law, to be filed in the Iowa county in which the person in whose favor the order was entered resides. Such an order has the same force and effect as a protective order issued in Iowa.

Section 14 prohibits a court from issuing a mutual protective order against the victim and the abuser unless both file a petition requesting a protective order.

Effective Date: July 1, 1995 DV

SF 371 - Polygraph Examinations

Sheriffs, Attorneys

This bill adds Iowa Code §709.17, which provides that a criminal or juvenile justice agency shall not require a person claiming to be a victim of sexual abuse or claiming to be a witness regarding the sexual abuse of another person to submit to a polygraph or similar examination as a precondition to the agency conducting an investigation into the matter.

An agency wishing to perform a polygraph examination of a person claiming to be a victim or witness shall inform the person that
*taking a polygraph examination is voluntary;
*the results of the examination are not admissible in court; and
*the person's decision to submit or refuse a polygraph examination will not be the sole basis for a decision not to investigate the matter.

An agency declining to investigate an alleged case of sexual abuse following a decision by a person claiming to be a victim not to submit to a polygraph examination shall provide to that person, in writing, the reasons why the agency did not pursue the investigation.

Effective Date: July 1, 1995 DV

SF 373 - Restitution

Sheriffs

Section 1 of this bill amends Iowa Code §910.4 to provide that after either

1. discharge from probation, or
2. the expiration of the period of probation , or
3. the expiration of the offender's sentence,

the failure of an offender to comply with the plan of restitution ordered by the court shall constitute contempt of court. The bill also provides that as part of the order discharging an offender from probation, the court shall enter a civil judgment against the offender for the balance of any restitution owed by the offender to the victim of the crime.

Effective Date: July 1, 1995 DV

SF 386 - Restitution for Traffic Offenses

Sheriffs, Attorneys

Previously restitution was to be ordered in all criminal cases. This bill amends Iowa Code §910.2 to provide that the sentencing court shall not order restitution in cases involving simple misdemeanors under chapter 321, related to traffic offenses.

Effective Date: July 1, 1995 DV

SF 402 - Registered Brands

Recorders, Sheriffs

This act amends Iowa Code §169A.1 by including cryo-branding as a legal brand. Only one certified copy is furnished to the owner of the brand by the secretary. Also an unrecorded brand will not be evidence of ownership. The penalty for violating this section is changed from a simple to an aggravated misdemeanor.

Effective Date: July 1, 1995 SKL

SF 403 - Collection of Delinquent Restitution Payments

Treasurers, Attorneys

Previously, Iowa Code §321.40 required that a county treasurer in a county with a population of 200,000 or more (meaning Polk County) must refuse to renew the vehicle registration of a person when there was an outstanding warrant for that person's arrest and the warrant related to a traffic offense.

This bill amends Iowa Code §321.40 to apply to all counties with a population of 25,000 or more. In addition, the provisions shall be applicable to any county of less than 25,000 population upon the adoption of a resolution by the board of supervisors.

The bill eliminates the language related to arrest warrants, and requires that a county treasurer refuse to renew the vehicle registration of a person when the person has not paid court-ordered restitution to the clerk of court in that county.

Each clerk of court subject to this law shall, by the last day of each month, notify the county treasurer of all persons who owe delinquent restitution, and shall notify the county treasurer immediately upon payment of the restitution.

For counties where the renewal of vehicle registration will now be refused for unpaid restitution, section 2 of the bill also includes language that must be included in any notice of fine under Iowa Code §321.236(a).

Section 3 of the bill amends Iowa Code §331.756(5) to provide that county attorneys must file with the clerk of court an annual notice of full commitment to collect delinquent fines, penalties and restitution. They must also file with the clerk of court on the first day of each month a list of the cases in which they are pursuing the collection of delinquent obligations.

Section 7 of the bill amends Iowa Code §602.8107(4), related to the collection of delinquent fines and penalties. Previously, the county kept 35 percent of the amount collected by the county attorney, unless the county attorney has 1)discontinued collection efforts on a particular delinquent amount and 2)transferred collection responsibilities to the DRF. Under this amendment, the county forfeits its 35 percent whenever the county attorney discontinues collection efforts on a particular delinquent account, regardless of whether collection responsibilities are transferred to DRF.

Effective Date: January 1, 1996 DV

SF 409 - Certification of Jail Time

Sheriffs

Section 3 amends Iowa Code §602.8102 to provide that the clerk of court shall forward to the superintendent of each correctional institution a copy of the sheriff's certification of the number of days that have been credited toward completion of an inmate's sentence. Previously, it had been the clerk of court, rather than the sheriff, who certified the information.

Section 7, which amends Iowa Code §903A.5, contains conforming language clarifying that the sheriff of the county in which the inmate was confined shall certify to the clerk of court the number of days so served. The clerk shall forward a copy of the certification to the warden.

Effective Date: July 1, 1995 DV

SF 428 - Transporting Prisoners Out-of-State

Sheriffs, Attorneys

Section 2 provides that a judge from another state may certify to a court in this state that a person in a jail in this state is needed as a material witness in a criminal proceeding in the other state. Upon the filing of the certification, a hearing shall be held.

Section 3 provides that after the hearing, the district court may issue an order for the transfer, including an order that the sheriff produce the witness in the out-of-state court.

Section 6 provides that out-of-state witnesses may be summoned to Iowa criminal proceedings as well.

Effective Date: Upon Enactment DV

SF 431 - Suspension, Revocation, Nonissuance, and Nonrenewal of Certain Licenses for Failure to Pay Child Support, see Health and Human Services

SF 432 - Sexually Violent Predators

Supervisors, Attorneys

This bill changes provisions in the act which was set to go into effect on July 1, 1995. The bill delays the effective date for one year, to July 1, 1996, and applies to persons convicted of a sexually violent offense on or after July 1, 1997.

The bill requires the DOC to notify the county attorney and attorney general within six months of the impending release of an inmate who has been convicted of a sexually violent offense. The bill provides that trials to determine whether a person is a sexually violent predator shall be held in the county in which the person was convicted.

The bill requires the state to pay the costs incurred by the county for services provided. These costs will include, but are not limited to, the cost of filing the petition, evaluation costs, the cost of the qualified experts and treatment costs.

The Department of Justice and DHS are to conduct a study which will also involve the County Attorneys' Association and DOC. The report is to be submitted to the Legislature by January 1, 1996.

Effective Date: July 1, 1995 DV

SF 436 - Sex Offender Records

Attorneys, Community Services Directors, Sheriffs

This legislation gives additional access to the state abuse registries. Additional entities with access to the registry include: the board for the treatment of sexual abusers, for purposes of certifying sex offender treatment providers; government entities that provide services or care for children, if information concerns employees or potential employees; agencies providing services under HCBS as it relates to persons being considered for employment; and public employer personnel offices, for information necessary for grievance or arbitration procedures.

Effective Date: July 1, 1995 JE

SF 439 - False 911 Reports

Sheriffs, Attorneys

This bill amends Iowa Code §718.6 to make intentionally reporting false information to fire, law enforcement or other public safety entities a simple misdemeanor, unless the alleged criminal act reported is a serious or aggravated misdemeanor or felony, in which case the person commits a serious misdemeanor.

This act also provides that a person who telephones an emergency 911 communications center knowing that the person is not reporting an emergency or otherwise needing emergency information or assistance commits a simple misdemeanor.

This act also provides that a person who knowingly provides false information to a law enforcement officer who enters the information on a citation commits a simple misdemeanor. If the criminal act for which the citation is issued is a serious or aggravated misdemeanor or felony, the person commits a serious misdemeanor.

Effective Date: July 1, 1995 DV

SF 443 - Assaults on Peace Officers

Sheriffs, Attorneys, Emergency Management Directors

Subsection 3(1) provides that a person who commits an assault against a peace officer, basic emergency medical care provider, or advance emergency care provider or fire fighter with the knowledge that the person holds that position and with the intent to inflict a serious injury, is guilty of a class "D" felony. If the assailant was or displays a dangerous weapon in connection with the assault, she or he is guilty of a class "D" felony.

If the assailant causes bodily injury or disabling mental illness, is guilty of an aggravated misdemeanor.

Any other assault against a peace officer, basic emergency medical care provider, advance emergency care provider or fire fighter, with the knowledge that the person holds that position, is considered a serious misdemeanor.

Section 4 of the bill amends Iowa Code §719.1(1) and provides that a person who knowingly resists or obstructs a peace officer, basic emergency medical care provider, advance emergency care provider or fire fighter commits a serious misdemeanor. If the interference with official acts involves bodily injury other than serious injury, the person commits an aggravated misdemeanor. If the interference with official acts involves serious bodily injury or involves a dangerous weapon, the person commits a class "D" felony.

Effective Date: July 1, 1995 DV

SF 446 - Open Containers

Sheriffs

Section 4 of this bill amends Iowa Code §321.218(1) to change operating a motor vehicle with a suspended license from a simple to a serious misdemeanor.

Section 5 makes evidence of an open container of alcohol within the immediate reach of the driver of a motor vehicle evidence that the driver intended to consume alcohol while driving.

Section 7 prohibits a person who is under the age of 21 from operating a motor vehicle while having an alcohol concentration of .02 or more.

Section 11 provides that if a person is convicted of a second, third, or subsequent offense of operating a vehicle while intoxicated, the court shall order that any motor vehicle owned by the person and used to commit the offense and any other vehicle used by the person in the commission be impounded or immobilized. "Immobilized" as defined in the bill, includes the installation of an ignition interlock device.

Effective Date: July 1, 1995 DV

HF 118 - Volunteer Fire Fighters As Witnesses

Supervisors, Auditors, Emergency Management Directors

The act creates new Iowa Code §622.17A. This sections provides that volunteer fire fighters who are subpoenaed to appear as witnesses in connection with their responsibilities as volunteer fire fighters are to be compensated. The rate of compensation will be determined by the court but shall be at least equal to a full-time fire fighter of equal rank. This section does not apply if the volunteer fire fighter is to be paid pursuant to policies of the fire fighter's regular employer.

Effective Date: July 1, 1995 WP

HF 132 - Supplemental Appropriations, see Taxation and Finance

HF 246 - Prisoner Litigation

Sheriffs, Supervisors

This bill adds Iowa Code §610A, related to civil actions or appeals brought by prisoners.

Section 1 provides that any person in jail shall pay in full all costs and fees associated with a legal action or appeal, unless the person qualifies as a pauper under chapter 610.

Section 2 allows a court to dismiss a prisoner's action or appeal as frivolous or malicious.

Section 3 requires that if a court determines a prisoner's action or appeal is frivolous or malicious, the prisoner shall lose some or all good conduct time credits.

Section 4 provides that following notice and a hearing, a county has the right to set off the cost of incarceration against any claim made by a prisoner.

Effective Date: July 1, 1995 DV

HF 337 - Involuntary Hospitalization Criteria For Seriously Mentally Impaired Persons, see Health and Human Services

HF 346 - False Information on a Citation

Sheriffs, Attorneys

Section 1 amends Iowa Code §805.3 to provide that a cited person who fails to properly identify himself or herself when signing a citation is subject to prosecution for providing false information under Iowa Code §719.3.

Section 2 amends Iowa Code §805.6 to provide that the uniform citation and complaint shall include a warning which states "I hereby swear and affirm that the information provided by me on this citation is true under penalty of providing false information."

Section 5 provides that supplies of uniform citation and complaint forms existing or on order on July 1, 1995 may be used until exhausted.

Effective Date: July 1, 1995 DV

HF 471 - State Prisoners in County Jails

Sheriffs, Supervisors

Section 7 of the bill requests an interim study committee to study currently available sentencing an incarceration options. The membership of the interim study committee shall include a representative of the sheriffs and deputies association and a county supervisor. The committee shall submit its findings by January 1, 1996.

Section 9 creates a "split-sentencing pilot project" in one judicial district determined by the Iowa Supreme Court. The judicial district shall be selected based on the availability of jail space within the judicial district, and whether the judicial district "in consultation with" the supervisors and sheriffs in the district, desires to participate in the project.

In the judicial district selected, a person convicted of an aggravated misdemeanor or felony, other than a class "A" felony, may be sentenced to serve up to 90 days of the sentence in the county jail with the balance of the term suspended. The costs of the person's confinement "shall be paid by the state at the rate negotiated by the department of corrections with the judicial district..." Payment shall be made upon submission of a voucher executed by the sheriff.

Persons serving time in a county jail under this subsection shall be committed to the custody of the director of the DOC and the DOC shall be responsible for all prisoner medical costs.

Effective Date: July 1, 1995 DV

HF 492 - Landlord-Tenant Law

Sheriffs

This bills amends Chapter 562A, the landlord-tenant law, to provide that if the tenant breaches the rental contract, the landlord may deliver a written notice that the contract will terminate not less than seven days from receipt of the notice if the breach is not remedied. The previous language had required 30 days notice.

The bill also provides that the landlord may file suit for recovery of possession of the premises if a tenant has created a threat constituting a clear and present danger to the health and safety of any persons within 1,000 feet of the premises. The previous language had only applied to threats to the health or safety of the landlord or other tenants.

Effective Date: July 1, 1995 DV

HF 528 - Juvenile Justice

Sheriffs

Section 3 eliminates the language in Iowa Code §123.47 which had permitted the consumption of alcohol by those under 18 years of age, without a parent or guardian present, as long as they had the written consent of a parent or guardian. This amendment still allows those under 18 to consume alcohol within a private home with the knowledge, presence and consent of a parent or guardian.

Section 4 amends Iowa Code §123.47B to provide that if a juvenile is taken into custody for possession of alcohol, the peace officer shall notify a juvenile court officer, who shall make a "reasonable effort" to identify the elementary or secondary school the juvenile attends, if any, and to notify the superintendent of the school district of the taking into custody.

Section 5 amends Iowa Code §124.415 to provide that if a juvenile is taken into custody for possession of a controlled substance, the peace officer shall notify a juvenile court officer, who shall make a "reasonable effort" to identify the elementary or secondary school the juvenile attends, if any, and to notify the superintendent of the school district of the taking into custody. Prior to this amendment, it was the peace officer that made this notification, not the juvenile court officer.

Section 8 amends Iowa Code §232.8 to provide that
*forcible felonies;
*controlled substance violations committed while in possession of a firearm or offensive weapon;
*criminal gang activities committed while in possession of a firearm or offensive weapon; and
*felony weapons violations
committed by a child age 16 or older are excluded from juvenile court jurisdiction.

Section 9 amends Iowa Code §232.22(1) by allowing children to be placed in detention if a dispositional order has been entered under Iowa Code §232.52 placing the child in secure custody in a facility defined in Iowa Code §232.22(2), which would include a juvenile detention home.

Section 10 amends Iowa Code §232.28(10), and provides that a juvenile delinquency complaint which alleges that a child has committed an act which, if committed by an adult would be an aggravated misdemeanor or a felony, is a public record regardless of the age of the child. Law enforcement officials are authorized to release the complaint, including the identity of the child named in the complaint. Under prior law, the complaint was only a public record if the child was 14 years of age or older.

Section 11 amends Iowa Code §232.29 to provide that the intake officer shall notify the superintendent of the child's school district of any informal adjustment regarding the child, 14

years of age or older, for an act which would be an aggravated misdemeanor or a felony if committed by an adult.

Section 12 provides that, once a child 16 years of age or older has been waived to district court for an aggravated misdemeanor or felony, all subsequent criminal proceedings against the child for any aggravated misdemeanor or felony shall begin in district court. Until this amendment, this had only applied to felonies.

Section 14, related to section 9, amends Iowa Code §232.52(2) to allow a dispositional order placing a child in secure custody for not more than two days in a juvenile detention facility.

Section 18 amends Iowa Code §232.149(2) to provide that records and files of a criminal justice agency concerning a child involved in a delinquent act are public records, except that a criminal justice agency shall not release the name of the child until a complaint is filed pursuant to Iowa Code §232.28.

Section 21 requires all school boards to prescribe procedures requiring school officials to report to local law enforcement agencies any dangerous weapon possessed on school premises in violation of school policy or state law.

Section 23 provides that school districts shall expel from school for a period of not less than one year a student who brings a weapon to school. This is subject to modification on a case-by-case basis.

Section 24 requires sheriffs to report to the DPS on delinquent acts committed and juveniles taken into custody.

Section 49 amends Iowa Code §708.1 to provide that where a person committing what would otherwise be an assault is a school employee who intervenes in a fight on school grounds or at a school function, the act shall not be considered an assault if the degree of force is reasonably necessary to restore order and protect the safety of those assembled.

Section 52 creates new Iowa Code §723A.3, which makes soliciting, recruiting or enticing a minor to join a criminal street gang a class "C" felony.

Section 53 creates new Iowa Code §724.4B, which makes the unauthorized carrying of a firearm on the grounds of a school a class "D" felony.

Section 55 amends Iowa Code §808A.1(1)(d), eliminating the requirement that a school district provide 24-hour advance notice of student locker inspections.

Effective Date: July 1, 1995 DV

ENVIRONMENT AND LAND USE

SF 147 - Issuance of Single General Permits by the Department of Natural Resources

Supervisors, Conservation Directors, Engineers

Section 1 amends §455.173 ("Duties of Environmental Protection Commission") to adopt rules for the issuance of a single general water permit.

Section 2 states that the commission shall adopt rules for the issuance of a single general solid waste disposal permit.

Effective Date: Upon Enactment HG

SF 208 - Child Death Review Team

Sheriffs, Attorneys

Among other things, this bill creates the "Iowa Child Death Review Team," established to aid in the reduction of the incidence of serious injury and death to children by accurately identifying the cause and manner of death of children, and identifying the methods for prevention of such deaths.

The review team is to include a local law enforcement officer and a county attorney.

Effective Date: July 1, 1995 DV

SF 234 - DNR Permits & Licenses

Recorders, Conservation Directors

Section 1 amends §481A.65 by stating that after investigation, a scientific collector's license, a wildlife salvage permit, education project permit, or a wildlife rehabilitation permit may be issued. The natural resource commission shall establish, by rule, the tenure and applicable fee for each permit authorized in this section.

Section 2 is strikes §483A.1 (6) (a).

Section 3 amends §483A.17 by stating that every license, except lifetime hunting and fishing licenses, scientific collecting licenses, and falconry licenses, is valid from the date issued to January 10 of the succeeding calendar year for which it is issued.

Effective Date: July 1, 1995 HG

SF 256 - Application of Pesticides

Supervisors

Section 1 of the act amends §206.2 (7) which defines "chemigation."

Section 2, strikes §206.5 (6) concerning application of pesticides as part of chemigation.

Section 3 of the bill amends §206.19, (3) to explain the rules concerning commercial or public applicators of pesticides by providing notice to an occupant if requested.

Section 4 of the bill strikes §206.22 (4).

Section 5 repeals chapter 206A: Chemical Technology Review Board.

Effective Date: July 1, 1995 HG

HF 289 - Solid Waste Tonnage Fees

Engineers, Environmental Health Officers

This bill rewrites existing law relating to collection and allocation of solid waste tonnage fees. It sets the tonnage fee at $4.25 per ton, eliminates deadlines and events that are no longer applicable, consolidates provisions establishing the tonnage fee, and simplifies the language that distributes the fees. If the DNR determines that a planning area has met or has exceeded the 25 percent waste abatement goal, the planning area can retain 50 cents per ton from the total amount of tonnage fees imposed. The legislation also strikes the 38 percent additional waste reduction and recycling goal.

Effective Date: July 1, 1995 JE

HF 303 - Pipelines and Underground Storage of Hazardous Liquids

Engineers, Supervisors

A pipeline company is required to first obtain a permit from the Iowa Utilities Board before constructing, maintaining, or operating an underground storage facility without a permit issued by the Board. The Board is granted the ability to adopt land restoration standards to protect existing soil conservation practices, drainage structures and agricultural lands.

Section 2 of this bill regards §306A.3 stating that in addition to the specific powers granted, cities and highway authorities now have additional authority relative to highways or streets within their respective jurisdictions.

Section 7 amends §479.5 by requiring a pipeline company filing for a permit to hold an informational meeting in each county in which property rights will be affected at least 30 days prior to filing the petition for a new pipelines.

Section 9 amends §479.24 by stating that this chapter does not authorize the construction of a pipeline longitudinally on, over or under any railroad right of way or public highway without consent of the railroad company.

Section 15 and 24 amends §479.41 and §479A.20 (Arbitration Agreements) by changing the verbage from "persons" to "party."

Section 18 amends §479.47 to receive compensation, the landowner shall either present an invoice specifying the additional costs caused by the presence of the pipeline which is accompanied by a written verification of the additional costs by the county engineer or soil and water conservation officer, or reach an agreement with the pipeline company on the project design and share of the cost to be paid by the pipeline company during the planning of the tiling project.

Effective Date: Upon Enactment HG

HF 340 - Snowmobiles

Recorders

Defines "public land" as land owned by the federal government, the state or political subdivisions of the state and land acquired or developed for public recreation pursuant to Iowa Code §321G.7.

Effective Date: July 1, 1995 TF

HF 425 - Air Pollution

Supervisors, Conservation Directors

Section 1 amends §455B.133B by stating that moneys in the air contaminant source fund shall be used solely to defray the costs related to the permit, monitoring, and inspection programs. This is all pursuant of the federal Clean Air Act amendments of 1990.

Section 2 amends §455B.133B, (2) by striking the subsection, which provided for the approval process for the permit program required by the federal Clean Air Act amendments of 1990.

Section 3 strikes §455B.517 (4) which provided for state matching funds for grants under the federal Pollution Prevention Act of 1990.

Section 4 repeals §455B.133A (Jurisdiction of DNR: temporary air toxics fee imposed).

Effective Date: July 1, 1995 HG

HF 460 - Property Condemnation, see Transportation

HF 478 - Oil Spills Response

Conservation Directors, Engineers

This act creates new §455B.701, which states that a person is not liable for removal costs or damages which result from acts or omissions taken or made in the course of rendering care, assistance, or advice consistent with the national contingency plan or as otherwise directed by the federal on scene coordinator or by the state official with responsibility for oil spill response.

Effective Date: July 1, 1995 HG

HF 508 - Underground Storage Tanks Amendments

Supervisors, Treasurers, Auditors, Engineers.

This act amends the Iowa Underground Storage Tank Act of 1989 by increasing the environmental protection charge, initiating a risk-based corrective action program, expanding property transfer insurance and loan guarantees, extending the compliance date for upgrade requirements, changing language regarding cost recovery, creating a marketability fund and an innocent landowner fund, and requiring certification of groundwater professionals.

Sections 1 and 2 amend chapters 423 (Use Tax) and 424 (Environmental Protection Charge on Petroleum Diminution) by increasing the maximum amount of the revenues from the use tax on motor vehicles, trailers and motor vehicle accessories from $3,825,000 to $4,250,000 per quarter to be deposited into the Iowa Comprehensive Petroleum Underground Storage Tank Fund and by stating that, beginning January 1, 1996, $2.5 million per quarter shall be deposited into the newly created UST Marketability Fund. Further, the UST Fund Board shall increase the amount of the "diminution charge" to the fund from an annual amount of $15.3 million to $17 million.

Section 3 strikes subsection 15 of §455B.304 This subsection provided that the Environmental Protection Commission adopt administrative rules providing for certification of completion of remedial action cleaning the site of a leaking underground storage tank. Such certificates had been recorded with the county recorder.

Section 4 changes the definition of the term "corrective action" to include controlling or monitoring a release of petroleum product from an underground storage tank. It also includes "natural biodegradation, institutional controls and site management practices" as types of corrective action.

Sections 5 through 8 provide for "risk based corrective action" as a manner of prioritizing clean-up of tank spills based upon risk of contamination, risks to the public health and safety or to the

environment. Site cleanup will, henceforth, be based upon the classification of the site by a groundwater professional as either "high risk," "low risk" or "no action required."

Section 10 amends §455B.474 (Jurisdiction of DNR: duties of Environmental Protection Commission) by providing the criteria for the issuance of a "no further action certificate" or a "monitoring certificate" to the owner or operator of an underground storage tank site by the DNR. Such a certificate may be recorded with the county recorder.

Section 16 amends §455G.9 (Comprehensive Petroleum Underground Storage Tank Fund: remedial program) by stipulating that a tank owner or operator who reported a leak (or "release") between May 5, 1989 and October 26, 1990 and if that owner or operator has a net worth of $100,000 or less and owns no more than one site, he or she shall pay a copayment of no more than 18 percent of the total cost of corrective action for that release. ("Net worth" here means the fair market value of the site.)

Section 17 strikes §455G.9 (5) which had said that the Underground Storage Tank Fund Board shall adopt rules to prioritize claims and allocate available money. This does away with the administrative rule adopted by the Board in 1994 which took county claims from first priority.

Section 18 amends §455G.10 by broadening the availability of a loan guarantee by the Board beyond small businesses. The wider availability of loan guarantees will present better opportunities for commercial loans to help pay for tank upgrades and corrective action. Such opportunities may decrease the number of tank sites the owners of which default on property taxes.

Section 19 amends §455G.11 by changing the date by which owners and operators must upgrade their underground storage tanks to be eligible for insurance coverage from January 1, 1995 to December 22, 1998.

Sections 22 and 23 amend §455G.11 by specifying what cleanup may still be required after a "no further action certificate" is issued.

Section 28 creates a marketability fund. Of the monies in this fund, $5 million per year shall be allocated to the "innocent landowners fund," which shall be used to pay the costs of cleanup for the owner of petroleum contaminated property who is not otherwise eligible to receive benefits.

Section 30 directs the Environmental Protection Commission to have the DNR work with a technical advisory committee to prepare administrative rules to implement parts of this act.

Effective Date: Sections 19 and 20 apply retroactively to January 1, 1995. Sections 3 through 10, 15, 17 through 25, 27, 28, 29 (subsection 2), 30, 31, and 33 effective upon enactment. Sections 1, 2, 11 though 14 and 29 (subsection 1) effective July 1, 1995. Section 28 is effective January 1, 1996. REM

HF 519 - Regulation of Animal Feeding Operations, see Agriculture and Rural Affairs

HF 553 - Agriculture and Natural Resources Appropriations

Assessors, Environmental Health Specialists, Supervisors

This bill provides for FY96 appropriations for the DALS and the DNR. It also includes funding for other major programs affiliated with the respective departments such as REAP, the Organic Nutrient Management Program, and the Soil Conservation Cost Share Program.

Major Code of Iowa changes include the use of groundwater funds to allow the continuation of the GIS, changes in the fee structure for support of the federal Safe Drinking Water Act and effect upon water supply systems, and notwithstanding language of the standing limited appropriation for the REAP. Of particular interest to counties are the following issues and programs:

DALS

Administrative Division (46.45 FTE) $1,815,743

* Includes $130,000 and 4 FTE to analyze farm lands in counties for use by the DRF in applying the productively formula for valuing and equalizing the values of agriculture land.

Soil Conservation Division (176.30 FTE) $5,621,476

* Of the amount appropriated in this division, $330,000 shall be used to reimburse commissioners of soil and water conservation districts for administrative expenses. Moneys used for the payment of meeting dues by counties shall be matched on a dollar-for-dollar basis by the soil conservation division.

DNR

REAP

* Adds a general appropriation of $8 million from the state general fund to the REAP fund for FY96.

Animal Industry Appropriations

* Provides $450,000 to the organic nutrient management fund in DALS. Of that amount, the division of soil conservation of the DALS shall allocate $50,000 to the DNR for a pilot study of ten animal feeding operations in order to determine the extent to which such operations contribute to point and nonpoint contamination of groundwater and surface water.

Related Appropriations

* Transfers $350,000 to the organic nutrient management fund, and $500,000 to the soil conservation fund from the Water Protection Fund. Provides that unobligated transferred funds as of June 30, 1999 shall revert back to the Water Protection Fund.

* Transfers $75,000 from the unassigned revenue fund administered by the Iowa comprehensive UST fund board to the DNR for FY96 for the UST program.

* Allocates some FY95 monies otherwise dedicated to the Living Roadway Trust Fund to various programs in the DALS, DNR and ISU and provides that such specified moneys remain available for FY96. Unobligated monies as of June 30, 1996 shall revert back to the Living Roadway Trust Fund.

Miscellaneous

* Establishes the "Hungry Canyons" conference to study the erosion and degradation of stream channels in western Iowa. Identifies entities to participate in the conference including DALS, the Loess Hills development and conservation authority, DNR, DOT and a county supervisor from each county in the area. Requires a report to the General Assembly by January 15, 1996.

Statutory Changes

* Permits county boards of supervisors to make appropriations from the county general fund for closure and postclosure care of a sanitary disposal project.

* Provides that the 1996 REAP congress shall review the REAP fund allocations under §455A.19 and recommend changes in uses of the funds if necessary. Such review shall consider the open spaces account. Issues of specific concern in the open spaces account are acquisition of land and open spaces projects. Requires a report by the congress on the use of monies to the Governor, General Assembly and natural resource commission.

* Requires the Environmental Protection Commission to adopt a user fee schedule for public water supply systems to generate revenues in the amount of $350,000 per fiscal year for the funding of the state regulated program.

Effective Dates: Appropriations sections on July 1, 1995, and statutory sections upon enactment. JE, REM

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   If no, what is left out?

3. Should we include more bills even though they might not be as directly related to county government? ❑Yes ❑No

4. Is the index helpful? ❑Yes ❑No

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"1995"

HEALTH AND HUMAN SERVICES

SF 69 - Property Tax Relief, Mental Health Services, M & E Repeal, see Taxation and Finance

SF 82 - Pregnancy Care and Medical Assistance Trusts

Community Services Directors, Supervisors

This legislation makes technical changes in the Medical Assistance benefits relating to eligibility for pregnant women and the estates and trusts of recipients of Medical Assistance services. Of specific interest to counties is section 3 of the bill which directs DHS to adopt rules to implement the payment process to eligible counties through medical assistance income trusts or medical assistance special needs trusts as defined in §633.707.

Effective Date: July 1, 1995 JE

SF 116 - Dependent Adult Abuse Information

Public Health Nurses, Community Service Directors

This bill amends Iowa Code §235B.6(2)(b) to authorize access to dependent adult abuse information by DHS representatives involved in the accreditation of an agency or program providing care or services to the dependent adult.

Effective Date: July 1, 1995 DV

SF 118 - Iowa Trauma Care System Development Act

Public Health Nurses

The goal of this legislation is to eventually establish a statewide trauma care system to especially meet the needs of the rural residents of the state.

Section 4 regards §147A.23 (Trauma Care System Development) in which the DHS is designated as a lead agency in this state responsible for the development, coordinating, and monitoring of a statewide trauma care system. It is also responsible for the categorization of all hospitals and emergency care facilities as to their capacity to provide trauma care services, the issuance of a certificate of verification of all categorized hospitals and emergency care facilities in which the standards and verification process shall be established by rule. Upon verification and the issuance of a certificate of verification, a hospital or emergency care facility agrees to maintain

a level of commitment and resources sufficient to meet responsibilities and standards as required by the trauma care criteria established by the rule.

Section 5 creates a Trauma System Advisory Council with recommended representatives from the DPH, Iowa emergency nurses association, Iowa hospital association (representing rural hospitals), a representative of urban hospitals, and a trauma nurse coordinator representing a trauma registry hospital. The council is shall do the following:

-Advise the department on issues and strategies to achieve optimal trauma care delivery throughout the state.

-Develop criteria for the categorization of all hospitals and emergency care facilities according to their trauma care capabilities.

-Develop a process for the verification of the trauma care capacity of each facility and the issuance of a certificate of verification.

-Develop standards for medical direction, trauma care, triage and transfer protocols, and trauma registries.

Effective Date: July 1, 1995 HG

SF 149 - Child Support Recovery

Attorneys

This act makes various changes to §234 and §235A regarding establishment of paternity. It also amends §235C.3 to require the responsible person to provide medical support. Section 252D is amended to require the child support recovery unit or the district court to send a copy of the order for income withholding to the obligor's employer, trustee, or other payor of income and provides directions for the filing of the order. The act also amends §598.21 relating to situations when the court overturns a prior determination of paternity.

Effective Date: July 1, 1995 DAW

SF 174 - Health Facility Licenses

Care Facility Administrators

This act amends §135H.8A to create a Provisional License category for psychiatric institutions. It also amends §235B.2 of the Iowa Code to include a definition of "sexual exploitation" in the definition of "dependent adult abuse." Section 235B.3 is amended to require mandatory reporters to report an incident of dependent adult abuse by the end of the following business day.

Effective Date: July 1, 1995 DAW

SF 178 - Emergency Medical Services

Emergency Management Directors, Public Health Nurses, Supervisors

This legislation consolidates regulation of emergency medical services into Chapter 147A of the Code. It creates an EMS advisory council to advise the Director of DPH on policy and administration. The bill requires inspection and licensing of all EMS services, allows DPH to define by rule the skills of the three levels of EMS providers, and clarifies the role of the EMS provider. EMS provider is expanded to include all levels of providers and defines emergency medical services and nonemergency.

The DPH is required to adopt medical care procedures that can be started by EMS personnel before remote supervision commences or if there is a failure of remote supervision. SF 178 adds RN and LPN to EMS personnel who are exempt from liability if following orders from a physician, physician's designee, or physician's assistant at the scene of an emergency. RNs and LPNs would also not be subject to civil liability for not obtaining consent before starting emergency aid.

Effective Date: July 1, 1995 JE

SF 202 - Public Health Issues, see County Administration and Organization

SF 223 - Taxation Suspension Notice

Supervisors, Auditors, Treasurers

Previously, if a person owned land in a given county and was receiving SSI or a resident of a health care facility, Iowa Code §427.9 required the Director of DHS to notify the board of supervisors in that county, who were then to suspend the collection of all taxes on that land. Under this amendment, the Director of DHS is instead supposed to directly notify the person receiving the assistance of the tax suspension provision, and provide the person with evidence to present to the board of supervisors to establish the person's eligibility for tax suspension.

Effective Date: July 1, 1995 DV

SF 315 - Mental Health and Developmental Disability Assistance

Community Services Directors, Supervisors, Auditors

This act amends §135.63 of the Iowa Code to extend the moratorium on increasing the number of ICF/MR beds through June 30, 1997. A Certificate of Need for an ICF/MR facility may be approved if it meets the following conditions:

* Conversion of existing ICF/MR beds into smaller living environments;
* Location of beds in an area of the state identified by DHS as underserved;

* The number of beds can not increase the total number of certified bed as of July 1, 1994;
* A letter of support is required from the DHS Director and the County Board of Supervisors in the county in which the beds will be located.

The act also amends §228.1 to add third party name to the definition of "administration information" in the Code chapter dealing with the Disclosure of Mental Health and Psychological Information.

The act also amends §229.24 and §230.20 of the Iowa Code, to require the court and DHS to provide the county of legal settlement and the county in which the hospitalization order is entered access to mental health information, including: administrative information; the evaluation order; location of the individual's placement; the hospitalization or placement order; date, location, and disposition of any hearing concerning the individual; and any payment source available for the cost of the individual's care.

The act also amends §331.438 of the Iowa Code to make changes in the composition and duties of the State-County Management Committee. The Committee is expanded from 9 to 11 voting members to allow one consumer and one provider representative voting status. It also requires ISAC to select county members from a pool nominated, through a secret ballot process, by the Supervisors Association. The State-County Management Committee is required to submit a report by January 1, 1996, that include:

* Benchmarks for efficiency and quality in the delivery of mental health and developmental disabilities assistance;
* Recommendations for the state and counties to provide MH and DD assistance under a fixed funding budget;
* Consideration and recommendations involving the following ICF/MR issues:
    * Providing more authority for case managers; and
    * Determining methods for improving ICF/MR education level regarding active treatment.

Effective Date: Upon Enactment

DAW

SF 347 - Mental Health and Substance Abuse Coverage under Basic Health Plans

Supervisors, Community Services Directors, Auditors

The act establishes a study regarding the inclusion of health care coverage costs for preventive care services and mental health and substance abuse treatment services under basic and standard health benefit plans.

Effective Date: July 1, 1995

WP

SF 352 - Family Investment Program - Federal Waivers

Community Services Directors, Supervisors

This act directs DHS to submit requests to the United States DHS and Department of Agriculture for the following waivers:

* To require a minor recipient parent (19 years of age or younger):
  * To live with their parent or legal guardian, unless they meet specified exemptions.
  * To attend parenting classes;
  * To either have a high school diploma, GED, or participate full-time in completing the educational requirements;
* DHS will disregard the income of a minor parent participating in full-time educational programming;
* To strengthen sanctions to disqualify recipients who commit fraud relating to public assistance;
* To revise the JOBS program exemption for recipient parents with young children to be limited to parents with children who are less that three months of age;
* To limit public assistance payment amounts to the lesser of Iowa's standard of payment or the standard of payment of the person's previous state of residence, if the recipient received AFDC in another state within one year of applying for FIP in Iowa.

Effective Date: July 1, 1995 DAW

SF 431 - Suspension, Revocation, Nonissuance, and Nonrenewal of Certain Licenses for Failure to Pay Child Support

Treasurers

This act creates new section §252J, to specify procedures and penalties for failure to pay child support. Included in the provisions is a requirement that certain licensing authorities suspend or revoke a license or deny the renewal or issuance of a license when notified by the state's child support recovery unit. A "license" means a license, certification, registration, permit, approval, renewal, or other similar authorization issued to an obligor by a licensing authority which evidences the admission to, or granting of authority to engage in, a profession, occupation, business, or industry, or to operate or register a motor vehicle. "License" does not mean or include licenses for hunting, fishing, boating, or other recreational activities. "Licensing authority" means a county treasurer, the supreme court, or an instrumentality, agency, board, commission, department, officer, organization, or any other entity of the state, which has authority within the state to suspend or revoke a license or to deny the renewal or issuance of a license authorizing an obligor to register or operate a motor vehicle or to engage in a business, occupation, profession, or industry.

Effective Date: July 1, 1995 DAW
January 1, 1996, Licensing Authorities must have adopted rules required by §252J.8.

SF 433 - Family Investment Program

Community Services Directors, Supervisors

This legislation revises the Family Investment Program by requiring DHS to apply for a waiver to change the length of the limited benefit plan when the participant chooses or when the participant is not in compliance with a family investment agreement.

As the program is implemented under current law, most adult participants are responsible for entering into a family investment agreement. A participant may choose, or by certain action of noncompliance concerning a family investment agreement is considered to have chosen, a limited benefit plan. A limited benefit plan limits both the amount of cash assistance and the period of eligibility for benefits. Under current rules, a limited benefit plan applies for a period of 12 months. During that 12 month period, benefits are reduced for months four through six and a period of ineligibility applies for months seven through 12.

Under the bill, different provisions apply for the first limited benefit plan and subsequent limited benefit plans. In a first limited benefit plan, a nine-month period provides for reduced cash assistance in months one through three and a period of ineligibility for months four through 12. In subsequent benefit plans, benefits are denied for a six-month period.

The bill specifies the members of the eligible group to which the limited benefit plan applies, lists actions which constitute choosing a limited benefit plan, provides options and limitations for reconsidering the choice of a limited benefit plan, provides for one or more visits or inquiries by a social services professional into the well-being of a family on a limited benefit plan, and limits appeals of a limited benefit plan except in cases of error. Finally, DHS is expressly granted emergency rule-making authority to implement this legislation.

Effective Date: October 1, 1995 JE

SF 462 - Human Services Appropriations

Auditors, Community Services Directors, Care Facility Administrators, Public Health Nurses, Supervisors

This legislation appropriates $719,474,648 to DHS for human services and health care programs. These include Family Investment Program, Medicaid, Child and Family Services and programs for persons with mental illness and developmental disabilities.

The bill continues the implementation and refinement of welfare reform, including child support recovery initiatives. It continues and expands managed care initiatives for Medicaid. It continues and expands services related to youth including a truancy pilot initiative and begins funding for a Personal Assistance pilot.

Funding highlights of the bill are as follows:

Family Investment Program - The FY96 appropriation for assistance under FIP is $32,820,032. This is about $4.5 million less than FY95.

This section continues the special needs program under FIP. It permits DHS to adopt administrative rules for family investment, food stamps, and medical assistance programs to maintain the integrity of the program. It coordinates services between FIP and the family development and self sufficiency grant program. The section also directs DHS to study the establishment of "second chance homes" for young mothers and children and requires a report to the General Assembly by January 8, 1996 concerning research conducted in the section.

Emergency Assistance - The FY96 appropriation for emergency assistance to families with dependent children for homeless prevention programs is $1,767,500. This is the same as FY95.

Medical Assistance - The FY96 appropriation for Medicaid and medically needy services is $351,496,521. This is about $6.8 million more than FY95. Changes to the program include:

* Continues to permit use of funds for abortions that are determined as medically necessary.

* Permits transfer of funds to DHS case management services for MH/MR/DD services under certain conditions.

* Requires that the county of legal settlement reimburse the department on a monthly basis for the non-federal share of HCBS Waiver for adults.

* Specifies county of legal settlement and state funding responsibilities for medical assistance services including case management, day treatment, partial hospitalization, HCBS Waiver, ICF/MR. Permits DHS emergency rule-making authority for implementation of these provisions.

* Continues to permit DHS to implement a pre-paid mental health services plan (Medco contract) for medical assistance patients. Sets parameters for plan.

* Permits DHS to use up to $47,368 to develop and implement a medical assistance HCBS Waiver for the brain-injured who meet certain conditions.

* Of the funds appropriated to DPH for substance abuse grants, $950,000 for FY96 will be transferred to DHS to implement an integrated substance abuse managed care system. Authorizes use of emergency rules to establish a pre-paid substance abuse plan for medical assistance recipients.

* Directs DHS to amend the current HCBS Waiver as allowed by federal regulation, to include "consumer directed attendant care." Such waiver shall not be implemented to require additional cost to counties or the state.

* Directs DHS to develop a HCBS Waiver for persons with physical disabilities as a means to further develop the personal assistance program. Such program shall not be implemented in a manner which would require additional county costs.

*Directs DHS to establish a pilot program in cooperation with the department of elder affairs, to allow medical assistance program reimbursement for a home and services to 75 persons who currently reside in nursing homes. Sets parameters for the pilot.

* Directs DHS to consult with DIA, ISAC, and IARRF in adopting optimum staffing ratios for ICFs/MR. Administrative rules for this provision shall be adopted by January 1, 1996.

Medical Contracts - The FY96 appropriation for medical contracts is $6,226,400. This is $600,000 more than FY95.

State Supplementary Assistance - The FY96 appropriation for state supplementary assistance is $19,115,000. This is $200,000 less than FY95.

Child Day Care Assistance - The FY96 appropriation for protective child day care assistance and state child care assistance is $7,740,000. This is about $340,000 more than FY95.

JOBS Program - The FY96 appropriation for the federal-state job opportunities and basic skills program, family development and self-sufficiency grants, and implementation of family investment agreements is $11,935,189. This is about $130,000 less than FY95.

Child Support Recovery - The FY96 appropriation for child support recovery is $6,390,000. This is about $1,500,000 more than FY95.

Juvenile Institutions - The FY96 appropriation of $13,480,000 is as follows:

Toledo	$4,980,000
Eldora	$8,500,000

* The population at these institutions shall not exceed the guidelines established under 1990 Iowa Acts, chapter 1239, section 21.

* Requires that each institution shall apply for adolescent pregnancy prevention grants.

Child and Family Services - The FY96 appropriation for child and family services is $83,380,000. This represents an increase of about $8,770,000 over FY95.

* Establishes a state group foster care target of 1,220 and requires the department to work with DOJ to establish formulas to meet regional caseload targets and permits up to $20,937,703 of the funds in this section to meet this purpose. Allows a target established in a region's group foster care plan to be exceeded if a clinical assessment and consultation team finds that the placement is necessary to meet the child's needs.

* Provides $6,439,398 as state match for PMICs. Permits DHS to include PMICs in the managed care contract and to transfer all or part of the appropriation to medical assistance for this purpose.

* Continues the demonstration program to decategorize child welfare services in additional counties or clusters of counties.

* Up to $96,512 may be used for continued foster care services to children who are 18 years of age or older under specified conditions.

* Limits state funding for the establishment, improvements, operation, and maintenance of county or multicounty juvenile detention homes to $872,500.

* Permits limited use of funds for family preservation programs.

* Limits state funding of shelter care to $3,383,736.

* Permits $1,000,000 (down $36,680 from FY95) to be used for respite services to families of MR or DD children, who would otherwise enter or continue group foster care.

Community-Based Programs - The FY96 appropriation for community-based programs is $2,620,000. This is down about $400,000 from FY95.

* Includes $754,000 for adolescent pregnancy prevention grants.

* Includes $731,014 for child abuse prevention grants.

* Includes $100,000 for family planning services.

Court-Ordered Juvenile Services - The FY96 appropriation for court-ordered juvenile services is $3,090,000. This is the same as FY95.

Mental Health Institutes - The FY96 appropriation of $43,190,000 is as follows:

Cherokee $14,840,000
Clarinda $6,000,000
Independence $17,590,000
Mount Pleasant $4,760,000

State Hospital Schools - The FY96 appropriation of $66,260,000 is as follows:

Glenwood $35,830,000
Woodward $30,430,000

Mental Illness Special Services - The FY96 appropriation of $121,220 is the same as FY95.

Family Support Subsidy Program - The FY96 appropriation is $1,110,000.

Special Needs Grants - The FY96 appropriation of $53,212 is the same as FY95.

MH/DD Community Services Fund The Community Services Fund of $16,230,000 is allocated as follows:

Iowa Compass $30,000

Supplemental Per Diem Contracts $248,862

Community-based MH/DD Service Fund $15,951,138

* The community-based services fund is distributed to counties based on a two-part formula, with 50 percent based on the county's percentage of the total state population and 50 percent based on the proportion of the poverty population. No more than 50 percent can be spent on any one of the population groups.

* At least 50 percent of this fund must be spent on contemporary services. The MH/DD Commission shall adopt rules describing contemporary services.

* Funding for any county is contingent upon the county participating in the MH/MR/DD/BI Planning Council and providing planning council expenditure reports.

* Funds for local purchase of service in the amount of $13,038,763 are allocated from the SSBG. The actual appropriation for local purchase of service can be found in HF 481. Local purchase of services using state dollars requires that the counties expend these funds based on DHS rules outlining general provisions of service administration. Eligible services are adult support, adult day care, administrative support for volunteers, community supervised apartment living arrangements, residential services for adults, sheltered work, supported employment, supported work training, transportation, and work activity. The county allocation formula is the same as for community services.

Personal Assistance -- Family Support (NEW) $250,000

* Funds shall be used by the MH/DD division for pilot personal assistance services in an urban and rural area. A portion may be used to develop a federal HCBS waiver for services to persons with disabilities. The waiver shall not require additional costs to counties or the state.

Field Operations Increase of about $1.5 million $38,140,000

General Administration Increase of about $1.4 million $10,907,951

Volunteers Same as FY95 . . . . . $85,793

Medical Assistance (Medicaid), SSA, and Provider Rates

* OB services through a physician or nurse mid-wife will be increased by 5 percent. Skilled nursing facilities medical assistance rates will be increased by 4.6 percent The average in-patient and outpatient reimbursement rate will increase by 4.2 percent.

* The maximum rate for residential care facilities shall be $21.32 per day.

* Sets schedule for foster family basic daily and maximum adoption subsidy rates.

* The maximum Shelter Care shall be $76.61 per day.

* Directs the department to not reduce reimbursement rates for ICFs/MR.

Caseload Standards and Reimbursement

- Directs the department to develop a plan for meeting national caseload standards.

Requires DHS to develop a plan for improving the adequacy of reimbursement for family foster care and a report of the plan to the General Assembly by January 8, 1996.

State Institutions - Closings and Reductions - The legislation requires DHS to work with DED to develop new jobs in an area where a facility is being closed or reduced.

Effective Date: July 1, 1995, unless otherwise specified. JE

HF 41 - Legal Settlement for Blind Persons

Community Services Directors, Supervisors

This bill provides that a blind person receiving treatment or support services from any community-based provider of treatment or services for MH/MR/DD or substance abuse does not acquire legal settlement in the county in which the facility or provider is located during any six-month period otherwise required for establishment of legal settlement for a blind person. The legislation also requires that any county hospital furnishing service to a person with legal settlement in another county is required to notify the county auditor of the county of legal settlement by regular mail of the provision of service to such person. Finally, the bill provides that legal settlement may be redetermined for persons who established legal settlement under the law in effect at the time of the effective date of this bill.

Effective Date: Upon Enactment JE

HF 132 - Supplemental Appropriations see Taxation and Finance

HF 186 - Appropriations to Energy Conservation from Petroleum Overcharge Funds

Supervisors, Community Service Directors.

This act appropriates $1 million designated in §473.11 to community action agencies of the DHR for qualifying energy conservation programs for low-income persons.

It also appropriates $160,000 to the DNR for the state energy conservation program.

Effective Date: July 1, 1995 HG

HF 203 - Veterans Affairs

Community Services Directors

This legislation makes several changes in the Iowa Code relating to veterans affairs. First, it changes the make-up of the commission by adding one member from the Vietnam veterans of America, and reduces the public members appointed by the governor from two to one. The legislation directs that an equal number of meetings be held at Camp Dodge and the Iowa veterans home.

HF 203 also establishes two studies. First, the commission is directed to issue an RFP for storing information and data concerning the military service records of Iowa veterans. The second study that the commission must do is analyze the costs of training provided to executive directors of county veterans affairs commissions and report the results of the findings and recommendations to the General Assembly by January 1, 1996.

Effective Date: Upon Enactment JE

HF 217 - Education Requirements for Nurses

Public Health Nurses

Section 1 amends the requirements in §152.5 for graduation of a RN applicant to complete at least a two academic year course of study, and for a LPN applicant to complete at least one academic year course of study as prescribed by the board.

Section 2 states that a person enrolled in a course of study on June 30, 1995 shall be allowed to apply for a license as a practical nurse to be issued after demonstrating completion of the equivalent of one academic year course of study in theory and practice as prescribed by the board.

Section 3 requires a complete study by the board to be completed by January 1, 1997 on the impact of modifications in the LPN education requirements on the availability of nursing personnel in Iowa. The finding are then to be reported to the General Assembly and recommendations are to be made at this time.

Effective Date: July 1, 1995 HG

HF 337 - Involuntary Hospitalization Criteria For Seriously Mentally Impaired Persons

Supervisors, Community Services Directors

This bill amends §229.1 of the Iowa Code to make it easier to commit a person by modifying the criteria for commitment. It also amends §229.22 to allow the magistrate to provide verbal instructions regarding a person's detention at a psychiatric facility and allows them 24 hours to proceed to the detention facility.

Effective Date: July 1, 1995 DAW

HF 481 - Federal Block Grants, see County Administration and Organization

HF 483 - State Hospital Schools

Auditors, Community Services Directors, Supervisors

This act makes amendments to several sections of the Iowa Code pertaining to services at state hospital schools and mental health institutes. Section 218.42 of the Iowa Code is amended to require the state to pay wages in accordance with federal wage and hour requirements to residents who perform services for the state institution.

Sections 222.73 and 230.20 of the Iowa Code are amended to allow the superintendent of a hospital-school or mental health institute to enter into contracts to provide consultation or

treatment services. Except for contracts voluntarily entered into by a county, the costs and income are excluded from computing the per diem charges at the institutions.

The Act also amends §222.1 of the Iowa Code to modify the population served by the state hospital-schools to include persons with mental retardation or other disabilities. The Act amends §222.13 and §222.15 to modify admission and discharge procedures. A new section, §222.13A, is added to the Iowa Code regarding voluntary admissions of minors.

The Act also creates a new §222.16A to allow the chief judge of a judicial district to appoint one or more judicial hospitalization referees for each county in the district to discharge the duties imposed on the court by the chapter. The Act strikes §222.59 and creates a new section establishing procedures for referring patients to community-based services as an alternative to continued placement in the state hospital-school.

The Act amends §221.60 by limiting the county liability for costs at the state hospital school to persons with mental retardation in the state hospital school.

Effective Date: July 1, 1995 DAW

HF 505 - Definition of Mental Retardation

Supervisors, Community Services Directors

This bill amends Iowa Code §222.60 to allow counties to require a person applying for funding under this section to undergo an evaluation to determine if the person has mental retardation, and/or to determine the appropriate level of services required. It establishes that the a diagnosis of mental retardation must be made in accordance with the criteria provided in the DSM IV. It also requires counties to report to DHS any increased costs attributable to changes in the definition of MR for the period of FY93 through FY95. If the total increased costs exceed $2 million DHS is required to request a supplemental appropriation to reimburse counties for the amount in excess of $2 million.

Effective Date: July 1, 1995 DAW

(Note DSM IV is the Diagnostic and Statistical Manual of Mental Disorders, fourth edition, published by the American Psychiatric Association.)

HF 528 - Juvenile Justice, see County Corrections and Law Enforcement

HF 530 - Health and Human Rights Appropriations

Environmental Health Officers, Public Health Nurses, Supervisors

This legislation appropriates $81.6 million and 1,327.5 FTE positions. This is an increase of $1.9 million and 1.4 FTE positions compared to estimated FY95 appropriations. Of specific interest to counties are the following provisions:

DPH

Health Delivery Systems

* EMS Training (State, County & Local) $1,015,358

Provides that any EMS responder who may be infected with hepatitis is entitled to testing and immunization. Reimbursement for this service shall be available from these funds.

* Rural Health Recruitment & Retention $132,629

Health Protection Division

* Lead Abatement Program $74,547

Requires DPH to organize a coalition to study lead poisoning and make recommendations to the general assembly by January 1, 1996. Lead inspectors and local public health officials will be included in the study.

Family and Community Health Division

* Includes a provision to require the DPH to administer a statewide maternal and child health program, conduct child health specialty clinics, and other activities to improve of low-income women and children in accordance with Title V of the federal Social Security Act.

* Provides $9,675 to reimburse counties for autopsy costs associated with victims of sudden infant death syndrome.

* Provides $2,511,871 for grants to local boards of health for the public health nursing program. These funds shall be used to expand and maintain existing programs for elderly and low-income persons to prevent or reduce inappropriate institutionalization. One-fourth of the funds shall be allocated equally to all counties. Three-fourths shall be allocated based on proportionate share of elderly and low-income populations. Sets conditions for grant process and contracting for programs with nurses' associations, nonprofit agencies, and local governmental bodies. Provides for the pooling and reallocation of unused funds. Gives the DPH rule making authority governing use of funds. Requires the DPH to evaluate programs.

* Provides $8,586,716 to county boards of supervisors for the home care aide program. Emphasizes services to elderly and persons below poverty level and children and adults in need of protective services to prevent or reduce inappropriate institutionalization. Requires coordination with the integrated case management program for the frail elderly program of the department of elder affairs. Establishes allocation formula distribution to counties. Outlines requirements for county boards of supervisors to qualify for home care aide services. Sets conditions for contracting between county supervisors and service providers. Provides for the pooling and reallocation of unused funds. Requires DPH to evaluate programs.

* Provides $585,337 and an allocation formula for well-elderly clinics. Requires local matching funds.

Effective Date: July 1, 1995 JE, REM

HF 573 - Workforce Development Funding

Community Services Directors, Supervisors

Funding mechanisms are created for the Workforce Development Program. The purpose of the Workforce Investment Program is to provide training and support services to population groups that have historically faced barriers to employment and which have been difficult to serve in traditional training programs. Program will emphasize strong collaboration between existing local programs and organizations. Priority is given to training programs that will target displaced homemakers and welfare recipients.

Effective Date: July 1, 1995 TF

TAXATION AND FINANCE

SF 69 - Property Tax Relief, Mental Health Services, M & E Repeal

All County Officials

Senate File 69 is an act that relates to income tax, property taxes, services associated with MH and DD, extension of the county property tax limitation, and property taxes on computers and industrial machinery and equipment. The bill was composed of six divisions:

Division I. Income Tax

Sec. 1. Creates pension income tax exemption. (§422.7, (33)).
Sec. 2. Increase dependent credit for income tax purposes. (422.12 (1) (c)).
Sec. 3. Business taxation study.
Sec. 4. Retroactive applicability date for Division I.

Division II. Supplemental Levy and County Mental Health Fund

Sec. 5. Conforming section to changes in supplemental levy. (§123.38 (2)).
Sec. 6. Conforming section to changes in supplemental levy. (§218.99).
Sec. 7. Conforming section to changes in supplemental levy. (§225C.4 (2) (b)).
Sec. 8. Conforming section to changes in supplemental levy. (§331.424 (1)).
Sec. 9. Amends supplemental levy to exclude mental health services. (§331.424, (1)).
Sec. 10. Creates County MH/MR/DD Services Fund. (§331.424A)
Sec. 11. Conforming section to changes in supplemental levy (§331.424).
Sec. 12. Effective and applicability dates for Division II.

Division III. Property Tax Relief Provisions

Sec. 13. Requires expenses for services at a state hospital school be part of county management plan. (§222.60)
Sec. 14. Defines state payment and inflation adjustment. (§331.438, (1)).
Sec. 15. Eligibility for state payment, county management plans, managed care for MH/MR/DD, basis for determining managed care, single point of entry, clinical assessment, fixed budget, and DHS approval. (§331.439).
Sec. 16. Single point of entry, clinical assessment, and management information system. (§331.440 (1)).

Sec. 17. Property tax relief fund appropriation. (§426B.1).
Sec. 18. Property tax relief fund distribution to counties, allocation between tax relief and state payment, and homestead credit funding. (§426B.2).
Sec. 19. Notification of MH/MR/DD expenditure relief fund, county budget reduction, tax computation, and tax statement preparation. (§426B.3).
Sec. 20. Rules for implementing state fund. (§426B.4).
Sec. 21. Property tax relief for FY96, mechanism for auditor to reduce the certified budget, and DOM responsibility.
Sec. 22. Session law funding requirement (tax limitation repealer).
Sec. 23. State-County Management Committee Responsibilities.
Sec. 24. County levy study by county finance committee and legislators.
Sec. 25. Effective date for Division III.

Division IV. County Property Tax Limitation

Sec. 26. County limitation ("dollar for dollar tax reduction"). (§444.25A, (1)).
Sec. 27. Tax limitation for FY98. (§444.25B).
Sec. 28. Voids tax limitations for FY93 and FY94. (§444.27).

Division V. Industrial Machinery, Equipment and Computers Property Tax Exemption and Replacement

Sec. 29. Industrial machinery and computer equipment exemption, changes in percentage of net acquisition cost, urban renewal, and job training. (§427B.17).
Sec. 30. Replacement of loss revenue.
Sec. 31. Assessor and auditor duties, replacement fund calculations, phase out schedule, and apportionment. (§427B.19).
Sec. 32. Industrial machinery, equipment and computers property tax replacement fund creation. (§427B.19A).
Sec. 33. Guarantee of state replacement funds. (§427B.19B).
Sec. 34. Property tax replacement calculation for schools. (§257.3 (1)).

Division VI. FY96 Payment

Sec. 35. FY96 property tax relief fund payment.

Division I - Income Tax

Division I (Sections 1-4) allows for the exclusion from taxable income of $3,000 of pension income ($6,000 for married filers) beginning in tax year 1995. The division also increases the dependent exemption credit to $40. Under current law, the credit is $15 per dependent. This provision is also effective for tax year 1995. The division also creates a taxation study to address business taxation, including subchapter S corporations, taxation incentives and disincentives for economic development, and the long-term objectives of business taxation.

Division II - Supplemental Levy and County Mental Health Fund

Division II (Sections 5-12) amends several sections of the Iowa Code that relate to a county's ability to levy taxes in the general supplemental levy for services related to MH/MR/DD. Division II effectively prohibits a county from levying taxes in either the general basic or general supplemental levy for services related to mental health services. This is accomplished by striking from Iowa Code §331.424 (1) the authority to levy for these services in the general or supplement levying fund (Section 9 of the Bill). Sections 5, 6, 7, 8, and 11 amend conforming Iowa Code sections.

Section 10 creates new Iowa Code §331.424A. The new section establishes the "County Mental Health, Mental Retardation, and Developmental Disabilities Services Fund." The "services fund" becomes effective for the fiscal year beginning July 1, 1996. The County Finance Committee is required to consult with the State-County Management Committee (SCMC) to adopt rules and forms for administering the "services fund." All county revenues from taxes, from the state and federal government, state payments, property tax relief funds and other sources designated for MH/MR/DD services are to be credited to the fund. The boards of supervisors are to make appropriations from the fund to pay for services under the county management plan. Beginning with the fiscal year starting July 1, 1996, the county shall certify a levy for payment of services from the fund. The county revenues from taxes that are credited to the fund shall not exceed an amount equal to the base year expenditures (base year was FY94) less the amount of money received in property tax relief. Property tax relief dollars are those that are designated by the legislature to go toward the state paying 50 percent of the cost of the base year expenditures. The county auditor is required to reduce the levy certified for the "services fund" by the amount of property tax relief received. (This is commonly known as the "dollar for dollar reduction.")

County expenditures specifically authorized for payment from the services fund cannot be made from any other fund of the county.

Division III - Property Tax Relief Provisions

Division III (Sections 13-25) defines state payments and property tax relief payments, actions required to be eligible to receive state payments, county management plans, basis for determining managed care systems, fixed budget, appropriation and distribution of property tax relief funds, adoption of rules, levy study committee, state-county management committee review, and establishes an effective date.

Section 13 amends Iowa Code §222.60, unnumbered paragraph 1. The amendment requires that necessary and legal expenses related to services provided in a state hospital-school for persons with mental retardation must be in accordance with a county management plan.

Section 14 amends Iowa Code §331.438 (1) (b) (1a). This section provides that the amount of the state payment is to be determined by applying the inflation factor adjustment for that fiscal year by the amount of county expenditures for qualified services in the previous fiscal years. The

state payment is the amount of money that a county will receive to cover the cost of inflation and growth in the system. It is unclear how the inflation factor adjustment is to be determined since the Governor item-vetoed the provision for establishing the inflation factor adjustment. Property tax relief payments are not considered to be state payments.

Section 15 amends Iowa Code §331.439 and establishes eligibility for state payment. A county must comply with the following provisions to be eligible to receive state payments:

1. The county must report by October 15 the its expenditures for MH/MR/DD services for the previous fiscal year. This would be the same as the FY94 base year expenditure reports that counties complete this past year.

2. The county must develop and implement a county management plan for providing MH/MR/DD services. The plan must comply with the rules adopted by DHS in consultation with the SCMC. The plan will describe the county's service management provision for MH/MR/DD services. For MR/DD service management, the plan must describe the county's development and implementation of a managed system of individualized services. The goal for this part of the plan will be to assist individuals to become independent, productive, and integrated members of the community.

3. The service management plans must comply with the following provisions:

a. For mental health service management, the county has a choice of implementing a system of service management and contracting with service providers or contracting with a private entity. The county's management plan is required to contain a single entry point and clinical assessment process. The county must submit this portion of their management plan to DHS for approval by April 1. The initial plan must be submitted by April 1, 1996 and, if approved, be implemented by July 1, 1996.

b. A managed care system for mental health must have the following components:

1). The enrollment and eligibility process.
2). The scope of services included.
3). The method of plan administration.
4). The process for managing utilization and access to services and other assistance.
5). The quality assurance process.
6). The risk management provisions and fiscal viability of the provisions, if the county contracts with a private managed care entity.

c. For MR and DD service management, the county has a choice of either developing and implementing a managed system that addresses an array of appropriate services and service delivery or contracting with a state-approved managed care contractor. This system must also incorporate a single entry point and clinical assessment process. The DHS is

responsible for developing rules in consultation with the SCMC. Initially, this part of the county management plan must be submitted to DHS by October 1, 1996 and implemented by January 1, 1997. The plan must be submitted by April 1 in subsequent years.

d. The county will need to submit changes to the approved plan 60 days prior to the proposed change and will require DHS approval prior to implementation.

4. The county's criteria and the rationale used for decision-making for serving persons with chronic mental illness will need to be included in the management plan.

5. The county's expenditures from the MH/MR/DD services fund will be limited to a fixed budget amount starting July 1, 1996. The fixed budget amount is the amount identified in the county's management plan and budget for the fiscal year. The county management plan is to be implemented so that expenditures are 99 percent of the anticipated revenues. There is no prohibition against expending the remaining 1 percent.

6. The county may provide assistance to service populations that are non-mandated but that the county has provided services to in the past. The service provisions must be specified in the county management plan and funding must be available.

7. The director of DHS approval of the county management plan is not considered to be certification of the budget.

Section 16 creates new Iowa Code §331.440 (a) (c) It requires that in the establishment of the county's single point of entry and clinical assessment process, provisions be made for the county's participation in a management information system.

Section 17 creates new Iowa Code §426B.1 a state property tax relief fund and an appropriation for the next three years. The amount appropriated to the property tax relief fund is as follows:

1. For FY96 $61 million.

2. For FY97 $78 million.

3. For FY98 and after, $95 million.

The amounts includes the $6.6 million already appropriated in HF 132 for the nonfederal share of the cost of ICF for mentally retarded children and community-based waiver services for children.

Section 18 creates new Iowa Code §426B.2. This section establishes the mechanism for distribution of the property tax relief dollars and state payment. The allocation the first year shall be based upon the following factors:

1. One-third based upon a county's proportion of the state population.

2. One-third based upon a county's proportion of the state's total taxable property valuation assessed for taxes in the previous fiscal year.

3. One-third based upon a county's proportion of all counties' base year expenditures.

The Governor line-item-vetoed a provision that would have prevented a county from receiving less property tax relief money than in the previous fiscal year. The county must comply with the eligibility provisions in §331.439 to receive state payments.

The DHS is required to estimate the amount of money that will be required for purposes of the state payment (considered growth and inflation payment). The amount of money remaining in the fund after the state payment will be considered property tax relief funds. The funds will then be allocated according to the one-third, one-third, one-third formula. The goal is to reach a point where the state payment and property tax relief funds are equal to 50 percent of the base year expenditures.

If any moneys are remaining in the property tax relief fund after the state payments and property relief funds have been distributed up to the 50 percent target, the remaining moneys will go toward fully funding the homestead credit.

The DHS is required to notify the DRF of the amounts that will be due to the counties. The county treasurer will receive the property tax relief payments in September and March of each year. The state payment (growth and inflation) will be mailed in January or each year.

Section 19 creates new Iowa Code §426B.3. This section requires that the DRF notify the county auditor of the amount of each county will receive from the property tax relief fund for the succeeding fiscal year. The county auditor is then required to reduce the certified budget amount received from the board of supervisors for the MH/MR/DD services fund for the succeeding fiscal year. The amount of the reduction in the MH/MR/DD services fund shall equal the amount received in property tax relief payments. The auditor then has to compute the amount of tax due and payable on each parcel before and after the amount received from the state in property tax relief funds. The county treasurer must then note the amount of reduction on each parcel on the tax statement prepared pursuant to §445.23.

Section 20 creates new Iowa Code §426B.4. The section requires that the council on human services shall consult with the SCMC and DRF in prescribing forms and adopting rules to administer the property tax relief fund section (Iowa Code §426B).

Section 21 provides the mechanism for property tax relief in FY96. The DOM is required to notify each county auditor by June 1, 1995 of the amount the county will receive in property tax relief for FY96. The auditor then has to reduce the amount of the county's certified budget to be raised by property tax which is to be expended for MH/MR/DD services by the amount to be

received in property tax relief funds. The auditor must also revise the rate of taxation required to raise the reduced amount and report the reduction and revised rate to the DOM by June 30, 1995.

Section 22 clarifies that the tax limitation repealer in HF 2430 (1994 Session) is void if the appropriations in this SF 69 are enacted.

Section 23 requires the SCMC to review the following:

1. The statutory provisions and administrative rules intended to regulate and contain county expenditures for MH/MR/DD services.

2. The formula for distribution of property tax relief funds. SCMC is to consider proposals from counties and other interested parties, rewards or incentives for efficiency and economy in providing services, and an appeal mechanism for a county to appeal the funding formula if it is believed to be unfair to a county.

3. Tort and liability issues related to a county managing MH/MR/DD services on a fixed budget.

4. The dates and time schedules under this act and recommend changes if necessary.

The committee shall issue a report to the governor and General Assembly by December 1, 1995.

Section 24 creates a "Levy Study." The county finance committee shall study the effects of consolidating the county general basic and supplemental levies and other proposals involving levies. The county finance committee will be assisted by four legislators. The committee is required to report to the governor and General Assembly by January 4, 1996.

Section 25 establishes the effective dates for Division III. Section 21 is effective immediately. The remaining sections are effective July 1, 1995.

Division IV - County Property Tax Limitation

Division IV (Sections 26-28) deals with "dollar for dollar reductions" and extension of the property tax limitation until FY98.

Section 26 amends Iowa Code §444.25A (1) (1). The amendment limits the amount of property tax dollars that can be certified to an amount levied the previous year less the amounts received in property tax relief. This means that although the county will be receiving state dollars to assist with the payment of MH/MR/DD services, the county will be no better off financially. Each dollar received for property tax relief will require an equivalent reduction in property tax collections.

Section 27 creates new Iowa Code §444.25B. This section extends the property tax limitation through FY98 and continuing the same limits counties face under the current tax limitation.

Section 28 voids those sections of the tax limitation for FY94 and FY95.

Division V - Industrial Machinery, Equipment and Computer Property Tax Exemption and Replacement

Division V (Sections 29-34) deal with the property tax on industrial machinery, equipment and computers. The Division provides the following:

1. There will be no tax on new M&E purchases retroactive to assessment year 1995.

2. Existing M&E will continue to be taxed on 30 percent of the net acquisition cost through assessment year 1998. For assessment years 1999 through 2001, the taxable value will be the following percentages of net acquisition cost, respectively: 22 percent, 14 percent, 6 percent. Beginning in assessment year 2002, there will be no tax on M&E.

3. For FY97 through FY01, local governments will be reimbursed for lost revenue based upon 100 percent of the difference in the taxable M&E value in a future year and the base year (FY96). FY02 through FY06, reimbursements will be reduced by the cumulative increase in commercial and industrial values since the base year.

Section 29 amends Iowa Code §427B.17. Property assessed under §427A.1 (1) (e) (machinery used in manufacturing) and (j) (computers) on or after January 1, 1995 shall be exempt from taxation. The existing machinery and computers are assessed 30 percent of the net acquisition cost. The assessor will assess the property at 22 percent for assessment year beginning January 1, 1999, at 14 percent for assessment year beginning January 1, 2000, and at 6 percent for the assessment year beginning January 1, 2001. After January 1, 2002, the assessment will be at zero.

Property that is centrally assessed by the DRF does not qualify for the exemptions (except the long distance telephone companies that are assessed by DRF according to local assessment standards). Also, property that is located in an urban renewal district that was established between January 1, 1982 and June 30, 1995 shall continue to be assessed at 30 percent until the loans, bonds, advances or indebtedness incurred are repaid. If the loans, advances, bonds issued, or indebtedness incurred between January 1, 1982 and June 30, 1995, are refinanced after June 30, 1995, then the assessment shall be valued at the applicable valuation. Taxes divided on employer's property and used to fund a new jobs training program and approved prior to June 30, 1995, shall be limited to 30 percent of the net acquisition cost. The reduction in the percentage of net acquisition cost shall not apply until the assessment year after all funding obligations for the job training programs are met.

Section 30 creates new Iowa Code §427B.18. This new section provides that beginning July 1, 1996, the county treasurer will be paid an amount to repay the county for the loss of revenue due to the replacement of industrial machinery, equipment, and computers.

Section 31 creates new Iowa Code §427B.19 relating to the duties of county auditors and assessors. The auditor and assessor are responsible for the following:

1. On or before July 1 of each fiscal year, the assessor will determine the total assessed value of the property assessed in §427B.17 for the taxes payable for that fiscal year and the total assessed value of that property as of January 1, 1994. The assessor must report this amount to the county auditor.

2. On or before July 1 of each fiscal year, the assessor will determine the valuation of all commercial and industrial property assessed for taxes payable in that fiscal year and the valuation of that property as of January 1, 1994. The assessor must report that information to the county auditor.

3. On or before July 1, 1996 and on or before each subsequent July 1 until the FY06, the county auditor will prepare a statement listing for each taxing district in the county, the following:

a. For the assessment year beginning January 1, 1995, the difference between the property assessed (subject to §427B.17) and the total assessed value of such property as of January 1, 1994. This will determine the loss of assessed value due to M&E exemption for this fiscal year. If there is no loss of assessed value, there is no tax replacement for the fiscal year.

b. The tax levy rate for each taxing district for that fiscal year.

c. The M&E replacement claim for each taxing district. For FY97 - FY01, the replacement claim will be the difference between the assessed value of the M&E property for the applicable assessment year and the value of the M&E property assessed as of January 1, 1994 multiplied by the tax rate for each taxing district. For the fiscal year beginning July 1, 2001 and ending June 30, 2006, the replacement claim will be as described above, but less any growth in the assessed valuation of the commercial and industrial property between the assessment year beginning January 1, 1994, and the assessment year for which taxes are due and payable. This means that if growth in the commercial and industrial property occurs, you must subtract that growth prior to submitting the replacement claim to prevent a windfall to local governments.

d. The county auditor must certify a copy of the statement to DRF by July 1 each year.

Section 32 creates new Iowa Code §427B.19A. An industrial machinery, equipment and computers property tax replacement fund is created. Moneys will not be appropriated into the fund until July 1, 1996. If the amount appropriated to the fund is insufficient to cover the cost

of the replacement claims, the DRF will prorate the disbursements from the fund and notify the county auditors. The county treasurers will receive the replacement claims in September and March of each year. The treasurer will apportion the replacement claim payments to the eligible taxing districts.

Section 33 creates new Iowa Code §427B.19B, which establishes a guarantee of state replacement funds. If the state fails to fully fund the M&E property tax replacement fund, the DRF will compute the shortfall in each taxing district. The assessor will then revalue all M&E property by an amount which will cover the shortfall in each taxing district. The county then will collect taxes to cover the shortfall in replacement dollars. This amount will not count against a county's revenue for purposes of the property tax limitation.

Section 34 provides that the replacement claims amount paid for each school district shall be considered property tax dollars. The portion of the payment which is foundation property tax will be determined by applying the foundation property tax rate to the difference applicable assessment year and the base year assessment (January 1, 1994).

Division VI - FY96 Payment

Division VI (Section 35) provides that the amount of property tax relief payment will be $54.4 million beginning July 1, 1995.

Effective Date:	Division I	-	January 1, 1995
	Division II	-	January 1, 1996
	Division III	-	July 1, 1995, except Sec. 21 immediately.
	Division IV	-	July 1, 1995
	Division V	-	July 1, 1995
	Division VI	-	July 1, 1995

WP

SF 88 - City Utility Liens

Treasurers

Section 11 of this statutory clean-up bill amends Iowa Code §384.84(4) and provides that the county treasurer may charge up to five dollars as an administrative expense of certifying and filing a lien related to delinquent utility charges, which amount shall be added to the amount of the lien to be collected at the time of payment of the assessment from the payor. The previous language had allowed a maximum administrative expense of $2.

Effective Date: July 1, 1995

DV

SF 179 - Hospital Levy Increase

Assessors, Community Services Directors, Supervisors

This legislation raises the levy limit for improvements and maintenance for county hospitals in counties with a population over 225,000 to $1.75 per $1,000. This limit applies to taxes payable in the fiscal year beginning July, 1, 1996, and subsequent fiscal years. Broadlawns Hospital in Polk County is the only hospital affected by this bill.

Effective Date: July 1, 1996 JE

SF 189 - Transfer of Real Estate and Certain Exemptions

Recorders

This act concerns the transfer of real estate and its exemptions from transfer tax and provides that a lien for a purchase money mortgage has priority over other interests in the property. Changes to the existing language include limited liability partnerships and limited liability companies. Family corporation, partnership, limited partnership, stockholders, and partners had previously been included in §428A.2 of the Iowa Code relating to such transfers.

Effective Date: July 1, 1995 HG

SF 226 - Disposal of Valueless Mobile Homes

Assessors, Supervisors, Treasurers

SF 226 outlines the procedures for disposal of valueless mobile homes, modular homes and manufactured homes by mobile home park owners in which the valueless homes are located. For purposes of the chapter, it defines home, mobile home park, personal property and valueless home. Any home can be considered abandoned if all the following criteria are met:

* It has been abandoned as defined in § 526B.27, (1) and the home has not been removed after the right to possession of the underlying real estate has been terminated pursuant to chapter 648;

* A lien of record (other than a tax lien) does not exist against the home. A lien exists only if the real property owners receive notice of a lien on the standardized registration form completed by an owner or occupant pursuant to chapter 526B, or a lien has been filed in the state or county records on a date before the home is considered to be valueless; and

* The value of the home and other personal property is equal to or less than the reasonable cost of disposal plus all sums owing to the real property owner pertaining to the home.

This legislation specifies conditions for issuance of a new title to a third party and requires issuance of such title by the county treasurer in the same manner as for replacement certificates of title for vehicles. Finally, the bill sets conditions for removal of a valueless mobile home by a mobile home park owner.

Effective Date: July 1, 1995 JE

SF 385 - City Property Tax Appeals

Assessors, Auditors, Supervisors

This bill allows a city council in a city with a population greater than 75,000, who is a member of a county conference board, to appoint a city board of review to hear appeals of property tax assessments by the city's property taxpayers.

Effective Date: July 1, 1995 JE

SF 472 - Local Option Sales Tax

Assessors, Auditors, Supervisors, Treasurers

This legislation amends the Iowa Code to permit cities whose boundaries encompass area in more than one county to impose a citywide local option sales tax under certain conditions. It outlines the requirements for voter approval for any change in the use for any local option sales tax.

SF 472 amends current code to allow cities, counties or other political subdivisions of the state to issue bonds in anticipation of the collection of the local option sales and services tax. It provides for powers to issue bonds payable from local option sales and services tax comparable to current law with respect to hotel and motel tax bonds. In order for a political subdivision other than a city or county to issue bonds, the political subdivision is required to enter into a chapter 28E agreement with a city or county to receive part of the local sales and services tax revenues that the city or county reserves. The political subdivision can issue bonds payable from the local sales and services tax revenues received only after an election at which 60 percent of those voting on the proposal approve. The act applies retroactively to local option sales and services taxes approved on or after July 1, 1994.

Effective Date: Retroactive to July 1, 1994 JE

SF 473 - Refund of Erroneously Paid Property Taxes

Supervisors, Auditors

This is an act that relates to the refunding of property taxes erroneously paid in Boone County The refund will apply only to property taxes erroneously paid between July 1, 1986 and July 1, 1992.

Effective Date: Immediately, Repealed June 15, 1995 WP

HF 132 - Supplemental Appropriations

Supervisors, Community Service, Auditors

This legislation provides supplemental funding in the current fiscal year (FY95) to various departments of the state for certain purposes, including DOJ, DPS, DOC, and DED. Since this is an appropriations bill, the Governor used his power to line item veto some provisions. Of primary interest to counties is the appropriation of $6.6 million to fund the nonfederal share of medical assistance costs for childrens services in ICFMR and the HCBS waiver program. This appropriation was necessary in order to meet the requirements of HF 2430 passed in the 1994 session of the General Assembly.

HF 2430 required the state to provide these funds by April 1, 1995 to continue the extension of the property tax limitation on counties through FY96. Accordingly, HF 132 was signed on March 31, 1995 and the deadline for the state was met. Section 14 of HF 132 declared the repealer of the property tax limitation from HF 2430 for FY96 void as the issue became moot as a result of the state having met this deadline.

Another section of the bill of interest to counties is the authorization and appropriation of $36 million for the construction of a 750-bed medium security correctional facility for men.

Finally, one section of HF 132 that was vetoed which would be of interest to counties concerned managed care for substance abuse. Specifically, Section 10 of the bill directed the DPH to use outcome measures and to promote competition among providers if the DPH implemented a managed system of care for substance abuse in FY94. This section also allowed substance abuse providers to participate in regional provider networks and encouraged providers to develop creative approaches to substance abuse services. In his veto message, Governor Branstad stated that regional networks "would inhibit the state's flexibility to achieve the most cost-effective contracting arrangement for substance abuse services."

Effective Date: Upon Enactment JE

HF 212 - City Council Delegation of Authority

Supervisors, Auditors

The act amends Iowa Code §392.1. It gives a city council the option of delegating the authority to issue revenue bonds to an airport authority or to keep the authority with the council.

Effective Date: July 1, 1995 WP

HF 406 - Investment of Proceeds of Bond Issues

Treasurers, Supervisors, Auditors

The act amends Iowa Code §12C.9. Amendment requires that earnings and interest from investments shall be used to pay the cost of the construction for which the bonds were issued or to reduce indebtedness.

Effective Date: July 1, 1995 WP

HF 470 - City Curb Improvements

Assessors, Treasurers

This legislation authorizes a city to repair or replace curbs and sidewalks and assess the costs of repair or replacements to abutting property owners. It prescribes the process for assessment. Finally, the bill authorizes a city to accumulate individual assessments for repair or replacements and periodically certify the assessments to the county treasurer.

Effective Date: July 1, 1995 JE

HF 489 - Township Fire Tax Credits

Assessors, Auditors, Supervisors, Treasurers

This bill increases the allowable amount of tax credited to the reserve account for township fire protection and related emergency purposes from 10 cents to 30 cents per $1,000 of taxable valuation. The reserve account is dedicated to the purchase or replacement of supplies and equipment used for fire protection, emergency warning systems and ambulance services offered by a township.

Effective Date: July 1, 1996 JE

HF 508 - Underground Storage Tanks Amendments, see Environment and Land Use

HF 518 - Long Distance Telephone Company Assessments

Assessors, Auditors, Supervisors

Section 1 amends Iowa Code §476.1D by adding a new subsection 1. The amendment provides that a long distance telephone company shall be classified as a competitive long distance company if more that 50 percent of the company's revenues from its Iowa facilities and services are subject to effective competition. If the long distance company, is classified as a competitive

long distance company then it qualifies to be assessed as commercial property by the local assessor under chapters 427, 427A, 427B, 428 and 441. The director of revenue and finance shall be responsible for performing the assessment but shall use the standards for local commercial property. This provision will apply to property which is first assessed for taxation on or after January 1, 1996. "Long distance telephone company" means an entity that provides telephone service and facilities between local exchanges, but does not include cellular service provider or a local exchange utility holding a certificate issue under §476.29 (12).

Effective Date: July 1, 1995 WP

HF 558 - Fruit Tree or Forest Reservation Property

Assessors, Conservation Directors, Supervisors, Treasurers

This act amends Iowa Code §427C.12, unnumbered paragraph 2 by striking "the buyer or transferee does not have to refile for the tax exemption" on property sold or transferred that is maintained as fruit-tree or forest reservation property. Inserted is the requirement of the seller to notify the buyer that the property is in reservation and subject to recapture tax provisions of the section.

Effective Date: Upon Enactment SKL

HF 559 - Assessment of Multiple Housing Cooperatives

Assessors, Auditors, Supervisors

This act amends Iowa Code §441.21 by adding a new subsection 12. The amendment provides that land and building owned by multiple housing cooperatives and the land and buildings used primarily for human habitation that are owned and operated by organizations that are tax exempt under §501(c)(3) of the Internal Revenue Code shall be assessed as residential property. Previously these properties would have been assessed as commercial property and not subject to the residential rollback.

Effective Date: July 1, 1995 WP

HF 583 - Animal Feeding Operation TIFs, see Agriculture and Rural Affairs

TRANSPORTATION

SF 141 - Notice for Vacating and Closing Roads

Engineers, Supervisors

This legislation narrows the notification requirements for property owners outside the boundary of a city when vacating or closing a road. The agency holding the public hearing is required to notify only property owners who own 10 or more acres of land within one mile of the road by regular mail. Publication requirements and notification of all adjoining property owners by certified mail remains the same as before.

Effective Date: July 1, 1995 JE

SF 214 - Motor Vehicle Purchase Protections

Treasurers

Rebuilt vehicles coming from out of state require the "REBUILT" designation be stamped and printed on the new registration receipt. This bill specifies the location and size of said stamp. If the county treasurer is uncertain about ownership of a vehicle that qualifies as an antique vehicle or whether a junking certificate has been issued for the (qualified antique) vehicle, she or he may register the vehicle on the condition that title will not be issued until a bond equal to 150 percent of the current value of the vehicle is deposited with the DOT. The bond shall be returned to the owner after three years or when the vehicle is no longer registered in Iowa and the certificate of title is surrendered to the DOT. The bill also talks about damage disclosure statements by those who lease vehicles.

Effective Date: July 1, 1995, except for sections regarding lessees, which take effect January 1, 1996 or when DOT prescribes the appropriate forms, whichever is earlier. TF

SF 228 - One-Call Oversight

Engineers

This bill adds more oversight requirements to the statewide "one-call" notification center established in Chapter 480. Specifically, the bill requires that an annual audit of the notification center be submitted to the state utilities board, provides that the notification center board of directors is subject to the open meetings and public records laws, and prohibits the notification center from making political contributions.

Effective Date: July 1, 1995 DV

SF 233 - Driver's License Suspensions

Treasurers

This bill contains multiple provisions relating to the suspension and revocation of driver's licenses.

Iowa Code §§321.213 and 321.213A are amended to provide that a juvenile's driver's license is suspended for one year for violations of Iowa Code chapter 124, §126.3 or chapter 453B.

The bill provides that persons who are applying for a motor vehicle license following a period of suspension or revocation for violations under §321.205 for out-of-state drug offenses and juveniles whose driver's licenses are suspended under §321.213A are not required to maintain proof of financial responsibility in order to have their driver's licenses reinstated.

Effective Date: July 1, 1995 DV

SF 290 - Transportation Omnibus

Engineers, Sheriffs, Supervisors, Treasurers

This bill makes technical corrections and changes to the DOT Code sections dealing with retention of records and documents, "special truck" registrations, certificates of title for commercial motor vehicles, registration plates and sticker, dissolution decree transfers of motor vehicle titles, junking certificates for abandoned vehicles, motorcycle license requirements, single state registration for motor carriers, and commodity base state registration.

The legislation authorizes the chief of a fire department to authorize the use of flashing blue lights to fire department members, and eliminates the $5 fee for issuance of handicapped identification devices.

Effective Date: January 1, 1997 JE

SF 298 - Farm Machinery Weight

Engineers, Supervisors

This legislation defines a machine drawn by a motor vehicle or tractor and used for feed or plant food materials as an implement of husbandry. The bill exempts such implements of husbandry or farm machinery from weight and load requirements.

Effective Date: July 1, 1995 JE

SF 481 - Transportation and Capitals Appropriation

Auditors, Engineers, Supervisors, Treasurers

This legislation appropriates $231.4 million in funding for DOT operations. This includes $4.0 million from the general fund, $28.7 million from the RUTF, and $198.6 million from the Primary Road Fund.

The bill makes appropriations from the rebuild Iowa infrastructure account of the state for capital projects. It also transfers FY95 excess lottery proceeds for a variety of projects in the various state departments. SF 481 requires reversion of living roadway monies in excess of $500,000 in the living roadway account of the REAP fund to be redistributed to the open spaces account.

Of specific interest to counties are the following issues:

5th Penny Use Tax/Highway Patrol

Highway Patrol (553.5 FTE) $33,210,467

* Creates a Highway Safety Patrol Fund in the state treasury under the control of DRF to be derived from the following revenue sources:

1. State General Funds for FY97 . . . . . $ 9,000,000
   State General Funds for FY98 . . . . . $18,000,000
   State General Funds for FY99 . . . . . $27,000,000
   State General Funds for FY00 . . . . . $36,000,000

2. The one cent of the use tax (fifth penny) that had been used to retire the GAAP deficit will be allocated and deposited one half to RUTF, and one-half to the primary road fund for the commercial and industrial network, except for that which is determined as necessary to credit to the Highway Patrol Safety Fund to fund the highway patrol.

* The Highway Safety Patrol Fund is repealed July 1, 2000.

Driver's License Pilot Project

This portion of the bill establishes an interim committee to evaluate the expansion of the program to include additional counties. The committee is required to evaluate the benefit to the public and hear from federal transportation officials regarding the issuance of CDLs. Recommendations are due to the General Assembly by December 15, 1995.

SF 481 permits the counties of Adams, Cass, Fremont, Mills, Montgomery, and Page to retain up to $5 per transaction in order to cover their costs of the program. They are required to document for all actual costs on a quarterly basis and provide such information to the DOT and

the LFB. If expenses are actually less than the funds retained, the remaining monies are to be remitted to the state treasurer and deposited in the RUTF.

The legislation authorizes Adams, Cass, Fremont, Mills, Montgomery and Page counties to issue driver's licenses on a permanent basis, subject to certification by the DOT. It sets out the conditions for certification of treasurers to issue CDLs. Such conditions include skills testing, examiner requirements, and administration of written tests by the treasurers. It also gives DOT supervisory authority over the county treasurers when performing motor vehicle licensing functions.

Finally, the section giving permanent status to the six counties is repealed July 1, 1997.

Effective Date: July 1, 1995 JE

HF 256 - Definition of Engineering

Engineers

HF 256 strikes the definition of the practice of "professional engineering" and inserts a definition of "practice of engineering." It also allows the Engineering and Land Surveying Examining Board to suspend or revoke the certificate of registration of a professional engineer or land surveyor upon the certificate holder's conviction of a felony.

Effective Date: July 1, 1995 JE

HF 303 - Pipelines and Underground Storage of Hazardous Liquids, see Environment and Land Use

HF 460 - Property Condemnation

Engineers, Supervisors

This bill allows governmental entities to enter and test property for condemnation purposes. It provides for a market-based interest rate for condemnation damages rather than the current rate of 10 percent. In addition, it provides that the interest on an award which has been determined on appeal to be greater than the amount set by the Compensation Commission should be accrued from the date of the condemnation rather than from the date of the commencement of the action as provided in §535.3.

The legislation provides for right of way notice filings by DOT. It also requires that DOT adopt rules concerning advertising along a scenic highway or byway.

Effective Date: July 1, 1995 JE

HF 508 - Underground Storage Tanks Amendments, see Environment and Land Use

HF 549 - Motor Vehicle Registrations

Treasurers

Section 1 amends Iowa Code §321.20(1) to require that a certificate of title application includes motor vehicle license number and date of birth.

Section 2 adds a new language to Iowa Code §321.30 requiring that a county treasurer shall refuse a registration renewal request if the county treasurer knows that an applicant has a delinquent account, charge, fee, loan, taxes, or other indebtedness owed to or being collected by the state, from information received pursuant to Iowa Code §421.17. This new language applies only to registration renewals, not to issuance of an original registration or the issuance of a certificate of title.

Section 3 requires the county treasurers to use the information maintained in the computerized data bank established in Iowa Code §421.17 to determine if applicants for registration renewals have delinquent accounts.

Section 4 amends Iowa Code §321.40 related to renewals of motor vehicle registrations, and provides that a county treasurer shall refuse a registration renewal request if the county treasurer knows that an applicant has a delinquent account, charge, fee, loan, taxes, or other indebtedness owed to or being collected by the state, from information received pursuant to Iowa Code §421.17.

Iowa Code §321.177 and §321.210B are amended to provide that the IDOT shall not issue a motor vehicle license to any person who has a delinquent account owed to the state. This provision only applies to those in counties participating in the driver's license indebtedness clearance pilot project.

Section 11 establishes a driver's license indebtedness clearance pilot project. The DOT shall determine which and how many counties to include in the pilot project. The pilot project shall commence January 1, 1996 and end on January 1, 1997. The DOT shall submit a report on the pilot project to the Governor and the legislature by April 1, 1997.

Effective Date: July 1, 1996 DV

HF 552 - Motor Vehicle Fuel Taxation

Engineers, Supervisors

This legislation changes the point of taxation for motor fuel and special fuel to the supplier level. It provides that tax on all motor fuel or undyed special fuel be collected by the person who owns the fuel immediately prior to being withdrawn from the terminal or by the person who causes the fuel to be imported into this state. The DRF estimates that there will be an increase in revenues to the RUTF of an amount between $11 - $16 million in FY96 and subsequent fiscal years.

Effective Date: January 1, 1996

JE

HF 584 - Rebuild Iowa Infrastructure Fund

Engineers

This act appropriates money from the Iowa General Fund not to exceed $50 million to establish the Rebuild Iowa Infrastructure Fund. It is also stated in the bill that once this is done, the percentage amount from the Iowa General Fund reserved for the Iowa Economic Emergency Fund be adjusted.

Effective Date: July 1, 1995

HG

1995 BILLS & ISSUES THAT FAILED

Pushing bills through the General Assembly is obviously important to an organization like ISAC. But sometimes the success of a legislative session can also be measured by things that did not happen. ISAC Steering Committee Policy Statements were commonly used as guidelines for staff in opposing legislation. The following is a list of key things that ISAC opposed that were successfully killed, or were never introduced:

*HJR	14	The Stanley Amendment
HF	42	Property Tax Split
HF	55	Drivers' License Fraud
HF	86	End Well Contractor
HF	91	Bonding Database
*HF	111	Swimming Pool Inspections
HF	130	Jury Rights
HF	141	Domestic Abuse Protection
*HF	166	Inverse Condemnation
HF	271	Mobile Home Assessments
HF	331	County Officer Salaries
HF	355	County Salaries
HF	450	Juvenile Custody Records
HF	471	Split Sentences
*HF	569	Vehicle Lease Tax
HSB	288	Garbage Truck Weight
SF	30	Crime Victim Exploitation
SF	34	Reconsider County Ordinance
SF	48	Special Truck Use
SF	58	Inverse Condemnation
SF	59	Property Levy Allocation
*SF	73	Social Work Licensure
SF	75	Swimming Pool Inspections
SF	100	Underground Notice Exemption
SF	122	Primary Election Date
SF	237	Mobile Home Assessment
SF	418	County Imprisonment
SF	473	Property Tax Refunds (Original Proposal)
SSB	27	Revitalization Property

Unfortunately, some key ISAC proposals that received great attention during the session failed, too. Among these items are:

Local Control in Animal Feeding Operations		
SSB	255	Cemetery Levy
SF	125	No Contact Order
SF	189	Deputy Sheriff Salary
*SF	291	Expand County Drivers' License.
*SF	360	Auditors Transfer Fees
*SF	384	Food Service Regulations
*SF	392	Voluntary Annexation Notice
SF	455	Road Maintenance CDL
SF	456	County Autopsy Expense
HSB	228	Road Usage Ordinance
HSB	267	Farm Trailer Weight
HSB	287	County Assistance/Aliens
*HF	150	ICN Access
HF	189	Unfunded Mandates
HF	239	Felon Housing Costs
*HF	400	Subdivision Purchases
*HF	419	Class "C" Roads
HF	523	Dispatcher Training
*HF	572	Courthouse Security

* Designates those bills that have passed house of origin and will be alive in 1996.

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ABBREVIATIONS

AAP . . . . . American Academy of Pediatricians
ACIR . . . . . Advisory Commission on Intergovernmental Relations
ADC . . . . . Aid to Dependent Children
AFDC . . . . . Aid to Families with Dependent Children
AIDS . . . . . Acquired Immune Deficiency Syndrome
BME . . . . . Board of Medical Examiners
CDC . . . . . Center for Disease Control
CDL . . . . . Commercial Driver's License
CINA . . . . . Children in Need of Assistance
CLEAN . . . . . Committing Lottery to the Environment and Natural Resources
CON . . . . . Certificate of Need
DALS . . . . . Department of Agriculture and Land Stewardship
DCA . . . . . Department of Cultural Affairs
DD . . . . . Developmental Disabilities
DEA . . . . . Department of Elder Affairs
DED . . . . . Department of Economic Development
DES . . . . . Department of Employment Services
DHR . . . . . Department of Human Rights
DHS . . . . . Department of Human Services
DIA . . . . . Department of Inspections and Appeals
DNR . . . . . Department of Natural Resources
DOC . . . . . Department of Corrections
DOE . . . . . Department of Education
DOJ . . . . . Department of Justice
DOM . . . . . Department of Management
DOT . . . . . Department of Transportation
DPH . . . . . Department of Public Health
DPS . . . . . Department of Public Safety
DRF . . . . . Department of Revenue and Finance
ECDB . . . . . Ethics and Campaign Disclosure Board
EMS . . . . . Emergency Medical Services
EPA . . . . . Environmental Protection Agency
EPC . . . . . Environmental Protection Commission
EPSDT . . . . . Early Periodic Screening, Diagnosis and Treatment
FIP . . . . . Family Investment Program
FTE . . . . . Full Time Equivalent
GAAP . . . . . General Accepted Accounting Principals
GIS . . . . . Geological Information Act
HBV . . . . . Hepatitis B Virus
HCBS . . . . . Home and Community-Based Service
HCFA . . . . . Health Care Facilities Administration

HIV . . . . . Human Immunodeficiency Virus
ICF/MR . . . . . Intermediate Care Facility for Mental Retardation
ICPUST . . . . . Iowa Comprehensive Petroleum Underground Storage Tank Fund
IPERS . . . . . Iowa Public Employees Retirement System
IRS . . . . . Internal Revenue Service
ISAC . . . . . Iowa State Association of Counties
JOBS . . . . . Job Opportunities and Basic Skills
LFB . . . . . Legislative Fiscal Bureau
LIM . . . . . League of Iowa Municipalities
LPN . . . . . Licensed Practical Nurse
MH . . . . . Mental Health
MHI . . . . . Mental Health Institute
MOE . . . . . Maintenance of Effort
MR . . . . . Mental Retardation
NAHA . . . . . National Affordable Housing Act
OB . . . . . Obstetrics
OWI . . . . . Operating While Intoxicated
PERB . . . . . Public Employment Relations Board
PMIC . . . . . Psychiatric Medical Institutions for Children
POS . . . . . Purchase of Service
RCF/MI . . . . . Residential Care Facility for the Mentally Ill
RCF/MR . . . . . Residential Care Facility for the Mentally Retarded
REAP . . . . . Resource Enhancement and Protection Fund
RFP . . . . . Request For Proposal
RN . . . . . Registered Nurse
RUTF . . . . . Road Use Tax Fund
SCMC . . . . . State County Management Committee
SHS . . . . . State Hospital School
SSA . . . . . Social Security Administration
SSBG . . . . . Social Service Block Grant
SSI . . . . . Supplemental Security Income
TIF . . . . . Tax Increment Financing
USC . . . . . United States Code
UST . . . . . Underground Storage Tank
WIC . . . . . Women, Infant, Children

*In some cases, state department abbreviations may begin with an "I" to indicate an Iowa department rather than a federal department of that name.