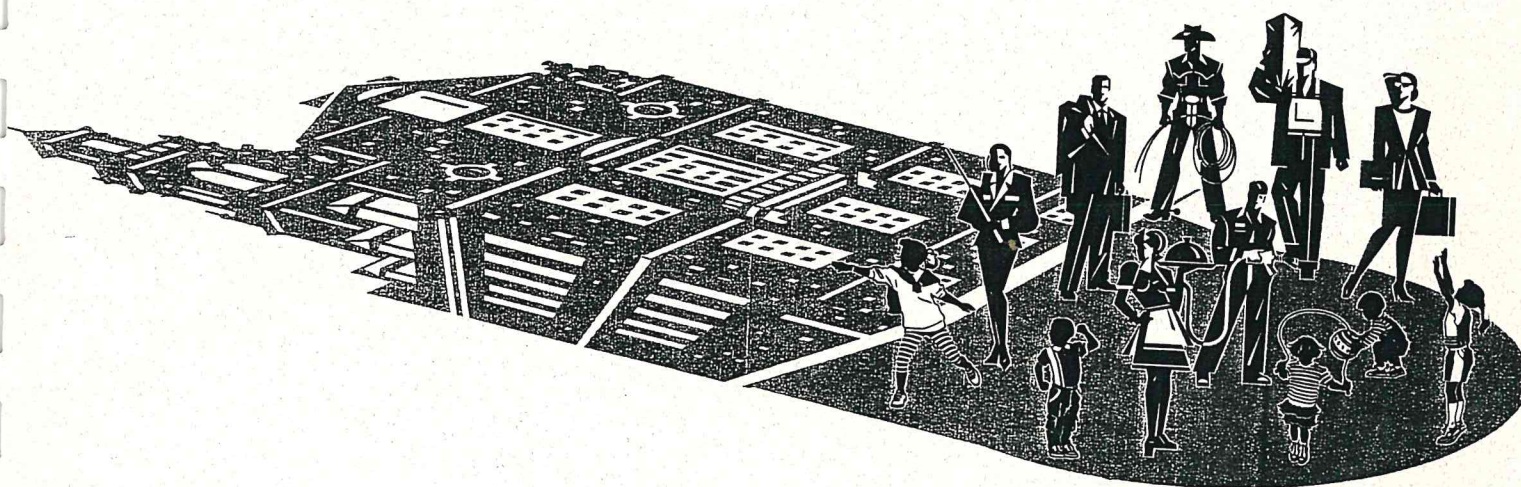


Summary of Legislation

passed by the
77th General Assembly
First Session
1997



**Counties:
Services Designed
for People**



MISSION:

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

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INTRODUCTION

In 1997, the counties of Iowa participated with the 77th General Assembly in the development of many important public policy decisions. ISAC registered to lobby on 364 pieces of legislation this year. This summary contains 93 bills and resolutions affecting counties that passed during the legislative session. In addition, ISAC notified affiliates of an estimated 300 bills on an "FYI" status, and registered on those bills only when requested to do so by the affiliate. Last year, by comparison, ISAC registered on 255 bills, and the summary contained 107 items.

Since it has worked so well in the last few years, this summary continues the organizational layout by steering committee topics. Our "1997 Policy Statements and Legislative Objectives" book was also organized this way, so we thought it would make sense to be consistent.

Generally, bill summaries should be easy to find, since steering committee subjects are so distinct. For example, a bill dealing with truck weights would obviously be found under "Transportation." However, there are some occasions where a bill could logically fit under more than one committee. An example would be SF 126-Open Burning Exceptions. This bill designates certain exceptions that can be made during periods of burning bans. The summary could fit under the "Environment and Land Use" category; however, since it often deals with road ditches and landfills, it is found under "Transportation."

In anticipation of situations such as this, we have cross-referenced those bills that could fit under more than one steering committee. 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 indices in the back of the book. One is organized by affiliate. For example, if you are a treasurer, you can look under "Treasurer" and find topics with bill and page numbers affecting your office. A second index listing all bills in numerical order with a short title and page number is also included.

Please note that text in the boxed areas indicates bills that have been vetoed, or portions of bills that have been item-vetoed by the Governor.

As always, this summary is *not* intended to report on every bill down to the smallest detail. As the name says, it is a "summary." While we strive for completeness and accuracy, time and space restrictions prevent us from including everything we might want on a given piece of legislation. If you think a bill might have some specific application for your office, please get a copy of the enrolled bill and review it in detail for yourself. You can get an enrolled bill by calling the legislature's Public Information Office at (515) 281-5129 or via the Internet at <<http://www2.legis.state.ia.us/Legislation.html>>.

One change this year concerns the effective dates of bills. Most bills become effective on July 1, 1997. For bills (or sections of bills) when this is the case, no effective date is listed. For bills with effective dates other than July 1, the effective date is listed at the end of the summary.

The initials of the person(s) who summarized the bills appear to the right of the title of each individual summary. Their initials are:

JE - John Easter
RM - Robert Mulqueen
WP - William Peterson
CP - Cris Plocher
DV - David Vestal
DAW - Deb Westvold

Introduction

Special thanks are also in order for Tammy Norman, ISAC administrative secretary, who compiled all of this information to create this book.

This year we have also listed the affiliate legislative liaisons. These individuals are the primary contact point between the ISAC staff and our affiliates during the session. They play a vital role in the gathering and dissemination of information, and in strategy development and implementation on issues of interest to counties. Please note these individuals for your affiliate and recognize them for a job well done.

Finally, we are pleased to acknowledge the efforts of the 77th 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 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. Please fill it out and return it to us, as any comments or suggestions you have would be greatly appreciated.

ISAC PRIORITY UPDATE

Last autumn, ISAC steering committees met to determine the legislative objectives for our Association. The ISAC Board of Directors reviewed and approved each steering committee report and identified top legislative priorities from those reports. The entire package was then ratified by the full membership at the 1996 Fall School of Instruction.

For 1997, seven ISAC priorities were presented in the theme of "Counties: Services Designed for People." No one can ever expect a legislative session to go perfectly. But based on the results for many of our priorities, the 77th General Assembly of Iowa rose to the occasion. Our legislators listened to county officials, and they responded to them. They displayed their *trust* in county officials in both their actions and non-actions.

Sunset the Property Tax Limitation - Last January, House leadership announced that there would not be an extension of the property tax limitation, and they kept their promise. Although several attempts at some county budget regulation were made, none survived. In his State of the State address, Gov. Terry Branstad asserted his intention to extend the limitation. He requested legislation be drafted and passed out of the House and Senate Local Government committees. The bills, however, stayed in the desk drawers of the committee chairs and never saw the light of day.

Next there was the presentation from the Department of Management in support of the "Accountability with Flexibility" plan. The *flexibility* portion of the plan included both a limitation and referendum. The *accountability* was saved and *flexibility* shaved in the House Local Government committee. Finally, there was an attempt to impose a 30% budget reserve cap on the county general basic fund in HF 726. That, too, was finally removed. Therefore, the limitation will sunset on July 1, 1997.

Property Tax Credits - The other significant portion of HF 726 provides full funding of the property tax credits. The package truly is a compromise, as details of implementation were hammered out by ISAC, DOM, Department of Revenue & Finance, the League of Cities, the legislature, and Gov. Branstad. Using FY97 as the base year, the difference between actual appropriations and the FY97 appropriation will be split by the counties and cities between infrastructure and property tax relief. If a county has been levying for taxes to fund the credit shortfall and chooses to no longer do so, this would qualify as property tax relief under this plan. A provision to sunset this split after five years is included. The entire portion of the credits that goes to schools, however, will be passed on as dollar-for-dollar property tax relief, as determined by the DOM. The bill also prohibits late filings for homestead and military credits. It should be noted that every legislator we talked to supported full funding with no strings, but leadership explained the compromise was necessary to meet the Governor's insistence that every dollar go for property tax relief.

MH/DD Funding Issues - Two important mental health issues were on the ISAC menu:

Base Year and State Funding: HF 675 was a product of the House Local Government committee. The legislation provided for \$18.1 million in direct property tax relief by doing two things. First, it added another \$11.5 million increment to the property tax relief fund for county mental health expenditures. This step is necessary to bring state funding to the promised 50% share of the county mental health expenditure base. That would raise the total fund from \$95 million to \$106.5 million. Second, the legislation would transfer state payments of \$6.6 million for children's mental retardation services out of the property tax relief fund so these dollars could go to property tax relief.

The bill passed House Local Government, but was trimmed down to \$11.5 million in Ways and Means where it was sent on for consideration. It failed to come out of Appropriations. Since inheritance and

income tax relief were the tax centerpieces this year, there was reluctance to provide further tax reductions in 1997. However, many legislators and the Governor are still very interested in this property tax relief proposal, and prospects for it look stronger for 1998.

Mental Health Growth: HF 255 provides funding for growth in the mental health system at a rate of 2.89% for both FY98 and FY99. That equates to \$6.1 million and \$12.5 million, respectively. While the Senate endured hours of impassioned debate over proposed amendments to raise the growth factor, the bill passed as drafted by the House.

Several amendments were offered to raise the funding levels anywhere from 3.5% to 10.1%. One of the most compelling arguments for increased growth described situations where people with needs are not able to get service. Each attempt failed by a close vote, primarily along party lines. House and Senate leadership should be noted for their dedication in passing this legislation as quickly as possible to help counties with their FY98 budgets.

Legal Settlement - Initially, counties were asking for a risk pool to help offset mental health expenses for extraordinary and unexpected situations beyond their fixed budgets and state growth. Many legislators are interested in the idea, but quantification of the problem will be necessary to justify the pool. Therefore, a provision was included in HF 702 to help establish the need based on reporting by counties of population trends and gross cost projections.

In the meantime however, a more urgent legal settlement issue emerged as a result of the recent *Washington County vs Tama County* case. SF 522 is designed to mitigate the Iowa Supreme Court decision to not recognize community-based services in establishing legal settlement. The legislation deletes the reference to "community-based" so that the section refers to *any* services received. The bill also provides legal settlement protection for counties with regard to brain injury services.

Juvenile Service Costs - One of the last bills to pass the legislature was HF 734. The legislation imposes a \$200 penalty for certain drivers' license revocations. The Senate reduced the fine for persons age 19 and under to \$50. The fiscal bureau estimates the legislation will generate \$3.3 million. It directs the state to use the first \$1 million for juvenile detention programs. Any money over \$1 million is to be distributed to judicial districts for court-ordered juvenile services such as the runaway assessment program. The bill allows judicial districts to retain any unused funds at the end of the fiscal year. ISAC worked with a coalition of service providers, the Attorney General's office, the Governor's office, and other child and family groups to secure the passage of the measure.

In addition, HF 715 provides \$25.6 million in state and federal dollars added to various programs and services in the child welfare system. That amount includes funding for another 38 beds to the group care allocation in the juvenile services system.

County Issuance of Drivers' Licenses - For 1997, the ISAC legislative objective was to seek continued expansion of the number of counties permitted to issue drivers' licenses. However, State Auditor Richard Johnson issued a statement last January that recommended a thorough analysis be done in order to reconcile cost and service figures of the Department of Transportation and county treasurers. As a result, ISAC and the county treasurers agreed to support HF 372. The bill establishes a study committee to make recommendations on a uniform system of county issuance of drivers' licenses. Membership of the committee will consist of county treasurers, employees of DOT, the County Finance Committee, and members of other specified interest groups. It requires the committee to report to the legislature by Jan. 1, 1998.

Animal Feedlots - The ISAC priority package included proposals to assure county participation with the state in various aspects of feedlot operations. At first it appeared the legislature was going to allow HF

519 to continue to work without significant new legislation. A recent court decision, however, upheld four Humboldt County ordinances pertaining to feedlots, which triggered a flurry of activity in the final days of the 1997 session. Issues on the table included preemption of all local authority over any care, feeding and housing of animals; the indemnity fund; nuisance suit protection; groundwater testing; and siting of facilities. There were too many issues for the legislature to sort through, and too little consensus. A strong coalition consisting of the Iowa Farm Bureau, pork producers, farm equipment dealers and bankers were angry about the legislative decision *not* to run a bill to preempt county authority.

Meanwhile, county officials were asking for careful and thoughtful deliberation. ISAC urged there be no preemptive action at this time and stressed the importance of allowing the appeals process in the judicial system to work. After several days of intense discussions, a series of so-called "compromise" bills circulated through the rotunda. Each version contained a broad preemption of county home rule authority with regard to the care, feeding, and housing of animals. None of these "compromise" bills passed, and only two narrowly focused bills pertaining to habitual offenders and closing of drainage wells were enacted.

AGRICULTURE AND RURAL AFFAIRS

HF 336 - Assessment of DNR Property within a Drainage District

RM

Auditors, Supervisors

This Act amends Iowa Code §468.43 by striking language which stated that the drainage district could not assess benefits to state-owned lakes, marshes or streams under the jurisdiction of the DNR.

HF 655 - Department of Economic Development Appropriations

RM, JE

Auditors, Community Service Directors, Supervisors

This bill makes general fund appropriations totaling \$39,117,664 for operations and programs at the DED and other agencies. The legislation authorizes funding for an entrepreneurial ventures assistance program and authorizes DED to sponsor new and statewide apprenticeship programs.

The bill creates a shelter assistance fund at DED and requires the Iowa Seed Capital Corporation to dissolve as of June 30, 1998. It requests an interim study concerning housing assistance organizations.

Community Development Division

- Community Economic Preparedness Program\$50,000
- Main Street/Rural Main Street Program.....\$418,931
- Community Development Program\$720,055

From moneys appropriated under this line item, DED shall distribute \$150,000 equally to Iowa's councils of government for planning and technical assistance to local governments in developing development strategies for addressing long-term and short-term community needs.

- Rural Development (rural enterprise funds and collaborative skills training)\$529,000
- Housing Development Fund\$1,300,000

For providing technical assistance to communities of all sizes and local financial institutions to help meet local housing needs and to provide and transfer matching funds for the HOME program.

- Shelter Assistance Program\$400,000

Section 16 creates a new shelter assistance fund. It is a revolving fund in the state treasury under control of DED consisting of any moneys appropriated by the General Assembly for purposes of the construction, rehabilitation, expansion, or costs of operations of group home shelters for the homeless and domestic violence shelters. Of the moneys in the fund, not less than \$546,000 shall be spent annually on homeless shelter projects. Any unused moneys in the fund shall remain in the fund and not revert to the general fund.

Section 22 provides a funding stream for the Shelter Assistance Fund by allocating 5% of the real estate transfer tax funds received by the state treasurer from county recorders to the program.

Section 30 provides for a housing assistance interim study. As housing in Iowa is in critical need, the study will provide the opportunity to learn about housing assistance organizations. A report is due to the general assembly by October 30, 1997.

HF 708 - Agriculture and Natural Resources Appropriations

RM, JE

Conservation Directors, Environmental Health Officers, Supervisors

Department of Agriculture and Land Stewardship

Section 1 of the bill includes funding for soil and water conservation districts.

Soil Conservation Division

- Soil Conservation Districts\$6,058,717 (1.7% increase)
..... 171.28 FTE (decrease of 1)

Of the amount appropriated, \$347,376 shall be used to reimburse commissioners of soil and water conservation districts for administrative expenses, including travel and training. Moneys used for the payment of meeting dues by counties shall be matched on a dollar-for-dollar basis by the soil conservation division.

Department of Natural Resources

Environmental Protection Division

Section 5 of the bill includes an appropriation for environmental protection as follows:

- Environmental Protection\$2,798,698 (45% increase)
..... 228.5 FTE (increase of 14)

Of the amount appropriated and the number of FTE authorized, at least \$424,600 and 9 FTEs shall be used to support the regulation of animal feeding operations. Also of that amount, \$700,476 and 10 FTEs shall be used in the regulation, permitting and inspection of wastewater treatment systems.

Resource Enhancement and Protection

Section 10 of the bill provides a general appropriation for the REAP fund.

- Resource Enhancement and Protection \$9,000,000 (same as FY97)

Notwithstanding the amount of the standing appropriation to the REAP fund under §455A.18(3), to reduce the annual standing appropriation made from the general fund to REAP (in lieu of the appropriation made in §455A.18) that shall be allocated as provided in §455A.19.

Organic Nutrient Management

Section 12 of the bill provides funding of the of the Transfer from Organic Nutrient Management Fund and includes appropriations for odor control and well and water testing.

- ISU Odor Control Program\$400,000

- ISU Extension Private Well and Water Testing Program\$50,000

Moneys in this program are to assist counties in testing private wells and water for pollution caused by animal production. Counties may submit an application to the extension service to participate. Limits counties to "test areas" and defines test areas as the area within a two-mile radius of any structure used to store manure which is part of a confinement feeding operation. ISU is directed to establish protocols and baseline criteria for testing. Testing shall be done by the agriculture extension service in participating counties in consultation with the local board of health and under the supervision of the county sanitarian. Water samples shall be analyzed by appropriate agencies for drinking water standards. Places a \$50 limit for use in any testing area.

HF 732 - Housing Development

RM

Supervisors

This Act establishes in Iowa Code chapter 15 a program within the DED to provide financial and technical assistance (including housing needs assessments) to local governments, housing organizations, economic development organizations and other local organizations for housing development and to improve existing housing.

Section 4 states the duties of the DED in considering the conditions for housing financial assistance, which include 1) financing on a competitive basis based upon requests from local governments, as well as local housing organizations and economic development organizations. To be eligible for assistance, a housing needs assessment must have been completed; 2) technical assistance, in coordination with the Iowa Finance Authority; 3) any housing program must be administered by the local entity on whose behalf a local housing group makes application for assistance.

Section 5 establishes the Local Housing Assistance Program Fund, which consists of \$1 million appropriated from the Iowa Infrastructure Fund each year from 1997 through 2001.

Sections 7 and 8 amend Iowa Code chapter 103A by limiting the application of the 1992 Model Energy Code to only state-, county- and city-owned structures and to housing constructed in jurisdictions which have adopted the state building code.

Section 9 amends §403.22 ("Urban Renewal") by providing that a city or county of 5,000 or less population need not comply with providing low and moderate income family housing assistance if they have completed a housing needs assessment which shows no low and moderate income housing need and if the DED agrees.

Section 10 adds a new subsection to §404.1 which lists those areas eligible for revitalization status. The newest is that of an area designated as appropriate for public improvements related to housing.

Section 11 amends §404.3A by stating that residential real estate in an area as stated above (in §404.1) is eligible for a tax exemption on the first \$75,000 of actual value added by improvements for five years.

HCR 21 - Urban Planning and Protection of Farmland Study

CP

Conservation Directors, Supervisors

This House Concurrent Resolution establishes a special commission to study and make recommendations concerning urban planning, growth management of cities, and protection of farmland. The special commission shall consist of 21 voting members with diverse expertise in planning, development, design, zoning, annexation, agriculture, historic preservation, and conservation, and includes one ISAC designee.

The special commission shall convene each month and hold public hearings as needed. An interim report shall be submitted to the General Assembly by Jan. 1, 1998, followed by a final report due by Dec. 1, 1998.

SF 219 - Stray Livestock

DV

Conservation Directors, Sheriffs, Supervisors

This bill fills what was perceived as a void in the Iowa Code created when the "estrays" statutes were removed several years ago. This bill relates to the custody and maintenance of stray "livestock," such as cows, horses, hogs or poultry. Under the bill, a landowner may take custody of livestock either trespassing on his land or on a public road which adjoins his land. A city or county may take custody "as provided by the local authority."

There is nothing in this bill which requires a city or county to take custody of stray livestock. But if it does so, the city or county shall not transfer custody of the livestock to a person other than the livestock owner or a livestock care provider. If a city or county does take custody of the livestock, it shall deliver notice of the custody to the livestock owner within 48 hours. A livestock owner shall be liable to a city or county which takes custody of the livestock for the costs incurred in taking custody of the livestock.

Effective Date: Upon Enactment

SF 272 - Financial Assistance to Local Development Corporations - See Taxation and Finance

SF 472 - Animal Feeding Operation Structures: Habitual Violators

RM

Environmental Health Officials, Supervisors

This Act creates Iowa Code §455B.202, which prohibits construction or expansion of an animal feeding operation structure that is part of a confinement operation if the operator is party to legal action for violation of state law regulating animal confinement feeding operations and if the operator has a controlling interest in the operation and actions have been taken by the Attorney General. Persons are prohibited from construction or expansion of such a facility for five years following the last violation during which that person was classified as a "habitual violator." The prohibition will not apply to completing construction or expansion if a) the operator has an unexpired permit for construction or expansion or b) the person is not required to obtain such a permit.

Effective Date: Upon Enactment

SF 473 - Designated Agricultural Drainage Well Areas**RM**

Environmental Health Officials, Supervisors

This Act provides funding for the closure of certain agricultural drainage wells (ADWs), for the construction of alternative drainage systems, for the creation of "designated agricultural drainage well areas," for the prohibition of construction of certain livestock operations structures located near ADWs, and for drainage district expenses.

Sections 1, 2 and 3 amend Iowa Code chapter 159 by creating the Alternative Drainage System Assistance Fund under the control of the Soil Conservation Division of the Department of Agriculture and Land Stewardship (DALs). Revenue for the fund is from state appropriations and from moneys obtained by the Soil Conservation Division. The Soil Conservation Division, under the new program, shall provide cost-share funds to those who are closing ADWs located within a designated ADW area and who are also building alternative drainage systems. Cost-share funds to qualified recipients cannot amount to more than 75% of the cost of installing the alternative system. A landowner within a designated ADW area is not eligible for this financial assistance program if they are 1) party to an alleged violation involving an animal feeding operation or 2) classified as an habitual violator involving an animal feeding operation (see SF 472).

Section 5 creates §455H.2, which says that, no later than Dec. 31, 1998, all owners of land with ADWs shall prevent surface water from draining into an ADW by means of a) removal of surface water intakes, b) building sidewalls surrounding cisterns connected to ADWs, c) adequate ventilation of drainage systems so as to prevent surface water drainage into the ADW, and d) installation of locked covers over the ADW or its cistern to prevent unauthorized access. This does not require removal of a tile line if that tile does not have a surface water intake, nor does it prohibit installation of a tile line if that line does not increase the ADW area. This section also requires inspection of ADWs, "as required by the county board of supervisors." The DNR will adopt guidelines for performing such inspections. These will not affect the county's authority to perform these inspections.

Section 6 creates §455H.3, which calls for the closure of all ADWs in designated ADW areas no later than Dec. 31, 1999. All closures must be according to the specifications of the DNR. Owners of the property where the ADWs are ordered closed may build an alternative drainage system as part of a new or established drainage district.

Section 7 creates §455H.4, which requires that the DNR provide information about the registration of ADWs for this program to each county board of supervisors. The DNR must also notify landowners about their deadlines for complying. Such notice must be in cooperation with the county supervisors.

Section 8 creates §455H.5, which prohibits construction of earthen storage structures within an ADW area.

Section 9 creates §455H.6, which sets forth civil penalties of not more than \$1,000 for violating sections 5 and/or 6 of this Act. A second violation without taking corrective action to remedy the first violation within 60 days of conclusion of that violation will bring a civil penalty of not more than \$5,000. Following the above process (failure to bring corrective action), a "third strike" will bring a civil penalty of not more than \$15,000. Violation of the provisions of section 8, regarding construction of earthen storage structures, will bring a civil penalty of not more than \$5,000. Funds and the interest collected from these civil penalties will be deposited in the Manure Storage Indemnity Fund (§204.2).

Section 10 creates §455H.7, which provides that the county's expenses for carrying out this program shall be prorated among the landowners on which ADWs are located "and collected with interest and penalties after due, in the same manner as other unpaid property taxes." If such expenses are borne by a drainage district, the county supervisors or the trustees shall levy an assessment on the land in that district where the ADWs are located, as provided in §468.50.

Section 11 creates §468.189, stating that the costs of closing an ADW and building an alternative drainage system (which is part of a drainage district) will be provided for by means of a special assessment by the county supervisors or the trustees.

Section 12 provides that the DALS and the DNR shall adopt administrative rules to carry out this Act by Dec. 31, 1997.

Effective date: Upon Enactment

SF 544 - Rural Improvement Zones - See Taxation and Finance

COUNTY ADMINISTRATION AND ORGANIZATION

HF 114 - Legalization of Deeds

RM

Auditors, Recorders,

Adds to the Code §589.31 ("Real Property"), which validates deeds and conveyances 10 years old or older that might not otherwise show that all necessary steps in conveying property were complied with.

HF 142 - Deer Hunting with a Pistol

RM

Conservation Directors, Recorders, Sheriffs,

Amends Code §481A.48 by establishing a new deer hunting season using pistols or revolvers which would coincide with other firearms deer hunting seasons. Legal firearms for this season would include .357 magnum or larger ammunition, centerfire or "straight wall" ammunition propelling expanding bullets. Rules must be adopted for black powder ammunition or for revolvers. For this purpose, only handguns of a four inch barrel or more shall be allowed. Rules would prohibit handguns with shoulder stocks or long barrel modifications and those 16 years old or younger would be prohibited from such hunting.

Possession of a prohibited handgun for this purpose is punishable by a fine of \$100.

HF 178 - Joint Sanitary District/City Utility Services

RM

Auditors, Supervisors

Amends Iowa Code §358.20 by providing for 28E agreements with city utilities for joint billings and collections, combined service accounts and discontinuance of service. Also amends §358.22 by providing for benefitted districts and the resulting fees for sanitary districts.

HF 373 - Osceola County Legalizing Act

DV

Sheriffs, Supervisors

When Osceola County voters approved their uniform law enforcement district tax levy, that levy was only approved for five years, since at the time, that was the time limit built into chapter 28E. But after the expiration of that original five years, there was not another referendum to approve the continuation of that levy. This bill legalizes the continuation of that levy after the five-year period "as if the levy had been authorized" by another referendum.

Effective Date: Upon Enactment

HF 540 - Deferred Compensation

WP

Auditors, Engineers, Supervisors

This is an Act which relates primarily to state personnel procedures and investment policy requirements for state government employees. However, section 10 of the bill amends Iowa Code §509A.12, unnumbered paragraph 1, which relates to deferred compensation plans for county employees. The section is amended to give the county board of supervisors the authority to establish deferred compensation plans for county employees. This change gives the board of supervisors discretion on the deferred compensation plans they approve, whereas previously, the employee had the right to choose any plan they wanted. This placed an administrative burden on the county because it could not limit the number of plans offered through payroll deduction.

HF 612 - Child Support Recovery

DV

Attorneys, Community Services Directors, Recorders, Supervisors, Treasurers

This 146-page bill significantly changes the existing child support provisions in the Iowa Code. The bill includes changes precipitated by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the welfare reform act), and other federal law changes, as well as technical changes.

Changes of particular interest to counties include:

Section 30 amends the child support collection methodology. In almost all counties the Child Support Recovery Unit (CSRU) works through assistant county attorneys. This bill codifies that the CSRU is authorized to enter contracts with private collection agencies for difficult-to-collect cases.

Section 39 clarifies the Iowa Code language regarding the assistance and cooperation that the CSRU can require from counties. Currently, Iowa Code §252B.9(1) requires that counties supply the CSRU with available information concerning the "location, income and property holdings" of the absent parent and the custodial parent, regardless of any law making such information confidential. Under this amendment, the language is broadened to include information about "any other necessary party," and the following statement is added: "Information required by this subsection includes, but is not limited to, information relative to location, income, property holdings, records of (professional or business) licenses...and records concerning the ownership and control of corporations, partnerships, and other business entities. If the information is maintained in an automated database, the unit shall be provided automated access."

Section 92 refers to the centralized employee registry which all counties are supposed to be informing any time they hire new employees. This amendment requires that after information regarding a new hire is provided to the registry and this information is entered into the registry, if the county has to begin withholding income from the new employee due to unpaid child support, the registry will advise the county within two business days.

Section 201 of the bill provides for a task force to develop a plan for a statewide support lien index. The plan is to provide for an automated statewide index pertaining to any person against whom a support judgment is entered, with access in at least one location in every county. Members of the task force may include representatives of the Iowa County Recorders Association and the Iowa State County Treasurers Association, as well as other groups such as the Iowa Realtors Association and the Iowa State Bar Association.

Section 202 of the bill requires that full faith and credit shall be afforded to liens arising on real estate in Iowa owned by the obligor based on overdue support due on support judgments entered in other states. The lien attaches on the date a notice of interstate lien promulgated by the U.S. Secretary of Health and Human Services is filed with the clerk of district court in the county where the real estate is located.

Section 203 provides that support orders entered by Iowa courts are liens upon personal property titled in this state and owned by the obligor. A lien attaches on the date of notation on the title. In addition, full faith and credit shall be afforded to such a lien entered by a court in another state on personal property titled in this state on the date notice of the lien is filed with the clerk of court in the county where the personal property is titled and the lien is noted on the title.

Section 226 amends Iowa Code §144.26 regarding death certificates. Previously it had provided that a death certificate was to be filed "with the county registrar of the county in which the death occurs." That language has been changed to provide that a death certificate shall be filed "as directed by the state registrar..." The amendment also requires that a social security number be included on the death certificate "if provided." The amendment also provides that the county in which a dead body is found is the county of death. Also, if death occurs in a moving conveyance, the county of death is the county where the body is first removed from the conveyance. The amendment strikes the requirement that if a person dies outside of the county of a person's residence, the state registrar shall send a copy of the death certificate to the county of the person's residence.

Section 234 amends Iowa Code §595.4, and requires that the marriage license application shall include the social security number of each applicant, and also requires that the county registrar "take all necessary steps" to ensure the confidentiality of those social security numbers.

HF 616 - Instruments Filed or Recorded with the County Recorder

RM

Recorders

This Act amends Iowa Code §331.602 by allowing the county recorder the option of authorizing a different sized paper document for the instrument to be filed or recorded.

HF 636 - Secretary of State's Omnibus Elections and Voter Registration Act

RM

Auditors, Supervisors

Section 1 of the Act adds a new section to Iowa Code chapter 39 which states that only those public measures or specific offices to be filled which are authorized by state law shall appear on a ballot. This does not prohibit a city or a county from adopting ordinances "providing for elections on matters under the jurisdiction of the governing body."

Section 3 amends §43.73 by striking the reference to the certification by the Secretary of State of the ballot order of the nominees of "the tickets of the several political parties" and replacing that with "federal and state offices, judges, constitutional amendments, and the state public measures."

Section 9 adds new §44.17 "Nonparty Political Organizations - nominations by petition," which provides that a nonparty political organization, in lieu of a caucus or convention, may nominate by petition not more than one candidate for a partisan office at a general election. A nonparty political organization may file with the county auditor a list of its central committee members and chair and a description of its

method of for filling vacancies. If all of this is filed before the end of the filing period, substitutions for nominees may be made following §44.11.

Section 10 adds new §47.4 “election filing deadlines.” It provides that, if the deadline for a filing falls on a day when the office of the Secretary of State or the county auditor’s office is closed, the deadline shall be the next day that that office is open. This does not apply to the deadline for voter registration.

Sections 15-22 strike the provisions for first class mail forwarding contained in Iowa Code chapter 48A (“Voter Registration”). Section 18 strikes language requiring a voter registration form to be included with the notice sent to a voter who has moved to another county within the state.

Section 23 amends §49.13(4) by providing that, with the discretion of the county auditor, two people of different political parties may be appointed as co-chairs of an election board with joint authority.

Section 24 adds a new subsection to §49.16 which states that someone named to an election board can no longer serve in that capacity if they change political party affiliation. If they do change parties, their name must be stricken from the list of their previous party’s election officials. The county chair must be notified of this change and may name a replacement. If the election official in question is named by the county chair of their new party, they may serve.

Section 25 amends §49.20 by adding that members of election boards shall be reimbursed for travel expenses at a rate determined by the county board of supervisors.

Section 28 amends §49.26 by stating that, in counties using automatic tabulating equipment, the auditor shall determine in advance whether ballots will be counted by the equipment or by election officials.

Section 29 amends §49.30 (“all candidates on one ballot - exceptions”) by adding that constitutional amendments and public measures, as well as the names of all candidates, must be printed on one ballot. It also states that if it is not possible to include all candidates and public measures on a single ballot where special paper ballots are used, separate ballots may be used for nonpartisan offices, judges, or public measures. Further, the auditor may provide a separate paper ballot for the nonpartisan offices of regional library trustee, county public hospital trustee, soil and water conservation district commissioners and county agricultural extension council members when machines are in use for candidates for judge and township offices. This section of the Act also provides that when a precinct has one or more offices or questions on the ballot that may not necessarily be voted upon by all voters, the auditor may use lockout devices. If no such device exists or is available, one or more separate voting machines may be used for each group in that precinct. If this is not feasible, separate ballots must be prepared for the candidates or questions which may not be voted upon by all voters, and a separate ballot box must be used. Finally, where paper ballots are cast, separate ballots shall be used for township officers in precincts including incorporated and unincorporated areas or more than one township, for public measures and for judges.

Section 30 strikes §49.31(1) and provides that the names of the candidates for each office must appear below each title on all ballots and that, for partisan races, the party be listed after or below each candidate’s name. The auditor shall determine the order of parties. The sequence shall be the same for each office and for each precinct.

Through section 54, this entire portion of the Act deals with modification of ballot layout.

Section 59 creates §50.50, which provides that an auditor may request an “administrative recount” if there appears to have been voting machine malfunction or programming error which affected the outcome of an election. Such a recount must be conducted by the board of the special precinct.

Section 64 amends §52.36 by allowing the auditor to arrange to have a third person available for consultation and dispute resolution in the event that a resolution board's two-person team (newly introduced in this section) is unable to decide how to count one or more ballots.

Sections 68 and 69 amend Iowa Code chapter 53 by stating that no absentee ballot application shall be pre-addressed or printed with instructions to send it to anyone except the appropriate county auditor. No such absentee ballot application can be pre-addressed or printed with instructions to send the ballot to anyone other than the voter. No campaign committee, political committee or candidate (those required to file reports according to Iowa Code chapter 56) is allowed to receive absentee ballots on behalf of voters.

Sections 70 and 71 also amend chapter 53 by changing the deadlines for petitions requesting satellite voting stations: for primary or general elections, the 47th day before the election; for special elections, 32 days prior to the election; for city and for school elections, the 30th day before the election. The requirement that satellite voting stations must be open from 8:00 a.m. to 5:00 p.m. is eliminated. Now the requirement is that they be open for a minimum of six hours.

Section 76 amends Iowa Code chapter 62 and section 92 amends chapter 376 by changing the composition of the court of a contested election court from the chair of the county Board of Supervisors (§62) or the mayor (§376) and both the contestant and the incumbent to one person named by the contestant, one by the incumbent and a third agreed to by both. If the incumbent fails to name someone, the chief judge of the judicial district shall name the second instead, and those two shall name an agreed upon third member. If they cannot agree, the chief judge shall name the third person.

(Note: A complete section-by-section summary of this act is available from the Office of the Secretary of State.)

HF 662 - Indigent Defense Costs - See County Corrections and Law Enforcement

HF 693 - Patient Records

DV

Attorneys

The bill provides specific procedures to be used in civil actions for furnishing patient records of plaintiffs. It sets out timelines to be followed, describes the scope of permissible discovery, and outlines the procedures to be used in taking depositions of plaintiff's treating professionals.

This bill makes several other changes regarding civil actions, including changing the statute of limitations regarding product liability claims, changing the statute regarding comparative fault in consortium claims and changing the joint and several liability rule as to noneconomic damages.

Effective Date: Section 8, regarding patient records, applies to actions filed after July 1, 1997

HF 701 - Health Insurance Portability and Continuity

WP

All County Officials

This bill enacts changes required as a result of passage of the federal Health Insurance Portability and Accountability Act, which was passed in 1996 and provides for continuity of coverage between self-funded plans and insured health care plans. The provisions of the Act will apply primarily to the

regulation of insurance companies by the Iowa Insurance Division. Employers will be notified by the insurance carriers or administrators of any changes affecting them.

Iowa's group health insurance market laws were amended to give the Insurance Division the authority to draft and adopt rules requiring guaranteed renewability, establish maximum preexisting condition exclusion periods, and mandate credit for prior creditable coverage. These changes allow the Insurance Division to extend to the large group market many of the reforms the state has enacted in the small group and individual markets.

In the small group market, changes include adjustments to the definitions reflecting the portability between certain coverages, new definitions of preexisting conditions, and a 63-day limit for a permissible break in coverages. In the individual market, changes include adjustments to the Iowa Comprehensive Health Association plans, guaranteed issue after participation in the high risk pool, and coverage for individuals who are coming out of the group or self-funded insurance market.

HF 732 - Housing Development - See Agriculture and Rural Affairs

SF 116 - Registered Agents of Corporations

RM

Recorders

This act makes a variety of changes in relation to the appointment and/or the resignation of registered agents of corporations, limited liability companies and partnerships. Those portions which have relevance to county government include section 6, which amends Iowa Code §490.1701(3)(c), unnumbered paragraph 2 by stating that the corporation, and not the Iowa Secretary of State (as has been the law), shall forward to the county recorder a copy of the instrument indicating that the corporation's county of initial registration is other than its principle place of business. This section is also amended to say that the recorder of the county which is that corporation's principle place of business shall be sent a copy of the abovementioned instrument and that the recorder of the county in which the initial corporation registration took place shall be sent by the corporation a copy of the original instrument and a copy of the corporation's articles of incorporation together with all their amendments. Furthermore, the corporation must certify to the Secretary of State that it has complied with all of the above actions

SF 232 - Notarial Acts

RM

Recorders

This act amends Iowa Code §9E.10(1) by adding a provision that among those who may act as a notary is the registrar of vital statistics or his or her designee.

Effective Date: Upon Enactment

SF 240-Federal Block Grants Appropriations

JE, RM

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

This legislation appropriates \$137.7 million of federal block grant funds, an increase of \$10.2 million (8.0% increase) compared to FY97. Items of interest to counties include the following:

Department of Economic Development

- Community Development [Section 10]\$30,400,000 (3.4% decrease)

Department of Human Rights

- Community Services [Section 9]\$5,292,291 (25.5% increase)
- Low-Income Home Energy Assistance Program [Section 11]\$18,143,877 (24.3% decrease)

Department of Human Services

- Child Care and Development.....\$25,405,945 (194% increase)
- Community Mental Health Services [Section 2]\$2,740,750 (3.1% decrease)
- Social Services [Section 12]\$27,014,462 (11% decrease)
 - Administrative.....\$1,717,784
 - Field Operations.....\$10,274,258
 - Child and Family Services\$1,536,742
 - Local Administrative Costs and Other Local Services.....\$1,089,616
 - Volunteers.....\$119,084
 - Community-Based Services.....\$136,946
 - MH/MR/DD/BI Community Services (Local Purchase)\$12,140,032

Department of Natural Resources

- Local Government Grants, No. 81052 [Section 41]\$140,000

Department of Public Defense

- State and Local Assistance Grants, No. 83534 [Section 44]\$1,297,324

Department of Public Health

- Substance Abuse [Section 1]\$11,945,086 (6.7% increase)
- Maternal and Child Health Services [Section 3]\$6,871,361 (1.1% decrease)
- Preventive Health and Health Services [Section 4].....\$1,939,595 (8.7% increase)

Office of the Governor (Drug Enforcement and Abuse Prevention)

- Drug Control and System Improvement Grant Program [Section 5].....\$5,556,000 (1.7% decrease)
- Stop Violence Against Women Grant Program [Section 6].....\$1,886,000 (151% increase)
- Drug Abuse/Local Law Enforcement [Section 7]\$333,497

Section 13 of the bill provides procedures for DHS to develop the Human Services Block Grant Plan for the state and counties.

Section 14 of the legislation provides procedures for the Division of Mental Health of DHS to assure Projects for Assistance in Transition from Homelessness.

Section 16 provides procedures to account for reduced federal funds.

Section 17 provides procedures for allocation and expenditure of increased federal funds.

Section 18 provides procedures for allocation and expenditure of additional federal funds.

Section 58 of the bill requires the Iowa Utilities Board to issue an order prohibiting the disconnection of services to households receiving funds from the LIHEAP and having below 150% of the federal poverty level.

SF 246 - Snowmobiles and All-Terrain Vehicle Titles

RM

Recorders

This Act changes some of the definitions of snowmobiles and all-terrain vehicles and requires certificates of title, increases registration fees and calls for registration at the point of sale.

Section 1 creates Iowa Code §321G.29, which provides for the issuance of certificates of title for snowmobiles by county recorders for snowmobiles acquired on or after Jan. 1, 1998. This section states that a snowmobile owner must apply to the recorder for such a title within 30 days of ownership. It also provides other requirements for acquiring certificate of title. It also provides that dealers acquiring snowmobiles for resale must report this to the county recorder and obtain title. The recorder must keep record of all such titles until it has been inactive for five years. They must keep on file the certificate of origin. A copy of all such titles must be sent by the recorder to the DNR.

Section 2 creates §321G.30, which makes provisions for a \$10 fee charged by the county recorder for issuing snowmobile titles, transfers of titles, duplicates or corrected titles. Of this amount, \$5 is sent to the Treasurer of State for deposit in a special conservation fund and the remaining \$5 is kept by the recorder. It calls for replacement of lost or stolen titles by the owner or lienholder within 30 days.

Section 3 creates §321G.31, which states the requirements of snowmobile owners and responsibilities of the county recorder in the event of transfer or repossession.

Section 4 creates §321G.32, which provides the mechanics for creation and perfection of security interests for snowmobiles and states that the county recorder shall keep note of the security interest on all titles. The application fee for security interest is \$10 and that sum will be divided in the same manner as the title fee. Certificate of title must be presented to the recorder when security interest is applied for.

Section 5 amends §321G.15 ("operation pending registration") by striking language concerning the duties of the snowmobile or all-terrain vehicle purchaser regarding purchase and replacing it with a statement of the responsibility of the dealer to apply for and pay the fees for registration.

Section 6 amends §321G.6, by raising the fee for a snowmobile or ATV registered between Jan. 1 and Sept. 1 from \$10 to \$12.50. It also raises the biennial registration fee for snowmobiles and ATVs from \$20 to \$25.

SF 280 - Immunity for Employers Disclosing Work-Related Information**WP**

All County Officials

This bill provides immunity from civil action for an employer or employer's representative who acts reasonably in providing work-related information about a current or former employee of the employer. Section 91B.2 is created, establishing immunity for good faith actions by employers and their representatives when providing work-related information on current or former employees to prospective employers. The section defines an unreasonable action as one which violates a civil right of the current or former employee; providing work-related information knowingly to someone who has no legitimate interest in receiving this information; and providing information which is not relevant, is provided with malice, and no belief that it is true. This bill addresses a long-standing concern for employers who have been reluctant to provide information on employees to prospective employers upon inquiry.

SF 542 - Supplemental and Other Appropriations**CP, JE**

Auditors, Community Services Directors, Emergency Management Directors, Supervisors

This bill appropriates \$8.2 million from the state's general fund and \$1.6 million from the Lottery Fund for FY97.

Division I - General Fund Appropriations**Department of Human Services**

Section 3 of the bill provides supplemental funding for FY97, as part of the SSBG appropriation, to be used for MH/MR/DD/BI community service (local purchase) to be distributed in accordance with 1996 Iowa Acts, chapter 1213, section 19, subsection 6:

- MH/MR/DD/BI Community Service (local purchase) \$194,057

Section 4 of the bill stipulates that DHS shall not transfer in FY97 more than \$2,186,995 from the appropriation to the department in 1996 Iowa Acts, chapter 1213, section 3, to supplement the federal SSBG appropriation in 1996 Iowa Acts, chapter 1210, section 10, for distribution among the block grant allocations as follows:

- General Administration\$309,399
- Field Operation\$1,617,370
- Child and Family Services\$214,578
- Child Care Assistance\$41,736
- Volunteers\$3,912

Department of Natural Resources

Section 6 of the bill provides supplemental funding in FY97 for support of the land recycling program and the technical advisory committee established in SF 528 (see summary of SF 528):

- Support of Land Recycling Program and Technical Advisory Committee\$65,000

Department of Public Defense

Section 7 of the bill provides funding assistance in FY97 to those counties proclaimed by the governor to be in a state of disaster emergency as the result of a severe winter storm. Funds will be distributed by the state's Emergency Management Division:

- Winter Storm Disaster Emergency.....\$100,000

If the total amount of excess expenditures by all counties eligible for assistance exceeds the amount appropriated, the distributed amount shall be prorated based upon a county's share of the total amount of excess expenditures by all counties.

Division II - Excess Lottery Revenues

Department of Human Services

Section 10 of the bill includes an appropriation in FY97 for implementation of child support enforcement changes necessitated by federal welfare reform legislation, provided that none of the moneys shall be used to fill new FTE positions:

- Child Support Enforcement Changes.....\$300,000

Division V

Department of Education

Section 17 and 18 of the bill amend §279.51(1), to increase the standing limited appropriation to the Child Development Coordinating Council by \$650,000, beginning in FY98, pertaining to at-risk children programs.

- Child Development Coordinating Council\$8,320,000 (8.5% increase)

Section 20 of the bill amends HF 715, section 9, subsection 3, unnumbered paragraph 1 (see summary of HF 715). The effective date is changed from October to July 1, 1997, as to when the U.S. Department of Health and Human Services shall increase to 125% the maximum federal poverty level used to determine eligibility for state child care assistance.

Section 21 of the bill repeals the amendment to §239.14 made in SF 131, section 1 (refer to summary of SF 131).

Section 22 of the bill repeals the amendment to §239.17 made in SF 131, section 2 (refer to summary of SF 131).

Division VIII

Section 28 of the bill stipulates for FY97 that after \$36,370,000 of child support revenue has been collected by DHS and deposited in the FIP account, not more than \$1 million of the remaining child support revenue collected shall remain available for appropriation to the department for use in the succeeding fiscal year on child support enforcement changes necessitated by federal welfare reform legislation.

Effective Date: Upon Enactment

COUNTY CORRECTIONS AND LAW ENFORCEMENT

HF 232 - Mentally Incapable Criminal Defendants

DAW

Attorneys, Community Service Directors, Sheriffs, Supervisors

This bill amends chapter 812 to provide that when a court determines that a defendant is mentally incapable of standing trial, the court must order the defendant committed for treatment. Previously, this section did not specify that the commitment must be "for treatment". The court continues to have the option of placing the defendant in the custody of the DHS or DOC for placement at the Iowa medical and classification center.

HF 265 - Dangerous Weapons

DV

Attorneys, Sheriffs

This is an odd bill. There was some question about the legality of the manner in which the 1996 General Assembly passed these provisions, so the legislature passed this bill in 1997 to correct any mistakes made last year.

Section 2 reenacts Iowa Code §723A.1(1)(h) regarding the felony offense of brandishing of weapons by persons who participate in criminal street gangs.

Section 3 reenacts Iowa Code §724.16A regarding the felony offense of trafficking in stolen weapons.

Effective Date: Upon Enactment

HF 515 - Deputy Sheriff Salaries

DV

Sheriffs, Supervisors

Prior to the enactment of this bill, under Iowa Code §331.904, the salary of the deputies in every office except the sheriff had been set by the principal officer, and the deputy sheriffs' salaries were set by the board of supervisors. Under this bill, the sheriff sets the annual base salary of each deputy sheriff "who is classified as exempt under the federal Fair Labor Standards Act." Traditionally, employees are considered exempt if they have an administrative position ("the duties test") and are paid a regular salary regardless of how many hours they work each week ("the salary test"). The board of supervisors shall set the salary of all deputies not classified as exempt. So the board of supervisors will continue to have the authority to set the salaries for the bulk of the deputy sheriffs, but for the handful of deputies who are considered exempt under FLSA, the job of setting their salaries now goes to the sheriff.

For both exempt and non-exempt deputies, their salaries are still subject to the existing restrictions in Iowa Code §331.904(2) that 1)the annual base salary of a first or second deputy sheriff shall not exceed 85% of the annual bases salary of the sheriff; and 2)the annual base salary of any other deputy sheriff shall not exceed the annual base salary of the first or second deputy sheriff.

HF 542 - Assault with Bodily Fluids

DV

Sheriffs

This bill makes it a Class “D” felony for a person confined in a jail to commit an act which results in a jail employee coming in contact with blood, seminal fluid, urine or feces.

HF 635 - “Deadly Force” Definition

DV

Attorneys, Sheriffs

The term “deadly force,” as defined in Iowa Code §704.2, is amended to exclude situations where a peace officer discharges a firearm loaded with “less lethal munitions” in the line of duty. “Less lethal munitions” means projectiles which are designed to stun, temporarily incapacitate or cause temporary discomfort to a person without penetrating the person’s body.

Section 3 of the bill adds to the list of person’s authorized to possess offensive weapons under Iowa Code §724.2 a person who possesses a curio or relic firearm solely for use in official functions of a historical reenactment organization.

Section 4 makes a similar exception for nonresidents who are in Iowa to participate in historical reenactments, if the offensive weapon is legally possessed by the person and if it is incapable of firing live ammunition.

HF 662 - Indigent Defense Costs

DV

Attorneys, Sheriffs, Supervisors

Section 3 refers to the centralized employee registry through which all employers are supposed to be informing the state any time they hire new employees. This amendment provides that in addition to state agencies, the records of the registry may now be accessed by “county attorneys or county attorneys’ designees.”

Section 4 clarifies that the use of the centralized employee registry by county attorneys is for the limited purpose of recovery of restitution ordered by the court pursuant to Iowa Code chapter 910.

Sections 5 and 10 of this bill both fit the same profile: these sections take serious misdemeanors, where the offender could have been sentenced to up to a year in jail, and reduce the crime to a scheduled \$350 fine. The purpose of doing this was to reduce the demand for court-appointed lawyers - under section 14 of this bill there is no requirement of court-appointed counsel if the only possible penalty is a monetary fine, as opposed to jail time. But the side benefit of this is that, since there is no longer a possibility of serving any time in jail, it reduces significantly the number of offenders that will be going to jail. At one point, the Legislative Fiscal Bureau guestimated that an earlier version of this bill would reduce the number of jail inmates in Iowa by 5,300 annually, saving counties \$2.3 million.

Section 5 amends Iowa Code §321.218 to provide that a person who operates a motor vehicle in this state while his or her drivers’ license is suspended, denied, canceled or revoked commits a serious misdemeanor punishable only by a fine of \$350. Previously, the punishment had been at least \$250 but not to exceed \$1,500, and the court could also order imprisonment not to exceed one year.

Section 10 amends Iowa Code §719.1 to provide that a person who knowingly resists or obstructs a peace officer, emergency medical care provider, or fire fighter commits a serious misdemeanor punishable only by a fine of \$350. Previously, the punishment had been at least \$250 but not to exceed \$1,500, and the court could also order imprisonment not to exceed one year.

Section 11 amends the law regarding compensation for court-appointed attorneys. After the amendment, judges will have the discretion to increase the rates to the maximum hourly rate of \$55, up from the current maximum of \$45. That \$55 maximum goes to \$60 if the offense charged is a class "A" or "B" felony. While the bulk of these costs are picked up by the state, the counties pay court-appointed attorney fees in some cases, such as juveniles. A portion of these costs is then reimbursed by the state based on a formula.

Section 12 amends Iowa Code §815.9 by redefining "indigency." Prior to this bill, any person with an income level of 150% of federal poverty level was considered indigent. Under this amendment, only those with an income level of 100% of the federal poverty level are considered indigent.

Section 14 adds new language to Iowa Code §815.10(1) clarifying that a person charged with a serious misdemeanor which is only punishable by the imposition of a fine is not entitled to legal assistance at public expense.

Section 19 amends Iowa Code §911.1 regarding the criminal penalty surcharge to provide that the surcharge, in addition to being used for things like victim compensation and crime prevention, shall be used for the defense of indigent persons charged with crimes.

HF 707 - OWI

DV

Attorneys, Sheriffs, Supervisors

Section 4 of this bill amends the previous language which had made first offense OWI subject to a mandatory 48 hours in jail. Under this bill, there is no mandatory jail sentence, and first offense OWI is punishable, at the judge's discretion, by all of the following: 1) 48 hours in jail; 2) assessment of a \$1,000 fine; 3) revocation of the person's drivers' license; and 4) assignment to substance abuse evaluation and treatment and a course for drunk drivers.

Section 4 also amends the second offense OWI punishment to provide that the minimum of seven days in jail can now be suspended, which had previously been specifically prohibited.

Section 4 also amends the third offense OWI punishment to provide that the minimum of 30 days in jail can now be suspended, which had previously been specifically prohibited.

Section 5 provides that a court may order restitution of up to \$500 paid to any public agency for the costs of emergency response resulting from the OWI. This would apply to fire fighting, law enforcement, ambulance, medical or other emergency services. A public agency seeking such restitution shall consult with the county attorney regarding the expenses incurred by the public agency, and the county attorney may include the expenses in the restitution claim.

HF 734 - Juvenile Detention Funds - See Health and Human Services

SF 95 - Boat Accidents

DV

Conservation Directors, Sheriffs

Section 1 amends the reporting requirement for boating vehicle accidents. Previously, the operator was required to file an accident report any time a boat was involved in an accident which resulted in property damage exceeding \$100. Now, that limit is raised to \$500. So previously an accident with \$350 in property damage should have been reported, but now it would not have to be reported.

Section 2 provides that all written reports of boating accidents filed with the Natural Resource Commission by law enforcement officers will now be handled under the public records law, which mandates public access to the "date, time, specific location and immediate facts and circumstances surrounding" such reports, unless disclosure would "plainly and seriously" jeopardize an investigation or pose a "clear and present danger" to the safety of an individual. In addition, a completed law enforcement officer's report shall also be made available by the investigating law enforcement agency to any party to a boating accident, the party's insurance company, or the party's attorney on written request and payment of a fee.

Effective Date: Upon Enactment

SF 184 - Prisoner Room and Board

DV

Attorneys, Sheriffs, Supervisors

This is an attempt to improve last year's room and board bill, and make it more workable. Instead of speaking of a "reimbursement lien," this statute is amended to speak in terms of a "reimbursement claim," which can be included in the restitution amount owed by the offender.

Section 1 clarifies that the room and board charges only apply to persons who have been convicted of a criminal offense. It does not apply to those awaiting trial.

Section 1 also amends Iowa Code §356.7 to provide that the sheriff or the county attorney can file a room and board reimbursement claim with the clerk of court, including the person's social security number, the office address of the sheriff or county attorney who is filing the claim, the amount of charges the person owes and, if the sheriff wishes to have the amount of the claim included in the amount of restitution determined to be owed by the person.

Section 1 also provides that once a receipt of a reimbursement claim is received, the court shall approve the claim, and it shall have the force and effect of a judgment for purposes of enforcement by the sheriff, except that the claim shall not have priority over competing claims for child support obligations owed by the offender.

Section 2 clarifies that "restitution" under Iowa Code §910.1(4) includes room and board fees.

Section 3 clarifies that each sentencing court shall order that restitution be made, including payment of room and board fees.

Section 4 clarifies that, in order to determine the amount of restitution, the county attorney shall prepare a statement of fees including room and board fees.

Effective Date: Upon Enactment

SF 229 - Fake Drivers' Licenses**DV**

Sheriffs

This bill provides for the issuance of fake drivers' licenses "for official use when the officer is involved in duty in which a fictitious identity is necessary." An officer using such a license shall not be prosecuted for a public offense under chapter 321 (rules of the road) if the offense was committed in the line of duty and was necessary to protect the identity of the officer. The bill provides penalties for the unlawful use of such a license.

Records of any law enforcement agency or the state DOT regarding the issuance of such a drivers' license are confidential.

Effective Date: Upon Enactment

SF 281 - Sex Offender Registry**DV**

Attorneys, Sheriffs

Under Iowa Code §692A.5(1), the courts have a duty to see that persons required to register with the sex offender registry do in fact register. The courts' duties include obtaining a current photograph of the person, informing the person of the duty to register, and requiring the person to read and sign a form explaining the sex offender registry law. This bill amends the sex offender registry law to say that, with regard to the courts' duties regarding sex offender registration, the court "may order an appropriate law enforcement agency or the county to assist the court..."

SF 499 - Smoking by Minors**DV**

Attorneys, Sheriffs, Supervisors, Treasurers

Section 3 of this bill is the most important section for county purposes. It adds new language stating that for any prosecution for supplying tobacco products to persons under age 18 or smoking or purchasing tobacco products as a person under age 18, the fine money collected under Iowa Code §453A.3 shall be retained by the city or county enforcing the violation, to be used for enforcement of the laws prohibiting smoking by persons under age 18. Previously this fine money was retained by the state.

Section 4 of this bill amends the fines for supplying tobacco products to persons under age 18 or smoking or purchasing tobacco products as a person under age 18. Previously there had been a scheduled fine of \$25. Under this bill, the first offense is \$25, but the second offense is \$50, and a third or subsequent offense is \$100.

Section 1 of this bill deals with drivers' licenses issued to minors. Until now, all drivers' licenses issued to those under age 21 had to display the words "under 21." This bill requires that drivers' licenses now be display the words "under 21" or "under 18," depending on the age of the individual. Section 2 of this bill makes the same changes as to nonoperator identification cards.

SF 515 - Juvenile Justice**DV**

Attorneys, Community Services Directors, Sheriffs, Supervisors

This 29-page bill makes many changes in juvenile justice, including changes related to dram shop liability, the penalty for providing alcohol to someone under age 21 and the criteria for placement in the state training school. The bill provides for the sharing of information regarding delinquent juvenile and juveniles under the jurisdiction of various social service agencies, and for the sharing of jurisdiction between the adult and juvenile courts for certain youthful offenders.

Among the significant changes for county officials are the following:

- The sheriff had been required to provide bailiff and other law enforcement services free of charge to district judges, district associate judges and judicial magistrates upon request. This bill extends that provision to include associate juvenile judges.
- The bill provides that if a peace officer discovers a person under the age of 18 in possession of alcohol, and that person is not referred to juvenile court, the peace officer shall make a reasonable effort to notify the superintendent of the person's school of the possession. Previously this only applied if the person was taken into custody.
- The bill provides that a person under age 21 cannot be placed in detention for alcohol possession or use.
- The bill establishes a Class "D" felony for a child adjudicated delinquent for a crime that would have constituted a felony as an adult and includes a firearm.
- The bill requires each school board to adopt a policy which provides that the school district may share information contained within a student's permanent record with agencies that are part of the juvenile justice system, including local law enforcement authorities.
- The bill requests an interim study to review and consider the need for improvements in the laws and programs established to reform juvenile delinquents and reduce juvenile crime.

SF 533 - Justice System Appropriations**DV, JE**

Attorneys, Sheriffs, Supervisors

This bill makes appropriations to the justice system and provides effective dates. Some of these appropriations include \$12,018,844 AG's Office; \$192,738,371 DOC; \$33,087,035 Office of Public Defender; \$99,229,066 Judicial Department; \$1,175,287 Law Enforcement Academy; \$924,802 Board of Parole; \$4,844,167 Public Defense; and \$36,942,428 DPS.

Department of Justice

Section 1 of the bill includes funding for the prosecuting attorney training program to cover salaries, support, maintenance, designated FTE positions, and related purposes:

- Prosecuting Attorneys Training Program\$269,392 (7.8% increase)
..... 6 FTE (same as FY97)

In addition, the AG shall provide state matching funds from moneys retained from property forfeited pursuant to §809A.17 as follows: up to \$41,000 for the prosecuting attorneys training program and/or the prosecuting intern program, and up to \$10,000 for the office of prosecuting attorneys training coordinator to use for continuation of the domestic violence response enhancement program. Counties participating in the prosecuting intern program shall match state funds. The prosecuting attorneys training program shall use a portion of the funds appropriated for educating and training prosecuting attorneys in alternative dispute resolution techniques.

Section 2 of the bill includes funding for environmental crimes investigation and prosecution.

- Environmental Crimes Investigation and Prosecution..... \$20,000 (same as FY97)

This funding consists of court-ordered fines and penalties arising out of prosecution of environmental crimes and is to be used at the discretion of the AG for the investigation and prosecution of environmental crimes, including reimbursement of expenses incurred by the cooperation of county, municipal, and other local government agencies in the investigation and prosecution of environmental crimes.

Department of Corrections

Administrative Division

Section 5 of the bill provides funding for reimbursement to counties for temporary confinement of work release and parole violators, and for offenders confined pursuant to §904.513.

- State Prisoners in County Jails\$524,038 (121% increase)

Judicial Department

It is important to note that one amendment that ISAC obtained in this bill was to delete language requiring counties to install new telephone systems for all judicial offices in the county at no cost to the judicial department when the county is installing its own new system. Now, counties may still want to coordinate with judicial offices on such projects, but the county would no longer be required to pay for it.

Section 29 requests an interim committee to study indigent defense. It is directed to report to the General Assembly by Jan. 1, 1998.

Section 30 requests an interim committee to study current criminal penalties and sentencing practices. It is also directed to study risk assessments of certain offenders.

ENVIRONMENT AND LAND USE

HF 191 - Drinking Water Facilities Financing

RM

Conservation Directors, Supervisors

Amends Iowa Code §16.131 ("Iowa Finance Authority") to expand a current financing program for sewage treatment facilities to extend to finance drinking water supplies.

Amends §455B.294 and §455B.295 to establish a drinking water facilities financing program and a drinking water treatment revolving loan fund within the DNR. Expands §455B.297 to extend revolving loan funds to all water systems. Amends §455B.298 by giving the authority for such loan application reviews and processing such loans to the director of the DNR.

Effective Date: Upon Enactment

HF 228 - Waste Tire Collectors

RM

Supervisors

This Act amends Iowa Code §455D.11 by adding to the definition of a "tire collector" those who are vehicle recyclers licensed by the DOT and who own or operate a storage site of more than 3,500 waste tires.

HF 336 - Allowing Assessment of DNR Property within a Drainage District - See Agriculture and Rural Affairs

HF 485 - Drainage Subdistricts: Eliminating Notice

RM

Auditors, Supervisors

This Act amends Iowa Code §468.63 by striking the requirement that a landowner petitioning for the establishment of a subdistrict must give notice of this filing to each landowner within the proposed subdistrict.

HF 653 - Financial Assurance Requirements for Waste Tire Sites

RM

Engineers, Environmental Health Officials, Supervisors

This Act amends Iowa Code §455D.11A by striking language which provided, following adoption of financial assurance administrative rules by the DNR, for financial assurance providing coverage equivalent to 85 cents per waste tire. (§455D.11A(5)(c) is stricken.)

Adds a new subsection to §455D.11A making requirements for financial assurance effective as of July 1, 1998.

HCR 21 - Urban Planning and Protection of Farmland Study - See Agriculture and Rural Affairs

SF 75 - Qualifications of Groundwater Professionals

RM

Environmental Health Officials

This Act amends Iowa Code §455G.18(2)(d) by striking June 10, 1991 as the date by which a groundwater professional had to have five years of experience and training, as part of the list of qualifications for such a designation.

SF 126 - Open Burning Bans - See Transportation

SF 177 - Putting Debris on the Highway

DV

Attorneys, Conservation Directors, Sheriffs, Supervisors

Section 1 raises the fine for violation of the handicapped parking statute from \$50 to \$100. Unlike most chapter 321 matters, all fines collected under this Code section are retained by the county.

Section 3 of this bill amends Iowa Code §321.369 regarding putting debris on a highway. Previously, a person arrested and convicted for this simple misdemeanor was subject to up to 30 days in jail or a fine of \$50 to \$100. Under this amendment, this crime is punishable as a scheduled violation, with a fine of \$25.

SF 190 - Granting Easements on DNR Property

RM

Auditors, Conservation Directors, Recorders, Supervisors

This Act amends Iowa Code §461A.25 by declaring that the Iowa Natural Resources Commission shall adopt administrative rules regarding the granting of easements to political subdivisions and utility companies on state-owned land under the jurisdiction of the DNR. Application for such an easement must provide information on the need for it, the availability of alternatives and the prevention or minimization of adverse impact upon the state-owned land during the term of the easement. Such an application must be made to the director of the DNR. An easement would be given by the director, approved by the Attorney General and granted for five years unless the NRC approves a longer term.

SF 214 - Use and Disposal of Sewage Sludge

RM

Engineers, Supervisors

This act amends various portions of Iowa Code §455B which have to do with the regulatory authority of the DNR over the use and disposal of sewage sludge. Of interest to county government:

Sections 1 and 2 amend §455B.171, by adding to the definition of "disposal system" those systems designed for the use or disposal of sewage sludge, and by adding new subsections which define "septage" and "sewage sludge."

Section 3 amends §455B.172 by providing that any county ordinance relating to sewage sludge in effect on March 1, 1997 shall not be preempted by the provisions of this Act.

Section 4 amends §455B.174(4)(a) by adding the requirement of permits for the use or disposal of sewage sludge to the regulatory authority of the director of the DNR.

Sections 5 and 6 amend §455B.183(1) and (3) in a similar fashion to section 4, except that such authority is added to the list of those activities requiring a permit from either the director of the DNR or from a city or a county public works department.

Section 7 amends §455B.304(2) concerning the authority of the Iowa Environmental Protection Commission to establish administrative rules having to do with solid waste, by striking language which an owner of a publicly-owned solid waste treatment works which sells wet or dry sludge is not subject to criminal liability in connection with these sales.

SF 472 - Animal Feeding Operation Structures: Habitual Violators - See Agriculture and Rural Affairs

SF 473 - Designated Agricultural Drainage Well Areas - See Agriculture and Rural Affairs

SF 528 - Contaminated Property Cleanup (Brownfields Act)

RM

Auditors, Engineers, Environmental Health Officials, Records, Supervisors, Treasurers

This Act creates a program to address the problem of contaminated property and to establish procedures for the cleanup or remediation of such properties and for the DNR to review such cleanup. In return for action to clean such properties, certain protections from civil liability are given by the state. A protected party may include political subdivisions which acquire a "brownfield" site through abandonment, tax foreclosure or eminent domain. Political subdivisions, including county governments, have a role in this process.

Of particular interest to counties are the following portions of this Act:

Section 4 creates Iowa Code §455H.104, which declares that the purpose of this Act is to deal with the fact that some property is not put to its best use because it is contaminated by industrial or other pollutants and that the re-use of such sites is a part of sound land use policy "that will prevent the needless development of prime farmland and open-space and natural areas, and reduce public expenditures for installing new infrastructure." It further says that incentives should be put into place to encourage site cleanup and that safe reuse of the properties should be encouraged through cleanup or remediation standards providing for "the protection of the public health and safety and the environment."

Sections 5 and 6 create §455H.105 and §455H.106 setting forth the duties, under this program, of the Iowa Environmental Protection Commission and of the DNR.

Section 7 creates §455H.107, which establishes the Land Recycling Program. This provides that a landowner might enroll their property in this program whereby they enter into an agreement with the DNR to reimburse the DNR for their costs of reviewing documents submitted by property owners as a part of enrollment into this program. The reimbursement fee shall not be more than \$7,500 per site.

Among the properties which may not be enrolled are a) those on which corrective action is needed or has been taken regarding petroleum underground storage tanks, b) federal Super Fund sites or c) animal feeding operation structures, as defined in §455B.161. Once property is enrolled in this program, cleanup must proceed. Once compliance with the cleanup standards is shown, the DNR should issue a “no further action” letter stating that this property owner is not required to take further action related to any hazardous substance at this site. A participant may withdraw the enrolled site from this program with written notice to the DNR. The DNR or a court may declare that anyone who withdraws property but who has not completed agreed upon cleanup forfeits all benefits and immunities.

Section 8 creates §455H.201, which establishes cleanup standards.

Sections 9, 10 and 11 create §§455H.202-204, which put forth background standards, statewide standards and site-specific cleanup standards. In each of these sections, the recommendations of the program’s technical advisory committee are of significance.

Section 12 creates §455H.205, which provides for variances which may be granted by the DNR.

Section 13 creates §455H.206, putting forth the use of “institutional and technological controls,” a term meaning legal restrictions or regulations concerning how the property enrolled in this program can be used. Such controls may include a) state or federal laws or regulations, b) county or city ordinances, c) contractual obligations, d) a document with which a program participant can show reduces or manages the risk from release of a pollutant or e) an environmental protection easement or restriction on the use of the property through successive property owners. Such an easement must be filed in the office of the county recorder in the county where the enrolled property is located. If such an institutional or technological control is confirmed by the DNR through a no further action letter, this control or restriction may be enforced by a political subdivision. If the property owner can show that the control is no longer required for compliance with the agreed cleanup, that control may be removed or modified. However, an environmental protection easement may be released or amended only by the director of the DNR and filed with the county recorder.

Section 14 creates §455H.207, which provides that, at least 10 days prior to issuance by the DNR of a “response action permit”(required for site cleanup), the director of the DNR must publish notice of the permit and a description of the cleanup activities in an official newspaper, as designated by the county board of supervisors.

Section 15 creates §455H.30 putting forth the requirements and standards for the issuance of “no further action letters” from the DNR. Such letters must be in a form recordable in county real estate records, as provided in chapter 558 (“Conveyances”).

Section 18 creates §455H.304 dealing with limitation of liability. Among those relieved of liability “for any environmental claim resulting from the presence of hazardous substances at, or the release of hazardous substances from, an enrolled site where a response action is being or has been conducted” (unless there has been misconduct) are political subdivisions conducting a cleanup on lands, easements or rights-of-way which they own, lease or hold. This section has no affect on any immunity from civil liability in any other part of the Code.

Section 19 creates §455H.305 stating that enrollment of a site in this program is not an admission of liability, nor is it an indication that the conditions at the site are a threat to public health.

Section 23 creates §455H.309, which provides for “incremental property taxes.” Counties and cities may, by ordinance, provide that the costs of cleanup at brownfield sites will be reimbursed, in whole or in part, by “incremental property taxes” over a six-year period. Taxes levied on property enrolled in the

land recycling program "by or for the benefit of the state, city, county, school district, or other taxing district" must be divided as provided in §403.19 ("Tax Increment Financing") as if the property was in an urban renewal project. Taxes collected under this provision shall be placed in a special fund of the county or city. A participant in the program will be reimbursed by this fund for costs of cleanup of brownfield sites. In the fourth of the six-year existence of this property tax, the county or city must begin decreasing the tax by 25% per year.

Section 24 creates §455H.401 establishing the Land Recycling Fund within the state treasury under the control of the Environmental Protection Commission. This fund will provide, among other things, financial assistance to political subdivisions for their activities related to enrolled brownfield sites.

Section 26 creates §455H.502, which provides for a technical advisory committee of nine members, among whom shall be an engineer employed by a county or a city who is appointed jointly by ISAC and the Iowa League of Cities. This committee's responsibilities include 1) working with the DNR to develop administrative rules for this program, 2) preparing, with the DNR, a report to the legislature by Jan. 1, 1998 regarding rule drafting as well as a similar report to the Environmental Protection Commission. This committee will disband when rules are in effect. Members of the committee will be reimbursed for expenses.

Section 32 creates §455H.508 which shields participants who enroll land in this program from civil action by the state or any political subdivision regarding the actions of their cleanup. Such protection from legal action is dependent upon the participant carrying out all of the conditions of cleanup.

HEALTH AND HUMAN SERVICES

HF 92 - School Improvement Technology Program

JE

Community Services Directors, Supervisors

This bill permits two mental health institutes controlled by DHS (Cherokee and Independence) to participate in the school improvement technology program if students reside at the institutions. The bill also provides that entities receiving funds under the program need to provide technology plans to the Department of Education, DHS, or the state board of regents, only once while the chapter is effective.

Before this bill was enacted, only four DHS institutions participated in the school improvement technology program: the state training school (Eldora), the juvenile home (Toledo), Woodward State Hospital School, and Glenwood State Hospital School. The bill adds Cherokee and Independence to the program and directs that they share an annual \$45,000 school improvement technology allocation fund allocation on a proportional basis with the two state hospital schools. Eldora and Toledo will continue to receive annual payments of \$15,000 each until the program sunsets on June 30, 2001.

HF 125 - Temporary Assistance for Needy Families Supplemental Appropriation

DAW

Community Service Directors

This bill appropriates \$82.2 million from the TANF Block Grant to various divisions of the DHS for FY97, including the Family Investment Program, Promise Jobs, Field Operations, General Administration, Local Administrative Costs, Training and Technology, and X-PERT. While the bill changes the FY97 general fund appropriation for five division of the DHS, there is no net change in the overall General Fund appropriation. The TANF Block Grant replaced the AFDC Program funding stream. The TANF funding became effective Nov. 15, 1996. Funding from the TANF Block Grant for FY97 is the prorated amount (62.6%) of the full-year total of \$131.4 million. The appropriation of the block grant funds is required as part of federal welfare reform legislation.

Effective Date: Upon Enactment (March 13, 1997)

HF 232 - Mentally Incapable Criminal Defendants - See County Corrections and Law Enforcement

HF 255 - MH/DD Growth Factor

JE

Auditors, Community Service Directors, Supervisors

This legislation provides state funding for growth in the MH/DD system for fiscal years 98 and 99. The rate is 2.89% of the total county mental health base. The amount provides an additional \$6,163,211 for FY98, and \$12,504,538 for FY99.

The bill establishes the formula for distribution of these growth dollars to counties based on the following factors:

- One-half based on the county's proportion of the state's general population; and

- One-half based upon the county's proportion of the sum of its total net service expenditures and its total property tax relief payments to the statewide total.

The legislation makes it clear that the growth dollars provided are in addition to the county MH/DD base appropriation and are not out of the base. It makes other conforming changes and deletes outdated language.

Effective Date: Upon Enactment

HF 335 - Public Health Issues Omnibus

RM

Environmental Health Officials, Public Health Nurses, Recorders

Section 3 of this act amends Iowa Code §135.43(6), by adding language which provides that anyone in control of "medical, investigative or other information" regarding the death of a child or regarding child abuse review must allow inspection and reproduction of that information by the DPH. This information will be used by the Iowa Child Death Review Team. Confidential information shall remain confidential. Compliance with this provision will not create legal liability.

Section 5 amends §135.105A(3) by providing that an owner of property which includes a residential dwelling who performs lead inspections or lead abatement is not required to obtain lead certification when that dwelling is occupied by someone other than the owner or by the owner's immediate family.

Section 9 amends §144.12 by changing a reference regarding uniform forms for vital statistics to refer to the county recorder.

Section 10 amends §144.13(1)(a) by stating that a birth certificate must be filed, at the direction of the state registrar of vital statistics, within seven (rather than the previous 10) days of birth with the county registrar, i.e. the county recorder. The same section's paragraph "b" is amended by stating that when a birth occurs enroute to an institution (as well as within an institution), those in charge of that institution must file a birth certificate as directed by the state registrar and shall certify birth now by either signature or as provided by administrative rule within seven (rather than six) days. Paragraph "c" of the same section and subsection is amended to state that the state registrar shall establish the evidence establishing the facts of a live birth by administrative rule.

Section 12 amends §144.13(3) by stating that if a father is not named on a birth certificate, no other information about the father shall be entered on that certificate.

Section 13 amends §144.15 by stating that a delayed birth certificate shall not be registered for a deceased person.

Section 14 amends §144.26(1) by providing that death certificates must be filed as directed by the state and must be registered by the county recorder. This also states that a deceased person's social security number, if provided, must be included in the death certificate. A new subsection 2 states that all information on a death certificate may be provided, as mutually agreed to, by the DPH and the Child Support Reconvert Unit. Subsection 3 is amended by striking language which provided that if the place of death is unknown, a death certificate must be filed in the county in which the body is found within three days of discovery. This is replaced by stating that the county in which the dead body is found is to be the county of death. Also stricken is the existing provision that if someone dies outside of the county of their residence, the state registrar must send a copy of the death certificate to the county registrar of the county of residence and for the county registrar to record the certificate as if death occurred in that jurisdiction.

Section 21 adds to §144.43 a statement that a public record cannot be withheld from the public because it is “combined with data processing software.” It further states that the state registrar shall not use any electronic data processing system which would impair the county registrar’s ability to examine a public record. If necessary to “separate a public record from data processing software” to permit public examination, the county registrar must “generate a written log available for public inspection.”

HF 376 - Juvenile Placements

DV

Attorneys, Community Services Directors

This bill amends the Iowa Code sections requiring dispositional hearings or periodic court oversight, shortening the current requirement of 18 months to 12 months. This includes juveniles found delinquent who are placed with an adult relative, a child placement agency, in foster care, or at the state training school, as well as child in need of assistance (CINA) and children in voluntary foster care placement.

New language is included in the foster care provisions requiring that foster care placements be in the “most family-like and appropriate” settings. Language relating to the right to counsel for CINA proceedings is amended to strike a provision included a year ago which denied the right to counsel for an incarcerated parent without legal custody of the child.

HF 597 - School Attendance

WP

Attorneys, Community Services Directors, Supervisors

This Act establishes school attendance requirements under the family investment program and provides civil penalties for truancy. A new section (§299.6A) is created that allows the county attorney to bring a civil action against a parent, guardian, or legal custodian of a child who is of a compulsory attendance age if that person has not caused that child to attend school. It establishes a penalty of a minimum of \$100 and a maximum \$1,000. The funds from civil penalties assessed under this section shall be paid to the appropriate school district (one in which truant is enrolled) and are to be used to support at-risk student programs. The county attorney may also be invited by the school truancy officer to participate in “attendance cooperation meetings.” The attendance cooperation meetings are held with the parent, guardian, or custodian of a child who is receiving assistance or a member of a family receiving assistance to encourage school attendance. A child or family may be penalized with a reduction of family assistance for failing to meet attendance requirements.

The bill also provides for emergency rules to implement these provisions.

HF 702 - Mental Health Omnibus Bill

DAW

Auditors, Community Service Directors, Supervisors

This bill makes numerous changes to the MH/MR/DD services system.

Divisions I and V make a number of changes to various chapters in the Iowa Code that were not consistent with the establishment of the single point of entry (also known as the central point of coordination) process. Specifically, the bill amends chapters 218, 222, and 229 to clarify that the entity designated to perform the single entry point process is the county contact for activities pertaining to state

institution admissions and court commitments. It also redefines the term "Auditor" in chapters 222, 229, 230, and 252, of the Iowa Code to mean the county auditor or the auditor's designee.

Division II amends §§225C.7 and 225C.18 to eliminate the requirement that counties form MH/MR/DD/BI Regional Planning Councils. However, it allows the boards of supervisors to establish a regional planning council and to determine its size and composition. The bill also repeals the provision that counties must participate in a regional planning council in order to be eligible for the Mental Health And Developmental Disabilities Community Services Fund.

Division III amends Iowa Code §218.13 by adding dependent adult abuse checks to the list of checks that DHS must conduct when a person is being considered for employment involving direct responsibility for a resident of a state institution.

Division IV contains language allowing up to three counties or groups of counties to participate in a funding decategorization planning process for adult disability services and requires DHS and the Division of Vocational Rehabilitation to participate in the projects.

Division VI amends Iowa Code chapter 135C to allow up to 20 residential care facilities for persons with mental retardation (RCFs/MR) with five or fewer beds to convert to operation as a residential program within the home and community based services waiver for persons with mental retardation (HCBS/MR). It requires DHS to allocate the conversion authorizations equally among the department's five regions. After Jan. 1, 1998, the department can reallocate unused authorizations. The department is required to study the cost-effectiveness of the conversions. This division also prohibits the state or deputy fire marshal or local building department from requiring additional requirements for certain facilities. This division also requires DHS to design a program to provide an enhanced reimbursement rate for individuals transferred from an ICF/MR to a RCF/MR. The enhanced reimbursement rate cannot exceed the nonfederal share of the ICF/MR reimbursement plus state supplementary assistance. DHS is required to make a report by Jan. 1, 1998.

Division VII amends HF 715, the FY98 Human Services Appropriations Bill, by adding language to allow DHS to adopt emergency rules to enable them to negotiate contracts with service providers on behalf of counties. It also requires the State County Management Committee to consider the cost trends indicated by the gross expenditure amount reported in the net county expenditure reports when they make recommendations on the allowed growth factor adjustment for MH/MR/DD services. This division also requires counties to annually report data concerning the services managed by the county, including unduplicated client count and the various types of services provided.

Division VII also requires the county management plans to allow for the service needs of all ages of persons for whom expenditures may be made from the county's services fund. This provision becomes effective upon enactment and, if necessary, counties are required to submit an amendment within 60 days of the effective date.

Division VIII amends Iowa Code §135C.6 to allow eight-bed RCF/MRs to convert to ICF/MR if DHS has an approved plan. Implementation of this provision is contingent on federal approval.

Division IX contains language concerning legal settlement that is identical to language contained in SF 522.

Effective Date: Section 24 pertaining to county management plans is effective upon enactment.

HF 710 - Health and Human Rights Appropriations**RM, JE**

Community Services Directors, Environmental Health Officials, Public Health Nurses, Supervisors

This legislation makes appropriations to the Department for the Blind, the Iowa State Civil Rights Commission, the Department of Elder Affairs, the Governor's Alliance on Substance Abuse, the Iowa Department of Public Health, the Department of Human Rights, and the Commission of Veterans Affairs.

Department of Public HealthEmergency Medical Systems

- EMS Training (State, County & Local).....\$1,030,954 (0.8% increase)

Entitles an emergency responder who may be infected with hepatitis to testing and immunization. Reimbursement for this service shall be available from EMS funds.

Health Protection Division

- Lead Abatement Program..... \$39,547 (same as FY97)

Family and Community Health Division

- Maternal and Child Health Services.....\$1,105,461 (9% increase)
- Office of Rural Health..... \$165,391 (same as FY97)
- Rural Health Provider Recruitment and Retention..... \$182,028 (same as FY97)
- Sudden Infant Death Syndrome Autopsies.....\$9,675

Public Health Nursing, Home Care Aide/Chore, Senior Health Programs..... \$11,683,924 (same as FY97)

Directs local board of health and board of supervisors to determine which shall be the contractor for these funds for FY98. For multi-county projects, directs each the boards of health and boards of supervisors of each participating county jointly determine which county shall serve as the contractor with the department. Of the this amount, the funds shall be distributed as follows:

1. Public Health Nursing..... \$2,511,871 (same as FY97)

Provides grants to local boards of health for maintenance and expansion of existing public health nursing program for elderly and low-income persons in order to prevent or reduce inappropriate institutionalization. One-fourth of the total amount shall be divided equally among the counties in the state. Three-fourths of the total amount shall be divided based on the county's proportionate share of elderly and low-income persons in the state. Sets conditions for grant process and contracting between local board of health service providers (nonprofit nurses' association, nonprofit agencies, and local governmental bodies). Gives DPH rulemaking authority governing use of funds. Provides for the pooling and reallocation of unused funds. Requires the DPH to annually evaluate the public health nursing programs and submit an annual report to the Governor and General Assembly.

2. Home Care Aide/Chore Program Grants..... \$8,586,716 (same as FY97)

Provides grants to county boards of supervisors for the home care aide program. Emphasizes services to elderly and persons below the poverty level and children and adults in need of protective services, in order to prevent or reduce inappropriate institutionalization. Up to 15% of these funds may be used to

provide chore services. Requires service provider to coordinate efforts with the integrated case management for the frail elderly program of the Department of Elder Affairs. Provides formula for allocation of funds to counties based on demographic characteristics. Requires county board of supervisors to consult local human service agencies in preparation of the proposal to maximize benefits of the funds. Sets conditions for grant process and contracting between county supervisors/health board and service providers. Provides for the pooling and reallocation of unused funds. Requires the department to adopt rules governing expenditures of funds and to evaluate the programs.

3. Senior Health Program..... \$585,337 (same as FY97)

Appropriations for the development and maintenance of the senior health program shall be distributed by a formula of such program located in counties which provide funds on a matching basis.

Counties may submit plans for alternate allocations of funds which assure delivery of existing services based on an assessment of community needs and targeted populations. The department is directed to adopt rules to administer these programs.

• Iowa Healthy Family Program.....\$952,000

Of this amount, not more than \$165,000 shall be used to continue the existing infant mortality and morbidity prevention pilot projects in Polk, Scott, and Woodbury counties with no more than 15% being used for administrative expenses.

Consolidation of State Funding

Consolidation of state funding sources for public health nursing, home care aide, and the senior health program for each county shall be available for implementation beginning July 1, 1997. It is the DPH's goal to add federal funding for health promotion a federal funds become available. The DPH may include other state and federal funding sources with the understanding that local, city, or county funds not be supplanted.

HF 715 - Human Services Appropriations

JE

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

This bill appropriates \$729.5 million and 5,391.1 FTE positions for FY98, a decrease of \$16.6 million (2.2%) and increase of 14.0 FTE positions (0.3%) compared to the estimated FY97 appropriation.

Section 1 - Family Investment Program.....\$9,060,000 (73.9% decrease)

The bill decreases funding by \$38.3 million compared to the estimated FY97 appropriation due to federal welfare reform and block grants changes.

It directs coordination between DHS and Workforce Development for recruitment and employment practices of recipients using existing community collaboratives.

Section 2 - Temporary Assistance for Needy Families Block Grant\$135,400,000

These funds are designated for assistance, the JOBS program, field operations, general and local administration, replacement of federal reductions with TANF block grant moneys, state child care assistance, and emergency assistance.

Section 4 - Emergency Assistance \$1,967,000 (same as FY97)

This appropriation is for assistance to families with dependent children for homeless prevention. The section sets parameters and qualifications for eligibility and use of funds. It directs that such funds shall not supplant programs such as LIHEAP, county general relief, and veterans affairs programs. Of the amount, \$10,000 is allocated to the community voice mail program.

Section 5 - Medical Assistance \$366,687,988 (4.1% increase)

This appropriation represents an increase by \$15.1 million compared to the estimated FY97 appropriation, which includes \$6.5 million for provider rate increases, \$8.7 million increase for continuation of nursing facility reimbursement rates at the 70th percentile, and an increase of \$3.8 million for the nonfederal share of ICF/MR and HCBS for children. Among the general program features are:

- Continues to permit use of funds for abortions which are 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 DHS on a monthly basis for the nonfederal share of HCBS Waiver for adults.
- Specifies that the state shall pay the nonfederal share of the case management costs for minors with MR.
- Specifies county of legal settlement and state funding responsibilities for medical assistance services including case management, day treatment, partial hospitalization, HCBS Waiver, and ICF/MR. Permits DHS rulemaking authority for implementation of these provisions.
- Continues to permit DHS to implement a pre-paid mental health services plan (Merit Contract) for MI medical assistance patients. Sets parameters for the plan.
- Of the funds, provides that \$950,000 shall be transferred to DHS for an integrated substance abuse managed care system.
- Provides that DHS, providers, and county representatives review potential funding streams and options for expansion of dual diagnosis services for both MH and substance abuse, and then make recommendations by Jan. 1, 1998.
- Continues medical assistance HCBS Waiver for persons with disabilities as a means to further develop the personal assistance services program, and specifies that such waiver shall not be implemented in a manner to add additional cost to the state or counties.
- Continues case study for outcome-based performance standards for programs serving MR/DD.

Section 7 - Medical Contracts \$7,700,000 (13% increase)

Directs DHS to consult with DPH to evaluate the feasibility of combining coverage for mental health and substance abuse services in a single managed care contract.

Section 8 - State Supplementary Assistance \$19,190,000 (same as FY97)

Requires department to increase personal needs allowance to keep pace with federal SSI and social security due to cost of living increases. Permits up to \$75,000 of the funds to be used for rent subsidy

program for adult persons with MR to encourage persons who currently reside in an ICF/MR to move to a community living arrangement.

Section 9 - Child Day Care Assistance\$13,740,000 (9.5% increase)

These funds are designated for protective child day care assistance and state child care assistance. Establishes eligibility guidelines and requirements.

Section 10 - Child Support Recovery\$6,605,000 (1.3% increase)

Section 11 of the bill provides \$13,869,000 in funding for juvenile institutions as follows:

- Toledo\$5,147,000 (0.3% increase)
.....118.54 FTE
- Eldora.....\$8,722,000 (0.9% increase)
.....202.23 FTE

This section maintains population guidelines and applies \$18,000 for adolescent pregnancy prevention programs.

Section 12 - Child and Family Services\$111,084,000 (30% increase)

The bill increases funding by \$25.6 million compared to the estimated FY97 appropriations. This funding includes:

- An increase of \$13.1 million to replace lost federal funds with general funds;
- An increase of \$5.6 million to provide additional Group Foster Care placements, a statewide expenditure target of \$29,153,146 and allocates federal funds to the DHS regions;
- An increase of \$5.3 million to expand Family Centered Services to an additional 632 families;
- An increase of \$1.8 million to increase the Family Foster Care caseload by 272 children;
- An increase of \$2.0 million to expand Juvenile Justice programs, including Adolescent Monitoring and Tracking, Supervised Community Treatment, and School-Based Supervision;
- A decrease of \$873,000 to eliminate state reimbursement of county detention costs. The funding is to be replaced by fines collected by the counties as specified in HF 734;
- A decrease of \$848,000 to transfer funding for 47 substance abuse beds from PMICs to the Medical Assistance appropriation;
- A decrease of \$300,000 to begin elimination of the CACT process;
- Permits limited use of funds for family preservation programs;
- Limits state funding for shelter care to \$7,403,905. Requires DHS to develop a formula to allocate funds to the department's regions by working with the shelter care committee;
- Permits implementation of outcome-based child welfare services pilot project.

Section 13 - Conner Decree (MR service training).....\$46,000

Section 14 - Community-Based Programs\$2,270,000 (13.8% decrease)

- Includes \$486,146 to be used for adolescent pregnancy prevention grants;
- Includes \$731,014 for child abuse prevention grants.

Section 15 - Court-Ordered Services to Juveniles\$3,290,000 (6.4% increase)

Provides for distribution of funds to judicial districts and continues planning groups' program evaluations and reports.

Section 16 provides \$41,480,900 in funding for Mental Health Institutes as follows:

- Cherokee\$13,199,400 (2.8% decrease)
- Clarinda.....\$6,324,400 (2.4% increase)
- Independence \$17,133,200 (1.1% increase)
- Mount Pleasant \$4,823,900 (0.2% decrease)

Directs DHS to develop a plan for implementing a dual diagnosis program to commence on July 1, 1998, and submit such plan to the Governor and General Assembly by January 2, 1998.

Section 17 provides \$28,613,376 in funding for State Hospital Schools as follows:

- Glenwood.....\$2,108,276 (94% decrease)
- Woodward.....\$26,505,100 (1.7% decrease)

The Glenwood line item reflects the net-state share only for FY98 and in reality, the budget reduction is relatively minor due to the recent closure of an operating unit. The bill creates an operating account designated for Glenwood, allows Glenwood to run budget negative to account for delays in payments, but requires ending the fiscal year with a balanced or positive state budget.

Section 18 - Mental Illness Special Services \$121,220 (same as FY97)

Section 19 - Family Support Subsidy Program\$1,670,000 (24% increase)

Section 20 - Special Needs Grants \$53,212 (same as FY97)

Special Needs Grants must be used by a family to cover service costs to help prevent out-of-home placement for a family member who has a developmental disability.

Section 21 - MI/MR/DD State Cases\$6,910,000 (26.6% increase)

Section 22 - MH and DD Community Services Fund\$17,400,000 (9% increase)

The Community-Based Services Fund is distributed to counties based on a two-part formula provided in the bill. Provides spending guidelines for the funds. Provides spending guidelines for the federal SSBG local purchase of service funds. (The Social Services Appropriations in Section 12 of SF 240-Federal Block Grants includes \$12,140,032.) Provides that counties with approved MH service plans qualify for these funds. The MH/DD Commission shall adopt rules for this section.

- Iowa Compass..... \$30,000 (same as FY97)
- Supplemental Per Diem Contracts..... \$248,862 (same as FY97)

Section 23 - Sheltered Workshops\$160,000

Provides that the moneys in this section shall be allocated to counties in accordance with the methodology for distribution of local purchase of service moneys for a 1% provider rate increase for sheltered workshop and work activity services.

Health & Human Services

Section 24 - Personal Assistance.....	\$364,000 (same as FY97)
Section 25 - Field Operations.....	\$47,500,000 (23.4% increase)
.....	2,047.00 FTE (increase of 28)
Section 26 - General Administration.....	\$14,100,000 (18.3% increase)
.....	383 FTE (decrease of 18)
Section 27 - Volunteers	\$98,900 (0.9% increase)

Section 28 of the bill pertains to Medical Assistance (Medicaid), SSA and Provider Rates:

- Increases rates for skilled nursing facilities by 3.3%.
- Dispensing fee for pharmacists shall remain the same.
- Increases reimbursement rates for inpatient and outpatient hospital services by 2.8%.
- Increases rural health clinic rates in accordance with federal Medicare program.
- Home health agencies, hospice services and acute care mental hospitals shall remain the same.
- Continues maximum medical assistance for skilled nursing facilities at 70th percentile.
- Reimbursement rates for dental services shall remain the same.
- Sets maximum reimbursement rate for residential care facilities at \$22.20 per day.
- Continues maximum shelter care rate at \$76.61 per day.
- Continues maximum ICF/MR rate at the 80th percentile.
- Increases reimbursement rate for PMICs by 3.0%.

Section 29 of the bill requires DHS to work with DED to develop new jobs in an area where a state institution is being reduced or closed.

Section 30 of the bill directs DHS to consult with providers to simplify and reduce paperwork.

Section 31 requests the legislative council to establish a juvenile justice issues oversight task force.

Section 32 of the bill continues the Services Restructuring Task Force. It is directed to develop a comprehensive proposal to accomplish:

- devolution of the control of service delivery to the local level;
- elimination of duplication of services between DHS, DPH, DOE, and the Judicial Department;
- reduction of paperwork and bureaucracy;
- evaluation of the adherence of the department to its own mission statement; and
- other appropriate topics.

Section 33 creates a funding pool for MR services for children by combining funding streams such as: family support subsidy, ICF/MR, HCBS Waiver, in-home services and other support, state-hospital schools, and state cases. The funding pool name is "Mental Retardation--Most Appropriate Groupcare Initiative for Children," or MR--MAGIC. Directs DHS to convene a work group to implement the funding pool.

Section 34 directs the MH/DD Commission, the Council on Human Services and the State County Management Committee to review mental health services for children with the goal of assuring coordination, financing, and provision of effective services. The commission, council and committee shall report its findings, recommendations and recommended legislation by December 15, 1997.

Section 35 allows transfers of funds between specified programs under TANF as necessary to meet federal maintenance of effort requirements.

Section 36 requests and interim study to consider creation of a separate state department for youth services.

Section 37 provides DHS with rulemaking authority for provisions contained in this bill.

Section 38 requires any reports required of DHS to be filed with appropriate legislative committee officers and staff.

Effective Date: Section 15, subsection 1 concerning court-ordered services for juveniles allocations is effective upon enactment.

HF 734 - Juvenile Detention Funds

DV

Community Services Directors, Supervisors

This bill establishes a civil penalty of \$200 assessed by the IDOT when a person's drivers' license is suspended or revoked. Generally this money would go into the state's general fund. But under section 12 of this bill, for FY98 only this money is to be deposited with DHS, to be allocated as follows:

- the first \$1 million shall be used for the establishment, improvement, operation and maintenance of county or multicounty juvenile detention homes, with funds prorated among eligible detention homes;
- moneys in excess of \$1 million shall be allocated to the judicial districts as determined by the state court administrator to be used by the judicial districts pursuant to recommendations of the planning group for court-ordered services for juveniles in each judicial district. Moneys allocated shall be used for the improvement, expansion, construction and operation of "runaway assessment facilities, runaway assessment services, and juvenile delinquency prevention and intervention services."

Any money left over at the end of FY98 does not revert to the state general fund, but remains available only for the purposes laid out above.

The Legislative Fiscal Bureau guestimates that the IDOT civil penalty will generate \$1.9 million annually.

SF 59 - Emergency Medical Care Provider Certification Fees

RM

Supervisors

This Act amends Iowa Code §147A.6(1) by adding that all fees paid for certification of an emergency medical care provider must be deposited in the Emergency Medical Services Fund (§135.25), which was established in 1993 to assist counties by matching their spending for medical equipment acquisition and to provide grants to counties for emergency medical care education and training.

SF 123 - Runaway Children

DV

Attorneys, Sheriffs, Supervisors

This bill gives the counties discretion to develop “runaway treatment plans” to address problems regarding “chronic runaway children,” defined as juveniles who are reported to law enforcement as runaways more than once in any month or three times in a year.

The bill authorizes peace officers to take juveniles into custody to determine whether the juvenile should be returned home, placed in shelter care or in a runaway assessment and counseling center.

A county may develop a runaway treatment plan. The plan shall identify the problems with chronic runaway children in the county and specific solution to be implemented by the county, including the development of a runaway assessment and counseling center.

As part of a county runaway treatment plan, a county may establish a runaway assessment and treatment center or other plan. A center shall at least meet the requirements established for providing child foster care under Iowa Code chapter 237.

If not sent home with the child’s parent, guardian, or custodian, a chronic runaway may be placed in a runaway assessment and treatment center by a peace officer if the officer believes it to be in the best interest of the child after consulting with the child’s parent, guardian or custodian. A chronic runaway shall not be placed in a runaway assessment and treatment center for more than 48 hours, and must be assessed within 24 hours by a center counselor to determine the reasons why the child is a runaway and whether the initiation or continuation of child in need of assistance proceedings is appropriate.

As soon as practicable after the assessment, the child and the child’s parents, guardian or custodian shall be provided the opportunity for a counseling session to identify the underlying causes of the runaway behavior and develop a plan to address those causes.

A child shall be released from a runaway assessment and treatment center to the child’s parents, guardian or custodian not later than 48 hours after being placed in the center unless the child is placed in shelter care or an ex parte temporary custody order is entered. A child whose parents fail to attend counseling at the center or who fail to take custody of the child at the end of the placement in the center may be subject to a child in need of assistance petition.

SF 131 - FIP and Medical Assistance Fraudulent Practices

DAW

Community Service Directors

This bill amends Iowa Code chapters 239 and 249A to expand the definition of fraudulent practices in the FIP and Medicaid programs to include a person who knowingly fails to disclose a material fact and allows the state to recover the amount of assistance thus obtained.

SF 145 - MH/MR/DD Services Fund Levy Revisions

DAW

Auditors, Community Service Directors, Supervisors

This bill provides a procedure for a county to make revisions affecting the county’s services fund levy and other levies, requires the revision to be submitted within 10 days of the bill’s effective date, and

allows the County Finance Committee to approve or reject the revision request in whole or in part within 20 days. A county was eligible for a revision if the county made a major error in establishing the county's base year expenditures amount by underreporting the county's qualified MH/MR/DD services expenditures to the county finance committee and the underreported expenditures amount was also included in the county's final budget certified for FY96. The bill limits the categories of error to expenditures associated with the operation of a county care facility, group home, or similar program.

Effective Date: Upon Enactment (March 6, 1997)

SF 236 - Certificate of Need Program Changes

DAW

Community Service Directors

This bill makes changes to the Certificate of Need Program by amending Iowa Code §§135.61, 62, and 63. The bill allows for the conversion of existing beds by an ICF/MR to a smaller facility as long as the conversion does not result in an increased number of beds. The ICF/MR is required to report the number and type of beds to be converted to the DHS at least 30 days before the conversion. The bill also extends the moratorium on construction of new ICF/MRs through June 30, 1998.

The bill also contains a number of provisions concerning the frequency of Health Facilities Council meetings, the length of time between receipt of a letter of intent to offer or develop a service requiring a Certificate of Need and initiation of the application process, and establishment of minimum and maximum application fees.

The bill requires the DPH to complete a comprehensive review of the Certificate of Need Program and submit a report of the findings and recommendations to the continued relevance of the program to the General Assembly by Jan. 15, 2000. It also requires the departments of Public Health, Human Services, and Inspections & Appeals to conduct a review of the regulation of psychiatric medical institutions for children (PMIC) and ICF/MRs and submit a joint report to the General Assembly with recommendations to eliminate duplicative regulation of these institutional programs by Jan. 15, 1998.

SF 472 - Animal Feeding Operation Structures: Habitual Violators - See Agriculture and Rural Affairs

SF 515 - Juvenile Justice - See County Corrections and Law Enforcement

SF 516 - Federal Welfare Reform Compliance Legislation

WP

Community Service Directors, Supervisors

This is an Act revising public assistance provisions involving the family investment, job opportunities and basic skills, food stamp, and medical assistance programs that are administered by the DHS. The bill also amends certain child support provisions and provides penalties for fraudulent practices.

This bill makes changes in state law to incorporate the impact of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. It recodifies the Family Investment Program (FIP) and PROMISE JOBS program combining previous FIP chapter 239 and JOBS chapter 249C into one chapter

239B. It also provides for some changes in the Food Stamp, Medical Assistance, and Child Support programs to reflect the same federal Act.

SF 522 - Legal Settlement

DAW

Attorneys, Community Services Directors, Supervisors

This bill amends the legal settlement language Iowa Code §252.16(8). The effect of the bill is to overrule the *Washington County* decision, since the bill eliminates the “community based” language, and says that any person receiving treatment from any provider that provides MH/MR/DD/BI services does not acquire legal settlement in the county “in which the site of the provider is located” unless the person continuously resides in that county for one year after treatment. The bill eliminates the “county funded” issue by clarifying that this language applies no matter whether public or private funds are expended for treatment.

SF 523 - Criminal Record Checks of Prospective Health Care Facility Employees

WP

Attorneys, Auditors, Care Facility Administrators, Supervisors

This bill requires health care facilities to do a criminal records check and dependent adult abuse registry check of individuals prior to employment. Currently, DPS does provide criminal records checks for other authorized entities and would add a search of the dependent adult abuse registry to meet the provisions of this bill. The charge for this service for other persons requesting this service is \$13 per check and it is anticipated that this charge would be assessed under the provisions of this bill. If a person is found to have a criminal record or founded dependent adult abuse, DHS is required to perform an evaluation on whether the person’s employment is warranted. DHS shall also check the child abuse registry. If the person who has been convicted of a crime or has a record of founded child or dependent adult abuse warrants prohibition of employment, the health care facility shall not employ the person.

The departments of Public Health and Inspections & Appeals are also directed to review state and federal requirements for applying the same type of records to providers of in-home services and provide a report of its findings by Dec. 15, 1997.

SF 526 - Healthy Opportunities for Parents to Experience Success/Healthy Families Iowa

JE

Community Service Directors, Public Health Nurses, Supervisors

This legislation provides for the establishment of a Healthy Opportunities for Parents to Experience Success (HOPES)/Healthy Families Iowa (HFI) program by DPH to provide services to families and children during prenatal through preschool years. It is intended to promote optimal child health and development, improve family coping skills and functions, promote positive parenting skills and intrafamilial interaction, and prevent child abuse and neglect and infant mortality and morbidity. The bill provides that the program include certain specific program components and be implemented through contracting with nonprofit organizations.

TAXATION AND FINANCE

HF 4 - Abolishment of City Assessor in Certain Counties

CP

Assessors

Under current law, cities having a population of more than 125,000 are required to have a city assessor. This legislation amends §441.1 and §441.31, allowing a city having a population of more than 125,000 to abolish its office of city assessor and join the county conference board. The city may retain its city board of review or request the county conference board to create a 10 member county board of review. The initial 10-member county board of review will consist of the members of the five-member city board of review and the five-member county board of review. If the city having a population of more than 125,000 selects a city board of review, the expenses of the board will be paid by the county. Also, the bill provides that the 10-member county board of review may be expanded with not more than four additional members for no longer than two-year terms of office if the workload of protest hearings warrants additional members.

HF 126 - Sales and Use Tax Exemption on Computers, Machinery, Equipment and Fuel

CP

Assessors, Auditors, Treasurers

This bill amends §422.45(27) by adding a state sales tax exemption of certain materials used to construct or self-construct computers, machinery, and equipment. The local option sales tax is implemented by 29 counties in the unincorporated areas. This bill may be of interest to these counties since the local option sales tax has the same exemptions as the state sales tax.

HF 191 - Drinking Water Facilities Financing - See Environment and Land Use

HF 244 - County Debt Service Fund Usage

CP

Auditors, Supervisors

This legislation amends Iowa Code §331.430(2) to prohibit a county from using debt service funds to pay for warrants in anticipation of revenue, refunding or refinancing of such warrants, and judgments based on a default in payment of such warrants. The bill also prohibits a county from increasing the debt service levy for the purpose of creating excess moneys in the fund to be used for purposes other than those related to retirement of debt.

HF 266 - State and Local Tax Policy

JE, CP

Assessors, Auditors, Supervisors, Treasurers

This legislation makes numerous changes in state and local tax policy in the Iowa Code. Most changes are related to the Subchapter S and income tax systems. Several provisions are of interest to counties.

Sections 2, 3 and 21 transfer the bank franchise tax fund over to chapter 405A so that the allocation can be made to local governments with other state payments. The \$8.8 million franchise tax funding level and its existing allocation formula are retained.

Sections 26 and 27 provide that the state board of tax review serve as an appeals mechanism for homestead credit and military service tax exemption disputes.

Sections 28 and 29 transfer the Property Tax Relief Fund from the DRF to DHS and provide that the Council on Human Services consult with the director of DHS and the SCMC when promulgating rules for administering the fund.

Section 31 clarifies eligibility for the military service tax exemption by providing that property ownership may include property owned by a family farm corporation of which the person is a shareholder and who occupies the property.

Sections 32, 33 and 34 make changes in the Code pertaining to reimbursement claims for new and phased-in M&E exemptions. The certification statement due date is changed from July 1 to September 1 when county auditors must submit calculations to DRF. When the state's appropriation is insufficient to pay all local government claims, the notification date by DRF of prorated disbursements is changed from August 1 to September 30.

Sections 35, 36 and 41 clarify procedures for the assessment of property pertaining to property improvements and omitted assessments.

Sections 37 and 38 modify continuing education requirements for assessors and deputy assessors.

Sections 39, 40 and 48 delete archaic language from the Code pertaining to the property tax limitation law.

Section 47 provides for local assessments of racetracks owned by a taxing authority, and for the taxation of such property.

HF 336 - Allowing Assessment of DNR Property within a Drainage District - See Agriculture and Rural Affairs

HF 355 - Reserve Pay Income Tax Exemption

JE

Assessors, Auditors, Supervisors, Treasurers

This legislation provides for an income tax exemption for active duty pay received by national guard or armed forces military reserve personnel for providing service related to peacekeeping in Bosnia-Herzegovina.

Effective Date: Upon Enactment

HF 495 - Computer and Industrial Machinery and Equipment Assessment

CP

Assessors, Auditors, Supervisors

This legislation amends §427B.17(1) to provide that machinery and equipment (M&E) initially acquired before Jan. 1, 1982 will be assessed at 30% of net acquisition cost and subject to the same exemption

phaseout/state reimbursement schedule as property initially acquired after that date. By July 1, 1997, each county assessor shall report to the DRF a revised statement of the total assessed value of property assessed pursuant to this Act as of Jan. 1, 1994.

HF 645 - County Treasurers' Powers and Duties

JE

Assessors, Auditors, Supervisors, Treasurers

This legislation amends the powers and duties of county treasurers that relate to the financial and regulatory procedures of counties, cities, and drainage districts. It allows counties to keep 5% of the voluntary anatomical gift contributions collected by county treasurers from persons renewing motor vehicle registrations. It also allows county treasurers to accept electronic transfers of moneys and may require a payer or agent to pay by electronic transfer if the aggregate payment is \$100,000 or more. It provides that drainage district installment payments be treated consistent with the provisions for the payment of special assessments. It also provides that land upon which there is an unpaid drainage assessment be sold at tax sale and transfers related duties from the county auditor to the county treasurer.

The bill provides that vehicle junking certificates shall be printed on the vehicle registration receipt rather than as a separate document and that the director of DOT shall consult with the Iowa State County Treasurers Association when annually setting the mailing fee for motor vehicle or trailer licenses.

The bill requires county boards of supervisors and the DHS to verify annually a person's eligibility for property tax suspension. It provides that a property tax payment must be received by the county treasurer, or postmarked on the day before the delinquent date, to avoid penalty. It repeals certain corrective Code language applicable to city and county property tax limitations for FY95. It requires notice of the annual tax sale to be published in at least one official county newspaper and allows the county treasurer to collect a registration fee at the tax sale to cover the cost of the sale. It increases the tax sale certificate of purchase assignment fee from \$10 to \$100; however, the fee remains the same for estates. It provides that the fee charged for publication of notice of expiration of right of redemption shall not exceed customary publication fees for official county publications and provides that if a tax sale certificate holder does not take action for issuance of a deed within 90 days of the expiration of the redemption period, the tax sale certificate is canceled. It also clarifies the rights of the deed holder after a deed on a property sold at tax sale is issued.

It removes from the definition of "modular home" the requirement that it be built on a permanent chassis and requires that a manufactured home placed outside a mobile home park be titled. It changes the definition of "mobile home park" to include three or more mobile homes, manufactured homes, or modular homes placed on developed property and operated for a profit.

Effective Date: Upon Enactment for provisions relating to tax sales, installment payments and tax liens

HF 724 - Enterprise Zones

WP

Auditors, Supervisors

This bill authorizes the establishment of enterprise zones to be used to promote new economic development in economically distressed areas of the state. The bill establishes eligibility criteria necessary to receive enterprise zone status and sets forth the incentives and assistance that can be offered to businesses locating or expanding in a designated zone area. The bill also provides mechanisms for

cities and counties to recover incentives and assistance provided if a business fails to maintain the requirements necessary for enterprise zone status.

A county may create an economic development enterprise zone that is equal to up to 1% of the county area. The DED must certify the establishment of the enterprise zone. Counties may establish more than one enterprise zone. The enterprise zone shall remain in effect for 10 years following the date of certification.

Businesses eligible to locate in the zone and receive incentives must meet the following criteria:

- It is not a retail business.
- It pays at least 80% of the cost of a standard medical and dental plan.
- It pays a wage greater than 90% of the average county or regional wage.
- It creates at least 10 full-time positions and maintains them for 10 years.
- It makes a capital investment of at least \$500,000.

Businesses must also provide the enterprise zone commission with information on the long range plans and other information related to the benefits the community will receive. A business may be required to repay incentives or assistance if it fails to comply with the terms of the agreement to receive benefits.

HF 724 establishes certain distress criteria that must be met before the Iowa DED can certify the area as an enterprise zone. The distress criteria relates to such factors as poverty ranking, average weekly wage, and age of population. Cities also have certain criteria that must be met.

If an enterprise zone is certified by DED, the county must establish an enterprise zone commission. The commission shall have nine members and be responsible for reviewing applications by businesses to receive assistance or incentives from the enterprise zone. There will be only one enterprise zone commission per county. The commission is allowed to adopt more stringent requirements for incentive qualifications than provided in HF 724.

The incentives-assistance that business could qualify for would be the following:

- New jobs credit from withholding.
- Sales, service, and use tax refund.
- Investment tax credit.
- Research activities credit.
- Property tax exemptions.

Cities or counties may apply to the DED by July 1, 2000 for certification of an enterprise zone.

HF 726 - Tax Credits and Local Government Budget Practices

WP

All County Officials

HF 726 that relates to livestock production credits; increased reimbursements to local governments for homestead, military services, and elderly and disabled property tax credits; and changes certain aspects of local government budget practices and property tax statements. The bill has three divisions.

Division I. Livestock Production Tax Credit (LPTC)

The bill eliminates the net worth limitations and requirement that one-half of a taxpayer's income be derived from farming on the LPTC. It also requires that an individual or corporate taxpayer's federal

taxable income can not exceed \$99,600 to receive the credit. The limit will be indexed in future tax years. Finally, Division I permanently changes the LPTC so only cow-calf operations are eligible, defines cow-calf operation, and retains the \$2 million standing limited appropriation. This is an income tax credit.

Division II. Homestead, Military, Low-income, Elderly and Disabled and other Credits

This division requires new property tax credits and exemptions to be fully funded by the state. If the credit or exemption is not fully funded, the credit or exemption will be prorated to the taxpayer. These requirements also apply to the Homestead Tax Credit, Low-income Property Tax Credit, Elderly and Disabled Property Tax Credit, and the Military Service Property Tax Credit.

The bill specifies how cities, counties and school districts must use the excess state reimbursement for the various tax credits. Excess state reimbursement are those dollars above the amount paid by the state in FY97. The county treasurer has been given responsibilities in determining the "base reimbursement amounts" and notifying the Department of Management of those amounts for schools. Schools are required to reduce property taxes on a dollar-for-dollar basis and this will be performed for them by the DOM. Cities and counties are required to use the excess dollars with at least 50% going toward property tax relief and the remaining amount for infrastructure purposes. A county can use some portion of its infrastructure funds to pay the cost of providing the new tax statement and receipt. There is a five-year sunset on the provisions specifying use of the excess reimbursement dollars.

The appropriations freeze on the Homestead, Elderly and Disabled, and Military Service property tax credits is removed, and the standing unlimited appropriation for these credits is reinstated. The cost to the state general fund for full funding of the tax credits is \$21.1 million. Finally, Division II eliminates the provision allowing for the late filing of the Homestead Credit.

Division III. Local Government Budgeting Practices

The notification of the dates and times of a budget hearing is changed to not less than 10 days nor more than 20 days before the hearing. The DOM is obligated to develop forms for public hearing notices for use by cities and counties. It is also clarified that the DOM will prepare the forms for use in preparation of budgets. And finally, the DOM is required to certify taxes back to county auditor by June 15.

Counties will be required to file the annual financial report with the director of DOM by December 1 of each year (previously was October 1). Counties failing to meet the filing deadline could be penalized up to 5¢ per capita on payment of state funds to counties. A county who fails to certify its budget by March 15 will be limited to the prior year's budget amount. The director of DOM can waive this provision if failure to meet the March 15 deadline was beyond the control of the county. The date by which a county must file the MH/MR/DD services expenditure report is also changed from October 15 to December 1.

Finally, Division III specifies the information that the county treasurer must provide on the property tax statement and receipt.

The bill called for the creation of a Tax Statement Study Committee made up of the County Finance Committee and three county treasurers. The study committee was to issue a report to the General Assembly in January 1998 regarding issues such as cost of the redesign, technological impacts, and impediments to accomplishing the redesign. The new tax statement requirements were scheduled to apply to tax statements issued after July 1, 2001. Gov. Branstad line-item vetoed the study committee and the applicability date.

The new tax statement requirement is effective for tax statements issued after July 1, 1998. The remaining budget changes apply to budgets prepared for fiscal years beginning on or after July 1, 1998.

HF 729 - Local Option Sales Tax Distribution and Frequency

CP

Auditors, Supervisors, Treasurers

This legislation amends Iowa Code §422B.9 and §422B.10 to provide that local option sales and services taxes shall be remitted to the DRF in the same frequency as required for retail sales taxes. The bill also increases the amount of estimated local option sales and services tax receipts distributed by the DRF to the counties and cities from 90% to 95% and provides that such remission shall be on a monthly rather than a quarterly basis. The final payment from the department to counties and cities is due by November 10 of the next fiscal year.

HF 732 - Housing Development - See Agriculture and Rural Affairs

HCR 22 - Task Force Study of Iowa's State and Local Tax System

CP

All County Officials

This House Concurrent Resolution requests the Legislative Council to establish a task force to study Iowa's system of state and local taxation and make recommendations to the Governor and the General Assembly, including addressing the goals of tax simplification, equity, and reduction. The task force shall consist of 19 members, of which 10 members shall be five Senators and five Representatives. The only voting members of the task force are the legislative members. The other nine members consist of one representative from each of the following: an association of Iowa assessors, an association of Iowa counties, an association of Iowa cities, an association of Iowa school boards, an association of Iowa farmers (and other ag interests), Iowa businesses and business interests, an association of Iowa utilities, an organization of Iowa taxpayers, and a labor organization. A progress report shall be presented to the General Assembly meeting in 1998 upon its convening and a final report is due in 1999 upon the Assembly's convening.

SF 83 - Property Taxation of Life Estate Property Donated to Government Entity

CP

Assessors, Auditors, Supervisors

This legislation creates a new §427.2A pertaining to taxation of life estate property. Real estate donated to the state or a political subdivision of the state, for which the donor retains a life estate or provides for another to possess a life estate, shall continue to be subject to property taxation and special assessment to the same extent as the property was subject to during the year in which the donation was made. The real property shall continue to be taxed until the fiscal year following the fiscal year in which the life estate terminates. Upon termination of the life estate, the property shall be subject to taxation as otherwise provided by law. This section applies to property donated on or after July 1, 1992, for purposes of property taxes or special assessments due and payable in fiscal years beginning on or after July 1, 1997.

SF 272 - Financial Assistance to Local Development Corporations**RM**

Auditors, Supervisors

This Act amends Iowa Code §15.108 by providing that financial assistance provided to local development corporations by the DED is subject to the availability of funds from the Building Loan Fund in §15E.26. It also provides that the DED shall assist in the development and promotion of regional efforts to finance small businesses subject to the availability of funds in the Small Business Economic Development Corporation Fund.

SF 417- Extension Council Treasurer**JE**

Auditors, Supervisors, Treasurers

This legislation establishes the amount for a surety bond for the county extension program at \$20,000. The bond shall be filed with the county auditor of the county of the extension district. The county auditor shall notify the chairperson of the extension council of the approval of the county treasurer of the bond's filing in the auditor's office. The bill makes other minor changes of extension member duties.

SF 544 - Rural Improvements Zones**CP**

Assessors, Auditors, Supervisors

This legislation creates new chapter 357H relating to the designation of rural improvement zones of a county having a population between 10,500 and 11,500 (based upon the 1990 certified federal census) and with a private lake development within an unincorporated area of the county.

This bill is fashioned to suit Lake Panorama's private lake development in Guthrie County. Currently, only five counties have a population between 10,500 and 11,500; however, at this time no other county in this specified population range has a private lake development in the county's unincorporated area.

PLEASE HELP US!

Here is your chance to help the ISAC staff produce the best bill summary booklet possible. Please answer the following questions. We are very interested in your comments and suggestions - please use the back of this page if you need to!

1. Can you find things easily? ☐Yes ☐No
2. Do the summaries thoroughly explain the bills? ☐Yes ☐No
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
5. Are our bill summaries accurate? ☐Yes ☐No
6. Did you find any specific factual errors in these summaries? ☐Yes ☐No
If yes, please explain:
7. Do you have any specific suggestions that might help us? ☐Yes ☐No

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TRANSPORTATION

HF 372 - County Issuance of Drivers' License

JE

Engineers, Supervisors, Treasurers

This legislation establishes a county issuance of drivers' licenses study committee. The committee shall study and make recommendations regarding expansion of the system of county issuance of motor vehicle licenses, including commercial drivers' licenses. The 13-member committee will include five county treasurers, the director of DOT or his designee, the director of the office of driver services, the director of audits of DOT, the executive director of the Iowa Motor Truck Association or his designee, the executive director of the Minnesota/Iowa AAA, the state auditor or his designee, and two specified members of the county finance committee. It is staffed by the LSB.

The committee is directed to make cost and service comparisons between drivers' license services provided by the DOT and counties using the six approved southwestern Iowa counties as the county service model. The committee shall report to the General Assembly no later than Jan. 1, 1998.

Effective Date: Upon Enactment

HF 416 - Truck Weights

JE

Engineers, Supervisors

Section 1 of the legislation provides new definitions in the Code for "cranes" and "retractable axles."

Sections 2 and 3 establish new standards for special tire weights by prohibiting vehicles from operating with tire weights are greater than 575 lbs. per square inch of tire width on a non-steering axle, and 600 lbs. per square inch of tire width on a steering axle.

Section 4 of the bill allows vehicles used solely for the hauling of automobiles, light trucks, and recreational vehicles to travel without a permit if 14 ft. in height or under.

Section 5 raises the maximum gross weight allowed on a vehicle or combination of vehicles on the noninterstate system with corresponding increase in axles and vehicle length to 90,000 lbs/60 ft length/6 axles, and 96,000/62 ft length/7 axles for livestock and construction vehicles.

Section 6 adds a new provision to the Code to provide that a vehicle, model year 1999 or later could not operate with a retractable axle unless the weight on the axle can only be operated by a manual control that is not accessible to the operator while operating the vehicle. However, the controls for raising and lowering the retractable axle may be accessible during the operation of the vehicle.

Sections 7 and 9 allow cranes with gross weights up to 24,000 lbs. per axle to be temporarily moved on streets, roads, and highways.

Section 8 adds a new provision pertaining to movement of vehicles with indivisible loads not more than 12 ft. 5 in. in width, 14 ft. in height, not greater than 100 ft. in length, and weighing between 80,000 and 136,000 lbs. by allowing movement for unlimited distances on highways *only* as specified by the permitting authority. The vehicle owner or operator shall verify with the permitting authority prior to movement that highway conditions have not changed so as to prohibit movement of the vehicle. Any

repair damage caused by the owner or operator of the vehicle shall be borne by the vehicle owner or operator.

Section 10 of the bill amends the existing Code to allow vehicles of not more than 120 ft. in length, 16 ft. in width, and of any height, to be moved on highways designated by the permitting authority under a multi-trip permit. The total vehicle weight may reach 156,000 lbs.; however, gross axle weight may not exceed limitations otherwise allowed by law. (Current size limitations are 100 ft. in length, 11 ft. in width, and 14 ft. 4 in. in height.)

Section 11 sets a new permit fee structure:

- \$ 25 - annual permit for vehicles under 80,000 lbs. (no change);
- \$300 - annual permit for vehicles over 80,000 lbs. (new fee required for enforcement and additional administrative costs due to heavier loads);
- \$200 - multi-trip permit (\$100 increase).

Effective Dates: July 1, 1997 for Section 5 for primary road system. Dec. 31, 1998 for Section 5 for urban and secondary road system unless otherwise approved by local authorities.

HF 514 - Mandatory Auto Insurance

JE

Attorneys, Sheriffs, Treasurers

This bill prohibits a person from operating a motor vehicle unless financial liability coverage is in effect. Failure to maintain financial liability coverage is subject to a \$100 fine. Effective July 1, 1999, a violation is subject to a \$500 fine if an accident occurs; otherwise, the fine is \$250. The fines are to be distributed as follows: 50% to victim compensation, 25% to the county, and 25% to the general fund of the state. A violation also results if the driver does not have a proof of financial liability coverage card issued for the vehicle. Liability coverage includes either liability insurance, a bond, assets on deposit, or a certification of self-insurance.

The legislation provides that if a peace officer stops a vehicle and the driver is unable to provide proof of insurance, the officer is directed to issue a warning memorandum to the driver, or issue a citation and remove the vehicle license plates and registration and forward them to the county treasurer of the county where the vehicle is registered. It establishes procedures for the owner of the vehicle to show proof of insurance and to recover the plates and registration. The bill provides fines and administrative fees for payment to the county treasurer for implementation of the law.

Effective Date: Jan. 1, 1998

HF 704 - Transportation Policy

JE

Engineers, Sheriffs, Supervisors, Treasurers

This bill makes numerous changes affecting Iowa transportation policy and the DOT. Several provisions are of interest to counties.

Section 4 allows the county engineer to approve claims for construction payments.

Section 6 exempts emergency vehicles used only in disaster relief owned and operated by an organization not operated for pecuniary profit from specified fees in chapter 321.

Section 8 provides for new license plates for "Love our Kids" and "Motorcycle Rider Education."

Sections 9, 10, and 11 make changes pertaining to the approval and issuance of special registration plates.

Section 12 provides that the county treasurer of any county shall refuse to renew the registration of a vehicle registered to a person when notified that the person has not paid restitution to any clerk of the court located within the state. The clerks of courts are directed to notify the DOT daily through the Iowa court information system of persons who owe delinquent restitution and who have met restitution obligations.

Section 18 exempts road workers operating maintenance equipment on behalf of any state or local jurisdiction from penalties for backing-up violations.

Section 22 restores weight restrictions for self-propelled implements of husbandry. Fence-line cattle feeders are exempt from this provision until July 1, 1999.

Effective Date: Upon Enactment for section 6; Jan. 1, 1997 for section 12; and July 1, 1997 for remaining listed sections.

HF 733 - Infrastructure Appropriations

CP, JE

Attorneys, Auditors, Conservation Directors, Engineers, Sheriffs, Supervisors, Treasurers

This bill appropriates \$72.1 million in FY98 and includes \$70.3 million from the Rebuild Iowa Infrastructure Fund and \$1.8 million from the general fund. The bill also appropriates, from the Rebuild Iowa Infrastructure Fund, \$62.6 million in FY99, \$32.8 million in FY00, and \$18.9 million in FY01. The following are key areas of interest to counties.

Department of Transportation

Section 13 of the bill appropriates \$2 million per year for FY98 and FY99 from the Rebuild Iowa Infrastructure Fund to the DOT for recreational trails, of which \$1 million will be used for the Statewide Recreational Trails Program and \$1 million for trail projects that complete trail connections. Projects funded for trail connections shall be matched by \$1 of private or other funds for each \$3 of state funds.

- Recreational Trails\$2,000,000 (100%)

Department of Public Safety

Section 15 of the bill stipulates that the DPS shall notify local law enforcement agencies and fire departments of the department's intent to purchase new radio equipment and shall allow any local law enforcement agency or fire department to participate in the joint purchase of new radio equipment.

Department of Agriculture and Land Stewardship

Section 16 of the bill appropriates \$1.5 million per year for FY98 and FY99 from the Rebuild Iowa Infrastructure Fund to the DALS to be used for supporting the alternative drainage system assistance program created in §159.29A and required in SF 473.

- Alternative Drainage System Assistance Program\$1,500,000

The department shall allocate 75% of the estimated or actual cost of improvements, not to exceed \$500,000 each fiscal year for a single drainage improvement project, which will provide alternative drainage outlets to allow for the closing of 30 or more agricultural drainage wells constructed by a drainage district, established on or after July 1, 1987, and prior to July 1, 1997, for which a construction contract for the project is successfully let prior to March 1, 1998.

Iowa State Fair Foundation

Section 21 of the bill appropriates \$5.46 million per year for FY98 and FY99 from the Rebuild Iowa Infrastructure Fund to the Iowa State Fair Foundation to be used for renovation, restoration, and improvement projects on the state fairgrounds, of which \$1,060,000 gets distributed each fiscal year, in accordance with chapter 174, to qualified fairs which belong to the Association of Iowa Fairs.

- County/Local Fairs.....\$1,060,000 (114%)

Miscellaneous Statutory Changes

Section 32 amends the definition of “fair” in Iowa Code §174.1(1) to include an annual gathering of people that incorporates agricultural exhibits, shows, or competition which has the following activities: a) extension, 4-H, or future farmers of America programs b) commercial and educational exhibits c) competition in the fine or home craft arts.

Sections 33 and 34 of the bill amend §174.9 that makes the Iowa State Fair Foundation, rather than the Treasurer of State, the authorized entity to which an eligible county fair society member of the Association of Iowa Fairs must file in order to be eligible for state aid.

Sections 33 through 36 also make conforming adjustments to transfer authority from the Treasurer of State to the Iowa State Fair Foundation pertaining to county fair eligibility and funding duties.

Section 35 amends §174.10 by appropriating state aid for county fairs on an individual county/local fair basis to be distributed equally, instead of each county receiving an equal share of the moneys appropriated.

Section 37 creates a new §461A.3A involving the establishment of Restore the Outdoors Program for funding vertical infrastructure projects, limited to existing state parks and other public facilities managed by the DNR. There is appropriated from the Rebuild Iowa Infrastructure Fund for each of the fiscal years 1998 through 2001, the sum of \$4 million to the department for use in the Restore the Outdoors Program, of which \$1 million shall be used to fund projects in parks of governmental subdivisions.

- Restore the Outdoors Program\$4,000,000

SF 126 - Controlled Burning**JE**

Conservation Directors, Engineers, Sheriffs, Supervisors

This legislation allows a fire chief to issue a permit to authorize a supervised, controlled burn in the fire district of the chief even while the State Fire Marshal has issued a proclamation prohibiting open burning in the area.

During prolonged dry periods, the State Fire Marshal's office issues burning ban proclamations upon requests or advisement from local officials. Only three exceptions existed -- outdoor fireplaces, barbecue grills and supervised landfills. These bans may cover several counties at a time. However, it is common for the Fire Marshal's office to receive calls from farmers, contractors, conservation officers, and even fire chiefs requesting exceptions. The local fire chief is in a much better position to evaluate the appropriateness and relative safety of the request. This bill authorizes the Fire Marshal's office to grant exceptions for these particular instances.

SF 132 - DOT Technical Bill**JE**

Engineers, Records, Sheriffs, Supervisors, Treasurers

This bill makes technical changes to the DOT's Code section. Included are definitions of agricultural hazardous material, new motor vehicle, and registration applied for cards. The bill also deals with salvage theft examinations and driving with an expired license. It repeals requirements that the department approve or set standards for snow tires, towbars, directional signals, strobe lights on school buses, motor vehicle lights, weight equalization hitches, and safety glass when standards are already in place.

The bill also deals with regulations concerning motor vehicle dealerships and travel trailer dealers, scheduled fines for the operation of a vehicle under special plates and operation of a vehicle with an expired license or permit. These sections are of specific interest to counties:

Section 14 of the bill exempts portable or part-time stop signs for use in county and city school zones from conformity with specifications included in the manual of traffic control devices adopted by the department.

Section 15 requires any local law enforcement agency informed of accidents involving hazardous materials to notify the state DOT office of motor vehicle enforcement in addition to the Iowa highway safety patrol.

SF 222 - Motor Vehicle Leasing**JE**

Engineers

This bill deals with car leases and use tax. It removes such items as warranties, federal excise tax, registration, and title fees from the tax base used to determine the amount of lease tax owed on a leased car.

SF 293 - Reporting Motor Vehicle Accidents**DV****Engineers**

Section 1 of this bill amends Iowa Code §321.266 regarding mandatory reporting of motor vehicle accidents. Previously, the driver of a vehicle involved in an accident resulting in injury to or death of any person, or total property damage to an apparent extent of \$500 or more, was required to forward a written report of the accident to the IDOT within 72 hours. Under this bill, the property damage total is raised to \$1,000. In other words, today an accident with \$785 in total property damage would have to be reported, but after July 1 it will not be subject to the mandatory reporting law.

Section 2 makes a similar change regarding financial security. Right now, IDOT is required to suspend the license of any driver involved in an accident resulting in injury to or death of any person, or total property damage to an apparent extent of \$500 or more, unless the driver deposits security in a sum sufficient in the judgment of IDOT to satisfy any judgment resulting from the accident. Under this bill, the property damage total is raised to \$1,000. In other words, today any driver in an accident with \$785 in total property damage would have to deposit security sufficient to satisfy any judgment, but after July 1 the driver would not be subject to this requirement

SF 391 - Transportation Appropriations**JE****Engineers, Supervisors, Treasurers**

This bill appropriates \$241.8 million from various funding sources for DOT's operations and capital projects. The bill includes appropriations of \$4.1 million from the general fund, \$30.1 million from the RUTF, and \$207.6 million from the Primary Road Fund. This is an increase of \$5.9 million (2.5%) and a decrease of 79.0 FTE positions compared to estimated FY97. The following sections are of specific interest to counties:

Section 2 of the bill appropriates \$30.1 million in "off-the-top" uses of the RUTF moneys for various purposes including:

- Drivers' License Program..... \$1,295,000 (same as FY97)

Sections 5 and 10 eliminate Code provisions which designate title fees to the state general fund which are used for the odometer fraud enforcement and prosecution implementation by the AG's office. The effect of this will be to eliminate this "off-the-top" expense, which will provide another \$250,000 for the RUTF, effective July 1, 1998.

Sections 6, 7, 8, 9, 11, 13 and 14 change the source of funding, beginning in FY01, for the Value-Added Agricultural Products and Processes Financial Assistance Program and the Renewable Fuels and Coproducts Program from the Motor Vehicle Use Tax to the general fund. The programs currently receive a standing appropriation totaling \$4 million annually from the Motor Vehicle Use Tax Receipts. This effectively equates to another off-the-top deletion, which enhances the RUTF by \$4 million.

Section 12 of the bill extends the effective date of the Access Iowa Highway System until July 1, 2000 as created by HF 2421, passed during the 1996 legislative session. The designation of the Access Iowa Highway System includes linkages between economic centers with populations of 20,000 or more and the development of the linkages as four-lane highways.

Effective Dates: Sections 5 and 10 are effective July 1, 1998.

Sections 6, 7, 8, 9, 11, 13 and 14 are effective July 1, 2000.

SF 432 - Disposal of Condemned Property

JE

Engineers, Supervisors

This legislation provides that a prior owner of condemned real property shall be given 60 days to reacquire that property if the condemner has not used the real property for the purpose of condemnation, and if state seeks to otherwise dispose of the property to the public. The prior owner can reacquire the property at the current assessed value of the property.

The bill also provides that a prior owner of the property purchased or condemned by an agency (DOT) for highway programs and the owners of property adjacent to property purchased or condemned shall be notified of the agency's intent to sell the property. The notice shall state that the agency intends to sell the property, the names of others receiving the notice, and the fair market value of the property based upon an independent appraisal. The previous owner of the condemned property and the owners of the adjacent property are given preference to purchase the property within 60 days of the notice. If within 60 days, no offers are received which meet or exceed the appraised value, the property will be transferred to a state agency, city, county, or other political subdivision for a public purpose or will be offered for sale to the general public.

1997 BILLS & ISSUES THAT FAILED

Pushing bills through the legislature 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 are commonly used as the principle guideline for ISAC staff in opposing legislation. The following is a list of key things that ISAC opposed that were successfully defeated:

HF 2	Highway Construction Access
HF 18	Stormwater Permit Study
HF 79	Open Enrollment Voting
HF 120	Military Veterans
HF 134	Non-resident Voters
HF 143	Lost Property Disposition
HF 163	Retired Officer Permit
HF 197	Snowmobile Fuel Tax
HF 317	Veteran's Benefits
HF 378	County Compensation Board
HF 414	Merchant Marine Exemption
HF 429	County Compensation Boards
HF 443	Transportation Policy
HF 471	County Compensation Board
HF 499	Construction Barriers
HF 528	Property Tax Liens
HF 574	County Zoning Referendums
HF 633	Veteran's Preferences
HF 705	Property Tax Sale
HJR 4	Elected Official Recall
HJR 8	Initiative Petitions
HSB 10	Government Lobbying Restrictions
HSB 111	Tax/Expenditure Limit
HSB 119	Land Surveyors
HSB 193	Local Government Finance (Accountability with Flexibility)
HSB 212	Utility M&E Property Tax Exemption
HSB 240	Accountability with Tax Credits
SF 7	Transport for the Elderly
SF 15	Stormwater Permit Studies
SF 38	Snow Removal Lights
SF 61	E911 Board Members
SF 135	Highway Funding
SF 137	Deposits & Recycling
SF 182	County Compensation Boards
SF 249	County Compensation Elimination
SF 259	Lost Property Disposition
SF 268	Mobile Home Tax Formula
SF 322	Gender Balance
SF 335	Highway Lane Barriers
SF 374	Eliminate County Compensation Board
SF 421	Crime Victims
SF 434	Sheriff Fees
SF 445	Emergency Management Funds
SF 474	County & State Compensation Boards
SF 507	Veteran Property Tax Exemption
SSB 112	Land Surveying Practices

1997 Bills & Issues That Failed

SSB 115	School Reports/Judicial Officers
SSB 257	School Local Option Tax

Unfortunately, some key proposals initiated in whole or in part by ISAC failed, too. Among these items are:

HF 27	Local Government Benefits
HF 37, HF 140, SF 43	Polling Place Time Closing
HF 51	Confinement Operation Approval
HF 116, HF 138, HF 374	Hog Lot Zoning/Exemption/Nuisance
HF 172, HF 365, SSB 68	Local Tobacco Law
HF 199, HSB 19	Urban Revitalization Exemption
HF 186, SF 315	Disarming an Officer
HF 207, SF 114, SSB 79	Solid Waste Discard/Disposal
HF 239, HSB 174	Bicycle Safety
HF 488	DNR Drainage Assessment
HF 504, SSB 215	Model Food Code
HF 549, SSB 184	Auditor's Transfer Fees
HF 555, HF 675, HF 713	MH/DD Property Tax Relief
HF 614	Marriage Licenses
HF 682	Landfill Fees
HSB 93, SSB 96	Presentence Investigations
HSB 201	Roadside Dumping of Solid Waste
SF 76, HSB 22	ICN Access
SF 89	Hog Lot Zoning
SF 209	County Feedlot Regulation
SF 228	Eminent Domain Costs
SF 434	Sheriff Fees
SSB 43	Industrial Feedlots
SSB 125	Recorder Fees
SSB 183	Voluntary Annexations

Finally, in the Iowa legislative process, any bill that passes its house of origin in the first year of the biennium, but not the second house, is effectively laid over until the second year. Such bills may start in the second house without having to begin all over again in the process. Several items of interest to ISAC hold this status:

HF 8	Unfunded Mandates (For)	passed House; pending in Senate
HF 646	Hazardous Response Study (For)	passed House; pending in Senate
HF 684	County Road Ordinance (For)	passed House; pending in Senate
SF 316	Deputy Sheriff Probation (For)	passed Senate; pending in House
SF 398	Lost Property Disposition (For)	passed Senate; pending in House
SF 530	E911 Wireless Surcharge (For)	passed Senate; pending in House
SF 547	Veteran's Benefits (Against)	passed Senate; pending in House

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Recorders:

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Nancy Parrott - Jasper County

Sheriffs:

Gary Anderson - Appanoose County
Ted Kamatchus - Marshall County

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Ralph Kremer
Laura Foell - Sac County

Treasurers:

Warren Richart - Benton County
Dave Jamison - Story County
Bob Hagey - Sioux County

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ABBREVIATIONS

AAP	American Academy of Pediatricians
ACIR	Advisory Commission on Intergovernmental Relations
ADC	Aid to Dependent Children
ADW	Agricultural Drainage Well
AFDC	Aid to Families with Dependent Children
AFSCME	Association of Federal, State, County and Municipal Employees
AIDS	Acquired Immune Deficiency Syndrome
ATV	All Terrain Vehicle
BME	Board of Medical Examiners
CACT	Clinical Assessment and Consultation Teams
CDC	Center for Disease Control
CDL	Commercial Drivers' License
CINA	Children in Need of Assistance
CLEAN	Committing Lottery to the Environment and Natural Resources
CON	Certificate of Need
CSRU	Child Support Recovery Unit
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
DPD	Department of Public Defense
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	Generally Accepted Accounting Principals
GIS	Geographic Information System
HBV	Hepatitis B Virus
HCBS	Home and Community-Based Services
HCBS/MR	Home and Community Based Services waiver for persons with Mental Retardation
HCFA	Health Care Facilities Administration
HFI	Healthy Families Iowa

Abbreviations

HIV	Human Immunodeficiency Virus
HOPES	Healthy Opportunities for Parents to Experience Success
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
ISSDA	Iowa State Sheriffs' & Deputies' Association
ISU	Iowa State University
JOBS	Job Opportunities and Basic Skills
LFB	Legislative Fiscal Bureau
LPN	Licensed Practical Nurse
LPTC	Livestock Production Tax Credit
LSB	Legislative Service Bureau
M & E	Industrial Machinery, Equipment and Computers
MH	Mental Health
MHI	Mental Health Institute
MOE	Maintenance of Effort
MR - MAGIC	Mental Retardation - Most Appropriate Groupcare Initiative for Children
MR	Mental Retardation
NAHA	National Affordable Housing Act
NRC	National Resources Commission
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
REP	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
UNI	University of Northern Iowa
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.