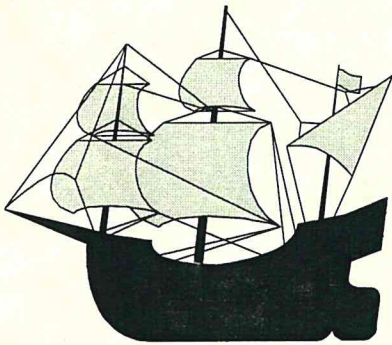
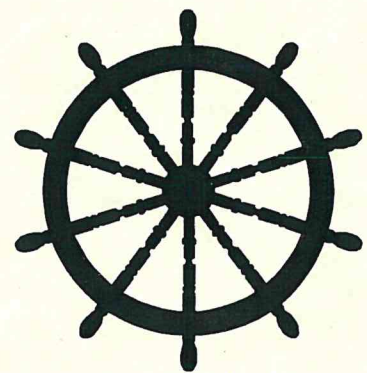


Summary of Legislation

**78th General Assembly
First Session
1999**



Charting a New Course





MISSION:

To promote efficient and fiscally sound county government for the people of Iowa through publications, education, advocacy, and other services.

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INTRODUCTION

In 1999, the counties of Iowa participated with the 78th General Assembly in the development of many important public policy decisions. ISAC registered to lobby on 329 pieces of legislation this year. Affiliates of ISAC also requested that ISAC “track” another 55 bills without registering to lobby on them. This summary contains bills and resolutions affecting counties that passed the legislative process. In addition, ISAC notified affiliates of an estimated 340 bills on an “FYI” status, and registered on or tracked those bills only when requested to do so by the affiliates. Last year, by comparison, ISAC registered on 312 bills and the summary contained 116 items.

Since it has worked so well in the last few years, this summary continues the organizational format by steering committee topics. Our “1999 Policy Statements and Legislative Objectives” book was 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 voting procedures would obviously be found under “County Administration and Organization.” However, there are some occasions where a bill could logically fit under more than one committee. An example would be SF 462-Veteran’s Benefits. The summary for this bill contains policy dealing with expansion of services for Iowa’s veterans. The summary could fit under the “Health and Human Services” category; however, since a significant part of it deals with the military property tax exemption/credit, it is found under “Taxation and Finance.”

In anticipation of a situation like this, we have cross-referenced those bills that could fit under more than one steering committee. If you still cannot find a bill you are looking for, there are two indices in the back of this book that will help. One is organized by affiliate. For example, if you are a recorder, you can look under the index for “Recorders” and find topics with bills affecting your office. A second index lists all bills in numerical order with a short title and page number.

Please note that text in shaded areas indicates bills that have been vetoed or portions of bills that have been line 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://www.legis.state.ia.us>.

At the end of each summary, you will find the effective date for the bill or portions of the bill only when it is other than July 1, 1999. Also on the title line of each summary you will find the initials of the person(s) who summarized the bill. Their initials are:

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

A note of special thanks is in order for Tammy Norman, ISAC administrative secretary, who compiled all of this information to create this book.

In the back of this book, we have listed the affiliate legislative liaisons. These individuals are the primary contact points 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.

We are pleased to acknowledge the efforts of the 78th Iowa General Assembly for its hard work in developing public policy favorable to counties. We strongly encourage county officials to thank their legislators as appropriate.

We always want to improve this product. After you have read this book, 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 summer, 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 1998 Fall School of Instruction.

For 1999, seven ISAC priorities were presented in the theme of "Charting a New Course." No one should ever expect a legislative session to go perfectly. The 1999 session was no exception. Some ISAC priorities were approved by the General Assembly, and others went nowhere.

Funding of State and County Services - In response to a renewed effort in the 1998 gubernatorial election to restore the county property tax limitation, ISAC identified this policy statement as the top priority for 1999. The statement declares that a fair and equitable balance must be maintained between revenue sources for services provided by the state and county levels in Iowa. Property tax must be tied to services that relate to property. Elected officials must have flexibility to reach a balanced system. Accordingly, ISAC supports adequate state funding for any mandated services while opposing any additional statutory or constitutional tax and spending limits on the state or counties.

As a result of the 1998 election, the threat of the renewal of the county property tax limitation melted away. To that extent, we were successful on this item. However, the 78th General Assembly approved SJR 1- Constitutional State Tax and Spending Limitation, for voter consideration. If approved by the voters, the two-part proposal, would 1) limit state spending to 99% of revenue estimates for each fiscal year, and 2) place a 60% legislative majority approval for any new state tax, or increase in state sales or income tax. The fate of these proposals is now in the hands of Iowa's electorate and will be decided on June 29, 1999.

Mental Health Growth - ISAC sought legislation to direct the State County Management Committee to develop a valid quantitative methodology to address all three growth factors (inflation, new consumers, and investment for economy and efficiency) in its recommendations for future fiscal years. Counties should receive their growth allocations even if their levy rate is reduced. Finally, growth allocations should not be used to fund the risk pool, the incentive fund, and the per capita equalization fund.

Recent trends in county mental health fund balances have shown a growing disparity between the "have counties" and the "have-not counties" as far as mental health funding resources are concerned. Of particular interest to legislators is a general growth in fund balances. Because of this growth, lawmakers were reluctant to change funding streams as they want to allow another fiscal year to go by to let the system to play out as planned under SF 69. Accordingly, mental health growth was continued at a rate of 1.57% in HF 782-Standing Appropriations. The existing funding allocation and funding streams were not changed.

Property Tax Relief - Under SF 69, the state is required to pay 50% of the county mental health base. Currently, the state funding level is at about 44% of the base. ISAC sought \$18.7 million in property tax relief in order to bring the state up to the 50% level and to fund the nonfederal share of HCBS Waiver and ICF/MR services for children.

Again, as a result of growing balances in county mental health funds, legislators feel the state is at or over the 50% level and were unwilling to provide further funding at this time. It is evident that there is a strong desire to revisit the mental health funding process in a comprehensive way in the near future.

Year 2000 (Y2K) Problem - Experts anticipate that on Jan. 1, 2000, computers programmed to think in two-digit codes will confuse "2000" with "1900." As a result, counties will experience millennium mayhem unless measures have been taken to update their systems. ISAC proposed to exempt any county from liability that may be caused by this problem as long as the county could demonstrate that it has acted

with diligence to resolve the problem. Diligent actions would include such things as updating and replacing mainframe applications with Year 2000-compliant products and developing Year 2000-compliant systems to replace existing obsolete applications.

HF 234 did just that. This legislation was approved by the House and the Senate State Government Committee, then came to rest on the Senate floor debate calendar. The reason the Senate did not take action was because another Y2K bill to protect certain private sector interests was vetoed by Gov. Vilsack. At that time the Governor let it be known that what was "good for the goose is good for the gander," and that he would veto any Y2K legislation to come along.

Implements of Husbandry - Recent studies have shown how excessive axle weight from certain farm implements is causing a disproportionate share of damage on the secondary road system in Iowa. As a result, ISAC offered a proposal to set axle weight limits on implements of husbandry. After extensive work with the Iowa Department of Transportation, various agriculture groups, and equipment dealers and manufacturers, HF 651 was introduced and passed by the General Assembly. The legislation defines implements of husbandry and requires these vehicles to comply with road weight limits and axle weight limits. The legislation applies to new equipment sold after July 1, 2001, and to all equipment on the roads on July 1, 2005. Passage of this legislation represents an important cultural change in the rural areas of Iowa and this was one of the most significant achievements for ISAC in 1999.

Public Health Nursing Funding - This issue represents another important achievement for ISAC in 1999. The public health nurses and ISAC have made much progress in recent years to educate state lawmakers about the diminishing share of state support in the local public health system. The funding burden has gradually shifted to the property tax system. Consequently, local agencies are forced to severely limit environmental health and social services, and concentrate on personal care for the more seriously ill. An increase of \$250,000 was included in HF 737-Health and Human Rights Appropriations, for core public health functions. In 1998, there was an increase of \$100,000 for this purpose, bringing the total over the last two years to \$350,000. While this is an important step, there is still a long way to go for the state to bring itself back up to the 50% share that it maintained in earlier years.

Rollback Uncoupling of Agriculture and Residential Valuations - In order to obtain more equitable assessments, classes of property should stand alone. ISAC joined the Iowa League of Cities in seeking legislation to uncouple agricultural and residential classes of property. The link between these two property classes has caused residential property value to be significantly reduced (*rolled back*) in accordance with the multiplier calculation. Currently residential property value is taxable at 54.9% of market value. While ISAC supports uncoupling, the 4.0% statewide growth limit for each class of property should remain in effect. Three bills (HF 664, HF 665, and SF 91) were proposed to address this problem. Each had a slightly different way of solving the problem. Even though the current economic and fiscal climate is excellent for such a change in the system, the political will simply is not strong enough in the General Assembly to do it at his time. Fear of public perception of tax increases by elected officials plays a strong role on this issue.

AGRICULTURE AND RURAL AFFAIRS

SF 160 - Interstate Pipelines and Restoration of Agricultural Land

WP

Engineers, Supervisors

This bill amends similar sections in Code chapters 479, 479A, and 479B relating to pipelines, interstate natural gas pipelines, and hazardous liquid pipelines.

The bill requires the utilities board to establish standards for the restoration of agricultural lands during and after pipeline construction. The bill provides a number of specific areas for which rules shall be drafted and that the rules adopted do not apply to land located within the city boundaries, unless the land is used for agricultural purposes. The utilities board is responsible for notifying boards of supervisors of intended actions and allowing an opportunity for oral presentations on the rules. County boards of supervisors may petition for additional rulemaking to establish standards for land restoration after pipeline construction within their county.

The county board of supervisors is given responsibility in the bill for using a "licensed professional engineer" familiar with the standards adopted in this section to conduct on-site inspections for compliance. The inspector shall inspect for violations of standards adopted by the utilities board, standards of the land restoration plan, and the standards of any independent agreements. The bill requires the inspector to adequately inspect and be present on the site at certain times. The bill provides that if proper notice is given, construction shall not be delayed due to an inspector's failure to be present on the site. If the pipeline company or its contractor fails to comply with the provisions of the Code or the land restoration plan, the county board of supervisors may petition the utilities board for an order requiring corrective action, and the county board of supervisors may file a complaint with the utilities board seeking imposition of civil penalties. The inspector may temporarily halt construction if construction is not in compliance. The cost incurred by a county in retaining an inspector can be billed to the pipeline company.

The petitioners seeking a permit for pipeline construction shall file a written land restoration plan showing how compliance will be accomplished. The bill allows provisions for protecting or restoring property that are different than those prescribed by law, rules, or in a land restoration plan, if they are contained in an agreement independently executed between the pipeline company and the landowner. The alternative provisions must be consistent with state law or rule.

A list of compensable losses is established. The losses include loss or reduced yield of crops or forage, material applied by the landowner to restore the land, loss of or damage to trees, the cost of moving or relocating livestock, erosion of land, and damage to farm equipment.

The bill provides a method for the reversion of right-of-way to the owner of the tract of land from which the right-of-way was taken when the pipeline right-of-way is abandoned for pipeline purposes. Notice requirements and the method of serving notice for a reversion because of nonuse of a right-of-way are established. Upon reversion of the easement, the landowner may take possession of and remove any pipe or pipeline facility remaining on the property. The pipeline company is responsible for certain costs when the pipeline right-of-way is abandoned for pipeline use, but the pipe is not removed.

Effective Date: June 1, 1999.

HF 339 - Extending the Deadline for Closing Drainage Wells

RM

Conservation Directors, Supervisors

Amends Code §455I.3(1) by extending from Dec. 31, 1999 until Dec. 31, 2001, the closing of designated agricultural drainage wells.

HF 343 - Drainage Improvements within a Railroad Right-of-Way

RM

Auditors, County Attorneys, Supervisors

Amends Code chapter 468 by providing that if a railroad does not comply with a notice for necessary work on a drainage implement crossing railroad right-of-way, the county board of supervisors or drainage district board of trustees shall provide for the construction of the necessary improvement. The railroad shall be liable for construction costs. The district court may award reasonable legal fees to a county which prevails in such a case. These fees shall be paid by the railroad.

HF 745 - Department of Economic Development and Other Appropriations

CP, RM, JE

Auditors, Community Service Directors, Supervisors

This bill provides state appropriations for operations and programs at the DED and other agencies, effective FY00.

Community Development Division

Appropriation from the rural community 2000 program revolving fund to Iowa's councils of government funds for planning and technical assistance to local governments:

- Iowa's Councils of Government \$150,000 (same as FY99)

Appropriation from the rural community 2000 program revolving fund to the rural development program including rural enterprise fund and collaborative skills development training:

- Rural Development Program.....\$370,000 (23.6% decrease)

Appropriation for administration and related federal housing and urban development grant administration:

- Community Development Block Grant \$ 422,719

Appropriation to the housing development fund for providing technical assistance to communities of all sizes and local financial institutions to help meet local housing needs and to provide matching funds for the HOME program:

- Housing Development Fund\$1,700,000 (31% increase)
- Shelter Assistance Program..... \$400,000 (same as FY99)

Tourism Division

DED shall not use the moneys appropriated for tourism and operations/advertising unless the department develops public-private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, *and political subdivisions* to assist in the development of advertising efforts.

Welfare-To-Work Matching Funds

For matching funds for welfare-to-work grants to provide additional services for the hardest to employ recipients of family investment program benefits:

- Welfare-to-Work Grants \$888,633 (same as FY99)

Shelter Assistance Fund

Section 13 of the bill provides that when moneys from the shelter assistance fund are provided to homeless shelter programs in FY00, DED shall explore the potential of allocating moneys to homeless shelter programs based in part on their ability to move their clients toward self-sufficiency.

HF 746 - Agriculture and Natural Resources Appropriations

RM, JE

Conservation Directors, Environmental Health Specialists, Supervisors

Department of Natural Resources

▪ Environmental Protection Division.....\$4,906,116
FTE.....243.50

Of the amount appropriated in this section, at least \$424,600 and 9.0 FTEs shall be primarily used to support the regulation of animal feeding operations. Also of the amount appropriated, another \$370,000 and 9.0 FTEs shall be used to support on-site inspections and the oversight of manure management plans associated with confinement feeding operations regulated by the department.

COUNTY ADMINISTRATION AND ORGANIZATION

SF 41 - County Agricultural Extension Councils

WP

Auditors, Supervisors

SF 41 makes changes in the duties and meeting requirements for county agricultural extension councils. Extension councils are now required to meet at least twice during the year. The meeting dates shall be determined by the council and are no longer required to be in July and January. The council is to elect officers of the council for one-year terms. The provision requiring officers' terms to end Dec. 31 is deleted. The council must prepare a budget annually before March 15, and then submit it to the board of supervisors. The council must also meet prior to March 15 to estimate the amount of money they will need to raise by taxation.

SF 51 - County Conservation Boards and Non-Profit Organizations

RM

Conservation Directors

Amends Code §350.7 by adding that, while any county conservation board may presently cooperate with federal or state agencies, they may now cooperate with private, not-for-profit organizations to carry out their operations.

SF 189 - Violation of Ordinances

DV

Sheriffs, Supervisors

This bill changes the penalties for many misdemeanors. One other important part of this bill, at least for counties, is section 7, which amends Iowa Code §331.302(2) to raise the maximum penalty for violation of an ordinance from \$100 to \$200. Section 8 amends Iowa Code §331.302(4A)(a) to state that a county may adopt a portion of the Iowa Code as an ordinance, but only if the criminal fine adopted by the county for violation of the ordinance does not exceed \$200. Previously, the penalty cap was \$100.

SF 224 - Certification of Competitive Natural Gas Providers and Aggregators

CP

All County Officials

This Act creates new Code §476.86 and §476.87 to define natural gas service aggregators and competitive providers. Also, it creates a certification process for competitive natural gas providers and aggregators by the Iowa Utility Board.

Effective Date: Upon Enactment.

SF 254 - Authorizing Financial Assistance for Emergency Management – See Taxation and Finance

SF 276 - Health Care Service and Treatment of Coverage**WP**

All County Officials

SF 276 creates several new Code sections and a new Code chapter relating to the provision of and evaluation of health care services provided to covered individuals in this state. The new provisions apply to a carrier as defined in §513B.2, an organized delivery system authorized under chapter 158 of the 1993 Iowa Acts, and plans for public employees established pursuant to chapter 509A.

Continuity of Care - Pregnancy. A new §514C.14 provides for continuation of coverage for costs associated with a health care provider providing continued care to a covered person who is in the second or third trimester of pregnancy. The coverage is to continue through postpartum care if the carrier, organized delivery system, or 509A plan terminates its contract with the health care provider. This section also provides that a covered person who makes a change involuntarily may request the new health plan cover services of the covered person's physician specialist who is not a participating health care provider under the new health plan, if the person is in the second or third trimester of pregnancy. The coverage shall continue through the postpartum care related to the childbirth and delivery.

Treatment Options. Adds §514C.15. Carriers, organized delivery systems, and 509A plans shall not prohibit or penalize participating providers for discussing treatment options with a covered individual regardless of the plan's position on the treatment option. The provider also can not be prohibited from acting as an advocate for the individual in any plans review or grievance procedure.

Emergency Room Services. A new §514C.16 provides that carriers, organized delivery systems, or 509A plans that provide coverage for emergency services are responsible for charges for medically necessary emergency services provided to covered individuals, including services received outside the network. Coverage for the emergency services is subject to the terms and conditions of the benefit plan. This bill provides that prior authorization for medically necessary emergency services shall not be required. A definition of "medically necessary emergency" is established.

Continuity of Care - Terminal Illness. A new §514C.17 provides that when a carrier, organized delivery system, or 509A plan terminates its contract with a provider, a covered individual who is undergoing a specified course of treatment for a terminal illness or related condition may continue to receive coverage for treatment for a period up to 90 days. Also, if a covered person involuntarily changes health plans, they may continue to receive treatment for up to 90 days.

Utilization Review Requirements. Code §514F.4 provides that a third-party payer that provides health care benefits to covered individuals residing in this state shall not conduct utilization review under a contract with a third-party who does not meet the standards established for accreditation by the utilization review accreditation commission, national committee on quality assurance, or another nationally recognized accreditation entity recognized by the commissioner of insurance.

Experimental Treatment Review. Code §514F.5 is created and requires that a carrier, organized delivery system, or 509A plan shall establish a plan or program to review at least annually experimental treatment methodologies.

Health Care Coverage Appeal. A new Code chapter 514J is created and establishes a mechanism for the appeal of a denial of coverage based on medical necessity. The new chapter requires that at the time of a coverage decision, the carrier or organized delivery system shall notify the covered individual in writing of the right to have the coverage decision reviewed under the external review process. The review process will be established by the insurance commissioner's office. The commissioner is required to establish rules to implement the provisions of the new chapter.

Health Care Plan Disclosures - Information to Enrollees. An HMO, organized delivery system, or insurer using a preferred provider arrangement is required to make available to the employee at the time of enrollment the following information:

- a) A description of the plan's benefits and exclusions.
- b) Enrollee cost-sharing requirements.
- c) A list of participating providers.
- d) Disclosure of the existence of any drug formularies used and, upon request, information about specific drugs included in the formulary.
- e) An explanation for accessing emergency care services.
- f) Any policies addressing investigational or experimental treatments.
- g) The methodologies to compensate providers.
- h) Performance measures as determined by the commissioner and director.
- i) Information on how to access internal and external grievance procedures.

The commissioner of insurance is required to annually publish a consumer guide providing a comparison by plan of performance measures, network composition, and other key information to enable consumers to better understand the plan differences.

Effective Date: July 1, 1999, except sections relating to health care coverage appeals and health care plan disclosures take effect on Jan. 1, 2000.

SF 281 - Iowa Workforce Development Corporation

WP

Supervisors

Section 84A.1C is created. This section gives statutory authority for the creation of an Iowa Workforce Development Corporation organized under Iowa Code chapter 504A. The purpose of the corporation will be to receive and disburse funds from public and private sources to be used to further workforce development in this state.

Section 84A.4 is amended to clarify that members of the regional advisory boards can be reimbursed for the actual and necessary expenses in carrying out their duties. All expenses are to be paid from the department's appropriation.

SF 335 - Real Estate Transfers

RM, SVK

Recorders

This act amends Code chapters 16 and 655 by authorizing the title guaranty division of the Iowa Finance Authority to execute and record a certificate of release for any county in which the mortgage is recorded. The release must contain 1) the name of the mortgagor, 2) the name of the original mortgagee, 3) the date of the mortgage, 4) the date of the recording, 5) book and page or instrument number of the recording, and 6) the same information for any assignment. A certified copy of the recorded release may be recorded in counties other than that of the original mortgage. If the mortgage is not discharged within 30 days of such a request, the mortgagee is liable for all actual damages, including reasonable legal fees.

SF 337 - Landlord - Tenants Relations

JE

Treasurers

This legislation modifies the definition of "claimant" in §555B.1(2), to include a holder of a lien as defined in §555B.2.

Code §555C.2 is amended to provide that after proper notice, a mobile home park owner may remove a valueless home and personal property at any time following a determination of abandonment. When a park owner issues transfer of title on a valueless home, he or she shall notify the county treasurer within 10 days by affidavit.

Code §555C.3 is amended by to provide that if a new title to a valueless home is issued to a third party, the county treasurer shall issue a title upon receipt of the affidavit.

Code §555C.5 provides that a person who transfers title or allows the transfer of title of a valueless home is not liable to the previous owner of the valueless home.

This bill provides requirements for giving notice between a landlord and a tenant in a residential dwelling or a tenant in a mobile home park for most purposes except written notice of termination pursuant to Code section 562A.27, subsection 1 or 2, a notice of termination and notice to quit pursuant to Code §562A.27A, a notice to quit as required by Code §648.3, or a petition for forcible entry and detainer pursuant to Code chapter 648. The notice required under Code chapters 562A and 562B may be given when a matter comes to the attention of either party, by hand delivery, and by posting, regular mail, certified mail, or restricted certified mail whether or not the receiving party signs a receipt for the notice.

This bill provides that a mobile home tenant has a duty to maintain in good and safe working order all utility lines, pipes, and cables extending from the dwelling unit to connections provided by the landlord.

The bill also provides that the time period requirements in landlord-tenant relations under Code chapters 562A and 562B are to be made and defined in Code §4.1(34).

The bill provides that certified mail and restricted certified mail used for notices are as defined in Code §618.15. It also provides that if personal service cannot be made upon each defendant in an action for forcible entry or detention of real property joined with an action for rent or recovery as provided in Code §648.19, the service may be made by posting notice and sending a copy of the original notice to the defendant by certified mail three days before the hearing date.

Effective date: Upon Enactment.

SF 407 - Titles and Registration of All-Terrain Vehicles

RM

Recorders

This act amends Code chapter 321G chiefly by adding the term "all-terrain vehicle" to those portions of §321G which currently refer to certificate of title or registration of snowmobiles.

Section 2 of the measure also amends §321G.4 by providing that an ATV or a snowmobile which has an expired registration from another state may be registered in Iowa upon application, payment of registration and all applicable fees, and payment of a \$5.00 penalty.

Section 3 amends §321G.6 by stating that if an ATV or snowmobile is stored by the transferor according to the provision summarized above, the transferor must provide the transferee with a copy of the affidavit filed with the county recorder at the time of the vehicle's delivery. If the purchaser of such a vehicle does not file a new application form with the county recorder within five days of transfer, the transferred number will not be awarded unless there is payment of all fees plus a \$5.00 penalty.

Section 4 amends §321G.29 by adding that certificates of title for ATVs must be applied for all such vehicles acquired on or after Jan. 1, 2000.

SF 451 - Indigent Defense Costs

DV

Community Services Directors, Supervisors

This bill relates to the payment of the legal defense costs of indigent persons.

Under the current law, if an indigent individual is unable to employ an attorney, the court shall provide one, and the county is mandated to compensate that attorney. This bill changes the formula used to compensate attorneys appointed to represent indigents. Until now, the mandate was to compensate that attorney "in substantially the same manner as provided by section 815.7," and that section said that the attorney fees were to be "the ordinary and customary charges for like services in the community." But the rate, according to the administrative rules, was not to exceed \$55 an hour for class "A" felonies, \$50 an hour for class "B" felonies, and \$45 per hour for all other offenses. Those rates, under this bill, are probably going to go up.

The new language says that if the person is unable to pay an attorney, "the county shall compensate the attorney at an hourly rate to be established by the county board of supervisors in substantially the same manner as provided in section 815.7." That section now provides that each such attorney is entitled to reasonable compensation. For appointments made on or after July 1, 1999, "the reasonable compensation" shall be calculated on the basis of \$60 per hour for class "A" felonies, \$55 per hour for class "B" felonies, and \$50 per hour for all other offenses.

So the statutory hourly rates have gone up \$5 an hour. But remember, the language is fairly loose, and says that the county supervisors have to establish what the actual compensation rate shall be. So the new rates in §815.7 are really supposed to be benchmarks or guideposts, but are not binding.

One thing that has to be taken into consideration is that under section 26 of the bill, the new version of §815.7, court-appointed attorneys are entitled not just to fees, but also to their expenses, including "any sums as are necessary for investigations in the interest of justice, and the cost of obtaining the transcript of the trial record and briefs if an appeal is filed."

SF 460 - Administration Appropriations

JE, CP, DAW, RM, DV

Auditors, Environmental Health Officers, Sheriffs, Supervisors

This legislation appropriates funds to numerous state department and agencies including the departments of inspections and appeals, management, revenue and finance, secretary of state, and commerce.

Department of Inspections and Appeals

▪ Inspections Division Food Inspection	\$647,150
.....	FTE 12.00

For salaries, support, maintenance, miscellaneous purposes.

Department of Management

- Law Enforcement Training Reimbursements\$47,500
- For reimbursement to local law enforcement agencies for the recent training of officers who resign pursuant to §384.15.

Department of Revenue and Finance

The director of DRF shall prepare and issue a state appraisal manual as provided in §421.17(18), without cost to a city or county.

Secretary of State

Administration and Elections – It is the intent of the General Assembly that the state department or state agency which provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

Department of Commerce

Beer and Liquor Control Fund - Section 32 of the bill amends Code §123.53(5), to provide that civil penalties imposed and collected by the alcoholic beverages division shall be credited to the general fund of the state and the moneys shall be used by the division, subject to appropriation by the General Assembly, for purposes of providing educational programs, information and publications for alcoholic beverage licensees and permittees, local authorities, and law enforcement agencies regarding the laws and rules which govern the alcoholic beverages industry. Currently, moneys in the fund do not go into the general fund and are not subject to appropriation by the General Assembly.

SF 470 - Campaign Finance Disclosure

RM

All County Officials

This wide-ranging Act deals with campaign finance disclosure, campaign contributions, and advocacy for or against candidates for office and/or ballot issues.

Sections 1 and 2 amend portions of Code §56.2, specifically portions which define "clearly identified" communications from a candidate committee, "advocacy," "political committee," and "political purpose."

Section 3 amends §56.4 by adding language about political committees which advocate the nomination, election, or defeat of candidates or the passage or defeat of ballot issues.

Section 4 amends §56.5 by adding that a political committee or a candidate committee must file disclosure reports if it spends or incurs debt of more than \$500.00 to advocate the election or defeat of any candidate.

Section 5 amends §56.5A by adding "expressly advocate the nomination, election, or defeat" of a candidate and by adding "expressly advocate the passage or defeat" of a judge standing for retention to existing provisions having to do with the purposes of a political committee.

Section 6 amends §56.6 by adding the advocacy language to existing provisions concerning disclosures by committees for municipal and school elective offices or committees advocating the passage or defeat of a local ballot issue.

Section 7 amends §56.12A by adding "expressly advocating the passage or defeat" of ballot issues as part of the prohibition of spending public funds by the state or a political subdivision.

Section 8 amends §56.13 by applying the "expressly advocate" language to current provisions concerning notification of political committees or candidate committees by volunteers and to actions by individuals who

are not part of political committees who spend more than \$500.00. The same applies to individuals advocating passage or defeat of a ballot issue.

Section 9 amends §56.14 by inserting the language about expressly advocating or urging defeat of a candidate in published material.

Section 10 amends §56.15 by adding to those actions deemed to be unlawful by insurance companies, savings and loan associations, banks, credit unions, or corporations that an "officer, agent, or representative" of such organizations contribute "money, property, labor, or thing of value" to a committee "to expressly advocate that a vote... be used to nominate, elect, or defeat a candidate for public office." The same holds true for a political committee, a ballot issue committee, or a candidate or a candidate committee which solicits contributions in this form from the above entities. These prohibitions also hold for non-profit organizations which encourage voter registration or political participation or publicize public issues when they advocate the election or defeat of a candidate. However, such organizations may use such contributions to expressly advocate passage or defeat of a ballot issue.

Section 11 amends §56.15 ("Financial institution, insurance company, and corporation restrictions") by stating that the definition of a "committee" shall include statutory political committees organized under chapter 43, and non-party political organizations under chapter 44.

Section 12 amends §56.22 by providing that funds distributed to statutory political committees (i.e. state party central committees) cannot be used to "expressly advocate" the nomination, election, or defeat of any candidate.

Sections 13 and 14 establish and set forth the powers and duties of a campaign finance commission. This body will be composed of the two state chairs of the major political parties and four members jointly appointed by the majority and minority leaders of the Iowa Senate and the House. These four must represent nonpartisan organizations "which have researched, studied, and advocated the issue of political campaign finance reform for fifteen years or more, or who are specially qualified to serve on the commission because of training or experience." Members will serve for the life of the commission. The commission will hold public hearings on the issue of campaign financing, with at least one public hearing being held in each Congressional district. They will issue a report to the General Assembly by Dec. 15, 1999. The commission will terminate one month after its report.

HF 164 - Open Meetings Law

DV

Supervisors

This bill is a reaction to a recent Iowa Supreme Court decision. The bill amends Iowa Code §21.6(3)(b) to clarify that a party establishing a violation of the Open Meetings Law is entitled to the payment of all costs and reasonable attorneys fees in the trial and the appellate courts. The Supreme Court decision had limited the award to district court costs and attorney fees only.

HF 224 - Appointment of Commissioners and Hospital Trustees

WP

Auditors, Supervisors

This Act relates to the appointment of commissioners responsible for the management of buildings, monuments, and certain public hospitals. Several Code sections are amended.

§§37.9 and 37.10 are amended. A board of supervisors can now appoint seven commissioners instead of five. The terms of appointment are three years and are to be staggered. The commissioners must be honorably discharged veterans residing in the county except that a commissioner for a memorial hospital has to be a resident but does not have to be a veteran.

Several sections of Iowa Code chapter 347 were amended. A city or county hospital has to publish a notice of the sale or leasing of personal property in a newspaper having general circulation in the county. If a county has less than 150,000 population, the board of supervisors will appoint the board of hospital trustees. A decision to increase from five to seven members however is reserved to the board of trustees, and they make the appointment of the two new members.

HF 448 - Transmission of Electronic Mail

WP

All County Officials

HF 448 creates a new Code section that restricts the transmission of electronic mail that includes advertising. Specifically, it is unlawful for a person to initiate the sending of bulk electronic mail that the sender knows violates any of the following:

- a) Uses the name of a third party in the return address field without the permission of the third party.
- b) Misrepresents any information in identifying the point of origin of the transmission of electronic mail.
- c) Does not contain information identifying the point of origin or a transmission path of the mail message.
- d) If it is an unsolicited advertisement, it does not provide a readily identifiable address in the advertisement which allows the recipient to request no further solicitation.
- e) Demonstrates a pattern of continually sending mail even after a request for no further advertisement has been sent.

The bill establishes civil damages and penalties for violations.

HF 472 - Burial Sites on Private Property

JE

Recorders, Sheriffs, Supervisors

This bill provides that if a person notifies a governmental subdivision or agency that a burial site of the person's ancestor is located on property owned by another person, the governmental subdivision or agency shall notify the owner that the person shall be permitted reasonable ingress and egress to visit the burial site. The bill also amends §558.69, to provide that with each declaration of value submitted to the county recorder under chapter 428A, there shall also be submitted a statement regarding whether any known private burial site is situated on the property, and if a known private burial site is situated on the property, the statement shall state the approximate location of the site.

HF 476 - Exercise of the Power of Eminent Domain - Environment and Land Use.

HF 624 - Electronic Commerce Security Act**CP**

All County Officials

A new chapter 554C is created to accommodate electronic commerce security for the following purposes:

- Facilitate electronic communication by means of reliable electronic records, including electronic signature.
- Facilitate and promote electronic commerce, by eliminating barriers resulting from uncertainties over electronic transactions and writing/signature requirements, and promoting the development of the legal and business infrastructure necessary to implement secure electronic commerce.
- Facilitate electronic filing of documents with state and local government agencies and promote efficient delivery of government services by means of reliable electronic records.
- Minimize the incidence of forged electronic records, intentional and unintentional alteration of records, and fraud in electronic commerce.
- Establish uniformity of rules, regulations, and standards regarding the authentication and integrity of electronic records.
- Promote public confidence in the integrity, reliability, and legality of electronic records and electronic commerce.

Legislation includes definitions and provides penalties for noncompliance. This chapter is repealed effective July 1, 2004. It is the intent of the General Assembly that if the National Conference of Insurance Commissioners on Uniform State Laws proposes a uniform electronic commerce act, the General Assembly shall consider the proposed uniform act during the session in which the proposed uniform law is submitted to the states for consideration.

HF 714 - Relating to Name Changes**RM**

Recorders

Amends Iowa Code chapter 595 by stating that anyone may indicate on a marriage license application the adoption of a name change. The Act strikes current language stating that if a party requests a name change other than adoption of the surname of the spouse or a combination of both names, they must request approval of the district court. It adds that the existing requirement that a certified copy of the marriage license be sent to the county recorder's office in those counties where the holder of the license owns property is only necessary upon the request of those parties.

Amends Iowa Code chapter 674 by stating that in petitioning the court for a change of name, if the petitioner's certified copy of a birth certificate is not available, the reason for unavailability be stated and another form of identification shall be attached to the petition in lieu of the birth certificate copy.

HF 758 - Storm Shelters in Mobile Home Parks**RM**

Assessors, Emergency Management Directors, Supervisors

Section 1 of the Act amends §331.301 by stating that a county may adopt an ordinance requiring a storm shelter at a mobile home park constructed after July 1, 1999. In lieu of requiring such a shelter, a county may require the park owner to provide an evacuation plan if the county determines that a safe place is available within a "reasonable distance" of the park. Such a plan must be filed with and approved by the local emergency management agency. If the county chooses to adopt a storm shelter ordinance, such an ordinance cannot include :

- that any shelter be larger than seven square feet per mobile home space in the park;
- that the shelter, if used only as a shelter, include a restroom;
- that the shelter exceed the construction specifications approved by a licensed professional engineer.

Section 3 amends Iowa Code chapter 427 by providing for property tax exemptions. If the storm shelter structure is used only as a shelter, all of the structure's assessed value shall be exempt. If the structure is not used exclusively as a storm shelter, it shall be assessed at 75% of its value.

Effective Dates: Sections 1 and 2 are effective July 1, 1999. Section 3 applies to property tax assessment years beginning on or after Jan. 1, 2000.

HF 762 - Government Technology

CP

All County Officials

This legislation relates to appropriations for technology-related purposes, authorizes fees, specifies regular state office and department progress reporting for implementing century date change programming, and provides for electronic access to public information by creating an IowaAccess network. Some of the state departmental technology appropriations of interest include the following:

Department of Human Services for a welfare reform system (TANF)	\$742,555
Department of Human Services for a child support recovery project	\$1,131,976
Division of Criminal and Juvenile Justice Planning in the Department of Human Rights for the creation of a justice data warehouse:.....	\$500,000
Department of Inspections and Appeals for a criminal history, single contact repository	\$152,000
Department of Economic Development for development of a business licensure center	\$100,000
Department of Iowa Workforce Development for a community resources directory	\$500,000
Department of Corrections for a department-wide information system (ICON)	\$948,338
Department of Inspections and Appeals for implementation of a report card for state-licensed health care facilities	\$50,000

An IowaAccess revolving fund is created in the state treasury and administered by the Division of Information Technology Services in the Department of General Services to maintain, develop, operate, and expand the IowaAccess network for public information accessibility. The IowaAccess Advisory Council that was established by Executive Order on May 21, 1998 is directed to develop and make a written recommendation to the legislative oversight committee no later than Oct. 15, 1999, concerning the establishment of a permanent governing board for IowaAccess and the implementation of a fee-for-service-based model of operation for the IowaAccess network.

The first \$1 million collected and transferred by the Department of Transportation, with respect to the \$5.50 transaction charge involving the furnishing of a certified abstract of a vehicle operating record, shall be transferred to the IowaAccess revolving fund for the purposes of developing, implementing, maintaining, and expanding electronic access to government records.

HF 770 - Manufactured Housing and Certificate of Title - See Taxation and Finance

HF 772 - Rebuild Iowa Infrastructure Fund, REAP Fund**RM**

Conservation Directors, Supervisors

This appropriations measure funds RIIF, REAP and a variety of programs within a numerous state agencies. Those items within this act of interest to county government include:

Section 15 deposits into the Loess Hills Development and Conservation Fund (within DALs)

For FY00\$2,000,000

Of this, \$1,500,000 goes to the Hungry Canyons account.

For deposit into the Alternative Drainage System Assistance Fund (within DALs)

For FY00\$2,200,000

For FY00\$2,000,000

Of this amount, up to \$200,000 may be used to provide funding for closing agricultural drainage wells and building alternative systems in Pocahontas County. It is legislative intent that a portion of these funds be used for assistance with wells in Humboldt County.

Section 18 appropriates from the RIIF to the REAP Fund

For FY00\$10,500,000

For FY01\$10,500,000

Section 23 amends Iowa Code chapter 15 by creating §15.372 "Community Attraction and Tourism Development Program." This provides that all local governments or public organizations may apply to DED for grants, loans, forgivable loans, and loan guarantees to be used in the development of multiple purpose attraction and tourism facilities.

Section 27 creates new Iowa Code chapter 161C.7 (Watershed Protection). This establishes, under DALs, a Watershed Protection Task Force with representatives from DALs, DNR, the emergency management division of DPD, county conservation boards, soil and water conservation districts, and others. The task force shall study and make recommendations concerning watershed protection in Iowa and shall make recommendations to DALs on Jan. 1, 2000 and again on Jan. 1, 2001. Soil and water conservation districts, in cooperation with state agencies, local governments, and private organizations, may apply for funding for such a program to DALs.

Sections 29 through 34 amend Iowa Code chapter 174.

Section 29 adds a county to the existing language that a city ordinance may not impair the authority of a county fair society.

Sections 30 and 31 substitute "Association of Iowa Fairs" for Iowa State Fair Foundation.

Sections 32 and 33 make provisions for state appropriations for county or local fairs and that they must be paid to Treasurer of State to be allocated to the Association of Iowa Fairs for payment to eligible fair societies.

Section 34 creates new §174.17: "Issuance of Revenue Bonds - Standby Tax Levy," which provides for a fair society's authority to issue bonds payable from operations revenues. It makes provision for a) notice of issuance of such bonds, b) a referendum on such a bond authority should three percent of the registered voters of the county sign a petition for such an election, and c) the basis of the value such bonds. The county Board of Supervisors may provide for an annual levy of a standby tax to further secure payment of such bonds. The fair societies which may issue such bonds are those with annual attendance of at least 150,000 persons and annual admission revenues of \$400,000.

HF 782 - Standings Bill**JE, DV, RM, DAW, CP**

Community Services Directors, County Attorneys, Engineers, Environmental Health Specialists, Sheriffs, Supervisors

Section 1- MH/MR/DD Growth	\$21,773,602 (1.57% increase)
▪ For distribution to all counties.....	\$12,000,000
▪ Per Capita Expenditure Target Pool.....	\$5,773,602
▪ Incentive and Efficiency Pool	\$2,000,000
▪ Risk Pool	\$2,000,000

Section 6 of the bill transfers the office of the State Medical Examiner from the DPS to the DPH. It requires that the DPH director consult with the DPS director and the governor with regard to service. It requires that the State Medical Examiner be certified by the American Board of Pathology in anatomic pathology.

Section 7 authorizes the medical examiner to adopt rules subject to approval of the DPH director and with the advice and consent of the medical examiner advisory council.

Section 8 creates the position of the deputy state medical examiner. It directs the medical examiner and the deputy work as a team, providing peer review as necessary, fulfilling each other's job responsibilities during times of absence, and working jointly to provide services and education to county medical examiners, law enforcement officials, hospital pathologists, and others.

Section 10 establishes the State Medical Examiner Advisory Council to advise and consult with the medical examiner on a range of issues affecting the organization and functions of the office. It provides for membership of the council which shall include a representative of the Iowa County Attorneys Association. It directs the council to meet at least quarterly.

Section 12 directs the State Medical Examiner and the State Medical Examiner Advisory Council to conduct a study regarding the organization, needs, and operations of a statewide medical examiners system. The medical examiner shall make a report of the findings to the governor and the general assembly by Jan. 1, 2000. The report shall take into account the public health, criminalistic, educational, and advisory purposes of the office, the relationship of the office to existing state, county and community resources, support for forensic activities throughout the state, and other matters as deemed appropriate.

Sections 17 and 18 provide a funding stream from the power utility replacement tax system to the DOM and DRF for their part in the administration of the replacement tax system. Each department is allocated \$75,000 for this purpose.

Section 20 provides \$80,000 to the Iowa Law Enforcement Academy for costs associated with statewide coordination of the drug abuse resistance education (D.A.R.E.) program.

Section 26 appropriates \$80,000 for the runaway treatment program retroactively for FY99. The county board of supervisors of the qualifying county (Linn) is directed to administer the program in consultation with the local runaway and treatment task force.

Section 39 amends §514I.7(2), by striking paragraph a. This paragraph provides that the administrative contractor selected by the HAWK-I board shall perform outreach activities based upon a board approved plan primarily through coordination with locally based outreach efforts.

Section 41 repeals §137D.9. This part of the chapter exempted from licensing and inspection requirements home food establishments having gross annual sales of prepared food of \$1,000.00 or less.

Sections 52 through 55 of the bill makes changes to Code chapter 321 to make technical corrections and conforming adjustments with passage of HF 651, Implements of Husbandry.

Effective Date: Sections 6, 7, 8, 10, 12 and 26 are effective upon enactment.

HCR 21 - Township Legislative Study Committee

CP

All County Officials

The concurrent resolution initiated by the House requests of the Legislative Council to establish a legislative interim study committee to review legal, budget, and financial aspects of volunteer fire protection services, emergency medical services, and other vital services provided under the auspices of townships. Pending consideration by the Legislative Counsel.

COUNTY CORRECTIONS AND LAW ENFORCEMENT

SF 193 - Guardian Ad Litem Duties - See Health and Human Services.

SF 216 - Sexually Violent Predators

DV

Community Services Directors, Sheriffs

This bill changes some of the procedures related to the commitment of sexually violent predators.

Section 4 amends Iowa Code §229A.5(5) regarding the holding of the respondent at “an appropriate secure facility” for evaluation to determine whether he is a sexually violent predator. Under this amendment, the respondent can no longer be held at a county jail.

Section 7 is similar to section 4. It says that if there is a mistrial, and the respondent is to be held for another trial, he can no longer be held at a county jail.

Section 8 amends Iowa Code §229A.10 to provide that if the respondent is found not to be a sexually violent predator, and is released with supervision, DHS shall determine the plan for treatment and supervision, and the court “shall order supervision by an agency with jurisdiction that is familiar with the placement of criminal offenders in the community.”

Section 9 requires that DHS be responsible for “all costs related to the supervision of any person” released with supervision pursuant to section 8.

Effective Date: Upon Enactment

SF 294 - Sex Offender Registry

DV

Sheriffs

This bill makes certain changes in the state’s sex offender registry program.

Section 7 of this bill requires that a sheriff shall accept the registration of a nonresident of the county if the person is a full-time or part-time student or is employed on a full-time or part-time basis in the county.

Section 8 changes the responsibility regarding registrants who move out of state. Previously the law stated that the Department of Public Safety or the sheriff of the county where the person last resided “may” notify the registering agency in the other state. Now the law provides that the Department of Public Safety “shall” perform that function.

Section 10 requires that the Department of Public Safety promulgate procedures regarding the dissemination of information contained in the registry. The Department of Public Safety shall do so in consultation with “associations which represent the interests of law enforcement officers.”

SF 361 - Methamphetamine

DV

Sheriffs, Supervisors

This bill contains several measures aimed at fighting substance abuse, including model programs to help at-risk youth and drug court pilot programs. Section 1 of the bill appropriates \$980,000 for the establishment of a clandestine methamphetamine laboratory emergency response team within the Department of Public Safety.

SF 395 - Department of Corrections Inmates

DV

Conservation Directors, Sheriffs

This bill relates to Department of Corrections inmates.

Section 4 provides that while a Department of Corrections inmate would normally get credit for time served in a county jail, there will be no such credit if the inmate commits any offense while confined in the county jail.

Section 4 also provides that the sheriff where the inmate was confined shall certify the number of days served to the Department of Corrections' records administrator at Oakdale. Until now, that information had to be given only to the clerk of the district court from which the inmate was sentenced.

Section 5 clarifies that the Department of Corrections is encouraged to use 28E agreements with counties to provide products and services under inmate work programs. The section also strikes the specific language which allowed the Department of Corrections to enter into 28E agreements with boards of supervisors or county conservation boards to provide inmate services for environmental maintenance including brush and weed cutting and tree planting.

SF 468 - Justice System Appropriations

DV, JE

County Attorneys, Sheriffs, Supervisors

This bill makes appropriations to the departments of justice, corrections, public defense, and public safety. It also makes appropriations to specified programs such as the Iowa Law Enforcement Academy, Parole Board, and the Office of the Public Defender and Indigent Defense. The total appropriations for FY00 are \$459.2 million and 7,796.3 FTE. This represents an increase over FY99 by \$31 million (7.2%), and 272 FTE (3.6%).

Department of Justice

- Prosecuting Attorneys Training Program..... \$285,825 (same as FY99)
..... 6 FTE (same as FY99)
- GASA Prosecuting Attorney Training Program..... \$128,302 (same as FY99)
..... 2 FTE (same as FY99)
- Environmental Crimes Investigation and Prosecution..... \$20,000 (same as FY99)
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

- State Prisoners in County Jails \$524,038 (same as FY99)
This funding is for temporary confinement of work release and parole violators and for offenders confined in county jails.

Iowa Law Enforcement Academy

Section 17 of the bill provides that it is the intent of the Iowa Law Enforcement Academy to provide training of state and local law enforcement personnel concerning the recognition of and response to persons with Alzheimer's disease.

Section 24 of the bill extends the appropriation of the E911 surcharge moneys received by the E911 administrator through FY00. The amount may not exceed \$200,000, and it shall be used for the implementation, support, and maintenance of the functions of the E911 administrator. It also provides for the inclusion of any amounts necessary to reimburse the division of emergency management of the DPS.

HF 100 - Revocation of Law Enforcement Officer's Certification**DV**

Sheriffs, Supervisors

This bill amends Iowa Code §80B.13(8) and allows the Iowa Law Enforcement Academy Council to revoke or suspend a law enforcement officer's certification for a violation of the rules related to in-service training standards. In addition, the bill allows the council to consider suspension instead of revocation as an option regarding complaints by sheriff's departments. The bill also requires that if a law enforcement officer resigns, the sheriff's department shall notify the council and state the reason for the resignation if there is a substantial likelihood that the officer violated the council's rules.

HF 222 - Crime Victim Rights - Health and Human Services.**HF 313 - Disarming a Peace Officer****DV**

Sheriffs

This bill adds Iowa Code §708.13, which creates a new crime of disarming a peace officer. Any person who knowingly or intentionally removes or attempts to remove a dangerous weapon from the possession of a peace officer is guilty of a class "D" felony. A person who discharges the weapon while disarming the peace officer commits a class "C" felony.

HF 386 - Assault on a Jailer**DV**

Sheriffs

This bill amends Iowa Code §708.3A, which currently prohibits assaults on peace officers, fire fighters and health care providers, and extends the same coverage to jailers. Under the bill, a person who assaults a jailer with the intent to inflict serious injury is guilty of a class "D" felony. Assault without the requisite intent is a serious misdemeanor. The bill also defines "jailer" as anyone who is not a peace officer who works at a county jail.

HF 782 - Standings Bill - See County Administration and Organization.

ENVIRONMENT AND LAND USE

SF 160 – Interstate Pipelines and Restoration of Agricultural Land – See Agriculture & Rural Affairs.

HF 208 - Southern Iowa Development & Conservation Authority

RM

Auditors. Conservation Directors, Supervisors

Section 1 creates a Southern Iowa Development and Conservation Authority. The counties of Appanoose, Clarke, Davis, Decatur, Jefferson, Lucas, Monroe, Van Buren, Wapello, and Wayne are entitled to one voting member each on this body. Membership is not required. Each member of the Authority must be appointed by the county board of supervisors for a term of not less than one year. Appointees will serve without compensation, but may be paid for expenses by each county board. The Authority's mission is to plan for projects related to natural resources, rural development, and infrastructure problems unique to the southern Iowa drift plain. Protection measures would include structural improvements and the re-establishment of grasslands for sustainable economic uses. The Authority shall cooperate with the Soil Conservation Division of the Iowa Department of Agriculture and Land Stewardship, the soil and water conservation districts within the Authority's area, the Iowa DNR, and the Iowa DOT in carrying out its mission. It shall also cooperate with the appropriate federal agencies.

Section 2 creates a Southern Iowa Development and Conservation Fund. This fund will be within the state treasury to be used by the Authority. The fund may consist of gifts, bequests, state and/or federal moneys, and in-kind contributions. Moneys remaining in this fund at the end of a fiscal year will not revert to the state general fund but will remain available to the Authority for the succeeding year.

HF 218 - Loess Hills Preservation and Development Alliance

RM

Conservation Directors, Supervisors

Amends Iowa Code chapter 161D by declaring that the Loess Hills Development and Conservation Fund, created in 1993, shall now include a Hungry Canyons account and a Loess Hills Alliance account.

The act creates a Loess Hills Alliance under the direction of the existing Loess Hills Development and Conservation Authority. The Alliance will encompass the geographic area of Plymouth, Woodbury, Monona, Harrison, Pottawattamie, Mills and Fremont counties. Participation and membership by these counties is not required. The organization shall be governed by a board of directors consisting of 1) three members appointed by the county supervisors of each participating county, one member being a county supervisor and 2) seven additional voting members with experience in environmental affairs, conservation, finance, development, tourism, or related fields.

The Alliance directors shall 1) prepare and adopt a comprehensive plan for development and conservation of the Loess Hills, 2) apply for and spend both public and private funding for planning and projects, 3) study options for protection and preservation of the loess hills, 4) make recommendations to the Loess Hills Development Authority, 5) implement pilot projects for area protection with the use of restrictive easements and land purchases, both from willing sellers, and 6) report annually to the legislature.

The DNR shall coordinate the Bluffland Protection Program with projects of the Loess Hills Alliance.

The Legislative Council is requested to establish a legislative interim study committee to examine the use of restrictive easements.

HF 339 - Extending the Deadline for Closing Drainage Wells - See Agriculture & Rural Affairs.

HF 347 - DNR Rules on Baled Solid Waste

RM

Engineers, Environmental Health Specialists, Supervisors

Amends Code §455D.9A by striking the language requiring the DNR to develop administrative rules which define baled solid waste and provide for appropriate methods of its disposal. Administrative rules are unnecessary since landfill disposal of baled solid waste is illegal.

HF 349 - Eliminating DNR Requirements on Water Testing

RM

Conservation Directors, Environmental Health Specialists

Amends Code §455B.173(6)(b) by striking the paragraph. Eliminates the duty of the Environmental Protection Commission to adopt administrative rules requiring each public water system regulated under chapter 455B to test the source water of that supply for the presence of synthetic organic chemicals and pesticides every three years. This language was stricken because administrative rules regarding public water systems have already been written and adopted.

HF 442 - Payments from the UST Fund to Local Governments.

RM

Engineers, Supervisors, Treasurers

Amends Code §455G.9(1) by adding that among the eligible reasons why funds from the UST's remedial account shall be paid out will be for 100% of the costs of corrective action (leaking petroleum tank clean-up) to a political subdivision which did not own the tank but acquired it through eminent domain. It also adds that the UST board may adopt administrative rules for the reimbursement of a political subdivision for treating, handling, or disposing of contaminated soil and groundwater encountered in public right-of-way during installation, maintenance, or repair of a public improvement. The board may seek payment from the party liable for the tank release. Such an expense will constitute a lien on the property.

HF 476 - Exercise of the Power of Eminent Domain

RM

Conservation Directors, County Attorneys, Engineers, Supervisors

This measure makes significant changes in the mechanics of using the power of eminent domain by the state, local governments and other entities given this authority.

The first 24 sections of this legislation amend Iowa Code chapter 6B. Among the provisions in these section which apply to county government are :

Section 2 - Sets forth various required forms of notice which must be given to the owner of property which may be the subject of condemnation, including mailing notice at least 30 days prior to declaration of intent.

All such notices must include a) general nature of the "public improvement", b) intended use of the property, c) the process to be used in making the decision to condemn, d) the time, place, and manner of any opportunity for public input, and e) the current status of the planning process. If notice can't be sent due to inability to determine the last previous address, notice must be published once in a newspaper of general circulation.

Section 4 - If a county or city, or an agency of a county or city seeks to condemn agricultural land for locating an industry, the application for condemnation must state this. But the local government is not required to disclose information about an industrial prospect with which they are negotiating. The application for condemnation must show the "minimum amount of land necessary to achieve the public purpose" and the amount of land to be acquired through condemnation. Land to be acquired "beyond the necessary minimum to complete the project shall be presumed not to be necessary for a public use or public purpose unless the applicant can show that a substantial need exists." The applicant must mail a copy of the application via certified mail to the property owner. If service cannot be made, notice must be published. In this event, an affidavit must be filed with the county recorder along with the application. The county recorder must file and index the application and file a copy with the Secretary of State.

Section 5 - In establishing the compensation commission, the clerk of the district court shall mail a list of the members of the commission to the property owner. If the owner's address is not found, the list must be published, and the costs of mailing and/or publication must be paid by the applicant for condemnation.

Section 7 - If the applicant is a county or a city, it is subject to review by the compensation commission. A landowner may, before the 30-day notice of assessment expires, ask the commission whether use of condemnation is necessary. Specific factors are listed for the commission's consideration. The compensation commission must approve or deny the application within 30 days of receiving the request to review the application. The decision is subject to appeal through the district court.

Section 8 - The applicant for condemnation or the property owner may challenge one compensation commission member without cause. Such a challenge must be made to the chief judge of the judicial district no less than 72 hours before the condemnation jury is to meet.

Section 9 - If a county or a city seeks to condemn agricultural land for an industry, the property owner must be informed that they may request the commission to review the application.

Section 10 - Notice to the compensation commission of when it will be required to begin appraisal must be published by the county sheriff.

Section 15 - An applicant for the right to condemn must reimburse the county sheriff for expenses and per diem paid to members of the compensation commission. He or she must also reimburse the property owner for recording fees.

Section 16 - The county recorder shall file a copy of the sheriff's statement, or notice of damages paid by the commission, with the Secretary of State.

Section 17 - The acquiring entity shall provide, in addition to compensation for their property, payments according to Iowa Code chapter 316. The acquiring entity must also inform the party being relocated of their right to relocation assistance and their right to appeal the amount of assistance.

Section 24 - If property acquired through eminent domain is later sold by the acquiring entity for more than the acquisition price, the acquiring entity must pay the former property owner the difference of the two sums, less the cost of improvements.

Sections 26 through 31 amend Iowa Code chapter 306, the portions appropriate to county government include:

Section 27 - A county board of supervisors may proceed with secondary road right-of-way condemnation provided that it is "contiguous to existing road right-of-way for maintenance, safety improvement, or upgrade of the existing secondary road."

Section 28 - Provides that only a county (as opposed to the DOT) may still utilize the "short form" using a smaller condemnation jury as provided in Iowa Code chapter 306 if the condemnation is of property contiguous to existing county right-of-way.

Section 32 amends Iowa Code chapter 316 defining "displaced person" and including those who are sent written notice of intent and the negotiations or the actual acquisition of property upon which is conducted a business or a farm operation.

Section 35 amends Iowa Code chapter 403 by stating that a county or city cannot condemn agricultural land included within an economic development area without the owner's consent or unless the land is to be acquired for industry as it is defined in §260E.2.

Section 37 amends Iowa Code chapter 403 by defining "agricultural land" as "real property owned by a person in tracts of ten acres or more and not laid off into lots of less than ten acres or divided by streets and alleys into parcels of less than ten acres, and that has been used for the production of agricultural commodities during three out of the past five years."

HF 772 - Rebuild Iowa Infrastructure Fund, REAP Fund - See County Administration and Organization.

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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!

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2. Do the summaries thoroughly explain the bills? ☐Yes ☐No
If no, what is left out?
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4. Is the index helpful? ☐Yes ☐No
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Des Moines, IA 50309-4901**

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HEALTH AND HUMAN SERVICES

SF 92 - Medical Assistance Debt

DAW

Auditors, Community Services Directors

This Act allows the DHS to issue a notice establishing and demanding payment of an accrued debt due the DHS under the Medicaid program, but requires that the notice be sent by restricted certified mail.

SF 173 - Vocational Rehabilitation Eligibility

DAW

Community Services Directors

This Act relates to the description of disabilities of individuals receiving vocational rehabilitation services by changing the term "severe" disability to "significant" disability.

SF 186 - County Enterprise Housing

CP

All County Officials

This Act amends §331.461(2)(E), to include a county hospital established under Iowa Code chapter 347 (though actually in the bill it incorrectly states Iowa Code chapter 37) as an allowable county enterprise for a county with a population of less than 150,000. It also includes housing for persons who are elderly or with physical disabilities as an allowable county enterprise.

SF 193 - Guardian Ad Litem Duties

DAW

County Attorneys, Community Services Directors

This Act modifies the duties of the guardian ad litem appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party. The guardian ad litem interviews the child, if the child's age is appropriate, and others only if authorized by counsel. Other changes include attending departmental staff meetings or case conferences and meeting with providers, organizations, or educational institutions, if necessary.

SF 194 - Psychiatric Medical Institution for Children Accreditation

DAW

Community Services Directors

This Act amends §135H.6 to expand the PMIC accrediting bodies recognized for deemed status to include: the commission on accreditation of rehabilitation facilities, the council on accreditation of services for families and children, or by any other federally recognized accrediting organization with comparable standards.

SF 211 - Medicaid Buy-In For Persons with Disabilities

DAW

Community Services Directors

This Act expands eligibility for Medicaid to include disabled persons under age 65 who are working and who are currently receiving SSI, SSDI or who would be eligible except for earnings. Net family income has to be less than 250% of the most recent federal poverty level. Earned income is disregarded in determining eligibility. Assets up to \$12,000 plus resources in retirement accounts, medical savings

accounts and assistive technology accounts are disregarded. Qualifying individuals will be required to pay a premium based on a sliding fee schedule starting when income is equal to 150% of the poverty level. The maximum fee is to be commensurate with the cost of private health insurance.

Effective Date: No later than March 1, 2000

SF 216 - Sexually Violent Predators - See County Corrections and Law Enforcement.

SF 221 - Welfare Reform

DAW

Community Services Directors

This Act relates to welfare reform provisions involving the Family Investment Program and Individual Development Accounts. It specifies that an applicant family which fails to commit to the actions contained in the written statement outlining the steps it will take for self-sufficiency shall be denied eligibility for FIP. For those accepted into the program, they must comply with the provisions of the written statement. The Act also makes modifications to the Self-Employment Loan Program – Individual Development Accounts.

SF 248 - Relating to Acquired Immune Deficiency Syndrome

RM

Public Health Nurses

This act sets forth comprehensive plans for AIDS-related prevention and intervention and for confidentiality of AIDS and AIDS-related treatment and of the record of such treatment.

Among the provisions of this measure which relate to county-based public health care are :

Section 6 states that DPH shall adopt administrative rules which will require that if a health care provider attending someone prior to their death and the provider determines that that person suffered from hepatitis, meningococcal disease, tuberculosis, or AIDS or HIV infection, notice must be left with the remains by the health care provider for anyone handling the body as to the suspected illness. The DPH must establish protocols and procedures for the prevention of contagious and infectious diseases. These protocols will be for the benefit of all health care providers, including paramedics, ambulance personnel, nurses, first responders and peace officers. The DPH shall coordinate efforts with local health officials to investigate sources of HIV infection and prevent its spread.

Section 7 says, in part, that DPH must, in cooperation with the DOE and others, including local health departments, develop and implement an AIDS education program.

Section 9 provides that DPH will, in administering a partner notification program for those known to have tested positive for the HIV infection, provide that physicians and other health care providers attending someone who tested positive for HIV may provide the department information about anyone with whom the tested person has had sexual relations or shared injection needles. DPH may delegate the duties of a partner notification program to local health authorities unless those authorities refuse or neglect to conduct the program in a way acceptable to the department. This section also provides that a county medical examiner who determines that a deceased person was infected with HIV may notify the deceased's immediate family or anyone known to have had exposure from the deceased.

Section 10 states that a health care provider, prior to obtaining a sample for a voluntary HIV test, shall inform the person being tested that it is voluntary. Within seven days of receipt of the test showing the presence of the HIV infection, the health care provider must report this to the DPH.

Section 11 provides for informing test subjects of the emotional and physical effects of HIV infection. It says that such counseling does not apply to 1) the performance of a health care provider "procures, processes, distributes, or uses a human body part donated under the Uniform Anatomical Gift Act, or semen provided prior to July 1, 1988, or donation of blood when such tests only ensure medical acceptability;" 2) the performance by a health care provider of an HIV test when the subject of the test is deceased.

Section 12 states, in part, that a health care provider, with consent of the individual, may provide the notification required elsewhere in this legislation of hospitals if the person with HIV infection is delivered by the health care provider to an office or clinic for treatment. This does not require or permit a health care provider (or a hospital) to administer an HIV test without the individual's consent. When a care provider, in the course of his or her duties, "sustains a significant exposure," the person to whom the care provider was exposed shall be considered to have given their consent for an HIV test if it is asked for by the exposed care provider. The sample and tests may only be identified by a number and no reports required in this Act can identify the person tested. If the test is positive, the health care facility must notify the person tested and proceed with counseling as of the person tested had given their consent. A health care provider making a report under the notification provisions of this legislation is immune from civil or criminal liability. Any notifications made according to this law must not identify those diagnosed with an HIV infection unless there is written release. The same confidentiality applies in the event that a care provider determines the identity of the individual who tests positive. The employer of a care provider who submits a report of significant exposure to HIV which was sustained in the course of employment must pay the cost of HIV testing for the individual suspected of infection and of testing and counseling of the care provider. The DPH must pay, however, for such tests and counseling in the event that a care provider renders direct aid without pay.

Section 13 says that all information collected pursuant to §141 is "strictly confidential medical information." This information may be released to, among others, 1) the agent or employee of a health care provider if that provider ordered or took part in the testing or is authorized to obtain test results; 2) a health care provider caring for the subject of the test when knowledge of the test results is necessary for treatment; 3) the health care provider who orders the test of a convicted or alleged sexual assault offender; 4) the County Attorney who uses the results as evidence in the prosecution of sexual assault or of criminal transmission of HIV; 5) employees of county or city jails if they have direct supervision over inmates in the course of their duties.

Section 14 states that a health care provider attending someone who has tested positive for HIV has no obligation to disclose to or to warn third parties of the danger of exposure through contact with that person. That provider is immune from civil or criminal liability for failure to disclose the condition of the HIV positive individual.

Section 15 provides that a care provider who "intentionally or recklessly makes an unauthorized disclosure" is subject to a civil penalty of \$1,000.00.

SF 275 - Children's Centers

DAW

Community Services Directors

The Act requires that DHS establish certification or licensing standards for children's centers. A Children's Center is defined as a privately funded facility designed to serve seven or more children at any one time who are not under the custody or authority of DHS, juvenile court, or another governmental agency; and that offers one or more of the following services: child day care, child day care for children

with a chronic illness, respite care, family support services, medical equipment, therapeutic day programming, educational enrichment, or housing.

SF 283 - Federal Block Grants and Appropriations

CP

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

The bill appropriates \$135 million of federal block grant funds for FY00. This is a decrease of \$1.8 million (1.3%) compared to FY99. Some of the items of interest to counties are the following:

Department of Economic Development

- Community Development Block Grant \$29.94 million (1.5% decrease)

Department of Human Rights

- Community Services Block Grant \$5.38 million (1.5% increase)
- Low-Income Home Energy Assistance Block Grant..... \$19.95 million (10.2% increase)

Department of Human Services

- Community Mental Health Services Block Grant \$2.74 million (same)
- Child Care Development Block Grant \$27.14million (2.4% increase)
- Social Services Appropriations \$20.41 million (17.4% decrease)
- Field Operations \$7,761,836 (17.5% decrease)
- Child and Family Services \$1,160,954 (17.5% decrease)
- Local Administrative Costs and Other Local Services \$823,166 (17.5% decrease)
- Volunteers..... \$89,964 (17.5% decrease)
- Community-Based Services \$103,458 (17.5% decrease)
- MH/MR/DD/BI Community Services (Local Purchase)..... \$9,171,362 (17.5% decrease)
- Administration.....

Department of Public Health

- Substance Abuse Block Grant..... \$11.95 million (0.4% increase)
- Maternal and Child Health Services Block Grant..... \$6.97 million (1% increase)
- Preventive Health and Health Services Block Grant \$2.13 million (1.4% increase)
- Women, infants, and children (WIC)..... \$34,324,025

Office of the Governor for Drug Enforcement and Abuse Prevention Coordinator

- Drug Control and System Improvement Block Grant \$5.87 million (1.1% increase)
- Stop Violence Against Women Block Grant..... \$1.65 million (2.9% increase)
- Local Law Enforcement Grant Program..... \$322,049 (15.7% decrease)
- Residential Substance Abuse Treatment for State Prisoners Formula Grant \$514,497 (new)

Other state appropriations of federal funds that may be of interest involve: Projects for Assistance in Transition from Homelessness, Department of Agriculture and Land Stewardship, Department of Corrections, Department of Economic Development, Department of Elder Affairs, Department of Human Rights, Department of Human Services, Department of Inspections and Appeals, Department of Justice, Department of Public Defense, Department of Public Safety, Department of Public Health, Department of Transportation, and Department of Workforce Development.

SF 287 - Child Welfare Changes**DAW**

Community Services Directors, County Attorneys

This Act relates to child welfare provisions involving voluntary foster care placements of children with mental retardation or other developmental disability, release of child abuse information, and annual group foster care and decategorization plans.

Division I of the bill amends juvenile justice code provisions for voluntary foster care placements of children with mental retardation or other developmental disability. Court supervision of these voluntary placements would be limited to foster family care placements. The effectiveness of division II is contingent upon federal approval of a medical assistance (Medicaid) home and community-based services waiver. The waiver provisions would allow children with mental retardation who would otherwise require treatment in an intermediate care facility for persons with mental retardation (ICF/MR) to instead be served in out-of-home settings of eight beds or less which meet standards established by DHS.

Division II expands the list of persons with access to report and disposition data for founded cases of child abuse to individuals with a bona fide reason requesting information on a specific case of child abuse which resulted in a child fatality or near fatality.

Division III changes that due date for regional group foster care and decategorization plans to within 60 days of the date by which the group foster care budget target for the region is determined.

Effective Date:

Division I: July 1, 1999, or upon the date of approval by the federal government of the waiver request, whichever is later.

Divisions II and III: July 1, 1999

SF 439 - Community Empowerment**DAW**

Community Services Directors, Supervisors

This Act makes various amendments to the Iowa Community Empowerment Act. It adds a new section to chapter 7I to spell out the purpose and the scope of the community empowerment initiative. It specifies that the purpose of creating the initiative is to empower individuals and their communities to achieve desired results for improving the quality of life in the communities in the state. By June 30, 2005, it is intended that every community in Iowa will have developed the capacity and commitment for using local decision-making to achieve the following initial set of desired results: healthy children, children ready to succeed in school, safe and supportive communities, secure and nurturing families, and secure and nurturing child care environments. To achieve these desired results, the primary focus shall first be on the efforts of the state and communities to work together to improve the efficiency and effectiveness of education, health, and human services provided to families with children from birth through age five years. The Act makes some changes to the membership of the Iowa community empowerment board. The Act continues to address the technical assistance system. It establishes a community empowerment office as a division of the DOM to provide a center for facilitation, communication, and coordination for community empowerment activities and funding. The Act strengthens the role of the local empowerment areas.

The Act adds additional planning requirements to 7I.3 for community empowerment area boards. Specifically, they are to obtain extensive community involvement to develop and annually update a five-year plan for consolidating, blending, and redistributing state-administered funding streams for children from birth through age five made available to community empowerment area boards; and develop and annually update a 10-year plan for consolidating, blending, and redistributing state-administered funding streams for other age groups made available to community empowerment area boards. The funding streams identified for

inclusion are: health families of Iowa program, parent education, preschool children at-risk program, and home visitation and parent support.

The Act replaces the existing membership of the community empowerment area boards with the following language. A majority of the members shall be elected officials and members of the public who are not employed by a provider of services to or for the board. At least one member shall be a service consumer or the parent of a service consumer. Terms of office are set at not more than three years and must be staggered. The membership must include members with education, health, human services, business, faith, and public interests.

The Act specifies that a community empowerment area board is a unit of local government for purposes of chapter 670, relating to tort liability of governmental subdivisions. The Act also contains various funding provisions.

Effective Date: Upon Enactment

SF 462 - Veterans' Benefits and Military Service Tax Exemption – See Taxation and Finance.

SF 464 - Education Appropriations

JE, DAW

Community Services Directors, Supervisors

This legislation provides funding for educational systems in Iowa. It contains a few items of interest to counties.

Department of Education

▪ Vocation Rehabilitation Services Division\$4,631,873 (3.9% increase)
The division is encouraged to seek local matching funds from local provider entities, community colleges, and area education agencies for purposes of matching federal vocational rehabilitation funds. The division is directed to enter into a 28E agreement with CEO at the University of Iowa to enhance matching funds. The section earmarks \$75,067 and 1.5 FTE for programs to enable persons with severe physical or mental disabilities to function more independently by emphasizing finding and maintaining employment.

• Iowa Empowerment Fund\$10,400,000
For deposit in the school ready children grants account of the Iowa Empowerment Fund.

State Board of Regents

• State Papers, University Hospitals\$31,812,568
This provisions directs University of Iowa Hospitals and Clinics, within the context of chapter 255 and when medically appropriate, to make reasonable efforts to extend the hospitals and clinics' use of telemedicine and other technologies to reduce the frequency of visits to hospital required by indigent patients. The University of Iowa Hospitals and Clinics shall submit a report to the General Assembly and the Legislative Fiscal Bureau by Jan. 15, 2000, describing its use of these technologies to accomplish this purpose.

HF 222 - Crime Victim Rights**DV**

Community Services Directors, Sheriffs

This bill makes changes in Iowa Code chapter 915 related to victim rights. Section 1 allows the waiver of the time limitations to claim compensation if good cause is shown. Section 2 raises the amount which can be recovered for medical care from \$10,500 to \$15,000.

HF 349 - Eliminating DNR Requirements on Water Testing - See Environment and Land Use**HF 379 - Care Review Committee Name Change****DAW**

Community Services Directors

This Act changes the name of care review committee to resident advocate committee.

HF 489 - Elimination of DNR Requirements: Infectious Waste**RM**

Engineers, Environmental Health Specialists

Section 1 amends Code §455B.501 by striking existing language stating that the DNR must operate an infectious waste management program in cooperation with the DPH which includes information and education efforts regarding special waste authorizations. It also strikes current language in that section concerning DNR's public education program in conjunction with DPH.

Section 2 amends Code §455B.503 by striking the DNR's responsibility for infectious waste treatment administrative rules. Administrative rules with regard to infectious waste have been written and adopted.

HF 497 - Health Board/Code Changes**DAW**

Community Services Directors, Environmental Health Specialists, Public Health Nurses, Recorders

This Act makes numerous changes in DPH activities. The definition of brain injury is changed in §135.22 by separating spinal cord injury from brain injury. The new brain injury definition reads as follows: "Brain injury" means the occurrence of injury to the head not primarily related to a degenerative disease or aging process that is documented in a medical record with one or more of the following conditions attributed to the head injury: an observed or self-reported decreased level of consciousness; amnesia; a skull fracture; an objective neurological or neuro-psychological abnormality; or a diagnosed intracranial lesion.

The Act makes various other changes, including the following. It renames the Lead Abatement Program within the DPH as the Childhood Lead Poisoning Prevention Program. It also amends §137.19 to restrict the amount of emergency funds available to local boards of health to the extent that funds are appropriated and available. It amends the definition of vital statistics by substituting the term "dissolutions" for "divorces." Iowa Code §144.13A is amended by restricting collection of a \$10.00 fee for registering birth certificates to the state registrar of vital statistics by striking "county registrar." The measure adds a new §144.43A, which provides for establishment of a "mutual consent voluntary adoption registry" under the state registrar of vital statistics. Through this effort, adult adopted children, adult siblings, and the biological parents of adult adoptees may register to obtain identifying birth information.

It amends §331.802 by stating that if funds are not appropriated to DPH for the payment of autopsies by the county medical examiner, claims for payment of such procedures are to be forwarded to the state appeal board and must be paid out of unobligated moneys from the state general fund.

Effective Date: No later than March 1, 2000

HF 660 - Exempt Property

DV

Community Services Directors, Sheriffs

This bill adds to the list of items owned by debtors which are exempt from execution. Section 1 amends the law to provide that “any” public assistance benefit is exempt. Previously the exemption had only applied to “local” public assistance benefits. Social Security benefits and unemployment compensation are exempt, just as before. Section 2 exempts transfers from ERISA-qualified plans, and also addresses Keogh plans and IRAs.

Effective Date: Upon Enactment

HF 661 - Sexual Abuse

DV

Community Services Directors

This bill deserves mention because it amends the definition of sexual abuse to include abuse of the mentally or physically incapacitated. A person commits third degree sexual abuse, a class “C” felony, when that person performs a sex act and the other person is mentally incapacitated or physically incapacitated.

HF 664 - Mental Health, Mental Retardation, and Other Developmental Disabilities.

DAW

Auditors, Community Services Directors, Supervisors

Division I of this Act creates an adult mental health, mental retardation, and developmental disabilities services funding decategorization pilot project in DHS to involve three county and multi-county areas. The counties involved were designated under a 1997 law authorizing a planning process for adult decategorization. The county and multi-county areas are: Polk, Linn, and Tama/Poweshiek. The purpose of the Act is to improve outcomes for service consumers by allowing pilot project counties to administer overall projected funding from state and federal sources together with other available funding, and by reducing or eliminating unnecessary barriers associated with fund sources. The legislation phases in the state and federal funding sources, specifies the county responsibilities, creates an oversight committee and requires the pilot project counties to establish a risk pool. The legislation also provides if a provision of state law or administrative rule is in conflict with a provision of this Division, this legislation prevails. It also requires DHS to pursue additional federal Medicaid waivers to implement this section, and directs DHS to give consideration to implementing the rehabilitation option under the medical assistance program for persons with chronic mental illness.

Division II of the Act makes changes to the duties of the Mental Health and Developmental Disabilities Commission and Division staff. The Act clarifies that the MH/DD Commission has the authority to adopt standards for community mental health centers, services, and programs under §230A.16, individual case management services, and supported community living services. The MH/DD Commission is also given the authority to determine whether to grant, deny, or revoke the accreditation of these services.

Division III of the Act makes changes to the State-County Management Committee. It increases the number of voting members on the committee from 12 to 15. The composition of the Committee is changed by maintaining the four members elected by the county supervisor affiliate of ISAC, eliminating the joint ISAC and DHS appointment, adding two members appointed by the community services affiliate of ISAC, and adding an additional provider, and one service consumer. The Division also sets three-year terms for members. The Act also directs the State-County Management Committee to create a task force to consider issues and options regarding statewide eligibility standards, identification of core or basic services to be made reasonably available statewide, statewide equity and other considerations associated with distributing state funding, implementation of funding decategorization, changes in membership composition of the committee, legal settlement issues, improved utilization of available funding streams, and the allowed growth recommendation process. It requests that the legislative council designate a legislative interim committee to consider the report on behalf of the General Assembly.

Division IV changes the content of the county management plan and the approval process. It establishes three sections of the plan: a policy and procedures manual for the county's services fund, an annual management plan review which incorporates an analysis of the data associated with services managed during the preceding fiscal year by the county, and a three-year strategic plan. The policy and procedures manual submitted by the county as part of the county's management plan for FY01, as approved by the director of human services, shall remain in effect, subject to amendment. The annual review is for informational purposes only and must be submitted by April 1 of each year. The 3-year strategic plan is for informational purposes only and must be submitted by April 1, 2000 and by April 1 of every third year thereafter. This Division takes effect July 1, 2000, except that the management plan and planning process provisions under §331.439, as amended by this Act, take effect upon enactment and are applicable for purposes of preparation and submission of the management plan by April 1, 2000, for FY01.

Division V of the Act amends §135C.6 of the Code to specify that a residential program funded by the HCBS/MR Waiver which provides care for up to four individuals shall not be required to involve the conversion of a licensed RCF/MR. It also increases the total number RCFs/MR which are licensed to service up to five individuals from that can be converted to the HCBS/MR Waiver from 20 to 40 and directs DHS to allocate eight conversion authorizations for each of the department's five service regions.

Effective Dates:

Division I, II, V	July 1, 1999
Division III	June 30, 1999
Division IV	July 1, 2000

HF 708 - Governor's Award for Quality Care in Health Care Facilities

DAW

Community Services Directors

This Act establishes a Governor's award for quality care in health care facilities to be awarded annually to a health care facility in the state which demonstrates provision of the highest quality care to residents.

HF 737 - Health and Human Rights Appropriations

RM, JE

Community Services Directors, Environmental Health Specialists, Public Health Nurses, Recorders, Supervisors

This legislation makes appropriations to the departments of the blind, elder affairs, human rights, and public health, the Governor's Alliance on Substance Abuse, the Iowa Civil Rights Commission, Gambling

Treatment Fund, and the Commission of Veterans Affairs. The total appropriation is \$91.5 million and 1,445.9 FTE.

Department of Public Health

▪ Child and Adolescent Wellness..... \$1,559,456

Of the funds appropriated in this subsection, 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.

▪ Community Capacity\$1,586,221

These funds are for strengthening the health care delivery system at the local level. Of these funds, \$350,000 shall be allocated to and used by local boards of health to ensure that core public health functions are maintained and to support essential services in their communities.

▪ Public Protection\$6,179,446

These funds are for protecting the health and safety of the public through establishing standards and enforcing regulations. The provision entitles an emergency responder who, through the course of their work may be infected with hepatitis, to testing and immunization. Reimbursement for this service shall be available from EMS funds only if the reimbursement is not available through an employer or third-party payer.

Vital Records

The vital records modernization project as enacted in 1993, and as subsequently amended, shall be extended until June 30, 2000.

Effective Date: Section 17, pertaining to vital records, is effective upon enactment

HF 741 - Authorization Requirements for Psychiatric Medical Institutions for Children

DAW

Community Services Directors, Supervisors

This Act amends various subsections of Code §135H.6, relating to inspection and conditions for issuance of PMIC licenses. Current law requires approval of a license application be given by DHS based upon the department's determination of need. The number of beds, which may be approved, was limited to 360 general beds and 70 beds specialized in substance abuse treatment. This Act combines these two categories into a general limitation of 430 beds, which are reimbursed by medical assistance (Medicaid). The Act clarifies that the 30 beds that DHS is authorized to establish at the state mental health institute at Independence are in addition to the other 430 beds. Current law permits PMIs licensed prior to Jan. 1, 1996 to add additional licensed beds without compliance with certain requirements, provided the additional beds are not reimbursed under medical assistance. The bill removes the Jan. 1, 1996 date requirement to allow additional beds to be licensed.

Effective Date: Upon Enactment

HF 743 - Early Intervention Block Grant Program

DAW

Community Services Directors, Supervisors

This Act establishes an Iowa Early Intervention Block Grant Program, provides for a school improvement technology block grant program, and makes appropriations to the Department of Education. The purpose of the Act is to improve educational programming in the state. The Act has a sunset provision of July 1, 2003.

HF 760 - Human Services Appropriation**DAW, JE**

Auditors, Community Services Directors, Public Health Nurses, Supervisors

This bill appropriates \$768.8 million and 5,496.6 FTE positions for FY00, an increase of \$37.9 million (5.2%) and an increase of 45.1 FTE positions (0.8%) compared to the estimated FY99 appropriation. The bill also appropriates federal TANF funds, including an FY98 supplemental appropriation of \$682,000 and \$143.4 million for FY00, an increase of \$2.5 million (1.8%) compared to the estimated FY99 appropriation.

Division I - Appropriations

Section 1 - Social Services Block Grant Supplemental (FY99) \$3,239.179

Section 2 - Early Childhood

This is the funding piece for the early childhood development component of SF 2406-Empowerment Zones. TANF dollars for FY99 - FY02 in the amount of \$3,800,000 were reallocated in the 1998 session for this purpose. Transfer of funds to community empowerment areas are permitted for areas approved by the Iowa Empowerment Board. The provisions set maximum allowed allocations, and an eligibility formula. It imposes federal reporting requirements. It also outlines how the funds shall be used.

Section 3 - Family Investment Program\$34,330,000 (9% increase)

It establishes the intent of the General Assembly that DHS continue to work with the Department of Workforce Development and local community collaborative efforts to provide support services for FIP participants. DHS, in consultation with the welfare reform advisory group, is required to submit a report to the general assembly by Jan. 1, 2000, recommending categories of families to be eligible for the hardship exemption from the lifetime limit of receipt of assistance.

Section 4 - Temporary Assistance for Needy Families Block Grant. Federal TANF funds are distributed as follows:

Family Investment Program—Assistance	\$51,830,229 (29.4% decrease)
Family Investment Program—Assistance -- JOBS	\$19,980,113 (Same as FY 99)
Field Operations	\$12,232,764 (15.6% increase)
General Administration	\$3,121,071(9.7% increase)
Local Administrative Costs	\$2,079,733 (9.2% increase)
State Child Care Assistance.....	\$16,782,891 (132.6% increase)
Emergency Assistance.....	\$2,694,544 (5.4% increase)
MH/DD Community Services	\$3,867,402 (2.1% increase)
Child and Family Services.....	\$23,491,419 (4.0% increase)
Pregnancy Prevention Grants	\$1,958,979 (27.5% increase)
Technology Needs for Tracking.....	\$1,000,000 (Same as FY 99)
Supervised Community Treatment.....	\$300,000 (Same as FY 99)
Volunteers.....	37,935 (102.1% increase)
Individual Development Accounts	\$200,000 (New)

Of the amounts appropriated \$10,201,116 are to be transferred to the appropriation of the federal social services block grant for FY00.

Section 5 of the bill establishes guidelines for the use of funds in the FIP Account. FIP funds include funds for the Family Development and self-sufficiency Grant Program and encourage local matching grants to expand geographic availability of the services and prohibit supplanting of current programs. It also continues the diversion program and incentive grants by earmarking \$500,000 for development of innovative strategies on a statewide or pilot basis for job retention, family structure, or both. Of these funds, not more than \$100,000 shall be used to develop at least one community level parental obligation

pilot project. Program guidelines and DHS responsibilities are outlined. Not more than \$200,000 shall be used to study the impact that moving unemployed FIP program parents into employment has on the well being of the children, the parent and the family. Another \$100,000 is specified for providing additional incentive payments to contracted agencies who demonstrate success at completing well-being visits for families terminated from the FIP. One hundred thousand dollars is allocated for a pilot project for diversion from the family investment program of persons adjudicated to receive child welfare services who become 18 years of age and may be at risk of becoming dependent upon government benefits.

Section 6 - Emergency Assistance\$10,000 (Same as FY 99)

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. It should be noted that this is a decrease of \$2 million of state funds due to transfer to FIP, and replacement with TANF federal funds to meet maintenance of effort requirements. The \$10,000 is allocated to the community voice mail program.

Section 7 - Medical Assistance\$415,455,590 (7.8% increase)

This appropriation represents an increase by \$29.9 million compared to the estimated FY99 appropriation. Included in the increase are: \$26.3 million for provider rate increases, \$1.5 million to transfer funding for 41 group care beds from the Children and Family Services budget unit, and an increase of \$3.5 million to expand medical assistance to additional 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.
- Directs DHS (with federal approval) to develop a medical assistance HCBS Waiver for 100 children with MR, who would otherwise require ICF/MR care, to be served in out-of-home settings for up to eight.
- Specifies that funds appropriated in 1998 for the purpose of developing a county billing system, that remain unencumbered or unobligated at the close of FY99 shall not revert, but remain available for that purpose until the end of FY00.
- Directs DHS to convene representatives of interest groups to identify ways to improve home and community-based waiver services program.
- Requires the nonfederal share of moneys refunded to DHS from the managed mental health and substance abuse care plan to be credited to the Medical Assistance appropriation to be used as matching funds for a children's mental health grant managed by the MH/DD Division.
- Directs DHS to work with county representative to aggressively take steps necessary to implement the rehabilitation option for services to persons with chronic mental illness through use of county funding as a match for the federal funding.
- Directs DHS to evaluate the feasibility of implementing twelve-month continuous eligibility for children.

Section 8 - Health Insurance Premium Payment Program \$397,000 (1.2% Increase)

Section 9 - Children's Health Insurance Program \$10,250,000 (46.4% Increase)

Section 10 - Medical Contracts\$7,659,250 (4.1% increase)

Section 11 - State Supplementary Assistance\$20,500,000 (4.9% increase)

This is for state supplementary assistance, funeral assistance, and the medical assistance waiver for persons with mental retardation rent subsidy program. Includes an increase of \$809,000 to increase reimbursement

rates for residential care facilities and in-home health care to meet federal maintenance of effort requirements. 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 12 - Child Day Care Assistance\$5,050,750 (42.2% decrease)
The decrease of \$3.7 million is a transfer of funding for protective child care to the Child and Family Services budget unit.

Section 13 - Child Support Recovery\$6,750,000 (27.9% decrease)

Section 14 of the bill provides \$15,748,000 in funding for juvenile institutions as follows:

- Toledo\$6,220,000 (3.9% increase)
.....136.54 FTE

The bill states the intent of the General Assembly that beginning with FY01, the Iowa juvenile home at Toledo will only serve females and directs DHS to develop service option to appropriately place males for whom placement at Toledo would otherwise be appropriate.

- Eldora\$9,528,000 (1.3% increase)
.....219.91 FTE

This section maintains population guidelines and directs a portion of the funds be applied to adolescent pregnancy prevention programs.

Section 15 - Child and Family Services\$107,450,000 (11.1% increase)

This funding changes include:

- An increase of \$3.3 million, which is a transfer of the court-ordered juvenile services budget unit from a separate budget unit.
- An increase of \$3.7 million, which is a transfer of the protective child care program from the child care services budget unit.
- A decrease of \$1.5 million, which is a transfer of the costs related to 41 group care beds classified for the mentally retarded to the Home and Community-Based waiver program.
- An increase of \$2.3 million to increase rehabilitative treatment and support (RTS) service provider rates.
- An increase of \$1.0 million for 41 additional group care beds.
- An increase of \$450,000 for 100 additional female juvenile day treatment slots.

Section 16 - Conner Decree (MR service training)\$46,000 (same as 99)

Section 17 - Community-Based Programs—Adolescent Pregnancy\$1,009,000 (0.9% increase)
Directs that funds be used for adolescent pregnancy prevention grants and for child abuse prevention grants.

Section 18 provides \$42,740,000 in funding for Mental Health Institutes as follows:

Cherokee\$12,580,000 (3.4% decrease)
Clarinda\$7,010,000 (2.3% increase)
Independence\$17,710,000 (1.9% increase)
Mount Pleasant\$5,440,000 (2.5% increase)

Continues the 30 PMIC beds at Independence MHI and clarifies that counties are not responsible for funding of these beds. DHS is directed to develop a proposal to provide the option of methamphetamine treatment at the Mt. Pleasant MHI or another existing state-owned facility in lieu of incarceration. Requires each MHI to continue the net budgeting accounting test.

Continues funding for the dual diagnosis program at Mount Pleasant.

- A county may split charges between the MH/DD Services Fund and the budget for substance abuse expenditures;

- If the individual is under the custody of DOC, DOC pays;
- The individual shall be screened to the county single point of entry process;
- A county shall not be chargeable for persons decertified under the managed behavioral care program;
- Requires DHS to work with ISAC to determine whether modifications in methodology to improve the program are appropriate and requires a report in December 1998.

Section 19 provides \$ 4,549,284 in funding for State Hospital Schools as follows:

Glenwood\$2,783,504 (15.9% increase)
 Woodward\$1,765,780 (13% increase)

The bill continues net budgeting at these institutions.

Section 20 - Mental Illness Special Services \$121,220 (same as FY99)

Directs that funds be used for start up costs to develop community living arrangements for persons with MI who are homeless.

Section 21 - Family Support Subsidy Program.....\$1,787,000 (4.5% increase)

Section 22 - Special Needs Grants \$53,212 (same as FY99)

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 23 - MI/MR/DD State Cases \$10,090,000 (17.4% increase)

Up to \$174,000 is allocated for costs of the reimbursement increase for sheltered work, work activity, supported work training, and adult residential services under the purchase of social services contract.

Section 24 - Social Services Reimbursement\$2,000,000 (New)

Funds a reimbursement increase for sheltered work, work activity, supported employment, job placement, enclave, adult day care, transportation, community supersede apartment living arrangements, and adult residential services paid by a county under a state purchase of service (POS) contract or county contract.

Section 25 - MH and DD Community Services Fund\$17,560,000 (Same as FY99)

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. Provides that counties with approved MH service plans qualify for these funds. The MH/DD Commission shall adopt rules for this section. Of these funds, \$30,000 is allocated for Iowa Compass.

Section 26 - Personal Assistance..... \$364,000 (same as FY99)

Section 27 - Field Operations.....\$49,160,000 (0.8% decrease)

.....2,071.00 FTE (increase of 37)

Section 28 - General Administration\$14,032,000 (6.2% decrease)

.....366 FTE (decrease of 22)

Section 29 - Volunteers\$118,500 (Same as FY99)

Section 30 - Sexually Violent Predators\$1,531,000 (206.2% increase)

For costs associated with the commitment and treatment of sexually violent predators, including a transfer of funds from this appropriation for two FTE to the Department of Justice.

Section 31 - Sexually Violent Predators (FY99)\$115,023

Supplemental appropriation.

Section 32 - Reactive Attachment Disorder-Training\$60,000 (New)
 The purpose of these funds is to provide training and education to therapists and others who provide services through DHS to children with reactive attachment disorder.

Section 33 of the bill pertains to Medical Assistance (Medicaid), SSA and Provider Rates:

- Increases rates for skilled nursing facilities by 2%.
- Increases dispensing fee for pharmacists by 2%.
- Increases reimbursement rates for inpatient and outpatient hospital services by 2%.
- Increases rural health clinic rates in accordance with federal Medicare program.
- Increases reimbursement rates for home health agencies, hospice services and acute care mental hospitals by 2%.
- Continues maximum medical assistance for skilled nursing facilities at 70th percentile.
- Increases reimbursement rates for dental services by 2%.
- Increases community mental health center rates by 5%.
- Increases non-institutional medical assistance provider reimbursement rates by 2%.
- Sets maximum reimbursement rate for residential care facilities at \$23.83 per day for the first six months of the fiscal year, and raises the rate to \$24.26 for the remaining six months.
- Increases reimbursement rates for adoption and independent living services by 2%. Maintains reimbursement rates for other social service providers with specified circumstances for adjustments.
- Increases the maximum group shelter care rate from \$78.14 to \$79.70 per day.
- Continues maximum ICF/MR rate at the 80th percentile.
- Specifies the reimbursement rate for PMICs as \$145.74 per day.

Section 34 - State County Assistance Team-FTEs.

Specifies that 1.0 FTE shall work with the state county management committee, 1.0 FTE shall work with the county single entry point process or coordinators, and 4.0 FTEs shall provide technical assistance for community empowerment areas.

Section 35 and 36 - Motor Vehicle License Reinstatement Penalty-Deposit and Appropriation.

Requires the funds collected from the Motor Vehicle License Reinstatement Penalty to pay for the establishment, improvement, operation, and maintenance of county or multi-county juvenile detention homes.

Section 37 provides that if a state institution is closed or reduced, DHS shall coordinate with DED to develop new jobs in the area where the institution has been closed or reduced. A joint report by DHS and DED to the Joint Appropriations Budget Committee on Human Services is required.

Section 38 - Transfer Authority

Authorizes DHS to transfer TANF funds among the following appropriations under certain circumstances: family investment program, emergency assistance, child day care assistance, child and family services, field operations, general administration, MH/MR/DD/ BI, community services.

Section 39 - Fraud and Recoupment Activities. Specifies uses of these funds.

Section 40 reduces the general fund appropriation for child support recovery by an amount equal to the state share of incentives received.

Section 41 establishes a financial assistance services program for recipients of services under FIP, PROMISE JOBS, medical assistance program, food stamps, and state child care assistance.

Section 42 requests the Legislative Council to authorize:

- A task force to review the methodologies and distribution mechanisms used to reimburse providers of medical assistance, state supplementary assistance, social services, and other services funded in the department's budget.

- An independent review of the department's administrative rules and their impact upon services and staff.

Section 43 directs the State County Management Committee to review the statewide availability of services and funding for persons with brain injury and for persons with autism compared to the availability of mental health and developmental disability services, and study approaches for meeting the needs of persons who are aging.

Section 44 requests the Legislative Council to authorize a human services restructuring task force to consider existing and proposed initiatives for improving the provision of human services and other public services. The task force would be directed to review the community empowerment initiative, the county management provisions for MH/MR/DD funding decategorization, child welfare funding decategorization, and the service bundling proposal developed by the Legislative Council's child welfare work group, and other proposals for improving local management of essential public services.

Division II

Section 49 establishes a program to designate gold seal quality child day care providers for providers that are accredited in good standing by a nationally recognized accreditation body.

Effective Date: Sections 1,5,6,7,9,10(4),14(6),15(2,17),19(6),31, 36 and 40 are effective upon enactment. The remaining sections take effect July 1, 1999

HF 761 - Child Care Provisions

DAW

Community Services Directors

This Act relates to child care provisions administered by DHS and the terminology used to describe child care. Division I and II rewrites chapter 237A, and makes conforming changes in other sections of the Code. Changes include modifications to the definitions and licensing and registration requirements. Division III creates a Seamless Child Care System.

Effective Date:

Division I: Upon Enactment

Division II, III July 1, 1999

HF 782 - Standings Bill - See County Administration and Organization.

TAXATION AND FINANCE

SF 53 - Tax Sale Date of Delinquent Properties

CP

Auditors, Treasurers

The legislation amends Code §446.7, §446.9 and §446.28, to provide that if, for good cause, the treasurer cannot hold the annual tax sale on the third Monday of June, the treasurer may designate a different date in June for the sale. A notice of the date, in addition to the time and place of the annual tax sale, shall be served upon the person in whose name the parcel subject to sale is taxed.

Effective Date: Upon enactment (Feb. 17 1999) and applies to tax sales held on or after that date.

SF 136 - Technical Tax Administration Corrections

CP

Assessors, Auditors, Supervisors, Treasurers

This legislation makes corrective changes to the administration of the tax system and related laws by the Department of Revenue and Finance including state individual income, corporate income, franchise, sales and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes, and the livestock production credit, and provides penalties and retroactive applicability dates.

Two provisions of the bill are expected to have a significant fiscal impact. Sections 15 and 16 of the bill amend §422.45(2), by making transportation of electricity and natural gas not exempt from the state sales tax. In addition, Code §§ 422B.8 and 422E.3 are amended in order to exempt, from both the county local option sales tax and local option sales tax for school infrastructure, the gross receipts of certain self-propelled construction equipment. The impact on local jurisdictions from the local option sales tax exemption for construction equipment is estimated at \$275,000 - \$300,000 annually. These exempted items include gross receipts from the sales of self-propelled building equipment, pile drivers, motorized scaffolding, or their attachments, including auxiliary attachments that improve performance, safety, operation, or efficiency of the equipment, and are used directly and primarily for construction of real property or structures. Also, the legislation amends Code §§422B.8 and 422E.3 to include language, in the case of the use of natural gas and electricity service, that allows the local option sales and services tax to be imposed on the same basis as the state use tax.

Code §427.1(14), is amended to move up the deadline for application filing with the assessor for property tax exemption of a society or organization claiming an exemption under subsection 5 or subsection 8. Filing deadline is changed from July to April 15. Iowa Code §427.1(24), is amended to specify that in the case when DRF certifies designated land as a wildlife habitat for property tax exemption purposes, it shall send a copy of the certification to the appropriate assessor not later than Feb. 1 of the assessment year for which the exemption is requested.

Section 87 of the bill requires the DED to prepare and submit a report to the General Assembly regarding the phase-out of the machine, equipment, and computers property tax including at least the estimated impact on Iowa taxing jurisdictions and recommendations for the modification or extension of the reimbursement formula. The Department may convene an advisory committee of local and state officials and technical experts to assist in the review of the phase-out of the machine, equipment, and computers property tax.

Effective Date: Upon enactment, except section 16 of the bill (pertaining to exemption of natural gas transportation) takes effect April 1, 2000.

SF 186 – County Enterprise Housing – See Health and Human Services.

SF 231 - Hospice Tax Exemption

WP

Auditors, Supervisors

Code §422.45 is amended by adding a new subsection. The gross receipts from the sale or rental of tangible personal property or from services performed or rendered to a freestanding nonprofit hospice facility which operates a hospice program are exempt from the sales and use tax if the property or services are to be used in the hospice program.

SF 254 - Authorizing Financial Assistance for Emergency Management

RM

Emergency Management Directors

Amends Code §29C.6 by stating that, in the event of a Presidential disaster declaration, and when the governor accepts a federal grant for financial assistance, the applicant's funding match shall be "the balance of any participation amount." Previously, the applicant's match was 15%. The same change is made in the event that Federal assistance is granted for hazard mitigation. Previously, the applicant's share was 40%. The Act further states that state participation in such funding will depend upon local governments having adopted a "state-approved, comprehensive, countywide emergency operations plan."

This Act permits the Office of Emergency Management within the DPD to have the option of reducing the amount (from the current 10%) of the state's disaster assistance matching funds if a local government does not have a current emergency operations plan. Thus, the local government's match would be their current 15% for Presidential declarations or 40% for hazard mitigation plus the balance remaining if the state agency chose not to put forth their entire 10% match.

SF 305 - Family Farm Tax Credit Corrective Payment

CP

Assessors, Auditors, Supervisors, Treasurers

This Act allows for a corrective payment by one county with regard to the family farm tax credit and provides for state reimbursement to the county of its payment from the amount appropriated to the family farm tax credit fund to pay tax credits during FY00. The corrective amount paid by the state pursuant to this section shall be paid prior to any other payments from the family farm tax credit fund.

Effective Date: Upon Enactment

SF 308 - Tax Levy Rate by Benefited Fire District**CP**

Auditors, Supervisors, Treasurers

This Act amends §357B.5(2), to increase the maximum tax levy rate, from 40.5 cents to 60.75 cents per \$1,000.00 of assessed value, for a city that takes over the provision of fire protection within a dissolved benefited fire district, with certain conditions being met. It also amends Code §357B.8(2), to allow a benefited fire district, in the case of when the 40.5 cents levy is insufficient, to certify an additional annual tax levy not exceeding 20.25 cents per \$1,000.00 assessed value of the taxable property within the city to provide fire protection services.

Effective Date: Upon Enactment

SF 393 - Joint County, City, Fire District, School District Buildings**WP**

County Attorneys, Supervisors

A new §28E.41 is created. The section allows a county, city, fire district, or school district that have overlapping or contiguous boundaries, and non-contiguous cities in the same county or a contiguous county, to jointly construct, acquire, furnish, operate or maintain buildings. An agreement to enter into this joint activity must be approved by resolution of the governing board of the entities involved. The resolution must specify the cost, benefits, and allocation of space for the joint venture. Participating entities may expend funds or issue general obligation bonds for the purposes authorized in this section. A bond issue must be approved by a vote of 60% of those voting for the measure. A single election to approve the measure may be placed on the ballot. Bonds for the project cannot be issued until all parties to the joint project have made provisions for payment of their share of the building, etc.

The authority granted in this section is not meant to limit any powers and authorities already available but to enhance the ability of local units to participate in joint activities.

SF 448 - County Purchase of Parcels with Delinquent Taxes**JE**

Treasurers

This bill permits a city or county to bid on parcels containing abandoned property, which is residential or commercial multifamily housing property, at the annual tax sale for the total amount due. Current law allows these entities to bid on parcels after the parcel has been offered at tax sale and not been sold. The bill defines abandoned property as property that has remained vacant and in violation of the applicable local housing code for a period of six consecutive months or more. The bill also allows cities and counties to purchase tax sale certificates from a holder of such a certificate.

The legislation allows cities or counties to assign tax sale certificates for abandoned property to low income or moderate income families or to organizations which assist low income or moderate income families in obtaining housing.

SF 448 provides that the redemption period on a parcel containing abandoned property that is on and purchased by a city or county shall be nine months from the date of sale.

Effective Date: Upon enactment and applies to parcels first offered for sale at the tax sale held in June 1999, and in subsequent years.

SF 458 - Equalization Order Publication and Property Tax Statements**CP**

Assessors, Auditors, Supervisors, Treasurers

This Act amends Code §441.49, adding that the equalization order publication in the newspaper shall include, in type larger than the remainder of the publication, the following statement: "Assessed values are equalized by the Department of Revenue and Finance every two years. Local taxing authorities determine the final tax levies and may reduce property tax rates to compensate for any increase in valuation due to equalization."

This Act also amends Code §445.5(1)(I), by striking the requirement to include on the property tax statement each taxing authority's property tax levy dollar amount difference between the previous fiscal year and the current fiscal year (but sustains the reporting of the percentage difference between the two respective fiscal years).

SF 459 - Property Tax Relief**CP**

All

This bill targets property tax relief through the school aid formula.

It increases the school foundation aid (equalization) levels for regular and special education program funding to 88% of the state estimated cost per pupil, from the current levels of 87.5% for regular and 79% for special education. This part of the Act intends to reduce property taxes for schools by \$42.5 million for FY00 and by \$45.7 million for FY01, as a result of increasing the level of state funding for regular and special education programs. It also raises the regular program foundation base per pupil for the portion of weighted enrollment that is additional enrollment because of special education to 87.5% from 79% of the state estimated cost per pupil. *(Based on the Governor's veto message, the level of additional property tax relief for Iowa's taxpayers is reduced by about \$20 million from the original amount to ensure that the state's budget is not jeopardized.)*

A second part of the Act brings funding responsibility for Gifted and Talented programs under the regular program part of the School Aid Foundation Formula. For FY2000, 335 out of 384 or so school districts qualify for the additional foundation aid for Gifted and Talented programs. The portion of this cost that represents property tax relief is \$14.2 million for FY00 and \$14.4 million for FY01. *(The effect of the Governor's veto message is that all school districts should have the opportunity to benefit from the additional funding in school aid formula, of an additional \$38 increase in regular program allowable growth, not just those school districts that requested to levy additional property taxes to fund their talented and gifted program. Therefore, property tax relief is increased from the original amount by approximately \$2 million.)*

Property tax relief resulting from the Act equals \$56.6 million for FY00 and \$72.7 million for FY2001. *(The Governor's veto messages lowers total property tax relief to approximately \$38.6 million for FY00 and \$43.4 million for FY01.)*

The bill also removes the requirement for the legislature to re-write the school-aid formula and replaces it with a 5-year review of the formula, with the first review not required until July 1, 2004. *(The Governor's veto message indicates that school funding issues cannot wait to be resolved until year 2004.)*

Effective date: Upon enactment for the computation of state school aid for school budget years beginning on or after July 1, 1999.

SF 462 - Veterans' Benefits and Military Service Tax Exemption

CP

Assessors, Auditors, Community Service Directors, Supervisors, Treasurers

This legislation expands the definition of "veteran" for purposes of receiving certain benefits, preferences, and military service tax exemption. It redefines "veteran" to include persons honorably discharged from the armed services who served during Lebanon or Grenada service from Aug. 24, 1982 - July 31, 1984. Also, it adds Panama service from Dec. 20, 1989 - Jan. 31, 1990. (This is projected to include an additional 2,200 individuals). In addition, the definition of "veteran" includes former members of the Iowa National Guard and the reserve forces, who served at least 20 years after January 28, 1973 and were discharged under honorable conditions or those that completed a minimum aggregate of 90 days of active federal service other than training and were honorably discharged or retired under Title X of the U.S. Code. (The estimated increase in eligible veterans as a result of this is an additional 800 persons).

These veterans are eligible to receive the benefits described in the Iowa Code chapters 35 and 35B. Also, section 3 of the bill creates a new war orphans educational aid fund is for aiding in the education of orphaned children of veterans.

Section 7 of the bill amends Code §35B.10 that changes the quarterly report format to show case numbers, instead of names and addresses, of all recipients receiving assistance under this chapter. Sections 12 and 15 of the bill create new Code §§35C.5A and 321.34(15), respectively, that pertain to arbitration and legion of merit special plates.

Sections 22 and 23 of the bill amend Code §25B.7(2)(c), and §426A.2 by increasing the military service tax credit that the state reimburses local governments, from \$6.75 to \$6.92 per \$1,000.00 of assessed value of the exempt property. This increase is intended to fully cover the additional eligible veterans due to the definition change. Section 22 of the bill refers to the state full funding of tax credits and property tax relief stipulations placed upon cities, counties, and schools when state reimbursements for tax credits exceed the base reimbursement amount.

As a reminder, "*base reimbursement amount*" means the amount in dollars received for the FY97 by a city, county, or school district from the state as a reimbursement for the homestead tax credit, military service property tax credit, low-income property tax credit, or the elderly and disabled property tax credit, as appropriate. The county treasurer determines the base reimbursement amount for the cities, county, and school districts for each credit. The treasurer notifies the Department of Management of the base reimbursement amounts for each credit of each school district. The amount of state reimbursement received for a FY98 - FY02 by a city, county, or school district for the homestead tax credit, military service property tax credit, low-income property tax credit, or elderly and disabled property tax credit, in excess of the base reimbursement amount for that credit shall be, in the case of counties, at least 50% used for property tax relief with the remaining amount used for infrastructure or for paying the expenses incurred in providing the statement and receipt required under §445.5. The county treasurer shall provide the county auditor with the total amount of excess tax credit reimbursement received by the county.

Effective Date: July 1, 1999, except that Division II of the bill applies to the military service property tax exemption claims allowed on or after Jan. 1, 2000.

SF 469 - Sales Tax Changes

CP

Auditors, Supervisors, Treasurers

This bill provides for several changes in the administration of the state sales/use tax and the local option sales tax as part of a national effort to simplify compliance with the taxes. Major features of the bill include the following provisions.

Sections 1, 13, and 15 of the bill amend Code §§422.43, 422B.9, and 422E.2 by restricting the effective and repeal dates in the imposition of or change in the state sales tax, the local option sales tax, and the local option sales tax for school infrastructure respectively. It changes the effective dates from the first of the quarter to only Jan. 1 or July 1, but not sooner than 90 days following the favorable election. Also, the repeal dates are changed from the end of the quarter to only June 30 or Dec. 31, but not sooner than 90 days following the favorable election. If a local option sales tax has been imposed prior to the effective date of this section and at the time of the election a date for repeal was specified on the ballot, the local sales/services tax may be repealed on that date.

Sections 5 and 6 of the bill amend Code §422B.1(2)(a) and (b) to make it easier for a city that straddles two counties to be eligible for imposing a local option sales/service tax (instead of the county initiating it) by expanding these special cases to include not only cities in which there are no residents in *one* county, but also permit cities with at least 85% of the city residents living in one county to impose the sales tax. Note that current law restricts cities that straddle two counties, in which there are no residents in one county, from newly imposing a local option sales/services tax after Jan. 1, 1998. There are no such special provisions for the school district infrastructure local option sales tax.

Sections 10 and 16 of the bill amend Code §422B.1(6)(b), and Code §422E.1(4)(b), that allows the county auditor to notify the director of Department of Revenue and Finance by sending a copy of the abstract of the ballot from the favorable election regarding the imposition, repeal or change in the rate of a local option tax.

Sections 12 and 17 of the bill amends Code §§422B.8 and 422E.3(3), by including new language that specifies a person required to collect state retail sales tax under chapter 422, division IV, is not required to collect local sales and services tax on transactions delivered within the area where the local sales/services tax is imposed unless the person has physical presence in that taxing area.

Section 14 of the bill amends Code § 422B.10(3), by adding a new paragraph "c" that states, if a subsequent certified census exists which modifies the most recent certified federal census for a participating jurisdiction, then the computation for the allocation shares under paragraphs "a" and "b" shall utilize the subsequent certified census in the distribution formula.

It gets tricky in section 20 of the bill, which amends Code §422E.4(2), to specifically allow counties, in addition to cities, to enter into a 28E agreement with school districts involving local option sales tax for school infrastructure. The legislation authorizes a county to expend its designated portion of the local option sales/services tax revenue for property tax relief within the boundaries of the school district located in the county. This language attempted to resolve Dubuque school district's dilemma of trying to provide property tax relief from almost 50% of the local option sales tax revenue generated of which it did not need for infrastructure. Iowa Code chapter 422E does not permit school districts to use the local option sales tax revenue for anything but school infrastructure.

Effective Date: Sections 1 through 4, 21, and 22 of this Act take effect Jan. 1, 2000, for state sales and use tax. Sections 8, 9, 11, 13, and 15 of this Act take effect April 1, 2000, for local sales and services tax. Sections 19 and 20 of this Act, being deemed of immediate importance, take effect upon enactment and apply retroactively to July 1, 1998. Sections 5, 6, and 7 of this Act take effect upon enactment.

SF 473 - Technical Tax Corrections**CP**

Assessors, Auditors, Treasurers

This legislation makes technical administrative and corrective changes to the tax system. Areas of interest to counties include the following:

Section 14 of the bill amends Iowa Code §425.19 so that the amount of the credit for property taxes due for a homestead shall be paid on June 15 instead of February 15 of each year by the Director of Revenue and Finance to the county treasurer, who credits the money received against the amount of the property taxes due on the homestead of the claimant.

Section 20 of the bill amends Code §435.22(5), to eliminate the exception of late filing of mobile home tax credit claims with the county treasurer on behalf of a deceased claimant.

Effective Date: Upon Enactment

SJR 1 - (Stanley) Constitutional Amendments**RM**

All County Officials

This Senate Joint Resolution is actually two proposed amendments to the Iowa Constitution.

The first amendment would create a "state general fund expenditure limitation" of 99% of the adjusted revenue estimate made by the Revenue Estimating Conference. Such a limitation must be used both by a governor in preparation of a proposed state budget and by the legislature in the budget approval process. Any surplus at the end of a fiscal year which exceeds 10% of the revenue estimate for that year must be included in the estimate for the following year. Any surplus of 10% or less may be included in the revenue estimate for the following year if approved by three-fifths of both houses of the legislature. The expenditure limitation would not include federal funds, donations, constitutionally dedicated funds, or funds from a state retirement system.

The second amendment would provide that any state legislation dealing with the state income tax or the state sales and use taxes which would increase state tax revenues shall require approval by "three-fifths of the whole membership of each house of the General Assembly." This does not apply to local option income or sales taxes. The three-fifths majority also would apply to any new state tax.

These proposed constitutional amendments are subject to a statewide referendum to be held on June 29, 1999.

HF 442 - Payments from the UST Fund to Local Governments. - See Environment and Land Use.**HF 474 - County Treasurer's Powers and Duties****JE**

Recorders, Treasurers

This bill makes a number of changes to the powers and duties of county treasurers. Code §§161A.35, 357.20, and 384.65 are amended to make the assessment payment procedures in those sections consistent with payment of other special assessments. Code §161A.35 is amended to increase from \$20 to \$100 the amount owed by the taxpayer before the amount may be paid in installments for assessments in soil and water conservation districts. Code §357.20 is amended to increase from \$10 to \$100 the amount owed by a

taxpayer in a water district before the amount may be paid in installments. Code §384.65 is amended to increase from \$50 to \$100 the amount owed by a taxpayer for a city special assessment before the amount may be paid in installments.

Code §321.47 is amended to provide that in order to transfer ownership of a vehicle by order of a dissolution decree, the person seeking need only provide a reproduction of the certified copy of the dissolution.

Code §331.602 (sections 3 and 4 of the bill) is amended to require that any instrument conveying an interest in real property and recorded with the county recorder contain the name and full address of the person to whom the property tax statement is to be mailed. This amendment applies to instruments recorded on or after January 1, 2000.

Code §435.24 is amended to require the owner of a mobile home to obtain a tax clearance statement from the county treasurer when the home is moved from real property to a dealer's stock or to a mobile home park.

Code §§447.9 and 447.13 are amended to make technical conforming changes relating to notice of expiration of right of redemption resulting from enactment of SF 2400 by the 1998 session of the General Assembly. Chapter 1107 of the 1998 Iowa Acts is amended to provide that the section of chapter 1107 amending Code §447.9 applies to redemption of parcels sold for delinquent taxes beginning with the tax sale held in June 1999. This provision (section 10 of the bill) takes effect upon enactment.

Effective Dates: Sections 3 and 4 are effective Jan. 1, 1999; and Section 10 is effective upon enactment.

HF 571 - Deposit of Public Funds

WP

Supervisors, Treasurers

HF 571 relates to the deposit of public funds and the conditions which must be met by a savings and loan association or a savings bank to be eligible to receive public fund deposits. The bill also significantly changes how public funds are secured.

The bill adds savings and loan associations and savings banks to the definition of bank. A local government can no longer require a savings and loan association to pledge collateral for deposits that are federally insured. Only credit unions are still covered by this provision.

When a county deposits money into a bank, it must be concerned about the financial institution's ability to repay the deposit. Deposits are insured up to \$100,000 by federal insurance; those in excess of \$100,000 may be at risk. Since 1985, financial institutions have been required to pledge collateral to accept uninsured public deposits. HF 571 removes this requirement. All uninsured public funds on deposit in Iowa banks and savings and loans will be protected by the State Sinking Fund for banks and savings associations. Credit unions will still need to pledge collateral directly to the county for their uninsured deposits.

If a bank or savings association cannot repay deposits, the losses will be covered from the following sources:

- a) Applicable deposit insurance.
- b) Proceeds of the failed institution's assets which are liquidated.
- c) State Sinking Fund for banks and savings associations.
- d) Assessments levied against other banks and savings associations.

If a credit union cannot repay deposits, the losses will be covered from the following sources:

- a) Applicable deposit insurance.
- b) Sales of securities pledged.
- c) Assets of the defaulting credit union which are liquidated.
- d) State Sinking Fund for credit unions.
- e) Assessments levied against other credit unions that hold public funds.

The law provides that banks and credit unions agree to the terms of these provisions when they accept the deposit of public funds.

Effective Date: May 11, 1999.

HF 700 - City Utility Delinquent Rates

CP

Treasurers

This Act amends Code §384.84 to include changes to the handling of delinquent amounts due for a city utility or enterprise service. A city utility, city enterprise, or combined city enterprise may withhold service from the account holder at any new property or premises until such time as the account holder pays the delinquent amount owing on the account associated with the prior property or premises. Exempts this situation, related to delinquent city utility rates or charges for provided services associated with a prior property or premise, from the placement of a lien upon the property or premises served by the respective city utility service, upon certification to the County Treasurer that the rates or charges are due.

Effective date: July 1, 1999

HF 733 - Tax Credits

CP

Assessors, Auditors, Supervisors, Treasurers

This Act relates to economic development tax credits by amending the new investment tax credit under the new Jobs and Income program and amending the incentives and assistance under the enterprise zone program established in the Code of Iowa, division XVIII of chapter 15E. It also requests an enterprise zone interim study committee to consider all of the following issues regarding the enterprise zone program:

- Eligibility criteria under the enterprise zone program.
- Movement of existing businesses into enterprise zones.
- Establishment of additional enterprise zones.
- Current overall performance and effectiveness of the enterprise zone program.

HF 748 - Internet Access Sales Tax Exemption

CP

All County Officials

This Act amends Code §422.45 by adding a new subsection 55 to exempt from the sales tax the gross receipts from charges paid to a provider for access to on-line computer services. "On-line computer services" means a service that provides or enables computer access by multiple users to the Internet.

HF 755 - Property Tax Refunds and Omitted Assessments

CP

Assessors, Auditors, Treasurers

This Act amends Code §§440.1, 440.5, and 443.12 and relates to shortening the time period from four year to two years, when property omitted from assessment and taxation for any reason may be assessed and taxed. This time period also applies to Code §443.15 and §443.17 relating to property ownership prior to assessment or tax correction. In addition, this Act amends Code §445.60 to lengthen the time period when a taxpayer may receive a refund for erroneous property taxes paid from one to two years.

Effective date: Upon Enactment.

HF 757 - Allocation of the Real Estate Transfer Tax

WP

Recorders

Code §428A.1, unnumbered paragraph 2 is amended to provide that when a deed, instrument, or writing contains multiple parcels that are located in more than one county, a separate declaration of value must be submitted on the parcels located in each of the other counties. The declaration of value must also be submitted to the county recorder when paying the real estate transfer tax. Section 428A.5 is also amended to clarify that the real estate transfer tax will be paid to the county recorder in the county where the real estate is located.

HF 758 - Storm Shelters in Mobile Home Parks - See County Administration and Organization.

HF 769 - Classification of Apartments and Condominiums

RM

Assessors

This Act amends Code §499B by providing that an apartment "used for human habitation" on Jan. 1, 1999 or an apartment intended to be used in a "horizontal property regime" as declared and recorded with the county recorder prior to Jan. 1, 1999 must be classified as residential real estate as long it is lived in. An apartment included in a development plan for a horizontal property regime approved by a county or city having jurisdiction over the real property prior to Jan. 1, 1999 and which was recorded prior to Jan. 1, 1999 shall be classified as residential real estate. This provision is to be repealed Dec. 31, 2004.

This measure also calls for establishment of a legislative interim committee to study the issue of the property taxation of apartments in "horizontal property regimes." Such a study committee shall report to the legislature by Jan. 15, 2000.

HF 770 - Manufactured Housing and Certificate of Title

RM

Treasurers

This Act, for the most part, inserts the term "or manufactured housing" to all existing Code references to mobile homes in Code chapters 321, 322, and 423.

The measure also, in section 1, amends §321.1 by defining "manufactured housing" as "a factory-built structure constructed under the authority of 42 U.S.C. §5403, which is required by federal law to display a

seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976."

It extends from 15 to 30 days the span of time within which a mobile home dealer having acquired a used unit must apply for and obtain from the county treasurer of the dealer's county of residence a new certificate of title or is penalized. This amends §§321.45(4), 321.49(3), and 322B.6(6).

HF 776 - Urban Renewal Areas (Tax Increment Financing)

CP

Assessors, Auditors, Supervisors, Treasurers

What is left of the proposed urban renewal and urban revitalization legislation is now a stripped down version passed as HF 776. The Act requires end-of-year annual financial reporting of urban renewal information by the participating municipality (city or county) to be submitted to the county auditor and the Iowa DOM by Sept. 30 of each year. The DOM, in consultation with the Legislative Fiscal Bureau, shall determine the reporting criteria form.

The financial report shall include a complete financial statement describing its assets, liabilities, income and operating expense pursuant to Iowa Code §403.15. In addition, the municipality shall provide to the county auditor and the DOM a variety of urban renewal information specified to include: urban renewal area description, purpose, type, dates of establishment and expiration, base year valuation, incremental valuation, designated use of increment, number of urban renewal projects, number of businesses that have newly located in the urban renewal area, and also type, terms, and amount of financing, loans, advances, indebtedness, or bonds associated with each urban renewal project and the total thereof.

At the request of the Legislative Fiscal Bureau, the DOM shall provide the reports and additional information.

TRANSPORTATION

SF 68 - Mid-America Port Commission

WP

County Attorneys, Supervisors

Iowa Code §28K.3 is amended to include the counties of Jefferson, Van Buren, and Wapello in the Mid-America Port Commission. They join the counties of Lee, Henry, and Des Moines. Section 28K.5 requires the chairpersons of the Jefferson, Van Buren, Wapello, Lee, Henry, and Des Moines county boards of supervisors to jointly elect two members to serve on the port commission.

SF 76 - DOT Spending

JE

Engineers, Supervisors, Treasurers

This legislation pertains to spending methods used by the DOT in the operation of the department. Section 1 of the bill allows DOT to retain up to 50%, not to exceed \$500,000 in any fiscal year, of the unencumbered balance of the funds appropriated to the Department for operations from the PRF or RUTF. The retained funds will be used for employee training and technology enhancements in the succeeding fiscal year.

Section 2 appropriates \$308,000 from the RUTF for FY00 for costs associated with the county issuance of drivers' licenses, including purchasing equipment necessary to make operational 42 additional counties that have been authorized to issue drivers' licenses.

Section 4 allows DOT to use funds from the Railroad Revolving Loan Fund for the erection of close-clearance warning devices along railroad rights-of-way.

Effective Date: Section 1 is upon enactment.

SF 95 - Proof of Financial Responsibility

JE

Treasurers

This bill amends Code §321.20B and provides that it is a conclusive presumption that a motor vehicle that is driven upon a parking lot which is available to the public without charge or which is available to customers or invitees of a business or facility without charge was driven on the highways or byways of this state in order to enter the parking lot, and therefore the mandatory financial responsibility requirements of Code §321.20B apply.

SF 160 - Interstate Pipelines and Restoration of Agricultural Land - See Agriculture and Rural Affairs.

SF 203 - Motor Vehicle Regulation

JE

Engineers, Treasurers

Section 1 of the bill amends Code §321.1(32) to eliminate registering special mobile equipment.

Section 3 amends Code §321.1(76) to exclude a truck tractor operated more than 15,000 miles annually from the definition of "special truck." The exclusion threshold was 7,500 miles.

Section 4 amends Code §321.23(3) to provide that an owner with a non-negotiable registration may transfer the vehicle to a licensed motor vehicle dealer without obtaining an Iowa title if at the time of transfer the foreign title is held by the lien holder and the dealer has paid the required amount to release the lien.

Section 5 amends Code §321.23, unnumbered paragraph 1, to extend to 45 days the amount of time a vehicle may be operated with a "Registration Applied For" card.

Section 6 amends Code §321.42 to provide that a duplicate (replacement) certificate of title may be issued without the released security interest noted on the duplicate (replacement), if the security interest was released by the lien holder pursuant to a notarized signature on a separate form, but the lien holder has not delivered the original certificate to the appropriate party.

Section 8 amends Code §321.49(1) to extend to 30 days the time a purchaser or dealer has to apply for a certificate of title without penalty.

Section 9 amends Code §321.50(4) to provide that a security interest in a vehicle of *any* weight (previously limited to 16,000 lbs. or more) may be discharged by noting the cancellation of the security interest on the face of the title and on a separate form which is to be delivered to the department or to the appropriate county treasurer.

Section 14 amends Code §321.189 to remove the requirement that a commercial driver's license include the licensee's social security number.

Section 18 amends Code §321.453 which provides exceptions to the size, weight, and load requirements for vehicles in Iowa Code chapter 321 and exceptions to the permit requirements in Iowa Code chapter 321E. The new provision adds an exception for road maintenance equipment used in the performance of a contract with a state or local authority from the size, weight, load and permit requirements.

Section 20 amends Code §321E.8 by increasing the length and height limitations for vehicles carrying an indivisible load pursuant to one category of an excessive size and weight permit. The limitation is increased from 100 to 120 feet. The height limitation is increased from 14 ft. to 15 ft.5 in..

Section 28 repeals Code §309.42 and 309.56, requiring that DOT review local county plans and contracts for road, bridge, and culvert construction on secondary roads. It also repeals Code §321.21, providing for registration of vehicles classified as special mobile equipment. Special mobile equipment is defined by Code §321.1 as every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved on the highways. The bill also makes conforming changes in other parts of the Code.

Effective Date: Sections 1 and 28 are effective upon enactment.

SF 424 - Transportation Appropriations

JE

Engineers, Supervisors, Treasurers

This bill appropriates a total of \$259.6 million and 3,833.5 FTE positions to the DOT. The appropriations include \$4.1 million from the general fund, \$34.3 million from the RUTF, and \$221.2 million from the PRF. This is an increase of \$5.5 million (2.2%), and a decrease of 37.5 (1.0%) FTE positions compared to estimated FY99.

Section 2 appropriates \$ 34,256,062 in "off-the-top" uses of the RUTF moneys for various purposes including:

- Drivers' License Program.\$ 2,069,000 (25.85% increase)

This appropriation is for payment for costs associated with the production of drivers' licenses, as defines in section 321.1(20A).

The bill also includes an increase of \$ 102,000 and 2.0 FTE positions for data processing personnel to assist with the implementation of HF2424, 1998 County Drivers' License Act. The positions will provide technical computer support to county personnel involved in issuing drivers' licenses.

HF 200 - Special Registration Plates for Motor Vehicles

JE

Sheriffs, Treasurers

This bill amends Code §321.34 to provide for the issuance of motorcycle rider education plates to owners of motorcycles and trailers. Currently, such plates may be issued to owners of motor vehicles subject to registration under Code §321.109(1), light delivery trucks, panel delivery trucks, pickups, motor homes, multipurpose vehicles, and travel trailers.

HF 299 - Issuance of Motor Vehicle Registration and Certificate of Title

JE

Sheriffs, Treasurers

This bill amends Code §321.20 to provide that an owner of a motor vehicle who does not have a social security number, but has a passport, shall use the owner's passport number in lieu of a social security number when applying for registration and issuance of a certificate of title for a motor vehicle. The bill also modifies the requirement that a person applying for registration and a certificate of title supply the person's driver's license number to provide that the driver's license number may be accepted whether the license was issued in this state, another state, or another country, or if the number is an international driver's license number.

Effective Date: Upon Enactment

HF 634 - Dusty Roads

JE

Engineers, Supervisors

This bill amends Code §313.4, relating for disbursements from the primary road fund, to provide that the state DOT may use moneys from the fund for dust control on a secondary road if such road has a notable increase in traffic due to closure of a road by the Department for purposes of establishing constructing, or maintaining a primary road.

HF 651 - Implements of Husbandry

JE

Engineers, Supervisors

This bill revises and clarifies the definition of implements of husbandry. It requires that all implements of husbandry comply with weight embargoes established on publicly-owned bridges and provides for agricultural hardship permits. It also provides that, at a future date, certain implements of husbandry will be required to comply with legal vehicle weight requirements when operated on public roadways.

Section 1 amends Code §321.1 to add definitions for a fence-line feeder and for a grain cart.

Section 2 amends Code §321.1(32) to define “implements of husbandry” to mean a vehicle or special mobile equipment manufactured, designed, or reconstructed for agricultural purposes and, except for incidental uses, exclusively used in the conduct of agricultural operations. The revision eliminates restrictions on the ownership and distance moved and references to specific types of movements. The definition also states that, to be considered an implement of husbandry, a self-propelled implement of husbandry must be operated at speeds of 35 per hour or less.

Section 3 amends Code §321.1 to add definitions for product identification number and for tank wagon.

Section 4 amends Code §321.234A to set 35 mph as the speed at which a slow moving implement or machine must bear a proper American Society of Agricultural Engineers reflective device.

Section 5 amends Code §321.383 to conform with the revised implement of husbandry definition contained other parts of the bill.

Section 6 amends Code §321.453 to eliminate reference to specific implement of husbandry movements and to a 100-mile distance, in accordance with the revised definition. The section is also amended to clarify the existing amber flashing light and warning flag requirements for a vehicle that is carrying an implement of husbandry. The section also references Code §321.463 and thereby requires that tank wagons and grain carts comply with legal weight restrictions, as specified, when operated on public roadways. It further references Code §§321.471 and 321.474 and thereby provides that all implements of husbandry are subject to weight embargoes posted on bridges under the jurisdiction of state or local authority.

Section 7 amends Code §321.463, paragraph 4 to refer specifically self-propelled implements of husbandry. The Code section is further amended to require that grain carts and tank wagons be operated in compliance with legal weight restrictions, effective Jan. 1, 2000. However, the weight on any single or tandem axle of a grain cart or tank wagon may exceed the maximum weight otherwise allowed under this chapter by 10% if the gross weight on any particular group of axles on the vehicle does not exceed the gross weight allowed under this chapter for that group of axles. The fine will be based on the difference between the actual weight and the 10% tolerance.

Section 8 of the bill amends Code §321.471 to provide that implements of husbandry must comply with local embargoes on roads and bridges under such local jurisdiction. It also clarifies that fire apparatus and road maintenance equipment is not subject to embargoes on bridges. This section is also amended to require the local authority to issue a special permit, upon showing of agricultural hardship, allowing the operation over a bridge or culvert of vehicles with weights in excess of restrictions imposed. The permit shall not exceed four weeks and the operator of the vehicle is required to carry the permit and show it to any peace officer upon request.

HF 782 - Standings Bill - See County Administration and Organization.

1999 BILLS & RESOLUTIONS THAT FAILED

Pushing bills through the legislature is obviously important to an organization like ISAC. But sometimes things that did not happen can also measure the success of a legislative session. 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:

House Files

HF 20/HF 695 - Welfare Ineligibility
HF 32 - Voter Registration Requirements
HF 47 - Voting Requirements
HF 52 - Reconsideration of Local Option Sales Tax
HF 95 - Township Trustee Representation
HF 119 - Bad Checks
HF 130 - Consulting County Engineers
HF 169 - Property Tax Challenges
HF 177 - Veteran's Benefits
HF 184 - County Supervisor Mileage
HF 191 - Health Insurance Extension
HF 213 - Snowplow Lights
HF 230 - Domestic Abuse Orders
HF 240 - Definition of Veterans
HF 277/HF 317/HF 703 - Abolish County Compensation Boards
HF 279 - Disposition of Lost Property
HF 280 - Forfeiture Fund
HF 284 - Property Tax Refund
HF 288 - Foster Placements
HF 309 - Substance Abuse Treatment
HF 318 - OWI Accident Investigations
HF 367 - MR Employment Reimbursement
HF 388 - Education Deadlines
HF 396 - Gender Balance
HF 581 - Indigent Pilot Patient Project
HF 591 - Public Employee Bargaining
HF 599 - City Referendums
HF 666 - Bed and Breakfast Tax Exemptions
HF 698/HSB 222 - Elections
HF 723 - Animal Abuse
HSB 8 - Commitment of Substance Abusers
HJR 3 - Recall Election of Elected Officials
HJR 4 - Legislation by Ballot Initiative

Senate Files

SF 7 - Highway Construction Restoration
SF 57 - Utility Board Park Projects
SF 82 - Local Option Sales Tax Repeal
SF 139/SF 463 - Indian Housing Tax Exemption
SF 145 - Veteran's Benefits
SF 164 - Property Tax Penalties
SF 170 - Employee Regulation Exemption
SF 179 - Expunge Child Abuse Records
SF 199 - Late Property Tax Credit Filing

SF 291 - Veteran's Benefits
SF 355 - Lost Property
SSB 1023 - Commitment of Substance Abusers
SSB 1074 - Repeal Certificate of Need
SSB 1131 - Jury Nullification
SSB 1141 - Deferred Compensation Plans

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

House Files

HF 37 - Recyclable Containers
HF 65 - Precinct Poll Closing Time
HF 66/HF 485 - Military Property Tax Credit
HF 219/HF 549 - Hog Confinement Siting
HF 226 - On-Site Sewage Disposal Fund
HF 234 - Government Y2K Liability
HF 241/HF 401 - MH/Substance Abuse Insurance Parity
HF 459 - Low-Income Tax/Rent Credit
HF 464 - Property Tax Link (Rollback)
HF 465 - Property Tax Rollback
HF 560 - Assessor Levy
HF 575 - County Medical Bills
HF 612 - Feedlot Regulations
HF 645 - County Medicaid Payments
HF 656 - Elections
HF 672 - Education Deadlines
HSB 61/SSB 1061 - Veteran's Benefits
HSB 175 - Illegal Aliens

Senate Files

SF 3/SF 213 - Precinct Poll Closing Time
SF 64/SF 341 - Feedlot Siting
SF 91 - Property Tax Rollback
SF 103 - On-Site Sewage Disposal Fund
SF 235 - Solid Waste Transfer Stations
SF 253 - End Reporting for Real Estate Transfers
SF 399 - Agricultural Tax Exemption

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

HF 703 - Abolish County Compensation Boards	(Oppose)
HF 656 - Elections	(Support)
HF 672 - Education Deadlines	(Support)
SF 253 - End Reporting for Real Estate Transfers	(Support)
SF 399 - Agricultural Tax Exemption	(Support)

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ABBREVIATIONS

AAP	American Academy of Pediatrics
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
BI	Brain Injury
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
CPC	Central Point of Coordination
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
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 Principles
GIS	Geographic Information System
HAWK-I	Healthy and Well Kids in Iowa
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

Abbreviations

HFI.....	Healthy Families Iowa
HIV.....	Human Immunodeficiency Virus
HOPES.....	Healthy Opportunities for Parents to Experience Success
ICF/MR.....	Intermediate Care Facility for the Mental Retarded
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
MH/MR/DD/BI.....	Mental Health/Mental Retardation/Developmental Disabilities/Brain Injury
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
PRF.....	Primary Road Fund
RCF/MI.....	Residential Care Facility for the Mentally Ill
RCF/MR.....	Residential Care Facility for the Mentally Retarded
REAP.....	Resource Enhancement and Protection Fund
RFP.....	Request For Proposal
RISE.....	Revitalize Iowa's Sound Economy
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
WD.....	Workforce Development
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.

