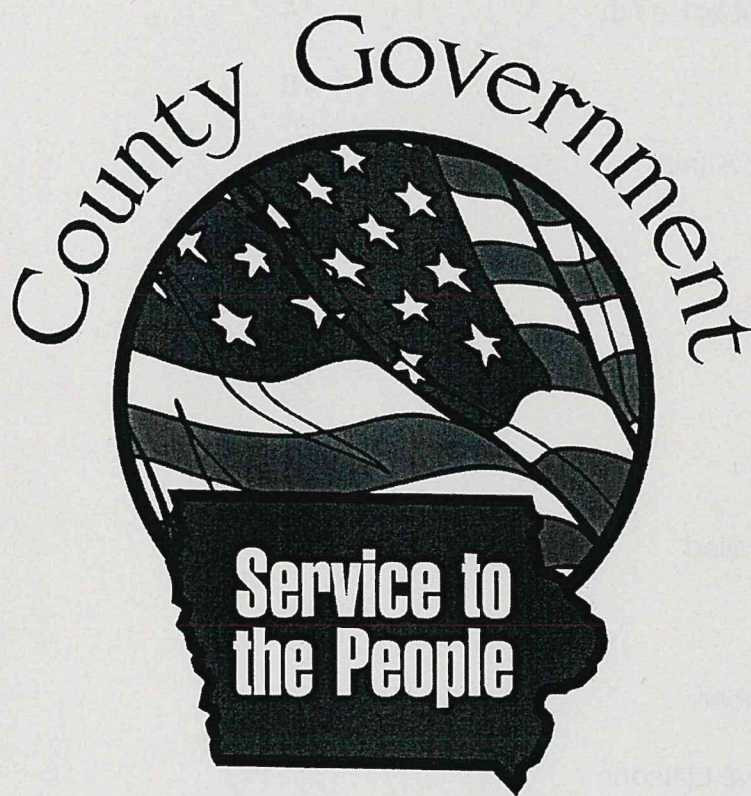


# 2002 Summary of Legislation



Iowa State Association of Counties



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# 2002

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### ***ISAC's Mission:***

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

### ***ISAC's Vision:***

We want to be a well-respected, financially sound organization that acts as a forum to advise, assist, and represent county governments and the people they serve.



# Introduction

In 2002, the counties of Iowa participated with the 79<sup>th</sup> General Assembly in the development of many important public policy decisions. ISAC registered to lobby on 193 pieces of legislation this year. Affiliates of ISAC also requested that ISAC "track" another 62 bills without registering to lobby on them. This summary contains 77 bills affecting counties that passed the legislative process. In addition, ISAC notified affiliates of an estimated 237 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 285 bills and the summary contained 91 items.

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

Generally, bill summaries should be easy to find, since steering committee subjects are so distinct. For example, a bill dealing with the study of jail space in Iowa would be found under "Public Safety." However, there are some occasions where a bill could logically fit under more than one committee. We have cross-referenced those bills.

If you still cannot find a bill you are looking for, there are two indexes in the back of this book that can help. One is organized by each affiliate. For example, if you are a community services director, you can look under the index for "community services directors" 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.

At the end of each summary, you will find the effective date for the bill or portions of the bill only when it is not July 1, 2002. Also on the title line of each summary you will find the initials of the ISAC staff member or county official who summarized the bill. Their initials are:

ABH - Anastasia Baker Hurn, Legal Counsel  
DO - Denise Obrecht, Communications Director  
DV - David Vestal, Deputy Director  
DW - Deborah Westvold, Case Management Director  
JE - John Easter, Director of Intergovernmental Affairs  
RM - Robert Mulqueen, Public Policy Analyst  
SVK - Sue Vande Kamp, Story County Recorder  
WRP - William Peterson, Executive Director

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

On page 57 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 gathering and disseminating information and in strategy development and implementation on issues of importance to counties. Sometimes this can be a demanding job so don't forget to thank them for what they do for you.

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

# *ISAC Priority Update*

Last summer, ISAC steering committees met to determine the legislative objectives and policy positions for ISAC. The ISAC Board of Directors reviewed and approved each steering committee report and identified top legislative priorities from the reports. The entire package was then ratified by the full membership at the 2001 Fall School of Instruction.

For 2002, eight ISAC priorities were presented in the theme of "County Government - Service to the People." This theme helped shape the ISAC message by emphasizing the professional nature of county officials and the services they provide to the public. No one should ever expect a legislative session to go perfectly, and the 2002 session was no exception. The shortfall in state revenues consumed most of the legislative energy and attention, so 2002 was not a good year for new proposals. Accordingly some ISAC priorities were approved by the General Assembly, and others were not. Here is an account of what happened on the eight ISAC top priorities.

## **Local Government Fiscal Reform Act**

The 2002 battle over the property tax limitation picked up where it was left off in 2001. The focus was in the House Ways and Means Committee where SF 514 - Property Tax Limitation was held over. The year began with a rewrite of SF 514 by the Iowa Farm Bureau. They abandoned the limitation by a formula proposed the previous two years, and replaced it with a laundry list of provisions that reflected legal and legislative losses in recent years involving county sales and property tax policy. This alternative proposal was just as bad as any proposed before.

ISAC maintained its strong advocacy for the Local Government Fiscal Reform Act as presented the year before. Specifically, this proposal includes:

- Iowa Commission on State and Local Taxation;
- County Financial Management Plans;
- 25% unreserved-undesignated fund balance in the general and rural funds;
- Strong unfunded mandates protections; and
- General Obligation Bonding Flexibility.

In the fall of 2001, ISAC staff traveled the state to meet with county officials and their state representatives to educate them about the ISAC proposal and to seek support for it. During the legislative session this strategy paid off as a strong majority of House members continued to support the ISAC plan as the best plan going for property tax reform. However, the House leadership continued to stand behind the Farm Bureau package, so a stalemate ensued and nothing happened. No proposal ever came to a vote in the Ways and Means Committee or on the House floor.

## **Bio-terrorism: Local Public Health Funding**

For the second year in a row, not all of the tobacco settlement dollars were spent on health related programs. Some of it was scooped to divert to other funding due to the state's precarious revenue problems. The little funding which is supposed to be dedicated to county public health nursing was reduced by a small amount. This year's budget troubles precluded dedicating any new money to local public health infrastructure. There was no increase in food license fees, though ISAC has advocated and lobbied the issue since 1997. In 1998, a small increase was approved, but this amount still does not pay the cost of the program. The Legislature restored the option of spending emergency medical services grant money for equipment and training.

## **MH/DD Funding and the State Budget Crisis**

In 2002, ISAC once again sought continued redesign of the mental health system along with modifications of the allocation formula of allowable growth dollars. Two pieces of legislation were enacted to help move toward these goals.

For FY03, HF 2627 provided allowable growth funds for mental health along with an allocation formula that applies a withholding factor based on mental health fund balances and establishes an eligibility requirement of at least a 70% MH/DD fund levy. The ISAC proposal recommends these factors as a way for counties to show maintenance of effort in their mental health programs. The theory is that a balance between these factors will help to assure dollars are going where the need is greatest.



# ISAC Priority Update

HF 2430 - Mental Health Redesign, was recommended by ISAC and reflected the input from other interested groups in the mental health field. Basically the legislation combines the State County Management Committee and the MH/DD Commission into a new MH/DD Commission. The Commission is granted rulemaking authority for mental health policy and it will become the forum in which continued redesign of the system will happen. HF 2430 was signed into law on May 2, 2002.

## **Essential Purpose County Bonding for Infrastructure**

HF 2140 was introduced early in the legislative session to help counties in financing certain road and bridge projects. The bill was assigned to the House Local Government committee but it never came out of subcommittee. This was primarily because of the reluctance of the state to authorize debt financing to the state or any political subdivisions during tight economic times. This bill may also have been a victim in the struggle over the property tax limitation.

## **Mosquito Arbovirus Surveillance**

Because revenues for the state budget are seriously declining, there was no legislation introduced to provide for statewide funding of a mosquito surveillance program. A small step was achieved in HF 2554 that contained an authorization for spending waste tire program funding. Specifically, the legislation provides that 5% of funds appropriated for waste tire programs be spent for a study of the West Nile Virus. Governor Vilsack signed this bill into law on April 22, 2002.

## **County Technology Fee and E-Commerce**

There was no action on a proposal to allow counties a \$5 technology fee on recorded documents for use in establishing a statewide digital land records system. SSB 3082 would have provided counties with this revenue stream, but the Iowa State Bar Association, banker groups and realtor groups are resisting this change because they "do not want to tack another fee on their clients."

## **E-911 Issues**

As introduced, HF 2491 contained two ISAC priorities involving the E911 system. First it provided liability exemption for members of a joint E911 service board or communications council, and E911 administrators. Second, in order to protect witnesses and victims from media and criminal exploitation, the legislation provided for a restriction of E911 audio tapes from public access. HF 2491 was approved by the House State Government Committee but was never brought to floor debate.

## **Auditors Election Reform**

HF 2472 was approved and contained significant portions of the technical election law changes that have been recommended by the auditors association for the last three years. The Governor signed the legislation into law on April 26, 2002.



# County Administration & Organization

## **HF 681 - Pledging Collateral in Relation to Deposits of Uninsured Public Funds**

WRP

Supervisors, Treasurers

This bill makes several changes in Iowa Code chapter 12C related to the pledging of collateral by financial institutions for "uninsured public funds." Uninsured public funds means any amount of public funds of a public depositor in an account at a financial institution that exceeds the amount of the public funds in that account that are insured by the federal deposit insurance corporation or the national credit union administration. "Public officer" means the person authorized by and acting for a public body to deposit public funds of the public body.

Iowa Code §12C.2 requires the approval by the governing body prior to use of a financial institution for the depositing public funds. The governing body must specify the name and maximum amount of public funds that may be deposited in the financial institution. Iowa Code §12C.23A requires each public fund depositor to notify the treasurer of state if a bank is closed which has public funds on deposit.

The remainder of the bill establishes the requirements for the reporting of public fund deposits and pledging of assets by financial institutions to the treasurer of state. The bill also provides penalties for failure to comply.

*Effective date: July 1, 2002, except new reporting requirements are not effective until January 2003 and pledging requirements are not effective until July 1, 2003.*

## **HF 2009 - Assessors Allowed to Run for Elected Office**

JE

Assessors, Auditors

This legislation amends Iowa Code §441.17 (1), to clarify that an assessor may be a candidate for elective office during their term of appointment as assessor. It also provides that if an assessor is elected to a city office, county office, any statewide office, or the General Assembly, the assessor shall resign before the beginning of the term of office to which the assessor was elected.

*Effective date: Upon enactment.*

## **HF 2082 - Watercraft Registration**

RM

Recorders

This measure amends Iowa Code chapter 462A by changing from five to 30 days the time within which someone whom has purchased or transferred ownership of a watercraft (also referred to as a "boat") file a new application with the county recorder. It also changes from five to 30 days the time within which a new owner must register a boat if purchased from a manufacturer or dealer. And finally, it changes the period from the date of purchase within which the new owner may operate the boat without its identification number from 10 to 35 days.

## **HF 2109 - Raffles**

DV

All County Officials

This bill amends Iowa Code chapter 99B related to games of skill, chance and raffles.

Section 1 of the bill amends the maximum amount for raffle prizes at county fairs from \$200 to \$1,000.

Section 2 amends the list of organizations qualified to conduct games of skill or chance, and raffles, to specifically mention "political subdivisions of the state," which would include counties.

## **HF 2191 - Notarial Acts**

DO

Recorders

Iowa Code §9E.6A is amended to state that each person performing a notarial act pursuant to Iowa Code §9E.10 must acquire and use a stamp or seal as provided in this chapter. However, this section does not apply to a notarial act performed by a judicial officer, if the notarial act is performed in accordance with state or federal statutory authority. A judicial officer includes a Supreme Court justice, a judge of the court of appeals, a district judge, a district associate judge, an associate juvenile judge, an associate probate judge or a magistrate.

## **HF 2246 - Treasurer's Omnibus Bill - See Taxation & Finance**



# County Administration & Organization

## **HF 2365 - County Recorders Omnibus Bill**

JE

Recorders

This bill amends Iowa Code sections referring to the county recorder recording documents relating to liens and to documents presented for recording with regard to the platting and subdivision of land.

Sections 1, 2, and 8 of the bill strike the term "index book" in reference to indexing notices of liens. Current law allows the recorder to maintain a combined index record or system in lieu of separate index books.

Section 3 amends Iowa Code §321G.29 by adding a new subsection to establish a procedure for the county recorder to issue a certificate of title for snowmobiles and all-terrain vehicles in situations when the recorder is not satisfied as to the ownership of such snowmobile or all-terrain vehicle or that there are no undisclosed security interests in the snowmobile or all-terrain vehicle. The section authorizes the recorder to require that the applicant file a bond as a condition for issuance of title in order to protect any persons who may have an interest in the snowmobile or all-terrain vehicle. The form and amount of the bond shall be determined by rule of the Department of Natural Resources (DNR). The section requires that the bond be returned at the end of three years or sooner under specified circumstances.

Section 4 prohibits a person from including an individual's federal social security number in a document that is prepared for recording in the recorder's office. This prohibition does not apply to a preparer of a state or federal tax lien, military separation or discharge record.

Section 5 strikes Iowa Code §331.602(4), which states the recorder shall record the registration of a person registered under the federal Social Security Act who requests recordation and keep an alphabetical index of the record.

Section 6 substitutes "document reference" number for references to book and page number.

Section 7 strikes redundant language relating to the recording of environmental protection charge liens.

Section 9 amends Iowa Code §462A.5(1), unnumbered paragraph two, to establish a procedure for the recorder to issue a registration certificate for watercraft in situations when the recorder is not satisfied as to the ownership of such watercraft, or when there are no undisclosed security interests in the watercraft. The

section authorizes the recorder to require that the applicant file a bond as a condition for certifying registration in order to protect any persons who may have an interest in the watercraft.

Section 10 creates a new Iowa Code §462A.5A which establishes procedures for filing a bond with the DNR and requires the DNR by rule to determine the form and amount of the bond. The section requires that the bond be returned at the end of three years, or sooner, under specified circumstances.

## **HF 2409 - Election Misconduct and Criminal Penalties**

RM

Auditors

This statute creates a new Iowa Code chapter 39A, which provides for definitions and specific measures dealing with election procedures misconduct and provides criminal penalties. It identifies election misconduct in the first, second, third, and fourth degrees and states what actions make up such misconduct under these headings: registration fraud, vote fraud, duress, bribery, conspiracy, actions by election officials, election day acts, miscellaneous offenses, and technical infractions. The new law makes adjustments to other portions of election chapters and repeals portions of Iowa Code chapters 43, 48, 49, 51, 53, and 722.

## **HF 2446 - Uniform Computer Information Transactions Act**

WRP

All County Officials

The effective date of the Uniform Computer Information Transactions Act is changed from July 1, 2002 to July 1, 2003. The General Assembly will consider changes to this act during the 2003 regular session.

## **HF 2448 - Township Taxes for Fire Protection and Emergency Services - See Taxation & Finance**

## **HF 2453 - County Medical Examiners - See Public Safety**

## **HF 2472 - Elections and Voter Registration**

RM

Auditors

This is a technical elections law statute comprised of provisions suggested by the auditors and provisions suggested by the Office of the Secretary of State. The



# County Administration & Organization

measure contains 115 sections. Among those of note are the following.

Sections 1 through 3 amend Iowa Code chapter 39 by stating that a special election shall not be held with a regularly scheduled city primary or runoff election. If due to physical disability, someone may not write their signature or mark, they may substitute a) the name of the disabled person made by someone else at the disabled person's request and in their presence, or b) a rubber stamp reproduction or a facsimile of the disabled person's signature, and by stating that anyone seeking elective office shall be an eligible elector at the time that their name appears on the ballot.

Section 5 amends Iowa Code §43.14 by striking the section and replacing it with language providing for the form of nomination papers.

Sections 8 and 9 amend Iowa Code chapter 43 by allowing the election commissioner to print the ballots for each political party using a different color for each party and by striking the section and substituting new language providing for procedures for the canvas of votes.

Sections 15 and 16 create Iowa Code §45.5 which sets forth the appropriate form for nomination papers. Iowa Code §45.6 makes provision for requirements for signing and preparing nomination petitions.

Sections 18 through 29 amend Iowa Code chapter 48A by striking "mentally" in the provision for competency as an elector. If the last day to register to vote for a regularly scheduled election falls on the day after Thanksgiving, the election commissioner's office shall allow the registration deadline to be the following Monday. A subsection was added stating that anyone having power of attorney for a registered voter does not have authority to sign a voter registration form for that voter, except as provided in Iowa Code §39.3(17). Items are listed which the election commissioner may accept as evidence of the death of a registrant. Accepted is the notice from the recorder (striking "clerk of the district court") of the county where the registered voter died. The county commissioner of registration and the state registrar of voters have the authority to remove a voter's social security number from a voter registration list.

Sections 30 through 44 amend various portions of Iowa Code chapter 49, including signage for polling places; ballot position for nonpartisan candidates; changing the number of ballots to be delivered to polling places from 75 (per every 50 votes cast in the previous elec-

tion) to 55; allowing the polls to open at noon during local option tax elections; allowing voters to take minor children into the voting booth; providing that only separately marked candidates for one office are to be counted even when the voter has also marked a straight party vote in addition to separate votes.

Sections 45 through 49 amend portions of Iowa Code chapter 50 by allowing electronic transmission of election results, by making new provision for opening sealed packages of ballots after a precinct canvass, by adding language to existing provisions for recount requests, and by amending current provisions for recounts for public measures.

Sections 50 through 61 amend various portions of Iowa Code chapter 52 including striking references to the use of voting punch devices, by amending provisions dealing with the collection of sealed ballot containers, and by adding new provisions concerning standards to be adopted by the state commissioner of elections on the electronic transmission of election results.

Sections 61 through 71 amend Iowa Code chapter 53 by adding new language on absentee voting at the county election commissioner's office, by making new prohibitions on political signs near satellite voting stations, by amending current law on preserving ballot envelopes, and by allowing completed federal post-card registration to constitute valid registration.

Section 75 amends Iowa Code chapter 62 by adding a new section on procedures for contesting election results.

Section 77 amends Iowa Code chapter 69 by adding new language regarding determining whether an office vacancy exists and appeal procedures for anyone against whom the judgement was rendered.

Section 80 amends Iowa Code chapter 69 by adding a provision concerning filling the vacancy in a county elected office.

Sections 81 through 92 amend Iowa Code chapters 275, 277, 278, 279, and 296 dealing with school district elections.

Section 94 amends Iowa Code chapter 331 dealing with county referenda changing the arrangement of how county supervisors are elected, whether plan one, two, or three.

Section 102 amends Iowa Code chapter 359 concerning the number of township trustees.



# County Administration & Organization

Sections 103 and 104 amend Iowa Code chapter 372 dealing with publishing notice of a proposed home rule charter and giving the election commissioner notice of a city special election.

*Effective date: January 1, 2003*

## **HF 2532 - Iowa Public Employees' Retirement System** *WRP*

*All County Officials*

This is an act relating to the Iowa Public Employees' Retirement System (IPERS). Division II of the bill would be of interest to county officials.

Section 13 amends Iowa Code §97B.17 and creates a new subsection 5. Subsection 5 specifies the procedures for obtaining the confidential records held by the department pertaining to members of the system and requiring that the persons obtaining those confidential records shall maintain the confidentiality of the members' records.

Section 16 amends Iowa Code §97B.44 by creating a new unnumbered paragraph. When a member is unable to locate their spouse, the member can now change their beneficiary designation by filing a notarized affidavit stating they are unable to locate their spouse. Changes usually require the signature of the spouse, but if the spouse cannot be located, there is now a provision for the member to make changes.

Section 19 amends Iowa Code §97B.48A(1). A member who is not 65 years old and is a bona fide retiree earning in excess of \$30,000 per calendar year will have their benefits reduced by 50 cents for each dollar the member earns. Previously, the maximum earnings amount was \$14,000 per calendar year.

Section 20 amends Iowa Code §97B.49(1)(e)(1). Conservation peace officers will receive the same benefits as others in the protection occupation class.

Section 26 amends Iowa Code §97B.51(1)(a). If a member elects to have a reduction in monthly benefit so that a death benefit will be paid to a designated beneficiary at the time of the member's death, the election is irrevocable once the first monthly retirement allowance is paid.

Section 27 amends Iowa Code §97B.51(1). This change allows a member retiring, before they are eligible to receive social security benefits, an increased benefit from IPERS until they are first eligible for their

social security benefits. The member's IPERS benefit will be reduced permanently when they first become eligible to receive social security by an amount that is actuarially determined to repay the advance payment.

Section 29 amends Iowa Code §97B.53(4). This change provides that a member is not considered terminated from the system if they accept covered employment within 30 days after receiving the last wage payment for covered employment and they haven't filed a request for a refund. Previously, the time period was four months.

Section 30 amends Iowa Code §97B.53B. Several new provisions have been added relating to rollovers to IRC plans such as 401(a), 403(a), 403(b), 457(b), etc.

Section 36 provides that employees who have been subject to the temporary layoffs (furloughs) may make voluntary contributions to the system to make up any loss in contributions of the employee and employer contributions. This would prevent any reduction in benefits resulting from the layoffs.

Sections 39 and 40 require studies and reports to be issued on Deferred Retirement Option Programs (DROP) and new vesting options for terminated members.

Division I makes changes to the Public Safety and Peace Officers' Retirement, Accident, and Disability System. Division III makes changes in Statewide Fire and Police Retirements System. Division IV makes changes to the Judicial Retirement System. These retirement systems do not apply to county officials or employees.

*Effective date: July 1, 2002, except for section 7 and section 8, which are effective upon enactment.*

## **HF 2538 - Campaign Committee Reports** *RM*

*Auditors, County Attorneys, Recorders, Sheriffs, Supervisors, Treasurers*

This measure amends Iowa Code chapters 56 and 68 principally by changing the threshold for reporting by candidate's committees (including those for state, county, city or school offices), political committees, civic groups, associations, labor organizations and other groups. Reporting thresholds for contributions, expenditures or indebtedness change from \$500 to \$750.



# County Administration & Organization

The act also changes some of the requirements concerning what campaign committee reports must be filed with the Iowa Ethics and Campaign Disclosure Board and how long statements and reports provided by this Board must be retained by the county commissioner of elections. It eliminates the requirement that reports on independent expenditures concerning a ballot issue be filed with the county commissioner of elections.

*Effective date: Upon enactment, except for Iowa Code section 3, dealing with reports to the Ethics Board, which takes effect on January 1, 2003.*

## **HF 2565 - Contract Disclosure Statements**

SVK

Recorders

Section 1 adds a new Iowa Code §558.70. Of particular interest is subsection (4). The disclosure requirements of this section apply to a contract seller who has entered into four or more residential real estate contracts in the 365 days previous to the contract seller signing the contract disclosure statement.

Section 3 of the bill adds a new subsection 7 to Iowa Code §558.46. If a contract seller is subject to the requirements of Iowa Code §558.70, the contract must be recorded in 45 days rather than 180 days. The recording requirement is satisfied only by recording the entire contract rather than a memorandum of contract.

*Effective date: These sections apply to all residential real estate installment sales contracts entered into on or after July 1, 2002 by contract sellers who entered into four or more residential real estate installment sales contracts in the 365 days previous to a contract entered into on or after July 1, 2002.*

## **HF 2591 - Hunting Licenses and Fee Revenues**

RM

Recorders

This act raises the cost of a resident hunting license from \$12.50 to \$17. It also amends Iowa Code chapter 483A by providing that the revenue raised from this license fee is appropriated to the Department of Natural Resources from July 1, 2002 through June 30, 2007. Sixty percent of the total license fee revenue received by the DNR during this period shall be used to fund a pheasant and quail restoration program.

## **HF 2616 - Possession of Deer Venison**

DO

Recorders

This bill relates to the time of possession of deer venison, increasing the minimum fine for unlawful taking, possessing, injuring, or transporting protected species and game, and subjecting violators to a penalty. Iowa Code §481A.32 raises the minimum fine from \$10 to \$20 for illegally taking, destroying, injuring, possessing, or transporting game or taking game or fish by illegal devices or equipment. The bill extends the 30-day limit during which a person can have lawful possession of deer venison without a special permit. A person may hold the deer venison from the date of taking until the following September 1 (if taken with a valid deer hunting license). From September 1 until the first day of the next deer open season (for which the person holds a valid deer hunting license) the person can not possess more than 25 pounds of deer venison. Any person may possess up to 25 pounds of deer venison if the deer was obtained from a lawful source. If it was obtained from an unlawful source a person is guilty of a simple misdemeanor and charged \$100. *Though this bill has no direct responsibilities for recorders, this information can be used for anticipated questions from the public.*

## **HF 2627 - FY03 Appropriations** - See Appropriations

## **SF 165 - English as Official Language**

DO

All County Officials

This bill declares English as the official language of the state of Iowa. This does not apply to the teachings of languages; requirement under the Federal Individuals with Disabilities Education Act; actions, documents or policies necessary for trade, tourism or commerce; actions or documents that protect public health and safety; actions or documents that pertain to compiling census information; actions or documents that protect the rights of victims of crimes or criminal defendants; use of proper names, terms of art, or phrases from languages other than English; any language usage in the Constitution of the United States or of the State of Iowa; or any oral or written communications, examinations or publications utilized by a driver's license station.



# County Administration & Organization

## **SF 437 - All-Terrain Vehicle and Snowmobile Registration and Titling**

RM

Recorders

This act changes a variety of provisions within Iowa Code chapter 321G. Two wheeled off-road motorcycle operators are exempt from the safety instruction and certification programs.

Registration numbers and certificates must be assigned, without payment of a fee, to all-terrain vehicles (ATV) or snowmobiles that are exempt from registration but are being titled. Applications for registration and the certificate must state the reason for the exemption from a fee.

Upon transfer of ownership of an ATV or snowmobile, the new owner must complete the form on the title or registration and give to the purchaser. If the ATV or snowmobile is not titled or registered, the owner must deliver an affidavit to the purchaser.

Exempt from registration are ATVs and snowmobiles used "exclusively as farm implements."

Stricken has been the provision that states ATV or a snowmobile deemed to be unlawful have the ability to use the vehicles "in specific areas permitted by the commission, such as all-terrain vehicle parks."

Dealers must make the application, pay registration and title fees on behalf of a purchaser.

An ATV or snowmobile not required to have a title, if titled, shall henceforth be subject to the requirement of a title. All such vehicles that are titled must be registered.

Dealers may apply for a title in the dealer's name within 30 days, instead of the previous 15 days.

When the recorder issues a title and registration for a vehicle with no such documentation, they must obtain and keep on file the affidavit for the unregistered, untitled vehicle.

The DNR may assign a distinguishing number to a vehicle on which the serial number has been destroyed and the vehicle must be registered and titled with this new number. In cooperation with the recorder, the DNR must assign an ID number to a rebuilt ATV or snowmobile for which there is no legible original ID number.

## **SF 2212 - Secured Transactions and Landlord Liens**

RM

County Attorneys, Recorders

This act amends Iowa Code chapter 570 by adding that, notwithstanding Iowa Code §554.9515 (which refers to the duration and effectiveness of financing statements), financing statements shall continue to be effective until the filing of a termination statement.

## **SF 2268-Regulating Animals Other Than Livestock** **WRP**

*Environmental Health Directors, Sheriffs, Supervisors*

This bill provides for the taking and disposition of animals other than livestock by local authorities. Specifically, the bill amends two Iowa Code chapters: Iowa Code chapter 351 providing for the regulation of dogs, including dogs running at large, and Iowa Code chapter 717B providing offenses involving non-livestock animals, including abuse, neglect, and torture, the rescue and disposition of such animals.

***Dogs Running at Large:*** The bill amends Iowa Code §351.37 and provides that a dog may be apprehended and impounded if the dog is running at large and there is no proof that the dog has a valid rabies vaccination. According to Iowa Code §351.36, local health and law enforcement officials are responsible for enforcing this Iowa Code section. The section provides that once a dog has been impounded, a local board of health or law enforcement officer is required to send a notice to the dog's owner, if known, notifying the owner of the impoundment. The notice must be sent within two days following the apprehension and impoundment. After seven days following delivery of the notice, the board or official may dispose of the dog.

***Offenses Involving Animals:*** Iowa Code chapter 717B prohibits a person from abusing, neglecting, or torturing animals (other than livestock), with certain exceptions, and imposes criminal penalties upon violators. This chapter deals with the definitions and proceedings relating to threatened animals. Abuse occurs when a person other than the animal's owner acts to injure or destroy the animal. Neglect occurs when the owner injures, destroys, or otherwise fails to care properly for an animal. Torture occurs when any person inflicts severe physical pain upon an animal with a depraved or sadistic intent to cause prolonged suffering or death. This chapter authorizes a local authority (city or county) to rescue an animal in cases of neglect. The rescue must be performed by a peace officer after consulting with a licensed veterinarian.



# County Administration & Organization

**Contest Animals:** Iowa Code chapter 717D is created which regulates "contest animals." Contest animals are defined as a bull, bear, chicken or dog. A "contest event" as defined is a function organized for entertainment or profit of spectators where a contest animal is injured, tormented, or killed, if the contest animal is a bull involved in bullfighting or bull baiting, a chicken involved in cock fighting, or a dog involved in dog fighting. This chapter prohibits events involving these animals being engaged in a fight for purposes of entertainment. Persons involved in these activities are guilty of a serious misdemeanor.

## **SF 2275 - County System**

*DV Assessors, Auditors, Records, Treasurers*

This is the "Code Editor's bill," used to clean up drafting problems in the Iowa Code. Sections 200 and 201 insert in various places in the Iowa Code an explanation that the words "book," "list," "record," or "schedule," when referring to records kept by a county auditor, assessor, treasurer, recorder, sheriff or other county officer, mean the "county system" defined in Iowa Code §445.1.

## **SF 2277 - Confidential Public Records and Closed Sessions for Governmental Bodies**

*ABH Supervisors*

This bill amends Iowa Code §21.5 to allow a governmental body to hold a closed session when discussing information contained in records of a public airport, municipal corporation, municipal utility or rural water district that are confidential pursuant to Iowa Code §22.7. This subsection is repealed on June 30, 2007.

This bill amends Iowa Code §22.7 by allowing records of a public airport, municipal corporation, municipal utility or rural water district be kept confidential if there is a reasonable expectation that to disclose such records would jeopardize the security of the public health and safety served by these entities. This bill identifies some records that would be considered confidential including: construction diagrams, architectural drawing and plans and critical system infrastructures. This subsection is repealed on June 30, 2007.

## **SF 2279 - Disclosure of Information by Insurance Companies**

*WRP*

*Auditors, Supervisors*

Section 12 amends Iowa Code §509.19, which discusses claims and premium disclosure to policyholders. The section requires insurance companies or plans serving greater than 51 lives to provide to the policyholder, contract holder, or sponsor of group health benefits information on the claims and premiums paid annually. The information shall not disclose confidential information or disclose the identity of individual enrollees that have submitted a claim within the time frame being reported.

## **SF 2288 - Temporary County Attorneys**

*DV*

*County Attorneys, Supervisors*

This bill amends Iowa Code §331.754 relating to the appointment of an acting or temporary county attorney.

Section 1 provides that even before the board of supervisors acts to appoint an "acting county attorney," upon the application of the county attorney or the attorney general, the chief judge of the judicial district may appoint an attorney to act "temporarily as county attorney until the board has sufficient time to appoint an acting county attorney." As an alternative, upon the application of the county attorney or the attorney general, the chief judge of the judicial district may appoint the attorney general to "temporarily act" as county attorney, if the attorney general consents to the appointment.

Section 2 provides that if the county attorney and all assistant county attorneys are disqualified because of a conflict of interest from acting in juvenile, criminal, contempt or commitment proceedings, upon the application of the county attorney or the attorney general, the chief judge of the judicial district may appoint an attorney to act as county attorney in the proceeding. As an alternative, upon the application of the county attorney or the attorney general, the chief judge of the judicial district may appoint the attorney general to "temporarily act" as county attorney if the attorney general consents to the appointment.

Section 4 provides that the board of supervisors may appoint an attorney to act as county attorney in a civil proceeding if the county attorney and all assistant county attorneys are disqualified because of a conflict of interest from performing duties and conducting official business.

# County Administration & Organization

Section 5 provides that a temporary or acting county attorney has the same authority and is subject to the same responsibilities as the county attorney.

Section 7 provides that upon request of the county attorney the attorney general may act as county attorney in any criminal proceeding without appointment by the board of supervisors of the chief judge.

## **SF 2320 - Court Fees**

*DV*

*County Attorneys, Supervisors*

This bill changes many of the fees collected by the clerks of court pursuant to Iowa Code §602.8105. For instance, the fee for filing a district court petition is increased from \$80 to \$100, and the fee for filing a small claim action is increased from \$30 to \$50.

The fees for services provided by the clerk of court are increased as well. For instance, the fee for certifying a change of title of real estate is increased from \$10 to \$20.

Also, the court cost for holding a jury trial jumps from \$10 to \$100 in every action tried to a jury.



# Environment & Public Health

## **HF 2075 - Repayment of Monies to Tobacco Settlement Fund**

*RM*

*Environmental Health Directors, Public Health Nurses, Supervisors*

This act commits the state to repay funding borrowed from both the Tobacco Settlement Trust Fund and the Senior Living Trust Fund. It amends Iowa Code chapter 8 by providing that certain monies in excess of the maximum balance in the economic emergency fund, after distribution of any surplus in the state general fund at the end of the FY03 year, shall be transferred to the Endowment for Iowa's Health account of the Tobacco Settlement Trust Fund. Other monies must be transferred in the same way to the Senior Living Trust Fund.

## **HF 2554 - Waste Tire Initiative & Hauler Fees**

*RM Environmental Health Directors, Supervisors, Treasurers*

This statute amends some provisions of current law relating to waste tires and their disposal.

Section 1 amends Iowa Code §321.52A by striking much of the existing language dealing with putting portions of the surcharge on vehicle certificates of title into the Waste Tire Management Fund. The section provides that, beginning July 1, 2002 and through July 1, 2006, 20% of the title surcharge funds previously deposited in the tire fund shall be deposited in that fund and the remaining amount must be deposited into the Road Use Tax Fund.

Section 3 amends Iowa Code §455D.11H by stating that Iowa Code §§455D.11C, 455D.11D, 455D.11F, and 455D.11H - the Waste Tire Management Fund and grant program - shall be repealed as of July 1, 2007.

Section 4 establishes Iowa Code §455D.11I that provides for the registration of all waste tire haulers. It also provides for civil penalties for violation of this section and stipulates that funds collected from such penalties shall go to the Waste Volume Reduction and Recycling Fund.

Section 5 states that any appropriated funds going to tire programs must be spent in this manner:

- 32% to be used for two positions within the DNR for tire program registration, processing and inspections;
- 18% to be used for public education about tire disposal and environmental and health hazards posed by waste tires;

- 30% to be used for waste tire market development;
- 15% to be used for waste tire stockpile abatement programs which require a cost-share agreement with the landowner; and
- 5% to be used for a study of the West Nile Virus.

*Effective date: Upon enactment.*

## **HF 2620 - Farmers Markets Food Licenses**

*RM*

*Environmental Health Directors*

This statute amends Iowa Code chapter 137F by 1) changing the definition of a "farmers market" to specify that the operator "does not sell or distribute potentially hazardous food" and 2) setting the seasonal license fee for a farmers market "where potentially hazardous food is sold or distributed" at \$100 "for each vendor on a countywide basis."

*Effective date: Upon enactment.*

## **HF 2627 - FY03 Appropriations** - See Appropriations

## **SF 2051 - Creation of State Interagency Missouri River Authority**

*RM*

*Supervisors*

This act creates Iowa Code chapter 28L. This new chapter creates the State Interagency Missouri River Authority. Members shall include the governor, the Iowa secretary of agriculture, the chair of the Iowa Utilities Board, the directors of the Iowa Department of Natural Resources (DNR), Iowa Department of Transportation, and Iowa Department of Economic Development or their designees. The governor shall act as chair of this authority. The director of the DNR shall act as coordinator of the Authority's activities and chair in the absence of the governor.

The Authority shall be responsible for the interests of the state in its membership in the Missouri River Basin Association, which is an interstate association to seek solutions to issues impacting the Missouri River basin. The Authority will meet regularly with stakeholder groups in Iowa to receive their recommendations.



## **SF 2145 - Financing Program For Sewage Treatment and Drinking Water Facilities**

*RM Environmental Health Directors*

This act amends portions of Iowa Code chapter 455B, which set forth the public financing program for sewage treatment and drinking water facilities. It does so by striking current references to "sewage treatment," and "wastewater treatment" and replacing those references with "water pollution control." Water pollution control facilities are newly defined as to include "the construction and undertaking of non-point source water pollution control projects and related development activities." It replaces references to entities eligible for loans under this program to "municipalities and water systems" (meaning cities, counties, or other governmental bodies or providers of water) with reference to "eligible entities." An eligible entity is defined as "a person eligible under the provisions of the Clean Water Act, the Safe Drinking Water Act, and the commission rules to receive loans for projects from either of the revolving loan funds."

## **SF 2207 - Conservation Easements - See Land Use & Rural Affairs**

## **SF 2293 - Livestock**

*RM*

*Environmental Health Directors, Public Health Nurses, Supervisors, Zoning Officials*

This act makes major changes in current state law regarding the regulation of animal agriculture. It establishes standards for manure application based upon an index for phosphorus content, establishes new setback distances for concentrated animal feeding operations (CAFOs), establishes new permit fees, authorizes the Department of Natural Resources (DNR) to monitor and enforce air quality standards near CAFOs, lowers the threshold of the number of livestock within a facility to require a state permit, changes some of the requirements for acceptance of manure management plans, and authorizes the use of a scoring system to be used both by county supervisors and the DNR to determine whether a CAFO construction permit is issued.

Section 4 provides for Iowa Code §455B.125 which prohibits counties from assessing any fees for the regulation of animal agriculture.

Section 6 establishes Iowa Code §455B.127, the Animal Agriculture Compliance Fund composed of a gen-

eral account consisting of appropriated state funds and monies obtained from the federal government or private sources. Among the state sources for this account are: 1) the construction permit application fee, 2) the manure management plan application fee, 3) fees from manure applicators, and 4) civil penalties. The Fund is also composed of the assessment account made up of funds collected from the new annual compliance fee established in section 43. The compliance fund is to be used to pay for administration and enforcement of this act.

Section 8 amends Iowa Code §455B.161 by establishing the "animal unit" equivalents for feeder cattle, dairy cattle, swine, sheep, horses, turkeys, and chickens.

Section 10 adds new subsections to Iowa Code §455B.161A by: 1) defining "abandonment" of a CAFO, and 2) stating that all distances to be observed between animal facilities and certain natural and man-made objects must be measured in feet from their closest points. This portion also says that the distance between a CAFO and a public thoroughfare must be measured from the right-of-way closest to the confinement facility.

Section 14 amends Iowa Code §455B.162 by setting new minimum separation distances between CAFOs built on or after March 1, 2003 and to the expansion of operations built on or after the same date and residences not owned by the owner of a CAFO, commercial enterprises, religious institutions, educational institutions, and public use areas. For CAFOs with less than 1,000 animal units - from 1,000 to 1,875 feet. For CAFOs between 1,000 and 3,000 animal units - from 1,500 to 2,500 feet. For CAFOs with 3,000 animal units or less - from 2,000 to 3,000 feet. For CAFOs of all sizes from all buildings, operations or public areas within cities - from 1,875 to 3,000 feet.

Section 23 adds a new section to Iowa Code §455B.166 authorizing the DNR to monitor the level of airborne pollutants from all animal feeding operations, including confinement operations. It authorizes the DNR to develop plans for abatement, control, and prevention of airborne pollutants from animal feeding operations, but they may not enforce these standards prior to December 1, 2004.

Section 28 amends Iowa Code §455B.200A by setting forth the authority of the DNR to approve or disapprove a construction permit for a CAFO. This procedure includes that the DNR approval process cannot begin unless and until an applicant meets the DNR's



# Environment & Public Health

standards. All such applications must be first submitted to the supervisors of the county where the facility is to be built and that, even if the supervisors approve a construction evaluation resolution, the application must receive a satisfactory rating by way of the "master matrix" used both by the supervisors and the DNR. The DNR may not approve a construction permit unless the applicant submits a) an indemnity fee, b) a manure management plan and the accompanying filing fee, and c) a construction permit application fee. New threshold requirements were established for the minimum animal unit capacity (which includes 1,250 animal units for swine as part of a farrowing operation and 2,750 animal units for swine if it is a farrow-to-finish operation). The DNR may require installation of pollution control devices or practices and the DNR's permission to permanently lower the groundwater table in building an unformed manure storage structure.

Section 31 amends Iowa Code §455B.200B by stating that two or more CAFOs under common ownership or management are considered to be one operation if they are adjacent or share a common system for disposing of manure. To determine adjacency, one operation must have been built after May 21, 1998 and the two operations must be within 1,250 feet if they have a combined capacity of less than 1,000 animal units or 2,500 feet if they have greater capacity than 1,000 units.

Section 32 amends Iowa Code §455B.200B by allowing CAFOs to be built within 100 year floodplains, unless administrative rules adopted by the DNR regarding floodplains and soil types disallow it. This section also provides new definitions for critical public areas, designated wetlands, high quality water resources, karst terrain, major water sources, and 100 year floodplains.

Section 35 creates new Iowa Code §455B.200E that lays out detailed provisions for the permit application to be delivered to the board of supervisors and the issues which may be commented on by the supervisors to the DNR. It also provides for public hearings that may be held by the supervisors and the procedures for the supervisors use of the "master matrix." The DNR must receive the supervisors' evaluation within 30 days of the applicant's submittal to the county and the DNR must approve or disapprove the application within 60 days of submittal of the application. An extension of this period may be granted for up to 30 days. The DNR may approve or disapprove a permit even if the supervisors grant their approval based on the matrix. The DNR must disapprove an application if it receives an unsatisfactory rating by them, even if the

requirements of this chapter are met. If the application meets the requirements of this chapter, the DNR shall approve it even if the supervisors do not submit any kind of recommendation or comment. If the DNR chooses to inspect the site of the proposed CAFO, the county supervisors may designate a county employee to accompany departmental personnel in the inspection. An applicant may contest the DNR's decision on an application. The board of supervisors may contest the DNR's decision by requesting a hearing before the Environmental Protection Commission.

Section 36 creates new Iowa Code §455B.200F that details what is to be included in the "master matrix," an assessment tool to determine whether to approve or disapprove of an application for a CAFO construction permit and for manure management practices. This assessment tool should measure both environmental and community impacts and is to be used by supervisors and the DNR. It must be used to score points toward approval and cannot include the deduction of points.

Section 38 amends Iowa Code §455B.203 by requiring that manure management plans be delivered to the supervisors in the county where the manure storage is located and, if different, to the supervisors in the county where the manure is to be applied.

Section 39 amends Iowa Code §455B.203 by establishing a phosphorus index, as a restriction on manure application. The index will be detailed by administrative rule. It will be used to determine manure application rates based on the pounds of phosphorus that may be applied per acre. This index will be based on a technical guide for Iowa published by USDA/NRCS. The administrative rules detailing the index will be effective July 1, 2003. Anyone who submitted a manure management plan prior to April 1, 2002 will not be required to use the phosphorus index until four years after the index becomes effective or July 1, 2007. Anyone submitting a manure management plan after April 1, 2002, but prior to 60 days after the index is adopted, will not be required to use the phosphorus index in a manure management plan update until two years after the index goes into effect. Anyone submitting a manure management plan 60 days after the index goes into effect must use the index.

Section 43 creates new Iowa Code §455B.203C that sets forth compliance fees consisting of: 1) a construction permit application fee not exceeding \$250, 2) a manure management plan filing fee not exceeding \$250, and 3) an annual compliance fee based on a rate of 15 cents per animal unit capacity of the opera-



tion. The fees are to be deposited into the Animal Agriculture Compliance Fund.

Section 45 amends Iowa Code §455B.204 by setting new distance requirements including: 500 feet from an agricultural drainage well; 1,000 feet from a well-head, the cistern of an agricultural drainage well, or a sinkhole; 500 feet from a water source; 1,000 feet from a major water source; 2,500 feet from a designated wetland. Separation distances shall not apply to farm ponds, privately owned lakes, a CAFO, an egg washwater storage structure, or a manure storage structure using a secondary containment barrier.

Section 49 amends Iowa Code §455B.205 to state that an ununiformed manure storage structure cannot be built on karst terrain or in an area which drains into a known sinkhole.

Section 58 established new Iowa Code §481A.151 that states any party liable for polluting Iowa waters in violation of state law shall have to pay restitution to the DNR for injury to "wild animals" (i.e. fish) by this pollution.

Section 61 states various provisions having to do with CAFO construction permits and the actions of county supervisors. These include: 1) the DNR must consider and respond to the comments about permit applications submitted to the DNR by supervisors, 2) the DNR must notify the board of supervisors prior to conducting an inspection of a proposed CAFO site, 3) upon written request by a county resident, the county supervisors must send that resident a copy of that body's comments to the DNR and the department's response, and 4) the DNR shall notify both the permit applicant and the supervisors of their decision to approve or deny the permit. The applicant may contest their decision by requesting a hearing before either an administrative law judge or the Environmental Protection Commission (EPC). The board of supervisors may contest the DNR's decision by means of a meeting before the EPC.

Section 62 establishes the technical advisory committee which is to devise the "master matrix." This committee is to include representatives of the following: Iowa Secretary of Agriculture, Director of the Iowa Department of Natural Resources, University of Iowa, Iowa State University, Iowa Environmental Council, Iowa Farm Bureau Federation, Iowa Farmers Union, ISAC, and two livestock producers organizations

Section 63 details the content of an "interim matrix" to be used by the DNR for approving or denying CAFO

construction permits until the permanent "master matrix" becomes effective. This temporary scoring system is detailed as to the number of points awarded to an applicant for specific actions planned in the proposed operation, including separation distances. An applicant, under this interim system, must receive at least 100 points.

Section 66 states that interim county participation in the construction permit approval process is repealed as of March 1, 2003.

Section 70 states the conditions under which this act would apply retroactively. It also says that the DNR shall use the "interim matrix" to determine permit approval until March 1, 2003.

*Effective date: Upon enactment, except those portions noted which are effective March 1, 2003, section 23 which is effective December 1, 2004 and a portion of section 39 which is effective July 1, 2007.*

# Human Services

## **HF 2245 - FY 01/02 Supplemental Appropriations to the Medical Assistance Program**

DW

*Community Services*

The bill makes supplemental appropriations and transfers to the medical assistance program for FY 01/02. The bill also directs Iowa Department of Human Services (DHS) to require applicants for medical assistance to report monthly changes in income or resources that affect eligibility. The DHS is to establish an advisory group to propose recommendations for systemic changes in the Medicaid program. All licensed nursing facilities are to be certified under both the federal Medicare program and the medical assistance program as a condition of participation in the medical assistance program.

*Effective date: Upon enactment.*

## **HF 2399 - Case Permanency Plan for Children 16 or Older**

ABH

*Community Services*

This bill amends Iowa Code §§232.2, 232.52 & 232.102 to allow a service provider, who is reasonably expected to become a service provider of a child when the child becomes an adult, to assist in the preparation of a case permanency plan. In addition, the bill allows the single entry point process or the county general relief administrator to become involved in the case planning if either will become responsible for payment of services when the child reaches adulthood.

## **HF 2416 - Cost-based Reimbursement for Case Management and ARO**

ABH

*Community Services*

This bill amends Iowa Code chapter 249A by excluding providers of case management services as noninstitutional providers. This bill also states that providers of case management and adult rehabilitation services shall receive cost-based reimbursement for all reasonable costs for the provision of services to recipients of medical assistance.

## **HF 2430 - MH/DD Commission**

ABH

*Community Services and Supervisors*

This bill amends Iowa Code chapter 225C by collapsing the state-county management committee into the developmental disabilities commission. This new commission shall consist of 16 members appointed to

three-year staggered terms. The members shall include: three members from the county board of supervisors; two members from the Department of Human Services (DHS); one active board member from a community mental health center; one active member from an agency serving persons with a developmental disability; one member from a provider of mental health services to children; two members from the single entry point process; one member from the association of federal, state and municipal employees; three members shall be consumers or family members of consumers and two members shall be advocates. In addition to the voting members, the membership shall include four members of the General Assembly.

This bill also requires DHS to provide staff support to the new commission. The commission shall meet at least four times per year to perform the functions outlined. In addition to the functions previously performed, the commission shall also review and analyze information associated with the redesign of the mental health and developmental disabilities system. The commission has also been designated to receive and consider any report or recommendation of a committee or task force created by the executive branch. Further, the commission shall be a policy making board that shall be appointed by November 1, 2002.

This legislation amends Iowa Code chapter 426B by allowing a representative of a provider of mental health or developmental disabilities services to serve on the risk pool board effective July 1, 2002.

## **HF 2623 - Salary and Statutory Corrections Bill - See Appropriations**

## **HF 2627 - FY03 Appropriations Bill - See Appropriations**

## **SF 2100 - Protection From Domestic Abuse**

ABH

*Community Services, County Attorneys,*

*Sheriffs*

This bill amends Iowa Code §236.2 to include assault between persons in an intimate relationship to be domestic abuse. Further, the bill defines an intimate relationship as significant romantic involvement that need not include sexual involvement.

This bill amends Iowa Code §708.2B to allow the court to order an individual convicted of domestic abuse to a batterers' treatment program.



## **SF 2205 - Regulation of Child Care and Child Care**

### **Homes**

**ABH**

*Community Services*

This bill amends Iowa Code chapter 232 by changing "child care homes" to "child development homes." The definition of child was narrowed to only include children under the age of 12 and children between the ages of 13-19 with a developmental disability.

# Land Use & Rural Affairs

## **HF 582 - Annexation**

DV *Engineers, Supervisors, Zoning Officials*

Sections 1 through 3 amend the procedures to be used if a city wants to review subdivisions or plats of survey outside its boundaries pursuant to Iowa Code §354.9.

Section 4 amends Iowa Code §368.4 regarding how cities enter into moratoriums on annexing specific land. Now a notice of a hearing must be served 30 days before the hearing on the city development board and the board of supervisors, and on all persons owning land within the moratorium area. A copy of any moratorium agreement must be filed with the city development board within 10 days after enactment. The deadline had been 30 days.

Section 5 amends Iowa Code §368.7 to provide that a city council must provide 14 business days notice prior to taking any action on a voluntarily annexation request. The current law is 10 days (not business days).

Section 6 amends Iowa Code §368.7 to provide that a public hearing on any voluntary annexation must be held and sets out the details of the notice and publication requirements.

Section 7 amends Iowa Code §368.7 regarding an application for annexation of territory not within an urbanized area of a city other than the city to which the annexation is directed. The city must mail a copy of the application to the board of supervisors at least 14 days prior to taking any action and must publish notice of the application in an official county newspaper.

Section 8 amends Iowa Code §368.7 to provide that notice of an application for annexation of territory within an urbanized area of a city, other than the city to which the annexation is directed, must be mailed to adjoining cities and the board of supervisors at least 14 business days prior to taking any action on the application. The current law is 10 days (not business days).

Section 9 amends Iowa Code §368.11 to provide that a letter of intent must be sent by the petitioner to all affected cities and counties at least 14 days prior to filing a petition for involuntary annexation. The current law is 10 days (not business days).

Section 10 adds Iowa Code §368.26, which provides that if a city fails to provide municipal services to territory involuntarily annexed within three years after city taxes are imposed, the city development board shall initiate proceedings to sever the annexed territory from the city. "Municipal services" are defined as water,

sewage disposal, street and road maintenance, and police and fire protection.

Section 11 clarifies that this bill applies to all applications, petitions or plans filed on or after the effective date of the Act.

## **HF 2135 - Planning and Zoning Commission**

JE *Auditors, Supervisors, Zoning Officials*

This bill provides that the membership of the planning and zoning commission of a city exercising its zoning jurisdiction in the unincorporated area within two miles beyond the boundaries of the city, shall be expanded to include one member of the board of supervisors and one public member residing in the unincorporated area subject to the city zoning jurisdiction. The legislation clarifies the current law that states during the time the zoning jurisdiction is extended, the two additional members of the board of adjustment shall be residents of the area outside the city limits over which the zoning jurisdiction is extended.

The bill further clarifies that the board of supervisors of the affected county shall appoint the county supervisor and resident members of the planning and zoning commission and the board of adjustment. This bill provides that if the extended zoning jurisdiction enters into an adjacent county, the boards of supervisors of the affected county shall jointly appoint one of their members to the planning and zoning commission. The legislation provides that if a vacancy does not exist in the planning and zoning commission upon the effective date of this act, the incumbents shall serve the unexpired portion of their terms. Thereafter, one of the two additional members shall be a member of the board of supervisors as provided in this legislation.

## **HF 2378 - Enterprise Zone Amendments**

RM *Auditors, Supervisors*

This measure amends various portions of Iowa Code §15E.192. Included in this act are provisions which: 1)delete county designations for enterprise zones which meet certain "distress criteria," 2)state that a county or city may apply to the DED for enterprise zone classification prior to July 1, 2005 and that the total certified enterprise zone designation shall not exceed 1% of the total area of a county, 3)limit the incentives or assistance for eligible housing businesses, 4)prohibit development businesses from eligibility if they close or reduce operations in one part of the state and move the same operation to another, and 5)require that non-



retail businesses locating in an enterprise zone create 10 full time jobs. It amends Iowa Code §15E.193C by saying that an approved development business in an enterprise zone submit an annual report to the DED concerning their leases and jobs created. It amends Iowa Code §15E.194 by stating that the area in an enterprise zone designated on or after June 1, 2000 may change its boundaries, but that such a change must be approved by DED within three years of certification.

*Effective date: Sections 2,4,5 and 10 are effective April 30, 2002. Section 7 is effective July 1, 2003.*

## **SF 2207 - Conservation Easements**

*RM*

*Conservation Directors*

This act amends Iowa Code chapter 457A by adding to the list of entities which may acquire conservation easements to preserve land for the public benefit the Historical Division of the Department of Cultural Affairs and the state archeologist appointed by the State Board of Regents. It adds to the list of reasons why a conservation easement may be sought by an authorized entity the preservation of land for agriculture or for open spaces. The Act states that a conservation easement shall be enforceable during the term of the easement notwithstanding the limitations stated in Iowa Code §§614.24 through §614.38. And finally, revises the definition of "natural resources" to include archeological and historical resources.

## **SF 2272 - Stipulations on Acquiring/Holding Agricultural Land**

*DO*

*Assessors, Auditors, County Attorneys, Recorders*

This bill prohibits a nonresident alien, foreign business, or foreign government from acquiring or holding agricultural land in Iowa. Several terms are defined in Iowa Code §567.1. Nonresident aliens means an individual who is not a citizen of the United States and not lawfully admitted for permanent residence by the United States immigration and naturalization service. A nonresident alien does not include an individual who is lawfully admitted for permanent residence by the United States immigration and naturalization service, regardless of whether the individual's lawful permanent resident status is conditional.

## **SF 2293 - Livestock - See Environment & Public Health**

# Public Safety

## **HF 2112 - Passing Emergency and Highway Maintenance Vehicles**

JE

Engineers, Sheriffs

This legislation creates a new Iowa Code §321.323A to require operators of motor vehicles to take specified precautions when approaching a stationary authorized emergency vehicle or a stationary towing, recovery, or highway maintenance vehicle. The bill requires the operator of an approaching motor vehicle, absent another direction from a peace officer, to change lanes to a lane that is not adjacent to the stationary vehicle. If a lane change is not possible or would be unsafe, reduce the speed of the motor vehicle to a reasonable speed that is less than the posted speed limit, and be prepared to stop. The requirement only applies when the stationary vehicle is displaying the appropriate flashing lights. The bill also makes a violation of the new requirement a simple misdemeanor punishable by a scheduled fine of \$50.

## **HF 2152 - Volunteer Emergency Service Provider Death Benefit**

WRP

Emergency Management Directors, Sheriffs, Supervisors

Iowa Code §100B.11(3) provides that the beneficiaries of voluntary emergency service providers be paid a \$100,000 death benefit in the event of the accidental death during an emergency. A reserve peace officer, as defined in Iowa Code §80D.1A, is now eligible for this benefit.

*Effective date: Upon enactment*

## **HF 2201 - DNA Testing**

DV

Sheriffs

This bill adds a new statute requiring that all felons submit a physical specimen for DNA profiling. Previously, Iowa Code §13.10 had listed a limited number of particular felonies for which testing was required.

The bill provides that a felon is confined in county jail due to a third offense OWI, the person shall submit a specimen for profiling prior to release from the county jail. The division of criminal investigation shall conduct the DNA profiling.

The bill also repeals Iowa Code §13.10.

*Effective date: The effective date of this bill has been*

*delayed, because it does not go into effect until "sufficient funds have been appropriated or are first received to pay the costs of complying with this Act." No such funds were appropriated in 2002. Until they are, Iowa Code §13.10 remains in effect.*

## **HF 2230 - OWI**

DV

Sheriffs, Supervisors

This bill was passed in response to an Iowa Supreme Court decision that struck down the law as previously written. It provides that upon conviction of a class "D" felony for third offense OWI, and each subsequent offense, if the court suspends the person's sentence of commitment to the custody of the Department of Corrections, the court shall order the person to serve no less than 30 days or more than one year in the county jail. It also strikes existing Iowa Code §902.9(5), which had described the circumstances under which a court could sentence class "D" felons convicted of third offense OWI to up to one year in county jail. The correctional impact statement accompanying this bill projects that the net effect of the bill will be to place more class "D" felons in county jails.

## **HF 2338 - Sex Offender Registry**

DV

Sheriffs

Section 1 adds Iowa Code §692A.3A, which provides that in addition to the sex offender registration requirements in Iowa Code §692A.3, a person required to register under this chapter who is a full-time or part-time student or an employee at an institution of higher education in a county other than his county of residence shall register with the sheriff of the county in which the institution is located within five days of becoming a student or being employed at the institution.

Section 1 also provides that in addition to the registration requirements in Iowa Code §692A.3, a person required to register under this chapter who is a full-time or part-time student or is employed at an institution of higher education in his county of residence shall notify the sheriff within five days of becoming a student or being employed at the institution.

Section 1 also provides that a person required to register under Iowa Code chapter 692A shall notify the county sheriff within five days of the person's change in status as a student, or employee at an institution of higher learning. The sheriff shall send a copy of the information regarding the change to the Department of



Public Safety within three working days of receipt of the notice of the change.

Section 2 amends Iowa Code §692A.5 to provide that the sheriff shall give information concerning the new requirements in section 1 to a person required to register under Iowa Code chapter 692A when that person is released from jail.

Section 3 amends Iowa Code §692A.7(1), the penalty provision, to provide that violation of any of the new provisions in section 1 is a serious misdemeanor. It also provides that a violation of any of the reporting requirements occurs when a person "knows or reasonably should know" of the duty to report. Previously, a violation only occurred when an individual "knowingly" violated the duty to report.

## **HF 2447 - Personal Watercraft Regulation**

RM

Recorders, Sheriffs

This act amends Iowa Code chapter 462A by regulating personal watercraft, also known as a "jet ski." It provides a definition for "personal watercraft." It prohibits the owner of a jet ski from allowing anyone under 12 years of age to operate it and states that, after January 1, 2003, anyone between the ages of 12 and 18 must complete a DNR approved watercraft safety course and display a certificate proving same. It further provides that a jet ski may not be operated between sundown and sunup and that the operator of a jet ski or a motorboat may not chase or harass animals.

## **HF 2453 - County Medical Examiners**

DV

Sheriffs

Section 1 amends Iowa Code §22.7(41) to broaden the public records exception for medical examiner records. It requires that medical records and reports be released to the law enforcement agency that is investigating the death.

Section 2 amends Iowa Code §144.28 to provide that a medical examiner shall complete the medical certification within 72 hours after determination of the cause of death. The previous time limit was 24 hours after taking charge of the case.

Section 5 raises the cost of a cremation permit from a medical examiner to \$75 (previously \$35).

## **HF 2495 - No Contact Orders**

DV

Sheriffs

This bill provides for the issuance of no contact orders against persons who are arrested for the crime of sexual abuse.

Section 1 provides that when a person is arrested for sexual abuse and the magistrate finds probable cause to believe that the sexual abuse occurred and that the defendant poses a threat to the safety of the victim or members of the victim's immediate family, the magistrate shall enter a no-contact order.

Section 2 provides that the no-contact order has force and effect until it is modified or terminated by subsequent court action. The clerk of court shall provide copies of the no-contact order to the applicable law enforcement agencies and the 24-hour dispatcher.

## **HF 2506 - No Contact Orders**

DV

Sheriffs

Unlike HF 2495, which relates to no-contact orders for those merely arrested on sexual abuse charges, this bill relates to the issuance of a no-contact order against someone already convicted of a sexual offense upon his release from jail or prison.

This bill relates to a defendant who has been convicted of sexual abuse and either has been released from prison or jail, or where such release is "imminent." In such cases, upon the filing of an appropriate affidavit by the victim, the court shall enter a temporary no-contact order.

Section 2 provides that the no-contact order shall expire within 10 days unless extended by the court.

Section 3 provides that after a hearing, upon a showing that the defendant is a direct threat, a no-contact order for a period of up to one year may be issued by the court.

Section 6 provides that violation of a no-contact order constitutes contempt of court.



# Public Safety

## **HF 2547 - Public Health Issues and Presumption of Death** RM County Attorneys, Sheriffs

Although the majority of this act deals with a variety of public health and health licensing issues, sections 28, 29, and 30 amend Iowa Code chapter 633 by adding three new subsections having to do with court determinations of the presumption of death.

Section 8 provides for the empaneling of a special six-person jury to satisfy questions arising from the disappearance of a person whose circumstances would dictate that they had died of accidental causes.

Section 29 specifies that, should such a jury find that the missing person in question has died if a judge or magistrate agree, that person (after the passage of six months) may be declared dead. If the evidence of death is clear and convincing, the judge or magistrate may enter the order of death without the elapse of six months.

Section 30 states that a judge or magistrate may enter an order of presumption of death after they have received a written finding of death resulting from a natural or man-made disaster reported by a local, state, or federal official. After the judge or magistrate presents a court order concerning this, a death certificate must be filed.

## **HF 2627 - FY03 Appropriations** - See Appropriations

## **SF 415 - District Associate Judge Jurisdiction** DV County Attorneys, Sheriffs

Formerly, under Iowa Code §602.6306, the upper limits of the jurisdiction of district associate judges was jurisdiction over felony OWI violations. Under this bill, district associate judges can now decide class "D" felony violations and handle all felony arraignments.

## **SF 2034 - Criminal Indictments** DV County Attorneys, Sheriffs

This bill amends Iowa Code §802.6 regarding filing criminal indictments or trial information against those not present in the state. The law had been that the statute of limitations did not run when someone leaves the state "with the intention of avoiding prosecution." Now the statute of limitations does not run when the person leaves the state, regardless of why the person leaves the state.

## **SF 2079 - All-Terrain Vehicles** DO Recorders

Iowa Code §321.234A is amended to eliminate the requirement that a bicycle safety flag be used while operating an all-terrain vehicle or snowmobile on a highway. All-terrain vehicles are to be operated on a highway only between sunrise and sunset and only when the operation on the highway is incidental to the vehicle's use for agricultural purposes. Drivers are to carry a driver's license and maintain the vehicle at a speed of 35 miles per hour or less. If a person violates these orders they are guilty of a simple misdemeanor punishable as a scheduled violation under Iowa Code §805.8A (3)(f).

## **SF 2098 - Unauthorized Computer Access** WRP County Attorneys, Sheriffs, Supervisors

This bill amends Iowa Code §716.6B. The bill establishes penalties for a person that knowingly and without authorization accesses a computer, computer system, or computer network that contains confidential records. The penalties increase in severity based upon the actions taken by the intruder.

## **SF 2100 - Protection From Domestic Abuse** - See Human Services

## **SF 2124 - Statewide Mutual Aid Compact** RM Emergency Management Directors, Sheriffs, Supervisors

Division IV, sections 53 and 54 amend Iowa Code chapters 22 and 29C, which set forth a critical asset protection plan under the authority of the administrator of the Emergency Management Division of the Iowa Department of Public Defense. Section 55 amends Iowa Code §29C.22 by creating a statewide mutual aid compact which is entered into between the state of Iowa and all counties, cities, and other political subdivisions. "The purpose of this compact is to provide for mutual assistance between the participating governments entering into this compact in managing any emergency or disaster that is declared in accordance with a countywide comprehensive emergency operations plan or by the governor, whether arising from natural disaster, technological hazard, man-made disaster, community disorder, insurgency, terrorism, or enemy attack." This section provides for general implementation, participating government responsibilities, limitations, licenses and permits, liability, supplementary agreements, workers' compensation, reimbursement, evacuation and sheltering,



and implementation of the compact. This compact will become operative upon adoption by ordinance or resolution by the political subdivisions of Iowa.

*Effective date: Upon enactment.*

## **SF 2141 - Civil Process Servers**

DO

*Sheriffs*

This act authorizes sheriffs to appoint civil process servers. Iowa Code §331.652 (7)(a) states the sheriff may appoint one or more civil process servers, subject to the provisions of Iowa Code §331.903, which outlines the appointment of deputies, assistants and clerks. The new subsection states a person appointed by the sheriff as a civil process server may execute and return all writs and other legal process issued to the sheriff by legal authority; the court shall take judicial notice of a civil process server's signature; all costs for service of writs and other legal process by a civil process server shall be collected according to Iowa Code §331.655; and civil process servers shall not be considered a sheriff or deputy sheriff.

## **SF 2146 - Terrorism**

DV

*County Attorneys, Sheriffs, Supervisors*

This bill creates the crime of terrorism, which is defined generally as an act intended to intimidate or coerce a civilian population, or to influence the policy of a unit of government by intimidation or coercion. The bill clarifies that "terrorism" does not include picketing, public demonstrations, "and similar forms of expressing ideas or views regarding legitimate matters of public interest protected by the United States and Iowa constitutions." A person who commits or attempts to commit an act of terrorism commits a class "B" felony. There has been a crime in the Iowa Code called "terrorism." In section 8, that crime is now renamed "intimidation with a dangerous weapon."

## **SF 2203 - Access to ICN by Homeland Security or Defense Facilities**

RM

*Emergency Management Directors, Sheriffs*

This act amends Iowa Code chapter 8D by stating that a "public agency" for purposes of "homeland security" shall be authorized to access the Iowa Communications Network. A "public agency," in this bill, includes "any homeland security or defense facility" established by the director of the Emergency Management Division in the Department of Public Defense or by the

governor "or any facility connected with a security or defense system."

## **SF 2278 - Jail Capacity Study**

DV

*Community Services, Sheriffs, Supervisors*

This bill requires a report "analyzing the confinement and detention needs" of county jails. The report is to include current jail population data, an inventory of recent jail construction projects, and a review of "options for detention of prisoners with mental illness or substance abuse service needs." The report is to be revised periodically. The first submission is to include "recommendations on offender data needed to estimate jail space needs in the next two, three and five years on a county, geographic region, and statewide basis."

The report is to be prepared by the division of criminal and juvenile justice planning of the Department of Human Rights, "in consultation with" the Department of Corrections, the Iowa County Attorneys Association, the Iowa County Supervisors Association, the Iowa League of Cities, the Iowa State Sheriffs and Deputies Association, the Chiefs of Police Association, and "a statewide organization representing rural property taxpayers."

*Effective date: Upon enactment*

## **SF 2286 - Sexually Violent Predators**

DV

*Sheriffs*

This 14-page bill changes many of the provisions in Iowa Code chapter 229A related to the civil commitment of sexually violent predators.

Of particular importance to counties is section 7, regarding transport orders. It provides that, regarding court appearances, transportation shall be provided by the sheriff in the county in which the action has been brought. This is only true if the court has issued a transport order.

Transportation of a committed person to a medical facility for treatment shall be provided by the sheriff of the county in which the person is confined if requested by DHS.

Section 12 provides that if a committed person absconds from a transitional release program, DHS "in cooperation with local law enforcement agencies, may make a public announcement about the absconder, and include the fact that the person is in transitional



# Public Safety

release from the sexually violent prisoner program," and "any other information important to public safety."

Section 14 provides that if a committed person is released with or without supervision, DHS "in cooperation with local law enforcement agencies, may make a public announcement about the absconder, and include the fact that the person is on release from the sexually violent prisoner program," and "any other information pertinent to public safety."

*Effective date: Upon enactment*

**SF 2320 - Court Fees** - See County Administration & Organization

## **HF 2246 - Treasurers' Omnibus Bill**

JE

*Assessors, Treasurers*

This legislation changes certain administrative procedures relating to the registration of vehicles by treasurers and the Iowa Department of Transportation (DOT), and to the assessment and collection of taxes on property.

Iowa Code §321.40(2) is amended to require the DOT to create electronic files for vehicle registration purposes to assist treasurers in the sending of statements of fees due on vehicles and collection of the fees.

Iowa Code §321.134(1) is amended to provide that when the last day of the month that a vehicle registration is due falls on a Saturday, Sunday, or a holiday, the payment deadline is extended to include the first business day of the following month. Electronic payments must be initiated by midnight on the last day of the month preceding the delinquent date.

Iowa Code §331.553(3) is amended to provide that payments for taxes or assessments made within 30 days before an annual tax sale it to be made by guaranteed funds. The current law provides that guaranteed funds must be used for payments of taxes or assessments that are made within 10 days of annual tax sale. The treasurer still has the option to impose this requirement.

Iowa Code §331.559(20) is amended to provide that the treasurer may dispose of the tax list received pursuant to Iowa Code chapter 443 after 10 years. Currently, disposal of the tax list received pursuant to Iowa Code chapter 443 after 10 years is required.

Iowa Code §445.36(2) is amended to provide that if the first installment of taxes paid is delinquent and not paid as of February 1, the treasurer shall mail a notice of the delinquency and due date for the second installment. Under current law, the notice is sent if payment of the first installment is not made as of February 15.

Iowa Code §445.37(1) is amended to provide that when the last day of the month that semiannual installments of property taxes are due falls on a Saturday or Sunday, the payment deadline is extended to include the first business day of the following month. Delinquency begins on the second business day of the following month. Electronic payments must be initiated by midnight on the last day of the month preceding the delinquent date.

Iowa Code §446.9 is amended to provide for the im-

sition and collection of a service fee. Service fees are not to exceed \$4 for each parcel of property for which a notice of the date, time, and place of the annual tax sale is served. The service fee, not to exceed \$4, shall be noted in the notice along with the amount of delinquent taxes, the amount of interest, and other fees due. The service fee is included in the notice in lieu of the actual cost of publication of the notice.

Iowa Code §446.9 is amended to provide that if, for good cause, a parcel is not included in the publication of the annual tax sale, a notice shall be given by publication or by posting the description of the parcel and the date, time, and place of the tax sale in the treasurer's office for two weeks before the tax sale. In addition, at the time of publication or posting, the notice shall be mailed to the person in whose name the parcel is taxed at the person's last known address.

Iowa Code §446.10 is amended to provide that the service fee, not to exceed \$4, shall be collected as a fee for sale notice preparation and is to be deposited in the county general fund. If the taxes are paid before the date of the annual sale, the service fee shall be included as a part of the costs of collecting the taxes. The service fee, not to exceed \$4, is collected in lieu of compensation for the actual cost of publication of notice of the annual tax sale as provided under current law.

**HF 2378 - Enterprise Zone Amendments** - See *Land Use & Rural Affairs*

## **HF 2448 - Township Taxes for Fire Protection and Emergency Services**

JE

*Auditors, Supervisors, Treasurers*

This bill allows a township to indicate on its budget that it requests a portion of its taxes be paid directly to a municipality providing fire protection service or emergency medical service to the township. The township is required to attach a copy of the emergency services agreement to each copy of the budget transmitted to the county auditor. The bill provides that the auditor is to indicate to the treasurer what portion of the township taxes should be disbursed to the municipality.



# Taxation & Finance

## **HF 2584 - Assessment of Vineyards**

**WRP** Assessors, Auditors, Supervisors

Iowa Code §441.21 is amended. The real estate of a vineyard and buildings used in connection with the vineyard, including buildings used for processing wine if the building is in the same parcel as the vineyard, shall be valued as "agricultural property."

*Effective dates: Applies retroactively to assessment years beginning January 1, 2002.*

## **HF 2622 - Tax Administration**

**JE** Assessors, Auditors, Supervisors, Treasurers

Section 1 amends Iowa Code §404.4 to allow a taxpayer to file for an urban revitalization property tax exemption up to two years after the improvements are first assessed for taxation and still receive the exemption for the total number of years allowed in the exemption schedule.

Section 12 amends Iowa Code §422B.10(2) to provide the director of the Department of Revenue and Finance (DRF) additional time to determine and notify cities and counties of the estimated amount of local option sales tax they will be receiving in the fiscal year. Specifically, the deadline is changed from July 15 to August 15.

Section 13 amends Iowa Code §422E.3(5) to change the deadline by when the director of the DRF has to notify schools of the estimated amount of local option sales tax they will be receiving in the fiscal year from July 15 to August 15.

Section 15 amends Iowa Code §425.7(3) to specify the appeal process for the taxpayer if the director of the DRF disallows a claim for the homestead property tax credit.

Section 16 amends Iowa Code §425.15 to raise the income threshold for disabled veterans to qualify for the full property tax credit. This provision is exempt from Iowa Code §25B.7 that provides unfunded mandates protection for local governments.

Section 17 amends Iowa Code §426A.6 to specify the appeal process for the taxpayer if the director of the DRF disallows a claim for the military service property tax exemption.

Section 18 amends Iowa Code §426A.11(3) to add

members of the United States coast guard as eligible veterans for purposes of receiving the military property tax exemption.

Section 19 amends Iowa Code §427.1(5) to provide that the operation of bingo games on property of a veteran's organization does not affect the property tax exemption of the property if the proceeds in excess of expenses are used for legitimate purposes of the organization.

Section 32 adds a non-code provision that extends the deadline by which a statement of objects and uses must be filed for certain organizations and institutions claiming a property tax exemption. The filing deadline is extended from February 1 to October 1, but only for the 2002 assessment year, which is for taxes due and payable in the fiscal year beginning July 1, 2003. The organizations and institutions include veteran's organizations and literary, scientific, charitable, benevolent, agricultural, and religious institutions.

Section 34 adds a non-code provision to create a volunteer fire fighters pension task force.

*Effective dates:*

*Section 1 takes effect upon enactment and applies retroactively to January 1, 2001.*

*Section 16 and 32 take effect upon enactment.*

## **HF 2627 - FY03 Appropriations - See Appropriations**

## **HF 2112 - Passing Emergency and Highway Maintenance Vehicles** - See *Public Safety*

## **HF 2193 - Model Transportation**

*JE*

*Engineers, Supervisors*

Division I of this bill makes several changes relating to public transportation programs. The legislation eliminates provisions relating to two pilot projects established by the Iowa Department of Transportation (DOT) to enable the DOT to evaluate the feasibility of a cooperative effort among public and private transportation providers, including public school transportation providers. The pilot projects have been completed.

The bill requires public and private nonprofit organizations applying for or receiving federal, state, or local aid for providing transit services to annually report to the DOT the costs of their transportation programs. Currently, such organizations are required to provide a copy of their fiscal year operating budgets annually prior to June 1.

The bill eliminates a provision prohibiting the Department of Human Services (DHS) from purchasing services from any transportation provider that has been denied a certificate of compliance with the provisions of Iowa Code chapter 324A regulating transportation programs. The bill also eliminates a provision requiring all agencies or organizations purchasing or providing transportation services, except public school transportation, with federal, state, or local funds to comply with certain requirements prior to July 1, 1985.

Division II of this bill amends Iowa Code provisions relating to non-airworthy aircraft and aircraft registration. The bill amends a provision that exempts non-airworthy aircraft from aircraft registration fees if the owner of the aircraft submits information required by the DOT, to eliminate a requirement that the unworthy aircraft be damaged to receive such exemption.

The bill also amends Iowa Code provisions relating to issuance of special certificates for aircraft registration. The bill eliminates the requirement that a special certificate of registration be issued for each aircraft in a manufacturer's, transporter's, or dealer's inventory upon payment of a \$100 fee and an additional \$10 fee for each aircraft. The bill instead provides for the issuance of one special certificate for all aircraft in the manufacturer's, transporter's, or dealer's inventory upon payment of a \$100 fee. The aircraft may only be operated under the special certificate for purposes of transporting, testing, demonstrating, or selling the air-

craft. The bill makes corresponding changes in Iowa Code provisions relating to maintenance of records for aircraft operated under a special certificate and exempting aircraft for which a special certificate has been issued from the regular aircraft registration requirements.

The legislation provides that a special certificate expires at midnight on June 30 rather than midnight on the last day of the registration year. The bill also repeals an Iowa Code provision relating to issuance of additional special certificates for aircraft added to a manufacturer's, transporter's, or dealer's inventory and removal of aircraft from a manufacturer's, transporter's, or dealer's inventory.

## **HF 2447 - Personal Watercraft Regulation** - See *Public Safety*

## **HF 2626 - Transportation Appropriations** - See *Appropriations*

## **SF 144 - Restoration of Fill Dirt in Highway Projects**

*JE*

*Engineers, Supervisors*

This legislation creates a new Iowa Code §314.12A directing the Iowa Department of Transportation in awarding a contract for the construction, reconstruction, improvement or repair. Except for minor maintenance of a highway, when fill dirt or other materials are to be removed from an area acquired for use in the project, the area is to be restored by certain methods of repair. The requirement does not apply in situations where a lake or subwater table conditions exist, where deep loess is present, or where outside ditch bottoms and backslopes are present in cut rock areas. The new Iowa Code section does not apply to borrow pits covered by Iowa Code §314.12.

## **SF 2051 - Creation of State Interagency Missouri River Authority** - See *Environment & Public Health*

## **SF 2156 - County Issuance of Driver's Licenses**

*JE*

*Engineers, Sheriffs, Supervisors, Treasurers*

This bill authorizes all counties not served by a permanent Iowa Department of Transportation (DOT) facility to issue driver's licenses, nonoperator identification cards, and persons with disabilities identification devices on a permanent basis if the county meets the



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DOT's standards for issuance. In addition to the counties currently providing this service, any qualified county may opt in to providing this service. It is not mandatory. The legislation deletes Iowa Code references to DQT itinerant teams.

## **SF 2192 - Transportation Policy**

*JE*

*County Attorneys, Engineers, Supervisors, Treasurers*

This bill makes several Iowa Code changes relating to highways and motor vehicles, including changes in the quadrennial need study of public roads in the state and in motor vehicle registration provisions.

Division I of the bill relates to highways.

Section 1 amends a provision in Iowa Code §6B.2A that exempts certain condemnations of property by the DOT from the requirement that the DOT provide early notice to owners of agricultural land that may be the subject of condemnation. The bill exempts the DOT and counties from the early notice requirement in cases when the condemnation is for right-of-way that is contiguous to an existing road right-of-way and necessary for the upgrade of an existing road. "Upgrade" is defined by the bill to mean to bring a road or bridge up to currently acceptable standards. The bill clarifies that "upgrade" does not include the expansion of a road from two lanes to four lanes. The bill also provides that the director of transportation shall approve such condemnations. Currently, such exemption exists for the DOT for right-of-way that is contiguous to an existing road right-of-way and necessary for the maintenance, safety improvement, or repair of the existing road.

Section 2 amends Iowa Code §6B.18 to clarify the appeal of appraisal process. It allows the court to grant the landowner more than 30 days for notice and service of appeal if good cause can be shown. The bill specifies what parties must be served notice of appeal.

Section 3 amends Iowa Code §6B.22 to increase the time allowed for the plaintiff to file a petition from 20 to 30 days after the perfection of the appeal.

Section 4 amends Iowa Code §6B.24 to establish a new rate for the calculation of interest that is based upon the treasury constant maturity index published by the federal reserve.

Section 5 amends Iowa Code §6B.33 to provide that

the condemned shall submit an application for fees and costs prior to adjournment of the final meeting of the compensation commission held on the matter.

Sections 6, 7, 8, and 9 amend provisions in Iowa Code chapters 307 and 307A relating to the duties of the DOT and the State Transportation Commission by transferring certain duties relating to the assessment of road needs in the state from the commission to the DOT. The legislation transfers the duties requiring a study of state park and institutional roads and requiring the recalculation of the construction and maintenance needs of county roads to the department. The bill also modifies the duty of the commission to conduct a comprehensive quadrennial need study of all roads and streets in the state to require the DOT to prepare, adopt, and publish the results of a study of secondary roads, and to report the results of the study to the general assembly by July 1, 2002, with the results of the study taking effect July 1, 2003. The study is to be referred to as the "quadrennial need study." The results of the study, as modified by any annual updates, are used to determine the portion of the monthly apportionment of secondary road and farm-to-market monies to counties. The bill also makes corresponding amendments to Iowa Code provisions cross-referencing the duties.

Section 10 amends Iowa Code §309.57 to provide that a petition for reclassification of a road with an area service "C" classification may be signed by one or more adjoining landowners rather than all adjoining landowners.

Section 11 creates Iowa Code §312.3B, providing for an Iowa County Engineers Association Service Bureau Support Fund. The bill authorizes the DOT to annually set aside a portion of the monies in the secondary road fund for supporting the Iowa County Engineers Association Service Bureau. The Bureau is required to report to the governor, State Transportation Commission, engineers, chief clerk of the House of Representatives, and the secretary of the Senate regarding the activities accomplished with funds received from the secondary road fund.

Section 12 also creates Iowa Code §312.3C establishing a secondary road fund distribution advisory committee. The committee is to be comprised of representatives appointed by the president of the Iowa County Engineers Association, the president of the Iowa State Association of County Supervisors, and the DOT. The committee is to consider methodologies for distribution of monies in the secondary road fund and the farm-to-market road fund and to make recommendations to the General Assembly.



Section 13 amends Iowa Code §312.5(4), to make technical changes with regard to the policy changes involving the quadrennial need study.

Section 14 amends Iowa Code §314.8 to require the agency in control of a highway to pay the costs of restoring the original position of a government, or other established corner or land monument, if the engineer in charge of the project that caused the corner or monument to be disturbed or covered up failed to establish permanent witness corners or monuments and reestablish the corner or monument. The bill also eliminates a provision subjecting the engineer to a fine of not less than \$10 or more than \$50 for not establishing permanent corners or monuments.

Section 15 repeals Iowa Code §6B.19 to conform to changes in the appeals process involving condemnations.

Section 16 specifies that provisions of the bill relating to assessment of road needs in the state, the Iowa County Engineers Association Service Bureau Support Fund, and the secondary road fund distribution advisory committee are effective upon enactment.

Division II of the bill relates to motor vehicles.

Sections 17, 30, 31, and 53 define an "electric personal assistive mobility device," that authorizes the operation of this device on sidewalks and bikeways, and regulates its usage. The regulations, established in Iowa Code §321.235A require an operator to be 16 years of age, to yield the right-of-way to pedestrians and human powered devices, to give an audible signal before overtaking and passing a pedestrian or human powered device, and to display a headlight and rear reflector if operated at night. The device may be further regulated or prohibited by local authorities. A violation of the regulations established in Iowa Code §321.235A is a scheduled violation with a fine of \$15.

Section 18 amends the definition of "motorized bicycle" or "motor bicycle" in Iowa Code §321(40)(b) to increase the maximum speed allowed from 25 to 30 miles per hour on ground level.

Section 21 amends Iowa Code §321.69(7) to require that an individual or entity transferring title to a vehicle provide a separate damage disclosure statement that states:

- whether the vehicle's certificate of title indicates the existence of damage prior to the period of the transferor's ownership of the vehicle;
- the amount of that damage if the transferor knows

or reasonably should know of the prior damage; and

- if the vehicle was titled as a salvage vehicle during the period of the transferor's ownership of the vehicle.

Section 23 amends Iowa Code §321.182(1) to exempt foreign nationals here on temporary visas from being required to present a social security number to obtain a driver's license or non-operator's identification card. Instead, the DOT shall utilize Immigration and Naturalization Services document control numbers to verify identity. It also requires that applicants for an Iowa driver's license or non-operator identification card certify that the applicant is a resident of Iowa as established in Iowa Code §321.1A.

Sections 24 and 28 amend Iowa Code §§321.190 and 321.196 to modify the time periods for which driver's licenses and non-operator's identification cards are valid. The legislation provides that driver's licenses and non-operator's identification cards are valid for five years, except that licenses and cards issued to foreign nationals temporarily present in the United States shall only be issued for the length of time the foreign national is authorized to be present, not to exceed two years. It also provides that a non-operator's identification card is valid for five years from the date of issuance. In addition, the bill provides that a non-operator's identification card shall be issued without expiration to a person 70 years of age or older.

Sections 25 and 26 amend Iowa Code §321.191 to modify the fees for driver's licenses. The fee for a driver's license shall be based on the number of years the license is valid: \$4 per year of license validity for a noncommercial driver's license, \$8 per year for a chauffeur's license, and \$8 per year for a commercial driver's license.

Section 27 amends Iowa Code §321.191(8) to specify that fees for endorsements or removal of restrictions on a license are valid for the period of the license.

Section 29 amends Iowa Code §321.208 to provide that a person is disqualified from operating a commercial motor vehicle for failure to obey the signal of a train, as required under Iowa Code §321.341. The change is made to reflect federal regulations that require an operator of a commercial vehicle to be disqualified for railroad-grade crossing violations.

Section 33 amends Iowa Code §321.463 to provide that the maximum gross weight allowed to be carried on a non-interstate highway by a livestock vehicle with



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five axles, a minimum distance in feet between centers of the extreme axles of any group of axles of 61 feet, and a minimum width between the two rear axles of eight feet one inch is 86,000 pounds.

Sections 36 and 37 amend Iowa Code §§321E.8 and 321E.14 concerning the issuance of annual permits for the movement of over dimensional and overweight vehicles on Iowa highways. The provisions increase the dimensions and expand the area allowed under annual permits that a carrier can route themselves. It increases the length allowed for a vehicle that is self-routed for one of the permit options from 75 to 120 feet. It increases the ability of a carrier to route themselves on the interstate and four-lane primary highways beyond 50 miles from the point of origin for certain over dimensional vehicles. This applies to vehicles with a height of up to 13 feet 10 inches, length of up to 120 feet, and weight of up to 80,000 pounds. It increases the weight that is allowed on the "annual with weight" permit from 136,000 to 156,000 pounds.

Section 37 amends Iowa Code §321E.14 to allow a vehicle with load operating under the "annual with weight" permit to operate under the conditions of a \$25 annual permit when the vehicle meets the size and weight limitations of the \$25 annual permit. Currently all the DOT annual permits for over dimensional vehicles cost \$25, with the exception of the "annual with weight" permit which costs \$300.

*Effective dates: Sections 23, 24, 28, 33, and 36 are effective April 4, 2002.*

# Appropriations

## **HF 2582 - Federal Block Grants and Appropriations of Other Federal Funds**

*JE*

*All County Officials*

This bill appropriates federal funds made available from federal block grants for the federal fiscal year beginning October 1, 2002 through September 30, 2003, to multiple state agencies. There is an estimated \$163.2 million in federal block grants funds. The list below includes those things of interest to county officials.

### **Department of Economic Development**

Community Development Block Grant ..... \$31,843,420  
Federal Affordable Housing Block Grant ..... \$11,587,000

### **Department of Human Rights**

Community Services Block Grant ..... \$7,001,652  
Low-Income Home Energy Assistance Block Grant ..... \$31,126,126

### **Department of Human Services**

Community Mental Health Services Block Grant ..... \$3,587,827

- Not less than 95% of these funds are to be used by community mental health centers for carrying out the plan submitted to and approved by the federal substance abuse and mental health services administration.

Social Services Block Grant ..... \$31,578,482

- Of these funds, \$7,899,595 shall be used for MH/MR/DD/BI community service (local purchase of service.)

Child Care and Development Block Grant ..... \$40,975,932

### **Department of Public Health**

Substance Abuse Prevention and Treatment Block Grant ..... \$12,698,390  
Maternal and Child Health Services Block Grant ..... \$7,016,116  
Preventive Health and Health Services Block Grant ..... \$1,934,758

### **Office of the Governor for Drug Enforcement and Abuse Prevention Center**

Drug Control and System Improvement Block Grant ..... \$6,473,528  
Stop Violence Against Women ..... \$1,811,502  
Local Law Enforcement Block Grant ..... \$341,733  
Residential Substance Abuse Treatment for State Prisoners ..... \$838,162

## **HF 2614 - Tobacco Trust, Infrastructure and Environment Appropriations**

*JE*

*All County Officials*

HF 2614 appropriates a total of \$236 million in FY03 for a variety of programs and projects relating to infrastructure, the environment, technology enhancements, payment of debt service, and attorney litigation costs associated with the tobacco settlement.

Division I of the bill appropriates tax-exempt bond proceeds to various departments and programs from the Tobacco Settlement Trust Fund for FY03 through FY06.

### **Department of General Services (Section 1, subsection 4)**

ADA Compliance (FY03) ..... \$15,750,000  
Of this amount, up to \$1,350,000 may be used for renovation and furnishing of space necessary to meet capacity needs of the DHS unit for the civil commitment of sexually violent predators.

### **Treasurer of State (Section 1, subsection 12)**

County Fair Infrastructure Improvements (FY03) ..... \$1,060,000  
Community Attraction and Tourism (FY03) ..... \$12,500,000  
Community Attraction and Tourism (FY04) ..... \$12,500,000



# Appropriations

Section 1, subsection 14 provides that monies not spent in these funds by the end of the fiscal year shall not revert and shall remain in these funds through FY06 or until the project is completed.

Division III makes policy changes to the Rebuild Iowa Infrastructure Fund and makes appropriations from the Fund.

**Department of Cultural Affairs (Section 10, subsection 3)** ..... \$800,000  
Historical Site Preservation Grants .....  
Such grants are specified for vertical infrastructure and are limited for up to \$100,000 and to no more than two per county.

**Department of Economic Development (Section 10, subsection 4)** ..... \$800,000  
Local Housing Assistance Program .....

Section 17 strikes the existing FY03 and FY04 appropriations of \$12.5 million each from the RIIF, since these appropriations were transferred to the Tobacco Settlement Trust Fund.

Division IV provides for appropriations to various departments and programs for FY03 from the Environment First Fund and the Resources Enhancement and Protection Fund.

Section 20 specifically provides appropriations from the Environment First Fund.

**Department of Agriculture and Land Stewardship (Section 20, subsection 1)** ..... \$1,500,000  
Conservation Reserve Enhancement Program .....  
This appropriation is to restore and construct wetlands for the purposes of intercepting tile line runoff, reducing nutrient loss, improving water quality, and enhancing agricultural production practices.

**Department of Natural Resources (Section 20, subsection 3)** ..... \$2,300,000  
Boating Accessibility Grants .....  
Air Quality Monitoring ..... \$500,000

## **HF 2615 - Healthy Iowan's Tobacco Trust** *JE*

*All County Officials*

This legislation appropriates \$65.2 million and 28.9 FTE positions for FY03 from the Healthy Iowan's Tobacco Trust for various health-related appropriations.

Section 1 of the bill makes appropriations to various departments and programs for FY03.

### **Department of Public Health (Subsection 5)**

Healthy Iowan's 2010 Plan ..... \$2,390,064  
..... 4 FTE  
Of these funds, not more than \$1,157,428 shall be used for core public health functions, including home health care and public health nursing services, contracted through a formula by local boards of health, to enhance disease and injury prevention services. This is about a \$93,000 decrease from FY02.

Also, of these funds, not more than \$76,388 shall be used for the childhood lead poisoning program. All of this money goes to county programs.

Purchase of Service Provider Increases (Section 2) ..... \$146,750  
This section establishes a fund to help counties with limited mental health fund balances to pay purchase of service provider reimbursement increases for FY03. This is the same amount as FY02.

# Appropriations

Iowa Empowerment Fund (Section 3) ..... \$1,153,250  
These particular funds are designated for the "school ready children grants account" for FY03.

Section 7 provides that funds appropriated for FY02 in the Tobacco Use Prevention and Control Initiative program that remain unencumbered or unobligated at the close of the fiscal year shall not revert and shall remain available for expenditure until the end of FY03.

Section 8 provides that for FY03, of the \$75 million to be deposited in the endowment for Iowa's health account of the tobacco settlement trust fund, \$9 million shall be transferred to the healthy Iowa's tobacco trust.

*Effective date: Section 7 takes effect on May 10, 2002.*

## **HF 2623 - Salary and Statutory Corrections Bill**

*JE*

*All County Officials*

Section 28 amends Iowa Code §249A.3, relating to an optional category covered under the medical assistance program for persons with disabilities who have earned income, is amended. Current law provides one option, whereas the amendment provides an additional alternative two-part option. The two-part option is subject to a contingent effectiveness provision so that the option only takes effect if DHS does not win its appeal against the federal centers for Medicare and Medicaid services.

Section 31 amends Iowa Code §368.4, Iowa Code 2001 as amended by 2002 Iowa Acts, HF 582 pertaining to annexation. The provision requires that the notice for hearing by the city development board shall be served by regular mail.

Section 32 amends Iowa Code §368.26, Iowa Code 2001 as amended by 2002 Iowa Acts, HF 582, pertaining to annexation. The provision clarifies that municipal services means services selected by a landowner to be provided by the city, including but not limited to, water supply, sewage disposal, street and road maintenance, and police and fire protection, if the provision of such services is within the legal authority of the annexing city.

Section 50 relocates the unit for commitment of sexually violent predators from Oakdale to the Cherokee MHI beginning July 1, 2002.

Section 51 adds root canal treatments and general anesthesia if necessitated by the physical or mental disability of the patient to the list of dental services provided for adults under medical assistance.

Family Investment Program (Section 60) ..... \$46,508,982

Section 61 allows for an additional full-time position for the administration of pregnancy grant programs.

Public Transit Assistance (Section 67) ..... \$1,107,938

Section 104 provides appropriations and policy guidelines for allowed growth for FY04.

Allowed Growth ..... \$19,073,638

This section appropriates \$2 million of the allowed growth for the risk pool fund.

Allowed growth shall be combined with the community services fund and a withholding factor shall be applied in the following manner:

- for counties with an ending fund balance of less than 10%, a withholding factor of 0%.
- for counties with an ending fund balance percentage between 10% and 24%, a withholding factor of 25%.
- for counties with an ending fund balance percentage between 25% and 34%, a withholding factor of 60%.
- for counties with an ending fund balance percentage between 35% and 44%, a withholding factor of 85%.



# Appropriations

- for counties with an ending fund balance percentage of 45% or more, a withholding factor of 100%.

The total withholding target amount shall be \$7,419,074 and DHS shall have the authority to change the withholding formula to meet that target amount. In addition to be eligible for funding counties must be levied at least 70% of the maximum allowed for the county's mental health fund and the county must comply with the December 1, 2003 filing deadline for the annual financial report.

Medical Assistance (Section 108) ..... \$412,907,073

Children's Health Insurance Program (HAWK-I) (Section 109) ..... \$11,458,412

This provision adds \$1.5 million to the appropriation for HAWK-I as provided in SF 2326.

*Effective date: Section 28 is effective if DHS does not win its appeal against the federal centers for Medicare and Medicaid services.*

## **HF 2625 - FY02 Budget Adjustment and Transfers**

JE

*Auditors, Community Services, Supervisors*

This legislation makes budget cuts and funding transfers in the FY02 state budget to compensate for a revenue shortfall of \$206.5 million for FY02.

Section 34 of the bill specifies that DHS may assess an intermediate care facility for persons with mental retardation, a fee not to exceed 6% of the facility's total annual revenue. This "provider tax" is expected to generate about \$3.7 million for the state medical assistance appropriation with the additional federal Medicaid dollars. DHS has gone on record stating that counties will not incur any cost as a result of this new "fee."

## **HF 2626 - Transportation Appropriations**

JE

*Engineers, Supervisors, Treasurers*

Section 1 makes appropriations from the RUTF for various special purpose projects including:

Driver's License Program ..... \$3,997,000

This appropriation is for payment for costs associated with the production of driver's licenses, as defined in Iowa Code §321.1(20A). There is no change compared to the FY02 appropriation.

Vehicle Registration System ..... \$5 million

This new appropriation is to rewrite the vehicle registration system.

## **HF 2627 - FY03 Appropriations**

JE

*All County Officials*

This legislation provides the FY03 appropriations for most of the budget for the state of Iowa. It is a product of the second special session held on May 28, 2002. When available, reduction amounts from the FY02 budget are provided. *NOTE: At press time, the Governor's consideration on this bill was pending, so line item vetoes are possible.*

## **DIVISION I - ADMINISTRATION AND REGULATION**

### **Department of Management (Section 11)**

Statewide Property Tax Administration ..... \$2,100,036

## **DIVISION II - AGRICULTURE AND NATURAL RESOURCES**

### **Department of Natural Resources - Special Appropriations**

Underground Storage Tank Administration (Section 45) ..... \$75,000

## **DIVISION III - ECONOMIC DEVELOPMENT**

### **Department of Economic Development (Section 50)**

Community Development Programs ..... \$4,591,404

Rural Community 2000 Program (Section 52) ..... \$150,000 (same as FY02)  
Revolving fund to provide funding for councils of government.

Rural Community 2000 Program ..... \$370,000 (same as FY02)  
Revolving fund for the Rural Enterprise Fund and collaborative skills development training.

### **Department of Workforce Development (Section 62)**

Department of Workforce Development ..... \$4,878,316 (\$925,638 decrease)  
Includes funding for state and regional boards.

Pilot Immigration Service Centers (Section 64) ..... \$160,000

Section 74 of the bill directs the Department of Economic Development to explore the potential of allocating monies to homeless shelter programs based in part on their ability to move their clients toward self-sufficiency.

## **DIVISION IV - EDUCATION**

### **Department of Education**

Vocational Rehabilitation Services Division (Section 85) ..... \$4,290,343 (\$300,500 decrease)  
The division is directed to seek funds from other sources, such as local funds, for purposes of matching the state's federal vocational rehabilitation allocation and for matching other federal vocational rehabilitation funding that may become available.

Vocational Rehabilitation Services for Disabled (Section 86) ..... \$55,901  
For matching funds for programs to enable persons with severe physical or mental disabilities to function more independently, including salaries for support.

Iowa Empowerment Fund (Section 90) ..... \$13,724,712 (\$939,288 decrease)  
For the "school ready grants account." Of the appropriation, no more than \$200,000 is for the community empowerment office and other technical assistance activities. The provision outlines a plan and membership of regional technical assistance teams. It outlines a distribution formula for grants to empowerment areas from the fund and provides a procedure for amendments to local plans.

## **DIVISION V - HEALTH AND HUMAN RIGHTS**

### **Department of Public Health (Section 100)**

Adult Wellness ..... \$497,647 (\$40,000 decrease)  
For maintaining and improving the health status of adults.

Child and Adolescent Wellness ..... \$1,092,689  
For promotion of optimum health for children and adolescents through 21 years of age.



# Appropriations

Community Capacity ..... \$1,225,717 (\$144,000 decrease)  
For health care systems at the local level.

Elderly Wellness ..... \$9,455,265 (\$550,000 decrease)  
For optimizing the health of people 60 years of age and over.

Public Protection ..... \$6,269,235 (\$650,000 decrease)  
For health and safety protection of the public via standards and regulations enforcement.

This legislation provides that if, in the course of an emergency response, a person becomes exposed to the bodily fluids of the injured person, that emergency responder is entitled to hepatitis testing and immunization. Funding for testing from EMS funds is available only if reimbursement is not available through the employer or a third-party payer.

The bill provides that a local health care provider (or a non-profit health care organization) seeking grant money from the Department of Public Health (DPH) must provide documentation that they have coordinated their services with other local entities which provide similar services.

Section 104 states that the vital records modernization project will be extended until June 30, 2003. Increased fees collected as a part of this project will continue to be appropriated to DPH until that date.

## DIVISION VI - DEPARTMENT OF HUMAN SERVICES

### Temporary Assistance For Needy Families Block Grant (Section 110)

Family Investment Program .....	\$46,508,982
Family Investment Program (JOBS program) .....	\$13,412,794
Field Operations .....	\$12,885,790
General Administration .....	\$3,238,614
Local Administrative Costs .....	\$2,122,982
State Child Care Assistance .....	\$28,638,329
• Of the funds appropriated in this subsection, \$200,000 shall be used for provision of educational opportunities to registered childcare home providers.	
Emergency Assistance .....	\$1 million
MH/DD Community Services .....	\$4,349,266
Child and Family Services .....	\$22,896,571
Child Abuse Prevention .....	\$250,000
Pregnancy Prevention .....	\$2,514,413
• Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2002.	
Technology Needs .....	\$565,088
Volunteers .....	\$42,663
Individual Development Accounts .....	\$150,000
HOPES program .....	\$200,000

### Family Investment Program Account (Section 111)

Family Development and Self-Sufficiency Grant ..... \$5,133,042

Family Investment Program Assistance (Section 112) ..... \$35,288,782

Emergency Assistance (Section 113) ..... \$0 (subject to availability of funds)  
Emergency assistance to families with dependent children for homeless prevention programs.

Child Support Recovery (Section 114) ..... \$5,895,189

Medical Assistance (Section 115) ..... \$380,907,073

- Medically necessary abortions performed under certain conditions.
- Permits transfer of funds to DHS case management for MH/MR/DD services under certain conditions.

# Appropriations

- Requires the county of legal settlement to reimburse DHS for 50% of the nonfederal share of the cost of case management provided for adults, day treatment, and partial hospitalization; and 100% of the nonfederal share of HCBS waiver for adults.
- Directs the state to pay the entire nonfederal share of case management services for children in HCBS.
- DHS shall utilize not more than \$60,000 of the funds appropriated in this section to continue the AIDS/HIV health insurance premium payment program.
- Transfers \$950,000 from DPH to DHS for an integrated substance abuse managed care system.
- The total number of openings for medical assistance HCBS waiver for persons with physical disabilities shall be limited to the number approved in the waiver.
- Directs DHS to continue the program to utilize the early and periodic screening, diagnosis and treatment (EPSDT) funding under medical assistance.
- Directs DHS to continue the medical assistance HCBS waiver to allow children with MR, who would otherwise require ICF/MR care, to be served in out-of-home settings of up to eight beds.
- Directs DHS to continue working with county representatives in aggressively implementing the rehabilitation option for services to persons with chronic mental illness under the medical assistance program.
- Directs DHS, upon HCFA approval, to provide a period of 24 months of guaranteed eligibility for medical assistance family planning services.
- Directs DHS to aggressively pursue options for providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the EPSDT program.

**Health Insurance Premium Payment Program (Section 116)** ..... \$580,044

**Medical Contracts (Section 117)** ..... \$8,729,141 (\$486,500 increase)

Directs that DHS receive input from chairpersons of the joint appropriations subcommittee on human services prior to entering into or extending any managed care contract for mental health or substance abuse services.

Directs DHS to secure dual diagnosis treatment in any managed care contract if possible.

**State Supplementary Assistance (Section 118)** ..... \$19,500,000

For state supplementary assistance, and the medical assistance home and community-based services waiver rent subsidy program.

**Child Care Assistance (Section 119)** ..... \$4,939,635

**Juvenile Institutions (Section 120)**

Operation of the Iowa juvenile home at Toledo ..... \$6,273,663

Operation of the state training school at Eldora ..... \$10,434,719

**Child And Family Services (Section 121)** ..... \$98,144,163

- DHS may transfer funds to pay the nonfederal share of services reimbursed under medical assistance for FIP.
- Of the funds appropriated, up to \$28,665,950 is allocated as the statewide expenditure target for group foster care maintenance and services.
- Of the funds appropriated, not more than \$6,585,993 is allocated as the state match for PMIC.
- Of the funds allocated, \$1,370,127 is allocated as the state match for 50 highly structured juvenile program beds.
- Directs DHS to continue the goal that no more than 15% of the children funded under the federal Social Security Act, Title IV-E, may be placed in foster care for a period of more than 24 months.
- Directs DHS to continue the program to decategorize child welfare services funding in additional counties or clusters of counties.
- A portion of the funding appropriated in this section may be used for emergency family assistance to provide other resources required for a family participating in a family preservation or reunification project.
- State funding for shelter care shall be limited to \$7,120,382.
- Directs DHS and juvenile court services to continue to develop criteria for the DHS regional administrator and chief juvenile court officer to grant exceptions to extend eligibility for intensive tracking and



# Appropriations

supervision and for supervised community treatment to delinquent youth beyond age 18

- Of the monies appropriated, not more than \$415,135 is allocated to provide clinical assessment services to continue funding of children's rehabilitation services under medical assistance.
- Of the funding appropriated, \$3,696,285 shall be used for protective child-care assistance.
- Of the monies appropriated, up to \$2,294,183 is allocated for the payment of the expenses of court-ordered services provided to juveniles that are a charge upon the state.
- Notwithstanding Iowa Code chapter 232 or any other provision of law, a district or juvenile court in a DHS district shall not order any service that is a charge upon the state pursuant to Iowa Code §232.141 if there are insufficient court-ordered services funds available in the district distribution amount to pay for the service.
- Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under Iowa Code chapter 232 which is a charge upon the state under Iowa Code §232.141(4).
- Of the funding appropriated, \$2,927,602 is allocated to provide school-based supervision of children adjudicated under Iowa Code chapter 232, including not more than \$1,463,801 from the allocation in this section for court-ordered services.
- DHS may operate a subsidized guardianship program if the United States Department of Health and Human Services approves a waiver under Title IV-E of the federal Social Security Act and the subsidized guardianship program can be operated without loss of Title IV-E funds.

## Juvenile Detention Home Fund (Section 122)

An amount equal to 10% of the costs of the establishment, improvement, operation, and maintenance of county or multi-county juvenile detention homes.

Grant renewal for implementation of runaway program ..... \$80,000

**Family Support Subsidy Program (Section 123)** ..... \$1,936,434

**Conner Decree (Section 124)** ..... \$42,623  
For building community capacity through the coordination and provision of training opportunities.

## Mental Health Institutes (Section 125)

State mental health institute at Cherokee ..... \$12,747,990  
State mental health institute at Clarinda ..... \$7,244,131  
State mental health institute at Independence ..... \$16,552,128  
State mental health institute at Mount Pleasant ..... \$5,343,829

## State Resource Centers (Section 126)

State resource center at Glenwood ..... \$2,170,150  
State resource center at Woodward ..... \$1,463,073

**Special Needs Grants (Section 127)** ..... \$47,827  
Grants to families to prevent out-of-home placements.

**MI/MR/DD State Cases (Section 128)** ..... \$11,414,619 (\$617,742 decrease)

**MH/DD Community Services Fund (Section 129)** ..... \$17,757,890 (\$961,030 decrease)

**Personal Assistance (Section 130)** ..... \$157,921 (\$92,200 decrease)

**Sexually Violent Predators (Section 131)** ..... \$3,459,855  
For costs associated with the commitment and treatment of sexually violent predators at the new facility in the mental health institute at Cherokee, including costs of legal services and other associated costs.

**Field Operations (Section 132)** ..... \$51,204,264

# Appropriations

## **Additional Federal Funding (Section 133)**

- Directs DHS to work to secure federal financial participation through Titles IV-E and XIX of the federal Social Security Act for services and activities that are currently funded with state, county, or community monies.
- DHS may pursue federal approval of a state plan amendment to use medical assistance funding for child protection targeted case management services.

**General Administration (Section 135)** ..... \$11,587,936

**Volunteers (Section 136)** ..... \$109,568

## **Medical Assistance, SSA, And Provider Rates (Section 137)**

- Rate for nursing facilities shall be determined under a case mix reimbursement system.
- Reimburse pharmacy dispensing fees using a single rate of \$5.17 per prescription or the pharmacy's usual and customary fee, whichever is lower.
- Implementation of a series of prospective drug utilization review edits on targeted drugs to facilitate the cost effective use of these drugs.
- **Implementation of a generic incentive patient co-payment amount.**
- Reimbursement rates for inpatient and outpatient hospital services shall be reduced by 3% from the rates in effect on June 30, 2002.
- Reimbursement rates for rural health clinics, hospices, independent laboratories, and acute mental hospitals shall be increased in accordance with increases under the federal Medicare program or as supported by their Medicare audited costs.
- Reimbursement rates for home health agencies shall remain the same as the rates in effect on June 30, 2002.
- Federally qualified health centers shall receive cost-based reimbursement.
- Reimbursement rates for dental services shall remain the same as the rates in effect on June 30, 2002.
- Reimbursement rates for community mental health centers shall remain the same as the rates in effect on June 30, 2002.
- Maximum reimbursement rate for psychiatric medical institutions for children shall remain the same as the rate in effect on June 30, 2002.
- Non-institutional medical assistance provider reimbursement rates shall remain the same as the rates in effect on June 30, 2002.
- Notwithstanding Iowa Code §249A.20, the average reimbursement rates for health care providers eligible for use of the reimbursement methodology under that section shall remain the same as the rate in effect on June 30, 2002.
- Maximum cost reimbursement rate for residential care facilities reimbursed by the DHS shall not be less than \$25.92 per day for the time period of July 1, 2002, through December 31, 2002, and shall not be less than \$26.20 per day for the time period of January 1, 2003, through June 30, 2003. The flat reimbursement rate for facilities electing not to file semiannual cost reports shall not be less than \$18.52 per day for the time period of July 1, 2002, through December 31, 2002, and shall not be less than \$18.72 per day for the time period of January 1, 2003, through June 30, 2003.
- Maximum reimbursement rate for providers reimbursed under the in-home health-related care program shall not be less than \$498.29 per month for the time period of July 1, 2002, through December 31, 2002, and shall not be less than \$503.67 per month for the time period of January 1, 2003, through June 30, 2003.
- Foster family basic daily maintenance rate and the maximum adoption subsidy rate for children ages zero through five years shall be \$14.28, the rate for children ages 6 through 11 years shall be \$15.07, the rate for children ages 12 through 15 years shall be \$16.83, and the rate for children ages 16 and older shall be \$16.83.
- The maximum reimbursement rates for social service providers shall remain at the rates in effect on June 30, 2002.
- The group foster care reimbursement rates paid for placement of children out-of-state shall be calculated according to the same rate-setting principles as those used for in-state providers.
- Reimbursement rates for rehabilitative treatment and support services providers shall remain at the



# Appropriations

rates in effect on June 30, 2002.

- Combined service and maintenance components of the reimbursement rate paid to a shelter care provider shall be based on the cost report submitted to DHS. The maximum reimbursement rate shall be \$83.69 per day.
- DHS shall calculate reimbursement rates for intermediate care facilities for persons with mental retardation at the 80th percentile.
- DHS shall set provider reimbursement rates for child care providers based on the rate reimbursement survey completed in December 1998.

## Transfer Authority (Section 139)

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

## County MH/MR/DD Allowed Growth Factor and Allocations (Section 144)

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment, in accordance with law

- |  |              |
|--|--------------|
| .....                                      | \$14,181,000 |
| • Risk pool .....                          | \$500,000    |
| • Per capita expenditure target pool ..... | \$13,681,000 |

The following formula amounts shall be utilized only to calculate preliminary distribution amounts for FY03:

- |  |              |
|--|--------------|
| • Allowed growth factor adjustment for each county .....               | \$12,000,000 |
| • Per capita expenditure target pool in property tax relief fund ..... | \$14,492,712 |
| • MH/DD Community Services Fund .....                                  | \$17,727,890 |

After applying the applicable statutory distribution formulas to the amounts specified above for the MH/DD community services fund and for allowed growth, DHS shall apply a withholding factor to adjust the actual amount of the funding to be distributed to an eligible county. The withholding shall be based on the following formula:

- For an ending balance percentage of less than 10%, a withholding factor of 0%.
- For an ending balance percentage of 10% through 24%, a withholding factor of 48.1%.
- For an ending balance percentage of 25% through 34%, a withholding factor of 60%.
- For an ending balance percentage of 35% through 44%, a withholding factor of 85%.
- For an ending balance percentage of 45% or more, a withholding factor of 100%.

The total withholding amounts applied shall be equal to a withholding target amount of \$12,811,712 and the appropriations made in this Act for the MH/DD community services fund and for MH/MR/DD allowed growth shall be reduced by the amount necessary to attain the withholding target amount. If DHS determines that the amount to be withheld is not equal to the target withholding amount, DHS shall adjust the ending balance percentage ranges as necessary to achieve the withholding target amount.

Only those counties that are at a levy rate of at least 70% of the maximum allowed for the county's services fund on July 1, 2002, and are in compliance with the December 1, 2002, filing deadline for the county annual financial report in accordance with Iowa Code §331.403 are eligible to receive a funding distribution under this section. The amount that would otherwise be available for distribution to a county that fails to comply shall be proportionately distributed among the eligible counties.

DHS shall authorize the issuance of warrants payable to the treasurer for the distribution amounts due to the counties eligible under this section and notwithstanding prior practice for the MH/DD community services fund, the warrants shall be issued in January 2003.

## DIVISION VII - JUSTICE SYSTEM

### Department of Justice (Section 152)

# Appropriations

Department of Justice Program Operations ..... \$17,340,260  
Includes funding for Office of Drug Control Policy and Prosecuting Attorney Training Program.

Environmental Crimes Investigation and Prosecution (Section 153) ..... \$20,000 (same as FY02)  
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 Attorney General 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 (Section 155)

State Prisoners in County Jails ..... \$674,954 (\$254,484 decrease)  
This funding is for temporary confinement of work release and parole violators and for offenders confined in county jails.

Administration (Section 156) - Provides that as a condition of receiving funds appropriated to the DHS for administrative purposes, it is the intent of the general assembly that the Department shall not enter into any new agreement for the purpose of transferring DOC inmates to a facility owned or operated by a non-profit corporation, without the prior approved of the General Assembly.

## Iowa Law Enforcement Academy (Section 161)

ILEA ..... \$1 million (\$358,062 decrease)  
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.

## Code Changes

Section 170 of the bill extends the appropriation of the E911 surcharge monies received by the E911 administrator through FY03. 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 Department of Public Defense.

## DIVISION VIII - JUDICIAL BRANCH (Section 173)

Directs that the offices of the clerks of court of the district court operate in all 99 counties and be accessible to the public as much as possible in order to address the relative needs of the citizens of each county.

Section 176 establishes the Clerk of Court Study Committee. The study is to be convened by the supreme court and is to provide findings and recommendations to the court and to the General Assembly by December 15, 2002 regarding the efficient operation and management of the clerks of court offices in every county of the state. Committee membership shall include stakeholder groups including county officials.

Section 177 provides that up until the time the report of the study is submitted to the General Assembly, the appointment of a clerk of a district court shall not occur unless the state court administrator approves the appointment.

## DIVISION IX - STANDING APPROPRIATIONS - REDUCTIONS

### Property Tax Credits and Exemptions (Section 181)

Personal Property Tax Replacement ..... \$51,101,650 (\$1.1 million decrease)  
Franchise Tax Allocations ..... 7,989,235 (\$179,000 decrease)  
Homestead Property Tax Credit ..... \$105,585,004 (\$2.5 million decrease)  
Agricultural Land and Family Farm Tax Credits ..... \$35,497,624 (\$800,000 decrease)



# Appropriations

Elderly and Disabled Credit ..... \$15,796,897 (\$250,000 decrease)

## **Environment First Fund (Section 189)**

Transfer to state general fund ..... \$18,445,000

## **DIVISION X - CAPITALS AND INFRASTRUCTURE**

Local Housing Assistance Program (Section 198) ..... \$0  
Alternative Drainage System (Section 207) ..... \$0  
Loess Hills Development (Section 209) ..... \$0  
Resources Enhancement and Protection ..... \$2,000,000 (\$8,000,000 decrease)

## **SF 2304 - FY 2002 Budget Adjustment Act**

*JE*

*All County Officials*

This act transferred a total of \$49.3 million to the General Fund from non-General Fund sources and reduced spending from the General Fund by \$72.4 million in FY02. In addition, the act reduced FY02 General Fund appropriations by 1% with certain exceptions. The net effect of the act on the General Fund was \$121.7 million in additional available resources for FY02.

Section 4 of the legislation lists the exemptions from the 1% uniform reduction in state spending. Of particular interest to counties the following tax reimbursements were exempt from the cuts:

- Personal property tax replacement;
- Franchise tax revenue allocation;
- Livestock production tax credit refund;
- Homestead tax credit;
- Extraordinary property tax credit and reimbursement;
- Family farm tax credit and agricultural land tax credit;
- Property tax relief (mental health); and
- Industrial machinery, equipment and computers property tax replacement.

Division III of the bill provides for transfers of appropriations of non-General Fund sources into the General Fund. Of particular interest to counties are the following transfers:

Property Tax Relief Fund Risk Pool ..... \$1,500,000

REAP ..... \$2,800,000

*Effective date: March 1, 2002*

## **SF 2326 - Omnibus State Appropriations Bill**

*JE*

*All County Officials*

This bill appropriates a total of \$2.689 billion from the General Fund and 32,916.4 FTE positions for the following budget areas: Agriculture and Natural Resources; Administration and Regulation; Economic Development; Education; Health and Human Rights; Human Services; and the Justice System. The bill also makes changes to certain standing appropriations. The funding in the bill represents a decrease of \$88.1 million and 285.4 FTE positions compared to the FY02 estimated net appropriation for the areas included. The bill also appropriates \$213.6 million from the non-general fund sources, a decrease of \$5.8 million compared to the FY02 estimated net appropriation. With the exceptions noted below, the state budget was vetoed.

# Appropriations

Division I Department of Administration and Regulation Appropriations

Division II Department of Agriculture and Land Stewardship Appropriations

Division III Department of Economic Development Appropriations

Division IV Education Appropriations.

## State Board of Regents (Section 81)

State Papers, University Hospitals (subsection 2b) ..... \$29,114,188

This provision directs University of Iowa Hospitals and Clinics, within the context of Iowa Code 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 January 15, 2003, describing its use of these technologies to accomplish this purpose. The provision specifies that the total quota allocated to counties for indigent patients for FY03 shall not be lower than the total quota allocated for FY99 and that the total quota shall be allocated on the basis of the 2000 census.

Center for Disabilities and Development ..... \$6,678,843  
Included in this appropriation is \$200,000 for purposes of the creative employment options program.

Division V Departments of Public Health and Human Rights Appropriations.

Division VI Department of Human Services Appropriations. Other than the HAWK-I program, the Human Services budget was line item vetoed.

## Human Services

Children's Health Insurance Program (HAWK-I) (Section 106) ..... \$9,958,412

Division VII Departments of Justice and Corrections Appropriations.

Division VIII Judicial Branch Appropriations.

Division IX Standings Appropriations

Section 175 makes appropriations for various property tax credits, exemptions and replacements:

Military Service Tax Credit (subsection 12) ..... \$2,569,712

Industrial Machinery and Equipment Property Tax Replacement (subsection 13) ..... \$20,990,800



# 2002 Bills 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 and input from affiliate legislative liaisons are principally used as the guideline for ISAC staff in opposing legislation. The following is a list of key things that ISAC opposed that were successfully defeated.

## House Files and Study Bills

HF 382 - HAWK-I Program  
HF 2015 - Military Tax Exemption  
HF 2030 - Military Mobile Homes  
HF 2090/SF 2014 - Project Labor Agreements  
HF 2159 - City Budget Deadlines  
HF 2174 - Local Consolidation Committees (Oppose mandate in bill; neutral on amendment)  
HF 2203 - Military Tax Credit  
HF 2334 - County Veterans Commission  
HF 2336 - DAV Property Tax Credit  
HF 2239 - Film Sales Tax  
HF 2451 - Agriculture Vehicle Weight Limits  
HF 2521 - RUTF Allocation  
HF 2526/SF 2311 - RUTF Allocation  
HSB 710 - Subdivided Lot Assessments  
HSB 713/SSB 3181 - Apartment and Manufactured Home Assessments  
HSB 717/SF 2308 - Utility Tax Replacement (neutral on bill; opposed to amendment)

## Senate Files and Study Bills

SF 342 - Election ID  
SF 450 - Guardsman Veterans  
SF 514 - Property Tax Limitation  
SF 2009 - Local option Sales Tax  
SF 2042 - Condemnation Expenses  
SF 2055 - County Veteran's Affairs Director  
SF 2056 - Pre-marital Education  
SF 2074 - Nurse Administrators  
SF 2089 - Local Consolidation Committees (Oppose mandate in bill; neutral on amendment)  
SF 2106/SF 353 - Covenant Marriages  
SF 2206 - Free Waste Disposal  
SF 2283 - Judicial Branch Changes  
SF 2292 - Public Works Construction Contracts  
SSB 3065 - Voter ID  
SSB 3113 - Incompetent Defendants

Unfortunately, some key proposals initiated in whole or in part by ISAC failed, too. Those bills are listed below..

## House Files and Study Bills

HF 2040/HF 2305/HSB 528/HSB543/SF 2144 - 0.08 Percent Blood Alcohol Levels  
HF 2073 - Pollution Control Tax Exemption  
HF 2092 - Pollution Control Tax Credit  
HF 2140 - County Road Bonding  
HF 2171 - Tipsters Anonymity  
HF 2268 - County Inspections  
HF 2270 - Court Clerks  
HF 2415 - Financial Review Committee  
HF 2419 - Mental Health Parity  
HF 2435 - TIF Distributions  
HF 2463 - Private Well Testing  
HF 2491/HSB 683 - E911 Systems  
HF 2537 - Wastewater Treatment Assistance  
HF 2567 - Land Management Planning  
HSB 513 - Formatting Standards for County Recorders  
HSB 535/SSB 3038 - Election Training

## Senate Files and Study Bills

SF 2070 - School District Budget Deadline  
SF 2114 - Mental Health Services  
SF 2117 - County ICN Access  
SF 2170 - EMS Distribution  
SF 2196/SF 2243 - Elected Court Clerks  
SF 2208/SSB 3102 - Pollution Control Credit  
SF 2289/SSB 3080 - Mental Health Care Benefits  
SSB 3082 - County Technology Fee

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