

2003

Summary of Legislation

*Iowa State
Association
of Counties*

COUNTIES CAN DELIVER



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2003

***80th General
Assembly
1st Session***

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Introduction

In 2003, the counties of Iowa participated with the 80th General Assembly in the development of many important public policy decisions. ISAC registered to lobby on 262 pieces of legislation this year. Affiliates of ISAC also requested that ISAC "track" another 58 bills without registering to lobby on them. This summary contains 82 bills affecting counties that passed the legislative process. In addition, ISAC notified affiliates of an estimated 446 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 193 bills and the summary contained 77 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 services for children and families in Iowa would be found under "Human Services." 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, 2003. Also on the title line of each summary you will find the initials of the ISAC staff member who summarized the bill. Their initials are:
AB - Anastasia Baker Hurn, Legal Counsel

DV - David Vestal, Deputy Director
DW - Deborah Westvold, Case Management Director
JE - John Easter, Director of Intergovernmental Affairs
JS - Jay Syverson, Fiscal Policy Analyst
RM - Robert Mulqueen, Public Policy Analyst
SM - Sara Mullen, Legislative Intern
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 69 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's Mission:

To promote effective and responsible county government for the people of Iowa.

ISAC's Vision:

To be the principal, authoritative source of representation, information and services for and about county government in Iowa.

COUNTIES CAN DELIVER



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 2002 Fall School of Instruction.

For 2003, seven ISAC priorities were presented in the theme of "Counties Can Deliver." This theme helped shape the ISAC message by emphasizing that counties can deliver quality services that are efficient and innovative. The message stressed that county government is the solution to many state and local service needs.

No one should ever expect a legislative session to go perfectly, and the 2003 session was no exception. The shortfall in state revenues consumed most of the legislative energy and attention, so 2003 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 seven ISAC top priorities.

E-Commerce Fee

With the passage of HF 2205 in 2000, the structure has been in place in the Iowa Code for making possible more in-state electronic commerce. Since the summer of 2000, the Iowa County Recorders Association and ISAC have worked together to plan for an internet site administered by Iowa's county recorders in which to make available all public Iowa real estate information. The work of several recorders along with consultants and the examination of small attempts to produce such a site in other states resulted in the realization that a web based information source is within our grasp. However, because the "construction" of such a statewide website is beyond the financial means of county recorders, we sought legislation authorizing a special document recording fee to fund a site's production and maintenance.

Provisions of both the so-called "reinventing government" legislation and in the "standings" appropriations bill, call for a \$5 fee on all recorded documents for one year and a \$1 fee thereafter. During the first year, the \$5 fee is deposited into two funds held by the State Treasurer's office. One is to be used collectively by the Iowa County Recorders Association to build the internet real estate site. The other is used to collect, arrange and format each county's real estate documents into a "page" on the statewide site.

Bio-terrorism and Public Health Infrastructure

There was no legislation this session which would assure access to a specific percentage of federal funding from the Centers for Disease Control or the Department of Homeland Security for public health infrastructure modernization, for disease surveillance, or for bio-terrorism defense.

Mental Health and Developmental Disabilities Redesign

In 2003, ISAC sought continued redesign of the mental health developmental disabilities system that included restoration of previous cuts in allowable growth; adoption of the Mental Health Restructuring Task Force Report; removal of targeted case management from the MBC of Iowa contract; removal of the current cap on children's residential treatment programs, and the addition of day habilitation, pre-vocational and transportation to the HCBS-MR waiver.

Several significant pieces of legislation moved counties toward redesign of the mental health and developmental disabilities system. HF 529 requires the MH/DD Commission to make recommendations in areas identified in the Mental Health Restructuring Report; including, recommendations for the elimination of legal settlement, the development of a core set of services and a more appropriate fiscal formula. In addition, HF 560 established adult day care, prevocational and transportation services as part of the home and community-based waiver for persons with mental retardation. These additional services will begin July 1, 2003, allowing counties to access federal funds for services in which they are currently paying 100%.

County Home Rule Authority and Livestock

No piece of legislation was approved during the 2003 legislative session which specifically had to do with county home rule authority regarding confined animal feeding operations. HF 644 dealt with manure applicators certification. SF 396 had to do with changing the definition of an "animal unit" for young poultry. HF 380 (reviewed in this booklet) waives the fees assessed for the Manure Storage Indemnity Fund if that fund, at the end of any three month period, exceeds \$3 million. If the fund dips to \$2 million, the fee is reinstated. This act also prohibits transfer of money from this fund by the DNR to pay for personnel. SF 392 (reviewed in this booklet) is of concern to Environmental Health Specialists and to Conservation Directors. Section 2 of this act allows construction of unformed manure storage structures (earthen lagoons) on karst terrain or in areas which drain into sinkholes if there is a 25 foot vertical separation be-

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tween the bottom of the lagoon and the underlying limestone or dolomite. This distance could be achieved even if the lagoon was jacked up to that separation using an earthen berm. This act also, in sections 3, 4 and 5, exempts certain animal feeding operations structures (chiefly formed manure storage structures which replace unformed structures) from certain distance requirements, particularly in 100 year floodplains.

State Reimbursement for State Prisoners

Property taxpayers in Iowa spend more than \$50 million annually holding inmates in county jails. Public safety is the fastest growing area of county budgets statewide. There are many reasons why operating a jail has become so expensive, including the increase in the number of jail inmates and the high cost of complying with the state jail standards. The state pays for only a portion of the cost to counties of holding state prisoners in county jails. The Iowa Department of Corrections appropriations line-item is under-funded by about \$500,000 of the cost to counties. While the state has made some notable improvements in holding the line for funding the costs in recent years, there was no change in this line-item for FY04. Funding was held at the \$674,954 level. With significant cuts in other areas to local governments, perhaps holding the level here is an accomplishment in itself.

Local Government Fiscal Reform Act

In 2003, the property tax debate took on a new emphasis compared to the battles in recent years. Several property tax reform packages were introduced, including ISAC's Local Government Fiscal Reform Act and the Iowa Commission on State and Local Taxation.

Near the end of the session, old hands and new members in the House crafted a new approach to property tax reform which was reflected in HF 692. As passed by the House, HF 692 would change the current property tax valuation process to a system based on a square-footage valuation established on a specified base-year, i.e. assessment year 2005. Local taxing jurisdictions would simply adjust their levies against the total square footage value to raise the necessary revenue to fund their budgets. Rollbacks, levy limits and property tax credits, if they are to exist at all under the new system, would be drastically different from what we know now. An implementation committee comprised of interested state, local and private sector groups would be established to facilitate a pilot study and make necessary policy recommendations for further legislative consideration. The bulk of the technical aspects of this new

system are to come from the committee's recommendations.

HF 692 passed the Iowa House of Representatives at the end of the legislative session and the Senate did not have time to take it up then. Since the legislature has been called back into special session to work on an economic development package, the property tax reform plan has become one of four key items to complete during the special session. The other three items are income tax reform, business regulatory reform, and the economic development plan. In this special session, the Iowa Senate adopted this property tax plan along with other policy matters in HF 692. An amendment was added in the Senate to sunset the property tax reform plan on June 30, 2005 in order to force another legislative enactment of the new system before it would go into full effect. This legislation was pending consideration by the Governor as of this writing.

Road Use Tax Fund and Distribution

For 2003, ISAC supported current studies that show all road entities (Iowa Department of Transportation (DOT), cities and counties) lack sufficient resources to maintain their existing road and street systems. ISAC supported the current distribution formula of Road Use Tax Fund (RUTF) dollars to all road entities. Neither the DOT, cities nor counties were to be allocated less than their current share of current revenue sources making up the RUTF. ISAC advocated additional dollars needed by all to make needed safety improvements and to respond to economic opportunities. ISAC opposed any diversion of current dedicated RUTF income to other uses and away from any or all of the entities. Any changes in jurisdiction and/or control of roadways were only to be done with an appropriate change in the distribution of RUTF dollars.

SF 451-Transfer of Jurisdiction of Roads was introduced and allowed for the transfer of jurisdiction of certain roads and the transfer of funds associated with those roads. This legislation was signed into law by Governor Vilsack on May 23, 2003. SF 451 provides that interest generated on transfer monies in the county fund be retained in the county fund. It simplifies the procedure required for reclassification of county roads as area service "C" roads. The measure establishes a study committee to evaluate the distribution of the street construction fund of the cities. It defines "municipal street system" to exclude secondary roads within a municipality and transfers the jurisdiction of farm-to-market road extensions within cities with a population of less than 500 to the county board of supervisors. The bill transfers back to the city jurisdiction over the farm to market road once the city population reaches 750.

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HF 225 - Modifying Workers' Compensation Laws

WRP

Engineers, Supervisors

Iowa Code §85.28 is amended to raise the maximum amount an employer is required to pay for reasonable burial expenses of an employee's death due to on the job injury. The change is from \$5,000 to \$7,500.

Iowa Code §85.48 is amended to provide, in a partial commutation of benefits, an option to pay the claimant's remaining weekly payments either by eliminating weekly payments from the first or last part of the payment period or by reducing the weekly benefit amount on a pro-rata basis over the entire payment period.

The bill changes the repeal date in §85.65A, which imposes a surcharge on employers for the second injury fund, from July 1, 2003, to July 1, 2008.

Iowa Code §§86.42 and 86.43 are amended to provide that a party may present a file-stamped copy, instead of a certified copy, of an order or decision of the workers' compensation commissioner to the district court to obtain a judgment on an award of workers' compensation benefits. *Effective date: Upon enactment.*

HF 311 - Modification of Duties of the County Recorder

RM

Recorders

This act makes two changes in the duties of the county recorder. Sections 1 and 4 strike references in Iowa Code §§331.602(33), and 607A.9 which require the recorder to serve as a member of the county's jury commission. Sections 2 and 3 amend Iowa Code §§331.607(6) and 557.22 by striking the requirement that the county recorder keep registration of farms and that they furnish each farm owner with a certificate containing the name of each landowner and a description of their land.

HF 319 - Bad Check Demands

JS

Treasurers

This bill allows the holder of a bad check to demand payment by regular mail with an affidavit before going to court. It makes the affidavit presumptive and not conclusive proof that the demand was mailed. The demand must be mailed to one of three allowable addresses.

HF 339 - Snowmobile Franchises

RM

Recorders

This bill adds snowmobiles to various portions of franchise law in Iowa Code chapter 322D. This section now contains reference to farm implements, motorcycles, and all-terrain vehicles. This bill also adds Iowa Code §322D.10, which states that this applies to snowmobile franchises in effect or renewed as of January 1, 2003. *Effective date: Upon enactment, retroactive to January 1, 2003.*

HF 394 - Community Attractions and Tourism Program

RM

Conservation, Supervisors

This bill amends Iowa Code §15F.202 by adding "regional marketing" to the purposes of the Community Attraction and Tourism Program, which is administered by the Vision Iowa board.

HF 395 - Credit Discrimination

JS

Treasurers

This bill amends Iowa Code §537.3311, part of the Iowa consumer credit code. Current Iowa Code language prohibits a creditor from discriminating against a consumer in a consumer credit transaction. This applies to discrimination on age, color, national origin, sex, marital status, disability, public source of income, or the exercise of consumer rights under the Iowa consumer credit code or other provisions of law. The bill replaces the phrase "other provisions of law" with "the federal Consumer Credit Protection Act." The federal consumer laws reference such subjects as consumer credit cost disclosures, credit reporting agencies, equal credit opportunity provisions and debt collection practices.

HF 411 - Military Hunting Licenses

SM

Recorders

This bill amends Iowa Code §483A.1A (7)(d) to provide that a member of the armed forces of the United States who is on active duty, claims residency in Iowa, and has filed a state income tax return as an Iowa resident for the preceding tax year, or who is stationed in this state, may obtain a resident hunting license. The "stationed in this state" language is new.

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HF 412 - Mussel Fishing

SM

Conservation, Recorders

This legislation strikes Iowa Code §482.12(1)(a) and replaces it with a section that allows a person with a sport fishing license to take and possess on a daily basis from a maximum of 20 pounds to a maximum amount as authorized by rule of the Department of Natural Resources. A person taking more than the maximum amount is guilty of a simple misdemeanor.

HF 456 - Uniform Computer Information Transactions Act

JS

Treasurers

This bill revokes the enactment of a provision that would repeal a choice-of-law provision in Iowa Code §554D.104, the Uniform Electronic Transactions Act. The provision which is retained makes void any choice of law provision that provides that the contract is to be interpreted pursuant to the laws of a state that has enacted the Uniform Computer Information Transactions Act. It also provides that if the party against whom enforcement is sought is a resident of Iowa, the contract shall be interpreted according to the laws of Iowa. The bill also repeals previous enactments expressing the intent of the General Assembly to consider the Uniform Computer Information Transactions Act during the 2003 regular session. *Effective date: Upon enactment*

HF 534 - Department of Administrative Services

DV

Assessors, Auditors, Treasurers

This 180-page bill creates a new Department of Administrative Services (DAS), which combines several existing state departments, including the Information Technology Department, the Department of General Services (DGS), and the Department of Personnel. The Department of Revenue and Finance is reorganized with responsibilities related to the management and administration of the state's financial resources shifting to the DAS, and the taxing and revenue-related responsibilities remaining with the renamed Department of Revenue. Section 251 strikes Iowa Code §331.502(3), which required that the county auditor keep complete journals of the General Assembly and the official register available for public inspection.

HF 541 - Birth Certificate Fees

RM

Recorders

This bill amends Iowa Code §144.13A by providing that, beginning July 1, 2003 and ending on June 30, 2005, the fee for registration of a birth certificate shall be \$15. Of this amount, \$10 goes to primary and secondary child abuse prevention programs and \$5 goes to the Birth Defects Institute central registry. Beginning July 1, 2005, the fee will be \$20. Of this amount, \$10 goes to the primary and secondary child abuse prevention programs, and \$10 goes to the Birth Defects Institute central registry.

HF 545 - Official Newspapers

DV

Auditors, Supervisors

This bill changes the criteria for official county newspapers. Previously, in order to be considered as an official newspaper, the newspaper only had to be issued "at a regular frequency." Now the newspaper must be published at least once a week for at least 50 weeks per year.

HF 583 - Gift Law

DV

All

Section 2 of the bill amends Iowa Code §68B.22(4) and provides that the gift law does not apply to gifts of food, beverage and entertainment received by public officials and public employees at a reception where every member of the General Assembly has been invited to attend, if the reception is held during a regular session of the General Assembly. A sponsor of reception shall file a report disclosing the total amount expended. The report shall be filed with the Secretary of the Senate, the Chief Clerk of the House, and the Ethics and Campaign Disclosure Board within five business days following the reception.

Section 3 makes changes regarding the lobbyist's client reports which contain information about salaries paid to lobbyists. Up until now, these reports had to be filed twice annually, in January and July. Under this bill, there is only one annual report to be filed on or before July 1 of each year.

HF 595 - Annexation - See Land Use & Rural Affairs

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HF 601 - Campaign Finance Reports

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

This act bill numerous changes to Iowa Code chapter 56 having to do with campaign finance.

Section 1 amends Iowa Code §56.3(1) by extending the requirement of a treasurer and of a bank account in Iowa financial institutions to state statutory political committees and to county statutory political committees. Section 2 strikes Iowa Code §56.5(2)(d), which provided that a political committee's statement of organization must include the disposition of funds in the event that the committee is dissolved if the committee is not statutory. Section 3 amends Iowa Code §56.6(2)(5) by 1) striking the political committee's treasurer as the one responsible for notification of the Iowa Ethics and Campaign Disclosure Board of that committee's dissolution, and 2) stating that the provisions of Iowa Code §§56.41 and 56.42 (uses of campaign funds and transfer of campaign funds) take precedence in the event of a political committee's refunds or distribution of monies to pay financial obligations.

Section 4 strikes Iowa Code §56.13 and replaces it with a new definition of "independent expenditure" and provisions concerning who must file independent expenditure statements, the deadlines for filing an independent expenditure statement, and what must be contained in an independent expenditure statement. Section 5 amends Iowa Code §56.20 by striking the director of the Iowa Department of Revenue and Finance (DRF) and the director of the Iowa Department of Management as administrators of the Iowa income tax check off for the Iowa Election Campaign Fund. Section 6 amends Iowa Code §56.22(2) by stating that funds from the Iowa Election Campaign Fund, derived from the state income tax check off, may not be used to advocate the nomination, election or defeat of any candidate during a primary election.

Section 7 amends Iowa Code §56.23 by striking the director of the DRF as a party to determine the propriety of the use of income tax check off funds. Section 8 amends Iowa Code §56.43(1) by making technical corrections to provisions concerning the use of campaign property. Section 9 orders the editor of the Iowa Code to move and renumber chapter 56 as chapter 68A.

HF 614 Elections - HAVA and Absentee Voting -
See Special Session

HF 636 - Legislative Services Agency

DV

All

This 21-page bill consolidates the function of the Legislative Service Bureau (that drafts legislation) and the Legislative Fiscal Bureau (that analyzes the fiscal impact of legislation) into a single state agency called the Legislative Services Agency (LSA). The LSA is under the control of the Legislative Council.

Section 27 amends Iowa Code chapter 17A regarding the administrative rules process. It provides that any proposed rule by any state agency which has an annual cost to all affected persons of \$100,000 or more shall be accompanied by a fiscal impact statement outlining the expenditures. The LSA shall analyze the statement and provide a summary of that analysis to the Administrative Rules Review Committee. If the state agency has made a good faith effort to comply with these requirements, the proposed rule shall not be invalidated on the ground that the contents of the statement are insufficient or inaccurate.

Effective date: Upon enactment.

HF 647 - Self-Funded Insurance Plans for Public Entities

WRP

Auditors, Supervisors

Section 1 amends Iowa Code §29A.43(2) relating to insurance for an officer of the National Guard, enlisted person of the National Guard, or reserves of the armed forces of the United States who is insured as a dependent under a group policy for accident or health insurance. If the individual was insured as a dependent, a full-time student less than 25 years of age, and whose coverage under the group policy would otherwise terminate while the officer or enlisted person was on a leave of absence during a period of temporary duty or service, the individual will be considered to have been continuously insured under the group policy for the purpose of returning to the insured dependent status as a full-time student. This subsection does not apply to coverage of an injury suffered or a disease contracted by a member of the National Guard or organized reserves of the armed forces of the United States in the line of duty.

Section 12 amends Iowa Code §509A.15(4), by striking the subsection and inserting a new subsection. One or more political subdivisions of the state or one or more school corporations maintaining self-insured plans with yearly claims that do not exceed 1% of

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each entity's general fund budget shall be exempt from the requirements of this section. The exemption to §509A.15 applies if the plan insures employees for all or part of a deductible, coinsurance payments, drug costs, short-term disability benefits, vision benefits, or dental benefits. Iowa Code §509A.15 requires the filing of a certificate of compliance, actuarial opinion, and an annual financial report. The yearly claim amount shall be determined annually on the policy renewal date. An alternative date can be established by rule by 1) a plan administrator, 2) political subdivision, or 3) school corporation employee who is designated by the plan administrator. The exemption shall not apply for the following year in which annual claims are determined to exceed 1% of the political subdivision's or school corporation's general fund budget.

Section 52 creates the Individual Health Insurance Task Force. The insurance division of the Department of Commerce shall establish an individual health insurance task force. The individual health insurance task force shall conduct a study to review the individual health insurance market reform under Iowa Code chapter 513C and the Iowa comprehensive health insurance association under Iowa Code chapter 514E.

The study shall include review of the following:

1. The premium rating system for the guaranteed basic and standard plans regulated under Iowa Code chapter 513C and the comprehensive health insurance plans under Iowa Code chapter 514E.
2. The availability of and qualifications for coverage under the guaranteed basic and standard plans regulated under Iowa Code chapter 513C and the comprehensive health insurance plans under Iowa Code chapter 514E.
3. The cost-sharing and assessment mechanisms under Iowa Code §§513C.10 and 514E.2.
4. Any other matters as agreed upon by the task force which affect the individual health insurance market.

The commissioner of insurance shall select the members of the task force which shall include representatives from the Iowa comprehensive health insurance association, the public employee governing bodies subject to Iowa Code chapter 509A, and other health insurance-related parties or experts as deemed appropriate by the commissioner. The commissioner shall submit a report from the task force to the General Assembly on or before January 15, 2004 regarding the task force's findings and recommendations,

including proposed legislation concerning individual health insurance. *Effective date: Upon enactment.*

HF 680 - Wholesale Bait Dealers

SM

Recorders

This legislation amends Iowa Code chapter 483 with changes to the law regarding licensure for bait dealers, by creating residential and non-residential wholesale bait dealer licenses. Section 1 charges resident retail bait dealers \$30.50 for their license, while section 2 adds a new paragraph that charges \$125 for a residential wholesale bait dealer's license. Section 3 states non-residential retail bait dealer licenses will cost \$125, or the amount for the same type of license in the non-resident's state, whichever is greater. Section 4 adds another paragraph which charges non-residential wholesale bait dealers \$250 for a license or the amount for the same type of license in the non-resident's state, whichever is greater. The last section deals with reciprocity. Licenses for bait dealers or for fishing, hunting or fur harvesting shall not be issued to residents of states that do not sell similar licenses or certificates to residents of Iowa. The section strikes all exceptions. *Effective date: Upon enactment.*

HF 692 - Tax Changes, Regulatory Reform, Grow Iowa Fund - See Special Session

HF 694 - Judicial Branch Reorganization

DV

All

This 21-page bill makes many changes to the court system. Sections 9-22 shift responsibilities for the state papers program from the clerk of court to the board of supervisors and the general assistance director.

Section 1 allows the chief justice to delay the filling of a judicial vacancy for 180 days for budgetary reasons. Section 3 provides that the term of a district associate judge retained at a judicial election is six years instead of four years. Section 5 provides that the service of a summons requiring a child to appear in a juvenile proceeding shall be made personally "by the sheriff."

Section 9 amends Iowa Code §255.1 to provide that state papers requests are to be filed in the office of the county general assistance director, rather than with the clerk of juvenile court. Section 10 provides

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that upon the filing of a state papers request, the county general assistance director shall appoint a physician who shall personally examine the patient. The general assistance director can destroy all records related to the request after five years.

Section 11 provides that the physician's report is to be filed in the office of the county general assistance director. Section 12 provides that the county general assistance director shall make a thorough investigation of the facts and file a report with the board of supervisors. Section 13 provides that the county general assistance director then sets a time and place for a hearing on the matter. Section 14 provides that the hearing on the matter is now before the board of supervisors, instead of a court. If University Hospital is prepared to take the individual, then the board "shall direct that the patient be sent to the University Hospital for proper medical and surgical treatment." In the case of emergency, the board of supervisors without previous inquiry, may at its discretion order the patient to be immediately taken to and accepted by University Hospitals.

Section 15 provides that a board of supervisors can refuse to make such an order in cases where such an order is precluded by a patient's religious belief. Section 16 provides that in cases of great emergency, the board of supervisors can make such an order with the patient's consent (or minor patient's parent's consent), without examination, report, notice or hearing.

Section 17 provides that the county general assistance director shall prepare a certified copy of the order, which shall be delivered to the admitting physician. Section 18 provides that if an attendant must accompany the patient to University Hospitals, the county general assistance director may appoint an attendant. Section 19 provides that all charges for treatment at University Hospitals must be approved by the board of supervisors prior to being included in the University Hospitals' bill. Section 22 provides that the state printing administrator shall furnish county general assistance directors forms to be used by physicians who examine patients under order of the board of supervisors.

Section 26 provides that if an owner of a vehicle is charged with a violation of a traffic provision related to the stopping, standing, or parking of a vehicle, the owner can provide proof that the vehicle was in the custody of another person by furnishing to the county attorney either a lease or rental agreement. Previously the documents were presented to the clerk of court.

Section 29 provides that the district judges may appoint a person to serve as clerk of district court for more than one but not more than four contiguous counties in the same judicial district. This section eliminates the requirement that the clerk of court establish residence in the county.

Section 33 provides that a chief judge of a judicial district shall schedule a magistrate to hold court in a city other than the county seat if 1) the population of the city is at least two times greater than the population of the county seat or is at least 30,000; 2) the city requests a magistrate; 3) magistrate court was regularly scheduled in the city on or after July 1, 2001; and 4) the city pays all of the costs.

Section 34 provides that beginning in 2012, the Supreme Court shall review the judicial districts every 10 years. If restructuring is needed, a bill will then be submitted to the Legislature. The bill will be submitted under a procedure permitting no amendments. It is the intent of the Legislature that prior to submitting such a bill, the Supreme Court will consult with interested groups, including county officers.

Section 37 provides that the judicial branch shall not establish regional litigation centers. Section 39 provides that if a judicial vacancy occurs, the chief justice may add a judge in another judicial election district instead of filling that vacancy, if the chief justice finds a substantial disparity in judicial workloads and the allocation of judges. Section 39 also provides that if the chief justice finds a substantial disparity in judicial workloads and the allocation of judges, the chief justice may authorize the voluntary permanent transfer of a judge from one judicial election district to another judicial election district.

Section 41 allows the chief justice to delay the filling of a district associate judge, full-time associate juvenile judge, or magistrate vacancy for 180 days for budgetary reasons. Section 42 provides that district associate judges, once elected, shall serve for six years. It had been four years.

Section 45 provides that clerks of court must make the memorandum in the appearance docket of the date of filing of all pleadings within two business days for new petitions or orders and "as soon as practicable" for all other pleadings. The deadline had been "before the end of the next working day." Section 47 provides that the fee for filing a uniform citation and complaint for parking violations is increased from \$1 to \$8 effective January 1, 2004.

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Section 55 provides that as part of the probate process, the personal representative shall deliver to the county recorder a certificate pertaining to each parcel, including the name of the person in whose name the parcel is to be taxed. That certificate had previously come from the clerk of court. Section 56 provides that when there is no will, the heir or the heir's attorney shall prepare and deliver to the county recorder a certificate pertaining to each parcel. That certificate had previously come from the clerk of court.

Section 66 requests an interim study committee to study judicial district redistricting and the allocation of judicial branch resources. If the committee determines that redistricting should occur, the committee shall adopt a plan and submit it to the Legislature by December 15, 2003. The committee is to consist of 31 members, including one member from the Iowa County Attorneys Association, one member of the Iowa State Sheriffs and Deputies Association, one member of the Iowa County Recorders Association, and one member of the Iowa State Association of County Supervisors.

SF 94 - Confidentiality of Veterans' Records

RM

Recorders

This act restricts access to veterans' records maintained in the county recorders' office. Section 1 adds language to Iowa Code §22.7, stating military personnel records recorded by the county recorder are to be kept confidential. Section 2 amends Iowa Code §331.608 by listing six exceptions to the confidentiality of veterans' records: 1) if requested, the subject of the record, their immediate family, or the person's authorized agent; 2) in the event that the records requested are more than 75 years old; 3) to the funeral director in charge of that veteran's burial; 4) a court order; 5) if required by a federal or state agency or by a political subdivision of the state; or 6) if requested by a researcher who has received written approval from the county veterans affairs commissioner. Section 3 amends Iowa Code §331.608(6) by striking the word "public" in reference to military personnel records.

SF 134 - County Treasurer's Duties - See Taxation & Finance

SF 180 - Abandoned Property

DV

Treasurers

This bill changes the requirements for handling abandoned property.

Section 2 provides that the holder is not required to make a due diligence mailing to owners whose property has an aggregate value of less than \$50. Section 4 provides that a person shall not attempt to collect compensation for discovering abandoned property unless that person is a licensed private investigator. Section 6 provides that the state treasurer is not required to mail or publish notice of abandoned items of less than \$50 value. Section 7 provides that the state treasurer can destroy property rather than sell it if the property has no commercial value. Section 7 also provides that the state treasurer must hold abandoned securities for one year before selling them. It had been three years.

SF 230 - City Councils - Reduction from Five to Three Members

WRP

Auditors

Iowa Code §372.4 is amended to provide that in cities between 500 and 5,000, the city council may, or shall upon petition of the electorate submit a proposal at the next regular or special city election to reduce the number of council members to three. If a majority of the voters voting on the proposal approves it, the proposal is adopted. If the proposal is adopted, the new council shall be elected at the next regular or special city election. The council shall determine by ordinance whether the three council members are elected at large or by ward.

In a city having a population of less than 500, the city council may adopt a resolution of intent to reduce the number of council members from five to three and shall call a public hearing on the proposal. Notice of the time and place of the public hearing shall be published as provided in Iowa Code §362.3, except that at least 10 days' notice must be given.

At the public hearing, the council shall receive oral and written comments regarding the proposal from any person. Thereafter, the council, at the same meeting as the public hearing or at a subsequent meeting, may adopt a final resolution to reduce the number of council members from five to three or may adopt a resolution abandoning the proposal. If the council adopts a final resolution to reduce the number of council members from five to three, a petition meeting the same requirements specified in Iowa Code §362.4 for petitions authorized by city code may be filed with the clerk within 30 days following the effective date of the final resolution, requesting that the question of reducing the number of council members from five to three be submitted to the registered vot-

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ers of the city. Upon receipt of a petition requesting an election, the council shall direct the county commissioner of elections to put the proposal on the ballot for the next regular city election. If the ballot proposal is adopted, the new council shall be elected at the next following regular city election. If a petition is not filed, the council shall notify the county commissioner of elections by July 1 of the year of the regular city election and the new council shall be elected at that regular city election. If the council notifies the commissioner of elections after July 1 of the year of the regular city election, the change shall take effect at the next regular city election. The council shall determine by ordinance whether the three council members are elected at large or by ward. *Effective date: Upon enactment.*

SF 272 - Conflicts of Interest

DV

All

This bill makes two changes to Iowa Code §331.342 regarding conflicts of interest. Previously, there was no conflict if an officer or employee of a county had an interest in a county contract, if that interest was solely be reason of employment, so long as 1) the contract was competitively bid, and 2) his compensation was not affected by the contract and his employment duties do not involve the procurement of the contract. Now it is changed from the conjunctive to the disjunctive: there was no conflict if an officer or employee of a county had an interest in a county contract if that interest was solely be reason of employment, so long as either 1) the contract was competitively bid, or 2) his compensation was not affected by the contract and his employment duties do not involve the procurement of the contract.

The second amendment adds a new subsection 11, which provides that there is no conflict if an officer or employee of a county has an interest in a county contract that is a bond, note or obligation of the county and the contract is not acquired directly from the county.

SF 275 - Taxation on Utilities - See *Taxation & Finance*

SF 348 - Fishing License Fees

RM

Conservation, Recorders

This act amends Iowa Code chapter 483A by raising certain fishing license fees and by providing for fish

habitat development funding.

Section 1 raises the resident fishing license cost from \$10.50 to \$17, the resident seven day license from \$8.50 to \$11.50, and creates a resident one day license for \$7.50, while striking the fish habitat fee. Section 2 raises the cost of a non-resident annual fishing license from \$36 to \$39, the non-resident seven day fishing license from \$27 to \$30, and creates a non-resident three day fishing license for \$15.50. The non-resident fish habitat fee is struck. Section 3 adds a non-resident one day fishing license, the cost of which is \$8.50.

Section 4 strikes Iowa Code §483A.3A and substitutes a new section which states that \$3 from each resident and non-resident annual, and seven day fishing license shall be put into the state fish and game protection fund and must be used for fish habitat development. Not less than 50% of this amount must be used by the Natural Resources Commission to enter into agreements with county conservation boards to carry this out. Section 5 amends Iowa Code §483A.6 by adding that anyone required to have a fishing license shall not only not possess trout, but may not fish for trout unless they pay a trout fishing fee.

Effective date: December 15, 2003. (Applicable to licenses and fees beginning January 1, 2004.)

SF 357 - Election or Appointment of City Hospital Trustees

WRP

Auditors

Section 1 amends Iowa Code §392.6(1). This bill makes changes relating to election of the board of trustees of a city hospital or city health care facility. The bill requires that a candidate for the office of hospital or health care facility trustee be a resident of the hospital or health care facility service area at the time of the election at which the person's name appears on the ballot.

Section 2 amends Iowa Code §392.6(3). The bill provides that a vacancy on a hospital or health care facility board of trustees may be filled by appointment of the remaining members of the board unless a petition requesting a special election to fill the vacancy is filed within 14 days after the appointment is made. Trustees that are appointed or elected shall serve the unexpired term of office or until their successor is elected.

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SF 376 - Surcharge for Dishonored Negotiable Instruments

JE

Auditors, Recorders, Treasurers

This bill amends Iowa Code §554.3512. Article 3 of the Uniform Commercial Code (UCC) regulates negotiable instruments by providing a promise to pay an amount of money payable to the bearer upon demand or at some definite time. The bill increases the surcharge that may be assessed against checks, drafts, or orders which are dishonored from \$20 to \$30.

election held on the day of a regular city election. Previously it had to be at a general election.

Section 11 provides that adoption of the consolidation charter requires the approval of a majority of the votes cast in the entire county. A city is included in the consolidation if the charter is approved by a majority of the votes cast in the city.

Section 11 also provides that a city may request to join an existing consolidated government upon a petition signed by 25% of the persons who voted in the last city election. It had been 25% of the voters in the last general election.

SF 390 - City-County Consolidation

DV

Supervisors

This 14-page bill makes numerous changes to the current law regarding city-county consolidations. Some are material changes, others are minor, nonsubstantive changes. After this bill passed the Legislature, it was amended in the closing days of the Legislature in section 179 of SF 458, an appropriations bill. The amendment added a provision to section 25, which creates the "local government organization review committees." The effect of the amendment was to say that these committees may be created only in counties "having a population in excess" of 100,000. It is these committees, after they submit their recommendations to the board of supervisors, they become the charter commissions. Since these committees can only exist in counties over 100,000, presumably that means that the last minute amendment limited city-county consolidation efforts only to counties over 100,000.

Section 1 provides that if Polk County or Linn County adopts a community commonwealth or city-county consolidation form of government, and the charter provides for representation by districts, those districts shall be drawn by the Legislative Service Bureau, not the temporary county redistricting commission.

Section 4 provides that the costs of a charter commission shall be shared by the cities and the county in proportion to the county population. Previously, it had said that the costs "may be paid by the county."

Section 5 provides that the final report of the charter commission shall include "a statement of whether the elected officers shall be elected on a partisan or non-partisan basis." Previously it was done on a partisan basis.

Section 6 provides that the charter may be submitted for a public vote at a general election or at a special

Section 14 provides that a consolidation charter may include other provisions, such as providing for the combining of duties of elected officials of the county, providing for the elimination of elected offices, and providing for the addition, deletion or changing of the duties of elected officials. The charter can also reorganize city and county departments, and provide for the elimination of township trustees.

Section 25 provides that a local government organization review committee may be created in a county (but according to a last-minute amendment, only in counties of at least 100,000 population - see explanation above). The committee is composed of city council members, county supervisors, representatives of the county's state legislators, and representatives of the county's township trustees. A review committee shall be established within 30 days after the supervisors adopt a resolution calling for the appointment of members, or if a petition representing 25% of the voters in the last general election or 10,000 signatures, whichever is fewer, is submitted to the board of supervisors. The committee has seven months to submit a report to the board of supervisors "as to what the committee believes to be the best proposal for an alternative form of government for the county."

Effective date: Upon enactment, and applies to charter commissions in existence on the effective date.

SF 397 - Venison in Institutions

SM

Recorders

This legislation amends Iowa Code §483.8 by adding two new subsections. The first subsection states the Natural Resource Commission (NRC) shall provide for the issuance of an antlerless deer hunting license for non-residents that is valid only during the period beginning December 24, 2003 and ending at sunset on

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January 2, 2004. This license will cost \$50. Ownership of this special license will not affect the non-resident's ability to hunt deer under other regulations issued by the state if they pay a wildlife habitat fee.

The second section encourages the NRC to issue additional antlerless deer hunting licenses to persuade hunters to help bring the state's deer population under control. This subsection also allows the NRC to issue rules pertaining to the issuance of resident antlerless deer hunting licenses. Resident hunters will not have to provide a wildlife habitat fee. It also allows the NRC to enter into a cooperative agreement with the Department of Corrections (DOC) that will allow the department to receive, process, package, and deliver harvested deer meat to the public institutions in the manner specified by the DOC at a competitive cost. A person violating this section of the Iowa Code or a rule adopted pursuant to the Iowa Code is guilty of a simple misdemeanor. This legislation also stipulates that the NRC, in consultation with the DOC, shall evaluate the results of the deer harvesting program. This report shall make recommendations suggesting improvements to the program and will comment on the possibility of expansion.

SF 425 - DALS and DNR Appropriations - *See Appropriations*

SF 435 - Judicial Appropriations - *See Appropriations*

SF 438 - Office of Grants Management - *See Taxation & Finance*

SF 452 - Infrastructure, Environment First, Tobacco Settlement Fund Appropriations - *See Appropriations*

SF 453 - Reinventing Government - *See Appropriations*

SF 458 - FY04 Appropriations - *See Appropriations*

COUNTIES CAN DELIVER



Environment & Public Health

HF 380 - Manure Storage Indemnity Fund

RM

Supervisors

This act amends various portions of Iowa Code chapter 459 dealing with the manure storage indemnity fund.

Section 2 strikes portions of Iowa Code §459.102(2) which includes civil penalties assessed by the Department of Natural Resources (DNR) or by the attorney general against animal feeding operations and funds paid as a settlement involving enforcement actions for civil penalties by the DNR as sources for the manure storage indemnity fund.

Section 3 strikes Iowa Code §459.501(5)(a), which provides that monies in the fund not obligated or encumbered (in excess of \$3 million) on June 30 of each year may, by August 31, be deposited in the organic nutrient management fund.

Section 4 adds Iowa Code §459.503A, which states that if the amount of available funds in the indemnity fund at the end of any three month period exceeds \$3 million, the indemnity fee required shall be waived and the fee shall not be assessed. If the fund's balance, not counting estimated claims, are less than \$2 million the indemnity fee shall be reassessed.

Section 5 states that the DNR shall not transfer any part of the balance of this fund to the animal agriculture compliance fund after the effective date of this act, and that the DNR must return any amount already transferred.

Effective date: Upon enactment.

HF 396 - Disaster Preparedness

RM

Emergency Management, Public Health, Supervisors

This bill adds significant provisions concerning disaster preparedness to those chapters of the Iowa Code which prescribe the powers of the Iowa Department of Public Health (DPH) and the Emergency Management Division (EMD) of the Iowa Department of Public Defense.

Section 1 creates Iowa Code §135.150 which defines terms such as "bio-terrorism", "disaster medical assistance team", and "public health disaster."

Section 2 creates Iowa Code §135.151 which establishes a Division of Epidemiology, emergency medi-

cal services, and disaster operations within the DPH. The responsibilities and powers of this division are enumerated and explained. These include the coordination of activities with other state agencies and with federal and local agencies, as well as with private and non-profit organizations, the conducting of risk assessments, the application for and receipt of grants, and the authority to adopt administrative rules.

Section 3 creates Iowa Code §135.152, which provides for the DPH to purchase, distribute, control, restrict, ration and prohibit the use or distribution of certain medical supplies in the event of a public health disaster.

Section 4 creates Iowa Code §135.153, which states that DPH shall approve disaster medical assistance teams to supplement and support local medical and public health personnel in the event of a public health disaster. Members of these teams are deemed to be state employees. DPH is to provide the Iowa Department of Personnel with lists of those who have been approved to serve on such a team.

Section 5 creates Iowa Code §135.154, which lists duties and powers of the DPH in the event of a public health disaster. These include decontamination, the identification and disposal of human remains, measures to be taken to prevent the transmission of infectious diseases, measures to be taken to identify and treat chemical, biological and radiological contamination, the power to order physical examinations and to order vaccinations, treatment, or quarantine.

Section 6 creates Iowa Code §135.155, which provides for the sharing of information on reportable diseases or health conditions between the DPH and the following: the Iowa Department of Public Safety, the EMD, the Iowa Department of Agriculture and Land Stewardship, the Iowa Department of Natural Resources and other federal, state or local law enforcement agencies. Release of information concerning the above must be consistent with the federal Health Insurance Portability and Accountability Act (HIPAA).

Section 7 amends Iowa Code §29C.6(1) by adding that in the event that the Governor proclaims a state of disaster emergency and that emergency constitutes a public health disaster, the written proclamation must include that matter.

Section 8 strikes Iowa Code §135.11(29), which contained provision for the duties of the DPH to conduct a risk assessment of dangers from biological agents.

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Section 9 adds a new subsection to Iowa Code §139A.2 defining "public health disaster."

Section 10 creates Iowa Code §139A.3A, which provides for the powers and responsibilities of the DPH to identify those to be believed to have been exposed to diseases or illness which are the potential cause of a public health disaster and to ensure control measures. Hospitals, health care providers or individuals may provide information on such cases to the DPH not otherwise prohibited by HIPAA to determine a possible disaster.

Effective date: Upon enactment.

HF 472 - Federal Block Grants - See Appropriations

HF 516 - Iowa Underground Storage Tank Fund Board Duties

RM

Supervisors

This act makes certain changes to the composition of and the duties of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board. Section 4 amends Iowa Code §455G.4 by adding a new subsection 6 which states that, beginning July 2003, the board shall submit a written report on a quarterly basis regarding changes in this program to the Legislative Council, the appropriate standing committee chairs, and ranking members. Changes to be reported include the number of open claims, the number of new claims and the status of each claim, a summary of the risk classifications of open claims, the status of all claims at high risk sites (including the number of corrective action design reports), the funding reserved for open claims, total money paid on open claims, and a summary of budgets approved and invoices paid for high risk site activities. The board must also include an estimated amount of time to complete all corrective action at all currently eligible high-risk sites where an action report has been submitted and approved. This estimate must include the projected year when the site will receive a "no further action" designation. The report must also identify the steps taken to make corrective action.

HF 557 - Volunteer Health Care Provider Program Liability

RM

Community Services, Public Health

This bill amends Iowa Code §135.24, provision for the Volunteer Health Care Provider Program under the Iowa

Department of Public Health (DPH). Iowa Code §135.24.1(2)(a) adds to the program's register of those qualified to take part: health care providers which are under the authority of the board of psychology examiners, the board of social work examiners, the board of behavioral science examiners, and the board of pharmacy examiners. Iowa Code §135.24.1(4) adds that a clinic offering free care shall be considered a state agency for the purposes of this program. They may be offered liability protection under Iowa Code chapter 669 for claims arising out of its operation, if the free clinic is registered with the DPH. Iowa Code §135.24.1(6)(a) defines a "free clinic." Iowa Code §135.24.1(6)(b) defines "health care provider" as including the following licensed professionals: psychologists, social workers, mental health counselors, and pharmacists.

HF 641 - Department of Public Health Program Changes

RM

Public Health

This bill makes changes to three chapters of the Iowa Code which have to do with public health programs under the authority of the Iowa Department of Public Health. Sections 1 and 2 amend Iowa Code §139A.8 by adding varicella to the list of diseases for which the immunization of children is required.

Section 3 amends Iowa Code §139A.8(4)(a) by adding an advanced registered nurse practitioner and a physician assistant to the list of those who may sign a statement exempting immunization for a person enrolling in an Iowa elementary or secondary school.

Section 4 amends Iowa Code §152.1(5)(b) by striking the paragraph and substituting language which states that among those situations which do not constitute "the practice of nursing" are nursing services by an unlicensed student enrolled in a nursing program.

Section 5 amends Iowa Code §152.1(5)(c) by adding unlicensed workers employed in hospitals, offices or health care facilities to those who do not meet the definition of "practice of nursing."

Section 6 amends Iowa Code §272C.3(1)(k) by adding to the powers of licensing boards the establishment of a licensee review committee for evaluating licensees who are impaired due to alcohol or drug abuse, dependency, or addiction. In addition, licensees with mental or physical disabilities, and who either report this to the review committee or who are

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referred by the licensing board to the review committee.

HF 667 - Public Health and Human Services Appropriations - See Appropriations

SF 237 - Water Quality Protection and Wells

RM

Environmental Health

This act amends three portions of Iowa Code chapter 455B which have to do with public and private water supply systems and water quality.

Section 1 amends Iowa Code §455B.183A(1) by stating that, in addition to funding appropriated by the legislature, the water quality protection fund (first established under the Iowa Department of Natural Resources (DNR) in 1994) may also be funded with monies from fees generated by the water well contractor certification program. Within the water quality protection fund, there is a new private water supply system account taken from water well contractor fees. This account goes to the DNR for the support of private drinking water supply protection.

Section 2 adds to Iowa Code §455B.187 with a provision that the director of the DNR may charge a fee for permits issued under the well certification program. Revenue from these fees are funneled into the private water supply system account with the water quality protection fund.

Section 3 amends Iowa Code §455B.190A(5) by stating that the well contractor certification fee is to go into the private water supply system account with the water quality protection fund.

SF 343 - Permits for Wastewater Disposal Systems

RM

Conservation, Environmental Health

This act has to do with the requirements for publicly owned wastewater systems to comply with or hold operations permits issued by the Iowa Department of Natural Resources (DNR). It states that a publicly owned "disposal system" shall not be mandatory to obtain or be in compliance with amendments to stipulations of the operations permits from the DNR. This applies even when amendments to the administrative rules governing such permits are required by the Environmental Protection Commission regarding cold water streams receiving discharge from wastewater systems. This will hold until such time that the commis-

sion adopts "scientifically sound methods for the review of use designations of cold water streams in the state." *Effective date: Upon enactment.*

SF 348 - Fishing License Fees - See County Administration & Organization

SF 392 - Animal Agriculture Compliance Act Amendments

RM

Environmental Health, Supervisors

This bill makes a number of changes in the portions of Iowa Code chapter 459 which have to do with the construction design standards and the distance requirements for formed and unformed manure storage structures.

Section 1 provides that construction design standards shall apply to formed manure storage structures that are part of small animal feeding operations as set forth in Iowa Code §459.310.

Section 2 amends existing language in Iowa Code §459.308(3), which prohibits construction of an unformed manure storage structure on karst terrain or in an area which drains into a sinkhole. It states that such a structure may be built in such a location if there is a 25 foot vertical separation distance between the bottom of storage structure and underlying limestone, dolomite, "or other soluble rock."

Section 3 amends Iowa Code §459.310(1) by exempting from the distance requirements for confinement feeding operation structures and from prohibitions against construction in a 100 year floodplain, those animal confinement facilities built prior to March 1, 2003 if certain conditions are present. The conditions include: animal capacity when replacement manure storage is built; if an unformed storage structure is succeeded by a formed structure; if the new formed storage structure is not closer than the separation distance required than any other structure which is part of the confinement operation; and if the DNR gives the confinement owner or operator a variance, the conditions under which that variance may be granted by the Department of Natural Resources.

Section 4 amends Iowa Code §459.310(2) by exempting from the prohibitions against building a confinement operation in a 100 year floodplain, as mentioned above in the summary of section 3.

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Section 5 adds Iowa Code §459.310(3a), which states the specific exemptions from the distance requirements and from building a confinement in a 100 year floodplain, as mentioned above in the summary of section 3.

Effective date: Upon enactment.

SF 436 - Supplemental Appropriation to the Environment First Fund - See Appropriations

SF 452 - Infrastructure, Environment First, Tobacco Settlement Fund Appropriations - See Appropriations

SJR 5 - Nullification of DNR Air Quality Rules *RM* *Environmental Health*

This joint legislative resolution nullifies the administrative rules which amend 567 Iowa Administrative Code as adopted by the Iowa Environmental Protection Commission on April 21, 2003. The new rules amended existing administrative rules having to do with ambient air quality standards which regulate ammonia and hydrogen sulfide levels. The new rules had adopted the Iowa Ambient Air Sampling Manual to be used in determining compliance with Iowa air quality standards. These rules followed the recommendations of a joint University of Iowa-Iowa State University study commissioned in 2002 by Governor Vilsack. *Effective date: Upon enactment.*

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HF 206 - Mandatory Reporting of Suspected Child Sexual Abuse

DW

Community Services

This bill increases the age for mandatory reporting of suspected child sexual abuse. The age has been changed from under 12 years of age to under 16 years of age. This applies if the sexual abuse is perpetrated by a person other than the person responsible for the care of the child.

HF 387 - Licensing Requirements for Residential Programs

AB

Community Services

This legislation allows up to 40 residential care facilities, licensed to serve up to five people with mental retardation, to be converted to residential programs operating under the HCBS waiver. Further intermediate care facilities, pursuant to federal requirements, for persons with mental retardation must meet the state fire marshal's rules adopted for such facilities. In addition, the legislation allows one active board member of a community mental health center, selected by the Iowa Association of Community Providers, be appointed to the MH/DD Commission. *Effective date: Upon enactment.*

HF 457 - Transition From Child Welfare to Adulthood

AB

Community Services

This legislation requires the Department of Human Services (DHS) to establish and maintain local transition committees. The committees are to address the transition needs of those children receiving child welfare services who are age 16 or older. The local transition committee membership may include the DHS, juvenile court services staff, general assistance directors and county central point of coordination directors. The transition committee shall review and approve the written plan of services required for the child's case permanency plan. Further, the local transition committee shall identify and act to address any gaps existing in the services or supports available to meet the child/adult needs of the individual.

HF 472 - Federal Block Grants - See Appropriations

HF 479 - Nurse Practitioners as Providers of Health Care Services

AB

Community Services

This legislation allows licensed, advanced nurse practitioners to be regarded as providers of health care services for purposes of managed care or prepaid services contracts under the medical assistance program.

HF 480 - Shelter Assistance Fund

AB

Community Services

This legislation creates a shelter assistance fund for the purpose of supporting group home shelters for the homeless and domestic violence shelters. In addition, the legislation requires a minimum of \$546,000 be spent on homeless shelter projects annually.

HF 489 - DHS Programs and Services

AB

Community Services

This legislation codifies the state's responsibility for the non-federal share of the cost of intermediate care facilities for persons with mental retardation (ICF/MR) services provided under medical assistance attributable to the assessment fee for the ICF/MR. In addition, the legislation codifies the county's responsibility to pay the non-federal share of the cost of rehabilitation services provided under medical assistance for legally settled persons with chronic mental illness. *Effective date: Retroactive to February 1, 2002.*

HF 529 - Mental Health Redesign

JE

Community Services, Supervisors

This bill directs the MH/DD Commission to make recommendations for redesigning the mental health and developmental disabilities services system for adults.

One of the commission's duties under Iowa Code §225C.6 is to perform "analyses and other functions associated with a redesign of the mental health and developmental disability services systems for adults and for children." The bill requires the MH/DD Commission to address these system components with recommendations: standardizing clinical and financial eligibility; identifying a minimum set of core services to be available in each county statewide; developing a funding formula so that funding follows an eligible individual; addressing the current legal settlement process and considering options for determining finan-

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cial liability for service costs to a new system based upon an individual's residency; and developing methods for improved coordination of federal, state, and county funding streams. The MH/DD Commission's report and recommendations are required to be submitted to the Governor and the General Assembly on or before December 31, 2003. *Effective date: Upon enactment.*

HF 558 - Disclosure of Information Regarding Abuse and Sex Offender Registry

DW *Community Services, County Attorneys*

This bill authorizes the Department of Human Services to disclose information regarding the listing of an individual in the child or dependent abuse registry or the sex offender registry. A disclosure can be made when necessary for the protection of a child or dependent adult. The disclosure is limited to the persons who are the subject of a child abuse reporting. This includes the child or dependent adult; the parent, guardian, custodian, or guardian ad litem; the person named in the report as having committed the abuse; and the attorneys for all the individuals involved.

HF 560 - Home and Community-Based Waiver Services

AB *Community Services*

This legislation establishes adult day care, prevocational and transportation services as part of the home and community-based waiver for persons with mental retardation. The legislation requires the Department of Human Services (DHS) to seek federal approval to amend the home and community-based waiver for mental retardation to include these services. In addition, the individual's county of legal settlement shall pay the non-federal share of the cost of services provided under the waiver. The legislation allows a case manager for a medical assistance home and community-based waiver to terminate a contract with a person providing attendant care services. This applies if the case manager determines that the contractor has breached the contract by not providing the services. Further, the legislation requires DHS to review the reimbursement methodology for the home and community-based waiver for persons with mental retardation in relationship to the goals and objectives of the MH/DD redesign being conducted by the MH/DD Commission.

HF 565 - HAWKI & Medicaid Changes

SM *Community Services, Public Health*

This bill amends portions of the Iowa Code relating to the healthy and well kids in Iowa (HAWKI) program and the medical assistance program. It deletes the requirement that the Department of Human Services (DHS) establish family cost sharing based on a sliding fee scale. The new language reflects changes in the family cost sharing to amounts of not less than \$10 per individual and \$20 per family, if not otherwise prohibited by federal law, with the approval of the HAWKI board. The bill allows for cost sharing based upon the family income percentage which is either below 150% of the federal poverty level or which equals or exceeds 150% of the federal poverty level. It also directs DHS to perform annual, random reviews of enrollee applications to ensure program compliance. Quality assurance reports are to be made to the HAWKI board and to DHS based upon the data maintained by the administrative contractor of the program. The bill eliminates the requirement that the outreach efforts developed by the board include a comprehensive statewide media campaign. It directs the HAWKI board, in consultation with the clinical advisory committee, to assess the initial health status of children participating in the program, establish a baseline, and develop appropriate indicators to assess the subsequent health status of children participating in the program, rather than directing the HAWKI board to select a single, nationally recognized assessment form for children participating in the program. The bill eliminates the requirement that the HAWKI board perform periodic random reviews of enrollee applications to assure program compliance, as this function is given to DHS under the bill.

This bill also directs the advisory committee for children with special health care needs to make recommendations annually, by January 1, rather than only one time by January 1, 1999. It eliminates the directive to the HAWKI board to adopt rules to address approval of a program application in cases in which prior employer sponsored coverage ended less than six months before determination of eligibility for the program. The bill also eliminates a requirement that participating insurers submit a marketing plan to the HAWKI board consistent with the board's outreach plan, for approval by the board. It amends the directive to the administrative contractor to forward names of children who appear to be eligible for health insurance coverage, other than medical assistance, to local offices of DHS or other appropriate persons, and limits the directive to forwarding the names of children who appear to be eligible for medical assistance only to

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the state offices of DHS. The bill also eliminates the directive for the administrative contractor to make program applications available through the mail and through local sites, as determined by DHS, including at schools, local health departments, local DHS offices, and other locations. It provides that a child may participate in the HAWKI program if, among other criteria, the child is not currently covered or was not covered in the past six months under a group health plan, unless allowed by rule of the HAWKI board. *Effective date: Upon enactment.*

HF 619 - Changes to Medicaid and Other Health Care Financing

DW

Community Services

This bill makes a number of changes to Iowa Code chapters 135, 135C and 249A. Changes include a statement that Medicaid is the funder of last resort and requires health care facilities to assess a person's eligibility for benefits under the federal Department of Veteran's Affairs. It also authorizes a Medicaid state plan amendment to allow the Department of Human Services (DHS) to assess nursing facilities a quality assurance assessment. The bill specifies that a level of care eligibility determination for a home and community-based services waiver can only be completed by a person not participating as a provider of services under a waiver. It also specifies that the consolidation of the home and community based waivers must be budget neutral. The bill also requires DHS to conduct utilization management and targeted audits of providers of Medicaid service. It also implements procedures necessary to restrict utilization if needed. *Effective date: Upon enactment.*

HF 662 - Education Appropriations Bill - See Appropriations

HF 667 - Public Health and Human Services Appropriations - See Appropriations

HF 672 - Adult Day Services

AB

Community Services

This legislation authorizes the Department of Elder Affairs (DEA), along with the Department of Inspection and Appeals (DIA), to establish policy for adult day services programs. Adult day services are defined as an organized program providing health, social and related supports for 16 hours a day to two or more

persons with a functional impairment. The legislation also requires the DEA to establish a certification and monitoring program. Further, the legislation establishes application and fee requirements, procedures for denial, suspension or revocation of certification, and a complaint process. Lastly, the legislation requires the DIA to accept voluntary accreditation by CARF for adult day services programs serving individuals with mental retardation as the basis for certification as an adult day services program for the FY03 and ending June 30, 2004. *Effective date: Upon enactment.*

HF 676 - Veteran's Trust Fund

AB

Community Services

This legislation creates a veteran's trust fund to be used for the benefit of veterans and the spouses and dependents of veterans. Monies can be used for college tuition aid, job training aid, nursing facility expense, benefits to children, unemployment aid, or for other purposes.

HF 685 - Tobacco Trust/Transfer of Risk Pool Dollars - See Appropriations

HF 694 - Judicial Branch Reorganization - See County Administration & Organization

HJR 3 - Qualification of Electors

AB

Community Services

This joint resolution prohibits individuals adjudged mentally incompetent to vote or persons convicted of an infamous crime from exercising the rights of an elector.

SF 36 - Supplemental Appropriations - See Appropriations

SF 303 - Child Abuse Assessment Reports

AB

Community Services

This legislation allows certain content of a child abuse assessment report to be excluded. If it is determined the assessment report is spurious or that the protective concerns are not present, the assessment report

Human Services

need not contain recommendations for services, identification of the child's strengths and needs, or identification of the family's strengths and needs.

SF 361 - Temporary Detention of Persons With Substance Abuse or Mental Health Problems

DW Community Services, County Attorneys, Sheriffs

The bill amends Iowa Code §§125.91 and 229.22 to allow the examining physician to determine the detention and treatment needs of a person who is incapacitated or impaired due to substance abuse or mental health problems. It also adds a new provision to allow a peace officer to describe the circumstances of the matter in writing, rather than requiring that the report be made in person. It eliminates the requirement that the judge or magistrate travel to the facility and allows them to issue oral instructions either directing the person's release or authorizing the person's detention at an appropriate facility. If the person is detained, the judge or magistrate is required to file a written order by the close of business on the next working day.

SF 416 - Dependent Adult Abuse

DW Community Services

This bill creates a process for establishing elder abuse emergency shelter and support services projects. The bill also makes changes to Iowa Code §§235B.6 and 235B.9 regarding the handling of information pertaining to founded and unfounded dependent adult abuse cases.

SF 425 - DALs and DNR Appropriations - See Appropriations

SF 433 - Department of Economic Development Appropriations - See Appropriations

SF 453 - Reinventing Government - See Appropriations

SF 458 - FY04 Appropriations - See Appropriations

Land Use & Rural Affairs

HF 85 - Tip-Up Fishing

SM

Conservation

This bill amends Iowa Code §481.68 to say that a person shall not use more than three tip-up fishing devices for fishing in the Mississippi River, the Missouri River, the Big Sioux River, and their connected backwaters. A person is allowed to utilize more than one hook on each line, but not more than three hooks altogether. It also states that all tip-up fishing devices must be clearly marked with owner's name and address, and that a person shall not use a tip-up device within 300 feet of a dam or spillway. This bill is a change from current code that only allowed tip-up fishing in the Missouri River and the Big Sioux River.

HF 595 - Annexation

JE

Auditors, Engineers, Supervisors, Zoning

This bill makes changes to the law relating to certain voluntary annexations of territory and to involuntary annexations of territory.

The legislation amends Iowa Code §368.1, by adding a new subsection 10A to define public land to mean land owned by the federal government, the state, or a political subdivision of the state.

The bill amends Iowa Code §368.4, to require any city or cities to notice a hearing of an annexation moratorium and to publish in an official county newspaper containing the city or cities conducting a hearing, in any county within two miles of any such city conducting a hearing, and in an official newspaper of each city conducting a hearing. Persons owning land within the area subject to an agreement for an annexation moratorium will no longer need to be notified by regular mail of a notice of hearing.

HF 595 amends Iowa Code §368.7(1), regarding voluntary annexations. For voluntary annexations that include territory comprising not more than 20% of the land area without consent of the property owners, the bill makes the following changes:

1. The territory to be annexed may include public land, however the area of the territory that is public land included without the written consent of the agency with jurisdiction over the public land may not be used to determine the percentage of territory that is included with the consent of the owner and without the consent of the owner.

2. Prior to notification of property owners and affected public utilities, the city must 1) notify the affected board of county supervisors and township trustees and 2) provide for consultation with them on the proposed annexation. Such notice shall include a legal description and map of the affected territory. The consultation period must be held within 14 business days before the applications for annexation are mailed. Each affected county and township has seven business days from the date of consultation to make written recommendations for modification to the proposed annexation. If the county has a comprehensive land use plan, the proposed annexation shall be considered within the context of the land use plan. Each affected county has up to 30 days to adopt a resolution stating whether or not it supports the annexation or takes no position on it. A copy of the resolution shall be filed with the city, and the city shall consider such resolution in its action. The city shall forward a copy of the resolution to the city development board. Failure of the county supervisors to act within the prescribed time shall not impede the annexation process.

3. The application for annexation that is mailed to non-consenting property owners and to affected public utilities must provide a legal description and a map of the territory showing its location in relationship to the city. It must be mailed at least 14 business days prior to any action by the city council.
4. The annexing city may not assess the costs of providing notice to the applicants for annexation.
5. The legislation stipulates circumstances for withdrawal of an application for voluntary annexation by an applicant or landowner.
6. When considering an annexation application, the city development board may take into consideration the amount of land currently located in the annexing city that is vacant or undeveloped, and whether municipal services are being provided to current residents of the annexing city.

The bill amends Iowa Code §368.11, regarding involuntary annexations. For involuntary annexations, the bill makes the following changes:

Land Use & Rural Affairs

1. A city must supply a plan for extending municipal services to be provided to the annexed territory within three years of July 1 of the fiscal year in which the city taxes are collected against property in the annexed territory.
2. The minutes of the public meeting that is held prior to filing the petition for involuntary annexation shall be forwarded to the county board of supervisors of each county where the territory is located.
3. Relating to involuntary annexations of territory, the bill provides that each affected county has up to 30 days to adopt a resolution stating whether or not it supports the annexation or takes no position on it. A copy of the resolution shall be filed with the city and with the city development board. Failure of the county supervisors to act within the prescribed time shall not impede the annexation process.

lency factor.

The changes include:

Turkeys weighing 112 ounces or more	0.018
Turkeys weighing less than 112 ounces	0.0085
Chickens weighing 48 ounces or more	0.010
Chickens weighing less than 48 ounces	0.0025

Effective date: Upon enactment.

SF 397 - Venison in Institutions - See County Administration & Organization

SF 433 - Department of Economic Development Appropriations - See Appropriations

SF 444 - Property Tax Exemption for Open Prairies and Wildlife Habitats - See Taxation & Finance

Iowa Code §368.25 is amended to detail the process when the city development board may initiate proceedings to sever annexed territory from a city for failure to provide municipal services within three years of July 1 of the fiscal year in which the city taxes are collected against property in the annexed territory. The city development board shall hold a hearing on the severance and a city may request an additional three years to provide services. As an alternative to severance, the city development board may impose a moratorium on additional annexation until the city complies with the provision of specified services.

The bill also provides that century farm owners whose land has been involuntarily annexed have the option of continuing to comply with a county ordinance or regulation for up to 10 years if the equivalent ordinance or regulation of the annexing city is more stringent than the county's. *Effective date: Upon enactment.*

SF 392 - Animal Agriculture Compliance Act Amendments - See Environment & Public Health

SF 396 - Fowl Units

SM

Supervisors

The legislation changes Iowa Code §459.102(6)(h)(i). This bill amends the equivalency factor for animal unit capacities. "Animal unit" means a unit of measurement based upon the product of multiplying the number of animals of each category by a special equiva-

HF 65 - OWI

DV

Sheriffs, Supervisors

This was an ISAC priority. The bill lowers the legal blood-alcohol concentration from .10 to .08. A defendant with an alcohol concentration of .08 to .10 is eligible for a temporary restricted license immediately. A defendant with an alcohol concentration of .08 to .10 is ineligible for a temporary restricted license for at least 30 days if an accident resulting in personal injury or property damage occurred. If the defendant gets a temporary restricted license after the 30 days, he/she must install an ignition interlock device on all vehicles he/she owns or operates.

A defendant with an alcohol concentration between .10 and .15 is eligible for a temporary restricted license immediately, but he/she must install an ignition interlock device on all vehicles he/she owns or operates. A defendant with an alcohol concentration between .10 and .15 is ineligible for a temporary restricted license for at least 30 days if an accident resulting in personal injury or property damage occurred. If the defendant gets a temporary restricted license after the 30 days, he/she must install an ignition interlock device on all vehicles he/she owns or operates.

HF 66 - Passing Stationary Maintenance Vehicles

- See *Transportation*

HF 216 - Intelligence Data

DV

Sheriffs

This bill pertains to Department of Public Safety intelligence data, and provides that intelligence data may be disseminated to an agency, organization or person. The intelligence data can only be disseminated for an official purpose and in order to protect a person or property from a threat of imminent serious harm. The bill also clarifies when intelligence data may be redisseminated to a third party. *Effective date: Upon enactment.*

HF 396 - Disaster Preparedness - See *Environment & Public Health*

HF 472 - Federal Block Grants - See *Appropriations*

HF 548 - Law Enforcement Academy Training

DV

Sheriffs

Section 2 amends the minimum course of study at the Iowa Law Enforcement Academy to add a sexual assault curriculum. Section 3 retains the provision that cities and counties may not be charged more than one-half of the cost of the basic training at the Academy but adds new language that all other candidates shall pay the full cost of providing the basic training requirements.

HF 650 - Jail Room and Board Fees

DV

Sheriffs, Supervisors

Section 1 allows city holding facilities to establish room and board fees. Besides room and board fees, county jails can now charge convicted prisoners for the "actual administrative costs relating to the arrest and booking" of the prisoner. The costs for which a prisoner can be billed are "those functions or automated functions that are performed to receive a prisoner into jail." The bill lists six functions that can be billed for: intake (patting down, booking, fingerprinting and medical screening); document preparation; warrant service; inventorying and storing prisoner's money; inventorying and storage of prisoner's property; and management and supervision.

Section 2, which has nothing to do with room and board fees, provides that if a simple misdemeanor is committed in a city which is located in two or more counties, venue shall be in the county "in which the seat of government of the city is located."

HF 656 - Fire Fighter Vehicle Registration Plates

- See *Transportation*

SF 352 - Law Enforcement Academy Applicants

DV

Sheriffs, Supervisors

This bill adds new language to Iowa Code chapter 80B regarding the Iowa Law Enforcement Academy. It provides that an individual who is not a certified law enforcement officer may apply for the short course of study at an approved training program if the individual is sponsored by a law enforcement agency, meaning the agency either intends to hire him or has already hired him. Any such individual must meet all minimum hiring standards established by the ILEA and must have undergone a thorough background check. If such a check has not been done by the sponsoring

Public Safety

agency, the ILEA will do one for a fee. Any such individual must have completed a two-year or four-year police science or criminal justice program at an institution approved by the ILEA. Any such individual shall not be accepted for the short course if such acceptance would result in the nonacceptance of another qualifying applicant who is a law enforcement officer. To obtain certification, any such individual must be hired by a law enforcement agency within 18 months of completing the short course.

SF 353 - Child Protection Assistance Teams

DV

County Attorneys, Sheriffs

This bill redrafts the existing law as far as local child protection assistance teams established pursuant to Iowa Code §915.35. Section 3 adds a new duty for county attorneys, requiring them to each establish a child protection assistance team. Section 4 amends Iowa Code §915.35(4), eliminating community-based child advocacy organizations from the teams, making such teams mandatory in each county, and requiring that they be established by the county attorney. Two or more counties can share a single team. The bill clarifies that these teams may consult with physicians or other hospital-based health professionals and may work cooperatively with the local community empowerment board.

SF 359 - Executions Involving Mobile Homes

DV

Sheriffs, Treasurers

This bill rewrites the provisions of Iowa Code §648.22A regarding executions involving mobile homes. These procedures are detailed and must be followed precisely. Also, some procedures are changed in this bill, while others remain in place. For these reasons, if you could be involved in an execution involving a mobile home, you should review the actual text of the bill rather than relying on this summary.

Section 4 amends the provisions concerning forcible entry or detention actions regarding mobile homes. It provides that a plaintiff may send a copy of the petition to the county treasurer by regular mail. Prior to this, it had to be sent by certified mail.

Section 5 provides that within three days of a judgment being entered in a forcible entry or detention action, a plaintiff or defendant may elect to leave the mobile home where it is for up to 60 days if 1) the party making the election files a written notice of that elec-

tion with the court and 2) sends a copy to the sheriff and the county treasurer by regular mail.

During the 60 days, the defendant has the right to access the mobile home provided that the defendant gives a 24-hour notice to the plaintiff. The sheriff no longer has to receive notice. If the mobile home is not sold within the 60-day period, the plaintiff can sell the mobile home free and clear of all liens except tax liens. If the plaintiff chooses to retain the mobile home, upon receipt of statutory fees, the county treasurer shall issue to the plaintiff a new certificate of title for the mobile home. Nothing in this bill shall prevent the defendant from removing the mobile home prior to the expiration of three days after the entry of judgment.

SF 361 - Temporary Detention of Persons With Substance Abuse or Mental Health Problems

See Human Services

SF 397 - Venison in Institutions - *See County Administration & Organization*

SF 439 - Justice System Appropriations - *See Appropriations*

SF 453 - Reinventing Government - *See Appropriations*

Taxation & Finance

HF 289 - Electronic and Credit Card Payments

JE

Auditors, Treasurers

This bill relates to electronic funds transactions with county treasurers. The bill amends the definition of "public funds" and "public deposits" to provide that monies placed in a depository for the purpose of 1) completing an electronic financial transaction (pursuant to Iowa Code §§14B.203 or 331.427), 2) using the lowAccess information and transaction service, or concerning county revenues from taxes and other sources are considered public funds or public deposits and such deposits may be made in any depository in the state. The bill also provides that county treasurers can accept credit cards as well as electronic funds transfers for payments owed to the county and may adjust fees to reflect the cost of processing such payments. The bill also provides that fees and charges (including service delivery fees, credit card fees, and electronic funds transfer charges payable to a third party, not to the county) that are imposed for completing an electronic financial transaction with the county are not considered county revenues.

HF 304 - Agricultural Land Tax Credit

JS

Assessors, Auditors, Treasurers

This bill allows a county to recertify the amount of agricultural land tax credits payable in that county in FY03, if the original amount was in error. It requires the county to pay out the corrected amount of the credit and allows the county to be reimbursed for such payouts in FY04. At least one county included family farm tax credits and excluded agricultural land tax credits in a particular school district in the originally certified credit amount. The bill requires that any recertification occur prior to June 1, 2003. *Effective date: Upon enactment.*

HF 397 - Community Development Block Grants and the DED

RM

Supervisors

States that the Iowa Department of Economic Development may spend up to two percent of eligible program income received from the federal government for administrative purposes. *Effective date: Upon enactment and is retroactively applicable to July 1, 2002.*

HF 576 - Enterprise Zone Program Amendments

RM

Auditors, Supervisors

This act makes changes to certain terms in the enterprise zone program.

Section 1 changes the deadline for a county or a city to apply to the Iowa Department of Economic Development (DED) for certification as an enterprise zone. The deadline has changed from any time prior to July 1 to any time prior to December 1, 2003. It also adds that an enterprise zone may be amended if additions to the zone meet criteria in Iowa Code §15E.194(2). It states that a zone may be decertified. If a subsequent zone is designated, the date of the new zone's expiration "shall be the same as the expiration date of the decertified enterprise zone." The language refers to existing language in Iowa Code §15E.192(4), which suggests that if the total area of any existing zones in a county approach 1% of the total county area the period during which any and all zones in that county may exist is 10 years.

Section 2 adds a subsection to Iowa Code §15E.193, which provides that if a business that is approved to receive benefits under the enterprise zone program experiences a layoff of Iowa based employees or closes a facility in the state prior to receiving tax incentives and assistance, the DED may reduce or eliminate all or a portion of their benefits. If layoffs or closures take place after receipt of benefits, that business is subject to repayment of all or a portion of the benefits received.

Section 4 amends Iowa Code §15E.193C(5) by striking, from the eligibility criteria for non-retail business inclusion in an enterprise zone, the provision that such a concern not share common ownership or management with the development business. It replaces this by stating that if such a non-retail business occupies less than 90% of the space of a building in an enterprise zone, it shall not share common ownership or management with the development business.

Effective dates: Sections 1, 5, and 6 are effective upon enactment. Sections 2, 3, and 4 are effective July 1, 2003. Section 7 is effective December 1, 2003.

HF 665 - Property Taxation of Lands Leased by the Department of Corrections or Department of Human Services

JE

Assessors, Auditors, Supervisors

This bill provides that nursery land or farmland leased by the Department of Corrections or the Department

Taxation & Finance

of Human Services to an entity, other than an entity which is exempt from property taxation under Iowa Code §427.1, is subject to property taxation for the term of the lease. *Effective date: The bill applies to leases entered into on or after July 1, 2003.*

HF 671 - Recycling Property Exemption From Property Tax

JE

Assessors, Auditors, Supervisors

This bill expands the definition of recycling property for purposes of the exemption from property tax for recycling property. Present law provides that in order for the property to be considered recycling property, the property must be primarily used in the manufacturing process that results directly in the conversion of waste plastic, wastepaper products, or waste paperboard into new raw materials or products. The bill expands this exemption to include property used to convert waste wood products into new raw materials or products. *Effective date: The bill applies to assessment years beginning on or after January 1, 2004.*

HF 683 - Grow Iowa Fund - See Special Session

HF 692 - Tax Changes, Regulatory Reform and the Grow Iowa Fund - See Special Session

SF 134 - County Treasurer's Duties

JE

Treasurers

This bill relates to various duties of county treasurers. It amends Iowa Code §12B.11 to provide that a statement of money or funds on deposit with a depository authorized by a county treasurer does not have to be certified by an officer of the depository.

The bill amends Iowa Code §321.1 to provide that a registration year for a leased vehicle registered by the county treasurer is the period of 12 consecutive months beginning on the first day of the month following the month in which the lease expires. This does not apply to motor trucks and truck tractors with a combined gross weight exceeding five tons.

The legislation amends Iowa Code §321.39(2) to provide that for vehicles registered by the county treasurer, a person shall not be considered to be driving a motor vehicle with an expired registration for a period of one month following the expiration date of the ve-

hicle registration. This one-month period conforms to Iowa Code §321.134(1). The bill also amends Iowa Code §321.39(3) to provide that for vehicles on which the first or second installment of an annual fee has been paid the registrations, registration cards, and registration plates expire on June 30. Other options are the first business day of July when June 30 falls on a Saturday, Sunday, or a holiday, or the first business day of January when December 31 falls on Saturday, Sunday, or a holiday.

The bill amends Iowa Code §331.552 by adding a new subsection that directs county treasurers to destroy tax sale redemption certificates and all associated tax sale records after 10 years from the end of the fiscal year in which the tax sale certificates of purchase were redeemed.

The bill amends Iowa Code §384.62 by numbering the unnumbered paragraphs. It also provides that the payment of installments of special assessments for a public improvement against property assessed as agricultural property can be deferred. This applies for as long as the assessor continues to classify the property as agricultural land on January 1 of each assessment year and for six months following any January 1 assessment date in which the property is no longer classified as agricultural land.

The legislation amends Iowa Code §384.67 to remove a provision that allows a city council to provide that payments of assessments of property in an unincorporated area be made to the county treasurer instead of to a city clerk.

Section 7 adds Iowa Code §435.26A which establishes procedures involving surrender of title for manufactured homes. It provides that a manufactured home owner may surrender a certificate of title to the county treasurer. This would apply for purposes of assuring eligibility for funds available from mortgage lending programs when a manufactured home is located in a manufactured home community and is installed on a permanent foundation. It directs the county treasurer to notify the Department of Transportation (DOT) upon receipt of a certificate of title from a manufactured home owner. The bill provides that taxes continue on the property after the certificate of title is surrendered. The property is not eligible for the homestead credit or the military service tax exemption. Any foreclosure under this section shall be conducted as a real estate foreclosure. The section provides that the certificate of title shall not be surrendered if an unreleased security interest is noted on the certificate of title.

The bill amends Iowa Code §445.5 to provide that a county treasurer can deliver a statement of taxes due and payable to a property titleholder by regular mail or by electronic transmission (if requested by a titleholder).

The legislation repeals Iowa Code §468.165 to remove a requirement that county treasurers report to the county board of supervisors or to the drainage or levee district trustees when any lands in a drainage district, levee district, or sub district are 1) subject to an unpaid assessment, 2) levy for drainage purposes, and 3) are sold at a tax sale for the amount of delinquent taxes. *Effective date: Section 7 upon enactment.*

SF 275 - Taxation on Utilities

WRP

Auditors, Supervisors, Treasurers

This bill amends various provisions of Iowa Code chapter 437A, relating to the replacement generation tax on persons generating electricity and related provisions in Iowa Code §426B.2. The bill makes conforming amendments to various replacement generation tax provisions relating to new electric power generating plants to be built in the state of Iowa. This bill also makes amendments to the allocation of replacement generation taxes for stand-alone new electric power generating plants, the natural gas delivery tax attributable to the natural gas deliveries to those plants, and the allocation of the natural gas delivery tax attributable to those plants.

The bill adds a definition for "new electric power generating plant" in Iowa Code §437A.3, and adds additional definitional material for "local amount" by providing that the local amount of a new electric power generating plant, for purposes of determining the local taxable value of the plant, shall annually be determined to be equal up to the first \$44,444,445 of taxable value of the new plant. This provision fixes the taxable value at this amount for new plants on a yearly basis regardless of depreciation. The bill establishes, in Iowa Code §437A.5, a new statewide natural gas delivery rate of one and eleven-hundredths of a cent per therm of natural gas delivered to or consumed by new electric power generating plants. If the new plant is owned by or leased to a municipal utility that is exempt from replacement generation tax pursuant to Iowa Code §437A.6, the rate for the municipal service area applies instead. The bill also provides that the natural gas delivered to new electric power generating plants is not subject to the threshold recalculation for certain increases and decreases in total taxable therms of natural gas under Iowa Code §437A.5(8).

The bill provides, in Iowa Code §437A.7, a replacement transmission tax at increased rates on a municipal utility whose anticipated tax revenue exceeded its replacement transmission tax by more than \$100,000 for tax year 1999. If such a utility acquires transmission lines in 2001 or thereafter, those lines will be subject to tax at the rates in Iowa Code §437A.7(1), paragraphs "a" through "d".

The bill adds a new paragraph to Iowa Code §437A.8(4) to provide for the remission of replacement generation tax in cases of certain new electric power generating plants. The bill provides a method for allocation of replacement generation tax incurred by a stand-alone new electric power generating plant. The tax attributed to the local amount as defined in Iowa Code §437A.3(13) is paid to the county treasurer and the remaining tax, if any, is paid to the director who deposits the tax receipts into the property tax relief fund created in Iowa Code §426B.1 for distribution as provided in Iowa Code §426B.2. This provision is applicable even if the taxpayer has other Iowa operating property as long as the taxpayer's other Iowa operating property is limited to operating property directly serving the new electric power generating plant. The replacement generation tax is placed in the property tax relief fund for distribution, along with other state monies, to counties to reimburse their qualified mental health, mental retardation, and developmental disabilities services expenditures.

The bill states, in Iowa Code §426B.2, that in determining whether property tax relief fund monies provided to a county are more or less than in the previous fiscal year, replacement taxes shall not be considered in such determination. The bill also amends Iowa Code §426B.2(3), to provide that all replacement tax receipts in the property tax relief fund, as of November 1 of the calendar year immediately preceding the following fiscal year, shall be paid to the county treasurers in July and January of each year.

The bill provides, in Iowa Code §437A.15(3), for the allocation of gas delivery taxes on deliveries of natural gas to a new electric power generating plant. Ten percent of the natural gas delivery taxes shall be allocated over new gas properties built to directly serve the new plant. The remaining 90% shall be allocated to the general property tax equivalents of all gas property within the natural gas competitive service area, or areas where the new gas property is located.

The bill adds a new paragraph to Iowa Code §437A.15(3) pertaining to the assessed value of a new electric power generating plant owned by a municipal utility or municipal owner. The bill provides a method

Taxation & Finance

of allocation of replacement generation tax incurred by stand-alone electric power generating plants of municipal utilities; and municipal owners who have an electric power facility financed under Iowa Code chapters 28F or 476A. The bill also provides a method of allocation of replacement generation tax on the basis of operating electric meters with respect to other municipal utilities and municipal owners who have an electric power facility financed under Iowa Code chapters 28F or 476A.

The bill adds a new paragraph to Iowa Code §437A.19 to adjust annually the assessed value for all gas and electric utility property by determining a taxable value of such property on an annual basis, in order to bring the general property tax equivalent for properties subject to the replacement tax more in balance with the actual replacement tax generated by those properties. The new paragraph provides a formula to determine the taxable value for property generating a replacement tax on an annual basis and a method for determining such value if the property is generating tax for the first time. The bill also includes definitions for "taxable value" and certain terms used only in Iowa Code §437A.19. A new subsection is also added to the definitions in Iowa Code §437A.3 for "taxable value" to refer to the definition in Iowa Code §437A.19, since that term applies to all of Iowa Code chapter 437A.

The bill also extends the utility replacement tax task force by two years, by requiring that it report its activities to the General Assembly by January 1 of each year through January 1, 2005. *Effective date: Retroactively to tax years beginning on or after January 1, 2003.*

SF 376 - Surcharge for Dishonored Negotiable Instruments - See County Administration & Organization

SF 424 - Urban Renewal Indebtedness Reporting
JS Auditors

This bill requires every city and county that has established an urban renewal area to report to the Department of Management, on or before April 1, 2003, the amount of loans, advances, indebtedness, or bonds which qualify for payment with tax increment financing revenues in the fiscal year beginning July 1, 2003. *Effective date: Upon enactment.*

SF 438 - Office of Grants Management
JE

All

This bill creates in the Department of Management (DOM) a grants enterprise management office to develop and administer a system to track, identify, advocate for, and coordinate non-state grants. The head of this office is a facilitator appointed by the director of the DOM. The duties of the facilitator may include developing a plan to increase state access to non-state funding sources; developing procedures to formally notify state and local agencies of the availability of federal funds; establishing a database for grants applied for and received and to track congressional activity; providing grant application writing assistance; and reviewing other states' funding strategies and methods for possible use by this state. The funding of up to \$125,000 for the grants enterprise management office is from the increase in the amount of indirect cost reimbursements over the amount received in FY03.

SF 444 - Property Tax Exemption for Open Prairies and Wildlife Habitats
WRP Auditors, Conservation, Supervisors

This bill amends Iowa Code §§427.1(22) and 427.1(24). This bill requires that before property which is an open prairie or wildlife habitat receives a property tax exemption, the county board of supervisors must provide for certification that the property has adequate ground cover consisting of native species and that all primary and secondary noxious weeds are being controlled to prevent the spread of seeds by wind or water. The bill also provides that if the property does not receive such certification, that the owner be told of the availability of resource enhancement and protection fund cost-share monies and technological assistance for re-establishing native vegetation. *Effective date: The bill applies to assessment years on or after January 1, 2004.*

SF 445 - Establishment of a School Infrastructure Financing Program
WRP Auditors, Supervisors

Iowa Code §422E.1(2)(3) sunsets all local option sales and services taxes for school infrastructure purposes effective December 31, 2022. It also provides that local option sales tax can be used for property tax relief. Previously, the tax could be used for infrastructure purposes only.

Taxation & Finance

This bill amends the current local option sales and services tax for school infrastructure purposes by establishing a shared financing program. Specifically, the bill provides that counties that impose the local option sales and services tax on or after April 1, 2003, will have their tax collections placed in a secure advanced vision for education fund created in the bill. Each school district within such counties will receive from this fund the amount per pupil collected in its county, not to exceed the school district's guaranteed per pupil amount. If the amount per pupil amount collected is less than the guaranteed per pupil amount, the school district would receive a supplemental amount per pupil equal to the difference. School districts located in counties that have imposed the tax prior to April 1, 2003 would also have their tax collections deposited into the fund but would receive all of the tax collected in the county without limitation by the guaranteed per pupil amount. However, a school district that receives less than its guaranteed per pupil amount would receive a supplemental amount per pupil equal to the difference. A school district's guaranteed per pupil amount equals the amount per pupil that a statewide one cent local option sales and services tax would raise if the school district has imposed the full one cent tax for the entire fiscal year. If the tax is imposed for less than one cent or for less than the entire fiscal year, a proportional amount would be the guaranteed per pupil amount.

The bill provides for the school districts to file a revenue purpose statement that would indicate how much may be used for infrastructure purposes and how much may be used for property tax relief. The revenue purpose statement is to be filed with the county commissioner of elections no later than 60 days prior to a local option sales tax election. The revenue purpose statement must also be posted at the appropriate polling sites. This statement must be approved by the electorate and can be part of the ballot proposition on the question of the imposition of the tax. If such a statement is not voted on or if any monies remain after using revenue for the purposes indicated on the statement, the monies received or in excess are to be used to reduce property tax levies. These levies and the order to be reduced are: bond levies, physical plant and equipment levy, public educational and recreational levy, and the schoolhouse levy.

The bill prohibits school districts of 250 pupils or less or 100 pupils or less in high school from using any monies received which are in excess of their guaranteed per pupil amount for new construction without receiving a certificate of need for such new construction. *Effective date: Upon enactment.*

SF 453 - Reinventing Government - See Appropriations

SF 458 - FY04 Appropriations - See Appropriations

COUNTIES CAN DELIVER



HF 66 - Passing Stationary Maintenance Vehicles

JE

Engineers, Sheriffs

This bill amends Code §321.323A by requiring that motor vehicle operators take certain precautions when approaching a stationary utility maintenance vehicle, or a stationary municipal maintenance vehicle displaying flashing yellow, amber, or red lights. Absent any other direction by a peace officer, the motor vehicle operator is to make a lane change if possible. If a lane change would be impossible, prohibited by law, or unsafe, reduce speed below the posted limit and be prepared to stop. A violation of this requirement is a simple misdemeanor punishable by a scheduled fine of \$50.

HF 290 - Special Registration Plates

DV

Treasurers

This bill amends Iowa Code §321.34 regarding special registration plates. It provides that the language referring to "light delivery trucks, panel delivery trucks and pickups" has been replaced with "motor trucks."

It makes the same change for each of these plates: radio operators plates; congressional medal of honor plates; POW plates; fire fighter plates; natural resources plates; "love our kids" plates; "motorcycle rider education" plates; EMS plates; and legion of merit plates.

HF 502 - Damage Disclosure Statements

DV

Treasurers

Section 1 amends Iowa Code §321.69 to provide that motor vehicle damage disclosure statements are required where the cost of repair in any one incident is \$6,000 or more. It had been \$5,000. Section 2 amends Iowa Code §321.69(7) to provide that if a separate damage disclosure statement from a prior owner is required to be furnished with the application for title, the transferor must provide a copy of the separate damage disclosure statement to the transferee at or before the time of sale. Section 3 provides that the provisions related to damage disclosure statements do not apply to new motor vehicles with 1,000 miles or less, unless the vehicle has incurred \$6,000 in damage or more. Section 4 adds a requirement that a person shall not sell or lease a motor vehicle if the person knows or reasonably should know that the motor vehicle contains an inoperative airbag, unless the person clearly discloses this fact in writing. Section 5 provides that it is a fraudulent practice to fail to

make a damage disclosure statement. Previously, the only conduct covered was making a false disclosure statement.

HF 623 - Drivers Licenses and Registration for the Selective Service System

JE

Treasurers

This bill creates Iowa Code §321.183 providing that a person who applies for or renews a drivers license or non-operator's identification card shall be registered with the United States selective service system if he/she is required to do so. The Iowa Department of Transportation (DOT) is required to forward to the selective service system the necessary personal information of such applicant. The bill provides that an applicants submission of an application or a renewal of a drivers license or non-operators identification card shall indicate that the applicant has already registered with the selective service system or that the applicant authorizes the DOT to forward the applicants personal information to the selective service system for registration. Applicants that are required to register under federal law are to be notified by the DOT that submission of the application shall serve as consent to registration with the selective service system. An applicant shall not be registered if he/she declines to register after being given information on the penalties for failure to register. However, appropriate personal information for the applicant that refused to be registered will be forwarded by the DOT to the selective service system.

HF 652 - Transportation Appropriations - See Appropriations

HF 656 - Fire Fighter Vehicle Registration Plates

JE

Treasurers

HF 656 creates the Paul Ryan memorial fire fighter safety training fund under the control of the Department of Public Safety in the state treasury. The fees charged for the issuance of special fire fighter motor vehicle registration plates are credited to the RUTF and transferred monthly to the Paul Ryan memorial fire fighter safety training fund to offset fire fighter training costs. The bill specifies that retired fire fighters, as well as current members of fire departments, are eligible to receive the special registration plates. A motor vehicle owner whose membership in a fire department is terminated must surrender the special plates in

Transportation

exchange for regular registration plates, unless the owner is a retired fire fighter.

SF 97 - Transportation Omnibus Bill

JE *Engineers, Supervisors, Treasurers*

This bill amends current law relating to highways, aviation, and motor vehicle regulation.

Division I of the bill relates to highways. The bill amends Iowa Code chapter 306C to eliminate the authority of the Department of Transportation (DOT) to regulate junkyards along primary highways. The DOT would continue to regulate junkyards along interstate highways in accordance with federal law. The bill repeals Iowa Code §306C.22, which regulates the placement of political signs on private property. Due to a federal appeals court decision, the DOT has not enforced this Iowa Code section since 1998.

Division II of the bill repeals Iowa Code §330.2, which establishes the aviation hangar revolving loan fund. Legislation passed in 2002 eliminated the balance of the fund. The bill provides that monies repaid on outstanding loans from the fund are to be credited to the DOT for support of general aviation airports.

Division III of the bill contains provisions relating to motor vehicle regulation. The bill extends the time allowed for a motor vehicle dealer to apply for a certificate of title for a foreign registered vehicle under Iowa Code §321.48. The time allowed has been changed from 15 days to 30 days from the time the vehicle enters the state. The legislation amends provisions in Iowa Code §321.50 relating to security interests in motor vehicles to require that the date of perfection of a security interest is the date the application for the security interest is delivered to the county treasurer. This section of the bill takes effect on July 1, 2004. This bill amends Iowa Code §321.50(6) to change the deadline from a 30-day period to a 365-day period for delivery of a certificate of title to a county treasurer for notation of a security interest in order for the security interest to be enforceable. This subsection is repealed on July 1, 2004.

The bill amends Iowa Code §321.191 by providing for a one-time fee increase for certain drivers licenses issued during the period beginning July 1, 2003 and ending June 30, 2008. The fee for a non-commercial drivers license, chauffeurs license, and a commercial drivers license is subject to a one-time surcharge of \$3 in addition to the regular license fee. Monies collected from the surcharge shall be used for costs as-

sociated with the rewrite of the drivers license issuance and records system. Fees in excess of the amount needed to fund the rewrite of the system are to be deposited in the road use tax fund. This section is repealed effective July 1, 2008.

The legislation creates Iowa Code §321.192, which authorizes the DOT to waive payment of or to refund all or a portion of fees for renewal or duplication of a drivers license or non-operators identification card. This is pursuant to rules adopted by the DOT, if the standard for timely issuance is not met, or if an applicant is required to return to the drivers license station due to an error on the license or identification card. The provision is only applicable to licenses and cards issued at drivers license stations operated by the DOT, and not to licenses and cards issued by counties under Iowa Code chapter 321M.

The bill adds language to Iowa Code §321.271 to allow that certain factual crime or incident information in confidential motor vehicle accident reports shall be disclosed if it would not jeopardize an investigation or endanger the safety of an individual.

The legislation makes several amendments to Iowa Code §321.449 affecting motor carrier safety rules adopted by the DOT. Such rules must be consistent with federal law establishing procedures for determining, rating, and monitoring the safety fitness of motor carriers and establishing a safety assurance program for new entrant motor carriers seeking to conduct interstate operations. The bill exempts from motor carrier safety rules drivers operating intrastate for farm operations or agricultural interests when the vehicle is operated 1) between the farm and another farm, 2) between the farm and a market for farm products, or 3) between the farm and an agribusiness location. In addition, certain vehicles engaged in intrastate commerce and used in combination are exempt from the rules.

The bill amends Iowa Code §321.450 pertaining to hazardous materials transportation regulations. Currently, farmers and employees of farmers transporting agricultural hazardous materials are exempt from rules implementing the federal regulations when transporting materials between sites in the farmer's agricultural operations, unless the material is being transported on the interstate highway system. The section is amended to exclude the transportation of Class 2 hazardous materials from that exemption. Class 2 agricultural hazardous materials are flammable gas and nonflammable, nonpoisonous compressed gas as defined in federal law.

This bill creates an exception to gross weight limits in Iowa Code §321E.7 for a vehicle or combination of vehicles transporting construction machinery. Such a vehicle is allowed a 1,000 pound weight tolerance for any one axle, provided the total gross vehicle weight does not exceed that allowed by permit. This exception is effective immediately upon the bill's enactment.

The legislation amends Iowa Code §321M.9(1) to increase the amount counties can retain for issuance of drivers licenses from \$3.75 to \$5 per issuance. This section of the bill is repealed effective July 1, 2005. The DOT is directed, in consultation with the Iowa County Treasurers Association, to conduct a study of the county drivers' license issuance program, including the financial effect the program has had on the counties. The DOT shall report its findings and recommendations to the General Assembly no later than December 31, 2003.

The bill amends Iowa Code §322.19 to allow charges for motor vehicle service contracts and voluntary debt cancellation coverage to be financed under a motor vehicle retail installment contract. Such charges may not, however, be included in a finance charge. The legislation enacts Iowa Code §324A.7 to require that urban public transit systems utilize private-sector operators, if practicable, in the planning and provision of transit services.

The bill enacts new requirements for the establishment, filing, and revision of tariffs charged by motor carriers of household goods in Iowa Code §325A.7A. Special requirements for the filing of agency tariffs are outlined in Iowa Code §325A.7B. Both Iowa Code sections are effective upon enactment and apply retroactively to January 1, 2002.

SF 127 - Breast Cancer Awareness Motor Vehicle Plates

JE

Treasurers

This bill establishes a special breast cancer awareness motor vehicle registration plate to be issued by the Iowa Department of Transportation (DOT). The plate will bear a processed emblem with an image of a pink ribbon signifying breast cancer awareness and shall be designed by the DOT in consultation with the Susan G. Komen foundation.

The special fee for initial issuance of the plate is \$35 for letter number designated plates and \$60 for personalized plates. The fees collected by the director shall be paid monthly to the treasurer of state and

credited to the Road Use Tax Fund. The treasurer shall transfer those revenues monthly to the Department of Public Health. Such funds shall be distributed in the form of grants to support breast cancer screenings for both men and women who meet eligibility requirements like those established by the Susan G. Komen foundation. Monies transferred under this subsection shall not revert to the general fund of the state.

Upon receipt of the special registration plates, the applicant shall surrender the current registration receipt and plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates. The annual special fee, to be paid in addition to the regular annual registration fee, is \$10 for letter number designated plates and \$15 for personalized plates.

SF 134 - County Treasurer's Duties - See Taxation & Finance

SF 451 - Road Transfer of Jurisdiction

JE

Engineers, Supervisors

This bill provides for the 1) transfer of jurisdiction of certain roads and the transfer of funds associated with those roads, 2) modification of the procedure required for reclassification of county roads as area service "C" roads, and 3) establishment of a study committee to evaluate the distribution of the street construction fund of the cities. It redefines "municipal street system" to exclude roads that are secondary roads within a municipality. The current definition excludes only those roads within a municipality that are primary roads.

The bill provides for the transfer of jurisdiction of several different types of roads. It transfers jurisdiction of farm-to-market road extensions within cities with a population of less than 500 to the applicable county boards of supervisors. Once a city reaches a population of 750, jurisdiction over such extensions is to be transferred back to the applicable city. The bill also provides for a reduction in the apportionment of monies from the street construction fund of the cities to a city that has transferred jurisdiction of a farm-to-market road extension to a county. The amount of such reduction is to be transferred to the secondary road fund of the respective county, and all interest and earnings on the monies transferred is to remain in the secondary road fund. Similarly, the bill provides for the transfer of monies received by a city from the trans-

Transportation

fer of jurisdiction fund established in the bill if a street within the city is under county jurisdiction.

The bill also provides for the transfer of jurisdiction and control of primary roads identified in a transfer of jurisdiction report on file with the Iowa Department of Transportation (DOT) and classified by the DOT as local service roads. Such transfers are not subject to the terms and conditions required for other transfers of road jurisdiction. This includes the requirement that the transferring jurisdiction either place the road in good repair prior to transfer or transfer monies to the receiving jurisdiction for sufficient repair of the road. Prior to FY04, roads transferred to a county under the new provision are not to be included in the DOT's annual recalculation of construction and maintenance needs for secondary roads, which recalculation is used to determine counties' apportionments of road use tax fund monies.

The bill temporarily establishes a transfer of jurisdiction fund within the state treasury, under the control of the DOT, to provide for the transfer of monies from the primary road fund to local jurisdictions in each fiscal year of the fiscal period beginning July 1, 2003, and ending June 30, 2013. Seventy-five percent of the monies in the transfer of jurisdiction fund are specified for apportionment among the counties and cities that assume jurisdiction of primary roads pursuant to the transfer of jurisdiction report on file with the DOT. Such funds are only to be used for the maintenance and construction of roads. Monies apportioned to counties, including any interest or other earnings on the monies, are to be deposited in the secondary road fund. The secondary road fund is appropriated 22.5% of the monies and the street construction fund of the cities is appropriated 2.5%. For subsequent fiscal years, 1.575% and .175% of the monies in the primary road fund are transferred directly to the secondary road fund and then to the street construction fund of the cities.

The bill removes the requirement that a petition signed by all landowners adjoining a road be presented prior to reclassification of a secondary road as an area service "C" road pursuant to a county ordinance or resolution. Area service "C" classification roads may have restricted access and a minimal level of maintenance. The bill establishes a street construction fund distribution advisory committee. The committee is to be comprised of representatives appointed by the president of the Iowa section of the American Public Works Association, the president of the Iowa League of Cities, and the DOT. The committee is to recommend to the General Assembly one or more alterna-

tive methodologies for distribution of monies in the street construction fund of the cities, by January 1, 2004.

Appropriations

HF 472 - Federal Block Grants

JS, AB, RM

All

This Act appropriates federal funds made available from federal block grants for the federal fiscal year beginning October 1, 2003 and ending September 30, 2004, to multiple state agencies. Comparisons to FY03 are noted in parenthesis, when available.

Department of Economic Development

For community development block grants	\$32,600,000 (increase of \$756,580)
• Not more than \$1,504,000 of the community development appropriations may be used for IDED administrative expenses for community development block grants.	
For the provisions of the Federal Affordable Housing Act	\$12,900,000
For Federal Community Service Act funds for state commissions	\$1,681,000
For empowerment zones	\$125,000
For shelter grants	\$1,560,000

Department of Human Rights

For community services block grants	\$6,956,142 (decrease of \$45,510)
For low-income home energy assistance block grants	\$31,116,216 (decrease of \$10,000)

Department of Human Services

For community mental health services block grants	\$3,612,827 (increase of \$25,000)
• Not less than 95% of this amount shall be allocated to eligible community mental health services providers for carrying out the plan submitted to and approved by the federal substance abuse and mental health administration.	
For social services block grants	\$17,578,494 (decrease of \$13,999,988)
For MH/MR/DD/BI community service (local purchase)	\$7,899,600 (increase of \$5)
For child care and development block grants	\$42,089,767 (increase of \$1,113,835)

Department of Justice

For grants to combat violent crimes against women	\$1,853,100 (increase of \$41,598)
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Department of Natural Resources

For cooperative forestry assistance	\$657,025
For fish restoration	\$4,039,281
For wildlife restoration	\$2,918,000
For recreational boating safety financial assistance	\$920,000
For consolidated environmental programs support	\$15,290,112
For energy conservation	\$1,404,020
For the Federal Clean Water Act Revolving Loan Fund	\$1,399,826
For the U.S. Geological Survey and the Soil Conservation Service mapping projects	\$185,827
For fish and wildlife watersheds	\$200,000

Department of Public Defense

For public assistance grants	\$1,231,286
For hazardous material grants	\$6,290,923
For emergency management performance grants	\$2,154,520
For flood mitigation assistance	\$346,900
For community disaster loans	\$247,402

Department of Public Health

For maternal and child health services	\$7,131,009 (increase of \$114,893)
• No more than \$150,000 of this amount may be used for administrative purposes. Sixty-three percent of the remaining funds shall be used for maternal and child health programs within IDPH. Of this,	

Appropriations

\$300,291 shall be used for statewide prenatal care. Thirty-seven percent of the funds are allocated to the University of Iowa Hospitals and Clinics for mobile and regional child health specialty clinics.

For substance abuse prevention and treatment block grants \$12,078,439 (decrease of \$619,951)

For preventive health and health services \$1,505,162 (decrease of \$429,596)

- Of this, not more than \$94,670 may be used for administrative expenses. The funds in this section must be used for 1) Healthy People 2010/Healthy Iowans 2010 program objectives, 2) the Preventive Health Advisory Committee, and 3) risk reduction services. Not more than \$90,000 of this grant can be used for the monitoring of the fluoridation program and for start-up fluoridation grants to public water systems. Up to \$50,000 of this grant should be devoted to chlamydia testing.

For the Women, Infants, and Children Program \$33,235,646

For radon control \$472,290

For hazardous waste \$109,872

For childhood lead abatement \$682,027

For the Public Health and Social Services Emergency Fund \$1,383,675

For improving EMS trauma care in rural areas \$40,000

For immunization programs \$2,022,925

For rural health \$1,183,573

For preventive health services \$825,570

For the Federal Environmental Protection Agency Lead Certification Program \$559,954

For primary care services \$175,721

For state and rural health \$680,318

Office of the Governor for the Drug Policy Coordinator

For drug control and system improvement grant program \$6,731,524 (increase of \$257,996)

For local law enforcement grants to reduce crime and improve public safety \$304,748
(decrease of \$36,985)

For substance abuse treatment programs in state and local correctional facilities \$633,248
(decrease of \$204,914)

HF 652 - Transportation Appropriations

JE

Engineers, Supervisors, Treasurers

This Act makes and limits appropriations for FY04 from the Road Use Tax Fund (RUTF) and the primary road fund to the Department of Transportation (DOT).

Appropriations from the RUTF include drivers license production costs, salaries, operations, administrative services, planning, motor vehicles, unemployment and workers' compensation, county issuance of driver's licenses, a system providing toll-free telephone road and weather reports, rewriting the vehicle registration system, and indirect cost recoveries.

For drivers license production costs \$2,820,000

- Remaining funds from this appropriation shall be available for subsequent fiscal years for the purposes specified in this subsection.

For drivers license - county issuance \$30,000

For the vehicle registration system rewrite \$5,000,000

Appropriations from the primary road fund include appropriations for salaries, operations, planning, highways, motor vehicles, the merit system, unemployment and workers compensation, disposal of hazardous wastes at field locations, indirect cost recoveries, producing transportation maps, roof replacement at field facilities, replacement of field garage facilities, and deferred maintenance at field facilities. The bill also modifies appropriations made to the DOT in 1999 and 2000 for improvements to scale facilities in Clarke and Worth counties. The bill provides that such appropriations may be used for scale facilities throughout the state and extends the period for which the appropriations may be used.

Appropriations

HF 655 - Administration and Regulation Appropriations

JS, WRP

Auditors

This is an Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities providing for regulatory authority and other properly related matters.

From the general fund of the state to the Governor's office of drug control policy (Section 6)

..... \$255,104 (same as FY03)

- For FY04 for salaries, support, maintenance, and miscellaneous purposes, including statewide coordination of the Drug Abuse Resistance Education (D.A.R.E.) programs or similar programs.

From the general fund to the Department of Management for FY04 (Section 11)

- For salaries, support, maintenance, and miscellaneous purposes for general office purposes and statewide property tax administration \$2,062,112 (increase of \$40,575)
- To fund the investment in reinvention initiatives intended to produce ongoing savings \$5,000,000

From the general fund of the state to the Department of Revenue and Finance (DRF) (Section 19)

..... \$24,976,712 (increase of \$802,189)

- For FY04 to be used for salaries, support, maintenance, and miscellaneous purposes for compliance, internal resources management, state financial management, and statewide property tax administration.
- Of the funds appropriated pursuant to this subsection, \$400,000 shall be used to pay the direct costs of compliance related to the collection and distribution of local sales and services taxes imposed pursuant to Iowa Code chapters 422B and 422E. The director of the DRF shall prepare and issue a state appraisal manual and the revisions to the state appraisal manual as provided in Iowa Code §421.17(18), without cost to a city or county.

HF 662 - Education Appropriations Bill

DW

All

This Act appropriates funds to the College Student Aid Commission, Department of the Blind, Department of Cultural Affairs, Department of Education, and the State Board of Regents. The areas of primary interest to counties pertain to vocational rehabilitation and the Iowa Empowerment Fund.

For the Vocational Rehabilitation Services Division (Section 5) \$4,231,742 (decrease of \$31,399)

- 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.

For vocational rehabilitation services for disabled \$54,659 (decrease of \$1,242)

- For matching funds to enable persons with severe physical or mental disabilities to function more independently, including salaries and support.

For the Iowa empowerment fund \$13,724,712 (same as FY03)

- 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.

Appropriations

HF 667 - Public Health and Human Services Appropriations JS, RM, AB

All

This Act appropriates funding for FY04 for the Iowa Departments of Elder Affairs, Public Health, Inspections and Appeals, Human Services, and the Commission of Veterans Affairs. Of particular interest to county officials are the following:

DIVISION I - Elder Affairs

For aging programs \$2,653,222

DIVISION II - Public Health

For adult wellness (18 through 60 years of age) \$260,582

For child and adolescent wellness (birth through 21 yrs) \$835,959

For community capacity (strengthening local programs) \$1,287,158

- Of this money, \$100,000 is allocated to a child vision screening program administered by the University of Iowa Hospitals and Clinics in collaboration with community empowerment areas.

For elderly wellness (60 yrs and over) \$9,470,754

For infectious diseases \$977,340

For public protection (public health & safety through regulatory enforcement) \$6,510,871

- Beginning July 1, 2003, the DPH shall retain fees from the lead inspectors and lead abaters to support these certification programs. Those rendering emergency aid which are exposed to bodily fluids shall be entitled to hepatitis testing and immunization. This person shall be entitled to reimbursement from public protection funds only if such funds are not available through any employer or third party payer. A local health care provider or a non-profit health care organization seeking a grant from DPH must document that the applicant is coordinating its services with other local entities which provide similar services.

Section 4 provides that the Vital Records Modernization Project, enacted in 1993 and amended since then, will be extended until June 30, 2004 and that the increased fees collected as a part of this project are appropriated to the DPH until June 30, 2004.

Section 6 establishes a health care access partnership pilot project in Polk County for two years. This pilot project will implement health care services for low income people, or to those without health insurance by enhancing collaboration between those organizations providing charity care or services under the medical assistance program. If administrative rules are necessary for this program, they must be adopted on or before September 1, 2003.

DIVISION III - Human Services

Temporary Assistance for Needy Families Block Grant (Section 7)

For the Family Investment Program \$51,492,790

For the Family Investment Program (JOBS program) \$13,412,794

For field operations \$14,152,174

For general administration \$3,238,614

For local administrative costs \$2,122,982

For state child care assistance \$7,350,000

For the Parental Involvement Program \$35,000

For MH/DD Community Services \$4,349,266

For child and family services \$25,256,571

For child abuse prevention \$250,000

For pregnancy prevention \$2,514,413

- Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2002.

For technology needs \$1,037,186

For volunteers \$42,663

For the HOPES Program \$200,000

For marriage initiatives \$85,000

Appropriations

Family Investment Program Account (Section 8)	
For the family development and self-sufficiency grants	\$5,133,042
For the Food Stamp Employment and Training Program	\$63,000
For family investment program assistance (Section 9)	\$36,187,879
For child support recovery (Section 10)	\$5,482,793
Medical Assistance (Section 11)	\$357,486,073
• For medically necessary abortions performed under certain conditions.	
• For the transfer of funds to DHS Case Management for MH/MR/DD services under certain conditions.	
• For the county of legal settlement to reimburse DHS for 50% of the non-federal 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.	
• For the state to pay the entire non-federal share of case management services for children in HCBS.	
• For DHS to utilize not more than \$60,000 of the funds appropriated in this section to continue the AIDS/HIV Health Insurance Premium Payment Program.	
• For the transfer of \$950,000 from DPH to DHS for an Integrated Substance Abuse Managed Care System.	
• For 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.	
• For DHS to continue the program to utilize the early and periodic screening, diagnosis and treatment (EPSDT) funding under medical assistance.	
• For 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.	
• For DHS, upon HCFA approval, to provide a period of 24 months of guaranteed eligibility for medical assistance family planning services.	
• For 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.	
For the Health Insurance Premium Payment Program (Section 12)	\$573,986
For medical contracts (Section 13)	\$8,990,035
• For DHS to secure dual diagnosis treatment in any managed care contract, if possible.	
For state supplementary assistance (Section 14)	\$19,198,735
• For state supplementary assistance and the Medical Assistance Home and Community-Based Services Waiver Rent Subsidy Program.	
For child health insurance (Section 15)	\$11,118,275
For child care assistance (Section 16)	\$5,050,752
Juvenile Institutions (Section 17)	
For the operation of the Iowa juvenile home at Toledo	\$6,160,878
For the operation of the state training school at Eldora	\$10,285,696
For Child and Family Services (Section 18)	\$107,091,253
• DHS may transfer funds to pay the non-federal share of services reimbursed under medical assistance for FIP.	
• Of the funds appropriated, up to \$30,154,516 is allocated as the statewide expenditure target for group foster care maintenance and services.	
• Of the funds appropriated, not more than \$6,355,170 is allocated as the state match for PMIC.	

Appropriations

- Of the funds allocated, \$1,419,988 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 \$6,922,509.
- Of the monies appropriated, not more than \$442,100 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 \$2,859,851 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, \$3,062,193 is allocated to provide school-based supervision of children adjudicated under Iowa Code chapter 232, including not more than \$1,431,597 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 19)

For grant renewal for implementation of runaway program	\$80,000
For continuation and expansion of child protection sites	\$159,000
• For an amount equal to 10% of the costs of the establishment, improvement, operation, and maintenance of county or multi-county juvenile detention homes	
For the Family Support Subsidy Program (Section 20)	\$1,936,434
For Conner Decree (Section 21)	\$42,623
• For building community capacity through the coordination and provision of training opportunities.	

Mental Health Institutes (Section 22)

For the state mental health institute at Cherokee	\$12,401,246
For the state mental health institute at Clarinda	\$7,065,672
For the state mental health institute at Independence	\$16,912,302
For the state mental health institute at Mount Pleasant	\$5,830,810

State Resource Centers (Section 23)

For the state resource center at Glenwood	\$4,399,479
For the state resource center at Woodward	\$2,660,237
For MI/MR/DD state cases (Section 24)	\$11,014,619
For the MH/DD community services fund (Section 25)	\$17,757,890
For personal assistance (Section 26)	\$205,748

Appropriations

For sexually violent predators (Section 27)	\$2,675,179
• 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.	
For field operations (Section 28)	\$50,657,828
For general administration (Section 29)	\$10,803,626
For volunteers (Section 30)	\$109,568

Medical Assistance, SSA, and Provider Rates (Section 31)

- Rate for nursing facilities shall be determined under a case mix reimbursement system.
- Reimburse pharmacy dispensing fees using a single rate of \$4.26 per prescription or the pharmacy's usual and customary fee, whichever is lower.
- 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, 2003.
- 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, 2003.
- Reimbursement rates for community mental health centers shall remain the same as the rates in effect on June 30, 2003.
- Maximum reimbursement rate for psychiatric medical institutions for children shall remain the same as the rate in effect on June 30, 2003.
- Non-institutional medical assistance provider reimbursement rates shall remain the same as the rates in effect on June 30, 2003.
- 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, 2003.
- The reimbursement rate for residential care facilities shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.
- 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, 2003.
- 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 rates in effect on June 30, 2003.
- 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 80%.
- DHS shall set provider reimbursement rates for child care providers based on the rate reimbursement survey completed in December 1998.

Appropriations

Transfer Authority (Section 32)

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 for FY04 (Section 104)

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

- | | |
|--|--------------|
| | \$19,073,638 |
| • Risk pool | \$2,000,000 |
| • Per capita expenditure target pool | \$12,492,712 |

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 | \$12,492,712 |
| • 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 25%.
- 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 \$7,419,074 and the appropriations made in this bill 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.

Note: Only those counties that are 1) at a levy rate of at least 70% of the maximum allowed for the county's services fund on July 1, 2003 and 2) in compliance with the December 1, 2003 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 2004.

APPROPRIATIONS FROM SENIOR LIVING TRUST FUND

Allocated to the Iowa Department of Human Services to provide grants to nursing facilities for conversion to assisted living programs or to provide long-term care alternatives. Also to provide grants to ICF/MR for conversion to assisted living programs or home and community-based services and to provide grants to long-term care providers

- | | |
|---|--------------|
| | \$20,000,000 |
| • Up to 25% of this appropriation may be used for the development of less restrictive community-based services. | |

To supplement the medical assistance appropriation

.....	\$101,600,000
To provide reimbursement for health care services and rent expense to eligible persons through the home and community-based services waiver and the state supplementary assistance programs	\$1,733,406

Appropriations

HF 685 - Tobacco Trust/Transfer of Risk Pool Dollars

AB

Community Services

This Act appropriates money from the Healthy Iowan's Tobacco Trust for various health-related programs.

Department of Human Services

For non-institutional medical assistance providers (maintain reimbursement rate)	\$8,095,718
For dental services (maintain reimbursement rate)	\$3,814,973
For hospitals under medical assistance program (maintain reimbursement rate)	\$3,035,278
For home health care under medical assistance program (maintain reimbursement rate)	\$2,108,279
For critical access hospital under medical assistance program (maintain reimbursement rate)	\$250,000
For home health care services and habilitative day care (maintain expansion)	\$1,975,496
For respite care services through HCBS waiver (maintain expansion)	\$1,137,309
For cost-of-living adjustments for rehabilitative treatment	\$3,243,026
For cost-of-living adjustment for adoption, independent living, shelter care	\$468,967
For services providers (maintain reimbursement rate)	\$545,630
For children's health insurance program	\$200,000
For services for women with cancer	\$250,000
For medical assistance supplementation	\$14,346,750

Department of Public Health

For the tobacco use and prevention control initiative	\$5,000,000
For the high school mentor program	\$400,000
For smoking cessation products	\$75,000
For substance abuse treatment	\$11,800,000
For the Healthy Iowan's 2010 plan	\$2,346,960
<ul style="list-style-type: none">• Of the funds appropriated, not more than \$1,157,482 shall be used for core public health functions, including home health care and public health nursing services contracted through a formula by the local boards of health to enhance disease and injury prevention services. In addition, not more than \$76,388 shall be used for the childhood lead poisoning prevention program.	

Department of Corrections	\$920,000
Special needs unit	\$1,100,000

For purchase of service contract providers	\$146,750
<ul style="list-style-type: none">• For assistance to counties with limited services fund balance which were selected in 2000.	

For the risk pool appropriations fund	\$2,000,000
<ul style="list-style-type: none">• Transfers money appropriated to risk pool fund for FY03.	

For the Iowa empowerment fund	\$2,153,250
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For the endowment for Iowa's health account transfer	\$5,206,960
<ul style="list-style-type: none">• Transfers money to the healthy Iowan's tobacco trust.	

SF 36 - Supplemental Appropriations

JS, AB

All

This Act makes supplemental appropriations to increase certain human services appropriations for FY03.

For child and family services	\$103,844,163 (increase of \$5,700,000)
To the state mental health institute at Mount Pleasant	\$5,508,829 (increase of \$165,000)
To the state resource center at Glenwood	\$4,074,150 (increase of \$1,904,000)
To the state resource center at Woodward	\$2,557,073 (increase of \$1,094,000)

Effective date: Upon enactment

Appropriations

SF 425 - DALS and DNR Appropriations

RM

Community Services, Recorders, Supervisors

This Act makes appropriations for the Iowa Department of Agriculture and Land Stewardship (DALS) and to the Iowa Department of Natural Resources (DNR) for FY04. The following sections are of interest to county government.

- For the DALS for membership in the state Interagency Missouri River Authority (Section 2) \$9,780
- To the DNR from snowmobile fees (Section 7) \$100,000
 - For the enforcement of snowmobile laws as a part of the state snowmobile program.
- To the DNR from vessel fees (Section 8) \$1,400,000
 - For the administration and enforcement of navigation laws and water safety.
- To the Division of Community Action Agencies (part of the Department of Human Rights) from Exxon fund (Section 10) \$50,000
 - From oil overcharge monies, for energy conservation programs for low-income persons.

SF 433 - Department of Economic Development Appropriations

RM

Auditors, Community Services, Supervisors

An Act relating to and making appropriations to the Department of Economic Development, certain Board of Regents Institutions, Department of Workforce Development, and the Public Employment Relations Board and related matters.

Appropriates for community economic development programs, tourism, community assistance, the Mainstreet program, the rural Mainstreet program, community development block grants, and housing and shelter-related programs (Section 2, subsection 3) \$5,750,196

- For the Rural Community 2000 program in providing assistance to councils of government (Section 4) \$150,000
 - For rural development programs (Section 4) \$150,000

Section 6 appropriates from the Iowa community development loan fund all of the funds available during the FY03 until June 30, 2004 to the Iowa Department of Economic Development (DED) for the community development programs.

- For the pilot Immigration Service Centers (Section 15, subsection 2) \$160,000
 - Designed to support workers, businesses, and communities with information, job referrals, job placement assistance, translation and language training, resettlement information and technical assistance.

Section 21 states that, in providing funding during FY04, the DED shall explore allocating funds to homeless shelter programs based on such programs ability to move their clients to self-sufficiency.

SF 435 - Judicial Appropriations

DV

County Attorneys, Supervisors

This Act gives direction to the judicial branch regarding clerks of court. It provides that it is the intent of the General Assembly that the offices of the clerks of the district court operate in all 99 counties and be accessible to the public as much as is reasonably possible in order to address the relative needs of the citizens of each

Appropriations

county. Under the bill, the Iowa Supreme Court is supposed to study methods to achieve efficiency and cost savings in the judicial branch. The Iowa State Association of County Supervisors and the Iowa County Attorneys' Association, Inc. may each file a report by October 1, 2003 containing their suggestions. The Supreme Court's final report is to be submitted to the legislature by December 15, 2003.

Section 3 of the bill requires that the appointment of any clerk of district court must be approved by the state court administrator.

SF 436 - Supplemental Appropriation to the Environment First Fund

RM

Conservation, Supervisors

An Act making a supplemental appropriation to the Environment First Fund from the cash reserve fund and including an effective date.

From the state cash reserve fund to the environment first fund for FY03 (Section 1) \$16,555,000

Section 2 states that unused monies in the environment first fund at the end of FY03 shall be transferred to the state cash reserve fund.

Section 3 states that if the U.S. Supreme Court rules on or after July 1, 2003 in favor of the state of Iowa's position regarding taxation of gambling revenues at racetracks and that this decision results in additional tax revenues into the rebuild Iowa infrastructure fund, the difference between \$16,555,000 and the amount transferred into the cash reserve fund in section 2 (unused Environment First Fund monies) shall be transferred into the cash reserve fund.

Effective date: Upon enactment.

SF 439 - Justice System Appropriations

DV, JS

Sheriffs

This Act appropriates a total of \$367.6 million to the justice system for FY04.

From the environmental crime fund to the Department of Justice (DOJ) an amount not to exceed \$20,000 (Section 2).

- For the purpose of investigating and prosecuting environmental crimes, including the reimbursement of expenses incurred by county, municipal, and other local governmental agencies cooperating with the DOJ in the investigation and prosecution of such crimes.

From the general fund to the Department of Corrections (Section 4, subsection j)

..... \$674,954 (same as FY03)

- For the purpose of reimbursing counties for temporary confinement of work release and parole violators, and for offenders confined pursuant to Iowa Code §904.513

From the general fund to the Iowa Law Enforcement Academy (Section 10)

..... \$1,002,629 (increase of \$27,103)

For implementation, support, and maintenance of the E911 administrator through FY04 an amount not to exceed \$200,000 (Section 17).

Effective date: Section 17 is effective upon enactment; the remainder of the bill is effective July 1, 2003.

Appropriations

SF 452 - Infrastructure, Environment First, Tobacco Settlement Fund Appropriations

RM

Conservation, Environmental Health, Supervisors

This Act appropriates funds to a variety of departments and agencies from the Rebuild Iowa Infrastructure Fund (RIIF), the Environment First Fund, and the Tobacco Settlement Trust Fund.

To the Iowa Finance Authority (IFA), from the RIIF, for the Housing Trust Fund (Section 4)
..... \$800,000 (increase of \$800,000)

To the Iowa Department of Education, from the RIIF (Section 5) \$600,000 (same as FY03)

- To provide resources and technological improvements to local libraries.

To the Iowa Department of Agriculture and Land Stewardship (DALS) from the environment first fund (Section 17, subsection 1) \$1,500,000 (same as FY03)

- For the Conservation Reserve Enhancement Program for restoration and construction of wetlands for, among other purposes, intercepting tile line runoff.

To the DALS for continuation of programs promoting flood control, water quality, erosion control, and natural resources conservation (Section 17, subsection 2) \$ 2,700,000 (same as FY03)

To the DALS for the Alternative Drainage System Assistance Fund (Section 17, subsection 4)
..... \$500,000 (increase of \$500,000)

To the DALS for the Loess Hills Development & Conservation Fund (Section 17, subsection 7)
..... \$600,000 (increase of \$600,000)

- Of this amount, \$400,000 goes to the Hungry Canyons program and \$200,000 goes to Loess Hills Alliance account.

To the DALS for the Southern Iowa Development & Conservation Fund (Section 17, subsection 8)
..... \$300,000 (increase of \$300,000)

To the Iowa Department of Economic Development (IDED), from the Environment First Fund (Section 18)
..... \$500,000 (increase of \$500,000)

- For the Brownfield Redevelopment Fund

To the Iowa Department of Natural Resources (DNR), from the Environment First Fund (Section 19, subsection 3)
..... \$2,955,000 (increase of \$350,000)

- For continued operations of water quality monitoring stations.

To the DNR, from the Environment First Fund (Section 19, subsection 5) \$500,000 (same as FY03)

- For air quality monitoring equipment.

To the DNR, from the Environment First Fund (Section 19, subsection 7) \$2,300,000 (same as FY03)

- For local cost share grants to local governments for boating accessibility.

To the Iowa Resources Enhancement and Protection Fund, from the Environment First Fund (Section 20)
..... \$11,000,000 (increase of \$9,000,000)

Section 21 provides that monies appropriated in this Division shall not revert to the state general fund but shall remain available for their designated purpose until the end of FY05.

From the Tobacco Settlement Trust Fund, for the acquisition, construction and improvement of recreational trails (Section 22, subsection 9c) \$1,000,000 (decrease of \$1,000,000)

- Of this amount, \$500,000 shall be used, on a matching funds basis, for the completion of connections to existing recreational trails and parks. These projects should be matched with \$1 of private or non-profit funds to every \$3 from the state.

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From the Tobacco Settlement Trust Fund for county fair infrastructure improvements (Section 22, Subsection 10) \$1,060,000 (same as FY03)

Section 22, subsection 13 states that monies appropriated in this section shall not revert to the state general fund at the end of the fiscal year but shall remain available for their designated purpose until the end of FY 07.

SF 453 - Reinventing Government

JS, WRP, JE, RM

All

This Act makes and reduces certain appropriations, relates to state and local government financial and regulatory matters and increases civil penalties. Of primary concern to county officials are the reductions in state appropriations for the Chapter 405A appropriation (personal property replacement) and machinery and equipment tax replacement, and the repeal of the franchise tax pass through. Additionally, the Act establishes an e-commerce fee to be collected by recorders and increases the minimum number of signatures required to protest a county budget.

Division I amends Iowa Code §24.14, which requires cities and counties to take into account state appropriations when preparing their budgets. The bill eliminates the personal property tax replacement; hence, local governments no longer must consider it in budget preparations. This division also reduces the machinery and equipment (M&E) tax replacement appropriation for FY04 from \$20,990,800 to \$10,081,685 and eliminates the M&E appropriation for FY05 and beyond. This bill also eliminates the provision for assessing and collecting M&E tax if the state under funds replacement claims by repealing Iowa Code §427B.19B. This division amends Iowa Code §331.403 so that the homestead credit funding will be withheld if a county fails to file its annual financial report by the deadline. Previously, personal property tax replacement funds were withheld. The bill also requires the Governor to make across the board cuts equal to \$70 million if he vetoes these reductions.

Section 11 repeals certain Code sections, including Iowa Code §422.65. That section requires the state to appropriate 60% of all franchise tax revenues collected to the city from which the tax is collected, and 40% of all franchise tax revenues collected to the county from which the tax is collected. The repeal of this section means that the state will retain all franchise tax revenues. [see SF 458]

Division II allows cities and counties to establish parking fines by ordinance. Previously fines were limited to \$5.

Division III allows individuals who are not certified law enforcement officers to enroll in the Iowa Law Enforcement Academy at their own expense if the individual is sponsored by a law enforcement agency and meets minimum criteria. The individual cannot enroll if his/her enrollment would take the place of a certified officer. The individual must be employed by a law enforcement agency within 18 months of completing the course to obtain certification pursuant to this section.

Division IV increase the minimum number of signatures required to protest a county budget from 10 to 100.

Division V deals with the reporting requirements of debt issued by cities for urban renewal. The city is required to report the debt for the city to the Department of Management (DOM) and the appropriate auditor. If the city fails to comply, the treasurer is required to withhold the incremental tax disbursement until the report is filed. This division also allows treasurers to pursue payment of delinquent taxes up to \$5,000 in small claims court.

Division VI increases the penalty for violation of a local ordinance. The penalty can not exceed \$750 for the first offense and \$1,000 for a repeat offense. The penalties were \$500 and \$750 previously.

Division VII deals with an electronic transaction fee collected by recorders. It establishes a \$5 transaction fee per recorded document for developing a real estate website from July 1, 2003 until June 30, 2004. The bill allows for a \$1 fee for each document after June 30, 2004. The state treasurer must establish an account into

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which the monies shall be deposited. The state treasurer will contract with recorders to develop, implement, and maintain a statewide internet website. A state government electronic transaction fund and a separate pooled local government electronic transaction fund are established in the treasurer of state's office. The treasurer must pay into the state fund \$1 per transaction on a monthly basis, during the first year the fee is implemented. The other \$4 goes into the pooled local government transaction fund to be redistributed to counties equally for the purposes of developing, implementing, and maintaining the system. As of July 1, 2004, all money collected pursuant to this Division is to be deposited into the pooled local government transaction fund. The recorders shall make available any relevant records to the auditors and the state auditor.

Division VIII provides that a city or county may enter into a lease with a joint city-county authority when the city or county and the authority determine that such a lease is necessary and convenient to effectuate their purposes and the purposes of Iowa Code §346.27. The division also provides that the power to enter into leases under this Iowa Code section is in addition to other powers granted to cities and counties to enter into leases and the provisions of Iowa Code §§364.4(4), and §331.301(10). The Iowa Code sections that require a city or county entering into a lease to follow the authorization procedure which requires an affirmative vote of 60% of the votes cast on the question are not applicable, and instead only a majority vote is required for authorization of leases entered into under this Code section.

Division IX establishes the local government innovation fund under the control of the DOM. The purpose of the fund is to provide loans to cities and counties for purposes of stimulating and encouraging city and county innovation and savings in expenditures. The director of the DOM is to appoint a seven-member committee to implement forms, loan requirements, and loan repayment schedules and to perform other administrative functions. Committee members are required to have local government experience. The loan provisions are required to be outlined in a Code chapter 28E agreement between the state and the city or county receiving the loan. Loans shall be repaid to the city or county receiving funds within five years with interest. Monies appropriated to the fund do not revert, and the fund retains interest and earnings. The Division provides an initial appropriation to the fund of \$10 million and allows up to 20% of the amount appropriated to be used for forgivable loans or grants.

Division X contains section 29 which provides for creation of an interim legislative study committee to meet in 2003 to review the Department of Natural Resources (DNR) regulatory enforcement and penalties policies in relation to counties and cities. This section states that the study committee shall review options for changing the DNRs use of punitive measures to collaboration. Fine amounts shall also be reviewed. It is also recommended that the committee examine designation of portions of fines levied against counties and/or cities against the costs of compliance with the DNR's regulations.

Division XV requires the Department of Human Services (DHS) to implement a service system redesign for child welfare services. This system would be applicable to those children who are subject to the jurisdiction of the juvenile court under Iowa Code chapter 232 or who have been found to be a victim of child abuse by the DHS. The new system will be outcome based. The division states the purpose of the system redesign, identifies the children involved, identifies design principles and considerations, provides for use of a stakeholder panel, establishes a legislative monitoring committee, requires the redesign to be implemented during FY04, provides emergency rulemaking authority, and authorizes the director of DHS to seek federal waivers and plan amendments. The statutory requirements in the following Iowa Code sections are not applicable to the services procurement process used to implement the outcomes-based service system redesign: 1) Iowa Code §18.6, relating to competitive bidding, 2) Iowa Code §72.3, relating to penalties for divulging the contents of sealed bids, and 3) the administrative rules adopted for Iowa Code §8.47, relating to requirements for service contracts. The DHS is authorized to enter into competitive negotiations and proposal modifications with service contractors as necessary to implement the outcomes based approach. The FY04 general fund appropriations to the DHS are reduced by \$10 million and the Governor is required to apply the reductions by January 1, 2004 after consulting with the legislative monitoring committee, the director of DHS, and the council on human services. If the judicial branch reports a reduction to the judicial branch budget as a result of the redesign, the amount of the reductions made by the Governor shall be reduced accordingly. Appropriations are made to DHS for costs to implement the service system redesign.

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Division XVI is titled "Department of Human Services Reinvention." This division reduces and supplements various appropriations made to the DHS for FY04 and transfers monies from the hospital trust fund at the end of FY03. For FY04, the bill compresses the deadlines and requires the institutions to provide to the Department of Education (DOE), and the DHS, an estimated proposed program and budget based on the estimated average daily attendance of children who will likely be provided educational programs during the fiscal year. DHS is required to develop plans for making electronic payments to medical assistance program and child-care services providers. Various FY04 appropriations are reduced to reflect the anticipated savings from this change. The Governor is directed to apply the reduction by January 1, 2004. The appropriation made for FY04 for the medical assistance program from the hospital trust fund is supplemented. In addition, a planned transfer of the hospital trust fund balance at the end of FY03 is eliminated. The division amends the Iowa Code to modify the procedures for authorizing and funding educational programs provided to children residing in institutions under the jurisdiction of the director of human services, specifically the mental health institutes at Cherokee and Independence, the state training school at Eldora, and the Iowa juvenile home at Toledo. The institution in which a child resides is required to submit to the DOE a proposed program and budget for approval or modification. Once a proposed program and budget are approved, the Department of Revenue and Finance is directed to pay the approved budget amount in monthly installments to the DHS, which will distribute the payments to the appropriate institutions. Adjustments will be made to subtract from or add to the October payment in the following year if costs were greater or less than proposed.

Currently, the funding for the programs is derived from an appropriation made to the DHS, though the area education agencies provide the Iowa juvenile home and the state training school with services under Iowa Code §282.28, which the bill repeals. Funding for the education programs will come from the monies appropriated for school foundation aid. Reductions are applied to FY04 appropriations to reflect the change in the funding source. Appropriations for the state training school, Iowa juvenile home, and state mental health institute at Independence are affected.

Effective date: The section of Division I that prohibits reassessment of M&E is effective upon enactment. The remainder of the bill takes effect July 1, 2003.

SF 458 - Standings Bill

AB, WRP, DV, JE, JS

All

This Act provides the FY04 appropriations for most of the budget for the state of Iowa. Whenever possible, comparable numbers from FY03 are listed.

The following sections are outlined in Division 1. Section 1 changes the date by which counties must apply to the risk pool board to cover unanticipated net expenditure amounts in excess of the county's fiscal year budgeted net expenditures. Counties must now apply by January 25 for risk pool dollars and the risk pool board must notify a county of its eligibility by February 25. In addition, the legislation allows monies left in the risk pool fund, after distribution to eligible counties, to be distributed to those counties eligible to receive funding from the allowed growth factor.

Section 2 appropriates county MH/MR/DD allowed growth money and specifies the allocation formula for FY05.

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

• Risk pool	\$23,738,749
• Per capita expenditure target pool	\$2,000,000
• Per capita expenditure target pool	\$21,738,749

The following formula amounts shall be used only to calculate preliminary distribution amounts for FY04:

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

Appropriations

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%. Additionally, counties with an ending balance of less than 10% shall receive an inflation adjustment equal to 2.6% of the gross expenditures reported for the county's services fund for that fiscal year.
- For an ending balance percentage of 10% through 24%, a withholding factor of 25%.
- For an ending balance percentage of 25% through 34%, a withholding factor of 60%.
- For an ending balance percentage of greater than 35%, a withholding factor of 100%.

The total withholding amounts applied shall be equal to a withholding target amount of \$9,418,362 and the appropriations made in this bill 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.

Division II applies reductions to standing appropriations for the General Assembly, at-risk children programs, public transit assistance, and educational excellence program. The division includes an appropriation from the cash reserve fund to the rebuild Iowa infrastructure fund and voids a law that would otherwise require that the reason for the appropriation be stated, that the appropriation be the only subject of the bill, and that the bill receive a supermajority vote if the appropriation caused the fund balance to drop below a certain level. This appropriation takes effect upon enactment. In addition, the division reduces a standing appropriation from the rebuild Iowa infrastructure fund to the environment first fund for FY03, and this reduction takes effect upon enactment.

Division III states that appropriations from the general fund of the state of Iowa for the following purposes shall not exceed the listed amounts:

- For homestead property tax credit reimbursement \$105,585,004 (same as FY03)
- For agricultural land and family farm tax credit reimbursement \$35,497,624 (same as FY03)
- For military service tax credit reimbursement \$2,569,712 (same as FY03)
- For elderly and disabled tax credit reimbursement \$16,651,800 (\$854,903 increase)

Claims for reimbursement for rent constituting property taxes paid filed before May 1, 2004 are eligible for full reimbursement in FY04. Those claims filed after May 1, 2004 are eligible for reimbursement in FY05. The director is not required to make payments to counties for the credits before June 15, 2004.

Section 13 exempts the property tax credits described above from the state mandate protection in Iowa Code §25B.7. This means that counties and other local governments are required to extend the entire amount of the tax credits to qualified applicants, even if the amounts appropriated by the state are not sufficient to fully fund the credits.

Appropriates to the Rebuild Iowa Infrastructure Fund (RIIF) under Iowa Code §8.7(5) for FY04 (Section 19)
..... \$10,000,000 (increase of \$7,000,000)

Appropriates to the Iowa Law Enforcement Academy (Section 20) \$1,047,629 (increase of \$72,103)

Section 37 amends Senate File 453 by increasing the appropriation for machinery and equipment tax replacement to \$11,281,685 from \$10,081,685, an increase of \$200,000.

Section 41 appropriates \$8,800,000 of franchise tax revenues to be allocated to cities and counties. Sixty percent is to go to the general fund of the city and 40% is to go to the general fund of the county in which the tax is collected. The appropriation represents an increase of \$810,765 from FY03.

Section 42 repeals section 28 of Senate File 453. That section contains a \$10 million appropriation for a local government innovation fund that would make loans and grants to cities and counties. The \$10 million is

Appropriations

instead appropriated according to sections 37 and 41 of this bill, as noted above.

Section 101 creates Iowa Code §16.181 which establishes a housing trust fund under the Iowa Finance Authority (IFA). Monies in this fund are to be used for the development and preservation of affordable housing for low-income people. Assets of this fund will consist of: 1) assets received by IFA from the Iowa Housing Corporation, 2) assets transferred by IFA for deposit in this fund, 3) any other monies appropriated by the Legislature and other monies available to or obtained by IFA for this fund. IFA is to create the following programs: 1) Local Housing Trust Fund Program consisting of 60% of the available moneys in the housing trust fund, 2) Project-based Housing Program consisting of 40% of available moneys in the housing trust fund. Eligible applications for monies from this fund must include: 1) a governing board for local housing as recognized by local governments, 2) a housing assistance plan approved by IFA, 3) sufficient administrative capacity by the local board, 4) a local funding match approved by IFA. An award from a local housing program shall not exceed 10% of the balance of the local program at the beginning of the fiscal year plus 10% of any deposits during that fiscal year. A report of a local housing authority on the spending of awarded monies must be made to IFA by December 31 of each year. Where no local housing trust fund exists, a person may apply for funds from the Project-based Housing Program.

Section 110 limits the liability of a county fair or other society as defined by Iowa Code §174.1 and the officers of such societies under certain circumstances.

Sections 124 and 125 amend Iowa Code §§331.605C(1) and 331.605C(2) as contained in SF 453 (giving authority to the county recorder to collect fees for the purpose of establishing and maintaining a real estate records internet site) by: 1) stating that the county recorder shall collect \$5, from July 1, 2003 until June 30, 2004, for each recorded transaction, regardless of the number of pages, and 2) stating that the county recorder shall collect \$1, beginning July 1, 2004, for each recorded transaction, regardless of the number of pages. Section 125 amends Iowa Code §331.605C(4) as contained in SF 453 by striking the term "state government electronic transaction fund" and substituting "local electronic government transaction fund." By also striking reference to the contract between the state treasurer and the Iowa County Recorders Association to "develop, implement, and maintain a statewide internet website" and replacing that phrase by stating that the contract is for the state treasurer to "hold the fund for the development, implementation, and maintenance of a statewide internet website."

Section 127 amends Iowa Code §423.4 to exempt from the use tax the transfer of vehicles subject to registration from one leasing corporation to another if both corporations are part of a controlled group for federal income tax purposes. The amendment is effective upon enactment.

Section 128 amends Iowa Code §435.26A, as enacted by 2003 Iowa Acts, Senate File 134, to require certain information be provided when the certificate of title for a manufactured home has been surrendered. The amendment also provides for the procedure for the re-issuance of a previously surrendered certificate of title for a manufactured home. The amendment is effective upon enactment.

Section 133 amends Iowa Code §455D.9 by allowing acceptance of yard waste by a landfill if that landfill operates a methane collection system that produces electricity.

Section 141 amends Senate File 453(49), which directs the DHS to create a work group for the redesign of the medical assistance program. The amendment would add members of the medical assistance advisory council to the work group. The medical assistance advisory council participants will bring valuable expertise in each specialized field or industry that would not be available if the insurance industry is the only stakeholder at the table.

Section 143 repeals four portions of Iowa Code chapter 266. Of county interest is the repeal of Iowa Code §266.8, which provided for a hazardous waste research program at Iowa State University.

Section 144 provides that the state committee on implementation of the federal "Help America Vote Act" shall develop a plan for compliance with this federal law and that this committee, along with the state commissioner

Appropriations

of elections, shall provide quarterly updates to both the Senate and House of Representatives standing committees on government oversight on this implementation.

Section 158 requires the state treasurer to submit a report to the Governor and General Assembly detailing the amount of fees collected by recorders pursuant to sections 124 and 125 (described above) and SF 453.

Section 179 amends SF 390 so that the provisions of a local government organization review committee only apply in counties having a population in excess of 100,000. It also requires a legislator to appoint a member to that committee from the unincorporated area, if more than half of the population of that legislator's district lives in an unincorporated area.

Effective date: Upon enactment.

HF 614 - Elections: HAVA and Absentee Voting

RM

Auditors

This act contains provisions complying with Public Law 107-252, the "Help America Vote Act", and provisions having to do with identification to be shown by voters at the polls, the casting of provisional ballots, and the casting of absentee ballots.

Division I deals with compliance of the Help America Vote Act (HAVA). Section 2 amends Iowa Code §47.7 by providing for a centralized, interactive computerized statewide voter registration file. The next section provides for the membership of the state planning and implementation committee. This committee is charged with drafting and adopting a plan for Iowa's compliance with HAVA. Among the 12 voting members of this group are the county auditors of the two most populous counties, a county auditor of a county of over 25,000 in population, a county auditor of a county of less than 25,000 in population, the president of the Iowa State Association of County Auditors, and the president of ISAC. *(Prior to passage of this act, a planning committee had met several times and drafted/adopted a state plan for compliance with HAVA.)* The next section amends Iowa Code §48A.8 by stating that anyone who votes for the first time after having registered by mail must produce identification which includes a photograph, or a document containing their name and address, such as a utility billing, a bank statement, or a government check.

Sections 3 through 9 amend Iowa Code §48A.11 adding certain items to voter registration forms. Sections 10 through 14 amend various portions of Iowa Code §48A dealing with the verification of voter registration information, acknowledgement of the registration form, "cleaning" voter registration lists, electronic registration, and registration lists. Sections 15 through 19 amend Iowa Code §49. Sections 20 through 24 deal with provisional ballots. A variety of changes in the duties of election officers (Iowa Code §52), in handling federal write-in ballots (Iowa Code §53) follow. Iowa Code §§49.35, 52.11, 52.14, and 52.22 are repealed.

Iowa Code §§39A.4(1)(c) and 39A.5(1)(b) are amended by listing four new offenses as election misconduct. The last four sections of the legislation have to do with the appointment, by the political party central committees, of and the duties of "absentee ballot couriers."

HF 683 - Grow Iowa Fund

JS, JE, RM

All

This is an Act relating to economic development by creating the Grow Iowa Fund, providing endow Iowa seed grants and endow Iowa tax credits, providing funding and tax credits for economic development regions, creating a cultural and entertainment district certification program, increasing the availability of rehabilitation project tax credits, providing for a streamlined sales and use tax law, making appropriations, and including effective date and retroactive applicability provisions. The items noted below are of particular interest to county officials.

Local Government Innovation Fund \$1,000,000
Section 4 appropriates from the state general fund to the Department of Management (DOM) \$1 million for the Local Government Innovation Fund created in Iowa Code §8.64. The fund is to be used to make loans and grants to cities and counties for projects that promote new and innovative means of service delivery that can serve as a model for other local governments. Up to 20% of the amount appropriated may be used for forgivable loans or grants.

Section 10 increases an appropriation made to the Department of Public Health in HF 667. The appropriation for infectious diseases is increased from \$977,340 to \$1,074,888.

Section 19 makes a technical Iowa Code citation change to SF 134 - County Treasurer Duties, pertaining to the surrender of a certificate of title of a manufactured home.

Special Session

Section 24 makes a corrective change to SF 458 - Standings Bill, to allocate \$10,000 to the Department of Human Services (DHS) rather than the Department of Public Health (DPH) for mental health services for members of the National Guard.

Section 30 makes a corrective change to HF 667 - DHS and Public Health Appropriations, to increase the number of FTE involved with the sexually violent predator program from 46 to 57.

Section 33 makes a technical Iowa Code citation change to HF 289 - Electronic Financial Transactions, pertaining to location of depositories.

Section 39 repeals the annual funding stream to the office of grants enterprise management created in the DOM as provided in SF 438.

Section 40 undoes the inadvertent repeal of Iowa Code §403.23. That code section was repealed as part of SF 453; it is retained as a result of this bill. It is the section that requires cities to annually report their urban renewal debt to the county auditor.

Section 59 amends Iowa Code §321J.2(2)(a)(1) to provide that the time a person spends in a court-ordered operating-while-intoxicated program shall be deducted from time served for imprisonment in a county jail.

Division VII contains a section entitled "Rehabilitation Project Tax Credits Appropriation" which contains an appropriation for the period beginning on July 1, 2005 and ending on June 30, 2007 for the payment of tax credits which can be applied to property rehabilitation in certified cultural and entertainment districts in the following amounts:

FY06	\$500,000
FY07	\$500,000

This Division also contains, under the title "Anticipated Federal Moneys – Appropriation," an appropriation from federal funds received for state and local government fiscal relief under the "Federal Jobs and Growth Tax Relief Reconciliation Act of 2003" in the following amounts:

FY04	\$59,000,000
FY05	\$41,000,000

This Division also contains, under the title "Streamlined Sales and Use Tax Revenue – Appropriation", an appropriation of funds received through implementation of a state sales tax on remote sales (including Internet sales) to the Grow Iowa Fund beginning July 1, 2003 and ending June 30, 2010 the amounts of:

FY04	\$5,000,000
FY05	\$23,000,000
FY06	\$75,000,000
FY07	\$75,000,000
FY08	\$75,000,000
FY09	\$75,000,000
FY10	\$75,000,000

Division XII contains a provision entitled "Rehabilitation Project Tax Credits" stating that the total amount of approved tax credits for property rehabilitation for a fiscal year cannot exceed \$2,400,000 and that for the fiscal years beginning July 1, 2005 and July 1, 2006 an additional \$500,000 may be approved each year for projects in certified cultural and entertainment districts.

Division XV of this bill rewrites the state sales and use taxes by combining Iowa Code chapter 422, division IV (sales tax), Iowa Code chapter 423 (use tax), and provisions of the multi-state streamlined sales and use tax agreement into a new Iowa Code chapter 423.

The Division sets out the definitions applicable to the new Iowa Code chapter. These definitions are from the definitions used in the present sales and use taxes, and others needed for provisions under the agreement.

It imposes the sales tax, provides sales tax exemptions, and provides for sales tax refunds. These provisions are presently part of the current sales tax. However, this division puts all exemptions in the same Iowa Code section while current Iowa Code had them located in numerous places. It also imposes the use tax and provides use tax exemptions. These provisions are presently part of the current use tax.

The Division establishes the Uniform Sales and Use Tax Administration Act that is part of the agreement and authorizes the director of revenue and finance to enter into the agreement on behalf of the state. It provides that the entry into the agreement does not amend or modify Iowa law. It establishes certain agreement requirements including striving to achieve uniform tax rates, uniform standards, central registration, no change in nexus status as a result of registration, monetary allowances for retailers and consumer privacy, and it provides that the agreement only binds and provides benefits to those states that are members of it.

This Division provides for the administration of the sales and use tax as it relates to retailers not registered under the agreement. It incorporates the current sales and use tax provisions related to the liability and collection of tax, penalties, filing of returns, and refunds. The Division also incorporates the sourcing rules contained in the agreement. These rules establish the manner of determining in which state the transaction subject to sales tax occurs, or, as in telecommunications services, if the transaction occurs in more than one state how the tax is to be divided.

The Division provides for the administration of the sales and use tax as it relates to retailers registered under the agreement. In addition, it specifies the benefits and obligations of retailers that register under the agreement, including the filing of returns and paying of the taxes either by 1) a certified service provider who is the retailer's agent with authority to perform all use tax functions, 2) by a certified automated system that calculates the taxes owed to the various jurisdictions, or 3) by a proprietary automated system that calculates the taxes owed the various jurisdictions. The bill also contains coordinating amendments.

Effective date: Division XV takes effect July 1, 2004.

HF 692 - Tax Changes, Regulatory Reform, Grow Iowa Fund

JS, JE, RM

All

This Act contains property tax reform, income and sales tax changes, regulatory reform and an economic development fund.

Division I establishes a new system for assessing and taxing real property. The system establishes a value per square foot of property, which allows property owners to improve their existing property without that property being assessed for tax purposes at a higher value. The Act includes intent language which states that "any increases [in property taxes] will be primarily the result of direct action taken by the local taxing authority in setting budget amounts rather than by increases in market value of property."

Section 3 completely rewrites Iowa Code §441.21 to assess structures on a square foot basis. It establishes assessment year 2005 as the base year for the new system and provides that for assessment year 2006 (FY08) and all subsequent years, the assessed value per square foot for residential, commercial, and industrial property shall be the 2005 assessed value of the property divided by the total number of square feet of the structure as of January 1, 2005. The section establishes that structures sold after January 1, 2005 shall be converted to their 2005 assessed value by dividing their market value by a cumulative inflation factor. Essentially, the goal of that calculation is to remove any inflationary effects from the assessed value of a structure. [Any improvements made to the structure by the prior owner would be accounted for in the purchase price and the value of those improvements would not be removed from the assessed value of the structure.] The section also establishes that additions or modifications to a structure not constituting a "newly constructed structure" shall not increase the assessed value of a structure unless the square footage of the structure is increased. In those cases, the additional assessed value shall be the number of new square feet times the existing assessed value per square foot.

Special Session

Paragraph 4 of Section 3 provides that agricultural structures (not including dwellings) shall be valued substantially the same way as described in the paragraph above. However, their assessed value per square foot shall be the productivity value of the structure divided by its square footage, and if necessary, adjusted by a cumulative inflation factor.

Paragraph 5 allows the assessor to establish a fair and reasonable market value for non-agricultural property by using methods currently in place. It also allows a county that has contracted for a comprehensive revaluation by a private appraiser for assessment year 2006 to divide the valuations determined by the appraiser by an inflation factor to determine base year values for assessment year 2005. Paragraph 6 prevents a property's assessed value as determined under this system from exceeding the actual market value of the property, excepting agricultural property, which shall be valued solely on the basis of productivity.

Paragraph 7 allows the Department of Revenue and Finance (DRF) to determine annual and cumulative inflation factors using the gross domestic product price deflator. It also defines the terms "newly constructed" and "structure" for assessment purposes.

Paragraph 8 allows local governments to calculate their debt as a percentage of actual value by using the full assessed value of property, before any inflation factor is applied.

Paragraph 9 stipulates that this property tax system is subject to legislative review at least once every five years. A report is to be generated by the property tax implementation committee established in this Act and is to contain recommendations on various issues, such as those relating to base line assessments, land tax, and square footage tax as established in the Act.

Section 4 defines the various property classifications. Paragraph 1 stipulates that agricultural land shall be valued on its productivity basis, as it is currently, and includes the land of a vineyard as agricultural land. Paragraph 2 defines "residential property" to include "all lands and buildings which are primarily used or intended for human habitation," including property used in conjunction with the dwelling, such as garages, swimming pools, and tennis courts. Residential property also includes individually owned condominiums and the lands and buildings of multiple housing cooperatives organized under chapter 499A, but excludes apartments with three or more housing units. Such properties are to be classified as commercial property.

Section 7 stipulates that only agricultural property and all property sold after January 1, 2005 (the base year assessment date) are subject to equalization by the DRF. This is reinforced in Section 17.

Section 8 requires the assessor to list on the assessment roll the number of structures and the total square footage of the structures by class of property, rather than listing square footage individually for each structure.

Section 18 requires the DRF to equalize annual and cumulative inflation factors on a county by county basis. Using reports issued by Iowa State University, the DRF shall equalize inflation factors in any county that is 5% above or below the statewide inflation factors.

Sections 35 and 36 call for a land tax to be imposed on each acre or portion of acre of land in a county. The tax is to be allocated to the various taxing jurisdictions in the same proportion as the jurisdictions' tax askings in FY07. The city and county finance committees are allowed to jointly determine any adjustments made to the land tax allocation in the case of boundary adjustments. [The technical aspects of imposing a land tax are to be largely determined by the property tax implementation committee.]

Sections 38 and 39 require taxing districts to certify the percentage of property tax dollars to be levied against each class of property, and that the square footage tax rate shall be expressed in dollars and cents per \$100 of valuation per square foot.

Section 40 states that the total tax levied against a property shall be the sum of the land tax (computed by multiplying the rate of the land tax by the number of acres of land on the property) and the square footage tax

(computed by multiplying the rate of the square footage tax by the valuation per square foot by the number of square feet in the property).

Section 41 establishes a property tax implementation committee to facilitate the transition to this new property tax system. The committee, staffed by the DRF and the Department of Management (DOM), will include four members of the General Assembly, as well as representatives of both departments, counties, cities and school districts, local assessors, commercial, residential and agricultural property taxpayers, and other appropriate stakeholders. The charges of the committee include making recommendations on the land tax and square footage tax, including whether or not maximum rates should be imposed, the means by which the system can have a revenue neutral impact on all classes of property, how the new system affects tax increment financing and the school aid formula, implementation of a payment in lieu of taxes program for local government services, and maintenance of equity among classes of taxpayers and among taxpayers within the same class. The committee shall also study the role of property taxes in funding local government services and the types of services currently funded by property taxes. The section calls for a pilot study of three counties and the cities within those counties to test the new system and to help with statewide transition.

Divisions II through IV pertain to Iowa income tax reform. They reduce the individual income tax rates over four years. They also repeal the current nine-bracket system and establish a three-bracket system if the state adopts a constitutional amendment to require a 3/5 legislative majority, or passage by the voters, for the approval of income and sales tax increases. Federal deductibility would cease contingent upon passage of the constitutional amendment.

Division VI lays out the provisions of the Grow Iowa Values program. One section of this division is entitled "Grow Iowa Values Geographic Regions." It divides the state into five regions.

- The northwest region includes: Lyon, Osceola, Dickinson, Emmet, Kossuth, Winnebago, Sioux, O'Brien, Clay, Palo Alto, Hancock, Plymouth, Cherokee, Buena Vista, Pocahontas, Humboldt, Wright, Woodbury, Ida, Sac, Calhoun, Webster, and Hamilton counties.
- The northeast region includes: Worth, Mitchell, Howard, Winneshiek, Allamakee, Cerro Gordo, Floyd, Chickasaw, Fayette, Clayton, Franklin, Butler, Bremer, Hardin, Grundy, Black Hawk, Buchanan, Delaware, Dubuque, Tama, Benton, Linn, Jones, and Jackson counties.
- The southeast region includes: Poweshiek, Iowa, Johnson, Cedar, Clinton, Scott, Muscatine, Mahaska, Keokuk, Washington, Louisa, Monroe, Wapello, Jefferson, Henry, Des Moines, Appanoose, Davis, Van Buren, and Lee counties.
- The southwest region includes: Monona, Crawford, Carroll, Greene, Harrison, Shelby, Audubon, Guthrie, Pottawattamie, Cass, Adair, Mills, Montgomery, Adams, Union, Clarke, Lucas, Fremont, Page, Taylor, Ringgold, Decatur, and Wayne counties.
- The central region includes: Boone, Story, Marshall, Dallas, Polk, Jasper, Madison, Warren, and Marion counties.

It should be mentioned that the original version of this legislation, which originated in the House of Representatives, also called for economic development regions, but of a much narrower scope. The original version stated that an economic development region would be eligible for financial assistance from the Iowa Values Fund if such a region consists of "not less than three contiguous counties" and "establishes a single, focused economic development effort." This was meant to be broader than what became Division XX: Targeted Economic Development.

Division XII is entitled "Cultural and Entertainment Districts." It calls for the establishment of cultural and entertainment district certification programs by the Department of Cultural Affairs (DCA) which would encourage community growth through the development of such districts within a city or a county. Counties and cities would create and/or designate such districts. Such a cultural and entertainment district could not exceed one square mile in area. Its certification by the DCA would be in effect for 10 years. Two or more counties or cities may jointly apply for certification of a district which may extend across a common political subdivision boundary. These districts would be eligible for cultural grants from DCA, as well as for other grant programs.

Special Session

Division XIX extends the Unemployment Compensation Surcharge through 2006. The funds derived from these revenues will be used for Workforce Development Programs throughout the state.

Division XX, section 125, is entitled "Cities, Counties, and Regions – Site Preparation for Targeted Economic Development." It provides for a targeted economic development plan. A county, a city or a region (defined as "a group of two or more contiguous counties that establish a single, focused economic development effort"), with the approval of the property owner, may designate an area within a city, a county, or a region for targeted development. Such development must be in one the following areas: manufacturing, light industrial, warehouse distribution, office parks, business parks, or research and development. Such a targeted development designation, as approved by the Department of Economic Development, shall be eligible for financial assistance.

Division XXI suspends the phase out of the sales tax on utilities and freezes the rate at 3% for five years, until 2008. At that time, the phase out will resume again. Revenues derived from this source will be used for the Grow Iowa Fund.

Effective date: Section 41 of this Act is effective immediately; the remainder of Division I takes effect July 1, 2005 for assessment years beginning on or after January 1, 2006 and fiscal years beginning on or after July 1, 2007. Division I, in its entirety, is repealed as of June 30, 2005. [Essentially, this provision requires another affirmative legislative vote to implement the new property tax system.] Division XIX is effective upon enactment.

2003 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 25	Property Tax Limitation
HF 86/SF 54	Public Employment Retirees
HF 89/SF 53	Local Civil Service
HF 93/SF 55	RUTF Changes
HF 166/SF 379/SF 197	Eliminate County Compensation Boards
HF 177	Highway Weight Limits
HF 182	Property Tax Protest
HF 224	Auto Rental Tax
HF 243	School Transportation Funding
HF 261/SF 193	Rental Farmland Credit
HF 280	Mail-in Elections
HF 463	Deputy County officer Pay
HF 500	Fees for New Landfills
HF 513/SF 84	Snowmobile Fees
HF 610/HF 320	Abuse Reports and Response
HF 701	Income Tax Reform/Supermajority Amendment
HSB 163	Uniform Patrol
HSB 164	Supermajority Tax Vote
HSB 165	Property Tax Replacement
HSB 166	County Ending Fund Balance
HSB 167	Local option Elections
HSB 272	Franchise Tax Repeal
HSB 302	Property Tax Funding

Senate Files and Study Bills

SF 39	Unimproved Lot Assessments
SF 46	Local Ordinance Referendums
SF 81	Vehicle Security Interest
SF 190	Fuel Registration Fee
SF 259	Historic Property Tax Credit
SF 313	Public Employee Collective Bargaining
SSB 1086	Food Licensing
SSB 1068	Tax Reform
SSB 1187	Tax Referendum Amendment
SSB 1190	Property Tax Reform

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 48	Recording Standards
HF 63/HF 627/HSB 48/HSB 280	Mental Health Parity
HF 68	County Zoning Approval
HF 74	Prison Mental Health
HF 103/SF 306/SF 98	Trailer Park Storm Shelters
HF 185/HSB 106/SF 104	Multi-County Jails
HF 114	School Budget Certification

2003 Bills That Failed

HF 186	Hoglot Moratorium
HF 208	County Improvement Bonds
HF 236	Elective Court Clerk
HF 366/HF 126	Veteran's Records Confidentiality
HF 369	DHS Staffing Levels
HF 379	Bottle Bill Expansion
HF 440/SF 335	Hotel/Motel Tax
HF 501/SF 330	Courthouse Security Charge
HF 527/HF 403	Medicaid Managed Care
HF 533/HSB 112	Subdivision Sewers
HF 567/HF 251	Open Dumping
HF 590/HF 11	Merged School Elections
HF 591/HSB 172	Employment Security Surcharge
HF 649/HSB 246	Urban Search Team and E911
HF 686	TIF Reform
HSB 19	Alternative Energy Requirements
HSB 65/ SF 373/SSB 1031	Boat Fees
HSB 158	812 Commitments
HSB 202/SSB 1091	Public Improvement Contracts
HSB 206	Real Estate Records (Auditors Non-elections Omnibus Bill)

Senate Files and Study Bills

SF 124	Local Government Fiscal Reform Act
SF 129/HSB 287/HSB 303	Iowa Commission on State and Local Taxation
SF 202/SSB 1089	Supplemental Funding/M&E
SF 243/SF 321	Mental Health Parity
SF 281	Farm Building Setbacks
SF 326	Food Inspection Fees
SF 364	Bid Requirements
SF 371	Recording Requirements
SSB 1067	Precinct Closing Times
SSB 1200	Streamlined Sales Tax

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

HF 567	Open Dumping	(Support)
HF 593	Election Changes	(Support)
HF 614	Voting Changes (HAVA)	(Support with amendments)
HF 686	TIF Reform	(Support)
HF 692	Property Tax Reform	(Undecided)
HF 701	Income Tax Reform/Supermajority Amendment	(Against)
SF 297	Snowmobiles & ATVs	(Undecided)
SF 313	Public Employee Collective Bargaining	(Against)
SF 371	Recording Requirements	(Support)

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