



**2008**

82nd General Assembly, 2nd Session

# **Summary of Legislation**

Iowa State Association of Counties



# ABOUT ISAC

The Iowa State Association of Counties (ISAC) is a private, nonprofit corporation. The organization was established by law on June 30, 1971, with the signing of Senate File 37. ISAC members are elected and appointed county officials from all 99 counties. ISAC is comprised of several statewide associations called affiliates. For example, all the county supervisors in the state have their own association, which is called the Iowa State Association of County Supervisors and is one of ISAC's affiliates. In total, there are 15 of these associations that are affiliated with ISAC.

The main purpose of ISAC is to secure and maintain cooperation among the counties and county officials, promote comprehensive study of local problems and find ways of solving them, provide methods of interchange of ideas among various county officials, and promote and work for the enactment of legislation that is most beneficial to the citizens of Iowa. Counties pay voluntary dues to belong to ISAC. In return, ISAC provides a number of services to member counties, such as training, benefit programs, education, technical assistance, and intergovernmental services.

ISAC's mission is to promote effective and responsible county government for the people of Iowa. ISAC's vision is to be the principal, authoritative source of representation, information and services for and about county government in Iowa.



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# INTRODUCTION

In 2008 Iowa counties participated with the 2nd Session of the 82nd General Assembly in the development of many important public policy decisions.

These bill summaries are organized according to ISAC steering committees. In addition, most appropriations bills are located in the section entitled "Appropriations," regardless of the topics contained therein. 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 mental health redesign 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 for your convenience.

Please note that the text in shaded areas indicates bills or portions of bills that have been vetoed by the governor.

At the end of each summary, you may find the effective date for the bill or certain portions of the bill. If no effective date is listed, the bill is effective July 1, 2008. On the title line of each summary you will find the initials of the ISAC staff member(s) who summarized the bill. Their initials are:

DE - Deb Eckerman, Case Management Services Manager  
DV - David Vestal, General Counsel  
HD - Hanna De Groot, Public Policy Specialist  
JS - Jay Syverson, Fiscal Analyst  
LH - Linda Hinton, Government Relations Manager  
NB - Nate Bonnett, Public Policy Specialist  
RH - Robin Harlow, Technology Project Manager  
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 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 Legislative Information Office at (515) 281-5129 or via the Internet at <http://www.legis.state.ia.us>.

On page 43 we have listed the steering committee chairs and 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. This is a demanding job! Please 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 PRIORITIES UPDATE

**Property Tax Reform** - Because of a lack of agreement over which direction to go with property tax reform, the General Assembly created a two-year study committee in the 2007 session to conduct a comprehensive review of property taxation in Iowa. The study committee's final report is due to the General Assembly on or before January 5, 2009. While several bills addressing various issues related to Iowa's property tax system were introduced this past session, none were actively debated.

**Adequate Funding for Mental Health Services** - After an excellent 2007 session, when the legislature added \$12 million for county-funded MH/DD services and promised to consider a supplemental if that was not enough, things were back to business-as-usual with only \$1 million in Risk Pool funding added to the 3% growth being allocated to the county-managed disability system. Last summer's "Mental Health Services System Improvement" process generated no solutions for the counties' ongoing funding problems. New programs for emergency crisis intervention and youth mental health services were appropriated \$1.5 million and \$500,000, respectively. These programs will be managed by the state rather than by the counties.

The financial condition of the counties' MH/DD funds continues to worsen. In FY 08, 73 counties were levying the maximum allowed. For FY 09, that number has risen to 82 counties. The statewide amount levied was 95% of the total allowed in FY 08, compared to 97% of the total allowed in FY 09. The fund balance story will not be known until December of this year. The fund balance percentage has been going down 3-4% per year since 2004. If the trend holds, counties will have approximately 4.4% in reserves at the end of the current fiscal year.

The legislative council may establish an interim task force to discuss the state taking over the financing of all Medicaid services that the counties currently fund.

**Sex Offender Residency Law** - The Iowa Sex Offender Residency Law generally says that a person convicted of a sex offense against a minor "shall not reside within 2,000 feet of an elementary or secondary school or child care facility." There are several reasons why this policy should be replaced with a system that better protects the public. There is no evidence that residency restrictions enhance public safety. Residency restrictions have caused unintended consequences by driving offenders underground, making it harder to track their movements.

Even though there was little chance of securing the bipartisan support necessary to pass alternate legislation to better protect Iowa's children during an election year, ISAC chose to continue this as a top priority in order to keep the issue before the legislature. Two bills, HF 2317 and HF 2318, which included some of ISAC's proposals on this issue, were introduced, but both died without any committee action.

**State Funding for All-Paper Voting Systems** - With the cooperative effort of the legislators, the Secretary of State, and the Governor, legislation was passed and signed into law in the 2008 session that requires the use of an optical scan voting machine in every county. The bill, SF 2347, also appropriates \$4.9 million from the Rebuild Iowa Infrastructure Fund (RIIF) in FY 08 for the purchase of these systems. Any federal funding for these systems will revert back to RIIF. While there will be some ancillary costs for those counties with blended or all touch-screen systems, this is a major accomplishment that has all voters in Iowa using the same system to cast their votes and has the state covering the major costs to switch to an all-paper voting system.

**Funding of TIME-21** - Road and bridge infrastructure in Iowa received a tremendous boost in the 2007 legislative session with the passage of HF 932, which created the TIME-21 Fund. One of the biggest legislative topics of the 2008 session was the TIME-21 funding bill, which determined the revenue sources for the fund. The House and Senate both introduced similar versions of the bill and, after several amendments, both chambers moved forward by passing SF 2420. The legislation contains several provisions, including registration and title fee increases for many vehicles and a constitutionally-protected fee for new vehicle registration in lieu of the use tax. The county portion of the funds is a step in the right direction and represents a commitment by the state. Estimates for total TIME-21 funds are \$11.6 million in FY 09 growing to \$161.4 million in FY 13. A fuel tax increase was not included but will likely be discussed next session.

**Real Internet Access for Rural Iowa** - HF 622, proposed during the 2007 session, sought to appropriate \$25 million per year over a four-year period from the RIIF to the Iowa Telecommunications and Technology Commission to achieve the goal of 99.95% accessibility in all areas of the state to wireless broadband access. No action was taken on this bill this past session.

**Urban Renewal (Tax Increment Financing)** - Several bills related to TIF reform were introduced during the 2008 session, but none moved beyond the subcommittee discussion level. The proposed bills sought to address approval and duration issues. Unfortunately, a Senate amendment to the standing appropriations bill, HF 2700, included a provision to allow cities to create a sales-tax TIF. This legislation gives city councils the unilateral authority to capture new LOST proceeds that are currently distributed under an allocation formula that benefits all jurisdictions in the county. Currently 85 counties impose a LOST receiving over \$65M collectively in LOST revenue annually. Counties fund road and bridge construction, new jails, county parks, and property tax relief with these funds.



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## **HF 2065 - Military Leaves of Absence**

DV

*All County Officials*

This bill applies to situations where a county employee is required to take a leave of absence to report for military service.

If the employee's county workday encompasses more than one calendar day, such as a deputy that works the overnight shift, it provides that the employee shall only be required to take a leave of absence for one day for that workday. It provides that either the attorney general or the county attorney shall prosecute claims of employment discrimination related to military service. The Iowa Code had previously been silent on this point.

Effective Date: Upon Enactment

## **HF 2194 - Exemptions to State Minimum Wage Standards**

WRP

*All County Officials*

This bill replaces the minimum wage requirement exemptions which are tied to the federal Fair Labor Standards Act. The bill provides that the state's minimum wage requirements do not apply to an enterprise whose annual gross volume of sales, exclusive of excise taxes at the retail level which are separately stated, is less than \$300,000, unless the enterprise is engaged in the business of laundering, cleaning, or repairing clothing or fabrics; is engaged in construction or reconstruction; is engaged in the operation of hospitals, facilities serving the elderly or persons with mental or physical illnesses or disabilities, or educational institutions; or is a public agency.

Effective Date: Retroactive to January 1, 2007.

## **HF 2213 - Motor Vehicle Regulation**

LH

*Treasurers*

This bill makes technical changes regarding the regulation of motor vehicles through the Department of Transportation (DOT). The bill:

- Provides that the bona fide residence of a person with more than one dwelling is the dwelling for which the individual claims a homestead tax exemption under Iowa Code chapter 425;
- Allows the DOT seal to be applied electronically to certified copies of driver records;
- Requires the department or the county treasurer to refuse to title a motor vehicle if the applicant is under age 18, unless the applicant has an Iowa driver's license or the application is being made by more than one applicant and one of the applicants is at least 18 years of age;
- Clarifies that special fees from the sale of plates associated with military service are credited to the Veterans License Fee Fund and any additional fees for personalized versions of such plates are deposited in the Road Use Tax Fund;
- Clarifies that the owner of a salvaged title vehicle

is required to present bills of sale for all changed essential parts only if applicable;

- Expands the period during which a person may apply to the county treasurer for a junking certificate for an abandoned vehicle from 15 to 30 days;
- Clarifies that a seriously disabled veteran who has been provided with a motor vehicle by the federal government is eligible for one set of regular registration plates or one set of any type of special registration plates associated with their service, at no cost;
- Increases from six months to one year the time allotted for an individual to apply for a refund of any vehicle registration fee collected due to official error;
- Allows a person to renew a driver's license without written examination within one year after the expiration date printed on the license;
- Allows all civil penalties that are required to be paid prior to reinstatement of a driver's license to be included in payment plans filed with the clerk of court;
- Allows county treasurers authorized to issue driver's license under Iowa Code chapter 321M to collect civil penalties imposed under Iowa Code §321J.17; and
- Deletes the requirement that counties place the official county seal on motor vehicle titles.

Effective Date: The provisions relating to civil penalties are effective upon enactment.

## **SF 2222 - Payment of Wages**

WRP

*Auditors, Supervisors*

This bill expands the circumstances under which an employee's overdraft charges that were caused by an employer's failure to pay wages timely would be the basis for a wage claim under Iowa Code chapter 91A to all failures to timely pay wages rather than only failures to send wages for direct deposit. The bill also provides that an employer may send wages by mail, upon a written request by the employee. The employer must keep a copy of the written request for as long as the request is in effect plus two years.

## **HF 2367 - Absentee Voter Tally**

HD

*Auditors*

This bill requires that for general elections the commissioner of elections in each county shall report the results of the absentee and provisional ballots by the resident precincts. This can be accomplished by either manually sorting the absentee ballots by precinct upon receipt of the completed ballots or by preparing a separate



# COUNTY ADMINISTRATION & ORGANIZATION

absentee ballot style for each precinct in the county and programming the voting system to produce reports by the resident precincts of the voters.

## **HF 2390 - Plumber Licensing**

JS

*Supervisors, Zoning*

This bill relates to the licensing and regulation of plumbers and mechanical professionals by making amendments to an act first passed in 2007. The bill specifies that the licensing requirements shall not apply to an employee of any local government, including counties, as long as the employee is performing routine maintenance on a mechanical or plumbing system in a government-owned facility, and the employee is acting within the scope of employment. The bill also specifies that local governments that are issuing licenses on July 1, 2008, must continue to issue licenses until June 30, 2009. Beginning July 1, 2009, no local government can issue further licenses. Beginning July 1, 2008, no local government can enforce its local licensing requirements against a person licensed by the state.

## **HF 2392 - Collection of Delinquent Charges**

JS

*Treasurers*

Under current law, delinquent rates or charges for certain services provided by a city utility or enterprise become a lien against the property receiving the services upon notice to the account holder and certification of the delinquent amount to the county treasurer. The delinquent amount then becomes collectible as a special assessment. This bill specifies that notice must be provided to the account holder "in whose name the delinquent rates or charges were incurred." It also provides that if the delinquent rates or charges are not certified to the county treasurer prior to a transfer of the property where the service was provided, then the delinquent amounts cannot become a lien against the property. If the delinquent amount is not certified to the treasurer prior to a transfer of the property, subsequent certification is not permitted. If subsequent certification is attempted, the treasurer shall return the certification to the city utility or enterprise and state that the delinquent amount cannot be made a lien against the property. However, the delinquent amount can become a lien against any other property located in the state and owned by the account holder. Additionally, service to a new account holder may not be withheld or discontinued based on the delinquent charges incurred by a prior account holder at the same premises, and the delinquent amount is not collectible from the new account holder, unless the utility had certified the delinquent amount to the treasurer prior to the property transfer.

## **HF 2393 - Minority Impact Statements**

DV

*All County Officials*

The bill provides that correctional impact statements, which are already created by the Legislative Services Agency to assess the potential impact of any bill that changes the

Iowa Criminal Code, shall now include information concerning "the impact of the legislation on minorities."

For the first time, each application for a grant from a state agency shall now include a "minority impact statement" that contains the following information:

- any disproportionate or unique impact of proposed programs on minority persons;
- a rationale for the existence of programs having an impact on minority persons; and
- evidence of consultation of representatives of minority persons in cases where a program has an identifiable impact on minority persons in this state.

Lastly, the bill provides that the state Office of Grants Enterprise Management (GEM\$), part of the Department of Management, shall create a minority impact statement form for state agencies and ensure its inclusion with grant application forms.

Effective Date: Applies to grants for which applications are due beginning January 1, 2009.

## **HF 2407 - Wheelchair Accessible Motor Vehicle Registration Fees**

LH

*Treasurers*

The bill expands the type of vehicles, permanently equipped to assist the owner or a family member with entry and exit from the vehicle, that qualify for the annual registration fee rate of \$60. The owner or family member must use a wheelchair as their only means of mobility and such usage cannot be due to temporary injury or medical condition.

## **HF 2410 - Alarm System Installer and Electrician Licensure Policy Bill**

NB

*Supervisors*

This bill is one of three that work in concert to modify and clarify requirements for electrical and alarm system work in Iowa, the others being HF 2411 and HF 2547. These bills also make changes to provisions that were enacted as a result of passage of HF 897 in the 2007 session.

This bill amends the Iowa Code Supplement and Iowa Acts in three ways. First, they are amended by adding a new subsection that subjects applicants for certification as an alarm system contractor or installer to a national criminal history check. The applicant must provide fingerprints to the Department of Public Safety to be submitted to the FBI.

The next amendment removes the language adopted in 2007, which became effective January 1, 2008, that exempts from electrician licensure employees of municipal corporations acting within the scope of their employment. The amendment provides that a municipal corporation employee may still be exempt if they hold a valid license issued by a political subdivision as long as the



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requirements are substantially equivalent to the state licensing requirements. Another amendment removes the language adopted in 2007, which would not have been effective until January 1, 2009, that exempts from state inspection the work done by employees of municipal corporations acting within the scope of their employment.

Therefore, this bill taken alone requires any non-licensed county employee who performs minor electrical repair or maintenance within the scope of their employment to become licensed and have their work inspected by the state. However, see the summary for HF 2547 to understand how county employees retain an exemption from licensure and state inspection if they are performing "routine maintenance."

Effective Date: The provisions relating to criminal history check and licensure are effective upon enactment.

## **HF 2411 - Electrician Licensure Grandfathering Bill**

NB

*Supervisors*

This bill changes and updates the applicable dates and hours of experience required to be granted a class B master electrician license and a class B journeyman electrician license without being required to take an exam.

Effective Date: Upon Enactment

## **HF 2547 - Alarm System Installer and Electrician Licensure Technical Bill**

NB

*Supervisors*

In addition to technical changes, this bill amends definitions that are of importance to counties. The definition of "alarm system" is amended to exclude security systems found in prisons, jails, or detention facilities owned by the state, a political subdivision of the state, the department of human services, or the veterans home.

The definition of "routine maintenance" of electrical apparatus is amended to more clearly state that it applies to repair or replacement of the same size or type for which no changes in wiring are made. This includes such activities as repair or replacement of wires, cables, switches, receptacles, outlets, fuses, circuit breakers, and fixtures, but does not include new electrical installation or expansion of a circuit. This definition is important to counties because a later provision of the bill amends Iowa Code Supplement §103.22 to add a new subsection that exempts from licensure requirements an employee of the state or any political subdivision of the state, performing routine maintenance. An additional provision says that state inspection shall not apply to routine maintenance. Essentially, what was undone by the changes to licensure and inspection exemptions in HF 2410, was fixed by this bill, and county employees still remain exempt from licensure and their work exempt from state inspection as long as it is routine maintenance.

This bill makes other amendments to provisions adopted in 2007 that affect counties. One amendment changes the qualification requirements of appointed electrical inspectors. Language was struck that said only the holder of an electrical inspector's certificate of qualification could be appointed. Also, standards established by the Electrical Examining Board for certification and decertification will be applied to electrical inspectors appointed by a political subdivision.

Finally, the bill requires political subdivisions performing electrical inspections prior to December 31, 2007, to continue performing those inspections until December 31, 2013. Subsequently, the subdivisions may turn over the inspection process to the state. Prior to December 31, 2013, the subdivision must petition the Electrical Examining Board if it wants to discontinue performing inspections. Alternately, the board can revoke the authority of a political subdivision to perform inspections if it unanimously finds just cause to do so on or after January 1, 2014. Political subdivisions that do not currently perform electrical inspections may begin to do so upon conformance with the standards in the bill.

Effective Date: Upon Enactment

## **HF 2450 - Tourism Program**

JS

*Supervisors*

This bill makes a number of changes affecting the Department of Economic Development (DED) and its programs. Of particular interest to counties is Division IV, which directs the DED to coordinate with other state and local entities, including counties, in the creation and promotion of recreational and leisure opportunities in the state. The DED is to establish a new tourism program focusing on main street destinations, green space initiatives, and artistic and cultural attractions in both rural and urban areas.

## **HF 2612 - County Resource Enhancement Committees**

NB

*Conservation, Supervisors*

This bill alters the membership of the county resource enhancement committees. Currently, the committees include the chairpersons of the board of supervisors and the county conservation board or a designee from their respective board. The bill broadens the options for designees by striking the requirement that the designee be a member of the chairperson's board.

The bill provides for new representatives on the committee. This includes a representative from an historic preservation commission established by a county or a city within a county, a private organization that provides recognition and protection for the historic buildings, structures, sites, and districts in a county or a city in the county, and an historic museum or organization that maintains a collection of documents relating to the history of a county or a city in the



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county. The representatives shall be appointed by the board of supervisors.

## **HF 2620 - Election Bill**

HD

*Auditors*

This bill amends laws relating to the conduct of elections, voting, and voter registration.

### **Division I – School Board Elections**

The bill provides for the election of the directors of local school districts and merged areas in September in odd-numbered years. Area education agencies are required by law to hold their director district conventions within two weeks of the regular school election. Area education agency board of directors are elected at those conventions. In order to accomplish these purposes, the division changes the terms of all of these directors from three to four years and provides for a transition period.

### **Division II – Voting Centers**

The bill allows a county commissioner of elections to establish voting centers for regular city elections, city primary or runoff elections, regular school elections and special elections and provides that a registered voter at any of these elections may vote at a voting center. The bill specifies that voting or attempting to vote at more than one voting center for the same election is election misconduct in the first degree.

### **Division III – Dates of Special Elections**

The bill makes changes relating to the dates that certain local government special elections on public measures can be held. Special elections of a county shall be held on the date of the general election, on the date of the regular city election, on the date of a special election held to fill a vacancy in the same county, or on the first Tuesday in March, May, or August of each year. The cities are allowed the same dates as counties for special elections. Special elections of a school district or merged area shall be held, in the odd-numbered year, on the first Tuesday in February, the first Tuesday in April, the last Tuesday in June, or the second Tuesday in September. In an even-numbered year, special elections for school districts shall be held on the first Tuesday in February, the first Tuesday in April, the second Tuesday in September, or the first Tuesday in December.

The law is amended to conform filing deadlines to the special election dates, including filing deadlines for vacancies in city or county offices. The division amends Iowa Code §69.12 to change certain time periods in determining the next pending election at which a vacancy in office may be filled.

This division applies to elections held on or after January 1, 2009.

### **Division IV – Voter Registration**

The bill provides a procedure by which a nonparty political organization may be listed on a voter registration form. The division applies to a nonparty political organization that nominated a candidate whose name appeared on the general election ballot for a federal office, for governor, or for any other statewide elective office in any of the preceding 10 years. To request that it be listed on the voter registration form, a nonparty political organization must file a petition with the state registrar of voters containing the signatures of no fewer than 850 eligible electors residing in at least five counties in the state, along with specified documents relating to establishment of the organization. Beginning in January 2011, and each odd-numbered year thereafter, the state registrar of voters and the voter registration commission shall review the number of voters registered as affiliated with a nonparty political organization. If the number of voters affiliated falls below 150, the commission shall declare the organization to be dormant and shall remove its name from the voter registration form.

The bill strikes the requirement that the voter registration form include space for a rural resident to provide township and section number and other information describing where the person resides.

The law, relating to federal mail voter registration forms, is amended to refer to the Election Assistance Commission created by the Help America Vote Act, rather than to the Federal Election Commission.

The bill provides that the application of a registrant who did not answer the question on the voter registration application relating to citizenship shall be processed, and if the application is complete in all other respects and information on the application is verified, the applicant shall be registered to vote and sent an acknowledgement. Current law provides that until a new application is completed, the registration shall be entered as a local registration, and the registrant may only vote in elections that do not have a federal office on the ballot.

The law, relating to status codes used on electronic registration records, is amended to delete the reference to local registrations and to add canceled registrations to the types of registration status.

### **Division V – Challenges and Provisional Voting**

The bill specifies that filing a challenge containing false information is an aggravated misdemeanor.

The bill provides that a challenge filed against a person who is registering to vote and voting after the statutory deadline is considered a challenge to a person offering to vote rather than a challenge of a voter registration. Challenges to voter registrations are required to be filed by a certain time to be considered for the next pending election.

The bill prescribes a form to be used for challenging a prospective voter at the polls and provides that a challenge



# COUNTY ADMINISTRATION & ORGANIZATION

that lacks the name, address, telephone number, and signature of the challenger shall be rejected.

The law is rewritten to require the state commissioner of elections to adopt, by rule, a statement to be given to a person casting a provisional ballot. The statement is to give the reason the voter is casting a provisional ballot and other information about related procedures and to require that a signed challenge to a prospective voter be attached to that voter's provisional ballot envelope.

## **Division VI – General Changes to Election Provisions**

The bill makes it a class "D" felony to intimidate, threaten, or coerce a person to sign or refrain from signing a petition nominating a candidate for public office or a petition requesting an election that is authorized by law. The bill also makes it a class "D" felony to tamper with voting equipment.

The bill provides that members of election boards shall be compensated at the rate of the federal or state minimum wage, whichever is higher.

The bill requires that each polling place designated be accessible to persons with disabilities and removes the requirement that preferences be given to buildings that are accessible to the elderly. The county commissioner of elections is allowed to receive a temporary waiver of the accessibility requirement.

The bill provides that two separate sets of instructions shall be prepared for voters. The first set shall cover the rights of voters and the second set shall contain voting instructions.

The bill provides that the polls shall open at 7:00 am if at least one precinct election official from each of the political parties is present.

The bill strikes the requirement that the precinct election official announce a voter's name aloud for the benefit of any observers at the polling place. It also specifies that if the declaration of eligibility is printed on the election register, voters must also sign a voter roster which is to be made available to observers at the polling place.

The bill removes the requirement that a voter take no more than three minutes to cast a vote. The bill also prohibits the use of cameras, cellular telephones, pagers, and other electronic communications devices in the voting booth.

The bill adds reporters, photographers, and other staff representing the news media to the persons permitted at the polling place and provides that such persons shall not interfere with the election process.

The bill provides that the number of ballots not voted at an election shall be recorded by the county commissioner of elections and retained until after the end of the period for contesting an election or, if an election contest is requested, until the election contest is concluded.

The bill authorizes the state commissioner of elections to report unofficial election results after the closing of the polls on the day of a general election. This codifies current administrative rules.

The bill changes the equation for determining whether a bond must be posted by petitioners requesting a recount.

The bill strikes the requirement that each special precinct election official sign the secrecy envelope when the officials place an absentee ballot into a secrecy envelope.

The bill clarifies what voters are eligible to vote at an election to impose, repeal, or change the percentage rate of a hotel and motel tax. The bill provides that if the tax is imposed only within a city, only the registered voters of the city shall be permitted to vote. If the tax applies only in the unincorporated area of a county, only the registered voters of the unincorporated area shall be permitted to vote.

## **Division VII – Local Redistricting**

The bill provides that the Ethics and Campaign Disclosure Board shall establish an expedited procedure for reviewing a county supervisor redistricting plan to determine if the plan was drawn for improper political reasons in violation of Iowa Code §42.4(5). An eligible elector in the county for which the plan was adopted has 14 days following adoption of the plan to file a complaint with the state commissioner of elections alleging a violation. The state commissioner shall forward the complaint to the Ethics Board and, if the Board does find a violation, the state commissioner is required to reject the plan.

## **HF 2645 - Public Employee Collective Bargaining**

WRP

All County Officials

This bill significantly changes Iowa's public sector collective bargaining law. The most important changes are as follows:

- changes the definition of "employee organization" by removing the requirement that the organization's primary purpose be to represent public employees;
- clarifies the responsibilities of the Public Employment Relations Board (PERB) and states that the board shall "interpret, apply and administer" the provision of the Public Employment Relations Act;
- provides that the PERB will establish minimum qualifications for fact-finders;
- provides that the rights of public employees can't be abrogated by the scope of negotiations or any other provisions of the law; and
- significantly expands the list of mandatory subjects of bargaining. This expansion changed from a specific list of bargaining subjects to require negotiation on virtually any topic that was proposed.

Effective Date: July 1, 2008.



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## **HF 2646 - Fire System Installers**

JS

*Supervisors, Zoning*

This bill provides for a statewide fire system installer and maintenance worker license. The statewide license will supersede any local licensing provisions. As of August 1, 2009, no local government may issue a license for fire system installation or maintenance, and no local government may prohibit a person who holds a state license from performing fire system installation or maintenance. However, a local government that administers a fire system inspection program as of July 31, 2009, may continue that inspection program after August 1, 2009.

Effective Date: August 1, 2009.

## **SF 473 - Disposition of Dead Bodies**

DV

*Sheriffs, Supervisors*

This bill makes changes regarding the use of dead bodies for scientific purposes, to provide that such use is subject to the approval of the person authorized to control the deceased person's remains under the new Iowa Code §144C.5. It creates the "Final Disposition Act" which allows a competent adult to execute a written instrument designating a specific person to have sole responsibility concerning the final disposition of that adult's remains.

This bill states that a county medical examiner shall not be liable for releasing a decedent's remains to a person who is not a designated recipient. It also lists in order those with a right to control the final disposition of a decedent's remains. Tenth (and last) on the list is the county medical examiner.

## **SF 517 - Energy Efficiency and Green Building Code**

NB

*Supervisors, Zoning*

This bill relates to the development, management, and efficient use of energy resources and makes energy-related modifications to the state building code by creating the framework for developing sustainable, or "green," building standards.

The bill makes several changes to the state building code regarding buildings that are heated and cooled or lighted and encourages the use of renewable energy. Energy conservation requirements adopted by the state for residential construction will supersede and replace minimum requirements adopted by a county.

The bill also makes changes to the state energy bank program, which can assist counties in various manners related to energy efficiency. The program can provide technical assistance in the form of energy analyses, and financing options for energy improvements. Cities, counties, school districts, area education agencies, and community colleges shall design and construct the most energy cost-effective facilities feasible and may use financing facilitated by the Department of Natural

Resources to cover the incremental costs above minimum building code energy efficiency standards of purchasing energy efficient devices and materials unless other lower cost financing is available.

Effective Date: Upon Enactment

## **SF 2089 - Absentee Ballot Applications**

HD

*Auditors*

This bill provides that the prescribed absentee ballot application is not required if a registered voter submits an application on a sheet of paper no smaller than three by five inches in size and includes all of the information required. If there is not sufficient information provided on either the prescribed form or an application created by the applicant, the commissioner shall obtain the additional necessary information by the best means possible.

The bill requires that a person who solicits application ballots for a political party, candidate, or committee must provide the voter with the form prescribed by the state commissioner.

## **SF 2136 - Local Housing Assistance Program**

JS

*Supervisors*

This bill abolishes the Local Housing Assistance Program Fund. Any money remaining in the fund is transferred to the Housing Trust Fund. Additionally, all future interest generated from real estate broker trust funds is to be deposited in the housing trust fund, instead of the local housing assistance fund.

## **SF 2160 - Employers' Participation in Unemployment Benefit Determination Hearings**

WRP

*Auditors, County Attorneys, Supervisors*

This bill makes changes to the unemployment insurance benefits process. The bill states that benefits that are determined at an appeal to have been mistakenly awarded to a claimant during an initial determination of eligibility will not be recovered if the employer did not participate in the initial determination process. However, there is an exception if the claimant received the benefits as a result of fraud or misrepresentation. If the employer does not participate in the initial determination of benefits and an error of eligibility was made without fraud or misrepresentation on the part of the claimant, the employer will be charged with the cost of the benefits paid to the claimant. Effective January 1, 2009, the bill also increases the penalty for the late or incomplete filing of employer reports from \$10 to \$35.

## **HF 2195 - Enterprise Zone Criterion**

NB

*Supervisors*

This bill makes changes to the county distress criteria under the Enterprise Zone Program. In order to use the percentage population loss criterion, prison population shall be



# COUNTY ADMINISTRATION & ORGANIZATION

excluded in the population loss calculations. If a county not otherwise qualified to participate in the Enterprise Zone Program qualifies as a result of excluding the counties prison population, a business engaged in the production of ethanol or biodiesel in the county, notwithstanding its status as an eligible business under Iowa Code §15E.193, shall not be eligible for assistance under Iowa Code §15E.196.

## **SF 2221 - Workers' Compensation Burial Expenses**

DV

*All County Officials*

This bill adjusts the workers' compensation burial expense benefit paid by the employer. It had been a flat \$7,500. This bill changes that amount to "12 times the statewide average weekly wage paid employees" as determined by the Iowa Department of Workforce Development.

## **SF 2281 - Employment Discrimination**

DV

*All County Officials*

This bill adds a new job protection for employees. Due to this bill, employees cannot be discharged or punished due to the employee being absent from work in order to be a plaintiff, defendant or witness in a domestic abuse proceeding pursuant to Iowa Code chapter 236.

## **SF 2292 - Civil Rights Complaints**

DV

*All County Officials*

This bill expands the time period during which a complaint may be filed with the Iowa Civil Rights Commission from 180 days to 300 days.

## **SF 2308 - Identity Theft**

DV

*All County Officials*

The core requirement in this bill applies to:

- any "person," defined to include a county or 28E entity;
- who "owns" computerized data that includes a consumer's "personal information;" and
- uses that data in the course of a business, vocation, or occupation.

The person shall give notice of any breach of security to any consumer whose personal information was breached. The bill provides how notification shall be provided.

Notification may be delayed if a law enforcement agency determines that notification will impede a criminal investigation.

All of these terms such as "breach of security," "consumer," and "person" have specific definitions included in the bill. Importantly, this bill only applies to the breach of "personal information," and that term does not include "information that is lawfully obtained from publicly available sources, or from federal, state, or local government records lawfully

made available to the general public." In other words, there can be no "breach" of publicly available records.

This bill also provides that notification of a breach is not required if the person determines that there is no reasonable likelihood that financial harm to the consumer will result from the breach. Such a determination must be documented in writing and the documentation must be maintained for five years. It further provides that the Attorney General may seek and obtain an order requiring that a violator pay damages for the breach.

The bill calls on the Legislative Council to establish an interim study committee "to assess and review the extent to which public officials, entities, and affiliated organizations in possession of or with access to personal identifying information which could, if disclosed, render the resident vulnerable to identity theft, are disclosing or selling such information for compensation." The committee shall "develop recommendations relating to these practices." The committee shall be composed of five senators and five representatives, with a total of six Democrats and four Republicans. The committee shall issue its report to the General Assembly by January 15, 2009.

## **SF 2325 - Physical Infrastructure Assistance Program**

JS

*Supervisors*

This bill relates to funding appropriated from the Grow Iowa Values Fund. Each year, up to \$30 million is appropriated from the Grow Iowa Values Fund for certain job creation programs within the Department of Economic Development. Projects receiving funding must meet job and wage creation requirements. This bill creates a Physical Infrastructure Financial Assistance Program and allows the Department of Economic Development to allocate up to \$5 million from its Grow Iowa Values Fund appropriation to projects qualifying for the physical infrastructure assistance program. Qualifying projects in the physical infrastructure assistance program are exempt from the job and wage creation requirements that apply to most job creation programs funded by the Grow Iowa Values Fund.

Effective Date: Upon Enactment.

## **SF 2340 - Birth Certificate Fees**

DV

*Recorders*

This bill requires, as part of a juvenile's "case permanency plan," that the Department of Human Services provide the juvenile before the juvenile's eighteenth birthday a certified copy of the juvenile's birth certificate. The bill provides that the statutory fee for the certified copy "shall be waived by the state or county registrar."

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## **SF 2347 - Optical Scan Systems**

*HD*

*Auditors, Supervisors*

This bill requires a county, for elections held on or after November 4, 2008, to use an optical scan voting system only.

The bill repeals the Voting Machine Reimbursement Fund and creates the Optical Scan Voting System Fund. The bill also transfers any moneys in the Voting Machine Reimbursement Fund on the effective date of the bill to the Optical Scan Voting System Fund.

The bill appropriates \$4,900,880 from the Rebuild Iowa Infrastructure Fund (RIIF) for the fiscal year beginning July 1, 2007 and ending June 30, 2008, to the Optical Scan Voting System Fund for the purchase and distribution of the optical scan voting equipment. The bill also provides that if moneys are received from the federal government for the same or a similar purpose, an amount equal to the federal funding received shall revert to RIIF at the end of the fiscal year.

The bill also requires that the commissioner shall conduct a training course for all election personnel at least one day before each primary and general election. A continuing education program shall be provided to election personnel who are part-time and full-time permanent employees of the county auditor's office. The bill provides the Secretary of State with emergency rule making authority.

Effective Date: Upon Enactment

## **SF 2386 - Energy Efficiency**

*NB*

*Supervisors, Zoning*

This bill contains several provisions relating to energy efficiency. It creates a Commission on Energy Efficiency Standards and Practices that will include, among others, a member of a local planning and zoning commission or a county board of supervisors. This commission is directed to complete a variety of tasks including the following: evaluating energy efficiency standards applicable to existing or newly constructed residential, commercial, and industrial buildings and vertical infrastructure at the state and local level and making suggestions for their improvement and enforcement; developing energy efficiency standards, specifications, or guidelines for new construction; developing incentives for efficient construction; and developing recommendations for a state energy efficiency rating system. The commission is established for two years and will report to the General Assembly by January 1, 2011.

This bill also requests an energy efficiency interim study committee comprised of members of the House and Senate to report to the General Assembly next session on the existence and effectiveness of energy efficiency plans and programs implemented by gas and electric public utilities.

Effective Date: Upon Enactment

## **SF 2415 - Emergency Response District**

*DV*

*Supervisors*

This bill allows Crawford County to participate in a pilot project that provides for a new governance structure for the delivery of fire protection and emergency medical services via a "regional emergency response district."

The bill creates a new Iowa Code chapter 357I. The procedures to establish an emergency response district are similar to the procedures found in Iowa Code chapter 357F for establishing an emergency medical services district. Upon the board of supervisors' motion, there is a public hearing on the proposed district. Within 10 days after the hearing, the board shall adopt a resolution either establishing the district or abandoning the plan.

The district may include any incorporated or unincorporated areas within the county.

The district shall be run by a commission consisting of one county supervisor, the sheriff and the mayors of each city within the district.

Within 10 days after establishing a district, the board of supervisors shall submit a plan to the State Fire Marshal's Office and the County Finance Committee.

The bill provides that the board of supervisors submit a plan to the State Fire Marshal's Office and the County Finance Committee that includes all of the following:

- personnel, equipment, facilities, and other available resources that may be shared by all of the various fire departments and emergency medical service providers;
- financial information demonstrating the ability to provide fire protection service and emergency medical service to the residents of the district;
- a plan for transitioning to the new district; and
- a plan for the dissolution of the district.

The County Finance Committee shall review the plan and report its findings to the State Fire Marshal for approval.

If approved, the district shall proceed as a pilot project for five years, and submit annual reports to the State Fire Marshal.

The bill provides for an engineer to prepare a preliminary plat of the district.

The bill provides for the commission to annually certify a levy rate of not more than \$1.675 per \$1,000 of assessed value on all the taxable property within the district.

The bill provides that the commission appoint a district fire chief who shall serve at the pleasure of the commission and shall be responsible for the coordination of fire



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protection service and emergency medical service throughout the district. The regional fire chief shall appoint an assistant fire chief for each existing fire department and station within the district who shall be responsible for delivery of fire protection service and emergency medical service within the areas designated by the commission.

The bill provides that the district may issue bonds if the indebtedness is authorized by election.

The bill provides a transition provision from township-funded fire protection and emergency medical services to funding by the newly created district.

## **SF 2424 - Iowa Public Employees Retirement**

*WRP*

*All County Officials*

The most significant changes relate to the contributions by employers and employees and the addition to the protection occupation classification of four groups – three that have a direct county connection:

- the requirement for an annual actuarial evaluation of the fund assets was amended to require a separate evaluation for each membership group in the fund. This change is effective July 1, 2008;
- the contributions rate for employers (5.75%) and employees (3.70%) plus an additional percentage amount up to .5% per year shall be in effect from July 1, 2007 to June 30, 2011. The annual additional percentage is determined by an actuarial determination of the percentage contribution that would be required to amortize the unfunded liability of the retirement system in 10 years. Starting with contributions to the fund on July 1, 2011, the contribution rate for all membership groups will be an actuarially determined amount required to fund the cost of benefits to the system for each membership category. The bill also provides that the employers will contribute 60% and the employees 40% of this actuarially determined contribution rate; except members in the sheriff and deputy sheriff category that has a 50-50% contribution split. This increase in contribution rates is also limited to .5% per year; and
- four new groups were added to the protection occupation class. They are certified jailers and detention officers, security personnel at national guard installations and facilities, emergency medical service providers as defined in Iowa Code §147A.1, and investigators working for county attorneys who are certified law enforcement officers and deputized by the county sheriff. The applicable contribution rate for these four groups will be the protection occupation contribution rate. This rate is 14.08% beginning July 1, 2008. The employer is responsible for 60% and the employee 40%. These new groups will be phased into the annual actuarial evaluation for the protection occupations class between now and July 1, 2010.

There were several miscellaneous changes of interest:

- the definition of IPERS service for individuals who had an injury or disease resulting in death while serving in certain designated areas during active duty in the military was changed to provide that such an individual can receive up to 2 years of service credit during this time period when they could not return to active IPERS service;
- the definition of wages was amended to exclude bonuses and allowances for purposes of IPERS wages. This provision excludes the allowance paid as wages to members of the general assembly;
- the penalty for late contributions changed from \$10 per occurrence or interest at the combined interest and dividend rate to \$20 per occurrence at the combined interest and dividend rate – whichever is greater;
- IPERS will be charging fees for the services they are required to perform under this chapter. Previously, employers were not charged fees but may now be charged fees under this provision. These fees will be established by administrative rule;
- the bill is amended removing the six year limitation on leaves of absences for municipal, county, state and federal elected officials. In addition, the bill provides that if a salaried employee takes leave without pay to serve in elected office the salaried compensation for the pay period shall be reduced pro rata to the number of days taken; and
- the bill relates to voluntary federal social security coverage on the part of certain part-time elected officials and provides that the Governor may conduct a statewide referendum of these officials on whether they should be included as an employee for purpose of social security coverage.

As mentioned above, there were several benefit changes made in SF 2424. Among those you should be aware of are lump sum payments, vesting of members due to disability, payments to minors and rollover options for members' accounts upon retirement. If you have specific questions about these changes, you are advised to contact an IPERS representative for a complete explanation of these new provisions.

## **SF 2428 - Debt Collection**

*DV*

*County Attorneys, Supervisors, Treasurers*

The bill provides that the Department of Workforce Development shall make employment and wage history information of debtors available to county attorneys electronically at the county attorney's office if requested, provided that the county attorney's office pays the cost of the installation of the equipment to provide such access. This information is already available, but not electronically.

The bill provides that the clerk of court shall notify the county treasurer of any delinquent court debt which is being



# COUNTY ADMINISTRATION & ORGANIZATION

collected by the county attorney. The county treasurer shall refuse to renew the vehicle registration of any applicant upon such notification from the clerk of court. If the applicant enters into a payment plan with the county attorney, the county attorney shall notify the county treasurer within five days and the county treasurer "shall temporarily lift the registration hold on the applicant for a period of 10 days" to allow the applicant to register his vehicle. Subsequent lifts of registration holds shall be granted if the applicant remains current with the payment plan.

The bill provides that a person's driver's license can be reinstated if the person enters into an installment agreement with the county attorney's designee or the centralized collection unit of the Department of Revenue. Previously the agreement had to be with the county attorney.

The bill provides that the county attorney or the county attorney's designee that determines during the collection process that the debtor has been convicted of an additional violation of the law regarding the operation of a motor vehicle shall notify the clerk of court and the clerk shall notify the Department of Transportation for purposes of instituting a driver's license suspension proceeding.

The bill provides that in addition to the county attorney or the county attorney's designee, a debtor can now enter into an installment agreement with the centralized collection unit of the Department of Revenue. Any amount collected by the centralized collection unit shall be distributed according to the formula in existing Iowa Code §602.8108, which was not changed by this bill.

The bill strikes language that laid out the required steps that a county attorney had to go to in order to collect delinquent obligations.

The bill strikes and replaces language regarding collection of court debt, including:

- the priority order for disbursement of payments does not change;
- a debt is deemed delinquent if it is not paid within 30 days after the date it is assessed. A debt is also deemed delinquent if it is not received within 30 days of a fixed future payment debt established in a court order. If an installment plan is arranged, and an installment is not received 30 days after it is due, then the entire amount of the debt is deemed delinquent. Previously a debt was deemed delinquent if not paid within six months after the date it was assessed – so this bill speeds up the debt collection process;
- once delinquent, the debt can be assigned by the judicial branch to the centralized collection unit of the Department of Revenue for a period of 60 days;
- the county attorney may collect court debt 60 days after it is delinquent. If the county attorney chooses not to collect the debt, the judicial branch may contract with a private collection agency. The agency's collection fee shall be 25%. The

collection fee shall be added to the amount of debt deemed delinquent. In other words, if the debt is turned over to a collection agency, the state is still entitled to 100% of what it is owed, but the amount owed by the debtor goes up 25%;

- 40% of the money collected by the county attorney or the county attorney's designee shall be deposited in the general fund of the county. That had been 35%;
- the remaining 60% shall be paid to clerks for distribution. However, if a certain dollar amount is collected (county-by-county threshold based on population) an additional incentive kicks in. That incentive is that county attorneys' offices will get 20% of the remaining 60%. The prior threshold had been statewide; and
- this bill allows counties to enter into 28E agreements with one or more other counties for the purpose of collecting delinquent court debt. The way the distribution formula is written, there is an incentive for smaller counties to collaborate.

The bill provides that prior to pronouncement of judgment every defendant shall provide their social security number to the clerk of court. The social security number is a confidential record, but shall be disclosed by the clerk of court for the limited purpose of collecting court debt pursuant to Iowa Code §602.8107.

The bill provides that when the court orders a person discharged from probation, if that person's court debt remains unpaid, the person shall establish a payment plan with the clerk of court or the county attorney prior to discharge.

The bill provides that it is the intent of the General Assembly that the judicial branch enter into a contract with a private collection designee by August 1, 2008, and begin collection efforts pursuant to Iowa Code §602.8107 on August 1, 2008.

## **SF 2429 - Small City Budgets**

JS

*Auditors*

This bill applies to cities that have a population of 75 or less according to the 2000 federal census and that failed to comply with state budgetary requirements relating to preparing and submitting an annual report and budget to the county auditor and the Department of Management in 2005 and 2006. A city that complies with the 2005 and 2006 reporting requirements by July 1, 2008, is deemed to have complied with the statutory requirements for the prior years. The bill provides that for the prior years, statutory provisions requiring a public hearing and allowing a written citizen protest are inapplicable.

Effective Date: Upon Enactment



# ENVIRONMENT & PUBLIC HEALTH

## **HF 2145 - Vaccinations for Human Papilloma Virus**

WRP

*Public Health, Supervisors*

This bill requires insurers offering individual or group health insurance plans in Iowa to provide coverage for vaccinations for the human papilloma virus. This includes plans for public employees under Iowa Code §509A.

Effective Date: These provisions will apply to all plans in effect after January 1, 2009.

## **HF 2212 - Smoking Ban**

DV

*All County Officials*

This bill creates the Smokefree Air Act. The bill prohibits smoking in:

- "public places," defined as an enclosed area where the public is permitted, including but not limited to banks, bars, restaurants, hotels, hospitals, buses and taxis, retail stores and shopping malls;
- "public buildings and vehicles owned, leased or operated by or under the control of the state or its political subdivisions" (this would include counties); and
- all enclosed areas within places of employment, such as work areas, private offices, conference rooms, auditoriums, rest rooms, and vehicles owned or leased by the employer.

The bill also prohibits smoking in certain outdoor areas, including outdoor sports arenas, school grounds, restaurant patios, and public transit shelters.

One area of ambiguity prohibits smoking on the "grounds of any public building owned, leased, or operated by or under the control of the state government or its political subdivisions..." It is unclear whether this language prohibits smoking in county parks or at county golf courses. This is supposed to be clarified in the administrative rules.

The bill lists areas where smoking is still permitted, including:

- private residences;
- hotel rooms designated as smoking rooms;
- farm tractors, farm trucks and implements of husbandry;
- gaming floors of casinos; and
- the Iowa Veterans Home.

The person having control of an area where smoking is allowed may declare the area as a non-smoking place.

All employers subject to smoking prohibitions shall communicate to all existing employees, and to all prospective employees upon application for employment, the applicable smoking prohibitions.

The person having custody and control of a non-smoking area "shall clearly and conspicuously post in and at every

entrance" "no smoking" signs or the international "no smoking" symbol. A sign, visible from the exterior of the vehicle, shall also be placed in every vehicle where smoking is prohibited. All signs shall contain the telephone number for reporting complaints and the website of the Department of Public Health (DPH), <http://www.idph.state.ia.us>. Sample signs are also available on the site.

The person having custody and control of a non-smoking area "shall remove all ashtrays" from the location.

An employer shall not discharge an employee or retaliate in any manner against an employee who registers a complaint. Likewise an employer shall not retaliate against a customer who registers a complaint.

The bill requires that Iowa Code chapter 142D "shall be enforced by the Department of Public Health (DPH) or the Department's designee." The DPH is also required to write administrative rules to administer the chapter. It also provides that if the state or county is already inspecting a public place, any person conducting a required inspection shall assess compliance with Iowa Code chapter 142D.

It requires that the person having custody and control of a non-smoking area shall inform persons who are smoking that they are violating chapter 142D. The bill also provides that any citizen may bring a lawsuit to enforce chapter 142D.

It says that the DPH or its designee may seek injunctive relief to enforce chapter 142D.

The bill provides that a person who smokes in a prohibited area shall pay a civil penalty of \$50 for each violation. In addition, a person having custody and control of a non-smoking area who fails to comply with chapter 142D shall pay a civil penalty not to exceed \$100 for the first violation, \$200 for the second violation, and \$500 for each additional violation within one year.

An employer who discriminates against an employee who has made a complaint shall pay a civil penalty not less than \$2,000 and not more than \$10,000 for each violation. Civil penalties shall be deposited in the general fund of the state, unless a local authority designated by the DPH "is involved in the enforcement," in which case the penalty shall be paid to the local authority.

Lastly, it amends Iowa Code §331.427 to provide that penalty money received under chapter 142D shall be credited to the county general fund.

## **HF 2400 - Surface Water Protection Act**

NB *Conservation, Engineers, Environmental Health, Supervisors*

This bill creates the Surface Water Protection Act. The act provides for a Water Resources Coordinating Council to engage in activities to preserve and protect Iowa's water

*Iowa State Association of Counties*



# ENVIRONMENT & PUBLIC HEALTH

resources and to coordinate the management of those resources in a sustainable and fiscally responsible manner. The council is tasked with coordinating multiple water resource-related functions, which include the following: developing protection strategies; resource planning; performing water quality assessments; prioritizing watersheds; reviewing technologies and standards; and engaging in advocacy and education of Iowans. Programs will be created to plan, to assess, and to prioritize regional watersheds and community-based subwatersheds.

## **HF 2539 - Health Care Reform**

*DE*

*All County Officials*

This bill represents Iowa's health care reform efforts. The initial priority is to cover all children eligible for Medicaid or hawk-i by January 1, 2011. The bill creates a hawk-i expansion program to cover children under 300% federal poverty level (FPL) by July 1, 2009. Appropriate cost sharing will be established for families with income levels above 200% FPL. Effective July 1, 2009, Medicaid is expanded to include infants whose families are at or below 300% FPL. In addition, 12 month continuous eligibility is established for children on Medicaid. The bill requires the Department of Human Services (DHS) to develop a plan to maximize enrollment and retention of eligible children including: streamlined enrollment; conditional eligibility; and expedited renewal.

The bill establishes the Iowa Choice Health Care Coverage and Advisory Council to develop a comprehensive health care coverage plan to cover all children. It creates an Electronic Health Information Advisory Council to develop a plan which will include a single patient identifier or alternative mechanism to share secure patient information. It directs the Department of Elder Affairs to develop end of life care decision making materials for terminally ill patients and health care professionals and to establish a public education campaign on long-term living in coordination with the insurance division.

The bill requires the continuation of existing coverage of an unmarried, resident dependent child of an insured or enrollee. The dependent would be covered at least through the age of 25, unless the dependent marries, ceases to be a resident of the state, attains the age of 25, whichever occurs first, or so long as the unmarried child maintains full-time status as a student. Effective July 1, 2008, new or renewed policies are prohibited from excluding pre-existing conditions when moving from an individual plan to a group plan or between individual plans if the amount of time between the previous coverage and date of new coverage is less than 63 days.

The bill establishes a Medical Home System Advisory Council in the Department of Public Health (DPH) to assist in the development and implementation of a statewide patient-centered medical home system in Iowa. It establishes the Prevention and Chronic Care Management

Advisory Council in DPH to develop an initiative for prevention and management of chronic care. It establishes a Medical Assistance Quality Improvement Council in DHS to evaluate clinical outcomes and satisfaction of consumers and providers in Medicaid. The council will work with the Iowa Medicaid Enterprise in establishing a quality assessment and improvement process.

The bill establishes community wellness grants, distributed by DPH to local boards of health, to assist communities in promoting healthy lifestyles. It requires DPH to develop a plan for small business tax credits for qualified wellness programs. It also establishes a Direct Care Worker Advisory Council in DPH regarding regulation and certification of direct care workers. It establishes a Compensation Advisory Committee in DHS to review wages and turnover rates of direct care workers in an institutional and home and community based setting.

## **HF 2570 - Environmental Management Systems**

*NB*

*Engineers, Environmental Health, Supervisors*

This bill relates to solid waste disposal and the designation of certain solid waste planning areas as environmental management systems. An area may be designated as such if it provides multiple environmental services in addition to solid waste disposal and it plans for the continuous improvement of solid waste management by appropriately and aggressively mitigating the environmental impacts of solid waste disposal. Active pursuit of the following programs is required for designation: yard waste management; hazardous household waste collection; water quality improvement; greenhouse gas reduction; recycling services; and environmental education. Incentives for designation as an environmental management system include an exemption from solid waste reduction goals, an ability to charge reduced tonnage fees, financial assistance, and less frequent filing of a comprehensive plan.

This bill creates a nine-member Solid Waste Alternatives Advisory Council to consider the various solid waste management plans that are submitted. The council will recommend up to six planning areas as environmental management systems by October 1, 2008. By October 1 of each subsequent year additional plans may be approved. The council will perform yearly reviews of the systems' progress and may allocate funds collected pursuant to the groundwater protection fund, Iowa Code §455E.11(2)(a)(1)(c).

The bill creates a Comprehensive Recycling Planning Task Force with membership including a designee from ISAC. The task force is charged with, among other things, making recommendations concerning the elimination of illegal dumping, including enhanced fines for violators, and exploring marketing programs to raise awareness of the issue. Additionally, the task force will evaluate the current bottle control law and other recycling issues and present possible alternatives.



# ENVIRONMENT & PUBLIC HEALTH

The task force must submit a written report to the Governor by January 1, 2009.

**HF 2668 - Recycling Used Oil Filters** - See Land Use and Rural Affairs

**HF 2669 - Recycling of Mercury-Added Thermostats**  
NB *Environmental Health, Public Health Nurses, Supervisors*

This bill provides for the collection and recycling of mercury-added thermostats, which are defined as those that use a mercury switch to sense and control room temperature through communication with heating, ventilating or air-conditioning equipment. Beginning July 1, 2009, this bill prohibits a person from selling, offering for sale, or installing a mercury-added thermostat in Iowa. Beginning April 1, 2009, a person, including a contractor, who generates a discarded mercury-added thermostat must manage the thermostat as a hazardous waste or universal hazardous waste and recycle it appropriately.

Several requirements are also imposed on mercury-added thermostat manufacturers who have offered for final sale, sold for final sale, or distributed such thermostats. By October 1, 2008 each must submit a mercury-added thermostat collection program plan to the Department of Natural Resources (DNR), which ensures that interested parties and the public are educated about the issue, recycling and handling are conducted appropriately, and collection sites and systems are provided. An approved plan must be implemented by April 1, 2009. By April 1, 2010, and each subsequent year, a manufacturer must submit a report to the DNR detailing program progress.

Additionally, by April 1, 2009, mercury-added thermostat wholesalers must collect thermostats and promote and use manufacturer-provided collection containers. By the same date, retailers must participate in public education and outreach programs developed by manufacturers. Manufacturers, wholesalers, and retailers are prohibited from offering for sale any thermostats by manufacturers that are not in compliance with this section by April 1, 2009.

DNR is responsible for reviewing, approving, denying, or modifying manufacturer plans, providing a public comment process on the plans, submitting an annual report to the General Assembly, and reviewing program progress.

**HF 2688 - Livestock Odor Mitigation Study**  
NB *Environmental Health, Public Health, Supervisors*

This bill provides for a five-year livestock odor mitigation research program to be conducted by Iowa State University (ISU) in conjunction with the Department of Agriculture and Land Stewardship, Department of Natural Resources (DNR), and various producers throughout the state. The purpose of the program is to accelerate the adoption of affordable and effective odor mitigation technologies and to differentiate those that are ineffective or cost-prohibitive.

The program will include three areas of research: on-site applied research at multiple livestock operations, locations, and situations; basic and applied research to advance promising and existing technologies; and basic research to investigate emerging technologies.

ISU will maintain all of the information related to the research projects and must allow the public the right to examine and copy it, with exceptions for personal or identifying information about producers who participated in the study. ISU is required to submit interim reports to the General Assembly by January 15 each year through 2013 and a final report upon completion.

The study will be financed through a cost-share program where livestock producers and other parties interested in livestock production may make monetary contributions. A producer who is participating in the study through on-site research must provide an in-kind contribution. A producer wishing to participate in on-site research, who is classified as a habitual or chronic violator, must provide 100% of the funding.

If funding is available, ISU shall conduct an evaluation effort to determine the potential odor exposure to persons who would neighbor a new livestock operation as proposed to be constructed. There are three evaluation levels and the level chosen is dependent upon ease of use, timeliness in producing a result and an odor mitigation evaluation certificate, and appropriateness to the complexity of the proposed site of construction.

A level one evaluation is conducted by completing an internet questionnaire. A level two evaluation consists of consultation with a site specialist. A level three evaluation involves a community-based odor assessment that uses predictive computer modeling. Among the factors the evaluations may consider are site characteristics, structure type and size, and proximity to other livestock operation structures. Upon completion of an evaluation, ISU must issue a report to the participant.

If the participants engaged in an appropriate level of evaluation as recommended by ISU, they are eligible to receive a livestock odor mitigation evaluation certificate. The bill requires that the certificate must be submitted to the DNR as part of the permit requirements to construct a confinement feeding operation, contingent upon ISU's implementation of the evaluation and certificate program. If ISU does implement the program, an applicant does not have to submit a certificate for the following reasons: the proposed operation is twice the minimum separation distance required from a location requiring a separation distance pursuant to Iowa Code §459.202; the owner of a location less than twice the minimum separation distance executes a written consent; ISU fails to issue a certificate within 45 days after an evaluation is requested by an applicant; and the application is for a permit to expand a confinement feeding operation in existence before January 1, 2009.



# ENVIRONMENT & PUBLIC HEALTH

Effective Date: This Act shall be implemented when ISU first receives moneys during a fiscal year as necessary to carry out the provisions of the Act. The portion of the bill amending Iowa Code §459.303 is effective January 1, 2009.

## **SF 261 - Septic Inspections at Time of Transfer**

NB *Environmental Health, Recorders, Supervisors*

This bill provides for inspection of a sewage disposal system at the time of ownership transfer of real estate. This includes ownership transfer at the time a seller financed real estate contract is signed. Inspection applies to any building where a person resides, congregates, or is employed that is served by a private sewage disposal system.

The bill includes a requirement that the county recorder not record a deed or any other property transfer or conveyance document until either of the following two conditions are met: a certified inspector's report is provided which documents the condition of the private sewage disposal system and whether any modifications are required to conform to standards adopted by the department or, in the event that weather or other temporary physical conditions prevent the certified inspection from being conducted, the buyer has executed and submitted a binding acknowledgment with the county board of health to conduct a certified inspection of the private sewage disposal system at the earliest practicable time and to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection.

The inspection process only applies to "transfers" of real estate, which is a specifically defined term meaning the transfer or conveyance by sale, exchange, real estate contract, or any other method by which real estate and improvements are purchased, if the property includes at least one but not more than four dwelling units. It is important to note that "transfer" does not include several types of conveyances. The following are examples: those made pursuant to a court order, such as foreclosure, transfer by a trustee in bankruptcy, and eminent domain; estate transfer; transfer between joint tenants or tenants in common; transfer made to a spouse; and transfer between spouses as a result of dissolution of marriage.

The bill further provides that inspection is not required if the building will be demolished. At the time of transfer, the septic tank must be opened and pumped out unless the owner can provide evidence that the tank had been properly pumped within the previous three years by a commercial cleaner licensed by the Department of Natural Resources (DNR). If the private system is improperly functioning at the time of inspection it must be renovated to meet current construction standards. If the system is operating properly it does not have to be brought up to current standards.

All inspectors must be certified according to DNR standards, which include training, testing, fees, and

uniform inspection criteria and forms. County personnel may become certified and establish a fee for inspection. A county must allow any certified inspector to provide services within its jurisdiction. Following an inspection, the inspection form must be provided to the county. Each inspection is valid for ownership transfers for two years. Title abstracts of property with a private sewer system must include documentation of the requirements of this bill.

Effective Date: This bill is effective July 1, 2009.

## **SF 505 - Liability for Using Defibrillator**

DV *All County Officials*

The bill makes changes related to emergency assistance in an accident. The bill provides that those who render emergency care without compensation are not liable for errors unless such errors constituted recklessness "or willful and wanton misconduct." The language in quotations is new.

The heart of the bill provides that a person, while acting reasonably and in good faith, who uses a defibrillator in an emergency, is not liable for civil damages. A person or entity that owns the premises on which a defibrillator is provided shall not be liable for damages provided that it "maintains (it) in a condition for immediate and effective use at all times, subject to standards developed by the Department of Public Health."

## **SF 2108 - Gift to Iowa's Future Recognition Day**

JS *Conservation*

This bill authorizes the Governor to annually proclaim the first Monday in April as "Gift to Iowa's Future Recognition Day," in honor of individuals and corporations who have donated land or a conservation easement to benefit Iowa's parks, trails, natural areas, and open spaces. The Department of Natural Resources is required to maintain a registry of qualifying donors.

## **SF 2111 - Lead and Dental Screening**

LH *Environmental Health, Public Health*

This bill requires that the parent or guardian of an enrolled student comply with dental screening and blood lead testing requirements. If the student has not been screened, the district must provide referral resources. The bill requires school districts to provide the Department of Public Health (DPH) with a list of enrolled kindergarteners within 60 days of the school calendar start date. The DPH must notify school districts of children who have not met blood lead testing requirements and is required to work with districts, schools, and local childhood lead poisoning prevention programs to ensure children are tested. The bill also requires local boards of health to furnish the DPH with evidence, annually by June 30, that each enrolled student within the local board's jurisdiction has met the dental screening requirements.



# ENVIRONMENT & PUBLIC HEALTH

## **SF 2161 - Council on Homelessness**

DE

*Community Services, Supervisors*

This bill codifies the Council on Homelessness that was created by Executive Order on November 17, 2003 and designates that one of the public members of the council shall be a representative of the Iowa State Association of Counties.

## **SF 2177 - Department of Public Health Activities**

LH, HD

*Public Health, Supervisors*

This bill makes various changes regarding the Department of Public Health (DPH). Changes of interest to county officials include:

- authorizing the DPH to enter into agreement with local boards of public health for the inspection and enforcement activities related to tattooing establishments;
- amending the prescription drug donation repository program to allow the program to accept and dispense a donated prescription drug with an expiration date six months or less after the donation date if the drug is in high demand;
- allowing the DPH to use written agreements, in lieu of 28E agreements with other government entities including local boards of public health, to inspect and enforce the regulation of tanning facilities;
- adding prevention to the sexually transmitted disease services related to sexually transmitted diseases that a minor can consent to without parent or guardian consent;
- authorizing health care practitioners who diagnose chlamydia or gonorrhea infection to provide oral antibiotics for the patient's partner(s) without examination of the partner(s). If the patient will not deliver the antibiotic, local disease control prevention investigators may deliver the drugs; and
- requiring an inquiry by the medical examiner when there is a "non-natural cause of death," defined as death that is the direct or indirect result of physical, chemical, electrical, or thermal trauma, or drug or alcohol intoxication or other poisoning. In such deaths, the bill requires notification of the medical examiner, who is then required to conduct an inquiry and an autopsy, as necessary, to determine the manner of death, in addition to the cause of death determination required by current law.

## **SF 2321 - Recycling Mercury Containing Lamps Study**

NB

*Engineers, Environmental Health, Public Health, Supervisors*

This bill provides for the Department of Natural Resources (DNR) to conduct a study on and make recommendations for the implementation and financing of a mercury-containing lamp recycling program. The DNR is directed to consult with stakeholders, including counties, that have a

role or interest in recycling programs and to assess, among other things, the impact recycling programs have on local governments.

The DNR shall submit a report to the General Assembly by January 1, 2009

## **SJR 2002 - Natural Resources Constitutional Amendment**

NB

*Conservation*

This joint resolution proposes to amend Article VII of the Iowa Constitution to create a Natural Resources and Outdoor Recreation Trust Fund within the treasury for the purposes of protecting and enhancing water quality and natural areas in Iowa. This includes parks, trails, fish and wildlife habitat, and conserving Iowa's agricultural soils. The fund shall be annually credited with the revenue equal to 3/8 of 1% of the state sales tax provided that no revenue shall be credited to the fund until the tax rate for the state sales tax is increased.

The resolution to amend the Constitution must be adopted by two consecutive General Assemblies before being submitted to the citizens of Iowa for ratification.



# HUMAN SERVICES

## **HF 2283 - Vietnam Veterans Bonus**

JS

*Community Services*

This bill creates a Vietnam Conflict veterans bonus for people who served on active duty in the United States armed forces for at least 120 days anytime between July 1, 1958, and May 31, 1975. Eligibility is limited to those persons who have not already received a similar bonus from Iowa or any other state. Eligible persons will receive \$17.50 for each month on active duty in the Vietnam service area, up to a maximum of \$500. For persons who served during the specified time period but not in the Vietnam service area, the bonus is limited to \$12.50 per month on active duty, up to a maximum of \$300. To be eligible, a person must have been inducted into active duty from Iowa, have previously applied for and been denied a bonus because of residency requirements, and apply for this bonus by July 1, 2010. The bonus payments are exempt from taxation, levy and execution.

Effective Date: The bill is effective upon enactment, applies retroactively to January 1, 2008, and is repealed on June 30, 2011.

## **HF 2359 - Lottery Games for Veterans**

DV

*Community Services*

This bill states that it is the intent of the legislature that the balance in the Veterans Trust Fund reach \$50 million. Also, the bill provides a new revenue stream to help reach that \$50 million goal. It authorizes the Iowa Lottery to create two additional instant scratch games and two pull tab lottery games, with the revenues going to the Iowa Veterans Trust Fund. It also provides that if the balance in the trust fund is already \$50 million or more, the lottery revenues shall be distributed to county directors of veterans affairs, with 50% distributed equally to each county and 50% distributed to the counties based on the population of veterans in the county, "so long as the money distributed to a county does not supplant money appropriated by that county for the county director of veterans affairs."

## **HF 2423 - County MH/MR/DD Risk Pool**

LH

*Community Services, Supervisors*

This bill makes changes to the timeline related to application for County MH/MR/DD risk pool funds. The annual deadline for applying for funds from the risk pool is moved from January 25 to October 31 and the final decision deadline for the risk pool board is moved from February 25 to December 15. Warrants must be issued to the county treasurer for amounts rewarded on or before January 1. The 20% county services fund balance requirement for eligibility for risk pool funding is moved back to the fiscal year that commenced two years prior to the fiscal year for the application.

**HF 2539 - Health Care Reform** - See Environment and Public Health

## **HF 2591 - Dependent Adult Abuse**

DV

*Community Services, County Attorneys, Sheriffs*

This bill creates a new Iowa Code chapter, 235E, regarding dependent adult abuse in facilities and programs. The bill gives oversight responsibility for this abuse to the Department of Inspections and Appeals (DIA), and it also requires staff members or employees of dependent adult facilities or programs who reasonably believe abuse has occurred to report the abuse to the DIA. Knowing and willful failure to do so within 24 hours is a simple misdemeanor. The person is also civilly liable for the damages caused by the failure to report. The section also provides that the DIA shall inform county attorneys of any reports of abuse. County attorneys are required to assist the DIA in the preparation of lawsuits arising from abuse. The bill requires that a peace officer, who has reason to believe that abuse has occurred in a facility or program, shall use all reasonable means to prevent further abuse by remaining on the scene as long as there is danger; by assisting the adult in obtaining medical treatment; and by providing the adult with notice of his or her rights, including notifying the adult of the telephone number of a local emergency shelter or crisis line. The bill allows the DIA to adopt rules to administer the new Iowa Code chapter.

## **HF 2603 - Commitment Court Reports**

LH

*Community Services, County Attorneys*

This bill expands the professionals who can sign periodic court reports for persons who are committed as outpatients under Iowa's substance abuse and mental health commitment laws. In addition to the administrator of the treatment facility, a psychiatrist or psychiatric advanced registered nurse practitioner treating the patient may file the required periodic reports with the court. The bill also includes a grandfather provision for advanced registered nurse practitioners who are not certified psychiatric advanced registered nurse practitioners. The bill allows advanced registered nurse practitioners, who meet the qualifications of a mental health professional as defined in Iowa Code §228.1 as of July 1, 2008, to complete these reports to the courts.

## **SF 2054 - County MH/MR/DD Payments**

LH

*Auditors, Community Services, Supervisors*

This bill directs that a county that filed its annual reports after December 1, 2007 but before March 15, 2008 shall be eligible for state payments for mental health property tax relief and allowed growth.

Effective Date: Upon Enactment.

**SF 2111 - Lead and Dental Screening** - See Environment and Public Health



# HUMAN SERVICES

## **SF 2124 - Veterans Trust Fund Expenditures**

DV

*Community Services*

This bill amends existing provisions regarding expenditures from the Veterans Trust Fund. It provides that the trust will now pay for:

- travel expenses for the spouses of wounded veterans directly related to follow-up medical care;
- expenses related to the purchase of durable medical equipment or service to allow veterans to remain in their homes; and
- expenses related to hearing care, dental care, vision care or prescription drugs.

The bill adds entirely new categories of approved trust expenditures:

- expenses related to ambulance and emergency room services;
- emergency expenses related to vehicle repair, housing repair, or temporary housing assistance;
- expenses related to establishing whether a minor child is a dependent of a deceased veteran; and
- matching funds to veterans organizations to provide for accredited veteran service officers. Moneys expended for this purpose are capped in the bill.

The bill creates a new joint income tax refund checkoff for the Veterans Trust Fund and the Volunteer Fire Fighter Preparedness Fund. The proceeds are split 50-50. The check off will commence with the 2008 tax year, so it will appear on 2009 tax returns.

Effective Date: Upon Enactment

## **SF 2134 - County Veteran Affairs Commission**

HD

*Community Services, Supervisors*

This bill requires each county commission of veteran affairs to maintain an office in the county and to employ an executive director or administrator. The executive director or administrator shall provide veteran services for a minimum numbers of hours each week. Counties can share a veteran affairs director or administrator pursuant to a chapter 28E agreement. Each county must provide an office and allocate the hours between the counties in the proportion that the population of each county bears to the aggregate population. An administrator may hold another position within the county.

The bill also specifies the duties of the executive director or administrator. They must inform members of the armed forces, veterans, and their dependents of all federal, state, and local laws enacted for their benefit. They must also assist veterans in receiving all benefits and aid that they are entitled to from the federal level as well as the state of Iowa. They shall not charge for any service provided.

The bill requires that directors and administrators receive training and certification. If they fail to do so, they will be

released from their duties. The training provided by the Department of Veterans Affairs (DVA) must be certified by the National Association of County Veteran Service Officers. The training provided must also ensure that each trainee is proficient in electronic mail use, general computer use, and use of the Internet to access information on veteran benefits, services, and facilities.

The bill creates a County Commission of Veteran Affairs Fund under the control of the DVA. Beginning July 1, 2009, and for each subsequent fiscal year, \$1 million will be appropriated from the general fund to the County Commissions of Veteran Affairs Fund. If sufficient moneys are available, \$10,000 will be allocated to each county to be used for the employment of an executive director or administrator. Any remaining money in the fund after the allocation to counties shall be deposited in an account for use in the County Commission of Veteran Affairs Training Program.

Effective Date: July 1, 2009

# LAND USE & RURAL AFFAIRS

## **HF 2177 - Deer Tags**

HD

*Conservation, Recorders*

This bill requires that for each antlered deer taken, the deer transportation tag shall be affixed to the deer's antlers.

**HF 2400 - Surface Water Protection Act** - See Environment and Public Health

## **HF 2554 - Drainage District Expenses**

HD

*Auditors, Supervisors*

This bill authorizes the governing board of a drainage or levee district to make repairs necessary to maintain or restore a drainage or levee improvement. Currently, a board may provide for the repairs without conducting a hearing on the matter if the cost of the repairs does not exceed \$15,000 or 75% of the original cost of the district counting subsequent improvements. The bill raises the amount from \$15,000 to \$20,000. The bill also amends a provision which provides for the right of a landowner to file a remonstrance against a proposed improvement. The bill increases the ceiling amount of the improvement to \$25,000.

## **HF 2580 - Sustainable Natural Resources Funding Advisory Committee**

NB

*Conservation*

This bill reestablishes the Sustainable Natural Resources Funding Advisory Committee that was established pursuant to 2006 Iowa Acts chapter 1185 §43. This committee will continue to include a member of the Iowa Association of County Conservation Boards. The committee shall study how to provide one or more sustainable sources of funding for natural resources and outdoor recreation needs in Iowa and shall advise members of the General Assembly in efforts to establish or administer sustainable funding sources.

The advisory committee shall submit a report to the General Assembly on or before January 9, 2009, and on January 8, 2010, which summarizes its activities, and any findings or recommendations approved by the advisory committee. This section is repealed on July 1, 2010.

## **HF 2668 - Recycling Used Oil Filters**

NB

*Engineers, Environmental Health, Supervisors*

This bill prohibits sanitary landfill disposal of used oil and used oil filters. Previously, land disposal of only waste oil was prohibited. A person offering for sale oil or oil filters at retail in the state shall accept at the point of sale used oil and used oil filters from customers, or post notice of locations where a customer may dispose of used oil and used oil filters. They must also post written notice that it is unlawful to dispose of used oil in a sanitary landfill.

In addition, it provides that a business that generates used oil filters or collects used oil filters from a person shall not

dispose of the oil filters in a sanitary landfill and shall source-separate and recycle the oil filters.

**HF 2688 - Livestock Odor Mitigation Study** - See Environment and Public Health

## **SF 2230 - Special Nonresident Hunting Licenses**

HD

*Conservation, Recorders*

This bill authorizes the Natural Resource Commission to issue special non-resident turkey and any sex deer hunting licenses to non-residents 21 years of age or younger who have a severe physical disability or a terminal illness. The commission may prepare an application for the licenses that requires the applicant's attending physician to sign a form declaring that the applicant has a severe physical disability or has been diagnosed with a terminal illness.

The special licenses are in addition to the number of nonresident turkey hunting licenses authorized pursuant to Iowa Code §483A.7 and nonresident deer hunting licenses authorized pursuant to Iowa Code §483A.8. The licenses are valid in all applicable zones and shall be available for issuance and use during any applicable hunting season. A nonresident who receives a special license pursuant to the bill must be otherwise qualified to hunt in this state and pay the applicable nonresident turkey or deer hunting license fee and the wildlife habitat fee but is not required to complete the hunter safety and ethics education course if the person is accompanied and aided by a person who is at least 18 years of age. The accompanying person must be qualified to hunt and have a hunting license.

## **SF 2276 - Solid Waste Disposal**

NB

*Environmental Health, Public Health, Supervisors*

This bill changes the permitting requirements for solid waste disposal and updates and clarifies language in the provisions.

Provisions regarding issuance or renewal of permits by the Department of Natural Resources (DNR) director, have been replaced by new, clarifying provisions that specify that the DNR director not issue or renew a permit for a municipal solid waste landfill unless the following conditions are met: the permit applicant, in conjunction with all local governments using the landfill, has documented its implementation of solid waste disposal methods other than final disposal in a sanitary landfill, and the landfill is equipped with a leachate control system.

**SF 2321 - Recycling Mercury Containing Lamps Study** - See Environment and Public Health



# LAND USE & RURAL AFFAIRS

## SF 2328 - Deer Depredation Matters

NB

*Conservation, Records*

## SJR 2002 - Natural Resources Constitutional Amendment

- See Environment and Public Health

This bill relates to licensing and permitting under the deer depredation management program and creates a Deer Study Advisory Committee to report and make recommendations on the relevant issues. It also amends language concerning the Farmer Advisory Committee by specifying the organizational membership.

The bill creates a depredation program that allows a license to be issued only to residents of Iowa in order to harvest antlerless deer. Depredation licenses issued to a landowner or family member are to be in addition to other free licenses that may be issued pursuant to Iowa Code §483A.24. Each landowner or family member may be issued one depredation license for each deer hunting season that is established by the Department of Natural Resources (DNR). Iowa residents who have permission to hunt on land may be issued a depredation license at any time for which a license is valid pursuant to this section. Rifles may be used in any area and season where the commission authorizes the use.

Each crop producer who enters into a depredation agreement with the DNR shall be issued a set of authorization numbers, each of which authorizes a resident hunter to obtain a depredation license that is valid for taking antlerless deer on land designated in the producer's depredation plan. The producer may transfer these numbers to a resident hunter who has permission to hunt on the producer's land. The number is valid to obtain a depredation license in any season.

Deer shooting permits will also be available to landowners who incur crop, horticultural product, tree, or nursery damage as provided in § 481C.2 and shall be available for issuance for use on areas where public safety may be an issue. These can be used outside of established deer hunting seasons. Antlers from deer taken pursuant to a permit must be delivered to a local conservation officer for disposal.

The Deer Study Advisory Committee will include one member from the Iowa Association of County Conservation Boards, among others, and will study the best way to maintain a sustainable, socially acceptable deer population in the state while maximizing and balancing the economic value of deer hunting to Iowa's economy with the needs of the agricultural industry and public safety concerns. A report is due to the General Assembly by January 10, 2009.

Language regarding deer depredation management agreements, is repealed.

Effective Date: This bill is effective upon enactment. The provisions relating to producer authorization numbers shall be implemented by August 15, 2008.



# PUBLIC SAFETY

## **HF 247 - E911 Service Boards**

DV      *Emergency Management, Sheriffs, Supervisors*

This bill provides voting membership on E911 service boards for cities and townships providing fire protection services through a volunteer fire department.

## **HF 2564 - Disaster Grants**

DV      *Emergency Management*

This bill expands the criteria for eligibility for the Iowa Disaster Aid Individual Assistance Grant Program. To be eligible for a grant, an applicant must have an annual household income of less than 200% of the federal poverty level. It had been 130%.

The maximum amount of a grant for a household had been tied to a percentage of the federal poverty level. Under this bill, it is changed to a flat \$5,000.

## **SF 2132 - Seized Property**

DV      *Sheriffs*

This bill relates to property seized by law enforcement agencies.

The bill provides that if the fair market value of the seized property is greater than \$500, the seizing agency shall serve notice on the owner by personal service or certified mail. If the seized property is worth \$500 or less, service shall be by personal service or regular mail.

The owner must file a written claim within 30 days, and then has 30 days to claim the property. If the owner misses either deadline, the property is deemed abandoned. At that point, if the owner cannot be located, and the property is worth more than \$500, forfeiture proceedings shall be initiated. If the property is worth \$500 or less, the seizing agency shall become the owner of the property. Except if the property is firearms or ammunition, which shall be deposited with the Iowa Department of Public Safety.

Effective Date: Upon Enactment

## **SF 2203 - Spectators Attending Prohibited Animal Contests**

RH      *County Attorneys, Sheriffs*

This bill makes changes regarding animal contest events for spectators. It clarifies a "spectator" to mean a person who attends an establishment knowingly to watch or observe a contest event.

The bill adds new language that prohibits gambling at a contest event.

Under this bill, the penalty for second or subsequent offenses increases from an aggravated misdemeanor to a class "D" felony.

## **SF 2335 - Sexual Assault Victims**

DV      *Sheriffs*

This bill provides that the written notice of victim's rights, which must be provided to all sexual assault victims, shall now include the following statement: "You have the right to request the presence of a victim counselor, as defined in §915.20A, at any proceeding related to an assault including a medical examination."



# TAXATION & FINANCE

## **HF 2215 – Private Activity Bonds**

JS

Supervisors

A private activity bond is a bond issued by or on behalf of a state or local government for the purpose of financing a project of a private entity. A state, including its political subdivisions, such as counties, may only issue a limited amount of private activity bonds each year. Under current law, 18% of Iowa's allocation is reserved for bonds issued by political subdivisions to finance projects in the manufacturing and agricultural industries. This bill limits the amount of bonds issued for any single project within that category to \$10 million. Political subdivisions must apply to the Iowa Finance Authority before issuing private activity bonds. Once an application is approved, the political subdivision has only a limited time to issue the bonds. Under current law that time limit is 30 days, with an automatic 45-day extension. The bill changes the time limit to 120 days, with an automatic 30-day extension.

## **HF 2233 – Web Search Portal Tax Exemption**

JS

Assessors, Supervisors

This bill provides a sales and use tax exemption for the sale or rental of computers and equipment that are necessary for the maintenance and operation of a web search portal business. The bill also provides a property tax exemption for property, other than land and buildings, used by a web search portal business. Examples of property exempt under the bill include computers, cooling systems, and power infrastructure necessary for the operation of a web search portal business. To be eligible for both exemptions, a business must meet certain requirements, including a minimum investment of \$200 million within the first six years of operation in Iowa. This bill was designed for Microsoft.

## **SF 2277 - Consumer Credit Reports**

DV

Treasurers

This bill allows individuals to prohibit any consumer credit information agency from releasing a consumer credit report about that individual. This is done by filing a notice with the agency requesting a "security freeze."

Also, the bill provides that a security freeze shall not apply to "local taxing authorities" or any of their agents, acting to investigate or collect delinquent taxes or assessments, or "to fulfill any of their other statutory or other responsibilities."

## **HF 2366 – Bonding for Communication Equipment**

JS

Emergency Management, Sheriffs, Supervisors

This bill designates "peace officer communication equipment and other emergency services communication equipment and systems" as an essential county purpose. The effect is to allow counties to issue bonds for emergency communication equipment without seeking voter approval. The process for issuing bonds for essential county purpose is unchanged by this bill. The bill makes a corresponding change for bonds issued by cities.

Effective Date: Upon Enactment

## **HF 2385 - Public Fund Investments**

WRP

Supervisors, Treasurers

Iowa Code §12B.10(4)(a), restricts the types of investments that the State Treasurer and political subdivisions can invest in or purchase. This bill adds obligations of the Iowa Finance Authority issued under Iowa Code chapter 16, bearing interest at market rates, to the list of allowable investments. The bill also provides that obligations of the Iowa Finance Authority may only be purchased if at the time of purchase the Iowa Finance Authority has an issuer credit rating with the highest two classifications or if the obligations to be purchased are rated within the two highest classifications as established by the superintendent of banking.

## **HF 2642 - Tax Deeds**

DV

Treasurers

This bill effectively overrules the Iowa Supreme Court's decision in *Dohrn v. Mooring Tax Asset Group* (743 NW2d 857), decided January 25, 2008. In that case, the tax deed issued to the certificate holder was declared void because a leasee who was in actual possession of the property was not properly notified of the right to redemption. The applicable statute is Iowa Code §447.9 which requires that before the county treasurer may issue a tax deed, the certificate holder is required to provide notice of the expiration of the right of redemption to "the person in possession of the parcel" and "the person in whose name the parcel is taxed."

This bill provides that in the event that the owner of record or a person in whose name the parcel is taxed establishes that they were not served with notice of expiration of the right of redemption in accordance with Iowa Code §447.9, "then the county treasurer's deed is void." The change in the law is the next portion of the bill, which provides that even if the person in possession of the parcel establishes that they were not served with notice of expiration of the right of redemption in accordance with Iowa Code §447.9, "the deed is not thereby rendered invalid." This is the opposite of the outcome in *Dohrn*.

Effective Date: This bill takes effect upon enactment and applies to treasurer's deeds issued on or after that date.

## **HF 2663 - SILO Tax**

JS

All County Officials

This bill repeals the school infrastructure local option (SILO) sales tax and increases the state sales and use taxes from five percent to six percent to offset the SILO tax elimination. The increased use tax rate does not apply to the sale or lease of motor vehicles. The increased state sales and use tax revenues are deposited into the Secure an Advanced Vision for Education (SAVE) fund to be distributed to all school districts. All existing SILO taxes are repealed. A statewide amount per pupil is computed each

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fiscal year based upon the estimated amount that would have been generated by a one percent SILO tax imposed statewide, divided by the combined enrollment of all school districts. Each district will receive an amount equal to the amount that it would have received under the formula if the SILO tax was still imposed. Any funds left over after distribution under the formula are to be distributed to a new property tax equity and relief fund to be used to reduce school districts' additional property tax levy.

Effective Date: The bill is effective July 1, 2008, but the state sales and use tax rates will be reduced back down to five percent on January 1, 2030.

## **HF 2687 - Redevelopment Tax Credit**

JS

*Supervisors*

This bill creates an income tax credit of up to 30% for qualifying redevelopment projects in brownfield or grayfield sites. Brownfield sites are abandoned or underutilized commercial or industrial buildings where redevelopment is complicated by environmental contamination. Grayfield sites are industrial or commercial properties that are vacant, blighted, obsolete or underutilized, and are at least 25 years old and meet certain other conditions. A qualifying redevelopment project is any project that redevelops or improves a brownfield or grayfield site. The bill allows the Department of Economic Development to cooperate with local governments to disseminate information regarding the availability of the redevelopment tax credits.

## **SF 2337 - Insurance for County Fairs**

WRP

*Auditors, County Attorneys, Supervisors*

This bill allows an association of county fairs or an individual fair to form a self-insurance association for the purpose of providing insurance coverage to the fair. In addition, the bill defines an association of county fairs or an individual fair as a municipality for purposes of joining a local government risk pool.

## **SF 2419 - Speculative Shell Property Tax Exemption**

JS

*Assessors*

Current law provides a property tax exemption for the value added by the construction, reconstruction or renovation of a speculative shell building. The exemption is only available if a city or county adopts an ordinance allowing the exemption, and under current law, the exemption begins in the year that the building is first assessed for taxation or in which the reconstruction or renovation first adds value.

Under this bill, if the project involves the complete replacement or refitting of an existing building, the exemption may begin in the assessment year following the assessment year in which the construction, reconstruction or renovation commences. In that situation, the bill also allows the exemption to apply to the land as well as the building.

Effective Date: The bill is effective upon enactment and applies retroactively to January 1, 2007, for projects approved by a city council or county board of supervisors prior to that date. Claims for exemption for the 2007, 2008 or 2009 assessment years shall be filed by October 1, 2008.

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## **HF 2196 - Department of Transportation Study**

LH

*Treasurers*

This bill requires the Department of Transportation (DOT) to review its methods for collecting customer payments and consider offering an electronic payment option. DOT is required to report its findings and recommendations to the House and Senate Transportation Committees by December 31, 2008.

## **HF 2400 - Surface Water Protection Act** - See Environment and Public Health

## **HF 2452 - Specialty Vehicles**

LH

*Treasurers*

This bill adds definitions for replica vehicles and street rods and adds these types of vehicles to the Iowa Code chapter related to reconstructed vehicles. The vehicle's owner must apply for a certificate of title and registration for the vehicle from the county treasurer within 30 days of an inspection by Department of Transportation (DOT). The bill allows the owner of the vehicle to display registration plates that represent the model year of the vehicle. The plates must be furnished by the owner and approved by DOT. The owner must maintain current and valid Iowa registration plates and cards in the vehicle for inspection upon any peace officer's request. Specialty vehicle truck tractors and semitrailers shall not be used to haul loads. A violation of this Iowa Code section is a simple misdemeanor punishable by a \$30 fine.

## **HF 2570 - Environmental Management Systems** - See Environment and Public Health

## **HF 2651 - DOT Policy Bill**

NB

*Engineers, Supervisors, Treasurers*

This bill contains a multitude of provisions relating to the administration of highways and regulation of motor vehicles throughout the state by the Department of Transportation (DOT). It includes changes to secondary road funding, allows the creation of a benefitted secondary road services district, makes changes to certain registration plates, and makes changes regarding vehicles of excessive size and weight.

Current law limits the amount of money that counties can transfer from both the general and rural services funds to the secondary roads fund. This bill clarifies that the transfer limit only applies to property tax revenue. Thus, counties will be able to transfer an unlimited amount of non-property tax revenue, including LOST revenue, to the secondary roads fund.

A new section provides that it is the policy of the General Assembly that state and local governments, utilities, and other interested parties conduct cooperative meetings on utility infrastructure location to minimize costs, eliminate the need for utilities to relocate facilities, limit disruption of

utility services related to federal, state, or local highway construction projects, and limit the potential need for relocation of utility facilities. All potentially affected parties shall be invited to participate in design meetings.

The bill expands the types of vehicles that may use collegiate registration plates to include motor trucks, motor homes, multipurpose vehicles, and trailers over 2,000 pounds. Additionally, private four-year colleges and universities may have special collegiate registration plates designed by the DOT upon application and payment of the initial set-up costs to the DOT. The bill provides for these plates, including personalized versions, to be issued to owners of registered vehicles in the state upon application and payment of proper fees. Also, language was clarified specifying the replacement charge for lost or illegible registration plates is \$3. The replacement charge for special plates is increased to \$40.

The bill directs the DOT to post signs indicating the penalties for speeding in a road work zone and that fines for any other moving violation in a road work zone are doubled. Fines for speeding in work zones are set in a range from \$150 for not more than 10 miles per hour over the posted speed to \$1000 for greater than 25 miles per hour over the posted speed.

The bill makes several changes regarding permits by the DOT and local authorities. Regarding vehicles permitted to transport indivisible loads, a new section was added that allows special mobile equipment to be moved as long as the maximum dimensions and weights specified in the Iowa Code are not otherwise exceeded if the vehicle has an overall width not to exceed nine feet and all other conditions of the permit are met.

Provisions regarding permits for self-propelled implements of husbandry have been amended. The bill allows self-propelled implements of husbandry to travel on county, state, and city roads provided the vehicle does not violate posted weight limitations on bridges. These vehicles may still travel on county roads pursuant to permit provided the weight on any one axle does not exceed 25,000 pounds and provided the current and valid permit is carried in the vehicle. Additionally, Iowa Code Supplement §321E.8A(1) was amended to allow self-propelled implements of husbandry that are equipped with flotation tires (floaters) and that, as newly manufactured, exceed the axle-weight limits under Iowa Code §321.463 when unloaded, to travel on county roads provided the vehicle does not violate posted weight limitations on bridges. The provisions enacted in the 2007 session regarding a \$600 permit fee per county, up to a maximum of \$3,500, to operate a floater in the county remain intact.

The bill allows cranes used in the construction of alternative energy facilities that exceed the maximum gross weight on any axle to be moved with approval of the permitting authority. A new special alternative energy multi-trip permit is also created, which shall not exceed 12 months in



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duration. The permitting authority has discretion to include restrictions and require special considerations. Fees for this permit are set at \$600.

The bill provides that a seriously disabled veteran who has been provided with an automobile by the U.S. government is not required to apply for a disabilities parking permit unless the veteran has been issued special or personalized registration plates. The regular registration plates entitle the veteran to all the rights and privileges associated with a disabilities parking permit.

The bill allows the creation of a benefitted secondary road services district with date limitations. Resident property owners may petition the board of supervisors for a public hearing concerning the establishment of a district. Elected trustees for the district would be allowed to levy a tax on district residents not to exceed \$1 per \$1,000 of assessed value upon approval of 60% of the residents. The date limitations require that the residential subdivision be in existence prior to January 1, 2007 and has received county road services pursuant to an agreement between the county and residents of the subdivision prior to July 1, 2008.

A "limited use" registration was created for an owner of a motor truck, truck tractor, road tractor, or motor home that is 25 years old or older who desires to use the vehicle exclusively for exhibition or educational purposes.

Effective Date: The portions of this Act relating to cranes and multi-trip permits used for constructing alternative energy facilities and the associated permit fees, take effect upon enactment.

## **HF 2689 - Renewable Fuels**

HD

*Engineers, Supervisors*

This bill relates to renewable fuel, including the storing, blending, and dispensing of renewable fuel. The bill encourages the use of biodiesel fuel to the extent practical in all diesel-powered motor vehicles purchased or used by cities, counties, school corporations, and merged area schools.

Effective Date: Upon Enactment

## **SF 2156 - Commercial Motor Vehicles**

DV

*Conservation Directors, Engineers*

This bill increases the penalty from 90 days to 180-365 days for operating a commercial motor vehicle in violation of an "out-of-service" order. The penalty for a second offense is increased from one year to 2-5 years. It sets the fine for operating in violation of an "out-of-service" order at not less than \$2,500 for a first violation, and not less than \$5,000 for a second or subsequent violation in a 10-year period. Previously the fine had been only \$100. An employer who does knowingly "allow, require, permit or authorize" an employee to operate a commercial motor vehicle in violation of an "out of service" order is subject to a fine of

not less than \$2,750 nor more than \$27,500. The fine had previously been only \$100.

A new section provides that an employer shall not knowingly "allow, require, permit or authorize" an employee to operate a commercial motor vehicle in violation of Iowa Code §321.341 (obedience to railroad warnings) or §321.343 (stopping at railroad tracks) or other federal, state or local laws pertaining to railroad grade crossings. An employer who violates this section shall be subject to a fine of not more than \$10,000.

A peace officer investigating a railroad crossing violation by a commercial motor vehicle may request that the employer of the driver provide information identifying the driver of the vehicle. It also provides that if the peace officer is unable to identify the driver, he may issue a citation to the owner of the motor vehicle or, in the case of a commercial motor vehicle, to the employer of the driver.

## **SF 2420 - TIME-21 Funding Bill**

NB

*Engineers, Supervisors, Treasurers*

This bill provides revenue sources for the TIME-21 Fund, including increased registration and title fees for various vehicles and repeals the motor vehicle use tax in favor of a constitutionally protected fee for new vehicle registration. This bill also provides for the Department of Transportation (DOT) to conduct studies.

## **Division I - Motor Vehicles**

This bill provides that the revenue accruing to the Road Use Tax Fund (RUTF) from annual motor vehicle registration fees for passenger cars, multipurpose vehicles, and motor trucks in excess of \$392,000,000 annually shall go to the TIME-21 Fund.

The term "business-trade truck" is defined as one that is owned by a corporation, limited liability company, or partnership or by a person who files a schedule C or schedule F form with the IRS and which is eligible for depreciation. The unladen weight must be less than 10,000 pounds. An owner who registers a vehicle as business-trade will be required to provide proof under penalty of perjury and will be issued a special license plate. If it is determined that a vehicle was improperly registered the owner must remit the difference between the regular registration fee and what was actually paid. The maximum penalty for knowingly registering a vehicle improperly is \$2,250. The bill provides that 25% of each penalty collected for improper business-trade truck registration may be retained by the county treasurer and will go back to the general fund of the county.

Registration fees for motor trucks registered as business trade, truck tractors, and road tractors will be increased for all vehicles up to nine tons on vehicles registered to a new owner after January 1, 2009. For a combined gross weight of three tons or less, the annual registration fee is \$150; for such a vehicle more than seven model years old, \$120;



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for such a vehicle more than nine model years old, \$100; and for such a vehicle 12 model years old or older, \$50. The maximum fee for a truck up to nine tons is \$225. If the registration is a renewal for a motor vehicle with a combined gross weight of nine tons or less registered to the same owner prior to January 1, 2009, the current fee schedule will remain.

A pickup used solely for personal use registered to a new owner after January 1, 2009 will be assessed annual registration fees via the current weight and value schedule in effect for other passenger vehicles of 1% of the value plus 40 cents for each 100 pounds of weight of the vehicle. Additionally, the automatic annual registration fee reduction schedule has been adjusted. The first automatic reduction has been extended from five years to seven years. At this time, the value of the vehicle shall be 75% of the rate as fixed when the motor vehicle was new and the total fee shall not be less than \$50, except that if the registration is a renewal for a vehicle registered to the same owner prior to January 1, 2009, the annual registration fee shall not be more than the fee paid for the previous registration year. The next automatic reduction has been extended from six years to nine years. At this time, the value of the vehicle shall be 50% of the rate as fixed when the vehicle was new and the same minimum fee and ownership restrictions as mentioned previously shall apply.

If a vehicle is 12 model years or older and is not registered as an antique vehicle (model year 1983 or older) the annual fee shall not be less than \$50. For antique vehicles model year 1970 through 1983 the annual fee is \$23 and for vehicles model year 1969 or older the annual fee is \$16. For vehicles 12 model years and older 60% of the annual fee is based upon the value.

Registration fees for special trucks for farm use are increased. Trucks with a gross weight that ranges between six and 18 tons will have a registration fee imposed that ranges between \$100 and \$315. If the registration is a renewal for a special truck registered to the same owner prior to January 1, 2009, the annual registration fee shall not change.

## **Division II - Title Fees**

Title fees will increase for a number of vehicles from \$10 to \$20 with the additional \$10 per title being credited to the TIME-21 Fund. The vehicles subject to this include those that are privately owned; commercially owned; specially constructed, reconstructed, or foreign; those that require a replacement title; those that require a new title; and those transferred by operation of law. The fees for a manufacturer applying for a certificate of title and for a salvage title will increase to \$10.

## **Division III - Trailer Registration Fees**

Registration fees on trailers less than 2,000 lbs. will increase from \$10 to \$20 with the additional \$10 per registration credited to TIME-21. Registration fees for trailers more than 2,000 pounds will increase from \$10 to \$30 with

the additional \$20 per registration credited to TIME-21. Registration fees for travel trailers and fifth wheel trailers will increase from 20 cents per square foot to 30 cents per square foot and 1/3 of the total fee will be credited to TIME-21.

## **Division IV - Studies**

The legislation also directs the DOT to conduct an analysis of the additional revenues necessary to provide at least \$200 million to the TIME-21 fund by FY11 - FY12. The report will consider the monetary impact that a fuel tax increase could have on the fund. A public transit funding study will also be completed by the DOT, Office of Energy Independence, and Department of Natural Resources.

## **Division V - Motorcycle Operator's License Fee**

The motorcycle operator's license fee will increase from \$1 to \$2 per year of license validity. The additional funds will be credited to the Motorcycle Rider Education Fund and will not be used to fund TIME-21.

## **Division VI - Use Tax on Motor Vehicles Repealed/Fee for New Registration Imposed**

This portion of the bill contains a number of provisions including changes to the RUTF, imposition of the fee for new vehicle registration, and repeal of the motor vehicle use tax.

The current 5% use tax on all vehicle sales will be repealed in favor of a fee for new vehicle registration of 5% of the purchase price. Logically, this will generate the same amount as the current use tax. However, this bill makes the fee for new vehicle registration constitutionally-protected money. In the future, this money must go only to roads and bridges and cannot be applied to other non-road uses, such as the Underground Storage Tank Fund and public transit assistance, as the current use tax is. Therefore, the disposition of moneys and fees provision of the RUTF will be changed to reflect the effect that the use tax repeal will have on the fund; namely, to account for the non-road uses that still need to be funded. A new Statutory Allocations Fund will be created that will be funded by a combination of trailer registration, title, driver's license, and non-operator's identification fees to provide money to these non-road uses. Any money left over after statutory allocation fund obligations are paid will revert back to the RUTF.

Effective Date: Division I takes effect January 1, 2009 and applies to vehicles registered for registration years beginning in 2009 and subsequent years. Division II takes effect January 1, 2009. Division III takes effect January 1, 2009 and applies to trailers registered for registration years beginning in 2009 and subsequent years. The following sections of Division VI of this Act take effect January 1, 2009: The section amending Iowa Code §321.115(1), as enacted by 2007 Iowa Acts, chapter 143, section 12; the section amending 2007 Iowa Acts, chapter 179.



# APPROPRIATIONS

## **HF 2660 - Justice System Appropriations**

JS

*All County Officials*

This bill makes appropriations from the general fund and other funds to the justice system for FY09.

To the Iowa Law Enforcement Academy (ILEA) ..... \$1,283,115 (+\$64,130)

- The bill allows the ILEA to charge more than one-half the cost of providing the basic training course if a majority of the ILEA council authorizes it, but only until June 30, 2009.

To the Department of Public Defense

For the Homeland Security and Emergency Management Division (HSEMD) ..... \$2,271,581 (+\$170,548)

- The bill appropriates up to \$200,000 from the wireless E-911 Emergency Communications Fund to the HSEMD for the purposes of employing a wireless E-911 administrator and program manager and performing an audit of the fund.

To the Department of Corrections (DOC)

For reimbursement for county confinement of state prisoners ..... \$967,983 (-\$231,971)

For offender mental health and substance abuse treatment ..... \$25,000 (no change)

The bill allows the DOC, in cooperation with counties, to use inmate labor to clean up roads and water sources around the state; it also allows the DOC, in cooperation with nonprofit or governmental entities, to use inmate labor to restore or preserve rural cemeteries and historical landmarks. The bill requires the DOC to provide a monthly report of private-sector inmate employment to the Legislative Services Agency beginning July 1, 2008.

## **HF 2662 - Agriculture and Natural Resources Appropriations**

JS

*All County Officials*

This bill makes appropriations for agriculture and natural resources programs for FY09 and includes policy provisions affecting agriculture and natural resources.

### **From the General Fund**

To the Department of Agriculture and Land Stewardship

For controlling chronic wasting disease ..... \$100,000 (no change)

For testing and monitoring avian influenza ..... \$50,000 (no change)

For a public awareness project regarding the emerald ash borer ..... \$50,000

For reimbursing soil and water conservation district commissioners ..... \$400,000 (+\$150,000)

To the Department of Natural Resources

For groundwater quality ..... \$3,455,832 (no change)

For enforcing snowmobile laws ..... \$100,000 (no change)

- The bill also appropriates \$950,000 to the snowmobile fund, and \$775,000 to the ATV fund, to restore funding eliminated from both programs in 2002.

For underground storage tank programs ..... \$200,000 (no change)

To Iowa State University

For a water quality research project relating to open feedlots ..... \$50,000 (no change)

### **From the Environment First Fund**

To the Department of Agriculture and Land Stewardship

For the conservation reserve enhancement program ..... \$1,500,000 (no change)

For flood and erosion control, water quality and conservation ..... \$2,550,000 (no change)

For permanent soil and water conservation practices ..... \$7,000,000 (no change)

For the Loess Hills development and conservation fund ..... \$600,000 (+\$20,000)

For the Southern Iowa development and conservation fund ..... \$300,000 (no change)

To the Department of Economic Development

For brownfield redevelopment ..... \$500,000 (no change)

To the Department of Natural Resources

For water quality monitoring ..... \$2,955,000 (no change)

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For regulation of animal feeding operations ..... \$360,000  
 For air quality monitoring ..... \$325,000 (+\$90,000)  
 For the development of natural-resource-based business opportunities ..... \$250,000  
     • Local conservation groups sponsored by either counties or soil and water conservation districts are eligible for grants from this program on a dollar-for-dollar matching basis.

To the Iowa Resources Enhancement and Protection (REAP) Fund ..... \$16,000,000 (+\$500,000)  
     • SF 2432 appropriates an additional \$2,000,000 to the REAP fund, bringing the total appropriation to \$18,000,000, which is an increase of \$2,500,000 over the FY08 level.

The bill provides that voting members of the Watershed Improvement Review Board, other than those members representing state agencies, are entitled to compensation and expenses for their service on the board. The board includes one member representing soil and water conservation districts and one member representing county conservation boards, among others.

## HF 2679 - Education Appropriations

*All County Officials*

JS

This bill relates to the FY09 funding and operation of the Department of Education, related agencies and programs.

To the Department of Education

To the Vocational Rehabilitation Services Division

..... \$5,667,575 (+\$247,685)  
     •For general operations ..... \$55,145 (+\$436)  
     •For programs for persons with severe physical or mental disabilities .....  
         Highest priority shall be given to programs focusing on finding and maintaining employment for persons with disabilities.

To the Iowa Empowerment Fund

..... \$22,302,006 (-\$1,479,588)  
     •For school ready children grants ..... \$1,823,432 (no change)

For the Enrich Iowa program

.....  
     The Enrich Iowa program provides direct state assistance to public libraries based on certain factors. Public libraries must comply with performance measures to be eligible for grants, and the grants are to supplement, not supplant, current funding.

To the University of Iowa

For a substance abuse research and evaluation consortium ..... \$67,877 (+\$3,006)

## HF 2699 - Economic Development Appropriations

*All County Officials*

JS

This bill makes appropriations for various economic development programs for FY09 and contains related policy provisions.

To the Department of Economic Development (DED)

..... \$6,448,716 (+\$26,062)  
 For community development programs .....

    •This appropriation includes funding for tourism operations and main street and rural main street programs.

..... \$6,611,963 (+\$160,817)  
 For business development programs ..... \$160,000

For financial assistance to councils of governments ..... \$4,000,000 (no change)

To the workforce development fund ..... \$500,000

For a sustainable community development initiative .....  
     The bill directs the DED to establish a sustainable community development initiative to improve the sustainability of Iowa communities by ensuring long-term economic growth and fostering environmentally conscious development. It directs the DED to cooperate with local governments by providing information, technical assistance, and financial incentives to communities pursuing sustainable growth.

To the Department of Workforce Development (DWD)

..... \$12,403,106  
 For workforce development field office operations .....

    •The DWD shall not reduce the number of field offices being operated as of January 1, 2008.

The bill directs the Legislative Services Agency to conduct an annual review of salaries paid to employees of entities organized under Iowa Code chapter 28E and salaries paid under a contract with the DWD.

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## HF 2700 - Standing Appropriations

JS

All County Officials

This bill makes appropriations for mental health allowed growth, property tax credits and other programs for FY09, unless otherwise noted. It also serves as a catch-all bill for various policy provisions not enacted earlier in the legislative session.

### **MH/MR/DD/BI Allowed Growth Funding**

For distribution of the allowed growth factor for FY10 ..... \$69,949,069

- This figure represents an increase of \$8,275,660 (3%) over the final appropriation for allowed growth funding for FY09 established in SF 2425 (the human services appropriations bill).

### **Property Tax Credits**

The bill appropriates \$159,868,964 (no change from FY08) from the property tax credit fund for the purpose of funding the following property tax credits:

- Homestead ..... \$99,254,781 (no change)
- Agricultural land & family farm ..... \$34,610,183 (no change)
- Military service ..... \$2,800,000 (no change)
- Low-income elderly & disabled ..... \$23,204,000 (no change)

County treasurers shall notify the Department of Revenue (DOR) by June 8, 2008 of the amount of property tax credits claimed by that date; the DOR shall notify the treasurers of the estimated funding level by June 15, 2008.

### **Other Appropriations**

For an independent redemption center grant fund ..... \$1,000,000

Regarding the recycling of bottles and cans, the bill creates an Independent Redemption Center Grant Program for the purpose of making improvements to redemption centers that are not affiliated with a dealer, distributor or manufacturer. Grants shall not exceed \$15,000.

To rebase hospital reimbursement rates under Medicaid ..... \$5,500,000

For additional shelter care funding ..... \$1,000,000

For preventing air pollution ..... \$195,000

### **Miscellaneous Policy Provisions**

This bill provides that each year, \$100,000 shall be allocated from the Community Attraction and Tourism (CAT) Fund for the purposes of marketing the projects that receive money from the fund. The bill exempts from the gift law any food and beverages provided at a meal that is part of an event at which the recipient is being honored for public service. The bill directs the Electrical Examining Board to adopt rules that create special classes of licenses for certain electricians who were licensed by a political subdivision prior to January 1, 2008, pursuant to a written exam that has not been approved by the board. The bill establishes a goal for Iowa to pay every employee of a public school corporation a competitive living wage.

The bill also fixes a problem in the public records law. Previously, there were situations in which a board of supervisors could go into closed session under the open meetings law specifically to discuss a certain record, but the record itself was not made confidential by law. So reporters were barred from the closed session, but immediately after the closed session they could request the record and it would have to be provided, thus defeating the purpose of going into closed session. To correct this problem, this amendment says that any such record is confidential "until such time as final action is taken" regarding that record. "Final action" must occur within 90 days after the record is "known to exist," unless it is impossible for the board to take final action within 90 days.

Current law prohibits counties and cities from imposing any registration or licensing requirements for owner-occupied manufactured or mobile homes or the lands on which the homes are located. This bill expands that prohibition to include registration or licensing requirements relating to owner-occupied homes in manufactured home communities or mobile home parks. The bill also reduces the portion of the purchase price of a mobile home or manufactured housing that is subject to use tax from 60% to 20%.

The bill creates a charitable conservation contribution income tax credit, equal to 50% of the fair market value of real property donated to a qualified organization to be used exclusively for conservation purposes. The bill also creates a local option sales tax TIF (LOST-TIF) for eligible cities. The LOST-TIF only applies to local option sales tax revenue, not to the state sales tax revenue or the school sales tax revenue (SILO). Any city that has both a LOST and an urban renewal area is an eligible city. To start collecting the LOST-TIF revenue, the city need only pass an ordinance declaring that all

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or a portion of the incremental sales tax revenue will be used for TIF projects. And unlike the usual rule, the city will be able to change the use of its LOST proceeds without an election. The fiscal year in which the ordinance is adopted becomes the base year. The amount of LOST revenue collected by retail establishments in the urban renewal area in the base year becomes the frozen base. For that year and each subsequent year, the LOST revenue up to the frozen base amount will continue to be distributed to cities and the county (assuming each entity has a LOST in place) under the normal allocation schedule – 75% based on population and 25% based on property taxes levied. Any increase in LOST revenue over the base amount goes into the increment. The incremental revenue is sent directly to the city's TIF fund – it does not become part of the regular allocation formula. Each LOST-TIF can exist for no more than 20 years.

The bill makes several changes relating to the Property Assessment Appeal Board (PAAB). It establishes that an appeal to the PAAB is a contested case under Iowa Code chapter 17A, which has the effect of establishing various procedural requirements. It also provides that meetings of the PAAB to rule on procedural motions in a pending appeal or to deliberate on its decision are exempt from the open meetings requirements in Iowa Code chapter 21. Current law provides that no new grounds may be raised on an appeal from a local board of review to the PAAB, but new evidence related to the grounds pleaded at the local level may be introduced. The bill limits the introduction of new evidence to the PAAB level, and specifically provides that no new evidence may be introduced in an appeal from the PAAB to the district court.

Finally, the bill makes a technical change to campaign finance regulations. It eliminates duplicate prohibitions on the placement of campaign signs near the auditor's office and at satellite absentee voting sites from Iowa Code §§53.10 and 53.11. The prohibitions remain in the campaign sign statute, Iowa Code §68A.406. This removes confusion on who is to give advice and enforce the sign placement provisions.

## **SF 2286 - Federal Block Grant Appropriations**

*All County Officials*

JS

This bill appropriates funds made available from federal block grants for the federal fiscal year beginning October 1, 2008, to various state departments and agencies.

To the Department of Economic Development	
• For community development block grants .....	\$25,642,000 (-\$858,000)
To the Department of Human Rights	
• For community services block grants .....	\$7,040,675 (+\$251,210)
• For low-income home energy assistance .....	\$36,343,186 (-\$5,319)
To the Department of Human Services	
• For community mental health services .....	\$3,631,173 (no change)
• For social services .....	\$16,832,721 (-\$69,923)
MH/MR/DD/BI community services (local purchase) .....	\$7,609,836 (+\$13,955)
• For child care and development .....	\$41,212,320 (-\$358,898)
To the Department of Justice	
• For the stop violence against women program .....	\$1,312,647 (-\$183,687)
To the Drug Policy Coordinator	
• For substance abuse treatment programs in state and local correctional facilities .....	\$74,993
• For Byrne grants (state and local law enforcement assistance) .....	\$880,209
To the Department of Public Health	
• For substance abuse treatment and prevention .....	\$13,474,900 (no change)
• For maternal and child health services .....	\$6,579,555 (no change)
• For preventive health and health services .....	\$1,084,524 (+\$4,575)

## **SF 2394 - Transportation Appropriations**

*All County Officials*

JS

This bill makes appropriations for FY09 from the Road Use Tax Fund and the Primary Road Fund to the state Department of Transportation.

*Iowa State Association of Counties*



# APPROPRIATIONS

From the Road Use Tax Fund

For drivers' licenses production costs ..... \$3,047,000 (no change)  
• Unexpended funds remaining at the end of the fiscal year shall not revert to the general fund.  
For county issuance of drivers' licenses and vehicle registrations and titles ..... \$1,442,000 (-\$390,000)

## **SF 2400 - Administration and Regulation Appropriations**

JS, DV, RH

*All County Officials*

This bill makes appropriations from the state general fund to various administrative and regulatory state agencies for FY09, and includes policy provisions.

To the Governor's Office of Drug Control Policy

- For general operations ..... \$346,731 (+\$8,632)
- For support of multi-jurisdictional drug enforcement programs ..... \$1,760,000 (+\$360,000)  
The programs shall provide for at least a 25% local match. The bill provides that money appropriated but not expended for multi-jurisdictional drug enforcement programs in FY08 shall remain available for the same purpose in FY09.
- This office shall coordinate substance abuse treatment and prevention efforts in order to avoid duplication of services.

To the Secretary of State, for administration and elections ..... \$1,499,063 (+\$68,048)

To the lowAccess revolving fund ..... \$1,000,000

The bill allows lowAccess funding of projects by political subdivisions and associations whose membership is made up of solely of political subdivisions. Prior to the change in language, ISAC and the ISAC affiliates were not directly eligible for lowAccess funding. The bill adds new language that requires the lowAccess Council to verify that the project is a benefit to the state and can be shared with other political subdivisions, as appropriate. It also requires that the state retain ownership or be granted a permanent license to use the final product of any project that receives lowAccess funding.

The bill directs the Department of Management to include in its proposed FY10 budget funding for a director and assistant director at the Tim Shields Center for Governing Excellence. It also amends the property tax exemption for libraries and art galleries. Claims for the exemption filed by private owners whose library or art gallery is for public use and not private profit must be filed by February 1 of the first year the exemption is requested. Once the exemption is granted, it shall continue for subsequent assessment years as long as the property is not used for private profit. The bill also allows a county board of supervisors to authorize the reimbursement of expenses related to an educational seminar attended by a new county officer who attends the seminar after the election but prior to taking office. This will allow ISAC to hold its new county officer school in December, rather than January. Finally, the bill amends the civil service classification law to allow Linn County and Scott County to each have three second deputy sheriffs who are not covered by civil service. Under current law, the counties could only have two such deputies.

## **SF 2417 - Tobacco Trust Fund Appropriations**

JS

*All County Officials*

This bill relates to and makes appropriations from the Healthy Iowans Tobacco Trust and the Tobacco Settlement Trust Fund for FY09.

To the Department of Human Services

For child and family services and adoption subsidy services ..... \$3,786,677 (+\$25,000)

To the Department of Public Health

For tobacco use prevention and control ..... \$5,928,265 (-\$200)

For substance abuse treatment ..... \$13,800,000 (no change)

For the Healthy Iowans 2010 plan ..... \$2,509,960 (no change)

For substance abuse prevention for children ..... \$1,050,000 (no change)

To the Department of Corrections ..... \$4,477,474 (+\$471,000)

For drug courts, community-based corrections and other programs

For the Iowa empowerment fund ..... \$2,153,250 (no change)

# APPROPRIATIONS

## SF 2425 - Health and Human Services Appropriations JS, LH

All County Officials

This bill makes appropriations from various sources for human services and public health programs for FY09.

### General Fund and Block Grant Appropriations

To the Department of Elder Affairs (DEA) ..... \$2,788,223 (no change)  
For case management for the frail elderly .....

To the Department of Public Health (DPH) ..... \$3,082,149 (+\$1,110,259)  
For addictive disorders ..... \$1,760,532 (+\$2,385)  
For strengthening local health care delivery systems .....  
    • For an initiative to expand and improve the workforce engaged in mental health treatment and services  
        To the University of Iowa ..... \$159,700 (no change)  
        To the state mental health institute at Cherokee ..... \$140,300 (no change)  
For reducing public exposure to environmental hazards ..... \$747,960 (no change)  
    • For childhood lead poisoning prevention, testing and remediation ..... \$121,000 (no change)  
For infectious diseases prevention and care ..... \$1,858,286 (+\$217,715)  
    • For the purchase of vaccines for immunization ..... \$200,000  
For public protection ..... \$3,161,013 (+\$569,680)  
    • To the emergency medical services fund ..... \$643,500 (no change)  
For addictive disorders related to gambling ..... \$1,690,000 (-\$525,000)  
    • Persons with the dual diagnosis of substance abuse and gambling addiction shall be given priority in treatment services.

To the Department of Veterans Affairs (DVA) ..... \$12,694,154 (-\$1,815,476)  
For the Iowa Veterans Home ..... \$27,000  
For educational assistance for children of deceased veterans ..... \$600,000 (-\$150,000)  
To continue a matching county grant program for services to living veterans .....  
    • The maximum grant award for each county is \$10,000. Counties must report to the DVA on the impact the grant has on improving services to living veterans. The DVA must report to the General Assembly on the statewide impact by October 1, 2008.

### To the Department of Human Services (DHS)

From the Temporary Assistance for Needy Families (TANF) Block Grant ..... \$4,894,052 (no change)  
    • For MH/DD community services ..... 649,629,269 (+\$32,857,449)  
For Medical Assistance ..... \$950,000 (no change)  
    • For an integrated substance abuse managed care system ..... \$1,500,000  
    • For implementation of an emergency mental health crisis services system ..... \$500,000  
    • For implementation of a mental health services system for children and youth ..... \$1,000,000  
    • For deposit in the risk pool ..... \$2,000,000  
    • To reduce the waiting lists for Medicaid HCBS waivers ..... \$2,500,000  
    • For existing and new HCBS slots for persons with brain injury ..... \$18,611,385 (+\$1,401,050)  
For state supplementary assistance ..... \$89,326,628 (+\$806,308)  
For child and family services .....  
    • Up to \$35,841,744 (-\$74,783) is to be used for group foster care maintenance and services.  
        The DHS shall examine all group foster care placements and identify those that might be appropriate for termination when a service area is at risk of exceeding its expenditure target by more than 5%.  
    • \$3,605,000 (+\$1,000,000) is allocated specifically for de-categorization service funding pools and governance boards.  
    • State funding for shelter care is limited to \$7,072,215.  
    • For grant renewal for implementation of a runaway plan ..... \$80,000 (no change)  
    • For continuation and expansion of child protection sites ..... \$418,000 (no change)  
    • For continuation of minority youth and family projects ..... \$375,000 (no change)  
    • For a substance abuse and mental health services grant ..... \$300,000 (-\$100,000)  
        The bill also reduces the FY08 appropriation for this item from \$400,000 to \$300,000.  
For MH/MR/DD state cases ..... \$13,067,178 (+\$2,000,000)  
    • The bill provides that the first \$300,000 of money from this line item unexpended at the end of FY08 shall be transferred to the DPH to use for substance abuse treatment.  
For MH/DD community services ..... \$18,017,890 (no change)



# APPROPRIATIONS

- For the MH/DD community services fund for FY08 ..... \$17,727,890 (no change)
  - For ISAC to develop and implement the Community Services Network (CSN) ..... \$260,000
- For Medicaid, state supplementary assistance and provider reimbursement rates
- Generally, the bill maintains provider rates for FY08 at the FY07 level.
  - The bill provides 1% increases for inpatient and outpatient hospital services, non-institutional medical assistance providers, and social services providers reimbursed under a purchase of social services contract.
  - The bill increases the actual and allowable reimbursement rates for juvenile shelter care homes by \$0.91 over the previous year's level. The new rate is \$139.01 per child per day, of which the county pays \$46.65 (no change from FY08); the state's share of the cost per day is increased to \$92.36 (+\$0.91 per day).

## Senior Living Trust Fund and Other Appropriations

To the Department of Elder Affairs (DEA)

For case management for the frail elderly ..... \$2,196,967 (no change)

To the Department of Human Services (DHS)

For Medicaid supplement (from the senior living trust fund) ..... \$111,753,195 (+\$46,753,195)

For a mental health transformation pilot program ..... \$250,000

For Medicaid ..... \$624,000

This appropriation is from the Property Tax Relief Fund in Iowa Code §426B.1. It consists of utility excise generation taxes paid by a facility in Palo that were directed to the property tax relief fund because the owners of the Palo facility own no other operating property in Iowa over which to allocate the generation tax. For future years, the bill provides that the amount of generation taxes in the property tax relief fund as of May 1 will be paid to counties as property tax relief for the following fiscal year. Because counties will have certified their budgets as of March 15, before the full amount of the property tax relief allocation is known, the bill directs the Department of Management (DOM) to determine the amount of property tax relief payments each county will get and adjust the counties' certified budgets, property taxes and rates accordingly. The DOM adjustment will not affect the total revenue available to county mental health funds.

## County MH/MR/DD/BI Allowed Growth Distribution

For distribution to counties of mental health allowed growth funding for FY09 ..... \$79,401,299 (+\$8,119,862)

- Special allocation ..... \$12,000,000
- Eligibility for this pool is conditioned on a county having a FY08 fund balance of 15% or less and a FY09 levy of either 100% or 90% with a rate of at least \$2.00.

- Allowed growth ..... \$12,000,000
- All counties are eligible for funding from this pool.

- Per capita ..... \$45,337,985
- Eligibility for this pool is conditioned on a county having a FY08 fund balance of 25% or less and a FY09 levy of 100%.

- Community services ..... \$17,727,890
- All counties are eligible for funding from this pool.

- Withhold target ..... \$7,664,576

Withholding factors for FY09

- For an ending fund balance of less than 5%, a withholding factor of 0%  
Counties in this category shall also receive an inflation adjustment factor equal to 3% of the gross expenditures for the fiscal year.
- For an ending fund balance of at least 5% but less than 10%, a withholding factor of 0%  
Counties in this category shall also receive an inflation adjustment factor equal to 2% of the gross expenditures for the fiscal year.
- For an ending fund balance of at least 10% but less than 25%, a withholding factor of 25%  
For counties with ending fund balances between 10% and 15%, the amount withheld shall not exceed the amount by which a county's fund balance exceeds 10%.
- For an ending fund balance of at least 25%, a withholding factor of 100%
- The bill provides that if a county borrowed money to provide mental health services on or before July 1, 2007, and the county's fund balance includes loan proceeds or amounts designated to service the loan, those amounts shall not be considered when calculating the ending fund balance under this section.

To be eligible to receive any funding from the allowed growth distribution, counties must levy at least 70% of their maximum mental health levy in FY09 and meet the reporting deadlines under Iowa Code §§331.403 and 331.439. However, the bill allows the DHS to extend a reporting deadline under Iowa Code chapters 331, 225C or 426B if good

# APPROPRIATIONS

cause exists. The bill also states the intent of the General Assembly to make two changes for the mental health allowed growth distribution in FY10 and subsequent years. First, any allocation factor using fund balance will be based on the fund balance two years prior to the year of distribution. So the FY10 allowed growth distribution will be based on FY08 fund balances. Second, counties must levy at least 90% of their maximum mental health levy in order to be eligible for any funding from the allowed growth distribution. Current law allows counties to be eligible for some funding by levying just 70% of their maximum.

## Health Care Trust Fund Appropriations

To develop and implement Iowa public health standards .....	\$75,000
For a mental health professional shortage program .....	\$200,000
For Medicaid .....	\$114,943,296

## Miscellaneous Code Changes

The bill expands the membership on the MH/MR/DD/BI Commission to include one voting member who is an active board member of an agency serving persons with a substance abuse problem. Nominees shall be submitted by the Iowa Behavioral Health Association.

The bill establishes an emergency mental health crisis services system in consultation with counties, Community Mental Health Centers, and other mental health providers and a comprehensive, community-based mental health services system for children and youth.

The bill allows DHS to implement a pilot project for a regional service network to provide MH/MR/DD services. DHS may enter into a risk-based contract with a group of counties. The pilot could include pooling of county funds, pooling of waiver slots, decategorization of funding streams, and adaptation of state requirements. DHS may average the levies and fund balances of the participating counties for purposes of qualifying for the allowed growth and community services fund.

The bill asks the Legislative Council to establish an interim task force to "consider county-state shared funding for mental health and disability services covered by the Medicaid program." The task force is to include ten legislators, three county supervisors, three CPCs, two representatives from advocacy groups, one consumer, one provider and one member of the MH/MR/DD/BI Commission. The task force is to review and estimate the impact to the state and counties if the financial responsibility for the nonfederal share of the costs of mental health and disability services provided under Medicaid is shifted from counties to the state. The task force shall prepare an eight-year transition plan and deliver the plan to the Legislature in time to be considered in 2009. The task force should be formed by June 15, 2008, and should meet at least four times in 2008.

The bill charges the Division of Mental Health and Disability Services and the MH/MR/DD/BI Commission with developing a proposal to revise Iowa Code chapter 230A and the portions of the Iowa Administrative Code relating to Community Mental Health Centers. A report on the proposal is due to the Governor and the General Assembly by December 1, 2008.

The bill requires the county medical examiner to conduct a preliminary investigation into any death of a resident of a state mental health institute, state resource center, state training school or Iowa juvenile home. The cost of the preliminary investigation is to be paid by DHS.

The bill asks the Legislative Council to establish an interim committee to study the impact or potential impact of mass transit services in rural and urban communities. The committee shall consist of ten legislators, and should consult with numerous groups, including local officials. Its report is due to the Governor and General Assembly by December 31, 2008.

## SF 2430 - Microenterprise and River Funds

HD

*Conservation Directors, Supervisors*

This bill creates a Community Microenterprise Development Organization Grant Program, a Microenterprise Development Advisory Committee, and a River Enhancement Community Attraction and Tourism Fund.

The bill directs the Department of Economic Development (DED) to award grants to community microenterprise development organizations based on set criteria with a local match of at least 20% of the funds to be awarded.



# APPROPRIATIONS

## From the Federal Economic Stimulus and Jobs Holding Fund

To the DED ..... \$475,000  
 For grants to community microenterprise development organizations

To the Department of Natural Resources ..... \$250,000  
 For the establishment and administration of a water trails and low head dam public hazard statewide plan

To the River Enhancement Community Attraction and Tourism Fund ..... \$2,000,000  
 For river enhancement community attraction and tourism

## **SF 2432 - Infrastructure Appropriations**

JS

*All County Officials*

This bill makes infrastructure-related appropriations from a number of sources to various state departments and agencies for FY09.

From the Rebuild Iowa Infrastructure Fund  
 For historical site preservation and restoration ..... \$1,000,000  
 For the River Enhancement Community Attraction and Tourism Fund ..... \$10,000,000  
     • An additional \$10 million is appropriated annually through FY13.  
 For structural and technological improvements to local libraries ..... \$1,000,000 (no change)  
 For grants under the Wastewater Treatment Financial Assistance Program ..... \$3,000,000 (-\$1,000,000)  
 For the Housing Trust Fund ..... \$3,000,000 (+\$500,000)  
 For county fair infrastructure improvements ..... \$1,590,000 (no change)  
 For recreational trails ..... \$3,000,000 (+\$1,000,000)  
 For a Veterans Home Ownership Assistance Program ..... \$1,600,000

From the Environment First Fund  
 To the Rebuild Iowa Infrastructure Fund (RIIF) ..... \$2,000,000

# 2008 BILLS THAT FAILED

Getting bills through the Legislature is obviously important to 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 bills that ISAC opposed that were successfully defeated.

HF 2020	Military Tax Credit
HF 2124	Gun Permits Fingerprinting
HF 2456	Utility Reimbursement for Road Construction relocation
HF 2461	Condemnation Requirements
HF 2483	Equalization Orders
HF 2504	Redaction of Social Security numbers in Records
HF 2510	Homestead Value Cap for Elders
HF 2515	Local Option Tax Deadlines
HF 2516	Property Tax Limitations
HF 2608	Choice of Doctor
HF 2611	Continuing Health Insurance
HF 2613	Weapons Carry Permits
HF 2634	Smoking Property Tax Credit
HF 2645	PERB Changes
HF 2664	4.1% Provider Rate Increases
HF 2686	Employment Practices
HSB 506	Jails as Public Accommodations
HSB 580	Interrogation Recording Requirement
HSB 703	Farm Vehicle Axle Weights
SF 413	Fair Share
SF 428	Disaster Plan for Animals
SF 2006	Bicycle Licenses
SF 2011	Proof of Insurance
SF 2040	Homestead Value Cap for Elders
SF 2411	Open Meetings, Open Records
SSB 3027	Jails as Public Accommodations
SSB 3061	Alarm Installers and Electricians
SSB 3174	Storm Shelters
SSB 3219	E911

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

HF 818	Criminal Donations
HF 900	Waste Tire Allocations
HF 2147	Assessor Terms
HF 2182	Mental Health Advocates
HF 2185	TIF Reform
HF 2188	TIF Reform
HF 2222	Minor Hospital Admissions
HF 2241	Separation Distance Exemptions
HF 2244	Forest Reserve Exemptions
HF 2462	TIF Reform
HF 2264	Voter Registration Deadline
HF 2299	Local Government Internet Posting
HF 2325	County Access to ICN
HF 2345	Plat Approval
HF 2382	Agricultural Assessments
HF 2470	County Medical Examiner Fees
HF 2481	Vehicle Registration
HF 2560	County Recorders
HF 2616	Election Filing Deadlines
HF 2638	Wetlands Near Confinement Operations
HSB 556	Food Inspection Fees
HSB 645	Lease Filings
SF 131	Equalization Orders
SF 201	Recorder Fees
SF 208	Recorder Information
SF307	Franchise Tax
SF 355	Wind Energy
SF 2023	Utility Replacement Tax
SF 2076	Franchise Tax Appropriations
SF 2093	Substance Abuse Funding
SF 2122	Election Technical Bill
SF 201	Recorder Fees
SF 2132	Seized Property Notice
SF 2208	Forest Reserve Exemptions
SF 2305	County Recorders
SSB 3060	Food Inspection Fees
SSB 3146	Lease Filings
SSB 3167	TIF Reform



# STEERING COMMITTEE CHAIRS & LEGISLATIVE LIAISONS

ISAC would like to thank the county officials that served as **steering committee chairs** this year. Responsibilities included running the steering committee meetings, conducting an election of officers, making appointments when necessary and making a presentation of committee policy statements and legislative objectives at the ISAC Board of Directors' October meeting. Thank you for your leadership in the ISAC legislative process.

## **County Administration & Organization**

Chair: Pat Gill - Woodbury County  
Staff Representative: Bill Peterson

## **Environment & Public Health**

Chair: Larry Roehl - Louisa County  
Staff Representative: Deborah Westvold

## **Human Services**

Chair: Rod Sullivan - Johnson County  
Staff Representative: Linda Hinton

## **Land Use & Rural Affairs**

Chair: Robert Folkstad, Warren County  
Staff Representatives: Tammy Norman and Rachel Bicego

## **Public Safety**

Chair: Curt Braby - Louisa County  
Staff Representative: David Vestal

## **Taxation & Finance**

Chair: Dianne Kiefer - Wapello County  
Staff Representative: Jay Syverson

## **Transportation**

Chair: Royce Fichtner - Marshall County  
Staff Representative: Robin Harlow

ISAC would like to thank the county officials that served as **legislative liaisons** this year. Responsibilities included acting as the primary contact point between the ISAC staff and their affiliate, gathering information and serving as a resource when special expertise on an issue is needed, coordinating legislative strategy for their affiliate and attending legislative meetings with the ISAC staff. Thank you for your leadership in the ISAC legislative process.

## **Assessors**

Tim McGee - Lucas County

## **Auditors**

Mary Mosiman - Story County  
Dennis Parrott - Jasper County

## **Community Services**

Mary Williams - Benton County  
Irene Blair - Webster County

## **Conservation**

Dan Biechler - Linn County

## **County Attorneys**

Barb Edmundson - Washington County  
Todd Holms - Kossuth County

## **Emergency Management**

Derek White - Carroll County

## **Engineers**

Royce Fichtner - Marshall County  
Lyle Brehm - Tama/Poweshiek County

## **Environmental Health**

Brian Hanft - Cerro Gordo County

## **Information Technology**

Jeff Rodda - Polk County

## **Public Health Nurses**

Karen Moritz - Emmet County

## **Recorders**

Sue Vande Kamp - Story County  
Kathy Flynn Thurlow - Dubuque County

## **Sheriffs**

Duane Hildebrandt - Bremer County

## **Supervisors**

Dave Reed - Boone County

## **Treasurers**

Doug Bishop - Jasper County  
Denise Emal - Marion County

## **Zoning**

John Kunc - Marshall County  
R.J. Moore - Johnson County

# NOTES



# NOTES

# NOTES









**ISAC**   
Iowa State Association of Counties

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