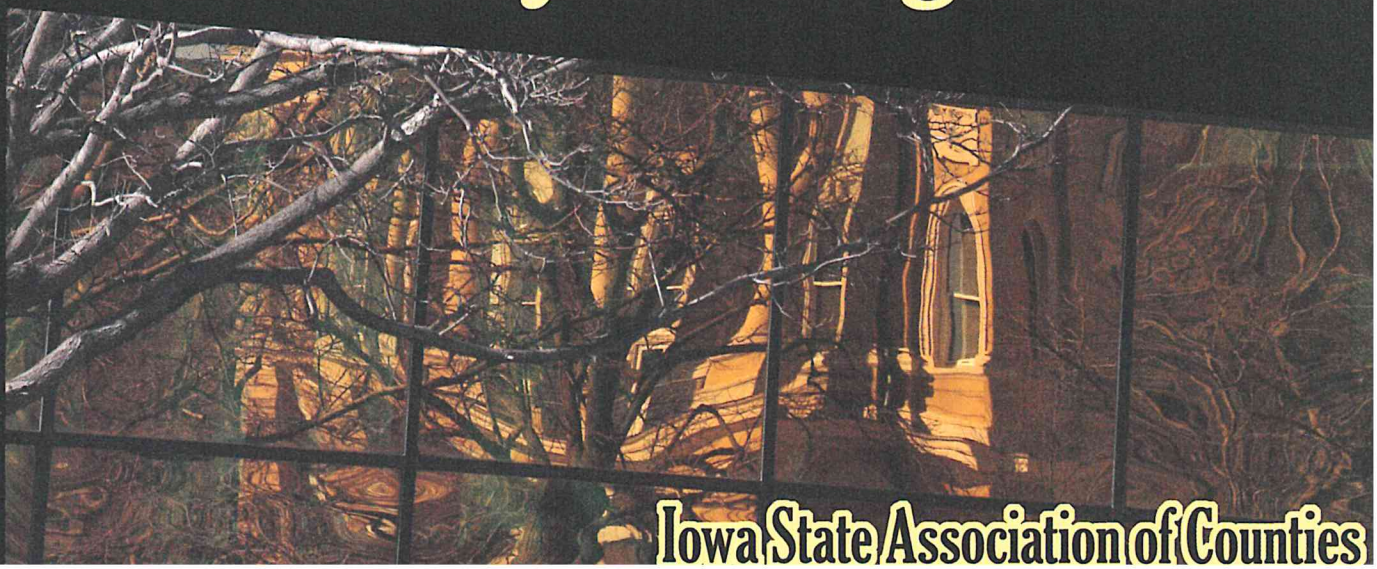


2009

83rd General Assembly, 1st 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 sheriffs in the state have their own association, which is called the Iowa State Sheriffs' and Deputies' Association 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 2009 Iowa counties participated with the 1st Session of the 83rd 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, 2009. 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:
DES - Deb Eckerman Slack, Case Management Services Manager
HD - Hanna De Groot, Public Policy Specialist
JS - Jay Syverson, Fiscal Analyst
LH - Linda Hinton, Government Relations Manager
NB - Nate Bonnett, Assistant Legislative Counsel
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 at http://www.legis.state.ia.us.

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

LOST-TIF Repeal – This issue was worked on all session long, but did not come to a positive resolution. A bill to repeal the Local Option Sales Tax (LOST)-TIF made it to the floor of the Senate. A compromise bill that allowed a jurisdiction to TIF only their own sales tax increment and allowed for a reverse referendum, passed the House, but did not make it through committee on the Senate side by the second funnel deadline. Late in the session the compromise language from the House bill was substituted for the Senate repeal bill and passed the Senate, but failed to make it through the House side before the session ended. Despite both chambers unanimously passing identical language to make changes to the LOST-TIF, because the language was not passed in companion bills, the changes were ultimately not enacted. The LOST-TIF remains in place, allowing cities to unilaterally capture all increased LOST revenues and use the funds for a different purpose than their citizens authorized.

TIME-21 – Unfortunately, the TIME-21 fund did not receive additional revenue this session. Two bills (HSB 164, SSB 1182) were introduced early in the session that would have increased the tax on motor fuel, but none of them were moved out of subcommittee after the Governor made it clear that he would not support an increase. We were successful in amending the DOT omnibus bill, SF 419, to include a cap on the TIME-21 fund at $225 million. This means that, in the event that TIME-21 is funded at this level in the future, any revenue generated in excess of $225 million will revert back to the Road Use Tax Fund and be governed by that formula.

Counties will receive additional funds totaling $22.5 million over two years for roads and bridges via the infrastructure appropriations bill, HF 822, and the federal block grant and Federal American Recovery and Reinvestment Act (ARRA) appropriations bill, HF 820.

Sex Offender Residency Law – ISAC has pursued changes in Iowa's Sex Offender Residency Law, enacted in 2002, as one of its top priorities for the past three years. County attorneys and county sheriffs found that the law had significant unintended consequences that actually made Iowa's children less rather than more safe. ISAC leadership recognized that in order for legislators to make changes in this politically-charged area, broad-based, bipartisan support was necessary. This year, in conjunction with changes required by the federal Adam Walsh Child Protection Act, the legislature was able to pass a bill, SF 340, that made numerous improvements to the Sex Offender Registry Law.

Mental Health/Developmental Disabilities Funding – One of the first good news items of the session came with HF 414, the deappropriations and supplemental funding bill. After Governor Culver instituted a 1.5% across the board cut just before the session started in January, the legislature put all but about $30,000 back into FY09 funding for counties with this bill.

The Governor's proposed budget for FY10 included a cut of approximately $18 million (6.5% plus no growth) to counties for mental health and developmental disabilities services funding. In addition, there was concern that an additional cut would be taken out of the $88 million in property tax relief that isalways appropriated late in the session. This projected cut was particularly problematic since county budgets would be certified by the time the legislature took action. HF 820, the bill that implements the ARRA, includes full funding for property tax relief and includes $10 million for counties to access through the Risk Pool. The dates for the Risk Pool were moved forward to ensure that counties have the opportunity to spend additional funds received in FY10.

State Funding for Emergency Management – There was no movement towards the state providing financial assistance to local emergency management. HR 30 requests an interim committee be appointed in order to study the county emergency management system. Additionally, SF 441, which includes emergency management commissions as participating governments for the purpose of entering into mutual aid compacts and makes participation in a mutual aid compact an "opt-out" program, was signed into law.

Natural Resources and Outdoor Recreation Trust Fund – HJR 1, to initiate a constitutional amendment to create the natural resources and outdoor recreation trust fund to preserve and protect Iowa's resources passed early in the session. Since this legislation passed two consecutive General Assemblies, it now goes to a vote of the citizens of Iowa at the 2010 general election. If ratified by the people, the fund will be credited with a portion of the state sales tax after the next sales tax increase.

COUNTY ADMINISTRATION & ORGANIZATION

HF 64 – Disaster Assistance
NB *Assessors, Auditors, Emergency Management, Supervisors*

This bill appropriates $56 million for disaster assistance from the Economic Emergency Fund: $24 million is appropriated to the Jumpstart Housing Assistance program; $10 million is appropriated to the Iowa Unmet Needs Disaster Grant program; and $22 million is appropriated to the Community Disaster Grants program. The money in the latter program was distributed among affected counties and cities to help defray disaster-related costs that were not otherwise met through federal or non-federal sources, such as non-profit assistance, public buy-outs, and increased costs of revaluation and assessment of property. Applications for this program were due April 1, 2009. By January 1, 2010 each local government grant recipient must submit a report to the Department of Homeland Security and Emergency Management specifying the allocation and uses of moneys. The bill codifies the Rebuild Iowa Office (RIO) with a sunset date of June 30, 2011. A coordinating council is established to facilitate communication between various state agencies, local government entities, and the RIO. There will be one member of ISAC appointed to this council.

Effective Date: Upon enactment and applies retroactively to June 27, 2008, and applies on and after that date.

HF 243 – Gender Balance
HD *Supervisors*

This bill requires all appointive boards, commissions, committees, and councils of a political subdivision to be gender balanced. The bill requires a fair and unbiased method of selecting the best qualified applicants for memberships on boards and commissions and allows any qualified applicant to be appointed after three months of good faith effort, regardless of gender.

Effective Date: January 1, 2012

HF 311 – Medically Necessary Prosthetic Devices
BP *Auditors, Supervisors*

This bill requires health care benefit coverage for certain medically necessary prosthetic devices. Individual or group policies, contracts, or plans providing for third-party payments of health or medical expenses are required to provide coverage benefits for medically necessary prosthetic devices, that at a minimum, equal the coverage and payment for medically necessary prosthetic devices that are provided for under the most recent federal laws for health insurance for the aged and disabled. The bill applies to policies, contracts, or plans delivered, issued for delivery, continued, or renewed in this state on or after July 1, 2009.

HF 450 – City Election Times
HD *Auditors*

This bill allows the county commissioner of elections to open the polls at noon rather than 7:00 am for any city election. Currently, the polls may open at 12:00 pm for city elections in cities with a population of 3,500 or less or in any city if there is no contested election or no public measure on the ballot.

HF 475 – Technical Election
HD *Auditors*

The bill requires that the county commissioner of elections (county auditor) retain caucus records for 22 months. The bill further requires the chairperson of the county central committee, within 14 days after the date of the precinct caucus, to deliver to the county commissioner all completed voter registration forms received at the caucus. Current law provides that it is election misconduct in the third degree, a serious misdemeanor, if a party committee member neglects to perform a statutory duty relating to a precinct caucus. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least $315 but not more than $1,875.

The bill adds language relating to election misconduct applicable to primary elections.

The bill requires the state commissioner of elections to adopt administrative rules implementing ballot format and printing requirements.

The bill provides that a hearing on an objection to a nomination shall be held not later than one week after the objection is filed.

The bill specifies that signers of nomination petitions for elective offices are required to be eligible electors who reside in the applicable county or district.

The bill requires that the text of a public measure to be submitted at election to the voters of a school district or merged area must be submitted to the county commissioner of elections no later than 5:00 pm on the 46th day before the election.

The bill specifies that the voter registration form may be used to make changes in an existing registration record in addition to being an application to register to vote.

The bill removes the reference to "mail registration form." The same voter registration form is used whether or not a person is registering by mail or in person.

The bill requires that identification numbers on all voter registration applications, not just those received by mail, be verified in order to comply with the federal Help America Vote Act. The bill also provides that if the identification information cannot be verified, the registration will be

recorded as pending, and the voter will be notified that the voter must present identification before voting for the first time in the county. These requirements do not apply to Election Day registrants or in-person absentee registrants.

The bill provides that the commissioner of registration (county auditor) shall send an acknowledgment of receipt of voter registration or a change of information in a voter registration record within 45 days of receipt of the form or change of information if the form or change of information was submitted at a precinct caucus. The bill also provides that if an incomplete registration form is received by the commissioner after registration closes but by 5:00 pm on the Saturday before the election for primary and general elections or by 5:00 pm on the Friday before the election for all other elections, the commissioner shall notify the applicant of election day and in-person absentee registration procedures.

The bill requires the commissioner to send an acknowledgment of change of address information received from the United States Postal Service to the new address only. Current law requires that the acknowledgment be sent to the former and new addresses. The bill takes effect upon enactment and applies to notices mailed on or after the effective date.

The bill deletes language referring to the process that was in place prior to implementation of the statewide voter registration system maintained by the Secretary of State and also requires the county commissioner to run the state's matching program for the list of deceased persons in the month following receipt of the list from the department of public health.

The bill defines "incomplete records" as those registration records missing information required to be included on the voter registration form. The bill also provides that an incomplete record shall be made an active record when a completed form is provided and the information verified.

The bill requires the state registrar of voters to update voter participation information no later than 60 days after each election.

The bill repeals language relating to voter registration reports required to be filed with the state registrar by the county commissioner of registration, because the reports are no longer necessary due to implementation of the statewide voter registration system maintained by the secretary of state.

The bill eliminates the requirement that voting booths be approved by the board of examiners for voting systems. The bill also removes duplicate language referring to those elections at which the commissioner may determine whether ballots will be counted by hand by election precinct officials or by automatic tabulating equipment.

The bill removes the requirement that ballots containing public measures shall be printed on other than white paper in those precincts using hand-counted paper ballots.

The bill provides that the minimum font size for published ballots be nine point type, rather than the current 90% of font size.

The bill makes reference to the statutorily defined term "automatic tabulating equipment" rather than electronic tabulating equipment or vote tallying system.

The bill removes the requirement that the words "Official ballot" be printed on the ballot in such a way as would allow them to be shown to an election official without revealing any of the marks made by the voter.

The bill provides that the state commissioner of elections (Secretary of State) prescribe by rule the types of identification that can be presented by a voter when the voter is unknown to the precinct election official.

The bill requires the state commissioner to report in the unofficial canvass the total number of ballots cast at the general election.

The bill requires the county board of canvassers (board of supervisors), when canvassing the vote after an election, to also certify the election canvass summary report prepared by the county commissioner of elections. The bill also requires the commissioner to forward the abstracts of votes and summary report to the state commissioner of elections within 13 days after each primary and general election.

The bill strikes the requirement that the abstract of votes state its required information in words "written at length."

The bill, relating to double counting boards, applies to elections in which paper ballots are to be counted by hand by the precinct election officials.

The bill requires that a copy of the printed results from each automatic tabulating device be signed by precinct election officials and attached to the precinct tally list and that the printed results shall reflect all the votes cast in the precinct.

The bill provides that the entire text of a public measure, including measures related to the Iowa constitution, be displayed prominently in at least one place, rather than the current four places, within the voting precinct. The bill also refers to ballots generally rather than to special paper ballots.

The bill eliminates references to lever voting machines, which are no longer used in Iowa.

The bill clarifies that optical scan ballots be printed using black ink on white paper.

The bill also provides that if an office or public measure is printed on the back of the ballot, both sides shall be displayed.

The bill provides that the party affiliation of a voter requesting an absentee ballot be changed at the time the request is recorded on the registration record if the ballot requested is for a party other than the voter's current party affiliation or declaration. The bill also provides that if a voter whose registration record indicates a party affiliation requests a primary election ballot and does not indicate a party on the ballot application, the voter shall be mailed the ballot of the party indicated on the registration record. The bill further provides that if an absentee ballot request is received from a person who is not registered to vote, the commissioner shall send a voter registration form and another absentee ballot application form to the person, rather than sending a registration form and an absentee ballot. The bill provides that if the absentee ballot request of a person not registered to vote is received after registration closes but by 5:00 pm on the Saturday before the election for primary and general elections or by 5:00 pm on the Friday before the election for all other elections, the commissioner shall, by mail, notify the person of election day and in-person absentee registration procedures. The commissioner shall also attempt notification by any other method available to the commissioner. The bill states that for the general election the commissioner shall prepare a separate absentee ballot style for each precinct in the county and shall program the voting system to produce reports by the resident precincts of the voters. There is no longer the option to count by hand. Finally, the bill provides that a change of name, telephone number, or address on an absentee ballot application of a voter who has moved within the county shall be used to update the voter's registration record.

The bill specifies that an insufficient absentee ballot affidavit is one that lacks the voter's signature. The bill includes statutory language on rejecting absentee ballots.

The bill, relating to an absentee ballot request from a person in the armed forces, strikes the requirement that the request include information on the length of residency in the city or township, county, and state because the federal application form does not include a space for that information.

The bill conforms to a federal court ruling that if the absentee ballot application of an overseas or military voter is not received by the commissioner, a federal absentee ballot cast by the voter and received by the commissioner is valid.

The bill allows community colleges to submit the question of imposing or renewing the facilities property tax levy at the regular school election in September of the odd-numbered year or at a special election held on the second Tuesday in September of the even-numbered year.

The bill provides that a map of a proposed school district reorganization or proposed city annexation, be posted prominently in one place, rather than the current four, within the precinct.

The bill provides that certain elections held on school pension systems be held at the regular school election rather than the general election.

The bill, relating to the physical plant and equipment levy that requires voter approval, specifies that an election on the levy may be called by the board of directors on its own motion.

The bill specifies that the portion of the physical plant and equipment levy that is required to receive approval of the voters may be submitted at a special election rather than only at the regular school election. This section of the bill takes effect upon enactment.

The bill changes the deadline for submitting a petition requesting that the proposition to distribute free textbooks in a school district be placed on the regular school election ballot. The current deadline of 30 days before the election is changed to 60 days before the election.

The bill specifies that when there is a vacancy to the office of supervisor, a successor may be appointed to the unexpired term.

The bill, relating to a county special levy election, provides that the election be held on the first Tuesday in March, rather than the second Tuesday in March.

The bill, relating to special elections to fill a city council vacancy, changes the filing deadline for nomination petitions in cities with a primary election from 52 days before the election to 53 days before the election in order to avoid the deadline falling on a Saturday.

The bill, relating to metropolitan consolidation charters, changes the filing deadline for submission of the charter at a general election to no later than 69 days before the election, which is the same as the filing deadline for offices to be filled at the general election.

The bill clarifies the process of city clerks accepting and reviewing candidate nomination papers filed for city office.

The bill, relating to a city special levy election, provides that the election shall be held on the first Tuesday in March, rather than the second Tuesday in March.

The bill, relating to drainage district trustee elections, removes language requiring an absentee voter to specify the reason that the voter is voting absentee.

The bill removes references and requirements relating specifically to voting machines (i.e., direct recording electronic devices), which are no longer allowed for use in Iowa.

HF 477 – Confidential Information on Declaration of Value Forms
JS *Recorders*

Current law requires the Department of Revenue to prescribe a declaration of value form in connection with the real estate transfer tax. This bill provides that if such form includes either a social security number or federal tax identification number, those numbers are confidential and not subject to public examination.

HF 478 – Health Insurance Coverage for Diabetes Self-Management and Education Programs
BP *Auditors, Supervisors*

This bill provides that required health coverage benefits for outpatient diabetes self-management training include at least 10 hours of such training each year for each individual diagnosed by a physician with any type of diabetes mellitus. Currently such coverage is required only for 10 hours of initial training for each individual who meets one of the enumerated conditions. The coverage requirements apply to classes of third-party payment provider contracts or policies that are individual or group accident and sickness insurance providing coverage on an expense-incurred basis; individual or group hospital or medical service contracts issued pursuant to Iowa Code chapter 509, 514, or 514A; individual or group health maintenance organization contracts regulated under Iowa Code chapter 514B; any other entity engaged in the business of insurance, risk transfer, or risk retention, which is subject to the jurisdiction of the commissioner of insurance; plans established pursuant to Iowa Code chapter 509A for public employees; and organized delivery systems licensed by the director of public health. The bill takes effect upon enactment and applies to the classes of third-party payment provider contracts or policies specified in Iowa Code §514C.18 that are delivered, issued for delivery, continued, or renewed in this state on or after July 1, 2009.

Effective Date: Upon Enactment

HF 552 – Airport Commissioners
JS *Supervisors*

This bill provides that a person appointed to serve on an airport commission must be either a resident of the city or county establishing the commission, or a resident of a city or county served by the airport. If the commission is comprised of three members, at least two members must be residents of the city or county establishing the commission. If the commission is comprised of five members, at least three members must be residents of the city or county establishing the commission. Prior law required all members of a commission to be resident voters of the city or county establishing the commission.

HF 670 – Counting Absentee Ballots
HD *Auditors*

This bill allows the county auditor to begin opening absentee ballots and counting them the day before Election Day for the general elections only. However, if in the preceding general election the counting of absentee ballots was not completed by 10:00 pm on Election Day, the commissioner of elections shall convene the special precinct election board on the day before the next general election to begin counting ballots. The board shall not release the results until the count is completed on Election Day.

HF 708 – Healthcare Facility Ballots
HD *Auditors*

This bill makes changes relating to delivery of absentee ballots to applicants who are patients or residents of hospitals or health care facilities. Under current law, an absentee ballot applied for by a patient or resident of a hospital or health care facility is to be personally delivered sometime during the 10 days preceding the election, or on Election Day in some circumstances. The bill changes that time period to 14 days preceding the election and provides that, in addition to that delivery, absentee ballots applied for by patients or residents of a hospital or health care facility may also be personally delivered within 10 days after the ballots have been printed.

The bill prohibits observers from being present when ballots are delivered to a hospital or health care facility.

HF 759 – National Flood Insurance Program
NB *Supervisors, Zoning*

This bill requires counties and cities to participate in the National Flood Insurance Program (NFIP). It requires participation by June 30, 2011, if they currently have a FEMA approved flood insurance rate map. If a county or city does not have a FEMA approved map in place, they will have 24 months from the effective date of any future flood insurance rate map to participate in the NFIP. State participation in future flood-related disaster assistance is contingent upon county or city participation in the NFIP.

HF 776 – Use of False Caller ID for Campaign Purposes
BP *All County Officials*

Any person is prohibited from using either false caller identification information with intent to defraud for purposes related to expressly advocating the nomination, election, or defeat of a clearly identified candidate or for the passage or defeat of a clearly identified ballot issue. Also, the bill prohibits using another person's identification information without that person's consent and with intent to deceive the recipient of a call.

These provisions apply to telephone communications made either through a traditional service provider or through

the internet. A willful violation of any provision of the campaign finance chapter is a serious misdemeanor punishable by confinement for up to one year and a fine of at least $315 but not more than $1,875. A variety of civil remedies are also available ranging from a reprimand to a civil penalty of not more than $2,000.

SF 50 – Prohibited Uses of Campaign Funds
BP *All County Officials*

The bill lists certain purposes for which campaign funds cannot be used. This bill adds to that list a prohibition against payment of a salary, gratuity, or other compensation to a candidate or the candidate's spouse or dependent child. Reimbursement of enumerated expenses, such as postage stamps or automobile mileage used for campaign purposes, is still allowed. Any person who willfully violates any provisions is guilty of a serious misdemeanor.

SF 51 – Electronic Filing of Campaign Finance Disclosure Statements
BP *All County Officials*

Under current law, beginning in 2010 or 2012 according to filings of statements of organization, the candidate's committee for a candidate for statewide office or the general assembly must file campaign finance statements and reports in an electronic format by 4:30 pm of the day the filing is due. This bill extends the requirement to include a state statutory political committee, a political committee expressly advocating for or against the nomination, election, or defeat of a candidate for statewide office or the general assembly.

Effective Date: May 1, 2010

SF 52 – Ethics Regulations for Executive, Legislative, Local Officials and Employees
BP *All County Officials*

The bill eliminates a general prohibition that any person who serves or is employed by the state or a political subdivision of the state shall not engage in any outside employment or activity which is in conflict with the person's official duties and responsibilities. The bill identifies as prohibited outside employment or activities, certain outside employment and activities that are currently identified in the Code as examples of conflicts of interest. The bill eliminates a requirement that persons participating in undefined unacceptable conflicts of interest must take certain courses of action. The bill provides that persons conducting activities or outside employment that are prohibited under rules adopted by the ethics and campaign disclosure board or under the Senate or House codes of ethics must take certain courses of action.

Currently, a person who has served as an official, state employee of a state agency, member of the general assembly, or legislative employee is prohibited within a period of two years after the termination of such service or employment from appearing before the agency or receiving compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which the person was directly concerned and personally participated during the period of service or employment. The bill eliminates the prohibition against appearing before the agency.

Currently, complaints regarding conduct of local officials or local employees which violates provisions shall be filed with the county attorney. The bill provides that complaints alleging conduct of local officials or local employees which violates certain lobbying-related provisions shall be filed with the ethics committee of the appropriate house of the general assembly if the conduct involves lobbying activities before the general assembly or with the ethics and campaign disclosure board if the conduct involves lobbying activities before the executive branch.

The bill eliminates statutory filing deadlines for financial statements of candidates for statewide office and candidates for the general assembly. Such deadlines could be included in rules adopted by the Senate and House of Representatives and by the ethics and campaign disclosure board.

The bill includes Code editor directives for the reorganization and the titling regarding government ethics and lobbying.

SF 114 – Historic Preservation Grants
HD *Supervisors*

This bill amends the 2008 Iowa Acts to allow the Department of Cultural Affairs to award more than two historic preservation grants in the same county. The bill limits the total amount of grants made in a county to $200,000 during the same round of grant reviews, rather than limiting the total number of grants made in a county as provided by current law.

Effective Date: Upon enactment

SF 118 – County Penalties
NB *County Attorneys, Sheriffs, Supervisors*

This bill makes changes to the operations of clerks of court, changes regarding parking violations, and changes to county and city ordinances. It provides that, for violation of an ordinance, a county shall not provide a penalty in excess of the maximum fine and term of imprisonment for a simple misdemeanor. It strikes current law which says that a penalty for an ordinance violation cannot be in excess of $500 or a term of imprisonment in excess of 30 days. This bill also provides that counties may only adopt as an ordinance a portion of the Code of Iowa if the criminal penalty provided by the law adopted does not exceed the maximum fine and term of imprisonment of a simple misdemeanor.

SF 137 – Wage Discrimination in Employment Under Iowa Civil Rights Act
BP *All County Officials*

This bill provides that discrimination against any employee on the basis of pay because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such employee is an unfair employment practice. The bill specifies that reducing the wage rate of other employees to the same level as the employee(s) subject to the lower wage does not eliminate the wage discrimination violation. Unfair or discriminatory practices of wage discrimination occur when a discriminatory pay decision is made, when an individual becomes subject to a discriminatory pay decision, or when an individual is affected by application of a discriminatory pay decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision.

Affirmative defenses of wage discrimination may be made if: wage payments are part of a seniority system or merit system; wages paid according to measures of the quantity or quality of production; or is based upon a factor other than those prohibited. Damages paid to the individual subject to the prohibited discrimination can include court costs, attorney fees and two times the wage differential during the period in which the discrimination was occurring and three times the wage differential if this was a willful violation.

SF 159 – Electrician Licensure
NB *Supervisors*

This bill provides for a residential electrician and residential master electrician license and makes other conforming changes. Notable is a grandfathering provision that allows a local government to determine what work may be performed by a class B licensee within a political subdivision as long as it does not prohibit a class B licensee from performing any type of work that the licensee was authorized to perform within the political subdivision under the authority of a license validly issued or recognized by the political subdivision on December 31, 2007.

SF 186 – Definition of a Veteran
LH *All County Officials*

This bill gives non-resident veterans the same preferential hiring treatment as resident veterans for government jobs. The bill specifies that it does not preclude an equally qualified Iowan who is not a veteran from being given an interview.

SF 207 – Housing Trust Fund
JS *All County Officials*

This bill relates to the Iowa Finance Authority (IFA), but the provisions of most interest to counties relate to the Iowa Housing Trust Fund. The bill provides that any money IFA receives from the national housing trust fund shall be deposited in the Iowa Housing Trust Fund. Under current law, exactly 60% of the money in the Iowa fund is allocated for local housing trust funds, and 40% is allocated to project-based housing programs in areas where a local housing trust fund does not exist. The bill provides that "at least 60%" of the money in the Iowa fund shall be used for local housing trust funds, and that any remaining money be allocated to project-based housing programs in areas where there is no local housing trust fund, or when the project-based program is not eligible for funding through a local housing trust fund.

SF 224 – Plumbing Licensure
NB *Supervisors*

This bill makes cleanup changes to the plumbing licensure law. It adds language related to routine maintenance, chapter inapplicability, and the creation of a contractor's license and restricted license. Finally, the bill addresses fees and strikes exam requirements that are currently in law. Clarifying language is included that specifies the inapplicability of this provision to local government employees who are performing mechanical or plumbing work on a government-owned or government-leased facility while in the scope of their employment.

SF 279 – Abbreviated Electric Transmission Franchise Process
JS *Supervisors, Zoning*

This bill establishes an expedited process for owners of certain electric transmission lines to upgrade their lines. The bill puts into place an abbreviated franchise process for these entities to upgrade their equipment, as long as the upgrade will meet required safety standards, be on substantially the same right of way, and have substantially the same effect on underlying properties. The abbreviated process does not require public notice or a public informational meeting.

Effective Date: Upon enactment

SF 288 – County Recorder Technical
HD *Recorders*

This bill updates references to indexing and maintaining records in the recorders offices in books since all recorders maintain their records in an electronic format and no longer keep records in books. Three current sections of law regarding recording fees are incorporated into one section. The bill clarifies language to say that the $10.00 non-standard fee may not apply to legibility requirements, original signatures, or the taxpayer name and address on documents of transfer. In addition, recorders are no longer required to initial the amount of transfer tax on documents of transfer.

COUNTY ADMINISTRATION & ORGANIZATION

SF 389 – Health Care Reform and Coverage of Adult Children
BP *Auditors, Supervisors*

HF 2539, which was passed in the 2008 legislative session, required employers to provide health care coverage to adult children up to age 26 regardless of their status as a dependent. HF 2539 was interpreted to allow continuation of existing coverage but did not provide for re-enrollment of adult children who had previously terminated coverage. Additionally, employees who exercised this option to cover adult children soon discovered they had incurred both a state and federal tax liability for the "fair market value" of coverage for non-dependent adult children. The bill addresses two issues related to health care coverage for adult children.

First, the bill provides that if the health benefits coverage or insurance of an Iowa taxpayer includes coverage of a nonqualified tax dependent as determined by the federal internal revenue service, the amount of the value of that coverage is not subject to state income tax. This section applies retroactively to January 1, 2009.

Second, the bill, related to group health insurance for public employees, requires that adult children who are unmarried, residents of this state and up to 25 years of age, or who are full-time students, be allowed to reenroll in previously existing dependent coverage of their parents. Currently, those provisions only allow continuation of such existing coverage. This applies to policies, contracts, or plans that are continued or renewed on or after July 1, 2009.

SF 415 – Disaster-Affected Abandoned Property
JS *Recorders, Supervisors, Treasurers*

This bill establishes a procedure for cities to petition the court to obtain title to "disaster-affected abandoned property," which is defined as an abandoned building and the land on which it is located, if the building was damaged by a disaster between May 1, 2008, and September 1, 2008, is located in a disaster area, constitutes a public nuisance, and for which rehabilitation is not feasible. At least 30 days before filing the petition, the city must notify the property owner, any tenants, and any lien holders of record – including the county and tax sale certificate holder if delinquent taxes are due on the property – of its intent is to petition to be awarded title. Those same parties are to be listed as respondents to the petition, and are entitled to service of the petition. There will be a hearing on the petition not fewer than 60 days after it has been filed. At the hearing, the court shall determine whether the property qualifies as a disaster-affected abandoned property. If the property does qualify, or if the city gets consent from all interested parties, the court shall award title of the property to the city. However, if at any time during this process the property owner requests the petition to be dismissed, the court shall dismiss the petition.

If a city gains title to the property, the city must pay respondents the fair market value of the property in its current condition. That payment is to be made to the clerk of court, and notice of the payment must be given to all respondents, who may then claim the payment. If any part of the payment remains unclaimed after two years, the clerk of court shall transfer the money back to the city. The city may deposit the money in the general fund or in a "property rights defense account." This account is to be used to reimburse property owners for legal fees incurred as a result of a petition being initiated under the bill.

SF 436 – Satellite Voting Observers
HD *Auditors*

This bill requires the county commissioner of elections to notify the political parties at least seven days before the date that absentee ballots will first be available of the time and place of operation of satellite absentee voting stations in order to allow the parties to appoint observers to be present at the stations.

SF 437 – Open Meetings/Open Records and Pioneer Cemeteries
LH *Supervisors*

This bill adds the governing boards of drainage districts or levee districts and ancillary committees and taskforces created under any 28E agreement to the entities covered under Iowa's open meetings and open records law. The bill: clarifies current law saying trustees must post notice of budget, levy and fire protection issues; changes the time frame for the meeting notice from 48 hours to 24 hours prior to the meeting; and strikes the sentence that townships do not have to post notice of minor and ministerial matters.

The bill also changes the law regarding pioneer cemetery eligibility from no more than six burials in the last 50 years to no more than 12 burials in the last 50 years, thereby increasing the number of cemeteries that would be eligible for the pioneer designation.

SF 452 – Energy Efficiency Grants
NB *Supervisors*

This bill directs the Office of Energy Independence (OEI) to establish a community grant program for energy efficiency projects with four percent of the moneys deposited in the Power Fund. Counties are among the list of eligible applicants. The goal is to implement projects intended to reduce energy consumption and make communities in this state more sustainable and energy efficient. Grant awards pursuant to the program would vary between $1,000 and $50,000, with eligibility and approval criteria to be established by the Power Fund board by rule. Types of eligible projects include: (1) projects that promote the

installation of renewable energy systems by homeowners and small businesses; (2) projects for the development of community energy savings programs; (3) programs that publicize energy savings plans; (4) K-12 education programs focused on increasing energy efficiency efforts; (5) projects spurring the creation of community/regional energy efficiency efforts; and (6) projects for the development of a low-cost energy efficiency public awareness campaign. An applicant must provide matching funds of at least 50% of the total cost of the project, in cash or kind.

SF 465 – Identity Theft Protection Act
HD *Recorders*

This bill relates to the duties and authority of county recorders and the county land record information system (CLRIS). Each county shall participate in the Iowa Land Records system and shall comply with the policies and procedures established by the governing board.

In order to comply with the new requirement to redact personally identifiable information (Social Security numbers, credit, debit, and bank account numbers) from electronic documents or records, the current e-commerce fee of $1.00 will be increased to $3.00 from July 1, 2009, through June 30, 2011, for all documents except for plats of survey.

The definition of "redact" or "redaction" means the process of permanently removing all or a part of personally identifiable information contained in an electronic document displayed for public access on a website, including a county website, or transferred to any person. Procedures for redaction shall be fully implemented by December 31, 2011.

The county recorder shall refuse to record any document presented for recording that contains personally identifiable information except upon payment of an additional recording fee of $10.00 per document.

Each county recorder is also required to maintain a permanent, unaltered original copy of each recorded document which may be viewed or copied in the office of the recorder.

The governing board of the CLRIS is required to submit a report to the General Assembly on or before January 1, 2012, containing information related to redaction efforts, a financial accounting of CLRIS, a summary of expenditures, and an analysis and recommendation regarding the continuance or discontinuance of the e-commerce transaction fee collected.

ENVIRONMENT & PUBLIC HEALTH

HF 314 – Department of Public Health Duties
HD *Public Health*

This bill relates to health-related activities and regulation by the department of public health involving lead-safe renovators, newborn and infant hearing screening, and public health disaster authority.

Division I – Lead-Safe Renovators and Child-Occupied Facilities
The bill establishes training and certification of lead inspectors and lead abaters by adding lead-safe renovators to the program. The renovator provisions replace an existing provision for a voluntary program for renovators. Other than a person's own residential dwelling occupied by the person or an immediate family member, performing a renovation of target housing or a child-occupied facility without obtaining a lead-safe renovator certification is prohibited. Training programs for lead-safe renovators are subject to the approval of the department. Violations are punishable by a civil penalty of not more than $5,000.

The bill adds a notice requirement for services provided at a child-occupied facility to current law requiring persons performing, for compensation, renovation, remodeling, or painting services for target housing. The required notice involves providing a pamphlet to the owner and occupant prior to commencing the services. For a child-occupied facility, the notice may be completed by posting a sign and a copy of the pamphlet.

"Child-occupied facility" is defined to mean a building or portion of a building constructed prior to 1978 visited by a child who is under six on a regular basis as specified in the bill. The bill lists examples of such facilities which include child care centers, preschools, and kindergarten classrooms and common areas routinely used by such children. Violation of the notice requirement is punishable by a civil penalty of not more than $5,000.

Division II - Newborn and Infant Hearing Screening
The bill provides for universal newborn and infant hearing screening. References to the initial applicability date of January 1, 2004, are eliminated.

In addition to existing reporting requirements, a birthing hospital, birth center, or person performing the screening is required to report hearing screening results or screening status to the primary care provider of the newborn or infant upon discharge from the birthing hospital or other facility. Additions to the required reporting information include identifying: the primary care provider; known risk indicators for hearing loss; and other information to be specified in departmental rule.

Language applying reporting requirements to area education agencies receiving information from the department is deleted and replaced with a requirement for audiologists.

Division III - Public Health Disaster Authority
The bill revises and adds to the department's duties and authority involving public health disasters and other disasters.

The bill provides definitions for the department's disaster preparedness provisions. The term "public health disaster" is expanded to include conditions that pose a high probability of short-term or long-term physical or behavioral health consequences to a large number of the affected population. The term "public health response team" is expanded to allow such a team to provide general disaster assistance rather than being restricted to disaster medical assistance.

The bill, specifying the department's duties involving disasters, includes emergency response and recovery activities involving public health.

The bill includes natural and man-made occurrences and incidents in the list of incidents for which the public health response teams can be requested by local medical or public health personnel or hospitals to provide support services. The department is required to provide by rule a process for registering and approving team members and sponsor entities. The department is authorized to expedite the registration and approval process when certain disaster or emergency conditions exist.

The bill authorizes the department to temporarily reassign employees for response and recovery efforts when there is a public health disaster.

HF 468- Unsewered Community Revolving Loan Fund
NB *Environmental Health, Public Health*

This bill provides for the Iowa Finance Authority (IFA) to administer an Unsewered Community Revolving Loan Fund program and establishes the fund. The program will provide 0% loans for purposes of installing sewage disposal systems with terms not to exceed 40 years. This program is designed to address unsewered cities and unincorporated subdivisions as small as six households to no more than 500. The language directs IFA to prioritize applications from disadvantaged communities and shall encourage the use of innovative, cost-effective sewage disposal systems and technologies. The bill specifies that the fund will be created in the State Treasury under the control of IFA and shall consist of moneys appropriated by the General Assembly and other moneys available to and accepted by IFA (including federal funds) for placement in the fund.

HF 826 – Recycling Planning
NB *Engineers, Environmental Health, Supervisors*

This bill makes technical changes to the Comprehensive Recycling Planning Task Force created by HF 2570 during the 2008 session. It requires several entities, including ISAC, to nominate members to the task force and specifies that the Governor will appoint them. Finally, the bill adds new entities as members able to nominate individuals to the task force.

SF 432 – Dry Bedded CAFOs
HD *Conservation, Public Health*

This bill limits the surface application of liquid manure from a confinement animal feeding operation between December 21 and April 1 for snow covered ground and February 1 and April 1 on frozen ground to only when there is an emergency caused by natural disaster, unusual weather, or equipment or structural failure. In such a circumstance, livestock producers will still be liable for any water pollution created and they must, prior to application, contact DNR by telephone, apply the manure pursuant to manure management plan provisions, to fields with phosphorus index rating of two or less; and block any down-gradient tile intake prior to application and for at least two weeks after completion of manure application. These wintertime restrictions do not apply either to small animal feeding operations, or if the liquid manure can be injected or incorporated into the soil on the same date.

The bill regulates dry bedded confinement feeding operations (DBCFO) for cattle and swine that typically use "hoop buildings." The bill authorizes the EPC to adopt rules necessary to regulate the construction or operation of DBCFO and stipulates construction requirements of DBCFO structures, and requires special flooring to prevent groundwater contamination. It also specifies separation distances between a DBCFO structure and various objects or locations, including: 500 feet from the surface intake of an agricultural drainage well; 1,000 feet from a wellhead cistern of an agricultural drainage well, known sinkhole, or a major water source; 200 feet from a water source; and 2,500 feet from a designated wetland. The construction of DBCFO within a 100 year floodplain is prohibited.

For air quality, a DBCFO separation distance of 1,250-feet is established for a stockpile and a residence not owned by the titleholder of the land, a commercial enterprise, a bona fide religious institution, an educational institution, or a public use area, with several exceptions that may apply, including when a titleholder executes a waiver, and the manure originates from a small animal feeding operation. The bill prohibits DBCFO stockpiling on a grassed waterway, on certain slopes, and on karst terrain or in an alluvial aquifer area. DBCFO are also required to file a manure management plan, including submission of a copy of a written agreement executed between the person and the person renting the land for crop production. DNR and the Attorney General are responsible for enforcing the provisions of the new DBCFO regulations and provide that a person who stockpiles dry bedded manure in violation of air quality restrictions is subject to a civil penalty and authorizes the EPC to establish civil penalty amounts according to a schedule not to exceed $10,000. A person who violates any other provision of the DBCFO chapter is subject to penalties for water quality violations as provided in existing law which includes a judicially assessed civil penalty of up to $5,000 per each day of the violation which is deposited into the animal agriculture compliance fund.

HUMAN SERVICES

HF 283 – County Veterans Commission
HD *Community Services, Supervisors*

This bill relates to administration of the county commissions of veteran affairs fund and the hours of service requirement for county commission of veteran affairs executive directors and administrators.

The bill provides that moneys received by a county from the county commissions of veterans affairs fund may be used to provide veterans services rather than only for the employment of an executive director or an administrator. The bill also provides that if a county fails to be in compliance with the requirements on June 30 of any fiscal year, all moneys received by the county from the county commissions of veteran affairs fund during that fiscal year must be reimbursed to the fund. The bill requires that moneys distributed from the county commissions of veterans affairs fund only be used to supplement and not supplant any existing funding provided by the county or received by the county from any other source.

The bill also amends the hours of service requirement for executive directors and administrators that are being shared between multiple counties. Instead of allocating the hours of service among the counties based on population, the bill requires each county to meet the hours of service requirement.

HF 317 – Assisted Living Services
LH *Community Services*

This bill directs the Department of Human Services to request a waiver from the Centers for Medicare and Medicaid Services to add assisted living services to the Medicaid home and community-based services waiver for the elderly. If approved, the bill requires specific action by the General Assembly for implementation of the waiver.

HF 488 – Service Animals
LH *Community Services*

This bill directs the Department of Human Services to submit a Medicaid state plan amendment to the Centers for Medicare and Medicaid Services to add the securing and maintaining of a service animal as an eligible service reimbursable under the Medicaid home and community-based services waivers.

HF 503 – Definition of a Veteran
LH *Community Services, Supervisors*

This bill adds residents of Iowa who served on active federal service, other than training, in the United States armed forces and were honorably discharged to the definition of a veteran. This enables all Iowans who are veterans, including peacetime veterans, to receive services from the county office of Veterans Affairs.

Effective Date: July 1, 2010

SF 152 – Transition Planning
LH *Community Services*

This bill makes various changes in regard to the Department of Human Services transition planning for children in foster care. The bill requires that, if the needs assessment indicates that the child is reasonably likely to enter the adult service system, the transition plan shall provide for the child's application for adult services and the transition team membership shall include representatives of the adult services system. The bill requires that the transition plan be reviewed during the 90 calendar day period preceding the child's 18th birthday and during the 90 calendar days immediately following that birthday, if the child remains in foster care.

SF 203 – Assisted Living Tenants and Veteran Benefits
DES *Community Services, Supervisors*

This bill requires assisted living programs receiving reimbursement through Medicaid to assist the Department of Veterans Affairs (VA) in identifying tenant eligibility for benefits through the VA. The bill includes a provision that ensures that the Medicaid program is the payor of last resort if there are benefits available through VA or other third party payor. The bill also requires the assisted living program to request information from the tenant or tenant's representative regarding veteran status and report to the VA the names of any tenants who are identified as potential veterans along with names of their spouses and any dependents.

SF 254 – County Commissions of Veterans Affairs
LH *Community Services, Supervisors*

This bill requires the Department of Veterans Affairs to report by August 31, annually to the Governor and the General Assembly with electronic copies to each county board of supervisors and county commission of veteran affairs on the activities of the county commissions of veteran affairs. Items that must be included in the report are: compliance with training requirements; the weekly operating schedule of each county office; number of hours of veterans services provided by each county office; the total population and the veteran population of each county; and the total amount of compensation, disability benefits, or pensions received by the residents of each county through the VA along with the department's analysis of this information.

SF 484 – Regulation of Boarding Homes
DES *Community Services, Public Health*

In reaction to the scandal regarding the unlicensed group home in Atalissa, this bill defines and regulates boarding homes under the purview of the Department of Inspections and Appeals (DIA). The bill also requires the Commissioner of Labor to develop and maintain a database of employers operating under a special certificate from the US Department of Labor and the Department of Human

Services to work with other agencies regarding the reporting and training of services for dependent adult abuse.

Funding for DIA to regulate boarding homes comes from moneys generated by DIA Medicaid prosecutions that are not credited to the Medicaid program.

LAND USE & RURAL AFFAIRS

HF 756 – Mississippi River Partnership
NB *Conservation, Supervisors, Zoning*

This bill creates the Mississippi River Partnership Council, comprised of various state and local governmental officials and private representatives, to discuss matters relevant to the health, management, and use of the river. The council will include, among others, ten voting members appointed by county boards of supervisors, one by each of the ten Iowa counties bordering the Mississippi river. In furthering its purpose the council may work with local communities to develop local and regional strategies, and make recommendations to appropriate state and federal agencies.

The bill also specifies the authority of a county to adopt an ordinance regulating a junkyard within a 500 year floodplain and includes counties in the list of entities that are eligible to receive local watershed improvement grants for water quality improvement projects.

Effective Date: The bill shall be implemented when persons appointed by the governor to act on behalf of the Mississippi river partnership council have notified the Governor that they have procured at least $25,000 dollars in funds or in-kind services providing for expenses associated with the start-up and first-year administration of the council.

HF 810 – Small Wind Innovation Zones
JS *Supervisors*

This bill creates a small wind innovation zone program. The purpose of the program is "to optimize local, regional, and state benefits from wind energy and to facilitate and expedite interconnection of small wind energy systems with electric utilities throughout the state." Qualifying wind energy systems shall have the benefit of a streamlined application process, a model interconnection agreement, and a model ordinance.

The bill directs ISAC and other groups to develop a model ordinance under which small wind energy systems can qualify for benefits. The ordinance shall include an expedited approval process for small wind energy systems. Any city or county adopting the ordinance can apply to the utilities division to be designated a small wind innovation zone. If an electric utility within the applying city or county has agreed to use the model interconnection agreement, the application shall be approved. The model interconnection agreement is to be developed by the Iowa Utilities Board, and shall allow for interconnection of the small wind energy system to an electric utility without compromising safety or causing any other adverse consequences. The bill provides that the owner of a small wind energy system shall qualify for the wind energy tax credit. The utilities division is required to report to the General Assembly annually on the progress of the small wind innovation zone program.

Effective Date: Upon enactment and applies retroactively to January 1, 2009.

SF 187 – Nonambulatory Deer Licenses
HD *Conservation, Recorders*

This bill allows a nonambulatory resident to be issued an any sex deer hunting license which is valid and may be used to hunt deer with a shotgun or a muzzle loading rifle during any established deer hunting season.

A person who obtains the license is not required to pay the wildlife habitat fee but must purchase a deer hunting license and hunting license, be otherwise qualified to hunt, and pay a one dollar fee. A person may obtain a license under this section in addition to any other deer hunting licenses for which the person is eligible.

For the purposes of the bill, "nonambulatory person" means an individual who has received a nonambulatory person's permit from the department as provided by rule, and at a minimum has one or more of the following conditions: paralysis of the lower half of the body, usually caused by disease or spinal cord injury, or the loss or partial loss of both legs, or any other physical affliction which makes it impossible for the person to ambulate successfully.

SF 268 – Watershed Improvement Grant
NB *Conservation, Supervisors, Zoning*

This bill expands the time an award of an original local watershed improvement grant may be awarded from three years to five years, and allows an extension of the award up to five more years after the original award would have ended.

HF 266 – Magistrate Trials
JS *County Attorneys*

This bill requires all trials before a magistrate to be electronically recorded, unless the proceedings are reported by a certified court reporter.

HF 671 – Volunteer Emergency Services
NB *Emergency Management, Sheriffs*

This bill protects volunteer service providers, like reserve peace officers, volunteer firefighters, and EMS, from being fired from their jobs for missing work because they were fulfilling their duties in their volunteer role. The bill also provides employers with discretion to let volunteers leave work to respond to an event and also allows employers to deduct pay for time missed. Additionally, the bill expands the potential nominees the Governor can consider to sit on the statewide interoperability board and affects how boundary changes are made in an emergency response district.

Effective Date: The section of this bill amending nominees to the interoperability board takes effect upon enactment and applies retroactively to March 19, 2009. The section of this bill amending emergency response district boundaries takes effect upon enactment and applies retroactively to July 1, 2008.

HF 705 – Severe Weather Rooms
NB *Emergency Management, Supervisors*

This bill directs the state building code commissioner to adopt rules specifying standards and requirements for design and construction of safe rooms and storm shelters. These standards will be incorporated into the state building code.

Effective Date: The initial administrative rules shall be adopted by the state building code commissioner on or after February 1, 2010, but no later than April 1, 2010, and shall not become effective prior to July 1, 2010.

HF 762 – Certified Peace Officers Training Requirements
BP *Sheriffs, Supervisors*

A person appointed to serve as a reserve peace officer who has met the 150 hour training requirement obtained at a community college or other facility selected by the individual and approved by the law enforcement agency prior to July 1, 2007, shall be exempted from completing the minimum training course at the discretion of the appointing authority and shall continue to hold certification with the appointing authority.

SF 27 – Human Trafficking
LH *County Attorneys, Sheriffs*

This bill amends the definition of prohibited "commercial sexual activity" as an element of the crime of human trafficking to include: sexually explicit performance for which anything of value is given, promised, or received; participation in the production of pornography; and performance in strip clubs. The bill extends the protections of the victims' rights laws to child victims of human trafficking and requires the assignment of a guardian ad litem for a child who is a prosecution witness.

SF 209 – Department of Public Safety Matters
HD *County Attorneys, Sheriffs*

This bill relates to the practices and procedures of the Department of Public Safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage.

The bill provides that upon request of a law enforcement agency, the court may order that a portion of a controlled substance subject to forfeiture and destruction, become the possession of the requesting law enforcement agency for the sole purpose of canine-controlled substance detection training. A law enforcement agency receiving a controlled substance under the bill is required to establish policies and retain certain records if a controlled substance is received under the bill.

The bill provides that custody and adjudication data of a juvenile shall remain part of the criminal history data of that juvenile after the juvenile has reached 21 years of age for the purpose of administering the requirements of the sex offender registry.

The bill does not affect juvenile registration provisions which require a juvenile to register as a sex offender unless the court finds that the juvenile should not be required to register.

SF 280 – Disaster Immunity
NB *Emergency Management, Sheriffs*

This bill adds language that specifies that an emergency includes, but is not limited to, a disaster or the period of time immediately following a disaster, for which the Governor has issued a proclamation of a disaster emergency.

SF 328 – Hazardous Substance Cleanup
NB *County Attorneys, Emergency Management, Environmental Health, Public Health, Sheriffs, Supervisors*

This bill simplifies and clarifies state and local governments' ability to recover reasonable response and cleanup costs from those responsible for creating a hazardous condition or releasing a hazardous substance. Currently, when a settlement is not agreed upon, local governments must make claims for reimbursement through the Environmental Protection Commission. This bill gives authority to local governments to seek reimbursement directly and provides that

administrative and judicial review is still available in the event that settlement is not reached. If administrative or judicial review is sought, a local government must first submit an advisory request to the Department of Natural Resources (DNR) to determine whether the cleanup actions serving as the basis of the cleanup costs were consistent with the Code. The DNR is directed to issue a response within 30 days.

The bill also clarifies that cleanup expenses incurred by the state or a political subdivision shall be a lien upon the real estate constituting the hazardous condition site, recordable and collectable and attaching at the time the expenses are incurred. If no lien has been recorded at the time the person sells or transfers the property, then the person shall not be liable for any cleanup costs incurred by the state or a political subdivision.

SF 340 – Sex Offender Residency Law
LH *County Attorneys, Sheriffs*

This bill makes significant changes to the sex offender residency law. The bill classifies persons who must register as a sex offender into three tiers, based on their underlying conviction. Tier III offenders have the most restriction on their activities in the community. The 2,000-foot residency rule still applies to this group and they must report to the sheriff and update relevant information about their residence, employment and student status every three months. Tier I and Tier II offenders are no longer governed by the 2,000–foot rule, and they must report to the sheriff every year and every six months, respectively. All offenders are required to pay an annual fee of $25 to the sheriff in the county of principal residence.

The bill also adds exclusion zones and prohibits certain employment-related activities for offenders who have been convicted of a sex offense against a minor. Generally, these offenders are excluded from being present, loitering near, or operating, managing, being employed by, or acting as a contractor or volunteer in elementary and secondary schools, child care facilities, public libraries, playgrounds, recreational and sports-related areas, swimming pools and beaches. The employment prohibition also extends to fairs, carnivals, children's arcades, amusement centers and facilities providing programs or services intended primarily for minors.

SF 380 – Department of Public Safety
LH *County Attorneys, Sheriffs*

This bill changes the law regarding minors to make it an offense for a minor to enter or attempt to enter the gaming floor of a licensed gaming facility.

This bill also changes Iowa's "pen register" law to update the definitions to match federal definitions and current technology. This will ensure that the Department of Public Safety can use current technology to investigate serious crimes. The bill requires law enforcement to seek prior judicial review of pen register requests except in extraordinary circumstances where it is clear that someone is at imminent risk. A pen register is a device or process which records or decodes dialing, routing, addressing, or signaling information, but not the contents of the communication.

SF 441 – Mutual Aid Compacts
NB *Emergency Management, Supervisors*

This bill specifies that emergency management commissions are defined as "participating governments" for the purpose of entering into mutual aid compacts alongside other political subdivisions. Emergency management commissions are not granted taxing authority by this designation. The bill also makes participation in a mutual aid compact an "opt-out" program where all political subdivisions are automatically members and must affirmatively withdraw if they do not wish to remain members. Current participation in mutual aid compacts is on an "opt-in" basis.

HF 256 – Tax Sale Bidders
JS *Recorders, Treasurers*

This bill limits authorized tax sale bidders to individuals and other legal entities. It requires a business entity, in order to be authorized to bid at a tax sale or own any tax sale certificate, to have a federal tax identification number and one of the following: designation of an agent for service of process on file with the Secretary of State; or a verified statement of a trade name on file with the Secretary of State or county recorder in the county where the entity wishes to bid at tax sale or where the property subject to the tax sale certificate is located.

Effective Date: Upon Enactment

SF 43 – Property Tax Refund
JS *Supervisors, Treasurers*

This bill requires Buchanan County to abate or refund property taxes, including all interest, fees and costs, due for FY08 and FY09 on charitable property that was eligible for but did not receive a property tax exemption due to a failure to file for the exemption in those years.

Effective Date: Upon enactment and applies retroactively to property taxes due and payable in FY08 and FY09.

SF 44 – Disaster Area Local Option Sales Tax
JS *Auditors, Supervisors*

This bill allows cities and counties that have been declared disaster areas anytime in 2008 to impose a local option sales tax (LOST) through an expedited process. The bill requires a city or county to pass a motion stating its intent to impose a LOST and submit the motion to the county auditor by February 3, 2009, or March 10, 2009. If the February 3 deadline is met, the referendum on whether to impose the LOST will be held on March 3, 2009, and if successful, the LOST would be imposed beginning April 1, 2009. If the March 10 deadline is met, the referendum will be held May 5, 2009, and the LOST would be imposed beginning July 1, 2009. In addition to these timing changes, the bill provides that the petition method for requesting a vote on whether to impose a LOST is inapplicable. It also specifies that each city is treated as a separate entity for purposes of this process; in the typical LOST scenario, all contiguous cities are counted as one entity. Finally, the bill provides that the LOST revenue distribution shall be based on population and budget size for the three-year period beginning July 1, 2004; in the typical LOST scenario, revenue distribution is based on population and budget size for the three-year period beginning July 1, 1982.

Effective Date: Upon Enactment

SF 45 – County Bond Referendum Language
JS *All County Officials*

This bill removes the requirement that counties list the "total cost" of a project on the ballot proposition for general county purpose bonds. Counties are still required to list the purpose of the project and the amount of the bonds to be issued, and counties are not allowed to issue bonds that exceed the amount stated on the ballot. The bill merely allows counties the same ability as cities and schools to use other available funds (non-bond proceeds) to complete projects whose total cost exceeds the amount of the bonds. The bill requires the county to publish a notice of the amount and purpose of the bonds, along with a non-binding total cost estimate, with the minutes of the meeting at which the board adopts a resolution to call a special election on the question of issuing the bonds. This helps inform the voter while still providing counties with flexibility to complete important public projects. The bill applies retroactively to bond referenda approved prior to the effective date, but only if the county adopts a resolution stating that the project's total cost does not exceed 110% of the cost listed on the ballot.

Effective Date: Upon Enactment

SF 289 – Jumpstart Loans
NB *Supervisors*

This bill provides for the Jumpstart Housing Assistance program. Forgivable loans made pursuant to the program shall be forgivable over a five year period. One-fifth of the total principal amount loaned shall be forgiven following each full year the eligible resident owns the home for which the loan was made, beginning on the date of the final disbursement of forgivable loan proceeds.

Effective Date: Effective upon enactment, and is retroactively applicable to September 1, 2008, and is applicable on and after that date.

SF 304 – Withholding Tax Pilot Program
JS *All County Officials*

This bill relates to the targeted jobs withholding tax credit program. The program allows certain cities to enter into agreements with employers to give withholding tax credits to the employer based on their job creation and other qualifying investments. The bill provides that the agreement must state the total amount of withholding tax credits to be awarded, which shall not exceed the amount of qualifying investments. The bill also prohibits a city from entering into an agreement with an out-of-city employer when another Iowa community is competing for the same project and both cities are seeking assistance from the Department of Economic Development (DED). The bill allows pilot project cities to enter into agreements through June 30, 2013. The bill requires cities to report certain information to DED, and gives DED power to deny agreements if it fails to meet certain requirements, including a dollar-for-dollar local

match. Finally, if the project will increase an employer's "taxable capital investment" by at least 10% of the amount of credits received, the bill requires the pilot project city itself to contribute 10% of the local match. The city's share of the local match can include tax abatement. The remainder of the local match can include cash or in-kind donations from a private donor, a business, or the city itself.

SF 322 – Department of Revenue Tax Changes
JS *Assessors, Auditors, Treasurers*

The bill makes October 31 the required yearly completion date for each of the following property tax assessments made by the Department of Revenue: the general property listing required by Iowa Code §428.29; the telephone and telegraph companies tax assessment; the railway companies tax assessment and the related transmission to county auditors; the electric transmission lines tax; the adjusted assessed value determined for purposes of the tax on electricity and natural gas providers; and the pipeline companies tax assessment. The current deadlines are various dates in July and August.

SF 336 – CAT Waiver
NB *Supervisors*

This bill specifies that, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, an applicant for financial assistance under the community attraction and tourism program or the river enhancement community attraction and tourism program may apply to the vision Iowa board for a waiver of any local or private matching moneys required of the applicant by the board if the applicant is located in an area declared a disaster area by the governor or by a federal official.

SF 344 – Iowa Values Fund
HD *Supervisors*

The bill simplifies and reorganizes the Grow Iowa Values Fund and Department of Economic Development financial assistance programs. Each of the programs funded with values fund dollars were created at different times and each had different eligibility and reporting requirements. The bill standardizes the criteria and funds the programs through an actual "values fund."

In addition to harmonizing the reporting and compliance requirements for businesses, the bill eliminates the loan and credit guarantee program. It creates a new fund titled "threats and opportunities" which is designed to give the board flexibility to shift funds to projects in the event of an emergency or an opportunity.

Each individual program that utilized values fund dollars is now eliminated under the bill, but the function of each of those programs are still in tact, just slightly modified. Each function or "component" must meet a wage threshold – benefits partially included – of 130% of the average county or regional wage. However, at the beginning of the project the wage threshold is set at 100% of the average county or regional wage, and must meet 130% by the end of the project.

SF 456 – Wind Energy Credits
JS *All County Officials*

Current law limits a project's ability to apply for a wind energy production tax credit. The project must get approval from the county board of supervisors to apply for the credit, and the project cannot get the credit if it gets the special valuation for wind energy. Current law also requires, for projects receiving the credit, the property taxes paid by the facility to go to the state, not the local governments.

This bill eliminates these limits. It allows a project to receive the tax credit, while also receiving the special valuation and other tax incentives. It also provides that if a city or county has adopted an ordinance allowing special valuation of wind energy facilities, the project is automatically eligible for the credit. However, in that case, all property taxes paid by the facility will stay with the local governments, and will not go to the state. If a city or county does not have a special valuation ordinance in place, then the bill retains the provisions requiring county board of supervisors' approval and payment of property taxes to the state in order to receive the credit.

Currently only one facility receives the credit. This bill is expected to increase the number of facilities that will apply for the credit. In order to ensure that the property tax revenues generated by these facilities remain at the local level, ISAC encourages counties to adopt the special valuation ordinance.

The provisions affecting the tax credit under chapter 476B are effective upon enactment and apply retroactively to July 1, 2008.

SF 457 – Local Government Disaster Recovery
NB *Assessors, Emergency Management, Engineers, Supervisors*

This bill contains a legalizing act for disaster-related expenditures by a county that exceeded an original or previously amended FY08 budget between May 1, 2008, and August 31, 2008. Counties located in a state or presidential disaster area will be allowed to amend their FY08 budgets until the end of FY09 to reflect any actions taken in response to the disaster. ISAC is directed to provide a report to the Senate and House Rebuild Iowa committees by January 1, 2010, that summarizes the circumstances and actions taken by counties.

The bill also adds two new subparagraphs to essential county purpose related to remediation, restoration, repair, cleanup, replacement, and improvement of property, buildings, equipment, and public facilities damaged by

disaster and reimbursement of the general fund or other funds for disaster expenditures. These new subparagraphs may only be used in a county located in a state or presidential disaster area. General obligation bonds issued for the two new essential purposes may be retired over 30 years rather than 20 years, but may only be accessed for this purpose within 10 years after a given disaster declaration. Additionally, the bill is subject to a reverse referendum process for bonds greater than $3 million.

The bill also provides local governments and 28E entities more flexibility in entering into emergency repair contracts without holding a hearing or a public bid. The city emergency repair provision, which counties also use for this purpose, was changed to allow a "chief officer or official of the governing body of the (county)" to institute emergency proceedings. Currently, only the entire governing body acting together has authority to do this. Also, currently, a certificate stating that the emergency repairs are necessary must be procured from a licensed professional engineer or registered architect not in the regular employ of the county before you can proceed. The law is changed to allow any licensed professional engineer or registered architect to certify the necessity of the repair. This could include a county engineer.

The bill also provides for a disaster revitalization program that counties may adopt within state or federal disaster areas. Provided counties observe some mandatory conditions in developing the area, the real property within the disaster area is eligible to receive up to 100% tax exemption for up to five years on the increase in value from the 2007 valuation if the increase is attributable to revitalization occurring between May 25, 2008, and December 31, 2013. The local government may allow for a smaller exemption. Finally, the bill provides for a housing tax credit for disaster recovery projects.

Effective Date: All divisions take effect upon enactment. Division IV applies to disaster recovery housing project costs incurred on or after the effective date of this Act and before July 1, 2010.

SF 481 – Historic and Cultural Tax Credits
JS *All County Officials*

This bill provides tax credits to developers who rehabilitate historical buildings. Current law provides $20 million annually for these tax credits; the bill increases the annual credit maximum to $50 million. Recipients are eligible for a credit equal to 25% of the cost to rehabilitate the property. The bill also changes the allocation between subcategories of recipients. Of the total annual credits of $50 million, the bill reserves 10% for projects that cost $500,000 or less; 30% for cultural entertainment districts or great places; 20% for disaster recovery; 20% for projects that create at least 500 new jobs; and 20% for any project. If any of the money reserved for cultural entertainment districts or great places, or for projects that create at least 500 new jobs, goes unclaimed, that money reverts to disaster recovery projects.

SF 483 – Aggregate Tax Credit Limit
JS *Supervisors*

This bill limits the aggregate amount of tax credits to a maximum of $185 million each year for five tax credit programs. The following tax credit programs will be limited: High Quality Job Creation Program; Film, Television and Video Promotion Program; extra research credit under the Quality Jobs Enterprise Zones Program; Enterprise Zone program; and Assistive Device Tax Credit Program.

The bill also places a $6 million cap on how much the Agricultural Development Authority can issue for a program that encourages farmers to transfer their assets to a beginning farmer.

TRANSPORTATION

HF 481 – Distiller Trucks
NB *Engineers, Treasurers*

This bill allows a vehicle registered as a special truck to haul a load of distillers grains with a gross weight of up to 25% in excess of the gross weight for which it is registered. The intent is to allow farmers, after they have delivered grain to a facility, to haul distillers grains on the return trip.

SF 419 – DOT Omnibus
NB *Engineers, Supervisors, Treasurers*

This is the annual DOT omnibus bill. The bill makes several technical changes relating to driver licensing. The bill also makes several changes regarding various types of vehicles, including busses and other transit equipment, abandoned vehicles, dealer's licenses, and prohibitions on recyclers. The bill makes changes to enforcement matters and makes a language change regarding fuel tax revenues. Finally, the bill places a cap of $225 million on the TIME-21 Fund. Should funding reach this level in a given year, any funds beyond this amount will revert back to the Road Use Tax Fund to be distributed via that formula.

Effective Date: The portion of the act pertaining to the cap on the TIME-21 Fund is effective upon enactment.

HF 414 – FY09 Supplemental Appropriations
JS *All County Officials*

This bill makes supplemental appropriations and deappropriations for FY09. Overall, the bill reduces FY09 general fund appropriations by $30 million, transfers $48 million of revenue to the general fund, and makes supplemental appropriations of $17 million. Supplemental appropriations of interest to counties include:
For county confinement of state prisoners $14,520
For offender mental health and substance abuse treatment $375
To restore the across-the-board cuts to mental health property tax relief $1,326,000
To restore the across-the-board cuts to mental health state cases $203,372
To restore the across-the-board cuts to mental health community services $272,318
To restore the across-the-board cuts to mental health allowed growth $811,220

- Payments restoring all of these across-the-board cuts in the mental health area shall be made within 15 days of the effective date of the bill.

The bill transfers $844,182 from the local government innovation fund to the general fund of the state. It also eliminates the local government innovation fund and provides that any balance in the fund at the end of FY 2010, and any future transfers to the defunct fund, shall go to the general fund of the state.

The bill also legalizes the Jumpstart housing assistance and small business programs implemented by the Governor in the fall of 2008. Twelve million that was designated for the river enhancement community attraction and tourism fund is instead directed to the Jumpstart programs.

The bill allows IPERS members who have an employer-mandated reduction in work hours but remain on the payroll to have their retirement allowance calculated based on what their salary would have been without the reduction in hours. The member must pay an additional contribution amount equal to what would have been paid by both the employee and the employer had the hours not been cut. The member must notify IPERS of the intent to make additional contributions before terminating covered employment.

All relevant provisions of the bill are effective upon enactment.

HF 805 – Transportation Appropriations
JS *All County Officials*

This bill makes appropriations for FY10 from the Road Use Tax Fund and the Primary Road Fund to the state Department of Transportation.

From the Road Use Tax Fund
For drivers' licenses production costs ..... $3,714,000 (+$667,000)
For county issuance of drivers' licenses and vehicle registrations and titles ..... $1,394,000 (-$48,000)

HF 809 – Administration and Regulation Appropriations
JS *All County Officials*

This bill makes appropriations from the state general fund to various administrative and regulatory state agencies for FY10, and includes policy provisions.

To the Governor's Office of Drug Control Policy ..... $348,368 (+$1,637)

To the Rebuild Iowa Office (RIO) $198,227

- RIO shall be repealed June 30, 2011.

To the IowAccess revolving fund ..... $1,000,000 (no change)

The bill allows the Iowa Ethics and Campaign Disclosure Board to enter into an agreement with a political subdivision to enforce the provisions of a code of ethics adopted by that political subdivision.

APPROPRIATIONS

HF 811 – 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 FY10.

General Fund and Block Grant Appropriations
To the Department of Elder Affairs
For case management for the frail elderly ..... $1,385,015 (-$1,403,208)

To the Department of Public Health (DPH)
For addictive disorders ..... $28,652,500 (+$25,570,351)
For strengthening local health care delivery systems ..... $4,116,847 (+$2,356,315)
- For an initiative to expand and improve the workforce engaged in mental health treatment and services
  - To the University of Iowa ..... $159,700 (-$16,446)
  - To the state mental health institute at Cherokee ..... $125,802 (-$14,498)

For reducing public exposure to environmental hazards ..... $1,000,391 (+$237,933)
- For childhood lead poisoning prevention, testing and remediation ..... $601,631 (+$480,631)

For infectious diseases prevention and care ..... $1,630,661 (-$227,625)
For public protection ..... $3,569,986 (+$408,973)
- To the emergency medical services fund ..... $549,240 (-$94,260)

To the Department of Veterans Affairs (DVA)
For the Iowa Veterans Home ..... $11,326,650 (-$1,367,504)
For educational assistance for children of deceased veterans ..... $22,944 (-$4,056)
For the county commissions of veterans affairs fund $1,000,000

To the Department of Human Services (DHS)
From the Temporary Assistance for Needy Families (TANF) Block Grant
- For MH/DD community services ..... $4,894,052 (no change)

For Medical Assistance ..... 681,949,840 (+$32,320,571)
- The total Medical Assistance appropriation listed is as amended by SF 478 (standing appropriations).
- For an integrated substance abuse managed care system ..... $950,000 (no change)

For state supplementary assistance ..... $18,412,646 (-$198,739)
For child and family services ..... $90,591,451(+$1,264,823)
- Up to $34,200,400 (-$1,641,344) is to be used for group foster care maintenance and services.
  - 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%.
- $1,717,753 (-$1,887,247) is allocated specifically for de-categorization service funding pools and governance boards.
- State funding for shelter care is limited to $7,686,460 (+$614,245).
- For grant renewal for implementation of a runaway plan ..... $75,741 (-$4,259)
- For continuation and expansion of child protection sites ..... $590,780 (+$172,780)
- For continuation of minority youth and family projects ..... $355,036 (-$24,223)
- For a substance abuse and mental health services grant ..... $281,217 (-$18,783)

For MI/MR/DD state cases ..... $11,446,288 (-$1,620,890)
For MH/DD community services ..... $15,790,111 (-$2,227,779)
- For the MH/DD community services fund for FY08 ..... $15,763,951 (-$1,963,939)
- For the Iowa Compass program $26,160

For Medicaid, state supplementary assistance and provider reimbursement rates
- Generally, the bill maintains provider rates at the same level in FY10 as in FY09.
- The bill provides that the actual and allowable reimbursement rates for juvenile shelter care homes shall be determined based on a financial and statistical report submitted to DHS. The state's share of the cost per day is capped to $92.36 (no change from FY09).

Senior Living Trust Fund and Other Appropriations
To the Department of Elder Affairs
For case management for the frail elderly ..... $8,486,698 (+$6,289,731)

County MH/MR/DD/BI Allowed Growth Distribution
For distribution to counties of mental health allowed growth funding for FY10 ..... $69,872,721 (-$9,528,578)

- For reimbursement increases that formerly came from the Healthy Iowans Tobacco Trust $146,750
- Special allocation $12,000,000
    - Eligibility for this pool is conditioned on a county having a FY 2008 fund balance of 15% or less and a FY10 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 $37,626,596
    - Eligibility for this pool is conditioned on a county having a FY 2008 fund balance of 25% or less and a FY10 levy of 100%.
- Community services $15,763,951
    - All counties are eligible for funding from this pool.
- Withhold target $7,664,576

Withholding factors for FY10

- 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 90% of their maximum mental health levy in FY10 and meet the reporting deadlines. The bill requires the co-chairs of the HHS appropriations subcommittee to appoint a task force of stakeholders to address the county adult mental health service delivery system during the 2009 legislative interim. The bill requires the MH/MR/DD/BI Commission and the Iowa Mental Health Planning Council to meet at least quarterly to coordinate efforts. It also allows DHS to adjust downward the per diem rates billed to counties for the cost of care for patients at a state resource center, as necessary to comply with the federal stimulus bill.

Health Care Trust Fund Appropriations

For a mental health professional shortage program ..... $163,600 (-$36,400)
For psychologists in urban and rural mental health professional shortage areas $40,900
To pilot county local boards of health to assist patients in determining an appropriate medical home $82,796
For Medicaid ..... $111,834,156 (-$3,109,140)

Miscellaneous Code Changes

The bill implements the Iowa Public Health Modernization Act, but only to the extent funding is available. The Act establishes the Iowa Department of Public Health as the lead agency to administer the Act. It establishes a Governmental Public Health Advisory council to advise the department on the administration and implementation of the Act. The council will propose standards that will be the basis for voluntary accreditation of local public health agencies and the department. The council will also recommend an independent entity that will administer the accreditation process. The Act also establishes a Governmental Public Health Evaluation committee and authorizes a data collection system. The committee will collect and report baseline information on public health system and service delivery effectiveness and needs. The data will be used to evaluate the effectiveness of the public health system and the voluntary accreditation process. The Act also establishes a Governmental Public Health System Development Fund dedicated to assist local boards of health and the department in administering and implementing the act and sustaining the state public health system including grants to local boards of health. The Act outlines the adoption of rules by the State Board of Health and establishes a civil penalty for any local board of health or local public health agency that fraudulently claims to be accredited under this chapter.

The provision of the bill implementing the Iowa Public Health Modernization Act is effective upon enactment, and the provision allowing DHS to revise downward county per diem rates at state resource centers is effective upon enactment and applies retroactively to October 1, 2008.

APPROPRIATIONS

HF 820 – Federal Block Grant and ARRA Appropriations
JS *All County Officials*

This bill appropriates funds made available from federal block grants for the federal fiscal year beginning October 1, 2009, to various state departments and agencies.

To the Department of Economic Development
For community development block grants ..... $25,700,000 (+$58,000)

To the Department of Human Rights
For community services block grants (CAP agencies) ..... $7,037,445 (-$3,230)
For low-income home energy assistance ..... $36,762,408 (+$419,222)

To the Department of Human Services
For community mental health services (CMHCs) ..... $3,500,167 (-$131,006)
For social services ..... $16,680,041 (-$152,680)
- MH/MR/DD/BI community services (local purchase) ..... $7,540,812 (-$69,024)

For child care and development ..... $43,311,572 (+$2,099,252)

To the Department of Justice
For the stop violence against women program ..... $1,393,190 (+$80,543)

To the Drug Policy Coordinator
For substance abuse treatment programs in state and local correctional facilities ..... $77,360 (+$2,367)
For Byrne grants (state and local law enforcement assistance) ..... $1,052,157 (+$171,948)

To the Department of Public Health
For substance abuse treatment and prevention ..... $13,477,961 (+$3,061)
For maternal and child health services ..... $6,512,104 (-$67,451)
For preventive health and health services ..... $1,064,859 (-$19,665)

The bill also includes provisions designed to implement the federal stimulus bill – the American Recovery and Reinvestment Act (ARRA) – on the state and local levels.

To the Department of Human Services
For Medicaid $6,237,173
For mental health property tax relief (in lieu of part of the general fund appropriation) $10,480,000
For the mental health Risk Pool $10,000,000
For mental health state cases $325,430

To the Department of Transportation $5,550,000
- This appropriation will be split equally between the cities' street construction funds and the counties' secondary road funds. The money must be spent within two years, and the DOT shall annually provide a report to the Legislative Services Agency about the projects funded with this appropriation.

For community development block grants $21,607,197
For disaster relief block grants $125,297,142

HF 822 – Infrastructure Appropriations
JS *All County Officials*

This bill makes infrastructure-related appropriations from a number of sources to various state departments and agencies for FY10 and later years.

From the Rebuild Iowa Infrastructure Fund (RIIF)
For historical site preservation and restoration ..... $1,000,000 (no change)
For the Iowa Great Places program $1,900,000
For structural and technological improvements to local libraries ..... $1,000,000 (no change)
To help local governments rebuild and repair roads $14,750,000
- The bill also appropriates an additional $24,700,000 in FY11 for the same purpose.

- The appropriation will be split equally between cities and counties, and must be spent within two years.

For county fair infrastructure improvements ..... $1,590,000 (+$530,000)

- The bill cuts the FY09 appropriation by $530,000. The FY10 appropriation is the same as the original FY 2009 appropriation.

For recreational trails ..... $3,500,000 (+$500,000)
For a veterans home ownership assistance program ..... $1,600,000 (no change)

The bill requires every recipient of RIIF funding to provide a project status report annually to the state department responsible for the appropriation. The report shall describe the project, the progress of work completed, the total estimated cost, a list of all revenue sources for the project, and the estimated completion date.

The bill creates the Iowa Flood Center at the University of Iowa. The Center shall develop hydrologic models for flood forecasting and mapping, and shall establish community-based programs to improve flood monitoring and prediction.

SF 376 – Iowa Jobs Program
JS *All County Officials*

This bill authorizes the state treasurer to issue $545 million in bonds for the following uses:

- $185 million for state vertical infrastructure projects.
- $360 million for the Iowa Jobs (I-JOBS) program, and for watershed flood rebuilding and prevention projects, soil conversation projects, sewer infrastructure projects, certain housing and public service shelter projects, public broadband and alternative energy projects, and projects related to bridge safety and rehabilitation of deficient bridges.

The bill creates the I-JOBS board and provides for its membership, duties, and application process. Membership on the board includes various state agencies and six public members appointed by the governor.

The bill allocates $118.5 million to the Local Infrastructure Competitive Grant Program. The I-JOBS board is to distribute the money as grants to cities, counties, or public organizations (nonprofits) applying for disaster rebuilding, reconstruction of local public buildings (FEMA PLUS), flood control and flood protection projects (includes relocation of housing), and future flood prevention projects.

The bill also allocates $46.5 million for targeted disaster rebuilding, mostly for Linn County and Cedar Rapids.

- Steam Energy Solution (Matched by IDED/City) $5,000,000
- Human Services Resource Replacement Center $10,000,000
- National Czech and Slovak Museum $10,000,000
- Fire stations in three different cities ($500,000 each) $1,500,000
- Options of Linn County (Mental Health workshop building) $5,000,000
- Paramount Theater $5,000,000
- Cedar Rapids Public Library $5,000,000
- Cedar Rapids Public Works Building $5,000,000

SF 467 – Agriculture and Natural Resources Appropriations
JS *All County Officials*

This bill makes appropriations for agriculture and natural resources programs for FY10 and includes policy provisions affecting agriculture and natural resources.

From the General Fund
To the Department of Natural Resources
For groundwater quality ..... $3,455,832 (no change)
For enforcing snowmobile laws ..... $100,000 (no change)
For underground storage tank programs ..... $200,000 (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 (no change)

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)
For regulation of animal feeding operations $360,000
For air quality monitoring ..... $425,000 (+$100,000)
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 ..... $18,000,000 (+$2,000,000)

This bill adds two exemptions to the time of transfer septic inspection program that was enacted last year. One exempts transfers for which consideration is $500 or less and the other exempts transfers between various types of business entities where the deed is given for no actual consideration other than for shares or for debt securities of the business entity. The final change made to the program is to delay the start date until July 1, 2010, rather than the original date of July 1, 2009.

SF 469 – Economic Development Appropriations
JS *All County Officials*

This bill makes appropriations for various economic development programs for FY10 and contains related policy provisions.

To the Department of Economic Development (DED)
For community development programs ..... $5,833,379 (-$615,337)
For business development programs ..... $5,965,227 (-$646,736)
For financial assistance to councils of governments ..... $144,000 (-$16,000)
To the workforce development fund ..... $4,000,000 (no change)

To the Department of Workforce Development (DWD)
For workforce development field office operations ..... $12,010,167 (-$392,939)

SF 472 – Judicial Branch Appropriations
JS *County Attorneys, Supervisors*

In addition to making appropriations for the judicial branch, this bill contains a number of policy provisions. It encourages the judicial branch to increase its delinquent fine collection efforts, and requires a semiannual update of the amount collected using the Iowa Court Information System. It also states the intent of the General Assembly that clerks of court operate in all 99 counties and "be accessible to the public as much as is reasonably possible."

The bill also contains a series of cost-cutting provisions. It allows a civil trial to be held in a county contiguous to the county with proper jurisdiction, if all parties consent. It allows any judicial officer to waive travel reimbursement for any travel outside the home county. Finally, it authorizes the Iowa Supreme Court to order unpaid leave for all judicial officers on any day that judicial branch employees are also on unpaid leave. Without this authorization, judicial branch employees could be placed on unpaid leave but judges and magistrates could not, because their salaries are set directly by the Legislature.

Effective Date: The provisions regarding waiver of travel reimbursement and unpaid leave for judicial officers are effective upon enactment.

SF 475 – Justice System Appropriations
JS *All County Officials*

This bill makes appropriations from the general fund and other funds to the justice system for FY10.

To the Iowa Law Enforcement Academy (ILEA) ..... $1,116,033 (+$117,082)
- 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, 2010.

To the Department of Public Defense
For the Homeland Security and Emergency Management Division (HSEMD) ..... $2,038,119 (-$233,462)
- 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 ..... $861,213 (-$106,770)
For offender mental health and substance abuse treatment ..... $24,799 (-$201)

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, 2009. Finally, the bill also requires DOC to report to the legislature on electronic monitoring of offenders.

SF 478 – Standing Appropriations
JS *All County Officials*

This bill makes appropriations for mental health allowed growth, property tax credits and other programs for FY10, 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 FY11 ..... $62,157,491
- This figure represents an increase of $8,048,721 (3%) over the final appropriation for allowed growth funding for FY10 established in HF 811 (the human services appropriations bill).

Property Tax Credits
The bill appropriates $101,395,597 from the general fund and $54,684,481 from the cash reserve fund to the property tax credit fund. The bill then appropriates that $156,080,078 from the property tax credit fund for the purpose of funding the following property tax credits. The balance of the credits is funded from the surplus remaining in the property tax credit fund at the end of FY09.
- Homestead ..... $100,658,781 (+$1,404,000)
- Agricultural land and family farm ..... $34,610,183 (no change)
- Military service ..... $2,400,000 (-$400,000)
- Low-income elderly and disabled ..... $23,204,000 (-$1,004,000)
- County treasurers shall notify the Department of Revenue (DOR) by June 8 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.

Other Appropriations
To the Rebuild Iowa Office for grants to specific cities $1,150,000
- For Marion County (for the benefit of Attica) $25,000
- For Delaware County (for the benefit of Oneida) $25,000

The bill reduces an appropriation made in HF 64 for individual disaster grants from $10,000,000 to $7,850,000.
For regional tourism marketing $957,809
For the Iowa Power Fund $24,000,000

Miscellaneous Policy Provisions
The bill repeals Iowa Code §331.660, which had appropriated $25,000 annually to Tama County for the purpose of providing an additional deputy sheriff to provide law enforcement on the Sac and Fox Indian Settlement. The bill also

repeals a portion of Iowa Code §307.45. That section, under current law, authorizes a city or county to assess the costs of a public improvement against the state under certain circumstances, but provides that an assessment of greater than $60,000 is not valid unless the legislature enacts a specific appropriation to pay for it. The portion of the section requiring specific appropriation for assessments in excess of $60,000 is repealed.

Upon enactment of SF 465 (relating to the CLRIS project), this bill requires CLRIS to immediately terminate the contract with its project manager and issue a new request for proposals to fill the position.

The bill allows certain charities, Indian Housing Authorities, and associations of war veterans who are eligible for a property tax exemption to file for the exemption by May 1, 2009, instead of February 1, 2009, if the organization missed the filing deadline due to the need to respond to a natural disaster.

The bill amends the public bidding law to require governmental entities to provide sufficient paper copies of the plans, specifications, and estimated costs of the proposed public improvement to prospective bidders. The bill also amends the civil service veteran preference law to require counties and other public employers to give preference in employment and appointment to veterans who are citizens and residents of the United States. Prior law limited the veteran preference to residents of the state of Iowa.

The bill prohibits a county from performing electrical inspections on a farm or farm residence. It also prohibits political subdivisions from charging a fee for an electrical inspection of an annual event benefiting a nonprofit association representing volunteer service providers.

The bill allows county supervisors to decrease their compensation at any time, without such action having any effect on the salaries paid to other elected officials and without regard to the compensation board's salary recommendations.

The bill makes counties eligible to receive local watershed improvement grants for water quality projects. Previously only county conservation boards had been eligible.

The bill requires Dubuque County to refund property taxes on certain charities that would be exempt from property taxes but for their failure to apply for the exemption. The application for refund must be filed by October 1, 2009, and applies for FY07.

The bill changes application deadlines for the mental health Risk Pool. For FY10, a county must apply by July 1, 2009. The risk pool board shall make its decisions by August 15, 2009, and the money shall be distributed by September 15, 2009.

The bill enacts or expands property tax exemptions for data centers and methane gas conversion property. The exemption for data centers includes property, other than land, buildings and other improvements, that is used by a data center business – including computers, cooling equipment, and other property. For methane gas conversion property, the current property tax exemption is expanded to include all such facilities used in an operation to decompose waste and convert waste to gas. Prior law limited the exemption to property used in conjunction with a sanitary landfill. The expanded exemption only applies to property originally placed in operation between January 1, 2008, and December 31, 2012.

Finally, the bill increases a number of hunting license fees. The fee increases range from $25 to $75.

The sections of the bill affecting CLRIS and property tax refunds and exemptions are effective upon enactment.

2009 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 27	State Bonuses
*HF 45	Medicaid Eligibility after Jail
HF 87	Gun Permit Fingerprints
HF 88	Gun Carry Permits
HF 92	Senior Home Owners
HF 98	Recreational Property Exemption
HF 107	Illegal Immigrants
HF 124	Local Immigration Ordinances
HF 126	Property Tax Classes
HF 128	Bike Riding
HF 135	Weapons Carry Permits
HF 147	Recreational Property Class
HF 151	Proving Insurance Coverage
HF 152	Commercial Tax Rates
HF 153	Commercial Tax Rates II
*HF 154	Equalization Orders
HF 168	Open Meetings
HF 171	Leased Vehicles
HF 177	Renewable Energy Home Credit
HF 181	Apartment Classification
HF 202	Assignment of Payments
HF 203	REAP Allocations
HF 205	Recall Elections
HF 333	Prevailing Wage
HF 352	Property Assessment Freeze
HF 438	Mailing Certified Records
HF 554	Medicaid Reimbursement Rates
HF 555	Fair Share
HF 559	Weapons Carry Permits II
HF 668	Commercial Property Tax
HF 746	Weapons Carry Permits
HF 795	Choice of Doctor
HF 802	Confinement Public Hearings
HSB 114	Proof of Insurance Penalties
SF 12	Mailing Certified Records
SF 155	Choice of Doctor
SF 183	Recreational Property Class
SF 202	Medicaid Reimbursement Rates
SF 258	Weapons Carry Permits
*SF 266	Equalization Orders
SF 448	Property Assessment Adjustment
SSB 1178	Proof of Insurance Penalties

* = Opposed after Amended

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

HF 34	Pseudoephedrine
HF 39	Precinct Closing Hours
HF 62	ALJ Final Determination
HF 70	County ID Fee
HF 93	Water Quality Fines
HF 123	County Juvenile Detention Homes
HF 131	Urban Renewal Plans
HF 150	Beverage Deposits
HF 234	MH/SA Parity
HF 249	Treasurers Omnibus
HF 391	Landfill Lining Exemption
HF 502	LOST-TIF
HF 538	Wind Energy Credit II
HF 682	Election Audits
HF 704	Executive Council Grants
HF 797	ICN Users
HF 798	Waste Tires
HSB 102	Judicial Buildings
HSB 119	Involuntary Hospitalization
HSB 156	Lease Filings
HSB 164	Gas Tax Increases
HSB 165	Wind Energy Tax Credits
HSB 192	Flood and Erosion Control
HSB 226	County MI Services
HSB 228	County MH/MR/DD Liability
SF 128	TIME-21
SF 230	Sanitary Disposals
SF 264	Board Appointments
SF 290	Disaster Aid Grant
SF 418	MH/SA Parity
SF 461	LOST TIF Repeal
SSB 1111	Judicial Buildings
SSB 1136	Involuntary Hospitalization
SSB 1182	Gas Tax Increases
SSB 1187	Lease Filings
SSB 1214	LOST-TIF
SSB 1303	County MH Funding

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