



# 2010 Iowa State Association of Counties Summary of Legislation

83rd General Assembly, 2nd Session





# ABOUT ISAC

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

The main purpose of ISAC is to secure and maintain cooperation among the counties and county officials, promote comprehensive study and resolution of local problems, 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.



**Contact Information:**

Iowa State Association of Counties  
501 SW 7th St., Ste. Q  
Des Moines, IA 50309-4540  
Phone: 515-244-7181  
Fax: 515-244-6397  
[www.iowacounties.org](http://www.iowacounties.org)

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# INTRODUCTION

In 2010 Iowa counties participated with the 2nd 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, all appropriations bills are located in the section entitled "Appropriations." 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, 2010. 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

LH - Linda Hinton, Government Relations Manager

MBM - Mary Beth Mellick, Fiscal Analyst/Public Policy Specialist

NB - Nate Bonnett, Legal 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

## **Maintenance of Funding**

ISAC was successful in maintaining funding to counties at the FY 2010 level after the Governor's 10% across the board cut. There was an effort to significantly decrease state funding to juvenile detention centers. If successful, this would have either forced centers to close or counties to increase their support of juvenile detention.

## **LOST-TIF**

Progress toward either amending or repealing the Local Option Sales Tax–Tax Increment Financing law was stymied this year. The LOST-TIF allows cities to unilaterally capture all increased LOST revenues and use them for a different purpose than authorized by a vote of the citizens. ISAC was able to block HF 2480, a bill that expanded on LOST-TIF by allowing the creation of sales tax bonding districts that could issue bonds secured by certain tax revenues collected within a district, including the LOST increment.

## **Cost Savings**

There was some legislative activity around ISAC's proposals to generate cost savings for counties. Each chamber had a bill on posting notices online and the issue was included in the State Reorganization bill, but ultimately, it was stripped in response to concerns raised by the newspaper lobby. ISAC's proposal for counties to have access to the Iowa Communications Network suffered a similar fate at the hands of the telecom industry.

The parties interested in the bill from last year, HF 45, which would require the suspension rather than the termination of Medicaid benefits while someone is in jail, failed to find the compromise needed around how the administrative work involved would be handled. While ISAC's proposal to treat farm tractor towing implements like all other combined truck-trailer units failed, ISAC did work with the agribusiness on a proposal to expand the use of six and seven axle trucks for hauling loads of agricultural products and byproducts.

## **Enhance Local Government Revenues**

Legislative activity to enhance local government revenues was minimal, with the exception of a proposal to allow cities and counties to increase their hotel/motel tax rate. This legislation received considerable discussion, but did not make it through the process.

# COUNTY ADMINISTRATION AND ORGANIZATION

## **HF 2109 - Government Ethics and Lobbying**

NB

*All County Officials*

This bill makes changes to Iowa Code Chapter 68B concerning government ethics and lobbying. It requires sponsors of functions where every member of the general assembly has been invited to file a pre-function registration in addition to the already required post-function report, the deadline for which has been extended from five to 28 days following the function.

It expands the reach of the legislative ethics committees to include issuing advisory opinions and receiving ethics complaints and charges against lobbyists or their clients of lobbyists. Prior to this, the committees only dealt with matters pertaining to other members of the general assembly. The committees may now adopt rules for taking action on valid complaints without requesting assistance of special counsel.

It makes some changes to lobbyist registration requirements, including removing the requirement for federal, state, and local officials or employees who are representing the official positions of their departments to file a letter of authorization from their department.

The bill also expands the annual lobbyists' client report on salaries, fees, retainers, and reimbursements to include the amount spent on both the legislative and executive branches.

Finally, the bill repeals Iowa Code §68B.37 concerning calendar and quarterly lobbyist reporting and replaces it with an annual registration requirement.

Effective Date: Upon enactment, February 10, 2010.

## **HF 2110 - Unemployment Insurance Benefits for the Spouse of a Veteran**

WRP

*All County Officials*

This bill allows unemployment insurance benefits for an individual who left employment because of the relocation of the individual's spouse due to a military assignment. An individual's employer shall not be charged for any benefits paid under this exception. The relief of charges applies to both contributory and reimbursable employers, notwithstanding in Iowa Code §96.8(5).

## **HF 2197 - Veterans' Holiday**

WRP

*All County Officials*

Employers are required to provide employees who are veterans, as defined in Iowa Code §35.1, with holiday time off for Veterans Day, November 11, if the employee would otherwise be required to work on that day. Employers have the discretion of providing paid or unpaid time off on Veterans Day, unless providing time off would impact public health or safety or would cause the employer to experience significant economic or operational disruption. The

employee is required to provide the employer with at least one month's prior written notice of the employee's intent to take time off for Veterans Day and provide the employer with a federal certificate of release or discharge from active duty, or such similar federal document, for purposes of determining the employee's eligibility for the benefit provided in this section. The employer is then required to notify the employee, at least ten days prior to Veteran's Day, if the employee shall be provided paid or unpaid time off on Veterans Day. If the employer determines that the employer is unable to provide time off for Veterans Day for all employees who request time off, the employer shall deny time off to the minimum number of employees needed by the employer to protect public health and safety or to maintain minimum operational capacity.

## **HF 2282 - Judgment Liens on Homesteads**

NB

*Assessors, Recorders*

This bill amends Iowa Code §624.23(2) to clarify that most judgment liens do not attach to homes unless they exceed the limitations specified to qualify as a homestead or are for specific statutorily defined debts. It clarifies that a claim of a lien against real estate claimed as a homestead is barred unless execution is ordered within 30 days of written demand by any person with an interest in the real estate. It requires the demand to contain an affidavit setting forth the facts indicating why the judgment is not a lien and provides that a warranty of title in a conveyance generally constitutes a claim of the homestead exemption against judgment liens. The demand may be served by certified mail and a copy is no longer required to be filed with the county recorder, but instead in the court file of the case where the judgment was entered. Finally, it provides for an expedited release of judgments by posting with the clerk of court a bond of an amount sufficient to pay the judgment. The bond will be released if no execution is ordered on the judgment within 30 days of the demand.

## **HF 2376 - Severance and Annexation**

NB

*Recorders*

This bill allows a land owner to request that land be severed from a city if the land could be annexed by another city without creating an island. It requires the approval of both cities and the City Development Board. The bill includes procedures to make the severance complete when the Board files various documents with both cities, the Secretary of State, the DOT and the county recorder of any affected county.

## **HF 2407 - Recorders Technical**

HD

*Recorders*

This bill defines the term "grantor" to be the transferor in a transaction used to create the recording index. The bill also specifies that for other instruments affecting real estate, "grantor" includes but is not limited to a seller, mortgagor, borrower, assignor, lessor, or affiant. The bill also defines the term "grantee" to be the transferee in a



# COUNTY ADMINISTRATION AND ORGANIZATION

transaction used to create the recording index and specifies that for other instruments affecting real estate, "grantee" includes, but is not limited to, a buyer, mortgagee, lender, assignee, lessee, or party to an affidavit who is not the affiant.

This bill requires the index to include the description of the real estate affected by the instrument rather than the description of the real estate that was conveyed, expanding the information kept in index records to all documents that have a legal description shown.

## **HF 2437 - Groundwater Hazard Statements**

*HD Environmental Health, Recorders*

This bill requires the seller of a property to ensure that the buyer receives a copy of the groundwater hazard statement and prohibits recorders from destroying them. It strikes the requirement that title abstracts include documentation of a sewer inspection and adds tax sales, property that will be demolished, systems installed within the last two years, and deeds arising from a land to the list of exemptions. The bill also includes the preemption of city and county sewer inspection ordinances by state law.

## **HF 2485 - Collective Bargaining Changes**

*WRP All County Officials*

This bill makes several changes related to public employee collective bargaining. The chapter is amended to make clear that one of the powers and duties of the public employment relations board (PERB) is to represent the board in court and to interpret, apply, and administer the provisions of Iowa Code chapter 20.

Iowa Code §20.10 was amended to eliminate the requirement that an act giving rise to a prohibited practice under this section must be willful to constitute a violation and that oral expression of views without threat of reprisal or force will not constitute or be evidence of a prohibited practice. Iowa Code §20.11 is amended to allow the use of technology to conduct a prohibited practice hearings and to allow PERB to designate one of its members or any other qualified person to preside at a prohibited practice hearing.

Iowa Code §20.15, concerning certification elections for exclusive bargaining representation, is amended. The bill provides that a petition for certification of an exclusive bargaining representative for a bargaining unit cannot occur if that bargaining unit is currently represented by an exclusive bargaining representative. The bill also provides that a petition for decertification of a certified exclusive bargaining representative cannot occur for a period of one year from the date of certification or the date of its continuing certification or in the duration of a collective bargaining agreement.

Iowa Code §20.18, concerning grievance procedures, is amended to provide that an agreement with an employee

organization may include procedures for the consideration of employee organization grievances in addition to public employee grievances. The bill also provides that arbitration shall be invoked only with the approval of the employee organization in all instances and, for employee grievances, the additional approval of the employee.

Iowa Code §20.21, that provides for fact-finding procedures for public employee collective bargaining, is repealed.

Iowa Code §20.22, concerning binding arbitration, is amended to provide that arbitration will be conducted by a single arbitrator, rather than a panel, and provides for the method of selecting the arbitrator. The bill provides that PERB will submit a list of five arbitrators to the parties upon the filing of a request for arbitration and then each party, in an order determined by lot, shall alternatively remove names from the list until one name remains.

## **HF 2518 - Iowa Public Employees' Retirement System Changes**

*WRP All County Officials*

This bill makes numerous changes to public retirement systems, including the Public Safety Peace Officers' Retirement, Accident, and Disability system, the Iowa Public Employees' Retirement System (IPERS), and the Statewide Fire and Police Retirement System. The bill exempts changes it makes to the IPERS system from Iowa Code 25B.2(3), the prohibition on unfunded mandates.

Iowa Code §97B.1A, is amended to add a definition for final average covered wage. The bill provides that a member's final average covered wage is the greater of the member's highest five years of a covered wage or the member's three-year average covered wage as of June 30, 2012. The new definition provides that a member's highest five years of covered wages shall be the lesser of the member's highest five years of covered wages or an amount equal to 134% of the member's highest calendar year of wages not used in calculating the member's five-year average covered wage. The bill provides that for the period from July 1, 2010, until June 30, 2012, a member's final average covered wage shall be the member's three-year average covered wage.

Iowa Code §98B.1A(25), concerning the definition of vested member, is amended to provide that beginning July 1, 2012, a member in regular service shall be vested if the member has completed at least seven years of service or has attained the age of 65 or greater while in covered employment. For members in special service, the bill provides that a member is vested if the member has completed at least four years of special service or has attained the age of 55 or greater while in covered employment. Current law provides that for both members in regular and special service, a member is vested upon completing at least four years of any service or has attained the age of 55 while an active member of the system.



# COUNTY ADMINISTRATION AND ORGANIZATION

The bill establishes a definition for vested by service which is included within the definition of vested member and includes only those vesting provisions that are based upon years of membership service and not solely based upon the age of the member.

Iowa Code §97B.4(4)(a), concerning the annual report to the Governor, is amended by striking the inclusion of information relative to investment management expenses described in Iowa Code §97B.7(3)(d).

Iowa Code §97B.11, concerning contributions by employer and employee, is amended to provide that beginning July 1, 2011, the required contribution for IPERS regular service members may vary by 1 percentage point from the required contribution rate for the previous year. Current law only allows a 0.5 percentage point variance and also applies to all categories of IPERS members. The bill also provides that the required contribution rate for regular members in IPERS shall be 13.45% for the fiscal year beginning July 1, 2011.

Iowa Code §97B.49A, concerning the calculation of a retirement allowance for regular members of IPERS, is amended to provide that the benefit shall be calculated using the member's final average covered wage and not the member's three-year average covered wage.

Iowa Code §97B.49D, concerning the hybrid formula, is amended to provide that a person is eligible to utilize this formula if the member is vested by service, based upon the new definition added in this bill. The Code section is also amended to provide that the calculation of the regular member's portion of the benefit shall be calculated using the member's final average covered wage and not the member's three-year average covered wage.

Iowa Code §97B.50, concerning penalties for early retirement, is amended to provide that for a member who is not vested on June 30, 2012, and who retires and receives a retirement allowance prior to the member's normal retirement date, the retirement allowance shall be reduced by 0.5% for each month the early retirement date precedes the date the member attains age 65. If the member is vested on June 30, 2012, the bill provides that the portion of the member's retirement allowance based upon years of service prior to June 30, 2012, shall be reduced, based on current law, by 0.25% for each month that the retirement allowance precedes the member's earliest normal retirement date and the portion of the member's retirement allowance based upon years of service after June 30, 2012, shall be reduced in the same manner as for members who were not vested on June 30, 2012. This provision takes effect June 30, 2012.

Iowa Code §97B.50A, concerning disability benefits for special service members, is amended to provide that certain cancers and infectious diseases contracted by special service members in a protection occupation are presumed to be a disease contracted while on active duty

due to the job for purposes of establishing a disability pension or providing a death benefit.

Iowa Code §97B.52, concerning death benefits, is amended to utilize the years-of-service definition created in this bill.

Iowa Code §97B.52A, concerning the determination of a bona fide retirement under IPERS, is amended. Current law allows, until July 2010, a person to retire, receive retirement benefits, and to return to covered employment as a licensed health care professional at a public hospital after one month and still receive retirement benefits. Most retirees under IPERS are not allowed to return to covered employment and continue to receive retirement benefits until at least four months after they retire. The bill extends the sunset of this shortened period for licensed health care professionals from July 2010 to July 2012. This provision of the bill also provides that a person retired under IPERS may return to non-covered employment as a member of the National Guard called to state active duty at any time for purposes of determining a bona fide retirement under IPERS. These provisions take effect upon enactment and the provision relative to the National Guard is retroactively applicable to May 25, 2008.

2009 Iowa Acts, chapter 170, is amended. That provision allowed an IPERS member to purchase additional wage credits equal to the pay the member would have received if the member was not furloughed and received a reduction in pay from January 1, 2009, until June 30, 2010. The bill extends this provision until June 30, 2011, and allows a person who has an employee-exercised reduction in pay by exercising union bumping rights the ability to purchase these wage credits. This provision takes effect upon enactment and is retroactively applicable to January 1, 2009.

The IPERS Department has compiled a set of questions and answers concerning all provision in HF 2518 that is available on their website at <http://www.ipers.org/newsroom/legislative/index.html>.

Effective Date: Various effective dates apply both retroactively and prospectively.

## **SF 2128 - Electronic Campaign Finance Reports**

HD

*All County Officials*

This bill re-codifies current language in a new code section, requiring that contributions in excess of \$50 from federal and out-of-state committees or organizations be disclosed to the board. Effective January 1, 2011, the disclosure shall be filed in an electronic format.

Under current law, effective January 1, 2010, all statements and reports filed by new committees for state office must be filed electronically. Effective January 1, 2012, all statements and reports filed by all committees for state office must be filed electronically. Commencing May 1,



# COUNTY ADMINISTRATION AND ORGANIZATION

2010, this requirement will also apply to a state statutory political committee and to a political committee expressly advocating for or against the nomination, election, or defeat of a candidate for statewide office or the general assembly. This bill provides that, commencing January 1, 2011, a county statutory political committee and any other candidate or committee involved in a county, city, school, or other political subdivision election that accepts monetary or in-kind contributions in excess of \$2,000, or incurs indebtedness in excess of \$2,000 in the aggregate in a calendar year, to expressly advocate for or against a clearly identified candidate or ballot issue is required to file all statements and reports electronically by 4:30 pm of the day the filing is due.

## **SF 2157 - Residential Real Estate**

*HD*

*Recorders*

This bill shortens the time period for the recording of an installment sales contract for real estate from 180 days to 90 days. The bill also shortens the time period for filing the disclosure statement from 45 days to 30 days.

The bill applies to real estate installment contracts signed on or after July 1, 2010.

## **SF 2194 - Election Technical**

*HD*

*Auditors*

This bill changes the deadline for political parties to provide the auditor with caucus information including names of elected party committee members and delegates to the county convention from 14 days to 60 days after the caucuses. The deadline to deliver voter registration forms to the auditor is still 14 days.

The bill also eliminates the requirement to use red ink and include the commissioner's signature on sample ballots for the primary election.

The bill adds "optional" behind the telephone number line on the eligibility slip for the primary election to match the eligibility slip requirements in all other elections.

The bill changes the threshold for reporting the names of individuals who received write-in votes from 2% to 5%. Individuals who do not receive at least 5% of the votes will be reported as part of "scattering."

The bill clarifies that voters who will be 18 years old by the date of an upcoming election and who have pre-registered to vote may request and cast an absentee ballot.

The bill requires a written notice to the commissioner making changes to a voter registration record to be signed by the voter. It may be submitted in person, by mail, by fax, or by electronic mail.

The bill requires election precincts to be named or numbered by the entity redrawing the districts after the

decennial census and clarifies that merged area boards must redraw director district boundaries after the decennial census.

The bill makes it clear that party balance among precinct election officials is only required for partisan elections.

The bill gives the auditor the ability to use voting equipment in all elections. The auditor may still use hand counted paper ballots in school elections and city elections where the population of the city is fewer than 3,500.

The bill removes the requirement to use separate ballots when using hand counted paper ballots for a school election or a small city election where there is a public measure on the ballot. An auditor is still allowed to use separate ballots when all of the offices and public measures will not fit on one ballot.

The bill clarifies that observers present at polling places in support or opposition of a public measure may look at eligibility slips or voter rosters like observers for political parties.

The bill clarifies that Precinct Election Officials hired to work at a precinct are not required to complete a challenge form.

The bill eliminates the requirement for county commissioners to prepare a turnout report and requires canvass summary reports to be sent to the Secretary of State (SOS) for state special elections in addition to primary and general elections.

The bill changes Iowa law to match new federal legislation requiring absentee ballots to be mailed to military and overseas voters at least 45 days before federal elections and eliminating the requirement for absentee ballot requests to be honored through two general election cycles. Absentee requests for military and overseas voters will be honored for all federal elections during a calendar year, unless the voter asks for ballots in local elections as well.

The bill clarifies that a school district may hold a Physical Plant and Equipment Levy (PPEL) election on one of the special election dates approved by the legislature in 2008.

The bill allows a little flexibility in the canvass time after a special election, changing the requirement from 1:00 pm to "no earlier than 1:00 pm."

The bill removes some obsolete and irrelevant language, corrects typographical errors, and makes other various technical and clarification changes.

**Effective Date:** The provisions that change the deadline for caucus information to be given to the auditor, make it optional to provide a telephone number, clarify that a notice making changes to a voter registration record needs to be signed, clarify that redrawn precincts need to be named



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and numbered, clarify the party balance for precinct election officials, remove requirement to use separate ballots when using hand counted paper ballots, allow observers present at polling places for public measures the same rights as observers for political parties, eliminate the requirement to prepare a turnout report and require canvass summary reports to be sent to the SOS for state special elections, allow flexibility in the canvass time for special elections, make changes to military and overseas absentee ballots, and make several other technical and clarification changes are effective July 1, 2010.

All other actions take effect upon enactment and apply to elections held on or after May 15, 2010.

## **SF 2195 - Campaign Finance**

*HD*

*All County Officials*

This bill requires an organization to disclose its political activities when the organization is advocating that an individual run for office, but the individual has not announced an intention to run for office. It also clarifies that a permanent organization temporarily engaging in political activities is required to disclose its campaign activities when involved in a ballot issue election as well as a candidate election. The bill sets the threshold for reporting at \$750.

This bill also directs the Ethics and Campaign Disclosure Board to adopt rules prohibiting the owner, publisher, or editor of a sham newspaper from promoting the candidacy of any person (currently the law only deals with situations where the owner, publisher, or editor is the candidate).

The bill provides that only a candidate actually participating in a runoff election is required to file a report five days before the runoff election.

## **SF 2196 - Election Policy**

*HD*

*Auditors*

This bill requires election precincts be composed of contiguous territory within a county, the boundaries of which are to follow the boundaries of census tracts. This takes precedence over the requirement that townships of over 2,000 population be divided into precincts of "reasonably equal" population.

The bill makes exceptions to the limitation that election precincts be redrawn or changed only in the year following the federal decennial census.

The bill allows a city to revise its precinct boundaries if there are revisions to the city's population data certified by the United States Census Bureau and provides that if such revised population data affects the population equality of supervisor districts, the temporary county redistricting commission shall be reconvened to revise the boundaries of those districts.

The bill authorizes the county commissioner of elections, when appointing an election board panel for nonpartisan elections, to give preference to persons identified by a city or school district as willing to serve without pay.

The bill allows for the substitution of a precinct chairperson during the course of the Election Day and also allows for substitution of an election official from a political party other than that of the official vacating if such substitution would not cause the political party balance among the precinct election officials to be out of compliance with statutory requirements.

The bill permits a city council of any city to notify the county commissioner of elections of persons in the city willing to serve as precinct election officials without pay. Currently this only applies to cities with a population of 3,500 or less. The auditor still has discretion whether to decide to appoint individuals designated by the city or not.

Currently, voters who have requested absentee ballots that come to the polls on Election Day must vote by provisional ballot. This bill allows a voter in this situation to cast a regular ballot at the polling place when the precinct election officials can confirm with the auditor's office that the voter's absentee ballot has not yet been returned, or when the absentee ballot has been returned but it must be rejected because the affidavit is incomplete or the affidavit is defective in some way. At the time the auditor's office confirms the voter's absentee ballot has not been returned, the auditor's office will be required to "VOID" the voter's absentee ballot in the statewide voter registration/election management system. Any ballots that are "VOID" in this system are flagged as they are returned to eliminate the risk of a voter's "VOID" absentee ballot being counted. In counties where it is difficult or impossible for precinct election officials to confirm whether a voter's absentee ballot has been received, the current practice of having voters cast provisional ballots will continue.

Effective Date: The provisions relating to officials serving without pay and substitution of precinct election officials take effect upon enactment.

## **SF 2218 - Election Changes**

*HD*

*Auditors*

This bill eliminates the option of the county commissioner of elections to appoint a double election board.

The bill also makes the use of conventional paper ballots in low voter turnout elections optional for the county commissioner unless the commissioner receives a petition signed by at least 100 eligible electors requesting that automatic tabulating equipment be used at the election. When using conventional paper ballots in an election, the county commissioner is required to use ballots and instructions similar to those used at elections using automatic tabulating equipment.



# COUNTY ADMINISTRATION AND ORGANIZATION

Effective Date: Upon enactment, March 19, 2010.

## **SF 2273 - Electronic Registration and Title Study**

LH

*Treasurers*

This bill directs the Department of Transportation to conduct a study of how to implement a uniform statewide electronic transactions system for the registration and titling of motor vehicles by January 1, 2012. The Iowa State County Treasurers Association is a required participant in the study.

Effective Date: Upon enactment, April 7, 2010.

## **SF 2297 - Veterans Benefits**

LH

*All County Officials*

This bill amends several sections of the Iowa Code providing specified benefits to veterans. The bill adds a new section to Iowa Code chapter 29A to require a political subdivision to rent its facilities for a fee not in excess of expenses for designated military events. These are events, authorized by the adjutant general, held for veterans or military family readiness groups within a year of return from active duty.

The bill adds a new section to chapter 144 requiring the waiving of copy fees for a family member seeking either birth or death certificates of service members who died while on active duty for one year from the date of death.

The bill adds to Iowa Code §476.20(3) requiring that public utilities maintain service to a residence in cases where one of the heads of household is a deployed service member. Service cannot be disconnected until 90 days after the end of deployment, if the utility is informed of the deployment.

The bill adds a new section to Iowa Code §483A.24A requiring that deployed service members shall receive a refund for any portion of a hunting or license fee covering the period of military service.

The bill amends Iowa Code §724.7 requiring the Commissioner of Public Safety to develop a process to allow deployed service members to submit a renewal of a permit to carry weapons early and by mail. In addition, such permits cannot expire during deployment and remain valid for 90 days after the end of deployment.

## **SF 2354 - Corporate Campaign Finance Regulations**

HD

*All County Officials*

The United States Supreme Court ruled in *Citizens United v. FEC* that corporations are persons and, as such, have a right to participate in elections. This bill regulates corporate involvement in campaigns. A corporation cannot use its treasury to pay for an independent expenditure without the approval of a majority of the board of directors or similar leadership body. The authorization must occur in the same year as the expenditure and must expressly indicate

whether the expenditure is to advocate for or against the nomination or election of a candidate or a ballot issue. Any material or ads produced by the corporation must include the "paid for by" attribution, the name and address of the corporation, and the name and title of the chief executive officer.

Effective Date: Upon enactment, April 8, 2010.

## **SF 2383 - Debt Collection**

LH

*County Attorneys, Treasurers*

This bill expands the county treasurers fee collection authority to allow for the collection of delinquent taxes, including penalties and interest, owed to the state when a person is applying for a vehicle registration renewal. The person must pay the debt, plus a \$5 processing fee, before the treasurer can issue the registration. The processing fee will be split between the county general fund and the Department of Transportation, until the department's associated information technology costs are reimbursed. All other funds collected are forwarded to the Department of Revenue (DOR).

The bill also creates a state debt coordinator in the DOR to coordinate the collection of court debt. The position is appointed by the Governor with Senate confirmation for a four year term. The bill creates a new debt settlement program and a new debt amnesty program.

The bill allows a county attorney or a group of county attorneys under a 28E agreement to act as the state debt coordinator's designee in the collections of delinquent court debt. In cases where there is no local county debt collection program, the centralized collection unit of the DOR shall act as the state debt coordinator's designee. County collection programs must generate at least \$25,000 in collections annually. If the county or consortium of counties fails to reach this threshold, they will be ineligible to participate for a period of one year.

The bill directs the state court administrator to work with the Iowa County Treasurers Association to develop a plan to allow the county treasurers to collect restitution and delinquent court debt for the clerk of court by July 1, 2011.

Effective date: Most sections effective upon enactment, the treasurer's collection duties are effective January 1, 2011.

# ENVIRONMENT AND PUBLIC HEALTH

## **HF 2144 - Public Health Regulation**

HD

*Public Health*

This bill makes a number of changes to programs administered by the Iowa Department of Public Health (IDPH). The bill provides that if a public health disaster exists, IDPH, in conjunction with the department of education, may order temporary closure of any public or nonpublic school to prevent or control the transmission of a communicable disease.

The bill changes the timeframe by which a child must have a dental screening for schools to increase compliance, allows screenings done by out-of-state providers, and allows any person who is authorized to perform a dental screening to record that the screening was completed. The annual date by which each school board is to furnish the IDPH with evidence that each student enrolled in the local board's jurisdiction has met the dental screening requirements is changed from June 30, 2010, to May 31, 2010.

The bill makes statewide perinatal care team peer review information confidential and strikes the authority of the IDPH to oversee the distribution of venereal disease prophylactics.

The bill also requires the Prevention & Chronic Care Management Advisory Council to collect and provide statistically accurate data concerning chronic disease in multicultural groups of racial and ethnic diversity in the state and to make evidence-based recommendations to address and reduce identified disparities.

## **HF 2183 - State Board of Health**

HD

*Public Health*

This bill revises the membership of the Board of Health. It requires two members of the Board of Health to be learned in health-related disciplines, three members to have direct public health experience, two members to have direct experience with substance abuse treatment or prevention, and four members to represent the general public.

The bill eliminates and updates outdated Code language, incorporates the Iowa Public Health Standards, and allows the Board to create a substance abuse program committee to oversee substance abuse program licensure.

## **HF 2418 - Air Quality Standards**

MBM

*Conservation, Supervisors, Zoning*

This bill requires the director of the Department of Natural Resources (DNR) to convene meetings no later than June 1 during the second calendar year following the adoption of new or revised federal ambient air quality standards, and to review emission limitations relating to the maximum quantities of air contaminants. The bill also requires the DNR to convene meetings as necessary to develop recommendations for the establishment of state implementation plans sufficient to control the emissions of certain particulate matter, and to prevent ambient concentrations from exceeding the Federal Ambient Air Quality Standards for certain particulate matter.

## **HF 2496 - Recycling**

HD

*Engineers, Environmental Health, Supervisors*

This bill creates a Green Advisory Committee appointed by the Governor. The committee will submit a report by January 1, 2011, on the creation of a green certification program. The committee will also make recommendations for the development of a communication and outreach educational resource program.

## **SF 2266 - Local Public Health Governance Act**

HD

*Auditors, Public Health, Supervisors, Treasurers*

This bill establishes the structure, powers, and duties of the local boards of health and revises laws to allow counties to voluntarily enter into district or regional boards of health. Membership on local boards of health can be greater than five members, with an MD or DO serving as a member. District boards of health will have at least one representative from each board of supervisors. A single county cannot have any more board of supervisor member on the district board than any other county in the district.

The bill places the responsibility for initiating a district with local health departments and states that any two or more geographically contiguous counties may submit a request to form a district board to the IDPH. IDPH is responsible for reviewing requests and making a recommendation to the state board of health to approve the plan.

New language ensures that the district board of health will have the necessary legal structure to function as a governmental entity, separate from any one county that it represents.

The bill builds on current language by clarifying the responsibility of the selected treasurer to the district and adds information about the responsibility of the auditor. A county treasurer and auditor shall not serve in the capacity of district health department treasurer and auditor without the consent of the county and agreement from the treasurer and auditor.



# ENVIRONMENT AND PUBLIC HEALTH

The bill allows the district to retain no more than twenty percent of unexpended funds at the end of the fiscal year.

A county that wishes to withdraw from a district board of health must present a plan for the continuation of public health services in its county. The district must also prepare a plan to outline how it will operate when the withdrawing county is no longer a member of the district. Both plans will be submitted to IDPH which will make a recommendation to the state board of health for approval.

The bill expands the enforcement ability of the local board of health by allowing a local board to impose a civil penalty not to exceed \$750 for each violation. If the violation is a repeat offense a civil penalty not to exceed \$1000 may be imposed.

# HUMAN SERVICES

## **HF 734- Uniform Adult Guardianship**

LH *Community Services, County Attorneys*

This bill, the Uniform Adult Guardianship Protective Proceedings Jurisdiction Act, provides for the establishment, transfer and recognition of multistate guardianships and conservatorships. Foreign countries are treated as a state for purposes of this act. The bill includes a definition of home state, provides for jurisdiction between states (home state, then significant connection state, then other), and removes the word "incompetent" in reference to a person under guardianship or conservatorship.

Effective date: July 1, 2010, except for Parts 1 (General Provisions), 3 (Transfer of Guardianship or Conservatorship), 4 (Registration and Recognition of Orders from other States), Iowa Code §633.821 (uniformity of application and construction) and Iowa Code §633.822 (Relation to electronic signatures in global and national commerce), that apply to proceedings begun before the effective date, regardless of whether a guardianship or protective order has been issued.

## **SF 2088 - State Government Reorganization**

LH *Community Services*

This bill makes several changes of interest to county government. The bill removes drugs prescribed for mental illness from the list of types of drugs excluded from prior authorization under Medicaid. In order to avoid the state's prior authorization process, the psychiatrist must choose a medication from the preferred drug list. If drug manufacturers provide the state with a supplemental rebate, the prior authorization requirement may be avoided.

The bill requires the Department of Human Services (DHS) to develop a mechanism to trigger the review of payments for services provided under the waivers that are in excess of the median for that waiver. Once the trigger mechanism is developed, advanced approval for costs projected to exceed the median shall require advanced approval.

The bill eliminates the duty of the MH/MR/DD/BI Commission to prescribe the form that the courts must provide to the counties as part of the commitment process and changes the Commission's name to the Mental Health and Disability Services Commission. The bill also eliminates the reference to the Commission's consultative role as it relates to a county's eligibility for state MH/DD funding.

The bill requires Medicaid to amend the intellectual disabilities waiver to ensure that evaluations performed after the initial diagnosis of mental retardation are for level of care determination rather than confirming the original diagnosis. The bill also requires Medicaid to amend the ID Waiver to ensure that employment-related transportation is a covered service.

The bill prohibits DHS from requiring a physical copy of documentation that they either require or request in electronic form.

The bill requires each county commission of veteran affairs to report annually on the expenditure of state grants on a form agreed to by the Department of Veterans Affairs and county representatives.

## **SF 2156 - IowaCare Renewal**

LH *Community Services*

This bill provides for the renewal of the IowaCare program which was established pursuant to a Medicaid program waiver in 2005 and is subject to repeal or renewal beginning June 30, 2010. IowaCare replaced the State Papers program which was administered by General Relief Directors. The bill eliminates provisions relating to the state hospitals for mental illness for which funding provisions were phased out during the initial waiver period and provides for the repeal of the Code chapter on October 31, 2013. The bill eliminated the provision requiring DHS to contract with county general relief offices for intake services.

## **SF 2202 - Rights of Persons with Disabilities**

LH *Community Services, Engineers, Supervisors*

This bill changes the term "persons with physical disabilities" to "persons with disabilities" throughout the Iowa Code. It requires curb cuts at all intersections of newly constructed or repaired curbs, including paths. The bill eliminates the requirement that hearing dogs and service dogs be trained at a recognized training facility. The bill exempts these changes from Iowa Code §25B.2(3), the prohibition on unfunded mandates.

## **SF 2267 - Elderly Waiver Home Modification**

LH *Community Services*

This bill directs the Department of Human Services (DHS), in consultation with the Department on Aging, the Area Agencies on Aging and other organizations representing older Iowans, to review the requirements for home modification, including the lifetime cap, under the Home and Community Based Services elderly waiver. DHS is required to develop a plan for increasing the lifetime limit by December 31, 2011.

## **SF 2297 - Veterans Benefits**

- See County Administration and Organization



# HUMAN SERVICES

## **SF 2356 - IowaCare Expansion**

*LH*

*Community Services*

This bill expands the provider network for the IowaCare Program to include community health centers. IowaCare members will be able to access primary care at the new expanded provider network. In addition, the Iowa Insurance Information Exchange is established. The Exchange will be a central location where Iowans can obtain information about health care coverage options, including comparison of benefits, premiums, and out-of-pocket expenses.

# LAND USE AND RURAL AFFAIRS

## **HF 2273 - Drainage Districts**

*MBM Conservation, Engineers, Supervisors, Zoning*

This bill increases the bid threshold for a drainage improvement from \$15,000 to \$20,000. The bill also reduces the percentage of the bid amount required to be pledged from 10% to 5% and eliminates the \$10,000 ceiling.

Effective Date: Upon enactment, March 22, 2010.

## **HF 2370 - Enterprise Zones**

*MBM Conservation, Supervisors, Zoning*

The bill extends the application deadline for the Enterprise Zone Program from July 1, 2010, to July 1, 2012, and also removes certain fiscal period limitation language.

## **HF 2459 - Watershed Planning Advisory Council**

*NB Supervisors, Zoning*

This bill creates the watershed planning advisory council to research and make annual recommendations on issues concerning protecting and assuring adequate water supplies and mitigating and preventing floods. It also directs the Department of Natural Resources and the Iowa Department of Land Stewardship to seek funding to develop a watershed demonstration pilot project. Additionally, the bill provides for political subdivisions to create watershed management authorities through Iowa Code Chapter 28E to assess, monitor and educate on flood risks and water quality within the area. The bill specifies how the 28E entity will be organized and governed.

## **SF 2310 – Natural Resources Trust Fund**

*NB Conservation Directors, Supervisors*

This bill establishes the administration procedure and distribution formula for future revenue that would accrue to the Natural Resources and Outdoor Recreation Trust Fund, should the Iowa Constitution be amended at the 2010 general election to protect this funding and a state sales tax increase is adopted. The distribution is based upon recommendation of the Sustainable Funding for Natural Resources Advisory Committee. The revenue would be allocated as follows:

- 23% for a natural resources account to support the establishment, restoration, or enhancement of state parks, state forests, state preserves, wildlife areas, wildlife habitats, native prairies, and wetlands; wildlife diversity; recreational purposes; technical assistance and financial incentives to landowners; improvement of water trails and rivers; and education and outreach;
- 20% for a soil conservation and water protection account to support soil conservation and watershed protection; conservation of highly erodible land; and soil conservation or crop management practices related to biofuels;
- 14% for a watershed protection account to support water resource projects by DNR and surface water protection projects by IDALS;
- 13% to Iowa's Resource Enhancement and Protection Fund;
- 13% to local conservation partnership account (including county conservation boards) to support the maintenance and improvements of parks, preserves, wildlife areas, wildlife habitats, native prairies, and wetlands; wildlife diversity; recreational purposes; improvement of water trails and rivers; and education and outreach;
- 10% for land and water trails; and
- 7% for lake restoration.

Effective Date: January 1, 2011 (implementation contingent upon ratification of Constitutional amendment at 2010 general election).



# PUBLIC SAFETY

## **HF 426 - Reserve Peace Officer Accidents**

NB

*Sheriffs*

This bill expands the definition of "certified law enforcement officer," for purposes of traffic accidents involving the officer, to include a reserve peace officer certified through the Iowa Law Enforcement Academy.

## **HF 2288 - Cowl Lamps**

MBM

*County Attorneys, Sheriffs*

The bill repeals Iowa Code §321.406, which limits the use of cowl lamps on motor vehicles to no more than two.

## **SF 2297 - Veterans Benefits**

- See County Administration and Organization

## **HF 2321 - Inmate Veteran Services**

LH

*Sheriffs, Veterans Affairs*

This bill requires jail personnel to ask a prisoner within 24 hours of incarceration whether or not they are a veteran. If they are, the jail must provide contact information for the local county commission of veteran affairs within 72 hours of the determination that the prisoner is a veteran and allow the prisoner to make contact with the local office to request a visit from the veteran service officer.

## **HF 2357 - Guns and Domestic Violence**

LH

*County Attorneys, Sheriffs*

This bill prohibits a person convicted of domestic abuse involving the use or attempted use of physical force or threatened use of a deadly weapon, or a person who is the subject of a permanent protective order, from owning a gun. Law enforcement officers are exempted from this prohibition as it relates to their job. Persons have three options when disposing of their guns: turn over to law enforcement; turn over to a person authorized by the court; or sell the guns. Once the protective order expires, the person may obtain guns. If they were convicted of domestic abuse, they may apply to the Governor for reinstatement of the right to own a gun.

## **HF 2403 - Uniform Controlled Substances Act**

NB

*County Attorneys, Sheriffs*

This bill amends the uniform controlled substances act to expand the list of opiates and depressants covered.

## **HF 2422 - Disaster Recovery Case Management**

LH

*Community Services, Emergency Management, Supervisors*

This bill requires various groups to work together to establish a statewide system of disaster case management to be activated upon either the Governor's or the President's proclamation of a disaster emergency. The groups specified to work together to develop this system are the Rebuild Iowa Office, the Department of Human

Services, and disaster recovery organizations. They are to coordinate with the Homeland Security and Emergency Management Division in the Department of Public Defense.

The bill also creates a Business Disaster Case Management Task Force to research disaster recovery case management assistance needs of businesses following major disasters. In addition to the representatives from various business groups, the task force membership includes one representative each from the Iowa Association of Regional Councils and the Iowa Emergency Management Association.

## **HF 2456 - Texting While Driving**

NB

*Sheriffs*

This bill provides for restricted use of electronic communication devices while driving a motor vehicle. Teenage drivers are prohibited from using communication and entertainment devices unless stopped off the roadway, with the exception of devices that are operated through equipment permanently installed in the vehicle. If an officer sees a teenager using electronic equipment while driving, they may stop them. A violation is a simple misdemeanor that carries a fine of \$30. Penalties are increased if the teen kills or seriously injures another in an accident. A violation is not considered a moving violation but restriction, suspension, or revocation of the license may be imposed.

Adults are prohibited from using a hand-held electronic communication device in a similar manner to teens, but with fewer restrictions. They may not write, send, or read a text message while driving a vehicle unless they are at a complete stop off the roadway. Adults may make telephone calls, use GPS or navigation systems, send text messages using a voice operated or hands free device, use digital dispatch systems, and read safety-related messages about emergency, traffic, or weather alerts. Also, members of public safety agencies and health care professionals may read messages while performing official duties.

An officer may not stop a driver solely for a violation, but only as a secondary action after a driver has been stopped for suspected violation of another law. A violation is a simple misdemeanor with a fine of \$30, is not classified as a moving violation, is not cause for license suspension, and a device can never be confiscated. Heightened penalties accrue if another is killed or seriously injured in an accident.

Finally, DOT and DPS are directed to engage in an educational program to foster compliance with the new law.

Effective Date: July 1, 2010, however for the period beginning July 1, 2010 through June 30, 2011 only warning citations may be issued for violations.

# PUBLIC SAFETY

## **SF2088 – State Government Reorganization**

LH

*Sheriffs*

The State Reorganization bill amends Iowa Code §80B.11B related to charges for training at the Iowa Law Enforcement Academy. Under current law, the academy could charge up to 50% of the cost of training to the county. The bill changes the fee structure, and the Academy shall now charge an officer candidate one-third of the costs of training and the sponsoring county one-third of the cost. The state is responsible for the remainder of the cost. The county may pay for all or a portion of the candidate's share of the cost.

## **SF 2095 - Certified Law Enforcement Officer Authority**

LH

*Sheriffs*

This bill provides that a law enforcement officer, as defined in Iowa Code §80B.3, who is certified by the Iowa law enforcement academy may administer oaths, acknowledge signatures, and take voluntary testimony pursuant to the officer's duties as provided by law. This authority now extends to regularly employed members of a county sheriffs department who are responsible for the prevention and detection of crime and enforcement of the criminal laws of this state.

## **SF 2197 - False Identification**

NB

*County Attorneys, Sheriffs*

This bill creates a new simple misdemeanor for knowingly presenting false identification to a peace officer, emergency medical care provider, or fire fighter while the officer is performing an act within the scope of their lawful duty or authority. The bill also prohibits minors from engaging in nude dancing under the guise of "theatrical performance."

## **SF 2305 - Sex Offender Registry**

LH

*Sheriffs*

This bill makes corrections to the Adam Walsh Act, the sex offender legislation that passed last year. The bill closes the loophole to ensure that offenders moving into the state fall under the same restrictions as those who offended in Iowa. It also clarifies some definitions related to sex offenses.

Effective Date: Upon enactment, March 26, 2010.

## **SF 2352 - Hospital Release of Persons with Mental Illness**

LH

*Community Services, Sheriffs*

In cases where an arrest warrant has been issued or charges are pending but no court order requiring notification exists, this bill allows law enforcement to request that a hospital where they have delivered a person for emergency mental health or substance abuse hospitalization notify the law enforcement agency prior to the release of the person. If the peace officer delivering the person fills out the prescribed form, the hospital is required

to notify the law enforcement agency. Law enforcement is allowed six hours from notification to pick up the person. Failure to notify or follow procedures can result in a \$1000 (first offense) to \$2000 (second offense) fine. The Department of Public Safety is required to develop the uniform notification request form to be used.

## **SF 2355 - Fire Protection System Installation**

MBM

*Engineers, Supervisors*

The bill makes several changes to licensing requirements for fire protection systems. The bill eliminates a current provision which allows a governmental subdivision that administers an inspection program relating to the installation of a fire protection system on July 31, 2009, to continue that program. The bill also eliminates current language which exempts custodians in schools, hospitals, and government facilities from performing sprinkler maintenance, but adds an exemption for routine maintenance.

## **SF 2379 - Permits to Carry Weapons**

NB

*Sheriffs*

Currently, and until January 1, 2011, Iowa is known as a "may issue" state, because sheriffs have considerable discretion in issuing permits to carry a weapon. This bill drastically reduces that discretion, and in effect, turns Iowa into a "shall issue" state unless certain disqualifiers are met by the permit seeker. The following is a rundown of the major changes:

- applicants shall demonstrate knowledge of firearm safety by completing an approved safety course, which does not include a hunter safety course, and they must retrain or qualify every five years (permits are for five years but sheriffs may do criminal background checks on permit holders annually);
- sheriffs shall conduct a background check at time of application;
- makes it a class D felony to give false information on application;
- sheriffs shall approve or deny application within 30 days, written reasons for denial must be provided;
- if denied, applicants may file an appeal with an administrative law judge where the standard is by clear and convincing evidence;



# PUBLIC SAFETY

- disqualifiers from eligibility include: person is under 21 years old (18 years old for professional permit to carry); is addicted to alcohol; is a convicted felon who knowingly possesses, receives, transports, or causes to be transported firearms; is convicted of a serious or aggravated misdemeanor not involving a firearm or explosive within previous three years; is prohibited by federal law; or probable cause exists through documented actions of the applicant, where at least one of the actions occurred within two years of the application, that the applicant is likely to use a weapon unlawfully or to endanger the applicant's self or others;
- allows for immediate suspension or revocation of permit if holder is arrested for disqualifying offense;
- makes permit invalid when individual is intoxicated;
- non-residents may only obtain professional permits;
- makes changes to annual permit to acquire process;
- Increases permit fees from \$10 to \$50 for a five year permit and from \$5 to \$25 for a renewal permit (county keeps \$40 and \$20, respectively); and
- adds provisions governing persons subject to mental and substance abuse health-related orders or commitments.

Effective Date: January 1, 2011.

# TAXATION AND FINANCE

## **HF 2487 - Recovery Zone Bonds**

NB

*Engineers, Supervisors*

This bill creates new Iowa Code §16.171 pertaining to recovery zone bonds allocated under the American Recovery and Reinvestment Act. It directs the Iowa Finance Authority (IFA) to provide written notice to each county of the amount of the recovery zone bonds available to them and for each county that issues these bonds to provide written notice to IFA of each issuance. It allows a county to waive all or some of their portion of bonds prior to July 1, 2010. Any amount of bonds that are unused by a county on July 1, 2010, are waived by the county. IFA will recapture the unused bonds and make them available for reallocation to eligible issuers.

Effective Date: Upon enactment, April 7, 2010.

## **SF 434 - Nuisance Properties**

NB

*Supervisors, Treasurers*

This bill creates a process for the clerk of court to index a nuisance citation filed by a city on a property. The city must also file the citation with the county treasurer, who then shall include notation of the pendency of the action in the county system until the judgment of the court is satisfied or the action is dismissed and shall not offer the parcel for tax sale. The bill also requires the treasurer to cancel the tax sale and refund the certificate holder if a nuisance citation is filed by the city after the sale but prior to redemption or issuance of a tax deed.

## **SF 2199 - Manufactured Housing Use Tax**

LH

*Recorders, Treasurers*

This bill amends Iowa Code §423 and requires that the manufactured housing or mobile home retailer collect the use tax from the buyer of the manufactured housing and forward it to the county treasurer or department of transportation. The retailer must also submit the application for a certificate of title on behalf of the owner. The certificate of title cannot be issued until the tax has been paid. The bill provides a process for consumers, needing proof of title surrender for refinancing purposes when a title was never issued, to submit an affidavit to the county recorder, along with a title opinion by an attorney.

Effective Date: Upon enactment, April 7, 2010.

## **SF 2373 - Utility Replacement Tax Changes**

WRP

*Assessors, Auditors, Supervisors*

The bill was written to implement the recommendations of the Utility Replacement Tax Task Force. The Task Force's role is to study issues related to the taxation of electrical power utilities and provide recommendations. The Task Force developed a method of fairly taxing an Archer Daniels Midland (ADM) cogeneration facility in the city of Clinton. Under current law, a self-generating facility is subject to local property taxes if the facility generates electricity solely

for its own purpose. The Clinton ADM facility, however, also provides power to an adjacent plant, changing its status from a self-generating facility to a cogeneration facility, and subjecting it to the state's replacement tax. SF 2373 redefines a cogeneration facility, allowing the Clinton ADM plant to be locally assessed and to avoid double taxation.

Iowa Code Chapter 437A imposes a replacement tax on electric companies, natural gas companies, electric cooperatives, and municipal utilities in lieu of property taxes which would otherwise be payable, which operates to remove tax costs as a factor in a competitive environment by imposing like generation, transmission, and delivery taxes on similarly situated competitors who generate, transmit, or deliver electricity or natural gas in the same competitive service area. A cogeneration facility means a facility with a capacity of 200 megawatts or less that uses the same energy source for the sequential generation of electrical or mechanical power in combination with steam, heat, or other forms of useful energy and, except for ownership, meets specified federal criteria. The bill added a new definition of a cogeneration facility which conforms to this existing definition, but without limitation as to generation capacity. These provisions are applicable to a facility first placed into service on or after January 1, 2009, or to a facility in service prior to January 1, 2009, which first became subject to the replacement generation tax on or after January 1, 2009.

The bill also provides a means for allocating the assessed value of a new cogeneration facility between property of the facility that is subject to local assessment and the property of the facility that is subject to the replacement tax, and to exempt from property tax the value of the property subject to the replacement tax by applying a credit representing the value of such exempt property against the total value of the facility.

The bill modifies provisions relating to determination of the natural gas delivery rate applicable to new electric power generating plants to include a new cogeneration facility, and amends Iowa Code §437A.18 to apply the statewide property tax to property of a new cogeneration facility.

Additionally, the bill adds to the definition of an electric power generating plant that such a plant may be owned by or leased to "any other taxpayer," in addition to an electric company, electric cooperative or municipal utility. The bill provides a mechanism for refunding or crediting excess replacement taxes, penalties, and interest paid into the property tax relief fund established in Iowa Code §426B.1 by a new electric power generating plant, applying existing provisions regarding claims for refunds and credits contained in Iowa Code §437A.14 and stating that the director of revenue shall have sole discretion regarding whether a refund will be paid versus a credit granted.



# TAXATION AND FINANCE

The bill extends the time period during which the Utility Replacement Tax Task Force is in existence for an additional three years, with the committee continuing to study the effects of the replacement tax on local taxing authorities, local taxing districts, consumers, and taxpayers through January 1, 2013. The bill requires taxpayers to report to the director any gas or transmission property that had been acquired at a cost of more than \$1 million and disposed of in the preceding calendar year. The bill also provides, with reference to determining and reporting the taxable value of property subject to the replacement tax, that calculations will utilize the current fiscal year's consolidated taxing district rate for the taxing district where the property is located, rather than the prior fiscal year's rate under current law.

Effective Date: Upon enactment and applies retroactively to tax years beginning on or after January 1, 2010.

## **SF 2380 - Tax Credit Review**

*MBM*

*All County Officials*

The bill makes numerous changes to several tax credit programs. The bill creates a Legislative Tax Expenditure Committee of the Legislative Council and establishes the membership and duties of the committee, including a five-year schedule for reviewing existing tax credits. The bill also reduces the annual limit on specific tax credit programs administered by the Department of Economic Development from the current \$185.0 million to \$120.0 million.

The bill makes the following changes:

- reduces the maximum aggregate amount of tax credits that may be issued under the Iowa Fund of Funds Program from \$100 million to \$60 million;
- reduces the amount of Historic Preservation and Cultural and Entertainment District Tax Credits that can be reserved from \$50 million per year to \$45 million;
- eliminates the Economic Development Region Revolving Loan Fund Tax Credit Program;
- eliminates the Venture Capital Fund Investment Tax Credit; and
- eliminates the Refundable Investment Tax Credits for value-added agricultural products.

The bill also requests that the Legislative Council establish 2010 interim committees to study the Enterprise Zone Program and the Industrial New Jobs Training Program and report to the General Assembly by January 15, 2011.

Effective Dates:

- Iowa Fund of Funds - Upon enactment, April 15, 2010.
- Refundable Investment Tax Credits - Upon enactment, April 15, 2010.

# TRANSPORTATION

## **HF 2458 - Restrictions on Mowing**

MBM Conservation, Engineers, Supervisors,  
Zoning

This bill imposes a restriction on mowing within the rights-of-way and medians of interstates, primary highways, and secondary roads before July 15, with certain exceptions, including control of damaging insects, noxious weeds, or invasive plants. The bill provides that a landowner retains the ability to harvest grass grown on the road along the landowner's land, as long as the harvesting is done on or after July 15 and does not conflict with an integrated roadside vegetation management plan.

## **HF 2512 - Axle Weights**

MBM Engineers, Supervisors

This bill extends the weight limits that currently apply to livestock and construction vehicles to commercial motor vehicles, allowing for loads of up 90,000 pounds on 6 axles and 96,000 pounds on 7 axles. Special trucks are exempt. The bill also requires the driver to obtain a commercial driver's license, unless exempt under Iowa Code §321.176, which exempts farmers. The provisions of the bill only apply to vehicles operating on non-interstate highways.

## **SF 2202 - Rights of Persons with Disabilities**

- See Human Services

## **SF 2246 - DOT Omnibus**

MBM County Attorneys, Engineers, Supervisors, Sheriffs,  
Treasurers

This bill amends the definition of "business-trade truck" to clarify that the term applies only to model year 2010 or newer motor trucks. The bill also revises existing provisions that establish an annual registration fee of \$60 for a vehicle equipped to assist a person with a disability if the person with a disability is the vehicle's owner, lessee, or member of the owner's household.

The bill allows the DOT to waive the requirement that an applicant for a Persons with Disabilities parking permit furnish their social security number, driver's license number, or non-operator's identification card number in certain circumstances. The bill also amends provisions concerning licensing sanctions and penalties for vehicle recyclers and motor vehicle dealers.



# APPROPRIATIONS

## **HF 2519 - Federal Block Grant Appropriations**

MBM

All County Officials

This bill appropriates funds made available from federal block grants for the federal fiscal year beginning October 1, 2010, to various state departments and agencies.

To the Department of Economic Development	
For community development block grants .....	\$26,240,724 (+\$540,724)
To the Department of Human Rights	
For community services block grants (CAP agencies) .....	\$7,530,822 (+\$493,377)
For low-income home energy assistance .....	\$67,802,538 (+\$31,040,130)
To the Department of Human Services	
For community mental health services (CMHCs) .....	\$3,368,868 (-\$131,299)
For social services .....	\$16,747,274 (+\$67,233)
• MH/MR/DD/BI community services (local purchase) .....	\$7,571,207 (+\$30,395)
For child care and development .....	\$43,635,455 (+\$323,883)
To the Department of Justice	
For the stop violence against women program .....	\$1,482,096 (+\$88,906)
To the Drug Policy Coordinator	
For substance abuse treatment programs in state and local correctional facilities .....	\$250,000 (+\$172,640)
For Byrne grants (state and local law enforcement assistance) .....	\$3,000,000 (+\$1,947,843)
To the Department of Public Health	
For substance abuse treatment and prevention .....	\$13,524,616 (+\$46,655)
For maternal and child health services .....	\$6,529,540 (+\$17,436)
For preventive health and health services .....	\$1,114,623 (+\$49,764)

## **HF 2522 - Economic Development Appropriations**

MBM

All County Officials

This bill makes appropriations for various economic development programs for FY 2011 and contains related policy provisions.

To the Department of Economic Development	
For community development programs .....	\$5,063,917 (no change)
For business development programs .....	\$5,346,536 (no change)
To the workforce development fund .....	\$4,000,000 (no change)
To the Department of Workforce Development	
For workforce development field offices .....	\$11,293,047 (+\$497,573)
To the Public Employment Relations Board	
For a website that allows access to a database of collective bargaining information .....	\$15,000

The bill amends Iowa Code §84C.2(8), which provides the definition of "part-time employee" as enacted in HF 681 (Iowa Worker Adjustment and Retraining Notification Act), to prevent the definition from superseding the definition in a collective bargaining agreement.

## **HF 2525 - Agriculture and Natural Resources Appropriations**

MBM

All County Officials

This bill makes appropriations for agriculture and natural resources programs for FY 2011 and includes policy provisions affecting agriculture and natural resources.

# APPROPRIATIONS

## From the General Fund

To the Department of Natural Resources (DNR)

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 (DALS)

For the conservation reserve enhancement program .....	\$1,500,000 (no change)
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- Permits the DALS to use these funds in combination with other appropriate Environment First Fund monies to match federal funds provided from the federal Wetlands Reserve Enhancement Program.

For flood and erosion control, water quality and conservation .....	\$1,500,000 (-\$1,050,000)
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For soil and water conservation administration .....	\$1,050,000
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- This appropriation is in addition to a \$1,751,600 Environment First Fund appropriation in this bill for soil and water conservation administration and to support soil and water conservation commissioners. Also, SF 2389, the Infrastructure Appropriations bill, appropriates \$5,950,000 from the Revenue Bonds Capitals II (RBC2) Fund and \$1 million from the Revenue Bonds Capitals Fund for soil and water conservation administration and practices.
- Last year's Agriculture and Natural Resources Appropriations Act appropriated \$7 million for permanent soil and water conservation practices for FY 2010, of which 10 percent or \$700,000 was allocated for administration costs.

For the Loess Hills development and conservation fund .....	\$500,000 (-\$100,000)
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For the Southern Iowa development and conservation fund .....	\$250,000 (-\$50,000)
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To DNR

For water quality monitoring .....	\$2,955,000 (no change)
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For regulation of animal feeding operations .....	\$608,400 (+\$248,400)
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For air quality monitoring .....	\$425,000 (no change)
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For the development of natural-resource-based business opportunities .....	\$150,000 (-\$100,000)
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- 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 Fund .....	\$15,000,000 (-\$3,000,000)
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The bill also creates the Mississippi River Basin Healthy Watersheds Initiative in the DALS. This is a voluntary program created by the federal Department of Agriculture to improve the water quality and wildlife habitat of the Mississippi River Water basin. The bill creates a corresponding fund composed of moneys appropriated by the General Assembly, or other source, including state or federal funds, to support the Initiative.

For FY 2011 - FY 2014, the bill authorizes DNR to award beautification grants of up to \$200,000 from the Groundwater Protection Fund to entities that assist communities and organizations with antilittering and beautification programs.

## **HF 2526 - Health and Human Services Appropriations**

MBM, LH

All County Officials

This bill makes appropriations from various sources for human services and public health programs for FY 2011.

## **General Fund and Block Grant Appropriations**

To the Department of Aging

For case management for the frail elderly .....	\$4,662,988 (+\$200,581)
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To the Department of Public Health (DPH)

For addictive disorders .....	\$28,974,840 (+\$3,187,590)
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For strengthening local health care delivery systems .....	\$5,503,037 (+\$1,797,835)
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- For an initiative to expand and improve the workforce engaged in mental health treatment and services
  - To the University of Iowa .....
  - To the state mental health institute at Cherokee .....
  - For a mental health professional shortage program .....
  - For psychologists in urban and rural mental health professional shortage areas .....



# APPROPRIATIONS

<ul style="list-style-type: none"> <li>To local boards of health for three pilot programs to assist patients in determining an appropriate medical home.....</li> <li>To maternal and child health centers for pilot programs to assist patients in determining an appropriate medical home.....</li> <li>To rural health clinics to assist patients in determining a medical home.....</li> </ul>	\$74,517 (-\$8,279) \$74,517 (-\$8,279) \$110,430 (-\$12,270)
For reducing public exposure to environmental hazards.....	\$900,352 (no change)
<ul style="list-style-type: none"> <li>For childhood lead poisoning prevention, testing and remediation.....</li> </ul>	\$590,380 (-\$11,251)
For infectious diseases prevention and care.....	\$1,475,095 (+\$7,500)
For public protection.....	\$3,287,987 (+\$75,000)
<ul style="list-style-type: none"> <li>To the emergency medical services fund.....</li> </ul>	\$471,690 (-\$77,550)
To the Department of Veterans Affairs	
For the Iowa Veterans Home.....	\$9,630,846 (no change)
For the county commissions of veterans affairs fund.....	\$900,000 (-\$90,000)
<ul style="list-style-type: none"> <li>This is in addition to an appropriation of \$90,000 from the Merchant Marine Bonus Fund, for a total of \$990,000. Each county receives a \$10,000 grant.</li> </ul>	
To the Department of Human Services (DHS)	
From the Temporary Assistance for Needy Families Block Grant	
<ul style="list-style-type: none"> <li>For MH/DD community services.....</li> <li>For Medical Assistance.....</li> <li> <ul style="list-style-type: none"> <li>The total Medical Assistance appropriation listed is as amended by HF 2531 (standing appropriations).</li> </ul> </li> <li>For an integrated substance abuse managed care system.....</li> </ul>	\$4,894,052 (no change) \$822,046,933 (-\$40,270,928) \$950,000 (no change)
For state supplementary assistance.....	\$18,259,235 (+\$1,801,402)
For child and family services.....	\$79,593,023 (-\$1,939,283)
<ul style="list-style-type: none"> <li>Up to \$29,233,006 (-\$3,579,813) is to be used for group foster care maintenance and services.               <ul style="list-style-type: none"> <li>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%.</li> </ul> </li> <li>\$1,717,753 (no change) is allocated specifically for de-categorization service funding pools and governance boards.</li> <li>State funding for shelter care is limited to.....</li> <li>For continuation and expansion of child protection sites.....</li> <li>For continuation of minority youth and family projects.....</li> <li>For a substance abuse and mental health services grant.....</li> </ul>	\$7,894,147 (+\$207,687) \$630,240 (+\$39,460) \$371,250 (+\$16,214) \$925,306 (+\$644,089)
For MH/DD community services.....	\$14,211,100 (no change)
For the MH/DD community services fund for FY 2011.....	\$14,187,556 (-\$1,576,395)
For the Iowa Compass program.....	\$ 23,544 (-\$2,616)
For Medicaid, state supplementary assistance and provider reimbursement rates	
<ul style="list-style-type: none"> <li>Generally, the bill maintains provider rates at the same level in FY 2011 as in FY 2010.</li> <li>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 FY 2010).</li> </ul>	

## Senior Living Trust Fund and Other Appropriations

To the Department of Elder Affairs

For case management for the frail elderly.....	\$8,486,698 (no change)
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## Iowa Comprehensive Petroleum Underground Storage Tank Fund

To DHS

Child and Family Services.....	\$925,000
<ul style="list-style-type: none"> <li>For continuation of a grant to support child care services in Polk County.....</li> <li>To Four Oaks in Linn County for grants to support autism disorders.....</li> <li>For a grant for a child protection center in Black Hawk County.....</li> </ul>	\$200,000 \$25,000 \$100,000

# APPROPRIATIONS

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

For distribution to counties of mental health allowed growth funding for FY 2011 .....	\$48,697,893 (no change)
• Special allocation .....	\$12,000,000
• Eligibility for this pool is conditioned on a county having a FY 2009 adjusted fund balance of 15% or less and a FY 2011 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.	
Community services .....	\$14,187,556
• All counties are eligible for funding from this pool.	
• Withhold target .....	\$13,075,453
Withholding factors for FY 2011	
• 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 subject to these ending fund balances, the amount withheld shall be limited to the amount by which the county's ending balance was in excess of the ending balance percentage of 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, 2008, 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.	
• The bill provides for purposes of calculating ending balance amounts, the county ending balances shall be adjusted to disregard the temporary funding increases provided to the counties for FY 2011 through the American Recovery and Reinvestment Act of 2009.	
• A county also may adjust their FY 2009 ending fund balance amount by rebating on or before June 1, 2010, all or a portion of the state funding received in FY 2010.	

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 FY 2011 and meet the reporting deadlines.

## Miscellaneous Provisions

The bill directs DHS to convene a workgroup to review various regulatory requirements applicable to mental health and disability services providers. The workgroup is to identify opportunities for streamlining regulatory requirements, increasing public access to cost, quality, and outcomes information and increasing compliance with federal health, safety and accountability provisions and file a report by December 15, 2010.

The bill directs DHS to review services provided by the state mental health institutes. DHS shall consult with stakeholder regarding developing subacute mental health care options at the MHIs, considering the feasibility of developing Medicaid-eligible treatment facilities for 16 or fewer residents, and developing methods for DHS and the courts to meet regularly with representatives of the criminal justice system, county CPCs, and service providers to improve involuntary commitment processes.

The bill requests the Governor's Developmental Disabilities Council to convene a workgroup of stakeholders to review the status of and services provided by Iowa's residential care facilities.

The bill directs DHS to develop a plan for transitioning administration of the children's mental health remedial services program from fee-for-services to the behavioral health managed care plan.

The bill extends the Regional Services Network pilot project for an additional year, to June 30, 2011.

The bill directs DHS to implement a statewide method of allocating ID Waiver slots beginning July 1, 2010.



# APPROPRIATIONS

## **HF 2531 - Standing Appropriations**

MBM

All County Officials

This bill makes appropriations for mental health allowed growth, property tax credits and other programs for FY 2011, 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**

The bill requires the FY 2012 allowed growth appropriation adjustment for mental health services be established within the first 30 days of the 2011 Legislative Session. The bill also requires the Governor to submit a recommendation for the allowed growth factor adjustment to the General Assembly by January 11, 2011.

### **MH/MR/DD Services Fund Transfer**

The bill permits counties to transfer money from other funds to the counties' MH/MR/DD Services Fund, and requires any county transferring money to report those transfers.

### **Property Tax Credits**

The bill appropriates \$91,256,037 from the general fund and \$54,684,481 from the cash reserve fund to the property tax credit fund. The bill then appropriates the total \$145,940,518 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 FY 2010.

- Homestead ..... \$87,757,913 (-\$6,458,706)
- Agricultural land and family farm ..... \$32,395,131 (no change)
- Military service ..... \$2,400,000 (+\$29,005)
- Low-income elderly and disabled ..... \$23,400,000 (+\$2,620,800)

County treasurers shall notify the Department of Revenue (DOR) by June 8, 2010, 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, 2010.

### **General Fund**

The bill appropriates \$300,000 from the General Fund to the Office of the State Debt Coordinator for FY 2010. Any unused funds will remain available through FY 2011.

- SF 2383 establishes an Office of the State Debt Coordinator and creates a debt amnesty program within the office beginning September 1, 2010, through November 30, 2010. The appropriation will be used for costs associated with the program.

### **Cash Reserve Fund**

The bill makes the following appropriations from the cash reserve fund:

- To DHS for medical assistance ..... \$187,800,000
- To DHS for shelter care ..... \$500,000
  - This is in addition to the appropriation in HF 2526 (Human Services Appropriations bill).
- To Linn County for a flood damaged public service center ..... \$4,500,000

### **Other Provisions**

The bill requires the Water Resources Coordinating Council to develop a marketing campaign to support the formation of an Iowa Chapter of the Association of State Flood Plain Managers and requires, to the extent feasible, the Iowa State University Agricultural Extension Service, the Water Resources Coordinating Council, and agency members of the Council to work with flood plain and hydrology experts to educate the public about flood plains, flood plain risks, and basic flood plain principles.

The bill waives the application of penalty and interest charged to taxpayers that filed Iowa 2008 income tax returns claiming a 2008 disaster casualty loss deduction that was not allowed under Iowa tax law. It applies only to penalty and interest charges. Refunds to the taxpayer penalty and interest already paid. This provision is effective on enactment and applies only to tax year 2008.

### **Effective Dates:**

- Debt Collection – Section 125 of the bill amending Iowa Code §421C.3, if enacted by SF 2383 (Debt Collection bill), takes effect on January 1, 2011.
- Waiver of Penalties and Interest for Disaster-Related Losses – Effective upon enactment and applies to tax year 2008.

# APPROPRIATIONS

## **SF 2151 - Supplemental Appropriations**

MBM

*All County Officials*

The bill makes reductions and funding reallocations of \$12.7 million for FY 2010 to reflect the Governor's 10% across-the-board cut and to allow the state to appropriately capture federal stimulus funds.

The bill also appropriates \$286,789 to the State Cases Program from federal stimulus funds for FY 2010. The bill transfers \$1.8 million in unexpended Risk Pool funds to the State Cases Program to prevent service reductions in the program.

Effective Date: Upon enactment, March 3, 2010.

## **SF 2366 – FY 2010 Appropriations Adjustments**

MBM, LH

*All County Officials*

This bill makes numerous appropriations adjustments for FY 2010.

### **General Fund Appropriation**

To the Department of Revenue

For the elderly and disabled tax credit .....\$1,426,000

- This is a supplemental appropriation to restore the 10% across-the-board reduction to the General Fund portion of funding.

To the Department of Human Services (DHS)

For the mental health state cases program .....\$100,163

- This is a supplemental appropriation to restore a portion of the 2010 reduction.

The bill directs the first \$1 million allocated by the DHS from the Juvenile Detention Home Fund to be allocated to the Juvenile Graduated Sanction Services for FY 2010 to replace the across-the-board reduction. The bill also transfers the first \$1 million of unexpended funding from decategorization projects for FY 2009 to the Juvenile Detention Fund to restore the 10% across-the-board reduction in FY 2010. This funding would have otherwise reverted to the General Fund at the end of FY 2010.

## **SF 2367 - Administration and Regulation Appropriations**

MBM

*All County Officials*

This bill makes appropriations from the state general fund to various administrative and regulatory state agencies for FY 2011, and includes policy provisions.

To the Governor's Office of Drug Control Policy .....\$357,866 (+\$44,335)

To the Rebuild Iowa Office (RIO) .....\$647,014 (+\$468,565)

- RIO is to be repealed on June 30, 2011.

## **SF 2376 - Education Appropriations**

LH

*All County Officials*

### **Miscellaneous Provision**

The bill requests an interim study committee on the inclusion of nonprofit organizations that are supported with public funds and whose governing boards are substantially made up of state or local elected officials or their appointees under the Open Meetings/Open Records Law. Findings are to be reported to the General Assembly by December 15, 2010.

## **SF 2377 - Judicial Branch Appropriations**

MBM

*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."



# APPROPRIATIONS

The bill 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.

## **SF 2378 - Justice System Appropriations**

MBM

*All County Officials*

This bill makes the following general fund appropriations to the justice system for FY 2011.

To the Iowa Law Enforcement Academy .....\$1,049,430 (no change)

To the Department of Public Defense

For the Homeland Security and Emergency Management Division .....\$2,038,119 (+\$203,812)

To the Department of Corrections

For reimbursement for county confinement of state prisoners .....\$775,092 (no change)

For offender mental health and substance abuse treatment .....\$22,319 (no change)

## **SF 2381 - Transportation Appropriations**

MBM

*Engineers, Supervisors, Treasurers*

This bill makes appropriations for FY 2011 from the Road Use Tax Fund (RUTF) and the Primary Road Fund to the state Department of Transportation.

From the RUTF

For drivers licenses production costs/central issuance .....\$3,876,000 (+\$162,000)

For county issuance of drivers licenses and vehicle registrations and titles .....\$1,406,000 (+\$12,000)

The bill amends code sections relating to all-terrain vehicles (ATVs) to include "off-road utility vehicles." The bill authorizes a city or county to designate city streets or county roads for use by ATVs and off-road utility vehicles, and allows the vehicles to stop at service stations or convenience stores on the designated streets. The bill does not exclude cities or counties from liability for any related personal injury or damage to property.

## **SF 2389 - Infrastructure Appropriations**

MBM

*All County Officials*

This bill makes infrastructure-related appropriations from a number of sources to various state departments and agencies for FY 2011 and later years.

From the Rebuild Iowa Infrastructure Fund

For the watershed improvement review board .....\$50,000

For floodplain management and dam safety .....\$2,000,000

For construction of a facility for handicapped persons and senior citizens in Jasper County .....\$40,000

For costs associated with the hiring an asset manager at Honey Creek Resort State Park .....\$100,000

For construction of a facility for adults with specialized needs in Polk County .....\$250,000

From the Technology Reinvestment Fund

For a medical records database at a Polk County Community Health Center .....\$250,000

From the Revenue Bonds Capitals Fund (RBC)

For permanent soil and water conservation administration .....\$1,000,000

- This appropriation is in addition to a \$5,950,000 appropriation in this bill from the Revenue Bonds Capitals II (RBC2) Fund for soil and conservation practices, for a total appropriation of \$6,950,000 (-\$50,000) for FY 2011. Also, HF 2525, the Agriculture and Natural Resources Appropriations bill, appropriates \$1,050,000 and \$1,751,600 from the Environment First Fund for soil and water conservation administration, and to support soil and water conservation commissioners.

# APPROPRIATIONS

For implementation of lake projects with established watershed improvement initiatives .....	\$7,000,000
• This amount is to be allocated as follows:	
• \$250,000 for dredging and related improvements of the Twin Ponds in Chickasaw County.	
• \$2 million for development of the new Lost Grove Lake in Scott County.	
• \$100,000 for dredging and related improvements of Lake Delhi in Delaware County.	
For the Iowa Great Places Program .....	\$2,000,000 (+\$100,000)
From the RBC2 Fund	
For permanent soil and water conservation practices .....	\$5,950,000
• Additional information noted above under RBC.	
For grants under the conservation reserve enhancement program .....	\$2,500,000
For disaster relief and mitigation renovation and construction projects .....	\$30,900,000
• Of this amount, \$4.4 million is allocated to Linn County for an administrative office building.	
For grants to cities and counties that apply smart planning principles .....	\$30,000,000
• This bill creates the I-JOBS II Program, a new Disaster Prevention Smart Planning Local Grants Program that receives the \$30 million appropriation.	
For renovation of a state park clubhouse in Jones County .....	\$100,000
For implementation of lake projects with established watershed improvement initiatives .....	\$3,000,000
For grants for watershed improvements .....	\$2,000,000

## Smart Planning

The bill creates Iowa Code §18B.1 and §18B.2, establishing smart planning principles and local comprehensive and development guidelines. The bill amends several provisions relating to county and city zoning and planning, and specifies certain duties of county boards of supervisors and city councils relating to consideration and adoption of a comprehensive plan. The bill also establishes an Iowa Smart Planning Task Force that must report on state policies, programs, statutes, or rules that need to be revised to integrate smart planning principles and goals and recommendations for a process to develop statewide goals for comprehensive planning that use the principles.

## Site Development

The bill makes various changes relating to site preparation for targeted economic development in cities and counties. The bill requires the Department of Economic Development (DED) to consult with local governments and local economic development officials regarding site development techniques, and authorizes DED to charge a fee for providing site development consultations. The bill also appropriates \$175,000 from the School Infrastructure Fund for DED to hire a person to coordinate and administer the site development program. DED is authorized to use up to \$75,000 of this appropriation for contracting with third parties to provide the site development consultations.

## Flood Plain Mapping

The bill requires the Department of Natural Resources (DNR) to enter into an agreement with the University of Iowa for not less than \$10 million for development of new floodplain maps by June 30, 2014, by the Iowa Flood Center. The DNR must structure the contract to be consistent with any plan for the use of the funds approved by the federal agency providing the funds. The moneys will come from the \$15 million in federal Community Development Block Grant funding received by the State by DED and designated for floodplain mapping.

## Drainage Districts

The bill amends language from the Revenue Bonding and I-Jobs Programs Act (SF 376), enacted last year. The act appropriated \$11.5 million in grant money from the RBC fund for various soil conservation projects. The infrastructure appropriations bill adds drainage district pilot projects to the list of eligible recipients of the RBC funds.

## Effective Dates:

- RBC2 - The section establishing this fund is effective upon enactment.
- I-Jobs II Program - The section establishing this program takes effect upon enactment, and applies to projects approved on, before, and after the effective date of the section.



# 2010 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 777	Open Meetings/Open Records
HF 2006	State /Local Tax Expenditure Repeal
HF 2044	Dairy Farm Milk Sales
HF 2104	Recreational Property Class
HF 2169	Recycling Property Tax Exemption
HF 2339	ID Waiver Costs
HF 2366	Multipurpose Property Assessment
HF 2382	Fire and Police Choice of Doctor
HF 2420	Fair Share
HF 2421	Prevailing Wage
HF 2480	Sales Tax Bonding Districts
HSB 509	Disease Disclosures
HSB 627	Community Mental Health Centers
HSB 655	CPC Responsibilities
SF 2029	Recreational Property Tax
SF 2100	Government Lobbying Prohibition
SF 2238	Government Resource Lobbying Prohibition
SF 2327	Meeting Minutes Publication
SF 2337	Minimum Sick Time
SF 2386	Telecom Property Tax
SSB 3014	Vet Smoking Exemption
SSB 3125	School Foundation Property Taxes
SSB 3129	Community Mental Health Centers
SSB 3145	CPC Responsibilities
SSB 3178	Township Property Tax Levies
SSB 3194	Farm Electrical Installation
HJR 2008	Constitutional Amendment to Reduce the Number of Counties

The following is a list of bills that ISAC favored that did not pass:

HF 2077	Medicaid Claims
HF 2093	Medicaid Accountability
HF 2095	Medicaid Transportation Services
HF 2258	Videoconferencing Hearings
HF 2347	LOST-TIF Repeal
HF 2400	Master Matrix Review
HF 2475	Deliverable Fuels
HSB 532	ICN Part III Connections
HSB 545	Internet Postings
HSB 590	MH Insurance Coverage
HSB 672	Emergency Management Trust Fund
HSB 735	911 Phone Systems
HSB 737	Hotel/Motel Tax Rate
SF 2174	Beautification Grants
SF 2235	Deliverable Fuels
SF 2253	Videoconferencing Hearings
SF 2329	ICN Advisory Committee
SF 2353	ICN Part III Connections
SF 2372	911 Phone Systems
SSB 3132	Public Fund Investment
SSB 3187	Emergency Management Trust Fund
SSB 3223	Master Matrix Evaluation

