



# 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 attorneys in the state have their own association, which is called the Iowa County Attorneys' Association, Inc. 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.



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## INTRODUCTION

In 2013 Iowa counties participated with the 1st Session of the 85th General Assembly in the development of many important public policy decisions. These bill summaries are organized according to ISAC areas of interest. 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 the category subjects are so distinct. For example, a bill dealing with property tax reform would be found under "Taxation and Finance." However, there are some occasions where a bill could logically fit under more than one category. We have cross-referenced those bills for your convenience.

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

At the end of each summary, you 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, 2013. 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:

- HD - Hanna De Groot, Public Policy Specialist
- KLH - Kristi Harshbarger, Legal Counsel
- LB - Lucas Beenken, Legislative Affairs Assistant
- LH - Linda Hinton, Government Relations Manager
- WRP - William R. 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.iowa.gov>.

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

## **Mental Health Funding**

Mental health funding was an issue from the first day of session until the Governor's veto on June 24. The Department of Human Services (DHS) submitted a report to the legislature that included its evaluation of the applications for funds received from 32 counties. Based on the DHS recommendation, the legislature provided \$11.6 million for the current fiscal year. This funding went to 26 counties identified by DHS as meeting the requirements to receive the funds. The funding source was the federal Children's Health Insurance Program, which prohibited the counties from using the funds to pay any unpaid Medicaid bills since federal funds cannot be used to match federal funds.

Funding for FY 2014 was not settled until the very end of June. The legislature funded \$29.8 million for the "equalization" payment to the counties whose levy translated into less than \$47.28 per capita, as outlined in legislation last year. The legislature also appropriated \$13 million to be deposited into the Risk Pool but this was vetoed. The priority for this funding is counties whose levy rates are being reduced to \$47.28 with financial issues in FY 2014. If there are funds remaining, any county may apply for the purpose of maintaining services during FY 2014.

The Legislature included language that requires the counties to pay outstanding state bills by July 15, 2013 or to develop a payment plan that will resolve those bills by June 30, 2014. The state payment program funding will continue to go to the counties that are currently receiving funds. The Legislature made an accommodation if those designated funds are subject to cuts at the federal level, but it was vetoed.

As part of the final agreement to expand Medicaid under the federal Affordable Care Act, the legislature directs DHS to quantify the amount of "savings" experienced by each county. In FY 2015, each county is required to remit 80% of the savings to the Property Tax Relief Fund, the fund from which equalization funds are distributed. Counties that do not receive equalization funds or have more savings than they receive in equalization will have to translate the savings into a decrease in the county's mental health and development services levy. The legislature directed that a legislative interim committee review this proposal to determine the impact on the regions ability to meet minimum core service requirements, address core plus services, and, ultimately, meet the needs of additional populations.

## **Property Tax Reform**

Property tax reform was once again a top priority for the legislature and Governor as the session began. As was the case in the past two legislative sessions, the House majority and Senate majority had very different ideas on how to go about it. The House majority began with the Governor's plan, which called for a 20% rollback of commercial, industrial, and railway property, a reduction of the permissible taxable valuation growth percentage from 4% to 2%, and the limitation of permissible valuation growth for all property classes being set at the same percentage as the class with the lowest percentage growth. Meanwhile, the Senate majority was touting

a commercial property tax credit aimed at small businesses. The amount of the credit would have made the amount paid by commercial and industrial property valued at \$324,000 or less equivalent to what would be paid if the rollback was the same as that for residential property.

After each plan got through its chamber of origin the Senate bill, SF 295, was taken up by the House with a strike-after amendment that inserted the language from the House bill as well as several other provisions including the creation of a new "multiresidential" property classification and the changing of the assessment methodology and taxable value of telecommunications property. Multiresidential property would include apartments, assisted living facilities, and other similar property currently assessed as commercial property that upon full implementation would be tied to the residential rate. During floor debate several other amendments were adopted including one that would repeal the sunset of the Property Assessment Appeal Board (PAAB) and one that would limit budget growth for local governments and drastically change the supplemental levy. With the passage of the bill as amended out of the House and the Senate's refusal to concur, a conference committee was established.

With little visible progress for several weeks it appeared that once again the House Republicans and Senate Democrats were too far apart with their proposals to reach a compromise. But in the final days of the extended session, a deal was reached that would include pieces of each plan as well as some additional provisions. The conference committee report included a property tax credit aimed at small businesses, a rollback of 90% for commercial, industrial, and railway property, a reduction of the permissible taxable valuation growth percentage from 4% to 3%, the creation of the multiresidential property class, a property tax exemption for a specified amount of the assessed value of telecommunications property, and several provisions regarding property assessments including the extension of PAAB and changes to the timeline for protests and appeals. The final bill passed through both chambers with broad bipartisan support.

## **Road Funding**

Before the legislative session began it looked like this could be the year for an increase in the gas tax. With the need for increased funding for road and bridge repairs becoming more and more evident, the idea had bipartisan support. The Governor said on several occasions that he would support an increase in the gas tax if his property tax reform plan was passed. The possibility of an increase alternated between gaining momentum and exiting the discussion as the session progressed. Several bills and amendments were introduced that would have increased the gas tax in one way or another, but none saw a vote in either chamber. Ultimately, rising fuel prices in the late spring and strong public opposition made legislators hesitant to take on the issue.

# COUNTY ADMINISTRATION AND ORGANIZATION

## **HF 152 - Drainage District Elections**

HD

*Auditors, Supervisors*

This bill allows for the consolidation of two or more contained drainage districts if the new district contains at least 35,000 acres with a pumping station and the emerging district accepts all improvements and right-of-ways surrendered by the prior districts' governance bodies. The bill requires three election districts to be established from which the trustees will be elected. Two additional trustees may be elected at large for a total of five trustees, but no more than two persons are allowed from one election district. The bill also allows drainage districts to make agreements with persons both inside and outside the district to provide levee protection or drainage.

Effective Date: Upon enactment, May 1, 2013

## **HF 211 - In-state Construction Contracts**

KLH

*All County Officials*

This bill requires the laws of Iowa to apply to all in-state construction contracts and requires any litigation, mediation, arbitration or other dispute resolution proceeding arising from or relating to an in-state construction contract to be conducted in Iowa. Any contract provision to the contrary shall be void and unenforceable as contrary to public policy. The definition of an in-state construction contract includes all public agreements related to the construction, alteration, repair or maintenance of any real property in Iowa.

Effective Date: January 1, 2014

## **HF 361 - Veterans' Hunting Licenses**

HD

*Conservation, Recorders*

This bill increases the number of wild turkey hunting licenses from 25 to 75. Fifty deer and 50 wild turkey licenses will be allocated by a majority of a committee consisting of the majority leader of the Senate, the speaker of the House of Representatives, and director of the economic development authority, or their designees. Twenty-five nonresident deer and 25 nonresident wild turkey licenses will be allocated to veterans with disabilities or individuals with disabilities currently serving on active federal service, with a service-connected disability greater than 30%. The special licenses must be used in connection with an organization that conducts hunts for veterans with disabilities.

The individual receiving this license will also be required to purchase a hunting license that includes the wildlife habitat fee, and a wild turkey or deer license. They will be charged the same amount as resident hunters. If hunting deer, the individual will have to pay a \$1 fee that is used for deer herd population management.

Individuals receiving this special license are required to take the hunter safety and ethic education course.

## **HF 394 - Fur Harvester License**

HD

*Conservation, Recorders*

This bill establishes a lifetime fur harvester license for residents who are 65 years of age or older at the cost of \$50.50.

## **HF 487 - Mobile Home Titles**

LH

*Treasurers*

A retailer who acquires a used mobile home or manufactured home must obtain a certificate of title within 30 days of the date of acquisition. Currently, the application for title must be made to the county treasurer of the retailer's county of residence. This bill requires that the application for title be made to the county treasurer of the county where the mobile home or manufactured home is located.

## **HF 566 - Transfer of Real Estate**

HD

*Recorders*

This bill addresses issues involving the execution of instruments conveying an interest in real estate.

The bill changes the effective time period of a filed statement of authority from five years to indefinitely until amended or cancelled, unless an earlier cancellation date is specified in the statement.

The bill provides that unless clearly and conspicuously disclaimed in an instrument transferring an interest in real estate situated in this state, the instrument includes a warranty that the transferring entity is in existence at the time of the transfer, the person executing the transfer instrument has the authority to execute the transfer instrument on behalf of the entity, the person has the legal capacity to execute the transfer instrument, and the person has no knowledge of facts or legal claims that might impair the validity of the transfer.

The bill establishes a two-year statute of limitations by a person for challenging the authority of a person who executes a deed or real estate contract on behalf of an entity. The holder of an adverse claim for a deed or real estate contract executed and recorded prior to the effective date of the bill, must file an action within five years after the effective date. Otherwise, the holder must file an action two years after the recording of the instrument.

# COUNTY ADMINISTRATION AND ORGANIZATION

## **HF 586 - Agency Rulemaking Authority**

LH

All County Officials

This bill concerns the Legislature's Administrative Rules Review Committee (ARRC) powers related to the rulemaking process. The bill provides that an agency rule can be adopted without notice only if the statute authorizes or if the ARRC approves. The bill allows the ARRC to object to an emergency adopted rule or a portion of such a rule and suspend its effect.

Currently, there is no mechanism for delaying rules made under the emergency provision and such rules take effect upon filing. The bill amends the ARRC's current 70 day delay authority to allow the ARRC, upon two-thirds vote, to suspend an emergency rule or a portion of an emergency rule for 70 days regardless of the reason. A suspension must be made within 35 days of the effective date of a rule.

The bill creates a new subsection allowing the ARRC, upon two-thirds vote, to suspend for 70 days any further action on rules that were notice filed. Currently, the ARRC has no authority over notice filed rules and must wait to act until a rule has been adopted.

The bill amends the authority of the ARRC to do a session delay by allowing the ARRC, upon two-thirds vote, to suspend the applicability of a rule or a portion of a rule that is adopted and filed until adjournment of the next regular session of the General Assembly. This authority must be exercised within 35 days of the effective date of the rule.

The bill also directs that a grant of rulemaking authority is to be construed narrowly, unless specifically stated otherwise in statute. Additionally, the bill specifies that an agency cannot implement a federal law in a manner that exceeds the specific requirements of the federal law, unless explicitly authorized by statute. Such a rule is automatically superseded by the specific requirements of the federal law.

## **SF110 - Unemployment Insurance Employer Charges**

WRP

All County Officials

This bill makes conforming amendments in state unemployment compensation law to bring it in sync with federal law. The bill states that Workforce Development is prohibited from relieving an employer of charges against the employer's account if the overpayment is a result of the employer failing to respond timely or adequately to Workforce Development's request for information required to make a decision on the eligibility of a claimant for benefits. This change applies to both contributory and reimbursable employers.

The bill also provides that claimants making fraudulent statements or misrepresentations in an attempt to qualify for benefits will be assessed a 15% penalty for the fraudulent overpayment.

Effective Date: Provisions apply to actions occurring after July 1, 2013

## **SF 114 - Proof of Financial Responsibility**

LH

Treasurers

Under current law, a person who is required to file proof of financial responsibility in order to operate a motor vehicle may do so by filing a \$55,000 certificate of deposit (CD) with the treasurer of state made payable jointly to the person and the treasurer of state. This bill amends Iowa Code §321A.25 to provide that the CD is to be made payable to and filed directly with the department of transportation rather than with the treasurer of state.

## **SF 146 - Watercraft Fee Use**

HD

Conservation, Recorders

This bill extends the increase in watercraft fees put in place in 2005 set to expire June 30, 2013 for an additional 10 years. The increase in revenue is designated for use by the Natural Resource Commission for the enforcement of programs to control aquatic invasive species and for the administration and enforcement of navigation laws and water safety. The Commission is required to submit an annual report to the General Assembly summarizing the activities and program as well as how revenues were spent. The increase in fees sunsets in 2023.

## **SF 187 - Transmission of Court Records**

KLH

County Attorneys

This bill creates new Iowa Code §602.8103A, which provides that only the clerk of the district court shall transmit the record on appeal to the clerk of the supreme court and only upon the request of the appellee, appellant, the attorney for either party, or the appellate court.

## **SF 202 - Department of Public Health Duties**

HD

Auditors

This bill makes various changes to programs and services under the purview of the Department of Public Health (DPH). One provision of the bill relates to county reimbursement for investigations and autopsies for persons who die after being brought into the state for emergency medical treatment at the direction of an out-of-state law enforcement officer or public authority; or for autopsies relating to the death of a child under the age of two years if the death results from an unknown cause or if the circumstances surrounding the death indicate that sudden infant death syndrome may be the cause of death. Current law directs counties to file claims for these investigations and autopsies with DPH, and, if moneys are not appropriated to DPH for this purpose, the claims are to then be forwarded to the state appeal board. Under the bill, claims would be filed directly with the state appeal board for authorization of payment from the state's general fund.

# COUNTY ADMINISTRATION AND ORGANIZATION

## **SF 349 - Vehicle Registration Credit**

LH

Treasurers

Currently, when a person transfers ownership of a vehicle, the person is entitled to a credit of the unexpired portion of the annual registration fee for the vehicle. The credit must be claimed within 30 days, is processed by the county treasurer, and is applied to the annual registration fee for the person's new vehicle. If the credit is not claimed within 30 days, the person has six months in which to apply to the county treasurer or the Department of Transportation for the credit. This bill eliminates the dual process and sets the period in which a person may apply for a credit of unexpired registration fees to six months.

The bill makes the same change for leased vehicles providing the lessee with six months in which to make the claim for the transfer of the registration fee credit and the registration plates.

Effective Date: January 1, 2014

## **SF 358 - Real Estate Matters**

HD

Auditors, Recorders

This bill reconciles two conflicting Iowa Code sections relating to title to real estate and provides remedies for clearing title in certain circumstances. Under current law, if the record indicates that a contract for the sale of real estate or bond for a deed was not fulfilled within 10 years after the performance date or 20 years after the date of execution if there is no performance date in the instrument, it is presumed that the buyer abandoned the bond or the contract. This bill provides relief for a buyer who actually did fulfill the contract. If a buyer or a buyer's successor in interest is in possession of the property or has been paying property taxes for the preceding five years, the presumption of abandonment will not apply.

The bill also relates to limitations of actions, specifically foreclosures of ancient mortgages, which currently conflicts with the presumption of abandonment. The bill adds language allowing a buyer to clear title by serving a demand upon the seller or seller's successors in interest, if the buyer cannot get the deed in fulfillment of the contract. If the seller does not respond to the demand within 45 days after service, the buyer can file an affidavit showing service and compliance with Iowa Code, and the auditor is to correct the county records relating to the real property. The bill also makes it clear that the notice procedure for obtaining a clear title is available to contract buyers without having to wait until the seller's enforcement rights are barred and clarifies that successors in interests of original buyers can use the procedure.

## **SF 389 - Hunter Safety Course**

HD

Recorders

This bill provides that a resident who is 18 years of age or older may obtain a certificate of completion of the hunter safety and ethics education course without demonstrating the safe handling of a firearm.

## **SF 390 - Sewage Systems**

HD

Recorders

This bill puts back in place the requirement for title abstracts that include documentation of an inspection of any private sewage disposal system located on a property in certain title transfers. In 2008 Iowa law was amended to require private sewage disposal system inspections at time of transfer and a title abstract was required. In 2010 the title abstract requirement was eliminated. This bill reinstates the title abstract requirement.

Effective Date: Upon enactment, April 5, 2013 and applies retroactively to July 1, 2010.

## **SF 427 - Plumbing and HVAC**

HD

Supervisors, Zoning

This bill redefines plumbing, HVAC, refrigeration and hydronic systems professionals as plumbing, mechanical, HVAC-refrigeration, sheet metal or hydronic professionals. The bill also requires the adoption of the most current uniform plumbing code and international mechanical code as the state plumbing code and state mechanical code. Local governments with a population of more than 15,000 are required to adopt by ordinance the state codes by December 31, 2016. Local jurisdictions may adopt more restrictive ordinances but must provide copies to the state plumbing and mechanical systems board. The bill does not require local governments to make inspections.

Effective Date: Upon enactment, April 26, 2013.

## **SF 432 - Department of Revenue Technical Bill**

LB

Assessors

This bill deals with the administration of taxes by the Department of Revenue (DOR). The bill allows the DOR to use geographic information system (GIS) data from the counties with compatible technology in order to facilitate uniformity and equalization of assessments and to facilitate transfers of funds to the counties. The bill also changes the procedures for the assessor and deputy assessor exams. The bill allows the exams to be administered in multiple locations throughout the state instead of one testing site in Des Moines. It also allows for more electronic communication related to the assessor exams, including the dissemination of information and exam results.



# COUNTY ADMINISTRATION AND ORGANIZATION

## **SF 445 - Mortgage Release Certificates**

*HD*

*Recorders*

This bill specifies that a request for a mortgage release certificate may be made by a person authorized to regularly lend moneys to be secured by a mortgage on real property in this state, a licensed real estate broker, a licensed attorney, a participating abstractor, or a licensed closing agent. The applicant is required to submit certain evidence acceptable to the title guaranty division and the applicant must confirm in writing that the mortgage has been paid off and that no release of the mortgage has occurred. The bill provides that the certificate of release executed by the division is only required to contain certain basic information about the mortgage and the execution of the certificate and also authorizes the division to charge a fee for services relating to the execution of the certificate of release.

For purposes of a release or partial release of a mortgage, a properly executed certificate of release is prima facie evidence of the facts contained in such release or partial release, is entitled to be recorded with the county recorder where the mortgage is recorded, operates as a release or partial release of the mortgage described in the certificate of release, and may be relied upon by any person who owns or subsequently acquires an interest in the property released from the mortgage. The county recorder is required to rely upon the certificate of release to release the mortgage. In addition to any other remedy provided by law, if the title guaranty division through an act of negligence wrongfully or erroneously records a certificate of release, the division is liable to the mortgagee and mortgage servicer for actual damages sustained due to the recording of the certificate of release.

Effective Date: Upon enactment, May 1, 2013

# HUMAN SERVICES AND PUBLIC HEALTH

## **HF 545 - Veterans' Trust Fund**

LH

Community Services

This bill allows the Commission of Veterans Affairs to expend moneys from the veterans' trust fund on initial medical screening related to a military service-connected traumatic brain injury when other sources of payment are not available. No income limitations apply to this benefit.

## **SF 203 - Mental Health and Disability Services Technical Bill**

LH

Community Services, Sheriffs

This bill relates to mental health and disability services (MH/DS) requirements involving the Department of Human Services (DHS) and is organized into divisions.

MH/DS Client Identifier - this division eliminates specific requirements for the client identifier instead of the client's name or social security number and leaves the specific method of establishing a client identifier to DHS.

Interagency Information Services on Persons with Mental Disabilities - this division repeals Iowa Code chapter 220A, requiring DHS to provide for a central data control and exchange agency for information related to persons with mental disabilities.

Subacute Mental Health Care Facilities - this division amends certain provisions for licensure of subacute mental health care facilities enacted in 2012, which is administered by the Department of Inspections and Appeals (DIA) in conjunction with DHS. The bill clarifies that a licensed psychiatrist is required to provide supervision of the treatment care plans rather than the facility itself. The bill clarifies that a licensed intermediate care facility for persons with mental illness (ICF/MI) must make an application to convert to a licensed subacute facility in addition to notifying the DIA that certain requirements are being met and requires the ICF/MI to also submit an application for licensure as a subacute care facility. An ICF/MI is prohibited from establishing, operating, or maintaining a subacute care facility until issued a license to do so. This division takes effect upon enactment and is retroactively applicable to July 1, 2012.

Community Mental Health Services Block Grant Allocation - this division amends the allocation requirements in the federal community mental health services block grant appropriation for federal FY 2013. The bill allows a for-profit corporation, nonprofit corporation, or county hospital providing mental health services to county residents pursuant to a waiver granted by the MH/DS Commission as of October 1, 2010, to be designated as a community mental health center. Otherwise, only a nonprofit corporation can be designated as a community mental health center. The bill eliminates the use of the funding for developing and providing evidence-based practices and emergency services and specifies that funding be used for staff training and services for adults with serious mental illness and children with serious emotional disturbance. This division takes effect upon enactment.

## **SF 357 - Medicaid Program Integrity**

LH

Community Services, County Attorneys, Public Health

This bill gives the Department of Human Services (DHS) specific authority to investigate and to regain losses as a result of Medicaid waste, fraud, and abuse. If a person refuses or neglects to repay benefits or provider payments inappropriately obtained from DHS, the amount constitutes a debt and is a lien in favor of the state upon all property belonging to the person. The bill specifies that the debtor is responsible for paying the fee for the recording of the satisfaction of the lien or debt.

The bill requires a provider who has received an overpayment to provide notification in writing, and the provider must return the overpayment to DHS. Overpayments are subject to the accrual of interest. Prior to the provision of notice, interest is accrued at the statutory rate for prejudgment interest applicable in civil actions. Any overpayment to a provider becomes a judgment against the provider by operation of law 90 days after the notice of overpayment. The bill creates civil penalties and damages for improperly filed claims and other violations. The civil penalties range from \$10,000 to \$50,000. The bill also allows DHS to impose temporary moratoria on enrollment of new providers identified by the Centers for Medicare and Medicaid Services as posing an increased risk to the Medicaid program.

DHS is required to maintain on its website a list of providers that DHS has terminated, suspended, or placed on probation; a list of providers that have failed to return an identified overpayment; and a list of providers found liable for a false claims law violation.

## **SF 406 - Mental Health Advocates**

LH

Community Services, County Attorneys, Sheriffs, Supervisors

Divisions I and II of this bill create and set out implementation of a Division of Mental Health Advocates in the Department of Inspections and Appeals (DIA). The bill allows for a year-long transition period. DIA will hire an administrator and adopt emergency rules beginning July 1, 2013. The employment of the advocates is moved to DIA beginning July 1, 2014. The bill sets out minimum qualifications for advocates hired after July 1, 2013. It deems all advocates serving on that date to be qualified, and specifies that new advocates are appointed based on residency rather than legal settlement. The bill gives the administrator the authority to reassign advocate responsibility based on the location of the patient's placement. The bill also requires the administrator to implement a uniform description of the mental health advocate's job duties. These divisions are effective July 1, 2014.

# HUMAN SERVICES AND PUBLIC HEALTH

Division III of the bill repeals the language in Iowa Code §222, which sets out the process for the involuntary commitment of persons with intellectual disabilities effective July 1, 2014. Division IV also adds physician assistants (if approved by the supervising physician) and psychiatric advanced registered nurse practitioners to physicians as the examining medical personnel who can order a commitment. The bill streamlines the application process by allowing admitting medical personnel to determine whether the commitment is for a mental health or a substance abuse issue. The bill directs the Department of Human Services to conduct a study of the development of a hospital bed tracking system for persons who are committed under Iowa Code §229.

# LAND USE AND ENVIRONMENTAL HEALTH

## **HF 212 - Eminent Domain Proceedings**

*KLH*

*County Attorneys*

This bill removes the requirement that the county attorney conduct the eminent domain proceedings when the damages are payable from a school corporation.

## **HF 311 - Water Quality**

*HD*

*Conservation*

This bill changes the requirement for the publication of notice for storm water permits from two newspapers to one. The bill also allows aquatic herbicides to be applied according to rules adopted by the Environmental Protection Commission. The bill allows an applicant for a permit to divert, withdraw or store water to apply for additional time and awards such a permit by default if the Department of Natural Resources does not act on the application within 90 days of receipt. The bill also strikes the requirement that a borrower under the on-site wastewater system program live outside a city.

## **HF 512 - Small Animal Feeding Operations**

*KLH*

*Supervisors, Zoning*

This bill creates a new category of confinement animal feeding operations for small operations for purposes of submitting a manure management plan and paying an annual compliance fee. Animal feeding operations that have a capacity of 500,000 or fewer animal units (calculated in various ways during the election period) may elect for the small animal feeding operation status. The Iowa Department of Natural Resources will provide for the period of election, but it shall be at least the same period covered by the updated manure management plan. Otherwise, an election plan automatically terminates when more than 500,000 animal units are at the operation at any one time.

## **HF 522 - Invasive Aquatic Species**

*HD*

*Conservation*

This bill changes the definition of aquatic invasive species, aquatic plants, bait, and water related equipment. The Natural Resources Commission is directed to adopt rules to implement and administer the bill that restricts the introduction, use and spread of aquatic invasive species. The Commission also must identify waters of the state that have infestations and define additional aquatic invasive species if necessary.

The bill prohibits the transportation of water-related equipment that has an aquatic invasive species or aquatic plant attached to it on a public road. Violations are punishable by a fine of \$500. People that are leaving waters of the state are

required to drain all of the water from their equipment before transporting. A violation of this is punishable by a \$75 fine plus an additional \$500 fine for each repeat violation. People who operate and transport water-related equipment must inspect their equipment for invasive species when that equipment is removed from state waters. They also must inspect the equipment before putting it into state waters. Water-related equipment can be inspected by the Department of Natural Resources (DNR). If a person refuses to remove and dispose of aquatic invasive species, aquatic plants, or water on the equipment, the DNR can prohibit a person from placing or operating water-related equipment in waters of the state.

## **HF 541 - Dam Reconstruction**

*LH*

*Conservation, Engineers, Supervisors*

This bill relates to dam reconstruction standards requested by Lake Delhi. The bill amends the design criteria and guidelines for Iowa dams adopted by the Department of Natural Resources, in cases of reconstruction of a dam damaged by a natural disaster. The reconstruction standards allow that the project is only required to possess flooding easements or ownership which were held prior to the reconstruction as long as the former, normal pool elevation is not exceeded and the spillway capacity is increased by at least 50%; and the flooding easements or ownership are only required to the top of the reconstructed spillway elevation.

## **SF 317 - Invasive Plants**

*HD*

*Conservation*

This bill adds garlic mustard, oriental bittersweet, Japanese knotweed, and Japanese hop to the list of invasive plants that are prohibited from being imported, sold, or distributed. A violation results in a fine not to exceed \$100.

## **SF 388 - Water Quality Improvement Projects**

*HD*

*Conservation*

This bill adds projects related to water quality or water quality protection that are in either the federal Natural Resources Conservation Service field office technical manual or the Iowa Department of Natural Resources (IDNR) stormwater management manual to the permissible projects under the water resource restoration sponsor program.

The bill also amends the parking lot prohibition to allow parking lot projects when the parking lot is constructed in a manner to improve water quality and construction is consistent with the federal field office technical manual or the IDNR stormwater management manual.

# LAND USE AND ENVIRONMENTAL HEALTH

## **SF 436 - Historic Preservation**

*KLH*

*Supervisors*

This bill broadens the definition of substantial rehabilitation for purposes of receiving historic preservation tax credits to include costs for projects on commercial property that are for \$50,000 or more, even if the project does not meet the previous requirement that it be 50% of the assessed value of the property. In addition, the bill creates a new timing option for rehabilitation projects to be completed, by allowing 72 months from the date the tax credit application was approved (instead of the current 60 months) if more than 50% of the qualified rehabilitation costs are incurred within 60 months. Finally, the current requirement that 10% of the funds allocated for these tax credits are used on rehabilitation projects of \$500,000 or less is changed to apply to rehabilitation projects of \$750,000 or less.

Effective Date: The changes to the timing options for rehabilitation projects are effective upon enactment.

# PUBLIC SAFETY

## **HF 112 - Forfeiture of Bail**

KLH

County Attorneys, Sheriffs

This bill changes the number of days for a district court clerk to hold the amount of forfeiture and judgment of bail from 60 to 90 days. Also, the number of days after a judgment for failure to appear may be set aside if the defendant appears and pays all costs and expenses is changed from 60 to 90 days.

## **HF 119 - County Attorney Duties**

KLH

County Attorneys

This bill clarifies a county attorney's representation in juvenile court by defining that where a county attorney is required to represent the state in juvenile court proceedings, the state means "the general interest held by the people in the health, safety, welfare and protection of all children living in this state." Thus, the county attorney is not required to specifically represent the interests of the Department of Human Services (DHS) in juvenile court and in the event there is a disagreement between the county attorney and DHS regarding the action to be taken, DHS may request that the state be represented by the attorney general in place of the county attorney. In this event, the county attorney may continue to appear in the proceeding and may present the position of the county attorney regarding the appropriate action to be taken in the case.

## **HF 133 - Discharge of Firearm Near Buildings**

KLH

Sheriffs

Iowa Code §481A.123 prohibits a person from discharging a firearm within 200 yards of a building inhabited by people, domestic livestock or used as a feedlot. This bill makes this prohibition inapplicable when the discharge of a firearm is by a certified law enforcement officer developing shooting proficiency on premises owned by the state, a county, or a municipality, when such premises are not open to the general public; were in operation prior to the effective date of this bill, and the premises are operated by a law enforcement agency.

Effective Date: March 28, 2013

## **HF 223 - Explosive Materials Permits**

KLH

Sheriffs

This bill requires that a national criminal history check through the Federal Bureau of Investigation be performed prior to a sheriff issuing a user's permit to purchase, possess, transport, store, and detonate explosive materials.

## **HF 307 - Department of Homeland Security and Emergency Management**

LH

Emergency Management, Sheriffs, Supervisors

This bill elevates the Homeland Security and Emergency Management Division of the Department of Public Defense into a new Department of Homeland Security and Emergency Management with a director appointed by the governor. The duties and responsibilities of the Homeland Security and

Emergency Management Division are transferred to the new department. In addition, the bill transfers the Iowa Emergency Response Commission to the new Department of Homeland Security and Emergency Management. The bill also includes transition provisions relating to current rules and employees and conforming changes.

## **HF 496 - No-Contact Orders**

KLH

Sheriffs

This bill creates a process for short-form notifications in lieu of personal service in relation to no-contact orders. Short-form notifications for no-contact orders will be allowed during traffic stops and other contacts with the person by a sheriff in the course of performing official duties.

Effective Date: April 1, 2014

## **HF 527 - DNA Profiling**

KLH

County Attorneys, Sheriffs

This bill adds certain aggravated misdemeanors to the list of offenses that requires a DNA sample for DNA profiling and allows persons convicted for these types of aggravated misdemeanors to motion the court for a DNA analysis to be performed.

Effective date: July 1, 2014

## **HF 644 - Enhanced E911 Emergency Communications Systems**

LH

Emergency Management, Sheriffs

This bill equalizes the E911 surcharge on both landlines and wireless phones at \$1. The bill eliminates the ability of counties to impose an alternative surcharge on wirelines up to an additional \$1.50 through a referendum. The bill reinstates the wireless provider cost recovery that was eliminated last year, but phases this out over a three-year period ending June 30, 2016. Thirteen percent of the wireless surcharge is allocated to wireless provider cost recovery during that time frame.

The bill requires the program manager to collect public safety answering point (PSAP) cost and expense data beginning January 1, 2014 with a report due to the general assembly on March 1, 2016 and every two years thereafter. Any E911 board that fails to submit data will receive an allocation of \$0.65 out of the \$1 surcharge until such time as the data is submitted. If the data is not submitted within a year, the funds will be added to the carryover operating surplus fund.

The bill also requires two studies: one to identify areas of efficiencies at both the state and local level and one to study the surcharge for three years and then to make a recommendation as to the appropriate amount of the surcharge to the legislature by January 1, 2016.

## **SF 115 - Graduated Drivers License Program**

*LH Sheriffs, Treasurers*

This bill extends the time a person who is 16 or 17 years of age must possess an instruction permit to qualify for an intermediate license under the graduated driver licensing program from a minimum of six months to 12 months.

Under current law, an intermediate licensee may transport only as many passengers as there are seatbelts in the vehicle, but there is no passenger restriction specified for a driver with a special minor's license. The bill imposes a new passenger restriction for both categories. Unless waived by the licensee's parent or guardian or accompanied by one of the adult drivers specified in the law, a person with an intermediate license may not operate a motor vehicle with more than one unrelated minor passenger in the vehicle. A person with a special minor's license may not operate a motor vehicle with more than one unrelated minor passenger in the vehicle and there is no parental waiver. The restriction on unrelated minor passengers is lifted for an intermediate licensee after six months. A violation of intermediate driver's license restrictions or special minor's license restrictions is a simple misdemeanor punishable by a scheduled fine of \$50.

Effective Date: January 1, 2014

## **SF 145 - Confidential Information for Securing Arrest Warrants**

*KLH County Attorneys, Sheriffs*

This bill expands the persons that have access to information that is confidential for purposes of securing an arrest warrant to include employees of law enforcement agencies when certain conditions are met.

## **SF 288 - Court Status of Juveniles**

*KLH County Attorneys*

This bill allows a juvenile court intake officer to access data on founded child abuse related to a juvenile for which the officer is making a preliminary inquiry into a complaint that the juvenile has committed a delinquent act.

The bill also redefines when a child may be considered for youthful offender prosecution and sentencing, by only allowing such status to be assigned when a child is 12 through 15 years of age and has been charged with a crime that is the equivalent of less than a class "A" felony if committed by an adult, or if the child is 10 or 11 years of age and has been charged with a crime that is the equivalent of a Class "A" felony if committed by an adult.

Other changes include that once a juvenile has been convicted by a district court for prosecution as an adult, all subsequent proceedings for any delinquent act committed by the juvenile are commenced in district court. If, however, the juvenile was waived to district court for prosecution as an adult but is not convicted, then subsequent charges for delinquent acts of the juvenile are commenced in juvenile court. The bill also allows a district court to take various actions related to juveniles that may not be available to adults for the same offense.

## **SF 396 - Government Efficiencies - E911 Single Point of Contact**

*LH Emergency Management, Sheriffs*

Division IX of the Government Efficiencies bill creates a new Iowa Code §34A.11, which establishes a single point of contact for public safety communications. The joint E911 service board in each enhanced 911 service area is required to designate a person to serve as a single point of contact to facilitate communications. If a joint E911 service board fails to designate a single point of contact by November 1, 2013, the chair of the joint E911 service board serves in that capacity. The E911 service board is required to submit the name and contact information for the person designated as the single-point-of-contact to the E911 program manager by January 1 annually.

## **SF 406 - Mental Health Advocates** - Human Services and Public Health

# TAXATION AND FINANCE

## **HF 397 - Economic Development Authority Programs**

*LB Assessors, Auditors, Supervisors*

The bill provides that if a business fails to meet the requirements in statute or in an agreement under the High Quality Jobs Program, counties have the authority to take action to recover the value of property taxes not collected as a result of a property tax exemption provided to the business as part of the agreement.

The bill eliminates the requirement that the economic development authority recommend prior approval of an industrial property tax exemption to a local government if the local government wishes to extend such an exemption as authorized under Iowa Code §427B.2.

## **HF 627 - Fairgrounds Property Tax Exemption**

*LB Assessors, Supervisors*

This bill provides a property tax exemption for all fairgrounds owned by a county or fair. The bill states that the use of the fairgrounds by the owner or lessee for purposes other than a fair event, including revenue generating activities, shall not affect the exemption.

Effective Date: Assessment years beginning on or after January 1, 2014.

## **HF 632 - Algae Farm Classification**

*LB Assessors, Supervisors*

This bill provides that for property taxation purposes, real estate used for the cultivation and harvesting of algae for animal feed and biofuel production shall be classified as agricultural property. To qualify, the real estate must be an enclosed pond or must be land containing machinery or equipment that uses a light source to provide photonic energy.

Effective Date: Upon enactment, May 24, 2013

Applies retroactively to property tax assessment years beginning on or after January 1, 2013.

## **HF 641 - Reinvestment Districts**

*LB Auditors, Supervisors*

This bill authorizes the establishment of reinvestment districts and provides for the remittance of certain sales tax and hotel/motel tax revenues. With the approval of the Iowa Economic Development Authority a county or city can establish a reinvestment district within its jurisdiction. Four of the six cents of state sales tax and all of the jurisdiction's hotel/motel tax from businesses developed within the district will be remitted to a reinvestment fund for the district. Reinvestment funds can be used for authorized projects within the district. The bill requires that at least one project within the district have a capital investment of at least \$10 million, that the reinvestment funds not be used to pay for more than 35% of the costs

of the projects, that the investment in retail businesses be limited to 50% of the district total, and that the size of the district be limited to 25 acres. Annual reports are required and reinvestment funds are subject to audit.

## **SF 295 - Property Tax Reform**

*LB Assessors, Auditors, Supervisors, Treasurers*

Division I of the bill creates a new property tax credit for commercial, industrial, and railway property. The credit is funded with a standing appropriation of \$50 million for FY 2015, \$100 million for FY 2016, and \$125 million for FY 2017 and subsequent years. The credit is applicable to taxes due and payable after July 1, 2014.

Division II reduces the permissible taxable valuation growth percentage due to statewide revaluation from 4% to 3% for residential and agricultural property. This provision is retroactive to the assessment year beginning January 1, 2013. This division also implements a rollback for commercial, industrial, and railway property of 95% for assessment year 2013 and 90% for assessment year 2014. A standing appropriation will reimburse local governments for the reduction in property taxes due to the rollback. The appropriation will fully fund the reduction in FY 2015 through FY 2017, and FY 2018 and subsequent years' backfill will be capped at the FY 2017 dollar amount.

Division III creates a new property classification for multi-residential property, which would include apartments, assisted living facilities, nursing homes, and mobile home parks that are currently assessed as commercial property. For assessment year 2013 and assessment year 2014 the properties would experience the commercial rollbacks of 95% and 90% respectively provided for in Division II. Beginning with assessment year 2015 the percentage of taxable value will be reduced by 3.75% per year until assessment year 2022 when it will become coupled with the rollback of residential property. No replacement dollars or reimbursements will be provided to local governments for the reduction in property taxes.

Division IV provides for the property tax exemption of a specified amount of the assessed value of telecommunications property with the percentage based on the value. When fully implemented in assessment year 2014 it will provide an exemption equal to the sum of 40% of the value between \$0 and \$20 million, 35% of the value between \$20 million and \$55 million, 25% of the value between \$55 million and \$500 million, and 20% of the value over \$500 million. This division is effective upon enactment and applies retroactively to assessment year 2013, during which the percentages used for calculating the exemption will be half of those outlined above for assessment year 2014. No replacement dollars or reimbursements will be provided to local governments for the reduction in property taxes.

Division V creates a new Taxpayer Trust Fund Tax Credit to be funded up to \$60 million annually by state revenue in



# TAXATION AND FINANCE

excess of the amount needed for the Economic Emergency Fund. State revenue surplus will be allocated to taxpayers by dividing the amount in the fund by the number of taxpayers the previous year. This division applies retroactively to the tax year beginning January 1, 2013.

Effective Date: Upon enactment, May 9, 2013

Applies retroactively to property tax assessment years beginning on or after January 1, 2013.

Division VI addresses property assessments, the board of review process, and the Property Assessment Appeal Board (PAAB). The division extends the repeal date of PAAB to July 1, 2018, changes the board member qualification requirements and salary guidelines, allows one or more board members to hear an appeal and make decisions on behalf of the board, changes the appeal period to the later of 20 days after the adjournment of the board of review or May 31, and allows for participation in appeals hearings via telephone or other electronic communication. The bill changes the date by which property assessments must be complete and assessment rolls must be sent to April 1, changes the period during which property owners may protest an assessment to April 7 through May 5, and creates a process by which property owners may request an informal review of their assessment by the assessor from April 1 through May 4. The bill also allows property owners to file a property assessment protest electronically if such method is approved by the jurisdiction's board of review. This division is effective upon enactment and most provisions will be applicable beginning in assessment year 2014. The provisions allowing the waiving of 30 days written notice by mutual consent, allowing one member to hear appeals and act on behalf of the board, and allowing participation in an appeals hearing via electronic communication apply retroactively to assessment year 2013. The new salary methodology for PAAB members is applicable July 1, 2013.

Division VII increases the percentage amount of the Iowa Earned Income Tax Credit. For tax year 2013 the credit will increase from 7% to 14% of the federal earned income tax credit provided for in 26 United States Code §32. For tax year 2014 and subsequent tax years the percentage of the federal credit provided will be 15%. This division applies retroactively to the tax year beginning January 1, 2013.

## **SF 451 - Water Utility Replacement Tax**

*LB Assessors, Auditors, Supervisors, Treasurers*

This bill exempts rate-regulated water utility companies from property taxation and establishes a replacement delivery tax based on the volume of water sold to consumers. The revenue generated from the replacement tax will be apportioned to the local taxing entities in the same way that property taxes would have been. The bill also provides for a special state property tax for rate-regulated water utility companies equal to three cents per thousand of assessed property value.

Currently, there is only one rate-regulated water utility company operating in Iowa. It serves the Clinton and Quad Cities areas. The bill does not apply to cooperatives or municipal utilities.

# TRANSPORTATION

## **HF 14 - Retractable Axles**

HD

*Engineers, Supervisors*

This bill allows a vehicle with retractable axles to raise an axle when necessary to complete a turn if that axle is lowered within 1,000 feet after completing the turn. Vehicles utilizing this type of turn are exempt from weight limitations during the turn, so long as the vehicle is in compliance when the axles are lowered. This does not apply on interstate highways, on and off ramps, or bridges.

## **HF 355 - Electronic Drivers License Renewal**

LH

*Treasurers*

This bill provides a mechanism for the Department of Transportation (DOT) to renew drivers' licenses online. Under current law, an applicant for renewal of a driver's license must either pass a vision test or file a vision report. This bill allows the DOT to renew a driver's license electronically without requiring either a vision test or a vision report. The bill restricts electronic license renewal to every other renewal.

The bill also allows the DOT to provide for a transition from five-year to eight-year renewal periods for driver's licenses and identification cards. During the transition, the DOT may issue drivers licenses and identification cards for periods of five, six, seven, or eight years to equalize renewal periods and applicants over succeeding years.

The bill authorizes the DOT to adopt emergency rules to implement these changes.

Effective Date: Upon enactment, May 15, 2013

## **SF 114 - Proof of Financial Responsibility** - County Administration and Organization

## **SF 115 - Graduated Drivers License Program** - Public Safety

## **SF 224 - Replacement Driver's Licenses**

LH

*Treasurers*

Prior to this legislation, the fee for replacement of a driver's license or identification card that was lost or destroyed was \$3, and the fee for voluntary replacement of a driver's license or identification card was \$1. The bill establishes a fee of \$10 for a replacement driver's license. An identification card is \$8 for eight years. There is no charge for an identification card when a person voluntarily surrenders their driver's license due to physical or mental inability to drive.

In addition, the bill amends a provision which allows honorably discharged veterans to have their veteran status noted on their driver's licenses, but not on a replacement license. Under the bill, a licensee may obtain a replacement license marked with the word "VETERAN." The replacement license is subject to the \$10 replacement fee provided for in the bill.

The bill also extends the validity of driver's licenses from five years to eight years for persons over ages 17 and 11 months and under age 72, except that a license cannot be issued for a period to exceed the person's 74th birthday. Licenses for these drivers are limited to two years in duration.

Effective Date: Fee changes are effective upon enactment, May 1, 2013

## **SF 355 - Overweight Vehicles**

HD

*Engineers, Supervisors*

This bill provides that if a vehicle permitted to transport indivisible loads has a retractable body extension, the extension must be reduced to legal dimensions unless the vehicle is loaded and the extension is in use. The bill allows persons requesting permits to do so in person, through the internet, by facsimile machine, or by telephone. The bill also provides that, at the request of a local authority, the Department of Transportation (DOT) shall issue other types of permits for streets under local jurisdiction if the local authority has indicated to the DOT in writing those streets or highways where a permit is not valid. The bill stipulates that "in writing" includes electronic communication.

The bill exempts certain commercial vehicles other than special trucks from permitting requirements based on weight in excess of 80,000 lbs.

The bill allows cranes used in the construction of alternative energy facilities to exceed the 24,000 lbs. weight limit established for any one axle. The exemption is also allowed for such cranes operating under a single-trip permit.

The bill provides that maximum height, width, length, and weight of vehicles and loads operating under single-trip permits shall be limited to the maximum physical limitations and clearances of the roadway and infrastructure of the intended route. Permit-issuing authorities are authorized to make the final determination regarding the issuance of single-trip permits, based on whether the movement will cause undue stress or damage to pavement, bridges, or other highway infrastructure, and to take into consideration the interest of public safety.

The bill limits the maximum height allowed for a vehicle with an indivisible load moved under a multi-trip permit to 15 feet five inches.

The bill specifies that a permitted vehicle with an overall length of not more than 100' and an overall width of not more than 14 feet six inches, may operate from 30 minutes after sunset to 30 minutes before sunrise on primary and nonprimary highway system roadways that are at least 22 feet in total width with at least 11 feet of lane width. Such vehicles are required to be equipped with projecting-load lights that are operating in addition to signs, flags, and warning lights required for vehicles operating under permit. The permit-issuing authority may impose additional lighting and escort requirements for night movement.

# TRANSPORTATION

The bill provides that a private carrier that is not for hire may transport special mobile equipment on a vehicle registered for the gross weight of the transport vehicle and cargo, minus the weight of the special mobile equipment, when the special mobile equipment is owned, leased, or rented and under exclusive control of the private carrier.

The bill includes a penalty for weight violations by escort vehicle operators. The bill provides that operating a civilian escort vehicle in violation of administrative rules is a simple misdemeanor punishable by a scheduled fine of \$200.

The bill provides that a permit-issuing authority may deny, change, suspend, or revoke any permit issued by the authority for good cause. Decisions of the DOT may be appealed according to administrative procedures, and decisions of local authorities may be appealed in accordance with the appeal procedures of the local authority.

The bill replaces the requirement for vehicles of a certain size and weight to carry a warning device clearly visible from a distance of 500 feet to the rear with a provision for the adoption by the department of administrative rules regarding oversize load signs, warning flags, warning lights, and projecting-load lights.

The bill specifies that permits that currently may be issued for vehicles with divisible loads of hay, straw, or stover without a finding of special or emergency situations are annual permits that allow the vehicle to be moved with a width not exceeding 12 feet five inches, a length not exceeding 75 feet, a height not exceeding 14 feet six inches, and a total gross weight of not more than 80,000 lbs.

The bill moves the responsibility for issuance of the permits and designation of routes over which compacted rubbish vehicles may be operated from the department to local authorities. The \$100 annual permit fee, which is currently paid to the DOT, is to be paid instead to the issuing authority under the bill.

The bill provides that current requirements for the movement of structures and buildings on dolly axles apply to the movement of structures and other indivisible loads.

The bill adds to a county's authority over specific issues relating to roads the regulation of traffic on and the use of secondary roads in accordance with vehicles of excessive size and weight.

## **SF 386 - DOT Policy Bill**

*HD*

*Engineers, Sheriffs, Supervisors*

This bill provides that emergency/medical information contained on electronic driver's license or non-operator's ID records constitutes a confidential record.

The bill provides that a proof of financial liability coverage card required to be carried in a motor vehicle may be produced in paper or electronic format. An electronic image displayed on the screen of a cell phone or other portable electronic device with a touch screen or miniature keyboard is an acceptable electronic format. The bill allows insurance companies to issue a financial liability coverage card in paper format or, at the request of the insured, in electronic format.

The bill permits staggered registration, at the option of the owner, for any motor truck registered for six tons or more and includes business-trade trucks in provisions allowing for semiannual payment of registration fees.

The bill adds texting and using a hand-held mobile telephone in violation of a state or local law while operating a commercial motor vehicle to the list of specified offenses that a commercial driver may lose their license over if the person has two or more convictions within a three-year period.

The bill prorates the fee for an increased weight registration at any time. However, if the owner has a conviction or action pending for a weight registration violation, the fee for increased weight registration is the difference between the annual fee for the higher gross weight and the fee for the gross weight at which the vehicle is registered.

The bill provides that a person whose driver's license is revoked after a conviction of a second offense of operating while intoxicated is required to maintain an ignition interlock device for one year or longer following reinstatement. The one-year period is reduced by any period of time the person held a valid temporary restricted license during the revocation for the occurrence from which the arrest arose. A person is prohibited from operating any motor vehicle not equipped with an ignition interlock device during the period in which a device is required to be maintained, and a person must certify installation of an ignition interlock device before the department can grant reinstatement. The bill also strikes a provision in current law that ties the permissible use of certain temporary restricted licenses to uses permitted under federal law. Finally, the bill strikes the current requirement that a person who was issued a temporary restricted license must submit proof of deinstallation of an ignition interlock device as a condition for reinstatement of a full driver's license.

The bill strikes a provision requiring the auditor of state to conduct periodic studies of the county driver's license issuance program.

# APPROPRIATIONS

## **HF160 - MH/DS Transition Funding**

LH

*Auditors, Community Services, Supervisors*

This bill makes a transfer from the Children's Health Insurance Program, Child Enrollment Contingency Fund in order to provide a supplemental appropriation for mental health disability services (MH/DS) redesign for FY 2013. The transfer was effective upon enactment, March 28, 2013.

To the MH/DS Redesign Transition Fund ..... \$11,628,317

- The bill specifies that the funds are to be distributed within two weeks of enactment to the 26 counties identified by the Department of Human Services (DHS) under scenario 1 of the DHS transition fund report submitted to the legislature on December 1, 2012, pursuant to a formal agreement between the county and DHS. The bill prohibits the use of these funds in any way that supports or draws federal match money. The bill requires the counties to bear any costs of a federal audit, including any federal repayment or penalty resulting from the audit.
- The bill allows the director of DHS to approve a region that includes a county that is not contiguous with the region, if the county has had a formal relationship with a county in the region for the provision of MH/DS services for at least two years.

## **HF 602 – Transportation Appropriations**

LB

*Engineers, Supervisors, Treasurers*

This bill makes appropriations for FY 2014 and FY 2015 from the Road Use Tax Fund and the Primary Road Fund to the Department of Transportation (DOT). The FY 2015 appropriation is funded at 50% of the FY 2014 level.

From the Road Use Tax Fund (FY 2014)

For drivers' licenses production costs/central issuance .....\$3,876,000 (no change)

For county issuance of drivers' licenses and vehicle registrations and titles.....\$1,406,000 (no change)

## **HF 603 – Administration and Regulation Appropriations**

LB

*All County Officials*

This bill makes appropriations from the state general fund to various administrative and regulatory state agencies for FY 2014 and FY 2015 and includes policy provisions.

To the Iowa Public Information Board (FY 2014).....\$275,000

In addition to the appropriations, the bill requires that in FY 2014 and FY 2015 the first \$750,000 in fees collected by the Department of Transportation for the furnishing of certified abstracts of vehicle operating records shall be transferred to the lowAccess revolving fund for the purpose of maintaining and expanding electronic access to government records.

Division III of the bill gives the county auditor the authority to audit, at the auditor's discretion, the financial condition and transactions of all county funds and accounts for compliance with state and federal law.

## **HF 638 - Infrastructure Appropriations**

LB

*All County Officials*

This bill makes infrastructure-related appropriations from a number of sources to various state departments and agencies for FY 2014.

### **From the Rebuild Iowa Infrastructure Fund (RIIF)**

To the Department of Cultural Affairs

For the Iowa Great Places program .....\$1,000,000 (no change)

To the Department of Natural Resources

For lake restoration and water quality projects..... \$8,600,000 (+\$2,000,000)

For water trails and low head dam safety grants.....\$1,000,000 (no change)

To the Department of Transportation

For recreational trails.....\$3,000,000 (no change)

# APPROPRIATIONS

To the Treasurer of State  
For county fair infrastructure improvements .....\$1,060,000 (no change)  
• The money is distributed to all 106 county fairs in the Association of Iowa Fairs (\$10,000 each).

**From the Technology Reinvestment Fund**

To the Iowa Telecommunications and Technology Commission  
For replacement of equipment for the Iowa Communications Network..... \$ 2,248,653 (+\$50,000)

To the Department of Management  
For a searchable online budget database .....\$45,000 (no change)

**Miscellaneous Provisions**

- Division V requires that moneys in the property tax credit fund (created in 2010 to fund the property tax credits in lieu of a general fund appropriation) that are unencumbered and unobligated on June 30, 2013, shall be transferred to the Rebuild Iowa Infrastructure Fund.

**HF 648 – Supplemental Appropriations and Bond Repayment**

*LB*

*All County Officials*

This bill establishes the state bond repayment fund and makes one-time appropriations for current and future fiscal years.

**State Bond Repayment Fund**

Division I provides that in the event of excess state revenue in FY 2014, if the Iowa Economic Emergency Fund reaches its maximum balance after the designated portion of the excess has been transferred to the Iowa Taxpayers Trust Fund, the next \$116,100,000 will be transferred to the newly created state bond repayment fund. Moneys in the bond repayment fund will be used to service debt on the premier destination park bonds, the prison infrastructure revenue bonds, the Iowa Jobs program bonds, and the school infrastructure program bonds.

**Miscellaneous Appropriations**

To the Department of Human Services  
For deposit into the risk pool of the Property Tax Relief Fund and distribution to counties/regions .....\$13,000,000  
• Application and award processes for distribution to be determined by risk pool board with priority given to counties forced to lower Mental Health Disability Services (MH/DS) levy rate and facing reduction in services.  
• Monies not encumbered and obligated at the end of FY 2014 revert to the general fund.

To the Department of Agriculture and Land Stewardship  
For the agricultural drainage well water quality assistance program.....\$1,620,000  
For soil and water conservation program administration.....\$7,000,000  
For special projects with a water quality initiative.....\$10,000,000  
For special projects relating to watershed improvement .....\$3,000,000  
• Monies that remain unencumbered and unobligated at the close of the fiscal year shall remain available for the purpose designated until the end of FY 2016 for drainage well assistance and FY 2018 for all other programs.

To the Iowa Judicial Branch  
For implementation of an electronic document management system .....\$3,000,000

**Miscellaneous Provisions**

The bill defines MH/DS regions as a governmental body for the purposes of Iowa Code chapter 21 (open meetings) and Iowa Code chapter 22 (open records). Effective, June 20, 3013.

# APPROPRIATIONS

## **SF 430 - Economic Development Appropriations**

LB

All County Officials

This bill makes appropriations for various economic development programs for FY 2014 and FY 2015 and contains related policy provisions. The FY 2015 appropriations were all funded at 50% of the FY 2014 appropriations listed below.

To the Department of Cultural Affairs  
 For the Iowa Great Places Program .....\$150,000 (no change)

To the Iowa Economic Development Authority  
 To the workforce development fund.....\$4,000,000 (no change)  
 For financial assistance to Iowa's councils of governments .....\$175,000

To the Department of Workforce Development  
 For the workforce development board and field office operations..... \$9,179,413 (-\$2,260,084)

- Of the total appropriation, the department is to allocate at least \$1,130,602 to the three satellite field offices projected by the department to serve the most people from the offices located in Decorah, Fort Madison, Iowa City and Webster City.
- Of the total appropriation \$150,000 is designated for the state library for licensing of an online resource to assist persons with enhancing job skills and vocational test-taking abilities.

To the Public Employment Relations Board  
 For salaries, support, maintenance, and miscellaneous purposes..... \$1,341,926 (+\$63,500)

- Of the total appropriation, \$15,000 is designated for the maintenance of the online database with searchable access to collective bargaining information.

## **SF 435 - Agriculture and Natural Resources Appropriations**

LB

All County Officials

This bill makes appropriations from the general fund and other funds for agriculture and natural resources programs for FY 2014 and FY 2015. The appropriations for FY 2015 are funded at 50% of the appropriations for FY 2014 listed below.

To the Department of Agriculture and Land Stewardship (DALs)  
 For a local food and farm program coordinator .....\$75,000 (no change)  
 For the conservation reserve enhancement program.....\$1,000,000 (no change)

- Permits DALs to use these funds in combination with other 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 .....\$900,000 (no change)  
 For soil and water conservation administration .....\$2,550,000 (no change)

- This appropriation is to be used for administration of soil and water conservation programs and to support soil and water conservation districts.

For the soil and water conservation cost share program.....\$6,650,000 (no change)  
 For the Loess Hills development and conservation fund.....\$525,000 (no change)

To the Department of Natural Resources  
 For flood management and dam safety.....\$2,000,000 (no change)

- Of this amount, up to \$400,000 may be used to install stream gauges for tracking and predicting flood events and for compiling necessary data to improve flood frequency analysis.

For water quality monitoring .....\$2,955,000 (no change)  
 For regulation of animal feeding operations ..... \$1,320,000 (+\$700,000)  
 For air quality monitoring.....\$425,000 (no change)  
 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)

To the Iowa Resources Enhancement and Protection Fund (REAP) ..... \$16,000,000 (+\$4,000,000)

- This appropriation is an increase of \$4 million from last fiscal year, but still \$4 million short of the \$20 million designated by Iowa Code §455A.18.

# APPROPRIATIONS

## **SF 442 - Judicial Branch Appropriations**

LB

County Attorneys, Supervisors

In addition to making appropriations for the judicial branch, this bill includes a number of policy provisions. It requires the judicial branch to continue its effort to collect delinquent fines, penalties, court costs, fees, and surcharges, and calls for semiannual reports on the collections effort. It states that it is the intent of the General Assembly that the offices of the clerks of court operate in each county and should be accessible to the public as much as reasonably possible. It also allows a civil trial (including a jury trial) to be moved to a county contiguous to the county with jurisdiction if agreed upon by all parties to the case.

## **SF 446 - Health and Human Services Appropriations**

LH, LB

All County Officials

This bill makes appropriations from various sources for human services, aging, veterans and public health programs for FY 2014 and FY 2015. The appropriations for FY 2015 are funded at 50% of the appropriations for FY 2014 listed below. The bill also creates the Iowa Health and Wellness Plan which expands Medicaid coverage.

### **General Fund Appropriations**

To the Department of Aging

For case management for the frail elderly, adult day services, and other services ..... \$10,600,379 (+\$258,293)

To the Department of Public Health

For addictive disorders ..... \$27,163,690 (+\$3,300,000)

For strengthening local health care delivery systems..... \$4,869,980 (+\$634,814)

- To the University of Iowa to expand/improve mental health disability services (MH/DS) workforce ..... \$110,656 (-\$652)
- To the mental health institute at Cherokee to expand/improve MH/DS workforce ..... \$99,904 (-\$589)
- For a mental health professional workforce shortage program..... \$105,448 (-\$39,094)
- For psychologists in urban and rural mental health professional shortage areas..... \$50,000 (+\$11,737)
- To local boards of health to assist patients in determining an appropriate medical home ..... \$77,153 (-\$456)
- To maternal and child health centers for pilot programs to assist patients in determining an appropriate medical home ..... \$95,126 (-\$456)
- To rural health clinics to assist patients in determining a medical home..... \$141,544 (-\$648)

For the Healthy Opportunities for Parents to Experience Success program care ..... \$734,841 (-\$4,477)

For infectious diseases prevention and care ..... \$1,335,155 (no change)

For public protection ..... \$3,278,771 (+\$499,644)

- Of this amount, \$454,700 (-\$16,990) is to be credited to the emergency medical services fund.

For reducing public exposure to environmental hazards..... \$803,870 (no change)

- Of this amount, \$537,750 (-\$6,627) is for childhood lead poisoning prevention, testing, and remediation.

To the Department of Veterans Affairs

For the Iowa Veterans Home..... \$7,525,714 (-\$500,000)

For the county commissions of veterans affairs fund ..... \$990,000 (no change)

To the Department of Human Services (DHS)

For medical assistance..... \$1,143,810,311 (+\$228,816,890)

For state supplementary assistance..... \$16,512,174 (+\$1,061,427)

For child and family services ..... \$91,283,920 (+\$10,052,359)

- For group foster care maintenance and services..... \$32,242,236 (+\$1,405,138)
- For de-categorization service funding pools and governance boards ..... \$1,717,753 (no change)
- For shelter care and child welfare emergency services..... \$7,616,048 (+\$745,932)
- For continuation and expansion of child protection sites ..... \$630,240 (no change)
- For continuation of minority youth and family projects ..... \$371,250 (no change)
- For funding of the community circle of care collaboration for children and youth in NE Iowa (formerly the substance abuse and mental health services administration grant)..... \$1,436,595 (no change)
- For continuation of a system of care grant in Cerro Gordo and Linn Counties..... \$160,000 (no change)

For the state mental health institute at Cherokee..... \$5,954,464 (+\$418,726)

For the state mental health institute at Clarinda ..... \$6,751,868 (+\$309,180)

For the state mental health institute at Independence..... \$10,318,778 (-\$580,258)

For the state mental health institute at Mount Pleasant ..... \$1,366,686 (+\$481,227)

# APPROPRIATIONS

## Juvenile Detention

Division VIII of the bill caps the number of juvenile detention beds at 262 statewide.

## Iowa Health and Wellness Plan

The bill includes the expansion of Medicaid coverage to persons between the ages of 19 and 65 whose income does not exceed 100% of the federal poverty level (FPL). Covered services include prescription, dental, and habilitation services. Persons in the 19 to 65 age range with incomes between 100% and 133% of FPL will receive premium assistance for the purchase of health insurance through the American health benefits exchange.

Beginning with FY 2014, the bill requires the DHS to calculate the projected Medicaid offset amount (“savings”) for each fiscal year that would have been paid by a county or region for those services covered by the Iowa Health and Wellness Plan. This amount will be reported to the legislature by October 15 of each year, beginning with October 15, 2014.

For FY 2015 and succeeding fiscal years, a county shall repay the state from any equalization payment, 80% of the projected savings amount. If the repayment amount exceeds a county’s equalization amount, the county shall, for the following fiscal year, reduce their MH/DS levy by the amount of the excess. A county’s repayment shall be remitted by January 1 and shall be credited to the property tax relief fund to be appropriated by the general assembly to support the regional MH/DS service system.

The bill requests that the legislative council direct a new or existing legislative interim committee to study the provisions for implementing a Medicaid offset amount and repayments during the 2013 legislative interim. The interim committee shall be directed to consider the potential effects of the repayment provisions on the ability of the mental health and disability service regions to adequately fund the initial core services and additional core services and to make recommendations to address funding insufficiencies.

This division takes effect upon enactment, with the health insurance coverage effective January 1, 2014, contingent upon receipt of federal approval.

## **SF 447 - Justice System Appropriations**

*LB*

*All County Officials*

This bill makes appropriations from the general fund and other funds to the justice system for FY 2014 and FY 2015. The appropriations for FY 2015 are funded at 50% of the appropriations for FY 2014 listed below.

To the Department of Corrections

For reimbursement for county confinement of state prisoners .....\$1,075,092 (no change)  
For offender mental health and substance abuse treatment.....\$22,319 (no change)

To the Iowa Law Enforcement Academy ..... \$1,001,698 (+\$33,000)

To the Department of Public Defense

For the Homeland Security and Emergency Management Division ..... \$2,174,277 (+\$337,400)  
For E911 Communications .....\$250,000 (no change)

- This appropriation from the wireless E911 emergency communications fund to the homeland security and emergency management division is for costs associated with implementation, support and maintenance of the functions of the E911 program manager and with an annual state audit of the wireless E911 emergency communications fund.

## **Miscellaneous Provisions**

The bill establishes a public safety training and facilities taskforce, which will include one member appointed by the Iowa State Sheriffs’ and Deputies’ Association and one member appointed by the Iowa Emergency Management Association among its membership. The taskforce will be charged with developing a coordinated plan amongst all public safety disciplines to oversee the construction of a consolidated fire and police public safety training facility, providing for the establishment of a governance board for the public safety disciplines and the consolidated facility, and establishing a consistent and steady funding mechanism to defray public safety training costs on an ongoing basis.

The bill provides that the department of corrections, in cooperation with the counties, may use inmate labor to clean up roads, major water sources, and other water sources around the state.



# APPROPRIATIONS

## SF 452 - Standing Appropriations

LB

All County Officials

This bill makes appropriations for property tax credits and other programs, implements miscellaneous provisions, and includes additional guidelines and appropriations for mental health disability services (MH/DS) redesign.

### Miscellaneous Provisions

- Requires the full funding of the homestead, agricultural land and family farm, elderly and disabled, and military tax credits.
- Amends Iowa Code §49.77 to give the county commissioner of elections the discretion to allow the use of an electronic election register to produce the voter's declaration to be signed before a voter receives a ballot.
- Provides that moneys appropriated from the Environment First Fund to the Iowa Department of Agriculture and Land Stewardship for purposes of the Conservation Reserve Enhancement Program for FY 2014 that remain unencumbered and unobligated at the end of the fiscal year shall not revert and shall remain available for expenditure through the end of FY 2017. The monies appropriated for FY 2015 falling under the same circumstances shall remain available through the end of FY 2018. Also applies retroactively to appropriations for FY 2009 through FY 2013 providing that those funds remain available through FY 2017.
- Adds a new section to Iowa Code §144.26 stating that upon activation of an electronic death record system, each person with a duty related to death certificates (including county recorders) shall participate in the electronic death record system.
- Provides that of the funds appropriated to the Iowa Department of Human Services (DHS) for the medical assistance program for FY 2014, \$200,000 shall be used for the Iowa Chronic Care Consortium.
- Adds the executive director of the Iowa Public Information Board to the list of state employees falling into the category of range four positions.
- Amends Iowa Code §404A.4 to require increases in the Iowa State Historic Preservation Office beyond the base \$45 million in FY 2013 and FY 2014, to \$55 million in FY 2015 through FY 2017, and \$50 million in FY 2018 and subsequent years for the Historic Preservation and Cultural and Entertainment District Tax Credit.
- Calls for the program wind-up and future repeal of the Iowa Fund of Funds as soon as practicable after enactment of the bill.
- Directs the Department of Revenue, in consultation with the Department of Management and interested stakeholders, to study the state's administrative appeals process for tax matters, study the desirability and feasibility of a new administrative appeals board within the executive branch to resolve disputes between the department and taxpayers, and develop a report detailing the study and offering recommendations.

To the Iowa Public Information Board (in addition to appropriation in HF 603)

For salaries, support, maintenance, and miscellaneous purposes.....\$75,000

### MH/DS Redesign

- Amends Iowa Code §331.389 to allow a region to include a noncontiguous county if that county has had a formal relationship for at least two years with one or more of the other counties in the region for purpose of mental health and disability services.
- Amends Iowa Code §331.396 to allow for the eligibility of persons under the age of 18 for mental health and/or intellectual services if those services were offered to persons of the same age and eligibility class in one of the member counties prior to joining the region, and if doing so does not limit or reduce core services throughout the region.
- Allows a regional service system to implement demonstration projects for an initial period of up to three years to model the use of research-based practices.
- Provides that for monies appropriated for MH/DS redesign technical assistance (\$500,000 appropriated for FY 2013) any amount unencumbered and unobligated at the end of the fiscal year shall not revert and shall remain available for the purposes designated until the end of the succeeding fiscal year.
- Provides that monies appropriated to DHS from the federal social services block grant and the federal temporary assistance for needy families' block grant to be used for the distribution of state payment program remittances to counties will total at least \$11,774,275 for FY 2014. The state payment program remittance shall be an amount equal to the amount paid to a county of residence under the state payment program during the most recently available 12-month period. **If sequestration reduces the amount of block grant funding available, the amount drawn from the medical assistance appropriation shall be increased to replace the amount of the reduction.**

For deposit into the MH/DS property tax relief fund created in Iowa Code §426B.1

To DHS for the distribution of equalization payments to counties .....\$29,820,478

# 2013 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 policy statements and input from the legislative policy committee 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.

## **The following is a list of bills that ISAC opposed that were successfully defeated.**

HJR 3 - Reduction in number of counties  
HSB 131/SF 77 - Sale of Raw Milk  
HSB 216/SSB 1237 - Ombudsman/Iowa Public Information Board access to closed session tapes  
HF 33/HF 274 - Choice of Doctor  
HF 36 - Prevailing Wage  
HF 268 - Smart Planning Repeal  
HF 369 - Tax Sales  
HF 445 - County Medical Examiner Fees  
HF 608 - Insurance Restitution  
SF 61 - Unprocessed Food Regulation Moratorium  
SF 263 - Smokefree Air Act Exemption

## **The following is a list of bills supported by ISAC that failed.**

HSB 149/SSB 1162 - Psychologist Prescriptions  
HF 92/SF 268 - Natural Resources Sales Tax  
HF 98 - Mental Health/Disability Services (MH/DS) Levy  
HF 117 - Mental Health Transition Supplemental  
HF 200 - County MH/DS levies  
HF 201 - MH/DS Equalization Payments

HF 297/HF 411/SF 113 - Casino Smoking Ban  
HF 306 - Forest Reservation Requirements  
HF 308/SSB 1145 - Voter Registration Deadlines  
HF 327/SF 337 - Suicide Prevention Training in Schools  
HF 350/SSB 1144 - In person Absentee Voting  
HF 399 - MH/DS Supplemental  
HF 498/SF 280 - Farm electrical inspection  
HF 539/SF 376 - Disaster Civil Immunity  
HF 606 - Rural Investment Zones  
SSB 1007 - Radon Tax Credits  
SSB 1070 - County Recorder Fees  
SSB 1108 - County Record Charges  
SSB 1146 - Absentee Ballot Return Deadline  
SSB 1153 - Access to County Land Records  
SSB 1235 - Absentee Ballot Envelopes  
SSB 1247 - Bottle Redemption  
SF 23 - Farm House Exemption  
SF 25 - Voluntary Annexations  
SF 198 - Violent Elderly Placement Study  
SF 366 - School Radon Testing  
SF 405 - RUTF Appropriation  
SF 416 - County Building Bonds

# LEGISLATIVE POLICY COMMITTEE

## **2013 ISAC Legislative Policy Committee Members**

Committee Chair: Harlan Hansen, Humboldt County Supervisor and ISAC 2nd Vice-President  
Committee Vice Chair: Dianne Kiefer, Wapello County Treasurer

### **Assessors**

Dale McCrea, Muscatine County  
Deb McWhirter, Butler County

### **Auditors**

Ken Kline, Cerro Gordo County  
Dennis Parrott, Jasper County

### **Community Services**

Lori Elam, Scott County  
Shane Walter, Sioux County

### **Conservation**

Dan Cohen, Buchanan County  
Matt Cosgrove, Webster County

### **County Attorneys**

Darin Raymond, Plymouth County  
Matt Wilbur, Pottawattamie County

### **Emergency Management**

Gary Brown, Woodbury County  
Mike Goldberg, Linn County

### **Engineers**

Paul Assman, Crawford County  
Lyle Brehm, Tama/Poweshiek County

### **Environmental Health**

Eric Bradley, Scott County  
Jon McNamee, Black Hawk County

### **Information Technology**

Micah Cutler, Hardin County  
Jeff Rodda, Polk County

### **Public Health**

Kathy Babcock, Chickasaw County  
Lynelle Diers, Wapello County

### **Recorders**

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

### **Sheriffs and Deputies**

Don DeKock, Mahaska County  
Jerry Dunbar, Washington County

### **Supervisors**

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Mark Sybesma, Sioux County

### **Treasurers**

Dianne Kiefer, Wapello County  
Ana Lair, Henry County

### **Zoning**

Joe Buffington, Henry County  
RJ Moore, Johnson County

# NOTES



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