

b. For a second violation, not less than two thousand dollars and not more than five thousand dollars for each unauthorized alien hired or employed.

c. For a third or subsequent violation, not less than three thousand dollars and not more than ten thousand dollars for each unauthorized alien hired or employed.

In addition, an employer found to have violated this section shall be assessed the costs of the action to enforce the civil penalty, including the reasonable costs of investigation and attorneys' fees.

4. A civil action to enforce this provision shall be by equitable proceedings instituted by the attorney general or county attorney.

5. Penalties ordered pursuant to this section shall be paid to the treasurer of state for deposit in the general fund of the state.

Approved May 1, 1996

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## CHAPTER 1182

### PIONEER CEMETERIES - CEMETERY LEVY

H.F. 2491

**AN ACT** relating to the care and maintenance of pioneer cemeteries and authorizing a tax levy.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. **NEW SECTION.** 331.325 CONTROL AND MAINTENANCE OF PIONEER CEMETERIES - CEMETERY COMMISSION.

1. As used in this section, "pioneer cemetery" means a cemetery where there have been six or fewer burials in the preceding fifty years.

2. Each county board of supervisors may adopt an ordinance assuming jurisdiction and control of pioneer cemeteries in the county. The board shall exercise the powers and duties of township trustees relating to the maintenance and repair of cemeteries in the county as provided in sections 359.28 through 359.41 except that the board shall not certify a tax levy pursuant to section 359.30 or 359.33 and except that the maintenance and repair of all cemeteries under the jurisdiction of the county including pioneer cemeteries shall be paid from the county general fund. The maintenance and improvement program for a pioneer cemetery may include restoration and management of native prairie grasses and wildflowers.

3. In lieu of management of the cemeteries, the board of supervisors may create, by ordinance, a cemetery commission to assume jurisdiction and management of the pioneer cemeteries in the county. The ordinance shall delineate the number of commissioners, the appointing authority, the term of office, officers, employees, organizational matters, rules of procedure, compensation and expenses, and other matters deemed pertinent by the board. The board may delegate any power and duties relating to cemeteries which may otherwise be exercised by township trustees pursuant to sections 359.28 through 359.41 to the cemetery commission except the commission shall not certify a tax levy pursuant to section 359.30 or 359.33 and except that the expenses of the cemetery commission shall be paid from the county general fund.

4. Notwithstanding sections 359.30 and 359.33, the costs of management, repair, and maintenance of pioneer cemeteries shall be paid from the county general fund.

Sec. 2. NEW SECTION. 331.424B CEMETERY LEVY.

The board may levy annually a tax not to exceed six and three-fourths cents per thousand dollars of the assessed value of all taxable property in the county to repair and maintain all cemeteries under the jurisdiction of the board including pioneer cemeteries and to pay other expenses of the board or the cemetery commission as provided in section 331.325. The proceeds of the tax levy shall be credited to the county general fund. Sections 444.25A and 444.25B do not apply to the property tax levied or expended for cemeteries pursuant to section 331.325.

Sec. 3. Section 359.28, Code 1995, is amended to read as follows:  
359.28 CONDEMNATION.

The township trustees are hereby empowered to condemn, or purchase and pay for out of the general fund, or the specific fund voted for such purpose, and enter upon and take, any lands within the territorial limits of such township for the use of cemeteries, a community center or juvenile playgrounds, in the same manner as is now provided for cities. However, the board of supervisors or a cemetery commission appointed by the board of supervisors shall control and maintain pioneer cemeteries as defined in section 331.325.

Approved May 1, 1996

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## CHAPTER 1183

### MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITY SERVICES

H.F. 2427

**AN ACT** relating to mental health, mental retardation, developmental disabilities, and other services paid for in whole or in part by counties or the state, and including an applicability provision and an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### DIVISION I

#### MENTAL RETARDATION SERVICE PROVISIONS

Section 1. Section 222.2, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. "Single entry point process" means the same as defined in section 331.440.

Sec. 2. Section 222.13, subsections 1 through 3, Code Supplement 1995, are amended to read as follows:

1. If an adult person is believed to be a person with mental retardation, the adult person or the adult person's guardian may request the county board of supervisors or their designated agent to apply to the superintendent of any state hospital-school for the voluntary admission of the adult person either as an inpatient or an outpatient of the hospital-school. Submission of an application is subject to a recommendation supporting the placement developed through the single entry point process. After determining the legal settlement of the adult person as provided by this chapter, the board of supervisors shall, on forms prescribed by the administrator, apply to the superintendent of the hospital-school in the district for the admission of the adult person to the hospital-school. An application for admission to a special unit of any adult person believed to be in need of any of the services provided by the special unit under section 222.88 may be made in the same manner, upon