

Sen. Wynn + Mrs 4/1
Approps. To Gov. 4/9 (p. 1330)

MAR 23 1992

HOUSE FILE 2463
BY COMMITTEE ON APPROPRIATIONS

APPROPRIATIONS CALENDAR

(SUCCESSOR TO HF 2257)

Passed House, Date 3/30/92 (p. 92) Passed Senate, Date 4/10/92 (p. 1342)
Vote: Ayes 96 Nays 4 Vote: Ayes 47 Nays 0
Approved April 22, 1992 (p. 1146)

A BILL FOR

1 An Act relating to state mandates.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 2463

H-5525

1 Amend House File 2463 as follows:
2 1. Page 2, by inserting after line 4 the
3 following:
4 "Sec. ____ . NEW SECTION. 25B.7 FUNDING OF STATE
5 MANDATES.
6 If a statutory requirement or appropriation
7 containing a state mandate can be enforced by the
8 state through the imposition of fines or penalties on
9 a noncomplying political subdivision, the statutory
10 requirement or appropriation shall not be enforced and
11 fines and penalties shall not be imposed until the
12 state provides full funding of the costs of the
13 statutory requirement or appropriation."
14 2. By renumbering as necessary.

By HALVORSON of Clayton
HARBOR of Mills
BARTZ of Worth

H-5525 FILED MARCH 25, 1992

Filed not returned 3/30 (p. 92)

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HF 2463

1 Section 1. Section 25B.3, subsection 2, Code 1991, is
2 amended to read as follows:

3 2. "State mandate" means a statutory requirement enacted
4 ~~after-January-17-1984~~; or appropriation which requires a
5 political subdivision of the state to establish, expand, or
6 modify its activities in a manner which necessitates
7 additional annual expenditures of local revenue of at least
8 one hundred thousand dollars, or additional expenditures of
9 local revenue within five years of enactment of five hundred
10 thousand dollars or more, excluding an order issued by a court
11 of this state.

12 Sec. 2. Section 25B.5, Code 1991, is amended to read as
13 follows:

14 25B.5 ESTIMATION -- PROCEDURES.

15 1. When a bill or joint resolution is requested, the
16 legislative service bureau shall make an initial determination
17 of whether the bill or joint resolution ~~will~~ may impose a
18 state mandate. If a state mandate ~~is~~ may be included, ~~the~~
19 that fact shall be included in the explanation of the bill or
20 joint resolution.

21 2. If a bill or joint resolution ~~contains~~ may include a
22 state mandate, a copy of the prepared draft shall be sent to
23 the legislative fiscal bureau which shall determine if the
24 bill or joint resolution contains a state mandate. If the
25 bill or joint resolution contains a state mandate and is still
26 eligible for consideration during the legislative session for
27 which the bill or joint resolution was drafted, the
28 legislative fiscal bureau shall prepare an estimate of the
29 amount of costs imposed.

30 3. If a bill or joint resolution containing a state
31 mandate is enacted, unless the estimate already on file with
32 the house of origin is sufficient, the legislative fiscal
33 bureau shall prepare a final estimate of additional local
34 revenue expenditures required by the state mandate and file
35 the estimate with the secretary of state for inclusion with

1 the official copy of the bill or resolution to which it
2 applies. A notation of the filing of the estimate shall be
3 made in the Acts of the general assembly published pursuant to
4 chapter 14.

5 Sec. 3. Section 14.10, Code Supplement 1991, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 7. A notation of the filing of an
8 estimate of a state mandate prepared by the legislative fiscal
9 bureau pursuant to section 25B.5 shall be included in the
10 session laws with the text of an enacted bill or joint
11 resolution containing the state mandate.

12 EXPLANATION

13 This bill relates to state mandates applied to a political
14 subdivision of the state.

15 Section 1 amends the state mandates Act to apply to an
16 appropriation requiring additional local revenue expenditures.
17 In addition the bill applies a financial threshold to the
18 meaning of a state mandate.

19 Section 2 relates to fiscal notes prepared for a state
20 mandate. Initially, the legislative service bureau determines
21 if a bill may include a state mandate. If the legislative
22 fiscal bureau determines that a bill contains a state mandate,
23 the bureau must prepare an estimate of the costs required by
24 the mandate. A final estimate of the cost imposed by a state
25 mandate contained in an enacted bill or joint resolution is to
26 be included with the final copy filed with the secretary of
27 state. An indication of the existence of the fiscal note is
28 to be published in the Acts of the general assembly published
29 for that session.

30 Section 3 requires the Code editor to publish the notice of
31 the fiscal estimate with the session laws.

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thousand dollars or more, excluding an order issued by a court of this state.

Sec. 2. Section 25B.5, Code 1991, is amended to read as follows:

25B.5 ESTIMATION -- PROCEDURES.

1. When a bill or joint resolution is requested, the legislative service bureau shall make an initial determination of whether the bill or joint resolution will may impose a state mandate. If a state mandate is may be included, the that fact shall be included in the explanation of the bill or joint resolution.

2. If a bill or joint resolution contains may include a state mandate, a copy of the prepared draft shall be sent to the legislative fiscal bureau which shall determine if the bill or joint resolution contains a state mandate. If the bill or joint resolution contains a state mandate and is still eligible for consideration during the legislative session for which the bill or joint resolution was drafted, the legislative fiscal bureau shall prepare an estimate of the amount of costs imposed.

3. If a bill or joint resolution containing a state mandate is enacted, unless the estimate already on file with the house of origin is sufficient, the legislative fiscal bureau shall prepare a final estimate of additional local revenue expenditures required by the state mandate and file the estimate with the secretary of state for inclusion with the official copy of the bill or resolution to which it applies. A notation of the filing of the estimate shall be made in the Acts of the general assembly published pursuant to chapter 14.

Sec. 3. Section 14.10, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A notation of the filing of an estimate of a state mandate prepared by the legislative fiscal bureau pursuant to section 25B.5 shall be included in the

HOUSE FILE 2463

AN ACT

RELATING TO STATE MANDATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 25B.3, subsection 2, Code 1991, is amended to read as follows:

2. "State mandate" means a statutory requirement enacted after January 1, 1984, or appropriation which requires a political subdivision of the state to establish, expand, or modify its activities in a manner which necessitates additional annual expenditures of local revenue of at least one hundred thousand dollars, or additional expenditures of local revenue within five years of enactment of five hundred

session laws with the text of an enacted bill or joint resolution containing the state mandate.

ROBERT C. ARNOULD
Speaker of the House

MICHAEL E. GRONSTAL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2463, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 22, 1992

TERRY E. BRANSTAD
Governor