

JAN 11 1999

LOCAL GOVERNMENT

HOUSE FILE

10

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BRADLEY, HAHN, BODDICKER, SUKUP,
THOMSON, RANTS, CORMACK,
VAN ENGELENHOVEN, JACOBS,
and METCALF

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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

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1 Section 1. Section 25B.2, subsection 3, Code 1999, is
2 amended by striking the subsection.

3 Sec. 2. Section 25B.3, subsection 1, Code 1999, is amended
4 to read as follows:

5 1. "Political subdivision" means a city, county, township,
6 community college, area education agency, or school district.

7 Sec. 3. NEW SECTION. 25B.5A UNFUNDED STATE MANDATES --
8 EFFECT.

9 1. If, on or after July 1, 1999, a state mandate is
10 enacted by the general assembly, or otherwise imposed, on a
11 political subdivision and the state mandate requires a
12 political subdivision to engage in any new activity, to
13 provide a new service, or to provide any service beyond that
14 required by any law enacted prior to July 1, 1999, and the
15 state does not appropriate moneys to fully fund the cost of
16 the state mandate as identified pursuant to section 25B.5,
17 subsections 1 and 2, the political subdivision is not required
18 to perform the activity or provide the service and the
19 political subdivision shall not be subject to any liabilities
20 imposed by the state or the imposition of any fines or
21 penalties for the failure to comply with the state mandate.
22 However, this subsection does not apply to any requirement
23 imposed on a political subdivision relating to public employee
24 retirement systems under chapters 97B, 410, and 411 or to the
25 enforcement of chapter 321J, the Iowa criminal code, or to any
26 other chapter containing a public offense punishable by fine
27 or imprisonment.

28 2. For the purposes of subsection 1, any requirement
29 originating from the federal government and administered,
30 implemented, or enacted by the state, or any allocation of
31 federal moneys conditioned upon the enactment of state law or
32 rule, is not a state mandate.

33 EXPLANATION

34 This bill provides that if a new state mandate is imposed
35 on or after July 1, 1999, which requires the performance of a

1 new activity or service or the expansion of a service beyond
2 what was required before July 1, 1999, the state mandate must
3 be fully funded. If the state mandate is not fully funded,
4 the affected political subdivisions are not required to comply
5 or implement the state mandate. Also, no fines or penalties
6 may be imposed on a political subdivision for failure to
7 comply or carry out an unfunded state mandate.

8 | However, requirements relating to public employee
9 retirement systems under Code chapters 97B, 410, and 411, or
10 the enforcement of laws relating to driving while drunk or any
11 other public offense punishable by a fine or imprisonment, are
12 not considered state mandates. Also, requirements originating
13 from the federal government and administered, implemented, or
14 enacted by state law or rule are not considered state
15 mandates.

16 This bill strikes Code section 25B.2, subsection 3, and
17 rewrites it as a new section outside the intent section of
18 Code chapter 25B. The rewritten section removes a qualifying
19 phrase which limits the circumstances under which a political
20 subdivision may fail to carry out an unfunded state mandate.

21 Community college and area education agency are added to
22 the definition of political subdivision as provided in Code
23 section 25B.2, subsection 3, which was stricken.

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