

Senate Study Bill 1265

Bill Text

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1 1 Section 1. Section [25B.2](#), subsection 3, Code 2001, is
1 2 amended by striking the subsection.

1 3 Sec. 2. NEW SECTION. 25B.5A UNFUNDED STATE MANDATES
1 4 EFFECT.

1 5 If, on or after July 1, 2001, a state mandate is enacted by
1 6 the general assembly, or otherwise imposed, on a political
1 7 subdivision and the state mandate requires a political
1 8 subdivision to engage in any new activity, to provide a new
1 9 service, or to provide any service beyond that required by any
1 10 law enacted prior to July 1, 2001, and the state does not
1 11 appropriate moneys to fully fund the cost of the state mandate
1 12 as identified pursuant to section 25B.5, subsections 1 and 2,
1 13 the political subdivision is not required to perform the
1 14 activity or provide the service and the political subdivision
1 15 shall not be subject to any liabilities imposed by the state
1 16 or the imposition of any fines or penalties for the failure to
1 17 comply with the state mandate.

1 18 EXPLANATION

1 19 This bill provides that if a state mandate is enacted on or
1 20 after July 1, 2001, which requires the performance of a new
1 21 activity or service or requires the provision of any service
1 22 beyond what was required before July 1, 2001, the state
1 23 mandate must be fully funded by the state. If the state
1 24 mandate is not fully funded, the affected political
1 25 subdivisions are not required to comply with or implement the
1 26 state mandate. Also, no fines or penalties may be imposed on
1 27 a political subdivision and no liabilities may be imposed by
1 28 the state for failure to comply with or implement an unfunded
1 29 state mandate. Political subdivisions under the bill and Code
1 30 chapter 25B are cities, counties, townships, and school
1 31 districts.

1 32 The bill strikes Code section 25B.2, subsection 3, and
1 33 rewrites it as a new section outside the intent section of
1 34 Code chapter 25B. The bill removes language from the current
1 35 Code which states that requirements relating to public
2 1 employee retirement systems under Code chapters 97B, 410, and
2 2 411, or the enforcement of laws relating to driving while
2 3 drunk or any other public offense punishable by a fine or
2 4 imprisonment, are not considered state mandates. The bill
2 5 also removes language from the current Code which states that
2 6 requirements originating from the federal government and
2 7 administered, implemented, or enacted by state law or rule are
2 8 not considered state mandates.

2 9 LSB 3616SC 79

2 10 sc/cls/14