

health or the general assembly determines that an agency of the federal government or the state of Iowa is providing the referral and genetic services pursuant to section 139A.6, the commissioner or the general assembly by specific action may discontinue all or part of the services or requirements provided in this chapter.

Sec. 8. NEW SECTION. 139A.8 RULES. The department shall adopt rules pursuant to chapter 17A to implement this chapter.

Sec. 9. NEW SECTION. 139A.9 APPROPRIATIONS. This chapter shall be implemented by the department each fiscal year that appropriations are made to the department for implementation of this chapter.

Sec. 10. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1983 and ending June 30, 1984, to the state department of health the sum of forty thousand (40,000) dollars, or so much thereof as is necessary, to be used for the implementation of chapter 139A.

Approved May 24, 1983

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## CHAPTER 142

### FISCAL IMPACT OF LEGISLATIVE AND ADMINISTRATIVE ACTIONS

S.F. 527

**AN ACT** relating to the impact of state legislative and administrative actions by requiring fiscal notes on bills, joint resolutions, and administrative rules, by providing for the payment of interest on unpaid claims against the state treasury, by requiring notice of proposed rules.

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

Section 1. NEW SECTION. 25B.1 TITLE. This chapter may be cited as the "State Mandates Act".

Sec. 2. NEW SECTION. 25B.2 FINDINGS AND PURPOSE.

1. The general assembly finds that preceding actions of state government in specifying the manner, standards, and conditions under which public services are rendered to citizens by the political subdivisions of this state in some cases have not resulted in equitable relationships between the state government and its political subdivisions. Some state actions have dealt in detail with the internal management of the political subdivisions; some have specified the establishment of new services and facilities without providing new revenue sources or financial participation by the state to meet the additional costs; and other actions have specified the adoption of higher service standards without a complete assessment of the impact on the expenditures and tax rates of the political subdivisions.

2. It is the purpose of this chapter to enunciate policies, criteria, and procedures to govern future state-initiated specification of local government services, standards, employment conditions, and retirement benefits that necessitates increased expenditures by political subdivisions or agencies and entities which contract with a political subdivision to provide services.

Sec. 3. NEW SECTION. 25B.3 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Political subdivision" means a city, county, township, or school district.

2. "State mandate" means a statutory requirement enacted after January 1, 1984, which requires a political subdivision of the state to establish, expand, or modify its activities in a manner which necessitates additional expenditures of local revenue, excluding an order issued by a court of this state.

Sec. 4. NEW SECTION. 25B.4 STATE MANDATE INFORMATION. The state comptroller shall report at least biennially to the governor and the general assembly regarding the administration of this chapter including any proposed changes.

Sec. 5. NEW SECTION. 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 impose a state mandate. If a state mandate is included, the fact shall be included in the explanation of the bill or joint resolution.

2. If a bill or joint resolution contains a state mandate, a copy of the prepared draft shall be sent to the legislative fiscal bureau which shall prepare an estimate of the amount of costs imposed.

Sec. 6. NEW SECTION. 25B.6 STATE RULES. A state administrative rule filed pursuant to chapter 17A which necessitates additional expenditures by political subdivisions or agencies and entities which contract with a political subdivision to provide services beyond that which are explicitly provided by state law shall be accompanied by a fiscal note outlining the costs.

Sec. 7. Sections 1 through 6 of this Act are created as a new chapter.

Sec. 8. Section 8.15, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The departments, the general assembly and the courts shall pay their claims in a timely manner. If a claim for services, supplies, materials or a contract which is payable from the state treasury remains unpaid after sixty days following the receipt of the claim or the satisfactory delivery, furnishing or performance of the services, supplies, materials, or contract, whichever date is later, the state shall pay interest at the rate of one percent per month on the unpaid amount of the claim. This paragraph does not apply to claims against the state under chapters 25 and 25A or to claims paid by federal funds. The interest shall be charged to the appropriation or fund to which the claim is certified. The state comptroller shall adopt rules under chapter 17A relating to the administration of this paragraph.

Sec. 9. Section 17A.4, subsection 1, Code 1983, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. Mail the number of copies of the proposed rule as requested to the state office of a trade or occupational association which has registered its name and address with the agency. The trade or occupational association shall reimburse the agency for the actual cost incurred in providing the copies of the proposed rule under this paragraph. Failure to provide copies as provided in this paragraph shall not be grounds for the invalidation of a rule, unless that failure was deliberate on the part of that agency or the result of gross negligence.

Sec. 10. Section 8 of this Act shall become effective for claims received after January 1, 1984.

Approved May 25, 1983