

Rehberg
McKibben
Flynn

SSB-1265

Ways & Means
Succeeded

SENATE FILE HF 529
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON MCKIBBEN)

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

A BILL FOR

1 An Act relating to mandates imposed on political subdivisions by
2 the state.

3 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 2001, is
2 amended by striking the subsection.

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

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

18 EXPLANATION

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

32 The bill strikes Code section 25B.2, subsection 3, and
33 rewrites it as a new section outside the intent section of
34 Code chapter 25B. The bill removes language from the current
35 Code which states that requirements relating to public

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

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H-4/18/01 W & mean

FILED APR 17 2001

SENATE FILE 529
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 1265)

Passed Senate, ^(P. 118) Date 4-18-01 Passed House, Date _____
Vote: Ayes 47 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to mandates imposed on political subdivisions by
2 the state.

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

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SF 529

1 Section 1. Section 25B.2, subsection 3, Code 2001, is
2 amended by striking the subsection.

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

5 1. If, on or after July 1, 2001, a state mandate is
6 enacted by the general assembly, or otherwise imposed, on a
7 political subdivision and the state mandate requires a
8 political subdivision to engage in any new activity, to
9 provide a new service, or to provide any service beyond that
10 required by any law enacted prior to July 1, 2001, and the
11 state does not appropriate moneys to fully fund the cost of
12 the state mandate as identified pursuant to section 25B.5,
13 subsections 1 and 2, the political subdivision is not required
14 to perform the activity or provide the service and the
15 political subdivision shall not be subject to any liabilities
16 imposed by the state or the imposition of any fines or
17 penalties for the failure to comply with the state mandate.
18 However, this subsection does not apply to any requirement
19 imposed on a political subdivision relating to the conduct of
20 elections or to public employee retirement systems under
21 chapters 97B, 410, and 411 or to the enforcement of chapter
22 321J or the Iowa criminal code pursuant to chapters 701 to
23 728.

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

29 EXPLANATION

30 This bill provides that if a state mandate is enacted on or
31 after July 1, 2001, which requires the performance of a new
32 activity or service or requires the provision of any service
33 beyond what was required before July 1, 2001, the state
34 mandate must be fully funded by the state. If the state
35 mandate is not fully funded, the affected political

1 subdivisions are not required to comply with or implement the
2 state mandate. Also, no fines or penalties may be imposed on
3 a political subdivision and no liabilities may be imposed by
4 the state for failure to comply with or implement an unfunded
5 state mandate. Political subdivisions under the bill and Code
6 chapter 25B are cities, counties, townships, and school
7 districts.

8 The bill strikes Code section 25B.2, subsection 3, and
9 rewrites it as a new section outside the intent section of
10 Code chapter 25B. The bill provides that requirements
11 relating to the conduct of elections or public employee
12 retirement systems under Code chapters 97B, 410, and 411, or
13 the enforcement of laws relating to driving while intoxicated
14 or any other criminal code offense punishable by a fine or
15 imprisonment, are not considered state mandates. The bill
16 also provides that requirements originating from the federal
17 government and administered, implemented, or enacted by state
18 law or rule are not considered state mandates.

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