



**THE IOWA DISTRICT COURT FOR MONROE COUNTY**

MONROE COUNTY, IOWA,  
Plaintiff

vs.

IOWA FIREARMS COALITION, INC. &  
J.D. THOMPSON,  
Defendants

Law No. CVEQ 009563

**ORIGINAL NOTICE**

**TO THE ABOVE-NAMED DEFENDANT:**

You are notified that a petition has been filed in the office of the clerk of this court naming you as the defendant in this action. A copy of the petition (and any documents filed with it) is attached to this notice. The name and address of the attorney for the plaintiff is: John A. Pabst, Monroe County Attorney, 212 Benton Avenue West, P.O. Box 362, Albia, IA 52531. The attorney's phone number is: 641-932-5155 and facsimile number is: 641-932-2269.

You are further notified that the above case has been filed in a county that utilizes electronic filing. Unless, within 20 days after service of this original notice upon you, you serve, and within a reasonable time thereafter file a motion or answer, in the Iowa District Court for Polk County, at the courthouse in Des Moines, Iowa, judgment by default will be rendered against you for the relief demanded in the petition. Please see Iowa Court Rules Chapter 16 for information on electronic filing and Iowa Court Rules Chapter 16, division VI regarding the protection of personal information in court filings.

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at 641-684-6502. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942)

**IMPORTANT: YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS**

**STATE OF IOWA JUDICIARY**

Case No. CVEQ009563

County Monroe

Case Title MONROE COUNTY IOWA VS JD THOMPSON & IOWA FIREARMS

**THIS CASE HAS BEEN FILED IN A COUNTY THAT USES ELECTRONIC FILING.**

Therefore, unless the attached Petition and Original Notice contains a hearing date for your appearance, or unless you obtain an exemption from the court, you must file your Appearance and Answer electronically.

You must register through the Iowa Judicial Branch website at <http://www.iowacourts.state.ia.us/Efile> and obtain a log in and password for the purposes of filing and viewing documents on your case and of receiving service and notices from the court.

**FOR GENERAL RULES AND INFORMATION ON ELECTRONIC FILING, REFER TO THE IOWA COURT RULES CHAPTER 16 PERTAINING TO THE USE OF THE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM:**

<http://www.iowacourts.state.ia.us/Efile>

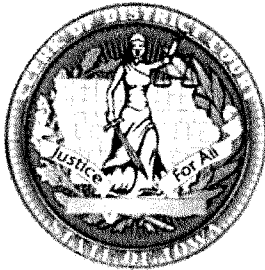
**FOR COURT RULES ON PROTECTION OF PERSONAL PRIVACY IN COURT FILINGS, REFER TO DIVISION VI OF IOWA COURT RULES CHAPTER 16:** <http://www.iowacourts.state.ia.us/Efile>

Scheduled Hearing:

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If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at (641) 684-6502 . (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.)

Date Issued 02/24/2021 09:31:11 AM



District Clerk of Monroe  
/s/ Johanna Miller

County

IN THE IOWA DISTRICT COURT FOR MONROE COUNTY

MONROE COUNTY, IOWA,

\*

Law No. eVEQ 009563

PLAINTIFF

\*

vs.

\*

PETITION FOR DECLARATORY  
JUDGMENT

IOWA FIREARMS COALITION, INC. &  
J. D. THOMPSON,

\*

DEFENDANTS

\*

Plaintiff states:

PARTIES

1. Monroe County, Iowa is a political subdivision in the State of Iowa. The principal place of business is the Monroe County Courthouse, 10 Benton Avenue East, Albia, IA 52531.

2. Iowa Firearms Coalition is a corporation, established pursuant to the laws of the State of Iowa. It's registered agent for service is Hagenow & Gustoff LLP, 521 East Locust Street, Suite 302, Des Moines, Iowa 50309.

3. The Members of the Monroe County Board of Supervisors are Dennis Amoss, Chair, John Hughes, Member, and Michael Beary, Member.

4 J. D. Thompson is an individual, a resident of Monroe County, Iowa. Mr. Thompson is a firearm owner and holds valid permit(s) issued by the Monroe County Iowa Sheriff.

THE MONROE COUNTY COURTHOUSE  
AND ITS FACILITIES

5. The Monroe County Courthouse is a joint use facility consisting of three floors. The Monroe County Magistrate's office, waiting area and courtroom is located upon the first floor of the Monroe County Courthouse. The office of the Clerk of the Court is located on the second floor of the Monroe County Courthouse. The Iowa District Courtroom, jury room and waiting area is located upon the third floor of the Monroe County Courthouse. Users of the District Courtroom use the public area located in the third floor of the Courthouse. Users of the Magistrate's Court use the public area of the first floor. Users of the Office of the Clerk of Court use the public area on the second floor.

6. The first floor of the Monroe County Courthouse also contains the offices of the Board of Supervisors, zoning administrator and the Monroe County Assessor. Users of these facilities also use the public areas on the first floor.

7. The second floor of the Monroe County Courthouse also contains the offices of the Monroe County Auditor, the Monroe County Treasurer and the Monroe County Recorder. Users of these facilities also use the public areas on the second floor.

8. The third floor of the Monroe County Courthouse also contains the office of the Monroe County Engineer. Users of this office also use the public areas on the third floor.

9. There are no armed security or screening facilities in the Monroe County Courthouse.

#### ORDERS AND LAWS AFFECTING THE COURTHOUSE

10. The Hon. Mark Cady, Chief Justice of the Iowa Supreme Court issued an Order concerning firearms in joint use courthouses. A copy of Justice Cady's Order is attached as "Exhibit A". To the best of the Plaintiff's knowledge, this Order is still in effect. Monroe County is in compliance with that Order.

11. The Iowa Legislature passed and the Governor signed HF2502. A copy of said house file is attached as "Exhibit B".

12. The Iowa Legislature lawfully enacted Chapter 25B of the Iowa Code. A copy of Chapter 25B of the Iowa Code is Exhibit "C" attached.

#### THE UNFUNDED MANDATE

13. Monroe County, Iowa believes the cost to comply with HF2502, as it relates to firearms, would exceed \$300,000.00 per year. The Iowa legislature did not fund the provisions of HF 2502.

14. Both the Iowa Legislature and the Iowa Supreme Court are State actors with the authority to require Monroe County to comply with their orders.

15. Monroe County, Iowa believes that by complying with the Supreme Court's order, it is required by the State to become subject to HF 2502 rather than having the option to do so as HF2502's language suggests.

16. Monroe County, Iowa believes that this renders HF 2502 a mandate.

#### PETITION FOR DECLARATORY JUDGMENT

17. Monroe County, Iowa does hereby incorporate paragraphs 1 – 15 above.

18. Monroe County, Iowa prohibits the possession of firearms within the Monroe County, Iowa Courthouse pursuant to the provisions of the Order of the Iowa Chief Justice. To

the best of Monroe County's knowledge, the Order of the Iowa Chief Justice is still in force and effect and was lawfully issued.

1. Section 724.32 of the Iowa Code as amended by HF 2502 states:

"A Supreme Court or judicial branch Order that prohibits a person from lawfully carrying, possessing, or transporting a weapon in a county courthouse or other joint-use public facility shall be unenforceable unless the judicial Order applies only to a courtroom or court office or to a courthouse use only for judicial branch functions."

19. Sec. 724.28(4) of the Code of Iowa 2020 as amended by HF 2502 provides:

"A political subdivision of the State, may restrict the carrying, possession, or transportation of firearms or other dangerous weapons in the building or physical structures located on the property, under the political subdivision's control, if adequate arrangements are made by the political subdivision to screen persons for firearms or other dangerous weapons and the political subdivision provides armed security personnel inside the building or physical structure where the restriction is to be in effect."

20. Sec. 724.28(3) of Iowa Code as amended by HF 2502:

"If a political subdivision of the State, prior to, on, or after July 1, 2020, adopts, makes, enacts, or amends any ordinance, measure, enactment, rule, resolution, motion, or other policy regulating the ownership, possession, legal transfer, lawful transportation, modification, registration, or licensing of firearms, firearm attachments, or other weapons, where the ownership, possession, transfer, {lawful} transportation, modification, registration, or licensing of firearms, {firearm} attachments, or other weapons is otherwise lawful under the laws of the State, a person adversely affected by the ordinance, measure, enactment, rule, resolution, {motion}, or {other} policy may file suit in the appropriate Court for declaratory judgment and injunctive relief and all damages attributable to the violation. The Courts will also award the prevailing party any such lawsuit, reasonable attorney's fees, and Court costs. "

21. Sec. 25B.2(3)(a) of the Iowa Code provides that if, on, or after July 1, 1994, a State mandate is enacted by the general assembly or otherwise imposed on a political subdivision, and the State mandate requires a political subdivision to engage in any new activity, to provide any new service, or to provide any service beyond that required by any law, enacted prior to July 1, 1995 and the State does not appropriate monies to fully fund the cost of the State mandate, the political subdivision is not required to perform the activity or provide the service and the political subdivision shall not be subject to the imposition of any fines or penalties for the failure to comply with the State mandate, unless the Legislature specifies the amount or proportion of the cost of the State mandate which the State shall pay annually.

22. HF2502 creates an unfunded mandate.

23. HF2502 did not specify the amount or proportion of the cost of the State mandate which the State shall pay annually.

24. Therefore, Monroe County, Iowa is not subject to the imposition of any fines or penalties for this unfunded mandate.

#### THE COST OF THE UNFUNDED MANDATE

25. Monroe County believes that the unfunded mandate will cost Monroe County, Iowa in excess of \$300,000.00 per year.

26. The Plaintiff reasonably believes that 60 courthouses in the State of Iowa maybe be subject to this unfunded mandate. With a cost of \$300,000.00 minimum to \$500,000.00 per year, this is an attempt to force an unfunded mandate in the amount of between \$18 million and \$30 million dollars upon Iowa political subdivisions.

#### COMPLIANCE WITH THE IOWA SUPREME COURT ORDER

27 The Iowa legislature has no authority to declare a lawful order of the Iowa Supreme Court unenforceable when it pertains to the operation of the Courts. HF 2502 is in violation of the Iowa Constitution.

28. The Iowa Supreme Court's order concerns the operation of the Courts rather than the interpretation of a statutory law.

29. Monroe County, Iowa is currently in compliance with a lawful Order of the Iowa Supreme Court.

#### STATEMENT OF THE IOWA FIREARMS COALATION AND MR. THOMPSON

30. Monroe County, Iowa has been advised by the Iowa Firearms Coalition that if it continues to comply with a lawful Order of the Iowa Supreme Court, that it will impose this unfunded mandate upon Monroe County, Iowa or that Monroe County, Iowa will be liable for this unfunded mandate plus attorney fees and other costs allowed by HF 2502. Mr. Thompson petitioned Monroe County Iowa to enforce the provision of HF2502. Monroe County, Iowa denied Mr. Thompson's request.

31. No personal judgment is sought against Mr. Thompson.

#### OTHER GROUNDS FOR RELIEF


32. This unfunded mandate violates the terms of Article V of the Iowa Constitution.

33. This unfunded mandate violates Article III of the United States Constitution.

WHEREFORE, Monroe County, Iowa prays:

1. The Court set a Hearing upon this Petition for Declaratory Judgment.
2. Affirm that Monroe County, Iowa is in lawful compliance with the lawful Order of the Iowa Supreme Court and that its Order supersedes HF 2502.
3. Determine that HF2502 is unconstitutional because overrules and negates an Order of the Iowa Supreme Court within its constitutional powers to regulate Court administration.
4. Determine whether or not Monroe County remains subject to the Supreme Court's order.
5. In the alternative, declare the provisions of Sec. 724.28(4) and Sec. 724.28(3) unlawful as an unfunded mandate in violation of Sec. 25B.2 of the Iowa Code.
6. Determine that pursuant to the provisions of Sec. 25.B2(3) of the Iowa Code that Monroe County, Iowa is not subject to any penalties for this unfunded mandate.
7. For Attorney's fees, pursuant to the provisions of HF2502 and costs if appropriate.
8. For such other and further relief, as is equitable and appropriate in the circumstances.
9. For the costs of this action.

Respectfully submitted,  
MONROE COUNTY ATTORNEY

By 

John A. Pabst ATC680001  
212 Benton Avenue West  
P. O. Box 362  
Albia, Iowa 52531  
Tele: 641-932-5155  
FAX: 641-932-2269  
e-mail: [pabstlaw@lisco.com](mailto:pabstlaw@lisco.com)

FILED

DEC 19 2017

IN THE IOWA SUPREME COURT

CLERK SUPREME COURT

In the Matter of  
Courthouse Security

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)  
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Supervisory Order

On June 19, 2017, the court issued a supervisory order prohibiting weapons in courtrooms, court-controlled spaces, and public areas of courthouses and other justice centers occupied by the court system. The supervisory order also authorized the chief judge of each judicial district in Iowa to implement the order by developing additional policies and procedures. This authority recognized that courthouse security in Iowa is an ongoing and shared responsibility with county boards of supervisors, county officials, and others and that the interests of these entities and individuals should be considered in developing courthouse policies and procedures.

Most courthouses in Iowa are multilevel buildings with designated areas for both court and county offices. Public areas in the courthouses, such as foyers, hallways, stairways, and elevators allow the public to access the court and county areas. The court system or county can occupy an entire floor of a courthouse, or they can share area on a floor of a courthouse. As such, different approaches exist to address and provide courthouse security.

After consultation with chief judges, county officials, sheriffs, and others, the court now supplements the supervisory order to clarify the authority of the chief judges to develop additional policies and procedures. Accordingly, the weapons prohibition supervisory order issued on June 19, 2017, shall remain in effect for every courthouse in Iowa. However, upon written request of a county board of supervisors, or other controlling entity, the chief judge shall modify the weapons prohibition imposed under the supervisory order by



eliminating the prohibition in public areas on those floors of a courthouse not totally occupied by the court system.

Upon such written application, the chief judge shall enter an order granting the modification. Upon entry of the order by the chief judge, the court system relinquishes to the requesting entity any authority over the regulation of weapons in the public areas on a floor of the courthouse not totally occupied by the court system.

The supervisory order is also supplemented to authorize chief judges, after consultation with the appropriate governing entity, to implement other policies and procedures consistent with the intent of the supervisory order to promote the safety of Iowans in courtrooms and court-controlled spaces and to minimize any adverse impact on Iowa's citizens.

For purposes of this order, a courthouse shall also include any building in which the court system occupies space and includes a law enforcement or justice center maintained by a county and/or a city in which the court system occupies space.

Dated this 19th day of December, 2017.

The Iowa Supreme Court

By Mark S. Cady  
Mark S. Cady, Chief Justice

Ex 13

House File 2502 - Enrolled

House File 2502

AN ACT

RELATING TO FIREARMS AND WEAPONS, INCLUDING THE STORAGE,  
CARRYING, POSSESSION, OR TRANSPORTATION OF WEAPONS AND THE  
ESTABLISHMENT, USE, AND MAINTENANCE OF SHOOTING RANGES.

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

Section 1. NEW SECTION. 335.26 Shooting ranges.

In approving the improvement of property acquired to establish, use, and maintain a new shooting range or in approving a substantial change to an existing shooting range pursuant to section 657.9, subsection 1, the county zoning commission, or if there is not a county zoning commission, the county board of supervisors, shall apply and enforce regulations and restrictions established for each zoning district adopted pursuant to this chapter but shall not otherwise require a person seeking approval to comply with any conditions relating to the establishment, use, or maintenance of the shooting range that are more stringent than those imposed by state law.

Sec. 2. NEW SECTION. 414.26 Shooting ranges.

In approving the improvement of property acquired to establish, use, and maintain a new shooting range or in approving a substantial change to an existing shooting range pursuant to section 657.9, subsection 1, the city zoning commission, or if there is not a city zoning commission, the city council, shall apply and enforce zoning regulations and restrictions established for each zoning district adopted

pursuant to this chapter but shall not otherwise require a person seeking approval to comply with any conditions relating to the establishment, use, or maintenance of the shooting range that are more stringent than those imposed by state law.

Sec. 3. Section 724.28, subsections 2 and 3, Code 2020, are amended to read as follows:

2. A political subdivision of the state shall not enact an ordinance, motion, resolution, policy, or amendment regulating the ownership, possession, legal transfer, lawful transportation, modification, registration, or licensing of firearms, firearms attachments, or other weapons when the ownership, possession, transfer, ~~or transportation, or~~ modification is otherwise lawful under the laws of this state. An ordinance regulating firearms, firearms attachments, or other weapons in violation of this section existing on or after April 5, 1990, is void.

3. If a political subdivision of the state, prior to, on, or after July 1, ~~2017~~ 2020, adopts, makes, enacts, or amends any ordinance, measure, enactment, rule, resolution, motion, or policy regulating the ownership, possession, legal transfer, lawful transportation, modification, registration, or licensing of firearms, firearms attachments, or other weapons when the ownership, possession, transfer, transportation, modification, registration, or license licensing of firearms, firearms attachments, or other weapons is otherwise lawful under the laws of this state, a person adversely affected by the ordinance, measure, enactment, rule, resolution, motion, or policy may file suit in the appropriate court for declaratory and injunctive relief ~~for damages~~ and all damages attributable to the violation. A court shall also award the prevailing party in any such lawsuit reasonable attorney fees and court costs.

Sec. 4. Section 724.28, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 4. A political subdivision of the state may restrict the carrying, possession, or transportation of firearms or other dangerous weapons in the buildings or physical structures located on property under the political subdivision's control if adequate arrangements are made by the

political subdivision to screen persons for firearms or other dangerous weapons and the political subdivision provides armed security personnel inside the building or physical structure where the restriction is to be in effect.

NEW SUBSECTION. 5. A political subdivision of the state shall not enact an ordinance, motion, resolution, policy, or amendment regulating the storage of weapons or ammunition. An ordinance, motion, resolution, policy, or amendment regulating the storage of weapons or ammunition existing on or after July 1, 2020, is void. This subsection shall not be construed to preclude a political subdivision from regulating the storage of explosive materials consistent with chapter 101A.

Sec. 5. NEW SECTION. 724.32 County courthouse — weapon prohibitions.

A supreme court or judicial branch order that prohibits a person from lawfully carrying, possessing, or transporting a weapon in a county courthouse or other joint-use public facility shall be unenforceable unless the judicial order applies only to a courtroom or a court office, or to a courthouse used only for judicial branch functions.

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PAT GRASSLEY  
Speaker of the House

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CHARLES SCHNEIDER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2502, Eighty-eighth General Assembly.

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MEGHAN NELSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2020

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KIM REYNOLDS  
Governor

CHAPTER 25B  
STATE MANDATES — FUNDING REQUIREMENTS

Referred to in §618.11

Implementation of new or revised federal block grants affecting political subdivisions; see §8.41

25B.1	Title.	25B.5	Cost estimates — notation in Acts.
25B.2	Findings and purpose — effect of unfunded state mandate.	25B.6	State rules.
25B.3	Definitions.	25B.7	Funding property tax credits and exemptions.
25B.4	State mandate information.		

**25B.1 Title.**

This chapter may be cited as the “*State Mandates Act*”.  
83 Acts, ch 142, §1

**25B.2 Findings and purpose — effect of unfunded state mandate.**

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.

3. a. If, on or after July 1, 1994, a state mandate is enacted by the general assembly, or otherwise imposed, on a political subdivision and the state mandate requires a political subdivision to engage in any new activity, to provide any new service, or to provide any service beyond that required by any law enacted prior to July 1, 1994, and the state does not appropriate moneys to fully fund the cost of the state mandate, the political subdivision is not required to perform the activity or provide the service and the political subdivision shall not be subject to the imposition of any fines or penalties for the failure to comply with the state mandate unless the legislation specifies the amount or proportion of the cost of the state mandate which the state shall pay annually. However, this subsection does not apply to any requirement imposed on a political subdivision relating to public employee retirement systems under chapters 97B, 410, and 411.

b. For the purposes of this subsection, any requirement originating from the federal government and administered, implemented, or enacted by the state, or any allocation of federal moneys conditioned upon enactment of a state law or rule, is not a state mandate.

c. For the purposes of this subsection, “*political subdivision*” includes community colleges and area education agencies.

83 Acts, ch 142, §2; 94 Acts, ch 1173, §2; 2008 Acts, ch 1032, §201

**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 or appropriation which requires a political subdivision of the state to establish, expand, or modify its activities in a manner which necessitates additional combined annual expenditures of local revenue by all affected political subdivisions of at least one hundred thousand dollars, or additional combined

**§25B.3, STATE MANDATES — FUNDING REQUIREMENTS**

2

expenditures of local revenue by all affected political subdivisions within five years of enactment of five hundred thousand dollars or more, excluding an order issued by a court of this state.

83 Acts, ch 142, §3; 92 Acts, ch 1123, §1; 94 Acts, ch 1173, §3

**25B.4 State mandate information.**

The director of the department of management shall report at least biennially to the governor and the general assembly regarding the administration of this chapter including any proposed changes.

83 Acts, ch 142, §4

**25B.5 Cost estimates — notation in Acts.**

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

2. If a bill or joint resolution may include a state mandate, the legislative services agency 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 services agency 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 services agency 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 Iowa Acts published pursuant to chapter 2B.

83 Acts, ch 142, §5; 92 Acts, ch 1123, §2; 2003 Acts, ch 35, §39, 49

Referred to in §2B.10

**25B.6 State rules.**

1. A state agency or department shall not propose or adopt an administrative rule which exceeds its statutory authority by mandating expenditures by political subdivisions, or agencies and entities which contract with political subdivisions to provide services. A state administrative rule, proposed pursuant to chapter 17A, which necessitates additional combined annual expenditures exceeding one hundred thousand dollars by all affected political subdivisions or agencies and entities which contract with the affected political subdivisions to provide services shall be accompanied by a fiscal impact statement outlining the costs. An affected political subdivision, or an entity representing an affected political subdivision, shall cooperate in the preparation of the fiscal impact statement. The fiscal impact statement shall be submitted to the administrative rules coordinator for publication in the Iowa administrative bulletin along with the notice of intended action.

2. The fiscal note shall also be submitted to the legislative fiscal committee of the legislative council. Beginning in the first full fiscal year after adoption of the state administrative rule, the fiscal committee shall annually prepare a report for each fiscal note submitted detailing the fiscal impact of the administrative rule on the affected political subdivision, or agencies and entities which contract with the political subdivision to provide services. The report shall be transmitted to the governor and the general assembly.

83 Acts, ch 142, §6; 91 Acts, ch 179, §1; 94 Acts, ch 1173, §4; 2020 Acts, ch 1062, §94

Code editor directive applied

**25B.7 Funding property tax credits and exemptions.**

1. Beginning with property taxes due and payable in the fiscal year beginning July 1, 1998, the cost of providing a property tax credit or property tax exemption which is enacted by the general assembly on or after January 1, 1997, shall be fully funded by the state. If a state appropriation made to fund a credit or exemption which is enacted on or after January 1, 1997, is not sufficient to fully fund the credit or exemption, the political subdivision shall

be required to extend to the taxpayer only that portion of the credit or exemption estimated by the department of revenue to be funded by the state appropriation. The department of revenue shall determine by June 15 the estimated portion of the credit or exemption which will be funded by the state appropriation.

2. The requirement for fully funding and the consequences of not fully funding credits and exemptions under subsection 1 also apply to all of the following:

- a. Homestead tax credit pursuant to sections 425.1 through 425.15.
- b. Low-income property tax credit and elderly and disabled property tax credit pursuant to sections 425.16 through 425.40.
- c. Military service property tax credit and exemption pursuant to chapter 426A, to the extent of six dollars and ninety-two cents per thousand dollars of assessed value of the exempt property.

97 Acts, ch 206, §4; 99 Acts, ch 180, §22, 24; 2003 Acts, ch 44, §18; 2003 Acts, ch 145, §286