

★ Roll Call Number

Agenda Item Number

34

Date March 26, 2007

City of Des Moines Legislative Update for the First Session of the Eighty Second Iowa General Assembly.

Moved by _____ to receive and file the attached report

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

City of Des Moines

LEGISLATIVE UPDATE

March 26, 2007

The second funnel deadline is April 6, 2007. Senate bills must pass a House committee and House bills must pass a Senate Committee to remain alive except for tax and appropriation bills.

Several bills of interest being reviewed by City staff, include:

HOUSE FILES

Bill: HF 712 DANGEROUS WILD ANIMALS (Successor to HSB 169)

Subcommittee: Natural Resources

Description: Prohibits a person from having a wild dangerous animal (wolves, coyotes, jackals, hyenas, lions, tigers, cougars, leopards, cheetahs, ocelots, servals, bears, pandas, primates other than humans, alligators, crocodiles, water monitors, and venomous snakes). Requires DALs to administer the program. Allows persons who currently own such an animal to retain possession, but establishes conditions for continued ownership, including registration with DALs and liability insurance. Allows DALs to seize wild dangerous animals. Exempts zoos, circuses, scientific facilities, veterinarians, animal shelters and persons transporting wild dangerous animals through the state. *Floor Manager:* T Taylor

Bill: HF 725 LEAD TESTING

Sponsor: Ford

Description: Requires certain target houses to be inspected for lead paint. (Human Resources)

Bill: HF 734 COMMERCIAL PROPERTY TAX ASSESSMENT

Sponsor: Alons, et al

Description: Reduces the property tax on commercial property to 85% of the assessed value over three years. Requires the state to pay the difference for ten years. Contains other provisions. (Ways & Means)

Bill: HF 743 WORKER INJURIES (Successor to HSB 100)

Subcommittee: Labor

Description: Requires a scheduled injury resulting in permanent partial disability that results in a reduction in earning capacity greater than the weeks compensated in the schedule for that injury shall be compensated in the

same way as an unscheduled injury that results in permanent partial disability *Floor manager:* R Olson

Bill: **HF 756 SEX OFFENDERS AT SCHOOLS** (Successor to HSB 10)

Subcommittee: Public Safety

Description: Makes it an aggravated misdemeanor for a registered sex offender to be on the property of a school or child care facility. Sets exceptions if the sex offender is transporting the offender's or attending a parent-teacher conference, or is summoned to discuss the progress of the child, or the sex offender is voting in an election. Requires the offender to have written permission from the administrator of the facility to be on the property for any other reason. *Floor Manager:* Swaim

Bill: **HF 761 UNIFORM CITATIONS & COMPLAINTS** (Successor to HF 273)

Subcommittee: Judiciary

Description: Eliminates provisions requiring the uniform citation to list the scheduled fines and requiring the peace officer to list the court costs. Eliminates the requirement that the form contain a place for underage tobacco violations. *Floor manager:* Kressig

Bill: **HF 764 IFA BILL** (Successor to HSB 227)

Subcommittee: Economic Growth

Description: Makes changes to the Iowa Finance Authority, including transferring the Shelter Assistance Fund to IFA, making language changes in Code concerning IFA, and making changes to IFA powers. Allows the IFA to own intellectual property rights and allows the IFA to generally exercise the powers of private enterprise. Requires written notice to the Oversight committees and approval from the Legislative Council before the purchase or long-term lease of land. The bill provides that the authority. Eliminates the Housing Program fund and creates a Housing Assistance fund with the IFA. Housing: Establishes authorizes uses including home ownership programs and rental subsidy programs. Allows the IFA to charge a administrative fee to the fund. Establishes an Iowa Council on Homelessness of 12 members. Makes other changes related to the new housing fund. *Floor manager:* Thomas

Bill: **HF 769 SUBSTANCE ABUSE COVERAGE** (Successor to HF 96)

Subcommittee: Human Resources

Description: Requires that health insurance contracts include mental health conditions based on rates, terms, and conditions which are no more restrictive than the rates, terms, and conditions for other coverage benefits. Includes disorders involving mental illness or alcohol or substance abuse. Requires the Insurance Commissioner to adopt rules after consultation with the new mental health insurance advisory committee. Repeals current code sections on biologically-based mental illness as of January 1, 2008. PASSED, 13-7, *Floor Manager:* Smith

- Bill:** HF 773 ENERGY CITIES (Successor to HF 681)
Subcommittee: Environmental Protection
Description: Allows the DNR to designate a city as an energy city to encourage cities to develop innovative energy efficiency programs. Requires the city to submit an application that includes community-based plans for energy reduction projects, energy-efficient building construction and alternative or renewable energy production, and local efforts to achieve those things. Requires the DNR to set the criteria by rule. *Floor Manager:* T. Olson
- Bill:** HF 778 LOCAL SMOKING BANS (Successor to HSB 89)
Subcommittee: Local Government
Description: Allows local governments to adopt stricter smoking bans, including allowing the elimination of exemptions for designating a smoking area or for allowing a private social hall, or place of work to be designated as a smoking area, or for bars. *Floor Manager:* Thomas
- Bill:** HF 781 POWER PLANT TAXES (Successor to HSB 104)
Subcommittee: Ways & Means
Description: Adds to the definition of new electric power generating plant to allow the first \$44 million of taxable value to stay with the local taxing authorities. Puts the excess amounts in the property tax relief fund. Requires that the DOR be notified on sales for property covered under these provisions. Extends the utility replacement tax task force until January 1, 2010. *Floor Manager:* T. Olson
- Bill:** HF 789 INSURANCE COVERAGES (Successor to HSB 161)
Subcommittee: Commerce
Description: Requires health insurance contracts, policies, or plans to provide coverage the enteral formulas, audiological services and hearing aids for children, and vaccinations for human papilloma virus. *Floor manager:* Pettengill
- Bill:** HF 791 PROSTHETIC COVERAGE (Successor to HF 185)
Subcommittee: Commerce
Description: Requires an individual or group policy or contract for health or medical expenses to offer benefits for prosthetic devices that provide, at a minimum, coverage equal to federal coverage for the aged and disabled. Applies this requirement to all policies after July 1, 2007. *Floor Manager:* Pettengill
- Bill:** HF 795 ELECTRICIAN LICENSING (Successor to SF 236)
Subcommittee: State Government

Description: Establishes a statewide system of licensing for electricians and life safety installers. Establishes an 11-member board in the State Fire Marshal's division. Supplements the current city-by-city licensing system. *Floor manager:* Quirk

Bill: **HF 808 JOINT POWERS** (Successor to HSB 213)

Subcommittee: Local Government

Description: Allows for the joint exercise of government powers through a 28E agreement. Eliminates the requirement that an administrator exercising joint powers through an agreement is subject to open meetings and public records requirements. Strikes certain publication requirements for such an administrator and allows other notices to be published within 20 days of adjournment. Allows the notice to include a website where specific additional information can be found if not published in the newspaper. Requires additional information to be public for entities with a budget over \$100,000. *Floor Manager:* Huser

Bill: **HF 811 INNER CITY FUND** (Successor to HF 259)

Subcommittee: Economic Growth

Description: Creates a Help Inner City Vitality and Economic Growth Fund and appropriates \$5 million annually through 2016 for the fund. Authorizes the DED to give grants, loans and other assistance for physical infrastructure in cities which meet the distress criteria under the enterprise zone program. *Floor Manager:* Staed

Bill: **HF 818 CRIMINAL DONATIONS** (Successor to HSB 165)

Subcommittee: Judiciary

Description: Prohibits requiring a donation to an agency or a local government as part of any dismissal or sentence of a criminal offender. *Floor manager:* Schueller

Bill: **HF 819 LEAD PROGRAMS**

Sponsor: Ford

Description: Appropriates \$200,000 to the DPH to increase funding for local childhood lead poisoning programs, including to fill a vacant bilingual lead inspector position. (Appropriations)

Bill: **HF 823 LOCAL TAX ISSUES Residential:**

Subcommittee: Ways & Means

Description: Sets the assessment level for residential property at 45.5% of actual value. **Franchise tax:** Appropriates \$8.8 million of state franchise revenues to cities and counties. **TIF:** Allows the creation of TIF districts using a local option sales tax. Allows any increase in the tax to help pay for repayment of improvements related to an athletic, cultural or entertainment facility in the district. Does not require an election to create such a district. Requires a private investment of \$5 million. Allows for the

use of increased state sales taxes if the DED agrees and the Legislature appropriates the money. **Motel Tax:** Increases the maximum motel tax to 9%. **Retirement:** Makes the state appropriation to the Statewide Fire and Police Retirement System as 3.79 % of the covered compensation of the members and appropriates \$8,5 million (the estimated amount) for these costs. **City Franchise Fees:** Allows a city franchise fee to be based upon a percentage of gross revenues, not to exceed the aggregate of the state and local sales taxes. Makes legal any fees that were previously assessed by a city that may exceed the city's reasonable costs of regulating the franchise.

Bill: **HF 828 ENTERPRISE ZONES** (Successor to HF 577)
Subcommittee: Economic Growth
Description: Requires that a transportation enterprise zone must be designated a blighted area or an economic development area. Retroactive to March 1, 2006. See SF 243

Bill: **HSB 269 OUT-OF-STATE INJURIES**
Subcommittee: Labor
Description: Allows for workers' comp claims for injuries that happen out of state if the employer has a place of business in the state and the worker regularly works from that place of business, or if the worker lives in Iowa, or if under a contract for hire made in this state, the worker cannot get recovery from another state, is working outside the US, or if the employer is in the state and the contract puts workers' comp claims under Iowa law. See SSB 1157

Bill: **HSB 278 PREVAILING WAGES**
Subcommittee: Labor
Description: Requires the payment of prevailing wages on public improvement projects worth more than \$25,000. Contains related provisions.

Bill: **HSB 280 COMMERCIAL PROPERTY TAX CREDIT**
Subcommittee: Ways & Means
Description: Creates an income tax credit of \$275 for commercial property tax payers. Allows each corporate tax payer on a consolidated return to claim the credit. Makes any excess credit refundable. Repeals the credit as of 2009. See SSB 1279

SENATE FILES

Bill: **SF 390 CABLE TAX**
Sponsor: McCoy

Description: Establishes a tax of 5% on the gross receipts for a cable system granted a franchise by a city. Splits the tax with 1/4 to the state and 3/4 to the city. (Ways & Means)

Bill: **SF 413 FAIR SHARE II** (Successor to SSB 1322)

Subcommittee: Labor

Description: **Eligibility:** Allows fair share agreement to be negotiated and included in contracts with public employers (Code Chapter 20). **Fees:** Prohibits the fair share amount from exceeding the amount of dues paid by union members. Requires the fair share fee to be for matters related to collective bargaining, grievance procedures, contract administration and matters affecting wages and hours. **Objections:** Requires a procedure for a non-union member to object to the amount of a fair share charge and to take the matter to arbitration. Puts the burden of proof on the union to show that the fee is for valid charges. *Floor manager:* Dotzler

Bill: **SF 416 CITY ELECTIONS** (Successor to SSB 1278)

Subcommittee: Local Government

Description: Allows a the use of satellite voting stations for city primary and regular elections. **Petitions:** Requires that a nomination petition for a special election to fill a vacancy on a city council be filed at least 25 days before the date of the special election, or 52 days before the special election in cities that require primaries. *Floor manager:* Quirnbach

Bill: **SF 418 TRUCK REGISTRATION** (Successor to SF 136)

Subcommittee: Transportation

Description: Makes trucks under 7,500 pounds subject to the same registration fees as cars for model years 2009 and later. Keeps the flat registration fee schedule for trucks in the model year 2008 or older. *Floor Manager:* **Putney** (the bill should go to Ways & Means, but Senator Putney said that he expects to handle the bill in committee.)

Bill: **SF 421 WORKERS COMP COVERAGE** (Successor to SSB 1308)

Subcommittee: Labor

Description: Deems that an employer assumes liability for workers' compensation coverage of certain domestic, casual, and agricultural who are otherwise exempt by purchasing coverage that does not specifically exclude them. Prohibits an employer from assuming liability for workers' compensation for police officers and fire fighters covered by Chapter 411, and certain corporate officers who voluntarily reject workers' compensation coverage. Prohibits a health service provider from seeking payment in a dispute with an insurance carrier or employer until the Labor Commissioner finds the disputed amount to be reasonable. Prohibits debt collection for health care charges to an employee after a creditor receives actual notice that a contested case is pending and gives the employee to certain relief. *Floor manager:* Dotzler

Bill: SF 424 WORKERS COMP TREATMENTS (Successor to SSB 1158)
Subcommittee: Labor
Description: **Treatment:** Gives an injured employee the right to choose the provider of medical services, at the employer's expense. Requires written notice if either party is dissatisfied with care and wants the Workers' Compensation Commissioner to allow and order other care. Requires the decision with 30 days. Requires an employer to promptly notify an injured employee of the employee's right to choose medical care and prohibits the employer and the employer's insurer from making suggestions or otherwise attempting to influence the injured employee's choice. **Permanent Injuries:** Requires the employer to obtain a medical opinion regarding the employee's permanent disability when no significant improvement becomes medically indicated. Allows the employer to arrange for an examination of the injured employee but requires that the employee be paid, including for costs. Allows the employer to confer with the physician. Requires the employee to agree to the exam, and suspends any rights to compensation if the employee refuses. Allows the employee to seek a second opinion of the extent of disability at the owner's expense. *Floor manager: Courtney*

Bill: SF 431 IFA BILL (Successor to SSB 1253)
Subcommittee: Economic Growth
Description: Makes changes to the Iowa Finance Authority, including transferring the Shelter Assistance Fund to IFA, making language changes in Code concerning IFA, and making changes to IFA powers. Allows the IFA to own intellectual property rights and allows the IFA to generally exercise the powers of private enterprise. Requires written notice to the Oversight committees and approval from the Legislative Council before the purchase or long-term lease of land. **Housing:** Eliminates the Housing Program fund and creates a Housing Assistance fund with the IFA. Establishes authorizes uses including home ownership programs and rental subsidy programs. Allows the IFA to charge a administrative fee to the fund. Establishes an Iowa Council on Homelessness of 12 members. Makes other changes related to the new housing fund. *Floor manager: Danielson*

Bill: SF 438 LOCAL ENERGY GRANTS (Successor to SF 296)
Subcommittee: Natural Resources
Description: Establishes a local government energy innovation competitive grant program. Requires the Iowa Energy Center to administer the program. Allows any municipality, township, county, district, or combination of, to seek grants for alternative and renewable energy programs. Requires the

Center to evaluate the programs based on energy savings and matching funds, among other criteria. Appropriates \$1 million for the program.
Floor manager: Bolkcom

Bill: SF 448 UNEMPLOYMENT INFORMATION (Successor to SSB 1061)

Subcommittee: Labor

Description: Updates state law to reflect federal requirements. Includes unemployment insurance information received from other states as confidential. Allows all public officials, their agents and contractors, and third parties to be held criminally liable for releases of confidential information. *Floor manager: Dotzler*

Bill: SF 451 BIODIESEL ENTERPRISE ZONES (Successor to SF 234)

Subcommittee: Economic Growth

Description: Makes tax credits for a biodiesel industry in an enterprise zones transferable. *Floor Manager: Olive*

Bill: SF 455 SEX OFFENDERS AT SCHOOLS (Successor to SSB 1085)

Subcommittee: Judiciary

Description: Makes it an aggravated misdemeanor for a registered sex offender to be on the property of a school or child care facility. Sets exceptions if the sex offender is transporting the offender's or attending a parent-teacher conference, or is summoned to discuss the progress of the child, or the sex offender is voting in an election. Requires the offender to have written permission from the administrator of the facility to be on the property for any other reason. *Floor Manager: Kreiman*

Bill: SF 457 PEACE OFFICER RIGHTS (Successor to SSB 1214)

Subcommittee: Judiciary

Description: Prohibits compelling a peace officer, such as a law enforcement officer, fire fighter, EMS worker, corrections or detention officer, and similar workers, from having to submit to a polygraph test. Requires that when be interviewed about a complaint that the officer receive a copy of the complaint, have the right to legal counsel or union representation, and requires that the officer be paid if the interview occurs during off-duty time. Allows an officer to run for office and to engage in political activity while not on duty. Contains other provisions. *Floor manager: Quirnbach*

Bill: SF 488 MUNICIPAL ASSESSMENTS (Successor to SSB 1309)

Subcommittee: State Government

Description: Prohibits an employer from making a unilateral assessment on wages to fund a municipal retirement system if the employees are represented by a union and the employer has not bargained to impasse. *Floor manager: Hancock*

Bill: SF 496 COMMERCIAL PROPERTY TAX CREDIT
Sponsor: Zieman
Description: Creates a commercial property tax credit and a formula for calculating the credit. Bases the credit on growth in taxes over a base year. Creates a standing appropriation to pay for the credit. (Ways & Means)

Bill: SF 505 DEFIBRILLATOR LIABILITY (Successor to SSB 1318)
Subcommittee: Judiciary
Description: Establishes a list of persons and entities which are not liable for civil damages for good faith efforts to help someone through the use of an automated external defibrillator. *Floor manager:* Kreiman

Bill: SF 508 PROSTHETIC COVERAGE (Successor to SSB 1076)
Subcommittee: Commerce
Description: Requires an individual or group policy or contract for health or medical expenses to offer benefits for prosthetic devices that provide, at a minimum, coverage equal to federal coverage for the aged and disabled. Applies this requirement to all policies after July 1, 2007. *Floor Manager:* Rielly

Bill: SF 511 DANGEROUS WILD ANIMALS (Successor to SF 135)
Subcommittee: Natural Resources
Description: Prohibits a person from having a wild dangerous animal (wolves, coyotes, jackals, hyenas, lions, tigers, cougars, leopards, cheetahs, ocelots, servals, bears, pandas, primates other than humans, alligators, crocodiles, water monitors, and venomous snakes). Requires DALs to administer the program. Allows persons who currently own such an animal to retain possession, but establishes conditions for continued ownership, including registration with DALs and liability insurance. Allows DALs to seize wild dangerous animals. Exempts zoos, circuses, scientific facilities, veterinarians, animal shelters and persons transporting wild dangerous animals through the state. *Floor manager:* Seng

Bill: SF 513 COMPETITIVE BIDDING (Successor to SSB 1310)
Subcommittee: Local Government
Description: Allows the results of competitive bids to be reported at special meetings. Determines the lowest responsible quotation for a public improvement to be done by an employee of a government entity by requiring the contractor to deduct the premium cost of the performance bond. Requires a city council to pass a resolution to spend more than \$100,000 on a project. *Floor manager:* Quirnbach

- Bill:** SF 514 PAPILOMA COVERAGE (Successor to SSB 1231)
Subcommittee: Human Resources
Description: Requires individual or group health insurance contracts to cover vaccinations for human papilloma virus. *Floor Manager:* Rielly
- Bill:** SF 523 ALCOHOL BREATH TESTS (Successor to SF 375)
Subcommittee: Judiciary
Description: Makes it a \$100 fine for a person between 18 and 21 to refuse to take a screening test if an officer has reasonable grounds to believe the person has consumed alcohol, and a \$50 fine if the person is under 18. *Floor Manager:* Rielly
- Bill:** SF 524 SEX OFFENSES (Successor to SF 180)
Subcommittee: Judiciary
Description: Makes it a class "D" felony for a person who knows that a sex offender is not in compliance with the sex offender registry or is eluding the police, and who withholds information, fails to notify, gives materially false information, or harbors or conceals a sex offender. Creates the class "B1" felony of 25 years to life, with no eligibility for work release, parole, or good time reductions, for certain sex offenses against children. Prohibits a person from receiving a suspended sentence, deferred sentence, or deferred judgment, for sex crimes against children under 12. Requires a person convicted of a B1 felony to be on parole after serving the term of the sentence, and allows additional prison time if the person violates the conditions of release.
- Bill:** SF 525 INTERROGATIONS (Successor to SSB 1324)
Subcommittee: Judiciary
Description: Requires a police officer to electronically record (videotape, audio tape, or similar methods) an interrogation of a suspect. Requires the recording be kept until all appeals have been exhausted. Allows statements not recorded to be admissible if recording was not feasible, the accused asked that the interrogation not be recorded, for impeachments purposes and for other exceptions. *Floor manager:* Quirnbach
- Bill:** SF 532 EMINENT DOMAIN CONSENT (Successor to SF 20)
Subcommittee: Judiciary
Description: Strikes provisions allowing eminent domain to be used if the owner consents to the condemnation. *Floor Manager:* Kreiman
- Bill:** SF 554 CABLE FRANCHISES (Successor to SF 368)
Subcommittee: Ways & Means
Description: Requires a person receive a certificate of franchise authority from the Secretary of State in order to offer cable service. Does not require current provider who have a franchise agreement with a city to get a certificate

until the current agreement ends. Contains related provisions. *Floor Manager: Stewart*

Bill: **SF 556 REC & CULTURAL MATTERS** (Successor to SF 29)

Subcommittee: Ways & Means

Description: **Tax Credits:** Increases the amount of tax credits for historic preservation and cultural and entertainment district to 10 million (FY 2008), \$15 million (FY 2009); \$20 million (FY 2010). Reserves 10% of the tax credits for new projects with qualified costs under \$500,000, and 40% for new projects in cultural and entertainment districts in Iowa Great Places. Strikes the discounting of credits. Appropriates \$150,000 to the DCA for administrative costs. Makes other changes. **Cultural Districts:** Allows a cultural and entertainment district to be in a city-created self-supported municipal improvement district. Allows residential property within a certified cultural and entertainment district to be taxed for an operation tax, a capital improvement tax, and a debt service tax for a self-supported municipal improvement district. Authorizes an individual income tax credit for contributions of fine art or written materials by the artist or author in lieu of the present charitable contribution tax. Creates a sales tax exemption for the sale of fine art in a business in a certified cultural and entertainment district for the first seven years of the district. **Recreational trails:** Appropriates \$100,000 to market trails. Requires the DED to administer a recreational trail connectivity program and fund, and to make grants for the program. Allows the State Treasurer to issue bonds to fund the program. Limits the aggregate of the bonds to \$34 million. Makes the bonds exempt from the state income tax. Appropriates \$2.7 million annually for the program. Contains other provisions. **Workforce training:** Allows persons enrolled in an approved noncredit certificate program at a community college to receive tuition assistance. Requires the program to be a noncredit certificate program related to a state or national license or endorsement. Sets assistance based on residency and income. Allows community colleges to partner with the DWD to give labor market information regarding demand occupations, assistance in developing customized training partnerships with local area employers, or placement, retention, and advancement services. Appropriates \$3 million to the DOE, to be used by community colleges. Requires each community college to get \$100,000 for the program, and the remaining funds to be distributed proportionately. **Main Street:** Appropriates \$1.3 million to the DCA for the Main Street program. *Floor Manager: Stewart*

Bill: **SF 559 CEMETERY BILL** (Successor to SSB 1197)

Subcommittee: Commerce

Description: Makes changes related to cemeteries and funeral services. *Floor manager: Schoenjahn*

Bill: SSB 1318 DEFIBRILLATOR LIABILITY

Subcommittee: Judiciary

Description: Establishes a list of persons and entities which are not liable for civil damages for good faith efforts to help someone through the use of an automated external defibrillator. Kreiman (C), Fraise, Hartsuch

Bill: SSB 1322 FAIR SHARE II

Subcommittee: Labor

Description: **Eligibility:** Allows fair share agreement to be negotiated and included in contracts with public employers (Code Chapter 20). **Fees:** Prohibits the fair share amount from exceeding the amount of dues paid by union members. Requires the fair share fee to be for matters related to collective bargaining, grievance procedures, contract administration and matters affecting wages and hours. **Objections:** Requires a procedure for a non-union member to object to the amount of a fair share charge and to take the matter to arbitration. Puts the burden of proof on the union to show that the fee is for valid charges. *Floor Manager:* Dotzler