



2017 GENERAL ASSEMBLY LEGISLATIVE BRIEFING

PRESENTED BY:

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May/June 2017

URBAN COUNTY COALITION

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The Urban County Coalition believes that decisions on local matters are best made by local governments. We understand and respect the role of the state legislature but believe that Iowa's tradition of "Home Rule" should be respected by the legislature.

Commercial Property Tax Backfill - The state made a commitment to backfill the revenue loss that was a result of the reduction in the commercial and industrial property tax rates. In addition, the changes in the multi residential rates will take effect in FY17 (and is not backfilled) which will have an additional adverse effect on local revenues. We encourage the State to make sure it continues to follow through on its promise to backfill the property tax loss.

Mental Health Funding -We would like the State to fulfill its commitments to assist counties in providing mental health services, or failing that, allow regions the necessary authority to equalize the per capita amounts. The Legislature can do this by retaining the per capita rate cap on the mental health levy but eliminating the frozen dollar cap and allow individual counties and regions to equalize the funding they provide for mental health services. This change would eliminate the disparity in the per capita levies that currently exist between counties and provide the necessary flexibility to provide services. In addition, because this inequity has persisted over the past twenty years, and to correct it immediately would put and undue burden on local property tax payers, we request that the state set aside a pool of funds sufficient to ease the transition for those counties who no longer have reserve funds and must raise their levy.

In addition, we also strongly oppose any transfer of additional responsibilities from the state to regions without the commitment to provide additional resources. Without this commitment, the state would be placing an additional burden on local property taxes.

Restore Funding for De-categorization Program -

Early Childhood Iowa: The Urban County Coalition urges the Legislature to enhance effectiveness of Early Childhood Iowa funds by removing the categorical restrictions on their use allowing ECI Governance Boards to address the unique local needs of at-risk families as documented in their Community Plans.

Decategorization: Funding for the Decat Boards is appropriated via 1.) Legislative Allocation 2.) Transfer of Child Welfare funds from the DHS Service Area Manager 3.) Transfer of funds from the Chief Juvenile Court Officer. In FY16 the Decat Boards did not receive the roughly \$5 million Transfer of DHS Child Welfare funds. This resulted in a nearly 80% decrease in funding for some Decat Boards and the elimination of many critical programs that help prevent children and family involvement in the child welfare and juvenile justice systems. The Urban County Coalition urges the Legislature to shift the primary funding for Decategorization away from Child Welfare Transfers to a comparable increase in annual legislative allocation to allow for improved fiscal planning.

Water Quality - We support the funding of the Iowa Water and Land Legacy fund established by constitutional amendment. We also oppose any change to the current formula of allocation, encouraging the legislature to find new funding to address the water quality issues that affect Iowa's waterways. We

would also ask the legislature to look closely at local partnerships that have been established and are having an effect. These efforts, including watershed management authorities, should be given the resources they need to make sure the work they are doing can continue.

Additional Issues

Minimum Wage - We believe that the state should address the issue of raising the minimum wage but any legislation that does so should not further intrude on Iowa's home rule principle by including a preemption on local governments ability to address the issue.

Unfunded and Underfunded Mandates - We encourage the Legislature to act to reduce the instances of cost shifting identified and eliminate the burdens these place on property tax payers. The two areas that have the largest impact on local property taxes are colocation of state offices (DHS) and courthouse maintenance and security, but there are many others.

- **Housing State Offices at Local Taxpayer Expense** – Currently some counties are forced to house a variety of state agencies (DHS and the Courts, for example) and receive little or no reimbursement from the State. In addition, counties are forced to pay for expenses such as postage and office supplies at local taxpayer's expense. We request that the State no longer require that counties subsidize the local office expenses of state agencies. We would encourage the legislature to pay particular attention to the document storage requirements of the Department of Human Services,
- **Courthouse Security and expenses**- Like the housing of state agencies, local taxpayers are bearing the entire burden of upgrading, modifying, or even replacing aging courthouses. There is a court expense added to virtually every criminal or civil action but none of this money goes to pay actual courthouse expenses. We would request that the state allocate a portion of these funds to counties for courthouse maintenance and security. This is also an area where the state imposes costs on local governments by not moving the agencies to a paperless document storage program like it has other state agencies.
- **Paper Document Storage – Publishing Costs** – Reduce publishing costs to local governments to publish meeting, and legal notices on-line and require only a summary to be published in local print outlets. Additionally, allow counties to publish in only one newspaper. We would also encourage the legislature to provide a more clear definition of proceedings.

Emergency Management Agency Funding – The current funding formula does not adequately address the needs of the urban counties in Iowa. Eliminate the funding cap on urban counties. We also encourage the State to pass through 80% of the federal funding it receives to counties.

REAP and Trail Funding - We encourage the Legislature and the Governor to fully fund the program at the 20 million dollar level. We believe that these funds should be focused on identifying and addressing the issues of trail connectivity across our state.

County Bonding - We believe that in matters of public finance, counties should be treated in the same manner as cities. We support the provisions of SF 416, which allowed counties flexibility in bonding for certain projects that the cities currently enjoy. We also ask that the limit be raised to a consistent level with cities, currently five million dollars. In addition, the definitions of essential county purpose have not been updated to address new challenges faced by counties. We ask that the following categories be added to

essential county purposes: disaster recovery, disaster mitigation, water quality initiatives, and courthouse improvements and upgrades.

County Zoning Equity - We would request that the legislature grant counties the same authority to enforce zoning regulations that cities currently have. Currently counties have no mechanism to force compliance or collect the cost of cleaning up violations and these costs are born by all county taxpayers.

Urban County Coalition Legislative Summary

(Included in this Legislative Summary binder is this overview, selected issues that are tabbed that reflect legislative priorities, tracking of bills that passed and those that did not pass this year, but are eligible for next year's General Assembly and newsletters from the currently, just completed legislative session. The tabbed issues include mental health funding and appropriate legislative information, commercial property tax backfill, Water Quality efforts, REAP funding, Unfunded and Underfunded Mandates on County Government.)

The 2017 Legislative session in Iowa has been universally categorized as historic, though the session's true legacy largely depends on who you ask. While there were some victories for Local Government, there were also restrictions and outright losses in issues important to the Urban County Coalition (UCC).

For the first time in 20 years, the House, Senate, and Governor's Office were all under one-party control. This resulted in legislation that was divisive between the caucuses and swiftly enacted, all-night filibusters against collective bargaining, and unprecedented changes in rules to stop debate and resurrect previously funneled bills.

In the backdrop of lower than expected revenue collections, the session started with significant de-appropriations across the board, that was exacerbated later in session with additional reductions in state spending and transfers from the reserve funds to fund state government at basically the same level as 2016-2017.

This was quickly followed by sweeping legislation pre-empting local government on several issues, gutting collective bargaining, significantly altering workers' compensation rights, implementation of voter ID programming, substantial expansion of gun rights and swapping federal funds coming to counties for state funds to create end-around on Davis-Bacon requirements for federal road projects.

Though nearly every bill seemed controversial in some way, the lobbying team also focused on some non-controversial legislation, including mental health, E-911, unfunded mandates, and medical cannabis oil. *It is only this year that mental health funding and medical cannabis oil would be categorized as non-controversial.*

Property Tax Backfill

Local governments, thanks to Governor Branstad, had a win regarding the state's commitment to backfill local government revenues to offset the industrial/commercial property tax reduction several years ago. Despite several backroom efforts by the General Assembly, the Governor made it clear he would veto any attempts to renege on the backfill promise. Great for this year, but this is a serious concern for next year when Governor Branstad is gone.

Mental Health

The other top priority for county government was creating a sustainable, long term funding structure for Iowa's Mental Health System. Mental health funding did receive a fix, albeit not permanent.

Our goals this session was: 1. Elimination of the levy inequity between counties within mental health regions; 2. Elimination of the 1996 dollar cap on mental health expenditures. 3. Long term funding so regions could move ahead on implementing Core services and where appropriate, Core+ services; 4. Maintain \$47.28 cap on individual county expenditures. 5. Maintain the 25% reserve requirement.

With the passage and eventual signature of SF 504, we have eliminated the levy inequity within regions, eliminated the 1996 dollar cap but replaced it with a regional spending cap within a \$114 million statewide dollar cap, created at least a mid-term funding system to allow regions to move ahead with contracts for Core and some Core+ services, maintained the \$47.28 cap but replaced the reserve caps to 20% in FY 2020 and 25% for small counties. Excess funds must be spent down to get within the reserve caps.

This fixes the problem within the Dubuque-Linn-Johnson County Region. It allows the regions to lower the tax rate while Johnson County moves to equalize levy authority. The bill also instructs the DHS Director to work with the Scott County Region to identify grant opportunities to close the \$3 million gap within the region to fund the jail diversion program implemented the past year. The latter was not reflected by the DHS and LSA in analyzing the needs for the region since they used the 2016 FY instead of FY 2017. It appears DHS has a bead on funding for that gap.

It also calls for a study of funding for mental health services within the next two years.

While this is far better than past years with continual extensions of the 1996 system, we are still faced with an uncertain future. But there is opportunity to continue to build a massive coalition ranging from religious groups to public safety groups demanding a permanent and sustainable and effective mental health system.

Water Quality

While there was conversation to the last all-night session of the 2017 General Assembly, the attempts to deal with sustained Water Quality funding and programming again was left unanswered until the 2018 session. Nothing was done. The Senate passed one version, generally supported by ag groups, and the House passed a different version. The two passed, literally in the dark of night, but no compromise bill was approved.

Meanwhile, funds from the Rebuild Iowa Infrastructure Fund (now amended to include Water Quality programs) and Environment First fund were transferred to the Ag & Natural Resource Budget to expand funding for Water Quality/Nutrient Reduction program: the first step in Water Quality improvements.

REAP

As with the whole session, the lack of dollars drove the REAP funding. While the actual statutory language requires \$20 million annually for REAP activities, the usual \$14-\$16 million appropriation was paired back to \$12 million. See accompanying tab.

Voter ID

Lawmakers approved contentious legislation proposed by Republican Secretary of State Paul Pate that will require voters to show government-issued identification at the polls and will reduce the time period for early voting. The legislation makes changes to Iowa's elections laws that Republicans say are needed to ensure the honesty of the process and prevent fraud.

Among them is a provision that would require every voter to present government-issued identification at the poll on Election Day. In addition, the bill shortens the time frame for casting absentee ballots and voting early at satellite polling sites from 40 days to 29 days.

Democrats denounced the bill, calling it an effort to suppress voter turnout by minorities, older people and people with disabilities.

Collective Bargaining

After exhaustive debates that included an all-night Senate floor session, the Republican majority approved a proposal to dramatically scale back a four-decades old collective bargaining law that governs union contract negotiations for the state's 184,000 public employees. No Democrats supported the bill. Under the legislation, most public sector union contract negotiations will be limited to base wages. Unions will be banned from negotiating with their employers over issues such as health insurance, evaluation procedures, staff reduction and leaves of absence for political purposes. However, public safety workers such as police and firefighters will have a broader list of issues to be considered in contract talks. All unions will be barred from having union dues deducted from public employees' paychecks and unions will need to be recertified prior to every contract negotiation. The legislation also changes the arbitration process when contract talks reach an impasse. Currently, the union and management will make their best offers and an independent arbitrator will be required to choose the most reasonable of the two. The legislation requires an arbitrator to consider the employer's ability to finance any wage increase. It also puts a cap on how much an arbitrator can raise wages.

The wage increase could not exceed whichever is lower: 3 percent, or a percent equal to the cost of living increase outlined in the consumer price index.

Gun Rights Expansion

One of the several contentious bills passed this session was firearm usage, and the effects of the bill will be felt in the courthouses, county buildings, and the state capitol.

House File 517, the gun omnibus bill, covers a broad spectrum of issues: it legalized a “stand your ground” provision, allow minors of any age to use firearms under the supervision of a parent or guardian, and includes several provisions related to permits.

Gun safety advocates and some law enforcement groups were vocally opposed to the “stand your ground” provision. The concept is becoming more common in other states, and is well-known because it is so controversial. In Iowa’s new law, reasonable force is amended to mean: “force and no more which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one’s life or safety or the life or safety of another, or it is reasonable to believe that such force is necessary to resist a like force or threat.” What opponents felt troubled by was additional language that permits the use of deadly force even when an alternative course of action can be taken, and finally: “[A] person maybe wrong in the estimation of the danger or the force necessary to repel the danger as long as there is a reasonable basis for the belief of the person...” Certain law enforcement groups said this provision could result in problems trying to prosecute assaultive behavior.

The team expects for this bill to be litigated in the future, likely after an individual tries to bring a firearm into a courthouse and is denied entrance.

HF 517 was signed by Branstad April 13th.

Road Fund Swap

State transportation officials will keep federal road and bridge money normally sent to Iowa’s cities and counties and replace it with state dollars under a controversial bill backed by Republican lawmakers. The goal is to help local governments avoid federal paperwork and other requirements that drive up costs by an estimated 15 percent on city and county projects. Democrats contend the legislation will result in workers on some local road projects being paid lower wages by avoiding federal rules. They also said cities and counties won’t be required to purchase American-made steel when building bridges and other structures. Republicans insisted that federal rules attached to the federal money will still have to be followed by the Iowa DOT as the money is spent on state highway projects.

Project Labor Agreements

This measure prevents state and local governments from mandating the use of project labor agreements for public construction projects. The legislation addresses concerns raised by nonunion contractors about project labor agreements, which are a collective bargaining arrangement with one or more labor unions for a construction project. Supporters of project labor agreements say they ensure that workers are paid fair wages and that construction work is completed on time and on budget. Nonunion contractors contend project labor agreements impede open, fair and competitive

bidding in taxpayer-funded construction projects by requiring union construction workers.

Unfunded / Unfunded Mandates

In the context of this session where there was literally no funds to be had, only the Sheriffs were able to increase fees for service which will marginally help county funds.

Any other efforts to secure funds for unfunded mandates or underfunded mandates was running into a wall of panic on the part of legislators.

SF 501, after several starts and stops, eventually made its way to the Governor's office.

Minimum Wage

Republican lawmakers agreed to nullify minimum wage increases already approved in five counties. The action effectively freezes the state's minimum wage at \$7.25 an hour, and Democrats angrily denounced the bill, saying it fails to support poor Iowans.

Republicans said the legislation will provide Iowa employers with certainty, predictability and uniformity by assuring the same minimum wage statewide. The bill also prevents cities and counties from exercising local control on some other issues that Republican lawmakers contend conflict with state law, such as paid family leave, implementing a soft drink tax or banning the use of plastic bags.

Senate File 516 - Enrolled

Senate File 516

AN ACT

RELATING TO STATE AND LOCAL FINANCES BY MAKING APPROPRIATIONS,
PROVIDING FOR LEGAL AND REGULATORY RESPONSIBILITIES,

CONCERNING TAXATION, AND PROVIDING FOR OTHER PROPERLY RELATED MATTERS, AND
INCLUDING EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS.

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

DIVISION I

STANDING APPROPRIATIONS AND RELATED MATTERS Section 1. BUDGET PROCESS
FOR FISCAL YEAR 2018-2019.

1. For the budget process applicable to the fiscal year beginning July 1, 2018, on or before October 1, 2017, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and section 8.23, subsection 1, paragraph "a", all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

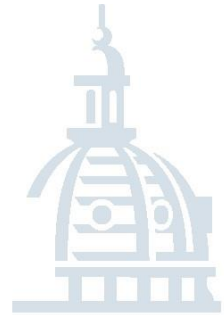
2. The estimates of expenditure requirements shall be in a form specified by the director of the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.



FISCAL UPDATE Article

Fiscal Services Division

April 21, 2017



END OF SESSION – SF 504 – MENTAL HEALTH COUNTY LEVY

[Senate File 504](#) revises the county mental health and disability services (MHDS) property tax levy by equalizing the taxes that can be levied in each county on a regional basis and setting a maximum per capita amount that can be levied across the entire region. The new regional per capita cap is set by adding the sum of the maximum amount each county in the region would be able to levy for FY 2018 under current law and dividing that by the region's general population. Counties then multiply the new regional cap by their populations to get the new county cap. The regional caps are limited statewide to \$47.28 per capita.

The Bill also requires counties to spend down fund balances in excess of 25.0%. Beginning in FY 2018, counties have three years to spend down fund balances on services required in their regional management plans. Beginning in FY 2022, counties are limited to a fund balance reserved for cash flow of 20.0% of gross expenditures if the region has a population equal to or greater than 100,000, or 25.0% of gross expenditures if the region has a population of fewer than 100,000. Counties will be required to reduce their levies by any dollar amount in excess of the cash flow amount.

For FY 2018 through FY 2020, the Bill requires the Broadlawns Medical Center Board of Trustees to transfer \$2.8 million to the Polk County Board of Supervisors to deposit in the county MHDS fund. In addition, Broadlawns Medical Center is required to donate \$3.5 million worth of services to Polk County MHDS.

The Bill requests that the Legislative Council authorize a study committee to analyze the viability of the levy caps in this Bill. The study committee is to meet during the 2018 Legislative Interim and submit a report to the General Assembly by January 15, 2019.

The Bill requires the Department of Human Services (DHS) to convene a stakeholder workgroup to make recommendations relating to the delivery of, access to, and coordination and continuity of mental health, disability, and substance use disorder services. The workgroup is required to submit a report with recommendations to the Governor and General Assembly by December 15, 2017. In addition, the Bill requires the regional administrators for the MHDS regions to convene a stakeholder workgroup to

create collaborative policies and processes relating to the delivery of, access to, and continuity of services for individuals with complex mental health, disability, and substance use disorder needs.

Fiscal Impact

Senate File 504 allows counties to levy an additional \$2.2 million in FY 2018 and \$2.7 million in FY 2019, which includes the transfer of property tax dollars from Broadlawns Medical Center. Those increases will be offset by property tax reductions as counties reduce their levies and spend down fund balances. Due to the three-year time frame counties have to spend down those funds on approved services, the Legislative Services Agency (LSA) is not able to estimate the dollars that will be dedicated to property tax reduction.

	FY 2017	SF 504 – Estimate of Maximum Levies		
		FY 2018	FY 2019	FY 2020
Maximum MHDS County Levy	\$ 114,649,218	\$ 114,596,197	\$ 115,078,722	\$ 115,573,521
Maximum Broadlawns Transfer	<u>4,000,000</u>	<u>6,300,000</u>	<u>6,300,000</u>	<u>6,300,000</u>
Total	\$ 118,649,218	\$ 120,896,197	\$ 121,378,722	\$ 121,873,521

FISCAL UPDATE

April 21, 2017 2

With the equalization of levies between counties within regions, 59 counties will be required to reduce their property tax levies by \$8.6 million and 40 counties will be given additional levy authority to increase their property taxes by \$8.6 million. All other increases and decreases in the levy are related to changes in estimated population for a county. For additional information on specific counties and regions, see the Attachment A here: <https://www.legis.iowa.gov/docs/publications/FN/857403.pdf>.

Enactment Date. The Bill was approved by the General Assembly on April 20, 2017.

STAFF CONTACT: Jess Benson (515)281-4611 jess.benson@legis.iowa.gov

Foreign Disease Fund: Appropriates \$100,000 from the General Fund for the creation of a Foreign Animal Disease Preparedness and Response Strategy and deposits the moneys in the Foreign Animal Disease Preparedness and Response Fund. The Strategy will be administered by the Department of Agriculture and Land Stewardship (DALs) with input from various livestock organizations. The goal of the Strategy is to develop a practical and cost-effective plan that will be implemented to control and/or eradicate foreign animal diseases.

MAJOR INCREASES/DECREASES/TRANSFERS OF EXISTING PROGRAMS

Agriculture and Natural Resources Appropriations Bill Senate File 510

Last Action:

Final Action

April 18,
2017

An Act relating to and making appropriations and related statutory changes involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions.

Fiscal Services Division

Legislative Services Agency

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <https://www.legis.iowa.gov/publications/information/appropriationBillAnalysis>
LSA Contact: Debra F. Kozel (515)281-6767

Last Action:

Final Action

April 19,
2017

Infrastructure Appropriations Bill House File 643

An Act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the state bond repayment fund, the technology reinvestment fund, and the revenue bonds capitals fund, providing for related matters, and including effective date provisions.

Fiscal Services Division

Legislative Services Agency

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available online at <https://www.legis.iowa.gov/publications/information/appropriationBillAnalysis>
LSA Contacts: Adam J. Broich (515)281-8223 Michael Guanci (515)725-1286

Agriculture and Natural Resources Appropriations Bill Senate File 510

Last Action:

Final Action

April 18,
2017

An Act relating to and making appropriations and related statutory changes involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions.

Fiscal Services Division

Legislative Services Agency

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <https://www.legis.iowa.gov/publications/.information/appropriationBillAnalysis>

LSA Contact: Debra F. Kozel (515)281-6767

PG LN

GA:87 SF510

Explanation

17 35 fiscal year shall not revert but instead shall remain available
18 1 to be used for the purposes designated until the close of the
182 succeeding fiscal year, or until the project for which the

183 appropriation was made is completed, whichever is earlier.

18 4b. Notwithstanding section 8.33, moneys appropriated for CODE: Allows the unexpended funds
from the EFF appropriations for

185 the fiscal year beginning July 1, 2017, in this division of soil and water conservation practices to
remain available for

18 6 this Act to the department of agriculture and land stewardship expenditure until the close of
FY 2021 or when a specific project is 187 to provide financial assistance for the establishment of
completed.

188 permanent soil and water conservation practices that remain

189 unencumbered or unobligated at the close of the fiscal year

18 10 shall not revert but instead shall remain available for

18 11 expenditure for the purposes
designated until the close of the 18 12
fiscal year beginning July 1, 2020.

18 13 2. Subsection 1 does not apply to moneys transferred CODE: Specifies that the Hungry
Canyons allocation in this Bill is 1814 pursuant to this division to the loess hills development and
exempt from the reversion date of FY 2021 . 18 15 conservation fund created in section 161D.2
which shall not 18 16 revert as provided in that section.

18 17 DIVISION VI 18 18 ENVIRONMENT FIRST FUND 18 19 SPECIAL APPROPRIATIONS FOR FY 2017-2018

18 20Sec. 20. WATER QUALITY INITIATIVE — DEPARTMENT OF

Environment First Fund appropriation to the DALS for the Water

18 21AGRICULTURE AND LAND STEWARDSHIP. Quality Initiative (WQI). The NutLle-nLReduQtjm-
Strategy—repon was

18 221. There is appropriated from the environment first fund introduced in November 2012, as a
collaborative effort by the DALS,

18 23 created in section 8.57A to the department of agriculture the DNR, and ISU to assess and reduce
nutrient that flow into Iowa

18 24 and land stewardship for the fiscal year beginning July 1, waters. The WQI Program was created in SF 435 (FY 2014 Agriculture

18 25 2017, and ending June 30, 2018, the following amount, or so and Natural Resources Appropriations Act) to provide funding for 18 26 much thereof as is necessary, to be used for the purposes watershed practices in high-priority watersheds as designated by the 18 27 designated: Water Resources Coordinating Council (WRCC).

18 28 For deposit in the water quality initiative fund created in

18 29 section 466B.45, for purposes of supporting the water quality DETAIL: This is a new appropriation from the EFF. The WQI has

18 30 initiative administered by the division of soil conservation received funding from the General Fund and the Rebuild Iowa

18 31 and water quality as provided in section 466B.42, including Infrastructure Fund. Section 8 of the Bill appropriates \$3,000,000 from

18 32 salaries, support, maintenance, and miscellaneous purposes: the General Fund. In addition, HF 643 (Infrastructure Appropriations

18 33 \$ 2,375,000 Bill) appropriates \$5,200,000 from the Rebuild Iowa Infrastructure Fund Water Quality Initiative Fund.

18 34 2. a. The moneys appropriated in subsection 1 shall be Funds will be used to support projects in high-priority watersheds as 18 35 used to support projects in subwatersheds as designated by the identified by the WRCC.

19 1 division that are part of high-priority watersheds identified 19 2 by the water resources coordinating council established 19 3 pursuant to section 466B.3.

19 4 b. The moneys appropriated in subsection 1 shall be used to 19 5 support projects in watersheds generally, including regional

Senate File 501 - Enrolled

Senate File 501

AN ACT RELATING TO CERTAIN FEES COLLECTED BY THE COUNTY SHERIFF.

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

Section 1. Section 331.655, subsection 1, paragraphs a, b, c, e, f, g, h, k, l, m, and n, Code 2017, are amended to read as follows:

a. For serving a notice and returning it, for the first person served, ~~fifteen-thirty~~ twenty-three dollars, and each additional person, ~~fifteen-thirty~~ twenty-three dollars except the fee for serving additional persons in the same household shall be ~~ten-twenty~~ twenty-three dollars for each additional service, or if the service of notice cannot be made or several attempts are necessary, the repayment of all necessary expenses actually incurred by the sheriff while attempting in good faith to serve the notice.

b. For each warrant served, ~~twenty-thirty-five~~ twenty-three dollars, and the repayment of necessary expenses incurred in executing the warrant, as sworn to by the sheriff, or if service of the warrant cannot be made, the repayment of all necessary expenses

actually incurred by the sheriff while attempting in good faith to serve the warrant.

c. For serving and returning a subpoena, for each person served, ~~twenty-thirty-five~~ twenty-three dollars, and the necessary expenses incurred while serving subpoenas in criminal cases or cases relating to hospitalization of persons with mental illness.

e. For summoning a jury to assess the damages to the owners of lands taken for works of internal improvement, ~~and attending them,~~ one-two hundred dollars per day, and necessary expenses

incurred. **This subsection** does not allow a sheriff to make separate charges for different assessments which can be made by the same jury and completed in one day of ten hours.

f. For serving an execution, attachment, order for the delivery of personal property, injunction, or any order of court, and returning it, ~~fifteen~~ thirty dollars.

g. For making and executing a certificate or deed for lands sold on execution, fifty dollars, or for making and executing a bill of sale for personal property sold, thirty dollars.

h. For the time necessarily employed in making an inventory of personal property attached or levied upon, ~~ten~~ twenty dollars per hour.

k. For ~~attending~~ setting a sale of property, ~~fifty~~ seventy-five dollars.

l. For conveying one or more persons to a state, county, or private institution by order of court or commission, necessary expenses for the sheriff and the person conveyed and ~~fifteen~~ twenty-five dollars per hour for the time necessarily employed in going to and from the institution, the expenses and hourly rate to be charged and accounted for as fees. If the sheriff needs assistance in taking a person to an institution, the assistance shall be furnished at the expense of the county.

m. For serving a warrant for the seizure of intoxicating liquors, ~~five~~ ten dollars; for the removal and custody of the liquor, actual expenses; for the destruction of the liquor under the order of the court, ~~five~~ ten dollars and actual expenses; for posting and leaving notices in these cases, ~~five~~ ten dollars and actual expenses.

n. For posting a notice or advertisement, ~~five~~ ten dollars.

Senate File 501, p. 3

Sec. 2. Section 331.655, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *p.* For the necessary time employed in attending the service of a writ, twenty-five dollars per hour.

JACK WHITVER

President of the Senate

LINDA UPMEYER

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 501, Eighty-seventh General Assembly.

W. CHARLES SMITHSON

Secretary of the Senate

Approved _____, 2017

TERRY E. BRANSTAD

Governor

Legislative Newsletter

Jan. 13, 2017



87th General Assembly Gavel In

The 87th General Assembly gaveled in Monday. There are several new faces in the House and Senate in the wake of the 2016 election. Another major change anticipated this spring is the swearing-in of Lt. Gov. Kim Reynolds as the new Governor of Iowa. Gov. Terry Branstad has been tapped as the next ambassador to China by President-Elect Donald Trump.

In his final Condition of the State address Tuesday, Branstad outlined his priorities for 2017, primarily: distracted driving, health insurance within collective bargaining, and water quality.

Notably absent from the Condition of the State was any mention of mental health funding. Mental health funding continues to be one of our top priorities, and the coalition of groups pushing for funding reform continues to grow, as are frustrations over a lack of action on this issue from last year. Conversations have already started in the last week about bills addressing the funding.

Several prefiled bills have been assigned numbers and could see subcommittee action as early as next week, including Senate File 21, which addresses distracted driving by making texting while driving a primary offense (essentially makes the current texting law more enforceable).

Also of note is Senate File 28, which would abolish the county compensation boards and give boards of supervisors the responsibility for setting the salaries of elected officials.

As of Friday, no House bills have been filed with the General Assembly. Speaker Upmeyer indicated their focus would be on the deappropriation bill (cutting \$117 million from the current Fiscal Year that ends June 30, 2017.).

We look forward to working with you again this legislative session. Please do not hesitate to contact any of the team as questions and concerns arise.

Legislative Newsletter

Jan. 20, 2017



Governor's Budget Recommendations Released

Budget subcommittees met early in the week to review budget recommendations from the Governor's Office. Reductions are expected in many key areas, including Dept. of Human Services (a reduction of \$20.3 million, or just more than 4.5 percent), Medicaid (a reduction of \$13.9 million), and the judicial branch (a reduction of \$7.7 million, or roughly 4.3 percent). The Medicaid cuts are particularly alarming in light of mental health funding not being addressed as a priority in the Condition of the State.

House Files and House Study Bills were introduced in the last week. One, which was discussed on Friday's conference call, would abolish county compensation boards. The UCC has registered as monitoring on this legislation; as discussed on Friday's call, this bill isn't a one-size-fits-all for all the counties. The UCC does not seem to be leaning in one way or another on this issue yet, as mental funding and the backfill continue to be the most imperative issues.

Urban County representatives will be at the capitol Jan. 31 to meet with local senators and representatives on priorities.

Legislative Newsletter

Jan. 20, 2017



De-appropriation Bill Passes From Senate to House

Activity in the Legislature picked up this week as both the House and Senate rolled out amended versions of the Governor's de-appropriations bill. The Governor's recommendations are to cut \$88.2 million and \$25 million in transfers. The Senate passed out Senate File 130 Thursday afternoon before adjournment for the week. The House is expected to take up their version of the bill, House File 118 as early as Jan. 30.

De-appropriation amended proposals now include stripping 35 million from the Department of Human Services (22 from non-Medicaid services, 13 from Medicaid services). To counter these possible cuts, we are proposing to re-submit last session's SF2236, which gave local control to the counties to adjust their property taxes to achieve equalization. The House will offer its own bill, though it's not clear what that proposal will entail.

Urban County representatives will be at the capitol Jan. 31 to meet with local senators and representatives on priorities, including the backfill, mental health funding, and decat funding.

Legislative Newsletter

Feb. 3, 2017



Gov. Signs First Bill of the Session

Gov. Branstad signed the first bill of the 87th General Assembly Wednesday, enacting the de-appropriations bill (Senate File 130). Earlier in the week, the House substituted their bill for the Senate version, which was adopted on party lines. The signed version includes general fund de-appropriations of \$88.2 million, and transferring of \$25.1 million.

The week included some emotional and contentious debates in the Senate chamber. The Senate approved Senate File 2, commonly known the Planned Parenthood Defunding bill, along party lines and with Sen. Johnson siding with the Republicans. As part of that legislation, the State of Iowa would decline federal funds that match the funding the state receives for family planning and women's health services. The State will substitute state funds and then seek other venues to provide women and children's health services.

The Senate also approved 1.1 percent of allowable growth funding (Senate File 166). This was a reduction from the Governor's recommendation of two percent. This bill also was passed along party lines, with Sen. Johnson siding with the Democrats.

The Urban County Coalition visited with Republican and Democratic leadership at the Capitol Tuesday to discuss mental health funding concerns, and publishing costs the counties bear when meeting minutes and resolutions have to be published in local news sources. The UCC told leadership in the House and Senate they would prefer electronic publication, or at least would try to compromise on abbreviated versions to reduce publishing costs to the counties.

The UCC along with other partners in the coalition trying to get the mental health funding system updated from its 20-year-old limitations continues to work with legislators. There appears to be full awareness of the emerging crisis in funding mental health in Iowa and thus far, positive discussions with several legislators in both the Senate and House. Lack of action will lead to the disintegration of the Mental Health Regions as they hit financial walls as a result of the lack of flexibility in funding their state-mandated services.

The first funnel is Feb. 10. All individual bill requests must be submitted to the Legislative Services Agency with a bill sponsor by then. As a reminder, all appropriation and ways and means bills are funnel-proof. Committee Chairs may also introduce committee bills past funnel deadlines.

Legislative Newsletter

Feb. 17, 2017



Collective Bargaining Battle Ends

Much of the anticipated work that needed to be done this week was upended by a two-day battle in both chambers over collective bargaining. The Senate Democrats introduced more than 40 amendments in an attempt to stall Senate File 213, and debated contentiously and passionately for more than 30 consecutive hours over collective bargaining. The House also took two days on House File 291, the companion bill to the senate version. Finally, leaders in both chambers forced debate to end with a time certain rule Thursday afternoon.

Both bills passed their respective chambers: the Senate along party lines, with Sen. David Johnson, the lone Independent, siding with the Democrats; in the House, the vote came down to mostly party lines, with six Republicans voting against HF 291.

Before the collective bargaining battle was taken to the chamber floors, however, there were some matters taken care of through subcommittee. Senate File 158, the publishing costs bill, passed a Tuesday subcommittee and will go before the full Senate Local Government Committee. The bill would strike old language requiring governmental bodies to print notices and other business in newspapers, and instead permit those governmental bodies to publish such notices on their own websites.

Senate File 2, better known as the defunding Planned Parenthood bill, passed a House subcommittee Tuesday and will now go before the full House Human Resources Committee.

Wednesday, Senate File 75 passed subcommittee with amendment and will go before the Senate Human Resources Committee. The bill pertains to the disclosure of mental health conditions to law enforcement professionals. Currently, certain parties are prohibited from disclosing a person's mental health condition without that person's consent or as otherwise permitted under law. SF 75 would allow those disclosures without consent to law enforcement professionals when it would prevent a serious and imminent threat to the safety of others or the person. We are currently monitoring the bill.

Legislative Newsletter

March 3, 2017



First Funnel Ends

Funnel week concluded on Friday, March 3. Any bill that is not an appropriations or ways and means bill, or any bill that is not passed out of its full committee in the originating chamber is dead for the rest of the session. Between the debate on collective bargaining which took a week, and the flurry of bill activity during a typical funnel week, the Legislature has been burning the midnight oil in an attempt to funnel-proof various priorities, many of them a source of contention between the two parties.

The Governor's Office released this week a budget adjustments bill, which are additional budget cuts to certain departments and entities. Senate File 130 has the details. A total of \$11.5 million is proposed to be cut, and cuts will impact the Departments of Agriculture, Education, Health and Human Services, Justice Systems, Economic Development, and Administration and Regulation.

The following priorities have made it through the funnel:

- HSB 169: Workers Comp. Among many changes, this bill would establish a presumption that if a worker tests positive for drugs or alcohol at the time of an injury that the worker was intoxicated, and is not eligible for compensation; the worker would have recourse to overcome the presumption. The bill deems an imposition of liability against an employer does not create a private cause of action for the worker. This bill passed committee 14-9 and will have a public hearing Monday. The Senate companion bill, Senate Study Bill 1170 passed its committee 9-6.
- SF 316: Community Supported Living Payments. This bill would require DHS to establish a home and community based services waiver to reimburse the costs of community supported living services provided to a person in the home of a family member.
- SF 369: Psych Bed Tracking. This bill directs DHS to require state-run mental health institutions or hospitals licensed for in-patient psychiatric services participate in a bed tracking system.
- SSB 1133: Mental health commitment exams. This bill would permit mental health professionals to, in certain voluntary and involuntary commitment situations, conduct commitment exams, treat patients and prescribe medications if authorized. It would also allow the professional to examine a patient who appears to have a serious mental illness but does not have a filed commitment application.

- Senate Study Bill 1034: Water Quality. This bill appropriates \$229 million from the RIIF budget over 13 years for water quality projects, and creates two programs. This bill also exempts metered water sales to residential customers from the sales tax and establishes a six percent excise tax with sunset provisions.
- SSB 1163/HSB 93: Voter ID. Among the many changes, this bill would require voters to submit a confidential voter ID number from a driver's license, military, or state-issued ID card. However, a voter may attest the identity of another voter who lacks ID. A voter may sign a form attesting to their identity in elections through 2019. The Secretary of State must issue free voter verification cards dependent on appropriations.
- SF 75: Mental Health Disclosures. This bill would allow a mental health professional to disclose the mental health status of an individual to law enforcement to prevent a serious and/or imminent threat on good faith. This bill passed committee 12-0.
- SSB 1145: PLA's. This bill prohibits state agencies, local governments and other entities from entering into a Project Labor Agreement or similar agreement with a union. It limits government requirements that contractors provide any confidential information, as well as other restrictions that can be placed on bidders. This passed committee 7-4.
- SSB 1082: E911 CHANGES. This bill partly is a technical clean-up and makes financial allocations. It requires DHS and emergency services to develop a plan to combine the wireline 911 network with the next generation 911 network. This bill does not take away the 60 percent wireless surcharge to the PSAP's. This passed committee 11-4.
- HSB 11: COUNTY COMPENSATION BOARDS. This bill abolishes the county compensation boards, and gives the supervisors the responsibility for setting the salaries of elected officials. This passed committee 12-8.
- SSB 1138: SITING WIRELESS FACILITIES. This bill prohibits local authorities from restricting the siting of small wireless facilities. It includes definitions, siting rules, fees, and appeal procedures. The bill strikes provisions on joint financing of facilities. This passed committee 12-1.

Legislative Newsletter

March 10, 2017



Debate Picks Up in House and Senate

Following the first funnel week, both the House and Senate turned their focuses on floor work. Public hearings on voter ID (House File 516) and workers' compensation reforms (House File 518/Senate File 435) were held early on in the week. The rest of the week included debate.

The House passed HF 516, the gun omnibus bill (House File 517), and the pre-emption bill (House File 295), all this week. HF 517 pre-empts local laws that currently prohibit firearms in public buildings, with the exception of the regent institutions. Individuals who have a permit to carry would be allowed to bring their firearm to the Capitol, but does not allow for open carry. HF 295 pre-empts cities and counties from raising the minimum wage. Democrats offered an amendment to raise the state minimum wage, which was ruled non-germane. An amendment that struck provisions of the bill that would restrict civil rights laws from local governments was passed as part of the overall bill. The UCC is registered against HF 295.

The Senate has previously passed its own voter ID bill, Senate File 474 to the Senate floor. Procedurally that will allow the Senate to substitute the House version for the Senate version and send it directly to the Governor following debate.

The workers compensation bills have yet to be debated in the House or the Senate, and are anticipated to be this next week.

The Senate Ways and Means Committee also passed the fireworks bill out (Senate File 236).

The Capitol also welcomed Iowa's 99 counties for County Day, as well as the eastern Iowa corridor. County Day on the Hill ended with the annual Dubuque Night party.

The second funnel will end March 31. Bills must pass the chamber of origin and a committee of the opposite chamber, with the exception of Ways, Appropriations, and Government Oversight bills.

Legislative Newsletter

March 17, 2017



Gun Bill Will See Senate Debate

The Revenue Estimating Conference revised and released estimates Tuesday. Based on the new downwards estimates, Iowa could face a potential shortfall of \$131 million in FY '17, and \$191 million in FY '18. The Governor's Office cited declining commodity prices caused by a "challenging farm economy," among other causes. Others, including some legislators, point to the substantial redirection of state revenue through tax credits and tax cuts for the shortfall, since the rest of the Iowa economy is doing exceptionally well.

According to recent analysis, the state takes in about \$12-\$13 billion in annual revenue but only has about \$7.5 billion available for state appropriations. There has been some discussion for a review of tax credits and House Appropriations Chairman Pat Grassley has introduced a study bill to do just that. No action has been taken on the bill.

The Governor's Office has proposed the state dip into its rainy day fund instead of additional budget cuts.

The week ended with the House passing worker's compensation (House File 518), which passed along party lines. Debate lasted several hours Thursday, with one amendment adopted. The amendment strikes language that would change an employee's intoxication as a substantial factor in an injury to the "predominate" factor before preventing an employee from being compensated for injuries sustained on the job; it also changes "functional disability" to "functional impairment" in regards to an employee's compensation base. It also eliminates the cap on 67 years of age for receiving worker compensation.

In the Senate, the week ended with the Senate Judiciary Committee voting to pass out the gun omnibus bill (HF 517), after over an hour of discussion and caucusing. Democrats said they want clarified language about where and when a child may use a firearm, as well as clarifying the meaning of possessing a firearm as it applies to a child. Democrats also reiterated

“stand your ground” language was unnecessary, as Iowa Code already contains provisions regarding situations where a person does not have to retreat before using force.

Other work this week included:

- HF 52: Bailiff Protections. This bill would change language to include persons used by a county to provide bailiff service under provisions for interference with official acts. This bill was passed unanimously out of Senate Judiciary and now goes to the Senate floor.
- SF 454: E-911 Changes. This bill is mostly a technical clean-up, however, it also provides local emergency management agencies with voting membership on joint 911 service boards. It also removes the \$4 million scoop from last year. It does not change the 60 percent wireless surcharge return to the public safety answering points. It also requires the Department of Homeland Security and emergency management to develop a plan to merge the wireline 911 network with Next Generation 911 Network. There is an anticipated amendment about voluntary consolidation. This bill passed subcommittee and now goes the Senate Appropriations Committee. It is funnel-proof.
- HF 203: Primary Road Fund Spending. This bill allows the State Transportation Commission to allocate money from the primary road fund for secondary roads in exchange for retaining a portion of federal road funds that would otherwise be given to cities and counties. Several amendments were offered that failed, including an amendment to repeal the collective bargaining bill (non-germane) and an amendment that would have required the projects funded by this bill to comply “buy American” provisions. The bill has passed the House and Senate and now goes to the Governor’s desk.
- SF 452: Deputy Election Auditor. This bill limits the salary of the deputy auditor in charge of election to 85 percent of the salary of the county auditor. This bill passed the Senate unanimously and now goes to the House.

Legislative Newsletter

March 24, 2017



Second Funnel Next Week

Both chambers spent the week prioritizing bills for next week's funnel deadline. To survive this funnel, bills must have passed their chamber of origin, and a subcommittee and full committee in the opposite chamber. Floor work picked up, ending with the Senate passing the House Voter ID bill. Funnel number two is March 31.

In the House, the project labor agreements ban (PLA's) passed the full Labor Committee and has been referred to House Appropriations to be made funnel-proof. Senate File 438 would ban state agencies, local governments, and other entities from entering into a PLA with a union.

In the Senate:

The state government committee passed the pre-emption bill after a very contentious subcommittee and committee meeting. Republicans said House File 295 was not a minimum wage bill, despite prohibiting local governments from enacting minimum wage laws or setting higher standards for consumer merchandise. The goal, they said, was to create uniformity in the state and an intention to set the state minimum wage. Counties and cities dispute this bill, believing such matters are local control issues for them to set based on the needs of their populations. We are against this bill.

A Senate Ways & Means subcommittee passed Senate Study Bill 1052, which would raise various fees collected by county sheriffs, including fees to serve notice.

Finally, the Senate passed the fireworks bill, Senate File 489, though it did not come without a heated debate between the parties, which included more than 20 amendments by Democrats. The bill would legalize the sale of fireworks in Iowa, with an opt-out measure for counties and cities to permit the use of fireworks within their jurisdictions. It also includes a provision limiting the time and days during the year consumer fireworks may be detonated. The bill now goes to the House, where a subcommittee in the House Ways & Means Committee has been already assigned.

Legislative Newsletter

March 31, 2017



Second Funnel Passes; Budget Bills Next Up

The second funnel of this legislative session was March 31. This means lawmakers will start focusing on budget targets and wrapping things up in the coming weeks, as committee work is over, except for Ways & Means and Appropriations. We are not sure when the chambers will adjourn for the year, though the Legislature seems eager to aim for just after the Easter Weekend as an end date.

The mental health funding formula bill was released last Monday. Senate Study Bill 1187. This is a funnel-proof Ways & Means bill. A snapshot view:

The statewide \$114 million cap will stay the same and not be lifted. However, the bill removes the county levy caps and creates a regional cap. This effectively allows for levy authority to be distributed as a region needs. The bill gives, in essence, a five-year sunset provision for a workgroup to review. The growth factor in the first two fiscal years is one percent each, followed by two percent for the two subsequent fiscal years after that. Finally, the bill requires counties raising their levy 30 days from the bill's enactment to recertify their budgets (but not if levies stay the same or are lowered).

The Governor also signed some bills before the funnel ended, including the controversial workers compensation (House File 518) and pre-emption (House File 295). We have been against the latter, as the matter of minimum wage should be one of local control for counties to determine based on the needs of its populations.

The following bills have made it out of funnel:

- House File 517: Gun omnibus bill. This is currently awaiting debate in the Senate.
- Senate File 431: Wireless siting facilities. Amendments are expected on this bill when it comes to the House floor in the coming weeks.

- House Joint Resolution 1: Search of electronic communications. This unanimously passed the Senate Judiciary Committee and is debate eligible.
- Senate File 489: Fireworks. This was voted out of House Ways & Means last week and is debate eligible in the House.
- Senate File 2: Planned Parenthood. This bill has been in the House awaiting action, however, it is likely to be dealt with in a budget bill as opposed to a policy bill.
- Senate File 438: PLA's. This bill has cleared the House Labor Committee and is debate eligible in the House chamber.
- House File 234: Court reports and mental health advocates. This bill is debate eligible in the Senate, after clearing the Senate Human Resources committee.

Legislative Newsletter

April 7, 2017



Budget Targets Released

Joint budget targets were released this week, signaling the end of session. Committee work is done, with the exception of Ways & Means and Appropriations, both of which remain on call until final adjournment. The agreed upon plan would spend \$7.2 billion.

- Administration and Regulation: \$47.39 million
- Agriculture and Natural Resources: \$38.84 million
- Economic Development: \$38.41 million
- Education: \$908 million
- Health and Human Services: \$1.7 billion
- Justice Systems: \$735 million
- Standings Bill: \$3.7 billion

Total: \$7.2 billion

The gun bill (House File 517) is on the Governor's desk, after passing the House Wednesday along party lines. The bill preempts cities and counties from enacting and enforcing their own ordinances to create gun-free zones in public buildings (state universities are exempted from this provision). It further allows members of the public who are permit holders to carry their handguns in the Iowa State Capitol. What isn't clear is whether permit holders will have to go through metal detectors when entering the capitol and other public buildings.

The Senate also advanced their mental health levy bill out of the full Ways & Means Committee to close out the week. Senate As we discussed last week, Study Bill 1187 eliminates individual county caps and creates regional caps, with the intention that the region can decide how to apportion funds based on county-by-county. The bill gives three years to spend reserves or buy down to the 25 percent rate. Growth factors of one percent for the first two fiscal years and two percent for the next fiscal years, with a sunset provision at year five is provided for. A

legislative review committee is established at year five. If a levy is raised, counties have 30 days to recertify its budget. We are awaiting an amendment that fixes shortfalls in Scott County.

The House also produced its own version of mental health levies this week (House Study Bill 194). Where the spend down of the reserves is three years in the Senate version, the House bill requires it be done in one year. We have expressed to lawmakers that this is not sound policy: regions would be forced to levy to zero and then crank their levies all the way back up the next year in order to make that work. The bill also differs in that it reduces the cap on funds from 25 to 20 percent.

The Senate Ways & Committee will also bring the E911 Consolidation bill to the Senate floor for debate (Senate File 500. **NOTE:** This is formerly Senate File 454). This bill does some technical clean up with E911 references – including removing last year's \$4 million scoop - but it also allows the 911 grant manager to disburse grants to 911 service boards, and allows the Department of Public Safety to develop a geographic information system. It finally requires DHS/EM to develop a plan for combining the wireline 911 network with the Next Generation 911 network.

The following bills were passed by the House:

Senate File 438: PLA ban. Now goes to the Governor.

The following bills were passed by the Senate:

House File 467: State communications. Now goes to the Governor.