

# Legislative Newsletter

Feb. 25, 2019



In preparation of funnel week next week, the Legislature is working on passing bills out of their referred committees to get them through the first funnel. Among them:

Prisoner's medical expense has advance past the committee on mostly party lines, 9-5. Senate Study Bill 1074 (now Senate File 374) has drawn quite a bit of controversy from different stakeholder groups; it would require the county sheriffs to provide necessary medical aid to prisoners by means of transporting the prisoner to the hospital if necessary, however, it also places payment on the counties after the hospital attempts to bill the prisoner's insurance first. The bill would require payment be sought in the following priority order: private insurers (assuming the insurance plan covers care while in jail); another source such as the VA, Social Security; or the "appropriate governmental agency" (AKA, the counties). There is a House version, House Study Bill 137.

House Study Bill 32: This bill passed out of House Commerce Committee unanimously. This is the fees on public utilities on the public right-of-way bill. Code chapter 480A allows local governments to impose certain fees on public utilities for operating public utility facilities in public rights-of-way. A local government may only impose a fee for management costs, as defined, that are caused by the public utility's activity in the right-of-way, and cannot require in-kind services in lieu of a fee. The bill

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modifies the definition of “management costs” in Code chapter 480A to provide that such costs must be direct and fully documented, and furthermore, specifies local governments may only recover a permit fee for management costs attributable to the public utility’s requested use of an available public right-of-way, instead of management costs caused by the public utility’s activity in the right-of-way.

Introduced:

House File 451: This is the bed tracking bill. It requires the Dept. of Human Services to convene a psychiatric patient placement clearinghouse and inpatient psychiatric bed tracking system work group during the 2019 legislative interim. The work group will examine issues and develop policy recommendations relating to the establishment of a statewide clearinghouse for the purposes of placing psychiatric patients in the appropriate level of care in close proximity to a patient’s home and to recommend improvements to the psychiatric bed tracking system. A subcommittee is scheduled for this week.

Senate Study Bill 1185: This bill would exempt wages individuals receive for providing services to persons with physical or mental impairments from individual income tax. The bill defines “services” to mean services performed at an intermediate care facility for persons with an intellectual disability or an intermediate care facility for persons with mental illness. Under the bill, “services” also includes services performed under a federal home and community-based services waiver.

House Study Bill 193: This is the other fireworks bill. Currently, cities are able to prohibit or limit the use of consumer fireworks, display fireworks, or novelties by ordinance or resolution. A person who violates any such ordinance or resolution commits a simple misdemeanor, punishable by a fine of at least \$250. HSB 193 allows

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local governments to classify violations of local fireworks ordinances as municipal infractions or county infractions, as applicable, and a person who violates the ordinance commits a simple misdemeanor, unless a city or county classifies a violation of such ordinance or resolution as a municipal infraction or county infraction (the municipal infraction is via Code section 364.22; the county infraction is via Code section 331.307). A municipal infraction or county infraction is a civil offense punishable by a civil penalty of not more than \$750 for each violation or, if the infraction is a repeat offense, a civil penalty of not more than \$1,000 for each repeat offense.

House File 466: This bill establishes the voter approval process for a township to provide EMS and the to approve a higher additional annual property tax levy rate for the provision of township services. This issue was raised last session, but the clock ran out before real action could be taken. The Senate version is Senate File 55.

The first legislative funnel deadline is next Friday, March 8. In order to meet the first deadline, a bill must be passed through the referred subcommittee and the corresponding full committee in the Chamber the bill originated in. Bills to come out of Ways & Means or Appropriations as committee bills are always funnel-proof.

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