

# Legislative Newsletter

Feb. 19, 2021



Several election bills were raced through chambers this week, from introduction to approval in committees.

**Senate Study Bill 1204:** This is another election bill which strikes the requirement that the Sec. of State (state commissioner of election) receives an approval from the Legislative Council for emergency election actions. Under this bill, the Secretary of State would be allowed to take a number of emergency actions related to elections, including a requirement for an election to be repeated. The Legislature and Legislative Council would still have the ability to rescind an emergency action.

**Senate Study Bill 1199/House Study Bill 213** is an extensive voting bill. Among the provisions:

**Penalties:** This bill would make it a Class D felony to fail to follow guidance from the SoS on implementing election laws. Interference by a county commissioner of elections (the auditor) or a precinct official with a person who is allowed to be at a polling place would be charged with 3rd degree election misconduct (a serious misdemeanor). Failure to perform voting list maintenance by an election official would be charged as 2nd degree election misconduct (an aggravated misdemeanor). The SoS is required to issue a fine of up to \$10,000 for technical violations by auditors. The auditor must appeal or pay the fine within 60 days and includes suspension for the non-payment of a fine, and requires reports to the Attorney General's Office or county attorney for possible further action.

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**Canvass:** This bill authorizes law enforcement agencies to take reasonable actions to prevent interference with the canvass of votes.

**Drop Boxes:** The bill would allow county auditors to establish a single drop box location, with accompanying requirements.

**Nominations:** A candidate who was nominated by a political party for an election cannot be nominated as a third-party candidate in the same election. This division also makes changes to signature requirements for nominations, and changes to convention requirements for third parties and independents.

**Registration:** The bill allows for the state registrar to contract with a third-party company for registration verification. The SoS must update registration information using specified data.

**Absentee Ballots:** The bill reduces the time for requesting an absentee ballot to 70 days, and furthermore reduces the time for mailing an absentee ballot or voting in-person by absentee to 18 days. Auditors will be prohibited from sending absentee ballot requests to voters (preemptively, and this also includes pre-filled absentee ballot applications). The bill strikes the discretion of auditors to establish satellite voting stations. The SoS and county auditors are further prohibited from mailing absentee ballots out without first receiving an application, and postmarks cannot be used for determining when a ballot is mailed – the new requirement would be bar codes. The Legislature or Legislative Council may direct the SoS to send out requests if a public health emergency – like COVID - is declared. The auditors must notify voters of missing information, and options for the voter for applications received by certain deadlines. There are other changes being proposed on reconciling information provided on absentee ballots and maintaining records on absentee ballots. Finally, these bills direct the SoS to publish reports on absentee ballots received during certain elections.

**Oversight:** These bills give the SoS oversight over auditor elections efforts for 60 days before and after an election.

**Miscellaneous provisions:** Prohibits a candidate from being selected by a voter for assistance in casting a ballot, and makes changes in the appointment period for a person filling a position vacated by an elected county official.

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Should either bill be enacted, the legislation would become effective upon that enactment. Both of these bills passed their respective committees; SSB 1199 passed 10-5 and is now **Senate File 413**. HSB 213 passed 14-8 and is now **House File 590** and will have a public hearing on Monday night. Unfortunately, there is no way to participate online, although written public comment is being accepted.

## **In the House, several bills were voted on:**

**House File 418:** The multi-residential property eliminates the property tax classification for multi-residential property as of 2022 when assessments for such property are the same as residential property and includes it as residential property. The House passed this bill unanimously and now goes to the Senate.

**House File 488:** This bill does not permit the State Auditor to have access to personally-identifiable information on a disease report. State and local agency employees do not have access to personally-identifiable information on a disease report from the Department of Public Health or board of health unless the employee has completed HIPPA training. This bill passed the House unanimously and now goes to the Senate.

**House File 431:** This bill requires that health professional licensing boards adopt rules to allow the use of telehealth services delivered through phone calls (interactive audio). There are required rules that such phone calls are clinically appropriate, and that the patient has had an opportunity to have in-person or interactive video services instead, if such services are available. This bill passed the House unanimously and now goes to the Senate.

**House File 313:** This bill prohibits cities and counties from requiring fees or permits for businesses run by minors. This is also referred to as on-site transactional businesses traditionally operated by children. The bill passed the House 79-12 and now goes to the Senate.

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In Committee work in the House this week:

The House Economic Growth Committee voted to approve **House Study Bill 178** (now House File 582), the housing proposal bill from the Governor's Office.

The House Judiciary Committee unanimously voted to approve **House File 57** (producing documents to the State Public Defender, a public defender agency or to a court-appointed attorney to \$10 per document).

Across the rotunda in the Senate:

**Senate File 252:** This bill passed on party lines, mostly due to concerns that it permits the line of rental discrimination to be crossed. The bill would prohibit cities and counties from adopting ordinances that prohibit landlords from refusing to accept federal housing vouchers and makes any such ordinances void. The bill passed 31-18 and now goes to the House.

**Senate File 366** (formerly Senate Study Bill 1122): This is the tax matters bill.

**Sales tax credit:** Allows individuals to claim a credit for sales taxes paid by 3rd-party developers, similar to the corporate credit, if a partnership or LLC has income taxed to the individual. Changes the name of the credit.

**Property taxes:** Requires applications for each geothermal heat pump for the geothermal credit. Makes changes to proportional revenues under the replacement tax to allow a local government to receive more tax revenue from a solar installation. Strikes provisions prohibiting a deputy assessor from personally assessing property owned by a family member. Requires the appointment of an assessor be confirmed by the DOR.

**Registrations:** Makes changes to car registrations, in terms of ownership, fair market value and other matters.

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**Miscellaneous provisions:** Makes changes to calculations for imputed Iowa liability. Makes changes to provisions on pass through entities and partnerships. Allows counties to collect non-tax liabilities for the DOR. Changes the date interest is set by the DOR to November. Includes tax returns under confidential information to be redacted. Expands the authority of the DOR director to disclose confidential information. Allows counties to collect non-tax liabilities. Makes a distress warrant for garnishment a final judgment. Includes provisions on setting interest rates, government entities using a POA and other matters.

**Sales taxes:** Makes other changes related to sales taxes for ATV, snowmobiles, construction materials, non-profits, language updates and rentals. This bill passed the Senate unanimously and now goes to the House.

## **In committees:**

The Senate Local Government Committee unanimously approved **Senate File 108** (county compensation schedules; does not abolish the compensation boards, but does require the boards to consider the economic health of the county when determining compensation schedules; requires the boards to document the reasons for the recommended compensation schedule); **Senate File 133** (allows counties to employ a deputy assessor and related staff through a 28E agreement); Senate Study Bill 1167 (county land record changes; now Senate File 374).

The State Government Committee unanimously passed **Senate Study Bill 1114**, which deems any deliberations or actions taken by a government within the budgetary duties of the body as subject to the open meetings laws. This means there is a requirement of reasonable notice to include notice to any person who has requested notice of a meeting (excluding weekends and holidays when considering the 24-hour period). This bill passed 9-5; is now Senate File 425.

## **Successor Bills and Introduced Bills:**

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**Senate Study Bill 1195:** This bill would prohibit a city or county from passing ordinances which impose a financial hardship on an animal enterprise or the use of an animal. This bill excludes actions that are related to the enforcement of state or federal law.

**Senate Study Bill 1203/House Study Bill 230:** This bill takes the “no defend the police” provisions from the Governor’s “Back the Blue” (Senate Study Bill 1140). It prohibits local entities from receiving state funds if the entity has reduced the budget for a law enforcement agency under its control unless it is part of a total budget reduction or unless the entity has sufficient justification for doing so, and includes specific reasons for justification. Because the language is identical to the Back the Blue bill, our concerns remain the same. Budgetary decisions are among the core duties of a city councilor or county supervisor; these decisions must be made with the jurisdiction’s needs in mind, not based on potential punishment from the state government.

**House Study Bill 204:** This bill pertains to the establishment of port authorities. It makes changes to some of the requirements for port authorities, such as allowing a port authority to be created by one local government; not requiring the port authority to be by water; making the port authority distinct from the local governments; and allowing local governments to make contributions to a port authority. Local governments may enter into agreements or make deals with the port authority. Local governments are permitted to replace a removed director. Finally, it makes certain properties of the port authority tax exempt.

**Senate Study Bill 1209/House Study Bill 232:** This bill allows the ITTC to do billing for authorized users and charge users who receive services from an authorized user of the ICN if such services are within the mission of the authorized user and within the limitations on the authorized user in Code.

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**Senate File 392:** This is another joint 911 board. It allows the Department of Human Services/Emergency Management to serve as a joint 911 board, on the request of the supervisors. The bill also gives the department the powers of the board.

**House Study Bill 221:** This bill permits local governments to publish notice electronically in lieu of newspaper publication. This requires an ordinance or rule to be adopted identifying the type of notice to be published electronically and for paper copies to be made available. The governments are also required to make email accounts available for persons to receive such notices.

**House File 600:** This bill allows local governments to publish notices on the internet in lieu of publishing in newspapers. The local government must identify a site where a paper copy can be picked up and to develop a process for people to sign up to receive notices.

**Senate File 426:** This bill authorizes counties to follow the same procedures for acquiring abandoned property that cities use. Includes an exclusion for various farm buildings.

House Study Bill 96 is now **House File 527** - allows county supervisors to amend the County Land Record Information System on behalf of county recorders as needed for the on-going implementation of the system.

Senate File 133 is now **Senate File 384** - allows counties to employ a deputy assessor and related staff through a 28E agreement. Includes requirements for pay and other matters to be included in the agreement.

House Study Bill 97 is now **House File 520** - allows the governing board of the County Land Record Information System to collect fees up to \$3 per document and makes corresponding changes to other provisions on fees.

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House Study Bill 56 is now **House File 523** - includes the purchase and construction of land and structures to protect property from flooding as an essential county purpose (not subject to voter approval in order to incur indebtedness).

Senate Study Bill 1146 is now **Senate File 367** – collecting court debt.

Senate Study Bill 1085 is now **Senate File 365** – multi-residential properties bill.

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