

Legislative Newsletter

Feb. 26, 2021



Although funnel week isn't officially until the week of March 1, the seventh week of session had the funnel feel to it – lots of floor debate and intensive committee work. To remain eligible after the first funnel, a bill must have passed a subcommittee and full committee in the chamber it originated from.

One of the election bills has been sent to Gov. Reynolds, where she is expected to sign it - Senate File 413. This comes after a contentious public hearing on the House companion, as well as more than lively debate. To recap, this bill has:

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.

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.

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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.

Several amendments were offered on the Senate floor, all of which failed. The Senate passed SF 413 on party lines, 30-18; it passed the House 57-37.

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Another contentious subcommittee meeting this week was for **Senate File 402** (House companion is **House Study Bill 235**). This bill in essence would punish state and local governments from awarding incentives or benefits to companies that censor online, and reduce aid to local governments that violate the bill's provisions. Finally, the bill would force the Attorney General's Office to enforce the bill provisions and require the AG Office to develop an internet site where people can make complaints.

Constitutional concerns aside, this bill drew ire from several non-local government groups who said this legislation would disrupt learning and operations in schools and regents universities. Business stakeholders worried that tech companies would choose to expand their businesses in other states as opposed to Iowa. Several local governments with Big Tech businesses in their communities said the bill would create needless conflict.

SF 402 passed subcommittee, however the House version's subcommittee was canceled. In its place, the House offered **House File 633**, which had a subcommittee on Thursday afternoon.

HF 633 would create a new Code chapter 554E. The bill defines "dominant social media company" to mean a person or an affiliate of a person who owns or operates a social networking website; "person" would refer to an individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity. Finally, the bill defines "social networking website" to include an internet site that allows users to provide information about themselves that is available to the public or to other users, allows users a mechanism for communication with other users, has at least 75 million subscribers or members, and was not affiliated with any one religion or political party from its inception.

From there, HF 633 prohibits a dominant social media company from affecting the ability of a user to create, view, comment, or otherwise interact with content that constitutes constitutionally protected speech on its social networking website by restricting any content on the social networking website, or by restricting the user's access to the social networking website.

The bill provides that if a user's content (provided it's constitutionally protected) is restricted or if the user's access to the social media site is restricted, the company must

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provide the user with notice content was restricted, or why the networking website was restricted within 30 days of such restriction.

The bill requires the office of enforcement (again, the Attorney General's Office) the provisions of the new Code penalty for a violation of the new not to exceed \$100,000 for each violation, and adopt rules to administer and interpret the bill.

The Governor's "Back the Blue" bill (**Senate Study 1140**) continues to see zero movement, and our team presumes this bill will die in the first funnel. To date, only **House File 232** (disorderly conduct provisions) have been sent to the Governor, and many of the other "Back the Blue" bills are in legislative purgatory. Several of these are unlikely to get past the first funnel.

Senate Study Bill 1203 (now **Senate File 479**) is another bill containing the no-defund-the-police provisions. The language in this bill is identical to Back the Blue, and the concerns for local governments remain the same. This bill did pass its subcommittee and full committee, so it will at least survive the first funnel deadline.

Also sent to Gov. Reynolds' desk this week was **House File 418**: This bill eliminates the property tax classification for multi-residential property as of 2022, which is when assessments for such properties are the same as residential property and includes it as residential property. This bill received unanimous approval in both the House and Senate.

On the House floor this week, the chamber debated and passed: **House File 562**. This is the additional emergency management services levy bill which requires EMS to be declared an essential county purpose. It allows local governments to impose an additional levy for EMS, and for the trustees of a benefitted district to impose an additional levy for EMS, above the statutory rate, if the current rate is insufficient. Levies must be approved via an election. The bill passed the House unanimously and now goes to the Senate.

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In House Committee work this week:

The House Human Resources Committee unanimously approved **House Study Bill 172** (requirements on contracts between DHS and the MCO's to include various non-licensed/non-certified providers for early screening/treatment benefits; now House File 691).

The House Local Government Committee passed **House Study Bill 171** along mostly party lines. House Democrats debated if they would call a public hearing on the bill, due to concerns about housing discrimination as a consequence of the bill; they ultimately declined to hold it. This bill prohibits cities and counties from adopting ordinances that prohibit landlords from refusing to accept federal housing vouchers, and makes such existing ordinances void. This bill passed 11-6. The Committee unanimously passed House Study Bill 222 (fines for septic pumping).

Across the rotunda in the Senate, there were a mix of controversial and non-con bills to debate this week. Among them:

Senate File 307: This is the autopsy matters bill. It requires a funeral director to report to the medical examiner if a death affects the public interest. A medical examiner, sheriff, or other law enforcement agency may determine that the cause of death is so obvious that an autopsy would not be necessary. A county medical examiner may refer a body to an accredited facility for an autopsy, requiring the county to pay and including reimbursements to funeral directors for the costs of transporting the bodies. An amendment that the autopsy must be ordered in order to be eligible for reimbursement was adopted. The amended bill passed unanimously and now goes to the House. We remain against this bill and will continue to work it in the House.

Senate File 367: This is the collecting court debt bill, which, under this bill, means all restitution, bail forfeitures, fees and other debts collected by the clerk of courts. This bill excludes goods, services and benefits from the state from the Consumer Credit Code;

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requires the clerk of courts to collect \$260 for conviction for offenses requiring registering on the Sex Offender Registry after June 25, 2020. The Dept. of Revenue may get 15 percent of court debt assigned for collection but limits the collection for payments for pecuniary debt (restitution categories). Finally, the original bill included a charge of court debt in specific circumstances, but deems that most such debt cannot be charged off for 65 years. An amendment to change the installment payments to strike the 15 percent DOR collection fee for certain court charges/payments and requiring refunds for overpayments was adopted. The amended bill passed the Senate unanimously and now goes to the House.

In Senate committee work this week, The Senate Local Government Committee unanimously passed **Senate Study Bill 1141** (county land record system; now Senate File 441); **Senate Study Bill 1169** (flood protections; now Senate File 442).

The Senate Human Resources Committee unanimously voted to approve (**Senate Study Bill 1158**; mental health regions governance board voting, now Senate File 461).

Finally, the Senate Agriculture Committee passed **Senate Study Bill 1195** (8-4), with an amendment offered by our team. This bill prohibits local governments from enacting ordinances which impose a financial hardship on an animal enterprise or the use of an animal. The amendment still disallows local governments from passing ordinances pertaining to animal cruelty, but this bill excludes zoning ordinances, so local governments still have control over zoning ordinances.

Successor Bills and Introduced Bills:

House Study Bill 245: This bill would allow registered ATVs and UTVs to operate on county highways. Strikes the current authority of supervisors to regulate such traffic and prohibits ordinances to regulate driving ATVs/UTVs.

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Senate Study Bill 1227: This is Sen. Edler's bill to establish an in-patient Psychiatric Bed Tracking System interim study committee. The bill includes the requirements for membership, areas to be examined, and all reporting requirements due by December of this year.

Senate Study Bill 1229: This bill allows reports on the hospitalization of a patient with a mental illness to include medical information on the condition, prognosis and care of the patient.

House File 21 is now **House File 626** (revitalization areas).

House File 395 is now **House File 643** (agricultural property taxes in drainage/levee districts).

Senate Study Bill 1165 is now **Senate File 469** (non-conforming uses on housing).

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