

# Legislative Newsletter

March 5, 2021



First funnel deadline week included more election bills and policing bills. Because the first funnel requirements are for a bill to pass the subcommittee and full committee in the chamber of origin, the focus for the week was on committee work as opposed to debating bills and other floor work. With the first funnel deadline passed, the next month will be a good mix of both floor work and committee work. Few new bills are introduced during this time, although committee bills may be introduced at any time in the legislative process.

The deadline was Friday, but it didn't stop new bills from being introduced and rushed through the first part of the legislative process to beat the deadline. So far this session, we have seen the Governor's Back the Blue bill (**Senate Study Bill 1140**), and then seen it splintered into numerous other bills. Likewise, there have been Peace Officer Bill of Rights bills, which have had provisions moved around to other bills. Then there are new bills which are a mix of both. For the sake of keeping everything straight and preventing confusion, the newly introduced bills will be discussed in this newsletter; previous bills will be found in a first funnel round-up document.

**Senate Study Bill 1232:** This bill pertains to weapons matters. It requires a person seeking to acquire a handgun from a federal dealer to have a valid carry permit or to pass a background check. Out-of-state permits must meet these requirements. It also establishes restrictions on who can acquire a handgun (namely people under 21, felons, and others restricted by federal law).

Knives: The bill would make going armed with a knife while committing a crime an aggravated misdemeanor. It strikes the requirement to carry a valid permit when carrying various dangerous weapons.

On schools, various peace officers or federal officers may carry a gun on school grounds without being in the performance of official duties. At the capitol, the bill strikes requirements that a person carrying a weapon on Capitol grounds show a permit if requested by an officer.

EMS: The bill allows an emergency management services provider to get a professional carry permit if the provider works with police tactical units. A provider will train with the tactical squad and

---

Gary Grant, CEO  
Cell 319.721.5977  
gary@grantconsultingllc.com

Larry Murphy, CFO  
Cell 319.361.2834  
larry@llmurphy.com

Meghan Malloy, General Counsel  
Cell 515.321.5825  
meghan@malloyjdlaw.com

# L&L Murphy Consulting / Grant Consulting

complete an appropriate training course. The bill also allows an employer to require an EMS provider who works with tactical squads to have a professional permit.

Safety Courses: The bill requires the Department of Public Safety to adopt rules to allow additional organizations or persons to qualify as handgun safety course instructors.

Tenants: Finally, this bill would require tenants to exercise reasonable care in storing firearms, and that the mere possession of a firearm by a tenant is not a clear and present danger. Landlords will not be liable for civil actions for firearms except in cases of willful, reckless or gross negligence.

This bill passed the Senate Judiciary Committee 9-5 (likely along party lines) and was renumbered as Senate File 535). There is a House companion, **House Study Bill 254**, which passed a House Public Safety Committee during funnel week along party lines, 12-8.

On the Senate side, **Senate File 497 (now renumbered as Senate File 534)** was introduced. No one has called it the Senate's new Back the Blue, although it may as well be. This bill pertains to police and rioting matters, so think of it as Peace Officer Bill of Rights and Back the Blue mixed together and this is the result.

Liability: This bill would give a driver who is driving with due care immunity against claims for injuries sustained by a person participating in a demonstration or disorderly conduct by blocking traffic.

Redaction Fee: This bill requires county recorders to collect an additional \$1 fee for recording documents for the costs related to redaction of the names of judges, prosecutors and law enforcement from electronic documents.

Lasers: This provision is similar to what has been seen in past Back the Blue legislation. It defines pointing a laser at someone with the intent to cause injury or to injure a person, an assault, making exceptions for law enforcement, medical personnel and laser tag.

Assaults: These are provisions we have seen before in the original Back the Blue bill. They add certain civil law enforcement and firefighter employees to provisions which enhance penalties for assaults against such employees.

Other Crimes: There are also more provisions we have seen in Back the Blue. Under these provisions, it would be 1st degree harassment to harass a person who is lawfully in a public place, and creates criminal mischief in the 2<sup>nd</sup> degree offense with Class D felony sentencing. Rioting is also a Class D felony under this bill; unlawful assembly would be an aggravated misdemeanor.

Disorderly conduct offenses would range from a serious misdemeanor to a Class C felony for offenses of blocking roads, streets or sidewalks, depending on circumstances, damages and injuries. A person arrested for criminal mischief must be held for at least 24 hours and requires the court to make written findings that the defendant is not likely to resume the criminal behavior causing the arrest if released. This bill passed the Senate Judiciary Committee 10-4.

---

Gary Grant, CEO  
Cell 319.721.5977  
gary@grantconsultingllc.com

Larry Murphy, CFO  
Cell 319.361.2834  
larry@llmurphy.com

Meghan Malloy, General Counsel  
Cell 515.321.5825  
meghan@malloyjdlaw.com

# L&L Murphy Consulting / Grant Consulting

First thing to happen in funnel week was the Senate's bill on Access Centers being introduced. **Senate Study Bill 1234** (now Senate File 526) adds Access Centers under the definition of facility. This essentially turns these facilities into mini-hospitals. Here's the main problem with this: access centers were not created for this purpose. They do not have the same tangible resources or staffing of a hospital, and different operational requirements.

Though the bill passed subcommittee and full committee (8-5), Sen. Edler has indicated he is willing to work with the various stakeholder groups on this bill to address their concerns.

**Senate Study Bill 1204** (now Senate File 531) would strike the requirement that the Secretary of State receive approval from the Legislative Council for emergency election actions; rather, requirements for the SoS would be set and the agency would take a number of emergency actions related to elections, including requiring an election to be repeated. The Legislature or the Legislative Council may rescind an emergency action. This bill passed out of the State Government Committee 10-5.

**Study Bill 1237** was the other election law bill to be introduced during funnel week. This bill makes several changes to election law, including required mailings on public measures (as opposed to prohibited mailings, and creating an unfunded mandate), requirements on who may return ballots on election night and how they're returned, and attesting to a voter's identity. This bill passed the state government committee to beat funnel, 10-5.

Two of the three anti-Big Tech bills beat the funnel deadline, as well: **Senate File 402** (no amendment, passed 10-6), and **House File 633** (no amendment, passed 13-8). **House Study Bill 235**, which was the companion to the Senate bill, died in funnel.

In Committee work this week in the House, The House Human Resources Committee unanimously approved **House File 706**, which requires reimbursements for telehealth services to be the same as in-person reimbursements and prohibits a health carrier from requiring a health care professional to be in the same room as a person.

The House Judiciary Committee voted to approve **House File 81** (condemnation awards; passed 16-5); **House File 442** (mobile/manufactured homes; passed 20-1);

The House State Government Committee passed **Senate File 183** (public improvement contracts; passed 13-10); **House File 346** (local lobbying requirements; passed unanimously); **House File 481** (presidential executive orders; passed 14-9); **House Study Bill 245** (ATV's/UTV's on county highways; passed 14-9); **House Study Bill 268** (411 accidental disability, separate from the other 411 bills; passed unanimously).

---

Gary Grant, CEO  
Cell 319.721.5977  
gary@grantconsultingllc.com

Larry Murphy, CFO  
Cell 319.361.2834  
larry@llmurphy.com

Meghan Malloy, General Counsel  
Cell 515.321.5825  
meghan@malloyjdlaw.com

# L&L Murphy Consulting / Grant Consulting

The House Local Government Committee voted to approve **House Study Bill 219** (electronic notice to taxpayers; passed unanimously); **House Study Bill 262** (county title powers; passed 12-6).

Across the rotunda in the Senate, the Senate Human Resources Committee unanimously approved **Senate Study Bill 1227** (inpatient bed interim study committee; now Senate File 524); **Senate Study Bill 1229** (patient reports; now Senate File 528).

The Senate State Government Committee unanimously approved **Senate File 249** (911 costs).

## Successor Bills and Introduced Bills:

**House Study Bill 268:** This bill pertains to 411 accidental disability for employees under 411. An ordinary disability beneficiary may apply for accidental disability retirement benefits, and includes the requirements for qualification.

**Senate Study Bill 1239:** This bill establishes a grant program to help counties digitize records and requires a county to show it can pay for 70 percent of the cost of digitization.

Senate Study Bill 1195 is now **Senate File 483** – animal ordinances at the local level.

House File 444 is now **House File 718** – township firehouses.

House Study Bill 171 is now **House File 720** – rental voucher ordinances for local governments.

Senate File 249 is now **Senate File 538** - 911 costs.

---

Gary Grant, CEO  
Cell 319.721.5977  
gary@grantconsultingllc.com

Larry Murphy, CFO  
Cell 319.361.2834  
larry@llmurphy.com

Meghan Malloy, General Counsel  
Cell 515.321.5825  
meghan@malloyjdlaw.com