

Legislative Newsletter

March 12, 2021



Senate File 571 (formerly Senate File 402), the anti-tech bill that penalizes local governments for incentivizing tech companies to move to Iowa, got a second bite at the apple with a subcommittee in the Ways & Means Committee in the Senate this week. However, since its previous subcommittee and committee meetings, the bill has now been amended to include provisions that would make violations of limiting content conclusive proof of a breach of contract that the company has with state or local governments.

At this point, it appears the name of the game for the Legislature is to funnel-proof the bill for the session, as some lawmakers are asking for the Department of Revenue and the Governor to weigh in. The House's answer to this issue (House File 633) has passed at least the first funnel.

Senate File 479 passed the Senate 41-7. This is the "no-defund-the-police" provisions our team saw in Back the Blue and other bills. An amendment to create an exception to these requirements if the state reduces funding for local law enforcement through an unfunded mandate failed. At this point, it's unknown what will happen to this bill in the House. Its House companion died in the first funnel as concerns were raised that small law enforcement agencies could be hurt by this bill and there were serious constitutional questions about it.

Gov. Reynolds started signing several bills after the first funnel deadline. The most contentious of these was the elections bill, which has garnered national attention – and criticism. The Governor signed Senate File 413 on Monday, March 8.

Senate File 413: Very little changed about this bill from start to finish; the Legislature was not interested in amendments or changes. Under this law, polls now close at 8 p.m. instead of 9 p.m. and reduces time off for an employee to vote to a two-hour window. The absentee ballot requesting time has been reduced to 70 days; and 20 days to mail the absentee ballot or vote early in-person. Auditors can no longer send an absentee ballot request to voters and do not have discretion to establish satellite voting sites during early voting. Ballots must to be returned by Election Day or have a postmark/bar code indicating

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 ballot was mailed in time. This bill passed along party lines in both chambers: 30-18 in the Senate and 57-37 in the House.

House File 418: The multi-residential property bill 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. This bill passed both chambers unanimously.

Other bills enrolled for the Governor this week:

Senate File 307: This bill pertains to autopsy matters. It requires a funeral director to report to the medical examiner if a death affects the public interest. A medical examiner, sheriff, or law enforcement agency are allowed to determine the cause of death when it is obvious and an autopsy is not necessary. However, a county medical examiner may refer a body to an accredited facility for an autopsy at county expense, with reimbursements to funeral directors for the costs of transporting the bodies. This bill passed both chambers unanimously. Again, this is an example of unfunded mandates being passed onto county government -- there is no provision to reimburse counties for this expense.

Senate File 353: This was the drainage districts hearings bill. County supervisors or drainage district trustees must give notice of a hearing on a report to classify tracts of land in a drainage district, or proposed district, with notice requirements. The board (either supervisors or trustees) must order a report from a professional engineer or water conservationist on a repair if the repair exceeds \$50,000 or the minimum bid threshold. The report will then be presented at the landowner hearing. This bill passed the Senate 46-2 and passed the House unanimously.

Because the first funnel is over, the emphasis in both chambers will be floor debate for the next few weeks. In House floor work:

House File 294: This bill makes 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. It had overwhelming bipartisan support in the House, passing 95-1. It now goes to the Senate.

House File 626: This bill allows cities and counties to establish federally targeted areas as revitalization areas. This bill passed the House unanimously and it now goes to the Senate.

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

House File 523: This is the flood protections bill, which 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). This bill passed the House unanimously and now goes to the Senate.

House File 683: This bill strikes the current pilot project which allows counties to establish emergency districts and instead simply allows local governments to establish such districts. For fire departments, state universities must establish a full-time, professional fire department that is separate from the city police department. This bill passed the House 86-7 and now goes to the Senate.

House File 653: This bill permits the use of 28F joint financing for communication works and facilities. An amendment requiring utilities be organized under Chapter 388 to use this arrangement was adopted. This bill passed the House unanimously and now goes to the Senate.

House File 797: this is the accidental disability bill for employees under 411. There was an amendment adopted which makes corrections regarding the ineligibility of certain members terminated by a city, on when actions must begin and other matters. The bill passed unanimously and now goes to the Senate.

In House Committee work, the House Ways & Means Committee voted to approve **House File 520** (county land record fees; passed unanimously); **House File 521** (commercial driver's license testing fees; passed 18-4).

Across the rotunda in the Senate, the chamber debated and passed:

Senate File 469: This bill prohibits cities and counties from preventing a continuing non-conforming use of a home by imposing conditions for a replacement home not required of the original home. This bill passed on party lines, 29-18 and now goes to the House.

Senate File 461: This bill allows only the members of an MH/DS regional board who hold an elected office to vote on expenditures. The Senate passed the bill unanimously and it now goes to the House.

Senate File 531: This bill pertains to emergency election powers. It strikes the requirement that the Secretary of State (state commissioner of election) receive approval from the Legislative Council for emergency election actions, with the requirements to be met and allows the SoS to 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. An amendment to include the Space Force in military voting was adopted. This bill passed on mostly party lines, 30-17, and now goes to the House.

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

Senate File 554: This bill authorizes counties to follow the same procedures for acquiring abandoned property that cities use, with an exclusion for various farm buildings. This bill passed the Senate unanimously and now goes to the House.

Senate File 357: This bill pertains to the detention of a minor. It limits where a judge may authorize between 6 and 24 hours of detention for a juvenile (areas outside of metropolitan areas). A court is prohibited from allowing a juvenile over 16, where the court has waived jurisdiction due to the offense, from being held in an adult facility without a hearing and finding that doing so is in the best interest of the child and community. The bill establishes the requirements for holding a minor, including no contact with adult inmates, regular hearings, and time limits. A minor will be required to have the rights of an adult. This bill passed the Senate unanimously and now goes to the House.

Senate File 524: This bill creates an In-patient Psychiatric Bed Tracking System interim study committee. This bill passed the Senate unanimously and now goes to the House.

In Senate Committee work, the Senate Ways & Means Committee passed **Senate File 576** (formerly Senate Study Bill 1250): This bill strikes the triggers that must be hit before certain tax cuts become effective in 2023, making those changes effective in 2023. It also phases out the inheritance tax over four years, after July 2022. This bill passed committee 11-6.

Successor Bills and Introduced Bills:

House File 706 is now **House File 784** – telehealth reimbursements.

House Study Bill 266 is now **House File 791** – House POBOR II.

House Study Bill 245 is now **House File 800** – driving ATV's on non-interstate highways.

House File 81 is now **House File 804** – condemnation awards.

Senate Study Bill 1237 is now **Senate File 568** – election law changes.

House File 346 is now **House File 822** – local lobbying.

House File 633 is now **House File 830** – restricting social media/anti-Big Tech bill.

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