

Legislative Newsletter

March 19, 2021



As the General Assembly moves towards the end of the second Legislative Funnel deadline in two weeks there has been a series of contentious bills affecting local government.

Senate File 580: The anti-Big Tech bill ensured a lively debate Wednesday afternoon, though at times the concerns raised were not germane to what is precisely in the bill. This bill requires local governments to determine whether a court has found a potential recipient of economic incentives to be in violation of censorship provisions prior to distributing economic development funds; and further requires a reduction of funds to a local government for making awards to such companies. A company found to have violated the provisions would be prohibited from receiving economic incentives for 20 years.

Previously, the bill would have mandated local governments to recapture or terminate tax credits or other assistance given to these companies and supersede any contract. An adopted amendment changed that any such credits or assistance “not earned under the terms of the agreement with the governmental entity at the time of the cancellation of the agreement.”

Despite no one speaking in favor of this bill in subcommittee or registered as being in favor of it, the bill passed the Senate 30-17. It’s fate in the House is unknown. The House companion bill died in the first funnel and their other bill on this topic – House File 633 – has yet to reach the House floor. SF 580 is technically a Ways & Means bill, however, so it is funnel-proofed for the session.

House File 756: The weapons bill was the first late-night debate for the House this session. This bill was amended with a strike-and-replace amendment. The changes under the strike-and-replace changed the following:

- Includes people ineligible to own a dangerous weapon under Iowa Code 274.8, intoxicated persons, in possession of drugs or in the commission of a crime as people who cannot be transferred a firearm or be in possession of a firearm;
- Adds reporting requirements for courts on persons who are ineligible to carry weapons.
- Includes provisions for persons who are prohibited to request to be removed from the list because the person is no longer prohibited.

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- Adds prohibitions on carrying while possessing drugs or in the commission of an indictable offense.

A person may still have a permit, but would not be required to have one. If a person purchases from a federal dealer and does not have a permit, then they must undergo a federal criminal background check and undergo one check per firearm purchased. The apparent loophole is an unlicensed private firearms dealer would not have to perform a background check. It is impossible to know if every unlicensed private dealer knows every single person they sell to and to know, or even reasonably know, if that person is able to be in possession of a firearm.

There's also no clear distinction between a courthouse and courtroom, meaning there could be an unfunded mandate on counties when it comes to security of their courthouses.

This bill passed the House on party lines (60-37) and now goes to the Senate. The Senate's version has been a bit more slow-moving, however, there's little communication at this time on what the Senate intends to do with this House bill.

In other House floor debate this week:

House File 555: This bill prohibits cities and counties from regulating or restricting natural gas and propane sales. The bill was amended to exclude ordinances regulating retail propane sellers that were adopted before the bill's enactment date; and amended to exclude ordinances extending utility franchises that do not restrict the provision of natural gas or are related to regulated utilities. It also includes bars on prohibiting natural gas/propane sales. The amended bill passed 57-36 and will go to the Senate.

In committee work, the House Ways & Means Committee unanimously passed **Senate File 366** (tax matters); and passed **House Study Bill 194** (TIF revenues; 14-9).

Across the rotunda in the Senate this week:

Senate File 234: This bill requires that a county Class C road designation apply to the entire road between access points and requires non-compliant roads be in compliance by January 2022. The bill passed the Senate unanimously and goes to the House.

Senate File 425: This bill deems any deliberations or actions taken by a government within the budgetary duties of the body as subject to the open meetings laws and requires reasonable notice to include notice to any person who has requested notice of a meeting. The bill excludes weekends and holidays when considering the 24-hour time period. The Senate passed this bill 30-17 and it now goes to the House.

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Senate File 568: Another elections bill. This bill would make changes to election laws and procedures, including changes on election dates, vacancies, constitutional conventions, summaries of constitutional amendments, attesting to a voter's identity and on other matters. It would require audits of all elections and requires notices be mailed to voters 20 days before bond elections, which is another unfunded mandate since there is no indication that the state intends to fund this requirement.

An amendment stating that parties cannot make changes to candidates during a primary unless no other candidate has filed and limits notices regarding certain elections to elections held in March and September was adopted.

The bill passed the Senate 30-17 and it now goes to the House.

Finally, **Senate File 252** was enrolled to the Governor: This bill is the contentious rental vouchers bill. It prohibits cities and counties from adopting ordinances that would stop landlords from refusing to accept federal housing vouchers and voids existing ordinances.

There were several amendments offered; most of these failed, however, an amendment to make such ordinances in effect as of January 2021 will stay in effect until 2023 was adopted.

The amended bill passed 56-38 and was concurred by the Senate with a 30-17 vote.

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