

# Legislative Newsletter

Feb. 18, 2022



With the first funnel week over, our team had several successes on legislation and are figuring out new strategies on other legislation that may need to find another avenue through the legislative process. Bills in Ways & Means or Appropriation committees are funnel-proof until the end of the 2022 session.

One such funnel-proofed bill is **House Study Bill 717**, which pertains to fruit tree liability. This bill makes a seller of land subject to recapture tax provisions if the seller knew that the land was in a fruit tree/forest reservation and does not tell the buyer. Exempts the buyer from liability in that case and does not allow a lien to be placed on the land. Effective on enactment and for sales/transfers taking place afterwards.

**Senate Study Bill 3143/House Study Bill 719:** These companion bills strike requirements for notice for precinct caucuses to be published in a newspaper. There are proposed changes to certain signature/deadline requirements. These bills prohibit election commissioners from receiving funds to conduct an election except from local, state or federal government sources. Finally, the bills propose changes to canvassing elections, recount procedures, and absentee ballots. The House bill was passed out of the House State Government Committee 14-8.

The House tax plan was sent to the Senate earlier in the week. **House File 2317** proposes to phase in the 4 percent flat tax and reduce the number of tax brackets from 2023 to 2025. Retirement income exclusions would be increased to cover all income. Several amendments were offered by House Democrats, which either failed or were withdrawn:

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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

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H 8023: Would have struck everything except for the retirement income provisions. This was ruled non-germane and motion to suspend the rules failed.

H 8021: Would have eliminated the tax cut for persons making under \$75,000.

H 8025: Would have maintained the current tax rates for taxpayers who make more than \$1 million.

H 8019: Would have doubled the EITC to 30 percent. This was ruled non-germane and motion to suspend the rules failed.

H 8020: Would have increased the Dependent credit to 100 percent of the federal level. This was ruled non-germane and motion to suspend the rules failed.

H 8022: Would have raised the tax credit for volunteer firefighter/EMS/Reserve Police to \$1,000. This was ruled non-germane and motion to suspend the rules failed.

H 8024: Would have struck the cap on the expenses a teacher can deduct. This was withdrawn.

The House passed the bill 61-37; it now goes to the Senate.

**Senate File 2223** has survived the first funnel, though if it ends up being voted out of the Senate, there hasn't been much chatter in the House about this. There is no similar bill or companion bill in the House for it. This bill would establish a burden of proof from removing civil service workers (preponderance of the evidence), and would prohibit heads of agencies from deeming a subordinate as unfit to work as a disciplinary procedure for violating procedures. It would require for Civil Service decisions to remove an employee be unanimous, and require the Commission to hire outside counsel unless the employee consents to the use of the City Attorney by the Commission. While we do not disagree, some changes needed are necessary for Civil Service Commission procedures, local chiefs need to be able to handle their own departments.

**Senate Study Bill 3144** requires the Dept. of Human Services to create and implement a tiered reimbursement methodology for Medicaid psychiatric in-patient care. Though DHS would develop the methodology, the bill would require it be based upon the patient's acuity. This reimbursement methodology would need to be established for implementation by January 2023. This bill is similar to House File 2125, which has a filed fiscal note.

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**House Study Bill 714:** This capital improvements bonding bill unfortunately did not make it out of committee during funnel week. It would have allowed counties to create a capital improvement reserve fund, similar to cities.

**House Study Bill 681:** This bill did not make it out of the first funnel deadline. It would have made courthouse maintenance and upgrades an essential county purpose. Where the bill was hung up was by conversation of what “constitutes a courthouse” and if it would include other public buildings.

In House Committee action this week:

The House Human Resources Committee voted to approve **House Study Bill 653:** This is the juvenile justice bill. It was amended and passed unanimously.

The House Local Government Committee voted out two bills on party lines:

**House File 2005:** This is the home business regulations bill. It would prohibit local governments from requiring prior approval for a no-impact home businesses, and limits regulations to narrowly-tailored restrictions. The bill does not allow requirements that the property be rezoned for commercial use or to have fire sprinklers. Local governments are required to establish by a clear and convincing standard that any regulation complies with the bill. This bill passed 13-8.

**House Study Bill 666:** We’ve been in support of this county compensation board legislation. It would allow a board of county supervisors to approve a county compensation board or to repeal it. The supervisors board would be required to set compensation levels if the board is repealed. This bill passed 13-8 and is renumbered as House File 2430.

The House Economic Growth Committee voted to pass the Governor’s regulatory proposals zoning bill. **House Study Bill 682** would prohibit cities and counties from enforcing zoning ordinances if 80 percent of the lots covered do not conform. Local governments would not be allowed to require inspections of manufactured homes that have been inspected and built in accordance with federal regulations. Additionally, this bill adopts parts of the various fire, energy conservation, plumbing and mechanical and other codes. Prohibits local building codes. This bill passed committee 14-6.

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The House State Government Committee approved **House Study Bill 659**: The county supervisors districts bill would require counties with more than 60,000 people to elect county supervisors from single-member districts, and allows counties over 60,000 that are currently not using plan 3 (single-member districts) to wait until the 2024 elections to change. This bill was amended and passed 12-11.

Across the rotunda in the Senate:

The Senate Agriculture Committee voted to approve **Senate File 2127**, which prohibits installing commercial solar panel fields on farmland unless it has a corn suitability rating below 65, and is one-half mile from the next nearest solar panel field and 1,250 feet from the nearest landowner. This bill was amended and passed 7-5.

The Senate Local Government Committee passed the following bills:

**Senate File 2096**: This is the zoning commission/Board of Adjustment bill. It passed committee unanimously.

**Senate File 2153**: This bill allows a local EM commission to serve as a Joint 911 board. This bill passed committee unanimously.

**Senate File 2170**: This bill proposes to prohibit governments from treating religious conduct more restrictively than secular conduct. This bill passed committee 7-4 and is renumbered Senate File 2284.

**Senate Study Bill 3117**: This bill requires county compensation boards to consider the economic health of the county, state and country in making compensation schedule recommendations. This bill passed committee 7-4 and is renumbered Senate File 2283.

**Senate Study Bill 3119**: This bill allows governments to accept electronic bids for public improvements. This bill passed unanimously and is renumbered as Senate File 2279.

**Senate Study Bill 3120**: The property tax protests bill extends the informal review period for property tax protests to May 20 if the area has been declared a disaster area after March 1; this bill passed unanimously and is renumbered as Senate File 2280.

**Senate Study Bill 3121**: This bill allows a treasurer who cancels the June sale of delinquent taxes to reschedule the sale after June, or to combine with the tax sale for the following year. This bill passed unanimously.

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Senate Human Resources Committee unanimously approved **Senate Study Bill 3116**, which would allow the cash reserves for an MH/DS combined regional account to reach 10 percent before being disqualified from receiving funding from the MH/DS incentive fund. This bill passed unanimously.

The Senate Judiciary Committee voted to approve **Senate File 513**: This bill deems that law enforcement reports about persons experiencing a substance abuse or mental health crisis be confidential when the report is generated for crisis intervention purposes. The person who is the subject of the report will have access to the report. These particular reports are not considered to be police investigative reports. This bill passed unanimously.

## **Renumbered Bills:**

Senate File 2099 is now **Senate File 2267** – Emergency Districts.

Senate Study Bill 3121 is now **Senate File 2281** – Treasurer Tax Sales.

Senate Study Bill 3117 is now **Senate File 2283** – Compensation Board Decisions.

Senate File 2170 is now **Senate File 2284** – Free Exercise of Religion.

Senate Study Bill 3119 is now **Senate File 2279** – Electronic bids.

Senate Study Bill 3120 is now **Senate File 2280** – Property Tax Protests.

Senate File 2069 is now **Senate File 2285** – County Zoning/Board of Adjustments.

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