



LEGISLATIVE NEWSLETTER

Iowa's County Conservation System

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ABBREVIATIONS: H=House, S=Senate, HF=House File, SF=Senate File, HSB=House Study Bill, SSB=Senate Study Bill, CR=Concurrent Resolution, JR=Joint Resolution, NRC=Natural Resource (& Env in the S) Comm, HEPC=House Environmental Protection, CC= Commerce, LGC=Local Gov't, EdC=Education, SGC=State Gov't, TC=Transportation, WMC=Ways & Means, AC=Appropriations, JC=Judiciary, AgC=Ag, AgNRAS-Ag & Natural Resources Appropriation Subcomm (a joint Senate & House subcomm), HPSC=House Public Safety, EG=Economic Growth/Rebuild Iowa, VA=Veterans Affairs.

Phone numbers to reach your Senator is **515/281-3371** & for your Representative is **515/281-3221**. To access bills, E-Mail address for legislators, & other info, go to **<http://www.legis.iowa.gov/index.aspx>**

WEEK SIX

SSB 1117, SENATE SUBCOMMITTEE MEETING ON SALES TAX INCREASE FOR THE NATURAL RESOURCES TRUST FUND. Senator Dearden introduced his bill to increase the sales tax to fund the Natural Resources Trust Fund and will hold a subcommittee meeting on February 26 at 8:00 am in Room 22 located behind the Senate chambers. February 26 is also the Conservation/Environmental Day at the Capitol. SNR subcom-Dearden, Black, Hogg, Greiner, Zumbach.

Senator Dearden said legislators are not hearing from constituents on the sales tax bills, SSB 117 and HF 92. He knows the bill faces a major uphill battle, but if people aren't contacting their legislators it will never pass. It would be helpful to make your contacts before the S subcom meets on SSB 117, Tues, Feb 26 @ 8 am.

CONSERVATION DIRECTOR'S LEGISLATIVE FORUM. The forum is scheduled for the evening of Tue, Feb 26. The 26th is also the REAP/cons/env day at the Capitol. Legislators invited are: House-Paulsen, McCarthy, Rayhons, Hanson, Drake, Huseman, Sands, Soderberg and Byrnes. Senate-Gronstal, Dix, Dearden, Greiner, Black, McCoy, Bolkcom, Dvorsky and Johnson. As of Wednesday the following legislators have replied: Rep. Rayhons, Hanson, Isenhardt for McCarthy and Sen Dearden. Speaker Paulsen is a maybe and Sen Greiner is unable to attend. If one of your

legislator's has been invited and not responded, please contact them and ask them to attend.

WIRB. The chair of the Watershed Improvement Review Board gave a presentation to the HEPC. He outlined the past funding for the Board, an overview of projects completed and a request for funding in FY '14. The Governor's budget for WIRB is \$0.

NATURAL RESOURCES & OUTDOOR REC ...

HF 82, LIFETIME FUR HARVESTER LICENSE. Establishes a lifetime fur harvester license for persons over 65 (cost \$50.50). HNRC deferred on the bill.

HF 90, DEER TRACKING DOGS. Allows a hunter to use a dog to track and retrieve wounded deer. Requires one to have landowner permission to use the dog on private land and to keep the dog leashed and under control. Requires the NRC to adopt rules. Makes violations subject to a \$25 scheduled fine. HNR subcom-Maxwell, Ruff, Salmon.

HF 92, SSB 1117, NATURAL RESOURCES SALES TAX. Increases the state sales tax by 3/8 of a cent for the Natural Resources Trust Fund established in the Iowa Constitution. HWM subcom-Windschitl, Isenhardt, Sands. Unlikely for the bill to be taken up according to Isenhardt. SNR subcom-Dearden, Black, Hogg, Greiner, Zumbach.

HF 130, DISABLED VETERAN HUNTING. Requires the DNR make 40 of the special “celebrity” non-resident deer and wild turkey licenses to be available to non-resident, disabled veterans and current disabled military personnel. Increases the total number of the special wild turkey licenses to 75. The licenses must be used in conjunction with an organization that organizes hunts for disabled veterans. HVA subcom-L. Miller, Kearns, Windschitl

HF 151, PASSING BIKES. Requires motorists to maintain at least a 3-foot (safe) distance when passing a bicycle. Sets violations as a scheduled fine of \$100 that increases to \$500 and 90-day license suspension for injury and \$1,000 and 180-day license suspension for death. HTC. No subcom assigned.

HF 158, SLEDDING LIABILITY. Adds sledding to the list of recreational activities that local governments have an exemption from liability for negligent design or construction, or acts or omissions by a local government employee when the injured person should have known the risk. Amended & passed the H on a party-line vote. Tubing added to the list. SJ subcom-Hogg, Dvorsky, Schneider.

HF 162, CROSSBOW HUNTING. Requires the NRC to adopt rules allowing the use of crossbows during the muzzleloader season. Allows a person to get a crossbow license in addition to a regular bow license. HNR subcom-Fisher, Bacon, Ourth. The subcom met and agreed to limit the crossbow season to the late muzzleloader season. An amendment will be drafted.

HF 219, EMINENT DOMAIN. Prohibits condemnation of a property on the state registry of historic properties unless by the DOT. Prohibits a property on the registry to be condemned, except by 2/3 vote of the General Assembly, except by DOT. Allows for alternate standards to use to determine the acres needed for a lake for drinking water. Requires a second review if the 25% of the landowners to be condemned, sign a petition requesting such a review by an engineer of their choice. Adds reasonable attorney fees and costs, up

to \$100,000 to reimburse property owners in lake condemnation proceedings. Requires the offer of a sale to the prior owner if work on a lake has not progressed within two years. Prohibits local option sales taxes to be used on projects related to lake condemnations, unless approved by an election. Prohibits the DNR from using condemnation for recreation projects. HJ subcom met. An amendment striking Sec 6 and part of Sec 7 will be offered in HJC. Representative Kaufmann stated that taking a person’s property should be extremely hard and in all cases he is opposed to condemnation for recreation purposes.

HF 291, MOURNING DOVE HUNTING BAN. Strikes the authorization for the NRC to set a mourning dove season. HNRC. Unlikely to be considered. Will delete

HF304, FOREST RESERVATION PROPERTY TAX EXEMPTION. Specifies that the exemption for fruit tree and forest reservations does not apply to various emergency levies, for a county hospital levy, for the portion of levies paid for public safety and public works, and for the general county levy and the rural county services levy. Requires the DOM to adopt rules. HWMC.

HF306, FOREST RESERVATION PROPERTY TAX EXEMPTION. Requires an application for a fruit tree and forest reservation must include a forest management plan approved by a qualified forester. Requires current holders of forest reservations to file a forest management plan by 2018 with 10-year reviews thereafter. Allows a county auditor to require a review by forester at any time. Requires the Nat Res Comm to adopt rules for a qualified forester definition. HWMC.

HSB 97, BEGINNING FARMING LEASES. My apologies, HSB 97 is still active in its original form. The bill the HAgC worked on was HSB 69 that deals with tax credits for beginning farmers. HSB 97 is still in the HAg subcom-Kaufmann, Grassley, Moore, Muhlbauer, Ruff. The subcom is open to more than a 3-yr lease – especially if organic farming is involved, pilot projects. Muhlbauer wants the DNR to think outside-the-box for innovative or experimental management. Gipp, the DNR can direct its field staff to consider alternative management options.

HSB 163, REBUILDING DAMS. Establishes standards for reconstructing dams destroyed in natural disasters. Requires only the same flooding easements held prior to the damage if the former pool elevation. Prohibits DNR from requiring a fishway for such a dam if the spillway is more than 30 feet in elevation. HEP subcom-Hein, Anderson, J. Smith.

SF 59, HF 177, FARM & HUNTING PRESERVE DEER. Requires that farm deer sent to slaughter or that die be tested for chronic wasting disease (CWD). Requires owners to pay testing costs. Requires owners of farm deer to register with DALS annually, and to meet the fencing certification and bond requirements. Requires a \$5,000 registration fee. Establishes new fencing requirements. Requires that DALS be notified if a farm deer goes missing. Establishes civil penalties for false reporting about farm deer. Establishes new fencing requirements for whitetail hunting preserves. Establishes similar testing and registration requirements. Requires ear tags and tattoos and establishes penalties for removing any required identification from a whitetail on a hunting preserve. Establishes penalties if an animal escapes from the enclosure & is not returned to the enclosure. SNR subcom-Dearden, Seng, Zumbach. HNR subcom-J. Smith, Fisher, Hall, Hanson, Rayhons.

SF 74, DISABLED VETERAN LIFETIME HUNTING & FISHING LICENSES. Makes a disabled veteran who paid Iowa income tax in the previous year and who lived in Iowa at the time of application, a resident for the purposes of qualifying for a lifetime hunting & fishing license. SNR subcom-Dearden, Black, Greiner.

SF 116, WATER SKIING FLAGS. Requires that a person, other than the boat operator, raise a red flag whenever a person waterskiing or being towed falls. SNR subcom-Seng, Dearden, Johnson.

SF 124, LAKE MACBRIDE MOTOR BOATS. Allows boats with more than 10 hp to operate on Lake MacBride at any time. Passed out of the SNR subcom, but the bill manager does not expect the bill to be considered. Will delete until further action.

SF 125, HUNTING & FISHING FEES. Increases various fees related to resident hunting, fishing and trapping licenses, for the wildlife habitat fee, trout fishing and migratory game bird fees, for HUSH and the writing fees paid to license agents.

SNR subcom-Black, Dearden, Rozenboom.

The bill's link: <http://coolice.legis.iowa.gov/Cool-ICE/default.asp?Category=billinfo&Service=Billbook&menu=false&ga=85&hbill=SF125>

SF 141, GAME BIRD PRESERVES. Reduces the acreage for a game bird hunting preserve to 40 but requires that preserves with less than 320 acres have a game habitat management plan approved by the DNR. SNR subcom-Ragan, Breitbach, Dearden.

SF 146, HF 155, HF 275, WATERCRAFT FEES. Extends the requirement that increases from raising watercraft registration fees be used for aquatic invasive plant control, navigation laws and water safety to 2023. Eligible for S debate. HF in HWMC. HF 275 strikes the sunset date making the transfer permanent.

SF 157, HF 244, BICYCLE RULES. Requires motorists to maintain at least a 3-foot distance when passing a bicycle, not including farm implements. Establishes an exception to the restrictions on passing vehicles when passing a bicycle or farm implements when the pass can be made safely and not interfering with other traffic. Makes a citation for a bike light similar to that of an auto by giving the person 72 hours to correct the problem. ST subcom-Brase, Bowman, Feenstra. HTC.

SF 192, RIVER CHANNEL CHANGES. Allows county supervisors or the IDOT to make a river channel changes in conjunction with a highway project in order to prevent flooding outside of the highway right-of-way. Requires the use of eminent domain procedures. ST subcom-Danielson, Dvorsky, Kapucian.

SF 208, VETERAN GUN PERMIT EXEMPTION. Exempts an honorably discharged veteran from having to get a permit for a handgun. HVAC. Will not cover further.

SF 226, TOURISM FUNDING. Appropriates \$8.3 million for tourism programs in FY14. SAC. If accepted, I assume this would be in the Economic Dev Auth approps bill.

SF 229, HOLDING BASS TOURNEYS. Codifies provisions that are now administrative rule on holding fishing tournaments. Requires a DNR permit. SNRC.

SSB 1003, HSB66, DNR MATTERS. Strikes the requirement that an ATV or snowmobile title application be notarized. Strikes the Restore the Outdoors program. Adds palustrine emergent wetland as a protected wetlands. Strikes some provisions on the power of the DNR to designate protected wetlands and on procedures for the affected landowners to challenge such a designation. SNR subcom-Brase, Breitbach, Dearden. HNR subcom-Rayhons, H. Miller, J. Smith.

SSB 1006, HSB 65, HUNTING & FISHING LICENSES. Allows a nonresident member of the armed forces on active duty living in Iowa to purchase resident hunting, fishing and trapping license. Does not require an active duty armed forces personnel or who served and received an honorable discharge to complete a hunter safety course. Allows a person over the age of 18 to complete an on-line hunter safety course without demonstrating the safe handling of a gun. Allows certain minor pupils at state institutions; persons at county care centers and certain persons receiving supplementary aid to fish without a license. SNR subcom-Dearden, Black, Johnson. HNR subcom-Baudler, Hall, Highfill

ENVIRONMENT & AG ...

HF 128, FRACKING RULES. Prohibits the DNR from allowing drilling for oil or gas involving hydraulic fracturing (fracking) unless rules are adopted rules on its use. Requires that rules must be requested before the EPC proceeds on the matter. Requires a fee schedule be adopted for permits. HEP subcom-Klein, Maxwell, Kelley.

HF 229, DISTRESSED WATERSHEDS. Adds one member and 4 ex-officio legislative members to the Water Resources Coordinating Council while removing those same members from the Watershed Planning Advisory Council. The Council is to review, amend, and approve the state nutrient reduction strategy. Adds seven members to the WPA Council including a representative from the

Iowa Association of County Conservation Boards. Requires the DNR to develop rules to identify and designate distressed subwatersheds by July '14 and establish goals to reduce pollution. Requires farm owners in a distressed watershed to develop a water stewardship plan, approved by the Dept of Ag and submitted to the DNR. HEP subcom-Klein, Isenhart, Maxwell. The bill was offered as an amendment on another bill in the HEPC, but was rejected. Bill sponsor Representative Isenhart does not believe the bill will be taken up by the HEPC.

HSB 87, MANURE HANDLING COURSES. Requires DNR to develop an educational course containing practical, cost-effective methods to limit manure spills and their impact. Requires DNR to make continuing education course available on the Internet. Amended & passed HAgC. The amendment stipulates that the requirement to put the course on the Internet only if the General Assembly provides money to the DNR to develop the programming for the Internet.

SF 7, ORIENTAL BITTERSWEET. Adds oriental bittersweet to the list of prohibited invasive plants (noxious weed list). SNR subcom-Hogg, Breitbach, Schoenjahn.

SF 24, SF 176 (similar), NPDES SIGNS. Requires an NPDES permit holder for non-storm water discharges to maintain a sign at points of discharge to surface waters. Includes specifications for the sign. Establishes penalties and allows waivers. Does not require the sign for feedlot operators or CAFOs. SAg subcom-Seng, Hart, Zumbach. SF 176 in SNR subcom-Bolkcom, Black, Rozenboom.

SF 165, WATER PLANS. Appropriates \$200,000 FY '13 supplemental to ISU Extension for emergency conservation measure education. Appropriates \$500,000 FY '13 to the DNR for water plans. Requires water systems to report annually on water usage and supplies. Allows the Env Protection Comm to require more frequent reporting. Effective on enactment. SNR subcom-Hogg, Black, Breitbach.

SF 166, RULEMAKING CHANGES. Requires the creation negotiated rulemaking groups that represent a balance of the interests affected by the rule. Requires the group to assess the impacts of a proposed rule before the agency moves forward with the rule-making process. SSG subcom-Danielson, Horn, Sorenson. Unlikely to be considered. Will delete until further action.

SSB 1005, HSB 72, WATER QUALITY. Strikes the requirement for the publication of notice in newspapers for NPDES stormwater and allowable nonstormwater permits. Allows aquatic herbicides to be applied according to EPC rules. Allows an applicant for a permit to divert, withdraw or store water to apply for additional time to provide information without incurring another fee. Awards such a permit by default if the DNR does not award or deny an application within 90 days of receipt. Strikes the requirement that a borrower under the on-site waste system program live outside a city. Strikes certain DNR reporting requirements related to the program. SNR subcom-Schoenjahn, Greiner, Seng. Amended & passed HEPC.

SSB 1106, STATE EFFICIENCIES. Among numerous items, the bill: amends provisions of the Pollution Control and Waste Management Assistance Program. Amends the waste reduction hierarchy by adding, "reuse" as the second priority and changes "incineration" to "combustion with energy recovery". Adds new language on pollution prevention and pollution prevention techniques. Eliminates the old dates in the Code to reach waste management reduction goals. SSG subcom-Danielson, Jochum, Chapman.

SSB 1180, CAFO CALCULATIONS. Excludes a confinement building from being used to calculate the capacity of a CAFO if the building is not in use. Allows a CAFO that qualifies as a small operation by this change to be exempt from paying compliance fees and filing manure mgt plans. SAg subcom-Seng, Braze, Zumbach.

LOCAL GOVT & OTHER ...

HF 27, HEADLIGHTS & WIPERS. Requires that a car's headlights be on when weather conditions require the use of wipers and when various weather and atmospheric conditions reduce visibility to 1,000

feet, in addition to current requirements on the use of headlights. Passed STC.

HF 60, LOCAL OPTION SALES TAXES. Allows city or county elected officials to file petitions for a local option sales tax vote. Limits the length of a local option sales tax to ten years. Requires a three-year wait before the question can be submitted to voters after failing. Changes the allocation of revenues for taxes imposed after July 2013 so that all taxes collected in a city stay with the city and all taxes collected in unincorporated parts of a county stay with the county. HSG subcom-Watts, Isenhardt, Pettengill.

HF 74, GUN & AMMO RESTRICTIONS. Prohibits the Governor or local governments to restrict the sale or transport of guns and ammo after a disaster is declared. HJ subcom-Windschitl, Alons, Dawson.

HF 75, SF 105, GUN & AMMO SEIZURES. A law enforcement agency that seizes a gun or ammo is deemed the owner of those items if the value is under \$500. Requires forfeited guns and ammunition with a value over \$500 be transferred to the seizing agency. Allows the agency to use the guns and ammo or sell and to keep the proceeds. HJ subcom-Windschitl, Alons, Anderson. An amendment is likely in the H.

HF 261, OPEN BURNING BAN. Requires the State Fire Marshal to prohibit open burning on the request of the chief of a local fire department, city council, county supervisors or emergency management coordinator. HSGC.

HF 298, ANIMAL EXHIBITORS. Exempts public or private person operating a non-profit animal exhibition, from state fees related to being an exhibitor if the public or private person is federally licensed or registered. HWMC.

HF 307(formerly HSB 40), SSB 1033, DEPT OF HOMELAND SECURITY. Establishes the current Div of Homeland Security & Emergency Mgt, now in the Dept of Public Defense, as a separate department. Passed HSGC.

HSB 107, SSB 1009, COUNTY SUPERVISOR DISTRICTS. Allows voters to petition to overturn a redistricting plan for county supervisors. Requires the Secretary of State to reject a plan if a valid petition is filed. Directs the Legislative Services Agency (LSA) to draw a new plan. Allows the supervisors to accept or reject the plan but requires supervisors to give reasons for rejection. Requires the LSA to draw a new plan that will then be imposed by the Secretary of State. HLG subcom-Gassman, Gaskill, Highfill. SSG subcom-Danielson, Jochum, Chapman.

HSB 150, GOVERNOR'S PROPERTY TAX BILL. Reduces the property tax rollback for ag and residential property to 2%. Reduces the value of commercial property that is taxed by 5% annually for four years ('13-'16). Adds commercial and industrial property to the rollback as in 2017. Assess railroad property as commercial property. Establishes a formula for payments to local governments to replace commercial and industrial property taxes FY '15. Limits future repayments to no more than paid out in FY 2018. Does not allow the money to be reduced by an across-the-board cut. Requires the DOR to notify counties if the amount appropriated for replacement payments are less than the reduction of all replacement claims. HWM subcom-Sands, Oldson, Landon, Forristall, Stanerson, Forbes, Kearns.

SF 53, SCHOOL PROPERTY TAXES. Transfers money necessary to lower all school district adjusted additional property tax levy rates to the statewide maximum adjusted additional property tax levy rate from the Taxpayers Trust fund. Establishes a School Property Tax Replacement Fund and formulas to determine the transfer of funds to schools. Passed the S. In HWMC.

SF 57, RESERVE POLICE OFFICERS. Authorizes an approved reserve police officer certified by ILEA, to receive a non-professional gun carry permit. SJ subcom-Sodders, Dvorsky, Zaun.

SF 89, LOCAL EMERGENCY MANAGEMENT COMM. Strikes a requirement that budgets for local emergency management commissions only be done by elected members or by designated alternate members who are elected officials. SLG subcom-Wilhelm, Brase, Chelgren.

SF 151, HSB 127, TAKING POLICE RADIOS. Makes it a Class D felony to knowingly or intentionally take or try to take a radio from an officer while performing official duties. SJ. HPS subcom-Worthan, Fry, Wolfe.

SF 173, CULTURAL LEVY. Allows counties to certify a \$0.27 per \$1,000 levy for the scientific or cultural institutions if approved at an election. The levy is not subject to the general county levy limit. SLG subcom-Brase, Sinclair, Wilhelm.

SF 217, HIRING VETERANS. Provides incentives for public and private employers to hire eligible veterans. Provides \$10 mil to Veterans Affairs to provide grants to public employers that hire eligible vets. SVA subcom-Danielson, Ragan, Schneider.

SSB 1037, CRIMINAL CHARITABLE CONTRIBUTIONS. Strikes the authority of judges to order charitable contributions in lieu of community service. Prohibits allowing charitable contributions as a sentencing option. SJ subcom-Courtney, Petersen, Sorenson.