



LEGISLATIVE NEWSLETTER

Iowa's County Conservation System

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2013 LEGISLATIVE SUMMARY

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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>

2013 LEGISLATIVE SUMMARY

The Governor except where Item Vetoes are noted has signed the following bills.

NATURAL RESOURCES & OUTDOOR REC ...

HF 361, DISABLED VETERAN HUNTING. Amends and adds various paragraphs in Section 483A.24. Requires the DNR make 25 of the 75 special "celebrity" nonresident deer and wild turkey licenses to be available to nonresident, disabled veterans and current disabled military personnel. Increases 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. The disabled veterans and current disabled military personnel will be charged resident license fees. The disabled veterans and current disabled military personnel will be charged resident license & wildlife habitat fees at resident prices to allow them to participate in a hunt conducted by an approved organization for which only a hunting license is required, such as pheasant hunting.

HF 394, LIFETIME FUR HARVESTER LICENSE. Amends Section 483A.1(1). Establishes a lifetime fur harvester license for persons 65 and over for \$50.50.

HF 457, BEGINNING FARMING LEASES ON

DNR LAND. Creates new Section 456A.38. The

bill includes the following: 1) the term "Agricultural land" was used rather than cropland to allow grazing. 2) Lease payments are to be based on market factors, prior lease rates on the same or comparable land, the cost or maint of soil cons practices & criteria established by the DNR. 3) No more than 240 acres may be leased to one beginning farmer. 4) Leases may not exceed 7 years. 5) The DNR may require a conservation system, crop rotation, cover crops, generally accepted farming or soil conservation practices if compatible to DNR's resource management & outdoor rec. 6) The DNR is not required to lease ag land that it would not otherwise lease for farming.

HF 522, AQUATIC INVASIVES. Amends Section 456A.37. Redefines "aquatic invasive species" and adds new definitions of "aquatic plant", "bait" and "water-related equipment". Authorizes the Natural Resources Commission to adopt rules to restrict the introduction, propagation, use, possession and spread of aquatic invasives; to identify infested waters; and to define additional invasives as they appear. Prohibits a person from transporting water-related equipment that has aquatic invasive species on a public road or place them into Iowa waters. Requires draining of water-related equipment before transport and for inspection by the DNR. Allows the DNR to prohibit a vessel in the Iowa waters if the person refuses an inspection. Establishes a gradation

of fines in 805.8B(5) for violations contained in various subsections of 456A.37(3).

HF 541, REBUILDING DAMS. Adds new subsection 3A to Section 455B.275. Establishes standards for reconstructing dams destroyed in natural disasters. Defines the dam elevation as 3 inches below the spillway level if the spillway is in excess of 50% of the width of the dam & therefore current easements held for flooding do not require new easements from landowners.

HF 638, RIIIF – INFRASTRUCTURE APPROPS. Bill ITEM VETOED.

Water Trails	\$1 mil
Lake Restoration	\$8.6 mil
Recreation Trails	\$3 mil
State Park Infrastructure	\$5 mil (passed last year)
Lake Delhi	\$2.5 mil (passed last year)
Great Places	\$1 mil
Comm Att & Tourism	\$7 mil plus a study to be conducted to determine the effectiveness of projects funded (STUDY VETOED)
River Comm Att & Tourism	\$1 mil (VETOED)

HF 648, BOND REPAYMENT FUND. Bill ITEM VETOED. Excess revenues in the General Funds flow to the cash reserve fund then the Economic Emergency Fund. If the Economic Emergency Fund reaches its maximum level on July 1, 2013, after the designated portion is transferred to the Taxpayers Trust Fund, the next \$116,100,000 is transferred to the Bond Repayment Fund. Among the bonds to be retired is the Honey Creek Destination Park Bonds. Also included General Fund transfers \$91.3 mil to the Peace Officers' Retirement, Accident, and Disability System Retirement Fund (ITEM VETOED), \$50,000 for admin support for the public safety and training task force in the Dept of Public Safety (ITEM VETOED), \$1.62 mil to the Dept of Ag for ag drainage well closures, an additional \$7 mil for soil & water conservation cost-share, \$10 mil for nutrient reduction projects (70% in high priority watersheds) & requires a report on the use of the funds, \$3 mil for the Watershed Improvement Review Board, and \$0.3 mil for renewable energy industry occupational education and training (ITEM VETOED).

HF 649, LANDOWNER LIABILITY. Provides that Chapter 461C, Public Use of Private Lands and Waters, is to be construed broadly in favor of the private landowner. Adds items to the definition of private land covered by the statute to include paths, trails, waters, and exteriors and interiors of buildings. Specifies that land need not be open to the general public and that that the definition applies to land in a municipality in which an urban deer hunt is being conducted. Adds educational activities under the definition of recreational purpose to be covered by the statute. Adds the activity of accompanying another person who is engaging in a covered activity to the recreational purpose definition as well as entry onto, use of, passage over, and presence on any part of the land in connection with or during the course of the covered activity.

SF 146, WATERCRAFT FEES. Amends Section 462A.52(2) and (3). Extends the requirement that the watercraft registration fee increase passed in 2007 continue to be used for aquatic invasive plant control, navigation laws and water safety to 2023.

SF 389, HUNTER SAFETY COURSE. Adds new subsection to 483A.27(2). Allows an Iowa resident who is 18 years or older to get a certificate of completion of a hunter safety course without demonstrating safe handling of a gun.

SF 430, APPROPS FOR VARIOUS DEPARTMENTS. Bill ITEM VETOED. Items listed not vetoed. Great Places \$0.15 mil, historic sites \$0.43 mil, community cultural grants \$0.17 mil, direction to form partnerships with various entities for tourism development & advertising.

SF 435, AG & DNR APPROPRIATION. Appropriates 50% of the FY '14 budget amounts for FY '15 except where noted. Report contains additional language on nutrient reduction and establishment of an Iowa Nutrient Research Center Advisory Council. Additional funds in the animal regulation category will allow for more DNR inspectors to be hired.

General Fund (GF)

DNR	
Operations	\$12.767 mil
Floodplain Mgt	\$2 mil
Forestry Health	\$0.2 mil
AG	\$17.58
Water Qual Initiative	\$2.4 mil (\$4.4 mil for FY '15)
Iowa FFA	\$25,000
Local Food Program	\$75,000
Farmers with Disabilities	\$0.13 mil
OTHER	
Vet Diagnostic Lab	\$3.763 mil
Nutrient Mgt Center	\$1.5 mil
Fish & Game Trust Fund	\$41.078 mil

Env First Fund (EFF) \$42 mil (RIIF)

DNR	
REAP	\$16 mil
Volunteers	\$0.1 mil
Parks Operations	\$6.36 mil
GIS - Watersheds	\$0.195 mil
Water Monitoring	\$2.955 mil
Water Protection	\$0.5 mil
Animal Regulation	\$1.32 mil
Air Monitoring	\$0.425 mil
Water Quality Reg	\$0.495 mil
Geological Survey	\$0.2 mil
Keep Ia Beautiful	\$0.2 mil
AG	
Soil Cons Admin	\$2.55 mil
Cons Res Enhancement	\$1 mil
Watershed Protection	\$0.9 mil
Farm Mgt Demo	\$0.625 mil
Cons Reserve	\$1 mil
Soil Cost Share	\$6.65 mil
Loess Hills/Hungry Canyons	\$0.6 mil (\$0.525 mil EFF & \$0.075 GF)
OTHER FUNDS	
Snowmobile Fees to DNR	\$0.1 mil
Groundwater Protection	
Fund to DNR	\$3.455 mil
Manure Applicator Training	\$0.25 mil

SF 452, STANDINGS. Bill ITEM VETOED. The following items were not vetoed: 1) Lake Delhi Flood Easements: specifies that Delhi is "only required to possess the flooding easements or ownership which was held prior to the reconstruction as long as the former normal pool elevation is not exceeded and the spillway capacity is increased by at least fifty percent and b. Flooding easement or ownership is only required to the top of the reconstructed spillway elevation." 2) Tourism Funding. \$0.582 mil for regional tourism marketing. 3) Police Officers Killed On Duty: adds police officers included in Section 97B.49B (county conservation peace officer) to allows their children to be eligible for higher education grants provided in Section 261.93. 4) Community Cultural Grants \$0.417 mil. 5) Legalizing advertising signs erected lawfully along an interstate highway within city limits prior to being designated as a "scenic byway". 6) Sales Tax. Adds "production from silvicultural activities" to the definition of "agricultural production" in Section 423.1(5), AND excludes private security and detective services furnished by a peace officer with consent of the chief of the law enforcement agency from sales tax.

ENVIRONMENT & AG ...

HF 311, WATER QUALITY. Amends various sections of Chapters 455B and 466. Requires the one publication (rather than two) 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.

HF 312, MANURE HANDLING COURSES. Amends Section 459.315 subsection 3. 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. 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. Requires the course to be completed within 12 months of the effective date of the bill and is contingent upon the DNR receiving funding to develop the course and programming to put it online.

HF 512, CAFO CALCULATIONS. Amends Section 459.301 subsection 3 and adds new Section 459.312A. Allows a CAFO operator to elect to be treated as a small operation based on actual numbers of animals fed. This then allows the CAFO to be exempt from paying compliance fees and filing manure management plans. Requires the DNR to determine the period of election but requires it to be for at least the rest of the updated plan. Terminates the election immediately if the operation no longer qualifies. Authorizes civil penalties. Provides a Code reference for the definition of "abandoned". The number of animal units is the highest number at any period of the election. The election does not apply to buildings without animals if used to store manure unless temporary approval is granted by the DNR.

HF 586, ADMINISTRATIVE RULES REVIEW COMMITTEE (ARRC) POWERS. Amends various sections of Chapter 17A. Allows administrative rules to be adopted without notice if allowed by statute allows or with approval of the ARRC. Allows the ARRC to suspend an emergency rule or to suspend further action on a rule under notice for 70 days on a 2/3 vote of the committee. Allows the ARRC to suspend an emergency rule until adjournment of the next regular legislative session on a 2/3 vote and if the ARRC acts within 35 days of the effective date of the rule. Requires that rulemaking authority be construed narrowly unless otherwise provided in statute. Governor signed.

SF 317, ORIENTAL BITTERSWEET. Amends Section 317.25(1). Adds oriental bittersweet, garlic mustard, Japanese knotweed and Japanese hop to the list of prohibited invasive plants for import, sale or distribution.

LOCAL GOVT & OTHER ...

HF 211, CONSTRUCTION CONTRACTS. Adds new Section 537.6. Declares in-state construction contracts void and unenforceable if contract provisions require that laws of another state govern litigation, mediation or arbitration.

HF 307, DEPT OF HOMELAND SECURITY. Amends various Iowa Code Chapters. Names the current Div of Homeland Security & Emergency Mgt, now in the Dept of Public Defense, as a separate department. Outlines the various responsibilities of the department and its director. Redefines the responsibilities of the Department of Public Defense. Establishes a flood mitigation board in the new dept.

SF 295, PROPERTY (& OTHER) TAX COMPROMISE. Amends numerous Iowa Code Chapters. Items include: 1) Creates a business property tax credit & fund & appropriates \$50 mil for the fund in FY15, \$100 mil in FY16 and \$125 mil thereafter to reimburse local governments. 2) Makes the allowable increase for assessed property values to be no more than 3%. 3) Establishes a multi-residential property class for rentals, assisted living homes, and similar properties. 4) Rolls back the rate to residential rates over 10 years as of assessment year 2022. 5) Rolls back the amount of value of commercial businesses that are taxed to 95% for assessment year beginning 1/1/13 and 90% for assessment year beginning 1/1/14. Establishes replacement payments for county governments. 6) Provides for property value exemptions for phone companies. 7) Establishes a non-refundable individual tax income tax credit when the balance of the Taxpayer Trust Fund exceeds \$30 million. Does not allow reduction for income tax surcharges. 8) Sunsets the Property Tax Appeal Board as of July 2018. 9) Increases the EITC to 14% in 2013 and 15% in 2014.

According to the Legislative Service Agency, property tax reductions will be approximately \$4.4 bil. over the next ten years, totaling about \$560 mil in FY '24. State payments for replacement funds, the tax credits and school aid will total about \$838 mil in FY '24. By FY '24, residential & commercial property will each receive about \$200 million in reductions, with \$86 million to multi-residential, \$50 mil to ag \$30 mil to industrial and \$16 mil for telecommunications. Of the difference between state

aid and property tax reductions, cities will bear about \$65 mil on the difference, urban counties about \$32 mil and other taxing authorities about \$20 mil. The income tax credit and EITC provisions are expected to have an impact of about \$90 mil.

SF 327, FIRE AND POLICE RETIREMENT. Amends Sections 400.8(1) and various portions of Chapter 411. Makes changes to municipal fire & police retirement system. Allows medical protocols established by system controlling over ILEA medical protocols on entrance exams. One is vested to receive retirement benefits by completing four years of service or by being in service when reaching age 55. Allows a vested member with 22 years of service to receive a retirement allowance. Strikes the ability of a deceased member's parents to elect to receive a monthly pension instead of a lump sum, if decedent leaves no spouse or children. Allows a member disabled due to military service to file for disability retirement, even if the member does not return to service. Limits the amount that a member who ends service can withdraw from the member's contributions to the amount in federal law, unless the spouse consents.

SF 384, TAKING POLICE RADIOS/INTERFERENCE WITH OFFICIAL ACTS. Adds new paragraph "h" to Section 702.11(2) and adds new Section 708.12. Makes removing a communication or control device a violation & increases penalties for interference of official acts that results in harm or injury extent and type of person involved (police, EMS, prison guard or other protected occupation).