



LEGISLATIVE NEWSLETTER

Iowa's County Conservation System

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No. 7, 3/1/13

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 SEVEN

FIRST FUNNEL WEEK APPROACHES. Next Friday, Feb. 8th, marks the first "funnel" date when bills from most standing committees must be voted out or they are dead. Ways & Means, Appropriations, Gov't Oversight, and leadership bills are some of the bills that are exempt from funnel dates. This does not mean you won't see some of the "dead bills" show up as amendments to future bills. As it stands now, the burden of legislative bills will be reduced a great deal. The biggest issue as always will be the budget.

REAP FUNDING RECOMMENDATION. The Senate is recommending full funding for REAP at \$20 mil. The House has not given an indication of their proposal, but I assume it will be less.

SSB 1117, NATURAL RESOURCES SALES TAX. Passed the SNR subcom on a 3-2 party-line vote. Legislators that support the increase to fund the Nat Resources & Outdoor Rec Trust Fund say they are not hearing from their constituents that support the measure. These legislators say that without grassroots support, this measure will never pass.

BUDGET TARGETS RELEASED:

Ag & Nat Resources: \$36.35 mil (H); \$35.35 mil (Gov); \$60.40 mil (S)
Economic Dev: \$45.01 mil (H); \$72.90 mil (Gov); \$78.56 mil (S)

Transportation & Capitals: \$0 (H); \$5.5mil (Gov); \$5.5 mil (S)

Standings: \$2.982 billion (H); \$2.931 billion (Gov); \$3.112 billion (S)

TOTAL BUDGET: \$6.414 billion (H); \$6.543 billion (Gov); \$6.898 billion (S)

The H budget is a 3% increase over this year's budget, spends 88.9% of available revenues, but 98% of on-going revenues. This is \$100 mil less than the Governor's budget. The S budget is an 11% increase over this year's budget, spends 94.6% of available revenues and \$321 mil below the expenditure limitation. The Governor's budget is a 4.3% increase over this year's budget.

SF 125, HUNTING & FISHING LICENSES INCREASE. Will not be considered this year. Will delete. No grassroots calls have been received to support the increase.

NATURAL RESOURCES & OUTDOOR REC ...

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

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, Isenhart, Sands. Unlikely for the bill to be taken up according to Isenhart. Passed SNR subcom on a 3-2 vote. YES-Dearden, Black, Hogg. NO-Greiner, Zumbach.

HF 151, PASSING BIKES. HTC. No subcom assigned. Will delete

HF 158, SLEDDING & TUBING LIABILITY. Adds sledding & tubing 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. 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. 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 used on projects related to lake condemnations, unless approved by an election. Prohibits the DNR from using condemnation for recreation projects. Amended & passed HJC. I assume the amendment struck Sec 6 and part of Sec 7. I was unable to attend the meeting as three committees met at the same time & the amendment

has not been posted on the legislative website as I write this.

HF 304, 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.

HF 306, 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.

HF 361 (formerly 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. Passed HVAC. Eligible for debate.

HF 370, MOURNING DOVE STAMP. Requires the purchase of a migratory game bird stamp before hunting mourning doves. HNRC.

HSB 97, BEGINNING FARMING LEASES. Amended & passed HAgC. Included are: 1) the term "agricultural land" was used rather than cropland which allows grazing. Currently the DNR has 7 grazing leases. 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 cons 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.

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. Two of the subcom met and did not act on the bill at that time. DNR Gipp told the subcom that he had issued a waiver to the Delhi Lake District from the fishway requirement. He told the subcom that the Attorney General believes the State would be liable for any flooding that may occur to the top of the dam elevation without flood easements granted by property owners.

SF 59, HF 177, FARM & HUNTING PRESERVE DEER. Neither bill expected to move out of committee. Will delete.

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 125, HUNTING & FISHING LICENSES INCREASE. Will not be considered this year. Will delete.

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 HWC. 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. ST subcom-Brase, Bowman, Feenstra. HTC.

SF 192, RIVER CHANNEL CHANGES. The bill sponsor states this bill is for one specific problem. He has been working with the DOT on the issue and doesn't expect the bill to move. Will delete.

SF 229, HOLDING FISHING TOURNEYS. Codifies provisions that are now administrative rule on holding fishing tournaments. Requires a DNR permit. SNR subcom-Dearden, Black, Greiner.

SF 272 (formerly 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. Passed SNRC. Eligible for S debate. 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

SSB 1223, HUNTER SAFETY COURSE. Allows an Iowa resident who is 18 to get a certificate of completion of a hunter safety course without

demonstrating safe handling of a gun. SNR subcom-Dearden, Black, Greiner.

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 312 (formerly 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. Eligible for H debate. 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 for sale or distribution (doesn't add them to the noxious weed list as previously mentioned). Amended & passed SNRC. The amendment adds garlic mustard, Japanese knotweed and Japanese hop.

SF 24, SF 176, 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. Amended & passed SNRC. The amendment appropriates \$85,000 reestablishment of an aquifer monitoring system; \$150,000 groundwater mapping and aquifer modeling, \$250,000 water conservation technical assistance for drought planning; \$475,000 for hydrologic monitoring stations of soil moisture and weather information, \$75,000 for maintenance of the network of hydrologic monitoring stations.

SSB 1005, HF 311 (formerly 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. HF eligible for debate. An amendment has been filed to require continued publication of storm water and non-storm water discharges.

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, HSB 171, 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. Amended & passed SAgC. HAg subcom-Hein, Muhlbauer, Klein.

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, Isenhart, 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 211, CONSTRUCTION CONTRACTS. Declares in-state construction contracts void and unenforceable if contract provisions require that laws of another state govern litigation, mediation or arbitration. Passed the H, goes to the S.

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. No subcom assigned. Will delete unless action occurs.

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. No subcom assigned. Will delete until further action.

HF 307, 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. Passed HLGC. 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 to lower all school district adjusted additional prop tax levy rates to the statewide maximum adjusted additional prop tax levy rate from the Taxpayers Trust fund. Establishes a School Prop Tax Replacement Fund & formulas to determine the amount of funds for schools. 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 subcom-Hogg, Dvorsky, Schneider. 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-Braze, 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.

SSB 1135, BUSINESS PROPERTY TAX CREDITS. Creates a business property tax credit. Creates a \$50 million business property tax fund for commercial, rail and industrial properties. Appropriates an additional \$50 million if the Revenue Estimating Conference certifies that General Fund Revenues have grown by 4%. The fund is limited to a total of \$250 million. Passed SWMC.