



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 TEN

APPROPRIATION BILLS START TO MOVE.

SSB 1245, AG & DNR APPROPRIATION. (The S FY '15 Budget is 50% of their FY '14 amount & the H is 85% of their amount) ... (EFF = Env First Fund)

General Fund (GF)

	(S)	(H)	(GOV)
DNR			
Operations	\$12.517 mil	\$12.766 mil	\$12.517 mil
Floodplain Mgt	\$2 mil	\$2 mil	\$2 mil
Forestry Health	\$0.2 mil	\$0.1 mil	\$0.1 mil
Keep Ia Beautiful	\$0.2 mil	\$0.2 mil	\$0.2 mil
AG	\$38.45 mil	\$17.5	\$17.1 mil
Soil Cons Admin	\$2.55 mil	0 (See EFF)	0 (See EFF)
Water Qual Initiative	\$2.4 mil	0 (See EFF)	0 (See EFF)
Water Qual Projects	\$10 mil	0	0
Soil Cons Cost Share	\$6 mil	0	0
Iowa FFA	\$25,000	\$25,000	0
Local Food Program	\$75,000	\$75,000	0
Milk Inspection	\$0.189 mil	\$0.189 mil	\$0.189 mil
Farmers with Disabilities	\$0.13 mil	\$0.13 mil	\$0.13 mil
Watershed Improvement Bd	\$4 mil	0	0
Vet Diagnostic Lab	\$3.238 mil	\$3.488 mil	\$3.238 mil
Fish & Game Trust Fund	\$41.078 mil	\$41.078 mil	\$41.078 mil
Env First Fund (EFF)	\$42 mil (RIIF)	\$42 mil (RIIF)	\$42 mil (RIIF)
DNR			
REAP	\$20 mil	\$12 mil	\$12 mil
Volunteers	\$0.1 mil	\$0.1 mil	\$0.1 mil

Parks Operations	\$3.71 mil	\$6.61 mil	\$6.61 mil
GIS - Watersheds	\$0.195 mil	\$0.195 mil	\$0.195 mil
Water Monitoring	\$2.955 mil	\$2.955 mil	\$2.955 mil
Water Protection	\$0.5 mil	\$0.5 mil	\$0.5 mil
Animal Regulation	\$1.92 mil	\$1.12 mil	\$1.12 mil
Air Monitoring	\$0.425 mil	\$0.425 mil	\$0.425 mil
Water Quality Reg	\$0.495 mil	\$0.495 mil	\$0.495 mil
Geological Survey	\$0.2 mil	\$0.2 mil	\$0.2 mil
Winterset Water Utility	0	0	\$1 mil
AG			
Soil Cons Admin	0 (See GF)	\$2.55 mil	\$2.55 mil
Water Qual Nutrient Mgt	0 (See GF)	\$2.4 mil	\$2.4 mil
Cons Res Enhancement	\$1 mil	\$1 mil	\$1 mil
Watershed Protection	\$1 mil	\$0.9 mil	\$0.9 mil
Farm Mgt Demo	\$0.625 mil	\$0.625 mil	\$0.625 mil
Ag Drainage Wells	\$0.55 mil	\$1.55 mil	\$0.55 mil
Cons Reserve	\$1 mil	\$1 mil	\$1 mil
Soil Cost Share	\$6.65 mil	\$6.65 mil	\$6.65 mil
Loess Hills/Hungry Canyons	\$0.475 mil	\$0.525 mil	\$0.525 mil
OTHER FUNDS			
Snowmobile Fees to DNR	\$0.1 mil	\$0.1 mil	\$0.1 mil
Groundwater Protection			
Fund to DNR	\$3.446 mil	\$3.446 mil	\$3.446 mil

The H members of the Ag & DNR Approps Subcom passed their amendment to the SSB on a party-line vote. When the Senate passes their version of the bill, the H will strike the S bill and insert the H language. Again, the bill is expected to end up in a conference committee to work out the differences.

MARCUS BRANSTAD. The SNRC approved Marcus Branstad to be appointed to the Natural Resources Commission. The full S must now approve this appointment.

2/3 vote of the General Assembly, except by DOT. Allows for alternate standards to use to determine

NATURAL RESOURCES & OUTDOOR REC ...

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. Senator Hogg told me he has no intention of debating the bill. Will delete.

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. Allows cities to condemn outside corporate limits and broadens their ability to

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

condemn ag land. SJ subcom-Hogg, Petersen, Schneider.

HF 361, 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. SNR subcom-Dearden, Johnson, Ragan. Likely to be amended to add 40 new licenses for disabled veterans and leave the 75 "celebrity" licenses as is.

HF 394, LIFETIME FUR HARVESTER LICENSE. Establishes a lifetime fur harvester license for persons over 65 (cost \$50.50). Passed SNRC.

HF 457, BEGINNING FARMING LEASES ON DNR LAND. 1) "Agricultural land" was used rather than cropland (this allows 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 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. Passed the H, goes to the S.

HF 499, CROSSBOW HUNTING. Requires the NRC to adopt rules allowing the use of crossbows during the late muzzleloader season. Allows a person to get a crossbow license in addition to a regular bow license. Eligible for H debate.

HF 521, 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. Eligible for H debate. Legislators had issue with no hunter safety education for active duty military and those receiving free fishing licenses if on supplement aid.

HF 522, AQUATIC INVASIVES. Rewrites Section 456A.37 on aquatic invasive species. Redefines "aquatic invasive species" and adds new definitions of "aquatic plant", "bait" and "water-related equipment". Authorizes the NRC to adopt rules to restrict the introduction, propagation, use, possession and spread of aquatic invasives; identify infested waters; and 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. Passed the H, goes to the SNRC.

HF 541, REBUILDING DAMS. 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. Passed the H, SLG subcom-Wilhelm, Brase, Chelgren.

HF 605 (formerly HSB 201), SF 413, LANDOWNER LIABILITY. Construes Iowa Code 461C (public use of private lands) broadly in favor of private landowners in order to encourage landowners to allow public use of lands for recreational and educational. The bill is in response to the recent Iowa Supreme Court decision in *Salle v Stewart*. Referred to HJ subcom-Heartsill, Baltimore, Wolfe. Referred to SJ subcom-Hogg, Petersen, Schneider. Having a chance to read the court decision, the Supreme Court decision is more narrow than portrayed by subcom members citing an analysis by the ISU's Center of Ag Law and Taxation. As I read the decision, most outdoor recreation activities on private land where no compensation is provided to the landowner would remain to be exempt under most circumstances. The bill would expand the scope of 461C to areas not

currently covered by the statute, in this case inside a barn.

SF 146, HF 155, 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. SF & HF in HWMC.

SF 268, HF 92, 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. In SWMC & HWMC.

SF 272, HF 523, 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. Eligible for S & H debate. A S amendment has been filed that retains the power of the DNR to designate protected wetlands and landowners ability to challenge the designation.

SF 389, HUNTER SAFETY COURSE. Allows an Iowa resident who is 18 to obtain a hunter safety certificate without demonstrating safe handling of a gun. Eligible for S debate.

ENVIRONMENT & AG ...

HF 311, WATER QUALITY. 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. Passed SNRC.

HF 312, 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. 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. Sag subcom-Taylor, Black, Greiner.

SF 307, WATER PLANS. 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. Referred to SAC.

SF 317, ORIENTAL BITTERSWEET. Adds oriental bittersweet, garlic mustard, Japanese knotweed and Japanese hop to the list of prohibited invasive plants for sale or distribution. HNRC.

SF 396, 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. Eligible for S debate.

SF 400, SOIL & WATER CONSERVATION FUNDING. Appropriates \$7 mil from RIIF for soil conservation cost-share and administration (including the Watershed Improvement Review Bd). This funding is above any amount appropriated for soil conservation work. Eligible for S debate.

SF 418, HF 512, CAFO CALCULATIONS. 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. Eligible for H & S debate.

LOCAL GOVT & OTHER ...

HF 211, SF 230, CONSTRUCTION CONTRACTS. Declares in-state construction contracts void and unenforceable if contract provisions require that laws of another state govern litigation, mediation or arbitration. Both bills eligible in S for debate.

HF 307, SF 289, DEPT OF HOMELAND SECURITY. Establishes the current Div of Homeland Security & Emergency Mgt, now in the Dept of Public Defense, as a separate department. Each bill eligible for debate in their respective chamber.

HF 396, 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. Eligible for H debate.

HF505 (formerly 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. Referred to HWMC.

HF 536, 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. Requires the seizing agency to notify the Dept of Public Safety (DPS) to keep the weapon. Requires the DPS to return the weapon within 180 days if DPS has the same type of gun. Allows the DPS to collect weapon information. Eligible for H debate.

HF 557, SF 384, TAKING POLICE RADIOS/INTERFERENCE WITH OFFICIAL ACTS. Makes it a Class D felony to knowingly or intentionally take or try to take a radio from an officer while performing official duties. Eligible for H debate. A new S amendment adds language making removing a communication or control device a violation. The SF 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).

HF 609 (formerly HSB 150), PROPERTY TAX REFORM. 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) to get to 80%. Adds commercial and industrial property to the rollback as in 2017. Increases the state foundation school aid to 95% over four years Assesses 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 '18. 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. Passed HWMC, goes to HAC.

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. In HWMC.

SF 241, 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. Eligible for S debate.

SF 295, 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. Referred to SAC.

SF 304 (formerly SF 133), PUBLIC SAFETY TRAINING TRUST FUND. Establishes a Public Safety Training & Equipment Trust Fund under ILEA. Funded by insurance premium receipts for the trust. Allows up to 30% of the trust fund money for a facility. The remaining funds are for public safety training costs, including equipment. Does not allow use of the fund until the balance reaches \$8 million. Creates a task force to consider training strategies. Amended & passed S. Delays transfer of insurance receipts by two years, changes committee membership and coordinates police & fire training with a consolidated training center.

SF 327, FIRE AND POLICE RETIREMENT. 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. Passed the S & the H, goes to the Governor.

SF 342, 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. HJC.

SF 420, USA PRODUCTS IN PUBLIC PROJECTS. Requires public improvement project contracts to include a provision to require the iron, steel and manufactured products be made in the United States. Allows waivers if the use of US products would not be in the public interest, or are not made in the US or the use would increase the cost by more than 5%. Requires that the waiver be subject to public comment. Limits the waiver if a foreign country violates trade agreements. Eligible for S debate.