



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 SEVENTEEN (I jumped the weeks earlier & recounted. This is week seventeen)

MAJOR BILLS UNRESOLVED. Conference committees on budget bills are currently on hold until the H, S & Governor agree on a new total General Fund budget. Other major issues include property tax reform, education reform and Medicaid/Iowa Cares. An article in today's DM Register stated H & S leaders think the session could end next week. Compromise will be needed for them to accomplish that goal. Essentially no floor work was done on Thursday and will not occur on Monday. Some committees met on Thursday and some may meet on Monday. Once compromise is reached, action could happen fast but compromise is the key to make that happen.

HSB 240, LANDOWNER LIABILITY. A new version of the bill was released Wednesday, HSB 240. It passed the H Government Oversight subcom Wednesday morning but was tabled in full committee later in the day. HSB 240 continues to have concerns expressed by trial attorneys. They believe that the definition of "Recreational purpose" is too broad. The definition includes "any activity undertaken for recreation, sport, exercise, education, relaxation, pleasure, or any combination of those activities." An amendment offered by the Democratic member of the subcommittee was offered to delete this definition but narrowed to add

the word "educational". The subcom chair asked that any amendments be offered during the meeting of the full committee. I believe trial attorneys are also concerned with the definition of "land" to include "interiors" of buildings and possibly "exteriors" of buildings. They may also be concerned that 461C is to be "construed liberally and broadly in favor of private holders of land to accomplish the purposes of this chapter." **The focus now is on members of the H Government Oversight Comm –Koester, Heartsill, Gaines, Baudler, Cownie, Lensing, Murphy, Pettengill, Thede. A message for them to hear is any bill must insure the "recreation use statute" (461C) returns to its original intent before the Iowa Supreme Court decision and to clarify the statute to clear up any of the misconceptions brought about by the decision.**

SF 435, AG & DNR APPROPRIATIONS BILL. No action by the conference committee. In order for the conf comm to complete their work, H & S leaders will need to give the comm a new total budget target. An increase is needed to increase the amount to REAP as the S has shifted some programs traditionally funded in the Environmental First Fund (EFF) to the General Fund. The EFF has a limit of \$42 mil leaving \$12 mil for REAP in the H budget.

DOG RACING AMENDMENT. No amendment offered on Standings or a separate horse racing bill, but see HF 648 – Bond Repayment Fund that uses the General Fund ending balance for a variety of

purposes including Honey Creek Park bonds, ag drainage wells, etc.

NATURAL RESOURCES & OUTDOOR REC ...

HF 499, CROSSBOW HUNTING. Authorizes the DNR to adopt a rule to permit crossbows to be used in the late muzzleloader season. Moved to the S Unfinished Business Calendar.

HF 638, RIIIF – INFRASTRUCTURE APPROPS.

The bill funds the following for FY '14 (some of these appropriations were included in the 2012 RIFF bill). :

State Park Infrastructure	\$5 mil
Lake Restoration	\$7 mil
Lake Delhi	\$2.5 mil
Water Trails	\$0
Watershed Review Bd	\$0
Recreation Trails	\$3 mil
Great Places	\$1 mil
Comm Att & Tourism	\$5 mil & extends the sunset to FY '15

Also changes funding method for the Environmental First Fund (EFF). Previously this budget appropriated funds to the EFF. This bill authorizes funding of EFF through a direct transfer from the wagering taxes.

S amended & the bill is back in the H. S amendment includes:

Water Trails	\$2 mil
Lake Restoration	\$8.6 mil
Recreation Trails	\$3 mil
State Park Infrastructure	\$5 mil
Lake Delhi	\$2.5 mil
Watershed Review Bd	\$0
Great Places	\$1 mil
Comm Att & Tourism	\$10 mil & extends the sunset to FY '16
River Comm Att & Tourism	\$2 mil

H refused to concur, S insisted. Conf Comm appointed: H-Huseman, Lofgren, Maxwell, Cohoon, Dunkel and S-McCoy, Beall, Bowman, Anderson, Kapucian.

HF 648, BOND REPAYMENT FUND. 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 \$113,800,000 is transferred to the Bond Repayment Fund. Among the four bonds to be

retired is the Honey Creek Destination Park Bonds. Also included General Fund transfers to the Judicial Retirement Fund and the Peace Officers' Retirement, Accident, and Disability System Retirement Fund, funding for projects at UNI, ISU, U of I, Dept of Public Safety, Dept of Admin Services, and \$1.62 mil to the Dept of Ag for ag drainage well closures. Eligible for H debate.

SF 430, APPROPS FOR VARIOUS DEPARTMENTS. Great Places \$0.15 mil, historic sites \$0.43 mil, unspecified amount for tourism and direction to assist various entities with tourism advertising. In conference committee.

SF 435, AG & DNR APPROPRIATION. (The S has no FY '15 funding & the H is 50% of their FY '14 amount) Amended & passed H, amended & passed S, bill goes back to H.

H action: 1) Appropriates 50% of the FY '14 budget amounts for FY '15. 2) Prohibits state funds and employees from be used to construct a lake when both of the following are involved: 1) the lake is to be used for boating, fishing, swimming or other recreation activity, AND 2) the land is to be condemned. 3) Provided funding to the DNR to develop an online manure management certification course (S amendment to the H amendment did not include this funding).

S action: S amendment adds \$1.5 mil for an Ag Nutrient Mgt Center at Iowa State. This is to be used for 1) fundamental understanding of nutrient mgt, 2) establish baseline of cons practices & identify trends, 3) develop models to determine linkage between hydrologic processes and nutrient transport, 4) field research of nutrient management practices and 5) develop and operate a network of sensors in priority watersheds to determine impact of practices. The S amendment also strikes the H amendment language regarding condemnation.

Conference Comm: S Conferees - Black, Dearden, Wilhelm, Rozenboom, Greiner
H Conferees - Drake, Grassley, Klein, Bearinger, Ruff. The comm met Thurs afternoon and they realize that they are so far apart with regard to total GF spending (the S is approx. \$27 mil more than the H) that leadership from the H & S will need to agree on a new budget target for the committee to complete their work.

General Fund (GF)

	(S amend)	(H amend)	(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
State Park Operations	\$2.9 mil	0	0
AG	\$17.1 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
Farmers with Disabilities	\$0.13 mil	\$0.13 mil	\$0.13 mil

Watershed Improvement Bd	\$4 mil	0	0
Vet Diagnostic Lab	\$3.488 mil	\$3.488 mil	\$3.238 mil

Fish & Game Trust Fund	\$41.078 mil	\$41.078 mil	\$41.078 mil
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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
Keep Ia Beautiful	\$0.2 mil	\$0.2 mil	\$0.2 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
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OTHER FUNDS

Snowmobile Fees to DNR	\$0.1 mil	\$0.1 mil	\$0.1 mil
Groundwater Protection Fund to DNR	\$3.455 mil	\$3.446 mil	\$3.446 mil

SF 452, STANDINGS.

H amendment items include: 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) Eminent Domain: institutes various limits or prohibitions on condemnation for lakes and public parks (HF 219). 3) Regional Tourism Marketing appropriates \$810,306. 4) Community Cultural Grants \$416,702. 5) Amends Chapter 17A, Administrative Rules. 6) ATVs & ORVs: contains numerous changes regarding ATV definitions & use. 7) 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. 8) Firearms Records. Specifies "permits to carry" are a confidential public record. 9) Firearms & Ammunition. Makes fraudulent purchase of a firearm or ammo a class "D" felony.

H amendment amended & passed S, H refused to concur, S insisted, conference committee appointed. H conferees-Soderberg, Paulsen, Upmeyer, Hall, Lundby. S conferees-Dvorsky, Gronstal, Jochum, Bertrand, Whitver. New S items include: 1) requires DNR & DALs to devise a plan to eradicate chronic wasting disease. 2) Legalizing advertising signs erected lawfully along an interstate highway within city limits prior to being designated as a "scenic byway". 3) 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.

Items in previous SF: 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) Public Safety Training and Facility Task Force: contains portions of SF 304 by establishing a task force to study training and facility

needs for various public safety occupations – police, fire, EMS, etc. 3) Public Safety Training and Facility Task Force: contains portions of SF 304 by establishing a task force to study training and facility needs for various public safety occupations – police, fire, EMS, etc. 4) Contractor Registration for County Projects: requires contractors be registered with the State Labor Commissioner to be eligible for contracts with political subdivisions. 5) Tourism Funding. Requires 50% of monies appropriated in subparagraph 1 in 99F.11(3)(d) to be divided equally among the three tourism regions.

ENVIRONMENT & AG ...

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. H concurred in S amendment, goes to the Governor. S amendment 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.

LOCAL GOVT & OTHER ...

SF 295, BUSINESS PROPERTY TAX CREDITS. 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. In Conference Committee. H amendment includes the Governor's property tax reforms, the House property tax reforms, HF 1 TAXPAYER TRUST FUND CREDITS and limits on spending from property taxes by local governments. Establishes limits on property tax levies, with an adjustment/growth factor for future increases. Limits ending balances.