

★ Roll Call Number

Agenda Item Number

57

Date ..... February 12, 2007 .....

City of Des Moines Legislative Update for the First Session of the Eighty Second Iowa General Assembly.

Moved by \_\_\_\_\_ to receive and file the attached report

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

# City of Des Moines

## LEGISLATIVE UPDATE February 12, 2007

The task force appointed by Governor Culver to propose commercial property tax changes issued their recommendations (attached). The committee has recommended that the State provide funding for some immediate relief to commercial owners and to also appropriate \$1 million for a longer-term study to implement a 21st Century tax system for Iowa, including addressing the issues of the rollback formula, apartment classification, tax exempt properties, agricultural buildings, and tax increment financing.

Governor Culver signed HF 1, the minimum wage bill, on January 25<sup>th</sup>, his first bill signing. Culver said that the bill "is a real improvement in the quality of life for many Iowans."

Governor Culver said, "I want to thank the 119 members of the Iowa General Assembly who voted for this historic legislation, many of whom are with us today. You acted quickly, decisively and in a bipartisan manner. I especially appreciate the support of the majority and minority leaders in both houses, not one of whom voted against this bill. That is simply historic. Because you came together, and because of your hard work, the lives of nearly 258,000 hardworking Iowans will be improved."

The Des Moines Area Regional Transit Authority (DART) has added a shuttle bus from the west doors of the Capitol to the parking ramp at Penn & Grand, and on Grand Ave. to the State Historical Building. The shuttle runs from 7:00 a.m. to 6:00 p.m. and is free to riders.

Several bills of interest being reviewed by City staff, include:

### HOUSE FILES

**Bill:** HF 33 INTEROPERABLE RADIO SYSTEM  
**Sponsor:** Berry, Kressig & Kelley  
**Description:** Establishes a statewide interoperable radio system board under the DPS and the DOT. Requires the board to develop and implement policy, operations, and fiscal components of communications interoperability efforts at the state and local level, and coordinate with similar efforts at the federal level. Requires the board to ultimately develop a statewide integrated public safety communications interoperability. (Public Safety)

- Bill:** HF 35 LOCAL SMOKING BANS  
**Sponsor:** Foege  
**Description:** Allows local governments to adopt stricter smoking bans, including allowing the elimination of exemptions for designating a smoking area or for allowing a private social hall, or place of work to be designated as a smoking area, or for bars. (Local Government)
- Bill:** HF 39 FRANCHISE TAX TO CITIES  
**Sponsor:** Van Fossen  
**Description:** Re-enacts the previously repealed annual appropriation of \$8.8 million of state franchise tax revenues to cities and counties. (Ways & Means)
- Bill:** HF 48 BROWNFIELD FUND  
**Sponsor:** Dandekar, et al  
**Description:** Appropriates \$3 million to the DED for the Brownfield Redevelopment Fund. (Appropriations)
- Bill:** HF 53 LOCAL OPTION VOTES  
**Sponsor:** Tymeson  
**Description:** Requires that a ballot proposition for a local option tax be voted on in the general election. (State Government)
- Bill:** HF 92 SEXUAL ORIENTATION DISCRIMINATION (See SSB1046)  
**Sponsor:** Hunter, et al  
**Description:** Prohibits discriminatory employment, public accommodation, housing, education, and credit practices that are based on a person's sexual orientation or gender identity. Allows a bona fide religious institution to impose qualifications if related to a bona fide religious purpose. (Human Resources) See SSB 1046
- Bill:** HF 94 WATERWORKS ELECTION  
**Sponsor:** R. Olson  
**Description:** Allows a city to dispense with an election in regard to granting a waterworks franchise by ordinance. (Local Government)
- Bill:** HF 96 SUBSTANCE ABUSE COVERAGE  
**Sponsor:** Jochum & Smith  
**Description:** Requires that health insurance contracts include mental health conditions based on rates, terms, and conditions which are no more restrictive than the rates, terms, and conditions for other coverage benefits. Includes disorders involving mental illness or alcohol or substance abuse. Requires the Insurance Commissioner to adopt rules after consultation with the new mental health insurance advisory committee. Repeals current code sections on biologically-based mental illness as of January 1, 2008. (Human Resources)

- Bill:** HF 108 VICTIM NOTIFICATION  
**Sponsor:** Lukan  
**Description:** Establishes an automated victim notification system within the Crime Victim Assistance Division. Requires police departments and sheriff's department to give a telephone number and a website to each victim to register with the automated system. (Public Safety)
- Bill:** HF 116 EQUALIZATION ORDERS  
**Sponsor:** Struyk  
**Description:** Limits the amount that can be levied due to an equalization order unless the Board of Supervisors or city council adopt a resolution and hold a public hearing on the resolution. (Local Government)
- Bill:** HF 130 HISTORIC PRESERVATION CREDITS  
**Sponsor:** Van Fossen  
**Description:** Increases the amount of tax credits for historic preservation that may be approved each fiscal year to \$20 million. Requires that \$2 million of the credits be awarded to projects under \$200,000. (Ways & Means) Some similarities to SSB 1082
- Bill:** HF 131 COUNTY TAX MATTERS  
**Sponsor:** Van Fossen  
**Description:** Requires a city or council or the supervisors to adopt a resolution and to hold public hearings before property tax increase. Changes the requirement on the number of signature to protest a county budget. Ties commercial, residential and farmland property together to the rollback. Contains related provisions. (Ways & Means)
- Bill:** HF 132 SALES TAX TIF  
**Sponsor:** Struyk, et al  
**Description:** Allows city with a local option sales tax to create a sales tax TIF to finance development projects within the TIF. Requires the owners of the project to invest at least \$5 million and bans gambling facilities or malls. Allows the city to enter into an agreement with the DED to receive increase in the state sales tax in the district if appropriated by the Legislature. (Local Government)
- Bill:** HF 134 MILITARY PROPERTY TAX CREDIT  
**Sponsor:** Pettengill, et al  
**Description:** Increases the military property tax credit to \$2,500 and allows honorably veterans of armed forces to collect the credit. (Veteran Affairs)

**Bill:** HF 138 ROAD ALLOCATIONS  
**Sponsor:** Van Fossen  
**Description:** Changes RUTF allocations to 50% of the money to the primary road fund, 25% to the secondary road fund and 25% to the street construction fund of cities. Makes appropriations to the secondary road fund to counties on a per-capita basis. (Transportation)

**Bill:** HF 150 ELECTRIC SCOOTERS  
**Sponsor:** Kaufmann  
**Description:** Authorizes a city to allow electric scooters on streets within the city. Defines electric scooter and requires the operator to be a licensed driver. Requires the scooters to be properly equipped. Establishes a scheduled fines of \$50 for violating these provisions.

**Bill:** HF 178 FERTILITY COVERAGE  
**Sponsor:** D Olson  
**Description:** Mandates coverage for the diagnosis and treatment of infertility in certain health insurance policies, contracts, or plans issued to employers of more than 25 full-time employees who provide coverage for pregnancy. Makes definitions and includes provisions on limits on coverage for in-vitro procedures. (Commerce)

**Bill:** HF 185 PROSTHETIC COVERAGE  
**Sponsor:** Kressig  
**Description:** Requires an individual or group policy or contract for health or medical expenses to offer benefits for prosthetic devices that provide, at a minimum, coverage equal to federal coverage for the aged and disabled. Applies this requirement to all policies after July 1, 2007. (Commerce), See SSB 1076

**Bill:** HF 187 LOCAL SMOKING BANS  
**Sponsor:** Petersen, et al  
**Description:** Allows local governments to adopt stricter smoking bans, including allowing the elimination of exemptions for designating a smoking area or for allowing a private social hall, or place of work to be designated as a smoking area, or for bars.

**Bill:** HF 188 RURAL WATER ASSOCIATIONS  
**Sponsor:** Huser  
**Description:** Restricts a rural water district or a rural water association from providing water service within two miles of a city. Requires a rural water district or a rural water association that intends to provide such water service to notify the city council or the city's utility board. (Local Government)

**Bill:** HF 192 UTILITY LIENS  
**Sponsor:** Huser  
**Description:** Requires a notice of discontinuance or notice of intent to certify a delinquency to the county treasurer be given to the account holder in whose name the delinquent rates or charges were incurred. Prohibits allowing a delinquency to be certified to the county treasurer if the delinquent charges were incurred prior to a transfer of the property and the delinquency was not certified to prior to the transfer and require the treasurer to inform the utility that the delinquent charges cannot be made into a lien. Prohibits denying service to a new account holder for delinquent charges unless those charges have been certified in a timely manner. (Local Government)

**Bill:** HF 200 FRANCHISE TAX  
**Sponsor:** Thomas  
**Description:** Re-enacts the \$8.8 million appropriation from the state franchise to cities and counties that was repealed in 2003. (Local Government)

**Bill:** HF 201 FIRE & EMS BUDGETS  
**Sponsor:** Huser  
**Description:** Allows an existing advisory board for fire and EMS services to continue to prepare an annual budget until the agreement creating such board is canceled or expires. Makes the board's budget subject to the municipality providing the services. (Local Government)

**Bill:** HF 202 PUBLIC FUNDRAISING  
**Sponsor:** Ford  
**Description:** Prohibits public officials and employees from using state property for fundraising for a group or organization of public officials or public employees. Requires nonprofit organizations to make certain disclosures when fundraising by phone on behalf of an organization of public officials or public employees. Authorizes civil enforcement by the Attorney General, including equitable relief and penalties up to \$40,000. (State Government)

**Bill:** HF 219 RECREATIONAL PROPERTY TAX EXEMPTION  
**Sponsor:** Huser & Struyk  
**Description:** Creates a property tax exemption for recreational property for commercial enterprises such as a golf course, downhill skiing area, amusement park, outdoor volleyball park, softball park, or water theme park,. Sets the exemption at 75% of the value of

the property. Requires the owner to apply to the assessor for the credit, and subjects the credit to a recapture period of up to 10 years for a change in use, unless the change is as a result of condemnation. (Ways & Means) See SF 105

**Bill:** **HF 220 LINE OF DUTY BENEFITS**  
**Sponsor:** Reichert  
**Description:** Codifies the eligible beneficiaries for the \$100,000 line of duty death benefit for a person covered under the statewide fire and police retirement system and allows the member to designate the beneficiary. Requires the benefit to be paid from the General Fund and not from the pension system fund. (State Government)

**Bill:** **HF 223 LOCAL GOVERNMENT COMMISSION (Successor to HSB 9)**

**Subcommittee:** Local Government

**Description:** Creates a Local Government Innovation Commission and Fund and creates a Center for Governing Excellence. Puts the new commission in the DOM for administrative purposes. Sets the membership of the commission. Requires the Commission to prepare an RFP for the new center. Establishes the purpose of the center to do objective and nonpartisan research and training for policymakers and government officials; to integrate the research capacities of community colleges and public and private universities and of local government organizations; and to perform other related duties. Establishes the fund to give grants to assist in implementing local governance and revenue models developed by the commission.

**Bill:** **HF 226 TAPING PURSUIT ARRESTS**

**Sponsor:** Ford

**Description:** Requires a police officer to keep a video camera recording during a pursuit and questioning for eluding a police officer, if the officer's vehicle contains a camera. (Public Safety)

**Bill:** **HF 229 MAYORAL ELECTION**

**Sponsor:** Whitead

**Description:** Sets the number of signatures for a mayoral election petition in a city with a council-manager form of government that adds the direct election of the mayor 0.02% of the total in the last city council election, or at least 10 signatures. (Local Government)  
See SF 58

- Bill:** **HSB9 LOCAL GOVERNMENT COMMISSION**  
**Sponsor:** Local Government  
**Description:** Creates a Local Government Innovation Commission and Fund and creates a Center for Governing Excellence. Puts the new commission in the DOM for administrative purposes. Sets the membership of the commission. Requires the Commission to prepare an RFP for the new center. Establishes the purpose of the center to do objective and nonpartisan research and training for policymakers and government officials; to integrate the research capacities of community colleges and public and private universities and of local government organizations; and to perform other related duties. Establishes the fund to give grants to assist in implementing local governance and revenue models developed by the commission. Subcommittee not available.
- Bill:** **HSB10 SEX OFFENDERS AT SCHOOLS**  
**Sponsor:** Public Safety  
**Description:** Makes it an aggravated misdemeanor for a registered sex offender to be on the property of a school or child care facility. Sets exceptions if the sex offender is transporting the offender's or attending a parent-teacher conference, or is summoned to discuss the progress of the child, or the sex offender is voting in an election. Requires the offender to have written permission from the administrator of the facility to be on the property for any other reason. Subcommittee not available
- Bill:** **HSB24 SMOKING BAN**  
**Sponsor:** Petersen, Jacoby, Lukan  
**Description:** Bans smoking in public places and places of work, and within 50 feet of entrances. Creates a limited number of exceptions. Establishes civil penalties for owners of property and for persons who smoke in violation of the rules.
- Bill:** **HSB38 OPEN RECORDS**  
**Sponsor:** Pettengill, Jacobs, Jochum, Lensing, Roberts (Citizens Aide)  
**Description:** Requires that the records for an employment applicant be open if the applicant is under final application. Requires that requests for closed sessions be made in writing.
- Bill:** **HSB39 POLICE & FIRE FIGHTER MEDICAL COSTS (See SSB1027)**  
**Sponsor:** T. Taylor, Boal, Drake, Gipp, Jochum, Pettengill, Wendt  
**Description:** Requires that a city shall pay for any medical attention for a member of statewide fire and police retirement system who is injured in the performance of the member's duties. Prohibits funding the cost through an employee-paid health insurance policy.



**Bill:** **HSB42 PUBLIC SAFETY DEATH BENEFITS (SEE SSB1026)**  
**Sponsor:** T. Taylor, Boal, Drake, Gipp, Jochum, Pettengill, Wendt  
**Description:** Deems the death of an eligible public safety provider for PORS, IPERS or MFPRSI from a heart attack or stroke as compensable as a line of duty death benefit if the provider had engaged in non-routine stressful or strenuous physical activity and the death within 24 hours after the activity. Does not allow the presumption to be overcome by medical evidence. Requires that if the line of duty death benefit payable under any of the retirement systems is less than \$100,000, a supplemental line of duty death benefit equal to the difference shall be paid to the by the DPS

**Bill:** **HSB 51 WORKERS COMP CHANGES (See SSB1062)**  
**Sponsor:** Mascher, Horbach, Palmer (DWD)  
**Description:** Deems that an employer assumes liability for workers' compensation coverage of certain domestic, casual, and agricultural employees by purchasing coverage that does not specifically exclude them. Prohibits an employer from assuming liability for workers' comp coverage of police officers and fire fighters and certain corporation officers who voluntarily reject workers' compensation coverage. Makes it a prohibited practice for a creditor to attempt debt collection after receiving actual notice that a contested case proceeding is pending. Makes a day, for determining when compensation begins, eight hours of accumulated absence from work due to incapacity. Strikes provisions for using a minimum guarantee for persons paid by piecework, and the determination of liability when an employee suffers successive injuries. Includes a person who contracts with a contractor as an employer, for workers comp, if the contractor has failed to insure its workers' compensation liability. Requires an insurer to pay all workers' compensation benefits when due, regardless if the deductible has been paid.

**Bill:** **HSB 89 LOCAL SMOKING BANS (See HF 35)**  
**Sponsor:** Thomas, Clute, Kelley, Tjepkes, Whitead (Local Government)  
**Description:** Allows local governments to adopt stricter smoking bans, including allowing the elimination of exemptions for designating a smoking area or for allowing a private social hall, or place of work to be designated as a smoking area, or for bars.

**Bill:** **HSB 100 WORKER INJURIES**  
**Sponsor:** Labor  
**Description:** Requires a scheduled injury resulting in permanent partial disability that results in a reduction in earning capacity greater than the weeks compensated in the schedule for that injury shall be compensated in the same way as an unscheduled injury that results in permanent partial disability.

