

★ Roll Call Number

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Date March 12, 2007

Agenda Item Number

34

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				
MOTION CARRIED			APPROVED	
_____ Mayor				

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.

_____ City Clerk

City of Des Moines

Date 3-12-07
Agenda Item 34
Roll Call # _____

LEGISLATIVE UPDATE March 12, 2007

The Legislature's first funnel is Friday, March 9th which means all policy bills must pass a committee in the House or Senate by then to remain viable. Bills assigned to the Ways & Means, Appropriations or Government Oversight Committees and bills initiated by the Governor are exempt for the funnel deadline.

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

HOUSE FILES

Bill: HF 465 MOTORCYCLE HELMETS
Sponsor: Ford
Description: Requires a minor to wear an approved helmet when driving or riding on a motorcycle. Makes violations punishable by a \$25 fine of both driver and passenger. (Transportation)

Bill: HF 466 FRANCHISE TAX (Successor to HF200)
Subcommittee: Local Government
Description: Re-enacts the \$8.8 million appropriation from the state franchise to cities and counties that was repealed in 2003. *Floor Manager:* Thomas

Bill: HF 483 INTERFERENCE WITH OFFICIAL ACTS
Sponsor: Jacoby
Description: Requires that interference with official acts include bodily or serious injury to a peace officer, EMS provider, correctional officer or other member of a protected class, rather than just an attempt. Makes it an aggravated misdemeanor if the injury is a bodily injury to a peace officer or EMS worker, or a class "D" felony if the injury is to a correctional officer, and if a serious injury, a class "D" or a class "C" felony respectively.

Bill: HF 487 RECALL ELECTIONS
Sponsor: Swaim
Description: Authorizes recall elections for city council members. Requires the recall petition to have at least 20 % of the total votes cast in the last city council election, and at least 50. (Local Government)

Bill: HF 494 HOTEL & MOTEL TAX
Sponsor: Ford
Description: Authorizes a city or county that has approved a 7% hotel and motel tax to impose an additional 2% tax without another election. Requires the revenues be used to comply with the Iowa Targeted Small Business Procurement Act. (Ways & Means)

Bill: HF 549 DUMPING PHONE NUMBER
Sponsor: Arnold
Description: Requires the DNR to have a twenty-four hour, toll-free phone number for people to make reports on suspected illegal dumping. Requires the DNR to offer rewards of up to \$100. (Environmental Protection)

Bill: HF 552 SEX OFFENDER ZONES
Sponsor: Schickel
Description: Makes it an aggravated misdemeanor for registered sex offender who has been convicted of certain offense against minors to be on the grounds of a school, public park, child care facility, or swimming pool unless the offender is there to transport the offender's child, attend a parent teacher conference, to vote, or at the park, library or pool with the offender's child. Requires the offender to have written permission to be on the premises of any of these areas. (Public Safety)

Bill: HF 553 OPEN HIRING MEETINGS
Sponsor: Schickel
Description: Prohibits a governmental entity, including schools and government subdivisions, from entering into a contract to hire a consultant to help hire personnel until the entity has held a public hearing. Requires the governmental entity to give notice of the hearing and to not make a decision on the contract until after the hearing is conducted. (State Government)

Bill: HF 558 NEIGHBORHOOD DISTRICTS (Successor to HF 171)
Subcommittee: Ways & Means
Description: Allows a city to create a district comprised of an area zoned, in whole or part, for residential use known as a neighborhood. Allows the ordinance creating the district to make the residential property subject to the property tax. Exempts homes occupied by persons who claim for the low-income elderly and disabled property tax credit. Allows the notices of meetings, to establish or amend a district, to each affected property owner by first class mail. *Floor Manager:* Petersen

Bill: HF 571 FENCE REQUIREMENTS
Sponsor: Swaim
Description: Allows fence viewers to require that each adjoining owner clear an area along each owner's side of the partition fence to allow for the

inspection of the fence or the maintenance of the partition fence by the parties or by the township trustees. Changes various requirements for setting a tight fence. (Local Government)

Bill: HF 590 CITY BUILDING CODES (Successor to HF 380)
Subcommittee: Local Government
Description: Requires cities of over 15,000 that have not adopted a building code that meets national standards to apply and enforce the state building code. Applies to building permits issued on or after July 1, 2008. Floor Manager: Huser

Bill: HF 595 CITY PARTISAN ELECTIONS
Sponsor: Swaim
Description: Requires that a person's political party be listed on city elections and for the candidate to indicate a party on affidavit of candidacy. (State Government)

Bill: HF 597 COMMERCIAL PROPERTY TAX ASSESSMENT
Sponsor: Wise
Reduces the commercial property tax limitation to 0%. (Ways & Means)

Bill: HF 599 COMMERCIAL PROPERTY TAX ROLLBACK
Sponsor: Sands
Description: Includes commercial property in the assessment limitation rollback that covers agricultural and residential property. (Ways & Means)

Bill: HF 612 LOW HEAD DAMS (Successor to HF 152)
Subcommittee: Natural Resources
Description: Appropriates \$200,000 to the DNR for matching grants to local communities to allow those communities to place notices near low head dams and along navigational trails, construct portage trails around the dams, conduct studies, and make cost-effective remediation to reduce the dangers of low-head dams. (Appropriations)

Bill: HF 614 TIF STUDY
Sponsor: Ford
Description: Requires the DED to contract with a Regents school for a study on TIF districts in urban renewal areas that are not slum or blighted areas. Appropriates \$140,000 for the study and requires a report by December 2008. (Appropriations)

Bill: HF 627 PARK GRANTS
Sponsor: Reichert
Description: Appropriates \$250,00 to the DNR in FY 2008 to make grants to organizations which are recognized by the DNR as a friend of a

designated park. Requires the funds to be used for park improvements. Requires the grants to be on a matching basis and prohibits awarding more than \$25,000 to a single park.

Bill: HF 644 IPERS SPECIAL SERVICE
Sponsor: D Olson
Description: Allows a vested or retired IPERS member in special service (employment in a protection occupation or as a sheriff or airport fire fighter) to convert up to five years of prior regular service under IPERS to special service credit by paying the actuarial cost of the purchase. (State Government)

Bill: HF 648 ENTERPRISE DISTRESS CRITERIA (Successor to HF 280)
Subcommittee: Education
Description: Changes the distress criteria for declaring an enterprise zone to include a permanent layoff of more than 1,000 employees that occurs after February, 2007. *Floor Manager:* Bailey

Bill: HF 677 WORKERS COMP EMPLOYERS (Successor to HSB 70)
Subcommittee: Labor
Description: Deems a worker from temporary employment agency as an employee of the agency and not the business where the worker is assigned for the workers' compensation laws. Amended & PASSED, *Floor Manager:* R. Olson

Bill: HF 681 ENERGY CITIES
Sponsor: Schickel & Kuhn
Description: Allows the DNR to designate a city as an energy city to encourage cities to develop innovative energy efficiency programs. Requires the city to submit an application that includes community-based plans for energy reduction projects, energy-efficient building construction and alternative or renewable energy production, and local efforts to achieve those things. Requires the DNR to set the criteria by rule. (Environmental Protection)

Bill: HF 685 SCHOOL SECURITY
Sponsor: Lukan
Description: Requires public and non-public schools to coordinate with local law enforcement agencies to assess the security of all school facilities and to ask for a report on security and to make recommendations on improving security. Requires the reports and recommendations be sent to the DOE by October 1, 2007, and for the DOE to summarize the reports by January 2008. (Education)

Bill: HF 687 ENERGY EFFICIENT APPLIANCE GRANTS
Sponsor: T Olson
Description: Creates a grant program in the Division of Community Action Agencies to assist individuals or families at 100% of the federal poverty level with the purchase of energy-efficiency appliances. Makes the grants 20% of the purchase price and requires the appliances to be certified as Energy Star appliances. (Human Resources)

Bill: HF 698 PROPERTY TAX CREDIT SCHEDULES
Sponsor: D Olson
Description: Requires that a property tax exemption for property improvements under the High Quality Job Creation Act or under an urban renewal plan shall be limited as to amount and time period according to one of the exemption schedules urban revitalization. (Ways & Means)

Bill: HSB 231 OPEN RECORDS LAWS
Subcommittee: Local Government
Description: Eliminates a repeal of provisions allowing a governmental body to hold a closed meeting to discuss the information in confidential records of a public airport, municipal corporation, municipal utility, jointly owned municipal utility, or rural water district. Makes changes to conform procedures concerning security or emergency preparedness information for governmental bodies to state law. The Senate approved SF 161, a similar bill, but with an amendment

Bill: HSB 235 WORRYING DOGS
Subcommittee: Judiciary
Description: Strikes the ability of a person to kill a dog with a rabies tag for worrying domestic animals or fowl. Makes dog owners liable for damages caused by dogs chasing domestic animals rather than worrying domestic animals. Smith (C), Heaton, Oldson

Bill: HSB 239 GREAT PLACES ENTERPRISE ZONES
Subcommittee: Economic Growth
Description: Allows an enterprise zone to be designated if an Iowa Great Places project is in the zone, or if a cultural and entertainment district is in the zone. Prohibits offering incentives for housing in the zone. Thomas (C), Anderson, Bailey

SENATE FILES

- Bill:** SF 243 ENTERPRISE ZONES
Sponsor: Warnstadt
Description: Requires that a transportation enterprise zone must be designated a blighted area or an economic development area. Retroactive to March 1, 2006. (Economic Growth)
- Bill:** SF 245 RECREATIONAL PROPERTY TAX CLASS
Sponsor: Zieman
Description: Creates a new property tax class for recreational property, defined as commercial enterprises operated as golf courses, downhill skiing areas, amusement parks, water theme parks or RV camping parks or campgrounds. Sets the tax rate at 25% of the assessed value of the property. (Local Government) Similar to SF 105, SF 172, HF 219
- Bill:** SF 265 ASBESTOS REMOVAL (Successor to SSB 1192)
Subcommittee: Labor
Description: Defines an asbestos project as the removal or encapsulation of asbestos in a building or structure, including removing asbestos at the site of a demolition or collapse. Allows state agencies and local governments to accept bids for asbestos projects if bidder contracts to have the asbestos work done by a licensed contractor. *Floor Manager: Courtney*
- Bill:** SF 278 POWER PLANT TAXES (Successor to SSB 1060)
Subcommittee: Ways & Means
Description: Adds to the definition of new electric power generating plant to allow the first \$44 million of taxable value to stay with the local taxing authorities. Puts the excess amounts in the property tax relief fund. Requires that the DOR be notified on sales for property covered under these provisions. Extends the utility replacement tax task force until January 1, 2010. *Floor manager: Schmitz*
- Bill:** SF 282 READY RESERVE
Sponsor: Boettger
Description: Requires the Homeland Security and Emergency Management Division Administrator to help establish a ready reserve of trained individuals to work with state and local officials and others in giving crisis counseling assistance in response to disasters and emergencies. Appropriates \$75,000. (Appropriations)
- Bill:** SF 284 EMPLOYEE DRUG TESTING
Sponsor: Dearden
Description: Excludes employees who are not subject to testing pursuant to a collective bargaining agreement are excluded from the pools of

employees from which a random drug or alcohol test may be conducted. (Labor) See HF 522

Bill: SF 293 SEAT BELTS
Sponsor: Beall
Description: Requires the driver and all the passengers of a car to wear a seat belt while the car is moving. Includes exceptions and requires the DOT to adopt rules on exceptions for persons with wheelchairs. Does not affect provisions for children under age 11. (Transportation) See HF 232

Bill: SF 296 LOCAL ENERGY GRANTS
Sponsor: Bolkcom
Description: Establishes a local government energy innovation competitive grant program. Requires the Iowa Energy Center to administer the program. Allows any municipality, township, county, district, or combination of, to seek grants for alternative and renewable energy programs. Requires the Center to evaluate the programs based on energy savings and matching funds, among other criteria. Appropriates \$1 million for the program. (Natural Resources)

Bill: SF 299 WORKERS COMP INJURIES
Sponsor: McKinley
Description: Defines work injuries as cumulative or traumatic. Requires a traumatic injury as a natural incident of employment. Requires a work activity to be the cause of a cumulative injury or to significantly aggravate an existing condition. Excludes injuries which would be considered part of the aging process. (Labor)

Bill: SF 307 FRANCHISE TAX (Successor to SF 83)
Subcommittee: Ways & Means
Description: Re-enacts the previously repealed annual appropriation of \$8.8 million of state franchise tax revenues to cities and counties.

Bill: SF 322 LIHEAP & CHILD SUPPORT PAYMENTS
Sponsor: Boettger
Description: Directs the Division of Community Action Agencies to require that an applicant for LIHEAP and for the Iowa Affordable Heating Program who must make child support orders show proof that any that required have been made. Makes applicants who fail to show proof or who are delinquent ineligible for either program. (Human Resources)

Bill: SF 324 CITY FRANCHISE TAXES
Sponsor: Danielson
Description: Allows a city franchise fee to be up to 5%. Legalizes any past franchise taxes declared by the city prior to the effective date of the bill. Effective on enactment. (Local Government)

Bill: SF 335 HOUSING WAIVER (Successor to SF 125)
Subcommittee: Local Government
Description: Deems housing used for a Medicaid home and community-based services waiver as residential under city and county zoning. *Floor Manager:* Schoenjahn

Bill: SF 341 OUT-OF-STATE INJURIES (Successor to SSB 1157)
Subcommittee: Labor
Description: Allows for workers' comp claims for injuries that happen out of state if the employer has a place of business in the state and the worker regularly works from that place of business, or if the worker lives in Iowa, or if under a contract for hire made in this state, the worker cannot get recovery from another state, is working outside the US, or if the employer is in the state and the contract puts workers' comp claims under Iowa law. *Floor Manager:* Dotzler

Bill: SF 356 LOWEST RESPONSIBLE BIDDER
Sponsor: Zaun
Description: Requires that the past experience of the bidder in completing similar projects; the qualifications of the bidder to perform the work, and proof of financial responsibility be used in determining the lowest responsible bidder. Prohibits requiring the use of union workers or a project labor agreement or requiring the contractor to offer specific benefits to employees in order to get the contract. (State Government)

Bill: SF 363 RECREATIONAL PROPERTY TAX CLASS
Sponsor: Beall & Dotzler
Description: Creates a new property tax class for recreational property, defined as commercial enterprises operated as golf courses, downhill skiing areas, amusement parks, water theme parks or RV camping parks or campgrounds. Sets the tax rate at 90% of the assessed value of the property. (Local Government) Similar to SF 105, SF 172, SF 245, HF 219

Bill: SF 368 CABLE FRANCHISES (Successor to SSB 1208)
Subcommittee: Commerce
Description: Requires a person receive a certificate of franchise authority from the Secretary of State in order to offer cable service. Does not require current provider who have a franchise agreement with a city to get a

certificate until the current agreement ends. Contains related provisions. *Floor manager:* Warnstadt

Bill: SSB 1262 WHISTLE BLOWER COMPLAINTS

Subcommittee: Government Oversight

Description: Allows the Citizens' Aide to decline to investigate a whistleblower complaint in the same manner as the citizens' aide may decline to investigate other complaints. Requires the office to issue a report if it declines to investigate a complaint and that the report be given to the complainant, the agency director, or to the governor if the agency director is the subject, and to the Legislative Oversight committee. Prevents compelling any from the Citizens' Aide to testify about the report before the PERB. Schmitz (C), Connolly, Courtney, Lundby, Wieck See SSB 1087

Bill: SSB 1268 UTILITY VOTES

Subcommittee: State Government

Description: Allows a city council to submit a vote to take an action on a city utility, combined utility or utility board to a special election or regular city election. Hatch (C), Hahn, Kibbie See HSB 175

Bill: SSB 1269 ENERGY PERFORMANCE CONTRACTS

Subcommittee: State Government

Description: Allows public entities, through an RFP, to enter into energy performance-based contracts for energy conservation with a qualified provider. Requires the contract to achieve certain savings. Allows the entity to use any savings for discretionary budget spending. Requires notice to any union employees if the contract will affect bargaining unit positions. Danielson (C), Behn, Connolly

Bill: SSB 1278 CITY ELECTIONS

Subcommittee: Local Government

Description: Allows a the use of satellite voting stations for city primary and regular elections. **Petitions:** Requires that a nomination petition for a special election to fill a vacancy on a city council be filed at least 25 days before the date of the special election, or 52 days before the special election in cities that require primaries. Quirnbach (C), Hartsuch, Schoenjahn

Bill: SSB 1279 COMMERCIAL PROPERTY TAX CREDIT

Subcommittee: Ways & Means

Description: Creates an income tax credit of \$275 for commercial property tax payers. Allows each corporate tax payer on a consolidated return to claim the credit. Makes any excess credit refundable. Repeals the credit as of 2009. Stewart (C), Bolcom, McKibben Similar to HF 418

Bill: SSB 1289 PUBLIC RECORDS**Subcommittee:** Local Government**Description:** Eliminates the requirement that an administrator exercising joint powers through an agreement is subject to open meetings and public records requirements. Strikes certain publication requirements for such an administrator and allows other notices to be published within 20 days of adjournment. Allows the notice to include a website where specific additional information can be found if not published in the newspaper. Requires additional information to be public for entities with a budget over \$100,000. Quirnbach (C), Angelo, Kreiman See HSB 213**Bill: SSB 1307 CITY FRANCHISE TAXES****Subcommittee:** Ways & Means**Description:** Allows a city franchise fee to be up to 5%. Legalizes any past franchise taxes declared by the city prior to the effective date of the bill. Effective on enactment. Beall (C), Schmitz, Seymour**Bill: SSB 1310 COMPETITIVE BIDDING****Subcommittee:** Local Government**Description:** Allows the results of competitive bids to be reported at special meetings. Determines the lowest responsible quotation for a public improvement to be done by an employee of a government entity by requiring the contractor to deduct the premium cost of the performance bond. Requires a city council to pass a resolution to spend more than \$100,000 on a project. Quirnbach (C), Hartsuch, Olive