

★ Roll Call Number

Agenda Item Number

35

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Date February 9, 2009

City of Des Moines Legislative Update for the Eighty Third 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

LEGISLATIVE UPDATE

February 9, 2009

The Eighty Third Session of the Iowa General Assembly went into session on January 12, 2009. In the most recent news from the Capitol, Governor Culver signed HF 64 DISASTER RELIEF and SF 44 DISASTER SALES TAX on Monday. Culver said about HF 64 "As Governor and as an Iowan, I am proud to sign the Rebuild Iowa bill, the first bill of the 2009 Legislative session. This bill passed the Legislature unanimously, and I commend legislative leadership and the members of the general assembly for their hard work and commitment. I have repeatedly said that this must be the first of many steps we will take together this legislative session, in our common goal of helping rebuild the state we love. I look forward to working with the legislature in addressing the remaining recommendations of the Rebuild Iowa Advisory Commission, and continuing to put our state on the long road to recovery."

The bill takes \$56 million from the Economic Emergency fund for relief efforts. It also codifies the Rebuild Iowa office, but does not fund the office.

- \$24 million for the Jumpstart Housing Program to for families with income at 150% of the area median income.
- \$22 million for disaster grants to cities and counties based on their storm damages for non-profit organization assistance, land public purchases, repairs to infrastructure small business assistance, housing assistance and other matters.
- \$10 million for individual disaster grants, allocated through the DHS for grants of up to \$2,500 for expenses. The Rebuild Iowa Office will establish a case management system.

The Rebuild Iowa Web site at www.rio.iowa.gov and the Jumpstart Iowa Web site at www.jumpstart.iowa.gov have information on the program. People can also call the toll-free number 1-866-849-0323.

SF 44 DISASTER SALES TAX creates a process for expediting a vote on a local option sales tax. Cedar Rapids is expected to take advantage of the first set of deadlines to try to start collecting a sales tax for flood relief efforts as of April 1.

Communities in Polk, Johnson, Warren and Dallas are among those that could use the second set of deadlines to attempt to pass a local option sales tax that would start in July.

The City of Des Moines Legislative Subcommittee (Councilmembers Hensley, Coleman and Mahaffey) continue to meet on a weekly basis to review bills that have been introduced as well as discuss other legislative issues. The Legislative Subcommittee's priorities for 2009 include Revenue Alternatives and Property Tax Reform.

Bills that staff and the legislative subcommittee are tracking include:

Bill: HF 9 BANNING CELL PHONES WHILE DRIVING
Sponsor: Abdul-Samad
Description: Establishes a \$30 scheduled fine for using a cell phone or wireless device while driving unless the driver has a headset of hands-free adapter. Makes an exception for emergency situations. (Transportation)

Bill: HF 10 BREAST FEEDING
Sponsor: Abdul-Samad
Description: Requires an employer to allow reasonable unpaid break time for an employee to breast feed a child or to express breast milk, unless doing so would unduly disrupt the employer's work operations. Requires the employer to make reasonable efforts for the employer to provide a private space other than a toilet stall. Includes all employers. (Education)

Bill: HF 14 REPEALING OFFICIAL ENGLISH
Sponsor: Hunter
Description: Repeals provisions making English the official language of Iowa. (State Government)

Bill: HF 17 CELL PHONES
Sponsor: Hunter
Description: Prohibits a person under 18 from using a cell phone or a communication device while driving. Makes violations a simple misdemeanor with a \$30 fine. (Transportation)

Bill: HF 23 ZOO CHECK-OFF
Sponsor: Hunter
Description: Creates a zoo fund income tax check-off. Directs the DCA to award grants to accredited zoos. (Ways & Means)

Bill: HF 27 EMPLOYEE BONUSES
Sponsor: Baudler
Description: Prohibits granting bonuses to state employees and employees of 28E entities. Prohibits using government money to give bonuses to employees for entities that enter

into service contract with state agencies or 28E entities. Adds additional prohibitions against paying bonuses to Lottery employees, appointed state officers and others. Effective on enactment. (State Government)

Bill: **HF 44 SMOKING BAN CHANGES**
Sponsor: Reichert
Description: **Patios:** Defines a bar as an establishment that receives 50% of its revenue from alcohol sales, and a restaurant as deriving 50% of its revenues from food in determining whether the establishment can allow smoking on an outdoor porch. **Casinos:** Strikes the exemption of gaming floors from the smoking ban. (Commerce)

Bill: **HF 50 GENDER BALANCE**
Sponsor: Wessel-Kroeschell, et al
Description: Requires the appointive boards, commissions and committees of local governments and other entities to be gender balances. Effective as of July, 2012. (State Government) See HSB 12, SSB 1050

Bill: **HF 51 CIVIL SERVICE RESIDENTS**
Sponsor: Struyk
Description: Strikes the requirement that a civil service employee be a resident of Iowa. Allows cities to set reasonable maximum distances for employees to leave outside the city. (Local Government)

Bill: **HF 64 DISASTER RELIEF (Successor to HSB 64)**
Sponsor: Rebuild Iowa
Description: Appropriates \$56 million from emergency funds for disaster relief. Appropriates \$24 million to IFA to administer a housing assistance program. Defines eligible persons as homeowners affected by natural disasters from May 24 to August 14, 2008 who meet income guidelines. Establishes priorities and authorizes forgivable loans. Effective retroactive to September 2008. Appropriates \$10 million to the DHS for disaster assistance grants. Limits the grants to \$2500 a household and limits the household income to 300% of the poverty level. Makes persons living in the areas affected by disasters eligible for the grants. Appropriates \$22 million to the DOM for disaster grants to cities and counties affected by the disasters occurring between May and August. Requires the money to be used for small business assistance, non-profit assistance, purchase of land, housing assistance and other specified areas. Rebuild Iowa

Office: Establishes the Rebuild Iowa Office. Establishes the duties and reporting requirements of the office. Creates a coordinating council with members from various state agencies (IFA, DHS, DOE, DCA, College Student Aid, DPH, DWD, the Regents, DOT, DNR, DOM, DEA). Sunsets the office as of June 30, 2011. Effective on enactment. Approved in committee today.

Bill: **HF 80 CIVIL SERVICE**
Sponsor: Hunter
Description: Requires the civil service commission use an independent counsel rather than the city attorney. Includes provisions on contracting by commissioners. **Employees:** Strikes the requirement that a civil service employee be a resident of Iowa and changes maximum residency distances for police, firefighters and critical municipal employees to maximum travel times. Allows a civil service employee who represents a union or a statewide firefighter organization to be granted a leave of employment to fulfill those duties on written request, without loss of pay or extra work requirements. Allows cities to set reasonable maximum distances for employees to leave outside the city. (Labor)

Bill: **HF 83 FIRE FIGHTER & POLICE RETIREMENT**
Sponsor: Hunter & Burt
Description: Establishes a presumption that a cancer is work-related for members of the Statewide Fire and Police Retirement System. Excludes members who joined after July, 1992 if the cancer would not have existed but for a condition known at the time the member joined. Increases the minimum contribution rate for firefighters to 9.4%.

Bill: **HF 84 BANNING CELL PHONES II**
Sponsor: Hunter
Description: Establishes a \$30 scheduled fine for using a cell phone or wireless device while driving. Makes an exception for emergency situations. (Transportation) Similar to HF 9, some similarities to HF 17

Bill: **HF 95 DISASTER SALES TAX (Successor to HSB 54)**
Subcommittee: Ways & Means
Description: Establishes an expedited procedure for a city in a federally declared disaster area that does not have a local option sales tax to impose one. Requires that the motion be received by the County Commissioner of Elections by February 8 and submitted to the voters as soon as practical

after that. Sets the date for imposition of the tax as April 1, 2009. Adds a March 10 notice deadline and a May 5 election deadline to allow a July 1, 2009 imposition. Requires the 50% population requirement to be met. Makes changes to the three-year allocation formula but protects distributions now being paid. Effective on enactment. See SF 44, approved on the Senate Floor

Bill: **HF 98 RECREATIONAL PROPERTY EXEMPTION**
Sponsor: Struyk, et al
Description: Establishes a property tax exemption for recreational property such as golf courses, downhill ski areas, amusement parks, outdoor volleyball parks, softball parks or water theme parks. Requires an inspection of the property and approval or denial by supervisors or city council. Includes claw back provisions to recapture the tax if the use of the property changes, for up to ten years, unless the change is due to condemnation. (Ways & Means)

Bill: **HF 108 FIRE & POLICE RETIREMENT FUND**
Sponsor: Struyk, et al
Description: Requires that premium taxes, other than those collected for insurance policies, in excess of the revenues collected for the tax in FY 2009 be put into a the State Fire and Police Retirement Fund. (Ways & Means)

Bill: **HF 111 SALES TAX SPENDING**
Sponsor: Gaskill
Description: Requires a city to put spending from increased collections of a local option sales tax to a vote before spending it on urban renewal projects. (Local Government)

Bill: **HF 124 LOCAL IMMIGRATION ORDINANCES**
Sponsor: Struyk, et al
Description: Prohibits local governments from enacting ordinances, or adopting rules, that prevent the police or other local employees from talking or cooperating with federal immigration officials on the immigration status of a person in this state. Makes an elected official who votes for such an ordinance liable for any damages caused by the ordinance. (Local Government)

Bill: HF 126 PROPERTY TAX CLASSES
Sponsor: Frevert
Description: Requires that property be classed based on the primary use of the owner or lessee in the assessment year. (Appropriations)

Bill: HF 128 BIKE RIDING
Sponsor: Smith, et al
Description: Prohibits allowing local governments from barring bike riding on roads. Makes it a \$25 fine for a driver from depriving a bicyclist the full use of a lane if the lane is too small to be shared. Makes it a \$35 fine for 1) a driver to tailgate a bike 2) to fail to stop when crossing a sidewalk or trail, unless the trail has signs requiring trail users to yield 3) for a driver to fail to yield to cars and bikes coming out of a driveway and 4) opening a car door on the side of traffic unless reasonably safe. Makes injury violations for all these offenses subject to a \$500 fine and 90-day license suspension and death subject to a \$1,000 fine and 180-day suspension. Includes bikes under current passing laws. Allows a bicyclist to signal a right turn with the right arm. Strikes a requirement that a driver honk their horn before a turn that might affect a pedestrian. (Transportation) See SF 34

Bill: HF 131 URBAN RENEWAL PLANS
Sponsor: Reasoner
Description: Requires that a proposed urban renewal plan or an amendment to one be approved by a majority of the taxing entities. Requires that a project may only be added or severed from an urban renewal project by an amendment. Effective on enactment. (Local Government)

Bill: HF 132 VOLUNTARY ANNEXATION
Sponsor: Tymeson
Description: Excludes public lands from being considered in the calculation of how much land in a voluntary annexation is being annexed without the consent of the owner. (Local Government)

Bill: HF 133 DEATH BENEFITS
Sponsor: Reichert
Description: Makes an adult child of an eligible beneficiary for a line of duty death benefit for a member for the Statewide Fire & Police Retirement System. Effective on enactment. (State Government)

Bill: HF 143 OWI PLATES
Sponsor: Kaufmann & Baudler
Description: Requires the DOT to develop special plates of a different color to be easily recognizable for use by drivers who have two OWI convictions. Prohibits such drivers from driving a car without those plates. Allows the police to stop a car with such plates at any time. Prohibits the sale of a vehicle, without the consent of the DOT, if the owner is subject to the OWI plate restrictions. (Public Safety)

Bill: HF 144 GOOD FAITH MINORITY RECRUITMENT
Sponsor: Ford
Description: Requires bodies awarding public funds for economic development to consider whether a business will make a good faith effort to recruit and retain minorities, defined as Blacks, Latinos, Asians, Pacific Islanders, American Indians and Native Alaskans. (Economic Growth)

Bill: HF 147 RECREATIONAL PROPERTY CLASS
Sponsor: Struyk, et al
Description: Establishes a property tax class for recreational property such as golf courses, downhill ski areas, and amusement parks. Sets the tax rate at 25% of actual value. (Ways & Means) Some similarities to HF 98

Bill: HF 149 PROPERTY TAX LEVY RATES
Sponsor: Struyk, et al
Description: Strikes the specific property tax levy rates for cities and counties and sets a limit on the maximum amount of property tax revenues that can be raised. Establishes a base year and an allowable growth rate.

Bill: HF 152 COMMERCIAL TAX RATES
Sponsor: Struyk
Description: Requires that commercial properties be assessed under a productivity formula. Requires the DOR to establish the formula. Allows a jurisdiction to request the use of alternative method from the DOR for some or all of its property if the method is not the best suited method for that jurisdiction. (Ways & Means) Similar to HF 153

Bill: HF 153 COMMERCIAL TAX RATES II
Sponsor: Struyk
Description: Requires that commercial properties be assessed under a productivity formula. Requires the DOR to establish the

formula. Establishes a protest process for property owners to contest the valuations. (Ways & Means) Similar to HF 152

Bill: **HF 154 EQUALIZATION ORDERS**
Sponsor: Struyk
Description: Establishes procedures to limit increases in assessed values related to equalization orders unless the city or county to adopt a resolution declaring that levy rate will not be reduced to compensate for an increase in assessed values. Requires a public hearing on the resolution. (Ways & Means)

Bill: **HF 155 BANNING CELL PHONES WHILE DRIVING II**
Sponsor: Gaskill
Description: Establishes a \$25 scheduled fine for using a cell phone or wireless device while driving. Makes an exception public safety agencies. (Transportation) Similarities to HF 9

Bill: **HF 157 AIRPLANE TAXES**
Sponsor: Kuhn
Description: Requires that all revenues from aviation use taxes be credited to the state Aviation Fund. (Transportation)

Bill: **HF 159 CITY PROPERTY GIFTS**
Sponsor: Deyoe & Heddens
Description: Strikes a requirement that a gift of property by a city be to a governmental body and mirrors the gift language for counties that the gift be for a public purpose. (Local Government)

Bill: **HF 160 VOLUNTARY ANNEXATIONS**
Sponsor: Tymeson
Description: Requires the City Development Board to approve a voluntary annexation if the annexation includes more than 20% of the land of an owner who does not consent to the annexation. (Local Government)

Bill: **HF 168 OPEN MEETINGS**
Sponsor: Tymeson
Description: Requires a governmental body subject to the open meetings law, or the joint body for a 28E entity to make materials available to people in attendance, if practicable during the meeting but within at least three days. Requires that 50% of the meetings be held during evening hours. Requires 72 hours notice before a meeting. (State Government)

Bill: **HF 169 MOTEL SALES TAX EXEMPTION**
Sponsor: Jacoby
Description: Strikes the exemption from the hotel/motel sales tax for transactions exempt from the sales tax. (Ways & Means) See SF 35

Bill: **HF 172 28E OPEN MEETINGS**
Sponsor: Tymeson
Description: Makes advisory boards and other bodies created by a 28E entity subject to the open meetings law. (State Government)

Bill: **HF 178 SALVIA BAN** (Successor to HF 2)
Sponsor: Human Resources
Description: Adds salvia divinorum and salvinorin A to list of Schedule I controlled substances. Makes it a Class C felony to deliver or manufacture salvia, or possess with intent to deliver or manufacture. *FM: Smith*

Bill: **HF 181 APARTMENT CLASSIFICATION**
Sponsor: Reichert
Description: Makes apartment buildings with four or fewer units residential property for property tax purposes. (Ways & Means)

Bill: **HF 185 INTERFERENCE WITH OFFICIAL ACTS**
Sponsor: Jacoby
Description: Strikes provisions which include attempting to an inflict an injury with the serious or aggravated misdemeanor crimes of interference with official acts. Makes it an aggravated misdemeanor interference with official acts crime if the person inflicts a bodily injury on a member of a protected class , a Class "D" felony if the injury is to a peace officer or EMS worker and a Class "C" felony if the injury is to a prison guard. (Public Safety)

Bill: **HSB 6 SUBSTANCE ABUSE COVERAGE**
Subcommittee: Human Resources
Description: Requires health coverage plans to include coverage for mental conditions involving alcohol or substance abuse, effective January 2010. Makes definitions and requires the Insurance Commissioner to adopt rules after consulting with a mental health insurance advisory committee, appointed by the Commissioner and with members from business, insurance, consumer, and health groups. Wessel-Kroeschell (C), Hunter, Upmeyer See SSB 1002

