



Iowa League of Cities

New Laws of Interest to Cities

July 2020

Reminder:

The text of each bill is accessible from the General

Assembly’s website:

www.legis.iowa.gov

The 2020 Iowa Legislative Session of the 88th General Assembly adjourned Sine Die on June 14. Throughout the 15 weeks of the legislative session, not counting the 11-week suspension due to COVID-19, the legislature passed over 100 bills, including legislation dealing with short-term rental property preemption, weapons, and civil liability related to COVID-19.

The 2020 session concluded with the League achieving one of its main legislative goals: protecting the standing appropriation for the commercial and industrial property tax replacement claims, also known as the backfill, for Fiscal Year 2021, as well as maintaining tax increment financing as a flexible and useful tool to cities of all sizes. This report covers legislative highlights and bills the legislature passed that affect cities.

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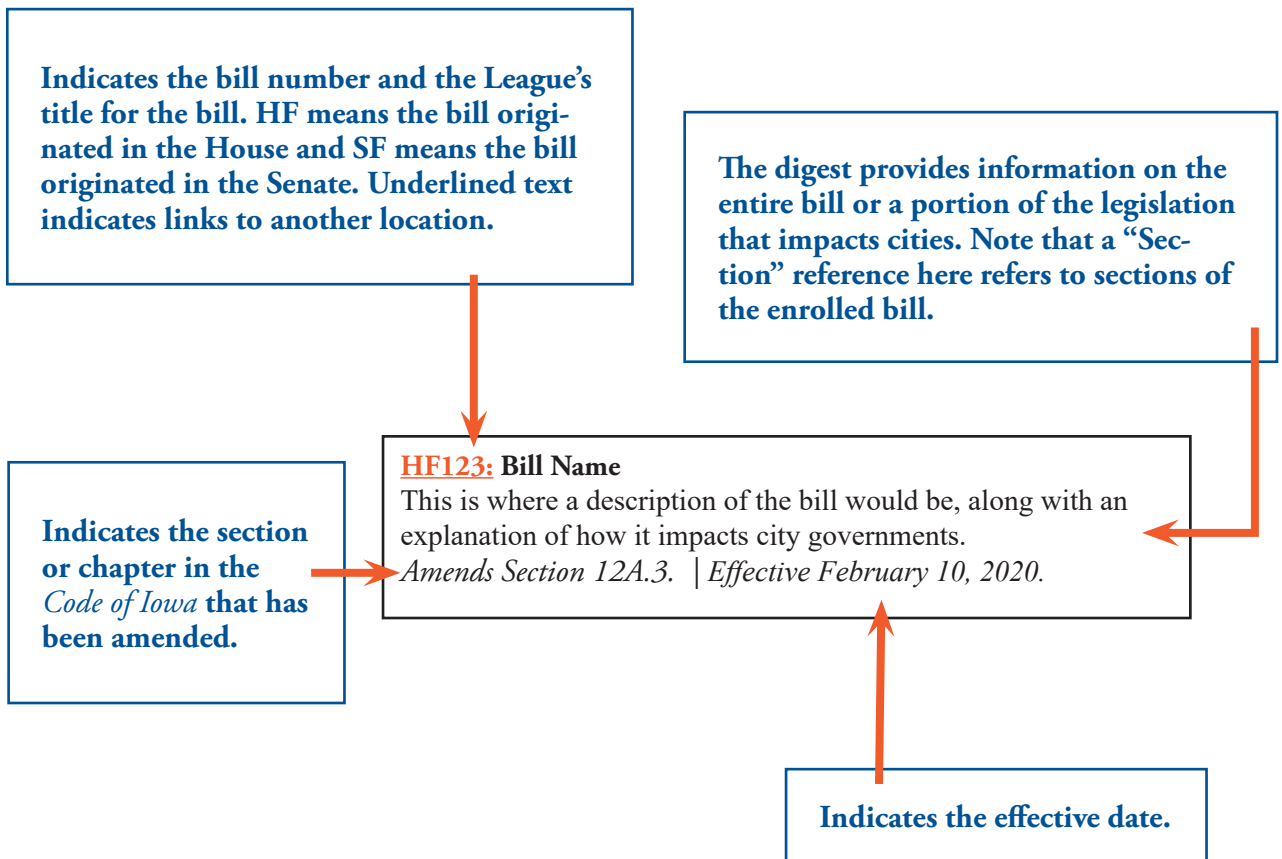
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Reader's Guide to New Laws Summaries

This Special Report outlines legislation passed during the 2020 session that affects cities and is categorized in subject areas for easier reading. The sample entry below explains what type of information this report contains.

Note: The report is intended as a reference guide to new laws that may interest your community. This report should not act as a substitute for the actual final enrolled legislation, nor should it substitute for advice from an attorney.



Iowa League of Cities Legislative Values

During each interim, the League's Legislative Policy Committee proposes legislative values for the upcoming session. These legislative values were ratified by the Executive Board on August 15, 2019, then presented to and approved by League members at the League's Annual Conference on September 27, 2019

Local Control

Home Rule is the flexibility to make local decisions at the local level – where decisions are made closest to the people they impact and can be tailored to fit unique conditions, needs and concerns free from state interference.

Financial Stability

The commitment to reimburse local governments for lost resources due to state action, such as commercial and industrial property tax backfill, must be maintained to prevent an increased burden on property taxpayers or a reduction in city services. Mandates imposed on local governments must include appropriate funding mechanisms. Local governments need diversified revenue options that are fair and related to cost drivers.

Economic Development

Maintaining economic development tools, such as Tax Increment Finance, as flexible tools for economic growth in cities of all sizes, is vital to the success and advancement of the State of Iowa and its economy. Iowa needs more tools and funding to promote quality of life, community vitality, economic development and to address housing needs.

Infrastructure

Iowa's infrastructure is in need of repair and upgrade. It is vital that cities have the resources to meet the infrastructure, technological, and human needs necessary to connect, transport and grow.

Public Safety

Safety is essential to the health and vitality of communities. Cities must have the resources, tools, and technology to provide appropriate public safety services for their communities and citizens.

Due to COVID-19, emergency proclamations from the Governor affect state code as it pertains to city administration and regulations. Those proclamations are not summarized nor listed below. For a full list of proclamations, visit [HomelandSecurity.iowa.gov](https://www.HomelandSecurity.iowa.gov) > Disasters > Disaster Proclamations.

Legislation Passed In 2020

Local Control

[HF 2641](#) | *Short-term rental property preemption*

Limits the ability of local governments to regulate short-term rentals. Prohibits the collection of license or permit fees for establishing or operating a short-term rental. Provides several exceptions to the preemption as laid out in the bill.

Amends Chapters 331 and 414 | Effective July 1, 2020

Local Control

[HF 2238](#) | *Regulation of food stands operated by minors*

Prohibits licensure and fees by both state and local authorities over a food stand, which is operated by a minor on a temporary basis so long as they are not selling food that requires time or temperature control for food safety purposes, or is an alcoholic beverage.

Amends Chapter 137F | Effective July 1, 2020

Local Control

[HF 2502](#) | *Weapons omnibus*

Regulation of a shooting range by a city shall be done exclusively through zoning and not require conditions that are more stringent than state law. Adds modifications and attachments to the definition of a firearm when referencing what a city is preempted from regulating. Adds requirements to a city's ability to restrict the carrying and possessing of a firearm in city buildings and on city property that includes screening and adequate security. Preempts cities from regulating the storage of ammunition.

Amends Chapters 335, 414 and 724. | Effective July 1, 2020

Local Control

[HF 2643](#) | *Standing appropriations*

Prevents a political subdivision from passing an ordinance that would charge an alarm system contractor a fee for false alarms, emergency response to false alarms, or keeping an alarm system in place.

Amends Chapter 100C | Effective June 30, 2020

Local Control

[SF 2196](#) | *Extends the Iowa Cell Siting Act*

Extends the repeal of the Iowa Cell Siting Act from its original date of July 1, 2022, to July 1, 2025.

Amends Chapter 8C | Effective June 1, 2020

Taxation

[HF 760](#) | *Hotel/Motel tax loophole fix*

Allows for the collection of hotel/motel tax for stays up to 90 consecutive days and exempts the collection of taxes after that point. Also exempts stays for the purpose of being close to friends and family who are in a hospital.

Amends Chapter 423A | Effective July 1, 2020

Utilities

HF 2412 | *Exemptions to public bidding requirements*

Exempts work performed by municipal utility employees from being required to accept and award bids on projects when the work relates to existing utility infrastructure or establishing a connection to existing infrastructure.

Amends Chapter 26 | Effective July 1, 2020

Utilities

HF 2452 | *Disposal of at-risk city water utilities*

Creates a definition and criteria of “at-risk systems” for which a city can classify their drinking water, sanitary sewage, or storm water drainage systems. This designation grants the new owner of an at-risk-system an alternative timetable and financial documentation for the upgrade of such a system within the Iowa Department of Natural Resources process.

Amends Chapters 455B and 476 | Effective July 1, 2020

Public construction

HF 2475 | *Sewer and water supply extension*

Allows a public works department to “retain” rather than directly employ a qualified engineer for review of plan specifications. Updates the word “department” to the word “commission” in reference to the body which approves such plans.

Amends Chapter 455B | Effective June 1, 2020

Elections

HF 2486 | *Election procedures and requirements*

Removes the requirement on election nomination petition papers to list the name, signature, address and phone number of the individual who circulates the petition. Grants approval and oversight authority by the Legislative Council on emergency powers of the State’s election commissioner. Adjusts the procedure to determine “alternate electors” in the presidential nominating process. Requires the elector to execute a pledge to cast their vote for the nominee of the party they were chosen. Forces their vote to be cast according to their pledge, eliminating the concern over “faithless elector” within the Electoral College.

Amends Chapters 43, 45, 47, 49 and 54. | Effective July 1, 2020

Alcohol

HF 2540 | *Alcohol permits, restrictions, allowances*

Creates a new alcohol permit for serving charity events, including definitions, restrictions on who can apply, and fees for the application and other restrictions. Grants permission and regulation for the sale of alcoholic beverages for the purpose of “off-premise consumption.”

Amends Chapter 123 | Effective June 29, 2020

Infrastructure

HF 2642 | *Rebuild Iowa infrastructure appropriations*

Contains many appropriations including in the Rebuild Iowa Fund, Technology Reinvestment Fund, and miscellaneous provisions, which may impact projects cities plan to undertake, including watersheds, trails, vertical airport infrastructure, technology and others.

Effective June 30, 2020

Infrastructure

SF 2400 | *Empower Rural Iowa*

Alters the Empower Rural Iowa program by increasing the area in which grants can be allocated to. Increases the percentage of a broadband infrastructure project that can be paid for under the program. Implements a sliding scale in which the percentage of the project that can be paid for with the grant depends on a sliding scale of internet speed achieved.

Amends Chapters 8B and 427 | Effective July 1, 2020

Infrastructure

SF 2403 | *Alterations to the biofuels excise tax*

Alters the existing motor fuel tax schedule and will be effective through 2026. The tax rate for E15 or higher will be calculated based on the market share of ethanol-blended gasoline, and as the market share of ethanol rises, the tax rate will rise. Non-ethanol blended gasoline tax per gallon will remain at 30 cents regardless of ethanol consumption.

Amends Chapter 452A | Effective July 1, 2020

Law Enforcement

HF 2647 | *Peace officer training certification and reporting*

Grants the Attorney General of Iowa authority to prosecute a criminal offense committed by a peace officer in the state. Bans the use of chokeholds by peace officers unless certain conditions apply. Requires a peace officer who has been certified in another state to undergo additional screening when applying in Iowa. Grants additional authority to the Iowa Law Enforcement Academy Council to revoke a peace officer's certification. Requires additional de-escalation and bias prevention training through the Iowa Law Enforcement Academy.

Amends Chapters 12, 80B, 80D and 804. | Effective July 1, 2020

Law Enforcement

SF 526 | *Blue Alert program*

Creates a coordinated communication system between the Iowa Department of Public Safety and local law enforcement agencies in order to apprehend suspects involved in the death or serious injury against a police officer.

Creates Chapter 80H | Effective July 1, 2020

Law Enforcement

SF 2275 | *Increased penalty for a repeat offense of attempting to elude*

Creates an escalating penalty for an individual who commits a second or subsequent attempting to elude a peace officer violation.

Amends Chapters 321, 321J and 907 | Effective July 1, 2020

Law Enforcement

SF 2373 | *Public Safety Telecommunicators*

Changes the definition of telecommunicators, also known as dispatchers, to public safety telecommunicators and lists them as “first-responders” by receiving requests for, and dispatching, emergency response agencies.

Amends Chapter 80B | Effective July 1, 2020

Finances

SF 457 | *Criminal fees, payments and surcharges*

Makes adjustments to criminal penalty surcharges, court funds, civil fees, misdemeanor and felony fines, and fines associated.

Amends Chapters 602 and 911 | June 25, 2020

Finances

SF 2144 | *Flood recovery fund appropriation*

Appropriates \$21 million to the Iowa Department of Homeland Security and Emergency Management fund for flood recovery. Local governments are able to apply for these funds if they are in a county designated under the presidential disaster declaration as well as where the Federal Emergency Management Agency (FEMA) individual assistance program has been activated pursuant to *Code of Iowa* Section 418.16.

Effective February 13, 2020

Finances

SF 2188 | *Hazard mitigation matching funds*

Allows the state to contribute to a local government’s matching funds as required in the federal Stafford Disaster Relief and Emergency Assistance Act or the federal National Flood Insurance Reform Act. The state may contribute 10% of the eligible expenses or 50% assistance for state-related hazard mitigation.

Amends Chapter 29C | Effective July 1, 2020

Finances

SF 2191 | *Payment of required medical aid to prisoners*

Establishes a process and order of operations in which medical expenses for prisoners is reimbursed. Prisoners are primarily responsible for the costs of their medical expenses.

Should the prisoner or their insurance not be able to cover the expenses, the governmental entity whose ordinance or code was violated in order to put the individual in jail shall cover the medical expenses.

Amends Chapter 356 | Effective July 1, 2020

Municipal Liability

SF 2259 | *Liability from donating public safety equipment*

Grants civil liability immunity for the performance or use of donated public safety equipment to the city or the city's fire, police, or emergency service department who donates the equipment.

Amends Chapters 100B, 670 and 669 | Effective July 1, 2020.

Municipal Liability

SF 2338 | *COVID-19 liability protections*

Includes governmental uses into the definition of premises when preventing civil liability that could stem from exposure to COVID-19. The exceptions being if there is reckless disregard of a substantial risk, the exposure to COVID-19 would amount to actual malice, or if the exposure was intentional.

Amends Chapters 622, 668 and 686D | Effective January 1, 2020

Employment

HF 717 | *Veterans' benefits appeal rights*

Alters the notification requirements for unsuccessful applicants under the veterans' preference law to include the rights of the veteran to maintain an action of mandamus or the timetable to file an appeal. Similarly, it updates the notification requirement during the removal of a person who belongs to a preferred class of individuals under *Code of Iowa* Chapter 35C to include written notice of the rights to review their dismissal by a writ of certiorari or judicial review.

Amends Chapter 35C | Effective July 1, 2020