

## **Iowa Legislative Wrap Up**

**The mission of the American Council of Engineering Companies of Iowa is to provide the leadership to advance the business interests of members of ACEC Iowa**

**The 2023 session of the Iowa legislature has adjourned. Following are bills ACEC Iowa has been working on behalf of our members**

### **Regulations on topsoil and stormwater at construction sites**

SF 455 would restrict a county or city from adopting or enforcing any ordinance relating to the preservation, compaction, placement or depth of topsoil at a construction site. City or counties could regulate stormwater runoff only to the extent such regulation does not require a post-construction storm water flow rate that is more restrictive than the existing flow rate of the same storm water event, with all such runoff based on the actual existing conditions of the site at the time construction begins.

A county or city could enforce ordinances that regulate storm water runoff from upstream properties adjacent to a construction site only to the extent storm water runoff shall be allowed to pass through downstream storm water basins at the same flow rate as off-site storm water runoff entering the construction site.

The legislation, pushed by the homebuilders, passed the Senate, but failed to come up for debate in the House. Several amendments were filed in the House. It is anticipated this legislation will be back for discussion in the next session.

### **Bill banning “Trespassing by Land Surveyors” fails to advance**

HF 643 and HF 299 would have stricken the ability of a land surveyor to enter someone’s land without being charged with trespassing and subject to civil action.

Unfortunately, land surveyors are being drug into the pipeline battle where surveyors are being denied access to land to determine conditions for placement of a pipeline. That provision relating to pipelines is specified in an entirely different code section than what is referenced in code section 479B.15

A recent district court ruling stated the trespassing code section related to pipelines is unconstitutional. In making his ruling the judge said, "because Iowa law does not compensate landowners for the duress they incur when they are forced to allow land surveyors on their properties without consent, it isolates their constitutionally protected right to exclude people from their properties."

The district ruling is likely to be appealed to the Iowa Supreme Court.

### **Legislation changing licensure requirements for land surveyors signed by Governor**

SF 197 makes long-overdue changes in the requirements to become a licensed land surveyor in Iowa. The bill strikes the four-year or two-year degree in land surveying and replaces it with specific course requirements in lieu of a degree. A four-year or two-year degree is not available in Iowa nor in most other states. The bill allows commensurate experience requirements depending on the number of specified education hours an applicant has completed.

### **Guaranteed maximum price contracts fails to move**

The legislation allowing construction managers at risk contracts has been law for less than a year and, already, someone is trying to amend the process. SF 442 died in committee, but it would have made as part of the selection process of a construction manager at risk, that a request for statements of

qualifications must include information on the selection process, which shall include an interview phase, minimum qualification thresholds for a contractor advancing to the interview phase, and a requirement that at least three contractors who meet the minimum qualifications threshold shall advance to the interview phase. The bill also requires the interview phase to be completed prior to issuing a request for proposals from each qualified contractor. The contractor's experience, past performance safety record, proposed personnel, and proposed methodology would be required to be included in the selection criteria.

The bill also required each contractor's proposal to include the construction managers at risk's proposed fee methodology and personnel schedule. Current law only requires the construction manager at risk to include proposed fees. The bill would have prohibited fee-based selection of the construction manager at risk.

### **Legislation dies mandating all hires to be verified through federal immigration program**

SF 108 would have required every employer to use the federal government's E-Verify system for every hire to verify immigration status. The program can be time consuming to use and it has been shown to frequently provide incorrect data. Although an employer would be required to use the system, it cannot be used to narrow the field of applicants; it can only be utilized after a job has been offered.

### **Land Surveyors as tax reporters**

Under the provisions of SF 355 and HF 539 a city would not approve a subdivision, division or consolidation of tracts or parcels without a certificate from the treasurer that each tract or parcel is free from taxes or assessments. The county recorder would be required to refuse any document presented for recording for a division, subdivision or consolidation that is not accompanied by a certificate that each tract is free from taxes or assessments. The legislation failed to advance.

### **Interior designers gain registration status**

Legislation has been signed into law creating the status of "registered interior designers." The law, SF 135, gives registered interior designers the authority to submit interior technical submissions for the purpose of obtaining a permit for interior design alterations of construction. The law prohibits an interior designer from performing architectural or engineering services or practicing outside of their area of practice.

### **Prohibition on use of noncompete agreements**

HF 31 would have prohibited any employer from requiring an employee to enter into a noncompete agreement. A noncompete agreement was defined as any agreement that restricts an employee from performing work for a different employer for a specified period of time, work in a specified geographical area or work for a different employer that is similar to the employee's work for the employer who is party to the agreement. The bill failed to advance.

### **Road Fund Diversions**

Several proposals were offered that would have diverted revenue from the road fund. Included were bills or proposals to move motor vehicle enforcement division dollars to the general fund, reduced registration fees for some veterans and volunteer firefighters, and the cost of hygiene products in state rest stops.

### **\$100 million in property tax relief**

The Governor signed legislation providing an estimated \$100 million in property tax relief and limiting local government spending. It limits how much revenue can be brought in through property taxes for their general levy and will require some communities to lower tax rates in the fall of 2024. If assessed value grows by 3 to 6%, that local government is limited to 2% growth for its general levy. If it were to increase more than 6%, revenue growth for the general levy would be limited to 3%. Seniors would receive a \$6500 Homestead exemption and veterans would receive an \$8000 exemption.

Following the conclusion of the legislative session, we have been asked by some cities to sit down to discuss future property tax cuts or restrictions and the impact these cuts may have on city infrastructure investments.

**Restrictions on national electrical code**

SF 441 adopts certain provisions of the national electrical code into the state electrical code and would restrict future changes. The legislation failed to advance

**Elevator mandates**

SF 37 would require any apartment building of three or more floors to include an elevator if the owner or builder received any funding from the state or a political subdivision. The bill applies to buildings after the effective date of the legislation. The bill failed to advance.

**Repeal of energy conservation requirements**

SF 334 and SF 479 would have repealed a requirement the state building code commissioner adopt energy conservation requirements for new construction and would have restricted the duties of the state building code commissioner's inspection authority. The bill failed to advance.

**Restrictions of eminent domain**

SF 346 would have drastically limited the use of eminent domain in Iowa. The bill included not just pipelines, but electric transmission lines and underground storage and hazardous liquid pipelines. The bill failed to advance.