



Nick's News from the
Iowa House of Representatives
 State of Iowa
Eighty-Third General Assembly
 Week 15: April 20-23

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Fifteenth Week of the 83rd General Assembly

Final Week?

Rumors abound this week in the capitol about when the Legislature will adjourn the session. Some have said that we will be back next week and others say we'll be done this week. It appears as though the plan is now to work through Friday and Saturday of this week to get done with the session. As such, this week has been a pretty slow week and we have been working on budget bills that have been passed between the chambers as well as some other important bills that need to be completed prior to the end of the session.

There is still much to do before the end of the session. We have to pass all of the budget bills through the process to final passage, pass a Rebuild Iowa Infrastructure Fund appropriations bill, pass a standings bill, pass a stimulus appropriations bill, and any of the other items that have been talked about such as bonding bills. Also at this point there still is no consensus between Legislative Democrats and the Governor, so we have not seen the final details of any bonding plan.

There has also been some talk of changing the current laws concerning Chapter 20 which are the collective bargaining laws for the state. Some of the changes that have been requested by unions would expand and mandate certain items for bargaining and could remove powers from local boards. This would strip power from school boards and make it harder for local school boards to remove a bad teacher. This is the same type of changes that the legislature tried to push through last session at the last minute and it appears as though the same might be happening again this year.

I am excited to see the end of my first session and have learned a lot about state government and have really enjoyed the opportunity to serve the people of Marion, Iowa and District 36. I appreciate that the voters elected me to serve and I look forward to the next session. As always if you have any questions or comments please contact me.

House Passes New Protection for Consumers

On Monday, the House approved HF 712 which creates a private cause of action for consumer fraud similar to that in 49 other states. This has been a long process that some have been working on for many years. The original bill was filled with the possibility of creating frivolous litigation, but a bipartisan compromise was reached that addressed many of these concerns. Through the efforts of House Republicans and Democrats, a new and responsible protection for consumers has been created.

Prior to the passage of this bill and until the Governor signs it into law, only the Attorney General could bring a claim for consumer fraud. HF 712 allows a consumer to seek the actual economic damages suffered as well as their attorney fees in a fraud case. Part of the compromises made on the bill takes into account some of the problems seen in other states with these types of laws. Thankfully, the bill protects against silly lawsuits that have made national headlines, such as the \$54 million pants lawsuit from a few years ago brought against a cleaner in Washington D.C. and the law will provide Iowans with protection from fraud.

This law will allow consumers to go after the bad actors while at the same time providing protection for the thousands of responsible businesses in the state who should not be subjected to frivolous litigation. Having passed both the House with almost unanimous support and Senate on Monday, the bill now goes to the Governor for his signature. I was happy to support the bill and think this is a good bill that will help protect Iowans from fraudulent businesses as well as protect the good businesses that are providing services in Iowa.

Incentives for Data Center Businesses

Another bill important to economic development in Iowa has passed the House and is waiting further action by the Senate. HF 824 provides incentives for data center businesses, similar to existing incentives for web-search portals and Information Technology facilities.

In 2007 & 2008, the Iowa legislature approved legislation that provided property tax exemptions and other tax incentives for web-search portal businesses. As a result, two massive software and Internet giants announced they were locating a portion of their operations in Iowa, Microsoft and Google.

HF 824 seeks to accomplish the same type of investment. However unlike the legislation that lured Microsoft and Google, HF 824 is written in a manner that creates a five-tiered graduated scale based on the size of the investment a business commits to the state, which is intended to provide small towns with the same opportunities to land data business centers.



Bills Passed:

- HF 562
- HF 629
- HF 671
- HF 712
- HF 756
- HF 809
- HF 824
- SF 224
- SF 389
- SF 433
- SF 475
- SF 476
- SF 481

For a full text of these bills and any others please visit:

<http://www.legis.state.ia.us>

If you would like updates on legislation that is of interest to you, please visit the Iowa General Assembly Bill and Code Watch website at:

<https://coolice.legis.state.ia.us/secure/default.asp?Category=BillWatch&Service=BWSignIn>

This site will help you stay informed on bills scheduled for action on the House and Senate floors. There is no subscription or monthly fee. In order to function, the Bill Watch system must have JavaScript enabled in your browser.



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Proposed Changes to Sex Offender Law

Members of the Legislature have been meeting throughout this session to strengthen and make changes to Iowa's sex offender laws with HF 711 that could help bring the State into compliance with the Adam Walsh Child Protection and Safety Act that was passed by Congress in 2006. States must comply with the Adam Walsh Act or risk losing their Byrne-JAG funds. Those funds amount to roughly \$450,000 in a typical year for the State of Iowa. Iowa has been granted an extension and will not be required to be in compliance until July 27, 2010. On Monday evening, a public hearing was held to discuss HF 711.

The bill creates a tiered system of classification for all sex offenders. A Tier I classification would include the less severe offenders while Tier III would include the most severe offenders. Classifying offenders into three tiers is a requirement of the Adam Walsh Act. A Tier I offender would be required to appear in person to law enforcement every 12 months, a Tier II offender would have to appear in person every 6 months and a Tier III offender would have to appear in person every 3 months. Sex offenders would also have to provide more information to law enforcement officers while they are on the registry such as where the offender goes to school, where they work, internet identifiers, the car they drive, and any temporary lodging information. The additional information would help bring the State into compliance with the national registry requirements of the Adam Walsh Act. The sex offender website would add the text of the offense, aliases, residency restrictions and applicable exclusion zones. The website would also add the ability for users to sign up for email notifications if there are status changes for a specific sex offender.

A key area of Iowa's current sex offender law that gets altered in the bill has to do with how we handle offenders who commit offenses against minors. Under current law, they are all subject to the 2000 foot rule while they are required to register. They are also required to be tracked electronically for a minimum of 5 years. The bill eliminates the requirement that those who commit offenses against minors be electronically tracked for 5 years. Instead, no offender is required to be tracked electronically but the tracking is left to the discretion of the Department of Public Safety. The 2000 foot rule will remain in place for those who commit sexual abuse against minors. This will eliminate the 2000 foot residency restriction for a large number of sexual predators who commit non sexual abuse offenses against minors.

Sex offenders would be subject to "exclusion zones" and will be prohibited from working in many places where the offender would be near children. The exclusion zones will keep those who commit offenses against a minor from being present at a school, daycare facility, school vehicle, or public library without first getting written permission.

Another change from current law is the issue of preemption. Under current law, communities are able to pass tougher restrictions on top of state laws concerning sex offenders. The bill contains a provision that will preempt communities from being able to do so any longer. However, on an individual basis, the probation or parole officer supervising a sex offender may impose more restrictive exclusion zone requirements, employment prohibitions, and residency restrictions.

The bill adds penalties for sex offenders who violate the requirements of the new law. An offender who violates any requirement of the act will have an additional ten years added to their registration requirement. They could also be subject to criminal penalty. An offender who violates the reporting requirements, employment restrictions, exclusion zones, or 2000 foot rule commits anywhere from an aggravated misdemeanor to a class "c" felony.

Historic Preservation Tax Incentives Program

On April 20, 2009 the House passed and sent to the Governor, SF 481, legislation to increase the amount of funding available to the Historic Preservation Tax Incentives Program. The program, administered by the Iowa Department of Cultural Affairs in partnership with the National Park Service, provides tax incentives to owners and developers who restore and rehabilitate historical buildings on Main Streets, cities and rural areas all across Iowa. The purpose is to attract businesses or residential tenants as occupants, resulting in increased economic activity.

Currently, \$20 million is devoted to the program annually. If signed by the Governor, SF 481 will expand the program by increasing the amount of funding for these tax credits to \$50 million per year. Tax credits are given only for money that has been spent on the projects.

Since the program's inception in July 2000 nearly \$300 million has been leveraged in estimated or actual rehabilitation costs by private investors, according to the Department of Cultural Affairs. As a result, approximately 100 historic buildings and barns have been restored or remodeled throughout Iowa. New jobs have been created and, these tax credits have led to increased property values, retail sales and economic rejuvenation in many neighborhoods in Iowa.