



May 2023

# Legislative Wrap-Up

The Iowa legislative session has wrapped up the 2023 session. Following are bills IWWA has been involved in on behalf of our members:

## **Restrictions on land surveying property**

Under the provisions of HF 643 anything requiring a determination property boundary would likely take much longer than the current process. Current law allows a land surveyor to go on someone's property without being subject civil penalties for trespassing. Under the proposed legislation, a land surveyor could not enter someone's property without expressed written permission. Although the legislation was aimed at the use of eminent domain and pipelines, the result would be in slowing down development of all property. The bill failed to advance.

## **Well Inspections**

HF 18 would have required the inspection of all private wells when transferring ownership. The legislation failed to advance.

## **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.



## BILLS OF INTEREST TO IWWA & BUSINESS OWNERS



### **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 stormwater 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 stormwater 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.

### **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

## IWWA LEGISLATIVE WRAP-UP

### **Sale of water out of state**

SF 530 would have placed restrictions on the sale of water to an out of state entity. Sales would have to be approved by the IDNR and annual reports identifying the origin of the water, the recipient of the water and the intended purpose and the gallons sold. The legislation did not advance.

### **Sales tax on water**

SF 500 would have changed the methodology of charging the sales tax on water from a public utility. The bill failed to advance, but water remains under the current sales tax provisions.

### **Charge for water meters**

SF 505 would have required a public utility to pay for the cost of installing a new meter. The bill failed to advance.

### **River and stream water sensors defunded**

The legislature shifted \$500,000 away from 66 river and stream water sensors around the state. The sensors measure nitrate and phosphorus pollution flowing into waterways. It appears the funds will be shifted to the Iowa Department of Agriculture to fund and study conservation practices.

### **Other news:**

#### **Camanche, Iowa switches to untainted well to avoid PFAS**

This eastern Iowa community is among the first in Iowa to drill two new wells to avoid toxic PFAS chemicals. The new wells might not be online for two years, and in the meantime the city is refurbishing a 1,290-foot-deep well. The other contaminated wells are 65 and 164 feet deep. The city's efforts are aided by monies from the EPA and 3M which operates a plant across the river in Cordova, Ill.

