



State Representative Andrew Wenthe

Statehouse News

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Capitol Comments

The fourth week of the 2008 legislative session was a snowy one. I'm glad that I chose to leave for Des Moines early Sunday afternoon as I avoided the brunt of the weather that much of Iowa received on Sunday night and Monday. Several of my colleagues shared harrowing stories about their travel to the Capitol on Monday. I hope all those in Fayette, Bremer and Black Hawk counties were able to stay warm and safe during the past few days. I think the trip back home will be a bit less white-knuckle and all legislators, clerks, pages and others who work at the Iowa Capitol will get home safely!

The weather didn't significantly impact our work as committees met as usual and we proceeded with our legislative work. The House took significant action on the floor that will provide support to Iowa's schools. A 4% allowable growth increase to schools for the 2009-2010 school year was passed. This is an important first step to ensure that our schools can provide quality education to Iowa's young people. It is my hope that this year the legislature will also pass a budget providing additional funding for competitive teacher pay, expanded early childhood education, help for at-risk students, and many more programs improving education in our state.

I am especially proud that with this vote we will roll last year's

funding for preschool into the allowable growth formula. One



Rep. Wenthe talking to the President of Hawkeye Community College, Greg Schmitz

of the schools in my district, North Fayette, received a pre school grant. I have personally had many conversations with folks involved with the pre-school program at North Fayette, and they are very happy to have this support to ensure that 4-year olds in the school district

Check out my new Facebook page! Simply go to www.facebook.com and search for Andrew Wenthe. Facebook is a great way to stay connected with constituents of all ages and engage the younger folks in the district.

have access to affordable pre-school.

I know that many other school districts worked hard on their preschool grant applications and I encourage these schools to apply again in the upcoming year. The current plan is to provide funding within four years to all school districts wishing to participate in this program. It is my personal commitment to ensure that we continue to ex-

pand funding for voluntary 4-year-old preschool so that all children can have access to affordable and quality preschool.



Rep. Wenthe with Rep. Thomas and Craig Bennett from the Community HIV/Hepatitis Advocates of Iowa Network

Another issue that has become a hot topic at the Capitol is proposed changes to Iowa’s current law regarding smoking in bars and restaurants. A bill passed the House Commerce Committee this week that would create a statewide ban on smoking in all public places except casinos and veteran group halls when used by members only. Another bill

that may be considered. This year would allow local governments to determine whether smoking is allowed in public places. Finally, some are advocating for no change to current law.

I know this is an issue that is important to many people in District 18. For this reason, I would encourage you to share your thoughts with me on the topic. You can do so by emailing me or by participating in my poll on the smoking ban by visiting my website, www.andrewwenthe.org.

Unfortunately, the snowy weather did keep several individuals who intended to visit the Capitol this week from being able to do so. However, I was able to visit with Maurice and Wilma Welsh from Fairbank who participated in Iowa Tourism Day at the State Fairgrounds. This is one of my favorite events of the year as leg-

islators have a chance to learn about the wide array of tourism opportunities available across our great state (and enjoy some of the terrific food as well!).

As always, please do not hesitate to contact me via email, phone or mail if you have any questions or concerns. I look forward to seeing you around the district soon!



Rep. Wenthe and Sen. Dotzler discuss a bill. It is important for the House and Senate to communicate if a piece of legislation is to be successful.

Healthcare for All Children

This week members of the Iowa Legislature unveiled an initiative to provide health insurance for all children in Iowa under 18 years of age. Senate Study Bill 3140 and House Study Bill 636 were introduced for consideration.

The legislation to cover all children in Iowa was one of the recommendations of the Legislative Commission on Affordable Health Care Plans for Small Businesses and Families, co-chaired by Representative Ro Foege. The Commission met for eight months across Iowa developing recommendations on how to cover more Iowans and control rising health care costs.

The legislation introduced this week would cover an additional 25,000 children through Healthy and Well Kids in Iowa (*hawk-i*),

Medicaid, and other government health insurance programs. The 19,000 remaining Iowa children without health care would be covered by private insurance plans. Families with an income between 200% and 300% of the federal poverty level would receive a state subsidy to help them purchase insurance for their children. These children come from families whose parents work but do not make enough to afford health insurance on their own.

The private health insurance plans included in the proposal will be those approved by a new Health Care Insurance Exchange. This quasi-public agency will set minimum requirements, similar to the existing *hawk-i* Board.

This initiative is the first piece in a major overall reform of Iowa’s health care system including telemedicine, the creation of “medical homes” to help patients receive consistent care focused on prevention, cost containment, and an insurance exchange to improve quality and lower costs of private insurance plans sold in Iowa.

The implementation of the legislation is dependent upon the availability of funds. As more funds become available, more children will be covered.

Opponents of the legislation feel that Iowa is already providing health insurance for 97% of Iowa’s children and that is enough. Proponents say that Iowa is in the best position to provide health insurance to every child, and that no family

should have to worry about choosing between providing food or health care for their children.

The House and Senate Human Resources Committees will hold joint

subcommittee meetings to work on the new legislation as it moves forward.

School Aid Passes House

The House passed the bill known as allowable growth in school aid, House File 2140, on a bi-partisan vote of 97 to 2 on Wednesday. This funding goes to Iowa's K-12 public schools.

Allowable growth for the 2009-2010 school year was set at 4%, which will give districts an increase of \$112.6 million in state aid and \$45 million in property taxes. The allowable growth for the 2008-2009 school year was set last year at 4% also. Allowable growth is always set 18 months in advance so that school districts can budget accordingly.

House File 2140 will provide over \$3.5 billion for school districts

for the 2009-2010 school year. Two-thirds of this amount comes from the state, the remaining one-third from property taxpayers. This will provide a district per pupil cost of \$5,768, an increase of \$222.

This year's bill includes a promise made last year to provide an increase in funding for early childhood education. It will go to the first school districts who received grants this fall to provide childhood education to four-year olds. Starting with the 2007-2008 school year, 60 school districts were granted preschool awards with the initial \$15 million allocated.

Those grantees now will need preschool allowable growth to continue their programs. For the 2009-2010 school year, the preschool foundation aid will be \$33 million. The \$15 million for another round of grantees will be considered separately from this allowable growth.

Iowa law states that allowable growth must be passed and to the Governor thirty days after the Governor's budget recommendations are released. House File 2140 will now move to the Senate Education Committee and will have to be voted on by both chambers and sent to the Governor before February 14th.

Statewide Smoking Ban Passes House Committee

Legislation banning smoking in the workplace and most public places has passed the House Commerce Committee. The bill now can go before the full House for its consideration.

The intent of House Study Bill 537, known as the "Smoke Free Air Act," is to protect the health of Iowa employees and the public by reducing their exposure to tobacco smoke. Supporters point out that second-hand smoke contains 60 chemicals that cause cancer, asthma and other respiratory diseases. In addition, tobacco smoke will make many other existing conditions worse.

Where Smoking Is Banned

The smoking ban would apply to all profit or nonprofit workplaces and public places. Public places are any enclosed area to which the public is invited or permitted, in-

cluding bars and restaurants, retail establishments, public buildings, private and public schools, daycare providers, health care providers, and certain private clubs when the general public is invited to an activity.

The smoking ban also applies to hotels and motels, except for designated smoking rooms, which must be in a contiguous areas and cannot exceed 22% of all rooms. In addition, places that are not covered by the smoking ban may voluntarily be declared a nonsmoking place.

Exceptions

The smoking ban does not apply to casinos, private residences (unless used for child care), private long-term-care rooms, stores primarily selling tobacco, certain private clubs with no employees when not used by the public, limos under

private hire, and employer owned vehicles provided exclusively to one employee.

Enforcement

The smoking ban will be enforced by the Iowa Department of Public Health (DPH), which will provide compliance information to employers and those having custody of a public place. Signs must be posted where smoking is banned that include the telephone number for reporting complaints. In addition, employers and those with custody of a public place are obligated to inform violators of the smoking ban.

A person performing any state or local government inspection process must also assess compliance with the smoking ban and report violations to DPH. Any person, including an employee, may file a complaint with DPH or bring

a legal action to enforce the smoking ban, including the seeking of an injunction. Judicial magistrates shall hear and determine violations.

Penalties

- A person who smokes in a prohibited place must pay a \$50 fine.
- An employer, or one with custody of a public place, who fails to comply with the smoking ban must

pay a \$100 fine for a first violation, a \$200 fine for a second violation within a year, and a \$500 fine for additional violations within a year.

- An employer that retaliates against an employee will be fined not less than \$2,000 nor more than \$10,000 per violation.

Surface Water Protection Act

A new initiative to improve Iowa’s water quality was introduced this week by a bi-partisan group of Legislators. The Surface Water Protection Act is the result of a two-year watershed planning task force. It will provide a coordinated effort to clean up our lakes, rivers, and streams. While this will not happen overnight, it is time to develop a long-term strategy that will improve water quality for every Iowan.

House Study Bill 615 is designed to assess each watershed in Iowa and get all of the stakeholders within those watersheds to work

together. From cities to farmers to individuals to business, the bill is designed to treat watersheds like communities and help improve water quality for everyone.

The bill creates a Water Resources Coordinating Council within the Governor’s Office to preserve and protect Iowa’s water resources and coordinate efforts. It will also complete a statewide water plan focused on water assessments and prioritization.

The Surface Water Protection Act calls for 56 regional watershed assessments and smaller commu-

nity based watershed improvement and monitoring plans. Funding would begin in fiscal year 2010, and the task force estimated about \$13.5 million per year would be needed after a five year phase-in.

Over 20 years ago, the Legislature created the Groundwater Protection Act to improve the quality of our groundwater. With the problems of hypoxia in the Gulf of Mexico from the Mississippi River basin, it is time for us to focus our efforts and improve the quality of our surface water.

Crime Victim Notification Expanded

Iowa Attorney General Tom Miller announced that the “IowaVINE” system has been expanded to notify victims of an additional 8,700 offenders. The system is an automated victim information and notification system for crime victims that track the custody status of criminals who have been arrested or convicted.

When the IowaVINE system was launched last year it only included selected county jails around the state. It now includes a total of 49 counties, with another 49 signed on to join by the end of 2008. The system was also expanded to include all offenders within the

state’s prisons and correctional facilities.

Crime victims can register for virtually immediate notification when an offender’s custody status changes, such as release, escape, transfer, or death. They may register for e-mail notification by going to www.vinelink.com.

Victims may register for telephone notification by going to the web site or calling 888-7-IAVINE. In a telephone notification, IowaVINE will continue calling for up to 48 hours or until the person enters a PIN code to confirm receiving the notification.

Attorney General Miller said the IowaVINE system already has had over 69,000 “hits” – where Iowans contacted the system by phone or on-line to check the status of offenders. About 1,700 Iowans also have registered with IowaVINE to receive virtually instant notification when an offender’s status changes.

The Legislature authorized the Crime Victim Assistance Division of the Attorney General’s office to administer the automated victim notification system last year.

Values Fund Report Shows Progress Made

The Department of Economic Development (DED) has released a progress report on the Grow Iowa Values Fund, a job creation program created several years ago by the Legislature. DED made a presentation of that report to the Economic Growth Committee this week, where Director Mike Tramontina made these key points:

- Starting its 5th year as Iowa’s premiere economic development program, the report shows that projects have been awarded all across the state, in both rural and urban communities.
- Projects for incented jobs have an average wage of \$15.44 over the life of the program.
- Over 360 projects have created over 27,000 jobs. This is over half the goal of 50,000 jobs in 10 years.
- When Governor Vilsack signed the legislation, he set a goal of a \$10 billion in investments over 10 years into Iowa’s economy. So far, the fund has already passed \$11 billion in capital investments into projects.
- The states’ incentives for those projects represent just 7% of the total capital investments.

The report is available at www.iowalifechanging.com/compliance. It can be sorted by year, by project, by city, and contains information over the last five years. Last year, Good Jobs First listed the Grow Iowa Values Fund report as the second best disclosure in the country.

Since that time, the State Auditor has reviewed the Grow Iowa Values Fund and its reports, and suggested improvements. One of those suggestions was a searchable database. Director Tramontina felt encouraged that this user friendly system should make the report number one in the country.

Film Office Update

Last year the Legislature passed House File 892 to provide incentives to the film industry for projects. Director Tramontina provided the following information on the Film Office:

- There are 91 leads, including 11 documentaries, 50 features, and 20 television segments that have a potential of being shot in Iowa.
- There are 22 projects currently in Iowa including seven documentaries, five features and 10 television segments.

- Three projects have received tax credits, including The Final Season, Sugar, and Duck Farm No. 13.

Iowa State Projects

This week, Iowa State University presented to the Economic Development Budget Subcommittee. They highlighted two businesses that have received research dollars from the Grow Iowa Values Fund.

With the assistance that Catilin has received from the Grow Iowa Values Fund, they have secured \$3.5 million in venture capital assistance. They are working on a system to deploy new catalyst technologies that will significantly lower the cost of production of biodiesel and to convert glycerin to an industrial product.

Ensoft is developing software tools for managing control software. They have partnered with Rockwell Collins. They have had 200 copies of their software licensed by 26 companies in seven countries. An additional 70 companies are evaluating this software, and a majority of those companies are Fortune 500 companies.

Bill Asks DOT to Study Electronic Payments

The House Transportation Committee approved a bill requiring the Department of Transportation, or the DOT, to consider offering electronic payment methods, such as credit cards, at DOT locations.

House File 2018 requires the DOT to review current methods the department uses to collect fees and revenue at any sites used by customers. The DOT is then to consider offering electronic payment methods at these locations. The

DOT must report its findings to both the Senate and House Transportation Committees by December 31, 2008.

Transportation Bill Affects Vets, Title, Licenses

The Department of Transportation's Technical Bill, House Study Bill 514, passed the House Transportation Committee. The bill affects veterans, the definition of "bona fide residence," minors applying for certification of vehicle titles, refunds for vehicle registration, and driver's license renewals.

The bill amends the definition of "bona fide residence." If an individual claims a homestead tax credit on a dwelling, the "bona fide residence" is assumed to be that dwelling.

The bill requires the DOT to refuse giving a certification of title to anyone under 18, unless the applicant has a regular Iowa driver's

license or the application is made jointly with someone at least 18 years of age.

The bill has two provisions concerning veterans' issues. First, the bill requires that any fees from special veteran's license plates go to the Veterans License Fee Fund for use by the Veterans Commission. Second, the bill amends the code to allow a seriously disabled veteran who is provided a free car by the U.S. government to get one set of free regular registration license plates. Additionally, the veteran may get any special veterans license plates that the veteran qualifies to purchase. Finally, the veteran may get any nonmilitary license plates, but the veteran must

pay any special fees associated with the specialized nonmilitary license plates.

The bill expands the time allowed to apply for a refund from a vehicle registration fee collected in error by the DOT from six months to 1 year.

It also expands the grace period for renewal of a driver's license without taking the written examination and paying a penalty from 60 days to one year. An individual driver would still have an invalid license after 60 days of the renewal date of the individual's driver's license.

Judiciary Committee Approves Civil Rights Extension

The House Judiciary Committee approved a time extension for Iowans to file civil rights claims. House File 2157 increases the time for filing a civil rights complaint from 180 days to 300 days. Federal

law currently allows 300 days to file civil rights violations.

Proponents anticipate this would allow more civil rights cases to go through the state process

rather than the federal process. This is one reason why there has not been much opposition to the bill, since these cases would otherwise go through the federal Civil Rights Commission.

Passenger Rail Discussed in Transportation

The Iowa Department of Transportation (DOT) and the Midwest Interstate Passenger Rail Commission, or MIPRC, detailed the current and future status of passenger rail in Iowa to the House Transportation Committee. Tammy Nicholson of the DOT and Laura Kliener, Director of MIPRC, presented. The speakers were introduced by Representative Bell, who serves on MIPRC representing Iowa.

Ms. Kliener detailed the organization of passenger rail service in the U.S. Passenger rail nation-

wide is a three tiered hierarchy, including a national, a regional, and a commuter system.

The Iowa DOT is working with the Midwest Regional Rail Initiative to develop a regional passenger rail system throughout nine states. The initiative contains 3,000 miles of passenger rail that utilizes Chicago as a hub. The Iowa DOT, collaborating with Amtrak, explored the feasibility of three new Iowa passenger rail routes, namely a Chicago to Du-
buque route, a Chicago to Quad

Cities route, and a Quad Cities to Iowa City route.

The MIPRC stated their purpose was to "promote, coordinate and support regional improvements to passenger rail." Of the twelve states that the MIPRC could include, nine of the states have joined, including Iowa. The MIPRC focuses on education on the advantages of passenger rail travel, building consensus around common goals, and promoting passenger rail development at the federal level. The MIPRC stresses that for trips of 100-500 miles, rail

travel is the best option, and that this is ideal for much of the Mid-west.

Infrastructure Projects Discussed by Committee

John Baldwin, Director of the Department of Corrections (DOC), discussed Iowa’s prison system with the joint House and Senate Infrastructure, Transportation, and Capitals subcommittee. The DOC presentation was intended as background for the subcommittee on prison issues.

Director Baldwin provided statistics on Iowa’s current prison population and the expected growth in the system. He noted that Iowa’s prison population has doubled in the last 18 years while the Community Based Corrections, or CBC, population has increased by 60% over the same time. Iowa’s current prison population is 8,692 inmates. The Division of Criminal and Juvenile Justice Planning estimated Iowa’s prison population could be over 9,730 by mid-year 2017.

Finally, Director Baldwin detailed Iowa’s current corrections facilities and highlighted current and future projects that DOC is working on. Baldwin specifically focused on the Iowa State Penitentiary at Fort Madison, the Iowa

Correctional Institution for Women at Mitchellville, the Waterloo Residential Facility, the Sioux City Complex Facility, the Fort Des Moines Community Corrections Complex at Des Moines, the Des Moines Women’s Residential Facility, and the Ottumwa Residential Facility.

Molly Anderson, director of the Department of Administrative Services (DAS) also made a presentation to the committee. Director Anderson first detailed DAS’s extensive responsibilities including repairing, remodeling and demolishing state government buildings; disposing of personal and real state property; coordinating leases for the state; managing design and construction of new buildings; and maintaining monuments. Director Anderson then focused on several current DAS projects.

Anderson discussed the North State Office Building. This building is intended to replace the Wallace Building. The building is projected to house Agriculture and Land Stewardship, Natural Re-

sources, the Iowa Racing and Gaming Commission, and Economic Development, among other agencies. The building could still be expanded to include the Attorney General, Auditor, Secretary of State, and Treasurer.

Anderson then turned to Capitol Complex Projects. The state capitol renovation this year includes the Grand Staircase, repairing water damage to the northeast quadrant, improved door security with electronic card readers, new furniture in the cafeteria, and transformation of the west parking lot into a park.

Director Anderson also discussed the Mercy Capitol Acquisition, the Iowa Association of Community College Trustees building, and routine and major maintenance. She said that the DAS has demolition authority, and a demolition plan, but that currently the DAS does not have funding to complete many of these demolition projects.

Iowa Public Radio

The House Education Committee had the opportunity to listen to representatives of Iowa Public Radio (IPR) and hear how they are addressing the needs of Iowans. IPR wants to reach a broad spectrum of people across the state including young, old, current listeners and non-listeners.

IPR is in partnership with the state universities to help deliver public radio to Iowans in the most cost effective way. The merger of the state’s public stations into IPR is aimed at increasing scale and finding efficiencies.

The mission of the universities is to create a learning environment; attract talented faculty, staff, and students; extend knowledge beyond the campus; support public service; and tell the university story.

The mission of IPR is to inform, enrich, and engage; enhance civic and cultural life; connect Iowans across the state; strengthen Iowa communities; and reflect Iowa’s sense of place. The goal of IPR is to increase and enhance service; develop self-sufficiency through growth; and blend the best of each of the stations.

IPR wanted to hear what Iowans had to say about what they wanted to hear and see happen so they took on “The Listening Project” and took it to Iowans. With the responses from the several year project, IPR has created and implemented changes such as specialized and regional programming.

It is the vision of IPR to be valued as an essential and trusted media partner playing a significant role in the civic and cultural lives of Iowa communities. For more information on Iowa Public Radio,

please visit their website at <http://iowapublicradio.org/>.

House Votes to Extend Soy Transformer Fluid Credit

The House unanimously passed a bill to extend the expiration date of an income tax credit designed to encourage electric utility companies to use a soy-based transformer fluid. The bill must return to the Senate for consideration of a corrective amendment.

The credit is currently due to expire on December 31, 2008, but Senate File 572 will extend this by one year to December 31, 2009. Utilities have had difficulty getting equipment delivered in time to use the before the current deadline.

Utilities have been relying on petroleum based transformer fluid

which must be treated as a hazardous waste when it is replaced. The new soy-based transformer fluid, which University of Northern Iowa researchers helped develop, has the advantage of being both biodegradable and providing another market for Iowa soybeans.

Business Corporations Act

Updates to the Iowa Business Corporation Act passed the House Judiciary Committee this week. The updates are contained in House File 2165 and make two substantial changes to the Iowa Business Corporations Act. First, the bill would clarify the timing of distributions to shareholders. Second, the bill would create a procedure for corporate directors to provide business opportunities to the corporation.

Under current law, a corporation cannot agree to a distribution to shareholders if the corporation

will not have sufficient assets to cover the corporation's liabilities. House File 2165 would essentially move the testing point of the distribution to the moment when the distribution is to be made. The bill would make the distribution junior to all creditors but senior to any other shareholder's interest.

The bill also deals with business opportunities. Under current law, a corporate director must make a business opportunity available to his/her corporation as part of the director's fiduciary duty to the cor-

poration. This bill would create a procedure for directors to use. A director is required to provide full disclosure of the business opportunity to the corporation and the corporate board must ratify that the director can pursue the opportunity. The procedure for a director would be similar to the procedure for disclosing a conflict of interest.

The proposals in House File 2165 were proposed by the Iowa State Bar Association. It is based on the American Bar Association Model Business Corporation Act.