



Representative Andrew Wenthe Statehouse News

February 21, 2008

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Capitol Comments

The big news from the Iowa House this week was passage of a bill creating a statewide smoking ban in public places, including bars and restaurants. The bill did provide for two exemptions, however, as casinos and privately owned clubs such as VFW halls would not have to abide by the smoking ban.

As I have mentioned before in previous columns, both supporters and opponents of this legislation have presented strong arguments to me on this issue, making my decision a difficult one. I spoke with many community leaders and business owners regarding their thoughts on this issue. After over four hours of debate on the House floor and taking into consideration what I had heard in my discussions with my constituents, I decided to vote against the statewide smoking ban, primarily for two reasons.

More and more, bars and restaurants across Iowa are choosing to be smoke-free and there is evidence supporting that this choice results in increased business. It is my opinion that this trend would continue without state involvement. I believe a business owner should have the right to make that choice just as a consumer has a choice whether or not to patronize an establishment that allows smoking.

Second, and more importantly, I did not like the idea of exempting casinos from the smoking ban. This creates an unfair ad-

vantage for casinos and I believe a level playing field for *all* businesses is important.

It was a tough vote for me because I certainly want to protect people from the negative effects of second-hand smoke. However, after soliciting and receiving feedback from my district and carefully weighing the

Andrew in the District

- Andrew will be giving the keynote speech at the Business Professionals of American General Session Conference this week in Des Moines. Thanks to BPA member, Kelly Henniges of Oelwein for the opportunity.

concerns I previously mentioned, I decided to vote against the bill before us this week. The legislation will now be considered by the Senate where it could either pass, fail or be amended.

This week I had the opportunity to participate in a powerful "poverty simulation" facilitated by Lutheran Services in Iowa (LSI). Many of us have never experienced living in poverty, but every day 260,000 Iowans face this frightening reality. The LSI poverty simulation is designed to raise awareness of what life might be like for a typical low-income family.

Through four 15-minute "weeks," participants experience

the virtual realities of poverty as they role-play the lives of low-income family members. The simulation featured interaction with entities that individuals living in poverty typically encounter in their lives, including a homeless shelter, a workplace, a food bank, a community action agency, a pawn shop, a pay-day lender, etc. Participants struggled to make paychecks stretch to pay utilities, rent, food, transportation, and a dreaded unexpected expense, such as a broken refrigerator or a child's illness.

While this was only a one-hour simulation, participants were able to gain a better understanding of the amount of the frustration, helplessness, and personal strain someone experiencing poverty must feel. I encourage all of you to participate in the

LSI seminar should it come to a community or church near you. You can learn more about LSI and their work at www.lsiowa.org.

This week I welcomed several visitors to the Capitol. Chad Ingels of Randalia came to the Statehouse to advocate on behalf of the West Central School Board. Jim Moeller and Joel Wikner, Denver City Council members, and Larry Farley, Denver City Manager, came to the Capitol to express their opinions on issues affecting Denver and were part of a larger delegation from the Iowa League of Cities. Finally, First Judicial District Director Karen Herkleman with the Iowa Department of Corrections dropped in to discuss the judicial issues her organization would like to see addressed this year.



Rep. Wenthe and Rep. Thomas meet with West Central High School student advocates at the Capitol. The students were joined by their teacher Steve Milder.

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!

Smoke Free Air Act Passes House

The Iowa House passed the Smoke Free Air Act by a bipartisan vote of 56-44 on Tuesday, February 19. As I mentioned earlier, I voted against this legislation. The bill will now go before the Senate for its consideration..

Where Smoking Is Banned

The smoking ban would apply to all workplaces, public places, and certain outdoor areas, but as I mentioned before there are exceptions.

A workplace is any area under an employer's control including areas frequented by an employee or volunteer, work areas, private offices, meeting rooms, classrooms, auditoriums, employee lounges and cafeterias, hallways, restrooms, elevators, stairways, and vehicles provided by the employer.

Public places are any enclosed area to which the public is invited or permitted, including bars and restaurants, retail establishments, public buildings, private and public schools, daycare providers, health care providers, and private clubs when the general public is invited to an activity.

Outdoor areas where smoking is banned include sports arenas, stadiums, and other entertainment venues, outdoor restaurant seating or serving areas within 10 feet of the restaurant's door or window, public transit stations, platforms, and shelters, and school grounds.

In addition, smoking is banned within 10 feet of a door or window of a workplace or public place.

The smoking ban also applies to hotels and motels, except for

designated smoking rooms, which must be contiguous areas and cannot exceed 22% of all rooms.

Places that are not covered by the smoking ban may voluntarily be declared a nonsmoking place.

Exceptions

Smoking is permitted in private residences (unless used for childcare), private long-term-care rooms, stores primarily selling tobacco, casinos, private clubs with no employees, veterans posts when not used by the public, limousines under private hire, and vehicles provided by an employer exclusively to one employee.

Enforcement Penalties

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 compli-

ance 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 area 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 Advances to House

A new initiative to improve Iowa's water quality unanimously passed the House Environmental Protection Committee this week. The Surface Water Protection Act is the result of a two-year watershed planning task force and will provide a coordinated effort to clean up our lakes, rivers, and streams.

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. The council is made up of directors of affected state agencies and Regents universities. 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 to be completed in five years, providing a summary of the overall condition of the watershed. In addition, smaller community-based subwatershed improvement plans are to be developed and implemented, including monitoring plans.

The bill also requires the Department of Natural Resources to



assess and prioritize both sewered and unsewered communities within a watershed presenting the greatest level of risk to water quality and the health of residents.

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, supporters said it is time for us to focus our efforts and improve the quality of our surface water.

The bill now goes to the full House for consideration.

Military Job Protection Bill Signed

The Governor signed House File 2065 on February 14th. The bill helps service men and women return to their jobs after serving their country or state.

There is currently a federal law, the Uniformed Services Employment and Reemployment Rights Act (USERRA), which provides some protection to Iowa soldiers who are activated for federal purposes. Upon review of Iowa's

military leave and reemployment laws, some areas needed to be updated to reflect USERRA provisions. Updating Iowa's military leave law also provides the same protections to military members who may be activated for state purposes, which are not covered by USERRA.

House File 2065 amends existing Iowa law related to military leave. First, it clarifies that return-

ing troops are entitled to return to a position of like seniority, status, and pay as they held prior to their leave of absence. This change is consistent with the federal act.

The bill also requires the Attorney General, or the county attorney in the county where the violation occurs, to prosecute. The bill maintains the current penalty for violations of this provision as a simple misdemeanor.

Secondly, for temporary leave of six months or less, the bill clarifies that employees, whose period of work crosses over one calendar day, are only charged one day of lost work for each day of military leave. This will fix a problem for

firefighters and others who work a 24 hour shift and have been charged for three days of leave for each day of military leave. Current law says they must be paid for up to 30 days of temporary military leave for training and short term

call-ups and these workers are only getting 10 days of paid leave rather than 30 days.

The bill took effect on February 14, 2008.

Condition of National Guard Is Strong!

A special joint session of the Iowa Legislature welcomed Major General Ron Dardis, the Adjutant General of the Iowa National Guard, for a report on the condition of the Iowa National Guard.

General Dardis stood by his assessment of the Iowa National Guard from last year, that the Iowa National Guard was strong – the strongest it had been in generations. He noted that, “we are a battle-hardened and respected fighting force that continues to carry out our federal, state and community missions with vigor and determination.”

Six years of war and the mobilization of more than 10,000 Soldiers and Airmen has stretched and stressed the Iowa National Guard. General Dardis noted that, “we see it in the faces of our Warriors sent off on their second, and in some cases, third deployments since 9-11; we see it in our families, asked to endure lengthy and in some cases repeated separations; and we see it in returning Soldiers and Airmen, struggling to reintegrate with their families and routines of their daily lives.”

General Dardis spoke of organizational changes in our military preparedness for both regular military and the National Guard. The National Guard responded in numbers unprecedented since World War II, at one time providing more than half the combat power in Iraq. The Iowa National Guard mobiliz-

ing more than 100 percent of its authorized strength during the past six years.

If properly trained and equipped, General Dardis explained that the National Guard can add much-needed depth to our active component forces at a fraction of the cost. Currently, the Guard provides more than a third of the Army and Air Forces’ force structure, yet consumes only seven percent of the resources needed to fund active duty forces.

Once transformation and rebalancing of the Army National Guard is complete, there will be 112 brigades, including 28 brigade combat teams, 46 multifunctional brigades and 38 functional brigade formations in the Army National Guard. This rebalancing plan has created unique opportunities to station complete units, to the extent possible, within state boundaries. Iowa is a brigade combat team state, home to the 2nd Brigade Combat Team, 34th Infantry Division; nearly a full brigade combat team is headquartered in Boone, with supporting units stationed across the state.

General Dardis noted that this realignment and re-stationing improves command and control of these units and greatly enhances the Guard’s ability to meet manning, equipping, training and mobilization requirements. These changes will create future challenges, when the 2nd Brigade Combat Team is

called to active duty it will be a significant event for the Iowa National Guard and the State of Iowa. General Dardis expects more than 3,500 soldiers to deploy from this state, which is nearly 50 percent of Iowa’s Army National Guard strength.

Based on today’s global security environment, General Dardis expects Iowa’s National Guard Soldiers to mobilize and deploy for 12 months once every four to five years, and Iowa’s Airmen for 45 days every 18 months. This is a change from the one weekend a month and two weeks a year under the previous readiness model. Excluding the brigade mobilization, the Iowa National Guard will deploy between 800 to 1,200 soldiers annually, as well as approximately 600 Airmen every 18 months.

General Dardis noted that the Army Force Generation cycle and Air Expeditionary Force concept have changed expectations. With these new models come increased pre-mobilization training and preparation requirements, which will cause our Soldiers and Airmen to spend more time away from families and jobs in the months and weeks preceding a deployment.

General Dardis noted that Iowa National Guard members and their families are beginning to understand and come to terms with this new reality. He encouraged employers, communities and policymakers do so as well.

Voluntary Four-Year Old Preschool Update

The House Education Committee received an update from the department of education on House File 877 that was passed in the 2007 session. House File 877 created a statewide voluntary four-year old preschool measure.

The goal of the legislation was to increase access to early childhood programs to 90% for all four-year olds by the end of the four year phase-in. Currently, we are in the first year of awards.

There are approximately 40,000 four year olds in Iowa. Prior to House File 877, only about 11,000 had access to a quality preschool program. This year 4,482 additional children were enrolled in programs.

This summer, 182 districts applied for the preschool grants. Out of those applications, 62 districts received awards. A total of \$14.67 million was awarded out of the \$15 million allocated.

The department of education has established ten quality preschool program standards for districts in the program. The standards are focused around four areas: children, teaching staff, family and community partnerships, and leadership and administration.

Each program standard is broken out as follows:

Children

- Relationships: promotes positive relationships among all children and adults.
- Curriculum: implements a curriculum that is consistent with its goals for children and promotes learning and development in social, emotional, physical, language, and cognitive skills.
- Teaching: uses developmentally, culturally, and linguistically appropriate and effective teaching approaches.
- Assessment: informed by ongoing systematic, formal, and informal assessment approaches on children's learning and development.
- Health: promotes the nutrition and health of all children and staff.

Teaching Staff

- Teachers: employs and supports a teaching staff that has the educational qualifications, knowledge, and professional commitment necessary to promote children's learning and development.

Family and Community Partnerships

- Families: establishes and maintains collaborative relationships with each child's family to foster children's development in all settings.
- Community Partnerships: establishes relationships with and uses the resources of the children's communities to support the achievement of program goals.

Leadership and Administration

- Physical Environment: provides appropriate and well-maintained indoor and outdoor physical environments to facilitate child and staff learning.
- Leadership and Management: effectively implements policies, procedures, and systems in support of stable staff and strong personnel, fiscal, and program management for high quality experiences.

For more information on the program or on requirements for applications, visit the department of education's website at: <http://www.iowa.gov/educate/content/view/940/1103/>.

UI Professor Speaks on Teen Driving

University of Iowa Public Policy Center Professor Daniel V. McGehee spoke to the joint Senate and House Transportation Committees on his research on teen driving. Professor McGehee's research was based on DriveCam technology installed in high school students' cars in the Clear Creek Amana School District and teens' cars near Minneapolis. Professor McGehee covered the "teen driving dilemma," his research on teen driving, and proposals to change Iowa's Graduated Driver's License.

Professor McGehee pointed out that driving is the number one cause of death and injury among 14 – 19 year olds. Professor McGehee also stated that there have been major changes in both rural and urban driving during the last decade. Namely, consolidated rural school districts have resulted in more miles on more dangerous roads and urban traffic has become increasingly complex. Additionally, texting and cell phone use have now become a vital part of social communication for teens,

which can lead to increased teen crashes. Professor McGehee's research found that the first six months of driving are the most dangerous time for teens.

Professor McGehee's use of the DriveCam system allows for extended mentoring of teen drivers by parents. The system only records teen drivers if there is an abrupt braking or steering incident. If the system is activated, 10 seconds before and 10 seconds after an event are recorded. Teen drivers

are provided weekly feedback. Professor McGehee's research found that the feedback reduced unsafe driving by teen drivers and increased seatbelt usage among all occupants of a teen's car, not just the teen driver. One hundred percent of the teen driver's that were

part of the program were "glad (they) chose to participate in this program" and would "recommend this program to other teens."

Professor McGehee concluded his presentation by focusing on potential changes to the Graduated

Drivers License, or GDL. Professor McGehee pointed out that crashes per 1,000 miles drop significantly after the first six months of driving for a new driver. Professor McGehee supported enhanced GDL's, which limit teen's driving hours and passengers, for example.

Bill Says It's a Felony to Attend a Dog Fight

The House Public Safety Committee adopted legislation this week that increased the penalty for watching an illegal dog fight to a class D felony, which is up to 5 years in prison and a maximum fine of \$7,500. It is currently a aggravated misdemeanor, which is up to 2 years in prison and a maximum fine of \$6,250.

The felony is the same penalty as for owners of the establishments, promoters, owners of the animals, trainers, breeders, buyers and sellers, or transporters. House File 2005 does not just pertain to dog fights. It pertains to other animal fights too, including cock fights.

Supporters say these are brutal events and the sport only exists because people want to bet on

them. The spectators are part of the group setting these up. They believe strong animal fighting laws help prevent cruelty and protect the public. Currently, 19 states have felony penalties for attending the events.



House File 2005 now goes to the full House for consideration.

Lottery to Help Veterans Trust Fund

A bill approved by the House Veterans Affairs Committee directs the State Lottery to create two additional scratch and pull-tab games annually with the profits dedicated to veterans, their spouses, and dependents. The Lottery estimates that these additional games would

generate approximately \$3 million annually.

The bill dedicates the lottery ticket profits into the Veterans Trust Fund, until the fund reaches a balance of \$50 million or more. Once the trust fund is filled, the remaining moneys are appropriated

to the Department of Veterans Affairs for the purposes of the department. Currently, the Veterans Affairs Commission is allowed only to spend the interest from the Veterans Trust Fund. The funding is to better serve veterans in the state.

Governor's Green Government Initiative

This week Governor Chet Culver signed an Executive Order to establish a new Green Government Initiative. The order calls for each executive branch agency to appoint a coordinator to support the initiative.

Governor Culver state that Iowans have made tremendous strides in recent years to find new forms of renewable energy. In addition, Governor Culver believes that state government must be a model for greening Iowa's homes, schools, and businesses.

A Green Government Steering Committee will lead the initiative and provide oversight and coordination. The steering committee will be chaired by Director Roy Stanley of the Office of Energy Independence. The order set up goals to improve energy efficiency in three areas: buildings, materials, and biofuels.

In addition, the order establishes tasks forces to address these issues. The Energy Excellent Buildings Task Force will focus on "greening" new and existing state office buildings and facilities, in-

cluding leased space. The Sustainable Materials Task Force will focus on procurement, operations, and disposal of all materials used in state government. The Biofuels Task Force will focus on increasing the use of biofuels by state agencies, reducing the number of miles traveled by state employees, and increasing the fuel efficiency of state vehicles.

Lastly, the order will require an exhaustive review and audit of executive branch agencies' current practices related to energy efficiency and conservation. The

steering committee will develop a Master Plan, using the audit data,

on how to “green” state govern-

ment and track progress of state agencies.

DOC Outlines Construction Proposals

Representatives with the Iowa Department of Corrections, the Durrant Group and Pulitzer/Bogard LLC presented to a joint meeting of the Transportation, Infrastructure and Capitals Appropriations Subcommittee and the Justice Systems Appropriations Subcommittee.

The presentation focused on several elements of Iowa's corrections system. First, the presentation focused on Community-Based Corrections and facility plans.

The presentation noted that 8,685 people are currently in prison in Iowa. Community-Based Corrections, or CBCs, are used to keep individuals out of prison for as long

as possible. There are currently 1,440 CBC beds with 72 under construction. Those 72 beds constitute an expansion of currently available CBC facilities. The statewide utilization is currently at 103% of capacity.



The DOC presentation also addressed proposals at the Iowa Correctional Institute for Women, the Iowa State Penitentiary, and state CBCs. The proposed capacity at the Institute for Women in Mitchellville would result in 169 new female beds. This would allow the Oakdale facility to use 70 reception

beds that are currently reserved for female offenders. The DOC proposal would result in the expansion of 218 new maximum security beds at the Iowa State Penitentiary at Fort Madison. These beds are necessary due to the increase in offenders serving life sentences, current overcrowding, and growth in the prison system.

The presentation also discussed CBC facilities at Waterloo, Sioux City, Fort Des Moines, Des Moines Women's Residential Facility, and Ottumwa.

Commission on Native American Affairs

The House State Government Committee unanimously approved a bill establishing a Commission on Native American Affairs. The newly created commission would be under the Department of Human Rights along with other commissions which have been established over the years to ensure that every Iowan is equally protected and respected.

As approved, House Study Bill 616 sets up an eleven-member commission appointed by the Governor and confirmed by the Senate. The purpose of the commission is to work in concert with tribal governments, Native American groups, and Native American persons in this state in the areas of human rights, access to justice, economic

equality, and the elimination of discrimination.

In addressing the committee, Rep. Mary Mascher (D-Iowa City) stated that it is a great day when we are able to establish a commission that recognizes the first Iowans.

The bill now heads to the floor for approval by the full House

Local Government Innovation Commission

The first meeting of the newly created Local Government Innovation Commission was held Monday, February 18, at the State Capitol. The commission was formed as a result of passage of Senate File 155 during the 2007 legislative

session, which also established the Tim Shields Center for Governing Excellence.

The purpose of the center is to provide objective and nonpartisan research and training for policymakers and government officials as

well as to integrate the research capacities of community colleges and public and private universities and of local government organizations. The center is also charged with the responsibility of facilitating dialogues among Iowa's state

agencies, local governments, universities, and citizens concerning government policy design, implementation, and evaluation.

Due to lack of a quorum at the first meeting, the commission was not able to elect a chair and a vice chair. Weather prevented some members from attending and not all positions have been appointed yet.

In addition to establishing a commission and the Tim Shields Center, the legislation established a local government innovation fund in the state treasury under the control of the Department of Management. The fund's purpose is to stimulate and encourage innovation in local government through grants that will assist in the implementation of local governance and revenue models.

The commission broke their initial duties into two areas: a

grants applications workgroup and a Shields Center workgroup. They identified specific goals and objectives of each working group. Members of the commission include:

- Charles Krogmeier, Director, Department of Management;
- Kathleen Bass, Health Care Consultant;
- Captain John Tekippe, Des Moines Fire Department;
- Karen Squiers, Marshall County Auditor;
- Jeff Heland, Des Moines County Supervisor;
- Teri Goodman, Assistant City Manager, City of Dubuque;

● Joshua Schamberger, President Iowa City/Coralville Convention and Visitors Bureau;

● Jim Lindenmayer, President, Indian Hills Community College;

● Mary Gannon, Attorney, Iowa Association of School Boards;

● M.J. Broomfield, Executive Director, SW Iowa Planning Council;

● Holmes Foster, representing the general public;

● Representative Mary Gaskill, appointed by the House Democrats;

● Senator Herman Quirnbach, appointed by the Senate Democrats.

The commission set its next meeting date for March 24.

Renewable Fuels Program Awards 15 Projects

The Renewable Fuels Infrastructure Board announced 15 grants this week, totaling \$418,500. This will assist 14 retailers to install pumps for E-85 ethanol and biodiesel fuel, terminals installing biodiesel blending equipment, and tank wagons with dedicated compartments for E-85 and biodiesel.

The goal of the program is to make it as easy as possible for Iowa families to use renewable fuels by expanding access to renewable fuels. Ranking first in ethanol and second in biodiesel, Iowa is a national leader in biofuels production.

The 15 awards approved at the renewable fuel board meeting are as follows:

- Aspinwall Cooperative Company, Aspinwall
- REG Marketing and Logistics, Bettendorf
- Graves Oil, Columbus Junction
- Grysson Oil Company, Coralville
- Farm Service Coop, Corning
- E-Mart Inc., Muscatine

● Two Rivers Cooperative, Otley

● Elliott Oil Company, Ottumwa

● Diamond Oil Company, Perry

● Postville Farmers Cooperative Society, Postville

● United Farmers Mercantile Cooperative, Red Oak

● Viking View LLC, Stanton

● Frese Inc., Walford

● Waterloo Oil Company Inc., Waterloo (two awards)