



# Representative Andrew Wenthe Statehouse News

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## Capitol Comments

The 82<sup>nd</sup> General Assembly is nearer to concluding its business after a busy and productive week in your State Capitol. As we near our scheduled adjournment date of April 22, floor action has picked up, bills are moving quickly and large pieces of the fiscal year 2009 budget are taking shape.

I am honored to serve as the Vice-Chair of the Education Appropriations Subcommittee, which provides funding for our Regents universities, community colleges, Iowa Tuition Grant, Department of Education, community empowerment programs, schools for the blind and deaf, Iowa Public Television, state library services, and much more. Members of this subcommittee take our fiduciary responsibilities seriously, and we recently released our budget for FY 2009. This budget, pending passage, will go to the full House Appropriations Committee prior to consideration on the House floor.

I am confident this budget funds the education priorities of Iowans. It continues our commitment to making teacher pay in Iowa competitive both nationally and regionally. The budget also provides an increase in funding for community colleges, which play a vital role in educating Iowa's workforce. Iowa's state universities saw the lowest tuition increase in decades due to the legislature's commitment to funding them last year, and

nothing in our budget this year mitigates our efforts in this area. Our libraries will also see status quo funding from last year's education budget, as we understand the important role our libraries play in Iowa's communities.

I am pleased with the work done over the past ten weeks by this subcommittee. We crafted a bill in a bipartisan manner in order to complete this important first step in the budget process. This is a great starting point as we work to perfect this budget bill.

**Happy Easter to everyone in House District 18!  
Safe travels and enjoy your weekend.**



In other legislative news, today the House passed an important piece of legislation regarding Iowa's collective bargaining statute. Unfortunately, this legislation created another instance in which citizens in House District 18 received erroneous information about the aim of this bill.

Information was circulated and I received phone calls from people who thought this bill, HF 2645, would in some way



change or modify the Right to Work statute or allow for “fair share” agreements to be part of the collective bargaining process. This is incorrect.

The bill we passed makes changes to Chapter 20, the section of the Iowa Code having to do with collective bargaining in the public sector. This bill does not change the status of Right to Work or affect private businesses in Iowa.

If passed and signed into law, the bill would expand the items allowed to be part of the discussion in the collective bargaining process in the public sector. This change would add Iowa to the list of 27 states, including Nebraska, Minnesota, Illinois, Kansas, South Dakota, and Wisconsin, who have “open scope” in public employee bargaining. Only seven states currently have “limited scope” in public employee bargaining. Making this change will allow Iowa’s public employees the right to bargain for working conditions that are crucial to successful performance. Iowa’s population growth is among the lowest in the nation, and creating a more competitive environment for Iowa’s workers should be among our top priorities.

I again stress that the legislation we passed this week did not in any way change Iowa’s Right to Work status or allow for “fair

share” or “agency fees” to be part of the collective bargaining discussion. Another incorrect claim on this bill is that it will lead to an increase in taxes, but the non-partisan Legislative Fiscal Bureau said there is no data to support that claim and also said it could decrease costs for public employers.

It is unfortunate when information that is not factual is communicated to the people of Iowa. I encourage all the folks in my district to contact me if they have any questions about the information they are receiving regarding issues we are discussing in the House. I am always willing to discuss your concerns regarding any issue.



**Members of the Emergency Management Coordinators visited the Capitol this week. Pictured are Rep. Pettengill, Rep. Wenthe, Scott Hansen and Bill Ziegler.**

Many visitors came to the Capitol this week, including Farm Bureau and United Auto Worker members from Fayette and

Bremer County. I also was honored to welcome Pastor Bill Thalacker and his wife Marilyn to the Capitol this week. Pastor Thalacker was my guest and served as the Pastor of the Day, delivering the opening prayer in both the House and Senate. Pastor Thalacker is the pastor at Bennington Lutheran Church in northern Black Hawk County, and served as the pastor at my church, Trinity Lutheran Church in Hawkeye in the 1970s and 1980s. In fact, Pastor Bill baptized me at Trinity Lutheran back in 1978. It was great to see him and Marilyn again, and Pastor did a great job delivering the opening prayer.

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!



**Senator Heckroth, Pastor Thalacker, Marilyn Thalacker and Rep. Wenthe after the prayer of the day**

## State Awards \$297,000 to Oelwein Company

State Representative Andrew Wenthe of Hawkeye was pleased to announce today that the state has awarded \$297,000 as well as Enterprise Zone tax benefits to Sector 5 Technologies to move its headquarters

and manufacturing to the former Donaldson plant in Oelwein. The plant will manufacture large wind turbine components used by the wind power industry.

“I’m pleased that the benefits awarded today will create new jobs in Oelwein. These jobs in the renewable energy field will further Iowa’s efforts to lead in this industry and make

a significant impact on the area economy,” said Wenthe.

The company’s investment will total nearly \$3 million and will create 99 jobs, 98 of the jobs

paying an average wage of \$23.89 per hour.

The \$297,000 Economic Development Board award was made from the Community Economic

Betterment Account (CEBA) and Enterprise Zone tax benefits were also awarded.

## Surface Water Protection Act

This week, the Senate gave final approval to House File 2400, sending the measure to Governor Culver for his signature. 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.

The bill creates a Water Resources Coordinating Council within the Governor’s Office to preserve and protect Iowa’s water resources and coordinate efforts throughout the state. The success of the council’s efforts will ultimately be measured by whether Iowa citizens can more easily or-

ganize local watershed projects; can more easily access available funds and water quality program resources; and whether the funds, programs, and regulatory efforts coordinated by the council eventually result in a long-term improvement to the quality of surface water in Iowa.

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 Iowa’s watersheds. In addition, smaller community-based subwatershed improvement plans are to be devel-

oped 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. Proponents of the bill said it is time for us to focus our efforts and improve the quality of our surface water.

## Quitline Iowa Calls Surpass 2007

This week, the Iowa Department of Public Health (IDPH) announced that, so far in 2008, Quitline Iowa has taken 10,015 calls from Iowans seeking help in overcoming tobacco addiction. In a matter of 11 weeks, the total number of calls to Quitline Iowa has topped the 2007 total of 8,760 calls. The total calls for 2007 was itself a record following the \$1 increase in the tobacco tax last spring.

The dramatic increase in call volume this year is due to a new service being offered by the IDPH. Starting January 1<sup>st</sup> of this year, any Iowan age 18 or older who calls Quitline Iowa can receive a free two-week course of nicotine

patches and gum, also known as nicotine replacement therapy.

According to recent data from the Iowa Adult Tobacco Survey, 74% of Iowans who use tobacco want to quit. Most try to quit by going “cold turkey,” which means trying to quit without assistance of any kind. This method is only effective less than 5% of the time. Nicotine patches and gum provide a steady dose of nicotine that helps reduce the withdrawal symptoms that can make it difficult to break one’s addiction to tobacco.

Assistance, such as the nicotine patches and gum offered through Quitline Iowa, and work-

ing with a counselor greatly increase the likelihood for success. People who use nicotine replacement therapy in conjunction with telephone counseling are at least two times more likely to be successful than people who don’t.

Quitline Iowa is a toll-free, statewide smoking cessation telephone counseling hotline. Trained counselors provide callers with information about the health consequences of tobacco use, assistance in making an individualized quit plan, and on-going support through optional follow-up calls. Quitline Iowa offers both English and Spanish-speaking counselors, as well as

interpretive services for a wide variety of languages.

For more information, visit [www.quitlineiowa.org](http://www.quitlineiowa.org) or call 1-

800-QUIT-NOW (1-800-784-8669).

(1-800-784-8669).

## Committee Approves Defibrillator Protections

The House Judiciary Committee passed Senate File 505 this past week. Senate File 505 provides protections for individuals that use an automated external defibrillator to render emergency care to someone experiencing a sudden cardiac arrest. Essentially, Senate File 505 ex-



tends Iowa's Good Samaritan protections to individuals using an automated external defibrillator.

The bill protects a person who responds to what he or she reasonably believes is a sudden cardiac arrest emergency. The bill also extends protections to persons or

entities that own or are responsible for the premises where an automated external defibrillator is located, but the bill, as amended, requires maintenance of a defibrillator according to rules developed by the Department of Public Health.

The bill is now eligible for debate in the Iowa House.

## Educational Assistance Program Approved

The House Veterans Affairs Committee amended and approved Senate File 2289, which makes changes to the war orphan educational assistance fund. The fund was setup several years ago to help pay for college education expenses for the children of veterans who died while serving their country.

If the person died on or after September 11, 2001, during active federal military service and has maintained a residence in Iowa for at least six months immediately before entering into active military service, then the person's children

are entitled to this educational assistance benefit.

The bill set the benefit equal to no more than the current undergraduate tuition rate at the state universities. This change will allow the benefit to improve as tuition is increased, rather the set at a fixed \$5,500 per year. The maximum benefit is also increased from \$27,500 to a lifetime amount of no more than five times the undergraduate tuition rate at the state universities. The benefit is adjusted for any other state or federal financial aid or scholarships and the student's financial need.

The bill allows the student to attend any Iowa public or private college. Under current law, the student is limited to the state universities or community colleges. The bill requires the child to begin their postsecondary education before they reach age 26 and the benefit would no longer be available when he or she reaches age 31.

The bill removes the requirement that the child must live in the state the two years prior to applying for the educational assistance.

The bill now goes to the full House for consideration.

## Equity for Injured Workers' Passes the House

The first of several bills to make workers' compensation more equitable for injured workers has passed the House. The House has passed House Files 2542 and 2568.

House File 2568 ends the practice of compensating an injured worker for less than they are actually paid. Currently, a worker can only receive benefits under workers' compensation at a regular shift rate of pay even though they may have a "shift differential" such as

being paid more for working a graveyard shift.

House File 2542 would allow workers who are employed by a company in Iowa, but are working out-of-state, to receive workers compensation. An Iowa Supreme Court case five years ago ruled that an employee was not entitled to compensation even though an employee is working for a company headquartered in Iowa, and the company pays workers' compensa-

tion benefits under Iowa law. The court said, because the employee works throughout the country, the employee is not entitled to compensation.

House Democrats have been trying to address this issue after the Iowa Supreme Court case started to affect other cases, mainly involving out-of-state sales people or truckers. An identical bill passed the Senate last year. It was not debated in the House at that time.

House Files 2542 and 2568 now go to the Senate for consideration. A Senate bill, Senate File 2221, has already passed the House and been sent to the Governor. That bill increased the amount provided for burial expenses.

The House Labor Committee is expected to debate a bill next week, Senate File 2344, dealing with wrongly withheld benefits. It

allows, in certain workers' compensation cases, up to 50 percent of the benefits wrongfully withheld without reasonable or probable cause or excuse that was known to the employer or insurance carrier at the time the benefits were denied or delayed. Senate File 2344 has already passed the Senate.

Finally, a bill is before the full House, House File 771, which al-

lows a worker to pre-designate a doctor if the worker is hurt on the job. Iowa is one of only 16 states that do not allow a worker to choose their doctor. Opponents argue that it will raise costs. Although Iowa currently ranks 45<sup>th</sup> in workers' compensation premium cost, four states with lower rates than Iowa allow choice of doctor.

## Natural Resources Constitutional Amendment

This week, by a vote of 47-2, the Senate adopted a resolution to add an amendment to Iowa's constitution to protect natural resources and outdoor recreation funding. The bill now goes to the House Natural Resources Committee for consideration.

This proposal comes after two-years of studying the issue by the Sustainable Natural Resource Advisory Committee. It is also the recommendation of the Legislature's Sustainable Funding for Natural Resources Interim Committee that studied this issue last fall.

Senate Joint Resolution 2002 would have to pass the House this year, and pass the House and Senate again over the next two years, before it would go on the ballot for the general public to vote on. At



the earliest, it would be on the November, 2010, ballot.

Senate Joint Resolution 2002 creates a natural resources and outdoor recreation trust fund for the purpose of protecting and enhancing water quality and natural areas in Iowa. This would include parks, trails, fish and wildlife habitat, and conserving agricultural soils. Moneys in this fund can only be used for these purposes.

The resolution further explains that no revenue will be credited to

the fund until the tax rate in effect on the effective date of the joint resolution is increased. The effective date of the resolution is after the general public votes on it.

The intent is to credit 3/8<sup>th</sup> of 1¢ to the fund when the sales tax is increased, which generates approximately \$150 million. The Legislature is to establish the parameters for administration of the fund.

Iowa law does not address state referendums, so this constitutional amendment proposal does not ask Iowans whether the sales tax should be increased. It asks Iowans whether they want to protect 3/8<sup>th</sup> of 1¢ of sales tax revenue for natural resources and outdoor recreation if the Legislature increases the sales tax for this purpose.

## Civil Rights Extension Passes House

The Iowa House of Representatives approved House File 2157 this week. House File 2157 extends the timeframe for filing civil rights complaints with the Iowa civil rights commission from 180 days to 300 days. The bill brings the statute of limitations for civil rights commission claims more into line with federal requirements for filing similar claims.

It is believed that this legislation would have a practical effect on a relatively small number of cases. According to the Iowa civil rights commission, only two to three cases per month would be affected by this change.

Although Iowa civil rights law covers sexual orientation cases, while federal law does not, sexual orientation accounted for only two cases brought to the Iowa civil

rights commission, out of 1,200 total cases, over the previous eight months since the law was expanded. Extending the deadline does include sexual orientation cases, but current experiences indicate that this extension would not be burdensome on the civil rights commission.

The bill must now be considered in the Iowa Senate

## IPERS Low Administrative Costs

CEM Benchmarking Inc. released the findings of their independent study on costs to manage retirement systems during fiscal year 2007.

The study shows that the Iowa Public Employees Retirement System's (IPERS) costs to manage the \$23 billion retirement system are about half the median cost, making IPERS the lowest-cost provider in

the comparison group. IPERS' administration costs are \$35 less than half the median cost of \$73.

CEM, a private company based in Canada, reviews performance and costs of public pension plans in the United States and abroad. They reviewed 74 pension organizations and compared IPERS to 16 from that group that are similar in membership.

IPERS has more than 310,000 members and provides pensions to teachers, police officers, firefighters, and other government employees. About 85,000 retirees and their beneficiaries receive benefits from IPERS. IPERS paid out more than \$1 billion in retirement benefits during the last fiscal year. Over 88 percent of that stayed in Iowa.

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## Subpoena Power for Civil Rights Commission

The House Judiciary Committee has approved Senate File 199, which extends the Iowa civil rights commission's authority to issue subpoenas in any investigation the commission is pursuing. Current law allows the civil rights commission to issue subpoenas only for investigations involving housing or real property practices. The bill is

now eligible for consideration by the entire Iowa House.

Ralph Rosenberg, Executive Director of the Iowa civil rights commission, indicated that out of approximately 2,000 cases per year, subpoena power would only be needed in about 30 to 40 cases. Additionally, Rosenberg noted that

just referencing the commission's subpoena power is often enough to get reluctant parties to participate in the process. Finally, he noted that Iowa is one of only five states that do not grant the civil rights commission subpoena power in all cases.

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## Performing Roster Applications Due April 1

The deadline for individuals and groups to apply to be on the Iowa Arts Council (IAC) teaching and performing artists rosters is April 1, 2008.

Applications and all supporting materials should be mailed to the Iowa Arts Council at 600 E. Locust Street, Des Moines, Iowa 50319. Applications and guideline information are available at [www.iowaartscouncil.org](http://www.iowaartscouncil.org). Individuals and groups on the performing roster are available to commu-

nities, schools and other venues. Applicants for grants often look first to this roster when seeking performing artists.

The roster lists individuals and groups who work in a number of disciplines including folk and traditional arts, interdisciplinary and performance art, literature, music, music theatre, opera and theatre.

IAC compiles the teaching roster to help sponsors identify artists who are pre-approved to work in

the Artists in Schools and Communities (AISC) program. A peer panel evaluates each roster applicant for artistic and instructional abilities and achievements.

Teaching artists on the roster are eligible to be hired for AISC residencies, a program funded by Iowa Arts Council Major and Mini grants that brings professional teaching artists into Iowa schools and communities..