



Representative Andrew Wenthe

Statehouse News

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Capitol Comments

This week in the Iowa House we made progress in passing our overall budget for FY2009. The House and Senate must act on the budgets before the Legislature adjourns for the year. An important step in this process is for appropriations subcommittees to pass their individual budgets out onto the House floor. First, however, each budget bill must pass through the Appropriations Committee, and this week the Education Appropriations Subcommittee, of which I am Vice Chair, passed its bill.

The total education budget is \$1.24 billion. Education funding goes to several departments, including the Department for the Blind, College Aid Commission, the Department of Education, and the Board of Regents and its institutions. The budget will give a major boost to students in the State of Iowa from early childhood to higher education. Highlights of the bill are as follows:

Early Childhood

The statewide voluntary preschool education program continues to be funded at \$15 million. This funding, combined with the allowable growth funding passed earlier this session, will allow additional school districts to receive preschool dollars. Empowerment programs receive approximately \$38 million for services that include birth to three, early childhood, and other preschool programs.

K-12

The Department of Education will receive a total of \$509 mil-

lion. This money will cover programs such as model core curriculum, vocational education, before and after school programs, the state library, Iowa Public Television, and vocational rehabilitation.

Higher Education

Community colleges will receive an \$8.5 million increase, and another \$1 million for faculty salaries. The state universities receive a total of \$650 million. The College Aid Commission will receive a total appropriation of \$67 million to cover grants, scholarships, loans, and administration going to Iowa students, including a 3.5 percent increase in funding for the Iowa Tuition Grant.

This was a positive week for Iowa in the area of renewable energy. The American Wind Energy Association says Iowa leads all other states in the percentage of electricity generated by wind power. Iowa generates 1,271 megawatts of electricity from its wind turbines, which is a total of 5.5 percent of its power. In comparison, Minnesota generates 4.6 percent from wind power, New Mexico generates 3.9 percent and Oregon is at 3.5 percent. There are many companies in Iowa which provide wind turbine parts, including five major wind generation manufacturers. Iowa ranks fourth nationally in total wind capacity, just 28 megawatts behind Minnesota.

Many of you are aware that television will change dramatically on February 17, 2009, when all full power television

stations across the country complete the federally-mandated transition from analog to digital television (DTV) broadcasting. This is a positive move for consumers as this transition will include more free channels, crystal clear pictures and digital sound. However, if you receive television through an antenna you could lose television reception. You can prevent this by taking a few easy steps to upgrade your television. The National Association of Broadcasters (NAB) has developed multiple resources to aid in this transition. Please visit DTVanswers.com to learn more.



Rep. Wenthe and Olympic wrestler Tolly Thompson of Janesville.

This week in the House we had some very exciting visitors. The House passed a resolution hon-

oring Iowans who will be competing in the Olympics this year.

Tolly Thompson of Janesville will be competing in the wrestling Olympic trials for the opportunity to proudly represent the United States in Beijing. I wish Tolly all the best as the competition nears.



Sen. Heckroth and Rep. Wenthe visited with students from Readlyn Community Lutheran Schools at the Statehouse on Wednesday, April 2nd.

I also welcomed a delegation from Gunderson Lutheran Clinic to the Capitol to discuss the important issue of hawk-i insurance eligibility for children in northeast Iowa. Hawk-i is the program that provides health care for low-income children and families in Iowa and I ap-

preciate having the folks from Gundersen's expertise on the issue.



Sen. Heckroth and Rep. Wenthe met with a group of health professionals from West Union to discuss important changes to Iowa's hawk-I insurance program. Healthy And Well Kids in Iowa (hawk-I), is a program to provide health coverage to children from low income families in Iowa. From left: Tina Huinker, Deb Chensvold, Representative Wenthe, Emily Hiatt, and Senator Heckroth.

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!

Two Identity Theft Bills Pass House

The Iowa House unanimously passed two bills this week to protect Iowans from identity theft.

Notice of Security Breach

Senate File 2308 requires notification of consumers if there is a security breach involving their computerized personal information. This applies to the entity that owns or licenses the information.

If the breach occurs at another entity that maintains or otherwise possesses the information, that entity must notify the owner or licen-

see. The owner or licensee must then notify consumers.

Notice must include the date and description of the breach, type of data obtained, how to contact reporting agencies, and how to report suspected identity theft incidents to the Attorney General or to local law enforcement. The notice may be provided in writing or electronically if a business usually communicates with the consumer by electronic means. If regular notice would cost over \$250,000, the number of affected consumers

exceeds 350,000, or the business lacks contact information, then substitute notice is allowed by:

- Email when the business has the consumers' email addresses.
- Conspicuous posting of the notice or a link to the notice on the businesses internet web site.
- Use of major statewide media.

Senate File 2308 must return to the Senate for consideration of a House amendment making it a crime for a state or local public

official or employee to sell protected information to another person. The punishment would be up to five years in prison and a fine of from \$750 to \$7,500.

Credit Security Freeze

Senate File 2277 passed without amendment, so it will go to Governor Culver for his signature.

The bill lets a consumer request that credit reporting agencies freeze future release of their credit information. The request must be sent by certified mail, with proper identification and an application fee, if applicable.

- The reporting agency must start the freeze within five business days after receiving the request.

- Within 10 business days after starting the freeze, the reporting agency must send the consumer written confirmation and a personal ID number or password to use when authorizing suspension or removal of the freeze.

The freeze remains in effect until the consumer requests that it be removed. The reporting agency must remove the freeze within three business days after receiving a request that includes proper identification, ID number or password, and payment of the applicable fee.

Temporary Suspension: The consumer may request a temporary suspension of the freeze to allow the reporting agency to release their credit report for a specific time period. This gives the con-

sumer the ability to open new lines of credit.

The reporting agency must comply within three business days after receipt of a written request, or 15 minutes after receipt of a request by phone during regular business hours or through facsimile, the internet, or other electronic means chosen by the reporting agency.

Exemption from Fees: A reporting agency cannot charge any fee to a consumer who is the victim of identity theft if, with the initial freeze request, the consumer submits a valid copy of a police report of the unlawful use of identification information by another person.

Dependent Adult Abuse Investigations

This week, the Iowa Senate passed two bills that work to protect Iowa's elderly and allow for more access to investigative information. House File 2591 and House File 2609 both passed the Iowa Senate 49-0 and the Iowa House 100-0.

House File 2591 clarifies many of the definitions relating to dependent adult abuse regarding what constitutes dependent adult abuse and, who is a dependent adult, and who can be charged with abuse. A dependent adult is a person eighteen years of age or older whose ability to perform the normal activities of daily living or to provide for the person's own care or protection is impaired, either temporarily or permanently. Dependent adult abuse is a physical injury, a sexual offense, exploitation, or neglect as a result of the willful misconduct or gross negligence or reckless acts or omissions of a caretaker.

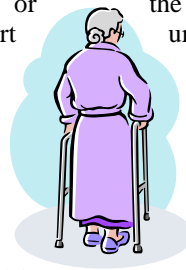
Reporting Abuse

A staff member or employee of a facility or program, who in the

course of employment examines, attends, counsels, or treats a dependent adult in a facility or program is required to report abuse to the Iowa Department of Inspections and Appeals (DIA). The staff member or employee may immediately notify the person in charge or the designated agent who must then notify DIA within 24 hours. An employee of a financial institution may report suspected financial exploitation to the DIA. Any other person who suspects abuse may report to the DIA.

A person participating in good faith in reporting or cooperating with or assisting DIA has immunity from liability, civil or criminal, based upon the act of making the report or giving the assistance. It is illegal for a person or employer to fire, suspend, or discipline a person required to report or voluntarily reporting an instance of suspected abuse, or cooperating with, or assisting DIA in evaluating a case. A mandatory reporter who fails to file a report, interferes with a filing, or

applies a requirement that results in a failure to file is civilly liable for the damages caused by the failure.



The bill requires that DIA obtain and evaluate reports of dependent adult abuse in facilities and programs. The DIA is required to inform the Department of Human Services (DHS) of such evaluations and dispositions so DHS can list any abusers on the central registry for dependent adult abuse information.

A report of dependent adult abuse which DIA determines to be minor, isolated, and unlikely to reoccur is to be collected and maintained by DHS, as an assessment only, for a five-year period and will not be included in the registry, and will not be considered to be founded dependent adult abuse.

The local DHS office is required to inform the appropriate county attorney of any abuse reports. If necessary, a police report

must be filed regarding the abuse report. Upon completion of the investigation, if in the best interest of the dependent adult, DIA must notify DHS of the potential need for a guardian or a conservator or for admission or commitment to an appropriate institution or facility.

Notification of Rights

If a police officer has reason to believe that abuse, which is criminal in nature, has occurred in a facility or program, the officer must use all reasonable means to prevent further abuse. This includes re-

maintaining on the scene, assisting the dependent adult in leaving, securing support services or emergency shelter services, assisting the dependent adult in obtaining medical treatment because of the abuse, and providing the dependent adult with immediate and adequate notice of the person's rights.

Public Access

Currently, the findings of fact in a monitoring evaluation or complaint investigation for elder group homes, assisted living facilities, or adult day services are not made

public until the conclusion of all administrative appeals processes.

House File 2609 amends current law stating that upon completion of the informal review, the findings of fact in a monitoring evaluation or complaint investigation for elder group homes, assisted living facilities, or adult day services, will be made public. This is already the case for nursing homes.

Both bills will be sent to Governor Culver to sign into law.

Governor Signs Bill Ensuring Integrity of Voting

Governor Chet Culver signed into law Senate File 2347, a bill that will ensure the integrity of Iowa's voting systems, on Tuesday, April 1.

As enacted, the bill provides \$4.6 million for optical scan voting systems in all counties in Iowa. An optical scan voting system is a system that uses a paper ballot. Twenty-one counties already use the optical scan voting systems, while 59 counties currently use both optical scan and touch-screen voting machines. Under Senate File 2347, counties will no longer

use the touch screen voting machines.

The new law requires that for elections held on or after November 4, 2008, counties must use an optical scan voting system. The requirements of the federal Help America Vote Act relating to disabled voters must be met by a county through the use of electronic ballot marking devices that are compatible with an optical scan voting system.

Touch-screen voting systems have been a concern to many indi-

viduals and groups who felt that they do not provide an accurate voting record in the event of a recount.



Secretary of State Michael Mauro worked with the Governor and legislators to ensure voters that one statewide voting system using a paper ballot will ensure that all votes cast in Iowa will count in the November 2008 general election.

Council on Homelessness Passes House

The House has passed Senate File 2161 that would permanently establish a Council on Homelessness. The council would have specific tasks and report to the Governor and Legislature on homeless issues.

With the current housing crunch affecting the national economy, supporters felt it is important to study why people become homeless in Iowa. The bill now goes

back to the Senate for consideration.

Governor Vilsack originally created the Council by Executive Order in 2003. Senate File 2161 would create the council under law. It would consist of twenty-six members of the public appointed to two-year staggered terms by the governor. Five of the members will be individuals who are homeless, or formerly homeless, or family members of homeless people.

The Iowa State Association of Counties, the Iowa League of Cities, along with twelve state agencies including the Iowa Finance Authority, Workforce Development, Department of Economic Development, Department of Public Health, and the Department of Veteran Affairs will be included.

A vacancy on the board will be filled in the same manner as the original appointment. Homelessness and associated problems affect

every constituency of these agencies. It also meets proper Housing and Urban Development requirements.

The council may establish other committees and subcommittees comprised of members of the council, but there are seven tasks assigned to the council including advising the Governor, state agen-

cies and the Iowa Finance Authority on homeless issues. In addition, the council shall work to identify causes and effects of homelessness and increase awareness among policymakers and the public.

The House amended the bill to include specific items for the council to study including housing issues for low-income seniors, per-

sons with disabilities that would include mental illness, substance abuse disorders, and AIDS. They would also look at transportation issues to and from work for low and moderate income people, affordable rental housing and issues related to affordable financing for a house.

Defibrillator Protections Passes House and Senate

The House unanimously passed Senate File 505, which provides protections for individuals that use an automated external defibrillator to render emergency care to someone experiencing a sudden cardiac arrest.

Senate File 505 extends Iowa's Good Samaritan protections to individuals using an automated ex-

ternal defibrillator. The bill protects a person who uses an automated external defibrillator in response to what the person 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 defi-

brillator is located, but the bill, as amended, requires maintenance of a defibrillator according to rules developed by the Department of Public Health.

Because of the amendment, the bill returned to the Senate, which concurred with the House changes. It now goes to the Governor for his consideration.

Military Child Custody Bill Goes to Governor

The Iowa House unanimously passed Senate File 2214, which changes the law on modifications of child custody orders when the child's parent is serving on active duty in the military.

The bill provides that if an application for modification of a child custody order is filed, while a parent is serving in the active duty military, the court may only enter a

temporary child custody order and only if there is clear and convincing evidence that the change is in the best interest of the child. When the parent that was serving on active duty returns from service, the bill requires the court to reinstate the custody order that was in effect just before the parent was deployed.

The bill also provides that if an application for modification of

child custody is filed after a parent returns from active duty, the parent's absence due to active duty cannot be considered a substantial change in circumstances and the court cannot consider the parent's absence due to the parent's active duty status in determining the best interests of the child.

"CHAT" Bill Sent to the Governor

The House has passed Senate File 2176 that would create the development of Culture, History and Arts Teams, or CHAT, program. This would enhance communication among and between local culture, history and arts organizations and between those local organizations and the Department of Cultural Affairs.

Supporters believe the development of these CHAT teams in all parts of the state will invigorate local organizations as they learn more about sister organizations in their own community. By enabling organizations to meet local colleagues working on similar activities, the capabilities of all of organizations are enhanced. Invigorated local organizations contribute

to vibrant cultural atmosphere in our state.

Civil War Sesquicentennial

The bill also establishes a twenty-member citizen's advisory committee to assist the State Historical Society of Iowa in planning for the commemoration of the sesquicentennial of the American Civil War. This committee will sunset

upon completion of the commemoration.

The committee will advise the Historical Society as it plans and implements commemorative activities and programs throughout the state. These activities may include

creation of exhibitions, literature and films, and special events.

The Historical Division will be authorized to develop logos, hold copyrights and trademarks for interpretative materials, and to license the use of logos and designs. The Historical Society is already

authorized by law to sell mementos and other items relating to Iowa History. Senate File 2176 authorizes the Historical Society to license logos and trademarks to private vendors as they prepare materials for sale through other venues.

Bill Recognizes Land Donations for Conservation

The House and Senate have adopted a bill that recognizes Iowans' generous, long-lasting gifts given to the State of Iowa. The Governor is expected to sign the legislation.

Senate File 2108 authorizes the Governor to annually designate the first Monday in April as Gift to Iowa's Future Recognition Day to recognize, celebrate, and honor those public-spirited individuals

and corporations who have donated land or a conservation easement to benefit Iowa's parks, trails, fish and wildlife habitat, natural areas, open spaces, and public recreation areas and for other public uses and benefits.

The gift of the land will prevent certain uses, such as development or construction, now and in the future. In addition to improving Iowa's quality of life, these

gifts often become important assets to local economies.

In addition to establishing "Gift to Iowa's Future Recognition Day," Senate File 2108 also requires the Iowa Department of Natural Resources to maintain a registry to record the names of all persons who have donated land for these public uses.

Child Restraint Requirements

The House Transportation Committee passed Senate File 34, which requires anyone riding in a motor vehicle under 18 years of age to be secured in an approved child restraint system or a seat belt no matter where the child or



teenage is seated in the car. If a child riding in a motor vehicle is not in a child restraint system or seat belt, the vehicle operator can be charged with a simple misdemeanor and subject to a fine of \$25.

An amendment to the bill exempts a vehicle operator from the

penalties if the violation is due to a lack of installed seat belts in a car. A driver would not be found in violation of this law if only four out of five children were secured in a car because the car only had four seat belts installed. The bill now goes to the full House for consideration.

Watershed Improvement Grants Awarded

The Watershed Improvement Review Board has approved seven applications totaling \$2.1 million in grants to support projects that will improve water quality in the state. The approved projects have already completed watershed assessments that identified critical water resource areas and will focus on implementing specific water quality improvements.

Since inception in 2005, the Legislature has provided \$15 mil-

lion for these watershed improvement grants.

The seven grant recipients will provide \$1.7 million to match the \$2.1 million investment by the state. As a result, these awards will mean a total of \$3.8 million will be invested in water quality improvement projects.

Soil and water conservation districts, public water supply utilities, county conservation boards, cities, and local watershed im-

provement committees are eligible to apply. Individual projects can request up to \$500,000.

The approved grants are as follows:

- Brushy Creek Watershed, Des Moines Water Works, Carroll County; project length is three years; grant amount is \$206,500.
- Dry Run Creek Sub-Watershed, Floyd County Soil and Water Conservation District; pro-

ject length is 22 months; grant amount is \$75,000.

- Kettle Creek Watershed, City of Ottumwa, Wapello County; project length is three years; grant amount is \$387,996.
- Lake Macbride, Johnson County Soil and Water Conservation District; project length is one year; grant amount is \$64,260.

- Miners Creek, City of Guttenberg, Clayton County; project length is three years; grant amount is \$500,000.
- North Fork Maquoketa River Headwaters, Coffee Creek Watershed Improvement Association, Dubuque and Delaware Counties; project length is three years; grant amount is \$406,138.

- Saylor Creek Sub-Watershed, City of Ankeny, Polk County; project length is two years; grant amount is \$475,800.

DOT to Consider Electronic Payments

The Iowa Senate passed House Files 2196, which requires the Department of Transportation (DOT) to consider offering electronic payment methods, such as credit cards, at DOT locations for issuing drivers and other licenses.

The bill calls for the DOT to review the 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.



in the year it is finished, even if the vehicle is built to look like a vintage car. For example, an individual that builds a car from scratch to look like a 1932 Ford Roadster would have to title the car as a 2008 vehicle if it was finished this year. This bill was supported by the Specialty Equipment Market Association, or SEMA, an organization that represents the automotive specialty and performance parts industry.

Street Rod Title Bill

The Senate also approved House File 2452. This legislation allows custom built cars, more commonly referred to as street rods, to be titled as the type of car that they appear to be. Under current law, if a car is built from scratch it is titled as a vehicle built

Both bills will now go to Governor Culver for his consideration.

Racing & Gaming Commission Issues Annual Report

The Iowa Racing and Gaming Commission released their 2007 annual report providing highlights and concerns of Iowa's gaming industry. Iowa has a total of 17 licensed gaming facilities -- three licensed racetracks and fourteen facilities licensed as excursion boats. Iowa also has three American Indian casinos.

Highlights of the report include the opening of the newest casino, the Isle of Capri Waterloo, in June 2007; the expansion of Diamond Jo Casino in Worth County; the opening of the golf course at the Riverside facility in June 2007; and the completion of the Isle of Capri-Bettendorf's new hotel tower. Three of the four new casinos, which were granted li-

censes in May 2005, were in operation for the entire 12 months of 2007.

Economic Impact

According to the report, the gaming industry contributes over \$1 billion to the state's economy. By law, facilities are required to purchase a substantial amount of products and services from Iowa vendors. According to the report, gaming facilities purchased \$294 million in equipment, supplies and services from Iowa businesses in 2007. Facilities paid \$305 million to the State of Iowa in gaming taxes. Salaries, wages and employee benefits totaled nearly \$280 million.

Facilities are also required by law to contribute three percent of their adjusted gross receipts each year to nonprofits and local governments. The report indicates that these entities were the recipients of \$80 million in charitable donations.

Concerns

The report also notes concerns of the commission. These include a decline in admissions at the majority of the licensed facilities. Catfish Bend in Fort Madison suspended operations for an indefinite period of time on November 15, 2007.

Exclusion Program

In 2004, the legislature directed the gaming commission to establish a policy whereby individuals could voluntarily exclude themselves from gaming facilities. This program became effective at all Iowa facilities November 3, 2004.

Once an individual signs this voluntary ban, the information is disseminated to all other licensees in Iowa. Since the individual has voluntarily banned himself or herself from all Iowa facilities, if the individual goes to any facility and

participates in any gambling games, any winnings are forfeited and deposited into the Iowa Gambling Treatment Fund. Since its inception, approximately 2,300 people have entered this voluntary program. In excess of \$500,000 has been forfeited as a result of self-excluded persons found in licensed facilities. This amount has been deposited into the Gambling Treatment Fund.

This report can be found on the Iowa Racing and Gaming website at <http://www.state.ia.us/irgc/>. Then click on Annual Reports.

No new licenses now

At their March 6 meeting, commission members discussed issuing new gambling licenses. It was the consensus that the time is not right now, but they did not rule out the idea completely. The commissioners discussed conducting a study of the issue and indicated they would talk about it at their April meeting. The commission is scheduled to meet April 17 at the Diamond Jo Casino in Worth County.