



“Be sure you put your feet in the right place, then stand firm.”

- Abraham Lincoln

Thursday February 9, 2017

www.IowaHouseRepublicans.com

House Republican Talking Points

2017-18 House Republican Budget Principles

House Republicans are committed to these principles to produce a balanced and sustainable state budget:

1. We will spend less than the state collects;
2. We will not use one-time money to fund on-going needs;
3. We will not balance the budget by intentionally underfunding programs; and
4. We will return unused tax dollars to Iowa’s taxpayers.

Collective Bargaining Reform

The bill doesn’t affect private sector workers. The Federal Government has always held jurisdiction over private sector labor relations and reforms to Chapter 20 does not change this fact.

The bill doesn’t take away or modify Iowa’s public pensions. In Iowa, public pensions have always been excluded from the scope of collective bargaining.

The bill doesn’t take away health insurance. Page 46, line 3 of bill explicitly states the employer must offer health insurance.

Public safety employees are exempt from the changes made in HSB 84.

Employees have protections against discrimination, harassment, retaliation or any other unlawful practices. It is already illegal for employers to discriminate against employees on based on protected characteristics such as basis of race, color, religion, age, sex (including pregnancy), national origin, creed, sexual orientation, sexual identity or disability. Iowa employers with four or more employees must comply with these laws. This bill does nothing to undo those protections.

The scope of negotiations outlined in Chapter 20 only refers to the ability of a union to bargain those items with an employer. The changes in the bill have no effect on an individual employee’s rights

to discuss or negotiate on their own accord with their employer about any topics they feel are imperative to their employment.

A pragmatic long-term change reflecting today’s economic realities is needed regarding Iowa’s collective bargaining law.

Constructive cooperation, not obstruction and fear-mongering, is needed regarding collective bargaining. Collective bargaining advocates are arguing the law has worked well for 40 years and changes are not necessary. Yet that did not stop those same advocates from serious attempts to significantly expand collective bargaining in 2007 and 2008.

The bottom line is that school boards, mayors, city councilors, county supervisors along with state government leaders will have more flexibility to do the jobs taxpayers elected them to do which is to manage state resources and quickly and effectively respond to their concerns.

School Aid Funding

State investment in general K-12 education has increased from \$2.446 billion in FY11 to \$3.183 billion in FY18, a 30% increase.

Combining this new funding increase for school districts, the state has now increased school funding by over \$730 million over the past 7 years – not including the Teacher Leadership funding.

Iowa’s national teacher pay ranking is 23rd.

Over the last five years, Iowa’s national ranking for Iowa per-pupil spending has improved from 35th to 27th. Iowa spends about \$10,622 per student.

Tax Credits

House Republicans looked at the possibility at reducing the fiscal impact of tax credits to the budget. The non-partisan Legislative Services Agency said that any changes to tax credits would have little to no positive fiscal impact to the FY 2017 budget.

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Tax credits are eligible to be redeemed over several years and, in some cases, can also be transferrable – leading to difficulties in accurate predictions for the amount to be redeemed in any one year.

Changing the amount of credits that could be issued in FY 17 would almost have no impact since the state accounts for these credits in the budget once they are claimed – not when issued. This means any change, like lowering the cap on the amount of credits the Iowa Economic De-

velopment Authority can issue in a fiscal year, would take several years until the reduction would have an impact on the budget.

Moving forward into the decision making for the FY18 budget, House Republicans are interested in looking at the effectiveness of our current list of tax credits. The three largest tax credits in terms of revenue impact on the FY 17 budget are the Earned Income Tax Credit, the Research Activities Tax Credit and the Historic Preservation and Cultural and Entertainment District Tax Credit.

Tax Dollars for Abortion Providers

House Republicans have consistently approved measures which opposed taxpayer funding for abortion providers. Senate File 2, which is currently on the Senate Debate Calendar addresses this issue. Planned Parenthood is an abortion provider in Iowa and is worried about losing state funding as a result of new restrictions approved by the 2017 Legislature. A simple solution is for Planned Parenthood to stop conducting abortions. By ending the practice, no taxpayer dollars would be in jeopardy.

Appropriations

(Contact Brad Trow at 1-3471)

What Iowa Law Provides for New Revenue in Fiscal Year 2018

Advocates for additional government spending are telling Iowans that the state has \$345 million of new money to spend this year. This claim is confusing as House Republicans have asserted that the state has a ceiling of \$200 million in additional revenue to spend. So which number is correct?

Groups like the Iowa State Education Association are using the difference between the Revenue Estimating Conference's forecasts for state revenue in FY 2017 and FY 2018 as the available new revenue. At its December meeting, the three-member forecasting group projected that the state would collect \$7.2119 billion in FY 2017 (the current budget year) and \$7.5563 billion in FY 2018 (next budget year). The difference between these two numbers is \$344.4 million. Here is that calculation:

FY 2018 Revenue Estimate	7.5563 billion
- FY 2017 Revenue Estimate	<u>7.2119 billion</u>
Difference	344.4 million

If these were the numbers the Legislature was allowed to use in putting together the state budget, then the \$344.4 million is correct. But **that's not the law.**

Once the Revenue Estimating Conference has set the revenue estimate for the next budget year, then the state's 99% Expenditure Limitation law takes over. Iowa Code section 8.54 says that the General Assembly can only spend 99% of the REC's revenue estimate after including any remaining ending balance and revenue adjustments. According to the non-partisan Legislative Services Agency, the calculation for the FY 2018 budget looks like this:

FY 2018 Revenue Estimate x 0.99	7.4807 billion
+ Revenue Adjustments enacted by the Legislature	0
+ Remaining Ending Balance from FY 2017	<u>0</u>

FY 2018 Expenditure Limitation **7.4807 billion**

The maximum amount allowed under law is \$7.4807 billion. That figure will be reduced by another \$25.2 million, as House Republicans have agreed with the Governor and Senate Republicans to make this reduction due to the use of certain funds in the FY 2017 budget. So, the maximum that the FY 2018 budget will be is \$7.4555 billion.

In order to determine how much of this amount is *additional* revenue over the previous year, we have to subtract this year's budget. That amount is \$7.2546 billion after enactment of the budget adjustments passed last week. This calculation is:

FY 2018 Spending Limit	7.4555 billion
- FY 2017 Appropriations	<u>7.2546 billion</u>

Additional Revenue in FY 2018 **200.9 million**

When you subtract \$7.2546 billion from \$7.4555 billion, the new revenue available to the state is \$200.9 million. However, the bottom line is that regardless of how you calculate new revenue or revenue growth,

“the ceiling for available revenue for the state \$7.4555 billion.”

Everything must fit underneath that figure.

How are Other State Budgets Fairing in Fiscal Year 2017?

With completion of legislation to implement \$117 million in budget adjustments to Iowa's Fiscal Year 2018 budget, many Iowans are asking how Iowa's fiscal situation compares to other states. Iowa was not

alone in having to make spending adjustments to the current budget. It's believed that as many as 31 states started their 2017 legislative sessions needing to address revenue shortfalls in their current budgets.

Here is a look at the fiscal condition of some of Iowa's neighboring states.

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NEBRASKA - In Nebraska, their 2017 legislative session started with a very bleak revenue forecast. For their next two-year budget, Nebraska will have to reduce spending by \$870 million as part of their FY 2018 & FY 2019 budget. But first, members of the unicameral legislature in Lincoln need to take action by finding ways to fill a \$276 million gap in the current year's budget. Total non-federal spending for the state in the current fiscal year is approximately \$6.5 billion.

A proposal by Governor Pete Ricketts would exempt K-12 education and some health and human services programs from cuts in the current year, but would implement significant cuts to the remainder of state government. Among those areas seeing reductions as part of the \$171 million of cuts proposed by Ricketts would be the state's flagship school, University of Nebraska-Lincoln. Funding to the schools would be reduced by 2.3 percent, a smaller amount than the reduction being applied to other agencies. Additionally, the Ricketts plan would use \$96 million from Nebraska's rainy day fund. Implementation of this plan is moving forward in the Nebraska legislature.

MISSOURI - In Missouri, new governor Eric Greitens used part of his first day in

office to announce \$146 million in reductions to the current year budget for the Show-Me State. The bulk of these cuts are coming out of Missouri's public higher education system, which would have their funding cut by \$82 million. Greitens' inaugural day reductions are on top of \$200 million in cuts made by his predecessor, Jay Nixon. These two sets of adjustments are still not enough to balance the state's budget, which was \$27 billion for the fiscal year. Even with the latest round of cuts, Missouri is still \$40 million in the red for FY 2017. Moving forward into FY 2018, legislators in Jefferson City are being told that state revenue is expected to be \$456 million lower than current year.

KANSAS - The situation in Kansas is somewhat similar. The 2017 legislative session begins in Topeka with the Sunflower State facing another year of revenue not meeting state projections. Legislators there are facing a \$346 million revenue shortfall in the current fiscal year. One idea discussed before the start of their session was the implementation of a 6.9 percent across the board reduction. Lawmakers have instead come forward with a plan that raises income taxes by \$660 million over the next two years and a \$128 million reduction in school aid for the current school year.

SOUTH DAKOTA - In South Dakota, the state currently has a \$26 million shortfall in

revenue. This is after an increase in the half percent increase in sales tax was passed last session. Governor Dennis Daugaard said that the decline in revenue is partially due to a slowdown in sales tax revenue. The Governor is calling for selective reductions in spending this year and a conversion of unclaimed property stock held by the state.

MINNESOTA - In Minnesota, the state is expecting to end its two-year budget with a \$678 million surplus. This will give the state \$1.4 billion ending balance as they work on the budget for fiscal years 2018 and 2019. Much of this comes from a lack of agreement on taxation and infrastructure bills which were expected to cost \$730 million.

Other states face more serious budget situations. California Governor Jerry Brown revealed last month that his administration had made an accounting error in projected Medicaid costs for the state. The size of the error - \$1.9 billion. And in Illinois, legislators and Governor Bruce Rauner are seven months into the fiscal year without completing a budget for the second year in a row. The state faces the real prospect of having its bond rating lowered to junk bond status without action on the current year budget and a long-term plan to bring fiscal sanity to the Land of Lincoln.

Agriculture

(Contact Lew Olson at 1-3096)

IDALS, DNR, ISU Highlight Water Quality Efforts

On Tuesday, February 7, 2017, the Iowa Department of Agriculture and Land Stewardship (IDALS) issued a press release in which it noted presentations by Iowa Secretary of Agriculture Bill Northey, Iowa Department of Natural Resources (DNR) Director Chuck Gipp and Iowa State University (ISU) College of Agriculture and Life Sciences Associate Dean Dr. John Lawrence highlighted coordination and scaling-up of water quality efforts in presentations before House and Senate Committees in the Iowa Legislature. Iowa Agriculture Secretary Northey provided legislators an Iowa Water Quality Initiative scale-up plan that outlines the water quality efforts that will be prioritized as additional funding is available to the Iowa Department of Agriculture and Land Stewardship. The scale-up plan can be found at www.iowaagriculture.gov under "Hot Topics" or at <http://www.cleanwateriowa.org/news-and-blog.aspx>. IDALS Secretary Northey commented--"The Governor and legislators have been very supportive of the Water Quality Initiative to this point and remain

committed of identifying a growing, ongoing source of funding to expand efforts. This scale-up plan identifies how our Department will prioritize additional funding on scientifically proven practices around land use, edge-of-field practices, cover crops and nutrient management to achieve our water quality goals."

ISU Associate Dean Lawrence outlined research accomplishments of the legislatively funded Iowa Nutrient Research Center at Iowa State University and noted-- "Over the past four years, we've had more than 40 research collaborations involving nearly 80 scientists across the three Regents universities and including IDALS, DNR and USDA. The work is helping us better understand nutrient movement across the landscape, be more precise with conservation practices and address barriers to the use of cover crops." Dr. Lawrence also shared ideas developed by Iowa State water quality researchers on how the state of Iowa might consider increasing the implementation of water quality and soil conservation practices.

Background on Iowa Water Quality Initiative

The Iowa Water Quality Initiative was established in 2013 to help implement the Nutrient Reduction Strategy, which is a science and technology based approach to achieving a 45 percent reduction in nitrogen and phosphorus losses to our waters. The strategy brings together both point sources, such as municipal wastewater treatment plants and industrial facilities, and nonpoint sources, including farm fields and urban stormwater runoff, to address these issues. The Initiative seeks to harness the collective ability of both private and public resources and organizations to deliver a clear and consistent message to stakeholders to reduce nutrient loss and improve water quality.

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The initiative is seeing some exciting results. Last fall IDALS Secretary Northey announced that 1,800 farmers committed \$3.8 million in cost share funds to install nutrient reduction practices. The practices that were eligible for this funding are cover crops, no-till or strip till, or using a nitrification inhibitor when applying fall fertilizer. Participants include 980 farmers using a practice for the first time and more than 830 past users that are trying cover crops again

and are receiving a reduced-rate of cost share. Farmers using cost-share funding are providing an estimated \$6 million in their own funding to adopt these water quality practices.

A total of 45 demonstration projects are currently located across the state to help implement and demonstrate water quality practices. This includes 16 targeted watershed projects, 7 projects focused on expanding the use and innovative delivery of water quality practices and 22 urban water quality demonstration projects. More than

150 organizations are participating in these projects. These partners will provide \$25.28 million dollars to go with the \$16.09 million in state funding going to these projects. More than \$325 million in state and federal funds have been directed to programs with water quality benefits in Iowa last year. This total does not include the cost-share amount that farmers pay to match state and federal programs and funds spent to build practices built without government assistance. More information about the initiative can be found at www.CleanWaterIowa.org.

IDALS Secretary Northey Announces Updated Sensitive Crop Directory

On Friday, January 20, 2017 the Iowa Department of Agriculture and Land Stewardship (IDALS) issued a press release in which Iowa Secretary of Agriculture and Land Stewardship Bill Northey encouraged Iowans with pesticide sensitive crops and apiaries to register their locations using the Department's new sensitive crop registry through FieldWatch™, Inc. FieldWatch™ is a non-profit company that was created by Purdue University in collaboration with interested agricultural stakeholder groups. The new registry offers two online platforms that provide state of the art mapping features. DriftWatch® is a registry site for use by producers of commercial crops sensitive to pesticides and includes the online capacity to map boundaries around production fields. BeeCheck® is a registry site for beekeepers that designates one-mile radius boundaries around apiaries. Sensitive crop producers with apiaries may enter hive locations using either the DriftWatch® or BeeCheck® registries.

Iowa Ag Secretary Northey effused--"We're excited to offer this new directory with all of its capabilities. The mapping features, streamlined data entry, and increased accu-

racy of the information presented will promote better communication of sensitive site data between farmers and pesticide applicators. By improving our Sensitive Crop Registry we hope to make sure Iowa continues to be a great place for all types of agriculture."

Commercial pesticide applicators are also encouraged to register through FieldWatch™ to gain increased access to mapping features and e-mail notifications about new sensitive sites in their spray areas. Applicators can also access downloadable files including shapefiles, Excel, csv or live stream through a software provider for a \$100 per year fee. Also, agriculture retailers can join for a \$500 fee and \$100 per location to give multiple applicators access to the downloadable files.

An information session for applicators will be held during the FieldWatch annual meeting on February 15, 2017, as part of the Agribusiness Showcase and Conference at the Iowa State Fairgrounds. More information about this session is available online at <http://agribizshowcase.com>. The new registry was made possible by a monetary

award presented to IDALS by the Agribusiness Association of Iowa Foundation. Donors included the Iowa Agriculture Aviation Association, Syngenta Crop Protection, Dow AgroScience, GROWMARK Foundation, Monsanto, BASF, Bayer CropScience, Iowa Wine Growers Association, Crop Production Services, Inc., Helena Chemical, and Meridian Agriculture.

Along with apiary sites, half an acre or larger commercial vineyards, orchards, fruit and vegetable grow sites, nursery and Christmas tree production sites, and certified organic crops are included in the registry. "No Spray" signs will still be provided at cost by IDALS. FieldWatch™ also offers signage on their website. Links to the FieldWatch™ site and the Department's "No Spray" signs can be found at--at http://www.iowaagriculture.gov/Horticulture_andFarmersMarkets/sensitiveCropDirectory.asp. Questions can be directed to IDALS State Horticulturist, Paul Ovrom, at paul.ovrom@iowaagriculture.gov or 515-242-6239.

Commerce

(Contact Brittany Telk at 1-3452)

Up with Premiums, Down with Enrollment

This year, according to federal numbers, 51,573 Iowans signed up for health insurance, down from 55,089 last year. And this is on par with the national trend, which showed enrollment was down to 9.2 million this year from 9.6 million last year; 386,000 of those enrolled in the last two weeks of January this year, compared to 686,000 last year.

Some cite the reason for this smaller number comes as the result of the uncertainty that has been brought up with the change of administrations and national lawmakers making changes to Obamacare. A few weeks ago, the first Republican-sponsored proposal came out which provided states with different options for health insurance

coverage. Others cite the huge premium increases, average premiums on the exchange went up twenty-five percent this year, with more limited choices. In Iowa, the premiums approved fell within this statistic:

- [Aetna Health, Inc.](#): 22.58% for 42,000 policyholders
- [Gunderson](#): 19.8% increase for 88 policyholders
- [Medica](#): 19% increase for 1,367 policyholders
- Wellmark ([individual health insurance](#)):

42.6% increase for 21,900 policyholders

- Wellmark ([HMO transitional individual plans, pre-ACA](#)): 42.6% increase for 2,300 policyholders
- Wellmark ([individual HMO plans](#)): 37.8% for 7,700 policyholders

Regardless as to what will happen with Obamacare, as it is clear that changes need to be made and legislators are eager and willing to make said changes.

Sources: [The Gazette](#), Iowa Insurance Division

Economic Growth

(Contact Brittany Telk at 1-3452)

IFA's Rent Subsidy Program

On Tuesday, the Joint Economic Development Appropriations Budget Subcommittee met and heard presentations from both the Public Employee Relations Board ("PERB") and the Iowa Finance Authority ("IFA"); both agencies discussed their FY 2018 budget requests. And while both agencies generally receive a small appropriation amount (\$1.3M and \$658,000 for FY17, respectively), they gave an overview on how the dollars they receive are spent. PERB's presentation covered how PERB operates in administering its Chapter 20 duties, and maintained most of its appropriation goes to cover operations.

Somewhat less exciting, but no less informative, IFA took over to describe its appropriation, which goes to cover its Home and Community Based Service (HCBS) Rent Subsidy Program. The overall goal of the program is to help Iowans who wish to avoid entering an institution and remain in their home. It provides assistance to Iowans exiting an institution, and facilitates access to affordable, community-based

housing for those with disabilities, advancing Olmstead principles and DHS State Olmstead Plan for Mental Health and Disability Services goals. Eligible recipients include people who meet the requirements for the nursing facility level of care for home and community-based waiver services as in effect on July 1, 2016, and to those who are eligible for the federal Money Follows the Person grant program under the medical assistance program. As of January 2017, 25,044 participants had been approved and included those with: AIDS/HIV, brain injury, children's mental health, elderly, health/disability, intellectual and physical disability. These recipients had received an HCBS waiver through DHS, had applied for a Section 8 voucher or had been determined ineligible for voucher, is unable to receive any other rental assistance and require income verification and a copy of the lease.

The total amount of the subsidy comes from a formula based on the fair market value of the property being rented and a person's income to find the overall amount; the aver-

age monthly payment for FY16 was \$145.13 IFA's appropriation for this program has stayed at \$658,000 since FY2012 which is driving their request for an increase in FY18's budget request of \$858,000. Of this appropriation, IFA can only use \$35,000 for administrative cost.

While this program is a State program, the mention of Section 8 housing did spark a discussion on the growing problem for Iowa's border communities. Because Section 8 vouchers (a program administered through HUD) are transferable, there has been an influx of people applying and receiving these vouchers in Iowa, then transferring them to larger communities; Chicago is the largest example used.

The committee wrapped up its last scheduled presenter this week, with a presentation from the Iowa Economic Development Authority.

Source: [Iowa Finance Authority](#)

Education

Contact Jason Chapman at 1-3015)

Help Combat Student Hunger in the Summer

The Department of Education put out a call this week across the state to find sponsors for their Summer Food Service Program, a program which provides nutritious meals and snacks to children in low-income areas during the summer months.

It's a great opportunity for families in need of such a program to take advantage. Too many Iowa children are likely going without proper nutrition when the final school bell rings at the end of the year. The Department estimates that of the 200,000+ kids eligible for free and reduced price lunches, 90% don't have access to meals when school ends.

The program is becoming more widely available, but this call is an effort to increase the availability even more as the program still remains vastly under-utilized. From 2002 to 2016 the number of kids served through the program has increased from around 6,500 to 23,000. But those

children are only a small percentage of the approximately 200,000+ eligible.

Sponsoring means acting as the organizer for the sites. Sponsors must be able to provide a capable staff, supervision and food service capabilities. Typical sponsors include public and private schools, local government agencies, and private nonprofit organizations with serving sites located in schools, churches, community centers, parks, libraries, housing complexes, or camps.

In 2016, Iowa Summer Food Service Program sponsors served 1,234,046 meals and snacks to children across the state, feeding approximately 23,000 children on a typical June day. The number of meals served represents a 5 percent increase over the previous summer, but still falls short of goals.

The summer meals program is funded

through the U.S. Department of Agriculture and administered by the Iowa Department of Education. Funds are available to offset the cost, which is based on a per-meal reimbursement. Reimbursement funds can be used for both operational and administrative expenses.

A free informational webinar on sponsorship, for those interested, will be held on Thursday, Feb. 16, from 1:30 to 2:30 p.m. and can be found on the DE's site here: <https://www.educateiowa.gov/event/summer-food-service-program-informational-webinar-0>

Additional information on the program, including a list of locations for the free lunches, can be found on the Department's website at: <https://www.educateiowa.gov/pk-12/nutrition-programs-0>



Environmental Protection

(Contact Lew Olson at 1-3096)

DNR Announces Livestock Master Matrix Adopted in 88 counties

On Thursday, February 2, 2017, the Iowa Department of Natural Resources (DNR) published its electronic newsletter 'EcoNewsWire' that contained an article announcing that once again, 88 of 99 Iowa counties notified DNR in January that they plan to evaluate construction permit applications and proposed locations for animal confinements by using the master matrix. With 11 exceptions, all counties will use the matrix during the next 12 months. The following counties will not use the matrix in 2017: Davis, Decatur, Des Moines, Keokuk, Lee, Mahaska, Osceola, Plymouth, Wapello, Warren and Washington. Animal producers in these counties must meet

higher standards than other confinement producers who also need a construction permit. They qualify by choosing a site and using practices that reduce impacts on air, water and the community.

Counties that adopt the master matrix can provide more input to producers on site selection, and proposed structures and facility management. Participating counties score each master matrix submitted in their county and can recommend to approve or deny the construction permit. They can also join in DNR visits to a proposed confinement site. While all counties may submit comments to DNR during the permitting

process, counties that adopt the master matrix can also appeal a preliminary permit to the state Environmental Protection Commission. The deadline for enrolling in the program is Jan. 31 of each year. Find more information, including a map of participating counties by searching for Master Matrix at www.iowadnr.gov/af0. The master matrix applies to producers who must get a construction permit to build, expand or modify a totally roofed facility. Generally, these are confinement feeding operations with more than 2,500 finishing hogs, 1,000 beef cattle or 715 mature dairy cows.

DNR Announces that Alliant Energy and Iowa DNR Forestry Bureau Will Team Up to Offer Eight Operation ReLeaf Events this Spring

On Tuesday, February 7, 2017, the Iowa Department of Natural Resources (DNR) issued a press release in which the state agency announced that a popular program offering landscape quality trees at a deep discount to Alliant Energy customers will be held at eight locations across Iowa this spring. Residential tree distributions will be held in Appanoose, Boone, Bremer, Delaware, Henry, Iowa, Jasper and Linn counties this April and May. Alliant Energy's Operation ReLeaf helps Alliant Energy customers save energy in their homes using trees to create summer shade and winter windbreaks. For maximum energy efficiency, shade trees should be planted within 30 feet of the east and west sides of the house. Evergreens should be planted as a windbreak on the north and west sides. Through the program, Alliant Energy residential customers may purchase high-quality landscaping trees for \$25 each, on a first-come, first-served basis. These trees typically retail for between \$65 and \$125.

Paul Tauke, state forester and chief of the Iowa Department of Natural Resources (DNR) Forestry Bureau.

Commented--"Planting a diverse mix of trees on your property and in your neighborhood will reduce the likelihood of losing a large number of trees to forest health threats. Tauke said that DNR is encouraging homeowners who do not intend to treat for emerald ash borer to plant a replacement tree within 30 feet of the existing ash tree. Foresters have been working with local partners to create a state tree inventory that will guide future tree planting efforts to keep a healthy mix of tree species.

Operation ReLeaf is offering 42 species of trees this spring from which they select 8 to 14 spe-

cies for each event. The species are based on the local tree inventory, and will include shade trees, ornamentals, edible fruit trees and conifers. Shade trees are 6 to 8 feet tall in 5- to 10-gallon containers and conifers are 3 feet tall.

Just a few of the advantages of yard trees are:

- Decrease in household heating and cooling costs
- Increase in property values
- Decrease in storm water runoff, which may reduce flooding events
- Increasing pollinator and songbird habitat
- Beauty and personal enjoyment

"All trees are purchased through a bidding process to promote local nurseries," said Tauke. "This is a great way for homeowners to get a quality tree at an affordable price." Customers are encouraged to order early as these trees sell out quickly. Advance purchase is limited to two trees per household. In the event there are extra trees available on distribution day, those trees will be released for purchase at that time. Order forms are available online at www.alliantenergy.com/releaf.

Workshops lead by DNR district foresters discussing tree planting and care will be held at most tree distributions. Topics covered will include root flare and proper planting depth, correcting encircling roots, proper mulching and watering, corrective pruning to reduce future storm damage, planting around buildings for

energy efficiency and emerald ash borer. One lucky workshop participant will receive a free landscape tree to be raffled off at the end of the following workshops: Boone, Bremer, Iowa, Jasper, and Linn counties.

As part of a state/federal pollinator grant, workshop participants in Appanoose and Henry counties will receive information about using trees and shrubs as butterfly and other pollinator habitat. While supplies last, all workshop participants are eligible to receive seedlings which benefit Iowa's pollinators. Participants may either choose a few seedlings to take home or order a pollinator tree/shrub seedling packet to be delivered to their home.

Seedlings species offered are:

Trees: black cherry, eastern redbud, hackberry, river birch, shagbark hickory, silver maple, white oak

Shrubs: buttonbush, chokecherry, elderberry, highbush cranberry, red osier dogwood, wild plum

Pollinator seedling packet order forms will be available to participants at the end of each workshop.

Operation ReLeaf is administered by the Iowa DNR's Forestry Bureau with assistance from local partners, like county conservation boards, municipalities and county extension offices. Operation ReLeaf participants must be Alliant Energy residential customers.

Human Resources

(Contact Carrie Malone at 5-2063)

Overview of Iowa's Certificate of Need Process

Iowa's Certificate of Need (CON) process has been receiving media attention recently due to the Governor making public statements questioning the process. Last July, in a visit to the Quad-Cities, Gov. Terry Branstad expressed misgivings about the process that requires the state's approval before new health facilities can be built.

The Certificate of Need is a regulatory review process that requires application to the Department of Public Health for and receipt of a certificate of need before health care entities can break ground on new health facilities. This process includes hospitals, nursing homes, outpatient surgery centers or anyone purchasing medical equipment valued above \$1.5 million. Projects proposed by providers are reviewed by the Department of Public Health staff and the State Health Facilities Council against the criteria specified in the law (Iowa Code 135.64) to determine whether there is a need in the community for the facility before issuing a certificate.

When the Department gets an application for CON, all existing facilities in the applicant's county and the contiguous counties are notified. Providers and concerned citizens are given the opportunity to discuss issues of duplication, needed service, and

community impact before the State Health Facilities Council.

The State Health Facilities Council is a five-member body appointed by the governor and confirmed by the State Senate. Members are appointed to a six-year term (Iowa Code 135.61). The Department of Public Health is responsible for providing administrative staff and support for the Council. The mandate of the Council is to assure that growth and changes in the health care system occur in an orderly, cost-effective manner and that the system is adequate and efficient.

In the early 1970's, the federal government enacted two separate hospital capital expenditure review programs: the National Health Planning and Resources Development Act and a federal act containing the enabling provisions of CON programs. This established a mandatory nationwide system of state and local health planning agencies to conduct CON review of capital expenditures, major medical equipment, and new institutional services; develop state health plans; gather health care data; and perform other functions related to the provision, availability, and cost of health care. Iowa enacted its version of CON in 1977. However, this federal mandate was repealed in

1987. Despite repeal, Iowa has retained its CON program. There are still 36 states that operate some form of a CON program.

Iowa's CON process was reviewed in 1996 by the Governor's Health Regulation Task Force. That task force adopted several modifications to the system and reduced the number of projects reviewed by the Council.

In 2015, a company called Strategic Behavioral Health attempted to get a certificate to build a 72 bed psychiatric hospital in Bettendorf. During a time in which there are reports of a lack of mental health services across the state, it would be hard to imagine the Council rejecting this plan. During the CON process, the psychiatric hospital was opposed by both Genesis Health System and UnityPoint Trinity, the two local hospital systems in the area. The council met twice in 2016 to consider the hospital's proposal and there was a tie vote both times. Therefore, the application for the certificate is still open but the psychiatric hospital cannot move forward until they get the Council's permission.

Judiciary

(Contact Amanda Wille at 1-5230)

Supreme Court to hold Night Session

The public will have a special opportunity to hear oral arguments in an Iowa Supreme Court case on Monday, February 13th at 7:00 pm in the Judicial Branch Building (1111 East Court Ave.) Several times a year the Supreme Court holds oral arguments at night. Holding this session at night gives Iowans a better chance to observe the Courts in action.

Oral arguments are presented by lawyers to the appellate court (this includes the Supreme Court). During these arguments lawyers are restricted to the legal issue that has been raised on appeal, they cannot introduce new arguments to the case.

Judges have the opportunity to question both parties. After oral arguments the Justices will meet privately to render a decision and begin drafting an opinion to be released to the public.

On February 3rd, the Supreme Court will hear arguments in the case of *State of Iowa vs Eddie Raymond Tipton*. Mr. Tipton was convicted attempting to defraud the state and for tampering with the lottery in an attempt to influence the results. He claims there was not enough evidence to convict him and that charges should be dismissed.

If you're able to attend the hearing, please

remember to leave all electronic devices at home or in your vehicle. Protests are not allowed in the Court room, this includes signs, shirts and any outbursts from the audience. Anyone refusing to abide by these rules may be removed.

Additional information on the case can be found here:

http://www.iowacourts.gov/About_the_Courts/Supreme_Court/Evening_Oral_Argument/

Labor

(Contact Mackenzie Nading at 1-3626)

What is, and is not, happening to Chapter 20

For the first time in 4 decades, the Iowa Legislature is taking a thoughtful and hard look at the state's collective bargaining laws. House Study Bill 84 was released to the public Tuesday, and below is a breakdown of what the bill does and does not do.

What isn't in this bill?

This bill doesn't affect private sector workers. The Federal Government has always held jurisdiction over private sector labor relations and reform to Chapter 20 does not change this fact.

This bill doesn't take away or modify Iowa's public pensions. In Iowa, public pensions have always been excluded from the scope of collective bargaining.

This bill doesn't take away health insurance. In Division V of the bill, it explicitly states that public employers are required to offer all employees healthcare coverage.

Scope of Negotiations:

The scope of negotiations outlined in Chapter 20 only refers to the ability of a union to

bargain on those items with an employer. These changes have no effect on an individual employee's rights to discuss or negotiate on their own accord with their employer about any topics they feel are imperative to their employment.

The scope of negotiations differs between public safety and nonpublic safety employees. The breakdown is as follows:

Mandatory Negotiations

Public Safety Employees	Non-Public Safety Employees
Wages	Base Wages
Hours	Other matters mutually
Vacations	
Insurance	
Holidays	
Leaves of absence	
Shift differentials	
Overtime compensation	
Supplemental pay	
Seniority	
Transfer procedures	
Job classifications	
Health and safety matters	
Evaluation procedures	
Procedures for staff reduction	
In-service training	
Grievance procedures for resolving any questions arising under the agreement	
Other matters mutually agreed upon	

Mandatory Negotiations

Public Safety Employees	Non –Public Safety Employees
All retirement systems	All retirement systems
Dues checkoffs	Dues checkoffs
Other payroll deductions for political action committees or other political contributions or political activities	Other payroll deductions for political action committees or other political contributions or political activities
	Procedures for staff reduction
	Release time
	Subcontracting public services
	Leaves of absence for political activities
	Insurance
	Supplemental pay
	Transfer procedures
	Evaluation procedures
	Grievance procedures for resolving any questions arising under the agreement
	Seniority and any wage increase
	Employment benefit
	Other employment advantage based on seniority

Another important note about the scope of negotiations is that **any non-prohibited** topics may be bargained for collectively if both parties agree to them. It is well known that many employers and employees have a historically harmonious relationship, and often times do not even go to arbitration on bargained matters. Nothing in this bill will interfere with that harmonious relationship continuing. HSB 84 encourages critical communication between employer and employees.

Additionally, management can still provide something to their employees that is considered prohibited under the scope of negotiations. For example, if management decides they want to keep a seniority system over a merit system, they are free to do so.

Due Process for Terminated Employees

HSB 84 makes public employees “at-will” like the majority of workers in the private sector. However,

Due Process for terminated employees is still preserved. Terminated employees still get a hearing with their employer and if they don’t agree with that outcome, they may challenge the decision in court. All employees, whether private or public, have whistleblower and civil rights protections (race, religion, etc.) granted to them in numerous other sections of state and federal law. To argue that employees may now be fired for “no reason” is simply false, and if such an egregious act does occur, a process with safeguards is still in place to make sure an employee receives full Due Process.

Individual Employee Rights

While the union is prohibited from negotiating a number of topics with management, nothing prevents an individual employee from discussing it with management.

A falsehood being spread is that under HSB 84, “employees can be dismissed at any time for any reason and employers no long-

er need proper cause.” This is simply not true. Employees have protections against discrimination, harassment, retaliation or any other unlawful practices. It is already illegal for employers to discriminate against employees on based on protected characteristics such as basis of race, color, religion, age, sex (including pregnancy), national origin, creed, sexual orientation, sexual identity or disability. Iowa employers with four or more employees must comply with these laws. This bill does nothing to undo those protections.

The Iowa Supreme Court has also protected employees by ruling that it is illegal for an employer to terminate an employee if the termination would frustrate a well-recognized public policy.

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This means that an employer cannot terminate an employee for simply exercising his or her rights. For example, it is illegal for an employer to terminate an employee who misses work due to jury duty. Similarly, an employer cannot terminate an employee who sought workers' compensation benefits for an on-the-job injury. Additionally, statutes prohibit an employee from facing discrimination or being terminated after the employee complained about unlawful discrimination or harassment.

www.higginslawiowa.com/Employment-Law/At-Will-Employment-In-Iowa.shtml

Oversight for Iowa's Chief Executive Officer

As the Chief Executive Officer of the state of Iowa, the Governor negotiates with un-

ions for state employee's collective bargaining agreements. In 2010, then-Governor Chet Culver signed a collective bargaining agreement that gave the unions every request they made, knowing this would cost the state millions of dollars. Chet Culver signed this agreement while being a "lame duck" governor, meaning he had already lost the election to Governor Branstad, but had not yet taken office. He then stuck the new administration with a huge deficit because of a negotiation he made in haste on his way out the door.

HSB 84 prevents the above from occurring. A "lame duck" governor may not sign a collective bargaining agreement after losing an election; it must be left to the new governor to handle as soon as they're sworn in.

It's time for a review

A pragmatic long-term change reflecting

today's economic realities is needed regarding Iowa's collective bargaining law.

Constructive cooperation, not obstruction and fear-mongering, is needed regarding collective bargaining. Collective bargaining advocates are arguing the law has worked well for 40 years and changes are not necessary. Yet that did not stop those same advocates from serious attempts to significantly expand collective bargaining in 2007 and 2008. This line of argument from these advocates is hollow.

The bottom line is that school boards, mayors, city councilors, county supervisors along with state government leaders will have more flexibility to do the jobs taxpayers elected them to do which is to manage state resources and quickly and effectively respond to their concerns.

Natural Resources

(Contact Carrie Malone at 5-2063)

DNR to Hold Listening Session on Fall Hunting and Trapping

DNR will host public meetings on February 22 to listen to the public's input on hunting and trapping regulations for this upcoming fall. These meetings are part of the rule-making process. During these discussions, the DNR will discuss what went well last fall and what changes hunters and trappers want to see this year. This public input will be used to develop recommendations for

any rule changes. Proposed rules have to be approved by the Natural Resource Commission. These discussions along with the data that the wildlife bureau collects on harvest and population numbers will be used to develop recommendations for any rule changes.

Meetings will be held in Ankeny, Boone,

Calmar, Centerville, Clinton, Correctionville, Council Bluffs, Creston, Iowa City, Marshalltown, Mason City, Ottumwa, Peosta, Sac City, Sheldon, Spencer, Tripoli and West Burlington.

More information is available [here](#).

Public Safety

(Contact Amanda Wille at 1-5230)

Bill Prohibiting Sanctuary Cities Advances in Public Safety

The House Public Safety committee met on Tuesday to consider House Study Bill 67, a bill that would require the state, counties, cities and post-secondary educational institutions to comply with federal immigration law. This is not a new bill, last year the Public Safety Committee advanced similar legislation, but it did not receive consideration on the floor.

The purpose of the bill is not to change any immigration laws, but to ensure our state is complying with the federal government. Many cities and counties have been reluctant to fully comply with federal law for various reasons, including ethical and legal concerns. Requiring the state, municipalities, and state funded schools to enforce

federal law will keep our communities safe and ensure that the law does not vary depending on where a person lives. Representative Steve Holt ran the bill in committee and highlighted the dangers both illegal immigrants and citizens face when immigration laws are not enforced.

While the bill passed on party lines, the committee discussion was respectful and constructive. Republican Representatives highlighted the importance of consistently enforcing laws and why federal immigration laws are needed to keep our communities safe. Democrat Representatives were concerned that the bill would negatively impact minorities and their ability to live and work in the state. Rep. Holt pointed out that noth-

ing in the bill would target any individual, it simply prohibits the state, counties, cities and schools from ignoring federal law.

Unfortunately, during committee, many protesters were unable to respect the committee or its members. Multiple people were removed for disrupting the meeting and several committee members were shouted down as they tried to give comments. State Patrol Officers were called in to help ensure decorum was maintained. After several delays, the bill passed by a vote of 12-9. The bill is now available for debate on the house floor.

Transportation

(Contact: Ashely Beall 1-3440)

Transportation House Committee Passes Two Bills Through Committee

This past week the House Transportation Committee passed a bill establishing two additional driver's license stations (HF 116). This bill was passed with an amendment striking the addition of community colleges but allowing Clay and Carroll County to have driver's license stations.

On top of the issuance of driver's licenses, these stations will also issue nonoperator's identification cards and persons with disabilities identification devices. These will be

distributed on a permanent basis as long as the counties meet the Department of Transportation's standards for issuance.

This will be a re-opening for Carroll County as they previously had a driver's license station. On August 31st, 2016, the Iowa Department of Transportation closed this driver's license station as part of an overall downsizing plan. The DOT had agreed to send qualified employees to the Treasurer's Office in Carroll to issue licenses and train

local staff. However, with the re-instatement of the driver's license station, Carroll County residents will now have a place dedicated to just transportation related issuances.

HSB 10 also passed with an amendment, this bill clarifies the definition of utility maintenance vehicles. The amendment added "solid waste and recycling collection" as part of the utility service definition.

Ways & Means

(Contact Kristi Kiouss at 2-5290)

No Tax Deduction for Penalty Payments

This week the House Ways and Means Committee passed House File 19 by a vote of 23-0.

The bill prohibits amounts classified as penalty reimbursements from being deducted (as charitable contributions) for purposes of Iowa personal, corporate, and franchise income taxes.

The situation comes up when an entity is penalized for the actions of one of its em-

ployees (for instance the NCAA fining a university for the actions of a coach). That coach may be required to pay the university back by making a charitable donation. Because charitable donations are deductible, that individual may be able to then write off their donation despite the fact that it was really just a reimbursement.

The Internal Revenue Code generally already prohibits these kinds of deductions in Section 162(f) of the IRC. House Study Bill

19 makes it clear that this type of deduction is also prohibited on Iowa returns.

House Study Bill 19 states that a charitable contribution or other payment is presumed to actually be a penalty reimbursement if they are made to a person or affiliate who had to pay a fine because of the taxpayer's actions. The legislation makes this prohibition effective for tax years 2017 and beyond.

The bill will now move to the floor for further consideration.