



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

Thursday March 9, 2011

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Republican Message Points

Inside this issue:

Collective Bargaining Reform \$67,000.
A review and reform of Chapter 20 and collective bargaining is long overdue.
The most recent collective bargain agreement signed by former Gov. Culver is just the latest example of how this is costing taxpayers too much...
Chapter 20 and collective bargaining are tilted too far in favor of labor and against the taxpayer.
Over the last few years, Democrats have tried to further tilt the field by pushing legislation mandating 'Fair Share' and 'Open Scope Bargaining'.
This bill is not the same as Wisconsin's bill which removes the right to collectively bargain except for wages.
HSB 117 reforms parts of collective bargaining, it does not eliminate it.
Health insurance remains a bargainable item for unions. However, all employees will have to contribute at least \$100 to their own health care plans regardless of the result of the bargaining. Taxpayers should not be footing the bill for free health care for state employees.
Chapter 20 is not immune to a thoughtful review. HSB 117 forces that review.

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Preschool

- \* The current program is on an unsustainable financial course. Without changes the program was too expensive.
\* The new program establishes a sliding scale of need up to 300% of poverty - for a family of four, this is

House Republican Budget Targets

The House Republican budget plan spends \$6 billion or \$350 million less than Democrats approved and Gov. Culver signed last year.

- O Democrats spent \$5.3 billion in general fund money along with \$1 billion of one-time money for general fund expenditures and other underfunding for a total of \$6.35 billion. The House Republican plan spends \$5.9

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billion in general fund money and \$100 million in Health Care Trust Fund dollars and zero dollars in one-time money.

- Fulfills campaign promise to Iowans that we will align ongoing spending with ongoing revenue
- Gives taxpayers a seat at the table by depositing almost \$400 million in the Tax Relief Fund
- Gives Iowans and the subcommittees the ability to review what the state is currently spending and whether or not

the programs are necessary

- Provides the opportunity to eliminate wasteful spending and eliminate ineffective programs like those that were eliminated in the Taxpayers First Act

Reduces the size and scope of state government operations

#### Senate Democrat Budget Targets

- Only released the targets for the budget subcommittees and standings
- Senate D's appear to spend \$6.146 billion, or \$16 million less than the Governor or \$146 million more than House

GOP

- A balance sheet was not released so Iowans don't know all of the revenue adjustments
- It appears they have reduced revenue by \$200 million over FY 2011 and 2012 due to SF 209
- It appears that for the first time in 5 years the D's are aligning ongoing revenue with ongoing spending – stating that as fact, however, remains premature without a balance sheet.
- Iowans need to see the whole picture

## Appropriations

(Contact Lon Anderson at 1-5184.)

### Governor Signs Taxpayers First Act

On Monday, March 7, the Governor signed House File 45, the Taxpayers First Act. Dubbed "Extra Light," the bill saves \$10 million over three fiscal years and contains several policy provisions that are important to the House Republican caucus. The Governor signed the bill with only one item veto.

#### Here are the items that remain in the bill after the Senate amendment:

- Prohibits legislators and legislative employees from having a better health care plan than plans bargained for by executive branch employees
- Eliminates funding for the shuttle from the parking ramp to the Capitol
- Requires the Transportation, Infrastructure and Capitals budget subcommittee to review all sustainable communities projects (this is the House language on heated sidewalks)
- Limits sabbaticals to not more than 3% of faculty through the end of FY 2012 (*this is a small reduction to the overall number of sabbaticals for FY 2012*)
- Cuts acquisitions by the state library by 50% through the end of FY 2011
- Denies any state benefits to adult ille-

gal aliens

- Prohibits taxpayers funded lobbyists
- Cuts expenditures for office supplies, equipment purchases, printing and binding and marketing by 50 percent of the unencumbered appropriation, requires the establishment of a master marketing contract to reduce the amount spent on marketing
- Prohibits out-of-state travel by state employees unless they get a waiver from Executive Council
- Requires the sale or lease of the Iowa Communications Network
- Requires Department on Aging to develop a plan to reduce number of Area Agencies on Aging
- Prohibits the purchase of any new state vehicles, requires Admin and Reg budget sub to look into privatization of the state vehicle fleet
- Eliminates the Generation Iowa Commission
- Prohibits Iowa from renewing its mem-

bership in the North America Super Corridor Coalition

- Reduces Department of Education by \$59,000 due to not having a director until January 2011
- Reduces funding for the legislative health care coverage commission by \$167,000
- Prohibits DOT from planting wildflowers unless it is for erosion or weed control
- Eliminates the Rebuild Iowa Office and shifts responsibilities to Division of Homeland Security at the end of FY 2011
- Provides "claw back" provisions for local government funding if found to be ineligible
- Corrective language regarding early childhood and unemployment compensation

In addition, the Senate added the language from House File 94, the Taxpayer Transparency Act, which requires the Department of Management to create a searchable budget database and internet website. The Senate

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changed the language to require the database to be updated every 60 days instead of every 30, deleted the tax rate calculator that would show the tax rate by location, exempted federal funds and grants from the database, required the Regents to provide only information related to state funds and not only funds, and added required the database to have information about special tax credits.

The Governor's lone item veto was to strike the provision extending the sunset of legislative health care commission from December 31, 2011 to July 1, 2013. This provision was added to secure the 26<sup>th</sup> vote for the bill in the Senate. The \$155,000 cut to leg-

islative health care commission left in the bill.

House Republicans are excited to see so many important pieces for Iowa taxpayers get signed into law by the Governor and will continue fighting for the taxpayers the rest of the session.

***“ the bill saves \$10 million over three fiscal years.”***

## Senate Rejects House Amendment to Senate File 209

On Monday, March 7, the Senate rejected the House amendment to Senate File 209, the federal tax code coupling and FY 2011 supplemental appropriations bill.

The bill was approved by the Senate on February 22 on a 49-0 vote. As it left the Senate, the coupling with the federal tax code portion of the bill reduced general fund revenue by \$256.5 million over three fiscal years (FY 2011 – FY 2013). This includes \$14.7 million for increasing the Earned Income Tax Credit from 7 percent of the federal credit to 10 percent.

In addition, the bill provided the following supplemental appropriations totaling \$45.7 million, all to backfill the cuts made by Governor Culver on his way out of office.

The House approved the bill on Tuesday, March 1 on a 64-34 vote. The House amendment allows individuals to couple with the federal tax code starting in for 2010, allows corporations to couple with the federal tax code starting in 2010 and leaves

the Earned Income Tax Credit at 7 percent. The amendment increases the revenue reduction to \$311.2 million over three years.

***“ Creation of the Tax Relief Fund to capture the surplus from the ending balance.”***

Also, the House approved an amendment that added the following items that had been previously approved in House File 45 but removed by the Senate:

- Creation of the Tax Relief Fund to capture the surplus from the ending balance
- Establishment of a minimum health insurance premium of \$100 for all state employees
- Requires the Revenue Estimating Con-

ference to set a growth rate for FY 2013 at next meeting

- Prohibits DNR from purchasing land through the end of FY 2011, cuts REAP by same amount
- Appropriates \$25 million for mental health and repeals the current system as of July 1, 2012

The House insisted on its version of the bill so the bill now heads to a conference committee of five House members (3 Republicans, 2 Democrats) and five senators (3 Democrats, 2 Republicans).

House Republicans believe the supplemental spending is needed to fix the budget mess left by the Democrats and the former governor. In addition, House Republicans believe that the tax relief contained in the bill is necessary for businesses to create jobs and grow Iowa's economy.

## Revenue Above the Estimate for FY 2011, REC to Meet the Week of March 21st

On Tuesday, March 1, the Legislative Services Agency released its monthly memo on revenue growth for FY 2011. Through the first eight months of the fiscal year, general fund revenue exceeded the estimate.

Year-to-date receipts increased by \$217.2 million, or 6 percent compared to FY 2010. This exceeds the estimate for the entire year of \$216.8 million, or 3.9 percent above FY 2010.

The primary driver of the increase is strong personal income tax receipts, due in part to the high commodity prices and the strong agricultural economy. Through February, personal income tax receipts increased by \$128 million, or 6.4 percent above FY 2010. The REC estimate for personal income tax receipts is 3.9 percent, the same as the

estimate for overall general fund revenue.

***“...due in part to the high commodity prices ”***

Sales and use tax receipts were up by 4.3 percent compared to FY 2010, above the REC estimate of 3.3 percent. Corporate income tax receipts were down sharply in February, dropping 9.8 percent compared to FY 2010. That dropped the actual corporate income tax receipts to -0.6 percent compared to FY 2010. The REC estimate for corporate income receipts is 5.8 percent above FY 2010.

The REC is Dave Roederer (Governor's

appointee), Holly Lyons (Legislature's appointee) and David Underwood (private sector member, appointed by the other two members). They will meet again the week of March 21<sup>st</sup> to review and revise the estimates for FY 2011 and FY 2012 and establish the initial estimate for FY 2013. With revenue exceeding the estimate, it is unlikely that the estimate will be revised downward and it is likely that the REC will take a very conservative approach to any increase.

(For more information, contact Lon at 1-5184.)

## Chamber Ag Panels Approve Companion Measures-Unauthorized Recordings

On Wednesday, March 2, 2011, both the House Agriculture and Senate Agriculture committees passed identical companion measures. HF 589/ SF 431 improves and modernizes Offenses Relating to Agricultural Production Code chapter (717A) to reflect changes that the current law enacted a decade ago in 2001 (HF 5022001) didn't envision.

The bill expands the scope of the law from current protections of both livestock and crop operations against unauthorized destruction and disruption of operations at an 'owners' premises to further include damage, alter property, take by theft and participate in a conspiracy additionally from a keeper of animals (kennels, boarders facilities). The measure in a similar manner expands the current prohibited animal and crop operation interference provisions that now relate to unlawful/ unauthorized—

(1) exercise of control, or

(2) enter onto or into a crop or livestock facility to additionally add (a) produce a record [sound or image], and (b) possess and distribute an unauthorized record. This is akin to existing legal prohibition against illegal wiretapping and unauthorized recording of phone calls (to malign and impugn an unaware caller).

HF 589/SF 431 further creates both 'animal and crop operation fraud provisions' to address circumstances where access to a facility is granted by an owner to another person on the basis of falsehoods or deceptions that intentionally belie the real intent of the person seeking access to such a facility to and malign the management of the owner/keeper. The instigation for this legislation arises from a growing number of incidents where anti-animal use activists groups and their adherents have produced

"gotcha" videos depicting inhumane conditions – some of which may have been "staged" or cobbled together from prior footage of another facility and then attributed to another with the intent of maligning and agricultural industry or impugning a particular producer.

The House Agriculture Chair, sponsor and manager of HF 589, Representative Sweezy, expressed concern that there appears to be people who sign employment agreements to report anything improper happening to animals in the course of their employment duties, but failed to do so or cooperated in committing an action to make it appear that animals are being abused for purposes of making a recording that is intended to harm the operation or the livestock sector as a whole.

## USDA Reminds Landowners and Producers of CRP General Sign-up

On Tuesday, March 8, 2011, the United States Department of Agriculture (USDA) issued a press release reminded landowners and producers that a general sign-up for the Conservation Reserve Program (CRP) will begin on March 14, 2011, and continue through April 15, 2011. During the sign-up period, farmers and ranchers may offer eligible land at their county Farm Service Agency (FSA) office. The 2008 Farm Bill authorized USDA to maintain CRP enrollment up to 32 million acres.

CRP is a voluntary program that assists farmers, ranchers and other agricultural producers to use their environmentally-sensitive land for conservation benefits.

Producers enrolling in CRP plant long-term, resource-conserving covers in exchange for rental payments, cost-share and technical assistance. By reducing water runoff and sedimentation, CRP also protects groundwater and helps improve the condition of lakes, rivers, ponds and streams. Acreage enrolled in the CRP is planted to resource-conserving vegetative covers, making the program a major contributor to wildlife population increases in many parts of the country. Land may be enrolled in CRP provided all eligibility requirements are met. Additionally, current CRP participants with contracts expiring this fall covering about 4.4 million acres may make new contract offers. Contracts awarded under this sign-up are

scheduled to become effective Oct. 1, 2011.

FSA will evaluate and rank eligible CRP offers using an Environmental Benefits Index (EBI) for environmental benefits to be gained from enrolling the land in CRP. The EBI consists of five environmental factors (wildlife, water, soil, air and enduring benefits) and cost. Decisions on the EBI cutoff will be made after the sign-up ends April 15 and after analyzing the EBI data of all the offers. In addition to general sign-up, CRP's continuous sign-up program will be ongoing. Continuous acres represent the most environmentally desirable and sensitive land. For more information, visit [www.fsa.usda.gov/crp](http://www.fsa.usda.gov/crp).

## Secretary NORTHEY-Community Meat Lockers: Great Source of Local Food

On Friday March 4, 2011, the Iowa Department of Agriculture and Land Stewardship (IDALS) issued a press release that touted that Iowa is not only a great agriculture state, but it is also a great food state. The products raised on our farms are found throughout your local grocery store and on your dinner plate. Iowa's livestock farmers produce a lot of that food that Iowans and people around the world consume. Iowa leads the nation in pork production and is in the top ten in production of beef. Our

state's delicious corn-fed Iowa beef or a juicy Iowa pork chop are recognized across the globe as the standard of high-quality, flavorful meat. One option to get more of these Iowa-grown products on our tables is to visit local meat locker. Iowa currently has 164 Iowa inspected establishments serving the people of Iowa. This includes sixty-eight "official establishments" that are able to directly sell their products, labeled "Iowa Inspected and Passed," within the state. There are also eighty-six "custom

exempt establishments" that slaughter and process livestock, poultry, and wild game for the owner's exclusive use and are labeled NOT FOR SALE. Custom exempt establishments are also allowed to purchase inspected products for further processing and sale to the household consumer. In addition, ten plants are able slaughter poultry, either on a custom basis for the animal's owner or as an official establishment where they can offer it for sale.

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IDALS' Meat and Poultry Inspection Bureau licenses and inspects these facilities to ensure the products are safe and the plants are following all mandatory requirements. The requirements at "official" establishments include inspection at slaughter for all livestock and poultry, conducting mandated daily inspection for further processing, and ensuring the facilities are properly maintained. Custom exempt plants work for the animal's owner and are inspected under a Risk Based Inspection Program but are inspected at least quarterly by the Department. Official establishments can also do custom work as long as they keep all the

official inspected meat products separate from the custom meat products throughout the entire process. In 2010 official establishments slaughtered and processed approximately 92,000 head of livestock and domestic poultry (84,000 poultry/7,700 livestock), with all of the resulting products sold in Iowa. Custom exempt slaughter and processing accounts for an additional larger number of animals slaughtered and processed for Iowa families to use exclusively in their homes.

The basic difference between state and federal inspection is that state inspected and passed products are not allowed in interstate commerce or export. To sell

meat across state line, or internationally, a plant needs to be inspected by the U.S. Department of Agriculture's Food Safety Inspection Service (FSIS). All plants, both state and federally inspected, are licensed by IDALS. A full list of all the meat processing plants in Iowa, searchable by plant name, city or county, is available on our Department's website so you can find a facility close to you. The directory is available by going to [www.IowaAgriculture.gov](http://www.IowaAgriculture.gov) and selecting the "Bureaus" link on the left side of the page. Then choose "Meat & Poultry Inspection," which will take you to a link where you can choose the "Iowa Licensed Meat and Poultry Plants."

## Commerce

(Contact Brad Trow at 1-3471.)

### Maine Gets First Medical Loss Ratio Waiver – Will Iowa Be Next?

On Wednesday, the U.S. Department of Health and Human Services made Maine the first state to receive a waiver from a requirement in the federal health care reform bill that insurance companies spend at least 80 percent of revenue on actual health care.

The rule – known as the Medical Loss Ratio – requires insurance companies to spend a certain percentage of their revenue from premiums on medical care. For "large" insurers, the requirement is that they spend 85 percent on care. Smaller insurers will be required to spend 80 percent on care. Congress adopted this requirement to ensure that premium dollars went to pay for health care instead of administrative excess and corporate profits.

Maine and other states have issued warnings about the impact of this requirement on

consumer choice. A number of states have discussed filing for the waiver, as the rule may dramatically reduce the number of health insurance companies offering coverage in their state. Another concern is the impact on insurance brokers and agents. Commissions paid to brokers and agents for signing up people were determined to be outside the 80 percent requirement. Because of this, many insurance companies are reducing what they pay brokers and agents for signing up plan enrollees.

***"...it was learned that five insurers have decided to stop offering health insurance in the state"***

One state that expressed concern from the start of the MLR process was Iowa. With the low number of insurers offering health coverage in the state, Insurance Commissioner Susan Voss has been quite open about her concern that the MLR rule would have on consumer choice and insurance premiums in Iowa. And last week, it was learned that five insurers have decided to stop offering health insurance in the state. Without the waiver, Iowans will probably only have two choices for health care coverage – Wellmark and United Health Care.

At this point though, Iowa has yet to file for the waiver. Only Kentucky, Nevada, and New Hampshire have MLR waiver applications pending.

## Economic Growth

(Contact Louis Vander Streek 1-3626.)

### Economic Growth Funnel Survivors

Last Friday saw the House's first self-imposed funnel. If a bill has not passed out of a standing committee by the first funnel, the bill is dead for the session. The Economic Growth committee passed a number of bills that are eligible for debate on the floor of the House. These include:

**HF 324** – Prevents a state agency from going beyond federal requirements for a rule unless given the authority by state law.

**HF 485** – Sunsets all administrative rules every five years and requires a rule review.

**HF 491** – Requires a regulatory analysis for the effect of a new administrative rule on small businesses.

**HF 528** – Requires an annual study for disaster preparedness.

**HSB 103** – Department of Economic Development re-organization.

Two bills that were in the Economic Growth Committee have already been passed off of the floor and are awaiting action in the Senate. These bills are:

**HF 267** – Requires that Rural Electric Co-

operatives perform only a reasonable and good faith effort for site surveys, and do not have to go beyond federal requirements.

**HF 323** – Changes quorum and voting requirements for Environmental Protection Commission and limits its authority to that specifically delegated in code.

## Education

(Contact Jason Chapman at 1-3015.)

### House Passes New Preschool Plan

The House passed a new preschool plan on Tuesday by a vote of 55 to 45. The plan would replace the current preschool plan that has been in place since 2007 and is the result of collaboration between the governor's office and the department of education.

Debate on the bill carried on for nearly four hours as both sides passionately defended their position. Opponents of the new plan made several claims as to the effectiveness and the popularity of the current preschool plan. It was stated repeatedly that school districts, teachers, and parents who have used the program and received free preschool for their children were big fans of the program. It would make sense for those directly benefiting from the program to be fans of it.

But what is being ignored is the fact that over the past three years, as the state has invested over \$150 million dollars in preschool, the state has failed in its obligation to fund the other 13 grades that make up primary and secondary education in this state to the sum of \$450 million. The governor and the majority party aren't contending the current program isn't providing some positive results. What they are concerned with is the unsustainable financial course that the current program is on. Next year it will cost an estimated \$75 to \$85 million, and within a few years the costs will be annually over \$100 million.

As parents of preschoolers who have benefited from the program and teachers and school districts receiving state money for the program proclaim their approval for the

current program, those who are indirectly affected by the program, the taxpayers, have recently had their voice heard as well. A poll in the Des Moines Register last week found that while 80% agree that preschoolers should have access to quality preschool, 57% do not believe the state can afford the current plan right now.

The new plan that passed the chamber this week is a fair and balanced middle ground to the preschool problem. It continues ensuring quality by using much similar language to the existing program, including some further standards such as requiring participating preschools to meet the quality guidelines of Head Start, the National Association for the Education of Young Children, or Iowa's Quality Public Preschool Standards. But it ensures this quality while only providing money for those most in need of assistance.

One of the things the bill does on the funding side is takes the funding off of automatic pilot which is currently funding preschool at .6 of the current state funding per pupil.

This currently equates to \$3,529 per child, or nearly \$400 per month. Many superintendents felt they could administer the program for much less than that, and many private preschools currently charge on average about \$150 per month. The new funding would be through a yearly appropriation determined by the legislature and passed in the budget. The needs of the program could be assessed yearly and adjusted accordingly. Other states vary wildly on their preschool funding and results. Oklahoma spends nearly \$8,000 per child per year on

preschool, yet continues to struggle nationally in their K-12 assessment scores. Florida, on the other hand, spends around \$2,200 per child, with many attending private preschool programs, and is continually rising in the national assessment tests.

Contrary to debate talking points, the new bill will not lower quality, will not reduce access to preschool, and will not throw out all of the work that has been done. It still accounts for quality and requires providers to meet minimum standards, requires teachers with bachelors degrees and early childhood certification, requires an assessment to track progress, and requires collaboration with other agencies and entities providing early childhood services.

Under the current plan, if a school district chooses not to participate (and 34 don't), then four year olds in that district do not have the option to participate in the state's program. The new program will allow any preschool in a district to make that decision, not just the public school. This will help cover 4 year olds in every district. The new program will not pay for preschool for those who can afford to pay for it themselves. The new program will not force private providers to compete with the state at the school district's discretion. It is a program that gives assistance to those most in need, allows parents a choice of the eligible providers in the district and allows private preschools a stronger voice in the system.

The bill will now travel to the Senate for approval.

## Environmental Protection

(Contact Lew Olson at 1-3096.)

### Committees Okay Shifting Section 319 Program Administration to IDALS

On Thursday, March 3, 2011, the House Environmental Protection Committee passed House Study Bill. The Senate Agriculture Committee likewise passed an identical companion (Senate Study Bill 1126). The bill has two related major aspects. This first aspect proposes to move the Water Resources Coordinating Council

(WRCC) from the Governor's office into the Iowa Department of Agriculture and Land Stewardship (IDALS). This change is being sought with the Governor's blessing with the hope of getting more day-to-day attention by a state executive officer in addition to consolidating most of the state water quality efforts oversight into one office. The

WRCC was established in 2008 and is made up of members from 12 state agencies. Its purpose is to preserve and protect Iowa's water resources, and to coordinate the management of those resources in a sustainable and fiscally responsible manner.

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The other major aspect of HSB 148 transfers administration of the federal EPA section 319 program from the Department of Natural Resources (DNR) to IDALS, creates more co-responsibility of state water quality monitoring efforts and collection of credible data and bifurcates the Total Maximum Daily Load (TMDL) program with DNR retaining primacy of the point TMDL operations and IDALS being delegated the lead role in non-point TMDL functions. The motivation for this change is to create a more efficient process to improve Iowa's water quality by getting more voluntary cost-share dollars onto the rural landscape of Iowa. The aspiration of this measure is to produce a more streamlined approach for on-farm soil and water conservation efforts and a unified system to convert conservation moneys into effective water quality enhancing structures and practices. The bill, however, will not change applicable water quality standards, or DNR enforcement of such regulations.

Currently, DNR receives the Clean Water Act 319 conservation funds and distributes a portion of them to IDALS to coordinate and implement conservation efforts. Transferring this federal conservation funding to the departmental agency involved with constructing and implementing these structures

will ultimately lead to more on the ground projects and improved water quality. Under section 319 provisions, states receive grant moneys that support a host of activities including, technical assistance, financial assistance, education, training, technology transfer, demonstration projects and monitoring to assess the success of specific nonpoint source implementation projects. Moving administration of the 319 program to a state agricultural agency would not be novel action as the state of Tennessee made this very transfer a couple of years ago.

Allowing IDALS to work on TMDL watershed plans for agriculture will unify the planning and implementation of on-farm conservation which is essential to addressing non-point TMDL issues. IDALS is eager to build on its long history of our state's soil and water conservation effort which is largely carried out in 100 local soil conservation boards and offices in all 99-counties of our state; which discovered several decades ago that reducing soil erosion is most critical aspect of maintaining and improving non-point water quality. While point source TMDLs will remain with DNR; the transfer of non-point TMDL functions to IDALS will enable it to get more dollars into the actual structures and practices that generate water quality improvement.

DNR to Hold Volunteer Water Quality Monitoring Workshops

On Thursday, March 3, 2011, the Iowa De-

partment of Natural Resources (DNR) issued a press release that announced that DNR's statewide volunteer water quality monitoring program, will host introductory workshops throughout the state this summer. During the eight-hour workshops, classroom instruction will be combined with hands-on training as participants learn how to monitor the quality of their local streams, rivers and lakes. These workshops will focus on three basic water quality monitoring assessments: physical, chemical and habitat. After successful completion of a workshop, volunteers will be equipped with the tools and skills necessary to collect water monitoring data, which they can then submit to an online database via the IOWATER website. Anyone can view data submitted by volunteers, but only certified IOWATER volunteers can enter data.

The 2011 workshops, listed by city:

Dubuque: May 23 and 24, Elgin: Aug. 13  
 Garner: Aug. 20, Milford: May 14, Osage:  
 June 18, Sac City: April 8 and 9, Vinton:  
 Oct. 1, Central Iowa (location to be determined): June 4

Workshop registration fees are \$20 per person or \$30 for a team. Registration covers all program fees, meals and testing equipment. The deadline for registration is one week before each respective workshop.

For more information or to register, please visit <http://www.iowater.net>.

## Human Resources

*(Contact Brad Trow at 1-3471.)*

### Child Abuse Registry Bill Advances, Including Efforts to Address Due Process Concerns

Last week, the Human Resources Committee moved forward with significant revisions to Iowa's Child Abuse Registry. The bill also attempts to reconcile two significant, but divergent interests – protecting children while also addressing the due process rights of Iowans.

In July of 2010, the Iowa Supreme Court ruled that the Department had overstepped its authority in placing a southeast Iowa woman on the child abuse registry due to a lack of supervision. In that case, the woman had repeatedly given her children over to their father despite the fact that he had repeatedly abused her in the presence of the children. DHS determined that she had committed child abuse because of a failure to provide of supervision.

When the Child Abuse Registry law was revised between 1997 and 2001, the Legislature made a change to the definition of child abuse (232.68) that allowed the Department of Human Services to evaluate those situations when a person is found to have committed child abuse due to the failure to provide proper supervision of a child. If DHS determined that the situation was minor, isolated, and unlikely to re-occur, then the person would not be placed on the Registry. The Legislature also rewrote the provision of the Code (232.71D) that listed what offenses were to be placed on the Registry. It did not specifically include 'lack of supervision' as one of those offenses. And on that basis, the Court made its initial ruling.

Due to the Court's ruling, the Department of Human Services determined that it may be forced to remove half of the nearly 60,000 people on the Registry. To prevent this from happening, the Department proposed legislation that would address the issues identified by the Supreme Court. But the bill also presented an opportunity to discuss another related issues – the due process rights of those accused of child abuse.

While the standard for criminal law in the United States has always been that a person is innocent until proven guilty, many in Iowa believe that it is the opposite for those being accused of child abuse. Under Iowa's current procedures, a person may be placed on the Child Abuse Registry even before the legal process has completed its

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course. In many cases, the placement can be appropriate. There are other cases though, where people have been determined to not have committed abuse after being placed on the Registry and their lives have been dramatically impacted.

One case of this occurring involves Greg Geist. A social worker in Jasper County, Geist was accused of abusing a foster child in his care. The Department placed him on the Registry. Mr. Geist lost his job, and spent his personal assets – including his pension – trying to prove his innocence. Over a year later, the Department reversed their decision when they discovered that the foster child was lying about the abuse. By then, Greg Geist was broke and had left Iowa.

Legislators from both parties have spent several years wrestling with the issue of due process in abuse cases. Last year, the Legislature enacted a series of reforms in dependent adult abuse cases to ensure that those accused had their due process rights respected. This year, after extensive subcommittee work, the Human Resources Committee moved forward with a proposal to start the process of address due process in child abuse cases.

The bill includes language speeding up the appeal process for those who are challenging placement on the Registry. The bill also directs the Department of Human Services to work with parties ranging from the Attorney General's Office to the ICLU to identify additional ways to improve the system. Among the areas they will look at are training for child protection workers and examin-

ing the length of time people are placed on the Registry based on the severity of their actions.

While the bill does not go as far as some had hoped in addressing the due process concerns with the Child Abuse Registry, it is a major first step forward. With DHS required to report back on its efforts on December 15, the issue of due process will remain on the front burner in 2012 and beyond.

## Judiciary

(Contact: Amanda Freel, 1-5230)

### Funeral Protests and the First Amendment

The First Amendment of the United States Constitution reads; "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." Last year, the United States Supreme Court carefully examined this amendment in relation to free speech in the case of *Snyder v. Phelps* 562 U.S. (2011). Last week the U.S. Supreme Court handed down their ruling in the case of *Phelps*, better known as the *Westboro Baptist Church Case*.

Westboro Baptist Church is located in Topeka, Kansas but is known throughout the United States for the funeral protests conducted by members of the church. It is estimated they have protested over 600 funerals, many of the funerals were U.S. Soldiers. The case came to the Supreme Court after Albert Snyder, the father of one of the fallen soldiers, filed a law suit against Westboro and its leader Fred Phelps. During Marine Lance Cpl. Matthew Snyder funeral, Phelps and his congregation from Westboro picketed the funeral with chants and signs condemning soldiers and the United States. Albert Snyder brought a suit against the church for intentional infliction of emotional distress, intrusion upon seclusion and civil conspiracy claims.

On March 2nd the Supreme Court ruled in favor of Westboro with an 8-1 decision (Justice Alito dissenting). Writing for the majority, Chief Justice John Roberts agreed

that what the members of Westboro church were saying was hurtful but he writes; "we cannot react to that pain by punishing the speaker. As a Nation we have chosen a different course - to protect even hurtful speech on public issues to ensure that we do not stifle public debate. That choice requires that we shield Westboro from tort liability for its picketing in this case." The majority of the Supreme Court Justices found that the free speech of the picketers outweighed the emotional pain caused by their signs.

***"Code section 723.5 prohibits disorderly conduct at funerals"***

The dissenting judge, Justice Alito, argued that protecting Westboro would only encourage their "outrageous" attacks. "This is the strategy that they have routinely employed - and that they will now continue to employ - inflicting severe and lasting emotional injury on an ever growing list of innocent victims." Justice Alito did not believe that the language Westboro used while picketing funerals was protected under the first amendment.

While many are concerned about the ruling and what it means for the future, Iowans do have some protection against funeral pick-

eters. In 2006 Republican Representative Jeff Kaufmann introduced the Iowa law that places limits on protests at funerals. Code section 723.5 prohibits disorderly conduct at funerals or memorial services within 500 feet of the location. Penalties for violating this law increase each time the law is violated. The first violation is a simple misdemeanor, the second is a serious misdemeanor and the third or subsequent offense is a class "D" felony.

Almost everyone can agree, what Westboro does at funerals is disturbing and upsetting, but not everyone agrees how best to handle the group and if they should be protected under the First Amendment. Regardless of the Supreme Court's ruling, Iowans are hopeful that the disorderly conduct law will remain constitutional.

## Natural Resources

(Contact Dustin Blythe 1-3452.)

### HF 268 Passes the House

House File 268 authorizes the Natural Resource Commission to issue a special senior statewide antlered or any sex shotgun deer season license to a resident who is 65 years of age or older. The license would be

valid to hunt deer with a shotgun during any established shotgun deer hunting season.

An amendment allowing a resident 65 years of age one special statewide antlerless only

crossbow tag was added to the bill.

The bill passed the House with a vote of 84-16 and now moves to the Senate.

## Public Safety

(Contact: Amanda Freel, 1-5230.)

### The Cost of Meth

Iowa law makers have been working hard to fight the war on methamphetamine. In 2005, Iowa's Pseudoephedrine Control Act was passed. This law placed limits on the purchase of pseudoephedrine (a main ingredient of meth) and allowed law enforcement to track purchases. While this law has been successful in many ways, the fight against meth is far from over and methamphetamine use and production continues to be a serious problem.

In 2004, law enforcement responded to approximately 4 methamphetamine laboratories per day, or around 125 per month, according to Iowa's Drug Control Strategy 2011. After the Pseudoephedrine Control Act was passed, there was a noticeable drop in labs. By 2008, there were only 178 reported labs in the state. Unfortunately, the decline didn't last and the number of meth labs has been increasing since 2008.

Clandestine laboratories are hidden labs where meth is often made. These labs can be anywhere, including neighborhoods or apartment buildings. This puts the commu-

nity at risk from a chemical explosion or inhaling the toxic fumes produced in the manufacturing process. According to the North Carolina Department of Health and Human Services, for every pound of meth produced, there is 5-6 pounds of toxic waste left and the cost of cleanup can run as high as \$150,000 per lab. As meth labs increase around the state, so will the cost of cleanup. Unfortunately, the state has lost an ally in the war on meth.

As of February 21, 2011, the Drug Enforcement Agency has ended funding for cleanup of state and local clandestine laboratories. Before this change, when a meth lab was discovered, law enforcement would contact the DEA. The DEA had a federal contract with an environmental cleanup company to take down the lab and dispose of the toxic materials. This new policy shifts the burden to local and state law enforcement to pay for cleanup.

While all states are affected by this change in policy, Iowa may be hit harder than other states. According to the U.S. Drug Enforce-

ment Administration, Wyoming, Delaware, Maryland, New Jersey, Rhode Island, Vermont, and Washington D.C., had no meth labs discovered in 2009. But states like Iowa, Missouri, Indiana and Illinois may face financial hardship as they attempt to fill in the gap left by the DEA.

We are fortunate in Iowa the our Department of Public Safety has already prepared a plan for dealing with meth labs now that the DEA will no longer be helping clean up the sites. The new guidelines will work with DPS, Division of Narcotics Enforcement, and local law enforcement to determine how cleanup will be handled and what departments will cover the cost.

The war on meth is far from over and while there may be some issues ahead for the cleanup process, Iowans can rest assured knowing the Department of Public Safety is working with local law enforcement to ensure that meth lab sites are cleaned and made safe for the community.

## State Government

(Contact Kristi Kielhorn at 2-5290.)

### Limitations on Transfer Authority Passes House

The Governor's ability to transfer money would be limited under a bill approved by the House this week. Under current law, Iowa's governor has vast authority to move money between agencies and programs. Past governors have often taken advantage of this power—moving millions of dollars late in their terms. Former Governor Chet Culver moved around \$23.5 million in his last 18 months in office.

The ability to move this amount of money is troubling to lawmakers because it gives the executive branch the authority to bypass the legislative process and the General Assembly's intentions. This is even more problematic given that current lawmakers are working on moving to a two-year budget

system instead of the current one-year process.

***“Former Governor Chet Culver moved around \$23.5 million in his last 18 months in office.”***

Under House File 148 the governor's transfer authority is limited to one-tenth of one percent of the budget per transfer. This amount is approximately \$6 million in fiscal year 2012. The governor would also be limited to transfer no more than one-half of

one percent for all transfers within a fiscal year—amounting to roughly \$30 million in fiscal year 2012.

Another important piece of House File 148 is a provision that requires the Revenue Estimating Conference to estimate the next two fiscal years in order to aid lawmakers in the two-year budget process.

House File 148 originally started out as a bill calling for five-year sunsets on all state programs—also known as zero-based budgeting. That part of the bill was eliminated and replaced with the transfer limitations and revenue estimate changes.

## Transportation

(Contact: Kristi Kielhorn, 2-5290.)

### Transportation Commission Approves New Projects

The Transportation Commission approved funding for several new projects this week. One project is an additional \$1.4 million to the city of Johnston for the construction of approximately 7,755 feet of Northwest 62nd Avenue in the center of town. This additional amount gives the project up to \$6.3 million with which to work. The project will provide access to the expansion planned by Pioneer Hi-Bred International which is slated to bring many new jobs.

The commission also granted the city of St. Ansgar up to \$225,032 to assist in the con-

struction of portions of Industrial Park Drive. This construction will allow for access to six industrial lots covering nearly 14 acres.

Finally, the commission granted Polk City up to \$417,800 to assist in the construction of an extension of East Vista Lake Avenue on the northeast side of town. This improvement will provide access to 28 acres of light industrial and offices service in the Big Creek Technology Campus.

Additionally, the commission will hold a public meeting in Cedar Rapids on April 12

at The Hotel Kirkwood Center. Various transportation related matters may be discussed at the meeting—including highway, aviation, rail, and river transit. The commission will meet briefly at 8am with the public input meeting following immediately. To obtain a scheduled time on the agenda—contact the DOT at 515-239-1148 or [don-ald.tebben@dot.iowa.gov](mailto:don-ald.tebben@dot.iowa.gov).

## Veterans Affairs

(Contact: Jill Jennings, 1-3440.)

### Iowa Department of Public Defense, Facility Modernizations

Iowa Department of Public Defense's Military Division (Iowa National Guard) has three missions:

**Federal Mission-** *Provide combat ready units in support of national military strategy*

**State Mission-** *Provide individuals, units, and equipment to protect life and property and come to the aid of Iowans when disasters and emergencies occur in our state, to preserve peace and order, and to insure the public safety for the citizens of Iowa*

**Community Mission-** *Participate in community programs that add value to the communities, to Iowa, and to America while being true role models and making our communities safe and better places to raise our families*

- Iowa's National Guard represents 2% of our nation's National Guard while our state has only 1% of the total population
- Approximately 3,000 Iowa Guardsmen are currently deployed for the Global War on Terrorism. Another 190 have been alerted and are preparing for deployment during Fall/Winter 2011.
- Over 16,000 Guardsmen have served on federal active duty since 9/11.

- The Iowa NG is one of Iowa's largest employers with over 2,250 fulltime and 9,500 part-time employees. 2008 payroll exceeds \$116,029,000 with a local economy impact of \$812,203,000
- The Iowa Army National Guard headquarters has been at top 10 state recipient of the Department of the Defense Army Community of Excellence Award Program since 2002. We were the 2002 and 2004 national program first place recipients.

Since FY 2000, the NG has received state funding on a regular basis to match federal funding for the upgrade and modernization of their facilities to meet state requirements. Army National Guard construction projects' funding is normally 75% federal and 25% state. Additions/ alterations are normally 50%/50% funding. Air National Guard projects are normally 100% federally funded. Army National Guard maintenance support (ground and air) projects and the Base Realignment and Closure (BRAC) construction projects are almost completely 100% federally funded. Our overall construction program objective is 8:1 federal/state funding.

In FY 2000, Iowa had 3.279M square feet of space in 452 ARNG buildings that were approximately 80%/20% federal/state funding mix. 30% (16) of NG armories at that time were 45+ years old, inefficient, and were below authorized strength. NG pro-

posed a five-year alignment plan of closure, relocation, rehab, and new construction. Currently have 3.631M sq feet of space in 534 buildings. Currently 27% (13) of their 49 armories are 45+ years old. During the next year they will be closing four armories at Camp Dodge and replacing aged armories at Iowa City, Muscatine, Middletown, and Cedar Rapids. When these facilities are completed and all of the affected units relocated, 11% (5) armories will be in the 45+ year old category.

The Guard has attracted millions of dollars of federal funding that has resulted in increased state sales and income tax revenues because of the increased spending and the generation of new jobs in our economy.

Every Iowa Army National Guard unit has been involved in a transformation that has resulted in new organizations, new missions, or new equipment, or a combination of all three. At the same time the NG dealing with facility requirements to meet the changing unit requirements as well as changing state demographics and aging conditions of our statewide facilities.

#### Facility Modernization 2010

**Total- \$119,800,000** Federal/State Ratio: 6.22:1

**Construct-** \$83,000,000

(Continued on page 11)



**Cedar Rapids, Middletown** armed forces readiness center and field maintenance shop

**Muscatine** armed forces readiness center

**Camp Dodge** Iowa Gold Start Museum

**Camp Dodge \$4,200,000 Upgrade electrical and water systems, swimming pool and pavilion renovation, and Herold multipurpose classroom**

**Des Moines base- \$4,500,000 Security building**

**Renovation- \$28,100,000 Davenport, Ottumwa, Spencer, Newton, Perry, Audubon, Mount Pleasant, Knoxville, Shenandoah, Charles City, Oelwein, Iowa Falls, and Eagle Grove** armories and **Davenport** aviation readiness center.

**Facility Modernization 2012-2017 Forecasted**

**Total- \$130,115,000** Federal/State Ratio: 11.39:1

**Construct-** \$50,000,000 **Davenport** armed forces reserve center and field maintenance shop **Camp Dodge** Regimental Training Institute

**Camp Dodge \$9,488,000** Upgrade sanitary, water, and storm sewer systems

**Sioux City and Fort Dodge bases- \$17.5 Million** operations improvement

**Des Moines base- \$27,127,000** – Operations constructions and runway improvements

Sioux City and Fort Dodge bases- \$17.5 Million operations improvement

**Renovation- \$20,000,000 Washington, Clinton, Camp Dodge JF Miller** armories and **Davenport** aviation and readiness center

**Statewide- \$6,000,000 Renovation of 8 (eight) field maintenance shops**

*For more information please contact the Iowa Department of Public Defense-Military-Iowa National Guard*

**Ways and Means**

(Contact: Dustin Blythe, 1-3452.)

**Tax Freedom Day for Iowans in 2010 was April 4th**

The Tax Foundation released Tax Freedom Day information by state for calendar year 2010 this week. Tax Freedom Day represents how long Americans must work this year before they have earned enough money to pay all federal, state and local taxes for the year.

For Iowa, Tax Freedom Day was April 4<sup>th</sup>, which ranked us 36<sup>th</sup> in the nation.

In addition the Tax Foundation released the State Business Climate Index for 2011, as of July 1, 2010.

| Category                   | Iowa             |
|----------------------------|------------------|
| Overall Index Rank         | 45 <sup>th</sup> |
| Corporate Tax Index        | 47 <sup>th</sup> |
| Individual Income Tax      | 42 <sup>nd</sup> |
| Sales Tax                  | 31 <sup>st</sup> |
| Unemployment Insurance Tax | 33 <sup>rd</sup> |
| Property Tax               | 34 <sup>th</sup> |

ual income tax, our ranking is still low due to high rates and multiple brackets. Our corporate tax structure has four brackets, while our individual income structure has nine.

The property tax relief and individual income tax passed earlier in the session, if signed into law, would help improve our business climate ranking considerably.

One interesting ranking was in State Revenue Per Capita, Iowa ranks 18<sup>th</sup> at \$5,414, just behind New Jersey at \$5,649.

While Iowa does get credit for federal deductibility for both the corporate and individ-