

Iowa House of Representatives

State Representative Cecil Dolecheck

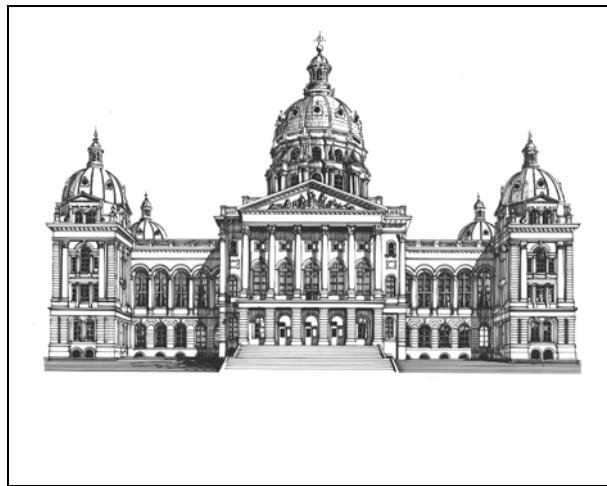
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**For the week of March 22nd-March 26th,
2010**



Closing The Session

On Friday, March 19, the majority party released a balance sheet showing all of the spending that will be approved during the 2011 session. The numbers paint a bleak picture – according to the non-partisan Fiscal Services Division of LSA the built-in spending approved so far exceeds \$1 billion for FY 2012.

HF 2526, the Health and Human Services budget bill, uses \$545 million of one-time funds for Medicaid and other human services programs. This includes a transfer of \$187.8 million from the Cash Reserve Fund for Medicaid. It also uses \$39 million from the Senior Living Trust Fund. This does not include a \$23 million supplemental need for Medicaid and estimated 6 percent growth for a total of \$103 million.

HF 2519, the Federal Block Grant bill, appropriates \$47.9 million from the remaining unobligated federal stimulus funding to K-12 foundation aid. The general fund appropriation is reduced by a similar amount.

HF 2531, the Standing Appropriations bill, fails to appropriate \$13 million for instructional support. Unless the Legislature decides to continue the notwithstanding language in FY 2012, that will result in an increase of \$13 million next year. The bill also underfunds K-12 allowable growth by \$167 million. Unless the Legislature continues the cut next year, that will have to be made up for in FY 2012.

The Standings bill also appropriates funds from the Cash Reserve Fund as follows: \$54.7 million for property tax credits, \$10.6 million for performance of duty, \$5.3 million to DOM for operations and in case the \$83.8 million in savings from the state government reorganization does not materialize.

Finally, the bill underfunds the property tax credits by \$55 million. Property tax credits have been under-funded in the past but they show up as a built-in expenditure in the following year.

Here is the breakdown by Fiscal Services of the \$1.014 billion in built-in spending for FY 2012:

- \$303.3 million to replace Cash Reserve Fund money for Medicaid plus growth
- \$243.7 million to replace one-time federal stimulus funds for Medicaid
- \$170.1 million to fully fund 2 percent allowable growth for K-12 education
- \$109.8 million to replace one-time funds for the property tax credits
- \$50 million to replace funding for Value Fund with general fund dollars
- \$47.9 million to replace one-time stimulus funds used for K-12 education
- \$44.5 million to replace other one-time funds in Health and Human Services

- \$27.3 million to replace funding for CAT, Technology Reinvestment Fund, college student aid
- \$18 million to fully fund instructional support, non-public transportation, at-risk programs

Since the budget plan will spend more than the state takes in and raises property taxes, I cannot support it. In addition, the minority party will continue to offer budget savings ideas. So far we have sponsored amendments to budget bills and the state government reorganization bill that would have saved taxpayers over \$600 million.

Texting Prohibition Adopted

The long-awaited texting bill has finally met its fate. The conference committee report and House File 2456 was passed in both chambers on Tuesday. The first sections of House File 2456 cover minors. Minors who have special permits (work, school, intermediate, and instruction) are prohibited from using electronic communication devices or electronic entertainment devices unless their vehicle is at a complete stop off the traveled portion of the highway.

This means that minors with special permits cannot talk on their cell phones (electronic communication device) while driving. This prohibition does not apply if the equipment is permanently installed in the vehicle, or operated through permanently installed equipment. The prohibition is a moving violation, enforceable as a primary offense, and carries a fine of \$30.

The prohibition in HF 2456 is much narrower for adult drivers. Adults cannot use a hand held electronic communication device to read, write or send a text message while driving a vehicle, unless that vehicle is at a complete stop off the roadway. A hand held electronic communication device includes a mobile telephone or other portable electronic communication device capable of text messaging. Also included are devices which are temporarily mounted inside the vehicle, unless the device is voice-operated or hands-free. A hand held electronic communication device does not include: voice-operated or hands-free device which allows the user to text message without the use of either hand except to activate or deactivate a feature or function. It is still permissible to use a global positioning or navigational system, to manually enter a telephone number to place a call, or to talk on your cell phone while driving. Officers will not be permitted to confiscate cell phones during stops.

Due to concerns brought forth by the commercial truck driving industry, emergency workers, and other public safety officials – several exemptions were inserted in the conference committee report with regard to the reading prohibition. Those exempt from the reading prohibition include: a member of a public safety agency performing official duties (fire fighting, law enforcement, ambulance, medical, or other emergency services), health care professionals in the course of an emergency, and persons receiving safety-related information including emergency, traffic, or weather alerts.

The enforcement of the new adult texting prohibition has changed significantly from the versions previously passed by both chambers. A violation of the prohibition is now only enforceable as a secondary offense. This means that a police officer cannot stop someone just for texting – the citation must be accompanied by a stop for some other traffic violation. A person found in violation of the ban is guilty of a non-moving violation classified as a simple misdemeanor and will be punished by a scheduled fine of \$30.

Both the prohibition for minors and adults carry harsher penalties if someone is injured or dies as a result of a violation. In the case of a serious injury, a court can impose an additional fine of \$500 or suspend the person's driver's license for not more than 90 days, or both. If a violation causes a death, a court could impose an additional fine of \$1,000 or suspend the person's driver's license for not more than 180 days, or both.

House File 2456 preempts any ordinance passed or previously enacted by any local, county, or municipal ordinance regarding anything covered by this new law. It also preempts any county or municipality from adopting or continuing in effect any ordinance regarding electronic communications devices or electronic entertainment devices.

For both adults and minors only warnings will be issued between July 1, 2010 and June 30, 2011. After that warning period, citations can be issued.

Student Achievement Slips Again

We recently learned that Iowa's 2009 student achievement scores fell from its 2007 level. The results are from the National Assessment for Education Progress (NAEP), the only test taken in all fifty states.

The release of 2009 NAEP results show that Iowa's reading scores continue to lag.

Iowa's 4th grade reading scores slipped from 225 in 2007 to a score of 221 in 2009. This means that the fourth graders in 28 states meet or beat Iowa's fourth graders.

Iowa's 8th grade reading scores slipped from 267 in 2007 to a score of 265 in 2009. Thirty states meet or beat Iowa's 8th graders in reading.

This slippage in overall rank has taken place at the same time we have gone from 41st in the nation in teacher salaries to 25th in the nation. This would lead one to believe that just increasing teacher salaries is not the answer to improved student achievement.

I agree with President Obama that we should allow some of our lowest performing local school districts the ability to be able to restructure and have control over teachers based on student achievement.

What do you think? Email me your thoughts. My e-mail address is : cecil.dolecheck@legis.state.ia.us

House Visitors include : Lora & Drexall Wall of Blockton, Leah Klejch, Jesse Penick, and Ethan Pollock, students from Mount Ayr Highschool.

Information about my legislative forum schedule, past newsletters and biography can be found at www.iowahouserepublicans.com/members/cecil-dolecheck

The number for the House switchboard is (515) 281-3221, Seat 65