



The Capitol Report

League of Women Voters of Iowa Legislative News

SESSION WRAPS UP

The Iowa Legislature adjourned for the year just shy of 1:00 p.m. on Tuesday, March 30 after putting the finishing touches on next year's \$5.3 billion state budget.



At 79 days, it was the shortest session since 1972, when the Legislature adjourned after 75 days of work. If lawmakers had been able to end just eight days earlier, they would beat the shortest session in Iowa's statehood - lawmakers stuck around for only 72 days in 1878.

The traditional second year of the two-year legislative cycle is 100 days. Shortening session this year was a cost-saving measure, and shaving these 26 days off the calendar saved Iowa taxpayers nearly \$1 million.

Next year's budget spends \$42 million less than this year, a far cry from the \$6 billion-plus budgets of just a few years ago. Still, lawmakers are fighting over the real size of the budget and what it means for next year. Spending practices

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Enacted Bills

The Governor has until April 29 to take action on bills - sign, veto, or line item veto if the bill spends money. We will issue one final report after this deadline passes.

You can watch for the Governor's actions on our [LWVIA Bill Tracker](#) (it's updated daily).

look like they will be a big issue in the 2010 election cycle. Here are a few things to note about this legislative session:

- **Lawmakers spent nearly \$700 million in one-time funds to balance the budget**, but most of it was federal stimulus funds intended to help buoy state budgets, from the state's "rainy day fund" intended to help in times of economic distress, funds from pots of money that were not being used for other purposes (i.e. "underground storage tank fund") and expanded borrowing for the Governor's IJOBS program (from \$105 million to \$150 million paid back at 4.5% interest over the next 20 years).
- **Legislators found nearly \$300 million in savings from "government reorganization,"** streamlining and efficiencies. They rejected another \$400-plus million of ideas - some needed more time (AEA reorganization), others were simply too politically unpopular (paying state trooper salaries out of road funds, closing a state Mental Health Institute).
- **When legislators take into consideration all state fund spending, the state's budget totaled \$6.3 billion.** About \$1 billion of that was from non-general fund dollars and are not included in the state's 99% spending limitation. Even after spending about \$186 million from the state's cash reserves to keep Medicaid afloat, the Legislature left town with \$380 million still in the bank.
- **Perhaps the biggest achievement this session is the passage of a budget that does not include dramatic drops in services,** as many other states have had to do. Arizona, for example, recently ended its entire children's health insurance program, eliminating coverage for all children, and is in the process of eliminating Medicaid services to another 300,000 adults. Without enhanced federal Medicaid match and other stimulus dollars, the state will be facing tough times ahead, but for now the state is staying afloat. That will make keeping senior services funding level that much more difficult.

You can check the [LWVIA online bill tracker](#) to see if the Governor has taken action on bills enacted by the 2010 legislature, or read more details on bills of interest.

HOT TOPICS of 2010

A surprisingly long list of significant bills was acted upon in this short session. Here are just a few of the more high profile issues:

- **Guns:** Lawmakers approved a measure to take guns away from

domestic abusers and people with no-contact orders against them, but they also took away a sheriff's discretion in issue concealed weapons permits.

- **Ed Thomas:** A bill bearing the slain Applington-Parkersburg coach's name has been signed into law, and will require hospitals and mental health facilities to notify law enforcement when releasing a person being treated for substance use or mental illness, if charges are pending.
- **Drivers Ed #1 (Texting):** New restrictions on texting while driving were adopted this year. Drivers under 18 will be banned entirely from using cell phones and other electronic devices while driving, while older drivers are no longer allowed to read or send text messages or emails. But don't worry - adults can still fiddle with cell phones, IPODs, and GPS systems without being fined. Because adults are so much better at that.
- **Driving Ed 2 (Seatbelts):** Teens will need to wear seatbelts in the back seats of cars under new laws passed this session. A number of fatal accidents involving teen passengers prompted legislators to make this change to Iowa law.
- **Drivers Ed 3 (Bicycles):** Despite active lobbying on behalf of the bicycling community, and several fatal and near-fatal motorist-bicyclist accidents, only small changes were made to Iowa's traffic laws related to bicycles. Drivers are prohibited now from getting too close to a bicyclist on a road, and cannot throw things at the bicyclist. Bicyclists are required to continue to operate with the laws currently on the books and county attorneys are strongly encouraged to enforce them.
- **Tax Credit Reform:** Lawmakers will begin the process of reviewing each of the state's business tax credits to make sure they are getting the expected bang for the buck, and make sure they are ended if they aren't creating jobs or accomplishing their goals. Tax credits were set on a review schedule, to be phased out unless they can be shown valuable.
- **Animals:** Legislators tightened regulations of dog-breeding operations in an effort to crack down on puppy mills. The measure raises fees on them to pay for more inspectors to check complaints.
- **IowaCare Expansion:** Another installment of the state's health care reform efforts passed the Legislature this year, creating an online clearinghouse of information on public and private health insurance options available to Iowans. Lawmakers also authorized the creation of a Diabetes Registry to help manage that chronic disease. The IowaCare program (state health care program for non-Medicaid eligible individuals and families making up to 200% of the federal poverty level) is expanded to allow members to receive health care closer to home. Right now, IowaCare members must receive care in Iowa City (University of Iowa Hospitals & Clinics), or if they are a Polk County resident, at Broadlawns Hospital. The new bill will begin allowing people to receive care in one of the state's 13 community health centers. Since the expansion is contingent upon fund availability (and only \$6 million is appropriated for next year), it will likely take several years to roll out.
- **Health Insurance Reform:** Rep. Janet Petersen and her House colleagues grilled the insurance industry last month after hearing from constituents outraged over 50-60% increases in their Wellmark premiums (while the company was paying cash to build its \$1 billion plus headquarters). State lawmakers made a first step toward improving health insurance accountability by requiring health insurers to provide more information about rate increases. They will be required to let consumers know sooner

when rates are going up (and justify those rate increases), all information on health insurance rates will be made public, and the Insurance Commissioner will need to hold hearings on all rate increases. Late changes were made to the bill to require the Insurance Commissioner to review and determine the impact of federal health care reforms and state insurance mandates on insurance premiums (as legislators are tiring of hearing distorted claims of how much mandates like mental health parity will cost business).

Not everything got done. There were many higher profile issues that just fell short of the mark this year:

- **Expanded Gambling:** Legislators rejected two gambling proposals this year, deciding that this was one place they didn't want to go for more money. One proposal would have generated about \$25 million annually adding sites, and another would have raised \$7 million a year in exchange for ending greyhound dog racing subsidies.
- **Labor:** Since taking over control of the Legislature, Democrats have tried to change to the way unions operate by allowing them to charge non-members a fee for the services they provide (called "fair share"), expand public worker bargaining power by adding to the issues that can be addressed in negotiations, and requiring workers on public projects to be paid the prevailing wage. None of the measures came up for a vote this year, creating even more tension between two normal political allies (labor and Democrats).
- **Marriage:** Same-sex marriage was the top issue for Republican leaders going into this session, but it barely came up during the session. Republican leaders wanted to put a constitutional amendment before voters outlawing gay marriage, but that would require approval by two consecutive general assemblies. With no action this year, the soonest the issue could be put before voters would be 2014. In the end, legislators decided not to hold up session for an issue that they knew would not end up passing.

LEAGUE PRIORITIES

Below is a review of the status of the League's priorities, and our estimation on whether the Legislature passed or failed in addressing these priorities.

FAIL Protection from Predatory Lending

The League of Women Voters of Iowa encourages the Iowa Legislature to pass legislation to reduce payday loan fees. Lawmakers should cap payday loan fees at 36% APR, as Congress did for loans to military families. *Lawmakers had two options to address consumer protections this legislative session, and failed to act upon them. Kudos goes to the Senate for taking action on one of the two.*

- The Iowa House was several votes shy of the majority needed to pass two significant pieces of consumer protection legislation. The first struck a compromise to give payday lenders an option of limiting the number of loans given (but allowing them to charge excessive rates as they do now), or allow unlimited loans at a capped 36% APR rate (the same as the rate cap on lending to military families). It wasn't good enough for pay day lenders, and ultimately it couldn't get the support needed to make it out of a House committee before the first legislative funnel deadline. Read more here: [HF 2127](#)
- Lawmakers failed to give approval to a bill that would have protected people that heat their homes with propane from mid-winter fuel shut-offs (similar to the protections in place for those

with natural gas heating). Community Action Agencies worked hard to pass the legislation, and while it passed the Iowa Senate (34-16) it ultimately failed to make it out of the House. This was not a partisan issue, but really came down to geography. Propane distributors would be required to fill the propane tanks of Iowans that could either pay cash for at least 250 gallons of fuel, or are eligible for LIHEAP (during the cold winter months only). Propane dealers resisted despite the support of groups like AARP, the League, and other consumer groups. Read more here: [SF 2235](#).



Ensure Equitable Access to Mental Health

Services

The League of Women Voters of Iowa supports a coordinated state mental health system that ensures convenient and equitable access to care for all Iowans (children and adults) who need mental health services. *The League's mental health platform is broad and a very heavy lift in challenging budget times. For that reason, we're giving legislators a pass for the effort and progress they did make in some areas (but acknowledging there is a LONG way to go).*

- **Mental Health Parity (Lite):** Lawmakers expanded the state's mental health parity law in two ways this year - requiring state regulated health plans offered by large (50+ employees) companies include full mental health and substance abuse coverage for veterans, and adding up to \$36,000/year of autism coverage in state employee health plans (and requiring coverage of any treatment, including Applied Behavioral Analysis). Language was also added to the insurance reform bill (SF 2201) directing the Insurance Commissioner to review the impact state insurance mandates have on premiums (lawmakers have been frustrated over what they say are distorted claims of impacts of mandates like mental health parity on business insurance premiums). Read more here: [SF 2201](#) & [HF 2531](#)
- **Mental Health Funding:** While the county-based system was level funded, and none of the recommendations of the interim study group were enacted (because they require substantial investments in funding), legislators were able to add \$24 million to pay for more people without counties of legal settlement (state cases) and nearly \$2 million more to reduce the number of people on Medicaid Home and Community Based Services waiting lists. Funding cuts were reinstated for a number of other mental health and disability services - state brain injury programming and various mental health workforce shortage initiatives (psychiatrists, psychologists). Read more here: [HF 2526](#)
- **Mental Health Institutes:** Lawmakers could not agree on which (if any) MHIs to close, vacillating between Mt. Pleasant and Clarinda. Ultimately, they decided to continue to study ways to improve services and redistribute beds, and pursue the creation of more 16-bed alternatives similar to what the state of Minnesota has been moving toward over the past several years. The language also directed DHS to increase medical and health professional (dental, psychology, psychiatry, social work, and other behavioral health) student participation in institutions to expand opportunity to practice in the state. Lawmakers will also study the need for a residential school for the blind and visually impaired. Demand for residential services at the Iowa Braille & Sight Saving School in Vinton has been in decline, and lawmakers want to know if there is a more efficient and family-friendly way to deliver these services. Read more here: [HF 2526](#)



Sentencing & Corrections Reform

The League of Women Voters of Iowa urges the Iowa Legislature to consider the recommendations in the Criminal Code Reorganization

Committee report. *Sentencing Reforms enacted this year include "housekeeping" items that change outdated code references and realign them with more modern section (such as the elimination of the crime of "detaining a person in a brothel," a crime that is now prosecuted under Iowa's more modern sex trafficking laws.*

- Judges are given latitude to extend probation for up to one year (including one year beyond the maximum) if probation has been violated, rather than send back to jail/prison. Read more at [HF 2377](#)
- Criminal Juvenile Justice Planning Advisory Council and new Public Safety Advisory Board: Changes in the makeup of the advisory council were made to the CJJP Council to replace the gubernatorial appointments of police chief and a county attorney with a nonsupervisory police officer and a small city chief of police, and replace the two citizen members with a public member and a crime victim. Other change are made. Read more at [HF 2531](#)
- People who commit assault without intent to inflict serious injury (but who nonetheless causes serious injury) can receive a suspended or deferred sentence, or deferred judgment instead of class D felony conviction with required 70% of five-year sentence to be served. Read more at [HF 2372](#)
- It will be easier to expunge the record for a conviction for public intoxication and underage alcohol possession under new legislation passed this session (persons must only petition the court, and the conviction is expunged if the person has not had criminal violations except for simple misdemeanor violations in the two-year period). Read more at [HF 2233](#)
- A new offense of Aggravated Theft was adopted this session (injury committed while shoplifting). The crime moves up to first or second degree robbery or extortion (in which case it is a class D felony) if the person has a prior record of such offenses. Read more at [SF 2250](#)

Other Priorities

- **Family Planning:** Lawmakers approved the expansion of the existing Family Planning Waiver to include families up to 300% (currently 200%), women up to age 54, those without sufficient insurance (uninsured and underinsured), and men. Studies show that every dollar spent for family planning services saves a minimum of \$4 to the Medicaid program (nationally, more than half of all births are paid for by Medicaid). Pregnant women are currently eligible for Medicaid if they earn up to 300% of the federal poverty level (so lawmakers wanted to bring preventive services in line with this income level). Read more here: [HF 2526](#)
- **Campaign Finance Reform:** Iowa became the first state in the nation to respond to a US Supreme Court decision that allowed businesses to contribute to political campaigns. The new laws will require corporations, unions and other groups that engage in political activity and spend money on elections to file campaign reports just as Political Action Committees (PACs) must currently do. Lawmakers hope that closing this loophole in campaign spending will help head off problems in the 2010 elections. In order to spend more than \$750 on political activity, a corporation must first get the okay from their governing board and file reports within 48 hours of any expense. In order to run ads for or against a candidate or issue, a corporation must note the name and address of the corporation paying for the ad, and the CEO's

name. Corporations would also be banned from using the same advertising firms as candidates (within six months of the candidates). Read more here: [SF 2195](#)

- **Alternative Energy:** The Legislature approved the fourth year of the Iowa Power Fund and approved a Green Advisory Committee to provide written recommendations on the creation of a green certification program, the creation of a recycling vendor and resource green list, and possible funding options to support recycling educational activities. The League has a seat on this panel. Read more here: [HF 2496](#)
- **Breast Feeding:** Several bills were introduced to require employers to make reasonable accommodations for women who want to express breast milk at work. Employers would have had to give employees time to express breast milk (paid or unpaid), and would have to make efforts to find a private location other than a bathroom (this could include allowing the employee to go to a car, or use a backroom). The Senate passed the bill with bipartisan (29-15) support, but the House vote failed by one vote (it stripped out of the Standings budget on a 50-49 vote). All is not lost, the federal health care reform law includes similar provisions for large (50+ employee) companies.
- **Open Meetings:** Legislation clarifying Iowa's open meetings and public records laws was set to pass this year (HF 777), but was changed dramatically after the Iowa Newspaper Association decided it did not go far enough. The resulting changes passed the Iowa Senate but met opposition in the Iowa House. The original language (supported by the League) would clean up unclear areas of the law; the amended language set up a gubernatorial-appointed Public Information Board that interprets and enforces Iowa open meetings and public records laws. One big problem - the change came with a \$600,000 price tag. Ultimately, nothing happened on this issue.

Political News

The Legislature will also see dramatic change following Election Day. Even if there are no incumbents defeated (which is a rare occurrence), there will be at least three new State Senators and a fourteen new House members.

STATE SENATE

- Two Senate Democrats and One Senate Republican are retiring - Democratic Senators Steve Warnstadt of Sioux City and Roger Stewart of Preston, and Republican Senator Ron Wieck of Sioux City.
- Senate Republicans have five incumbents running for re-election - three are running unopposed (Senators Boettger, Johnson and Noble) and one faces a primary challenge (Senator Hartsuch). In all, Senate Republicans recruited candidates to run in 20 of the 25 Senate seats up for re-election this year.
- Senate Democrats have seventeen incumbents running for re-election this year, with five running unopposed (Senators Bolckom, Dvorsky, Hatch, Hogg, and Horn). No current Democratic Senators face a primary challenge. Democrats fielded candidates in 22 of the 25 Senate seats up for election this year.

STATE HOUSE

- Eight House Democrats are retiring - Representatives Wes Whitehead of Sioux City, Roger Wendt of Sioux City, Marcie Frevert of Emmetsburg, Dolores Mertz of Algona, Mark Kuhn of Charles City, Polly Bukta of Clinton, Wayne Ford of Des Moines, and Elisha Gayman of Davenport.
- Democrats have 48 incumbents running for re-election, and have candidates running in 73 of the 100 House seats, with Representatives Kerry Burt of Waterloo, Chuck Isenhardt of Dubuque, Dave Jacoby of Coralville, Geri Huser of Altoona and Mary Gaskill of Ottumwa all facing primary opponents. Rep. Burt's opponent is expected to be very competitive (she's a young Bosnian immigrant who finished college at UNI in just three years).
- Six House Republicans are retiring: Representatives Mike May of Spirit Lake, Rod Roberts of Carroll (who is running for Governor), Christopher Rants of Sioux City, Rep. Jodi Tymeson of Winterset, Kent Sorenson of Indianola (who is running for the Senate), and Doug Struyk of Council Bluffs.
- Republicans have 38 incumbents running for re-election, and have candidates for 88 out of the 100 House seats. Representatives Henry Rayhons & Jim Van Engelenhoven the only Republicans with people running against them in the primary election.
- Out with the new, in with the old? Many former elected officials are coming out of the woodwork this year to run. Former Governor Terry Branstad wants his old job back. Former State Representative George Eichhorn is running for Secretary of State and former State Senator Tom Fiegan and former State Representative Bob Krause are running for US Senate. Former legislators running include former State Senator Stewart Iverson (against Rep. McKinley Bailey), former State Representative Bill Dix (against Sen. Bill Heckroth), former State Senator Sandy Greiner (against Sen. Becky Schmitz), and former State Representative Dan Rasmussen (against Rep. Gene Ficken).
- Sioux City Clean Sweep. For the first time in modern history, the City of Sioux City will be electing an entirely new slate of legislators in 2010. All five of Sioux City's legislators will be retiring this year - Rep. Christopher Rants, Rep. Wes Whitehead, Rep. Roger Wendt, Sen. Ron Wieck & Sen. Steve Warnstadt.

You can see the entire candidate list [here](#) or on the [Secretary of State's website](#).

LWVIA Bill Tracker

Click here to access our [LWVIA Bill Tracker](#) - only those bills that were enacted by the Iowa Legislature continue to be listed in our online system. A complete list of bills that failed to make it this session is available on the [LWVIA website](#).

The Governor has until April 29 to take action on bills - and we will continue to update the status of these signings daily.

Quick Links

[LWVIA Bill Tracker](#) (status of tracked bills, updated daily)
[State Legislative Website](#) (schedules, legislators,

committees)

[Governor's Website](#) (executive orders, press releases)

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