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## Emails can be found at:

[www.legis.state.ia.us/asp/Legislators/LegislatorInfo.aspx](http://www.legis.state.ia.us/asp/Legislators/LegislatorInfo.aspx)

**Calls can be made Monday-Friday (leave a detailed message):** 515.281.3371 (Senators); 515.281.3221 (Representatives)

## Write Senators and Representatives at:

Senator \_\_\_\_\_ (Representative \_\_\_\_\_)  
State Capitol  
Des Moines, Iowa 50319

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## CONTACTING YOUR LEGISLATORS

Your legislators work for you. They want to hear from you, because it is their job to represent you at the State Capitol in Des Moines. They respond to your ideas, and your thoughts. Who knows, an idea you have might even make it all the way to becoming a law!

It would have all started with calling, writing, emailing or visiting with your legislator. **If you read about a bill you like (or don't like) or you are concerned about funding for a program or service, tell your legislators!**

### Ways to Find the Names of Your Legislators:

- ✓ It's on your mailing label (unless you have a PO box or business address, or are new to our list).
- ✓ Call the Legislative Information Office (515.281.5129)
- ✓ Enter your address online [www.legis.state.ia.us/FindLeg/](http://www.legis.state.ia.us/FindLeg/)

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## CAPITOL TRIVIA

**Session Trivia Fact 1:** For those of you that are superstitious, there are two Friday the 13ths this session. Friday, March 13 also happens to be the first official deadline of the year - the date when bills need to be voted out of committee. If at least one committee has acted on a bill by March 13, it stays alive until the next deadline.

**Session Trivia Fact 2:** The "official" funnel deadline is not until Friday, March 13. However, the Senate Democrats have told their members to act as if the funnel deadline is a week early, making this coming week (March 2-6) the funnel week and Friday, March 6 the first legislative deadline. This means all bills must have been voted out of at least one committee, or they are no longer eligible for consideration (they're dead). Bills that spend money and enact taxes are exempt from the funnel deadlines.

**Session Trivia Fact 3:** We thought there were a lot of bills introduced during the last two weeks. Boy we were right! As of today, there have been 1,316 bills and resolutions introduced to date. That means 443 bills were introduced and assigned to a committee during the nine days legislators were in session over the last two weeks

**Session Trivia Fact 4:** Fourteen states have had to raise taxes to take care of budget problems. The average state budget shortfall nationally is 14%,



nearly double what Iowa is expecting in 2010 (8%). Misery loves company.

**Session Trivia Fact 5:** Session will hit its halfway point next week (Monday, March 2 is day 50 of the shortened 100-day session). By the pace we have been keeping, it seems like it should be April.

**Session Trivia Fact 6:** Speaking of April, Senate Majority Leader Mike Gronstal announced last week that he has a new target date set for ending session - April 2! He might have picked April 1, but we'd all know he was fooling then. "That's what I'm trying for. I'm not guaranteeing that I can get there," said Sen. Gronstal.

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## MORE CAPITOL NEWS

Since our last report, the Senate passed a bill requiring employers to pay men and women equally if they are doing equal work ([SF 137](#)), General Ron Dardis of the Iowa National Guard gave his annual "State of the Guard" Address, and the House held a public hearing on controversial legislation requiring local governments pay the "prevailing wage" for work done in construction projects ([HF 333](#)).

Usually, one doesn't find the Legislature debating on a Friday until the final weeks of session, but the flag was still flying next to the House chamber late last Friday as debate continued on the prevailing wage bill. The chambers were filled with the green shirts of the Plumber's and Steamfitters Union members, as they watched the drama unfold.

House Democrats ended up one vote short of the 51 votes needed to pass the bill. In an extraordinarily rare move, House leaders left the voting machines open the entire weekend in hopes that someone would switch votes. This meant a few legislators were stationed in the House chambers all weekend long, watching the voting machine and keeping fingers crossed. In the end, at 1:00 p.m. on Monday, the voting machine was closed and the bill that would have raised the wages of people working in the building and construction trades was voted down.

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## BUDGET NEWS

Legislative leaders acted quickly this week to finalize the current fiscal year budget, making sure the year ends with a balanced budget. The House passed

[HF 414](#) on Thursday (55-43), with Democrats voting for the bill and Republicans voting against.

The bill has great news for persons with disabilities served by the county mental health/disability services (MH/DS) system. **House leaders restored the 1.5% across the board cuts recommended by the Governor for all county MH/DS services** - allowed growth, county property tax relief, community services, and state cases. Without this restoration, counties would have \$2.6 million less to serve people with disabilities in the current fiscal year.

***If you care about county MH/DS funding, contact your legislators and thank them for their support and help in reinstating these dollars.***

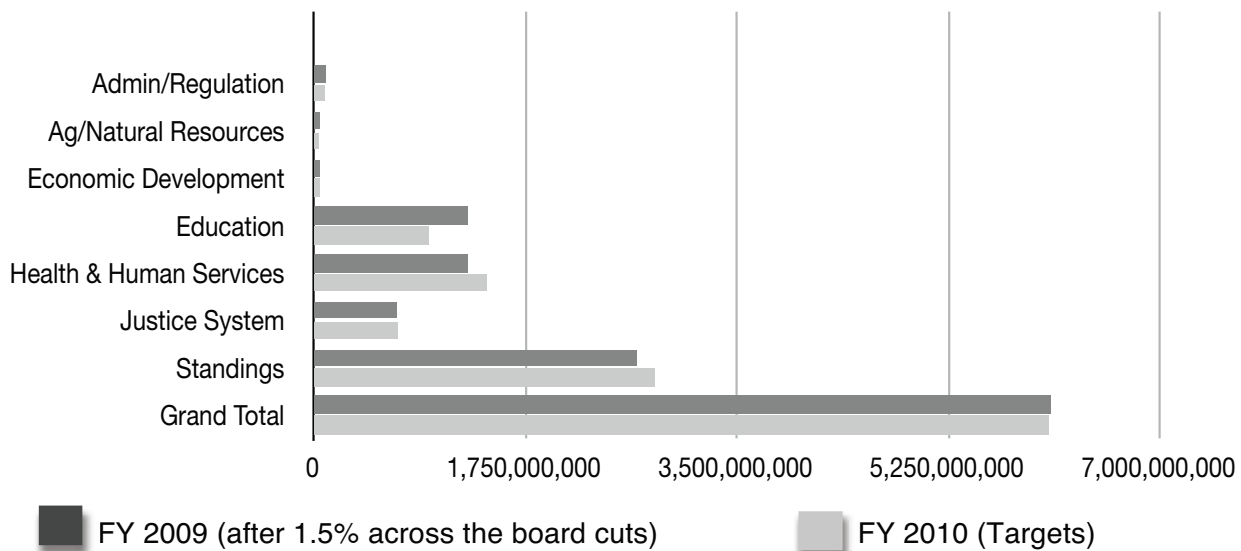
[HF 414](#) includes good news for Medicaid providers. After receiving word that the federal stimulus package will include more money for Medicaid, the legislative leaders decided to leave Medicaid funding alone (the Governor had recommended a cut in provider rates).

Budget subcommittees continued to meet, but they will really have something to talk about next week. House and Senate leaders announced their joint budget targets on Thursday, February 26. A budget "target" is the amount of money that leaders allow each budget subcommittee to spend.

This year, leaders decided to set a target that is \$134 million less than Governor Culver's budget. As you might recall, Governor Culver recommended spending be reduced by 6.5% this year. Now the budget subcommittees have the challenge of deciding where additional cuts will be made.

The adjusted fiscal year 2009 budget (that is, the budget after the Governor's 1.5% across the board cuts) totaled nearly \$6.1 billion. The budget targets announced this week total \$6.08 billion, or about \$19.8 million less than the current spending level.

Since a picture speaks louder than words, below is a chart of the current fiscal year budget (with the Governor's 1.5% budget cuts) and the proposed budget targets for the next fiscal year (FY 2010). As you can see, the differences are very subtle. However, you will see that Education gets a little smaller piece of the pie next year, and Health & Human Services gets a bit bigger slice.



**What next?** Budget subcommittees will begin to discuss ways to meet their budget targets. The Revenue Estimating Conference will meet on March 20 to look at how the state’s revenues look. This is the group we have described in earlier issues - they watch how much money the state is taking in through taxes and other sources, and then estimate how much money the state will be able to spend (since the state can only spend 99% of what it takes in). The Legislature may adjust their targets if these numbers are significantly different than the December estimates, just to make sure they pass a balanced budget as required by Iowa law.

funding system and the state resources centers continued to meet this week, hearing testimony and discussing opportunities and options.

It appears the redesign bill is facing an uphill battle this year ([SF 134](#)) - it would require counties with fewer than 100,000 people deliver their MH/DS services regionally in exchange for ending legal settlement, allowing counties to raise levies to make up for state shortfalls, and enacting a new funding system that would distribute money more equitably to counties and regions that provide a basic level of services (with that level to be set by the MH/MR/DD/BI Commission).

## MANDATE & WORK GROUP UPDATE

The bill that requires medically necessary prosthetics to be covered by insurance plans passed the House (64-33), and is ready for Senate debate. Other mandate bills seem to be stalled – and only one is safe from the legislative funnel. The bill that requires mental health and substance abuse treatment be a covered service in insurance plans ([HF 234](#)) has made it out of committee, and is safe from the first funnel deadline.

The bill is the work of Sen. Jack Hatch, a Des Moines legislator who met with county officials and advocates throughout the summer to develop a solution to the never-ending battle over MH/DS system funding. If this bill does not get voted out of the Senate Human Resources Committee by Friday, March 6 (new Senate funnel), it will be dead and cannot be considered for the rest of the year.

The bills that require insurance plans pay for autism treatment services like applied behavior analysis ([HF 1](#) & [SF 1](#)) is still awaiting committee action, and at least one will need to get out of committee in the next week. Bills are only debated if enough people let their legislators know they are important.

## GOVERNOR APPOINTS ATALISSA TASK FORCE, SEEKS PUBLIC INPUT

Iowans were outraged when they found out about the treatment of 21 men with mental retardation by their employer (Henry’s Turkey Service) in Atalissa, Iowa. The men had been living in an unsafe home without heat, and their wages after “living expenses” had been slashed to about 44 cents per hour. The situation has made headline for nearly a month now,

The groups working on the county mental health

and has raised many questions about the treatment of persons with disabilities and other dependent adults. It has also called into question the continued biases toward persons with disabilities.

Governor Culver reacted quickly to the situation, calling on Department of Elder Affairs Director John McCalley to lead a task force in developing recommendations that will ensure situations like these are exposed, addressed, and prevented.

*“The situation in Atalissa was deplorable, and I want to do everything we can in Iowa to make sure people, especially the most vulnerable among us, never face those kind of living and working conditions again,”* said Governor Culver. *“While I am pleased that the 21 men who resided at Henry’s Turkey Service are now being properly cared for, I am very concerned that a situation like this could have happened in the first place.”*

The Governor signed Executive Order 11 creating the Governor’s Task Force on Dependent Adults with Mental Retardation and that includes representatives of various state agencies, including the Iowa Civil Rights Commission and the State’s Labor Commissioner. The Task Force is to:

- Review Iowa laws, regulations, policies and procedures related to the care and employment of dependent adults with mental retardation;
- Engage the assistance and services of state agencies, members of the nonprofit and nongovernmental sector, interested groups and citizens who are not formally named to the Task Force, but who can assist with analysis of and access to data bases and systems that might help detect the existence of unregulated congregate residential settings and non-registered and/or unregulated workplaces where there may exist abuse or neglect of dependent adults with mental retardation;
- Determine the extent to which dependent adults with mental retardation are residents of or are receiving care in unlicensed facilities;
- Assess existing methods, both within Iowa and in other jurisdictions, of preventing, investigating and taking enforcement action against persons who neglect, abuse or take advantage of dependent adults with mental retardation;
- Identify and recommend potential regulatory or

statutory changes that would improve prevention and enforcement efforts and systematically address the problem of the mistreatment of dependent adults with mental retardation in the State of Iowa;

- Develop a plan and a timeline, with input from appropriate stakeholder groups, to redress the problems caused by and prevent the mistreatment of dependent adults with mental retardation through coordinated legal and regulatory changes; and
- Identify and recommend ways to prevent the mistreatment of dependent adults with mental retardation, such as through the dissemination of educational materials, thereby reducing the need for corrective action.

The Task Force will submit final recommendations to the Governor no later than April 1. *“If laws need to be changed to prevent this situation from ever taking place again, then I want to address them now, while the legislature is still in session,”* said Governor Culver.

### **Task Force Seeks Public Input**

The following is an invitation from John McCalley, the Task Force Chair - we hope that you accept his invitation for public comment. **A copy of the public input form is attached at the end of this issue.**

The Governor’s Task Force on Dependent Adults with Mental Retardation invites you to submit recommendations for the Task Force to consider. The Task Force welcomes recommendations on the duties assigned as addressed in Executive Order 11 (see the list above). The Executive Order and list of duties may be viewed at:

[www.governor.iowa.gov/administration/docs/eo/Executive\\_Order\\_No11.pdf](http://www.governor.iowa.gov/administration/docs/eo/Executive_Order_No11.pdf).

**Recommendations must be submitted no later than 5:00 p.m., Wednesday, March 18** to allow time for the Task Force to review and select the ones that will ultimately be included in the final report. The report – along with recommendations – is due to the Governor by April 1, 2009.

Please make your recommendations to the Task Force by completing the attached form and submitting it electronically to [danika.welsch@iowa.gov](mailto:danika.welsch@iowa.gov), by mail to the address



listed at the bottom of the form, or by calling toll-free to (800) 532-3212.

The form may also be found on the Elder Affairs website at [www.iowa.gov/elderaffairs/Documents/DependentAdultTF/ElectronicRecForm.doc](http://www.iowa.gov/elderaffairs/Documents/DependentAdultTF/ElectronicRecForm.doc).

For additional information about the Governor's Task Force on Dependent Adults with Mental Retardation, including meeting dates and locations and meeting materials, please visit <http://www.iowa.gov/elderaffairs/resources/DependentAdultTaskForce.html>.

Thank you for your attention to this important matter. Please feel free to contact Director McCalley or Danika Welsch about this or any other matter; [john.mccalley@iowa.gov](mailto:john.mccalley@iowa.gov), 515-725-3301. Thank you for your continued support to the mission of the Task Force.

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## LOBBYIST APPRENTICE REPORTS

### MY CAPITOL DAY

*by Patricia Taylor, ID Action Lobbyist Apprentice*

I was wowed again entering the Capitol and noting the detail of the building itself - even the window latches are brass and the heating grates are ornate. I had not been in the building since a field trip at age 9. It was redone, brightly lit and grand.

I have visited the Capitol twice now and have adjusted one of my issues and now support House File 188 - that Iowa College Savings Plan funds may be used to pay student loans and also not taxed on Iowa taxes. Most of my other issues are cost free but beneficial to all Iowans - a quality I can really get behind in this economy.

On my visits I sat in on several subcommittee meetings, each was run differently. At one I was invited to speak on the matter by the chair! Lobbyists and citizens representing state agencies were asked to come together and refine the language on the bill, as all could see a loophole in the law that would require a judge to grant an automatic dismissal of charges against juveniles who claim a mental condition.

In contrast, at other meetings representatives did ask some questions in front of the public but then left to caucus and quickly returned to vote. It seemed to

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be with little fanfare that a vote passed, moving Iowa clergy closer to becoming Mandatory Reporters of child abuse.

I did not know that state representatives could be paged and would leave the floor to meet with anyone who wants to be heard. The building hums with noise especially during breaks but anyone would be willing to point you toward the representatives.

After a training and two visits to the Capitol, the female security guard knows me, so I don't find the scene to be as intimidating now. I urge everyone to visit, especially on Advocating for Change Day April 1, 2009.

I plan to meet my representatives on Feb. 14th in Dallas County as I have missed them at the Capitol. I want to talk to them about Education issues and hear more about bills they have recently introduced.

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### MY DAY AT THE CAPITOL

*by Diane Lane, ID Action Lobbyist Apprentice*

I arrived at the Capitol around 9:00 am. It was the Brain Injury Association's Capitol Day, so I stopped by their booth and learned about how they are trying to help people and what they were doing at the Capitol.

After that, I went to a meeting about the education budget. I learned that they were not trying to cut the budget, and they were moving money from places that did not use it last year to places that could use it next year. It was interesting how they were trying to juggle the money so that it will be used productively, rather than trying to cut the money all together.

After that meeting, I went to yet another meeting and they were talking about a bill being passed into law. Even though I did not fully agree about what was being said, I thought it was interesting to see how the process works, and how a bill has to go through many steps before becoming law. If I had to pick a between seeing how a bill goes through the process and reading about it, I would rather see it.

My last stop was to see my legislators, Representative Schultz and Senator Seymour. Rep. Schultz was busy and I did not catch him, but I did see Senator Seymour and reintroduced myself and asked for a picture. My day was done and very busy, but very informative.

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## **infoNET ADVOCACY RESOURCES**

### **SIGN UP FOR YOUR LEGISLATOR'S**

**NEWSLETTERS.** We are certain you enjoy reading our newsletter, but it is always interesting to hear how things are going at the Capitol from a legislator's viewpoint. You can sign up for your legislator's newsletters online:

<http://www3.legis.state.ia.us/ga/legislators.do?&ga=83>. Just click on the names of your Senator and Representative, and you will see a link to the online newsletter sign-up form. You can also sign up by calling or emailing your legislator at the Capitol.

**MARK YOUR CALENDARS!** Advocating Change Day 2009 will be held on Wednesday, April 1, 2009. We have moved it up a week to avoid the national tornado drill that always disrupts our activities - so don't worry about those alarms going off this year! Registration deadline is March 20, but space always fills up early, so don't wait. You can register online at:

[www.idaction.org/idaction/change\\_day\\_registration.htm](http://www.idaction.org/idaction/change_day_registration.htm).

**UPCOMING PUBLIC FORUMS.** Attending a Public Forum is the best way to advocate for an issue. Legislators really do listen - and they hold public forums on their own time (usually Saturday mornings) to give people who can't travel to Des Moines a chance to talk about what is important to them. Because in the end, what is important to you, is important to your legislators!

Tips on attending forums are available at: [http://www.infonetiowa.com/advocate/local\\_forums.php](http://www.infonetiowa.com/advocate/local_forums.php). A full list of forums planned is also available there.

### **Friday, March 6, 2009**

8:30 a.m. - Dubuque - One Mean Bean at 2728 Asbury Rd #750 - Rep. Isenhardt Office Hours

4-6 p.m. - Cedar Falls - AEA 267, 3712 Cedar Heights Drive - Black Hawk County Area Legislators

### **Saturday, March 7, 2009**

8:00 a.m. - Davenport - Hickory Gardens at 3311 Hickory Grove Rd - Rep. Gayman

8:00 a.m. - Guthrie Center - - Senator Boettger

8:00 a.m. - Red Oak - YMCA located at 101 E. Cherry Street - Senator Reynolds & Rep. Dolecheck

8:30-10:00 a.m. - Ames - City Council Chambers - Story County Legislators including Sen. Olive

8:30 a.m. - Aspinwall - CJ's Restaurant at 203 Main Street - Rep. Roberts

9-11:00 a.m. - Altoona - Altoona Public Library at 700 8th Street SW - Senator Black & Rep. Geri Huser

9:00 a.m. - Clermont - Brick City Brew Pub at 311 Mill Street - Rep. Wenthe & Sen. Heckroth

9-10:30 a.m. - Council Bluffs - Council Bluffs Library at 400 Willow Ave - Pottawattamie County Area Legislators

9:00 a.m. - Estherville - Esterville Library at 613 Central Ave - Senator Kibbie & Rep. Frevert/Mertz

9:00 a.m. - Grinnell - Community Building, 4th Ave & Park - Rep. Palmer

9:00 a.m. - LeMars - LeMars Public Library - Rep. Soderberg & Sen. Feenstra

9:00-10:30 a.m. - Muscatine - Muscatine Community College-Student Center - Rep. Sands & Senator Hahn

9:00 a.m. - New Hampton - Farm Bureau office at 506 W. Milwaukee - Senator Wilhelm

9:00 a.m. - Olin - Selma's Kitchen at 306 Jackson Street - Sen. Hancock

9:30-11:00 a.m. - Dubuque - Cracker Barrell Forum at Diamond Jo's - Dubuque County Area Legislators -

9:30-11:00 a.m. - Ottumwa - Bridge View Center at 102 Church Street - Rep. Mary Gaskill

10:00 a.m. - Coon Rapids - TBD - Senator Kettering & Rep. Roberts

10:00 a.m. - Davenport - United Neighbors at 808 N. Harrison St - Rep. Gayman

10:00 a.m. - Greenfield - Greenfield Church on West Side of Square - Senator Boettger

10:00 a.m. – Onanwa - Onawa Library, 707 Iowa Ave - Rep. Windschitl & Senator Seymour

10:30 a.m. - West Union - Tap't Out at 112 S. Vine Street - Rep. Wenthe & Sen. Heckroth

11:00 a.m. - Clarion - Clarion Depot - Rep. Bailey & Senator Olive

11:00 a.m.- Williamsburg - Farm Bureau Office at 212 West State - Rep. DeBoef

11:15-12:15 - Wapello - Wapello State Bank - Rep. Sands

11:30 a.m. - Cresco - Tell-U-What Grill at 104 N Elm Street - Senator Wilhelm

1:00 p.m. – Oelwein - Public Library at 201 E. Charles Street - Rep. Wenthe & Sen. Heckroth

1:00 p.m. – Ridgeway - Fireman's Inn at 660 County Street - Senator Wilhelm

### **Thursday, March 12, 2009**

6:45 p.m. - Waverly - Waverly Public Library - Senator Heckroth

### **Saturday, March 14, 2009**

7:30-8:30 a.m. - Elkhart - Fire Station - Senator Noble

8:00 a.m. - Corydon - Farm Bureau Office - Senator Kreiman & Rep. Swaim

8:30 a.m. - Oskaloosa - Smokey Row at 109 S Market - Rep. Palmer

8:30 a.m. - Missouri Valley - Rand Community Center, 100 S. 4th - Rep. Windschitl

8:30 -10:00 a.m. - Rockwell City - Rokwell City Public Library - Senator Beall

9:00 a.m. - Clinton - Clinton Chamber of Commerce at 721 S. 2nd Street - Senator Stewart

9:00 a.m. - Dunkerton - Dunkerton City Hall - Rep. Ficken

9:00 a.m. - Leon - Decatur High School - Senator Reynolds & Rep. Reasoner

9:00 a.m. - Mason City - Chamber office at 25 W State Street, Suite B - Senator Ragan & Rep. Upmeyer –

9:00 a.m. - Maurice - Firestation - Rep. Soderberg & Sen. Feenstra

9:00-10:00 a.m. - Polk City - Polk City Bank - Senator Noble

9:00-10:30 a.m. - Spencer - Spencer City Hall - Senators Kibbie & Johnson, Reps May, Frevert

9:00 a.m. - Sumner - Sumner Public Library at 206 N Railroad - Rep. Wenthe

9:00 a.m. - Wilton - Wilton Community Room - Senator Hahn

9:30-11:00 a.m. - Dallas Center - Raccoon Valley Bank - Senator Behn

9:30 a.m. - Manchester - Manchester Public Library at 304 N Franklin - Sen. Hancock & Sen. Schoenjahn

10:00 a.m. - Atlantic - Atlantic City Hall - Senator Boettger

10:00 a.m. - Centerville - Chariton Valley Planning and Development - Senator Kreiman & Rep. Swaim

10:00 a.m. - Keosauqua - Community Senior Center at 228 2nd Street - Sen. Schmitz

10:00 a.m. - Logan - Logan Community Center, 108 W. 4th - Senator Seymour

10:00 a.m. - Nashua - Nashua Public Library - Sen. Wilhelm

10:00 a.m. - Sioux City - Sioux City Public Library at 6th & Pierce - Woodbury County Legislators

10:30 a.m. - Alton - Alton Public Library - Rep. Soderberg & Sen. Feenstra

10:30-noon - Des Moines - North Side Library at 3516 5th Avenue - Rep. Ford



10:30-11:30 a.m. - Johnston - Johnston Public Library - Senator Noble

10:30-noon - Lisbon - Lisbon City Hall - Senator Dvorsky - 7:30 a.m. - Fairfield - Chamber of Commerce - Rep. Whitaker

10:30 a.m. - Tripoli - Somewhere Else Café at 206 7th Ave SW - Rep. Wenthe

11:00 a.m. - Dewitt - Farm Bureau at 514 8th Street - Rep. Schueller

11:00 a.m. - Fairbank - Fairbank City Hall at 116 East Main - Rep. Ficken

11:00 a.m. - Lamoni - Lamoni Community Center - Senator Reynolds & Rep. Reasoner

11:30 a.m. - Arnolds Park - Maritime Museum - Senator Johnson

11:45-12:45 - Grimes - Grimes Public Library - Senator Noble

12:00 noon - Bloomfield - Rancho Centinalla - Senator Kreiman & Rep. Swaim

1:00 p.m. - Denver - The Rite Spot at 107 S. State St - Rep. Wenthe

1:00 p.m. - Hudson - Hudson Public Library at 401 5th Street - Rep. Kelley

1:00 p.m. - Jesup - Jesup Library at 721 6th Street - Rep. Ficken

1:00 p.m. - Lawler - Lawler Community Center on East Grove St - Senator Wilhelm

And remember, if you do not have a computer or the Internet, many local libraries have public Internet access and computers available for patrons. Many also offer basic training on the Internet, just ask your local librarian about what is available.

## **BILL TRACKER - NEW BILLS**

### **Bills Ready for Debate (on Calendar)**

HF 320 - Voters in Primaries (17-1/2 year olds) (Status: House Floor) - Allows voters that are 17-1/2 to vote in a primary election, as long as they will be 18 years old by the time of the general election. Currently, a 17-1/2 year old may register to vote at the time of the primary, but cannot actually vote in the primary. Successor to HF 195. Position: Monitor Last Modified: 02/20/2009 Notes: Rep. Isenhart (Floor Manager)

HF 450 - City Election Polling Time (Status: House Floor) - Successor to HSB 138. Allows a county election commissioner to open the polls at Noon instead of 7 a.m. for any city election. This is currently allowed for city elections in cities with a population of 3,500 or less if there is no contested election or public measure on the ballot. Notes: Rep. Willems (Floor Manager)

HF 478 & SSB 1126 - Diabetes Insurance Coverage (Status: House Floor) - Successor to HSB 153. Requires insurance plans to cover outpatient diabetes self-management training (10 hours/year) for any individual diagnosed with any type of diabetes. Current law requires only 10 hours of initial training for certain types of diabetes. Applies to individual, group, and public employer plans. Effective upon enactment to plans started or renewed on or after 7/1/2009. Position: Monitor Last Modified: 02/27/2009 Notes: Subcommittees: Dandekar (Chair), Behn & Rielly; D. Olson (Chair), Petersen & Pettengill

SF 178 & HSB 80 - Private Cause of Action (Status: Senate Floor) - Iowa is the only state in the nation without a law that allows a person to sue a company for consumer fraud. Only the Iowa Attorney General (AG) can file an action under Iowa's Consumer Fraud Act. The AG's Office receive more than 6,000 complaints each year, and cannot prosecute all of them. Passing this bill would mean Iowans who are the victims of consumer fraud, often vulnerable

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## **BILL TRACKER**

Only bills introduced in the last two weeks are listed here, and the status of those that have been introduced in the past. A full list can be found online at: [www.infonetiowa.com/current\\_issue/active\\_bills.php](http://www.infonetiowa.com/current_issue/active_bills.php) or going directly to our new Bill Tracker system at: [www.ialobby.com/CPCBillTracker/tabid/59/Default.aspx?cid=INFONET#](http://www.ialobby.com/CPCBillTracker/tabid/59/Default.aspx?cid=INFONET#).

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people, could take court action. This is very important now after the floods and tornadoes, as many of these frauds happen when people pay a contractor to fix their homes, and the person never does the work. Right now, the person who was the victim of that fraud would not be able to take action. This law would let that person take the contractor to court. The law does not apply to insurance companies, attorneys, banks and credit unions, public utilities, hospitals, health care facilities, hospice programs, health care and mental health providers, public accountants, engineers, architects, and landscape architects. Requested by the Iowa Attorney General Position: Monitor Last Modified: 02/19/2009 Notes: Sen. Kreiman (Floor Manager); Judiciary Subcommittees: Kreiman (Chair), Kettering & Sodders; Palmer (Chair), Anderson, and Swaim SF 178 used to be SSB 1037; Similar bill SSB 1082 does not include all the exemptions (so it applies to insurance companies, attorneys, banks and credit unions, public utilities, hospitals, health care facilities, hospice programs, health care and mental health providers, public accountants, engineers, architects, and landscape architects.

SF 187 - Special Deer Hunting Licenses/Non-Ambulatory Persons (Status: Senate Floor) - Allows a non-ambulatory person to get one any sex deer hunting license valid during any deer hunting season. This person is not required to pay the wildlife habitat fee, but must still buy the deer hunting license and hunting license, be otherwise qualified to hunt, and pay the \$1 fee for deer herd management. A "non-ambulatory person" means someone with paralysis of the lower half of the body, including spinal cord injuries. Notes: Sen. Dearden (Floor Manager)

SF 236 & HSB 213 - PMIC Reimbursements (Status: Senate Floor) - Directs DHS to work with Psychiatric Medical Institutions for Children (PMICs) to develop a new reimbursement methodology that is based on acuity (need). The new reimbursement methodology is to be in place by 7/1/2010. Beginning July 1, 2009, the maximum reimbursement rate for PMIC providers is limited to a specified percentage of certain average costs. DHS may allow a higher rate on a case-by-case basis for services provided to children with intensive needs who would otherwise be placed out-of-state. Requires DHS apply for federal approval to pay a cost-based rate to the PMIC located at the Independence Mental Health Institute. Effective

upon enactment. Requested by Governor Culver. Notes: Sen. Bolkcom (Floor Manager); House Human Resources Subcommittee: Heddens (Chair), Abdul-Samad & Heaton

SF 264 - Local Board Gender Balance II (Status: Senate Floor) - States that appointments to local boards is open to all members of the community without bias or preference toward gender, race, religion, national origin, disability, sexual orientation, or any other demographic trait. Requires local governments to actively seek appointments from all groups in the community, so merit alone can be considered. Requires all county, city, and school governments to report the total number of members appointed to boards, and the total number of those that are men and women. Requires this report to be available to the public. Notes: Sen. Quirnbach (Floor Manager)

## Bills in Committee

HF 316 - Disabled Veteran Homestead (Status: House Veterans Affairs Committee) - Exempts from property taxes the first \$150,000 of value for homes owned by disabled veterans (disability rating of at least 70%). Appropriates funds to cover the cost of the property tax exemption. Effective upon enactment for taxes due beginning July 1, 2009. Notes: Subcommittee: Zirkelbach (Chair), Whitead & Windschitl

HF 337 - Experimental Treatment/Insurance Mandate (Status: House Commerce Committee) - Prohibits an insurance company from denying coverage of a treatment, drug or device that is considered experimental, if it is covered by Medicare and Medicaid. Sponsored by D. Olson Notes: Subcommittee: Not yet assigned

HF 347 - Regional Transit Systems/Used Vehicles (Status: House State Government Committee) - Gives regional public transit systems the ability to take (at no cost) any used state vehicles that are to be put up for public auction. Sponsored by Rep. Horbach Notes: Subcommittee: Lensing (Chair), Isenhardt & Pettengill

HF 363 - Medicaid Copayments (Status: House Human Resources Committee) - Directs DHS to adopt and amend rules for Medicaid so that copayments are not required for inpatient care (nursing

home, hospital, MHI). Sets the co-payment for all covered ER services at \$5 (visits resulting in admission do not have co-payment). Requires all Medicaid eligibility cards for adults (age 21 and over) to list the co-payments for office and ER visits. Requires the Medipass card to list the doctor the person must see (or get a referral from for non-emergency care). Sponsored by Rep. De Boef & Watts Notes: Subcommittee: Not yet assigned

HF 369 - Silver Alert (Status: House Public Safety Committee) - Creates a "Silver Alert Program" (similar to an Amber Alert) to aid in the identification and location of missing older, cognitively impaired persons (age 65 and older). Sponsored by Rep. Upmeyer Notes: Subcommittee: Not yet assigned

HF 410, HF 74 & SF 102 - Searchable Budget and Tax Information (Status: House State Government Committee) - This bill would require the department of management to develop and make available to the public by January 1, 2011, a single, searchable budget database website which would allow the public at no cost to search an aggregated database that would provide the names and principal location or residence of recipients of state funds, amount of funds expended, the agency that provided those funds, and several other details. The disclosure would not be required for individual recipients of state assistance. The bill would also require the department of management, in consultation with the department of revenue, by January 1, 2010, to develop and operate on an internet site a searchable database of all the tax rates in the state for each taxing district. HF 410 is sponsored by Rep. Palmer, Thede, Anderson, Koester, Gaskill, Kearns, Winckler, Lensing, Mascher, Wessel-Kroeschell, Frevert, Reichert, Zirkelbach, Swaim, T. Olson, Wenthe, Ficken, Heddens, Smith & Whitaker; HF 74 is sponsored by Rep. Paulsen, Struyk, Helland & Upmeyer; SF 102 is sponsored by 15 Senate Republicans. Notes: Subcommittees: Frevert (Chair), Isenhardt, and Pettengill; Courtney (Chair), Feenstra & Kibbie

HF 414 - 2009 Budget Cuts & Restorations (Status: Senate Appropriations Committee) - Enacts the Governor's 1.5% across the board cut to the current year's budget (fiscal year 2009), but does it in a more selected manner by increasing cuts in some areas and reinstating funding for "priority" programs. Codifies the Governor's flood recovery actions, including the creation of the Jumpstart Housing

Initiative and the Small Business Disaster Recovery program. Transfers \$37 million of infrastructure funds to the general fund to balance the budget. Reduces state agency administrative funding by \$25.6 million for the current fiscal year. FY 2009 FUNDING RESTORATIONS: Restores the 1.5% across the board cut to various programs, including mental health and substance abuse treatment for persons in prisons and all county mental health and disability services funding (\$1,326,000 to county property tax relief, \$203,372 to state cases, \$272,318 to community services, and \$811,220 to county allowed growth). Fiscal year 2009 began on July 1, 2008 and runs until June 30, 2009. Notes: Passed House 55-43; Subcommittee: Not yet assigned

HF 454 - Special Education Services/Juvenile Detention, Shelter & Foster Care (Status: House Education Committee) - Current, children living in foster care, shelter care, or juvenile detention homes can receive special education services, and the school where the facility is located picks up the tab. This bill requires the school where the child's parents live (school of residence) pay for the actual special education instructional costs. Payments are made to DHS and DHS (not the district where the facility is located) is required to work with the AEA to develop a program and budget for review by the Department of Education. Sponsored by Rep. Paulsen Notes: Subcommittee: Not yet assigned

HSB 175 & SSB 1228 - Transportation Budget (Governor's Recommendations) (Status: House Appropriations Committee) - Appropriates funds from road funds to pay for the operations of the Department of Transportation (DOT). Since no general fund dollars are used to pay for DOT operations, no across-the-board cuts were made in 2009 and none are recommended in 2010. Spends a total of \$352.8 million from the Road Use Tax Fund and Primary Road Fund (an increase of \$16.1 million, or .05%). Increases are due to increased facility leases (\$145,000), upgraded permitting systems (\$225,000), road salt cost increases (\$7.3 million), fuel costs (\$5.8 million), and identity theft protection in driver's licenses and REAL ID compliance (\$1.1 million). There is no change in funding for public transportation or rail service, although these may receive additional funding through the federal stimulus package. Requested by the Governor. Notes: Subcommittees: Cohoon (Chair), Bailey & Huseman; Dvorsky (Chair),



HSB 186 & SSB 1206 - Dependent Adult Abuse (Status: House Judiciary Committee) - Make changes in Iowa law related to dependent adult abuse and care of nursing facility residents. Changes the definition of "dependent adult abuse." Excludes the element of sexual arousal or desire from the definition of sexual exploitation, adds harassment of a dependent adult to the definition of a dependent adult and amends the definition of sexual exploitation of a dependent adult to include the transmission, display, taking of electronic images of the unclothed genitalia, buttocks, or breasts of a dependent adult by a caretaker for a purpose not related to treatment or diagnosis or as part of an ongoing investigation. REPORTING CHANGES: Requires bank and financial institution employees to report any suspected financial exploitation of a dependent adult to DHS. Requires oral reports be given to law enforcement on the first working day following the report. Allows county attorney staff to access all dependent adult abuse information relevant to a case (unless unfounded). CARETAKER ABUSE: If a dependent adult's caretaker refuses to allow protective services, the courts are allowed to require protective services (issue a protective order). Changes the term "physical injury" to "bodily injury." Changes penalties for dependent adult abuse by a caretaker - a caretaker who intentionally commits dependent adult abuse resulting in either serious injury or bodily injury is guilty of a class "D" felony (lowered from "C" felony) and adds another level of penalty (serious misdemeanor) for a caretaker who intentionally, recklessly, or knowingly commits dependent adult abuse in the absence of any injury. FINANCIAL EXPLOITATION OF A DEPENDENT ADULT BY A CARETAKER: Requires employees of banks and financial institutions to report any suspected financial exploitation of a dependent adult to the Department of Human Services (DHS). Current law lists two levels of financial exploitation - a class "D" felony if the value is more than \$100; an aggravated misdemeanor if the value is less than \$100. This bill creates six levels of financial exploitation ranging from a simple misdemeanor (less than \$100) to a class "B" felony if the value is more than \$10,000. ABUSE IN NURSING FACILITIES: Adds harassment of a dependent adult to the definition of dependent adult abuse. Adds "conduct that is injurious to the emotional welfare" to a nursing facility resident to the crime of wanton neglect of a nursing facility resident. Adds a new level of "wanton

neglect" that results in bodily injury, punishable as a "D" felony (currently wanton neglect that results in serious injury is a "C" felony and does not result in serious injury is an aggravated misdemeanor). Also clarifies that the wanton neglect not resulting in either bodily or serious injury is an aggravated misdemeanor. NON-SUPPORT OF DEPENDENT ADULT: Under current law, a caretaker who commits wanton neglect of a dependent adult commits a serious misdemeanor. This bill makes wanton neglect of a dependent adult by any person a serious misdemeanor. Revises penalties for wanton neglect depending on the injuries suffered by the dependent adult. Requested by the Attorney General's Office Notes: Subcommittees: Willems (Chair), Lensing & Schulte; Jochum (Chair), Boettger & Kreiman

HSB 223 - Audiological Services Mandate (Status: House Commerce Committee) - Requires insurance plans to pay for audiological services and hearing aids for children, beginning 1/1/2010. Minimum coverage is to include audiological evaluations performed by a licensed audiologist, coverage for hearing aids that are recommended by a licensed audiologist and dispensed by a licensed hearing aid dispenser for children up to 18 years of age, coverage for an ear mold and a hearing aid for each hearing-impaired ear payable every 24 months for children up to 18 years of age, and coverage for up to four additional ear molds per year for children up to three years of age. Position: Monitor Last Modified: 02/27/2009 Notes: Subcommittee: T. Olson (Chair), Petersen & Pettengill

HSB 226 - MHI Asset Correction (Status: House Human Resources Committee) - Revises asset limitations for persons living in a state institution to be consistent with county limitations in place for persons served in home and community based settings. Currently, a loophole would allow a person with millions in assets to pay only \$10/day while living in an institution (and not spend down assets first); while if the same person were living in the community and served by the county, they would have to spend down their assets first to \$10,000 to become eligible for services. Notes: Subcommittee: Smith (Chair), Heddens & Schulte

HSB 228 - MHI Admissions/CPC Process (Status: House Human Resources Committee) - Clarifies that counties do not have to pay for state MHI services unless the admission went through the county CPC

process, and that this applies to both voluntary and involuntary admissions. Notes: Subcommittee: Smith (Chair), Heddens & Soderberg

SF 151 & HSB 116 - Iowa Railway Finance Authority Repeal (Status: House Transportation Committee) - Successor to SSB 1167. This bill would repeal the Iowa Railway Finance Authority and transfers those duties and responsibilities to the Iowa Department of Transportation (IDOT), including administration of the passenger rail service revolving fund. The bill also expands the authority of the Director of IDOT to enter into agreements for developing passenger rail service serving Iowa. Notes: Sen. Beall (Floor Manager); Subcommittee: Bell (Chair), Roberts and Wendt

SF 202 - ICF/MR Medicaid Reimbursement (Status: Senate Human Resources Committee) - Adjusts Medicaid reimbursement rates for Intermediate Care Facilities for the Mentally Retarded (ICF/MR) annually for inflation (so they would get increases in reimbursement automatically each year). Sponsored by Senators Johnson & Feenstra Notes: Subcommittee: Not yet assigned

SF 213 & HF 448 - Lead Abatement & Testing (Status: Senate Human Resources Committee) - Long-term exposure of children to lead paint can lead to serious developmental disabilities and mental retardation. Lead paint was used in buildings built before 1978, and children can become exposed by eating paint chipping off walls and windows. This bill requires rental properties, child care facilities and any property built before 1978 when sold to be inspected, and all immediate hazards fixed (in rental properties and child care facilities). It also sets up a Childhood Lead Poisoning Prevention and Control Committee in the Department of Public Health (DPH) to collect information and make recommendations about childhood lead prevention and control. Members of the nine-member committee are to include four state agency directors, a large county health department, a small county health department, certified lead abater, public member who is the parent of a child who experienced lead poisoning; and a property owner or developer. The Committee is to hold public hearings and issue a preliminary report by December 2009. Sponsored by Sen. Hatch; Rep. Ford, Hunter, Smith & Petersen Notes: Subcommittee: Hatch (Chair), Bolkom & Bartz; Berry (Chair), Koester & Petersen

SF 247 - Personal Assistants/Service Animals (Status: Senate State Government Committee) - Currently, persons with disabilities using a service animal have the right to bring the animal with them into public place or with them in airplanes, motor vehicles, railroad trains, buses, streetcars, boats, hotels, lodging places, eating places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, without any additional cost. This bill would allow a person that assists the person with a disability by controlling the assistive animal to also be allowed in these places without additional cost. Sponsored by Sen. Zaun Notes: Subcommittee: Dearden (Chair), Black & Hartsuch

SF 252 - Lead Abatement/Tax on Paint Sales (Status: Senate Ways & Means Committee) - Adds a 25-cent tax to the sale of paints, primers, and specialty finishes (per container). Stains, sealers, and spray paints are not taxed. Funds are placed into a fund in the Department of Public Health for a Childhood Lead Poisoning Prevention Program, which helps get rid of paint in homes, provide grants to counties and cities for abatement activities, and pay for prevention initiatives. Long-term exposure to lead is a cause of mental retardation and developmental disabilities. Sponsored by Sen. Hatch Notes: Subcommittee: Wilhelm (Chair), Seng & Zaun

SF 261 - Pilot PA Mental Health Fellowship (Status: Senate Appropriations Committee) - Appropriates \$300,000 annually for three years for a pilot Physician Assistant (PA) Mental Health Fellowship Program in the Department of Public Health. The program is to make specialized training and support available for physician assistants to help them provide mental health services and address Iowa's shortage of mental health workers. The 12-month fellowship is limited to three students per year and is performed in collaboration with the University of Iowa Osteopathic Physicians, a central Iowa hospital, psychiatric medical institution for children, Iowa Veterans Home, and other clinical partners. Elderly, youth, and general population clinical experiences are to be provided to students in the program. Participants are eligible for a \$50,000 stipend plus fringe benefits and loan forgiveness up to \$20,000 if employed in a shortage area when beginning practice. Sponsored by Sen. Sodders & Noble Notes: Subcommittee: Dvorsky (Chair) & Kettering





# Governor's Task Force on Dependent Adults with Mental Retardation

## RECOMMENDATION FORM

*Please include only one recommendation on each form.*

**Please submit no later than 5:00 p.m., Wednesday, March 18, 2009.**

**Name:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

**E-mail:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Please indicate which item in Executive Order No. 11 does this recommendation address?**

1. Review Iowa laws, regulations, policies and procedures related to the care and employment of dependent adults with mental retardation;
2. Engage the assistance and services of state agencies, members of the nonprofit and nongovernmental sector, interested groups and citizens who are not formally named to the Task Force, but who can assist with analysis of and access to data bases and systems that might help detect the existence of unregulated congregate residential settings and non-registered and / or unregulated workplaces where there may exist abuse or neglect of dependent adults with mental retardation;
3. Determine the extent to which dependent adults with mental retardation are residents of or are receiving care in unlicensed facilities;
4. Assess existing methods, both within Iowa and in other jurisdictions, of investigating and initiating enforcement action against persons who neglect, abuse or take advantage of dependent adults with mental retardation;
5. Identify and recommend potential regulatory or statutory changes that would improve prevention and enforcement efforts and systematically address the problem of the mistreatment of dependent adults with mental retardation in the State of Iowa;
6. Develop a plan and a timeline, with input from appropriate stakeholder groups, to redress the problems caused by and prevent the mistreatment of dependent adults with mental retardation through coordinated legal and regulatory changes; and
7. Identify and recommend ways to increase public awareness and education to prevent the mistreatment of dependent adults with mental retardation.

**Organization/Your Name:**

**RECOMMENDATION:**

\_\_\_\_\_

**PLEASE INCLUDE COMMENTS, JUSTIFICATION, RESOURCES OR OTHER INFORMATION TO HELP THE TASK FORCE UNDERSTAND THE IMPORTANCE OF YOUR RECOMMENDATION.**

\_\_\_\_\_

**Please submit forms to:**

Iowa Dept. Of Elder Affairs  
Attn: Danika Welsch  
510 E 12<sup>th</sup> St., Ste. 2  
Des Moines, IA 50320

**Electronically:** [danika.welsch@iowa.gov](mailto:danika.welsch@iowa.gov)

**By calling toll-free:** 800-532-3213



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