



2/3/2011, Week 4

Iowa Assisted Living Association

2012 Legislative Session

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Around the Capitol

Moving forward with one of the governor's economic initiatives, the Iowa House Ways and Means Subcommittee, has voted to pass a measure that would offer tax breaks to business owners who sell their firms to their employees. The bill, House File 2085, is meant to encourage the sale of small businesses to their employees, a move economic-development officials say could keep more businesses in Iowa and, especially, in Iowa's smaller communities.

Hearings have explored the potential fiscal impact of the legislation. The Legislative Services Agency predicts the bill once passed could cost the state \$1.7 million in the coming year. \$1 million of that would come from additional state spending to assist

companies in making the transition to an employee-ownership structure. The bills would also give owners selling their businesses an exemption from individual income taxes on the capital gains earned on the sale. This provision is estimated to cost the state an additional \$700,000 in 2013; a figure which is projected to rise to \$900,000 by 2016.

Having been approved by the subcommittee, the bill will now move on for consideration before the full Ways and Means Committee. The measure has already been approved by the Economic Growth Committee, and is slated to be considered by the Appropriations Committee should it pass Ways and Means.

Transparency in Government

A recent poll found that two out of three Iowans favor the creation of a board in state government to handle citizen complaints about violations of open meetings and access to government documents. The poll, commissioned by the Iowa Freedom of Information Council, found Iowans want greater accountability and openness in government than is currently practiced. This poll is one of the first of its kind in the country and is aimed at providing the Legislature a baseline of Iowans' beliefs.

Last year the Senate passed a bill that would create a board to resolve conflicts related to open records and open meetings. The proposed seven-member board would hear and mediate disputes between Iowans and government bodies in matters of public meetings and open records. The board would also have the power to levy fines against governments that are found to be withholding or otherwise not making public information available. The proposal is estimated to cost about \$150,000 per year.



Legislative Update



Transparency in Government

Supporters of the bill include good government and sunshine groups such as the Iowa Newspaper Association and League of Women Voters. On the other side are municipal groups, the state county association and the Iowa Association of School Boards. “We don’t feel there is a reason to create another government agency when the (attorney general’s) office does a fine job now,” said Larry Pope, a lobbyist with the League of Cities.

As it stands now, two agencies handle citizen complains on open meetings and records issues: the Iowa ombudsman’s office and the attorney general’s office. The ombudsman can investigate complaints and issue warn-

ings, but has no power to enforce the state’s statute. The attorney general’s office has the authority to enforce state statutes, but its enforcement necessarily involves filing a lawsuit.

A bill creating the board has been passed in the Senate the last four years, however has not yet passed the House. The bill is currently with the House Appropriations subcommittee. The subcommittee’s chairman, Rep. Kevin Koester, R-Ankeny, says he’s still not convinced there’s a need for the board, although he can agree with setting aside the money for a director.

Notification Requirements

Legislation aimed at informing and protecting residents of nursing homes and residential care facilities from sex offenders living among them got its first hearing in a House subcommittee this morning.

It’s certain to get several more.

The bill, House Study Bill 551, is a top priority of Gov. Terry Branstad, and comes in response to reporting from the Des Moines Register about a registered sex offender who assaulted an elderly resident at a Pomeroy nursing home last year.

Lawmakers on the subcommittee and representatives from nursing home and other care facilities raised tough questions about the proposal as currently written, and were reassured by a governor’s office staffer that further discussion and changes are expected

on such a complex issue.

“We realize this bill might not be perfect, and we’re very open to realizing that it’s a work in progress,” said Michael Boussetot, a policy adviser to the governor. “But it’s of the utmost importance that we take steps to protect our elderly and vulnerable Iowans that are in facilities across the state.”

The proposal would require nursing homes, residential care facilities, and assisted-living programs to check newly admitted residents against the state’s sex-offender registry, and to notify facility residents, residents’ families, employees, visitors and the county sheriff if a registered offender was moving in.

The facilities also must write a safety plan for protecting residents, employees and others against inappropriate

actions by an offender.

With passage of the bill, facilities also would have to check their current residents against the registry and issue notifications about offenders. As of last month, officials estimated that about 55 registered sex offenders currently live in Iowa care facilities.

Many of the lobbyists for long-term care facilities present on Wednesday sought specific tweaks to the bill, but also expressed an interest in broader changes that would separate sex offenders from the typical nursing-home or residential-care population.

They also raised concerns about the costs associated with providing addi-

tional security in facilities where a sex offender was present and the possibility that some residents would leave a facility when they learned an offender was going to live among them.

“I think we can maybe do some things with this bill to help no harm coming to people, but I question how we can prevent people from being afraid,” said John Hale, a lobbyist for the Iowa Caregivers Association.

Subcommittee Chairman Joel Fry, R-Osceola, adjourned the meeting after an hour, but said further hearings and discussion would be scheduled in the weeks to come.



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