

School Choice Bill Becomes Law

Our big news of last week was that we passed out the Governor's School Choice bill and the governor signed it. This is a major change in education policy for our state. This truly levels the playing field for education providers as the state aid will follow the student to the school of the family's choice. It also levels the playing field for students as no matter what your income you likely will be able to send your child to the school that best fits him/her.

Bills that Passed in Committee

The Iowa Senate is now in the third week of the legislative session and members have been busy with committee and subcommittee work. Here are the bills moving in committee and will soon be ready for debate on the Senate floor:

Tort Reform: This bill is sparking a lot of discussion in the statehouse and I am hearing from constituents on it. I have been opposed to this in the past and see no reason to change. This bill places a hard cap of \$1 million on non-economic damages in medical malpractice lawsuits. This, for all practical purposes, denies Iowans that sustain egregious injuries or death due to a breach in the standard of care their 7th Amendment right to a jury trial. This hard cap will cut off access to the courts for the worst cases, the cases that need justice the most. Iowans expect us to protect victims: that's what a right to a jury trial is all about. Some say that no one will lose their right to a jury trial but in certain circumstances that is not true. You can't put a price on a life, especially if you have not heard the facts of each unique case. This is the job of the judicial branch, not the legislative branch.

This is of no concern to you if you do not suffer severely from medical malpractice. But how do you know it won't be you tomorrow? Would you want a settlement of \$1 million if it was you or one of your non-income-earning loved ones, a child or a grandchild or an elder parent? Your share of \$1 million would likely be about \$600,000. Would \$600,000 be enough for the rest of your life, say if you lost the ability to walk? Would you sooner have your loved one back OR the \$600,000?

Arguments are made that we need to keep hospitals from closing, particularly birthing centers. Medical malpractice damages awarded in a lawsuit are actually an extremely small per cent of health care costs. The issue with hospitals especially in rural areas is low Medicaid/Medicare reimbursement rates plus there are simply not enough babies being born to justify keeping birthing centers open, according to the manager at a birthing center that recently closed.

Some say that we are driving doctors out of the state and that our liability environment discourages doctors from coming to Iowa. Actually statistics show that the number of doctors in Iowa has increased over the past 10 years and that states with no hard caps have the most doctors.

I also hear that high jury awards due to no hard caps contribute to the high cost of medical malpractice insurance premiums. However, in the last 10 years medical malpractice insurance premiums have stayed relatively stable in Iowa.

The actual number of medical malpractice cases in Iowa are extremely low and numbers are relatively stable. Studies show the same doctors account for a substantial portion of those cases. This tells us that the vast majority of doctors are doing a good job and care about their patients and attend to the standard of care. It appears the medical profession, like all professions, need to be proactive to weed out the “bad apples”.

E-Verify: Prohibits employers from knowingly employing unauthorized illegals. The employer is required to check a prospective employee’s status through the federal E-Verify program.

Repeal of Mandatory Gender Balance for Boards & Commissions: This bill will allow the most qualified applicants to be considered for appointment to a board or commission regardless of their sex. This is intended to especially help our rural areas where local officials say they sometimes find it difficult to meet that requirement.

Assault with a Laser: Makes it an assault-type crime to point a laser at an aircraft.

Car Seats: This bill increases the ages that children are required to be in car seats. For rear-facing seats, this bill increases the age and weight

requirements from 1 year and less than 20 pounds to 2 years and less than 30 pounds. For front-facing booster seats or car seats, this bill increases the age requirement from 6 to 8 years. What do you think of that?

Disaster Emergency Law Reform

I introduced a bill to reform our disaster emergency law. We had a chance to see how it operates when we experienced a public health disaster under the COVID pandemic. I am not critical of the governor here. She has done a great job for the first rollout of using our disaster emergency law to manage the public health disaster emergency we had over the past couple years with COVID.

However, if Iowa would get a governor in the future that would not be as respectful of citizens' rights and freedoms as we saw in other states, we would be unprotected as our law does not clarify that rights and freedoms for citizens continue in place even during a disaster emergency. And our law places the entire burden of governing during a disaster emergency on the governor.

My bill would include protections for Iowans' freedoms and individual rights and to bring the voice of the people through their elected representatives in the legislature to share in the burden of governing during a disaster emergency. This bill was the work of a number of legislators who brought input. It passed subcommittee and will now be considered by the full committee.

Here are the provisions of the bill:

- 1.** A governor's disaster proclamation should only be in effect for 60 days and only be able to be extended by the legislature. If the legislature extends it, it can be for up to 60 days but the legislature would need to authorize any further extension, which shall not exceed 60-day increments.
- 2.** The legislature has the authority to line item veto provisions of a governor's proclamation.
- 3.** A disaster emergency proclamation **cannot**:
 - a.** Infringe on a constitutionally protected right except it pass the highest standard under law (which is what the law is normally)

- b.** Restrict rights, interests or activities in a manner that is not neutral or evenly applicable (can't shut down a business if other businesses are open and can't shut down a church if businesses are open)
 - c.** Prohibit in-person interactions between family or pastor with a patient in a hospital or resident in a nursing home
 - d.** Authorize use of mobile, cellular, or any other digital technologies or drones or robotics to track or surveil persons without their consent
 - e.** Restrict the practice or scope of service of a health care professional or hospital, or clinic
 - f.** Restrict the prescribing authority of a health care professional (doctors may continue the freedom they already had to prescribe off-label drugs)
 - g.** Require participation in a contact tracing program (keep the program voluntary)
 - h.** Require diagnostic tests, vaccinations, quarantine or treatment of healthy people. If sick, they cannot be required to take a vaccination or a treatment but can be required to be quarantined. Medical and religious exemptions apply. Mandatory restrictions on freedom of movement and freedom of association are prohibited unless a person is sick or a warrant obtained.
- 4.** Individuals can share evidence-based information and experiences on the Iowa Department of Public Health website.
 - 5.** Clarify that medical and religious exemptions still apply during a disaster emergency for the vaccinations that are required for attendance at public schools.

Feel free to contact me with ideas, thoughts, and concerns. My phone is 319-987-3021 or you can email me at sandy.salmon@legis.iowa.gov . I want to hear what you are thinking and will listen to your input. Together we will work to make a difference for the future of Iowa. Thank you very much for the honor of representing you!

Sincerely,

Sandy