



# MINUTES

## Studies Committee of the Legislative Council

July 18, 2013

First Meeting of the 2013-2014 Biennium

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### MEMBERS PRESENT:

Senator Amanda Ragan, Vice Chairperson  
Senator Michael E. Gronstal  
Senator Pam Jochum  
Senator David Johnson  
Senator Tim L. Kapucian

Speaker Kraig Paulsen, Chairperson  
Representative Peter Cownie  
Representative Mark D. Smith  
Representative Linda L. Upmeyer

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## MEETING IN BRIEF

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Organizational staffing provided  
by: John Pollak, Committee  
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- I. Procedural Business
- II. Consideration of Proposed Studies Guidelines
- III. Consideration of Proposed Interim Studies
- IV. Report of the Studies Committee
- V. Materials Filed With the Legislative Services Agency



## **Studies Committee of the Legislative Council**

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### **I. Procedural Business**

**Convening.** Temporary Chairperson Kraig Paulsen called the meeting to order at 10:36 a.m. on Thursday, July 18, 2013, in Room 22 of the State Capitol in Des Moines, Iowa. Senator David Johnson attended the meeting via a telecommunications connection. Temporary Chairperson Paulsen excused Representative Kevin M. McCarthy who was not present.

**Appointment of Chairpersons.** Senator Michael E. Gronstal moved that the committee elect Speaker Paulsen as Chairperson and Senator Amanda Ragan as Vice Chairperson of the Studies Committee. The motion was approved by voice vote.

**Approval of the Minutes.** Senator Gronstal moved that the minutes from the June 28, 2012, Studies Committee meeting be approved. There being no additions or corrections, the motion was adopted by voice vote.

**Adjournment.** The Studies Committee adjourned at 10:40 a.m.

### **II. Consideration of Proposed Studies Guidelines**

**Adoption of Guidelines.** Chairperson Paulsen sought to entertain a motion to approve the Proposed Guidelines for Interim Study Committees for 2013-2014 Legislative Interims. Representative Smith moved that the Proposed Guidelines for Interim Study Committees for 2013-2014 Legislative Interims be adopted. There being no additions or corrections, the motion was adopted by voice vote.

### **III. Consideration of Proposed Interim Studies**

Chairperson Paulsen offered a Leadership Proposal for 2013 Legislative Interim Studies, a copy of which is on file with the Legislative Services Agency, that addressed 13 proposed interim study issues.

Representative Peter Cownie proposed establishing an interim study on stray electric current and voltage, consisting of five members of the Senate and five members of the House of Representatives, to meet for one day. He commented that this issue has an impact on both agriculture and energy production. Representative Cownie moved that the Studies Committee include the proposed study with its Proposal for 2013 Legislative Interim Studies to the Legislative Council. The motion was adopted by a voice vote.

Senator Gronstal moved that the proposed studies be approved with the suggested number of members and meeting days contained in the proposal. The Proposal for 2013 Legislative Interim Studies was approved, as amended, by a voice vote.

### **IV. Report of the Studies Committee**

The study proposals recommended by the Studies Committee were compiled into one report to be presented to the Legislative Council for approval. A copy of the Report of the Studies Committee to the Legislative Council containing the study proposals and the adopted guidelines is attached to these minutes.



**V. Materials Filed With the Legislative Services Agency**

- A.** Studies Compilation: 2013 Legislative Interim Study Information, prepared by the Legislative Services Agency (July 18, 2013).
- B.** Proposal for 2013 Legislative Interim Studies, distributed by Chairperson Paulsen.
- C.** Minutes of the June 28, 2012, meeting of the Studies Committee.

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# **REPORT OF THE STUDIES COMMITTEE TO THE LEGISLATIVE COUNCIL**

**July 18, 2013**

The Studies Committee of the Legislative Council met on July 18, 2013, and makes the following report for approval by the Legislative Council:

**Guidelines.** That the attached guidelines for 2013 and 2014 interim studies be adopted by the Legislative Council.

**2013 Studies.** That the attached proposal for studies for the 2013 Interim be adopted by the Legislative Council.

Respectfully submitted,

Speaker Kraig Paulsen  
Chairperson

# **GUIDELINES FOR INTERIM STUDY COMMITTEES**

## **2013-2014 INTERIMS Submitted July 18, 2013**

### **ADOPTION OF RULES**

Interim study committees must have a majority of the members representing each house voting affirmatively in order to adopt rules.

### **COMPENSATION OF PUBLIC MEMBERS**

Persons serving as public members of study committees are eligible to receive actual expenses only, if they are not eligible for expense reimbursement by an organization that they represent. In order for a public member representing an organization to be eligible to receive actual expenses, the organization must submit a letter to the Legislative Council indicating that the public member is not eligible for the reimbursement from the organization. Payment of the expenses is subject to the approval of the Chairperson and Vice Chairperson of the Legislative Council.

### **STAFF WORK FOR PUBLIC MEMBERS**

After consultation with, as appropriate, the Legislative Services Agency (LSA) Director and legislative leadership, a study committee chair may authorize research or legislative drafting work by the LSA for public members of study committees.

### **APPROVAL OF NOMINEES**

Public members of study committees may be nominated by designated organizations, subject to Legislative Council approval or subject to the approval of the Chairperson and Vice Chairperson of the Legislative Council in consultation with the Minority Leaders of the Senate and House of Representatives.

### **MEMBERSHIP CHANGES**

Any change in membership numbers and voting status of the members of a legislative interim study body approved by the Legislative Council requires the approval of the Studies Committee and Legislative Council or legislative leadership.

### **GENDER BALANCE**

Appointment of public members to study committees shall be gender balanced.

## APPROVAL OF ACTIONS

A majority vote of a study committee's voting members present is necessary to carry any action; however, recommendations to the Legislative Council or General Assembly must be adopted with the affirmative votes of a majority of the committee's members of each house.

## VOTING BY PUBLIC MEMBERS

Unless otherwise provided by the General Assembly or the Legislative Council, public members of study committees are nonvoting.

## APPROVAL OF ADDITIONAL MEETINGS AND MEETINGS OUTSIDE DES MOINES

Any additional meeting or a meeting or public hearing by a legislative committee held outside of Des Moines requires the prior approval of the Studies Committee or legislative leadership.

## PUBLIC HEARINGS

When authorization is given for a study committee to hold a public hearing, the committee may hold one hearing as a body or individual members may each hold a public hearing or groups of two or more members may hold public hearings. However, for each authorized public hearing, no members of the study committee may receive compensation for attendance at more than one session.

## APPROVAL OF EXPENSES FOR SPEAKERS AND CONSULTING WORK

Any expenditure by a study committee for a speaker or presentation or for any other purpose either requires the prior approval of the Studies Committee and Legislative Council, or legislative leadership, or requires inclusion of the expenditure in a budget proposed by the study committee and approved by the Studies Committee and the Legislative Council, or legislative leadership. Contractual consulting work for a study committee requires the prior approval of the Studies Committee and the Legislative Council. Expenditures shall only be made in accordance with legislative expenditure policies and procedures.

## SCHEDULING GUIDELINES

For the 2013 Interim, the deadline for completion of interim study committee meetings is November 29, 2013, and for the 2014 Interim, the deadline is December 12, 2014. An interim study committee must meet the deadline or receive an exemption or a revised deadline date from the Legislative Council or legislative leadership.

## 2013 Legislative Interim Studies

### A. Statutory Committees

1. **Legislative Fiscal Committee** (Iowa Code §§2.45(2) and 2.46)

**Charge:** The committee is a permanent body under the Legislative Council. Direct the administration of performance audits and visitations. Study the operation of state government and make recommendations regarding reorganization to the General Assembly. Conduct studies as assigned by the Legislative Council.

**Members:** 5 Senate / 5 House

**Meeting Days:** 3

2. **Legislative Tax Expenditure Committee** (Iowa Code §§2.45(5) and 2.48)

**Charge:** The committee is a permanent body under the Legislative Council. Duties include approving annual estimates of the cost of tax expenditures by December 15 each year, and performing a scheduled review of specified tax credits so that each credit is reviewed at least every five years. The third scheduled review is in 2013.

**Members:** 5 Senate / 5 House

**Meeting Days:** 1

3. **State Government Efficiency Review Committee** (Iowa Code §2.69)

**Charge:** The committee is a permanent legislative committee with five Senate and five House members appointed by legislative leaders at the beginning of a new General Assembly. The committee is required to meet as directed by the Legislative Council, at least every two years, to review state government organization and efficiency options and receive state government efficiency suggestions offered by the public and public employees. The first report was submitted in 2013 and the second report is due in January 2015.

**Members:** 5 Senate / 5 House

**Meeting Days:** 1

4. **Public Retirement Systems Committee** (Iowa Code §97D.4)

**Charge:** The committee is a permanent legislative committee that is required to review and evaluate all public retirement systems in place in Iowa, including the Iowa Public Employees' Retirement System (IPERS), the Municipal Fire and Police Retirement System of Iowa (Code chapter 411), the Department of Public Safety Peace Officers' Retirement System (PORS), and the Judicial Retirement System. The committee typically meets during the legislative interim of odd-numbered years.

**Members:** 5 Senate / 5 House

**Meeting Days:** 2

5. **Integrated Health Care Models and Multi-payer Delivery Systems Study Committee** (2013 Iowa Acts, SF 446, §§182 and 183)

**Charge:** Review and make recommendations for the formation and operation of integrated care models in Iowa; review integrated care models adopted in other states that integrate both clinical services and nonclinical community and social supports utilizing patient-centered medical homes and community care teams; recommend the best means of incorporating into integrated care models nonprofit and public providers that care for vulnerable populations; review and make recommendations regarding development and implementation of a statewide medical home infrastructure to act as the foundation for integrated care models; review opportunities under the federal Affordable Care Act for development of integrated care models; address consumer protection, governance, performance standards, data reporting, health

information exchange, patient attribution, and regulation issues relative to integrated care models; and perform other duties specified in the legislation. In addition, serve as a legislative advisory council on multipayer health care delivery systems to guide the development by the Department of Human Services of Iowa's design model and implementation plan for the State Innovation Models Initiative Grant awarded by the Centers for Medicare and Medicaid of the United States Department of Health and Human Services. The study committee may request that legislative leaders authorize supplementing the study committee membership to ensure there is a comprehensive review process and adequate stakeholder participation.

**Members:** 5 Senate / 5 House

**Meeting Days:** 2

## **B. Other Interim Studies**

1. **Mental Health and Disability Services Redesign Fiscal Viability Study Committee** (Continuation of study committee initially created by the Legislative Council in 2012)

**Charge:** In addition to monitoring implementation of the mental health and disability services redesign and receiving reports from stakeholder groups engaged in implementation of the redesign, the study committee shall propose a permanent approach for state, county, and regional financing of the redesign and identify potential cost savings and service improvements that may be realized by working with community-based corrections services and other programs and services that address common needs or populations (2013 Iowa Acts, SF 452, §184). The study committee shall also study the provisions for implementing mental health and disability service Medicaid offset amounts and repayments by counties relating to the Iowa Health and Wellness Plan. The study committee shall consider the potential effects of the repayment provisions on the ability of the mental health and disability service regions to adequately fund the initial core services and additional core services and to make recommendations to address funding insufficiencies (2013 Iowa Acts, SF 446, §181).

**Members:** 5 Senate / 5 House

**Meeting Days:** 2

2. **Elder Abuse Prevention and Intervention Study Committee.** (Request in 2013 Iowa Acts, SF 446, §51)

**Charge:** Monitor the progress of, and provide direction to, the Task Force on Elder Abuse Prevention and Intervention created pursuant to 2012 Iowa Acts, chapter 1056, and continued pursuant to 2013 Iowa Acts, SF 446, §50. The study committee shall review the task force progress report and approve the final report of the task force and shall submit the committee's recommendations and a final report to the General Assembly following completion of the committee's work.

**Members:** 5 Senate / 5 House

**Meeting Days:** 1

3. **Medical Malpractice Study Committee.** (Request in 2013 Iowa Acts, SF 446, §184)

**Charge:** Study current standards and potential options for the submission of certificate-of-merit affidavits by plaintiffs and defendants in medical malpractice actions and limitations on the number of expert witnesses that may be called by both plaintiffs and defendants involving health care providers.

**Members:** 5 Senate / 5 House

**Meeting Days:** 1



4. **All-terrain and Off-road Utility Vehicle Study Committee**

**Charge:** Collect information from stakeholders and make recommendations to the General Assembly concerning the use of all-terrain and off-road utility vehicles.

**Members:** 5 Senate / 5 House

**Meeting Days:** 1

5. **Iowa Rivers and Waterways Study Committee**

**Charge:** Consult with interested parties in considering options for restoring the quality of Iowa's rivers and waterways. Interested parties may include engineers, local watershed partnerships, persons who farm near rivers and waterways, anglers, boaters, and other interested parties. Develop recommendations for an initial plan to prioritize river and waterway projects and provide defined goals and measurable improvements.

**Members:** 5 Senate / 5 House

**Meeting Days:** 1

6. **Administrative Costs in Higher Education Study Committee**

**Charge:** Examine administrative costs at higher education institutions and the impact of these costs on Iowa students and their families. The committee shall compare the growth in administrative costs and instructional costs at Regents institutions, community colleges, private colleges and for-profit colleges. The committee shall identify fragmentation, overlap, or duplication of administrative services on a campus-wide and system-wide basis, and look for ways to reduce the financial impact on students and their families. The committee shall also examine the manner in which fee rates charged to students are established.

**Members:** 5 Senate / 5 House

**Meeting Days:** 1

7. **Iowa Skilled Worker and Job Creation Fund Study Committee**

**Charge:** Examine the planning and implementation of programs and appropriations made from the Iowa Skilled Worker and Job Creation Fund. The committee shall hear from relevant agencies that are charged with running each program and fund. The committee shall examine the goals of each agency with special emphasis on current Iowa Code language and legislation approved during the 2013 session pertaining to metrics, reporting, and goals. All recommendations from the committee shall be reported to the Economic Development and Education Appropriations subcommittees.

**Members:** 5 Senate / 5 House

**Meeting Days:** 1

8. **Emergency Medical Services Study Committee**

**Charge:** Research the current status of Iowa's emergency medical services (EMS) and make recommendations to ensure the future availability of EMS statewide. Consult with stakeholders in conducting the study.

**Members:** 5 Senate / 5 House

**Meeting Days:** 2

9. **Stray Electric Current and Agriculture Study Committee**

**Charge:** Study the issues associated with claims that stray electric current or voltage is affecting dairy cattle milk production. Work with stakeholders in considering options to address the issues and make recommendations to resolve the issues.

**Members:** 5 Senate / 5 House

**Meeting Days:** 1

## **C. Studies-related Requests**

### **1. Request to Public Safety Advisory Board Relating to Crimes Against Children**

The letter below shall be sent to the Public Safety Advisory Board on behalf of the Legislative Council requesting that the advisory board provide information and recommendations to the General Assembly relating to crimes against children.

#### **Proposed Letter from the Legislative Council**

Public Safety Advisory Board  
Tom Ferguson, Chair  
c/o Criminal and Juvenile Justice Planning Division  
Iowa Department of Human Rights  
Lucas State Office Building  
Des Moines, Iowa 50319

Re: Request for Recommendations Relating to Current Sentencing Provisions Regarding Crimes Against Children (Klunder case)

Chairperson Ferguson and Members of the Board:

Pursuant to Iowa Code section 216A.133A, this letter is a request from the Legislative Council to the Public Safety Advisory Board to provide recommendations to the Legislature relating to crimes against children. With the recent kidnapping of two girls that resulted in the tragic murder of Kathlynn Shepard, the Legislature would like to take appropriate action to help protect Iowa's children. We are aware that since Michael Klunder was sentenced in 1992, there have been numerous changes in Iowa's criminal law, including many penalty enhancements. Specifically, we are asking that you provide information regarding what changes have occurred and whether any of those changes could have impacted any aspect of Klunder's sentencing. In addition, we are looking for specific legislative proposals relating to crimes against children that would help avoid someone like Klunder having the opportunity to commit more heinous crimes against our children.

The diverse makeup of the Public Safety Advisory Board, along with the assistance of Criminal and Juvenile Justice Planning Division staff and your statutory charge to "provide the general assembly with an analysis of current and proposed criminal provisions," and to "review and make recommendations relating to current sentencing provisions" will help us in our efforts to address potential "cracks" in our criminal justice system.