

M I N U T E S  
LEGISLATIVE COUNCIL

December 20, 1983

The tenth meeting of the Iowa Legislative Council was called to order at 2:00 p.m. by the Council Chairperson, Speaker Donald D. Avenson, on Tuesday, December 20, 1983 in Committee Room 22 of the State House, Des Moines. Members present were:

Speaker Donald D. Avenson, Chairperson  
Senator Lowell Junkins, Vice Chairperson  
Senator James E. Briles  
Senator C. Joseph Coleman  
Senator Donald V. Doyle  
Senator Merlin D. Hulse  
Senator Calvin O. Hultman  
Senator C. W. Hutchins  
Senator Charles P. Miller  
Senator Dale L. Tieden  
Representative Dale M. Cochran  
Representative Betty Hoffman-Bright  
Representative Lester D. Menke  
Representative Lowell E. Norland  
Representative Delwyn Stromer

Also present were:

Mr. Joe O'Hern, Chief Clerk, House of Representatives  
Ms. Marie Thayer, Secretary of the Senate  
Mr. Serge Garrison, Director, Legislative Service Bureau  
Mr. Dennis Prouty, Director, Legislative Fiscal Bureau  
Mr. Bill Angrick, Citizens' Aide  
Mr. Karl H. Lenk, Sperry Corporation  
Mr. Burnette Koebernick, Legislative Service Bureau  
Ms. Diane Bolender, Legislative Service Bureau

Senator Junkins moved the minutes of the November 9, 1983 meeting be approved and mailed to Council members. The motion was adopted.

Senator Junkins moved that the Legislative Council accept the Educational Leave Report and the motion was adopted.

Chairperson Avenson called for comments from the Legislative Staff Committee of the Computer Committee concerning the recent tests of the computer programs and computer equipment for legislative purposes. Senator Junkins moved that after legislative reports have been given, the staff from Sperry Corporation be allowed to make comments and respond to questions, and Senator Junkins' motion was adopted.

Mr. Garrison stated that pursuant to the contract executed with Sperry Corporation for the development of a legislative computer

\$200,000, but the facility with minor modifications is ready for any computer. He also commented that the General Assembly is leasing laser printers because they have received favorable lease arrangements and equipment has been purchased for them.

Representative Cochran asked about the funds that have been expended for purchase of the mainframe and other standard equipment. Mr. O'Hern responded that no dollars have yet been expended for hardware or software. He indicated that money has been expended for development costs, but this money is recoverable if the system is not acceptable. He added that the contract negotiated by the Legislative Council is favorable to the General Assembly, since the standard procedure is that once the computer is installed, the purchaser commences paying for maintenance. In response to a question from Representative Cochran, Chairperson Avenson stated that much of what has been expended is recoverable.

Representative Menke expressed the belief that Senator Junkins' motion is in order and he expressed hope that Sperry Corporation will recognize that the development of a computer program for the General Assembly is a greater challenge than had been envisioned. He stated that it would have been commendable for the Sperry Corporation to agree that it cannot perform the functions designated in the contract, withdraw from the contract, and approach the General Assembly again within the next year with a completed program. With regard to Representative Menke's suggestion that Sperry should reconsider its pursuit of the contract, Senator Junkins responded that Sperry Corporation has only been informed on this day of the deficiencies and it will take personnel from Sperry Corporation several days to study the list of deficiencies and determine which ones can be accomplished.

Representative Hoffman-Bright expressed agreement with Representative Menke and asked about the date on which the thirty-day "cure" period begins. Senator Junkins responded that the thirty-day period begins on December 19. Chairperson Avenson added that the Legislative Council will be required to meet during the legislative session once the Legislative staff has reviewed Sperry's effort to cure the problems. He noted that the Staff Committee makes recommendations to the Computer Committee and that the Computer Committee makes recommendations to the Legislative Council.

Mr. Garrison stated that Sperry Corporation representatives had asked to be informed about problems that the staff discovered as they were conducting the test and the staff did inform them of some problems, but the test was not finished until December 19.

Senator Coleman expressed agreement with the statements of Representative Menke and commented that Sperry Corporation should remove itself from the contract. He expressed the opinion that the Iowa General Assembly has provided valuable experience for Sperry

Corporation. Senator Coleman asked for more detailed information about the total cost to this date. Senator Junkins responded that the Computer Committee is aware of the costs, and that complete cost information will be available. Chairperson Avenson assured Senator Coleman that the Legislative Council will be informed of the total cost.

Senator Hultman commented that the staff of the Legislative Service Bureau is behind in its work for preparation for the upcoming legislative session and he stated that he does not believe during the next thirty days that the General Assembly is obligated to have its staff help Sperry Corporation "cure" its problems. Chairperson Avenson responded that these problems can be worked out with Sperry Corporation. He agreed that it is an exceedingly stressful time for the Legislative Service Bureau and he expressed hope that Mr. Garrison and the rest of the legislative staff can work out procedures.

Representative Cochran proposed amending Senator Junkins' motion stating that in pursuing the contract with Sperry Corporation during the next thirty days, the obligation of the Legislative Service Bureau is first to the General Assembly, and then if there is sufficient time they can cooperate with Sperry Corporation. He indicated that members of the Legislative Council understand the problems of the Legislative Service Bureau in meeting both demands, but the average legislator will not understand.

Senator Junkins responded that he believes there is a clear understanding that the first priority of legislative staff is to the General Assembly and he views Representative Cochran's amendment as a friendly one. Chairperson Avenson expressed the belief that Mr. Garrison and the other members of the Staff Committee understand that Representative Cochran's motion is the intent of the Legislative Council in regard to completion of the project.

Representative Menke urged the Legislative Council to vote on the original motion only so that the contract with Sperry Corporation will not be jeopardized. He stated that he does not want to do less than is necessary to fulfill the Legislative Council's part of the contract with Sperry Corporation.

Chairperson Avenson asked for comments from Mr. Garrison about the proposed amendment. Mr. Garrison responded that it is difficult to establish a schedule when the General Assembly is meeting, especially during the second session which starts more quickly. He stated that the Legislative Service Bureau employees will make every effort to allow adequate time to work with Sperry Corporation and to serve the General Assembly. He added that over the past few months the Sperry Corporation representatives have been cooperative in setting up a schedule.

In response to a question from Representative Cochran, Mr. Garrison responded that the Legislative Council must specify what the deficiencies are and Sperry Corporation has thirty days to rectify the deficiencies. He added that any contract implies that a good faith effort will be expended by both parties.

Representative Cochran withdrew his amendment, and Senator Junkins' motion was adopted.

Mr. Lenk who is manager of the Des Moines Branch stated that Sperry Corporation has made substantial progress is meeting the provisions of the contract, and once they have received all the information about the test, they will address areas that need more work. He stated that Sperry's commitment was to prepare a bill drafting system for the state that is stronger than what is presently used. He stated that he appreciates the work of the legislative staff. Representative Cochran asked what Mr. Lenk hopes to accomplish during the next thirty days. Mr. Lenk responded that he believes that all of the problems will be resolved in order to satisfy the General Assembly. He acknowledged that many aspects of the bill drafting system are not satisfactory at the present time. He added that at the end of thirty days, Sperry Corporation will be aware of its options and will be able to deal with them. Senator Junkins pointed out that the contract specifies that Sperry Corporation has thirty days to cure its deficiencies and the General Assembly should remain open-minded during the thirty-day period.

Chairperson Avenson stated that it is important that the General Assembly possess improved computer capacity in order to perform its mission better at a reduction in cost. He commented that there are many unique aspects to the manner in which the Iowa General Assembly operates, and any vendor would have had problems in developing a system. He commented that the purchase of any computer would have caused problems.

Chairperson Avenson stated that if the Sperry Corporation contract is not met, the Iowa General Assembly will not have a new legislative computer system for from two and one-half to three years. In response to a request for clarification from Representative Menke, Chairperson Avenson stated that an RFP proposal could not be completed until after the legislative session has adjourned, and if that occurs during the summer, it would probably take from sixty to ninety days for companies to return the RFP. He commented that this would put pressure on legislative staff just prior to the General Assembly, and it would probably be the next summer before action was taken. Representative Menke suggested that the process conducted by the Iowa General Assembly has been a learning process for computer companies and these companies will be better prepared to meet problems in the future.

Chairperson Avenson asked Mr. O'Hern for comments about what will happen if Sperry Corporation is not successful in "curing" the problems. Mr. O'Hern responded that the General Assembly is looking for a sophisticated bill drafting system and for computer capabilities in order to expand staff support. He stated that if Sperry is not able to accomplish its part of the contract, he anticipates that drafting and redesigning an RFP would be commenced during the summer and time would be provided for vendors to respond. He expressed hope that if another contract is negotiated, a longer time would be given in order to obtain detailed responses from possible vendors. He added that it will require additional time to evaluate the responses to the RFP and it will take about nine months of development time for the vendor. He added that some time will then be required for the implementation process and for staff education and testing and the new system could probably be ready for the 1987 legislative session. He responded to Senator Coleman that during this period, the General Assembly would use its present system.

Representative Hoffman-Bright expressed disappointment that the timeframe would not provide for another computer system until the 1987 session, and expressed the belief that the experiences which the Legislative Council has had would be able to shorten the timeframe the next time. Mr. Garrison commented that he is not as pessimistic as Mr. O'Hern about the timeframe if another RFP is required. He expressed the belief that a better RFP can be written and if the system that is accepted is already developed, it will not require the long period of time for development.

Chairperson Avenson called for the report of the Studies Committee, a copy of which is attached and by this reference made a part of these minutes. Senator Junkins moved its adoption, and the motion carried.

The Legislative Council recessed at 3:30 p.m. and reconvened at 9:30 a.m. on Wednesday, December 21, 1983 with the same Council members present who had been present during the preceding day, except that Senator Junkins and Representative Hoffman-bright were not present and Lt. Governor Robert T. Anderson and Senator Arthur A. Small, Jr. were present. Also present were:

Senator Joe Welsh  
Representative William Sullivan  
Representative Janet Carl  
Representative Tom Schwartz  
Representative Ned Chiodo  
Mr. Wayne Faupel, Code Consultant  
Mr. Serge Garrison, Director, Legislative Service Bureau  
Mr. William Angrick, Citizens' Aide  
Mr. Dennis Prouty, Director, Legislative Fiscal Bureau  
Mr. David Lyons, Legislative Service Bureau

Mr. Ron Rowland, Legislative Service Bureau  
Mr. Burnette Koebernick, Legislative Service Bureau  
Ms. Diane Bolender, Legislative Service Bureau

Chairperson Avenson called for the report of the Service Committee. Senator Hutchins read the report of the Service Committee, a copy of which is attached and by this reference made a part of these minutes. Senator Hultman moved that the Service Committee report be adopted.

Chairperson Avenson noted that he had received correspondence from Ms. Diane Bolender and Ms. Sue Lerdal from the Legislative Service Bureau requesting from the Excellence in Education Task Force, funds for the Education and Industry Subcommittee to mail a survey instrument to approximately 6,000 employers in the state of Iowa. He noted that the survey would obtain information from employers regarding the education and skills needed of their employees and the degree of cooperation between the school districts in this state and businesses located in this state. He explained that Pioneer Hi-Bred International will pay for data processing, compilation, and distribution of the survey instrument, but approximately \$3,000 will be needed to pay for postage. He noted that funds were requested from section 2.12 of the Code.

Chairperson Avenson stated that he has observed the Task Force and subcommittees and believes they are excellent and many persons in this state have become involved in the process of the Education Task Force. Senator Tieden asked when the report of the Task Force can be expected. Chairperson Avenson stated that it will be available for the next legislative session. Senator Hultman moved that his previous motion relating to the Service Committee report be amended to include authorization for the \$3,000 expenditure for the Education and Industry Subcommittee's survey. Senator Hultman's amendment carried, and the main motion, as amended, also carried.

Chairperson Avenson called for the report of the Administration Committee. Representative Cochran, Acting Chairperson, read the report, a copy of which is attached and by this reference made a part of the minutes. He moved that numbers 1 and 2 relating to the cost of the Code Supplement and the office costs of the Code Editing staff be approved. The motion was adopted.

Acting Chairperson Cochran explained that the Administration Committee had received a request from Mr. Walters of the Department of General Services that the payment for the cost of the Capitol Space Needs study conducted by the firm of Hansen Lind Meyer be increased from the \$18,000 that had been approved at the July 26, 1983 Legislative Council meeting to \$20,270.08. Mr. Walters had noted in correspondence that the additional expense is for study reports and for boards that were produced as a part of the study. He noted that Hansen Lind Meyer had expended more hours

to complete the project, but only requested payment of \$18,000 per the agreement. Acting Chairperson Cochran noted that the Administration Committee has referred the matter to the Legislative Council without recommendation. He expressed the belief that the cost overrun should be absorbed by the Department of General Services since the Department of General Services had not notified the Legislative Council about the cost overrun when it was occurring.

Representative Cochran moved that the Legislative Council pay only the \$18,000 already agreed upon and the Department of General Services be required to absorb the additional cost, and the motion was adopted. Representative Cochran noted that the cost overrun will not deter the results of the study.

The Legislative Council commenced hearing final reports and progress reports of the study committees it had established for the 1983 legislative interim. Copies of these reports are available from the Legislative Service Bureau upon request.

Chairperson Avenson called for the report of the Utility Rate Structure Subcommittee of the Senate Committee on Commerce and the House Committee on Small Business and Commerce. The report was given by Senator Tieden, a member of the Subcommittee. Senator Tieden noted that the Subcommittee held two days of meetings, but made no specific recommendations for legislative change. He noted that the Subcommittee heard from representatives of the consumer's viewpoint and heard representations from various utility company groups, as well as representatives on telecommunications deregulation. Senator Tieden moved that the report of the Utility Rate Structure Subcommittee be received by the Legislative Council, and the motion was adopted.

Representative Sullivan gave the report of the Recreation/In-State Tourism Study Committee of the Senate and House Committees on Natural Resources and the Senate and House Natural Resources Appropriations Subcommittees. Representative Sullivan was a Co-chairperson of the Study Committee. Representative Sullivan commented that the Study Committee held three meetings and heard presentations from individuals from the State Conservation Commission and the State Development Commission and from various organization representing private enterprise and local governmental units involved in providing or promoting recreational and tourism attractions and activities. Representative Sullivan stated that the Study Committee approved three bill drafts which accomplish the following:

1. Direct that the surplus moneys of the State Racing Commission be deposited in the State Conservation Fund and specify the uses of the moneys.

2. Create an "Outdoor Iowa Program" within the State Conservation Commission.

3. Create a public outdoor recreation and resources program, an advisory, council, and a county conservation board fund.

Chairperson Avenson stressed the importance of the state publicizing its many natural resources. Representative Sullivan noted that the Public Outdoor Recreation and Resources Fund can be used for capital improvements and land acquisition for state parks, public hunting and fishing areas, natural areas, water access sites, trail corridors, and other projects, and to provide grants to cities for recreation and tourist projects.

Senator Doyle noted that along Interstate 29 there are few camping places and he asked whether the Conservation Commission will be establishing additional camp sites along this area. Chairperson Avenson commented that there are no additional funds for capital expenditures for the Conservation Commission. He commented that legislation has been introduced to increase hunting and fishing license fees and provide for a camp user fee, and if this legislation is passed, the additional revenues could be used for capital expenditures.

Representative Menke noted that in his area there have been established areas for snowmobiles to operate in ditches and these areas are being leveled. He inquired about the responsibility for leveling snowmobile areas. Senator Coleman responded that the county conservation board performs this service.

Senator Miller asked whether the Study Committee talked about the Bicycle Rights Act. He commented that Iowa is one of only two states that has not passed it. Representative Cochran noted that the bill has passed the House of Representatives. Representative Sullivan responded that the Committee did not discuss the bill.

Representative Cochran expressed the belief that Representative Sullivan and his Study Committee have issued a good report. Representative Stromer moved that the Legislative Council accept the report of the Recreation/In-State Tourism Study Committee, and the motion was adopted.

Senator Coleman gave the report of the Securities Regulations Study Committee of the Senate Committee on Commerce and the House Committee on Small Business and Commerce. Senator Coleman served as a member of the Study Committee, and he noted that two of the three approved meetings have been held to date. He noted that the Study Committee heard presentations regarding the desirability of reducing the extent of merit review of new securities offerings as mandated in House File 514. He commented that the Study Committee asked the Iowa State Bar Association Committee on Corporation and Business Law to reach a consensus on the issues, and the Bar



Association Committee complied and adopted objectives standards for new offerings. The Bar Committee will be delivering a rough draft of its proposal to the Legislative Service Bureau and the Study Committee will review the finalized draft in January. Representative Cochran asked whether the Study Committee discussed reciprocity with states that have similar standards. Senator Coleman responded that the issue was under discussion, but the Study Committee believed that it is important to protect persons, hence some standards should be adopted with regard to the issuance of securities. He noted that the standards in some states are not comparable to those in Iowa. Senator Coleman moved that the Legislative Council receive the report of the Securities Regulations Study Committee, and the motion was adopted.

Senator Doyle gave the report of the Comparative Negligence Subcommittee of the Senate Committee on Judiciary, the House Committee on Judiciary and Law Enforcement, the Senate Committee on Commerce, and the House Committee on Small Business and Commerce. Senator Doyle was Co-chairperson of the Subcommittee. Senator Doyle noted that the Subcommittee was authorized five meeting days and has held four meetings. He commented that the Subcommittee had heard a Report on Comparative Negligence and Governmental Immunity prepared by the Legislative Service Bureau which included present negligence systems in effect in the other 49 states. He commented that the Subcommittee also heard testimony from interested groups and associations and discussed issues and alternatives. He commented that the Legislative Service Bureau has been directed to prepare three alternative drafts of a comprehensive comparative negligence statute for review at the Subcommittee's final meeting to be held on December 28, 1983. Representative Stromer asked for clarification of the difference between 49 percent and 50 percent negligence and Senator Doyle explained the differences.

Representative Stromer asked whether counties, cities, and school districts are concerned about changes in negligence. Senator Doyle responded that there are some political subdivisions that would like to return to sovereign immunity, which was abolished by the General Assembly in 1965.

Senator Doyle moved that the Legislative Council accept the report of the Comparative Negligence Subcommittee and the motion was adopted.

Mr. Rowland gave the report of the Federal Depository Institutions Deregulation Act Study Committee of the Senate Committee on Commerce and the House Committee on Small Business and Commerce. He commented that the Study Committee was established to conduct a public hearing to receive testimony from representatives of Iowa financial institutions and other interested groups regarding the impact of the federal deregulation statute on the state financial institutions and other businesses. The members of the Study Committee discussed information and views that were

presented and decided they did not have adequate information or time to determine whether specific legislative recommendations should be made. Representative Menke moved that the Legislative Council accept the report of the Federal Depository Institutions Deregulation Act Study Committee, and the motion was adopted.

Representative Carl gave the report of the Child Protection Subcommittee of the Senate and House Committees on Human Resources. Representative Carl was Co-chairperson of the Subcommittee. She commented that the Subcommittee held three meetings to study the concerns of foster care, child day care, child abuse, children and families in need of assistance, and other concerns relating to the protection of children. She noted that the Subcommittee approved four bill drafts, the first of which requires registration and annual visits over a period of two years of all family day care homes, establishes annual licensing and registration fees, extends some penalties and injunctive authority to family day care homes, allows family and group day care homes to receive child care financial assistance funds, requires family and group day care providers to report child abuse, requires the Department of Human Services to provide local lists of child day care facilities and to acknowledge founded child abuse or the suspension or revocation of licensure or registration, allows family day care homes to care for two additional children at the same time on a part-time basis, and allows a peace officer to remove a child from a child day care facility in an emergency situation. Senator Coleman asked whether the Subcommittee addressed the issue of teenage mothers who are 14 to 15 years old and are living alone and unable to take care of themselves or their babies. Representative Carl responded in the negative.

Lieutenant Governor Anderson asked about administrative costs of requiring annual visits to family day care homes. Representative Carl responded that the Subcommittee believed that the administrative costs would be covered by the fees charged. Senator Tieden asked whether the Subcommittee is recommending mandatory licensing for day care centers. Representative Carl responded in the affirmative, but noted that the procedure is termed "registration," and the standards for day care centers have not been increased. Chairperson Avenson commented that the registration requirements are minimal.

Representative Carl commented that the second recommended bill draft adopts the federal child and dependent care tax credit for the purpose of computing Iowa income taxes. She commented that the Subcommittee has asked for fiscal information about the tax change. Representative Carl noted that under the federal schedule, those with lower incomes can deduct a greater percent of child care costs.

Representative Carl commented that the third bill draft relates to child abuse and amends the definition and creates criminal

penalties. It also requires appointment of a separate guardian ad litem for certain children in need of assistance who are 14 years of age or older and expands the authority and responsibility of the guardian ad litem. It also requires multiple foster care placements to the same provider if feasible.

Senator Doyle noted that some states select a grandmotherly or grandfatherly person to serve as guardian ad litem with a lawyer. Representative Carl said she would be interested in looking at the concept.

Chairperson Avenson expressed the belief that the Child Protection Subcommittee should have been granted more days because they did not have sufficient time to review the problems of latchkey children, missing children, and other areas.

Representative Carl commented that the Subcommittee sent a letter to the chairpersons of the Senate Committee on Judiciary and the House Committee on Judiciary and Law Enforcement requesting the use of the family impact statement in evaluating the provisions of the third bill draft.

Representative Carl stated that the fourth bill draft creates a state registry of missing children to aid law enforcement and child protection officials in recovering missing children and to allow cooperation with the federal government in dealing with missing children. She commented that House members separately approved two additional bills relating to training for mandatory child abuse reporters and foster parent training and prohibiting local zoning restrictions on family and group day care homes.

Chairperson Avenson asked whether the Subcommittee reviewed child care incentives for businesses and agencies of government for child care services before and after school. Representative Carl responded that the Subcommittee heard from two school districts that are providing child care before and after school. She commented that nothing in the Code prohibits schools from providing this service, and she hopes that the services will expand among school districts. Chairperson Avenson expressed the belief that legislation to provide incentives may be necessary to encourage districts to provide such services.

Representative Menke asked whether the schools charge for school supervision. Representative Carl responded in the affirmative, but noted at least one of the districts uses a sliding fee scale based on income of the parents. Lieutenant Governor Anderson commented that school facilities are there and should be used. Senator Tieden commented that the day care services before and after school are more difficult to provide in rural areas when many of the children must ride the bus to and from school. Senator Hultman moved that the Legislative Council receive the report of the Child Protection Subcommittee and the motion was adopted.

Senator Welsh gave the report of the Transportation Study Committee of the Senate and House Committees on Transportation and Local Government. Senator Welsh was a Co-chairman of the Study Committee. Senator Welsh commented that the Study Committee was authorized five meetings and has held four. He noted that the Study Committee has reviewed highway funding and a constant dollar plan and the status and future projections relative to the rail, water, and air transportation systems in the state. He noted that the Study Committee has also reviewed public transit funding and the coordination of public transit services to reduce or eliminate the duplication of these services. He commented that the Study Committee has discussed strengthening the law relating to political subdivisions that receive public transit money. He noted that the current law requires agencies to coordinate through the Department of Transportation, but many human service agencies do not. He commented that the Study Committee is also considering legislation relating to combining school bus transportation and city bus service. Senator Hultman moved that the Legislative Council receive the report of the Transportation Study Committee, and the motion was adopted.

Representative Swartz gave the report of the Substance Abuse Study Committee of the Senate and House Committees on State Government and Human Resources and Senate and House Human Resources Appropriations Subcommittees. Representative Swartz was the Co-chairperson, and he commented that the Study Committee was authorized and held three meetings. The Study Committee's purpose was to study the structure, funding, administration and role of the Department of Substance Abuse and to review House File 625 which was passed by the House of Representatives in 1983. Representative Swartz stated that most of the persons who testified before the Study Committee stated the following:

1. A state plan is needed.
2. A statewide service program is needed.
3. No treatment plan is clearly superior.
4. Funding should be increased.
5. The state should pay the cost of alcoholism treatment and prevention.

He noted that the Study Committee, after reviewing House File 625, has proposed an amendment to the bill and the amendment and bill provide for the following:

1. Some funding will be allotted to counties if they choose to participate.

2. It removes county requirements for funding and will provide about \$3 million worth of property tax relief.

3. In order to provide additional state funding for substance abuse, it directs the Beer and Liquor Control Council to increase prices in liquor stores in order to provide more money for the General Fund of the State that can be appropriated for substance abuse.

4. It requires screening of those seeking admission to the mental health institutes for substance abuse.

Representative Swartz commented that the Study Committee did not have time to review mandatory insurance coverage for alcoholism treatment and made no recommendations regarding a specific amount for appropriations for substance abuse.

Senator Tieden asked whether the Study Committee received testimony about counties that fund their own programs. Representative Swartz responded in the affirmative, and commented that it was the consensus of the Study Committee that separate provisions be made for funding, with the major portions of funds being allocated under the Department of Substance Abuse, but a smaller amount available for innovative programs provided by counties that are independent of the Department of Substance Abuse programs. Senator Tieden asked who determines how the money will be divided. Representative Swartz responded that the Board of Supervisors will make that determination and will submit a claim to the Treasurer of State.

Lieutenant Governor Anderson asked how Iowa compares to other states with regard to state funding for substance abuse. Representative Schwartz responded that the Legislative Fiscal Bureau has a document that compares the 50 states and Iowa's state share is \$1.76 per capita where the amount in other states is as high as \$4.00 per capita. With regard to state and local expenditures, Iowa's share payments are about \$5.00 per capita and the total is up to \$20.00 in other states. Senator Hutchins inquired whether liquor sales will decrease if prices increase. Representative Schwartz responded that the Legislative Fiscal Bureau has estimates based upon figures from the Beer and Liquor Control Department and they estimate that a one percent increase in liquor sales will bring in about \$700,000. Representative Schwartz agreed that under general economic principles, increased prices will affect sales.

Senator Hultman moved that the Legislative Council accept the report of the Substance Abuse Study Committee, and the motion was adopted.

Representative Cochran gave the report of the Grain Dealers and Lien Laws Study Committee. Representative Cochran was a Co-

chairperson. He stated that the Study Committee was established to study two bills which would grant a lien on crops and livestock to farm supply dealers, and to review grain elevator bankruptcies and possible insurance, review the State Commerce Commission supervision of grain operations, and evaluate a possible new fee schedule for grain dealers in warehouses. The Committee held three meetings and a fourth meeting has been authorized. He noted that a number of proposed bills were discussed, but no action had been taken prior to the fourth meeting.

Representative Stromer inquired about the actions if a farmer borrows money and instead of paying off the supplier whom he owes, ends up spending the dollars elsewhere so that there could be more than one lien. Representative Cochran responded that the Study Committee had discussed a bill proposed by Representative Muhlbauer which required that copies of liens be filed with the Secretary of State and forwarded to and filed in the County Recorder's office. He noted that the bill passed among the House members, but failed among the Senate members. Representative Cochran noted that many small suppliers feel affronted if asked about financing and the supplier is concerned that he may lose business in doing so. He commented that the original bill the Study Committee discussed gave suppliers status over the lending institutions, but the amended version provides equal status. Representative Cochran moved that the Legislative Council receive the report of the Grain Dealers and Lien Laws Study Committee and the motion was adopted.

Ms. Diane Bolender gave the report of the Excellence in Education Task Force. She stated that the Task Force contains seven citizen members of the state and four ex officio nonvoting members of the General Assembly, and it was authorized five meetings and subsequently granted approval for eight more. She commented that the Task Force has divided into six subcommittees, each chaired by one of the six members of the Task Force and the subcommittees have commenced working. She noted that approximately 50 citizens are members of the subcommittees and are serving without compensation. Senator Tieden asked whether any of the subcommittees are looking at the authority of the area education agencies. Ms. Bolender responded in the affirmative, and indicated that the Educational Framework Subcommittee will be receiving a report of the area education agency program evaluation that was recently conducted by the Legislative Fiscal Bureau.

Ms. Bolender gave the report of the Education Interim Follow-up Subcommittee of the Senate and House Committees on Education. She noted that the Subcommittee was authorized two meetings to hear reports from the Education Task Force and review education issues. The Subcommittee has held its two meetings and has followed the work of the Task Force as well as gaining information about the implementation of legislation enacted during the last session of the General Assembly.

Representative Chiodo gave the report of the Economic Development and Jobs Training Study Committee of the Senate and House Committees on Labor and Industrial Relations and Education, the Senate Committee on Small Business and Economic Development, the House Committee on Small Business and Commerce, and the Senate and House Appropriations Subcommittees on Human Services. Representative Chiodo was a Co-chairperson of the Study Committee. He commented that the Study Committee was granted four meetings and has received approval to hold a fifth meeting. The Study Committee has heard presentations from representatives of labor, bankers, chambers of commerce, the United States Department of Commerce, and from a number of governmental agencies. The Study Committee anticipates finalizing its recommendations at its last meeting and they include continuation for another year of the Community Cultural Grant Program, a neighborhood assistance program involving tax credits, state enterprise zones, use of the Iowa District Export Council as an advisory body to the State Development Commission, and a resolution supporting the formation of a world trade center in Des Moines. They are also expecting an evaluation of existing job training programs effectiveness to be conducted by the Legislative Fiscal Bureau and an evaluation by the Legislative Fiscal and Service Bureaus on promotion functions that can be consolidated under a single department. Representative Chiodo stated that he expects the Study Committee to include a recommendation that there needs to be an on-going overall analysis of the assets and liabilities of the state. He expressed hope that a long-range economic plan can be established. Senator Coleman moved that the report of the Economic Development and Jobs Training Study Committee be received by the Legislative Council, and the motion was adopted.

Ms. Bolender gave the report of the Public Retirement Systems Subcommittee of the Senate and House Committees on State Government. She noted that the Subcommittee held three meetings and heard testimony from all interested groups relating to the Iowa Public Employees' Retirement System, the Judicial Retirement System, the Peace Officers' Retirement System, and local police and fire retirement systems. She commented that the IPERS Division of the Iowa Department of Job Service had the actuarial firm of Milliman & Robinson, Inc. conduct a number of actuarial studies relating to costs of certain benefit improvements for IPERS.

The Subcommittee made a number of recommendations relating to changes in the IPERS system including increases in benefits for previous retirees, increases in benefits for those with more than 30 years of service, provision for former TIAA-CREF members to buy back for previous years of service, provision for employees of agricultural promotion boards and judicial hospitalization referees to be exempt from IPERS, provision for members of the ministry, rabbinate, and other religious order to be covered under IPERS, provision that unvested public employees from other states be

allowed unlimited access to purchase IPERS for those years of service, and a number of administrative changes. Representative Norland moved that the report of the Public Retirement Systems Subcommittee be received by the Legislative Council and the motion was adopted.

Mr. David Lyons gave the report of the Sentencing Interim Subcommittee of the Senate Committee on Judiciary and the House Committee Judiciary and Law Enforcement. The Subcommittee was authorized and held three meetings. Mr. Lyons thanked the Legislative Council on behalf of the Co-chairpersons for authorizing the payment of expenses in order to obtain expert outside assistance from Professor Jonathan Casper. He noted that the expense money was not needed. Mr. Lyons commented that a number of recommendations were made that will be forwarded to other standing committees and applicable appropriations subcommittees. He stated that the Subcommittee asked the Standing Committees on Judiciary to review sentencing procedures and aggravated misdemeanors and Class "D" felonies to examine the possibility of sentencing to community-based corrections facilities and county jails and also to establish a system for collection of sentencing data by the courts. Mr. Lyons stated that the Subcommittee recommends the passage of a number of bills:

1. To require counties to comply with state requests for temporary confinement of alleged violators of work release and parole.
2. Removing the restriction on work release that release to the home be allowed only for child care or housekeeping purposes.
3. To change the definition of burglary and attempted burglary.
4. To change the penalty for theft by a check written on insufficient funds.
5. To provide that presentence investigations for class "B", "C", and "D" felonies not be waived.
6. To extend the time for the board of directors of a judicial district department of correctional services to file its annual report.
7. To allow a designee of the superintendent or warden of a correctional institution to hear appeals of hearing officers.
8. To authorize treatment of persons on work release at the University of Iowa Hospitals.

Senator Tieden moved that the Legislative Council receive the report of the Sentencing Subcommittee, and the motion was adopted.



Mr. Lyons gave the report of the Department of Corrections Subcommittee of the Senate Committee on State Government and Senate and House Corrections and Mental Health Appropriations Subcommittee. He stated that the Subcommittee was authorized and held three meetings. The Subcommittee monitored the establishment of a separate department of corrections from its former place as the Division of Adult Corrections in the Department of Social Services. He noted that two bills were recommended for passage, one relating to the establishment of restrictions and requirements regarding confidentiality of records for supervised individuals, and the second making corrective changes to the law to reflect the Department's functions and to confirm current and anticipated practices of the Department. Senator Hultman moved that the Legislative Council receive the Department of Corrections Subcommittee's report, and the motion was adopted.

Mr. Garrison read the report of the Communications Review Committee, a statutory committee not required to report to the Legislative Council. He noted that the Legislative Council had asked the Communications Review Committee to look at the feasibility of establishing a statewide 911 emergency telephone system. The Communications Review Committee report states that the Committee heard testimony from a number of sources and concludes that because of technical difficulties and financial constraints, it does not believe that the General Assembly should mandate the establishment of a statewide 911 emergency telephone system. No action needed to be taken on the report.

Chairperson Avenson presented a plaque to Mr. Wayne Faupel in appreciation for 52 years of service as Deputy Code Editor, Code Editor, and Code Consultant. The plaque was presented by the Legislative Council and the Administrative Rules Review Committee. Senator Hultman, Representative Stromer, and Representative Cochran expressed their appreciation to Mr. Faupel for his fine service to the state of Iowa.

Representative Stromer noted that the Legislative Procedures Committee had not sent a report to the Legislative Council. Chairperson Avenson responded that he anticipates that the Committee will meet before the General Assembly convenes.

Chairperson Avenson thanked the members of the Legislative Council for their attendance and participation during the legislative interim and commented that the next meeting will be in January after the General Assembly has convened.

The Legislative Council adjourned at 11:55 a.m.

Respectfully submitted,

SERGE H. GARRISON

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Director

DIANE BOLENDER  
Senior Research Analyst