

# **MINUTES**

## **IOWA LEGISLATIVE COUNCIL**

**October 27, 1993**

### **PRELIMINARY BUSINESS**

The sixth meeting of the 1993-1994 Legislative Council was called to order by Chairperson, Senator Wally Horn, at 1:35 p.m., Wednesday, October 27, 1993, in Room 22, State House, Des Moines, Iowa. Members present, in addition to Chairperson Horn, were:

Senator Leonard Boswell  
Senator Florence Buhr  
Senator Donald E. Gettings  
Senator Emil Husak  
Senator John Jensen  
Senator William D. Palmer  
Senator Jack Rife  
Senator Maggie Tinsman  
Representative Bob Arnould  
Representative Clifford O. Branstad  
Representative John H. Connors  
Representative Ron J. Corbett  
Representative Teresa Garman  
Representative Mary Lundby  
Representative Wayne McKinney, Jr.  
Representative Brent Siegrist  
Representative Richard Vande Hoef

Also present during all or part of the meeting were: Ms. Diane Bolender, Director, Mr. Richard Johnson, Deputy Director, and Mr. John Pollak, Committee Services Administrator, Mr. Mark Johnson, Legal Counsel, Legislative Service Bureau; Mr. Dennis Prouty, Director, and Mr. Tim Faller, Deputy Director, Legislative Fiscal Bureau; Mr. William P. Angrick II, Citizens' Aide/Ombudsman; Mr. Sandy Scharf, Director, Computer Support Bureau; Ms. Liz Isaacson, Chief Clerk of the House; Ms. Cinde Clingan, Assistant Secretary of the Senate; Mr. Greg Nichols, Senior Administrative Assistant; Ms. Mary Jo Welch, Administrative Assistant; Mr. Mark Brandsgard, Senior Administrative Assistant; Mr. Warren Fye, Senior Caucus Staff Director; Mr. Thane R. Johnson, Senior Research Analyst, Legislative Service Bureau; other legislative staff members; representatives of the news media; and other interested persons.

## ROLL CALL AND MINUTES

Chairperson Horn stated that the roll was taken as the members arrived and that a quorum was present.

Senator Boswell moved that the minutes of the September 22 meeting be approved as submitted. The motion was adopted.

## 1993 IOWA CODE SUPPLEMENT - CODE OF IOWA AND COURT RULES CD-ROM

Ms. Diane Bolender, Director, Legislative Service Bureau, reported that Ms. Kristi Little, Superintendent, General Services Printing Division, recommends an increase of approximately ten percent in the price of the 1993 Iowa Code Supplement. Ms. Bolender continued that the increased sales price will help offset the cost of the free distribution to public entities which totals 2,581 copies. Representative Connors moved that the price of \$35.00 per copy plus sales tax be adopted for the 1993 Iowa Code Supplement. The motion was adopted. A copy of Ms. Little's letter is on file in the Legislative Service Bureau.

Ms. Bolender commented that the Legislative Council had previously authorized the Legislative Service Bureau to establish two different sale prices for the sale of CD-ROM (Compact Disk - Read Only Memory) of the Iowa Code and the Court Rules to private purchasers, one price for large quantity purchases and one price for single or small quantity purchases. She asked for approval to establish additional prices near the marginal cost of producing the disks for public users and for members of the General Assembly.

After discussion, Senator Tinsman moved that the Legislative Service Bureau be authorized to establish additional sales prices for the CD-ROM copies of the Code of Iowa and Court Rules as requested by Ms. Bolender. The motion was adopted. A copy of Ms. Bolender's memorandum is on file in the Legislative Service Bureau.

## REPORT OF THE FISCAL COMMITTEE

Chairperson Horn recognized Representative Corbett for the Report of the Fiscal Committee. Representative Corbett stated that the Fiscal Committee met on October 26 and received fiscal information on a number of topics. He added that the topics included collection of fines, fees and court costs, the indigent defense shortfall, loss of federal funds regarding the federal helmet law, the impact of flood damage on state income tax revenues, an update on the impact of the floods, and other topics. He added that the Committee made no recommendations.

Representative Arnould raised questions about the financial options of the state regarding the payment of refunds due taxpayers as a result of the Hagge and Kraft Iowa Supreme Court decisions. Concerning the possible use of general obligation bonds to pay

refunds due taxpayers, Representative Arnould asked what the probable interest rate would be on the bonds. Representative Corbett responded that the interest rate would be approximately 3 to 3.5 percent annually. After further discussion, Representative Corbett estimated that it will cost approximately \$12 million more to pay the obligation by bonds as compared to paying the obligation with cash reserves. Representative Arnould indicated that the refunds could be paid using current state revenues and the General Assembly could then balance the budget after it convenes in January. Considering the number of fiscal problems faced by state government, Representative Arnould expressed the belief that Governor Branstad and the legislative leadership should hold a joint meeting within the next 60 days for state fiscal planning.

In response to a question from Senator Rife concerning whether the Fiscal Committee has been receiving the monthly updates on progress of the Iowa Communications Network, Mr. Faller responded that the August update was the latest one that had been received. The Legislative Fiscal Bureau will request the monthly updates.

In reply to a question by Representative Lundby, Representative Corbett stated that a total of 25 states are losing federal transportation funds due to noncompliance with the federal helmet law. He also stated that there is some interest in allowing the use of the federal funds for farm safety programs.

In reply to a comment by Senator Tinsman, Representative Corbett responded that efforts have been made to improve the 60 percent collection rate on fines, fees, and court costs. He added that counties have been authorized to retain 35 percent of the delinquent fees, fines, and court costs collected, but in many cases this is not cost-effective and it is difficult to locate the delinquents. Senator Tinsman responded that 28 counties are computerized and computerization should facilitate recovering the delinquencies. Representative Lundby suggested that the Fiscal Committee should consider an amnesty program to encourage payment of fines, fees, and court costs. After further discussion, Representative McKinney commented that it is unlikely that reducing surcharges or community service time will be sufficient incentive to improve the collection rate. In response to a statement by Senator Rife, Representative Corbett stated that he believes that the courts are doing their best within their available resources to collect moneys due.

After further discussion, Representative Arnould moved to amend the Report of the Fiscal Committee to add a request that Governor Branstad convene a meeting within 60 days with legislative leadership and Appropriation Committee chairpersons and ranking members for state fiscal planning. The motion was adopted.

Representative Lundby also moved to amend the Report of the Fiscal Committee to add a request that amnesty programs be considered as a method of recovering delinquent fines, fees, and court costs. The motion was adopted on a vote of 10 ayes and 7 nays.

Representative Corbett's motion to adopt the Report of the Fiscal Committee, as amended, was adopted. A copy of the Report of the Fiscal Committee as it was presented to the Legislative Council is attached to these minutes.

#### LEGISLATIVE INFORMATION OFFICE PROJECTS

Chairperson Horn recognized Ms. Bolender for an update on two projects being implemented by the Legislative Information Office. Ms. Bolender stated that the Iowa Grocers Association has agreed to print a single page flier and place it in grocery sacks at check out lanes to provide information about the Iowa General Assembly and the legislative process. She also noted that Drake University journalism faculty and a radio/television production class are assisting in the production of a video which provides information about the Iowa General Assembly and the legislative process. The progress report was received and filed. A copy of the memorandum is attached to these minutes.

#### INTERNATIONAL RELATIONS COMMITTEE

Representative McKinney briefly reviewed the Report of the International Relations Committee. He stated that the Committee met without a quorum and received information from representatives of the Iowa International Council, the Iowa Peace Institute, the International Development Foundation, the Stanley Foundation, and the Iowa Sister States Committee. He added that the Committee has also received information concerning work being done to develop appropriate gifts for members of visiting foreign delegations.

Representative McKinney moved that the Report of the International Relations Committee be received and filed. The motion was adopted. A copy of the Report of the International Relations Committee is attached to these minutes.

#### REPORT OF THE SERVICE COMMITTEE

Representative Garman presented the Report of the Service Committee. She stated that the Committee received the personnel reports of the central legislative staff agencies and, pursuant to Section 2.12 of the Code, their proposed budgets for the 1994-1995 fiscal year.

Concerning amendments to the Personnel Guidelines of the Central Legislative Staff Agencies, Ms. Bolender stated that questions and objections raised by Senator Murphy and Representative Lundby relating to the proposed substance abuse policy have been addressed in the new draft. Representative Lundby expressed reservations about the substance abuse policy language that appears to allow discharge of an employee who has an addiction before that employee has an opportunity to be treated and recover. In reply to a question by

Representative McKinney, Ms. Bolender stated that the substance abuse provisions are in compliance with the most recent federal Court decisions on civil rights.

Representative Garman moved the adoption of the Report of the Service Committee. The motion was adopted with Representative Lundby voting nay. A copy of the Report of the Service Committee is attached to these minutes.

#### **REPORT OF THE STUDIES COMMITTEE**

Representative Mary Lundby was recognized to present the Report of the Studies Committee. Representative Lundby stated that the Report authorizes one additional meeting day to the Fiber Optics and Telecommunications Study Committee and an expense payment to a consultant to the Juvenile Justice Study Committee. She also stated that the Report denies a request for a designee to attend a meeting of the Critical Infrastructure Needs Study Committee in place of a member. She stated that the final recommendation is for a letter to be sent to the Governor requesting that the Governor arrange payment of per diem and expense for legislators appointed to task forces and other ad hoc policy groups appointed by the Governor.

There being no discussion, Representative Lundby moved adoption of the Report of the Studies Committee. The motion was adopted. A Copy of the Report is attached and by this reference, made a part of these minutes.

#### **SUPREME COURT RULES**

Chairperson Horn recognized Mr. Mark Johnson, Legal Counsel, Legislative Service Bureau, to briefly review the Court Rules changes submitted by the Iowa Supreme Court. He stated that three rules changes are included, the first related to the service and filing of pleadings and other papers, the second related to the certification and return of copies, and the third related to the fee for late settlement at the time of the jury trial.

There being no comments, Representative Connors moved that the proposed rules changes be received and filed without objection. The motion was adopted.

#### **PAGE SELECTION**

Senator Rife stated that the procedure for application and selection of pages for the legislative session should be reviewed. He stated he has a constituent who applied under the Governor's Page program only to learn that the House and Senate programs are handled separately and the student's chances of being selected under a legislative program are much

greater than the Governor's. He also noted that some pages, for the Fiscal Bureau and Service Bureau, may have had previous experience at the job. Senator Husak commented that the pages should be new each year to allow the maximum number of students to have the experience. He added that he could see no reason why experienced pages are needed.

After further discussion, Representative Siegrist moved that Chief Clerk of the House and Secretary of the Senate contact the Governor's Office to develop a single application form for pages and report to the Legislative Council not later than its July 1994 meeting. The motion was adopted.

#### **ACHIEVEMENTS OF WOMEN DISPLAY**

Representative Corbett stated that he would like to bring forward a proposal for the consideration of the Legislative Council concerning the placement of a display case featuring achievements of women in Iowa government. He moved that the Commission on the Status of Women, in conjunction with the Iowa Women's Political Caucus, the League of Women Voters, and the Legislative Ladies League, design and submit to the Legislative Council a proposal for establishing a display case located in the Iowa Capitol which shall feature contributions and achievements women have made to Iowa government with special emphasis to those women who have held an elective office.

The motion was adopted.

#### **NATURAL DISASTER PREPAREDNESS TASK FORCE**

Representative Arnould asked why the Natural Disaster Preparedness Task Force has not met and has no meetings scheduled. Mr. John Pollak, Committee Services Administrator, responded that there has been a problem with establishing a meeting date and necessary information concerning the summer flooding is not available.

Senator Husak commented that it appears the Task Force does not plan to meet and he moved to deauthorize the Natural Disaster Preparedness Task Force. After discussion of the study charge to the Task Force, Senator Husak withdrew his motion.

#### **NEXT MEETING**

Chairperson Horn announced that the next meeting of the Legislative Council is tentatively scheduled for Wednesday, November 17, 1993.

**ADJOURNMENT**

There being no further business to come before the Council, Senator Husak moved that the Legislative Council adjourn at 3:05 p.m. The motion was adopted.

Respectfully submitted,

**MS. DIANE E. BOLENDER**  
Director

**THANE R. JOHNSON**  
Senior Research Analyst

2905LC

**REPORT OF THE FISCAL COMMITTEE TO THE  
LEGISLATIVE COUNCIL**

**October 26, 1993**

The Fiscal Committee met on October 26, 1993, in Senate Room 22 of the State Capitol. No formal recommendations were adopted.

The Committee received information on the following:

- **Fines, Fees, and Court Costs**
  - Program overview
  - FY 1994 collections compared to FY 1993
  - FY 1994 estimated collections compared to FY 1994 Actual (yr-to-date)
- **Indigent Defense Shortfall**
  - Update on recent program changes
  - Savings associated with program changes
  - FY 1994 program costs (yr-to-date) compared to FY 1993
- **Federal Helmet Law - Loss of Federal Funds**
- **8.39 Transfers**
- **Impact of Flood Damage on State Income Tax Revenues**
- **Review of Federal Deductibility Impact**
- **Tax Model Overview**
- **Flood Update**
- **Hagge/Kraft Financial Options**
- **Other Business:**
  - FY 1993 reversions
  - Dept. of Human Services lease/purchase notification

Respectfully submitted,

Senator Larry Murphy  
Co-chairperson

Representative Ron Corbett  
Co-chairperson



# GENERAL ASSEMBLY OF IOWA

## LEGAL COUNSELS

Douglas L. Adkisson  
Mary M. Carr  
Edwin G. Cook  
Susan E. Crowley  
Patricia A. Funaro  
Michael J. Goedert  
Leslie E. W. Hickey  
Mark W. Johnson  
Michael A. Kuehn  
Carolyn T. Lumbard  
Julie A. Smith

## RESEARCH ANALYSTS

Kathleen B. Hanlon  
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**LOANNE DODGE**  
IOWA CODE EDITOR

**PHYLLIS V. BARRY**  
ADMINISTRATIVE CODE EDITOR

**JULIE E. LIVERS**  
LEGISLATIVE INFORMATION OFFICE DIRECTOR

October 26, 1993

## MEMORANDUM

**TO:** CHAIRPERSON HORN, VICE CHAIRPERSON VAN MAANEN, AND  
MEMBERS OF THE 1993-1994 LEGISLATIVE COUNCIL

**FROM:** DIANE BOLENDER, DIRECTOR

**RE:** LEGISLATIVE INFORMATION OFFICE PROJECT UPDATE

This memorandum is a progress report on two projects on which the Legislative Information Office has been working during the past several months. As Legislative Council members you received a memo last March describing the projects which were developed to provide information about the Iowa General Assembly and the legislative process at little or no cost to a broad cross section of Iowans in all walks of life, in all areas of the state, and at all levels of education.

The first project is a project in which the Iowa Grocers Association has agreed to print a single page flier and place it in grocery sacks at the check out lanes after groceries have been purchased. The Board of the Iowa Grocers Association was enthusiastic about assisting the Iowa General Assembly and agreed that it will transmit a camera-ready copy of the flier to all of its member grocery store chains who then can print copies for the individual grocery stores. Information urging Iowans to get involved in making Iowa's laws and describing how they can access their members of the Iowa General Assembly is included on the attached flier. Both sides of the flier state that the flier has not been printed at state expense.

Initially, the grocery sack fliers were to have been distributed during the 1993 legislative session, but the distribution was not possible far enough in advance of session adjournment. The fliers will be transmitted to the Iowa Grocers Association just prior to the convening of the 1994 legislative session.

The second project is a project to develop a short video about the Iowa General Assembly and the legislative process that could be used by schools and other organizations and clubs throughout the state. Many states have developed videos about their legislatures, often at great cost. The Legislative Information Office staff is working with several professors from the journalism faculty at Drake University and a radio/television production class. Work was begun during the spring 1993 class and will be completed during the spring 1994 class. This is a class for seniors and the video is a major project for the class. The General Assembly will have ultimate creative control of the project, but the filming, editing, and production will be completed by the students under the supervision of their professors. Drake University will charge only its actual expenses, so the video can be completed at a very reasonable cost. Please contact the Legislative Service Bureau if you have any ideas for a topic for legislation that can be used to present the process for enacting a bill that would have general appeal to a wide audience.

The Legislative Service Bureau will continue to provide progress reports about these projects.

**REPORT OF THE INTERNATIONAL RELATIONS COMMITTEE  
TO THE LEGISLATIVE COUNCIL**

October 27, 1993

The International Relations Committee of the Legislative Council met on October 5, 1993. The meeting was called to order by Senator James Riordan, Temporary Chairperson, at 10:25 a.m. in Room 24 of the Statehouse.

The International Relations Committee respectfully submits to the Legislative Council the following report and recommendations:

1. Because of lack of a quorum, the International Relations Committee was unable to conduct official business.
2. The International Relations Committee received testimony and filed information from Kathleen Wood, Chairperson of the Iowa International Council; from Robert Krill, President of the Iowa Peace Institute; Phillip Stanhope, Executive Director of the International Development Foundation; Daniel Clark, Program Officer of the Stanley Foundation; and Sarah Lande, Executive Director of the Iowa Sister States. The testimony and information received included information on the functions that the agencies and organizations perform and possible roles that the Iowa General Assembly could play in fostering cultural and economic relationships with foreign countries and their governments; information regarding appropriate gifts, protocol, and establishment of linkages with federal agencies; activities being carried on in the Stavropol region of the former Soviet Union; and information on activities of other states to foster their states' roles in international affairs/foreign trade.
3. The International Relations Committee received information on work that is being done to develop appropriate gifts for legislators to give to members of visiting foreign delegations and to take to give to persons that host Iowa legislative delegations in foreign countries.
4. The International Relations Committee is in the process of attempting to schedule a second meeting sometime during the week of November 29-December 3, 1993.

Respectfully submitted,  
SENATOR JAMES RIORDAN  
Temporary Chairperson

**REPORT OF THE SERVICE COMMITTEE  
TO THE LEGISLATIVE COUNCIL**

**October 27, 1993**

The Service Committee of the Legislative Council met on October 27, 1993. The meeting was called to order by Representative Teresa Garman, Acting Chairperson, at 11:06 a.m. in Room 22 of the Statehouse.

The Service Committee respectfully submits to the Legislative Council the following report and recommendations:

1. The Service Committee received and filed the proposed budgets of the Legislative Service Bureau, the Legislative Fiscal Bureau, the Legislative Computer Support Bureau, and the Office of Citizens' Aide/Ombudsman for the fiscal year beginning July 1, 1994, pursuant to Code section 2.12. The proposed budgets will be considered by the Service Committee and the Legislative Council in November.
2. The Service Committee received and filed a personnel report from the Legislative Service Bureau.
3. The Service Committee received and filed a personnel report from the Legislative Fiscal Bureau.
4. The Service Committee received and filed a personnel report from the Office of Citizens' Aide/Ombudsman.
5. The Service Committee received and filed a report from the Computer User Policy Direction Committee.
6. The Service Committee received, filed, and recommends that the Legislative Council approve the attached proposed changes to the Personnel Guidelines of the Central Legislative Staff Agencies. The new and amended provisions include provisions regarding substance abuse and receipt of gifts by employees of the central legislative staff agencies.

The following new employees of the Legislative Fiscal Bureau were introduced to the members of the Service Committee:

1. Leah Churchman, Legislative Analyst.
2. Valerie Marsh, Legislative Analyst.
3. Darlene Kruse, Legislative Analyst.
4. Sandra Laust, Administrative Secretary.

Respectfully submitted,

**REPRESENTATIVE TERESA GARMAN**  
Acting Chairperson

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

October 27, 1993

The Studies Committee of the Legislative Council met on October 27, 1993, and makes the following report:

1. That approval be given to the Fiber Optics and Telecommunications Study Committee request for an additional meeting day. Members of the Studies Committee will convey to the Fiber Optics and Telecommunications Study Committee their concerns regarding telecommunications issues.
2. That payment be authorized for the Juvenile Justice Study Committee request to reimburse the Study Committee's consultant for travel expenses associated with the October 11 meeting.
3. That the Legislative Council deny the request of a nonlegislator member of the Critical Infrastructure Needs Study Committee for authorization to appoint a designee to attend a meeting in place of the member.
4. That a letter be sent to the Governor requesting that the Governor arrange payment of per diem and expenses to legislators appointed to task forces and other ad hoc policy development groups created by the Governor.

Respectfully submitted,

REPRESENTATIVE MARY LUNDBY  
CHAIRPERSON

# **TENTATIVE AGENDA**

## **IOWA LEGISLATIVE COUNCIL**

**Committee Room 22**

**October 27, 1993**

**1:30 p.m.      Call to Order**

**Roll Call**

**Approval of Minutes of September 22 Meeting  
(Previously Distributed)**

**Pricing of 1993 Code Supplement and CD-ROM  
of Code and Code Supplement**

**Legislative Information Projects**

**Report of Fiscal Committee**

**Report of International Relations Committee**

**Report of Service Committee**

**Report of Studies Committee**

**Consideration of Court Rule**

**Additional Business?**

**Date of Next Meeting**

**Adjournment**