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# IOWA LEGISLATIVE INTERIM CALENDAR AND BRIEFING

November 6, 2013 2013 Interim No. 10

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## November 2013

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
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## December 2013

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
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- Thursday, November 14, 2013  
**Elder Abuse Prevention and Intervention Study Committee**  
 10:00 a.m., Room 103, Supreme Court Chamber, Statehouse
- Tuesday, November 19, 2013  
**Iowa Skilled Worker and Job Creation Fund Study Committee**  
 Time to be announced, Room 116, Statehouse
- Tuesday, November 19, and Wednesday, November 20, 2013  
**Integrated Health Care Models and Multi-payer Delivery Systems Study Committee**  
 Tuesday at 10:00 a.m. and Wednesday at 9:00 a.m., Room 103, Supreme Court Chamber, Statehouse
- Wednesday, December 4, 2013  
**Legislative Tax Expenditure Committee**  
 9:00 a.m., Room 103, Supreme Court Chamber, Statehouse
- Tuesday, December 10, 2013  
**Iowa Rivers and Waterways Study Committee**  
 Time to be announced, Room 103, Supreme Court Chamber, Statehouse
- Wednesday, December 11, 2013  
**Public Retirement Systems Committee**  
 Time to be announced, Room 103, Supreme Court Chamber, Statehouse
- Thursday, December 12, 2013  
**Revenue Estimating Conference**  
 2:00 p.m., Room 116, Statehouse
- Tuesday, December 17, 2013  
**Mental Health and Disability Services Redesign Fiscal Viability Study Committee**  
 10:00 a.m., Room 103, Supreme Court Chamber, Statehouse

*Iowa Legislative Interim Calendar and Briefing* is published by the Legal Services Division of the Legislative Services Agency (LSA). For additional information, contact: LSA at (515) 281-3566.

### **Elder Abuse Prevention and Intervention Study Committee**

Temporary Co-chairperson: Senator Mary Jo Wilhelm

Temporary Co-chairperson: Representative Julian Garrett

Location: Room 103, Supreme Court Chamber, Statehouse

Date & Time: Thursday, November 14, 2013, 10:00 a.m.

Contact Persons: Patty Funaro, Legal Services, (515) 281-3040; Rachele Hjelmaas, Legal Services, (515) 281-8127; Amber DeSmet, Legal Services, (515) 281-3745.

Tentative Agenda: Consider report of the Task Force on Elder Abuse Prevention and Intervention convened by the Department on Aging and make recommendations.

Internet Page: <https://www.legis.iowa.gov/Schedules/committee.aspx?GA=85&CID=923>

### **Iowa Skilled Worker and Job Creation Fund Study Committee**

Temporary Co-chairperson: Senator William A. Dotzler

Temporary Co-chairperson: Representative Mary Ann Hanusa

Location: Room 116, Statehouse

Date & Time: Tuesday, November 19, 2013, 10:00 a.m.

Contact Persons: Kathy Hanlon, Legal Services, (515) 281-3847; Jack Ewing, Legal Services, (515) 281-6048; Amber DeSmet, Legal Services, (515) 281-3745.

Tentative Agenda: Presentations concerning the planning and implementation of programs and appropriations made from the Iowa Skilled Worker and Job Creation Fund.

Internet Page: <https://www.legis.iowa.gov/Schedules/committee.aspx?GA=85&CID=928>

### **Integrated Health Care Models and Multi-payer Delivery Systems Study Committee**

Temporary Co-chairperson: Senator Amanda Ragan

Temporary Co-chairperson: Representative Linda Miller

Location: Room 103, Supreme Court Chamber, Statehouse

Dates & Times: Tuesday, November 19, 2013, 10:00 a.m. and Wednesday, November 20, 2013, 9:00 a.m.

Contact Persons: Patty Funaro, Legal Services, (515) 281-3040; Ann Ver Heul, Legal Services, (515) 281-3837; Amber DeSmet, Legal Services, (515) 281-3745.

Tentative Agenda: To be announced.

Internet Page: <https://www.legis.iowa.gov/Schedules/committee.aspx?GA=85&CID=922>

### **Legislative Tax Expenditure Committee**

Temporary Co-chairperson: Senator Joe Bolkcom

Temporary Co-chairperson: Representative Tom Sands

Location: Room 103, Supreme Court Chamber, Statehouse

Date & Time: Wednesday, December 4, 2013, 9:00 a.m.

Contact Persons: Michael Duster, Legal Services, (515) 281-4800; Mike Mertens, Legal Services, (515) 281-3444; Joe McEniry, Legal Services, (515) 281-3189.

Tentative Agenda: Presentations concerning the tax credits required to be reviewed by the committee under Iowa Code §2.48.

Internet Page: <https://www.legis.iowa.gov/Schedules/committee.aspx?GA=85&CID=511>

### **Iowa Rivers and Waterways Study Committee**

Temporary Co-chairperson: Senator Dick Dearden

Temporary Co-chairperson: Representative Lee Hein

Location: Room 103, Supreme Court Chamber, Statehouse

Date & Time: Tuesday, December 10, 2013, Time to be announced.

Contact Persons: Tim McDermott, Legal Services, (515) 281-8090; Doug Adkisson, Legal Services, (515) 281-3884; Ann Ver Heul, Legal Services, (515) 281-3837.

Tentative Agenda: Presentations regarding river restoration.

Internet Page: <https://www.legis.iowa.gov/Schedules/committee.aspx?GA=85&CID=926>

### ALL-TERRAIN AND OFF-ROAD UTILITY VEHICLE STUDY COMMITTEE

October 28, 2013

**Co-chairperson:** Senator Chris Brase

**Co-chairperson:** Representative Brian Moore

**Background.** The All-Terrain and Off-Road Utility Vehicle Study Committee was created by the Legislative Council for the 2013 Legislative Interim and authorized to hold one meeting. The charge of the committee is to collect information from stakeholders and make recommendations to the General Assembly concerning the use of all-terrain and off-road utility vehicles.

The committee chose to focus primarily on issues raised by the introduction of HF 619 during the 2013 Legislative Session, particularly as the bill pertains to the operation of all-terrain vehicles (ATVs) and off-road utility vehicles (ORVs) on certain Iowa roads.

**Vehicle Display.** An ATV and an ORV were displayed in the legislative parking lot by Polaris Industries for members of the committee to view. Mr. J.R. Burke, Polaris Industries, explained some of the specifications of and differences between the two types of vehicles and answered questions. An ATV has a seat that is straddled by the operator and is steered by handlebars. An ORV has a bucket or bench seat and is steered by a steering wheel or control levers.

**Mr. David Downing, Department of Natural Resources, Snowmobile and ATV Program Coordinator.** Mr. Downing discussed types of off-highway vehicles (OHVs) including ATVs, ORVs, and off-road motorcycles (ORMs). He said that the goals of the OHV program are to manage OHV use as a recreational resource; develop OHV parks and trails for the use of registered machines; develop, maintain, and promote ATV safety education; remove OHVs from prohibited areas through education and enforcement; and provide an effective point-of-sale OHV registration, title, and lien system. Off-road utility vehicles known as side-by-sides are the fastest growing segment of OHV registrations in Iowa.

Off-highway vehicles must be registered to be legally operated on designated riding areas or trails, on public ice, and on highways and roadways under the jurisdiction of and designated by cities and counties. An OHV can be operated on a highway, roadway, street, or ditch area only with proof of liability insurance. An OHV can be operated on a highway only between sunrise and sunset, at a speed under 35 miles per hour, and by an operator with a valid driver's license. Local laws or ordinances related to ATVs cannot be inconsistent with state law.

**Mr. Mark Lowe, Iowa Department of Transportation, Director, Motor Vehicle Division.** Mr. Lowe discussed the differences between the statutory schemes that authorize operation of ATVs and ORVs on Iowa roads. Iowa Code §321.234A focuses on the purpose of the vehicle's use. Iowa Code §321.10 focuses on the place where the vehicle is used.

All-terrain vehicles and ORVs (off-road utility vehicles are also referred to as UTVs) are not currently defined as motor vehicles that are subject to registration under Iowa Code chapter 321. Such vehicles do not meet federal safety standards for motor vehicles. If ATVs and ORVs are subject to registration as motor vehicles under Iowa Code chapter 321, they will be subject to the fee for new registration under that chapter, which is five percent of the vehicle's sales price. Iowa Code §321.234A allows ATVs and ORVs to be operated on a public highway for specific purposes and on streets and county roads designated for that use by a city or county board of supervisors as provided in Iowa Code §321.10.

Research conducted by the University of Iowa shows that ATVs' design for off-road use makes them dangerous for road use. The narrow wheelbase, high center of gravity, and knobby, low-pressure tires make ATVs prone to rollover accidents on roads. More than one-half of fatal ATV accidents occur on roads. ATV operators who suffer a crash on a road are twice as likely to suffer severe trauma and three times more likely to suffer traumatic brain injury.

All-terrain vehicle manufacturers take the position that ATVs are not designed for road use and are not safe to operate on the road. The Specialty Vehicle Institute of America has taken the position that the use of such vehicles on roads should be prohibited.

**Mr. Terry Rolling, Bellevue, Iowa.** Mr. Rolling is a deputy sheriff in Jackson County, Iowa. Mr. Rolling opined that if ATVs are registered as motor vehicles, law enforcement authorities and others can use the license plate number to identify and find the vehicle if it is being used recklessly or is stolen and that Iowa is losing revenue by not registering ATVs for road use. ATVs are more fuel efficient than other motor vehicles, a safety course for ATV operators who are minors and who want to operate the vehicles on public land already exists, and lower speed limits are already required for ATV use on public roads. There are more accidents off road where the terrain is rougher. Mr. Rolling also opined that it is not fair to allow the operation of ATVs on roads for agricultural purposes but not allow such operation for other purposes.

**Mr. Kelly Keeney, Delmar, Iowa.** Mr. Keeney is a farmer who has ridden four-wheelers and snowmobiles for years.

*(All-terrain and Off-road Utility Vehicle Study Committee continued from Page 3)*

Use of such vehicles is an important part of his farming operation. He is not required to license his vehicles under the current exemption for agricultural use but would not object to doing so if the law is changed to require that in conjunction with allowing broader highway use.

**Dr. Gerene Denning, ATV Injury Task Force Member.** Dr. Denning, a University of Iowa researcher and ATV Injury Task Force member, said that her research has focused on ATVs. She said that the tires and high center of gravity on ATVs pose safety issues. Manufacturers of ATVs are strongly opposed to use of their products in unapproved ways. Dr. Denning has compiled a one-of-a-kind database of ATV crashes on and off roads. Her research shows more severe injuries, more head injuries, and more passenger deaths in ATV accidents that occur on roads. Two-thirds of nonfatal injuries on ATVs result from loss of control, not collisions. All neighboring states except Illinois have higher fatality rates than Iowa. Iowa ranks 27th among all states in ATV accident fatality rates.

**Mr. Geoffrey Lauer, Executive Director, Brain Injury Alliance of Iowa.** Mr. Lauer said that Iowa is home to more than 50,000 people with long-term traumatic brain injury. Brain injury is the leading cause of death for children and young adults. Fewer people are dying of brain injuries now because they receive faster and better medical treatment, but more people are living with brain injury disabilities. Frontal lobe injury to the brain is common in vehicle accidents where the person is moving forward in a linear fashion when the accident occurs. Riders of ATVs on roads are more likely to suffer severe brain injury in a crash.

**Mr. J.R. Burke, Government Affairs, Polaris Industries.** Polaris Industries manufactures ATVs and ORVs, among other products. Polaris has two manufacturing facilities in Iowa. Mr. Burke discussed the current statutory definition of an ATV in Iowa and proposed that the definition be updated to include other types of vehicles. The ATV market is flat with the average age of an ATV rider over 50, while the ORV or side-by-side market is booming. The outdoor recreation industry is important to Iowa, generating \$6.1 billion annually with \$1 billion of that amount representing motorized recreation. Iowans who ride side-by-side vehicles do not have as many or the same trails to enjoy as do ATV riders. Sustainable recreation options should meet the needs and wants of future riders and Polaris does significant market research to understand what those will be. There should be more trails available for use by side-by-sides. The statutory definition of an ATV should include flexibility to support continued product innovation as it occurs.

**Constituents of Senator Beall.** With the permission of the co-chairpersons, Senator Beall introduced two of his constituents, Mr. Dan Kleen, Pocahontas, President of the National Off-Highway Vehicle Conservation Council, and Mr. Alan Rodenborn, Fort Dodge, President of the Iowa Motorcycle Dealers Association, and asked them to make a few remarks. Mr. Kleen indicated that the National Off-Highway Vehicle Conservation Council is a nonprofit educational foundation composed of a national body of off-highway vehicle recreation enthusiasts dedicated to furthering a positive future for responsible OHV recreation. Mr. Rodenborn commented that ATVs and OHVs are already being used on roads in Iowa with rules implemented on a county-by-county basis and that it would be better to have the state set uniform statewide guidelines for such operation. Tires on such vehicles are rated for speed, not tread, and are being used on roads now for agricultural purposes. The current 35-mile-per-hour speed limit for those purposes has proven to be safe. A speed of 40 miles per hour is an even better speed for the operation of the machines. Wyoming and South Dakota allow on-road use of these vehicles and there is no indication that this has resulted in bad consequences in those states.

**Committee Discussion and Recommendation.** Co-chairperson Moore indicated that he was the original sponsor of HF 619 in 2013, with assistance from the Iowa DOT. The bill provides for operating ATVs and OHVs on roadways at a speed limit of 45 miles per hour. Other discussion included the need to address training requirements for operators of such vehicles if they are allowed to be operated on roads. If HF 619 is to go forward there must be more effort made to make road use of the vehicles safer. Local control of such operation may be better because each county has different terrain and population density conditions to take into consideration. An advantage of registering such vehicles in the same manner as other motor vehicles is that if there is misuse of the vehicle, it can be more easily reported to and investigated by law enforcement. House File 619 is currently in the Senate and is eligible for consideration next year. This committee meeting is another step in the process of considering the bill. All persons are welcome to contact any member of the committee with comments concerning the issues addressed by the committee.

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Internet Page: <https://www.legis.iowa.gov/Schedules/committee.aspx?GA=85&CID=925>

### STRAY ELECTRIC CURRENT AND AGRICULTURE STUDY COMMITTEE

October 28, 2013

**Co-chairperson:** Senator Thomas G. Courtney

**Co-chairperson:** Representative Peter Cownie

**Background.** The Stray Electric Current and Agriculture Study Committee was established by the Legislative Council by motion on July 18, 2013. The committee's charge was to study the issues associated with claims that stray electric current or voltage is affecting dairy cattle milk production, and to work with stakeholders in considering options to address the issues and make recommendations to resolve them.

**Overview.** The meeting included an overview of stray voltage from a research perspective, a discussion of dairy farm investigative efforts within the state of Iowa, the perspective of the Iowa Utilities Board, and presentations by entities and organizations expressing contrasting viewpoints regarding the merits of establishing stray voltage standards.

**Stray Voltage Overview—Research Perspective.** Dr. Douglas Reinemann, PhD, Professor and Chair, Biological Systems Engineering, University of Wisconsin—Madison, summarized stray voltage research conducted since the early 1960s. Dr. Reinemann stated that the causes and effects of stray voltage, as well as scientifically based remedial procedures for managing it, have been extensively studied and are well understood. He described the direct effects which can be observed in dairy cows subjected to stray voltage as ranging from mild behavioral reactions to intense responses, and indicated that the severity depends on the amount of electrical current flowing through an animal's body, the body pathway or contact point through which contact is made, and the sensitivity of the individual animal. Dr. Reinemann identified graduated levels of stray voltage which have been documented in numerous studies as ranging from nonproblematic to problematic. He emphasized that animal behavior or other symptoms alone cannot be used to diagnose stray voltage problems because the effects can be produced by other causes, and that accordingly the only way to determine if stray voltage is a potential cause of the behavior is to perform electrical testing. In order to have an adverse effect, he stated that stray voltage must be occurring at a sufficiently high level and frequency. It was noted that unorthodox approaches to mitigating stray voltage which are not based on sound scientific principles regularly arise and produce a great deal of mistrust in the agricultural community.

**Iowa Dairy Farm Investigations.** Dr. Patrick Gorden, DVM, Director, Food Supply Veterinary Medicine, Veterinary Diagnostic and Production Animal Medicine, Iowa State University, and Dr. Leo Timms, PhD, Extension Dairy Specialist and Associate Professor of Animal Sciences, Iowa State University, discussed their efforts in investigating and assessing issues relating to milking, milk quality, animal nutrition, and related health and behavioral issues on farms. It was noted that stray voltage research increased during the 1970s and 1980s, culminating in a United States Department of Agriculture meeting in 1993 which addressed testing and training procedures. They have identified stray voltage as the ultimate cause of a problem in relatively few investigations, but it is considered and ruled out early on with the farmer advised to work with their utility company and other professionals to perform accurate testing and develop mitigation strategies if a stray voltage problem is suspected. It was stated that a stray voltage problem, if it exists, can arise very suddenly due to lightning strikes, wiring becoming loose, and other causes, and that the effects may impact an entire herd or individual cows.

**Iowa Utilities Board.** Ms. Libby Jacobs, board Chairperson, provided the perspective of the Iowa Utilities Board regarding stray voltage and legislation proposed in recent legislative sessions to address it. Ms. Jacobs stated that the board's position regarding stray voltage is neutral, and that only one complaint relating to stray voltage has come before the board dating back to 2005. With regard to legislation proposed during the 2012 and 2013 Legislative Sessions, she identified as concerns the need to develop and implement procedures which are technically correct, ensuring that biosecurity protocols are followed to maximize safety, and the need for additional funding based on the board's expanded responsibilities. Ms. Jacobs also stressed the importance of providing the board with flexibility to develop procedures and protocols with the appropriate parties, with those established in Wisconsin being one of the models to consider.

**Iowa Farm Bureau Federation.** Mr. Marty Schwager and Mr. Matt Steinfeldt, State Policy Advisors for the federation, provided the perspective of many of the federation's approximately 1,500 dairy farm members regarding stray voltage. They advocated for a cooperative, proactive, and voluntary versus complaint-based approach envisioning the various stakeholders working together to develop procedures for dairy farmers and utilities to utilize when stray voltage concerns arise. Any program developed would incorporate training for electricians, utilities, farmers, and other agricultural professionals and would include recommendations for addressing on-farm as well as off-farm electrical systems. The federation opposes specifying a standard or level of concern below which the presumption could exist that stray voltage is not significantly impacting dairy cows, citing the arbitrariness of identifying such a level and the possibility that in

*(Stray Electric Current and Agriculture Study Committee continued from Page 5)*

individual instances dairy cows and herds could conceivably be adversely impacted at levels below the threshold.

**Iowa State Dairy Association.** Ms. Jessica Bloomberg, accompanied by three association board members, indicated agreement with the federation's remarks, adding that in the vast majority of cases stray voltage issues have been satisfactorily resolved between the dairy farmer and the utility without the need for legislation. Mr. Larry Shover, a dairy farmer and one of the board members in attendance, commented that he had a good relationship with his rural electric cooperative and worked effectively with the cooperative to resolve problems. He emphasized the importance of education and training regarding stray voltage awareness and testing procedures.

**Iowa Association For Justice.** Ms. Lisa Davis-Cook, Director of Government Affairs for the association, stated that a very small number of cases involving stray voltage have been litigated, and she reiterated the opposition of previous presenters to specifying stray voltage standards. Mr. Bill Wimmer of Wasker, Dorr, Wimmer, and Marcouiller, Des Moines, acknowledged that standards relating to a wide variety of conditions and requirements exist virtually everywhere, but do not necessarily constitute an absolute defense barring a claim for damages. By establishing a stray voltage standard, he maintained that such an absolute defense would be created, which is problematic given that stray voltage can impact dairy cows to varying extents at varying levels which could fall below the specified standard. Mr. Wimmer did indicate support for portions of legislation proposed during the 2013 Legislative Session which would facilitate entry by a utility onto a dairy farm under specified circumstances and would require adherence to biosecurity protocols.

**Stray Voltage Standards—Wisconsin Perspective.** Mr. Stuart Mondschein of Wheeler, Van Sickle, and Anderson, S.C., Madison, Wisconsin, summarized the development of the stray voltage approach taken by the state of Wisconsin, and the establishment of stray voltage standards pursuant to administrative rule. He indicated that he has worked with rural electric cooperatives involved in stray voltage litigation in both Wisconsin and Iowa. Mr. Mondschein stated that courts in Wisconsin have held that the existence of a standard does not bar a lawsuit and that such lawsuits have continued to occur there after the standard was specified. He opined that standards actually facilitate cooperation between the respective parties involved in a stray voltage dispute by providing well-defined procedures and protocols.

**Economic Development Impact.** Mr. Kirk Trede, Chief Executive Officer, Eastern Iowa Light and Power Cooperative, noted that Iowa rural electric cooperatives recognize the economic value of the state's dairy industry and are working to further the development of that industry. He expressed the viewpoint that stray voltage standards lead to an improved level of certainty and understanding, and noted that states with the fastest growing dairy production industries have developed stray voltage standards in some form.

**Stray Voltage Litigation.** Mr. Bob Swindell, General Manager and Chief Executive Officer, Access Energy Cooperative, related a six-year-long stray voltage litigation process which involved a substantial expenditure of time, energy, and money on the part of the rural electric cooperative and its members. He stated that standards would have assisted not only the cooperative, but also the dairy farmer involved, given his observation that the farmer was receiving misleading and ineffective information regarding stray voltage mitigation strategies.

**Stray Voltage Testing and Detection.** Mr. Tony Harvey, Senior Agriculture Representative, Alliant Energy, discussed stray voltage testing and detection procedures he employs in conducting approximately 20 to 30 new customer-initiated investigations annually in an area covering portions of Wisconsin, Iowa, and Minnesota. Mr. Harvey stated that stray voltage concerns most commonly result from a combination of utility and on-farm contributions, and that his utility's goal is to provide a quality utility system neutral path for current so that less primary neutral current flows through the farm grounding system to return to its source. He indicated that although only one of the three states (Wisconsin) has standards for utilities to take action related to stray voltage, Alliant has chosen to apply those standards in Iowa and Minnesota as well. He characterized the standard adopted in Wisconsin as a conservative, pre-injury level which facilitates a systematic analysis that can be duplicated and results in comparable information which can be provided to the utility and the customer. Mr. Harvey additionally described a multiphase investigative process, and said that action will be taken on the part of the utility to improve its system if it is found to contribute one milliamp or one-half volt or more to animal contact voltage.

**Dairy Farmer Perspective.** Mr. Paul Wells, a dairy farmer in Bloomfield, Iowa, provided a perspective on stray voltage from the standpoint of a dairy producer. Mr. Wells stated that stray voltage can cause low milk production, impact milk quality, and contribute to reproduction issues, all of which have financial ramifications for the farmer. Accordingly, he indicated he would be motivated to resolve a stray voltage issue as quickly as possible and would welcome the involvement of experts who could provide assistance. He supports standards as providing a guideline to measure against, and a procedure to follow to achieve resolution.

*(Stray Electric Current and Agriculture Study Committee continued from Page 6)*

**Stray Voltage Legislative Parameters.** Mr. Dennis Puckett of Sullivan and Ward, P.C., Des Moines, highlighted statements made in previous presentations as supporting the establishment of stray voltage standards. He questioned the feasibility of enforcing a “voluntary” approach, and maintained that litigation can proceed with standards in place. Mr. Puckett emphasized that stray voltage legislation, rather than promoting liability protection, will assist both parties in a dispute in achieving an amicable resolution, and that such legislation needs to incorporate the three primary elements of notice, access, and standardized testing.

**Committee Discussion.** Co-chairperson Courtney observed that the discussion of whether to specify stray voltage standards does not entail a “right” versus “wrong” perspective, and he encouraged the stakeholders involved to continue their dialogue in an effort to achieve a workable nonlegislative solution. The committee adopted a motion by Co-chairperson Cownie that the committee review the committee’s final report when it becomes available and submit the report, if approved, to the General Assembly.

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Internet Page: <https://www.legis.iowa.gov/Schedules/committee.aspx?GA=85&CID=930>