



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF GENERAL SERVICES
GERALD R. ANDERSON, JACK B. WALTERS, DIRECTOR

DATE: June 10, 1991
TO: Diane Bolander, Director
FROM: Kristi Little, ^{h.z.} Superintendent
General Services Printing/Mail Division
RE: Publications

JUN 11 91

I have compiled costs for the 1991-92 Legislative Service Bureau publications. Based on the information reported, postage increase was effective April 1, 1991. Printing for these publications is on contract. The vendor has reported no increases in cost. The volume of information changing has leveled off since reorganization with only the small agencies left to make changes, according to the Code Editor's Office. Also, the ink will be soyoil based as approved last year.

IOWA ADMINISTRATIVE BULLETIN - \$111,551.00 Total cost of printing.

Suggested price - \$210.00 - approximately a 5% increase

IOWA ADMINISTRATIVE CODE SUPPLEMENT - \$270,324.00 Total cost of printing.

Suggested price - \$332.00 - approximately a 5% increase

This price includes the cost of 2 additional binders changing the IAC from a 16 to a 18 volume set.

IOWA COURT RULES SUPPLEMENTS - \$13,000.00 Total cost of printing

Suggested price - \$65.00 - approximately a 5% increase

MAY 24 01

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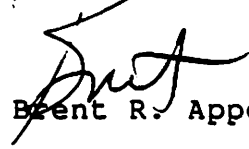
May 23, 1991

Diane Bolander
Legislative Service Bureau
State Capitol
Des Moines, Iowa 50319

Dear Diane:

Enclosed please find a memo re language issues in connection with Welsh v. Branstad as requested by Representative Harbor.

Sincerely,


Brent R. Appel

BRA/nf
encl.

M E M O R A N D U M

TO: IOWA LEGISLATIVE COUNCIL
FROM: BRENT R. APPEL *BRA*
DATE: MAY 23, 1991
RE: LANGUAGE SUGGESTIONS REGARDING ITEM VETOES

Representative Harbor requested at the last Legislative Council meeting that I provide written advice to the Council regarding drafting techniques that could be used to avoid the unfavorable results regarding S.F. 520 in Welsh, et al. v. Branstad.

Suggestions For Future Drafting

In its analysis of S.F. 520 in Welsh, the court cited a passage from State ex rel Turner, 186 N.W.2d at 150, which noted that "no prohibition against the use of moneys" was contained in language restricting the movement of permanent resident engineers offices. One would have thought that the language employed in S.F. 520, namely, that the restriction was "a condition, limitation, and qualification" on the appropriation amounted to a prohibition. Apparently, the court did not think so. Use of the words such as "prohibit" or "prohibited" rather than "as a condition, limitation, and qualification" may help avoid the holding in Welsh.

In addition, instead of relying solely on an additional sentence after an appropriation, it may be advisable to attempt to build prohibitions directly into the sentence describing the appropriation.

With respect to the restriction on international trade delegations, the language found insufficient by the Iowa Supreme Court was as follows:

For international trade activities including a program to encourage and increase participation in trade shows and trade missions by providing financial assistance to businesses for a percentage of their costs of participating in trade shows and trade missions, by providing the lease/sublease of showcase space in existing world trade centers, by providing temporary

office space for foreign buyers, international prospects, and potential reverse investors, and by providing other promotional and assistance activities, including salaries and support for not more than the following full-time equivalent positions:

. \$ 400,000
. FTEs 0.25

As a condition, limitation, and qualification, any official Iowa trade delegation led by the governor which receives financial or other support from the appropriation in this subsection shall be represented by a bipartisan delegation of the executive council or their designees.

Future legislation could be rewritten as follows:

For international trade activities, including only official trade delegations that, if led by the governor and financed by this appropriation, includes bipartisan representation from the executive council or their designees, a program to encourage and increase participation in trade shows and trade missions by providing financial assistance to businesses for a percentage of their costs of participating in trade shows and trade missions, by providing the lease/sublease of showcase space in existing world trade centers, by providing temporary office space for foreign buyers, international prospects, and potential reverse investors, and by providing other promotional and assistance activities, including salaries and support for not more than the following full-time equivalent positions. Use of these funds for any official trade delegation led by the governor that does not include bipartisan representation from the executive council is prohibited as contrary to the purpose of this appropriation under Welsh v. Branstad.

. \$ 400,000
. FTEs 0.25

Another change that might help protect the restriction would be to break out the funds for international trade missions from the larger appropriation as a separate item such as:

For international trade missions, including only official trade delegations that, if led by the governor, includes bipartisan representatives from the executive council or their designees. Use of the funds for any official trade delegations led by the governor that does not include bipartisan representation from the executive council is prohibited as contrary to the purpose of this appropriation under Welsh v. Branstad.

.....\$ 50,000

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

June 12, 1991

The Fiscal Committee met on Wednesday, June 12, 1991, and took no official Committee action. The Committee did receive the following testimony from Donna Schildberg, representing the Brushy Creek Trails Advisory Council.

- The Brush Creek Trails Advisory Council was created by the 1989 Legislature to help direct the Department of Natural Resources' (DNR) trail development at Brushy Creek Recreation Area. There are nine members of the Board, with six of those members appointed by the Legislative Council. Senator Jim Riordan is a member of the Board. Donna Schildberg contends the Board has not been allowed to participate in DNR decisions involving the area, and further contends that Mike Carrier, Administrator of the Parks and Preserves Division of the DNR, has created a "task force" to study and make recommendations concerning the Brushy Creek area. It is Ms. Schildberg's contention that the task force was established with the intention of excluding the Board from decisions involving the Brushy Creek area.
- The responsibility of the Board, as expressed in Section 455A.8(3) Code of Iowa is to... "advise the department and the natural resource commission regarding issues and recommendations relating to the development and maintenance of trails and related activities at or adjacent to the Brushy Creek recreation area."
- Ms. Schildberg distributed copies of a letter regarding this issue from members of the Trail Riders Club, Inc. (See Attachment I.)

The Committee received information regarding the following issues:

- Status of the livestock and crop reporting functions of the Department of Agriculture and Land Stewardship.
- Reasons why the Department of Economic Development did not report to the General Assembly in a timely fashion concerning the status of the Worker Retraining Programs as directed by HF 550 (1989 Session).
- Discussion with Gretchen Tegeler, Acting Director of the Department of Management, concerning the May 31 meeting of the Revenue Estimating Conference.
- The Governor's item veto of the Title XIX co-payment language.
- Governor's item veto of the Salary Bill.
- Visitation requests were received from the Education, Administration and Human Services Visitation Committees.

Respectfully submitted,

Senator Leonard Boswell
Co-chairperson

Representative Tom Jochum
Co-chairperson

Rt. 1 Box 103A
Menlo, IA 50164
May 14, 1991.

Dear Donna:

The following letter was sent to Wilson and Branstad today. Kirk Henely called me last night to give me the information to include. Thank you for providing the information for us and doing so much hard work for the horse people.

The Trail Riders Club, Inc., based out of Mason City, Iowa is quite concerned about the 125 unit limit imposed on the Brushy Creek campground. We have been coming down there, a two hour drive, for the past ten years as a group to celebrate the Memorial Day weekend. We camp and ride together several times during the year, often using areas with primitive facilities. Therefore, the overflow camping area at Brushy Creek was not a problem for us.

Most of us work a forty-hour week. We trailer down Friday night and return north on Monday. Since reservations are not allowed, the potential lack of available campsites points many of us north to Minnesota, where we are most welcome. We would rather keep our business in our home state. The Iowa economy would benefit from the horse people using Iowa campgrounds. It does not make any sense to force us out of state.

Another problem is the new rule about not tying horses to trailers. If only four horses can be tied to a hitching rail, how does a family with six horses manage? We have a number of young families who bring a horse for each rider.

You have a beautiful area in Brushy Creek. We would like to use it. Please consider opening the overflow camping area for the three-day weekends when so many of us like to come down since it is such a distance for us to drive. Thank you.

Sincerely,

Pam Moeller

Pam Moeller, Secretary

Trail Riders Club, Inc.
Rt. 2 Box 179
Clear Lake, IA 50428

Trail Riders Club, Inc. Family Membership List

Vern Brumm
Jim Gardiner
David Hansen
Pam Moeller
Ralph Stricker
Jim Joynt
Joe Fett
Ruby Zea
Jerry Rickard
Stan Zirbel
Chuck Kuntemeyer
Bill Wike
Kirk Henely
John Cole
Gary Cole
Mike Rickard
Steve Rickard
Greg Busch
Trudy Muhlstein
Steve Chevillie
David Sherwood

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

June 13, 1991

The Administration Committee met on June 13, 1991, and makes the following report:

1. The Committee members received updated information concerning the Code Data Base contract with Mead Data Central, Inc.
2. The committee members received information related to the survey conducted by the Legislative Service Bureau concerning the free distribution of publications by the Iowa Code Office to various state and local government agencies.
3. The Committee recommends that the Legislative Council direct the leadership of each chamber to review the policy of the House of Representatives and the Senate concerning the use of each House's chamber by the public during the interim between sessions of the General Assembly.

Respectfully submitted,

REPRESENTATIVE MIKE PETERSON
Chairperson

rptadm

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

June 13, 1991

The Studies Committee of the Legislative Council met on June 13, 1991, and makes the following recommendations:

1. That the attached listing of proposed interim studies be approved as submitted.
2. That the legislative leadership be authorized to appoint members to the studies.

Respectfully submitted,

**SENATOR BILL HUTCHINS
CHAIRPERSON**

RPTSTUD

SUGGESTED 1991 LEGISLATIVE INTERIM STUDY COMMITTEES

***All interim committees must hold their final meeting by November 1, 1991 unless otherwise noted.**

***Public members attending interim committee meetings will be reimbursed for expenses only, if they are not eligible for expense reimbursement by an organization that they represent.**

State Budget and Budgeting Practices 5/5 3 days

Charge: Undertake a comprehensive review of the state budgeting process and budget reform measures, including but not limited to spending limitations, conformance with generally accepted accounting principles, performance audits and evaluations, sunseting of state programs, zero-based budgeting, standing appropriations, and executive branch management of monthly and quarterly allocations of state appropriations. Make recommendations to the Legislative Council for reform of the state budgeting process.

K-12 Education Reform 5/5 + 7 Public Members 2 days

Charge: Recommend to the General Assembly goals and necessary legislation to reform Iowa's early childhood, primary and secondary education system. The committee shall include in their review alternative approaches to student assessment, early childhood education initiatives, school-based decision-making, uses of education technology, enhanced parental involvement and parent education alternatives, staff development activities and teacher training enhancements, extended school instruction time, use of inter-agency collaboration and partnerships between schools and business. The committee shall report to the Studies Committee by September 1, 1991 on how the committee desires to proceed. Preliminary recommendations should be forwarded to the Legislative Council by January 1, 1992, with a final report due December 1, 1992.

Tax Fairness and Equity 5/5 + 5 Public Members 2 days

Charge: Review Iowa's individual and corporate income, sales, property, local tax structures, including property tax exemptions and diversions, and tax credits and expenditures to ensure tax fairness and vertical and horizontal equity. In addition the review shall include tax abatement and tax increment financing. The committee will also review state taxation policies regarding retirees living out-of-state. The committee is authorized to hire a consultant to assist with their work. The committee will forward a recommendation on a consultant to the Studies Committee by September 1, 1991, and shall submit their final recommendation to the Legislative Council by January 1, 1992.

Environmental, Recreational and Economic Development of Iowa's Rivers and Lakes

5/5 2 days

Charge: Improve Iowa's quality of life by identifying current and future needs for the environmental, recreational and economic development of Iowa's rivers and lakes. The committee will consider the feasibility of the development and restoration of high quality waters which can be used for fishing, boating and other water activities and as an attraction for other recreational purposes, including recreational trails, camping, and hunting.

Agricultural Chemical Site Remediation

5/5 1 day

Charge: Review options and make recommendations on how to clean up and remediate Iowa's agricultural chemical sites.

Enhancement and Consolidation of Economic Development Service Delivery

5/5 2 days

Charge: Examine the responsibilities and effectiveness of the Councils of Governments, the Regional Economic Development Centers, the Small Business Development Centers, and other programs administered by the Regents, Community Colleges, and the Department of Economic Development to evaluate their effectiveness and potential overlap of services. Make recommendations to the Legislative Council for the most effective coordination of programs and service delivery, including examination of proposals for the consolidation, regionalization or elimination of programs.

Recognition and Support for Caregivers 3/3 1 Day

Solicit and review testimony regarding the extent of care provided in in-home settings for individuals by members of their immediate family and evaluate proposals which would provide caregivers with appropriate support. Determine if tax credits or direct payments may prevent premature institutionalization. Review initiatives by other states which have already established programs to support caregivers.

Improving Government Efficiency and Operations 5/5 3+ Public Members 2 days

Review the possibility of developing an incentive motivated management program for state government, which will reduce the cost of government services by rewarding state agencies which significantly reduce their costs. Also review the operation and structural efficiency of state agencies, including the ratio of supervisors to employees and benefits of early retirement incentives.

Quality Grains Advisory Committee 5/5+7 Public Members 1 Day

Charge: Study and review any issues related to the production, inspection, storage, transportation, processing, and marketing of quality grain as part of the annual process begun by the Committee in 1989. Focus and direction should be recommended for interested agencies and organizations, and any legislative proposals should be developed for presentation to the General Assembly. Seven public members will be carried over from original committee.

Group Health Benefits For Public Employee Retirees 3/3 + 3 Public Members
+ 1 rep. of Dept. of Personnel
+ 1 rep. of IPERS
+ 1 rep. of Insurance Division
2 days

Charge: Study the feasibility and cost of obtaining group health insurance for retired members of Iowa's public employment system and review direct payment possibilities and other options to implement the program. The agency representatives will be non-voting members.

Public Retirement System 5/5 2 days

Charge: Develop and recommend retirement standards and a coherent state policy on public retirement systems. Survey pensions and retirement developments in other states and the private sector and evaluate the state's policy in light of these developments. Review the provisions in the public retirement system, related individually sponsored bills, and proposals for changes in public retirement laws from interested associations and organizations. Study the feasibility of adopting a consolidated retirement system for the public employees of this state. Make recommendations on retirement standards and a coherent state policy on public retirement systems. Appoint an actuary consultant to study possible courses of action with respect to the retirement system for public safety peace officers, police officers and firefighters covered under Chapters 97A and 411.

Preservation of Family Farms and Small Businesses 5/5 2 days

Charge: Examine and recommend structures to encourage economic growth and development in rural Iowa, including but not limited to agriculture and family farm development and a rural small business transfer program, other mechanisms to maintain established businesses and industry, and mechanisms to develop new industries and entrepreneurial initiatives in rural areas.

Emergency Medical Services 3/3 1 day

Charge: Explore delivery of Emergency Medical Services in Iowa, including ways to provide services and mechanisms for funding.

Franchise Regulation 5/5 2 days

Charge: Examine whether there is a need to regulate franchises in Iowa and what if any rules should be adopted.

Special Education 3/3 1 day

Receive report of Special Education Task Force, review special education funding, and make recommendations to the General Assembly.

Review of Civil Penalty Process 3/3 1 day

Review of civil penalty process, including due process standards, uniformity of penalties, parameters established by Code, and equity of application.

Carryover Studies

MediPASS

3/3

1 day

ASSIGNED TO FISCAL COMMITTEE

Department of Employment Services Reorganization

Charge: Monitor the proposed reorganization of the Department of Employment Services field offices to determine the effectiveness of automated offices in accessing employment services, study the effects of reductions in office hours for satellite offices, and analyze the cost savings of the proposed reorganization to employers paying unemployment taxes and unemployed individuals utilizing the system.

Improve Accuracy of State Revenue Forecasts

Charge: Examine the current state revenue estimating process and procedures used by other states and make recommendations to the Legislative Council for changes in the current process, including but not limited to the membership of the revenue estimating conference, the timing of their meetings, public input into revenue estimates, the use of outside expert opinions in establishing estimates, and expansion of the estimates to include all state revenues and tax refunds.

Review of Technology Transfer Programs

Review technology transfer programs, including the Wallace Technology Transfer Foundation, Iowa Product Development Corporation and programs at public and private educational institutions. The committee shall examine financing of the programs and the relationship and level of cooperation among the programs, the Department of Economic Development, and the private sector. The committee shall make recommendations to the Legislative Council concerning the most effective coordination, oversight and funding of technology transfer programs.

MANDATED EXECUTIVE BRANCH STUDIES WITH LEGISLATIVE MEMBERS

Second Injury Fund Task Force

Nursing Home Regulation Review Task Force

Indigent Defense Advisory Commission

Studies

REPORT OF THE SERVICE COMMITTEE TO THE LEGISLATIVE COUNCIL

June 13, 1991

The Service Committee of the Legislative Council met on June 13, 1991. The meeting was called to order by Senator Joseph Welsh, Chairperson, at 9:30 a.m. in Room 22 of the State House, Des Moines, Iowa.

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

1. The Service Committee recommends that, given the current status of state employee salaries as a result of legislative and gubernatorial actions and the pending lawsuit relating to payment of salaries of state employees, the Legislative Council adopt a policy for payment of salaries of legislative employees which provides that persons whose salary and employment review date occurs before July 1, 1991, be eligible to receive any applicable merit increases and persons whose salary and employment review date occurs on or after that date not receive the merit increases for which they are eligible. However, the Service Committee also recommends that the Legislative Council include in the policy a provision to permit retroactive payment of applicable merit salary increases to eligible employees whose salary and employment review date occurs after July 1, if, as a result of court proceedings, there is a reversal of the gubernatorial veto of the applicable items in the salary bill.
2. The Service Committee received and filed an annual personnel report and a June personnel report from the Legislative Service Bureau. The Service Committee recommends that the Legislative Council approve the reclassification of Ms. Marva Cross from Legislative Text Processor I, grade 19, step 4, to Legislative Text Processor II, at grade 22, step 3, effective June 20, 1991. Ms. Cross has been employed by the Legislative Service Bureau since September 1988 and both meets and exceeds the requirements for the Legislative Text Processor II position.
3. The Service Committee received notification that an application for long term disability benefits is in the process of being filed for Ms. Kathaleen Miklus, who is the current Executive Administrator of the Bill Processing Unit of the Support Services Division of the Legislative Service Bureau and of the intent to request permission to appoint the current Senior Bill Clerk as the Acting Executive Administrator of the Unit at the

Administrator's salary grade, should Ms. Miklus' application for long term disability benefits be approved.

4. The Service Committee received and filed an annual personnel report and a June personnel report from the Legislative Fiscal Bureau.
5. The Service Committee received and filed an annual personnel report and a June personnel report from the Computer Support Bureau.
6. The Service Committee received and filed an annual personnel report and a June personnel report from the Office of Citizen's Aide/Ombudsman. The Service Committee recommends that the Legislative Council approve the reclassifications of Ms. Connie Bencke and Ms. Wendy Sheetz from Assistant I, at grade 27, step 2, to Assistant II, grade 30, step 1, effective for the pay period beginning June 21, 1991. Both Ms. Bencke and Ms. Sheetz have successfully completed their probationary employment periods and have assumed multiple institutional assignments.
7. The Service Committee also received notice of intent to recommend Ms. Judi Stageberg, Assistant I in the Office of Citizens' Aide/Ombudsman, for a reclassification from Assistant I, at grade 27, step 1, to Assistant II, at grade 30, step 1, pending successful completion of her probational employment period on July 5, 1991. Ms. Stageberg will be assuming, in addition to her current duties, institutional assignment responsibilities
8. The Service Committee received and filed an administrative report from the Office of Citizens' Aide/Ombudsman relating to the building air flow and ventilation difficulties that the Office has been experiencing. He notified the Service Committee that he will expend \$6,000 of the projected reversion of funds from the Office of Citizens' Aide/Ombudsman to cover the Office of Citizens' Aide/Ombudsman portion of the cost of a proposed ventilation system remodeling project.
9. The Service Committee requested that the directors of the Central Legislative Staff Agencies provide appropriate prior written notice of any future item which will require a vote of the Committee before final action can be taken on the item by an Agency Director.
10. The Service Committee received, filed, and recommends that the Legislative Council adopt an Amendment to the Personnel Guidelines for the Central Legislative Staff Agencies, adopted in November, 1989, relating to compensation for overtime hours accrued by Library employees. A copy of the proposed amendment is attached to this report and is consistent with federal guidelines for payment or use of compensatory time for overtime hours accrued by Library employees.
11. Upon the request of the Citizens' Aide/Ombudsman, a subcommittee of the Service Committee, consisting of Representative Chapman, Chairperson; Representative Connors; and Senator Rife was appointed to

review the status of the classification of certain positions within the Central Legislative Staff Agencies, in light of the disparate pay scales of those employees in comparison to employees of the Executive Branch.

12. The Service Committee received, filed, and recommends that the Legislative Council adopt the proposal contained in the outline presented to the Service Committee. The proposal relates to upgrade of the legislative computer system mainframe as discussed briefly at the last meeting of the Service Committee. A copy of the outline of the proposal is included in the packet.

Respectfully submitted,

SENATOR JOSEPH J. WELSH
Chairperson

rptserv

PROPOSED AMENDMENT TO THE
PERSONNEL GUIDELINES
FOR THE
CENTRAL LEGISLATIVE STAFF AGENCIES

Compensation Policy for Legislative Librarians.

Amend Chapter 4, paragraph F, subparagraph 1, fourth sentence, as follows:

Legislative ~~librarians~~ library employees are compensated with overtime-pay pursuant to the requirements of federal law.

Explanation: Following a 1985 United States Supreme Court decision which subjected state employees to the requirements of the federal Fair Labor Standards Act, Congress passed an amendment to the federal Act exempting legislative employees from the requirements of the federal Act. However, legislative library employees were not exempted. The Personnel Guidelines were then written to require overtime pay for legislative librarians.

This requirement of overtime pay is too restrictive since the federal law allows Library of Congress employees in professional grades (GS 9 and above) to choose either compensatory time or overtime pay at the rate of one and one-half hours for each hour of overtime worked; employees at grade GS 8 and below are paid overtime pay at the same rate. As the amendment to the federal Act relating to legislative library employees parallels the treatment of Library of Congress employees, the Legislative Service Bureau should treat its legislative library employees in the same manner as the Library of Congress treats its employees. The above change in the Personnel Guidelines would allow the Legislative Librarian in the Legislative Service Bureau to choose either compensatory time or overtime pay at the rate of one and one-half hours for each hour of overtime worked.

RJ/80c