

RULES FOR PREFILING LEGISLATIVE BILLS

1993 GENERAL ASSEMBLY

September 1992

Section 2.16, Code 1993, authorizes the prefiling of legislative bills and reads as follows:

2.16 PREFILING LEGISLATIVE BILLS.

Any member of the general assembly or any person elected to serve in the general assembly, or any standing committee, may sponsor and submit legislative bills and joint resolutions for consideration by the general assembly, before the convening of any session of the general assembly. Each house may approve rules for placing prefiled standing committee bills or joint resolutions on its calendar. Such bills and resolutions shall be numbered, printed, and distributed in a manner to be determined by joint rule of the general assembly or, in the absence of such rule, by the legislative council. All such bills and resolutions, except those sponsored by standing committees, shall be assigned to regular standing committees by the presiding officers of the houses when the general assembly convenes.

Departments and agencies of state government shall, at least forty-five days prior to the convening of each session of the general assembly, submit copies to the legislative service bureau of proposed legislative bills and joint resolutions which such departments desire to be considered by the general assembly. The proposed legislative bills and joint resolutions of the governor must be submitted by the Friday prior to the convening of the session of the general assembly, except in the year of the governor's initial inauguration. The legislative service bureau shall review such proposals and submit them in proper form to the presiding officer in each house of the general assembly for referral to the proper standing committee. Before submitting any proposal prepared under this section to the presiding officers, the legislative service bureau shall return it for review to, as appropriate, the relevant department or agency or the governor's office and such department or agency or governor's office shall review and return it within seven days of such delivery.

The costs of carrying out the provisions of this section shall be paid pursuant to section 2.12.

In accordance with section 2.16 the following rules for the prefiling of legislative bills and resolutions shall be in effect for the First Session of the Seventy-fifth General Assembly.

NOTE: For the purpose of the following rules a reference to bills shall be interpreted to include both bills and resolutions.

1. **DRAFTING OF LEGISLATIVE BILLS.** Any person who is presently a member of the Seventy-fourth General Assembly or elected to serve in the Seventy-fifth General Assembly may request the Legislative Service Bureau to draft a bill at any time prior to the convening of the General Assembly and a member may request such a draft at any time during the legislative session, subject to any time limitations established by the Senate or House of Representatives. If a bill is requested prior to the convening of a session of the Seventy-fifth General Assembly, unless the bill is specified to be prefiled, the bill will be held by the Legislative Service Bureau until the General Assembly convenes; however, a copy will be sent to the legislator if the bill draft is completed prior to the convening of the session. If the bill is not prefiled, the text of the bill will only be released if the legislator specifically consents to the release.

2. **REQUEST FOR PREFILING.** Any person who is presently a member of the Seventy-fourth General Assembly or elected to serve in the Seventy-fifth General Assembly may prefile a legislative bill by making a request to the Legislative Service Bureau by December 11, 1992. The request shall be in writing and signed by the legislator; however, an oral request by the legislator will be accepted if reduced to writing by a member of the Legislative Service Bureau staff. The prefiling request may be made at the time of requesting a bill draft or may be made after the legislator has had the opportunity to review the bill draft. If possible the names of all sponsors of the prefiled bill shall be given to the Legislative Service Bureau at the time of making the prefiling request.

DRAFTING OF PREFILED BILL. When a prefiling request for a bill is received, if time allows, the bill draft will be completed prior to the convening of the General Assembly on January 11, 1993. A copy of the bill will be mailed to the legislator who requested the bill prior to the actual filing of the bill and the procedures noted in these rules will be followed.

INTRODUCTION OF PREFILED BILL. When the legislator receives a copy of a bill which the legislator has requested to be prefiled, the legislator should review the bill to determine if it has been drafted as requested. The legislator should then notify the Legislative Service Bureau requesting any changes in the bill or informing the Bureau that the bill has been drafted as requested. The names of all sponsors should be given to the Bureau.

If the legislator agrees that the bill meets the specifications required and confirms that the bill should be prefiled, the bill will be packaged and forwarded to

the legal counsel of the house of introduction for review. Please note that at this point the bill is considered a public record and the text is available for review by the public. If the legislator does not want the text to be available for review by the public at this time, the legislator should inform the Bureau and the Bureau will not prefile the bill but will hold it for the legislator so that the legislator can personally introduce the bill. A prefiled bill will be introduced, numbered and printed prior to the convening of the General Assembly, and its title will be read at the earliest possible time following the convening of the General Assembly. No further action will be required by the legislator. The Bureau will provide appropriate forms in order that the legislator will be able to make final confirmation of the desire to prefile the bill.

3. **BILL DRAFTING REQUEST FORMS.** The Legislative Service Bureau has bill drafting request forms available for legislators. If possible the request form should be completed by the legislator but a request form will be completed by Bureau personnel if the legislator does not have an opportunity to do so. Bill drafting request forms can be obtained from the Bureau upon request.

4. **CONFIDENTIAL RECORDS.** It should be noted that the bill drafting request form contains a space for indicating if a drafting request is to be confidential. If a legislator desires that no information be released in regard to a request, including the subject matter of the request, the legislator should indicate on the request form that the bill request is confidential. A designation that a bill is to be confidential means that the request will not be listed in the index of bill requests and that Bureau personnel will not release any information in regard to the request. The confidential designation also means that the bill draft will not be sent to the Legislative Fiscal Bureau for fiscal note review unless the legislator specifically requests the Legislative Service Bureau to send the bill draft to the Legislative Fiscal Bureau.

It is the policy of the Bureau that either a confidential or a nonconfidential request from a legislator creates a personal relationship between the Bureau and the legislator, and only such information as the legislator desires will be released to the press or other interested persons. In this regard, cognizance must be given to the public records law. Most records of the Bureau are public records and frequent inquiries are made by the press and other interested persons concerning bill drafting requests which have been received by the Bureau. It is the policy of the Bureau that a bill draft is not a public record until released by the legislator. A copy of a bill draft will not be released to a person other than the legislator without the legislator's implied or expressed consent or unless the bill draft has been introduced or otherwise placed in the public domain by the legislator.

DEPARTMENTAL REQUESTS

SUBMISSION OF REQUESTS FOR PREFILED PROPOSED BILLS. Drafting requests for prefiled proposed bills of state departments and agencies shall be submitted to the Legislative Service Bureau beginning October 5, 1992, but no later than November 27, 1992. However, because Friday, November 27, 1992, is a state holiday, requests will be accepted until 4:30 p.m. on Monday, November 30, 1992. The proposals shall be in bill draft form or shall be as specific as possible as to the Code changes desired.

To the extent feasible, departments and agencies shall submit only two requests for prefiled proposed bills. One request for a bill shall contain the department's technical or corrective Code changes and the other request shall contain the department's legislative policy proposals. The Bureau will confer with the department's representative regarding combination or division of its technical proposal and its policy proposal into separate legislative bill drafts which can most efficiently be considered by the General Assembly given the General Assembly's customary division of subject matter jurisdiction among the standing committees and subcommittees.

Each request shall include a concise "background statement" from the department or agency which describes the need for, purpose, and intent of the requested bill, including a description of the problem or problems the bill is intended to address. A request submitted without such a background statement will not be accepted by the Legislative Service Bureau. A request submitted with a lengthy background statement will be edited by the Legislative Service Bureau, in consultation with the department or agency representative.

The Legislative Service Bureau will review the proposal, make suggestions as to nonsubstantive changes or corrections, confer with the department or agency representative in regard to the proposal, draft an objective explanation for the bill, and prepare the bill in final form.

Additional drafting instructions requested from the department or agency by the Bureau must be received within seven calendar days of being requested by the Bureau or the drafting request will be considered withdrawn. Approval of the final draft must be received by the Bureau within seven calendar days after its receipt by the department or agency or the drafting request will be considered withdrawn. Once the bill is in final form, the Legislative Service Bureau, not the department or agency, will submit the bill in proper form to the presiding officer of each house for referral to the proper standing committee. All approvals of final bill drafts are to be received no later than January 11, 1993. Bill drafting requests from legislators will

receive priority consideration by the Legislative Service Bureau over departmental and agency bills.

Proposed bill draft requests submitted by departments and agencies after November 30, 1992, will not be assigned to a staff member unless a legislative sponsor is obtained. Departments and agencies are strongly urged to submit their proposals as soon as possible after October 5, 1992, in order that the Legislative Service Bureau has adequate time to provide assistance in drafting. Lengthy or complex proposals should be submitted far in advance of the deadline date. This will allow the Bureau to provide assistance before a large quantity of legislative requests is received.

If departments and agencies know they will be submitting lengthy or complex legislation, it is suggested they submit or at least discuss the proposals in the early fall of 1992 even if they will not make final decisions in regard to all provisions until late fall.

For the purposes of these rules, the following executive and judicial branch departments and agencies are authorized to prefile bills:

AUTHORIZED PREFILING AGENCIES

EXECUTIVE BRANCH

Executive Agencies - Elected Officials

Attorney General (Department of Justice)
Auditor of State
Department of Agriculture and Land Stewardship
Secretary of State
Treasurer of State

Executive Agencies - Nonelected Heads

Campaign Finance Disclosure Commission
Civil Rights Commission
Department for the Blind
Department of Commerce
Department of Commerce/Alcoholic Beverages Division
Department of Commerce/Banking Division
Department of Commerce/Credit Union Division
Department of Commerce/Insurance Division
Department of Commerce/Professional Licensing and Regulation Division
Department of Commerce/Savings and Loan Division
Department of Commerce/Utilities Division
Department of Corrections
Department of Corrections/Board of Parole
Department of Cultural Affairs
Department of Economic Development
Department of Education
Department of Education/Board of Educational Examiners
Department of Education/College Student Aid Commission
Department of Cultural Affairs/Public Broadcasting Division
Department of Elder Affairs
Department of Employment Services
Department of Employment Services/Industrial Services Division
Department of Employment Services/Job Service Division
Department of Employment Services/Labor Services Division
Department of General Services
Department of Human Rights
Department of Human Rights/Community Action Agencies Division
Department of Human Rights/Criminal and Juvenile Justice Planning Division
Department of Human Rights/Deaf Services Division

Department of Human Rights/Persons with Disabilities Division
Department of Human Rights/Latino Affairs Division
Department of Human Rights/Status of Blacks Division
Department of Human Rights/Status of Women Division
Department of Human Services
Department of Inspections and Appeals
Department of Inspections and Appeals/Racing and Gaming Commission
Law Enforcement Academy
Department of Management
Department of Natural Resources
Department of Personnel
Department of Public Defense
Public Employment Relations Board
Department of Public Health
Department of Public Health/Board of Dental Examiners
Department of Public Health/Board of Medical Examiners
Department of Public Health/Board of Nursing Examiners
Department of Public Health/Board of Pharmacy Examiners
Department of Public Safety
Board of Regents
Department of Revenue and Finance
Department of Transportation
Commission of Veterans Affairs

JUDICIAL BRANCH

Judicial Department

NOTE: Governor's Proposals. Bill drafting requests from the Office of the Governor are governed by Iowa Code section 2.16 and must be submitted by January 8, 1993. As part of the Legislative Service Bureau's review and preparation in proper form of the Governor's bill requests, the Bureau will make suggestions regarding the combination or division of proposals into separate legislative bill drafts which can most efficiently be considered by the General Assembly given the General Assembly's customary division of subject matter jurisdiction among the standing committees and subcommittees. Approval of the final draft must be received by the Bureau within seven calendar days of its receipt by the Governor's Office.

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September 15, 1992

MEMORANDUM

TO: CHAIRPERSON ARNOULD, VICE CHAIRPERSON HORN, AND MEMBERS OF THE LEGISLATIVE COUNCIL

FROM: DIANE BOLENDER, DIRECTOR *DB*

RE: SEPTEMBER LEGISLATIVE COUNCIL MEETING

Chairperson Arnould has scheduled the Legislative Council and Council Committees as follows:

Tuesday, September 22

10:00 a.m. Administration Committee, Room 22
11:00 a.m. Service Committee, Room 22
1:00 p.m. Studies Committee, Room 22
1:30 p.m. Legislative Council, Room 22

Tentative agendas for the meetings are enclosed.

Enclosed are copies of the July 21 meetings of the Service Committee, Administration Committee, Studies Committee, and Legislative Council, and copies of the August 17 meeting of the Computer User Policy Direction Committee.

Please notify the Legislative Service Bureau in advance of the meeting date if you will be unable to attend.

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September 22, 1992

MEMORANDUM

TO: CHAIRPERSON ARNOULD AND MEMBERS OF THE LEGISLATIVE COUNCIL

FROM: DIANE BOLENDER, DIRECTOR

RE: PRICING OF SESSION LAWS

Kristi Little, Superintendent, General Services, Printing Division, has sent the enclosed letter recommending a price of \$55 for sale of the 1992 Session Laws to the public. This is the same price as was charged for the 1991 Session Laws. Even though the price recommended remains the same as the 1991 Session Laws, the total cost of preparation and printing of the Session Laws in 1992 is less than the cost in 1991. Therefore, a greater proportion of the costs of free distribution will be paid by the purchasers.



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF GENERAL SERVICES
GERALD R. ANDERSON, DIRECTOR

M E M O R A N D U M

DATE: September 18, 1992

TO: Diane Bolander, Director
Legislative Service Bureau

FROM: Kristi Little, Superintendent *KL*
General Services Printing Division

RE: 1992 Iowa Acts

I have compiled costs for the 1992 Iowa Acts. Based on postage and printing and with the total pages of this publication, I recommend a price of \$55.00 for sale to the public.

This will help to offset the cost of free distribution to State Government of 3409 copies.

Please advise if the Legislative Council agrees.

REPORT OF THE REVIEW OF IOWA'S MEDICAL ASSISTANCE PROGRAM STUDY COMMITTEE

The Review of Iowa's Medical Assistance Program Study Committee met on September 2 and 3, 1992, and makes the following report containing initial recommendations to the Legislative Council:

1. The Study Committee finds that expenditure growth in the Medical Assistance (Medicaid) program reflects the general growth in health care inflation and increases in the number of persons eligible for coverage under the program.
2. The Study Committee finds that many of the increases in the number of eligible persons are due to federal provisions, implemented over the past several years, requiring that new types of persons be covered. An example is the coverage requirement for children who are eight years of age and less with income of not more than 100 percent of the federal poverty level. This coverage requirement increases by one year of age annually.
3. The Study Committee finds that no indication of fraud or misuse of funds has been evidenced in connection with the Medical Assistance Program. Therefore, it is recommended that an audit of the program is unnecessary. However, the Study Committee recommends performing an analysis of potential cost savings in certain areas of the program as explained in item #4.
4. The Study Committee heard various suggestions for cost savings strategies during its two days of hearings and finds that additional analysis is needed to determine whether actual savings would result from implementing the suggestions. The Study Committee observes that staff resources in the Medical Assistance program are severely strained at present, which would restrict or eliminate ability to conduct the needed analysis. Therefore, the Study Committee recommends that private sector assistance, such as loaned executives, be solicited to assist in providing the needed analysis. Suggestions received include implementing utilization review on nursing facility care and developing an inventory of non-institutional care sources.
5. The Study Committee heard testimony from the Department of Human Services, Iowa Physician Assistant Society, Iowa Pharmacists Association, Legal Services Corporation of Iowa, Iowa Health Care Association, Department of Elder Affairs, Pharmaceutical Manufacturers Association Task Force, Iowa Citizens Action Network (ICAN), Iowa State Council of Senior Citizens, Iowa Human Needs Advocates, Iowa Hospital Association, Health Policy Corporation of Iowa, American Association of Retired Persons (AARP), University of Iowa Public Policy Center, Association of Retarded Citizens-Polk County, Iowa Governor's Planning Council for Developmental Disabilities, and the Iowa Medical Society. In addition, the Study Committee received extensive written testimony from the presenters and background materials from the Legislative Service Bureau.
6. The Study Committee members intend to further review the testimony received and, if possible, to review the Department of Management study of the Medical Assistance program. The Committee requests an additional meeting day to develop final recommendations after these reviews are completed.

Respectfully submitted,

SENATOR ELAINE SZYMONIAK
Co-chairperson

REPRESENTATIVE JOHNIE HAMMOND
Co-chairperson

REPORT OF THE ADMINISTRATION COMMITTEE OF THE LEGISLATIVE COUNCIL

The Administration Committee met on September 22, 1992, and makes the following report:

1. The Administration Committee received a report from the Legislative Service Bureau concerning the project to place the Administrative Code in an electronic format. The Bureau has directed its consultant to proceed in completing development of a Request for Proposals (RFP) to establish an electronic database of the Administrative Code accessible to the legislative branch of government. The RFP will be issued to determine whether there are any bidders and whether cost projections for the project are accurate.
2. The Administration Committee received a report from the Legislative Service Bureau concerning the Code database contracts. Information has been collected from Minnesota and Wisconsin concerning their production of and marketing of various documents on compact disc - read only memory (CD-Rom). The Iowa State Bar Association again indicated its interest in providing the CD-Rom option to its members and is conducting a survey of its members to determine the level of interest. It is anticipated that these results will be available for presentation to the Administration Committee at the October meeting.
3. The Administration Committee received a report from the Legislative Service Bureau concerning other Code database contracts and was informed that the current contract with Mead Data will expire after the 1993 Session and will need to be evaluated for possible renegotiation. The Committee was also informed that the Society of Land Surveyors of Iowa has not committed to an agreement as the Society attempts to solve technical problems encountered in using the state's format for the database.
4. The Administration Committee received a report from the Legislative Service Bureau concerning an overdue billing notice received from Krishna Engineering Consultants for an amount due under a contract with the Legislative Council to develop a proposal for the installation of emergency lighting for the Capitol building. The Committee was informed that the billing is being processed through the House Finance Office. The Committee moved to include in its report that strong support exists on the Committee for the payment of the billing with as little delay as possible.
5. The Administration Committee directed the Legislative Service Bureau to invite a representative from the State Printing Office to the next Committee meeting to present information regarding that Office's efforts to establish a more accurate recordkeeping system with respect to Legislative publications including the Code, Administrative Code, and Session

laws. The Committee also directed the Legislative Service Bureau to generate list of issues to be addressed by that representative concerning all aspects of the printing and distribution process for those publications.

6. The Administration Committee directed the Legislative Service Bureau to generate a list of issues and information to be presented to the Committee at the next meeting concerning those sections of the Code which delineate the public offices and public officials which are to receive free copies of various Legislative publications. It is the intent of the Administration Committee to review this information for the purpose of determining the necessity of recommending legislation to be considered during the 1993 Regular Session.

Respectfully Submitted,

DONALD V. DOYLE
Vice Chairperson

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

September 22, 1992

The Service Committee of the Legislative Council met on September 22, 1992. The meeting was called to order by Senator Mike Gronstal, Chairperson, at 11:00 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 received and filed personnel reports from the Legislative Fiscal Bureau, Legislative Service Bureau, Citizens' Aide/Ombudsman, and Computer Support Bureau.
2. The Service Committee received and filed a report of the Computer User Policy Direction Committee and recommends that the Legislative Council approve that the Legislative Fiscal Bureau negotiate with the Department of Management regarding access to the Legislative Unisys mainframe computer system by use of network gateway boards. The Department of Management must be responsible for all access costs and must provide the Legislature with materials or information at least equal in value to the access provided and may be denied access if such responsibilities are not met.
3. Diane Bolender reported that the Legislative Service Bureau would develop draft procedures to comply with the new ethics law and will also develop a proposed drug and alcohol abuse policy based upon the policy of the Executive Branch to be presented to the Service Committee prior to the next meeting.

Respectfully submitted,

**SENATOR MIKE GRONSTAL
Chairperson**

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

September 21, 1992

The Fiscal Committee met on Monday, September 21, 1992, and took the following action:

- The Committee recommends the Legislative Council authorize the expenditure of \$35,000 for a study of Iowa State Fair renovations. The Committee further recommends the Iowa State Fair explore the availability of additional funds, if needed, from private sources.
- The Committee recommends the Legislative Council assign the subject matter of Child Support Fees and Rebates, including interest and late fees charged on delinquent payments and reflecting delinquent payments on credit reports, to the appropriate interim committee for further consideration.
- The Committee recommends the Council write a letter to the Governmental Accounting Standard Board (GASB) supporting the plan to not defer the effective date of GASB Statement 11.

The Committee received information regarding the following issues:

- Update on Tax Anticipation Note Issuance (TRANS)
- Centralized Collections
- Departmental Responses to Budget Adjustments
- Lease-Purchase Notification on equipment purchased by the Department of Human Services

Respectfully submitted,

Senator Leonard Boswell
Co-chairperson

Representative Tom Jochum
Co-chairperson

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

September 22, 1992

The Studies Committee of the Legislative Council met on September 22, 1992, and makes the following recommendations:

1. That approval be given to the Tax Fairness and Equity Study Committee requests for two additional meeting days and extension of the final report deadline until January 31, 1993.
2. That approval be given to the Review of Iowa's Medical Assistance Program Study Committee request for one additional meeting day. In addition, that the Study Committee be charged to review child support fees and rebates as described in the report of the Legislative Fiscal Committee and if testimony is invited, then single parent child support obligees and father's rights groups should be included..
3. That the Legislative Fiscal Committee recommendation concerning a consultant study of State Fair renovations be referred to the study committee described on the attached listing.
4. That the Advisory Commission on Intergovernmental Relations (ACIR) be charged to study tax issues as provided on the attached listing.
5. That studies on tourism and health professions be established as provided on the attached listing.
6. That the bipartisan leadership be authorized to appoint the members to the new studies on behalf of the Legislative Council.

The Studies Committee received and filed an announcement listing the members of the Brushy Creek Recreation Area Trails Advisory Committee.

Respectfully submitted,

**SENATOR WALLY HORN
CHAIRPERSON**

PROPOSED STUDIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS STUDY OF TAX INCREMENT FINANCING AND TAX ABATEMENT

CHARGE: Review Iowa's current laws regarding tax increment financing (TIF) and tax abatement and make recommendations to the General Assembly as to needed changes in the laws. The Commission shall coordinate as necessary with the Tax Fairness and Equity Study Committee concerning this study. The Legislative Service Bureau and Legislative Fiscal Bureau are authorized to assist with the study. The final recommendations shall be forwarded to the General Assembly in January 1993.

LICENSING AND EXAMINING BOARDS STUDY COMMITTEE

CHARGE: Review and make recommendations for the reorganization of professional licensure and the professional examining boards under the purview of the Iowa Department of Public Health. The study shall include but not be limited to an evaluation of and recommendation regarding the establishment of a health profession review commission to address scope of practice issues. The public members shall not be government employees but shall have extensive knowledge of government operations.

Authorized 1 meeting day - 3 Senate members, 3 House members, and 2 public members

TOURISM STUDY COMMITTEE

CHARGE: Review state tourism programs to determine their ability to attract private participation, involve the tourism industry, and increase in-state and out-of-state travel to Iowa tourism sites. Seek tourism industry input on ways to improve Iowa tourism programs and coordination between state and private tourism efforts.

Authorized 2 meeting days - 5 Senate members and 5 House members

STATE FAIR RENOVATION STUDY COMMITTEE

CHARGE: Pursue the feasibility and solicit bids not to exceed \$35,000 for a consultant study concerning renovations needed at the State Fairgrounds. Solicit the support of private entities and other governments in this project. Report to the Legislative Council with recommendations concerning the study.

Authorized 1 meeting day - 3 Senate members and 3 House members