

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

February 16, 1994

The Service Committee of the Legislative Council met on Wednesday, February 16, 1994. The meeting was called to order by Speaker Harold Van Maanen, Chairperson, at 11:30 a.m. in the Office of the Speaker in the Statehouse.

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

1. The Service Committee recommends that the Legislative Council adopt the proposal of the Policy Economics Group, KPMG Peat Marwick, for the salary projection model recommended by the Legislative Fiscal Bureau with the cost not to exceed \$200,000, paid as a joint expense from the appropriation contained in section 2.12.
2. The Service Committee received and filed personnel reports from the Legislative Computer Support Bureau, Legislative Fiscal Bureau, Legislative Service Bureau, and the Citizens' Aide/Ombudsman.
3. The Service Committee recommends that Virginia Rowen be promoted from Computer Analyst Trainee (grade 24, step 6) to Computer Systems Analyst 1 (grade 27, step 5).
4. The Service Committee received and filed rules of procedure from the Office of Citizens' Aide/Ombudsman and recommends that the Legislative Council refer the rules to the Administrative Rules Review Committee.

Respectfully submitted,

SPEAKER HAROLD VAN MAANEN
Chairperson

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

December 22, 1993

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

The Committee received information on the following:

- **Follow-up Report on Board of Regents Institutions Salaries/Benefits**
 - Department of Management FY 1994 & FY 1995 salary policy and Regents impact
 - Update on the status of salary model RFP (Request For Proposal)
- **Regents Accounting System**
 - Update on transferring Regents accounting data to the Iowa Financial Accounting System (IFAS)
- **Update on the Activities of the Revenue Estimating Conference**
- **Update on Flood Funding**
- **Required Lease/Purchase Notifications - Board of Regents, Department of General Services, State Auditor's Office**
- **Issue Reviews Distributed:**
 - Boot Camp as an Alternative to Prison
 - Centralized Collections
 - Medicaid Children's Services Initiative - Implementation
 - State of Iowa Obligations (State Treasurer's Debt Report)

Respectfully submitted,

Senator Larry Murphy
Co-chairperson

Representative Ron Corbett
Co-chairperson

1 LEGISLATIVE COUNCIL RESOLUTION

2 A Critical Infrastructure Needs Resolution relating to a
3 systematic legislative study of the infrastructure
4 needs in Iowa.

5 WHEREAS, since the early 1980s, there has been an
6 increasing public discussion of the infrastructure
7 needs in the United States and in most states of the
8 United States; and

9 WHEREAS, the infrastructure of Iowa is recognized
10 as having serious deficiencies based on reports and
11 studies completed by various public and private
12 organizations; and

13 WHEREAS, the studies have brought the public's
14 attention to the fact that there is more than one kind
15 of infrastructure and there is no comprehensive
16 inventory of the public infrastructure in the state;
17 NOW THEREFORE,

18 BE IT RESOLVED BY THE LEGISLATIVE COUNCIL, That a
19 systematic study of the public infrastructure needs of
20 Iowa be conducted during 1994, with a report to be
21 delivered to the general assembly and the governor not
22 later than January 1, 1995; and

23 BE IT FURTHER RESOLVED, That the study shall
24 include the following components:

25 1. Compile a systematic and consistent inventory
26 of the horizontal and vertical public infrastructure
27 of this state.

28 2. Determine a value of the infrastructure.

29 3. Develop an overall assessment of infrastructure
30 needs for the next ten years, considering various

1 infrastructure categories, construction of new
2 facilities, and maintenance and renovation of current
3 facilities.

4 4. Develop systematic measurement criteria for the
5 vertical and horizontal infrastructure, with
6 preference being given to measurement criteria and the
7 recommendations of the department of transportation's
8 1994 quadrennial study of horizontal infrastructure
9 needs.

10 5. Identify current expenditures and financing
11 methods for infrastructure construction, maintenance,
12 and renovation.

13 6. Develop recommendations as to proposed funding
14 mechanisms to meet the infrastructure needs for the
15 next ten years.

16 7. Develop a specific needs assessment priority
17 list for vertical and horizontal infrastructure,
18 giving preference to the recommendations of the
19 department of transportation's 1994 quadrennial study
20 for purposes of the horizontal infrastructure needs;
21 and

22 BE IT FURTHER RESOLVED, That the legislative
23 council may expend not more than thirty thousand
24 dollars for professional services provided by
25 representatives from the construction engineering
26 department at Iowa State University and related
27 expenses for the study; and

28 BE IT FURTHER RESOLVED, That the legislative
29 council may request the assistance of the department
30 of transportation, department of management, the

1 auditor of state, and other state agencies, including
2 legislative agencies as authorized by the legislative
3 council, to complete the study at or below the
4 authorized expenditure level.

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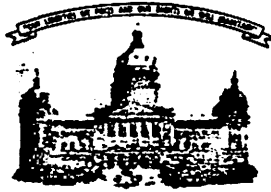
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February 16, 1994

MEMORANDUM

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

FROM: Mark W. Johnson, Legal Counsel

RE: Proposed Court Rule Changes

1. Interrogatories to parties -- Iowa Rule of Civil Procedure 126 (d).

Filed: 11-30-93

Rec.: 12-6-93

Provides that interrogatories are not to be filed with the clerk unless approved by the court for good cause. Currently, such filings are discretionary.

2. Action brought in wrong county -- Iowa Rule of Civil Procedure 175.

Filed: 11-30-93

Rec.: 12-6-93

Provides that costs ordered by the court to be paid resulting from the transfer of an action brought in the wrong county are to be paid within twenty days of the transfer order. Upon payment, the clerk is to transmit to the proper court the transcript of the proceedings.

3. Appeal -- Iowa Rule of Civil Procedure 318.

Filed: 12-28-93

Rec.: 12-30-93

Provides that an appeal under the rules of civil procedure is discretionary when the order or judgment sought to be reviewed is discretionary in the original action.

IN THE SUPREME COURT OF IOWA

FILED
DEC 3 1993

IN THE MATTER OF A CHANGE)
IN THE IOWA RULES OF)
CIVIL PROCEDURE)

REPORT OF THE
SUPREME COURT

TO: MS. DIANE BOLENDER, SECRETARY OF THE LEGISLATIVE
COUNCIL OF THE STATE OF IOWA.

Pursuant to Iowa Code sections 602.42091 and 602.4202,
the Supreme Court of Iowa has prescribed and hereby reports
on this date to the Secretary of the Legislative Council
concerning amendments to Iowa Rules of Civil Procedure
126(d) and 175 as shown in the attached Exhibits "A" and
"B".

Pursuant to Iowa Code section 602.4202(2), the changes
to Rule 126(d) are to take effect March 1, 1994. Changes
to Rule 175 are to take effect July 1, 1994.

Respectfully submitted,

THE SUPREME COURT OF IOWA

By Arthur A. McGiverin
Arthur A. McGiverin, Chief Justice

Des Moines, Iowa

Nov. 30, 1993

DEC 06 1993
Legislative Service
Bureau

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative
Council hereby acknowledge delivery to me on the 16th day of
December, 1993, the Report of the Supreme Court
pertaining to the Iowa Rules of Civil Procedure.

Diane C. Bolender
Secretary of the Legislative Council

EXHIBIT "A"

126. Interrogatories to parties.

* * *

d. Notwithstanding the provisions of R.C.P. 82 "d," copies of the interrogatories which are served need shall not be filed with the clerk unless approved by the court for good cause. Parties who serve interrogatories shall serve and file a notice of serving interrogatories stating the parties upon whom interrogatories were served, the numbers of the interrogatories, and the date of service.

EXHIBIT "B"

175. Action brought in wrong county.

a. An action brought in the wrong county may be prosecuted there until termination, unless a defendant, before answer, moves for its change to the proper county. Thereupon the court shall order the change at plaintiff's costs, which may include reasonable compensation for defendant's trouble and expense, including attorney's fees, in attending in the wrong county.

b. If all such costs are not paid ~~within a time to be fixed by the court, or the papers are not filed in the proper court~~ within twenty days ~~after such order of the transfer order~~, the action shall be dismissed. Upon payment of the costs, the clerk shall forthwith transmit to the proper court the transcript of the proceedings, with any original papers, an authenticated copy of which shall be retained. The case shall be docketed in the second court without fee and shall proceed.

IN THE SUPREME COURT OF IOWA

FILED

DEC 28 1993

IN THE MATTER OF A CHANGE)
IN THE IOWA RULES OF)
CIVIL PROCEDURE)

REPORT OF THE CLERK SUPREME COURT
SUPREME COURT

TO: MS. DIANE BOLENDER, SECRETARY OF THE LEGISLATIVE
COUNCIL OF THE STATE OF IOWA.

Pursuant to Iowa Code sections 602.42091 and 602.4202,
the Supreme Court of Iowa has prescribed and hereby reports
on this date to the Secretary of the Legislative Council
concerning amendments to Iowa Rule of Civil Procedure 318
as shown in the attached Exhibit "A".

Pursuant to Iowa Code section 602.4202(2), the changes
to Rule 318 are to take effect March 1, 1994.

Respectfully submitted,

THE SUPREME COURT OF IOWA

By Arthur A. McGiverin
Arthur A. McGiverin, Chief Justice

Des Moines, Iowa

December 28, 1993

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative
Council hereby acknowledge delivery to me on the 30th day of
December, 1993, the Report of the Supreme Court
pertaining to the Iowa Rules of Civil Procedure.

Diane E. Bolender
Secretary of the Legislative Council

EXHIBIT "A"

318. Appeal. Appeal to the supreme court lies from a judgment of the district court in a certiorari proceeding, and will be governed by the rules applicable to appeals in ordinary actions. Appeal is discretionary when the order or judgment sought to be reviewed is itself a discretionary review of another tribunal, board, or officer.

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February 10, 1994

MEMORANDUM

TO: CHAIRPERSON HORN, VICE CHAIRPERSON VAN MAANEN, AND MEMBERS OF THE IOWA LEGISLATIVE COUNCIL

FROM: DIANE BOLENDER *DB*

RE: FEBRUARY LEGISLATIVE COUNCIL MEETING

Chairperson Horn has scheduled a meeting of the Legislative Council for 12:15 p.m. on Wednesday, February 16, 1994, in Committee Room 22 of the State Capitol. The meeting will convene upon the adjournment of the Service Committee meeting.

Enclosed are copies of minutes of the Legislative Council and Legislative Council Committees that have not previously been distributed to you.

Please notify the Legislative Service Bureau if you will be unable to attend the meeting.