

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

January 3, 1996

The Fiscal Committee met January 3, 1996, in the Speakers Conference Room of the State Capitol.

The Committee made no recommendations to the Council.

The Committee discussed:

- Revenue Update
- Electronic Access to LFB Data including
 - A LFB staff directory with access to electronic mail (email),
 - Committee and subcommittee assignments,
 - Financial information including appropriations tracking, balance sheet, taxes, and receipts,
 - Monthly revenue memo,
 - Miscellaneous information and publications including: Fiscal Update, Issue Reviews, State Employee Salary Book, Department Budget Requests and Governor's Budget Recommendations Analysis, LFB Factbook, Fiscal Notes, and Notes on Bills and Amendments (NOBAs).
- Federal Update:
 - Memo from Jon Neiderbach with an update on Congressional action.
 - Telephone conference call with Phil Smith, State/Federal Office in Washington, D.C.
 - Review of budget activities pending in Washington, D.C. by Lorin Knapp, Department of Revenue and Finance.
- Regents Academic Revenue Bonds
 - Jon Studer, LFB, reviewed an *Issue Review*, "Summary of Regents Bonding".
 - Ken Haynie, Bond Attorney, and Barry Fick, Vice President, Springsted Inc., Regents' Public Financial Advisors, explained the Regents' bonding process.
- Comprehensive Annual Financial Report (CAFR) and Governmental Accounting Standards Board (GASB).
 - Calvin McKelvogue, Department of Revenue and Finance, presented information on CAFR and GASB, and reviewed the budget stabilization funds of various states and how Iowa compares.
- Richard Johnson, State of Iowa Auditor, commented on the current condition of the State's finances and reviewed alternatives for managing the surplus funds. He

recommended approving a five-year plan for the ICN appropriations. Auditor Johnson also reviewed his "Iowa Infrastructure 2000" Report.

- **Current and Planned Cash Management Practices and Infrastructure Funding**
 - Gretchen Tegeler, Director, DOM, discussed the current and planned cash management practices and infrastructure funding.
- **Alternatives for Managing the Surplus (Cash on Hand vs. Retiring Debt) and Providing a Dedicated Funding Source for Infrastructure.**
 - A roundtable discussion on various alternatives by Myrt Levine, and Kenneth Haynie, representing the private sector; and Auditor Richard Johnson, and Treasurer Michael Fitzgerald, representing the State of Iowa.
- **Outcome-Based Performance Budgeting (Now known as Budgeting for Results).**
 - Presentation by Marv Weidner, DOM.
 - Doug Wulf, LFB, reviewed an *Issue Review*, "Outcome-Based Performance Budgeting (Now known as Budgeting for Results)".
- **Franchise Tax Issues**
 - Presentation by Jon Muller, LFB
- **County Budgeting Under Property Tax Limitation**
 - Jon Muller, LFB, reviewed an *Issue Review*, "County Budgeting Under Property Tax Limitation".
- **Update on Privatization Efforts and the Information Technology (IT) Assessment and Evaluation.**
- **ICN Update**
- **Lease Purchases/Appropriations Transactions**
- **Plans for a Seminar on Federal Funds.**

Respectfully submitted,

Senator Larry Murphy
Co-chairperson

Representative Dave Millage
Co-chairperson

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

January 10, 1996

The Fiscal Committee met January 10, 1996, in Room 116 of the State Capitol.

The Committee made no recommendations to the Council.

The Committee reviewed recent issues concerning federal funding and federal tax changes.

Presenters during the morning session included:

- Brian Roherty, National Association of State Budget Officers
- Scott DeFife, National Conference of State Legislatures
- Patty Sullivan, National Governors Association
- Phil Smith, Iowa State-Federal Relations Office

During the afternoon session representatives from ten State departments presented their estimates of the potential impact of federal budget and policy changes.

Respectfully submitted,

Senator Larry Murphy
Co-chairperson

Representative Dave Millage
Co-chairperson

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

June 13, 1996

The Fiscal Committee met June 13, 1996, in Room 22 of the State Capitol.

The Committee made no recommendations to the Council.

The Committee discussed:

▪ **Revenue Update:**

- Attachment 1 is a copy of the Estimated Ending Balance of the General Fund at the conclusion of the 1996 Legislative Session. The estimated ending balance for FY 1996 is \$182.1 million and FY 1997 is \$147.6 million. The balances include the April adjustments by the Revenue Estimating Council (REC) for increased revenues and increased tax refunds, and the Governor's item vetoes of \$25.3 million for FY 1997. The 99.0% expenditure limitation ending balance requirement is approximately \$42.0 million.

Exhibit 1 shows a \$56.3 million legislative reduction to the revenues for FY 1997 and Exhibit 2 is a listing by appropriations bills which includes the \$85.0 million increase in school aid for property tax reduction for the FY 1997 budget.

▪ **Federal Update:**

- Jon Neiderbach reported on the survey by the LFB regarding FFY 1996 federal funding.
- Telephone conference call with Phil Smith and Nancy Payne, State/Federal Office in Washington, D.C., for an update on federal issues.

▪ **Appropriations Transactions**

- Department of Corrections - \$150,000 from the Iowa State Penitentiary to the County Confinement program and a transfer of \$1,500 from six correctional institutions to the inmate Tort Claims Fund.
- Lease-Purchase Notification - Board of Regents \$492,650 to upgrade the central computer processing system at the University of Northern Iowa (UNI).
- Changes to Lease-Purchase Requirements - Senate File 2366 makes the following changes which will allow the State to again enter into lease-purchasing agreements:
 - Transfers the centralized financing of lease-purchase arrangements from the Department of General Services to the Treasurer of State's Office.
 - Limits the total principal amount that the Treasurer of State may enter into on behalf of a state agency to \$1.0 million per year. Lease-purchase agreements in excess of \$1.0 million must be approved by the General Assembly, or the Legislative Council if the General Assembly is not in Session, and the Governor. Prior law required all lease-purchase agreements to be approved by the General

Assembly and the Governor regardless of the amount. In addition, the Legislative Council did not have the authority to approve funding for lease purchases while the General Assembly was not in Session.

- Increases the amount that the Iowa Telecommunications and Technologies Commission may spend for the purchase, lease or lease-purchase of property and services from \$500,000 to \$1.0 million. Lease-purchase agreements in excess of \$1.0 million must be approved by the General Assembly, or the Legislative Council if the General Assembly is not in Session, and the Governor.
- The lease-purchase provisions of SF 2366 do not pertain to the Board of Regents, lease-purchase agreements involving energy conservation improvements, or agreements funded through the Department of Transportation's Materials and Equipment Revolving Fund.
- ICN Update
- ICN Legislative Budget Process - Harold M. (Tommy) Thompson, Chief Operating Officer, made a presentation to the Committee requesting that the ICN be a part of the joint appropriations subcommittee process in lieu of the standing committee process.
- 1996 Interim Issues to be addressed by the Committee
- The tentative date for the next Fiscal Committee meeting is July 17, 1996.

Respectfully submitted,

Senator Larry Murphy
Co-chairperson

Representative Dave Millage
Co-chairperson

STATE OF IOWA
GENERAL FUND BALANCE

(\$ in Millions)

	Fiscal Year 1996		Fiscal Year 1997	
	<u>Governor's Recomm.</u>	<u>Legislative Action</u>	<u>Governor's Recomm.</u>	<u>Legislative Action</u>
<i>Estimated Funds Available:</i>				
Estimated Receipts				
Revenue Est. Conference	\$ 4,356.0	\$ 4,356.0	\$ 4,490.0	\$ 4,490.0
Rev. Est. Conf. 4/5/96	44.3	44.3	51.1	51.1
Econ. Emergency Fund Transfer			147.8	127.1
Revenue Adjustments (Exh. 1)	-29.3	- 39.3	-62.4	- 56.3
Transfers (Exh. 1)	47.4	47.4	45.4	45.4
	<u>4,418.4</u>	<u>4,408.4</u>	<u>4,671.9</u>	<u>4,657.3</u>
Total Receipts				
Tax Refunds	- 388.0	- 388.0	- 392.3	- 392.3
Accruals	10.2	10.2	2.7	2.7
	<u>4,040.6</u>	<u>4,030.6</u>	<u>4,282.3</u>	<u>4,267.7</u>
<i>Total Funds Available</i>				
	<u>4,040.6</u>	<u>4,030.6</u>	<u>4,282.3</u>	<u>4,267.7</u>
			<u>\$ 4,227.0</u>	<u>\$ 4,206.4</u>
<i>Expenditure Limit</i>				
<i>Estimated Appropriations:</i>				
General Fund	3,840.4	3,840.4	4,050.9	4,127.6
Supplemental Approp. (Exh. 2)	10.8	15.6		
Reversions	- 7.5	- 7.5	-7.5	-7.5
	<u>3,843.7</u>	<u>3,848.5</u>	<u>4,043.4</u>	<u>4,120.1</u>
<i>Net Appropriations</i>				
	<u>3,843.7</u>	<u>3,848.5</u>	<u>4,043.4</u>	<u>4,120.1</u>
<i>Ending Balance prior to Cash Reserve Transfer</i>	<u>\$ 196.9</u>	<u>\$ 182.1</u>	<u>\$ 238.9</u>	<u>\$ 147.6</u>

ATTACHMENT 1

Exhibit 1

	Fiscal Year 1996		Fiscal Year 1997	
	Governor's Recomm.	Legislative Action	Governor's Recomm.	Legislative Action
REVENUE ADJUSTMENTS				
Inheritance Tax SF 2449	\$	\$	\$ - 8.9	\$ 0.0
Subchapter S Corporations SF 2449			- 8.0	0.0
Income Tax Indexation SF 2449			- 5.0	- 5.0
Excess Gaming Revenue HF 2421	- 29.3	- 39.3	- 36.3	- 46.3
Waste Tire/Title Surcharge HF 2433			- 1.0	- 1.5
New Jobs Income Program:				
Research & Development			- 0.3	0.0
Work Force Development SF 2351			- 2.6	- 2.6
Tuition Tax Credit SF 2467			- 0.4	- 0.6
Riverboat Regulation SF 2470 SF 2416			0.1	0.1
Utilities Study SF 2470			0.1	0.1
Military Tax Exemption HF 2495			- 0.1	0.0
New Jobs Income Program HF 2481				- 0.6
Social Workers License SF 73				0.5
M & E Exemption HF 2165				- 0.3
Health Care Delivery System HF 2432				- 0.1
State Fair Sales Tax Exemp. HF 2422				- 0.4
DARE Surcharge HF 2472				0.1
St. Med. Examiner Local Reimb. HF 2472				0.3
TOTAL REV. ADJUSTMENTS	<u>\$ - 29.3</u>	<u>\$ - 39.3</u>	<u>\$ - 62.4</u>	<u>\$ - 56.3</u>
TRANSFERS				
Lottery Proceeds SF 2470	\$ 42.2	\$ 42.2	\$ 40.4	\$ 40.4
Marine Fuel Tax Revenues	2.4	2.4	2.4	2.4
Indirect Cost Transfers	2.1	2.1	2.1	2.1
Miscellaneous	0.7	0.7	0.5	0.5
TOTAL CASH TRANSFERS	<u>\$ 47.4</u>	<u>\$ 47.4</u>	<u>\$ 45.4</u>	<u>\$ 45.4</u>

Exhibit 2

	Fiscal Year 1996		Fiscal Year 1997	
	Governor's Recomm.	Legislative Action	Governor's Recomm.	Legislative Action
Appropriations				
FY 1996 Appropriations				
Strategic Invest. Fund HF 2114	\$ 2.1	\$ 2.1	\$	\$
Indigent Defense HF 2114	6.4	6.4		
Tourism Advertising HF 2114	2.0	2.0		
Revenue & Finance HF 2114	0.1	0.1		
Racetracks HF 2114	0.1	0.1		
Gen. Services - Utilities HF 2114	0.1	0.1		
Dept. of Education HF 2114		0.1		
Pension Tax Refunds HF 2114		10.3		
Judicial Branch Plan HF 2065		0.1		
School Improv/Tech. SF 2063		0.0		
Child Care Assist. HF 2114		1.3		
Regents Special Schools HF 2114		0.1		
Housing Bill SF 2464		1.0		
FY 1997 Appropriations				
Admin. & Regulation Sub. HF 2416			84.9	84.1
Ag. & Natl. Resources Sub. SF 2446			46.4	46.4
Economic Development Sub. SF 2443 SF 2470			37.6	37.0
Education Sub. HF 2447			788.3	788.8
Health & Human Rights Sub. SF 2448			84.0	83.5
Human Services Sub. SF 2442			740.5	743.5
Justice System Sub. HF 2472			336.9	333.3
Trans and Capitals Sub. HF 2421			5.7	7.8
School Aid			1,398.3	1,406.6
Other Unassigned Standings			449.3	448.4
School Improv./Tech. SF 2063			15.0	15.0
Property Tax Programs SF 2449			14.1	107.5
Salaries HF 2497			27.1	27.0
ICN SF 2195			17.1	17.6
Standings Bill SF 2470		8.8		0.7
Machinery & Equipment HF 2165			5.7	5.7
Governor's Item Vetoes		- 16.9		-25.3
Total Appropriations	\$ 10.8	\$ 15.6	\$ 4,050.9	\$ 4,127.6

Expenditure Limitation

Fiscal Year 1997

	Amount	%	Governor's Recomm.	Legislative Action
Revenue Estimate per Revenue Estimating Conference	\$ 4,490.0	99%	\$ 4,445.1	\$ 4,445.1
Economic Emergency Fund Transfer	182.0	100%	147.8	127.1
Refund of Taxes	- 362.3	99%	- 358.7	- 358.7
Accrued Revenue Changes	2.7	99%	2.7	2.7
Transfers	45.4	99%	44.9	44.9
Total	<u>4,357.8</u>		<u>4,281.8</u>	<u>4,261.2</u>
Revenue Adjustments:				
Inheritance Tax		99%	- 8.8	0.0
Subchapter S Corporations		99%	- 7.9	0.0
Income Tax Indexation HF 2111		99%	- 5.0	- 5.0
Excess Gambling Revenue		99%	- 29.0	- 45.8
Waste Tire/Vehicle Title Surcharge		99%	- 1.0	- 1.5
New Jobs Income Program:				
Research & Development		99%	- 0.3	0.0
Work Force Development		99%	- 2.6	- 2.6
Tuition Tax Credit		99%	- 0.4	- 0.6
Riverboat Regulation		95%	0.1	0.1
Utilities Study		95%	0.2	0.1
Military Tax Exemption		99%	- 0.1	0.0
Social Workers License SF 73		95%	0.0	0.5
State Fair Sales Tax Exemp. HF 2422		99%	0.0	- 0.4
Health Care Delivery System HF 2432		99%	0.0	- 0.1
M & E Exemption HF 2165		99%	0.0	- 0.3
New Jobs Income Program HF 2481		99%	0.0	- 0.6
DARE Surcharge HF 2472		99%	0.0	0.1
St. Med. Examiner Local Reimb. HF 2472		99%	0.0	0.3
Total Revenue	<u>\$ 4,357.8</u>		<u>\$ 4,227.0</u>	<u>\$ 4,205.4</u>

Totals may not add due to rounding.

REPORT OF THE ADMINISTRATION COMMITTEE OF THE LEGISLATIVE COUNCIL

June 20, 1996

The Administration Committee met on June 20, 1996, and makes the following report:

1. The Administration Committee received an update relating to the electronic version of the Administrative Code project.
2. The Administration Committee received an update regarding the legislative bill drafting system project.
3. The Administration Committee discussed development of a policy relating to the distribution and pricing of electronic information, computer programs and publications published in electronic format under the authority of the General Assembly. The Committee received a memorandum informing the Committee that the Legislative Service Bureau is in the process of writing a proposed policy for consideration by the Computer User Policy Direction Committee prior to submission to the Legislative Council. The Administration Committee recommends that until a permanent policy is adopted, the legislative agencies of the General Assembly continue policies and practices as they existed prior to July 1, 1996.

Respectfully Submitted,

Harold Van Maanen
Chairperson

REPORT OF THE SERVICE COMMITTEE OF THE LEGISLATIVE COUNCIL

June 20, 1996

The Service Committee of the Legislative Council met on June 20, 1996, and makes the following report and recommendations to the Legislative Council:

1. The Service Committee received and filed the annual personnel report from the Legislative Fiscal Bureau and recommends that the following employees be promoted:

Mr. Larry Sigel, from Legislative Analyst II, grade 32, step 4, to Legislative Analyst III, grade 35, step 2, effective September 1996.

Mr. Doug Wulf, from Division Administrator I, grade 38, step 6, to Division Administrator II, grade 41, step 5, effective June 1996.

2. The Service Committee received and filed the annual personnel report from the Legislative Service Bureau and recommends the following:

- That the following employees be promoted:

Mr. John Pollak, from Committee Services Administrator, grade 38, step 4, to Committee Services Administrator, grade 41, step 2, effective June 1996.

Ms. Patty Funaro, from Legal Counsel 2, grade 35, step 6, to Senior Legal Counsel, grade 38, step 4, effective June 1996.

Ms. Susan Crowley, from Legal Counsel 1, grade 32, step 5, to Legal Counsel 2, grade 35, step 3, effective June 1996.

Mr. Michael Kuehn, from Legal Counsel 1, grade 32, step 5, to Legal Counsel 2, grade 35, step 3, effective June 1996.

Ms. Kathy Hanlon, from Research Analyst 1, grade 29, step 5, to Research Analyst 2, grade 32, step 3, effective June 1996.

- That a legislative document specialist job series be established in the Legislative Service Bureau.

3. The Service Committee received and filed the annual personnel report from the Legislative Computer Support Bureau.

4. The Service Committee received and filed the annual personnel report from the Office of Citizens' Aide/Ombudsman and recommends that the following employee be promoted:

Mr. Steven Exley, from Assistant I, grade 29, step 5, to Assistant II, grade 32, step 4, effective June 1996.

5. The Service Committee received and filed quarterly reports from the Office of Citizens' Aide/Ombudsman concerning the Environmental Ombudsman established through a contract with the Department of Natural Resources. The Service Committee was also informed that the contract between the Office of Citizens' Aide/Ombudsman and the Iowa Department of Natural Resources would not be renewed effective June 30, 1996. The Service Committee recommends that a letter be sent to the department expressing concerns about the department's action in not renewing the contract and recommends that the employee fulfilling the environmental ombudsman position be retained by the Office of Citizens' Aide/Ombudsman for such time as moneys are available.
6. The Service Committee received and filed reports from the Computer User Committee.
7. The Service Committee received a report from the Attorney General's Office making recommendations concerning possible changes to the personnel guidelines for the Central Legislative Staff Agencies. The Service Committee established a subcommittee to consist of four legislative members, one from each caucus, to consider possible changes to the personnel guidelines for all legislative employees and make recommendations to the Service Committee.

Respectfully submitted,

Senator Mike Gronstal
Chairperson

Corrected Copy

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

The International Relations Committee met on October 10, 1995 and April 15, 1996, Chairperson Churchill and Senator Szymoniak reviewed draft documents relating to the recommendations made at those meetings during the week beginning June 17, and they make the following report to the Legislative Council on behalf of the Committee:

1. That the Legislative Council adopt a policy that actively involves the General Assembly in developing relationships with other countries, including educating legislators regarding international relations, welcoming visitors from other countries and assisting them in understanding Iowa's governmental process and traditions, working with the various state agencies and other entities which promote international relations, participating in developing Iowa's trade with other nations, and establishing a budget to accomplish these goals.
2. That the Legislative Council adopt a policy that visits by officials from other countries, for which the Legislative Council provides financial support, be approved by legislative leadership in advance of the arrival of the visitors.
3. That the following be adopted as the protocol for introduction of individuals from other countries visiting the Iowa General Assembly:

The Speaker of the House or the Majority Leader of the Senate will determine who will introduce the visitor. The visitor may be introduced by the Speaker of the House of Representatives, the Majority Leader of the Senate, the Chairperson of the International Relations Committee, a member of the International Relations Committee, or a member of the chamber.

A visitor from another country who is not an elected or appointed official should be introduced from the rear area of the chamber. The visitor will be asked to make remarks to the chamber only under extraordinary circumstances.

A visitor from another country who is an elected or appointed official should be escorted to the front of the well for introduction and at the discretion of the Majority Leader of the Senate or the Speaker of the House of Representatives may be asked to address the chamber.

4. That the Legislative Council allocate from moneys available pursuant to section 2.12 of the Code, the amount of \$10,000 to the Legislative Service Bureau to be used by the Legislative Information Office during the period beginning July 1, 1996, and ending June 30, 1998, for the purchase of gifts for presentation to individuals from other countries visiting Iowa, and for use by representatives from the Iowa General Assembly who may be traveling to other countries and visiting their governments. A listing of examples of items that might be purchased as gifts and

their attendant costs is attached to this report. In addition, the Legislative Service Bureau may acquire gifts to be purchased by representatives of the Iowa General Assembly and other Iowa officials for presentation to visitors and hosts in accordance with recommendation 6.

5. That the Legislative Council adopt a policy that gifts shall be provided, without cost, for presentation to individuals who are being introduced to the Iowa General Assembly and for use by representatives of the Iowa General Assembly who are traveling to other countries as official representatives of the Iowa General Assembly. A subcommittee of the International Relations Committee shall review and approve requests for provision of gifts, without cost, in advance. If a request is denied, the decision may be appealed to the Legislative Council for a final determination.

6. That the Legislative Council adopt a policy that gifts may be purchased by representatives of the Iowa General Assembly and other Iowa officials to be presented to visitors from other countries when they are in Iowa and to be presented to international hosts during Iowa officials' travels to other countries.

7. That the International Relations Committee establish the value or types of gifts that may be presented to elected or appointed officials from other countries with the highest value gifts presented to officials hosted by the Iowa General Assembly, the next highest value gifts presented to officials hosted by representatives of the executive branch, the next highest value gifts presented to officials hosted by the federal government who are visiting Iowa, and the lowest value of gifts presented to officials sent by another country to visit Iowa.

8. That the International Relations Committee establish the value or types of gifts that may be presented to visitors from other countries who are not elected or appointed officials with the highest value gifts presented to visitors hosted by the Iowa General Assembly, the next highest value gifts presented to visitors hosted by representatives of the executive branch, the next highest value gifts presented to visitors hosted by the federal government who are visiting Iowa, the next highest value gifts presented to officials sent by another country to visit Iowa, and the lowest value gifts presented to visitors who are not officially representing their countries who are introduced by a member of the Iowa General Assembly.

9. That the Legislative Council allocate \$15,000 from moneys available pursuant to section 2.12 of the Code, to be used by the Iowa General Assembly to pay the costs of hosting official delegations of visitors from other countries, for whom a request to host has been made to the General Assembly and approved by legislative leadership, during the period beginning July 1, 1996, and ending June 30, 1998. The leadership of the Iowa General Assembly shall designate members to host official delegations of visitors from other countries with equal representation from both political parties and both chambers. The moneys allocated may also be used to host other official visitors from other countries, as necessary, if the purpose of the visit is promotion of international relations, including education of visitors regarding representative government or economic development.

10. That the International Relations Committee has not reached agreement regarding allocation of funding to pay for official visits by members of the Iowa General Assembly to other countries.

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

June 20, 1996

The Studies Committee met on June 20, 1996, and makes the following attached recommendations:

Respectfully Submitted,

Wally Horn
Chairperson

1996 Interim Studies

- As amended and approved by the Legislative Council on June 20, 1996

<u>Name of Study</u>	<u>Meeting Days</u>	<u>Members</u>
<u>Iowa Administrative Procedures</u> CHARGE: Consider the proposed new Iowa Administrative Procedure Act, reflected in Senate File 2404, and recommendations of state agencies and other interested parties. The study will attempt to balance the rights of executive branch agencies and citizens in the operation of administrative law.	2 days	3 Senate 3 House
<u>Governmental Entities Access To Equipment Of Other Public/Private (Regional Equipment Center Study)</u> CHARGE: Study the issue of sharing and leasing government equipment between the federal government, state government, and political subdivisions of the state. Explore ways to foster cooperation, both between those public entities and the private sector and save tax dollars.	1 day	3 Senate 3 House
<u>DHS Restructuring Task Force</u> CHARGE: Review the structure and function of the Department of Human Services (DHS) with the goal of improving services to Iowans. The Task Force should review and seek public input on the four "vision" documents developed by DHS; consult with providers and consumers who receive and use human services; and make proposals which address the departmental mission, organization, and service delivery.	2 days	5 Senate 5 House 2 Governor
<u>Interpretive Services</u> CHARGE: Evaluate the access to and quality of interpretive services provided for persons who are deaf or hard-of-hearing. Review research on this topic conducted by the Deaf Services Commission of Iowa.	1 day	3 Senate 3 House
<u>Local Infrastructure Needs</u> CHARGE: Study the issue of local infrastructure and associated bonding and state financial assistance needs. Assess the status of local infrastructure and the resources which local governments have available to assist in providing for long-term infrastructure needs including a study of the approval requirements for local bond referendums. Include recommendations for a system of prioritization or other processes for selection of projects.	2 days	5 Senate 5 House
<u>Law Enforcement Training</u> CHARGE: The Iowa league of cities and the Iowa State Association of Counties are requested to convene a law enforcement training summit during the 1996 legislative interim to examine modifications and alternatives to Iowa's current regulations concerning law enforcement training and resources provided for the training, as described in H.F. 2472, section 37. The committee shall receive the report and recommendations of the law enforcement training summit and determine whether changes should be made to Iowa's laws regarding law enforcement training in Iowa.	1 day	3 Senate 3 House

1996 Interim Studies

- As amended and approved by the Legislative Council on June 20, 1996

<u>Name of Study</u>	<u>Meeting Days</u>	<u>Members</u>
<u>Local Corrections Infrastructure & Crime Prevention Review</u> CHARGE: The sum of \$100,000 is authorized as a joint expense under section 2.12 to be used by the Attorney General for the purpose of retaining an independent consultant to provide technical assistance and staffing associated with creation and implementation of a public planning process and state task force on local corrections infrastructure and crime prevention. The study committee shall review the task force report and make recommendations concerning recommendations and proposals for corrections, juvenile justice, and school-based infrastructure projects, to include consideration of establishing a grant program and funding mechanism for these projects. The study committee shall review the Vermont Reparative Probation program and make recommendations concerning implementing a similar program in Iowa. The study committee members may elect to use an authorized meeting day to attend a task force meeting.	3 days	3 Senate 3 House
<u>Compensation of Justices, Judges, and Magistrates</u> CHARGE: Review the compensation of justices, judges, and magistrates of the Judicial Department with a focus upon the ability to recruit and retain qualified candidates.	1 day	3 Senate 3 House
<u>Solid Waste Reduction and Recycling</u> CHARGE: Conduct a comprehensive review of the goals, regulation, reporting, and status of statewide efforts to reduce and recycle solid waste. The review shall include, but not be limited to, evaluations of the effectiveness of curbside and drop-off recycling programs, composting facilities, unit-based pricing programs, materials recovery facilities, and solid waste processors or end-users of recovered materials. The review shall also consider the economic development potential for the recycling and reuse of solid waste and the coordination of interagency efforts to achieve cost-effective and environmentally sound statewide solid waste management.	1 day	3 Senate 3 House
<u>Hedge to Arrive Contracts</u> Review the potential effects of "hedge to arrive" (HTA) contracts on farmers, grain elevators, and the Grain Indemnity Fund. Assess the role of the state in addressing the potential effects.	2 days	5 Senate 5 House
<u>Property Taxation</u> CHARGE: Study the system of local government property taxation. The committee shall conduct a comprehensive review of the property tax system in Iowa, including identifying the various classes of property taxpayers, the portion of property taxes collected from each class of taxpayer, the distribution of those taxes to local governments, and the value of local government services received by a class of taxpayers in relation to the amount of property taxes paid by that class. The committee shall also examine the current system of property tax credits and exemptions allowed to	2 days	5 Senate 5 House

1996 Interim Studies

- As amended and approved by the Legislative Council on June 20, 1996

Name of Study	Meeting Days	Members
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taxpayers, tax increment financing and tax abatement programs, property tax credits and exemptions, the effect of tax abatement programs, and tax increment financing on the tax rates applied to the other classes of property, and the general authority of local officials to abate property taxes.

As an integral part of the collection of taxes by local governments, the committee shall also review the budgeting procedures and practices of local governments, including the process of estimating and spending ending fund balances; the authorization to use, or the practice of using, unexpended funds or ending fund balances for capital improvements or other nonrecurring expenditures; and the impact on property tax rates of actions of the school budget review committee, the state appeal board, the application of the property tax rollback, and the application of equalization orders issued by the department of revenue and finance. The committee shall also review the use of property taxes as the sole or major source of funding for school, city, and county services and the use of alternate sources of revenues to pay for such services, the repayment of bonds or other debt obligations by local governments, the use of alternate sources of revenue to repay bonds or other debt obligations, and the current statutory requirements for the issuance of bonds or other debt obligations by local governments.

The committee shall address the goals of property tax simplification, equity, and reduction. The committee shall consult with representatives of farm organizations, Iowa State Association of Counties, Iowa League of Cities, education organizations, business and industry organizations, labor organizations, and others who may be of assistance to the committee.

Additional Items

1. One day is authorized for the meeting concerning funding for the International Center for Gifted and Talented Education and the FINE Foundation in H.F. 2477.
2. The Senate Majority Leader, Senate Minority Leader, Speaker of the House, and House Minority Leader will appoint members to studies from their respective caucuses.
3. All interim studies shall be completed by December 13, 1996.
4. The review of federal funding and block grant issues requested in HF 2486 is referred to the Legislative Fiscal Committee.

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 June 19, 1996

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 LEGISLATIVE INFORMATION OFFICE DIRECTOR

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

FROM: DIANE BOLENDER, DIRECTOR *DB*

RE: RECOMMENDATIONS FOR CHANGES IN PREFILING RULES AND HOUSE AND SENATE RULES

The proposed Prefiling Rules for the 1997 legislative session differ from the 1996 Prefiling Rules as follows:

1. Dates have been changed from 1996 to 1997 and the General Assembly number has been changed. Provision has also been made for electronic filing of bill requests.
2. Newly-elected members may request bills prior to the convening of the session.
3. Departments and agencies may begin filing requests on August 5 rather than September 2, 1996.
4. Requests filed by a department must be specific enough to draft a bill. If LSB believes the departments and agencies have not met this requirement, they have 3 business days to bring sufficient specificity to the request or they must find a legislative sponsor for the request.
5. The Legislative Service Bureau will send a completed initial draft to the department or agency. The department or agency may request that the initial draft be changed. Further changes to the draft will require that the department or agency seek a legislative sponsor.
6. Departments and agencies will not be required to submit a background statement. They may submit a memorandum explaining the need for, purpose of, and intent of the bill. LSB will use this information in drafting and the memorandum will accompany the approved bill when it is sent to the legislative leaders.
7. Governor's bill requests received on or before January 10, 1997, for which specific drafting instructions are not received prior to the convening of the 1997 legislative session must compete with the other legislative priorities of the Legislative Service Bureau.

In addition, the Legislative Service Bureau asks the Legislative Council to recommend to the Senate Rules and Administration Committee and the House Administration and Rules Committee that Senate Rule 27 and House Rule 29 be amended to provide that individual requests for bill drafts in odd-numbered years be filed by Friday of the 5th week of session rather than Friday of the 7th week of session, and that committee chairs be required to file requests for proposed committee bills by Friday of the week prior to the week in which a bill must be reported out of the committee of first referral.

RULES FOR PREFILING LEGISLATIVE BILLS
1996-1997 SESSION
IOWA GENERAL ASSEMBLY

A. Legislative Bills

Section 2.16, Code 1995, 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 Second-First Session of the Seventy-sixth-~~Seventy-seventh~~ 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-sixth General Assembly or elected to serve in the Seventy-seventh 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-sixth, Seventy-seventh~~ 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 ~~Second Session~~ 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-sixth General Assembly or elected to serve in the Seventy-seventh General Assembly may prefile a legislative bill by making a request to the Legislative Service Bureau by ~~December 8 6, 1995~~ 1996. The request ~~shall~~ may be in writing and signed by the legislator; ~~however, an oral request by the legislator will be accepted if~~ may be transmitted electronically through the legislative computer system, or may be made orally and 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.

a. **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 8 13, 1996~~ 1997. 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.

b. **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.

B. 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 and requests can be submitted electronically through the legislative computer system.

C. 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 request 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~~ Legislative Council 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. Many 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~~ Legislative Council 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.

D. 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 ~~September 4~~ August 5, 1995 1996, but no later than ~~November 24 29, 1995 1996~~. However, because Friday, ~~November 24 29, 1995 1996~~, is a state holiday, requests will be accepted until 4:30 p.m. on ~~Monday, November 27, 1995~~ December 2, 1996. ~~The proposals shall be in bill draft form or shall be as specific as possible as to the Code changes desired.~~ Code Section 2.16 requires state departments and agencies to submit their recommendations that they wish to be considered by the General Assembly in bill draft format. The Legislative Council requires that bill drafts submitted by departments and agencies be specific enough to complete the final draft for the department or agency. If the submission by the department or agency is not specific enough to complete the final draft, the Legislative Service Bureau will contact the department or agency and provide the department or agency with a three-business-day period to provide the needed information. If the needed information is not provided by the department or agency within the three-business-day period, the request is rejected and the department or agency will be required to seek a legislative sponsor for the proposal.

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. Departments and agencies are requested to include a separate memorandum addressed to the members of the General Assembly which describes the need for, purpose of, and intent of the requested bill, including a description of the problem or problems the bill is intended to address. The Legislative Service Bureau will use the memorandum in its completion of the final draft of the department or agency and will forward the memorandum to the legislative leaders at the same time that the bill draft approved by the department or agency is transmitted to the legislative leaders.~~

The Legislative Service Bureau will review the proposal submitted by the department or agency, 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~~ initial draft sent to the department or agency 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. The Legislative Service Bureau will redraft the bill per the department's or agency's instructions only once following the initial delivery to the department or agency. The department or agency cannot modify the drafting request after the Bureau delivers the redrafted bill to the department or agency for the second time. 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 8 13, 1996~~ 1997. 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 27, 1995~~ December 2, 1996, 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 ~~September 1, 1995~~ August 5, 1996, 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 1995 1996 even if they will not make final decisions in regard to all provisions until late fall.

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

E. Authorized Prefiling Agencies

1. Executive Branch

a. Elected Officials

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

b. Nonelected Heads

- Board of Parole
- 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 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 Education/Public Broadcasting Division
- Department of Elder Affairs
- Emergency Response Commission
- ~~Department of Employment Services~~
- Ethics and Campaign Disclosure Board
- 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/Latino Affairs Division
- Department of Human Rights/Persons with Disabilities Division
- Department of Human Rights/Status of African-Americans 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
- Iowa Finance Authority
- 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
- Telecommunications and Technology Commission
- Department of Transportation
- Commission of Veterans Affairs
- Department of Workforce Development

2. 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 which requires that proposed legislative bills and joint resolutions be submitted by Friday, January 10, 1997. 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. If specific drafting instructions for proposed legislative bills of the Governor are not received by the Legislative Service Bureau by January 13, 1997, work on completion of those legislative bills must compete with other legislative priorities. Approval of the final draft must be received by the Bureau within seven calendar days of its receipt by the Governor's Office. Once the bill is in final form, the Legislative Service Bureau will submit the bill in proper form to the presiding officer of each house for referral to the proper standing committee.

GENERAL ASSEMBLY OF IOWA



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June 19, 1996

MEMORANDUM

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

FROM: DIANE BOLENDER *DB*

RE: PRICING FOR PUBLICATIONS

Attached is a memorandum from Jerry Gamble, Superintendent of Printing, Department of General Services, in which he recommends percentage increases in the pricing of certain legislative publications for the fiscal year beginning July 1, 1996.

He recommends an increase of 1% in the price for subscription to the Iowa Administrative Bulletin, which would increase the price from \$228 to \$230, plus sales tax.

He recommends an increase of 1% in the price for subscription to the Iowa Administrative Code Supplement, which would increase the price from \$367 to \$371, plus sales tax.

He recommends an increase of 1% in the price for subscription to the Iowa Court Rules Supplement, which would increase the price from \$72 to \$73, plus sales tax.



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF GENERAL SERVICES
JANET E. PHIPPS, DIRECTOR

DATE: June 19, 1996

TO: Diane Bolender, Director
Legislative Service Bureau

FROM: Jerry Gamble
Acting Printing and Records Team Leader

In accordance with your request, the Printing Division has reviewed the cost of publishing the Bulletin, Iowa Administrative Code Supplement, and the Iowa Court Rules Supplement.

We are estimating a continued slight increase in paper costs and an increase in postage beginning July 1, 1996. Our recommendation is that overall prices be increased approximately 1% which would result in the following rates.

PRODUCT	OLD	NEW
Iowa Administrative Bulletin	\$228.00	\$230.00
Iowa Administrative Code Supplement	\$367.00	\$371.00
Iowa Court Rules.....	\$ 72.00	\$ 73.00

If there are any questions please call me at any time.

PRINTING / RECORDS MANAGEMENT / GRIMES STATE OFFICE BUILDING
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March 12, 1996

MEMORANDUM

TO: MEMBERS OF THE IOWA LEGISLATIVE COUNCIL AND MEMBERS OF COUNCIL COMMITTEES

FROM: DIANE BOLENDER *DB*

RE: MINUTES OF LEGISLATIVE COUNCIL AND COUNCIL COMMITTEE MEETINGS

Enclosed are copies of the following minutes of the Legislative Council and Council committees:

International Relations Committee - October 10, 1995
Capital Projects Committee - November 29, 1995
Administration and Capital Projects Committees, Joint Meeting -
November 29, 1995
Administration Committee - November 29, 1995
Service Committee - November 29, 1995
Studies Committee - November 29, 1995
Legislative Council - November 29, 1995

Please review the minutes for the meetings of which you are a member and notify the Legislative Service Bureau if you desire any additions or corrections. If the Legislative Service Bureau does not hear from you by Tuesday, March 19, 1996, the minutes will be considered approved as submitted.

Thank you.

GENERAL ASSEMBLY OF IOWA

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June 13, 1996

MEMORANDUM

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

FROM: DIANE BOLENDER, DIRECTOR *DB*

RE: JUNE LEGISLATIVE COUNCIL AND COUNCIL COMMITTEE MEETINGS

The June Legislative Council and Council Committee meetings are scheduled for Thursday, June 20, 1996, at the State Capitol in Des Moines. Meetings are scheduled in Committee Room 22 as follows:

11:00 a.m. Administration Committee
11:30 a.m. Service Committee
12:15 p.m. Studies Committee
1:00 p.m. Sine Die Session (Senate and House Chambers)
1:30 p.m. Legislative Council

Minutes of the November 1995, meetings of the Legislative Council and its committees have already been sent to you and stand approved pursuant to my letter to you dated March 12, 1996.

Tentative agendas for the scheduled meetings are enclosed.

I look forward to seeing you next week.

GENERAL ASSEMBLY OF IOWA

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JULIE E. LIVERS
LEGISLATIVE INFORMATION OFFICE DIRECTOR

June 19, 1996

MEMORANDUM

TO: CHAIRPERSON RON CORBETT, VICE CHAIRPERSON WALLY HORN, AND MEMBERS OF THE LEGISLATIVE COUNCIL

FROM: DIANE BOLENDER *DB*

RE: COURT RULES

Section 602.4202 of the Iowa Code requires the Supreme Court to submit rules or forms prescribed by the Supreme Court under section 602.4201, or other authority, to the Legislative Council. Those rules submitted to the Legislative Council take effect 60 days after submission to the Legislative Council or at a later date specified by the Supreme Court unless the Legislative Council within 60 days after submission, and by a majority vote of its members, delays the effective date of the rule or form.

During the period since the last Legislative Council meeting on November 29, 1995, 4 sets of rules changes were submitted to the Legislative Council. The Legislative Service Bureau consulted with the Chairs of the Senate and House Committees on Judiciary and there were no objections to the proposed rules changes. More than 60 days have elapsed since the 4 sets of rules changes were submitted. Three of the sets of changes have taken effect and the fourth set will take effect on July 1, 1996. Copies of the rules changes are attached to this memorandum.

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF A CHANGE
IN THE IOWA RULES OF
EVIDENCE

REPORT OF THE
SUPREME COURT

FILED

DEC 07 1995

CLERK SUPREME COURT

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

Pursuant to Iowa Code sections 602.4201 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 Evidence 609 as shown in the attached Exhibit "A."

Pursuant to Iowa Code section 602.4202(2), the changes to Iowa Rule of Evidence 609 are to take effect March 1, 1996.

Respectfully submitted,
THE SUPREME COURT OF IOWA

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

Des Moines, Iowa

Dec. 7, 1995

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative Council, hereby acknowledge delivery to me on 11th day of December 1995, the Report of the Supreme Court pertaining to Iowa Rule of Evidence 609.

Diane E. Bolender
Secretary of the Legislative Council

Exhibit "A"
Iowa Rules of Evidence

Rule 609. Impeachment by evidence of conviction of crime.

a. *General rule.* For the purpose of attacking the credibility of a witness:

(1) ~~e~~Evidence that the a witness other than the accused has been convicted of a crime involving dishonesty or false statement shall be admitted, if elicited from the witness or established by public record during cross-examination, but only subject to rule 403, if the crime constituted a felony, aggravated misdemeanor, or other crime was punishable by death or imprisonment in excess of one year pursuant to the law under which he the witness was convicted, and evidence that an accused has been convicted of such a crime shall be admitted if the court determines that the probative value of admitting this evidence outweighs its prejudicial effect to the accused; and

(2) Evidence that any witness has been convicted of a crime shall be admitted if it involved dishonesty or false statement, regardless of the punishment.

* * *