

## **PROPOSED RULES**

### **IOWA LEGISLATIVE COUNCIL**

2003-2004

1. Thirteen members shall constitute a quorum.
2. At least thirteen affirmative votes are required for final action on any motion except a motion to recess or adjourn.
3. A substitute motion may be offered in lieu of a pending motion at any time unless the question has been called on the pending motion. A substitute motion takes precedence over any pending amendment to the original motion and, if adopted, disposes of the original motion and any pending amendments to the original motion.
4. Whenever Mason's Manual of Legislative Procedure does not conflict with the rules specifically adopted by the Council, Mason's Manual of Legislative Procedure shall govern the deliberations of the Council.
5. Meetings shall be set by motion before adjournment, or by call of the Council Chairperson with the approval of the Vice Chairperson if meetings are necessary before the date set in the motion.
6. Rules may be changed by a majority vote of the Council as provided in Rule 2.
7. The Council upon its motion may create committees in addition to those provided by statute to carry out its duties and shall designate the members of those committees. The committees shall include members of both political parties. The actions of the committees shall be reported to the Council at each meeting.
8. The Speaker of the House, Majority Leader of the Senate, and Minority Leaders of the Senate and House of Representatives shall appoint the members of their respective caucuses to interim study committees created by the Legislative Council or by statute or resolution.
9. If the appointing authority for members of permanent legislative committees, committees created under rule 7, statutory bodies, and other bodies is the Legislative Council, the Speaker of the House, Majority Leader of the Senate, and the Minority Leaders of the Senate and House of Representatives, shall make the appointment or appointments.

Submitted:

June 30, 2003

PREFILING RULES  
SUMMARY OF CHANGES

The proposed prefiling rules, which are attached, contain the following changes from last year's rules:

1. *Permanent Rules.* The rules are made permanent and do not contain specific dates but rather recite the statutory deadlines for executive branch requests, counting backwards from the first day of the regular session, and establish deadlines for legislator requests based on a certain day and month.
2. *Deadlines for 2004.* The major deadlines and other dates described in the rules for the 2004 session are as follows:
  - Initial department submission date, Monday, August 4, 2003
  - Departmental submission deadline, Monday, December 1, 2003
  - Departmental approval goal, Monday, January 12, 2004
  
  - Legislator prefiling deadline, Monday, December 1, 2003
  
  - Governor submission deadline, Friday, January 10, 2004
3. *Authorized Prefiling Agencies.* The list of authorized prefiling agencies is corrected to include the Department of Administrative Services and the Iowa Lottery Authority. The Departments of General Services, Information Technology, and Personnel are deleted from the list and the name of the Department of Revenue and Finance is corrected to its new name of the Department of Revenue.
4. *Special Sessions.* Language is added to provide that requests for drafting of legislative bills for extraordinary sessions by both legislators and the Governor are subject to any restrictions established by the Senate or House of Representatives, and that first priority in drafting is generally given to the bills being prepared for committee consideration or requested by legislative leaders.

**RULES FOR PREFILING LEGISLATIVE BILLS**  
**IOWA GENERAL ASSEMBLY**

**A. Legislative Bills**

Iowa Code Section 2.16 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 services agency 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 services agency 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 services agency 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 each regular session of the General Assembly. 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 General Assembly or is elected to serve in the General Assembly may request the Legislative Services Agency (LSA) to draft a bill at any time prior to the convening of the legislative session 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. A request to have a bill drafted for a legislative session, which is received prior to or during the legislative session, is only considered a valid request for that session. In order for a member to have a bill drafted for a subsequent session of a General Assembly, the member must submit a new request prior to or during that session. If a bill is requested prior to the convening of the legislative session, unless the bill is specified to be prefiled, the bill will be held by the LSA until the session is convened; 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 General Assembly or is elected to serve in the General Assembly may prefile a legislative bill by making a request to the LSA by the **first Monday in December**. The request may be in writing and signed by the legislator, may be transmitted electronically through the legislative computer system, or may be made orally and reduced to writing by a member of the LSA 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 LSA 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 legislative session. 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 LSA requesting any changes in the bill or informing the LSA that the bill has been drafted as requested. The names of all sponsors should be given to the LSA.

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 LSA and the LSA 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 legislative session, and its title will be read at the earliest possible time following the convening of the legislative session. No further action will be required by the legislator. The LSA will provide appropriate forms in order that the legislator will be able to make final confirmation of the desire to prefile the bill.**

### 3. **Special Session Requests**

Requests for the drafting of legislative bills for extraordinary sessions are subject to any restrictions established by the Senate or House of Representatives. Senate Rule 27 provides that extraordinary session bills and resolutions must be sponsored by a standing committee, the majority and minority floor leaders, or the committee of the whole. First priority is

generally given to the drafting of bills prepared for committee consideration.

**B. Bill Drafting Request Forms**

The LSA 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 LSA personnel if the legislator does not have an opportunity to do so. Bill drafting request forms can be obtained from the LSA upon request and requests can be submitted electronically through the legislative computer system. The LSA will normally confirm the electronic receipt of a request by electronic message.

**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 LSA personnel will not release any information in regard to the request. The confidential designation also means that the bill draft will not be analyzed for a fiscal note review unless the legislator specifically requests such a review.

It is the policy of the Legislative Council that either a confidential or a nonconfidential request from a legislator creates a personal relationship between the LSA 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 LSA 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 LSA. It is the policy of the 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. Final confirmation of the prefiling of a completed bill draft by a legislator, according to these rules, places the bill draft in the

public domain and makes the text of the bill draft available to the public for review.

#### **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 LSA beginning the first Monday in August but no later than the date in November that is the 45<sup>th</sup> day prior to the convening of the regular session in January. However, if that date in November is a state holiday, which is often the case since the date in most years falls on the Friday after Thanksgiving, requests will be accepted until 4:30 p.m. on the following Monday. 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 LSA 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.

Departments and agencies shall submit the fewest number of requests as possible for prefiled proposed bills. One request may contain the department's technical or corrective Code changes. The other requests shall contain the department's legislative policy proposals. The bills may be drafted in divisions with each division containing a related, but distinct subject matter. The LSA will confer with the department's representative regarding combination or separation of its technical proposal and its policy proposals into individual legislative bill drafts which can most efficiently be considered by the General Assembly given the General Assembly's customary assignment of subject matters to the standing committees and subcommittees.

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 LSA 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 separate memorandum will be copied and attached to the back of the bill draft when it is filed as a study bill.

The LSA 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 LSA must be received within seven calendar days of being requested by the LSA or the drafting request will be considered withdrawn. Approval of the initial draft sent to the department or agency must be received by the LSA within seven calendar days after its receipt by the department or agency or the drafting request will be considered withdrawn. The LSA 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 LSA delivers the redrafted bill to the department or agency for the second time. Once the bill is in final form, the LSA, 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 **the first day of the legislative session**. Bill drafting requests from legislators will receive priority consideration by the LSA over departmental and agency bills.

Proposed bill draft requests submitted by departments and agencies after **the statutory filing deadline in late November or early December** will not be assigned to a staff member unless a legislative sponsor is obtained. In order for the LSA to have adequate time to provide assistance in drafting, departments and agencies are strongly urged to submit their proposals as soon as possible after **the first Monday in August**. Lengthy or complex proposals should be submitted far in advance of the deadline date.

This will allow the LSA 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 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 of Administrative Services
- 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
- Ethics and Campaign Disclosure Board
- 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
- Iowa Lottery Authority
- Law Enforcement Academy
- Department of Management
- Department of Natural Resources
- 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
  - Telecommunications and Technology Commission
  - Department of Transportation
  - Underground Storage Tank Fund Board
  - Commission of Veterans Affairs
  - Department of Workforce Development
2. Judicial Branch
    - Judicial Branch
  3. Legislative Branch
    - Citizens' Aide/Ombudsman

**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 the Friday immediately prior to the convening of the regular session, except in the year of the Governor's initial inauguration. As part of the LSA's review and preparation in proper form of the Governor's bill requests, the LSA 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 LSA by the first day of the regular session, work on completion of those legislative bills must compete with other legislative priorities. Approval of the final draft must be received by the LSA within seven calendar days of its receipt by the Governor's Office. Once the bill is in final form, the LSA will submit the bill in proper form to the presiding officer of each house for referral to the proper standing committee.

Requests by the Governor for the drafting of legislative bills for extraordinary sessions are subject to any restrictions established by the Senate or House of Representatives. However, first priority is generally given to the drafting of legislative bills proposed by legislative committees or legislative leaders.

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

**June 30, 2003 – State Capitol Building, Des Moines**

**The Fiscal Committee met on June 20, July 25, September 25, November 20, and December 19, 2002.**

The following topics/issues were addressed at the meetings. More information on any of these topics is available from the Legislative Fiscal Bureau.

Dennis Prouty, Director of the Legislative Fiscal Bureau, provided regular revenue updates, and the Committee received notices of appropriations transfers and lease purchases. The following FY 2002 or 2003 General Fund appropriations transfers were received and discussed.

**Section 8.39, Code of Iowa Transfers**

| <u>Department/Division<br/>Transferred To</u>  | <u>Amount<br/>Transferred</u> | <u>Department/Division<br/>Transferred From</u>           | <u>Amount<br/>Transferred</u> |
|--|-------------------------------|---|-------------------------------|
| Dept. of Public Health<br>Addictive Disorders  | \$98,873                      | Dept. of Public Health<br>Child & Adolescent<br>Wellness  | \$23,201                      |
| Adult Wellness   | \$39,733                      | Chronic Conditions  | \$62,170                      |
| Community Capacity   | \$76,716                      | Elderly Wellness  | \$211,309                     |
| Environmental Hazards  | \$16,677                      | Infectious Diseases                                       | \$270                         |
| Public Protection  | \$277,154                     | Injuries  | \$178,845                     |
|  |                               | Resource Management                                       | \$33,358                      |
| Dept. of Human Services,<br>State Supplementary<br>Assistance  | \$1,027,744                   | Dept. of Human Services,<br>Medical Assistance            | \$1,027,744                   |
| General Services, Dept. of<br>Operations   | \$35,000                      | General Services,<br>Dept. of Property Mgmt               | \$35,000                      |
| Governor's Office, Terrace<br>Hill Quarters  | \$33,000                      | Governor's Office, General<br>Office                      | \$36,000                      |
| Dept. of General Services,<br>Terrace Hill Operations  | \$ 3,000                      |   |                               |
| Dept. of Revenue & Finance<br>Compliance   | \$6,000                       | Dept. of Revenue &<br>Finance                             | \$6,000                       |
| Dept. of General Services<br>Appraisal/Assessment<br>Metropolitan Medical Center<br>and<br>Land/ Acquisition/<br>Improvement appropriation | \$120,000                     | Dept. of General Services<br>Capital Interior Restoration | \$120,000                     |

**Tobacco Tax-Exempt Funds**

| <u>Department/Division<br/>Transferred To</u>              | <u>Amount<br/>Transferred</u> | <u>Department/Division<br/>Transferred From</u>                     | <u>Amount<br/>Transferred</u> |
|--|-------------------------------|---|-------------------------------|
| Dept. of General Services,<br>Capitol Interior Restoration | \$499,940                     | Dept. of General Services,<br>Metropolitan Medical<br>Center Option | \$499,940                     |

The following lease-purchase acquisitions were discussed:

| <b>Lease-Purchase Dollars</b> | <b>Department</b>                | <b>Explanation</b>   |
|-------------------------------|----------------------------------|--|
| \$509,300                     | Dept. of General Services        | Lighting and air handler upgrades in several buildings on the Capitol Complex. |
| \$412,000                     | Iowa State University (ISU)      | Laptop computers for students in the College of Design.                        |
| \$114,000                     | ISU Veterinary Teaching Hospital | Sterilizer system.   |

The Committee also heard periodic updates on:

- Healthy and Well Kids in Iowa (*hawk-i*) Program
- Medical Assistance Program (Medicaid)
- Securitization of the Tobacco Settlement Funds
- Program Elimination Commission meetings
- Pending court cases against the State of Iowa

**Other Major Agenda Items**

- FY 2002 Ending Balance – Discussion of the ending balance and the use of reserve funds, early retirement and early out programs, and the projected Medical Assistance shortfall.
- Appropriations for FY 2000, 2001, 2002, 2003 Estimated, and Full Time Employee (FTE) positions for FY 2001, FY 2002 vs. FY 2003 Estimated.
- FY 2002 and estimated FY 2003 balances of various funds – Discussion included the Endowment for Iowa’s Health Account, the Restricted Capital Fund, the Healthy Iowans Tobacco Fund, the Rebuild Iowa Infrastructure Fund, and the Environment First Fund.
- FY 2003 Salary Costs and Funding – Discussion of the projected costs of the salary agreement in FY 2003 and FY 2004.
- Fair Labor Standards Act (FLSA) court case involving state troopers, employees of the Departments of Corrections, Transportation, and Natural Resources – Discussion of back pay and the impact to the General Fund.
- Court case relating to the wagering tax – Discussion of the impact on the State General Fund of the court rulings as well as the impact on the Rebuild Iowa Infrastructure Fund balance.

- Medical Report for the Medical Assistance Advisory Group mandated by HF 2245 (FY 2002 Medical Assistance Supplemental Act) – Received the report that was due June 1, 2002.
- Restoration of Old Capitol in Iowa City that was damaged last year by fire – Discussion of cost, payment for the damages, and timeline for repairs.
- University of Iowa Hospitals and Clinics – Discussion of funding of the hospitals and clinics.
- Revenue Estimating – Discussion of current method and history of the Revenue Estimating Conference. The Committee met jointly with the Oversight Committee on this topic.
- Sales Tax Forecast – Discussion of how Internet sales have impacted the sales tax revenue nationally and in Iowa.
- Technology needs of the Department of Revenue and Finance – Discussed the needs and associated cost to collect and analyze the information needed to make more accurate forecasts.
- Capitol Security and Capitol Restoration issues – Discussion of the Capitol Security costs and progress on the Capitol restoration.
- Iowa Priority Program – *Issue Review* and discussion of the Program.
- Restructuring of State Government – Briefing and discussion by Cynthia Eisenhauer, Director of the Department of Management.
- Iowa Public Employment Retirement System (IPERS) – Discussion of the IPERS and how it has been affected by the stock market during 2001 and 2002.
- Collective Bargaining and Salaries – Discussion about the collective bargaining process and the potential cost of the union offers and the State's counter offers in FY 2004 and FY 2005.
- Judicial Branch Reorganization – An update on the plan released fall 2002 to reorganize the judicial districts.
- Pending litigation against the State under the Fair Labor Standards Act – Discussion about the pending lawsuit filed by employees of the following departments: Public Safety, Transportation, Corrections, and Natural Resources for back pay.
- Community College Governance – *Issue Review* and discussion.
- Board of Regents – Historical funding review, discussion of tuition rate increases, enrollment, budget reductions/revised spending plans, organizational review, and bond issuance costs.
- Board of Regents Unit Cost of Instruction – *Issue Review* and discussion.
- School Aid Funding – *Issue Review* and discussion.

- State Indebtedness – Report on the amount of debt outstanding.
- Sexually Violent Predator Program – Update on cost, demographics, trends, etc.
- Recruitment/Retention and Exceptional Job Performance Bonuses – The LFB provided a report of the bonuses paid to state employees for recruitment, retention, and exceptional job performance for the period December 1998 through November 2002.
- Impact of Changing Iowa’s Operating While Intoxicated (OWI) Statute – *Issue Review* and discussion.

Materials distributed to the Committee related to these topics are maintained at the LFB office and are available upon request. The agenda, minutes, and handouts for each meeting can be found on the LFB web site at:

<http://staffweb.legis.state.ia.us/lfb/committee/fiscalcomm/fiscalco.htm>

Respectfully submitted,

Senator Jeff Lamberti  
Co-chairperson

Representative Dave Millage  
Co-chairperson

Co-Chair Senator Mary Lundby  
Co-Chair Representative Dwayne Alons  
Senator Bob Brunkhorst, VC  
Senator Tom Courtney, RM  
Representative Scott Raecker, VC  
Representative Vicki Lensing, RM  
Senator Robert Dvorsky  
Senator Ron Wieck  
Representative Clel Baudler  
Representative Willard Jenkins  
Representative Kent Kramer



Representative Jo Oldson  
Representative Roger Thomas  
Representative Roger Wendt

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**REPORT OF THE GOVERNMENT OVERSIGHT COMMITTEE TO THE  
LEGISLATIVE COUNCIL**

**June 30, 2003 – State Capitol Building, Des Moines**

The Government Oversight Committee met eight times during the 2002 Interim. The following topics/issues were addressed at the meetings. More information on any of these topics is available from the Legislative Services Agency, Fiscal Services office.

**Major Issues Reviewed**

- Review of Department of Inspections and Appeals reorganization plan.
- Review of Department of Natural Resources reorganization plan.
- Iowa Central Community College policies and procedures relating to faculty changing student grades. The Committee discussed continuing with a thorough review of the Community College System and possibly include the Area Education Agencies, during the 2003 Legislative Session.
- Iowa's revenue estimating process. The Committee is anticipating receiving input from the members of the Revenue Estimating Conference (REC) relating to the formulation of specific recommendations for potential legislation concerning improvements to the revenue estimating process during the months of November and December.
- Proposed Department of Administrative Services. The Committee agreed that a request be made to the Legislative Council that the Oversight Committee would continue to pursue the restructuring of an Administrative Services Department during the 2003 Legislative Session.
- Use of State equipment and time for non-State purposes.
- Early retirement incentive programs.
- Employee and citizen complaint reporting options.

- Senator Lundby suggested that the Committee recommend to the Legislative Council that the Civil Rights Commission, Commission on the Status of Women, and Latino Affairs be redesigned.
- Residential Services for Iowa's elderly, including assisted living and nursing facilities. The Committee agreed to recommend to the Legislative Council that the Oversight Committee look at the assisted living nursing home facilities to determine what departments are involved with this issue, and the costs of monitoring and regulation of these facilities. The Committee also agreed to obtain clarification of the definition of assisted living facilities and communicate with the individuals involved in regulating these facilities.
- Adult day care service industry and regulation. The Committee agreed that the Oversight Committee also look at Adult Day Care during the 2003 Legislative Session.
- Iowa Finance Authority's efforts to provide affordable assisted living facilities in Iowa.
- Iowa Lottery Commission's pilot deployment of video ticket machines.
- Opportunities in Iowa for affordable assisted living.

**FY 2003 Government Oversight Committee Legislative Session Activities.**

Information on the topics covered by the Committee during the Legislative Session as well as during the FY 2003 Interim are on the Government Oversight Committee web site.

Materials distributed to the Committee related to these topics are maintained at the Legislative Services Agency, Fiscal Services office and are available upon request. The agenda, minutes, and handouts for each meeting can be found on the LFB web site at:  
<http://staffweb.legis.state.ia.us/lfb/subcom/oversight/oversight.htm>.

Respectfully submitted,

Senator Mary Lundby  
Co-chairperson

Representative Dwayne Alons  
Co-chairperson

## **LIST OF TOPICS FOR GOVERNMENT OVERSIGHT INTERIM 2003**

Draft list of Topics for future meetings:

- **July 14-15**

- Iowa Values Fund. Follow –up from Session action. **#1**
- Review of the Board of Educational Examiners. What is their role and whom do they report to? (Rep. Lensing) **#6**
- Iowa Prison Industries were not selected to provide any furniture in the new Judicial Building or for restoration of the Chamber furniture. What are the requirements for State agencies regarding utilization of Prison Industries and does the legislature need to strengthen the requirement in order to provide additional work for treatment, vocational education, and rehabilitation of inmates. (Rep. Lensing) **#10**
- Treasurer's Office promotional activities related to the College Savings Loan Program. What is the source of funding for such activities as the "Take Me Out to the Ball Game" promotion? What was the purpose of the promotion? If it was to recruit additional families to use it, why were current members all sent invitations? (Rep. Boggess) **#14**

- **September 15-16**

- Condition and future of IPERS. How is the investment policy is constructed and administered, are there planned changes for the future and how did IPERS get to the point of being so significantly under funded. (This is IPERS Interim and the Council permanent Committee will be reviewing.) Perhaps meet with IPERS Permanent Committee and share their information. **#2**
- Update on Insurance Premiums increases from March 4th presentation. What actions other States are taking to minimize the impacts on citizens and discussion of options for Iowa. LFB to check with NCSL and other sites for information. **#3**
- SB 1134 (Professional Licensing). **#18**
- Performance Contracting for School Districts. (Sen. Angelo) **#19**

- **October 13-14**

- Review overall bidding process. Discuss RFP's coming to State. How are bidders prioritized? Discussion of alternatives for giving Iowa companies priority in the purchase of information technology products. #4
- Status of Life Science/TRANS OVA. Follow-up from Session action. #5
- Executive Branch funding of various (DOM and Governor's Office) agency staff. Request Steve Gleason to present. #7
- Qualifications for membership of Architectural Examiners Board and all other boards and commission for which the Governor has appointing authority. The Governor is appointing independents in cases where Republican members are being replaced. Does this meet the equitable distribution of appointments by party concept? (Rep. Jenkins) #9
- Update on Iowa Agricultural Finance Corporation. Should it be continued? If so, what actions might be necessary so the Corporation could obtain a second set of funding? #11

- **December 15-16**

- Program Elimination Commission update. Review recommendations for follow-up. Which recommendations were acted upon by the General Assembly in the 2003 Legislative Session? What type of action was taken? Is additional action warranted? (Update during Session?) #12
- HR 32 - Nursing Staffing Shortage study was requested by Rep. Winckler. #13
- Veterans Trust Fund. Follow-up and make recommendations for possible source of funding for the Fund. #15
- Common Boundaries – update on the establishment of new judicial district boundaries. (Possibly update during next Session?) #17

### **Late Additions – Not yet prioritized**

- Imposition of U.S. Fire Code Standards by the State Fire Marshal on Iowa Schools and its financial impact on communities. Request Fire Marshal and community representatives to present to Oversight. (Rep. Alons)
- Harassment charge in the Attorney General's Office.
- Pay phone telephone investments.

### **Other - For consideration by Subcommittees**

- Study of concrete mixes with fly ash. (September) (assigned for subcommittee discussion)
- Establish a subcommittee on regulatory reform – continued from Session. (Sen. Wieck)

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

April 16, 2003

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- The Committee discussed Senate Concurrent Resolution 14 which urges congressional adoption of a free trade agreement between Taiwan and the United States.
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- The Committee discussed the procedure for legislators in requesting gifts for international trips during which they would represent Iowa in an official capacity. Chairperson Boettger and Vice Chairperson Jenkins advised that they would speak with leadership to facilitate this process.
- The Committee discussed ethics issues related to gifts obtained by legislators during international travel. It was noted that the House Ethics committee would be discussing this issue during the legislative interim.

Respectfully submitted,

Senator Nancy Boettger  
Chairperson

**LEGAL COUNSELS**

Douglas L. Adkisson  
Edwin G. Cook  
Susan E. Crowley  
Patricia A. Funaro  
Michael J. Goedert  
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Janet S. Johnson  
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**GENERAL ASSEMBLY OF IOWA****LEGISLATIVE SERVICE BUREAU**

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**DENNIS C. PROUTY**  
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**RICHARD L. JOHNSON**  
DEPUTY DIRECTOR

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COMMITTEE SERVICES ADMINISTRATOR

**LESLIE E. W. HICKEY**  
IOWA CODE EDITOR

**KATHLEEN K. BATES**  
ADMINISTRATIVE CODE EDITOR

**JULIE E. LIVERS**  
LEGISLATIVE INFORMATION OFFICE DIRECTOR

June 20, 2003

**MEMORANDUM**

**TO: CHAIRPERSON RANTS, VICE CHAIRPERSON IVERSON, AND MEMBERS OF THE IOWA LEGISLATIVE COUNCIL**

**FROM: DENNIS PROUTY**

**RE: COURT RULES**

Under Section 602.4202 of the Iowa Code, the Supreme Court is required to submit Court Rules changes to the Legislative Council and the rule takes effect 60 days after their submission to the Legislative Council or at a later date specified by the Court, unless the Legislative Council, within 60 days after submission, delays the effective date.

The following rule change has been submitted to the Legislative Council:

- Iowa Rules of Civil Procedure 1.960 – Taxation of Costs.

IN THE SUPREME COURT OF IOWA

COPY

|  |                                |   |
|--|--------------------------------|---|
| IN THE MATTER OF THE<br>AMENDMENT OF IOWA RULE<br>OF CIVIL PROCEDURE 1.960 | REPORT OF THE<br>SUPREME COURT | FILED<br>JUN 16 2003<br>CLERK SUPREME COURT |
|--|--------------------------------|---|

TO: DENNIS PROUTY, THE SECRETARY OF THE LEGISLATIVE COUNCIL  
OF THE STATE OF IOWA.

Pursuant to Iowa Code sections 602.4201 and 602.4202 (2003), the Supreme Court of Iowa has approved and reports on this date to the Secretary of the Legislative Council the amendment of Iowa Rule of Civil Procedure 1.960 as shown in attached exhibit "A." This amendment shall take effect September 1, 2003.

Dated this 16<sup>th</sup> day of June, 2003.

Respectfully submitted,

THE SUPREME COURT OF IOWA

By   
Louis A. Lavorato, Chief Justice

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative Council, hereby acknowledge delivery to me on the 19 day of June, the Report of the Supreme Court pertaining to the amendment of Iowa Rule of Civil Procedure 1.960.

  
Secretary of the Legislative Council

**Please retain the copy and sign and return the original to: The Iowa Supreme Court Clerk's Office, Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, IA 50319.**

## EXHIBIT A

### Iowa Rules of Civil Procedure

**Rule 1.960 Taxation of costs.** ~~Where an action is disposed of without payment, or provision for assessment, of court costs the clerk shall at once enter judgment for costs against the plaintiff.~~ When the court fails to assess costs upon disposition of an action, the clerk shall notify the judicial officer of such failure. If the court does not, within ten days of such notification, make an assessment of costs, the clerk shall enter judgment for costs against the party initiating the action.

*Book*



June 2, 2004

IOWA GENERAL ASSEMBLY  
**LEGISLATIVE SERVICES AGENCY**  
DENNIS C. PROUTY, DIRECTOR  
IOWA STATE CAPITOL  
DES MOINES, IA 50319  
515.281.3566  
Fax: 515.281.8027  
[dennis.prouty@legis.state.ia.us](mailto:dennis.prouty@legis.state.ia.us)

**TO: Chairperson Christopher Rants, Vice  
Chairperson Stewart Iverson, and Members  
of the Legislative Council**

**FROM: Dennis C. Prouty, Director** *Dcp*

**RE: June Legislative Council Meeting**

DIVISIONS

LEGAL SERVICES  
RICHARD L. JOHNSON

•

FISCAL SERVICES  
HOLLY M. LYONS

•

COMPUTER SERVICES  
GLEN P. DICKINSON

•

ADMINISTRATIVE SERVICES  
TIMOTHY C. FALLER

This letter is to confirm the scheduling of the June 2004, meeting of the Iowa Legislative Council for Tuesday, June 29, 2004.

Tentative agendas will be mailed or e-mailed to you when they become available. Please let us know if you would like to receive future Council mailings by regular mail or e-mail. You may call 515/281-3566 or e-mail Dennis Prouty at [dennis.prouty@legis.state.ia.us](mailto:dennis.prouty@legis.state.ia.us) or Helen DeBartolo at [helen.debartolo@legis.state.ia.us](mailto:helen.debartolo@legis.state.ia.us) with your preference.

Enclosed are copies of the June 30, 2003, Legislative Council, Service Committee, and Studies Committee minutes.

**REPORT OF THE SERVICE COMMITTEE  
TO THE LEGISLATIVE COUNCIL  
(As amended by Legislative Council)**

**June 30, 2003**

The Service Committee of the Legislative Council met on June 30, 2003, and makes the following report and recommendations to the Legislative Council:

1. Recommends that Senator Mary Kramer be elected Chairperson and Representative Christopher Rants be elected Vice Chairperson of the Service Committee.
2. Recommends that, pursuant to the requirements of Iowa Code section 2.42 (House File 636, sec. 10), the Legislative Council appoint Mr. Dennis Prouty as Director of the Legislative Services Agency.
3. Recommends that, pursuant to Iowa Code chapters 2A and 2C, the annual salary of the Director of the Legislative Services Agency be set at \$110,000, effective January 2003, and the annual salary of the Citizens' Aide be set at \$90,000, effective July 2003.
4. Received and filed the June 2003 and the annual personnel reports from the central staff agencies and recommends that the following employees be promoted. Due to fiscal constraints for fiscal year 2004, the employees promoted will be limited to a one step increase in pay for that fiscal year.
  - a. For the Legislative Services Agency:
    - Ms. Valerie Van Vlair Hansen, from Computer Systems Analyst II, grade 29, step 4, to Computer Systems Analyst III, grade 32, step 2.
    - Mr. Roger Karns, from Assistant Editor 1, grade 24, step 3, to Assistant Editor 2, grade 27, step 1.
    - Ms. Jan Johnson, from Legal Counsel 2, grade 35, step 4, to Senior Legal Counsel, grade 38, step 2.
    - Ms. Rachele Hjelmaas, from Legal Counsel, grade 30, step 4, to Legal Counsel 1, grade 32, step 2.
    - Mr. Joe McEniry, from Legal Counsel 1, grade 32, step 5, to Legal Counsel 2, grade 35, step 2.
    - Mr. Steve Hallam, from Legislative Document Technician 1, grade 19, step 4, to Legislative Document Technician 2, grade 22, step 1.
    - Ms. Sue Fetters, from Supervising Legislative Document Technician, grade 25, step 6, to Legislative Document Technician Supervisor, grade 28, step 3.
    - Ms. Patricia Johnson, from Legislative Document Technician 1, grade 19, step 4, to Legislative Document Technician 2, grade 22, step 1.
    - Ms. Lisa Burk, from Legislative Analyst, grade 27, step 4, to Legislative Analyst 1, grade 29, step 2.
  - b. For the Office of Citizens' Aide/Ombudsman:
    - Ms. Kristie Hirschman, from Assistant 3, grade 35, step 6, to Senior Assistant, grade 38, step 4.
  - c. All promotions proposed are subject to review and approval of the applicable director for that agency.

5. Recommends that the Legislative Council approve the proposed budget and budget allocations for the fiscal years beginning July 1, 2002, and July 1, 2003, pursuant to section 2.12 of the Code, as submitted by the following agencies:

Legislative Services Agency.

Office of Citizens' Aide/Ombudsman.

Amendment of Legislative Council: The Legislative Council increased the budget of the Legislative Services Agency (LSA) by \$30,000, to pay the membership dues and travel expenses for FY 2003-2004 for Iowa's three commission representatives to the National Conference of Commissioners on Uniform State Laws (NCCUSL), and increased the budget of the Office of Citizens' Aide/Ombudsman (CA/O) by \$3,000, for FY 2003-2004, to pay for out-of-state travel.

6. Recommends that the Legislative Council approve the creation of four Division Director positions at grade 43 within the Legislative Services Agency.
7. Recommends that the Legislative Council approve continued discussions with legislative leaders and staff directors concerning the inclusion of the pay matrix utilized by the Legislative Branch within the pay matrix utilized by the Executive Branch.

Respectfully submitted,

Senator Mary Kramer  
Chairperson

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

April 16, 2003

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Respectfully submitted,

Senator Nancy Boettger  
Chairperson

# REPORT OF THE STUDIES COMMITTEE TO THE LEGISLATIVE COUNCIL

June 30, 2003

The Studies Committee of the Legislative Council met on June 30, 2003, and makes the following report:

A. The Studies Committee recommends authorization of the following studies that were requested in legislation enacted during the 2003 Legislative Session or are regularly conducted legislative studies:

**1. DNR Regulations Applicable to Cities and Counties.** In accordance with 2003 Iowa Acts, Senate File 453, section 29, study committee shall be established to review the Department of Natural Resources' enforcement and penalty policies applicable to cities and counties. The study committee shall review options for changing the department's approach to enforcement from reliance on punitive measures to a collaborative approach. In addition, the amounts of fines shall be reviewed along with the possibility of designating a portion of a fine to be applied against the costs of compliance with the departmental regulation. The study committee shall address any other requirements included in SF 453, sec. 29.

Membership: Three Senate and Three House  
Two meeting days

**2. Child Welfare Service System Redesign Monitoring Committee.** In accordance with 2003 Iowa Acts, Senate File 453, section 44, a six-member legislative committee is established to monitor the service system redesign planning and implementation. The members shall be appointed as follows: two members by the Senate Majority Leader, one member by the Senate Minority Leader, two members by the Speaker of the House of Representatives, and one member by the minority leader of the House of Representatives. The committee shall perform the duties required by SF 453, sec. 44 and provide advice and consultation to the Department of Human Services and consider any legislative changes that may be needed for implementation.

Membership: Three Senate and Three House  
Four meeting days

**3. Judicial District and Judicial Resources Study Committee.** Based upon the request contained in 2003 Iowa Acts, House File 694, section 66, a 31-member interim study committee shall be established to study judicial district and judicial election district redistricting, the allocation of Judicial Branch resources, and the other items listed in the legislation. All of the organizations listed in SF 694 shall be asked to submit membership nominations and the nominations shall include male and female nominees for each membership slot. An organization may indicate their preference among nominees, if any. Those organizations with more than one membership slot shall be asked to provide a geographic distribution among the nominations. All members of the study committee shall be voting members.

Six meeting days

**4. Public Retirement Systems Committee.** This committee, established pursuant to Code section 97D.4, is authorized for up to three meeting days during the 2003 interim.

B. That approval be given to the attached guidelines for studies conducted during the 2003 and 2004 interims.

Respectfully submitted,

Senator Stewart Iverson  
Chairperson

# **GUIDELINES FOR INTERIM STUDY COMMITTEES**

## **2003-2004 INTERIMS**

Approved by Legislative Council June 30, 2003

### **ADOPTION OF RULES**

Interim study committees must have a majority of the members representing each house voting affirmatively in order to adopt rules.

### **COMPENSATION OF PUBLIC MEMBERS**

Persons serving as public members of study committees are eligible to receive actual expenses only, if they are not eligible for expense reimbursement by an organization that they represent. In order for a public member representing an organization to be eligible to receive actual expenses, the organization must submit a letter to the Legislative Council indicating that the public member is not eligible for the reimbursement from the organization. Payment of the expenses is subject to the approval of the Chairperson and Vice-chairperson of the Legislative Council.

### **STAFF WORK FOR PUBLIC MEMBERS**

After consultation with, as appropriate, the Legislative Services Agency (LSA) Director, a study committee chair may authorize research or legislative drafting work by the LSA for public members of study committees.

### **APPROVAL OF NOMINEES**

Public members of study committees may be nominated by designated organizations, subject to Legislative Council approval or subject to the approval of the chair and vice chair of the Legislative Council in consultation with the minority leaders of the Senate and House of Representatives.

### **GENDER BALANCE**

Appointment of public members to study committees shall be gender balanced.

### VOTING BY PUBLIC MEMBERS

Unless otherwise provided by the General Assembly or the Legislative Council, public members of study committees are nonvoting.

### APPROVAL OF MEETINGS OUTSIDE DES MOINES

Any meeting or public hearing by a study committee held outside of Des Moines requires the prior approval of the Studies Committee or legislative leadership.

### PUBLIC HEARINGS

When authorization is given for a study committee to hold a public hearing, the committee may hold one hearing as a body or individual members may each hold a public hearing or groups of two or more members may hold public hearings. However, for each authorized public hearing, no members of the study committee may receive compensation for attendance at more than one session.

### APPROVAL OF EXPENSES FOR SPEAKERS AND CONSULTING WORK

Any expenditure by a study committee for a speaker or presentation requires the prior approval of the Studies Committee and Legislative Council, or legislative leadership. Contractual consulting work for a study committee requires the prior approval of the Studies Committee and the Legislative Council.

### SCHEDULING GUIDELINES

For the 2003 interim, the deadline for completion of interim study committee meetings is November 28, 2003, and for the 2004 interim the deadline is December 17, 2004. An interim study committee must meet the deadline or receive an exemption or a revised deadline date from the Legislative Council.