

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

**May 25, 1993**

The Fiscal Committee met on Tuesday, May 25, 1993.

The Committee recommends the following to the Legislative Council:

- That the Legislative Fiscal Bureau (LFB) be directed to request from the Iowa Communications Network (ICN) Management Group information for a comprehensive status report per Attachment I of this report. This information to be submitted to the LFB by June 15, 1993.
  - Specific information also requested to include the number of contracts signed with telephone companies to perform certain services for the ICN. Why weren't telephone companies included in the original bidding process?
- That the Iowa Communications Network Management Group submit a monthly report to the LFB for the months of June thru December 1993 by the 15th day of each month on the current status of the ICN. Each monthly report shall include information requested on Attachment II of this report.

The Committee received information on the following:

- The Functions/Services of the Legislative Fiscal Bureau
- An overview of the Legislative Fiscal Committee responsibilities.
- A list of suggested topics for Issue Reviews during the 1993 Interim. The Co-chairs will review the list plus topics suggested by Committee members to determine which issues will be presented to the Committee.

Respectfully submitted,

Senator Larry Murphy  
Co-chairperson

Representative Ron Corbett  
Co-chairperson

# COMPREHENSIVE REPORT ON THE IOWA COMMUNICATIONS NETWORK

The Iowa Communications Network Management Group shall provide the Legislative Fiscal Committee with a comprehensive status report on the Iowa Communications Network (ICN).

The report shall include, but is not limited to,:

- ◆ A detailed accounting of the total expenditures and revenues associated with Part I, Part II and Part III of the network including payment of the bonding obligations and any cost to the state general fund;
- ◆ A list of all Part I stand alone endpoints, all regional Part I endpoints and Part II endpoints. Each designated endpoint shall be labeled as either a Part I or Part II endpoint;
- ◆ A list of all state agencies, other than educational institutions currently connected to the ICN, including the location of each state agency connection and the type of communication currently occurring over the state agency connection. The state agency connections shall be identified as Part I, Part II, or Part III connections. The list shall include the hourly rate charged to the state agency for use of the network;
- ◆ A list of all state agency locations that will be connected to the network by June 30, 1993, including a corresponding designation indicating whether the location is a Part I, Part II, or Part III connection. The list shall include a description of the purpose and intended use for the state agency connection and the hourly rate to be charged to the state agency;
- ◆ A schedule for the completion of Parts I and II of the network, which includes the anticipated connection date of each remaining point of presence;
- ◆ A statewide map of the ICN connections as of May 25, 1993;
- ◆ A detailed description of any delays in construction or planning that have been caused by the inability of the ICN Management Group or the Department of General Services to reach an agreement with the designated Part I or Part II endpoint providers. The description shall include identification of the parties involved in the disputes, any cost overruns or costs to the state or the network for the delays in construction or planning, any written correspondence regarding the delays, and full documentation of the resolution or current status of disputes;
- ◆ A detailed description of the entire request for proposal (RFP) process used or to be used in the Part II and III connections, including the mention of those persons from the ICN Management Group and the Department of General Services who are responsible for issuing the RFPs, reviewing the bids submitted in response to the RFPs, and awarding bids;
- ◆ A list of all ICN cost overruns occurring within the last twelve months, including a detailed explanation of each cost overrun and identification of those individuals from the ICN Management Group and the Department of General Services involved in the identification and management of the specific overruns;
- ◆ A list of all contractors and subcontractors involved with the network and the dollar amount received by each contractor or subcontractor. For those subcontractors receiving more than \$100,000 in the aggregate, the list shall contain a description of the contractual obligation and service provided by the subcontractor. The list shall also contain a detailed description of the contractual obligation and service provided by any primary contractor.

The comprehensive report shall be submitted to the members of the Legislative Fiscal Committee and the Legislative Fiscal Bureau no later than June 15, 1993. Members of the Legislative Fiscal Committee may contact the Legislative Fiscal Bureau to request that any additional information be included in the comprehensive report.

## **MONTHLY STATUS REPORT ON THE IOWA COMMUNICATIONS NETWORK**

On the fifteenth of each month, for the months of June to December 1993, the Iowa Communications Network Management Group shall provide a report to the members of the Legislative Fiscal Committee on the current status of the Iowa Communications Network (ICN).

Each monthly report shall include information regarding the construction and implementation activity of Parts I, II, and III of the Iowa Communications Network that has occurred within the preceding thirty days.

The report shall include, but is not limited to,:

- ◆ A description of the location and construction occurring during the preceding thirty days on all Part I, II and III connections. The connections shall be labeled as Part I, II, or III connections. The report shall include a statewide map indicating the areas of current construction;
- ◆ A list of the requests for proposals issued within the preceding thirty days and the corresponding bids received and awarded. The report shall list individuals within the ICN Management Group and Department of General Services who are responsible for issuing each request for proposal and awarding each bid;
- ◆ A detailed description of all new contractual obligations, any addendums to existing contractual obligations and the purpose for entering into each contract or addendum. The reports shall include the source of funding obligated in the contract or addendum and the fiscal impact to the state of the contract or addendum.
- ◆ Copies of the weekly construction reports issued by Kiewit Construction Company;
- ◆ An update on the total expenditures and revenue to date for each part of the network.

The initial report shall be sent to the members of the Legislative Fiscal Committee and to the Legislative Fiscal Bureau no later than June 15, 1993 and shall cover the time period from May 25, 1993 to June 15, 1993.

Members of the Legislative Fiscal Committee may contact the Legislative Fiscal Bureau to request that any additional information be included in the monthly reports.

# **REPORT OF THE ADMINISTRATION COMMITTEE**

## **TO THE LEGISLATIVE COUNCIL**

The Administration Committee met on May 26, 1993, and makes the following recommendations:

1. That the Legislative Council authorize the Legislative Service Bureau to proceed with the production of a CD-ROM formatted disk combining the 1993 Code of Iowa and 1993 Code Supplement for sale to all users at two different prices (potentially \$100 to \$200), one price for the purchase of a single disk and a second discounted price for purchases of large quantities of disks. The printed version of the 1993 Code Supplement would be provided at no charge to entities entitled to receive free copies of the Code Supplement.

2. That the Legislative Council direct the Legislative Service Bureau to further investigate the issues of accessibility of the Iowa Administrative Code and Bulletin to private vendors, including issues relating to copyright, protection of work product, and integrity of information and databases accessed and published. Other states' responses to private vendor solicitations and accessibility should be investigated before responding to correspondence from Mead Data Central concerning the request for an understanding on that company's publication use of Administrative Code and Bulletin information.

3. That the Service Committee and Legislative Council authorize the Legislative Service Bureau to proceed with the scanning into electronic form of the Iowa Administrative Code, to restructure Bureau personnel resources to allow for proofreading of the scanned Code, to expend \$25,000 of moneys received from Mead Data Central for the scanning, to use any Bureau funds available at the end of this fiscal year to make initial hardware and scanning purchases necessary to proceed with the Administrative Code computerization project, and to proceed, upon Legislative Council approval, with further development of the computerized Administrative Code publication process.

4. That the Legislative Council direct the Legislative Service Bureau to continue gathering information and exploring options to reduce or control expenditures related to free distributions of legal publications under Code chapter 18, including Code amendments, reduction in number of publications distributed free of charge, or instituting a charge or partial charge for publications to those currently entitled to receive publications free of charge.

5. That the Legislative Council authorize the Legislative Service Bureau to proceed with the renegotiation of the contract between the Legislative Council and Mead Data Central for the sale of the Iowa Code database for use on Mead Data Central's electronic publication system.

The Administration Committee also directed the Legislative Service Bureau to contact the Michie Company for additional information as to a proposed presentation to be made before the Committee concerning the use of the Iowa Code database.

**Respectfully Submitted,**

**Senator William Palmer  
Chairperson**

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

**May 26, 1993**

**The Studies Committee of the Legislative Council met on May 26, 1993, and makes the following report:**

- 1. That approval be given to the attached recommendations.**

**Respectfully submitted,**

**REPRESENTATIVE MARY LUNDBY  
Chairperson**

# 1993 INTERIM STUDIES

MAY 26, 1993 LEGISLATIVE COUNCIL

## A. CHARGES FOR MANDATED INTERIM COMMITTEES

**1. Juvenile Justice (Carry-over Study and Charge)  
5H/5S 2 days**

**CHARGE:** Work in conjunction with the Annie E. Casey Foundation to conduct a comprehensive study concerning the delivery of services to juveniles involved in delinquency and CHINA proceedings. Include an examination of the types of placements available for juveniles in the system, the system's effectiveness in meeting these juveniles' needs and reducing recidivism, and its cost-effectiveness. Analyze Iowa's current juvenile justice laws and make recommendations on any changes needed to combat delinquency and crime. Review steps taken by other states and communities to combat gangs and juvenile crimes and other steps taken to improve their juvenile justice systems. Make recommendations for short-term and long-term changes to Iowa's juvenile justice system to make it more efficient and cost-effective. Final Meeting date no later than December 18, 1992, with report due to General Assembly in January, 1993

**2. Mental Illness, Mental Retardation, Developmental Disabilities, and Brain Injury Service Delivery System Restructuring Task Force  
(Carry-over Study -- Revised Charge from H.F. 518)  
1H/1S**

**CHARGE:** The Legislative Council authorizes \$4,000 for consultant services and other expenses associated with continuation of the MI/MR/DD/BI Service Delivery System Restructuring Task Force created in 1992 Iowa Acts, Chapter 1241, Section 26. The Task Force shall submit to the Governor and General Assembly on or before January 15, 1994, a five-year plan providing financing options for the MI/MR/DD/BI service delivery system. The plan shall be consistent with the provisions of the Task Force report submitted to the Governor and General Assembly in January 1993. In addition, the plan shall incorporate any Task Force recommendations concerning issues of legal settlement, mandated services, MI/MR/DD/BI planning councils, and other pertinent issues developed through June 30, 1993. Staffing services for the Task Force shall be provided by the Legislative Service Bureau and the Legislative Fiscal Bureau.

**3. Intermediate Criminal Sanctions Task Force**

**4H/4S/ +4 others      3 days**

**CHARGE:** Define intermediate criminal sanctions that emphasize a high degree of offender control within the community and recommend a statewide structure for intermediate sanctions with uniform policies and guidelines. The study should also include a comprehensive review of the criminal code with recommendations for changes to implement an intermediate sanction plan and a fiscal impact analysis of proposed changes.

**4. Privatization Interim Study Committee**

**3H/3S + others      3 days**

**CHARGE:** The Committee shall review the state's privatization efforts to date and make recommendations concerning implementation of a strategic plan for future state privatization efforts and the contracting of state services. The Committee shall consider recommendations of the Fisher Committee and the Senate Appropriations Subcommittee on Privatization, receive information and testimony from other sources, and make recommendations by November 15, 1993.

**B. PERMANENT LEGISLATIVE COMMITTEES**

- |  |                                 |
|--|---------------------------------|
| 1. Public Retirement Systems Committee                     | 2 days                          |
| 2. Iowa Advisory Commission on Intergovernmental Relations | 2 days + statutory requirements |

**C. Other**

Legislators serving on the following councils or committees shall be eligible for payment of per diem and expenses:

1. State Human Investment Policy (SHIP) council - up to four meeting days.
2. Iowa Health Reform Council - up to four meeting days.
3. Legislators serving as a chairperson of a committee or subcommittee of the Iowa Health Reform Council - up to four meeting days.

Unless otherwise indicated, all interim committees should be completed prior to November 25, 1993.

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

**May 26, 1993**

The Service Committee of the Legislative Council met on May 26, 1993. The meeting was called to order by Representative Teresa Garman, Acting Chairperson, at 1:30 p.m. in Room 22 of the State House, Des Moines, Iowa.

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

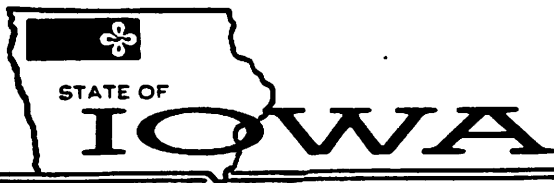
1. The Service Committee received and filed proposed additional provisions to the Personnel Guidelines of the Central Legislative Staff Agencies.
2. The Service Committee received and filed information regarding position classification of legislative employees.
3. The Service Committee received and filed a personnel report from the Legislative Fiscal Bureau.
4. The Service Committee received and filed a personnel report from the Legislative Service Bureau.
5. The Service Committee received and filed a personnel report from the Legislative Computer Support Bureau.
6. The Service Committee received and filed a personnel report from the Office of Citizens' Aide/Ombudsman.
7. The Service Committee received and filed information regarding the progress being made on the project to place the Iowa Administrative Code and the Iowa Administrative Bulletin in electronic format and concurs with the recommendation of the Administration Committee to the Legislative Council to proceed with the project.
8. The Service Committee received and filed a legal report from the Office of Citizens' Aide/Ombudsman.
9. The Service Committee received and filed a report from the Legislative Fiscal Bureau regarding a proposed salary projection model and recommends that the Legislative Council authorize the Legislative Fiscal Bureau to work with the



Department of Management in the development of a Request for Proposal for a salary projection model for all state employees, which would include professional-scientific faculty and employees under the control of the State Board of Regents. The Legislative Fiscal Bureau would also be authorized to assist in the evaluation of the responses to the Request for Proposal and in the recommendation of a consultant or firm to develop the salary projection model. The recommendation of a consultant or firm and the cost of development of the model would be reported back to the Service Committee and the Legislative Council for review and approval.

Respectfully submitted,

REPRESENTATIVE TERESA GARMAN  
Acting Chairperson



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF GENERAL SERVICES  
J. MICHAEL CARLSTROM, DIRECTOR

M E M O R A N D U M

TO: Diane Bolendar, Director  
Legislative Service Bureau

FROM: Kristi Little, Superintendent  
Department of General Services  
Printing/Mail/Records

DATE: May 25, 1993

SUBJECT: Publications

I have reviewed the costs for the 1993-94 Legislative Service Bureau publications. Based on the information reported, and the printing and distribution costs, I would recommend renewal at the same price.

IOWA ADMINISTRATIVE BULLETIN: \$65,900.00 Total cost of printing.

Suggested price: \$221.00

IOWA ADMINISTRATIVE CODE SUPPLEMENT: \$230,000.00 Total cost of printing.

Suggested price: \$350.00

IOWA COURT RULES: \$4,900.00 Total cost of printing.

Suggested price: \$68.00

Please advise on Council concurrence.

# MeadDataCentral

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9393 Springboro Pike  
Post Office Box 933  
Dayton, Ohio 45401  
Telephone: 513-865-6800

**RECEIVED**

**MAR 25 93**

**Legislative Service  
Bureau**

March 23, 1993

Ms. Diane Bolender, Director  
Legislative Service Bureau  
State of Iowa  
State Capitol  
Des Moines, Iowa 50319

RE: Iowa Administrative Code  
Iowa Administrative Bulletin

Dear Ms. Bolender:

Please be advised that Mead Data Central, Inc. ("MDC") is planning to make the materials described above (the "Materials") available in MDC's computer-assisted information service. We believe our customers will appreciate having the Materials available online.

We would like to take this opportunity to set forth our understanding with respect to our use of the Materials.

1. Neither the State of Iowa, nor any administrative or legislative agency, department, office, commission or other instrumentality thereof (collectively referred to hereafter as the "State") will assert any claim that either the inclusion of the Materials in, or the distribution of the materials through, MDC's computer-assisted information service will damage, violate or infringe any copyright or other interest of the State.
2. MDC shall not be obligated to compensate the State in any way for the use of Materials by MDC or its customers; provided, however, that MDC will pay the State for the purchase of printed or photocopied versions of the Materials at the State's standard rates for sales to the public.

If the foregoing correctly sets forth your understanding as well, please so indicate by signing the enclosed copy of this letter in the space below and returning it to me.

Ms. Diane Bolender, Director  
Legislative Service Bureau  
March 23, 1993  
Page 2

Of course, if you have any questions regarding this matter,  
please feel free to contact me at 800 227-9597 ext. 1295.

Sincerely,



Charles Kirby Bennett  
Senior Product Analyst

AGREED TO AND ACCEPTED:

MS. DIANE BOLLENDER, DIRECTOR  
LEGISLATIVE SERVICE BUREAU  
STATE OF IOWA

BY: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

# GENERAL ASSEMBLY OF IOWA



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## RESEARCH ANALYSTS

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DIRECTOR

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JOHN C. POLLAK  
COMMITTEE SERVICES ADMINISTRATOR

LOANNE DODGE  
IOWA CODE EDITOR

PHYLLIS V. BARRY  
ADMINISTRATIVE CODE EDITOR

JULIE E. LIVERS  
LEGISLATIVE INFORMATION OFFICE DIRECTOR

May 19, 1993

## MEMORANDUM

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

**FROM: DIANE BOLENDER** *DB*

**RE: MAY LEGISLATIVE COUNCIL AND COUNCIL COMMITTEE MEETINGS**

Chairperson Horn and Vice Chairperson Van Maanen have scheduled the Legislative Council and Council Committees for the day of the Sine Die Adjournment as follows:

### Wednesday, May 26

10:00 a.m.	Sine Die Adjournment
10:30 a.m.	
(Upon Adjournment)	Administration Committee, Room 22
1:00 p.m.	Studies Committee, Room 22
1:30 p.m.	Service Committee, Room 22
2:00 p.m.	Legislative Council, Room 22

The Fiscal Committee is scheduled to meet at 10:00 a.m. on Tuesday, May 25, in Committee Room 22.

Tentative agendas for the meetings are enclosed.

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

# GENERAL ASSEMBLY OF IOWA



## LEGAL COUNSELS

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Edwin G. Cook  
Susan E. Crowley  
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IOWA CODE EDITOR

**PHYLLIS V. BARRY**  
ADMINISTRATIVE CODE EDITOR

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

May 21, 1993

## MEMORANDUM

**TO:** SENATOR AL STURGEON AND REPRESENTATIVE CLARK MCNEAL

**FROM:** Mark W. Johnson, Legislative Service Bureau

**RE:** Proposed Court Rule Change

1. Appeals -- From Interlocutory Orders -- Iowa Rule of Appellate Procedure 2, paragraph "a".

Originally Filed: 5-13-93

Originally Rec.: 5-18-93

Amend. Filed: 5-17-93

Amend. Rec.: 5-18-93

Provides that a party aggrieved by an interlocutory ruling or decision and appealing such ruling or decision, includes a party whose objections to jurisdiction have been overruled. Previously, the rule provided that such aggrieved party included one appearing specially whose objections to jurisdiction have been overruled.

I will contact you on Tuesday, May 25, concerning this change. Thank you.

IN THE SUPREME COURT OF IOWA

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

REPORT OF THE  
SUPREME COURT

FILED  
MAY 17 1993  
IOWA SUPREME COURT

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

RECEIVED  
MAY 17 93

Legislative Service  
Bureau

On May 13, 1993, this court reported to the Secretary of the Legislative Council concerning an amendment to Iowa Rule of Appellate Procedure 2(a) making the change effective July 1, 1993. The effective date of the rule is hereby amended to reflect an effective date of January 3, 1994.

Respectfully submitted,  
THE SUPREME COURT OF IOWA

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

Des Moines, Iowa  
May 17, 1993

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative Council hereby acknowledge delivery to me on the 18th day of May, 1993, the Report of the Supreme Court pertaining to the Iowa Rules of Appellate Procedure.

Diane E. Bolender  
Secretary of the Legislative Council

IN THE SUPREME COURT OF IOWA

MAY 11 1993

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

REPORT OF THE )  
SUPREME COURT )

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

Pursuant to Iowa Code sections 602.4201 and 602.4202,  
the Supreme Court of Iowa has prescribed and hereby reports  
on this date to the Secretary of the Legislative Council  
concerning an amendment to Iowa Rule of Appellate Procedure  
2(a) which is attached as Exhibit "A".

Pursuant to Iowa Code section 602.4202(2), this change  
is to take effect July 1, 1993.

Respectfully submitted,  
THE SUPREME COURT OF IOWA

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

Des Moines, Iowa

May 13, 1993

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative  
Council hereby acknowledge delivery to me on the 18th day  
of May, 1993, the Report of the Supreme Court  
pertaining to the Iowa Rules of Appellate Procedure.

Diane E. Bolender  
Secretary of the Legislative Council



## Exhibit "A"

### Rule 2. From interlocutory orders.

a. Any party aggrieved by an interlocutory ruling or decision, including a party ~~one~~ ~~appearing~~ ~~specially~~ whose objections to jurisdiction have been overruled, may apply to the supreme court or any justice thereof to grant an appeal in advance of final judgment. Such appeal may be granted, after service of the application and hearing as provided in rules 22 and 30, rules of appellate procedure, on finding that such ruling or decision involves substantial rights and will materially affect the final decision and that a determination of its correctness before trial on the merits will better serve the interests of justice. No such application is necessary where the appeal is, pursuant to rule 1, rules of appellate procedure, from a final adjudication in the trial court under R.C.P. 86.

b. The order granting such appeal may be on terms advancing it for prompt submission. It shall stay further proceedings below and may require bond.

# THE MICHIE COMPANY

LAW PUBLISHERS SINCE 1855



701 EAST WATER STREET, CHARLOTTESVILLE, VIRGINIA  
804-972-7600

*(All Correspondence)*  
P.O. BOX 7587  
CHARLOTTESVILLE, VIRGINIA  
22906-7587

May 14, 1993

Mr. Mark Johnson  
Legislative Service Bureau  
State Capitol  
Des Moines, Iowa 50319

Dear Mr. Johnson:

This will provide preliminary information about the proposal The Michie Company wishes to present to the Legislative Council concerning the Code of Iowa.

As you may know, The Michie Company publishes statutes in hardcopy and compact disc formats in many states. Michie is a division of Mead Data Central, provider of Lexis, where the Code of Iowa may be searched on-line.

Michie would like to discuss permission to use the legislature's database of the Code of Iowa in the preparation of products and services for Iowa lawyers and anyone else who needs to know the law of Iowa.

We believe there are unmet needs in the legal market place. We could provide products that Iowa's lawyers need and would want to buy. Consideration for use of the database could include gratis products for use by the legislature.

Alternative methods of preparation are available to us, but use of an existing database would unquestionably be the most efficient. This would help keep prices affordable, and make the law more accessible.

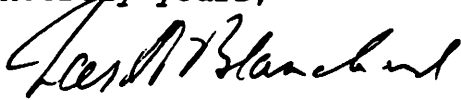
The key question for us at this point is whether and under what terms we might be able to use the database.

Mark Johnson  
May 14, 1993  
Page - two

We believe the public interest is involved here, as we believe we could make a contribution to the practice of law in Iowa, and to more widespread and timely distribution of the statutes.

We would be prepared to discuss this in detail with the Council and to answer questions. We believe the advantages of our proposal would emerge clearly at the meeting.

Sincerely yours,



James A. Blanchard  
Director of Code Development

JAB/hth