

**MEMBERSHIP  
IOWA LEGISLATIVE COUNCIL  
1999-2000**

Senator Stewart E. Iverson, Jr.  
3020 Dows-Williams Road  
Dows, IA 50071  
H - 515/852-3350

Speaker Brent Siegrist  
714 Grace Street  
Council Bluffs, IA 51503  
H - 712/323-1098

Senator Nancy Boettger  
926 Ironwood Road  
Harlan, IA 51537  
H - 712/744-3290  
O - 712/755-4282

Representative John Connors  
1316 East 22nd Street  
Des Moines, IA 50317  
H - 515/262-3345

Senator Patrick J. Deluhery  
11839 - 100<sup>th</sup> Avenue  
Davenport, IA 52804  
H - 319/381-1477

Representative Chuck Gipp  
1517 - 185th Street  
Decorah, IA 52101  
H - 319/382-5419

Senator Robert Dvorsky  
412 - 6<sup>th</sup> Street  
Coralville, IA 52241  
H - 319/351-0988  
O - 319/625-2650, ext.125

Representative Betty Grundberg  
224 Foster Drive  
Des Moines, IA 50312  
H - 515/277-8760

Senator Tom Flynn  
21367 Girl Scout Road  
Epworth, IA 52045  
H - 319/557-7877  
O - 319/583-6494

Representative Libby Jacobs  
808 - 58th Street  
West Des Moines, IA 50266  
H - 515/223-1225  
O - 515/248-3641

Senator Michael Gronstal  
220 Bennett Avenue  
Council Bluffs, IA 51503  
H - 712/328-2808

Representative Pam Jochum  
2368 Jackson  
Dubuque, IA 52001  
H - 319/556-6530

**MEMBERSHIP**  
**IOWA LEGISLATIVE COUNCIL**  
**1999-2000**

Senator Johnie Hammond  
3431 Ross Road  
Ames, IA 50014  
H - 515/292-2275

Representative Dolores Mertz  
1002 - 70<sup>th</sup> Avenue  
Ottosen, IA 50570  
H - 515/379-2329

Senator John W. Jensen  
1331 - 120th Street  
Plainfield, IA 50666  
H - 319/276-4445

Representative David Millage  
3910 Aspen Hills Drive  
Bettendorf, IA 52722  
H - 319/332-8723  
O - 319/355-5303

Senator Mary E. Kramer  
1209 Ashworth Road  
West Des Moines, IA 50265  
H - 515/224-7613  
O - 515/245-5057

Representative Pat Murphy  
155 North Grandview  
Dubuque, IA 52001-6325  
H - 319/582-5922

Senator Derryl McLaren  
3839 Manti Road  
Farragut, IA 51639  
H - 712/385-8279

Representative Christopher Rants  
2740 South Glass Street  
Sioux City, IA 51106  
H - 712/274-8874  
O - 712/234-7089

Senator Don Redfern  
415 Clay Street  
Cedar Falls, IA 50613  
H - 319/236-2377  
O - 319/277-6830

Representative David Schrader  
169 - 140th Avenue  
Monroe, IA 50170  
H - 515/259-2882

Senator Jack Rife  
Box 877  
Durant IA 52747  
H - 319/785-6502  
O - 319/732-2957

Representative Steven Sukup  
2258 - 240<sup>th</sup> Street  
Dougherty, IA  
H - 515/794-3478  
O - 515/892-4222

# LEGISLATIVE COUNCIL COMMITTEES

## 1999-2000

### ADMINISTRATION COMMITTEE

Representative Steve Sukup, Chairperson  
Senator Robert Dvorsky  
Senator John Jensen  
Senator Jack Rife  
Representative Libby Jacobs  
Representative Pam Jochum

### CAPITAL PROJECTS COMMITTEE

Representative Chuck Gipp, Chairperson  
Senator Nancy Boettger  
Senator Patrick J. Deluhery  
Senator Tom Flynn  
Senator John Jensen  
Senator Derryl McLaren  
Representative Betty Grundberg  
Representative Pam Jochum  
Representative David Millage  
Representative Pat Murphy

### FISCAL COMMITTEE

Senator Derryl McLaren, Co-chairperson  
Representative David Millage, Co-chairperson  
Senator Tom Flynn  
Senator Patricia Harper  
Senator JoAnn Johnson  
Senator Mary Kramer  
Representative Libby Jacobs  
Representative Pat Murphy  
Representative Don Shultz  
Representative James Van Fossen

### OVERSIGHT COMMITTEE

Senator Steve King, Co-chairperson  
Representative Bill Dix, Co-chairperson  
Senator Patrick J. Deluhery  
Senator Patricia Harper  
Senator Mary Lundby  
Senator Sheldon Rittmer  
Representative Clyde Bradley  
Representative Jim Drees  
Representative Steve Falck  
Representative Geri Huser  
Representative Willard Jenkins  
Representative Steve Kettering  
Representative Mona Martin  
Representative Wesley Whitead

### SERVICE COMMITTEE

Senator Stewart Iverson, Jr., Chairperson  
Representative Christopher Rants, Vice Chairperson  
Senator Michael Gronstal  
Senator Don Redfern  
Representative John Connors  
Representative Steven Sukup

### STUDIES COMMITTEE

Senator Stewart Iverson, Jr., Chairperson  
Representative Chuck Gipp, Vice Chairperson  
Senator Nancy Boettger  
Senator Michael Gronstal  
Senator Johnie Hammond  
Senator Mary Kramer  
Representative Dolores Mertz  
Representative Christopher Rants  
Representative David Schrader  
Representative Brent Siegrist

### INTERNATIONAL RELATIONS COMMITTEE

Representative Willard Jenkins, Temporary Chairperson  
— Senator Nancy Boettger, Temporary Vice Chairperson  
Senator Dennis Black  
Senator Bill Fink  
Senator Eugene Fraise  
Senator Steve King  
— Senator Derryl McLaren  
Senator Sheldon Rittmer  
Senator Neal Schuerer  
Senator Elaine Szymoniak  
Representative Paul Bell  
Representative Minnette Doderer  
Representative Jack Drake  
— Representative Chuck Gipp  
Representative Jane Greimann  
— Representative Libby Jacobs  
Representative Scott Raecker  
Representative Paul Scherrman

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

**June 30, 1999**

The Service Committee of the Legislative Council met on June 30, 1999, and makes the following report and recommendations to the Legislative Council:

1. The Service Committee received and filed the June 1999 and the annual personnel report from the Legislative Fiscal Bureau.
2. The Service Committee received and filed the June 1999 and the annual personnel report from the Legislative Service Bureau and recommends the following:
  - a. That the following employees be promoted:
    - Ms. Gina Garrett, from Legislative Document Technician 1, grade 19, step 3, to Legislative Document Technician 2, grade 22, step 2, effective June 1999.
    - Mr. Bruce Carr, from Publications Assistant, grade 21, step 4, to Assistant Editor 1, grade 24, step 3, effective July 1999.
    - Ms. Susan Weddell, from Computer Systems Analyst 2, grade 29, step 5, to Computer Systems Analyst 3, grade 32, step 3, effective June 1999.
    - Ms. Kathy Hanlon, from Research Analyst 2, grade 32, step 5, to Research Analyst 3, grade 35, step 4, effective June 1999.
    - Mr. Timothy McDermott, from Legal Counsel, grade 30, step 4, to Legal Counsel 1, grade 32, step 3, effective June 1999.
    - Ms. Nicole Haatvedt, from Legal Counsel, grade 30, step 3, to Legal Counsel 1, grade 32, step 3, effective June 1999.
    - Mr. Richard Nelson, from Legal Counsel 1, grade 32, step 3, to Legal Counsel 2, grade 35, step 1, effective June 1999.
    - Ms. Janet Johnson, from Legal Counsel 1, grade 32, step 3, to Legal Counsel 2, grade 35, step 1, effective June 1999.
    - Ms. Susan Crowley, from Legal Counsel 2, grade 35, step 5, to Senior Legal Counsel, grade 38, step 4, effective June 1999.
  - b. That the appointment of Ms. Leslie Hickey as Iowa Code Editor be approved, effective July 1999.
3. The Service Committee received and filed the June 1999 and the annual personnel report from the Legislative Computer Support Bureau and recommends that the following employees be promoted:
  - a. Ms. Cheryl Ritter, from Computer Systems Analyst 3, grade 32, step 6, to Senior Systems Analyst, grade 35, step 5, effective June 1999.
  - b. Mr. Bryan Boyd, from Division Administrator I, grade 35, step 3, to Division Administrator II, grade 38, step 2, effective June 1999.
4. The Service Committee received and filed the June 1999 and the annual personnel report from the Office of Citizens' Aide/Ombudsman.

Respectfully submitted,

Senator Stewart Iverson, Jr.  
Chairperson

# REPORT OF THE STUDIES COMMITTEE TO THE LEGISLATIVE COUNCIL

June 30, 1999

The Studies Committee of the Legislative Council met on June 30, 1999, and makes the following report:

## A. The Studies Committee recommends authorization of the following studies for the 1999 Legislative Interim:

### 1. Community College Governance System

This committee shall identify and study options for restructuring the community college governance system. The goal is to develop a plan for community colleges to operate more cooperatively, effectively, and efficiently as a state system while recognizing the strong local character of the community colleges. The committee shall review the following aspects of the current system: current governance system; ongoing collaborative efforts; relationships with local K-12 schools, other accredited postsecondary institutions, and the Department of Education; and changes necessary to enhance accountability. The committee may consult with the Office of the Governor, Iowa Association of Community College Trustees, Iowa Association of Community College Presidents, Division of Community Colleges and Workforce Preparation of the Department of Education, and other parties interested in community college governance.

5 Senate/5 House

3 Meeting Days

### 2. Improving School Facilities

This committee shall study and make recommendation concerning financing mechanisms for K-12 school buildings, including approaches for construction, improvements, and renovations.

5 Senate/5 House

2 Meeting Days

### 3. Condominium Property Taxation

This committee shall study the issue of the property taxation of condominiums (described as apartments in horizontal property regimes in Iowa Code chapter 499B). The study shall include classifications which have multiple uses.

3 Senate/3 House

2 Meeting Days

### 4. Loess Hills

This committee shall study issues relating to the Loess Hills, including restrictive easements and covenants as a tool to carry out projects and programs to protect, conserve, or develop various areas of the Loess Hills.

5 Senate/5 House

2 Meeting Days

### 5. Increasing Use of Motor Oxygenate Enhancers

This committee shall study issues and make recommendations relating to the sale, use, and health and environmental effects of oxygenate enhancers contained in motor fuel. The study shall include both ethanol and methyl tertiary butyl ether (MTBE).

5 Senate/5 House

2 Meeting Days

#### **6. OWI Course Requirements**

This committee shall evaluate courses required for persons who have committed an operating a motor vehicle while intoxicated (OWI) offense. The study shall include a review of courses offered through the community colleges, either alone or in conjunction with local licensed substance abuse agencies, and include the consideration of the practice of combining juveniles and adults in the course, authorizing and ensuring the availability of expertise to offer separate courses geared toward juveniles and adults, the potential mixed message sent to recovering alcohol or drug abusers who should be receiving a zero tolerance for use directive, enrollment procedures, course fees and costs, and course evaluation.

3 Senate/3 House

1 Meeting Day

#### **7. Volunteer Fire and Emergency Services**

This committee shall review and make recommendations regarding the legal, budget, governance, and financial aspects of volunteer fire protection services, emergency medical services, emergency warning systems, and other vital services provided under the auspices of townships. Related policy considerations involved with townships shall be addressed in order to improve the functioning of townships as viable units of local government or to integrate township responsibilities with those responsibilities of other units of local government.

5 Senate/5 House

2 Meeting Days

#### **8. Aviation Transportation in Iowa**

This committee shall review all issues concerning aviation transportation in Iowa. The study shall include proposals for establishing an Iowa office of aviation and a Governor's council for air service development to provide leadership concerning aviation service in this state.

5 Senate/5 House

2 Meeting Days

#### **B. The Studies Committee recommends adoption of the following policy in regard to appointments:**

Statutorily required Legislative Council appointments to nonlegislative bodies shall be made in the manner provided for appointment of public members of study committees under the guidelines for interim study committees.

**C. Final Meeting Date.** The Studies Committee recommends that unless otherwise authorized, interim study committees shall be directed to complete their deliberations no later than December 3, 1999.

**D. Guidelines.** The Studies Committee recommends adoption of the attached guidelines for interim study committees.

Respectfully submitted,

Senator Stewart Iverson, Jr.  
Chairperson

# **PROPOSED GUIDELINES FOR INTERIM STUDY COMMITTEES**

## **1999-2000 INTERIM**

### **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 Service Bureau (LSB) or Legislative Fiscal Bureau (LFB) Director, a study committee chair may authorize research or legislative drafting work by the LSB or LFB 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

If the Legislative Council adopts deadlines for meeting dates of an interim study committee, the interim study committee must meet those deadlines or receive an exemption or a revised deadline date from the Legislative Council.



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

**June 9, 1999**

The Fiscal Committee met June 9, 1999, in Room 1 of the State Capitol Building.

The Committee discussed:

- A revenue update presented by Dennis Prouty, Director, Legislative Fiscal Bureau (LFB).
  - Balance Sheet
  - Rebuild Iowa Infrastructure Fund (RIIF), after vetoes
  - Balances in the Cash Reserve and Economic Emergency Funds, after vetoes
  - FY 2001 "Built-in increases"
  - Estimated Reversions and allocations from the Reversion Technology Fund
- Governor's item vetoes
  - Infrastructure Act - HF 772
  - Human Services Appropriations Act - HF 760
  - Accelerated Career Education Act (ACE) - SF 465
- History and Background of the Legislative Fiscal Committee
- Appropriations Transfers (since Session ended):
  - \$1,850,000 from the Department of Human Services, Medical Assistance (\$1,000,000) and Field Operations (\$850,000) to the Department of Human Services MH/MR State Cases.
- Dave Reynolds, LFB, reviewed Lease-Purchase Notification requirements for the Committee.
- An Iowa Communications Network update by Douglas Wulf, LFB.
- An update of the Oversight Committee by Douglas Wulf, LFB.
- Issues for possible consideration by the Committee during this interim.

The next meeting is tentatively scheduled for Monday, July 12, 1999, in Waterloo at the Hawkeye Center for Business and Industry.

Respectfully submitted,

Senator Derryl McLaren  
Co-chairperson

Representative Dave Millage  
Co-chairperson

Co-Chair Senator Steve King  
Co-Chair Representative Bill Dix  
Senator Mary Lundby, VC  
Senator Patrick Deluhery, RM  
Representative Steve Kettering, VC  
Representative Steve Falck, RM  
Senator Patricia Harper  
Senator Sheldon Rittner  
Representative Clyde Bradley  
Representative James Drees  
Representative Geri Huser



Representative Willard Jenkins  
Representative Mona Martin  
Representative Wesley Whitead

State Capitol  
Des Moines, IA 50319  
LFB 515-281-6766  
Fax 515-281-6625

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

**June 30, 1999**

The Oversight Committee met June 29, 1999, in Room 118 of the State Capitol Building.

The Committee heard presentations on and discussed the following:

- A general discussion of topics to be reviewed by the Committee during the interim.
- An update on the Item Veto to HF 762 (Oversight and Communications Appropriations Act) and the progress being made to have the Iowa Telecommunications and Technology Commission utilize the Iowa budget and accounting systems in a manner that matches their lines of business. Douglas Wulf, Legislative Fiscal Bureau (LFB).
- A report from Computer Technology Associates (CTA), Inc., on verification and validation of the Board of Regents Year 2000 programming efforts. Lori Fye, CTA, Inc..
- A status report on the Board Of Regents progress on resolving the Year 2000 computer programming problems. Charles Wright and representatives of all Board of Regent Institutions.
- A status report from the Executive Branch Year 2000 Project Office on the efforts to resolve the Year 2000 computer programming problems including financial and embedded chip reports. Paul Carlson, Year 2000 Project Office.
- A status report from the Emergency Management Division, Department of Public Defense on the Year 2000 Contingency Planning. David Miller, Emergency Management Division, Department of Public Defense.
- A general discussion of the request from the Emergency Management Division that a Legislative Year 2000 Contingency Plan be developed by Glen Dickinson. (See motion related to this issue for consideration by the Legislative Council below.)

- A status report on the efforts of the Transition Team for the creation of an Information Technology Department, a report from Lucent Technologies on the Iowa Communications Network movement to ATM and Video Network Assessment, and an update on the progress of lowAccess. Rich Varn, Information Technology Services Division, Department of General Services.
- A status report from the Iowa Communications Network (ICN) on their perspective of the efforts of the Transition Team, ATM conversion, Universal Services Fund, and the monthly financial report. Tommy Thompson, ICN. (See motion related to the Universal Services Fund for consideration by the Legislative Council below.)

The next meeting is scheduled for Tuesday, July 20, 1999, at the State Capitol.

The Legislative Oversight Committee passed the following two motions for consideration by the Legislative Council.

1. The Legislative Oversight Committee requests the Legislative Council authorize the Legislative Oversight Committee to develop and recommend a legislative contingency plan associated with the implementation of the century date change programming (Y2K).
2. The Legislative Oversight Committee requests the Legislative Council to encourage the Iowa Telecommunications and Technology Commission (ITTC) to pay funds onto the Federal Communications Commission's Universal Services Fund that are in dispute due to the ruling that the ITTC does not qualify as a common carrier which is eligible to receive reimbursement.

Respectfully submitted,

Senator Steve King  
Co-chairperson

Representative Bill Dix  
Co-chairperson

# **REPORT OF THE CAPITAL PROJECTS COMMITTEE TO THE LEGISLATIVE COUNCIL**

**June 30, 1999**

The Capital Projects Committee of the Legislative Council met on June 30, 1999, in Room 118 of the State Capitol and makes the following report and recommendation:

1. The Committee heard presentations regarding the following:
  - a. The proposed location of the Iowa Hall of Pride and the development of the area approaching the Capitol beginning at the new State Historical Building. The Committee requested that the architecture engineering firm of Brooks Borg Skiles that developed the proposal review other potential sites for the Hall of Pride and prepare a presentation for the Committee associated with such review and the Iowa Capitol Complex Master Plan developed by that firm. Presentation by William Anderson and Brad Hartman, Brooks Borg Skiles.
  - b. Progress on the Capitol restoration work. Presentation by Mark Willemsen.
2. The Committee discussed the issue of Capitol space options associated with the location of staff which may be displaced if mezzanine levels are removed as part of the interior restoration work.

3. The Committee makes the following recommendation:

That the Capital Projects Committee conduct two meeting days for the purpose of reviewing and disseminating information and discussing proposals associated with the space requirements and needs of the Legislature and legislative staff as a result of proposed interior renovation. The Committee anticipates that one meeting day will be used for the purpose of gathering and reviewing information associated with Americans with Disabilities Act issues, fire and life safety issues, alternatives reviewed by the Capital Projects Work Group, and the general functions and use of the Capitol; and that one meeting day will be used to follow-up on any outstanding issues raised at the first meeting and for the possible development of a recommendation to be presented to the Legislative Council regarding Capitol space usage and needs and possible solutions associated with such usage and needs.

It is also the intent of the Committee that an invitation be extended to all legislators to attend the deliberations of the Committee.

Respectfully submitted,

Representative Chuck Gipp  
Chairperson

1                   LEGISLATIVE COUNCIL RESOLUTION

2                   BY (PROPOSED BY REPRESENTATIVE RANTS)

3           A Resolution urging the removal of certain  
4 retirement disincentives for a person serving as a  
5 part-time elected governmental official.

6           WHEREAS, the Iowa Public Employees' Retirement  
7 System (IPERS), fully funded by contributions from  
8 members and employers, is designed to provide its  
9 members who have given years of service to the public  
10 and the state with an adequate retirement income to  
11 allow them to enjoy their retirement years; and

12           WHEREAS, the policy of the Legislature and this  
13 state is to encourage any and all persons to seek and  
14 hold elected office in this state and to remove any  
15 unnecessary barriers for such persons seeking to serve  
16 the state in an elected capacity; and

17           WHEREAS, a recent change in the law governing the  
18 Iowa Public Employees' Retirement System has resulted  
19 in requiring a person retiring from a position covered  
20 by IPERS to also resign their position as a part-time  
21 local elected official in order to receive the  
22 retirement benefits the person would otherwise be  
23 eligible to receive; and

24           WHEREAS, the Legislative Council believes that this  
25 disincentive to public service serves no valid public  
26 purpose and should be changed; NOW THEREFORE,

27           BE IT RESOLVED BY THE LEGISLATIVE COUNCIL, That the  
28 Legislative Council urges the Iowa Public Employees'  
29 Retirement System Division of the Department of  
30 Personnel to consider all possible options, including

1 adoption of a temporary rule, to allow part-time local  
2 elected officials receiving less than \$3,000 per year  
3 for that office and who are considering retirement  
4 prior to July 2000 to retire and receive IPERS  
5 benefits without having to resign their position as an  
6 elected official so long as they elect out of coverage  
7 under IPERS for their service as a local elected  
8 official; and

9 BE IT FURTHER RESOLVED, That the Secretary of the  
10 Legislative Council submit copies of this Resolution  
11 to the Governor, the Director of the Department of  
12 Personnel, and to the chief benefits officer of the  
13 Iowa Public Employees' Retirement System.

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SANFORD B. SCHARF  
DIRECTOR  
515-281-7840

LUCAS STATE OFFICE BUILDING  
DES MOINES, IOWA  
50319

STATE OF IOWA

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LEGISLATIVE COMPUTER SUPPORT BUREAU

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# Memorandum

**To:** All Members of the Legislative Council *AB*  
**From:** Sanford B. Scharf, Director - Legislative Computer Support Bureau  
**Date:** June 29, 1999  
**Re:** E-mail Chain Letter and Outrageous Content Guideline Suggestions

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## OFFICIALS' AND EMPLOYEES' USE OF LEGISLATIVE COMPUTER SYSTEM

1. *Definitions.* For purposes of this policy:
  - a. "Electronic mail chain letter" includes but is not limited to commercial offers, get-rich schemes, superstitious and good-luck letters, contests, and commercial promotions.
  - b. "Legislative computer system" includes but is not limited to the General Assembly's mainframe, personal computers, and networks, including functionalities allowing the use of electronic mail and the Internet.
  - c. "Significantly and adversely affects" includes but is not limited to making threats of workplace or other violence, electronic mail spamming, sending of electronic mail chain letters, and sending of electronic mail messages containing sexually explicit or sexually offensive content.
2. *Use by Legislative Official or Employee.* A legislative official or employee shall not use the legislative computer system in a manner which is contrary to statute or legislative rule or policy, or which significantly and adversely affects the General Assembly.
3. *Related Criminal Code Provision.* Legislative officials and employees should familiarize themselves with Iowa criminal code section 721.2(5) which prohibits

use of property owned by the state for any private purpose and for personal gain, to the detriment of the state.

721.2 Nonfelonious misconduct in office.

Any public officer or employee, or any person acting under color of such office or employment, who knowingly does any of the following, commits a serious misdemeanor:

1. Makes any contract which contemplates an expenditure known by the person to be in excess of that authorized by law.
2. Fails to report to the proper officer the receipt or expenditure of public moneys, together with the proper vouchers therefor, when such is required of the person by law.
3. Requests, demands, or receives from another for performing any service or duty which is required of the person by law, or which is performed as an incident of the person's office or employment, any compensation other than the fee, if any, which the person is authorized by law to receive for such performance.
4. By color of the person's office and in excess of the authority conferred on the person by that office, requires any person to do anything or to refrain from doing any lawful thing.
5. Uses or permits any other person to use the property owned by the state or any subdivision or agency of the state for any private purpose and for personal gain, to the detriment of the state or any subdivision thereof.
6. Fails to perform any duty required of the person by law.
7. Demands that any public employee contribute or pay anything of value, either directly or indirectly, to any person, organization or fund, or in any way coerces or attempts to coerce any public employee to make any such contributions or payments, except where such contributions or payments are expressly required by law.
8. Permits persons to use the property owned by the state or a subdivision or agency of the state to operate a political phone bank for any of the following purposes:
  - a. To poll voters on their preferences for candidates or ballot measures at an election; however, this paragraph does not apply to authorized research at an educational institution.
  - b. To solicit funds for a political candidate or organization.
  - c. To urge support for a candidate or ballot measure to voters.



## **ITS Email Policy Regarding Email Chain Letters**

The State's policy regarding the personal use of State equipment will serve as the basis for addressing email chain letters. Email chain letters are inappropriate in a workplace environment and a waste of system resources. It is the policy of ITS that all employees shall refrain from using State email systems for the distribution of such letters.

Employees receiving email chain letters shall note the sending party's email address and report it to their immediate supervisor. Do not reply to email chain letters and instead, delete them immediately. "Email chain letter" is defined to include, but not be limited to: commercial offers, get rich quick schemes, superstitious and good luck letters, contests, commercial promotions, and charitable solicitations (except those sponsored by ITS or State Government such as One Gift).

As a matter of advice, but not policy, our Attorney General's Office of Consumer Protection consistently advises: "Anything your common sense tells you is too good to be true IS too good to be true."

# GENERAL ASSEMBLY OF IOWA

## LEGAL COUNSELS

Douglas L. Adkisson  
Edwin G. Cook  
Susan E. Crowley  
Patricia A. Funaro  
Michael J. Goedert  
Nicole R. Haatvedt  
Leslie E. W. Hickey  
Janet S. Johnson  
Mark W. Johnson  
Timothy C. McDermott  
Joseph E. McEniry  
Richard S. Nelson

## RESEARCH ANALYSTS

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## LEGISLATIVE SERVICE BUREAU

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COMMITTEE SERVICES ADMINISTRATOR

**LOANNE M. DODGE**  
IOWA CODE EDITOR

**KATHLEEN K. BATES**  
ADMINISTRATIVE CODE EDITOR

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

June 30, 1999

## MEMORANDUM

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

**FROM: DIANE BOLENDER** *DB*

**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 its submission to the Legislative Council or at a later date specified by the Court. The amendment to the Iowa Rule of Criminal Procedure submitted by the Court is scheduled to take effect 60 days after the submission to the Legislative Council unless the Legislative Council delays the effective date.

The rule change amends Rule of Criminal Procedure 4.2. In 1999 the Legislature amended section 903.1 and this rule change puts the rule in compliance with that statutory change.

FILED

JUN 29 1999

IN THE SUPREME COURT OF IOWA

FILED  
JUN 29 1999  
CLERK SUPREME COURT

LEGISLATIVE SERVICE

IN THE MATTER OF  
AMENDMENT TO IOWA  
RULE OF CRIMINAL  
PROCEDURE 4(2)

REPORT OF THE  
SUPREME COURT

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

Pursuant to Iowa Code sections 602.4201 and 602.4202 (1999), the Supreme Court of Iowa has approved and reports on this date to the Secretary of the Legislative Council an amendment to Iowa Rule of Criminal Procedure 4(2) as shown in attached Exhibit "A."

Dated this 29 day of June, 1999.

Respectfully submitted,

THE SUPREME COURT OF IOWA

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

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative Council, hereby acknowledge delivery to me on the 29<sup>th</sup> day of June, 1999, the Report of the Supreme Court pertaining to the amendment of Iowa Rule of Criminal Procedure 4(2).

Diane E. Bolender  
Secretary of the Legislative Council

Please return to: Iowa Supreme Court Clerk's Office, State Capitol, Des Moines, IA 50319.

EXHIBIT A

Rule 4. Indictment.

....

2. *Use of indictment.* Criminal offenses other than simple misdemeanors ~~in which the punishment exceeds a fine of one hundred dollars or exceeds imprisonment for thirty days~~ may be prosecuted to final judgment either on indictment or on information as provided in R.Cr.P. 5.

....

RECEIVED

JUN 29 1999

IN THE SUPREME COURT OF IOWA

CLERK SERVICE  
DEPT. 10

FILED  
JUN 29 1999  
CLERK SUPREME COURT

IN THE MATTER OF A )  
TEMPORARY RULE FOR THE ) SUPERVISORY ORDER  
IMPLEMENTATION OF S.F. 189 § 24 )  
AND THE AMENDMENT OF IOWA )  
RULE OF CRIMINAL PROCEDURE 4(2). )

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Pursuant to this court's supervisory and administrative authority under Iowa Code sections 602.1201 and 602.1205 (1999), it is ordered that the attached amendment to Iowa Rule of Criminal Procedure 4(2) shall be implemented by the courts of this State to accommodate the provisions of 1999 Iowa Acts S.F. 189 § 24.

This temporary rule shall take effect July 1, 1999, and remain in effect until its adoption becomes permanent pursuant to the provisions of Iowa Code section 602.4202.

Dated this 29 day of June, 1999.

THE SUPREME COURT OF IOWA

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

**Rule 4. Indictment.**

....

2. *Use of indictment.* Criminal offenses other than simple misdemeanors ~~in which the punishment exceeds a fine of one hundred dollars or exceeds imprisonment for thirty days~~ may be prosecuted to final judgment either on indictment or on information as provided in R.Cr.P. 5.

....

A person, firm, copartnership, or corporation who offers for sale, exposes for sale, sells at retail, or uses or explodes any fireworks, commits a serious simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this section shall include assessment of a fine of not less than two hundred fifty dollars. However, the council of a city or a county board of supervisors may, upon application in writing, grant a permit for the display of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the city or the county board of supervisors when the fireworks display will be handled by a competent operator, but no such permit shall be required for the display of fireworks at the Iowa state fairgrounds by the Iowa state fair board, at incorporated county fairs, or at district fairs receiving state aid. Sales of fireworks for such display may be made for that purpose only.

Sec. 23. Section 730.4, subsection 6, Code 1999, is amended to read as follows:

6. A person who violates this section commits a serious simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this section shall include assessment of a fine of not less than two hundred fifty dollars.

Sec. 24. Section 903.1, subsection 1, paragraph a, Code 1999, is amended to read as follows:

a. For a simple misdemeanor, ~~either-imprisonment-not-to exceed-thirty-days,-or~~ there shall be a fine of at least fifty dollars but not to exceed one five hundred dollars. The court may order imprisonment not to exceed thirty days in lieu of a fine or in addition to a fine.

Sec. 25. THIRD OFFENSE OWI REVOCATIONS.

1. When revoking a defendant's driver's license under section 321J.4, the court shall not consider a conviction under section 321J.2 which occurred on or prior to June 30,

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June 30, 1999

## MEMORANDUM

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

**FROM: DIANE BOLENDER** *DB*

**RE: PRICING OF LEGAL PUBLICATIONS**

Section 7A.22 of the Code of Iowa requires that the Legislative Council establish prices for the Iowa Administrative Code, the Iowa Administrative Bulletin, and the Iowa Court Rules. Attached to this memorandum are the pricing recommendations of Bill Bruce, Administrator of Printing, Micrographics and Imaging, Department of General Services, for the fiscal year beginning July 1, 1999. Mr. Bruce has recommended a 4% increase in the price of each of these publications.



**DATE:** June 29, 1999

**TO:** Diane Bolender, Director  
Legislative Service Bureau

**FROM:** Bill Bruce, Administrator  
Printing & Imaging Division

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

Along with increased printing costs, lower demand has increased price per unit cost as reflected in the following rate increase of 4%.

<u>Product</u>	<u>Old</u>	<u>New</u>
Iowa Administrative Bulletin	\$ 244.10	\$ 253.86 + \$12.69 tax
Iowa Administrative Code Supplement	\$ 393.50	\$ 409.24 + \$ 20.46 tax
Iowa Court Rules Supplement	\$ 77.25	\$ 80.34 + \$ 4.02 tax
Iowa Administrative Code set	\$ 1,119.00	\$1,163.76 + \$ 58.19 tax

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