

MINUTES

IOWA LEGISLATIVE COUNCIL

March 19, 1991

PRELIMINARY BUSINESS

The second meeting of the 1991-1992 Legislative Council was called to order by the Chairperson, Representative Bob Arnould, at 12:13 p.m., Tuesday, March 19, 1991, in Committee Room 22 of the State House, Des Moines, Iowa. Members present in addition to Chairperson Arnould were:

Senator Bill Hutchins, Vice Chairperson
Senator Leonard L. Boswell
Senator Donald V. Doyle
Senator Wally Horn
Senator Emil Husak
Senator John Jensen
Senator Jim Lind
Senator Jean Lloyd-Jones
Senator Jack Rife
Senator Dale Tieden
Senator Joe Welsh
Representative Janet Adams
Representative Clifford O. Branstad
Representative John H. Connors
Representative Roger A. Halvorson
Representative William H. Harbor
Representative Thomas J. Jochum
Representative Mary Lundby
Representative Wayne McKinney
Representative Michael K. Peterson
Representative Harold Van Maanen

Representative Janet Adams and Representative Mary Lundby arrived during the course of the meeting.

Also present were Ms. Diane Bolender, Director, Legislative Service Bureau; Mr. Dennis Prouty, Director, Legislative Fiscal Bureau; Mr. Sandy Scharf, Director, Computer Support Bureau; Mr. Thane R. Johnson, Senior Research Analyst, Legislative Service Bureau; other legislative staff members; representatives of the news media; and other interested persons.

MINUTES CORRECTED AND ADOPTED

Chairperson Arnould recognized Representative Van Maanen who noted that the roll call for the meeting of February 26, 1991, failed to show that he was present for the meeting.

There being no further additions or corrections, Vice Chairperson Hutchins moved the adoption of the minutes as amended. The motion was adopted.

REPORT OF THE REDISTRICTING COMMITTEE

Chairperson Arnould recognized Representative Wayne McKinney for the reports of the Redistricting Committee for the meetings of March 7, 1991, and March 19, 1991.

Representative McKinney stated that the Committee at its March 7 meeting authorized a three-member subcommittee to negotiate with Election Data Services, Inc. to allow for additional public access to the electronic data base used for the redistricting. In addition, he stated that the Committee recommends that the Legislative Council require the Legislative Service Bureau to provide to the public, upon request, a report on the demographic composition created in a redistricting plan submitted to the General Assembly. He added that the Report would be based on the demographic information available from the 1990 Federal Census Bureau data and would include information on the minority population of legislative districts created in any submitted redistricting plan. Representative McKinney also stated that the Committee requested that the standing Committees on State Government hold one or more public hearings on any suggested changes to Chapter 42 of the Iowa Code with regard to consideration of minority populations in the redistricting process.

At its March 19, 1991, meeting, Representative McKinney stated that the Committee considered a report of its subcommittee and adopted separate preliminary motions relating to the release of additional data to the general public. However, he added, the motion to amend the policy adopted by the Legislative Council regarding "Release of Redistricting Information and Access to General Assembly's Redistricting System's Hardware and Software" did not receive sufficient affirmative votes to be considered a recommendation to the Legislative Council. He added that the preliminary motions adopted by the Committee are to provide for the release of the following data and to charge members of the general public a reasonable fee based on the cost of providing the data: the tape of Public Law 94-171 including population data for each census block; voter registration and election return data for each precinct; the TIGER/Line file which consists of the geography for each census block; and a correlation between the geography and the

population for each redistricting data unit (for which there is an estimated one-time programming cost of \$3000); and data for each redistricting plan by the Legislative Service Bureau converted to ASCII format.

After further comments Representative McKinney moved that the Legislative Council's Policy for Release of Redistricting Information and Access to the General Assembly's Redistricting System's Hardware and Software be amended to provide for the release of the following information upon payment of a reasonable fee:

1. Public Law 94-171 tape including population data for each census block.
2. Voter registration and election return data for each precinct.
3. TIGER/Line file which consists of geography for each census block.
4. Correlation between both geography and population for each redistricting data unit. (Estimated one-time program costs by Election Data Services, Inc. is \$3000.)
5. Data for each redistricting plan by the Legislative Service Bureau converted to ASCII format.

In reply to a question by Senator Lloyd-Jones, Representative McKinney replied that the Election Data Services, Inc. agreed to the release of information and agreed to the programming cost of approximately \$3000. Senator Welsh commented that he believes Chapter 42 of the Iowa Code governs the conduct of the redistricting process and that he supports a recommendation which will provide this information at a reasonable cost to the general public.

Vice Chairperson Hutchins commented that there should be further clarification of Item 4 regarding the estimated \$3000 additional cost incurred by Election Data Services, Inc. He stated that this amount is outside the current agreement between Election Data Services, Inc. and the Iowa Legislative Council and that it will be necessary that the Legislative Council specifically authorize EDS to perform this additional work at the estimated cost.

In reply to a question by Senator Rife, Representative McKinney stated that the public will have to request receipt of this additional information and data from the Legislative Service Bureau who will serve as custodian of this information. In reply to another question by Senator Rife, Representative McKinney stated that the Legislative Service Bureau will have the responsibility to estimate the number of requests for the information and thereby apportion the costs among the requestors to recoup the additional cost to the state.

In reply to a question by Senator Husak, Vice Chairperson Hutchins stated that in addition to the \$3000 estimated cost from the Election Data Services, Inc., he anticipates additional costs which may be incurred by the Legislative Service Bureau in providing this information and that the total cost should be considered when estimating the necessary reimbursement.

After further comments, Vice Chairperson Hutchins moved an amendment to Representative McKinney's motion that the Legislative Council specifically authorize payment of an additional \$3000 fee to the Election Data Services, Inc. for the one-time programming costs of the additional data request by the Legislative Council.

In reply to another question by Senator Rife, Vice Chairperson Hutchins stated that the information from the Election Data Services, Inc. will probably be available for purchase within one week.

There being no further comments concerning Vice Chairperson Hutchins' amendment, the amendment was adopted by a voice vote.

Representative McKinney moved the adoption of his motion as amended. The motion was adopted by a roll call vote of 20 ayes, no nays, and 4 abstentions. Senator Nystrom, Representative Chapman, Representative Adams, and Representative Lundby were absent or did not vote.

Representative McKinney also moved that the Legislative Council require that the Legislative Service Bureau provide to the public, upon request, a report on the demographic composition of each district created in a redistricting plan submitted to the General Assembly. The motion was adopted by voice vote.

Representative McKinney stated that he has been informed by the Attorney General that the Attorney General will represent the Iowa Legislative Council and the Legislative Service Bureau in the lawsuit filed against them involving the release of redistricting information to the general public. The Attorney General is interested in representing the legislative parties because of the lawsuit's potential impact on the public records law for state government.

Copies of the March 7 and March 19 Reports of the Redistricting Committee of the Legislative Council are attached to and by this reference made a part of these minutes.

REPORT OF THE TELECOMMUNICATIONS CONSULTANT

Chairperson Arnould next recognized Mr. Jeff Held, Ernst & Young, for an analysis of the Iowa Communications Network proposal. Mr. Held stated that the General Assembly engaged the consulting firm of Ernst & Young to critically review the Iowa Communications Network strategies and to perform an independent review and analysis of key issues regarding the proposed network. The key issues reviewed were:

1. Should the state own a network transmission facility?
2. Can a compressed video technology provide appropriate video quality more cost-effectively than a full motion video technology?
3. Are there any reasonable alternatives that have not been considered?
4. Is the cost of the proposed approach reasonable and consistent with comparable projects?
5. Have all the relevant costs been included in the proposed network?

He added that the General Assembly has directed Ernst & Young to use its knowledge of other state systems, network technology trends, and carrier service to provide a high level analysis of the listed key issues:

As a result of their study, Mr. Held stated that the consultant team concluded the following concerning the key issues:

1. The State's ownership of the Iowa Communications Network transmission facilities will not have an adverse effect on the development of telecommunications infrastructure in the state. He added that the consultants see no evidence that the Iowa Communications Network would cause a significant revenue loss to telecommunications carriers within Iowa and the revenue loss estimate is more than offset by cost savings.
2. Full motion video will continue to be superior to compressed video for education purposes for the foreseeable future. He added that in reaching this conclusion, the consultants considered the specific educational applications proposed for the Iowa Communications Network, the uses of educational video in other states, and the trends in video compression technology.
3. Fiber optic transmission is the best current available technology to satisfy the requirements of the Iowa Communications Network as described in the request for proposal.
4. The price offered by the Kiewit Network Technologies, Inc. is reasonable and financially attractive. The consultants compared the price offered by Kiewit with industry benchmarks for the cost of constructing transmission facilities and the cost for other state government networks. He stated that the consultants found that the unit cost of Iowa Communications Network is lower than any similar networks that the consultant is aware of and is well below the industry benchmarks. In addition, accessing a network on a lease or tariff basis would be much more expensive over five, ten, or 20 years.
5. The consultants examined the Kiewit proposal for completeness and found there are no omissions substantial enough to have a material impact on the relative cost of the Iowa Communications Network.

In reply to a question by Representative Jochum, Mr. Held stated that the consultant concentrated basically on the educational uses of the Iowa Communications Network, but he suggested that there are some possibilities of the use of the network for executive and legislative branch meetings. In reply to another question by Representative Jochum, Mr. Held stated that technically it is possible for the system to be used for consultant services such as health care information transmission from the University of Iowa Hospitals.

In reply to a question by Senator Jensen, Mr. Held stated that the consultant's comments concerning the ten-year investment of the Iowa Communications Network are that the investment will be fully valued after ten years regardless of the 20-year bond issue being used to pay for it.

In reply to a question by Senator Rife, Mr. Held stated it is difficult to judge whether or not one can justify implementing Phases I and II without implementing Phase III of the proposal. He stated that there is a significant scope to Phases I and II and that Phase III will be less expensive within five years. He added that he does not know the number of end points which will be finally implemented under Phase III so it is difficult to make a judgment at this point.

In reply to a question by Senator Husak, Mr. Held stated that under Phase III, there is no technical reason that other narrow band broadcasts cannot be used; but the question of quality remains.

In reply to a question by Representative Harbor, Mr. Held responded that the requirements in the request for proposal were well understood by all applicants or potential applicants. He stated the requirements may not have been appropriate in all cases, but he could not identify a predisposition in the request for proposal to favor any particular bidder. In reply to another question by Representative Harbor concerning the appropriateness of fiber optic technology for the request for proposal, Mr. Held responded that other bidders could have bid for their own approach but decided for business or other reasons not to bid.

In reply to a comment by Vice Chairperson Hutchins, Mr. Held stated that the Minnesota system is primarily a local to regional level communications system and it has been very successful at the local level.

There being no further questions concerning the analysis, Representative Connors moved that the Legislative Council receive and file the analysis submitted by Ernst & Young. The motion was adopted by voice vote.

A copy of the Analysis of the Project to Establish a State Communications Network for Education submitted by Ernst & Young is on file with the Legislative Service Bureau.

IPERS TASK FORCE

Chairperson Arnould recognized Senator Doyle for a proposal to appoint an IPERS Retirees Health Benefits Task Force to study and determine the possibilities of obtaining group health insurance for retired IPERS employees and to study the availability of financial service for the direct payment of health care premiums through private financial institutions.

After a brief explanation of the Task Force proposal by Senator Doyle and Mr. Thane Johnson who staffed the Health Benefits to IPERS Retirees Study Committee during the 1990 interim, Senator Doyle moved that the Legislative Council appoint a Public Retirees Health Benefits Task Force to carry out the two study topics as requested by the Study Committee. The motion was adopted by voice vote.

A copy of the study proposal and the proposed Task Force membership as submitted by the Study Committee is attached to and by this reference made a part of these minutes.

LEGISLATIVE PROCEDURES COMMITTEE

After a brief discussion, Representative Connors moved that the membership of the Legislative Procedures Committee of the Legislative Council be appointed by the appropriate legislative leaders to begin study on budgetary reform for the legislative process.

There being no further comments, the motion was adopted.

ADIJOURNMENT

There being no further business to come before the Legislative Council, Representative Connors moved that the Council meeting be adjourned at 1:14 p.m. The motion was adopted.

Respectfully submitted,

DIANE E. BOLENDER, Director
Legislative Service Bureau

THANE R. JOHNSON, Senior Research Analyst
Legislative Service Bureau