

M I N U T E S
LEGISLATIVE COUNCIL

November 9, 1983

The ninth meeting of the 1983-1984 Legislative Council was called to order by the Chairperson, Speaker Donald Avenson, at 10:30 a.m., Wednesday, November 9, 1983, in Senate Committee Room 22 of the State House in Des Moines, Iowa. Council members present were:

Speaker Donald Avenson, Chairperson
Senator Lowell L. Junkins, Vice Chairperson
Lieutenant Governor Robert T. Anderson
Senator James E. Briles
Senator C. Joseph Coleman
Senator Donald V. Doyle
Senator Calvin O. Hultman
Senator C. W. (Bill) Hutchins
Senator Charles P. Miller
Senator Arthur A. Small, Jr.
Representative Dale M. Cochran
Representative John H. Connors
Representative Betty Hoffman-Bright
Representative Thomas Jochum
Representative Jean Lloyd-Jones
Representative Lester D. Menke
Representative Lowell Norland

Also present were:

Representative Al Sturgeon, Co-chairperson, Unemployment
Compensation Subcommittee
Mr. Serge Garrison, Director, Legislative Service Bureau
Mr. Dennis Prouty, Director, Legislative Fiscal Bureau
Mr. William Angrick, Citizens' Aide
Mr. John Goeldner, Public Information Officer
Ms. Diane Bolender, Legislative Service Bureau

Also present were other Iowa legislative staff persons, news media representatives, and other interested individuals.

Senator Junkins moved that the minutes of the October 12, 1983 Legislative Council meeting be approved as distributed to Council members.

It was noted that there is no educational leave report to be approved by the Legislative Council.

Chairperson Avenson commented that he had received correspondence from Senator Norman Rodgers and Representative Phil Davitt outlining a number of issues relating to the operation of

the School for the Deaf. Senator Junkins moved that the letter be forwarded to the Office of Citizens' Aide, that the Citizens' Aide be granted the authority to hire an interpreter who can use sign language, and that the Citizens' Aide determine the veracity of the allegations made about the School for the Deaf. The motion was adopted.

Representative Connors, Chairperson of the Administration Committee, commented that the Administration Committee had met earlier in the day and had reviewed the report of the Capitol Centennial Committee. Representative Connors stated that the Administration Committee recommends that the Legislative Council approve plans for a celebration on January 17, 1984, marking the 100th anniversary of the construction and use of the Capitol. He commented that the celebration would include a 100th Anniversary Ball, a joint convention of the two houses, and perhaps an invitation would be extended to Governor Branstad to address a joint convention. Representative Connors commented that the estimated total cost is \$8,318 which includes \$3,074 for a permanent rotunda display, \$144 for postage meter lugs, \$700 for a time capsule, and up to \$4,400 for the Ball. Representative Menke inquired about potential conflicts between the 100th Anniversary Ball and church celebrations. Representative Connors stated that Mr. Paul Stanfield, representing various religious groups in the city, has stated that there will be a worship service held earlier in the evening, but it will not conflict with the Ball.

Mr. Goeldner, Public Information Officer, displayed a sample of a four-color brochure depicting the State Capitol. He asked for \$20,000 from legislative funds to print 250,000 copies of the brochure, commenting that there is a cost savings to be realized from quantity printing. He indicated that such a brochure would be available to the public without cost. Mr. Goeldner explained that the last brochure which was printed two years ago, was given away upon request and about 50,000 were given away each year. He suggested that the new brochure, if 250,000 are printed, might last about three years. Representative Hoffman-Bright moved approval of the Administration Committee report, including financing for the Centennial Celebration and approval for printing 250,000 copies of the proposed brochure. The motion was adopted. Chairperson Avenson expressed appreciation to Representative Connors and the members of the Capitol Centennial Committee for the excellent job they are doing.

Senator Hutchins gave the report of the Service Committee, a copy of which is attached and by this reference made a part of these minutes. Senator Hutchins moved adoption of the Service Committee Report, and the motion carried.

Chairperson Avenson called for a report on installation of the computer by Sperry Corporation. Mr. O'Hern noted that the Computer Room in the Lucas State Office Building is ready for the computer to be installed and the equipment is in the process of being moved in. He expressed appreciation for the hard work of the Department

of General Services in making the room ready. Representative Menke asked whether the room will be ready on time. Mr. O'Hern commented that the original contract started the time frame for installation on October 1, but it was not possible to complete the computer room in that time frame, and the work is proceeding as planned.

Representative Cochran asked whether the bill drafting system will be ready for the 1984 legislative session. Mr. O'Hern stated that such a question must be answered by Mr. Garrison of the Legislative Service Bureau. Mr. Prouty commented that as far as computer operations for the Legislative Fiscal Bureau are concerned, Sperry Corporation is proceeding according to the contract and is on schedule. He stated that Sperry Corporation plans on having information for the Fiscal Bureau in mid-December.

Mr. Garrison commented that he is submitting a written report to Council members concerning progress of the Sperry Corporation particularly for bill drafting and text editing purposes and is also distributing to Council members a copy of a Memorandum from the Legislative Text Processors. A copy of both reports are attached and by this reference made a part of these minutes.

Mr. Garrison presented his report and read from the Memorandum of the Legislative Text Processors which stated they formatted an 87 page bill from last session on both systems simultaneously; on the present system the task required 30 seconds, whereas on the Sperry system, the task required 7 minutes. He also cited an example that the text processors described in which they displayed a section of a bill from last year and attempted to strike the words "local option" and insert the word "property". It was noted that the Memorandum states that on the present system, this operation requires 8 seconds and no mainframe interaction beyond the initial display of the text, but under Sperry's system it required 10 minutes and the result was still not correct.

Representative Cochran asked whether the Sperry system will be ready for the 1984 Session. Mr. Garrison responded that the Legislative Service Bureau will not be able to draft bills on the Sperry system for the 1984 Session. Representative Cochran noted that Mr. Garrison's report states that the Sperry system takes a lot longer and is more cumbersome. He asked whether these problems can be worked out. Mr. Garrison responded that the Sperry Corporation has indicated that it has plans to resolve the problems, but he is not optimistic. Representative Cochran noted that Mr. Garrison had indicated that there will be a need for some additional equipment, and asked about the anticipated cost of such equipment. Mr. Garrison responded that the Legislative Council was told by Sperry Corporation that there would be some additional cost for equipment.

Representative Cochran asked Mr. O'Hern about the funds that have already been spent for installation of the Sperry system. Mr. O'Hern responded that the State of Iowa has paid educational costs for legislative employees and program costs. He indicated that the

program costs will be returned if the General Assembly does not accept the system. Mr. O'Hern commented that about \$11,000 has currently been paid in program costs, and the General Assembly has received an additional bill for \$17,000 for program costs, but these costs will all be recovered if the system is not accepted. Mr. O'Hern added that the General Assembly has sent three people to Minneapolis for an educational course and will be sending two additional people elsewhere in mid-November. He indicated that the cost of education thus far is less than \$1000, and this amount will not be recovered. He also added that the installation of the cable for the computer is proceeding, and any costs for cable will also be costs to the General Assembly. Chairperson Avenson commented that the Legislative Council was aware of the site development costs in the Lucas State Office Building and that money must be expended for educational costs. He indicated that the General Assembly has not expended any appreciable amount that cannot be recovered.

Representative Cochran expressed dismay at the expenditures that have already occurred and at the slow progress of the bill drafting function. He asked how much further the General Assembly will proceed before it decides that it cannot proceed to completion. He expressed concern about events that have occurred. Chairperson Avenson interjected that under the contract which was signed between the General Assembly and Sperry Corporation, Sperry Corporation has until approximately December 15 in which to demonstrate the tasks listed in the contract and has 30 days after that date to cure any deficiencies that are present. He added that the Legislative Council should meet on or about December 17 to decide what deficiencies are present, and then meet about one month later to review what has happened during the period in which Sperry Corporation is allowed to correct the deficiencies. Chairperson Avenson summarized that most of the costs are recoverable except for preparation of the site in the Lucas State Office Building and for the educational costs of legislative employees.

Mr. O'Hern commented that the site is reusable as well as the modems that have been purchased, and the only nonreusable costs that have been incurred are \$10,000 worth of cable and the educational costs. Representative Cochran asked when the General Assembly will commence paying for the equipment. Mr. O'Hern responded that payment will be commenced after a successful systems test. Chairperson Avenson added that the General Assembly was aware that the cable of Sperry Corporation was not transferable. Representative Cochran asked whether the purchase of any additional equipment will require approval of the Legislative Council. Chairperson Avenson responded in the affirmative.

Representative Cochran expressed disappointment that an additional cost will be levied for purchase of equipment that was covered under the original bids of other computer companies. Senator Junkins asked Council members to remember that Sperry Corporation has until December 15 to complete its task and should not be ruled out until that date.

Representative Cochran stated that it is important that the final product is an improvement over the present text processing system. Chairperson Avenson commented that a staff committee, composed of the Directors of the Legislative Service Bureau and the Legislative Fiscal Bureau, and the Chief Clerk of the House and Secretary of the Senate, has been established to check off the items that were listed in the contract, and they will report to the Computer Committee.

Representative Hoffman-Bright expressed agreement with the statements made by Representative Cochran and she expressed concern about the extra costs that will be required under the contract with Sperry Corporation. She asked whether there is any estimate of the total amount of the extra costs. Mr. Garrison responded that he does not have any estimate of the costs. He indicated that there remain problems to solve and the costs are not determinable. He indicated that a number of people will need to be employed in order to maintain the system and, in addition, it is not known how many program hours will be required to achieve the contract specifications. He indicated that the contract provides for a lower hourly rate charge for specified programming, priority to be given primarily for text processing and fiscal applications as a second priority, for 6,647 hours, and 4,038 of those hours have been used. There is a maximum charge for the priority text processing and fiscal programming of \$113,000. He indicated that after 6,647 hours are used, the regular hourly rate may be charged for other programs.

Representative Hoffman-Bright expressed the belief that the Sperry system must be workable for both the Legislative Fiscal Bureau and the Legislative Service Bureau. Chairperson Avenson responded that the Computer Committee will not make a decision until it has received a recommendation from the Staff Committee. Senator Hultman commented that the final decision can be made in mid-January. Chairperson Avenson agreed, and reiterated that the systems test will be conducted during the middle of December, and Sperry Corporation will have 30 days to "cure".

Lieutenant Governor Anderson asked whether there is a time in December when there will be a need to have both systems operational. Chairperson Avenson responded that the General Assembly will not be able to use the total Sperry system during the 1984 Session. He indicated that the Legislative Council was aware that because of various delays, it might not be possible for the bill drafting aspect of the Sperry system to be operational. He stated that it is important that the General Assembly have a system operating when the General Assembly convenes. Representative Menke commented that he does not believe the Legislative Council has any choice but to follow the contract until mid-January. He expressed disappointment that it will not be possible to achieve the monetary savings that had been estimated, but noted that the problems have not been entirely Sperry Corporation's fault. He commented that the Legislative Council failed to act as quickly as it could have, and he is willing to wait until mid-December and mid-January for the final solution to the problem.

Senator Hutchins expressed the belief that the Legislative Council did not know for sure whether it would have a system that would work, but voted to go ahead anyway, betting that the system would be workable. He voiced compliments to the persons who drafted the contract between the General Assembly and Sperry Corporation since it protects the General Assembly from most costs if the General Assembly does not accept the computer.

Chairperson Avenson indicated that the General Assembly will need to employ a computer operator once the Staff Committee recommends that the Legislative Council accept the computer. Senator Junkins noted that it requires all of the members of the Staff Committee in order to move forward and accept the computer from Sperry Corporation.

Representative Connors moved that once all members of the Computer Committee agree that Sperry Corporation has met the contract, the Computer Committee is authorized to begin interviewing and employ a computer operator. Representative Hoffman-Bright asked whether the computer person will be hired if the Sperry Corporation does not meet the contract. Chairperson Avenson responded in the negative, commenting that the Computer Committee has been operating under the assumption that all members of the Staff Committee must be satisfied in order to proceed. Chairperson Avenson added that the cost of the computer is considerably less than was originally quoted by Sperry Corporation and the Legislative Council will proceed to keep costs as low as possible. Representative Connors' motion was adopted.

Chairperson Avenson asked for a report of the Studies Committee. Senator Junkins commented that the Studies Committee had received correspondence from Mr. Tom Urban, Chairperson of the Excellence in Education Task Force, in which the Task Force requests additional meetings in order to continue meeting during the legislative session. Senator Junkins moved that the Excellence in Education Task Force be granted 8 additional meeting days. He also asked that the Legislative Council authorize payment of per diem and expenses for a chairperson or co-chairperson, or a designee, for each of the interim committees to make a report to the Legislative Council in December. In addition, Senator Junkins asked that the following visitations be approved:

1. That the Transportation and Law Enforcement Visitation Committee be granted two days for six members.
2. That the Education Visitation Committee be granted two days for six members.
3. That the Human Resources Visitation Committee be granted two days for six members.
4. That the Corrections and Mental Health Visitation Committee be granted two days for eight members, including the Chairpersons

of both the Human Resources Committees and the Judiciary and Judiciary and Law Enforcement Committees.

5. That the Social Services Subcommittee on Appropriations be granted one day for a meeting.

6. That the Natural Resources Visitation Committee be granted one day for six members.

Representative Menke noted that the request for approval for one day for the entire Social Services Appropriations Subcommittee, compared to two days for Social Services Visitation Committee, will only add four additional person/days.

Senator Junkins moved adoption of the Studies Committee report. Representative Jochum commented that a request was made to the Fiscal Committee that the two Appropriations Committee Chairpersons be granted the authority to attend the visitation meetings so that they will be knowledgeable about the fiscal matters in the state. Senator Junkins agreed that Representative Jochum's request was a friendly amendment and it was added to the motion. The motion was adopted.

Chairperson Avenson recognized Representative Sturgeon for a report of the Unemployment Compensation Subcommittee of the Senate and House Committees on Labor and Industrial Relations. Representative Sturgeon asked Council members to understand that legislation which was enacted last session was accomplished administratively with relative ease and with the changes made and the status of the economy, the Unemployment Compensation Trust Fund is on target for being solvent in 1988. He commented that a number of recommendations were made by the Subcommittee including:

1. The blanket waiver made in the 1983 Act for those persons who are temporarily unemployed will be changed to a limited waiver, including language that the individual must be available for comparable work.

2. For certain types of voluntary quits, the burden of proof will be with the employer and for other kinds with the employee.

3. For small employers, the rate of payment to the Unemployment Trust Fund will be retroactively adjusted if it is determined later that the small employer should not have had to pay into the fund.

4. The interest accumulated on the Temporary Emergency Surcharge Fund will be deposited in the Surcharge Fund.

5. Interest earned on the Penalty and Interest Fund will be deposited in the Surcharge Fund.

6. Annual expenditures from the Penalty and Interest Fund will be limited to \$50,000 and all unobligated or unexpended moneys in the fund at the end of a fiscal year will be deposited in the

Temporary Emergency Surcharge Fund, or if there is no federal interest owing, will be deposited in the Unemployment Trust Fund.

Senator Hultman complimented Representative Sturgeon and Senator Ted Anderson on the work of the Subcommittee, and moved that the report be accepted. Representative Hoffman-Bright asked about preferential treatment of state residents under certain conditions. Representative Sturgeon responded that the Subcommittee has recommended that preferential treatment of state residents be granted in the award of contracts for public improvements where the resident is competing with a nonresident who is provided preferential treatment in the nonresident's state of residence. Senator Hultman's motion to receive the report carried.

Mr. Garrison stated that Council members have received copies of two publications that have recently been printed by the Public Information Office. They include "How a Bill Becomes a Law" and "The Three Branches of Government". He indicated that these publications are available for constituents.

Mr. Garrison commented that Council members have been provided with a proposed policy relating to mailing and distributing Legislative Service Bureau documents. He noted that the allocations to state agencies were reduced by 2.8% earlier this fall, and it is important to reduce the expenditure of funds. A copy of the proposed policy is attached and by this reference made a part of these minutes. He indicated that the documents distributed by the Legislative Service Bureau are costly to copy and mail, and assured Legislative Council members that he will use good judgment in curtailing the distribution of documents and will attempt to insure that citizens of Iowa continue to be informed about the activities of the General Assembly. Representative Connors moved that the proposed policy be approved by the Legislative Council. Senator Small interjected that he often receives by first class mail reports from various state departments that are costly to mail. He asked whether something could be done to reduce the mailing costs of state agencies. Mr. Garrison commented that the Legislative Service Bureau does not have authority over decisions of state agencies with regard to the mailing of publications to legislators. He suggested that the Legislative Council could inform one of the various committees working on state efficiency and expenditures. Chairperson Avenson suggested that the matter can be taken up in the House and Senate Rules and Administration Committees and a policy established. Representative Connors' motion to approve the Legislative Service Bureau policy was adopted.

Senator Hultman commented that a committee is needed to review the valuation and equalization orders of the Department of Revenue. Chairperson Avenson commented that the decision had been made that a study would be established once the equalization orders had been made public, and he agreed that it is time to make appointments.

In response to a question from Chairperson Avenson as to whether there is any further business before the Legislative Council, Senator Coleman described the changes that have taken place with regard to service in the General Assembly over the past 20 years. He described the increasing complexity of legislation and the greater interest of constituents in the happenings of the Legislature. He expressed the need for the employment of legislative staff to assist in obtaining information. He commented that articles about the increased cost of the General Assembly do not reflect the more complex nature of legislative service, and he commented that the cost of the General Assembly is the biggest bargain in state government. Senator Hutchins expressed agreement with Senator Coleman's concern and commented that at the Service Committee meeting he had requested Mr. Garrison and Mr. Prouty to develop figures relating historically to the costs of the General Assembly, separating out additional duties that have been assigned to the Legislative branch of government. He expressed hope that such information will be available by the next meeting of the Legislative Council. Senator Hutchins also commented that although some costs have increased, the Iowa General Assembly is ranked as one of the best in the nation. Chairperson Avenson agreed with Senator Hutchins, and stated that members of the General Assembly have done a good job of holding down costs. He added that it is difficult to persuade competent people to run for the General Assembly.

Chairperson Avenson stated that the next meeting of the Legislative Council will be held in December upon completion of the computer test by the Sperry Corporation.

The Legislative Council adjourned at 12:00 noon.

Respectfully submitted,

SERGE GARRISON
Director

DIANE BOLENDER
Senior Research Analyst