

MINUTES

ADMINISTRATION COMMITTEE

MAY 26, 1993

PRELIMINARY BUSINESS

The May 26, 1993, meeting of the Administration Committee was called to order by Chairperson Senator William Palmer at 10:30 a.m. in Room 22 of the State Capitol Building in Des Moines, Iowa. Those members present in addition to Chairperson Palmer were:

Senator Florence Buhr
Senator Maggie Tinsman
Representative Pam Jochum
Representative Mary Lundby
Representative Brent Siegrist

IOWA CODE CD-ROM PROJECT

Chairperson Palmer introduced Ms. Diane Bolender, Director of the Legislative Service Bureau. Ms. Bolender introduced Ms. LoAnne Dodge, Iowa Code Editor, and Ms. Phyllis Barry, Iowa Administrative Code Editor. Ms. Bolender summarized a memorandum regarding publication of the Code of Iowa in CD-ROM format. The memorandum was included in the informational packets distributed to the Committee and is on file with the Legislative Service Bureau and available upon request. Ms. Bolender displayed a CD-ROM disk containing Florida Statutes and other related materials which was published by Compass Data Systems from Salt Lake City, Utah.

Ms. Bolender explained that the Legislative Service Bureau (LSB) would like to proceed with publication of a merged version of the 1993 Code of Iowa and 1993 Code Supplement, which would include all codified laws enacted through the 1993 regular session of the 75th General Assembly incorporated into the Code of Iowa. Ms. Bolender stated that the cost of producing the CD-ROM disks is estimated at approximately \$8,800, can be paid from the 1993-1994 printing budget of the LSB, and recouped through the receipt of revenues from the CD-ROM disk sales. For that price, she explained, LSB would receive 100 disks with additional disks available for \$1,000 per 100. She stated that the disk would include a search mechanism and that a user would need a CD-ROM reader to use the disk. She discussed the potential for sale of the disk to the Iowa State Bar Association and through the State Printing Office.

Ms. Bolender commented that there are two issues which should be considered. The first, she stated, is whether the disks should be sold to persons who are currently entitled to

free printed versions of the Code. The second issue relates to pricing for volume purchases of the CD-ROM disks. She stated that the LSB would like to offer a price for the purchase of a single disk and a discounted price for the purchase of disks in lots of 50 or 100.

Chairperson Palmer commented that the ability to merge the Code with the Code Supplement and perform search functions will have a large market. Ms. Bolender remarked that the CD-ROM sales will not significantly decrease the numbers of printed copies of the 1993 Code Supplement. She referred to a survey conducted by the Iowa State Bar Association and by the Iowa Code Office regarding the need for paper copies of the Code and the free distribution of the Code. In response to a question by Senator Tinsman, Ms. Bolender stated that if the initial order of disks is not sufficient LSB can order more.

A motion was made by Representative Lundby that the Legislative Council authorize the LSB 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, one price for the purchase of a single disk and a second discounted price for volume purchases of the disks. The motion was adopted on a unanimous vote by the Committee.

ADMINISTRATIVE CODE - COPYRIGHT

Mr. Joe Royce, Administrative Rules Review Committee staff, addressed the Committee on the issue of copyrighting the Iowa Administrative Code (IAC). Mr. Royce referred to a memorandum which discussed the issue and which was distributed to the members of the Committee and is available upon request from the Legislative Service Bureau. Mr. Royce summarized his conclusions, indicating that the actual text of a statute or rule and the numbering system for rules cannot be copyrighted because it is considered to be in the public domain, but that editorial work, such as footnotes and the numbering system of statutes, can be copyrighted. He explained that the difference between the numbering systems for statutes and rules is that the Code Editor has the authority to determine the numbering system of statutes, but the numbering system in an administrative rule is considered to be part of the rule.

Senator Tinsman questioned why we would want to copyright portions of the Codes and Mr. Royce responded that it protects the state from competition and that taxpayers have paid for editorial work. Representative Siegrist inquired as to the costs of copyrighting and whether there has been a problem with companies absconding with the state's editorial work. Mr. Royce replied that a determination of the cost to copyright would require the opinion of a copyright attorney. Ms. Bolender referred to a letter from Mead Data Central informing the Bureau that Mead Data Central plans to make the Iowa Administrative Code and Bulletin available on Lexis on the computer-assisted information service. Ms. Bolender explained that the letter requests her to agree that the State of Iowa will not assert a claim that the state's copyright will be infringed through Mead Data's use of the Iowa Administrative Code materials.

Representative Lundby asked whether the staff providing the editorial comment want their work copyrighted and questioned how easy it will be to copy materials from the CD-ROM once they are placed on the disk. She stated that the Committee needs to decide whether it cares enough to copyright the materials or whether it will be financially beneficial to do so. Mr. Mark Johnson, Legislative Service Bureau, responded that one problem with allowing use of the materials is the security and accuracy of the data and that the state may have an interest in assuring that a quality product is provided to the public.

Senator Tinsman made a motion, seconded by Senator Buhr, to direct the Legislative Service Bureau to 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. In addition, the motion directed that an investigation of other states' responses to private vendor solicitations and accessibility be completed before responding to correspondence from Mead Data Central. The motion was unanimously approved.

UPDATE ON IOWA ADMINISTRATIVE CODE PROJECT

Ms. Diane Bolender updated the Committee on the progress of the project to produce the Administrative Code and Bulletin in an electronic format and referred to a memorandum which was included in the Committee's material and is available from the Legislative Service Bureau upon request. Ms. Bolender explained that the official version of the Iowa Administrative Code (IAC) is an 18-volume set with over 10,500 pages and that if a person wants to subscribe and receive the rules they must purchase the entire set. She said that the computerization project was intended to improve public access and create sales and print efficiencies, to create an archiving system, to provide search and retrieval capabilities, and to automate the rules process. Ms. Bolender explained the background of the project and that a consultant had explored alternatives for completion of the project. She stated that the consultant came to the conclusion that there were two different ways to proceed with the project. One way, she explained, was to connect all the rulemaking entities in one system at a cost of several million dollars. The other option would cost approximately \$250,000 and would involve development of an electronic database accessible to the legislative branch and the Administrative Rules Coordinator.

Ms. Bolender indicated that to provide the printed copy from the electronic database will require desktop publishing abilities, a search system, and an archive management system. She estimated the software costs for these at \$100,000. She proposed the following activities: that the Bureau proceed with the scanning of the printed IAC into an initial electronic format; that the Bureau temporarily reassign its staff resources for proofreading the scanned document; that the Legislative Council approve use of \$25,000 received by the Service Bureau from Mead Data under an existing contract to pay for costs of the projects; that any LSB funds projected to be remaining at the end of this fiscal year be used for scanning and computer costs

associated with the projects; and that the LSB proceed with development of this system when suitable computer software and hardware are located. Ms. Bolender explained that once the IAC can be printed from the electronic database, annual savings of \$120,000 will be realized in typesetting costs, and the ability to sell portions of the IAC rather than the entire set should increase sales. In addition, Ms. Bolender explained that the partisan and nonpartisan staffs are part of a working group on this issue and that they assent to the proposed manner of proceeding.

Senator Buhr, with an addition by Representative Siegrist, made the following motion which was unanimously approved by the Committee: That the Service Committee and the Legislative Council authorize the LSB to proceed with the scanning of the IAC into electronic format, to temporarily reassign LSB personnel resources to allow for proofreading of the scanned Code, to expend \$25,000 of moneys received from Mead Data Central for scanning, to use any LSB funds available at the end of this fiscal year to make initial hardware purchases necessary to proceed with the IAC computerization project, and to proceed, upon Legislative Council approval, with further development of the computerized IAC publication process.

MICHIE COMPANY

Mr. Mark Johnson informed the Committee that he has been contacted by the Michie Company who had requested time from the Committee to make a presentation. He explained that Michie Company was not specific as to the content of the presentation. Chairperson Palmer directed LSB to contact the Michie Company for additional information concerning the proposed presentation.

FREE DISTRIBUTION OF IOWA CODE AND IOWA ADMINISTRATIVE CODE

Mr. Johnson referred the Committee to a memo which was included in the Committee's materials and is available upon request from the Legislative Service Bureau regarding the free distribution of legal publications. Chairperson Palmer questioned the determination of which entities receive free copies and how many copies each state agency or entity receives. Ms. Bolender responded that there are only general statutory guidelines in place concerning the number of copies each entity receives and that the Iowa Code price is based upon the cost of publication so that the persons who purchase the Code are paying for the free copies and their distribution. She added that the costs of publishing the Iowa Administrative Code are currently not completely recovered through sales.

After discussion by the Committee regarding limiting the distribution of free copies of the Iowa Code, Representative Siegrist moved that the LSB continue gathering information and exploring options to reduce or control expenditures related to free distributions of legal publications under Iowa Code chapter 18, including Code amendments, reduction in numbers 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. The motion was seconded and approved unanimously.

MEAD DATA

Upon the request of the Chairperson for any additional business, Mr. Johnson asked whether the Committee wished to have LSB begin negotiations with Mead Data Central for continuing the sale of the Iowa Code database to Mead Data Central for use on Lexis. Representative Lundby moved that the Committee recommend that the Legislative Council authorize LSB to proceed with 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 computer-assisted information system. The motion was seconded and approved by unanimous consent.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 11:35 a.m.

Respectfully submitted,

JULIE A. SMITH
Legal Counsel

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