

# MINUTES

## IOWA LEGISLATIVE COUNCIL

MAY 22, 1991

### PRELIMINARY BUSINESS

The third meeting of the 1991-1992 Legislative Council was called to order by the Chairperson, Speaker Bob Arnould, at 11:34 a.m., Wednesday, May 22, 1991, in Committee Room 22, 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 Joe Welsh  
Representative Clifford O. Branstad  
Representative Kay Chapman  
Representative John H. Connors  
Representative Roger A. Halvorson  
Representative William H. Harbor  
Representative Mary Lundby  
Representative Wayne McKinney  
Representative Harold Van Maanen

Senator Rife requested that Senators Tieden and Nystrom be excused from the meeting. There was no objection and the request was accepted.

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. William Angrick, Citizens' Aide/Ombudsman; Mr. Thane R. Johnson, Senior Research Analyst, Legislative Service Bureau; other legislative staff members; representatives of the news media; and other interested persons.

### MINUTES APPROVED

Chairperson Arnould recognized Vice-chairperson Hutchins who moved to approve the minutes of the meeting of March 19, 1991, as submitted. There being no additions or corrections, the motion was adopted.

### FIRE SAFETY REPORT ON IOWA STATE CAPITOL BUILDING

Chairperson Arnould recognized Ms. Bolender for a brief review of the Fire Safety Report submitted by the Fire Marshal's Division of the Department of Public Safety to the Department of General Services relating to the Iowa State Capitol Building. She noted that the report points out that the major fire safety problem with the Iowa State Capitol Building is the lack of approved exits. She further noted that there is a significant problem with the use of extension cords within work spaces.

In conclusion, she remarked that the Report outlined three levels for correction of shortcomings outlined in the report. She stated that maintenance items referred to are to be corrected by May 30, 1991. Under the heading "Electrical", these items are to be corrected by June 30, 1991. And finally, she added, exiting violations are to be dealt with by providing an acceptable plan of correction to the Fire Marshal, not later than July 31, 1991.

There being no comments on the Report, Representative Connors moved that the Legislative Council receive and file the Report by the Fire Marshal's Division of the Department of Public Safety regarding the Iowa State Capitol Building. The motion was adopted.

### IOWA SUPREME COURT CASE NO. 94/90-571 -- WELSH ET AL V. BRANSTAD

Chairperson Arnould recognized Mr. Brent Appel of Dickinson, Throckmorton, Parker, Mannheimer & Raife, P.C., for a brief summary of the decision in the item veto case appealed by certain members of the Legislative Council which was filed by the Iowa Supreme Court on May 15, 1991 (Welsh v. Branstad). Mr. Appel stated that of the three item vetoes appealed in Welsh v. Branstad, the Iowa Supreme Court upheld the appeal on two of them, thereby striking down those two item vetoes on constitutional grounds. Mr. Appel stated that the Iowa Supreme Court upheld the Legislative Council's position on the item veto of the reversion of funds (1989 Iowa Acts, S.F. 363, section 6, subsection 10) and language relating to increases in faculty salaries (1989 Iowa Acts, H.F. 774, section 19). He stated that the Legislative Council's position was rejected on language relating to the makeup of an international trade delegation (1989 Iowa Acts, S.F. 520, section 1, subsection

8). He added that the Iowa Supreme Court unanimously confirmed and extended previous decisions rendered by the Court in *Colton v. Branstad* and the *Rush v. Ray* cases. Mr. Appel stated that he believes that the conditional language in the international trade activities item veto is clear, but the Court ruled the conditions and limitations were inappropriately applied. He stated that he will submit suggestions to the Legislative Council as to how to correct this for purposes of future drafting .

In reply to a question by Representative Harbor, Mr. Appel stated that the conditions and restrictions on an appropriation could be presented in language prior to the itemization of the appropriation rather than following in a separate paragraph. He also stated that the language should "prohibit" the use of the appropriation except if the conditions are followed. In reply to another question by Representative Harbor, Mr. Appel stated that he would submit his recommendations as to drafting changes in writing to the Legislative Council.

Representatives Connors and Chapman congratulated Mr. Appel for a job well done in the lawsuit on behalf of certain members of the Legislative Council.

#### REPORT OF THE STUDIES COMMITTEE

Chairperson Arnould recognized Vice-chairperson Hutchins for the Report of the Studies Committee. Vice-chairperson Hutchins reviewed the three principal recommendations of the Studies Committee. He stated that the three items are the approval of proposed guidelines for interim study committees, the grant of authority to leadership to appoint members to the Public Retirees Health Benefits Task Force, and the grant of authority to leadership to contact public organizations and associations for lists of public members to serve on various interim study committees. In addition, he stated that the Committee has instructed the Legislative Service Bureau to send a letter to each member of the General Assembly requesting suggestions as to subject matter for interim study committees to be received by the Legislative Service Bureau by June 1, 1991.

After discussion, Senator Lind suggested that the day for submitting interim committee requests should be extended to June 6 or 7 to allow sufficient time for letters to be sent by the Legislative Service Bureau and returned by legislators. After further discussion, Senator Lind moved that the deadline for submitting interim study requests be changed to June 5, 1991. There being no objections, the amendment was adopted.

In reply to a comment made by Representative Van Maanen, Vice-chairperson Hutchins stated that the purpose of sending the letter to each member of the General Assembly is to receive suggestions regarding interim studies and to involve the membership in the interim study process. Vice-chairperson Hutchins moved the

adoption of the Committee Report. The motion was adopted. A copy of the Report of the Studies Committee is attached to and by this reference made a part of these minutes.

#### REPORT OF THE SERVICE COMMITTEE

Chairperson Arnould recognized Senator Welsh for the Report of the Service Committee. Senator Welsh reviewed the report item-by-item. Concerning Item 5 of the Report, Senator Welsh stated that a subcommittee including Senator Rife, Representative Van Maanen, Representative Chapman, and himself will negotiate with the Unisys Corporation to obtain a proposed cost for upgrading the computer system for the General Assembly. He stated that he proposes to present the negotiated price and a proposal to the Legislative Council at its meeting in June.

Vice-chairperson Hutchins stated that in carrying out the proposed upgrade to the legislative computer system, the Legislative Council proposes using existing funds from the 1991 and 1992 legislative budgets.

In reply to a comment made by Senator Welsh, Mr. Scharf stated that the upgrading of the legislative computer will provide maintenance savings for the Computer Support Bureau as well as approximately \$50,000 in reduced utility costs for electricity and air conditioning provided by the Department of General Services.

In reply to a question by Representative Lundby, Mr. Scharf stated that a mainframe computer system becomes obsolete within five to seven years of its installation. He stated that mainframe computers are usually upgraded after five to seven years because maintenance costs escalate substantially after approximately five years of use. He further commented that within five to seven years after the current upgrade another upgrading or replacement will be necessary.

In reply to a question by Representative Harbor, Mr. Scharf replied that he does not know the current value of the mainframe system. He stated that Unisys is not interested in repurchasing or trading for the current hardware.

Concerning Item 6 of the Report, Senator Welsh stated that the Legislative Service Bureau has been instructed to contact counties, cities, and school districts concerning the use of legislative redistricting data and staff to redraw their wards and districts as needed. He stated that Election Data Services, Inc. stated that additional data which would be needed by the Legislative Service Bureau would be available for approximately \$1,000 per county or at a slightly higher cost of \$1,500 per county if only a few of the more populous counties request this assistance.

There being no further comments concerning the Report, Senator Welsh moved the adoption of the Report of the Service Committee. The motion was adopted.

A copy of the Report of the Service Committee is attached to and by this reference made a part of these minutes.

TENTATIVE SCHEDULE FOR THE LEGISLATIVE COUNCIL, 1991

Chairperson Arnould noted that a tentative schedule for the meetings of the Legislative Council had been distributed to each of the members.

A copy of the tentative schedule is attached to and by this reference made a part of these minutes.

ADJOURNMENT

There being no further business to come before the Legislative Council, Representative Connors moved that the Council adjourn at 12:00 noon. The motion was adopted.

Respectfully submitted,

DIANE E. BOLENDER  
Director

THANE R. JOHNSON  
Senior Research Analyst

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