

MINUTES
ADMINISTRATION COMMITTEE

June 23, 1993

PRELIMINARY BUSINESS

The June 23, 1993, meeting of the Administration Committee was called to order by Chairperson Senator William Palmer at 10:04 a.m. in Room 305 of Kirkwood Hall at Kirkwood Community College, Cedar Rapids, Iowa. Those members present in addition to Chairperson Palmer were:

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

MR. JAMES BLANCHARD, MICHIE COMPANY

Chairperson Palmer recognized Mr. James Blanchard, Director of Code Development with the Michie Company (Michie), for a presentation. Mr. Blanchard explained that the Michie Company is in the business of providing legal publications on CD-ROM (Compact Disc - Read Only Memory) and in printed format. He indicated that the Michie Company is interested in receiving permission to produce and publish a CD-ROM and a printed version of the Iowa Code through the use of Iowa's Code database. He noted that Michie would probably include case law, attorney general opinions, and possibly the Iowa Administrative Code on the compact disc, as well. Michie would also develop its own index and would publish a softbound Code annually. He stated that it is Michie's belief that there are unmet needs in the legal marketplace which these products would serve to meet. In response to a question from Chairperson Palmer, Mr. Blanchard indicated that while Michie is probably not precluded from producing and marketing such products, the best way to proceed from their perspective is to use the state's existing electronic database. He stated that the work done to prepare the database is certainly worth some sort of compensation. He also assured the Committee that Michie would not request an exclusive right to provide such products. Mr. Blanchard then referred to written testimony which was prepared for the Committee and distributed. A copy of this statement is on file with the Legislative Service Bureau and available upon request.

MEDICAL PERSONNEL IN CAPITOL

Chairperson Palmer noted that several persons were interested in being present for the discussion on the issue of a designated smoking area in the Capitol Building and requested unanimous consent to defer on that agenda item until those persons were present. There being

no objection, Chairperson Palmer then recognized Mr. Mark Johnson, Legislative Service Bureau, for an update on the availability of medical personnel in the Capitol Building during the legislative session. Mr. Johnson indicated that he had been in contact with Dr. Glen Bigsby III, Director of Medical Education at Des Moines General Hospital. He directed the Committee's attention to a memorandum distributed to the members concerning this conversation. He stated that it is Dr. Bigsby's opinion that Des Moines General is probably not interested in providing medical service on a voluntary basis as the hospital does not consider this to be the best educational opportunity for interns who would provide the service. Senator Buhr indicated that the Iowa Medical Society had provided the doctor of the day on a voluntary basis in past years and inquired whether they might do this again. Chairperson Palmer indicated that providing such service might expose the state to greater liability and also questioned the appropriateness of care given when the doctor providing such service would have no prior medical history concerning someone who may need medical attention when in the Capitol Building. Representative Lundby inquired as to whether any statute or rule exists requiring that such medical service be provided. Mr. Johnson responded that he was not aware of any such requirement. After further discussion concerning the necessity of providing medical care at the State Capitol Building and the convenient location of Des Moines General Hospital one block from the State Capitol, Representative Lundby moved that the First Aid Room on the basement level in the Capitol Building be eliminated and used for other purposes as recommended by the Legislative Council, and that written information be provided to legislators at or before the commencement of each regular session as to where medical care can be obtained. The motion was adopted without dissent.

SERVICE BUREAU PROJECTS UPDATE

Chairperson Palmer recognized Ms. Diane Bolender, Director, Legislative Service Bureau, for an update on current Service Bureau projects. Ms. Bolender indicated that the production of the Code on CD-ROM disk was proceeding and that a meeting had been held with representatives of the Iowa State Bar Association concerning their interest in purchasing a number of the disks to be marketed to the Association's members. She indicated that the disk would be produced containing two versions, one with the Folio search software, and one in ASCII format which will allow the purchasers to use the search software of their choice.

Ms. Bolender stated that the Iowa Administrative Code project was also proceeding. She informed the Committee that a Utah company had been selected to scan the Code and create the initial electronic format. She stated that the Utah company had been selected over a West Des Moines company after it was determined that the West Des Moines company would not be able to complete the project as required. She stated that the availability of the Administrative Code on CD-ROM disk should increase the availability of the Administrative Code to more individuals.

Ms. Bolender introduced Mr. Rich Johnson, Deputy Director, Legislative Service Bureau, for the purpose of discussing copyright protection of the Iowa Administrative Code (IAC). Mr. Johnson indicated that federal copyright law protects original works of authorship

and derivative works, as well. He stated that copyright ownership and the afforded protection arise at the instant of creation of the work, but any action based upon infringement of that copyright cannot be brought until registration of the copyright ownership has occurred. Mr. Johnson noted that the copyright filing fee is \$20 and that two copies are generally required to be deposited with the copyright office. He also indicated that expert legal advice may be necessary to determine if the IAC is a compilation or derivative work to which copyright protection attaches. He stated that the IAC electronic database may be subject to copyright protection as a compilation. He informed the Committee that no less than 20 of the 38 states publishing administrative codes have asserted a copyright claim. After brief Committee discussion, it was moved that the Legislative Service Bureau continue to examine and identify the parts of the IAC which may be subject to copyright protection, and that assistance from the Attorney General be requested concerning evaluation of this issue. The motion was approved without dissent. Chairperson Palmer then directed that this issue be placed on the September agenda of the Administration Committee for further consideration.

CAPITOL COMPLEX SPACE UTILIZATION

Chairperson Palmer recognized Mr. J. Michael Carlstrom, Director, Department of General Services, who after brief introductory remarks introduced Mr. Ralph Oltman, for a presentation on utilization of space in the Capitol and on the Capitol Complex. The presentation addressed specific questions posed and a proposal made by Chairperson Palmer prior to the meeting. Mr. Oltman referred the Committee to the memorandum distributed to the members, a copy of which is on file in the Legislative Service Bureau and is available upon request. Mr. Oltman reviewed the information, including renovation costs, contained in the memorandum concerning establishing a public smoking area in the room presently occupied by the Legislative Information Office, moving the Legislative Information Office to space presently occupied by the First Aid Room and the Executive Council, and considering the discontinuation of state leases in the Des Moines area.

Upon conclusion of the presentation, Representative Lundby commented that the lactation area which is currently located in the First Aid Room could be moved to an area in the Women's Lounge in the basement of the Capitol. Senator Buhr concurred with that suggestion and noted that she had discussed the proposal with other female legislators during the legislative session and they agreed as well. She did not think the move would create a problem. Mr. Oltman responded to a question by noting that the Department is unclear as to who has control of space in the Capitol Building, and suggested that it would be useful to inform the Executive Council of any proposal by the Legislative Council concerning the use of space.

Representative Lundby stated that prior to any discussion of using space as a public smoking area, the Committee should discuss whether any space should be allowed at all for smoking purposes. Chairperson Palmer indicated his belief that the Capitol Building will eventually be designated as smoke-free but that designation of an area might be appropriate until that time. The Committee generally agreed that this will probably be the case.

Representative Lundby suggested that additional cost information be collected concerning the movement of the lactation area and renovating the First Aid Room for use as a smoking room. Senator Buhr inquired as to whether the Legislative Dining Room can be renovated even if a smoking area is not designated. Mr. Carlstrom indicated that the Department is very interested in renovating that area and welcomed any assistance or direction which the Committee might provide. After further discussion, Representative Lundby moved that additional information and cost estimates be requested concerning relocation of the lactation area to the Women's Lounge located in the basement of the Capitol Building and conversion of the existing First Aid Room to a smoking area. The motion also directed that a letter be sent from the Legislative Council to the Executive Council concerning renovation and alternative uses of space in the basement and other areas of the Capitol Building. The motion was adopted without dissent.

Representative Jochum expressed concern about the renovation costs for a smoking area and also indicated the need to establish a time line for making the Capitol Building a smoke-free area in order to provide adequate notice to affected individuals. Chairperson Palmer then introduced the issue of renovating the Historical Building for use as additional office space. He indicated that certain offices might be moved from the Capitol Building to provide additional space for legislative staffs. He stated his belief that the Legislature must examine its responsibility to its employees concerning safety of office areas, and should begin to remedy existing problems. Mr. Carlstrom indicated that renovation of the Historical Building would cost approximately \$8 million, which would include tunnel access to the Capitol Building. Responding to a question by Representative Lundby, Mr. Carlstrom indicated that space in the Historical Building could accommodate the Attorney General, Secretary of State, Treasurer of State, Auditor of State, and their staffs. He noted that the Secretary of State, Treasurer of State, and Auditor of State could maintain formal offices in the Capitol Building. Mr. Oltman responded to a question that it would cost the Board of Regents approximately \$85,000 annually to vacate the Historical Building and provide their own space.

In response to a question from Representative Lundby, Chairperson Palmer indicated that it is his goal to provide space for legislative needs as economically as possible.

There being no further business to come before the Committee, the meeting was adjourned at 11:27 a.m.

Respectfully submitted,

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