

MINUTES
IOWA LEGISLATIVE COUNCIL

February 26, 1991

PRELIMINARY BUSINESS

The first meeting of the 1991-1992 Legislative Council was called to order by the Temporary Chairperson, Senator Bill Hutchins at 11:35 a.m., Tuesday, February 26, 1991, in Committee Room 22 of the State House, Des Moines, Iowa. Members present in addition to Temporary Chairperson Hutchins were:

Speaker Bob Arnould
Senator Leonard L. Boswell
Senator Wally E. Horn
Senator Emil J. Husak
Senator John Jensen
Senator Jim Lind
Senator Jean Lloyd-Jones
Senator Jack Nystrom
Senator Jack Rife
Senator Joe J. Welsh
Representative Janet Adams
Representative Clifford O. Branstad
Representative Kay Chapman
Representative John Connors
Representative Roger A. Halvorson
Representative William H. Harbor
Representative Thomas J. Jochum
Representative Mary Lundby
Representative Wayne McKinney, Jr.
Representative Michael K. Peterson

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.

SELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

Temporary Chairperson Senator Bill Hutchins recognized Representative John Connors who nominated Speaker Bob Arnould and Senator Bill Hutchins as Chairperson and Vice Chairperson, respectively, of the Legislative Council. There being no further nominations, Representative Connors moved that the nominations cease and that Speaker Bob Arnould and Senator Bill Hutchins be unanimously elected as Chairperson and Vice Chairperson of the Legislative Council. The motion was adopted.

ADOPTION OF RULES

Chairperson Arnould recognized Vice Chairperson Hutchins who moved that the proposed rules of the Legislative Council be adopted as the permanent rules of the Legislative Council. The motion was adopted. A copy of the Rules of the 1991-1992 Legislative Council is attached to and by this reference made a part of these minutes.

COMMITTEES OF THE LEGISLATIVE COUNCIL

Chairperson Arnould announced the appointment of the permanent committees of the Legislative Council. He noted that the permanent committees include a Legislative Procedures Committee which is a bipartisan committee with duties to study and recommend budget process reforms and other reforms with regard to legislative procedures. Representative Van Maanen noted that the membership is based on a two-to-one rather than three-to-two majority party-minority party formula.

There being no further comments, Vice Chairperson Hutchins moved the adoption of the Committee appointments. The motion was adopted.

CODE OF IOWA PRICE POLICY

Chairperson Arnould recognized Ms. Diane Bolender, Director, Legislative Service Bureau, for an explanation of a memorandum regarding a recommendation for the price of the 1991 Code of Iowa from Ms. Kristi Little, Superintendent of Printing, Department of General Services. Ms. Bolender stated that the memorandum outlines the various costs of typesetting, printing, and distribution of the Iowa Code and Ms. Little recommended setting a price of \$197.10 plus sales tax. She added that based on the number of free copies distributed and the approximately 4,400 copies sold, she is recommending a price for the 1991 Code of

\$165 plus sales tax. She noted that the \$165 price will recoup the costs of the 1991 Code.

Vice Chairperson Hutchins moved the recommendation for a price of \$165 plus sales tax for sales of the Iowa Code.

Senator Husak asked why the state should not make a small profit on the sale of the 1991 Code of Iowa and suggested that the Legislative Council adopt Ms. Little's recommended price. After further discussion Senator Husak moved a substitute motion that the 1991 Code of Iowa be sold for the price of \$197.10 plus a sales tax of \$7.88. The motion was adopted.

A copy of Ms. Little's memorandum to the Legislative Council is attached to and by this reference made a part of these minutes.

IOWA SUPREME COURT RULE

Chairperson Arnould recognized Representative McKinney for an explanation of a proposed amendment to Iowa Rule of Civil Procedure 232 as recommended by the Supreme Court of Iowa. Representative McKinney stated that the proposed amendment relates to a judgment on default and provides that a notice and opportunity to respond be given to any party who has appeared before the court when an order for judgment on default is entered for the prevailing party. Representative McKinney moved that the Council receive and file the change in the Iowa Supreme Court Rule. A copy of the proposed rule submitted by the Iowa Supreme Court was distributed to Council members and is filed with the Legislative Service Bureau.

SALE OF CODE OF IOWA DATA BASE

Chairperson Arnould recognized Mr. Mark Johnson, Legal Counsel, Legislative Service Bureau, for an informational update. Mr. Johnson stated that negotiations with Mead Data Central for the sale of data base of the Code of Iowa are proceeding. Mr. Johnson stated that portions of the Code data base have been sold to Truart Color Graphics of Iowa City to reproduce certain Code sections for the Department of Public Safety.

There being no action to be taken on the report, the report was received.

EXECUTIVE BRANCH REQUEST FOR CODE DATA BASE

Chairperson Arnould recognized Ms. Bolender who stated that a request has been received from the Banking Division of the Department of Commerce to provide a portion of the Code data base for the use of the Banking Division and not for

resale. There being no further comment, Senator Welsh moved that the request for provision of the Code data base be authorized. The motion was adopted.

REDISTRICTING INFORMATION DISTRIBUTION POLICY

Chairperson Arnould recognized Ms. Bolender for a brief review of the proposed redistricting information distribution policy as submitted to the Legislative Council. Ms. Bolender stated that the Legislative Service Bureau proposes to make available without charge a "Do-It-Yourself" redistricting map set including one copy of the portion of the map set which contains the computer geography identifier of the redistricting data units and two copies of the portion of the map which contains the populations of redistricting data units. Additional copies of both sets would be available upon payment of a \$20 fee per map set. She stated that a floppy disk or paper format of the precinct redistricting unit correlation listing would be available for a fee of \$20. Ms. Bolender also stated that the Legislative Service Bureau will provide a paper copy of Census data for a fee of twenty-five cents per page. Ms. Bolender continued by outlining a number of other sources of census information available from the Census Bureau or the Legislative Service Bureau and the fees or costs involved with receipt of the information.

Upon conclusion of her remarks, Vice Chairperson Hutchins moved adoption of the proposed policy.

In reply to a question by Representative Van Maanen, Mr. Gary Kaufman, Senior Legal Counsel, Legislative Service Bureau, responded that the state has a copy of the TIGER/LINE file available for use of the General Assembly, Legislative Service Bureau, and the House and Senate caucus staffs. In reply to another question by Representative Van Maanen, Mr. Kaufman stated that there is no additional cost to the state for the TIGER/LINE file but if a private person wants the information, it will cost \$200 for the first county and \$25 for each additional county on the computer tape or a maximum of \$250 for the entire state.

Representative Van Maanen questioned why the redistricting software is not available to the public being that the state of Iowa is purchasing the information from the consultants, Election Data Services, Inc. Ms. Bolender responded that the information is not available because of contract requirements with the consultant which provides that the software is available for use of the General Assembly, the Legislative Service Bureau, and the four caucus staffs only.

In reply to a question by Representative Lundby, Mr. Kaufman responded that there will be some differences between the data base used by the General Assembly and the information which will be available from the Census Bureau because of minor adjustments made by the Legislative Service Bureau to correct geographic differences between voting districts and redistricting data units. Mr. Kaufman

added that other persons purchasing the Census Bureau data would also have the same opportunity to make the adjustments if they so desired.

After further discussion, Representative Lundby stated that her principal concerns with the availability of census data to the general public is that only the state personnel have available to them the software purchased from the consultant, Election Data Services, Inc. and this software cannot be shared with the general public. She stated that the General Assembly has an obligation to maintain open public records and even though the law is being followed, the process appears to be secretive.

In reply to a question by Senator Welsh, Mr. Kaufman stated that he made a number of minor adjustments to the TIGER/LINE file because of small geographic changes or glitches which occurred in the information. He added that the changes may not have any population significance, but he believes the adjustments are needed.

In reply to a question by Senator Welsh, Mr. Scharf stated that the software used by the General Assembly must remain within the legislative computer system. He added that it is a policy decision on the part of the General Assembly as to who is given access to use of the legislative computer system.

Senator Lind commented that he is also concerned about information which the consultant, Election Data Services, Inc., claims should remain secret. Senator Lind asked if the Legislative Service Bureau could make available a copy of correspondence to the Bureau from Election Data Services, Inc. regarding this issue. Ms. Diane Bolender, Director of the Legislative Service Bureau, stated that she would make the copy available.

Senator Husak commented that he does not understand the concerns being expressed about the redistricting process. He stated that the process is open to the general public. He added that the General Assembly is constitutionally charged with the responsibility of redistricting the state and he does not believe that anyone is manipulating any part of the process.

Senator Rife stated that he believes direct public involvement in the entire process is appropriate and that the maps available to the general public can be used by them during the redistricting process. He, however, expressed disagreement with the policy that the data bases prepared by Election Data Services, Inc. should not be released to the public.

Vice Chairperson Hutchins stated that he has a large file of correspondence signed by the bipartisan legislative leadership both approving the redistricting plan process that is being used and attesting to the various contractual agreements with the consultant. He stated that he believes the former minority leader of the Senate

specifically requested that control of the data base be maintained by the General Assembly. He further stated that Iowa's reapportionment law has gained national recognition as a model approach to reapportionment and is entirely nonpartisan in its approach, and the nonpartisan aspect has been strictly followed. In reply to a question by Senator Rife, Vice Chairperson Hutchins stated that the Election Data Services, Inc. has a contract to provide reapportionment services with one Republican controlled legislature and several bipartisan entities. The Legislative Service Bureau agreed to provide to Senator Rife a list of clients of Election Data Services, Inc. Chairperson Arnould commented that the vendor was retained to provide technical assistance to the General Assembly so the General Assembly can draw the redistricting plans according to law.

Representative Van Maanen noted that the redistricting process was accomplished ten years ago without consultant assistance and that he and former Senator Hultman have expressed concerns in the past about the close ties between the Election Data Services, Inc. and the National Democratic Party. He noted that contract language requested by Senator Hultman was designed to prohibit the consultant from working for other parties in this state in addition to the General Assembly.

Senator Welsh stated that he does not believe the Legislative Council is restricting access to redistricting information to only a few persons. He said that any of the caucus computer terminals can be made available to other persons with the approval of the caucus.

Senator Lind commented that the proposed policy should be amended to allow private individuals to have the information available to the Legislative Service Bureau and the four caucus staffs if they want the information.

Senator Lind proposed an amendment to the proposed policy regarding the distribution of data relating to racial or language groups in the state. Senator Welsh responded that he believes it would require an amendment to Chapter 42 of the Code to provide this change in the procedures.

In reply to a question by Senator Welsh, Mr. Kaufman stated that data relating to the locations and numbers of language group or same language populations is not available but information concerning numbers and locations of minorities is available and each caucus staff will have this information.

After further discussion Senator Welsh moved that Senator Lind's proposal to amend the policy be referred to the Redistricting Committee of the Legislative Council for further study and comment.

After discussion Senator Lind stated that he could not support the substitute motion without some reasonable date at which the Redistricting Committee will meet and discuss the proposed amendment.

After further discussion, Vice Chairperson Hutchins moved a substitute motion that the amendment be referred to the Redistricting Committee and be brought back to the Legislative Council before the redistricting plan is before the General Assembly. Senator Lind commented that he is agreeable to this approach and Vice Chairperson Hutchins stated that he believes this procedure is necessary to make sure that the proposal will work within established procedures under Chapter 42. After further discussion, the motion was adopted by a voice vote with dissent expressed. A copy of the proposed amendment for release of redistricting information submitted by Senator Lind is attached to and by this reference made a part of these minutes.

Chairperson Arnould again recognized Senator Lind for another amendment. Senator Lind stated that the purpose of the second amendment is to allow an individual to obtain redistricting information from the Legislative Service Bureau without fee if the individual provides evidence of an income level of 110 percent or less of the United States poverty level as defined by the United States Department of Health and Human Services.

After discussion, Vice Chairperson Hutchins moved a substitute motion that the proposed amendment also be referred to the Redistricting Committee for review and comment. The motion by Vice Chairperson Hutchins was adopted by voice vote with dissent expressed. A copy of Senator Lind's proposed amendment is attached to and by this reference made a part of these minutes.

Vice Chairperson Hutchins renewed his motion to adopt the proposed policy regarding release of redistricting information and access to the General Assembly's redistricting system's hardware and software. The motion was adopted by a voice vote with dissent expressed.

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

PAY RESOLUTION FOR CENTRAL LEGISLATIVE STAFFS

Chairperson Arnould recognized Senator Welsh with regard to the pay resolution for central legislative staff agencies. Senator Welsh moved that the proposed Legislative Council Resolution regarding compensation for central legislative staffs be adopted by the Legislative Council and printed in the House and Senate Journals.

In reply to a question by Senator Husak, Ms. Bolender responded that the pay resolution includes the same information as presented last year with the pay matrix adjusted for cost-of-living salary adjustments. She added that pay ranges for the

Directors of the central staff agencies have been included and these pay ranges reflect the recent salary increases for directors authorized by the Legislative Council.

There being no further comments, Senator Welsh's motion was adopted.

REDISTRICTING COORDINATES DECISION

Chairperson Arnould recognized Mr. Kaufman for an explanation of the proposal of Election Data Services, Inc. regarding the compactness calculations used for determining the geographic unit center point in the development of redistricting plans. He stated that the request is necessary because the law requires that the geographic unit center point be determined by visual observation unless an appropriate coordinate system is approved by the Legislative Council. A copy of the letter from Election Data Services, Inc. requesting the use of the latitude-longitude system contained in the Census Bureau's TIGER/LINE files is on file in the Legislative Service Bureau.

There being no further comments, Representative Connors moved the approval of the request. The motion was adopted.

ADJOURNMENT

There being no further business to come before the Council, Representative Connors moved that the Legislative Council adjourn at 12:50 p.m. The motion was adopted.

Respectfully submitted,

DIANE BOLENDER, Director
Legislative Service Bureau

THANE R. JOHNSON
Senior Research Analyst

2615LC
TJ/dg

PROPOSED RULES

IOWA LEGISLATIVE COUNCIL

1991-1992

1. Thirteen members shall constitute a quorum.
2. Not less than thirteen affirmative votes are required for final action on any motion except a motion to recess or adjourn.
3. A substitute motion may be offered in lieu of a pending motion at any time unless the question has been called on the pending motion. A substitute motion takes precedence over any pending amendment to the original motion and, if adopted, disposes of the original motion and any pending amendments to the original motion.
4. Whenever Mason's Manual of Legislative Procedure does not conflict with the rules specifically adopted by the Council, Mason's Manual of Legislative Procedure shall govern the deliberations of the Council.
5. Meetings shall be set by motion before adjournment, or by call of the Council Chairperson with the approval of the Vice Chairperson if meetings are necessary before the date set in the motion.
6. Rules may be changed by a majority vote of the Council as provided in Rule 2.
7. The Council upon its motion may create committees in addition to those provided by statute to carry out its duties and shall designate the members of those committees. The committees shall include members of both political parties. The actions of the committees shall be reported to the Council at each meeting.
8. The Speaker of the House, Majority Leader of the Senate, and Minority Leaders of the Senate and House shall appoint the members of their respective caucuses to interim study committees created by the Legislative Council or statute.

Proposed:

February 26, 1991

g:\rules\ccl



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF GENERAL SERVICES
JACK B. WALTERS, DIRECTOR

FEB 06 91

February 5, 1991

Diane Bolander
Legislative Service Bureau
LOCAL

Dear Diane,

We are now ready to establish a selling price for the 1991 Code of Iowa. I now have a compilation of production costs, some of which are estimated because we are not as yet finished with all operations, but they should be fairly accurate.

Typesetting and data entry costs - \$ 18,858.00

Printing - \$360,787.00

Distribution - \$220,000.00

Iowa Code Division and
Text Processors - \$130,810.00

Currently we are distributing approximately 3510 code cost free. I propose we offset this cost, as we have in the past, and set the price at \$197.10, plus \$7.88 sales tax. This price would reflect the increase in pages, and increases in postage costs.

Please advise if the council agrees, we would like to begin the subscription process.

Respectfully,

Kristi Little
Superintendent of Printing

To: JoAnn Brown
From: Michelle Meyer
State Auditor's Office
Re: 1989 Code of Iowa

The Department of General Services, Printing Division actually received 8,583 complete sets of the 1989 Code of Iowa, with some individual volumes receiving an additional 2 to 16 books. Originally 8700 sets were ordered, however, per Cheri Hurst, the printer is allowed a 5% variance. The actual number of sets received is within the 5% limit.

It had originally been reported by the Printing Division that 3,510 sets had been distributed free, while an additional 1,452 sets had been sold.

Through a review of various records of the Printing Division we were able to determine that the 3,510 sets reported as distributed free appears reasonable. For volumes sold, we determined that 4,380 sets of the 1989 Code of Iowa had been sold, not 1,452 as originally had been reported. In addition, the number of damaged volumes which had been returned to the Printing Division for replacement is not included in these figures.

AMENDMENT TO PROPOSED POLICY ON THE RELEASE OF
REDISTRICTING INFORMATION

Page 2, new paragraph A(6):

"6. Minority Data. Upon delivery of a redistricting plan to the General Assembly, the Legislative Service Bureau shall provide to any member of the public information regarding the impact of the plan on a language or racial minority group. This information shall include, but not be limited to, the following:

- a. The concentration of racial or language groups within the district;
- b. The dispersion of racial or language groups among districts or within the districts contiguous to the district under review.

Amend the Proposed Policy for Release of Redistricting Information and Access to the General Assembly's Redistricting System's Hardware and Software by adding the following:

"An individual desiring to obtain redistricting information provided by the Legislative Service Bureau under this policy for which a fee is charged may receive copies of the information free of charge if the individual provides evidence that the individual has an income level of one hundred ten percent or less of the United States poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services."

JIM LIND

PROPOSED POLICY

RELEASE OF REDISTRICTING INFORMATION AND ACCESS TO THE GENERAL ASSEMBLY'S REDISTRICTING SYSTEM'S HARDWARE AND SOFTWARE IOWA LEGISLATIVE COUNCIL

A. Release of Redistricting Information Upon Request.

1. **DO-IT-YOURSELF REDISTRICTING MAPS.** The Legislative Service Bureau shall provide to any member of the public a set of the "Do-It-Yourself" redistricting maps.
 - a. One copy of the portion of the map set which contains the computer geography identifiers of the redistricting data units shall be provided to a person free of charge.
 - b. Two copies of the portion of the map set which contains the populations of the redistricting data units shall be provided to a person free of charge.
 - c. Additional copies of the set of both types of maps shall be provided upon payment of a fee of \$20 per map set.
 - d. A person obtaining a Do-It Yourself redistricting map set may reproduce the maps for the person's own use or may use them in any manner, including having the maps scanned into a computer readable format.
2. **PRECINCT/REDISTRICTING DATA UNIT CORRELATION LISTING.** The Legislative Service Bureau shall provide to any member of the public its listing that provides the correlation between voting precincts and redistricting data units on either a floppy disk or in paper format upon payment of a fee of \$20.
3. **CENSUS DATA.** The Legislative Service Bureau shall make available in its main office on the third floor of the Capitol for inspection by the public a paper copy of the Census data. Copies may be obtained from the Legislative Service Bureau upon payment of a fee of 25 cents per page.
 - a. In addition to the Legislative Service Bureau which only has available a paper copy of the Census data, the Census Data Center of Iowa and the Bureau of the Census provide copies of the census population data either by paper copy or electronically. To order data from the Census Data Center of Iowa, contact the Center at telephone number 515-281-4118. To order data from the Census Bureau, contact the

Census Bureau Customer Services at telephone number 301-763-4100.

- b. According to information received from the Census Bureau, the PL 94-171 Census population data is available from the Census Bureau at a cost of \$175 on computer tape or \$150 on CD-ROM. It is also available in paper for \$50 plus \$10 per county (except Linn County costs \$20 and Polk County costs \$25) or the entire state's population may be obtained on paper for \$500.
4. **GEOGRAPHY DATA.** The TIGER/Line file for Iowa is available from the Census Bureau at a cost of \$200 for the first county and \$25 for each additional county on computer tape and \$250 for the entire state on CD-ROM.
5. **ELECTION DATA.** Voter registration information and election returns are available from the Office of State Registration of Voters, Hoover Building, Des Moines, IA, 50319 (telephone number 515-281-5781). According to the Office of State Registration of Voters, the cost for the information on an electronic medium is \$5 per report plus the price of the medium. Printed copies are available at the cost of 90 cents per thousand lines with a \$5 minimum cost.

B. Release of Redistricting Software and Data Bases Prohibited.

1. The redistricting software provided by Election Data Services, Inc. shall not be released to the general public.
2. The data bases prepared by Election Data Services, Inc. shall not be released to the general public.

C. Availability and Use of Legislative Service Bureau Redistricting Hardware

1. The Legislative Service Bureau shall not permit the use of its redistricting hardware for the purpose of drawing redistricting plans by any person other than an employee of the Legislative Service Bureau.
2. The Legislative Service Bureau may demonstrate the use of the redistricting system to members of the public at the members' written request and at the convenience of the Legislative Service Bureau.
3. The Legislative Service Bureau shall not draw a redistricting plan for any individual or organization. However, upon release of the third redistricting plan under section 42.3, subsection 3, Code 1991, a state senator or representative may present a completed plan drawn on the Do-It-Yourself maps as a request for an amendment to the third redistricting plan, and the Service Bureau shall enter the plan onto its system.