

M I N U T E S

IOWA LEGISLATIVE COUNCIL

April 13, 1984

The eleventh meeting of the Iowa Legislative Council was called to order at 12:10 p.m. by the Council Chairperson, Speaker Donald D. Avenson, on Friday, April 13, 1984 in the Speaker's Conference Room of the State House, Des Moines. Members present were:

Speaker Donald D. Avenson, Chairperson
Senator Lowell L. Junkins, Vice Chairperson
Senator C. Joseph Coleman
Senator Donald V. Doyle
Senator Merlin Hulse
Senator Calvin Hultman
Senator C. W. (Bill) Hutchins
Senator Charles Miller
Representative Dale Cochran
Representative Betty Hoffmann-Bright
Representative Tom Jochum
Representative Jean Lloyd-Jones
Representative Lester Menke
Representative Lowell Norland
Representative Delwyn Stromer
Representative Richard Welden

Also present were:

Mr. Serge Garrison, Director, Legislative Service Bureau
Mr. Dennis Prouty, Director, Legislative Fiscal Bureau
Mr. Bill Angrick, Citizens' Aide
Ms. Ruth Mosher, Deputy Citizens' Aide
Mr. Burnette Koebernick, Senior Legal Counsel, Legislative Service Bureau
Ms. Diane Bolender, Senior Research Analyst, Legislative Service Bureau

Senator Coleman moved that the minutes of the December 20-21, 1983 meeting be approved as distributed to Council members. The motion was adopted. Senator Hultman moved that the Legislative Council accept the Educational Leave Report. It was noted that the Educational Leave Report contains requests for educational leave received by the Legislative Service Bureau since the December 20-21 meeting. Senator Coleman expressed concern about the number of employees of the Department of Transportation who are requesting educational leave for various purposes. Chairperson Avenson commented that the General Assembly has an opportunity through the appropriation process to transmit messages to state departments concerning the numbers of their employees receiving educational leave.

Representative Welden stated that he believes that the General Assembly should enact legislation recommended by the Legislative Council several years ago relating to reimbursement for educational

leave. Chairperson Avenson suggested that Representative Welden may wish to talk to Representative Jochum, Chairperson of the House Appropriations Committee. Senator Hultman's motion regarding the Educational Leave Report was adopted.

Chairperson Avenson called for a report from the Citizens' Aide concerning his investigation of the Iowa School for the Deaf. Mr. Angrick commented that he is actually releasing two separate reports: One relating to an investigation of allegations and concerns regarding the Iowa School for the Deaf and the other concerning the Deaf Services of Iowa and the provision of sign language interpreter services. Mr. Angrick stated that for its investigation of allegations the Citizens' Aide contacted more than 500 individuals and approximately 50 offered complaints or expressed concerns about the School for the Deaf. Copies of the two reports issued by the Office of Citizens' Aide may be obtained from the Citizens' Aide.

Mr. Angrick stated that on November 9, 1983, the Legislative Council assigned the Citizens' Aide the responsibility to conduct an investigation of allegations and complaints about the Iowa School for the Deaf. He commented that he also met with two members of the General Assembly who had asked for the inquiry and received material from them. He stated that during the investigation, the Office of Citizens' Aide employees believed that it was important to hear for themselves the individuals who raised the complaints, and staff members from the Office met with several of these people at locations outside the Iowa School for the Deaf. He added that after that meeting, the Office of Citizens' Aide contacted all current Iowa School for the Deaf (ISD) employees and some past employees. From these contacts, staff members interviewed 156 current employees and a sign language interpreter was employed to use with employees for which sign language was necessary. He commented that the allegations included both sexual and physical abuse of students, questionable purchasing and inventory control procedures, questionable computer purchases and usage, dictatorial actions by the superintendent, and other issues.

Mr. Angrick stated that all those current employees who were not personally contacted were sent letters soliciting information, and of the 71 letters sent, 15 responses were received. He also commented that letters were mailed to all parents requesting their comments and any students who contacted the Office of Citizens' Aide and indicated they wanted to speak were contacted for interviews. He commented that 31 students were interviewed and, in addition, agencies involved with services to the ISD were also consulted.

Regarding the concerns that were made to the Office of Citizens' Aide, Mr. Angrick commented that his agency is not an appropriate agency to undertake criminal justice investigations. He stated that he instructed his staff that any complaints made that appeared to be reportable under the child abuse law should be reported to

Mr. Angrick, but no such reportable instances were raised. He commented that one of the complaints was outdated and occurred more than 20 years ago, but was not reported at the time. He commented that another complaint that was received was from a student who said that he had been molested when he was young, but did not know who had molested him. Mr. Angrick added that he had received other complaints about abuse of patients, but has concluded that although some employees were aggressive, they were not abusive. Mr. Angrick stated that the Office of Citizens' Aide found there were no written policies for corporal punishment and no policies for writing up confrontations. He stated that there were allegations filed about the Superintendent, for which there was some merit, but the Citizens' Aide's perception is that the Superintendent has high standards and is not tolerant of performances of the staff that do not meet those standards. He commented that the Report recommends that the Superintendent treat the employees with tact and diplomacy.

With regard to issues raised by the Auditor of State, Mr. Angrick commented that practices used by the ISD for stockpiling of supplies instead of reverting funds defeats the purpose of the budgeting process. He concluded that the Auditor of State and State Comptroller are the appropriate authorities to resolve these issues with ISD and the State Board of Regents. He stated that the Citizens' Aide concurs with the recommendations of the Auditor of State with regard to recordkeeping for inventory purposes.

Mr. Angrick stated that the Office of Citizens' Aide believes that the Communications Specialist is an area which needs to be improved. He noted that many noninstructional staff members do not have adequate expertise in signing and sign language is the primary communication medium at the School. He commented that the employment of a Communications Specialist to coordinate and accomplish this task is logical, but the current Communications Specialist works only on a two-eighths full-time equivalent status.

Mr. Angrick concluded that the Office of Citizens' Aide made 16 recommendations, 15 of which apply to the Iowa School for the Deaf and one to the General Assembly. The Citizens' Aide recommends that the Governor or the General Assembly consider the creation of a task force or study committee to review and evaluate the services provided deaf children and adults in Iowa. One focus of this study should be an assessment and possible redefinition of the mission of the Iowa School for the Deaf. He suggested that the Committee review whether it is feasible to have vocational instruction provided as it presently is or provided under the Department of Public Instruction or the area education agencies. The other recommendations of the Office of Citizens' Aide are listed in the Report.

Mr. Angrick described the situation that existed that caused the Office of Citizens' Aide to issue a second report criticizing the Commissioner of Public Health and the Director of Deaf Services of

Iowa. He commented that when staff members of the Office of Citizens' Aide used a sign language interpreter, the interpreter was asked to sign a sworn oath of confidentiality, and this oath was violated. He commented that the Director of Deaf Services offered suggestions and insights in dealing with the deaf during the course of the investigation, but tried to focus the investigation in directions which the Office of Citizens' Aide did not believe were appropriate. He also commented that the agency has been in existence since 1975 with a broad mandate, and has never promulgated administrative rules.

Mr. Angrick thanked his staff and acknowledged courtesies of many persons connected with the investigation.

Senator Hultman moved that Mr. Angrick's reports be received by the Legislative Council, and the motion was adopted.

The Legislative Council recessed at 12:55 p.m. and reconvened at 4:05 p.m. in Committee Room 22 of the State House. In addition to the other members who were present during the morning session, Senator Dale Tieden was present. Also present were Mr. Dan Dudley, House Legal Counsel and Ms. Ann Ver Heul, Senate Legal Counsel.

Chairperson Avenson asked Ms. Ver Heul to comment upon a Settlement and Amendatory Accord and Satisfaction to Agreement #5001382 between Sperry Corporation and the Iowa Legislative Council. A copy of this Addendum is attached and by this reference made a part of these minutes. Ms. Ver Heul reviewed each separate amendment to the original contract and expressed the belief that a concession that Sperry Corporation made in the Addendum is that it will process text by block rather than line. She commented that the time from the date of signing of the Addendum to August 29, 1984 is a final period of cure and the presence of one material deficiency as of August 29, 1984 may result in the written notice of termination of the contract by the affected party. She commented that the contract also provides that if Sperry Corporation uses any equipment in testing, the equipment must remain at no cost to the State.

Representative Cochran asked whether the Addendum commits the State of Iowa to additional dollars. Mr. Dudley responded in the negative, and Senator Hutchins added if the Sperry Corporation does not meet the requirements of the Addendum on August 29, 1984, they must reimburse the State \$113,000. Senator Hultman asked for further clarification about the various provisions of the Addendum. Mr. Dudley commented that the Addendum is specific about what would be required for cooperation between the legislative employees and Sperry employees. Senator Hultman asked whether the Addendum specifies the components that will be included in the Test and Acceptance. Ms. Ver Heul responded that the Addendum describes what the functional components must be, but the format of the systems test is left to the Project Coordinator. Ms. Ver Heul added that the Addendum attempts to define the functions more

clearly. Senator Hultman asked whether on August 29, 1984 it will be possible to make a definite decision about whether the computer meets the legislative requirements. Mr. Dudley expressed the belief that the Legislative Council will be in a better position to make this decision with the wording of the Addendum.

Representative Hoffmann-Bright expressed concern that some of the problems that have occurred with regard to making a decision about whether the Sperry Corporation has met the requirements of the contract will still remain on August 29, 1984. Mr. Dudley commented that ultimately a decision on the contract may be made by a third party. Representative Hoffmann-Bright commented that the original contract had specified that the testing of the system would require no longer than 30 days. Senator Hultman responded that under the original contract, Sperry Corporation representatives have stated that they did not understand the present system and did not understand the degree of cooperation which would be provided by legislative employees. Senator Hultman added that he believes the Addendum is clearer than the original contract.

Representative Hoffmann-Bright stated that she believes that the Legislative Council has violated the bidding procedure, and she commented that three other computer firms have contacted her and have stated that had they been given the latitude that Sperry Corporation has in fulfilling the contract, they would have bid on the original proposal. She asked whether the Iowa General Assembly has given a message to the State about its credibility.

Senator Coleman asked whether the system test criteria outlined in the Addendum have been agreed to by both parties. Ms. Ver Heul responded in the affirmative.

Representative Hoffmann-Bright asked about #10 in the Addendum in which it specifies that if the Iowa Legislative Council elects to exchange all or a portion of the UTS-40 terminals for UTS-30 terminals, Sperry agrees to perform any necessary reprogramming that may be required. She asked whether such an exchange will require additional cost. Ms. Ver Heul responded that the original contract had provided for UTS-30 terminals, but they were not available at that time. She noted that the UTS-30 terminals possess graphics capability.

Representative Stromer asked about the second part of the Addendum in which Sperry and the Iowa Legislative Council agree that they will remain bound unto their obligations and responsibilities under the Agreement and the Addendum. Mr. Dudley responded that the language was added to ensure that the requirements were clearly specified. Ms. Ver Heul responded that the Legislative Council does not want to give up anything it already has.

Representative Cochran asked whether any problems will occur with other computer companies because the contract between the Legislative Council and Sperry Corporation was extended. Mr. Dudley responded that there was a contract dispute between Sperry Corporation and the Legislative Council. He noted that the two parties have entered into an Addendum to the contract and Ms. Ver Heul, the Attorney General, and Mr. Dudley are comfortable with the process that has been used.

Representative Cochran asked for Mr. Garrison's recommendation with regard to the Addendum. Mr. Garrison responded that he has worked with computer companies for the past two years in attempting to develop a system to replace the present system provided by the Comptroller's Data Processing. He commented that if the Legislative Council desires to extend the contract, the contract with the Addendum is a more definitive statement of the obligations than the original contract. He added that it is the Legislative Council's decision whether to extend the contract, and he and his staff have worked to make the contract with the Addendum as clear as possible. He commented that he does not know whether it is possible for Sperry Corporation to achieve the results necessary to meet the contract, but in the meantime his staff is using the present computer system.

Representative Stromer expressed a concern voiced by his caucus about monitoring the use of the computer and whether it is possible to develop guidelines for the computer's use by individual legislators. He commented that Chapter 721 of the Iowa Code is clear about definitions of official misconduct, but the interpretation of illegal use of the computer may not be clear. Senator Hultman commented that he shares Representative Stromer's concern and he distributed copies of a proposed resolution by the Legislative Council relating to the use of the legislative computer. The resolution states:

"BE IT RESOLVED BY THE LEGISLATIVE COUNCIL, That it is the policy of the legislative council that all persons using the legislative computer shall use that facility only for the purposes within the employee's scope of employment or the official's duties as a state official, and the computer subcommittee, is authorized to issue guidelines to further clarify permissible and nonpermissible use of the facility."

Representative Stromer stated that he needs assurance that the Legislative Council will ratify the resolution before he votes on the acceptance of the Addendum to the Agreement.

Senator Hutchins moved that the Legislative Council adopt the Addendum to the contract between Sperry Corporation and the Iowa Legislative Council. Representative Hoffmann-Bright stated that she will not vote for the motion. She stated that she believes Sperry Corporation has violated the contract and has not met the requirements for the 30-day "cure." The motion made by Senator

Hutchins was adopted with 14 affirmative votes by Speaker Avenson, Senators Junkins, Coleman, Doyle, Hultman, Hutchins, Miller, and Tieden and Representatives Cochran, Jochum, Lloyd-Jones, Norland, Stromer, and Welden. There were two negative votes by Senator Hulse and Representative Hoffmann-Bright.

Senator Hultman moved that the proposed resolution relating to the use of the computer be adopted. It was suggested that the authorization for the Computer Subcommittee to issue guidelines to further clarify use of the facility be amended to require the approval of the Legislative Council. There was unanimous consent to amend the proposed resolution by adding those words. Representative Welden asked that the resolution be distributed to members of the Senate and House. Representative Stromer asked that the Legislative Council seek input with regard to the guidelines from other members of the General Assembly. Senator Hultman commented that Representative Stromer is a member of the Computer Subcommittee and can make such a request. Senator Hultman's motion to adopt the resolution of the Legislative Council was adopted.

The Legislative Council adjourned at 4:40 p.m.

Respectfully submitted,

SERGE GARRISON
Director

DIANE BOLENDER
Senior Research Analyst