

M I N U T E S  
IOWA LEGISLATIVE COUNCIL

December 20, 1989

PRELIMINARY BUSINESS

The ninth meeting of the 1989-90 Legislative Council was called to order by Senator Bill Hutchins, Chairperson, at 1:40 p.m., Wednesday, December 20, 1989, in Senate Room 22, State House, Des Moines, Iowa. Members present in addition to Chairperson Hutchins were:

Speaker Donald Avenson, Vice-chairperson  
Lieutenant Governor JoAnn Zimmerman  
Senator C. Joseph Coleman  
Senator Emil J. Husak  
Senator Julia Gentleman  
Senator John Nystrom  
Senator Joe J. Welsh  
Senator Donald Doyle  
Representative Robert Arnould  
Representative Florence Buhr  
Representative John Connors  
Representative Roger Halvorson  
Representative William Harbor  
Representative Thomas Jochum  
Representative Harold Van Maanen

Also present were Ms. Diane Bolender, Director, Legislative Service Bureau; Mr. Dennis Prouty, Director, Legislative Fiscal Bureau; Mr. Bill Angrick, Citizens' Aide/Ombudsman; Mr. Sandy Scharf, Director, Computer Support Bureau; Mr. Joe O'Hern, Chief Clerk of the House; Mr. Jack Dwyer, Secretary of Senate; Mr. Thane R. Johnson, Senior Research Analyst, Legislative Service Bureau; Mr. Richard Johnson, Legal Division Chief, Legislative Service Bureau; other Legislative staff members; representatives of the news media; and other interested persons.

ROLL CALL AND MINUTES - CORRECTION

Chairperson Hutchins recognized Senator Gentleman for a correction to the minutes of November 15, 1989. Senator Gentlemen

noted that she was present at the November 15 meeting but the minutes do not reflect her presence. There being no further additions or corrections, Chairperson Hutchins recognized Representative Arnould. Representative Arnould moved to dispense with the roll call and approve the minutes of November 15, 1989, as amended. The motion was adopted.

#### LODGING AND OTHER EXPENSES AUTHORIZED

Chairperson Hutchins noted due to the severe weather, members of the Legislative Council are authorized lodging and other expenses if they determine it is advisable not to return home following the meeting.

#### EDUCATIONAL LEAVE REPORT

Representative Connors moved that the Legislative Council receive and file the Educational Leave Reports for 1989 submitted pursuant to section 79.25 of the Iowa Code. The motion was adopted. Copies of the educational leave reports are on file in the Legislative Service Bureau. Copies of the educational leave reports are on file in the Legislative Service Bureau.

#### BILL DRAFTING GUIDE

Co-chairperson Hutchins recognized Ms. Bolender for comments concerning the Bill Drafting Guide. Ms. Bolender stated that the Legislative Service Bureau has revised and updated the Legislative Bill Drafting Guide which was last updated in 1983. There being no objection, the Bill Drafting Guide was received by the Legislative Council.

#### 1989 CODE SUPPLEMENT

Co-chairperson Hutchins recognized Ms. Bolender for comments concerning the 1989 Code Supplement. Ms. Bolender stated that copies of the 1989 Code Supplement are now available to the members of the General Assembly and the general public. Copies of the 1989 Code Supplement were received and filed by the Legislative Council.

#### PRICE OF THE 1989 CODE SUPPLEMENT

Concerning the price for the 1989 Code Supplement, Ms. Bolender stated that she received a letter from Kristi Little, Superintendent, Department of General Services' Printing Division concerning the recommended price for the 1989 Code Supplement.

The letter states that based on costs of 4860 received, Ms. Little recommends a price of \$30.00 per book plus sales tax for a total of \$31.20. A copy of the memorandum from Ms. Little is attached to and by this reference made a part of these minutes. There being no comment on the memorandum, Representative Van Maanen moved the adoption of the recommendation for the sale price of the 1989 Code Supplement for \$30.00 per book plus tax for a total of \$31.20 per sale.

#### INTERIM WORK REPORT

Ms. Bolender presented a report of the status of interim study committee final reports. She stated that those approved for distribution have been approved by members of the respective study committees and many others are awaiting final committee approval. She added that the early date for concluding interim studies has been extremely helpful to the Legislative Service Bureau in preparing for the upcoming legislative session. A copy of the memorandum relating to the interim Study Committee Final Reports is attached to and by this reference made a part of these minutes. There being no comments, Chairperson Hutchins received unanimous consent to file the memorandum.

#### CONSIDERATION OF LEASE-PURCHASE AGREEMENTS

Chairperson Hutchins brought to the attention of the Council three letters from the Department of General Services relating to lease-purchase agreement requests from the Department of Employment Services and the Department of Human Services. In response to the request for \$2.5 million to lease purchase a computer system for the Department of Employment Services, Representative Connors asked if the Department has reviewed the equipment for its compatibility with other systems owned by the state. Chairperson Hutchins stated that he does not believe this has been done and he does not know the time factor with regard to the lease-purchase agreement. Chairperson Hutchins recognized Ms. Pat Hilton, Legislative Liaison, Department of Employment Services. Ms. Hilton stated that the lease-purchase agreement has not been signed and there is no specific deadline for completing the lease-purchase agreement.

In reply to a question by Senator Husak, Ms. Hilton stated that there are two sources of federal funding which would be available to complete the lease-purchase contract if future federal budget cuts would affect the lease-purchase agreement. Senator Husak responded that he is concerned that during the course of the lease-purchase agreement, federal funding will no longer be available and thereafter, the contract will have to be paid from state funds. In response to another question by Senator Husak, Vice-chairperson Avenson stated that the approval of the lease-

purchase agreement is before the Legislative Council at the request of the Council in order that it can review any proposed lease-purchases received by the Department of General Services during the interim. He added that this arrangement was requested by the Legislative Council over concern of a lease purchase which was entered into by the Department of Public Safety without the knowledge of the Legislative Council or the General Assembly. He added that the other requests for lease purchases are covered by state funding which are in the 1989-90 budgets of the Department of Human Services.

Senator Husak commented that he believes that the current technology regarding computer systems should lead the state toward leasing this equipment only because it becomes outdated before the equipment is actually paid for.

In response to questions by Senator Coleman and Senator Welsh, Representative Jochum stated that the request for approval by the Legislative Council of a lease-purchase by the Department of Employment Services submitted by the Department of General Services displays the good faith which Mr. Walters has shown since the Legislative Council expressed its concern about lease purchases for which the Legislative Council and the General Assembly have no knowledge.

In response to another question by Senator Husak, Representative Jochum stated that the General Assembly does not appropriate all federal funds which come to the state. He stated that many grants and funds are specified for certain projects and that they are not available for appropriations by the General Assembly.

After the discussion, Senator Husak commented that if federal funding actually does not pay for the total amount of the lease-purchase as requested by the Department of Employment Services, the agreement should be terminated at that point by the Department. Vice-chairperson Avenson responded that he believes the moneys received from the federal government for this purpose are actually funds paid by Iowa employers and the Department should take advantage of these funds to lease purchase the computer equipment.

There being no further comments Vice-chairperson Avenson moved that the Legislative Council notify the Department of General Services that the Legislative Council approves of the three lease-purchase agreements submitted by the Department. The motion was adopted. A copy of the letters requesting the approval of the Legislative Council for the three lease-purchase agreements is attached to and by this reference made a part of these minutes.

REDISTRICTING TECHNOLOGY SELECTION COMMITTEE

Chairperson Hutchins provided a brief explanation of the previous meeting and report of the Redistricting Technology Selection Committee. In reply to a question by Representative Halvorson, Chairperson Hutchins stated that the Committee unanimously adopted the report and the Committee has set \$600,000 as the maximum expenditure which they are prepared to spend for the computerized redistricting system. He added that this is the Committee goal and hopefully the system can be purchased for a lesser amount.

Representative Van Maanen stated that he is somewhat concerned with use of the word "substantially" in the Committee report. He added that he is concerned that the General Assembly will purchase a system which does not have the necessary software functions and that using the phrase "substantially all desired software functions" will allow for an undesirable deviation from the agreed upon requirements. Chairperson Hutchins stated that the motion that was made and adopted unanimously by the Committee included that specific wording and that it is his interpretation that this would allow for some functions to vary, but not to the extent that a requirement of the request for proposal is not met.

Representative Harbor commented that since there is approximately a \$100,000 difference in the bids by the two vendors, he questioned whether the pre-bid standards were sufficiently clear that both vendors were bidding on the same product. Chairperson Hutchins responded that part of the difference between the two bids relates to hardware differences between the two vendors. He added that one vendor would have seven terminals which the General Assembly could use for other purposes than redistricting while the other vendor offered terminals which were incompatible with the legislative system.

In reply to another question by Representative Harbor, Chairperson Hutchins stated that he believes both of the vendors are bi-partisan in their business interests and approach to the redistricting efforts. He stated that he does not know which states have contracted with which vendor but the Committee has taken extraordinary steps to be bi-partisan in its approach to redistricting efforts in Iowa. Chairperson Hutchins recognized Mr. Greg Nichols, Administrative Assistant to the Senate Majority Leader, for comments concerning the two vendors, Public Systems Associates and Election Data Services. Mr. Nichols stated that he does not have all of the background on the states or agencies for which the two vendors have provided computer services but he stated that PSA has provided bill drafting computer systems in some states while the other vendor, EDS, has provided political data bases and similar computer services when redistricting is not

their main focus. Mr. Nichols stated that, as examples, PSA has provided assistance to North Carolina, Alabama, Oklahoma, and Florida. He added that EDS has provided services to Florida, Minnesota, Cook County, Illinois, Rhode Island, and Kansas.

Representative Halvorson expressed the belief that the Committee and the Legislative Council must be very careful because of the unique status of the redistricting process in Iowa as compared to other states. He added that a vendor should be selected who will truly follow a bi-partisan approach in providing the redistricting services.

Representative Van Maanen commented that an issue has been raised concerning the vendor, EDS, because the vendor has done considerable partisan work for the National Democratic Central Committee. Chairperson Hutchins responded that he has also been informed that the same vendor, EDS, has received praise and high regard from persons on the National Republican Central Committee.

In reply to a question by Representative Harbor, Chairperson Hutchins stated that the Legislative Council will see the final bid presented by the two vendors before the final decision is made. He stated that both vendors have been directed to respond to the Committee by January 8, 1990 and a Committee meeting will be held prior to a Council meeting.

There being no further comments, Vice-chairperson Avenson moved the adoption of the Report of the Redistricting Technology Selection Committee. The motion was adopted. A copy of the Report is attached to and by this reference made a part of these minutes.

#### REPORT OF THE FISCAL COMMITTEE

Chairperson Hutchins recognized Senator Welsh for comments on the report of the Fiscal Committee. Senator Welsh briefly described the content of the Report of the Fiscal Committee and moved that the Report be received and filed the Council. There being no further comment, the motion was adopted. The Fiscal Committee Report is attached and by this reference made a part of these minutes.

#### REPORT OF THE SERVICE COMMITTEE

Representative Connors reviewed the Report of the Service Committee for the Legislative Council.

Concerning items three through five of the Report Representative Halvorson asked for the dollar amounts represented by the grade increases in those items. Representative Connors

asked Ms. Bolender to respond to the question. Ms. Bolender stated that in item five the grade 24 equals approximately \$22,000 annually and grade 30 represents approximately \$29,000 annually. She added that grade 18 represents approximately \$16,600 and grade 22 represents approximately \$20,000. She added that she does not have the dollar amounts for grade 15 but it should be approximately 15% less than the \$16,600 amount for grade 18. In response to another question from Representative Halvorson, Representative Connors stated that the increases are considered necessary because higher qualifications are needed to carry out the position of Public Information Office Director. Representative Connors added that the Legislative Service Bureau has been unable to find qualified candidates at the current salary levels. Senator Coleman stated that he agrees with Representative Halvorson's assessment of the increases. He stated that the increases are too substantial and unjustified.

Representative Connors responded that he believes, as does the Service Committee, that the increases can be justified and are needed.

Chairperson Hutchins also stated that the Legislative Council needs to think about contracting with their employees and providing penalties for persons leaving their jobs during, or near start of, the legislative sessions.

Representative Halvorson stated that he has raised the issue of legislative staff salaries because he has received complaints from private associations and non-profit associations about the state hiring their employees away from them and paying higher salaries. Vice-chairperson Avenson stated that he believes the issue is substantially different between health care providers and public information specialists. He expressed the belief that the state's comparable worth job evaluation procedure finally has given health care providers a reasonable salary level and he believes that the two issues involved are quite different. Representative Halvorson responded that he believes the increases are very dramatic and it will undoubtedly affect the morale and status of other legislative personnel.

In reply to a question by Representative Harbor, Representative Connors stated that he is unaware of any particular applicant waiting to apply if the recommendations of the Service Committee are adopted.

Representative Van Maanen commented that he believes the Public Information Office should either be upgraded or abolished.

Concerning item number two of the Report, Senator Gentlemen asked for further explanation of the action being taken. Representative Connors recognized Mr. Scharf concerning the action taken under item two. Mr. Scharf stated that the Computer Support

Bureau has investigated some Techsouth Data Switch equipment which has been found to be unsatisfactory and therefore the equipment is being returned. He added that another system is being evaluated but no plans for purchase have been made at this time.

Concerning item ten which provides for the creation of a Legal Counsel II position in the Office of the Citizens' Aide/Ombudsman, Senator Husak asked why this action is needed. He stated that when the Office's reorganization plan was presented to the Legislative Council in May, 1989, he asked Mr. Angrick if the reorganization would cost the Legislative Council any additional funds. He stated that Mr. Angrick assured him the reorganization would cost nothing. However, he added, it appears that the creation of the new legal counsel position with increased responsibilities would mean increased costs. In conclusion, Senator Husak moved to strike item ten from the Report.

Mr. Angrick responded that he does not recall making the statement concerning the Office's reorganization, but if the statement was made, he considers it to be a misstatement. He added that the increased supervisory responsibility for the position justifies the increase under the comparable worth job evaluation.

After further discussion Senator Husak withdrew his motion to strike in favor of a motion to defer. There being no objection Senator Husak's motion to defer was adopted.

There being no further comments on the report Representative Connors moved to adopt the Report of the Service Committee, as amended. The motion was adopted. A copy of the Report is attached to and by this reference made a part of these minutes.

#### REPORT OF THE ADMINISTRATION COMMITTEE

Chairperson Hutchins recognized Senator Doyle for the Report of the Administration Committee. Senator Doyle reviewed the recommendation of the Committee and moved its adoption. There being no comments, the motion was adopted. A copy of the Report of the Administration Committee is attached to and by this reference made a part of these minutes.

#### REPORT OF THE STUDIES COMMITTEE

Vice-chairperson Avenson reviewed the items in the Report of the Studies Committee for the members of the Council. There being no comments on the Report, Vice-chairperson Avenson moved its adoption. 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.



PRESENTATION OF THE HIGHER EDUCATION TASK FORCE REPORT

Chairperson Hutchins recognized Co-chairpersons Roxanne Conlin and Ed Bittle for their presentation of the Higher Education Task Force Final Report.

Following their remarks, Chairperson Hutchins and Vice Chairperson Avenson thanked the Co-chairpersons and the members of the Task Force for their work on behalf of the education of all Iowans.

ADJOURNMENT

There being no further business to come before the Legislative Council, Chairperson Hutchins adjourned the meeting at 3:11 p.m.

Respectfully submitted,

Thane R. Johnson  
Senior Research Analyst