

M I N U T E S

IOWA LEGISLATIVE COUNCIL

December 19, 1975

The eighth meeting of the 1975-1976 Iowa Legislative Council was called to order at 10:15 a.m., Friday, December 19, 1975 in the Speaker's Room of the State House, Des Moines. Members attending the meeting were:

Speaker of the House Dale M. Cochran, Chairperson
President Pro Tem of the Senate Minnette Doderer, Vice
Chairperson
Lieutenant Governor Arthur A. Neu
Senator Lucas J. DeKoster
Senator Willard R. Hansen
Senator Eugene M. Hill
Senator George R. Kinley
Senator Clifton C. Lamborn
Senator William D. Palmer
Senator Steve Sovern
Senator Bass Van Gilst
Representative Elmer H. Den Herder
Representative Donald V. Doyle
Representative Keith Dunton
Representative Jerome Fitzgerald
Representative William J. Hargrave
Representative James I. Middleswart
Representative Floyd H. Millen
Representative Delwyn Stromer
Representative Andrew Varley

Also in attendance were Representatives Greg Cusack, Tom Higgins, and John Patchett, a number of legislative staff personnel, representatives of the news media, and other interested persons.

On motion of Representative Hargrave, seconded by Senator Doderer, the minutes of the November 19-20 Legislative Council meeting were approved as previously submitted to Council members.

Chairperson Cochran recognized Legislative Service Bureau Director Serge Garrison, who explained that the Transportation Plan Subcommittee of the Joint Standing Committees on Transportation had requested authority to hold one more meeting in addition to those it has previously been authorized. There were distributed to Council members copies of a letter from the Subcommittee explaining that the Department of Transportation's final Transportation Plan, due for submission to the 1976 Session of the General Assembly, will not be ready until early January, 1976 and the reasons why an additional meeting will be needed to permit the Subcommittee to review this plan prior to its submission.

On motion of Representative Dunton, seconded by Representative Hargrave, the Council unanimously approved the Transportation Plan Subcommittee's request.

Pursuant to Code section 2.16, Mr. Garrison submitted to the Council proposed rules for prefiling legislative bills for the 1976 Session of the General Assembly. In response to questions from Senator Hill, Mr. Garrison stated that prefiling is effective in assisting legislators who wish to do so to find co-sponsors to join them in offering certain bills. Mr. Garrison also expressed the view that prefiling serves an informational function. However, he stated that the original objective of mailing out completed draft bills prior to the session for review and consideration by individual legislators is no longer feasible, because the amount of work to be done in the relatively brief interim periods between annual sessions does not permit completion of drafting of individual requests early enough to get them into the hands of individual legislators for study and consideration prior to convening of the session.

Senator Doderer inquired about compliance with the second unnumbered paragraph of section 2.16. Mr. Garrison replied that state departments and agencies generally do not meet the deadline prescribed there for submission of proposed bills to the Service Bureau, and added that they often ignore this requirement entirely and take bill proposals directly to standing committees.

On motion of Senator Van Gilst, seconded by Representative Middleswart, the Council unanimously approved the prefiling rules for the 1976 legislative session as submitted by Mr. Garrison.

Representative Hargrave, who serves as Co-chairperson of the Social Services and Mental Health Study Committee, reported that the follow-up study of former mental health patients which had been placed under the jurisdiction of the Study Committee has been completed. Project Director John M. Driggers of Execucom Systems Corporation has delivered the final report of the study to the Advisory Board established to guide and monitor the study, and the Board has accepted the report. Representative Hargrave noted that the Advisory Board is now engaged in formulating proposed recommendations, based on the report, for submission to the Study Committee.

Representative Hargrave stated that Mr. Driggers had inquired of the Advisory Board whether there would be objection to his preparing one or more articles, based on the study and the report, for publication in a professional or scholarly journal. The Advisory Board had indicated that it has no objection to Mr. Driggers doing so, provided the Iowa General Assembly is given appropriate credit for its sponsorship of the study and any such article is submitted by Mr. Driggers for prior approval on behalf of the General Assembly before it is published. Representative Hargrave expressed the view that the Advisory Board is the appropriate body to make this review and act upon it.

Representative Hargrave moved that the Legislative Council delegate to the Advisory Board for the follow-up study the authority to review and approve any articles which Mr. Driggers may prepare based on that study. The motion was seconded by Senator Doderer and unanimously approved.

Representative Millen noted that sometime earlier he had addressed a letter to Speaker Cochran expressing concern over the failure of the House and Senate to agree on joint rules during the 1975 Session, and requesting that the Rules and Administrative Committees of the two bodies be asked to try to develop joint rules which could be adopted by the House and Senate for the 1976 Session. Representative Millen asserted he had received no reply to his letter, and inquired about the status of this matter. Chairperson Cochran responded that he had received the letter, and that the matter is under appropriate consideration.

Chairperson Cochran noted that on the previous evening, he and several other Iowa legislators had met with Mr. Larry Margolis and Ms. Mary Jo Malone of the Citizens Conference of State Legislators (CCSL) to discuss possible participation by Iowa in CCSL's current Model Committee Staffing Project in the health area. Chairperson Cochran added that in addition to himself and Senate President Pro Tem Doderer, the House and Senate majority floor leaders, House assistant minority floor leader Varley, House Appropriations Committee Chairman Dunton and Representative Tom Higgins and Senator William Gluba, Chairpersons respectively of the House and Senate Standing Committees on Social Services, had attended the meeting with Mr. Margolis and Ms. Malone. He then asked Representative Higgins to outline the proposal CCSL had presented during the meeting.

Representative Higgins explained that CCSL has obtained a grant from the Robert Wood Johnson Foundation, which is interested primarily in health-related projects. The grant is to fund a Model Committee Staffing Project for a number of state legislatures, in the specific area of health and health-related matters. The project has been underway for approximately one year in nine states, and the grant to CCSL has now been renewed for an additional period of time by the Johnson Foundation. However, some of the original nine states will not be continuing in the project and Iowa, which narrowly missed being selected in the initial group of project states, is being offered first chance to participate in the extension of the project.

Representative Higgins continued that the proposal presented to Iowa by CCSL would require an outlay of an estimated total \$65,800 for the twenty-month period from January 1, 1976 to August 31, 1977. Most of this amount--\$58,300--would pay one-half of the salary cost, including fringes and overhead, for two staff persons to be assigned to the Standing Committees on Human Resources of the Senate and House of Representatives. The remaining \$7,500 would pay one-half the cost of a professional intern program associated with the model staffing project.

Representative Higgins said that the Iowa General Assembly will have the final decision as to the individuals to be involved in the staffing project, but the selection will be from among candidates presented by CCSL. The basic concept is that a staffing team will be provided, consisting of one generalist with considerable legislative staffing experience and one health professional who will bring to the project expertise in the health area. This team will conduct research to be used as a basis for policy formulation in health matters and health-related areas by the Human Resources Committees and the General Assembly. In addition, opportunities will be provided for graduate and advanced undergraduate college students to work with these staff persons as legislative interns, in the hope of interesting the interns in careers as legislative staff persons in the health field. Representative Higgins noted that the exact cost to Iowa of the project might vary somewhat according to who is finally selected to serve as the staff persons for the Model Committee Staffing Project, and what salaries these persons command.

Representative Higgins expressed the view that the persons proposed to be employed in the Model Committee Staffing Project could be most helpful in assisting with formulation of policy in the areas of administration of mental health services delivery in Iowa, development of a more effective Title XIX (Medicaid) monitoring system, and preparation of the certificate of need legislation which the federal government will require Iowa to adopt within the next year or two.

Representative Higgins also commented that the legislative leadership present at the meeting with Mr. Margolis and Ms. Malone on the previous evening had agreed that the Iowa General Assembly will need to move toward professional staffing of standing committees within the not-too-distant future, and that the CCSL proposal is an ideal opportunity to experiment with this concept in a setting which does not commit the state beyond the twenty-month period of the model staffing project. The persons to be employed as staff members under the project will probably be from outside the state, and will enter the project with the full understanding that their employment may not last longer than the project itself.

In conclusion, Representative Higgins noted that travel complications due to the current airline strike had prevented Mr. Margolis from remaining in Des Moines for the present Council meeting, but that Ms. Malone was present. At Chairperson Cochran's invitation, Ms. Malone commented briefly. She stated that the proposal by CCSL is strictly an offer to the Iowa General Assembly, not an attempt to persuade the General Assembly or the Council to enter the project. If Iowa accepts the offer CCSL stands ready to enter into an agreement with the leadership and chairpersons of the Committees on Human Resources; if it does not, the offer will be extended to another state.

Representative Varley moved that the Council endorse the CCSL proposal and request that the proper officers of the General Assembly execute the necessary agreement to implement it. The motion was seconded by Senator Doderer.

In answer to a question by Representative Den Herder, Representative Higgins stated that the proposed staff persons would very likely work closely with personnel of the Department of Health. However, he added that the basic objective of the Model Committee Staffing Project is to develop independent resources for the General Assembly.

Senator Lamborn asked for further information about the financial aspects of the CCSL proposal. Ms. Malone stated that in addition to paying the other half of the cost in which Iowa is being asked to share, the CCSL will pay for whatever out-of-state travel is necessary on the part of the personnel serving in Iowa under the model staffing project as well as paying the entire cost of two seminars to be held in Iowa as a part of the overall project.

Senator Lamborn then observed that he has always supported professional staffing of standing committees of the General Assembly, contingent on availability of space to house such personnel. However, he stated if the Council is now prepared to proceed along this line, he would prefer to hire professional staff for standing committees through the Legislative Service Bureau. He explained that he believes the General Assembly could in this manner obtain more for the dollars invested than it would receive by participation in the CCSL project.

Senator Hill expressed agreement with Senator Lamborn's comments, adding that he does not want to consider any approach to staffing of standing committees other than employment of staff through the Legislative Service Bureau. Representative Varley responded that while he agrees completely that in the long run professional staff for standing committees should be employed through the Legislative Service Bureau, he does not want to see the General Assembly make a full commitment to this concept without a preliminary trial, and opined that the CCSL offer is a perfect opportunity to undertake such a trial.

Chairperson Cochran and Representative Higgins noted that while at least one of the staff persons which CCSL apparently would offer to Iowa if the project is approved commands a salary higher than any member of the Legislative Service Bureau staff other than its Director, this situation reflects in part the fact that there is no long-term job security associated with the project. Chairperson Cochran also noted that CCSL insists on absolute nonpartisanship on the part of staffers involved in the model staffing project, to the point that an offer by Representative Higgins to allow one of the staff persons use of Representative Higgins' office was declined on the ground that this would be inappropriate for a nonpartisan staff person.

In the continuing discussion, Senator Lamborn emphasized that he had not meant to suggest that the Council immediately undertake staffing of all standing committees with full-time personnel, but reiterated that he believes that the General Assembly could get more for its money by hiring personnel directly through the Legislative Service Bureau rather than accepting the CCSL offer. Representative Stromer drew an analogy between the CCSL proposal and the School Finance Research Project (LEAP), expressing the view that the General Assembly has gained benefit from services of outside professional personnel in the latter study.

Ms. Malone stressed that CCSL's proposal is no reflection whatever on the Legislative Service Bureau. She explained that the basic thesis of the Model Committee Staffing Project is that neither central staffing nor direct staffing of standing committees is basically preferable to the other; the legislature ought to have both available and ought to make use of both as alternative channels for policy development.

Senator Hill then suggested that the Council might approve the CCSL proposal on the basis of a modification under which the personnel involved in the project would be responsible to the Director of the Legislative Service Bureau in the same manner as present Service Bureau staff personnel who are assigned on a part-time basis to assist various standing committees of the General Assembly. Ms. Malone replied that any such arrangement would be unacceptable to CCSL because it would violate the terms of their grant from the Johnson Foundation. Senator Hill then stated that he is opposed to accepting the CCSL offer, adding that in his view it would be necessary for the Council to approve regular periodic meetings of standing committees during the interim in order for them to provide proper direction to their staff personnel, if these persons are not responsible to the Legislative Service Bureau director.

In response, Ms. Malone stressed that the Model Committee Staffing Project personnel certainly would be expected to cooperate with the Legislative Service Bureau, but that the Service Bureau would not direct these persons' activities. She added that staff direction is central to the purpose of the project, which is to demonstrate the value of highly competent professional staff working under the direction of standing committee chairpersons and members.

In answer to an inquiry by Senator Lamborn, Mr. Garrison stated that during the 1975 Session of the General Assembly, Service Bureau Senior Research Analyst Phil Burks was assigned as the primary staff person to assist the standing Committees on Human Resources. Mr. Burks and Research Analyst Debra Dahab presently staff the Social Services and Mental Health Study Committee.

Senator Lamborn then moved, as a substitute for Representative Varley's pending motion, that the Director of the

Legislative Service Bureau be authorized to employ necessary staff personnel to serve the standing Committees on Human Resources for the next two years. The motion was seconded by Senator Hill.

Representative Varley expressed opposition to the substitute motion, remarking that while he and Senator Hill apparently agree on the ultimate objective of competent professional staff for standing committees of the General Assembly, they differ on the question of how best to achieve that objective. Representative Varley added that he is surprised at Senator Hill's opposition to acceptance of the CCSL proposal, because it would apparently lead to more interim activity by the regular standing committees and less emphasis on special study committees, a policy which Senator Hill has in the past advocated.

In response to questions by Representative Hargrave, Mr. Garrison commented that availability of office space for the two staff persons who would be employed under the CCSL proposal could be a problem, since it had been indicated that one of the terms of the proposal is provision of private offices for these individuals. He added that while additional personnel conceivably could be officed in the present Legislative Service Bureau area, the resulting work conditions would be less than ideal. He added that he, Mr. Burks, and Senior Legal Counsel Burnette Koebornick are the only Service Bureau staff members who presently have private offices and Bureau staff persons do not have private secretaries but rely on a "pool" of highly skilled secretaries.

It was also noted that the CCSL proposal, as outlined at the meeting on the previous evening, had included "availability of back-up research and drafting services from the Legislative Service Bureau." This particular point had not been further defined thus far.

With respect to salaries, Mr. Garrison pointed out that he has not ordinarily hired personnel with previous legislative experience, while the individual whom CCSL had indicated could be made available to Iowa as one of the project staffers at a salary of \$24,000 per year is described as having several years prior experience with legislatures in two other states. Mr. Garrison stated that the present starting salaries for individuals joining the Iowa Legislative Service Bureau staff immediately after completing their educations are \$12,800 per year for attorneys and \$10,200 per year for researchers.

Representative Hargrave then moved to amend Senator Lamborn's substitute motion to include both acceptance of the CCSL offer and employment by the Service Bureau of personnel to staff the standing Committees on Human Resources as proposed by Senator Lamborn. Representative Hargrave's motion to amend died for lack of a second.

Lieutenant Governor Neu expressed agreement with statements by Senator Hill regarding the long-run value of staffing

standing committees through the Legislative Service Bureau, but expressed the view that this objective would not be thwarted by acceptance of the CCSL offer. He said he feels Senators Lamborn and Hill are correct in contending that, in the context of providing professional staff for all standing committees, oversight and direction by the Legislative Service Bureau Director are vital to flexible utilization of staff by standing committees with greatly differing workloads.

Senator Hill replied that if the General Assembly undertakes the Model Committee Staffing Project as proposed by CCSL, with no tie-in with the Service Bureau, Mr. Garrison and his senior staff personnel will have no opportunity to benefit by the experience of supervising and coordinating with professional standing committee personnel.

Vice Chairperson Doderer assumed the chair at 11:35 a.m.

Representative Millen asked Mr. Garrison whether, if the General Assembly should accept the Model Committee Staffing Project as offered by CCSL, the employment of the staff personnel involved in the project at salaries as high or higher than those received by the senior members of the Legislative Service Bureau professional staff would create resentment or damage morale of Legislative Service Bureau staff personnel. Mr. Garrison replied that in his judgment this would not be a serious problem. Ms. Malone commented that the CCSL's experience in this regard has varied among the states which have participated in the Model Committee Staffing Project to date. She expressed the view that the salaries proposed for the individuals who would be offered to Iowa as personnel for the Model Committee Staffing Project are merited by these individual's qualifications and the terms of their employment, and added that the attitude of the existing Service Bureau staff personnel toward the project will probably be determined largely by the degree to which the present staff feel threatened by the project.

After further discussion, Senator Lamborn's substitute motion failed on a rollcall vote of three ayes to fourteen nays. Those voting affirmatively were Senators Hansen, Hill and Lamborn; all other Council members present cast negative votes except Representatives Dunton and Middleswart, who did not vote.

Chairperson Cochran resumed the chair at 11:45 a.m.

Representative Varley's motion to endorse the CCSL proposal was then adopted by a voice vote, with Senators Lamborn and Hill voting no.

Chairperson Cochran recognized Representative Patchett, Chairperson of the Joint Legislative Intern Committee. Representative Patchett distributed to Council members and reviewed verbally a revised proposal for a legislative intern program for the 1976 Session of the General Assembly, prepared in accordance

with the Council's action at its previous meeting. (See minutes of Council's November 19-20, 1975 meeting, pages 22-24.) A copy of the proposal presented by Representative Patchett is attached to and by this reference made a part of these minutes.

At the conclusion of Representative Patchett's presentation, Representative Millen distributed to Council members a summary of a forthcoming Attorney General's opinion relative to the status of House Concurrent Resolution 148 of the Sixty-fifth General Assembly, which had been requested after the discussion of the joint intern program at the previous Council meeting. Representative Millen noted that the summary is based on a telephone conversation with Solicitor General Richard Haesemeyer on the previous day, and that it was anticipated that a formal written opinion would be issued sometime during the following week. Representative Millen continued that the key points in the opinion as outlined to him are:

1. Concurrent and joint resolutions are binding, and are in effect until repealed or amended. This is the current status of HCR 148 of the Sixty-fifth General Assembly.
2. The Legislative Council has no authority to set limits on the number of legislative interns since that is not one of its duties under Code section 2.42. The Council may recommend a limitation to the Joint Legislative Intern Committee, but that Committee is not bound by the recommendation.
3. HCR 148 makes no provision for pay or reimbursement of interns, so it is doubtful that this matter could be decided by the Joint Legislative Intern Committee. Any such provisions would have to be established by legislation after the General Assembly convenes.

Representative Patchett stated that the Joint Legislative Intern Committee has never assumed that it has authority to prescribe pay or reimbursement for interns, but had recommended to the Council that it authorize reimbursement of mileage as suggested in the attached presentation. Representative Millen pointed out that under the Attorney General's opinion which he had just outlined, the Legislative Council also lacks this power. Representative Patchett then suggested that the Council recommend such reimbursement to the General Assembly, and Representative Millen agreed that the Council would have the authority to make such a recommendation if it so desires.

Representative Stromer reiterated the concern he had expressed at the Council's previous meeting regarding efforts by legislative interns to influence legislators' votes on pending matters. In particular, Representative Stromer said he objects to interns seeking to explain pending amendments to legislators unless the legislator in question has so requested. Representative Patchett replied that he does not think such efforts are wrong if a legislator sponsoring or supporting an amendment has asked the intern to explain it to another legislator.

Senator Hansen expressed concern both about what he termed "unlimited" access of interns to the floor of the Senate and House, and about misuse of legislative interns for political purposes by individual legislators. Representative Patchett asserted that the Joint Legislative Intern Committee has tried to design the intern program as a nonpartisan endeavor. Professor Jerry Bonham of the University of Northern Iowa, a member of the Intern Committee who was present, commented that the Committee and not the majority party makes assignments of interns and that the Committee did not try to match up interns with the legislators they are serving on a partisan basis in all cases.

Representative Varley asserted that the internship program is basically educational in nature, that it exists for the benefit of the students who are involved and not for the benefit of the General Assembly. Therefore, he expressed opposition to any provision for mileage reimbursement for legislative interns, and added that he also opposes granting interns access to the floor of the Legislature unless such access is quite restricted.

Senator Doderer moved that the Council endorse the proposal of the Joint Legislative Intern Committee as submitted. After a brief discussion, the motion was withdrawn.

Representative Stromer moved that the Council accept the proposal of the Joint Legislative Intern Committee, except that the question of reimbursement for travel by interns should be referred to the forthcoming session of the General Assembly, and further that the Council request the appropriate committee to make rules relative to legislative interns' access to the floor. The motion was seconded by Representative Millen.

Senator Doderer moved, as a substitute for Representative Stromer's motion, that the Council receive the report of the Joint Legislative Intern Committee without recommendation. The substitute motion was seconded by Senator Palmer.

Senator Hansen stated that in his view adoption by the Council of the substitute motion would create no implication of approval of the Joint Legislative Intern Committee's proposal, and that the merits of the proposal should be debated by the General Assembly when it convenes. The substitute motion was then adopted by a voice vote.

Representative Patchett inquired whether the Joint Legislative Intern Committee's report would be passed on by the Council to the Rules and Administration Committees for action in regard to possible reimbursement of travel costs incurred by interns. Chairperson Cochran replied in the affirmative.

The meeting was recessed at 12:10 p.m., and reconvened in the Speaker's Room at 1:50 p.m. All Council members who had attended the morning session were again present except Senator Lamborn.

Chairperson Cochran recognized Code Editor Wayne Faupel, who stated that he was appearing to seek the Council's recommendation relative to the format for publication of the new Code, or alternatively a supplement to the Code of 1975, as required by section 14.15, following the 1976 Session of the General Assembly. In the ensuing discussion, Mr. Faupel stated that the cost of publishing the Code of 1975 was approximately \$265,800, and that the cost of publishing an entirely new Code of 1977 would probably exceed \$300,000. A Code supplement, containing only those sections of law amended by actions of the Sixty-sixth General Assembly, could probably be published for around \$100,000. Mr. Faupel further noted that in publishing the Code of 1975, it had been decided to utilize the type previously set for the Code of 1973 in reproducing those sections which had not been altered from that edition to the Code of 1975. A similar procedure could be followed in producing the Code of 1977, although this would mean that in some cases the type was being used for the third time and in other cases for the second time.

Mr. Faupel noted that the sale price of the Code is established by dividing the total cost of printing it--currently \$6,500--by the number actually printed. However, this formula does not result in the state regaining the entire cost of publishing the Code because the law presently requires that approximately 2,500 copies be provided free to various governmental agencies, etc.

After further discussion, Senator Hill moved that the Council advise the Code Editor to publish an entirely new Code of 1977 to replace the Code of 1975 with all type being entirely reset. The motion was seconded by Senator Doderer.

There was some discussion of the question whether or not a decision to make use of previously set type for those sections in which no change has occurred would accord an undue advantage to the firm which has published the Code of 1973 and Code of 1975. Mr. Faupel expressed the view that this firm is the only one within the state of Iowa which is large enough to handle the printing of the Code, so that any competitive bids would in all probability be received from out-of-state firms.

Senator Doderer moved, as a substitute for Senator Hill's pending motion, that the Council advise the Code Editor to have the printing of the Code of 1977 put out for bids, with alternatives requested based on entirely new type and on use of previously set type, and further advise the Code Editor to consult with the Lieutenant Governor and Speaker of the House prior to the awarding of the contract. The motion was seconded by Representative Stromer and, after a brief discussion, unanimously adopted.

There was a brief discussion as to whether the Code of 1977 should be published in more than two volumes. Lieutenant Governor Neu urged that the quality of the paper on which the Code is printed be improved over that used for the Code of 1975. Mr.

Faupel explained that the specifications for the Code of 1975 called for a better quality of paper, but that circumstances within the paper industry at present are such that a manufacturer will not produce the volume of paper required for a project such as the printing of the Code of Iowa until a firm order is received. The paper ordered by the firm which printed the Code of 1975 was belatedly delivered, and at that point the firm had the choice of rejecting the entire shipment and thus incurring a further delay of an indefinite length or accepting the substandard paper and making the best of it. The later alternative was chosen, with the result that Volume I of the Code of 1975 is substantially thicker than its 1973 counterpart, although both volumes contain exactly the same number of pages.

Representative Fitzgerald moved that the Council advise the Code Editor to publish the Code of 1977 in two volumes, unless it is necessary to use unduly thick paper. The motion was seconded by Representative Middleswart and unanimously adopted.

Chairperson Cochran recognized Senate Secretary Steve Cross, who presented on behalf of himself and House Chief Clerk David Wray a resume of a proposal for an engineering study of the Senate and House audio systems. The resume noted the limitations, lack of reliability and cost of maintenance of the current systems, and suggested that redesigning them would also make it possible to integrate the voting control board and audio control board so as to give the presiding officer better control, eliminate the position of control board operator at an annual savings of some \$4,600 and provide for future expansion or alteration of the system to meet changing needs.

Mr. Cross continued that the Senate had solicited bids on work necessary to achieve these objectives. In response, seven reputable companies had indicated it was impossible to bid on a fixed price contract because the problems with the present system are not adequately defined, no blueprints of the present system exist to assist in locating the various elements of the system which have been added over a period of years, and integration of the voting and audio controls requires preliminary engineering and design work.

Mr. Cross explained that few companies do the type of audio consulting engineering work which is required as a preliminary to seeking bids on upgrading of the Senate and House audio systems. One which does is Spectra Associates of Cedar Rapids, which did the design work on the Iowa police radio system and is highly recommended by the General Services Department. Spectra was contacted, and proposed to do the necessary work in four steps beginning with examination and definition of the problems and concluding with preparation of specifications and assistance with vendor selection. The firm estimates the probable cost of work, assuming both houses are involved, at \$8,750 with a minimum cost of \$6,666 and a maximum of \$10,000. Mr. Cross explained that because there is so little available information on

the extent and design of the total existing audio systems, the firm could not make a more precise estimate of the cost of the proposed work.

After some discussion, Senator Kinley moved that the engineering study of the audio systems for both the Senate and House of Representatives be undertaken as proposed in the resume presented by Mr. Cross. The motion was seconded by Representative Hargrave, and unanimously adopted.

Mr. Cross then noted that earlier in the year, while he was serving as Senate Legal Counsel, the Council had requested him and House Legal Counsel Dan Dudley to determine the extent of legislative interest in and to monitor the district court case of Turner v. Ray and Selden. (See minutes of Council's July 16, 1975 meeting, pages 1-2, and July 23, 1975 meeting, pages 4-5.) Mr. Cross reported that the district court had now decided the case, and submitted a brief memorandum noting the three previously identified areas of legislative interest in the case, and the outcome of the case with respect to each. A copy of the memorandum is attached to and by this reference made a part of these minutes.

Chairperson Cochran next recognized Treasurer of State Maurice Baringer, who stated that he had prepared a report on the status of the Terrace Hill project for presentation to the Council at its previous meeting. Because of the number of items on the agenda of that meeting, it had been decided instead to simply deliver the report to Mr. Garrison, who forwarded copies to Council members. Mr. Baringer stated that the report is current except that it does not reflect funds paid for work on Terrace Hill during the month of November. In response to a question from Senator Hill, Mr. Baringer stated that the Terrace Hill Foundation has initiated efforts to raise additional funds to help pay for the work being done on the mansion.

In conclusion, Mr. Baringer pointed out that the law actually requires the Terrace Hill Commission to report to the General Assembly only if it is seeking additional funds for the work for which it is responsible. He stated that the Commission does not intend to make such a request of the General Assembly in 1976, but will submit a brief report which can be printed in the journals if the General Assembly so desires.

Mr. Garrison distributed copies of a letter to the Council from the Correction and Peace Officers Pension Subcommittee of the Standing Committees on State Government, reporting that the Subcommittee had decided on December first to terminate its activities for the current interim. The letter explains that the Subcommittee had decided upon this action in light of the Council's decision not to fund actuarial studies as requested by the Subcommittee, and the fact that the Subcommittee does not feel it has the actuarial information upon which to base and support a recommendation of the comprehensive nature requested by House Concurrent Resolution 76 of the Sixty-sixth General Assembly.

Chairperson Cochran recognized Representative Dunton, who presented and verbally summarized the report of the Legislative Fiscal Committee for the 1975 legislative interim. Copies of the report are available from the Legislative Fiscal Bureau.

At the conclusion of the summary of the Fiscal Committee's report, Representative Dunton moved that it be accepted by the Council. The motion was seconded by Representative Stromer and unanimously adopted.

Representative Dunton stated that at its meeting on the previous day the Legislative Fiscal Committee heard a discussion by Legislative Fiscal Director Gerry D. Rankin and members of his staff concerning a computer program analysis system which has been designed and is in use in the state of Washington. Representative Dunton noted that a presentation regarding this system was made at the annual meeting of the National Conference of State Legislatures in Philadelphia in October. He added that the Legislative Fiscal Committee is very interested in the possibility of adopting the program for use in Iowa, and believes that the Fiscal Bureau staff could review this system in detail and determine whether it is applicable to Iowa's needs.

Accordingly, Representative Dunton moved that the Council authorize travel by the Fiscal Director and members of his staff to Olympia, Washington for the purpose of reviewing the Washington state computer system, its data base, and estimating the cost and time required for installing such a system for use by the Iowa General Assembly. The motion was seconded by Senator Van Gilst and unanimously adopted.

Chairperson Cochran recognized Larry Burch, Legislative Service Bureau Legal Counsel assigned to the Medical Malpractice Study Committee, for presentation of the Study Committee's final report. Copies of the report are available from the Legislative Service Bureau. Mr. Burch also offered a verbal supplement to the report, concluding with a statement that the medical malpractice problem has social, medical, and economic aspects as well as purely legislative ones, and that there are no easy solutions in sight.

Senator Hill directed a number of questions to Mr. Burch regarding the study, and in particular the degree to which resources such as out-of-state meetings and seminars were utilized by Study Committee members and staff. At the conclusion of the discussion, Senator Hill expressed satisfaction with the work of the Study committee and its staff, and moved that the Council receive the report. The motion was seconded by Senator Doderer, and unanimously adopted.

Chairperson Cochran recognized Senator Doderer, Chairperson of the Council's Service Committee, who reported on the Committee's meeting immediately prior to the morning session of the present Council meeting. The minutes of that Service Committee

meeting accompany these Council minutes. Senator Doderer noted the Service Committee's recommendations regarding reallocation of funds appropriated to the Legislative Service Bureau and adjustment of salaries of two Service Bureau staff members who will soon have completed six months of very satisfactory service.

Senator Doderer moved adoption of the Service Committee's report and recommendations. The motion was seconded by Representative Middleswart, and unanimously adopted.

Chairperson Cochran reported on the meeting of the Council's Administration Committee, held on the previous day. The minutes of that meeting accompany the minutes of this Council meeting.

Chairperson Cochran noted that the Administration Committee had discussed at length procedures to be used by the General Assembly in considering proposed legislation. He presented a fairly detailed report of the discussion, noting that no final agreement was reached by the Administration Committee in regard to a procedure, but that it had been agreed that the Administration Committee's minutes and the possible alternatives discussed should be made available to the Rules and Administration Committees of each house of the General Assembly for their consideration.

Chairperson Cochran also noted that the Administration Committee had given further consideration to the matter of an out-of-state travel policy for legislators and legislative staff, pursuant to the Council's action at its previous meeting re-referring this matter to the Administration Committee. Mr. Garrison noted that the revised proposed statement of policy which the Administration Committee had submitted to the Council suggested that authorization of travel for staff personnel of legislative agencies should be made by the agency director within the limits of funds approved for travel purposes by the Legislative Council. He commented that he has followed essentially this policy for the past several years.

Senator Hansen said he feels there should be more specific guidelines for out-of-state travel by legislators than are proposed in the revised statement. Representative Varley advocated early Council determination of what out-of-state meetings should be attended each year, and which legislators should attend them.

In response to a question by Senator Hill, Representative Varley said that he feels that in general the only serious problems which confront the Council relative to authorizing out-of-state travel by legislators relate to the annual meeting of the National Conference of State Legislators (NCSL). Representative Varley added that this organization and others present a number of good short courses, conferences and seminars on various topics through the year, and that quite possibly some legislators would obtain more useful information by attending some of these functions rather than the annual meeting of the NCSL. Senator Hill responded that

possibly consideration should be given to paying only the expenses actually incurred, not per diem, for legislators who attend the annual meetings of the NCSL.

Representative Varley commented that another possible problem area is the Washington meetings held with the Iowa congressional delegation, adding that it is not necessarily desirable to send all members of the Legislative Council to the meetings when they are scheduled. Chairperson Cochran agreed, adding that the Council could on each occasion consider what specific problems are to be discussed and accordingly select the legislators and staff who should attend.

Senator Hill moved that the report of the Administration Committee be received. The motion was seconded by Representative Doyle.

Senator Doderer, referring to the matter of appeals by aggrieved or discharged legislative employees, asked if it is understood by Council members present that acceptance of the draft bill submitted to the Council by the Administration Committee would not preclude the referral of such appeals to a subcommittee of the Council, rather than requiring the full Council to hear each appeal. She commented that requiring an employee to present his or her case before some 20 legislators might be somewhat traumatic for the person making the appeal. There was general agreement with Senator Doderer's interpretation of the draft bill.

The motion to receive the report was then adopted by a unanimous voice vote.

Senator Hill moved that the Council direct the Legislative Service Bureau to submit all draft bills recommended by interim study committees to the assigning officers of each house for reference to appropriate standing committees, upon convening of the 1976 Session of the General Assembly. Senator Hill's motion was seconded and, after some discussion, adopted by a voice vote.

Representative Varley suggested that the Rules and Administration Committees of the House and Senate take under advisement the possibility of adopting a rule that no standing committee may consider any bill which has not received a Legislative Service Bureau drafting file number. No disagreement with this suggestion was expressed.

Chairperson Cochran recognized Director Victor Preisser of the state Department of Transportation (DOT), who indicated he had sought the opportunity to appear before the Council in response to its earlier discussion of DOT's proposal to assign a representative in Washington D.C. (See minutes of the Council's October 15, 1975 meeting, page 13.) Mr. Preisser asserted it was not his purpose to try to change the minds of Council members concerning a Washington representative for Iowa's DOT but only to insure that Council members are accurately informed about the matter and to seek better communication with Council members and legislators generally.

After summarizing his objectives as director of DOT, and the Department's major achievements during his first year in that position, Mr. Preisser stated that in continuation of his efforts toward further efficiency in DOT, and also to obtain the revenue he asserted Iowans are entitled to receive for transportation purposes from the federal government, he had on September 8 sent a letter to the Executive Council proposing to establish a new classification of "Assistant to the Director of Planning and Research." This individual was to be established in the exempt pay plan at pay range 33 (approximately \$16,000-\$22,000) and located in Washington D.C. Mr. Preisser noted that the letter had described this as an experimental effort for an initial period of one year.

Mr. Preisser stated that news accounts of the Legislative Council's October 15 discussion indicate that Council members were operating under a number of misapprehensions, including the following:

1. Establishment of an Iowa DOT office in Washington D.C. would set a precedent for other state departments, and result in an ultimate state outlay of \$100,000 per year or more. In fact, the proposal was that Washington D.C. be the assigned work location of one individual, who would have no office and no secretary, but would work from his or her home.

2. The Iowa congressional delegation already provides the informational services necessary for agencies of state government, and a departmental staffer in Washington D.C. would simply duplicate this effort. Mr. Preisser asserted that there is not a transportation specialist on the staff of any member of Iowa's congressional delegation.

3. The DOT proposal was an attempt to sidestep the Legislature, which had already turned down the proposal to establish an Iowa-Washington office. Mr. Preisser pointed out that the governor's State of the State Message in January, 1975 asked for a Washington office for all state departments, while the DOT proposal was for a single transportation specialist working out of his or her home.

4. Approval of DOT's proposal would lead other state agencies to ask for Washington offices. Mr. Preisser said the DOT proposal should be turned down if it cannot be adequately justified on an economic basis, and that any such request by other state agencies should be similarly judged on a case-by-case basis.

5. It would be illegal for DOT to assign a departmental representative to Washington D.C. Mr. Preisser stated the Department has an informal opinion of the Attorney General's office to the contrary.

Mr. Preisser then discussed the economics of the DOT proposal. He asserted that when the Department sends a staff member to Washington D.C. on business for one week, the additional

expenses incurred above that staff member's salary totaled \$400-\$500. Last year, DOT found it necessary to make approximately 45 such trips to Washington, some involving several people. The Department has 70 people who follow congressional funding which is supposed to end up in Iowa. The salaries and expenses of these 70 people amount to only 1.5 percent of the approximately \$100 million a year in federal funding received by DOT alone. Mr. Preisser termed this percentage a very good one, but said that assignment of a full-time transportation specialist to Washington D.C. probably would permit DOT to reduce its central staff in Iowa by up to five persons.

In conclusion, Mr. Preisser stated that the DOT proposal for assignment of a full-time transportation specialist to Washington D.C. was a reasonable request based on economic considerations. He expressed appreciation for the opportunity to appear before the Legislative Council to try to make these facts clear.

In response to an inquiry by Senator Hansen, Mr. Preisser stated that the federal Department of Transportation has one highway officer in Ames, but that this individual is concerned with highways only, not transportation generally.

Senator Hill asked a series of questions about availability of contacts in Washington which could be utilized to the same purpose as assigning a full-time employee there. Mr. Preisser replied that any former Iowa official now on the staff of a federal agency who appeared to be extending any special consideration to Iowa would be subject to sanctions of one sort or another for doing so. He added that the telephone is simply not an adequate means of communication in matters such as are involved here. Either Iowa must have a representative on the scene in Washington to protect its interests, or it will in many cases find out too late that these interests have suffered. He added that a State of Iowa office such as was proposed by the Governor in January, 1975 would serve DOT's purposes adequately only if a transportation specialist were on the staff of that office.

Representative Varley commented that the question of assigning a full-time transportation specialist to Washington is not really the Legislative Council's decision, but urged Council members to keep an open mind about the matter. Senator DeKoster agreed, adding that in his judgment Mr. Preisser had made a good case for the proposition.

Senator Hansen stated that he does not recall any discussion at the October 15 Council meeting of some of the points to which Mr. Preisser had alluded in his presentation. He added that his own objection was that the proposal had never been before the Transportation Appropriations Subcommittee. He said that he resents being criticized by implication for objecting to a matter of this kind being handled in a way which, in effect, evades the legislative process. He suggested that the case of Turner v. Ray

and Selden, which had been discussed earlier during the present meeting, is squarely in point.

Senator Van Gilst inquired whether the State Transportation Commission has authority to make a decision about making Washington D.C. the work location of one of the Department's employees. Mr. Preisser replied in the affirmative, but said that he wanted the Legislative Council to be fully informed about the matter.

Chairperson Cochran thanked Mr. Preisser for his presentation.

Senator Doderer said that upon further consideration of the motion by Senator Hill relative to disposition of bills recommended by interim study committees, which the Council had earlier adopted, she had concluded that the motion will have the effect of precluding the introduction of any of these bills by individual legislators, which had not been her intent in voting for the motion. Senator Hill said the primary purpose of his motion was simply to overcome the situation in which study committee and subcommittee bills, which are fully drafted and ready for consideration, lie in the Legislative Service Bureau office for some time waiting for someone to request them for introduction. Chairperson Cochran then stated no further discussion of the matter would be in order unless there was a motion for its reconsideration or suspension of the rules. No such motion or request was offered.

Mr. Garrison distributed to Council members copies of a letter from Professor Wayne P. Truesdell of the University of Northern Iowa, requesting payment of a fee for professional consulting services and reimbursement of expenses in connection with his appearance before the Property Tax Study Committee on October 20, 1975. A copy of the letter is attached to and by this reference made a part of these minutes.

In response to a question by Representative Varley, Senator Van Gilst said he is satisfied that the material presented to the Property Tax Study Committee on October 20 was prepared specifically for that meeting. Representative Varley then stated he would have no objection to reimbursement of the travel and duplicating expense claimed by Dr. Truesdell, but feels the Legislature has no obligation to pay him a consulting fee. He added that the General Assembly should have the right to expect such service from those on the state payroll who are in a position to render it.

Senator Doderer moved that the Council approve reimbursement of the expenses claimed by Dr. Truesdell, but not payment of the consulting fee he has requested. The motion was seconded by Senator Hill and unanimously adopted.

Senator Hill moved that efforts be made to arrange a meeting of legislators with members of the Iowa Congressional

delegation in Des Moines during the period February 11-16. The motion was seconded by Representative Dunton, and unanimously adopted.

The meeting was adjourned at 4:40 p.m.

Respectfully submitted,

PHILIP E. BURKS
Senior Research Analyst

SERGE H. GARRISON
Director