

M I N U T E S  
LEGISLATIVE COUNCIL

March 19, 1980

The twelfth meeting of the 1979-80 Legislative Council was called to order at 12:05 p.m., Wednesday, March 19, 1980 in Senate Committee Room 22 of the State House in Des Moines, Council Vice Chairperson Calvin O. Hultman presiding. Other Council members attending the meeting were:

Lieutenant Governor Terry Branstad  
Speaker of the House William H. Harbor  
Senator Lowell L. Junkins  
Senator John S. Murray  
Senator Richard R. Ramsey  
Senator Bob Rush  
Senator Ray Taylor  
Representative Robert T. Anderson  
Representative John H. Clark  
Representative Gregory D. Cusack  
Representative Roger A. Halvorson  
Representative Ingwer Hansen  
Representative Delwyn D. Stromer  
Representative Richard W. Welden

Other persons present for the meeting included Director Serge Garrison and Phil Burks of the Legislative Service Bureau, Director Gerry D. Rankin and Thom Freyer of the Legislative Fiscal Bureau, Code Editor Wayne Faupel and Deputy Code Editor Phyllis Barry, Chief Clerk of the House David Wray, Secretary of the Senate Frank Stork, Superintendent of Printing Vern Lundquist, Supreme Court Administrator William O'Brien, Associate Vice President for Educational Development and Research William Farrell of the University of Iowa, and several other legislative staff personnel and interested persons.

On motion of Representative Stromer, seconded by Representative Clark, the minutes of the Council's previous meeting, held December 12, 1979, were approved as submitted to Council members.

Senator Hultman noted that as a result of his resignation from the position of Speaker of the House, Representative Floyd Millen is no longer a member of the Council and therefore the office of Council Chairperson is vacant. Senator Murray nominated Speaker Harbor for Council Chairperson. Representative Cusack seconded the nomination.

Representative Stromer moved that the nominations cease and that a unanimous ballot be cast for election of Speaker Harbor as Council Chairperson. The motion was seconded by Senator Taylor and unanimously adopted.

Speaker Harbor assumed the chair and recognized Superintendent of Printing Lundquist. Mr. Lundquist presented and briefly reviewed a proposal to let three contracts relating to printing of the 1981 Code, the 1980 Session Laws, and a reprint of the Court Rules. A copy of the proposal is attached to and by this reference made a part of these minutes.

Senator Hultman moved that the proposal submitted by Superintendent Lundquist be approved by the Council. The motion was seconded by Representative Stromer, and discussion followed.

In the course of the discussion, Senator Rush inquired when it could be expected that the 1981 Code would become available to attorneys and others who have a need to use it. In response, Mr. Lundquist reviewed the terms of the proposed contract covering the printer's responsibility to complete certain stages of the work at certain times and to deliver a minimum number of copies of the Code on a daily basis once actual printing has begun. He noted that there is a penalty for failure to meet this schedule, which works out to approximately \$700 per day. However, he commended the past performance of the proposed contractor, Desaulniers of Milan, Illinois.

Senator Rush stated that his interest is in determining how much time can be expected to elapse from the adjournment of the current session of the General Assembly until the 1981 Code is available for use. Mr. Lundquist replied that publication of the Code is a three stage process, involving updating of the electronic tape data base by Data Retrieval Corporation, submission of the updated data base to a separate type setting firm, and finally the actual printing. He said that the timing of each phase of this process is dependent initially upon the completion of the compiling of the new Code by the Code Editor's office. Mr. Lundquist added he would guess that the 1981 Code will be available for use beginning in early December, 1980.

Representative Stromer noted that the 1979 Code uses slightly smaller type than did the 1977 and earlier Codes, and inquired how much it would add to the total number of pages in the Code to return to the larger type. He explained that he has received a number of complaints from attorneys and others who object to the smaller type. Mr. Lundquist said that some effort has been made to determine the effect of returning to the larger type formerly used, and that it appears that doing so would add 273 pages to Volume I of the Code alone.

Senator Hultman's pending motion was then adopted by a unanimous voice vote.

Mr. Garrison noted that there had earlier been distributed to Council members copies of a compilation of educational leave reports received by the Service Bureau, pursuant to the requirements of section 79.1 of the Code, during the period since

the last previous compilation of such reports had been distributed to the Council in December, 1979. He further commented that to date no action has been taken on the recommendations of the Council's Educational Leave Subcommittee, which was established during the 1979 interim to consider the need for changes in section 79.1.

There was a brief discussion of the disposition of that Subcommittee's recommendations. Senator Rush suggested that an amendment embodying those recommendations be prepared and offered to the Code Editor's bill currently pending in the Senate.

Senator Murray observed that it appeared from the educational leave report which had been distributed to Council members that a particular employee of a state agency had taken the same college course twice, and had been reimbursed under the educational leave program on both occasions. He inquired whether this might have been a typographical error on the Service Bureau's part. Mr. Garrison replied that this was not a typographical error, but that it reflected the report received from the agency in question.

On motion of Senator Hultman, seconded by Representative Stromer, the educational leave report was accepted by a voice vote.

Senator Hultman was then recognized to present the report of the Council's Administration Committee, pursuant to that Committee's meeting of March 13. A copy of the Administration Committee report is attached to and by this reference made a part of these minutes.

Senator Hultman moved that recommendation #1 presented in the report be adopted by the Council. The motion was seconded and passed by a unanimous voice vote.

Senator Hultman moved adoption of recommendation #2 presented in the report. The motion was seconded and passed by a unanimous voice vote.

Senator Hultman moved adoption of recommendation #3 presented in the report. The motion was seconded and adopted by a unanimous voice vote.

Senator Hultman next moved that recommendations #5 and #6 presented in the report be adopted. The motion was seconded and discussion followed, in the course of which Senator Rush inquired about the attitude of Director of Services Stanley McCausland toward the recommendation that carpet be installed in the office area to be occupied by the Code Editor's staff. In response, Senator Hultman briefly summarized the conversation he and Senator Junkins had had with Mr. McCausland, described in the third and fourth paragraphs on page 3 of the March 13 Administration Committee minutes.

At the conclusion of the discussion, Senator Hultman's pending motion to adopt recommendations #5 and #6 was adopted by a voice vote.

On motion of Representative Cusack, seconded by Representative Stromer, recommendation #7 presented in the report of the Administration Committee was adopted by a unanimous voice vote.

With respect to recommendation #4 in the attached report, Senator Hultman called attention to a memorandum to members of the Legislative Council from Mr. McCausland dated March 17, 1980, which had been prepared pursuant to a request of the Administration Committee at its March 13 meeting. A copy of Mr. McCausland's memorandum is attached to and by this reference made a part of these minutes.

Senator Hultman noted that the memorandum contains cost estimates with respect to air conditioning various portions of the Capitol building, and alternative methods of accomplishing this objective. He pointed out that the total figure listed under the heading I ("Northwest Quadrant") is erroneous, and should read \$231,000.

At Senator Hultman's request, Speaker Harbor recognized Supreme Court Administrator O'Brien who stated that the Court needs to know what the General Assembly intends to do with respect to air conditioning of the Capitol building so that the Court can complete its planning and proceed with renovation of the areas of the building to be occupied by the judicial branch. A discussion of alternative options outlined in Mr. McCausland's memorandum followed.

At the conclusion of the discussion, Representative Stromer moved that the Council recommend to the Senate and House Appropriations Committees that funds be appropriated to permit proceeding with air conditioning of the north wing of the northwest quadrant and the northeast quadrant of the Capitol building.

Representative Cusack moved, as a substitute for Representative Stromer's motion, that the matter of air conditioning in the Capitol building be referred to the respective Appropriations Committees without comment. The substitute motion was seconded by Representative Hansen and unanimously adopted.

Senator Hultman very briefly reviewed the two final items contained in the Administration Committee's report. He noted that they are informational in nature, and that no action on them is required.

Speaker Harbor next recognized Dr. Farrell, who noted that he had last appeared before the Council in November, 1979. (See minutes of Legislative Council's November 7, 1979 meeting, pages 2-3.) Dr. Farrell described a proposal to the Legislative Council for participation of the General Assembly in the National Science Foundation's State Science, Engineering, and Technology Program, which he had previously distributed to Council members present. A copy of the proposal is attached to and by this reference made a part of these minutes.

In the discussion which followed Dr. Farrell's presentation, Representative Cusack suggested that the Senate and House Appropriations Committees should review the proposal Dr. Farrell had presented. Representative Cusack also suggested that Speaker Harbor appoint a special subcommittee of the Legislative Council to review the proposal, and expressed hope that it would consider tying the proposal in with a concept previously discussed under which the General Assembly would have more direct control over projects which would be carried out under the proposal presented by Dr. Farrell.

Representative Welden explored the extent of present and prospective state funding in connection with the existing Legislative Environmental Advisory Group, and the proposal presented by Dr. Farrell. He expressed concern over what he believes is the Legislative Council's increasing tendency to act as an appropriating body.

After some additional discussion, Representative Cusack moved that the Legislative Council refer the matter for review by the respective Appropriations Committees, and that the Council Chairperson appoint a special subcommittee of the Legislative Council which would also carry out a review of the proposal. He included in his motion a suggestion that Dr. Farrell proceed with the preparation of the application to the National Science Foundation, which must be submitted by April 15, 1980 if it is to be considered, with the understanding that the Legislative Council will make a final decision on participation in the proposal prior to that date. The motion was seconded by Representative Welden and adopted by a unanimous voice vote.

Speaker Harbor next recognized Legislative Fiscal Director Rankin, who explained that a vacancy would occur in a secretarial position with the Legislative Fiscal Bureau on March 21, 1980. He recommended employment of Mrs. Lynn Sevedge as a Secretary III, grade 19, step 1, to fill the position which is to become vacant. In response to a question from Senator Rush, Mr. Rankin stated that this recommendation would ordinarily have been submitted initially to the Service Committee of the Legislative Council, but that in this case it had not been feasible to do so due to circumstances associated with the legislative session currently in progress, etc.

On motion of Senator Hultman, seconded by Representative Stromer, Mr. Rankin's recommendation was adopted by a unanimous voice vote.

Senator Hultman asked for an informal indication of the views of other Council members with respect to procedure for handling requests for legislative oversight studies by the Program Evaluation Division of the Legislative Fiscal Bureau. He added that it would be his own preference that requests for these studies be referred to the Legislative Council, and not handled on the floor of the Senate and House. No Council member present expressed objection to the procedure suggested by Senator Hultman.

Speaker Harbor announced that the members of the special Legislative Council subcommittee to review the proposal which had been submitted by Dr. Farrell would be Senators Murray, Junkins and Ramsey and Representatives Stromer, Cusack, and Hansen.

The meeting was adjourned at 1:00 p.m.

Respectfully submitted,

SERGE H. GARRISON  
Director

PHILIP E. BURKS  
Senior Research Analyst