

M I N U T E S

IOWA LEGISLATIVE COUNCIL

July 7, 1975

The organizational meeting of the Iowa Legislative Council was called to order at 10:45 a.m. by Representative James I. Middleswart acting as temporary chairman in the Speaker's Room, State House, Des Moines, Iowa, on July 7, 1975. Members present were:

Speaker Dale Cochran
Lieutenant Governor Arthur Neu
Representative Elmer H. Den Herder
Representative Donald V. Doyle
Representative Keith Dunton
Representative Jerome Fitzgerald
Representative William J. Hargrave
Representative James I. Middleswart
Representative Delwyn Stromer
Representative Andrew Varley
Senator James E. Briles
Senator Minnette F. Doderer
Senator Willard R. Hansen
Senator Eugene M. Hill
Senator George R. Kinley
Senator William D. Palmer
Senator Steve Sovern
Senator Bass Van Gilst

Also present were:

Mr. Serge Garrison, Director, Legislative Service Bureau
Mr. Gerry Rankin, Director, Legislative Fiscal Bureau
Mr. Tom Mayer, Citizens' Aide
Mr. Clark Rasmussen, Secretary of the Senate
Mr. David Wray, Chief Clerk of the House
Mr. Bob Davies, Assistant Chief Clerk of the House
Mr. Dave Charles, Assistant Secretary of the Senate
Mr. Steve Cross, Senate Legal Counsel
Mr. Dan Dudley, House Legal Counsel
Mr. Burnette Koebernick, Senior Legal Counsel, Legislative Service Bureau
Mrs. Diane Bolender, Research Analyst, Legislative Service Bureau

Following roll call, temporary chairman Middleswart called for nominations for the position of Chairman of the Legislative Council. Representative Fitzgerald nominated Speaker Cochran. Representative Dunton seconded the motion, and Representative Stromer moved that nominations cease and the secretary be directed to cast a unanimous ballot for Speaker

Cochran. Representative Stromer's motion carried and Speaker Cochran assumed the chair. He thanked the Council for the opportunity to serve as its Chairman and stressed the importance of attendance at Council meetings.

Chairman Cochran called for nominations for the position of Vice Chairman of the Legislative Council. Senator Kinley nominated Senator Doderer and Representative Fitzgerald seconded the nomination. Senator Kinley moved that nominations cease and that a unanimous ballot be cast for Senator Doderer. The motion carried.

Chairman Cochran called for adoption of Rules of the Legislative Council. He indicated that members had been provided with copies of the Rules of the 1973-1975 Legislative Council. Senator Hill questioned the wording of the second rule which reads: "Majority vote of those present is necessary to carry any action, but not less than eleven votes in any instance shall be considered a majority except upon adjournment or recess." Senator Doderer suggested that the rule read: "A majority vote is necessary to approve all actions except adjournment or recess." Representative Doyle suggested that the rule be revised to read: "Not less than eleven affirmative votes are required to pass a motion, except a motion to recess or adjourn." Representative Varley moved that Representative Doyle's language be adopted by the Council. Representative Stromer seconded the motion. Discussion followed relating to the requirement of eleven affirmative votes for actions of the Council. It was noted that in the past the majority requirement was used for final actions of the Council, and amendments to motions only required a majority of those present and voting. Senator Hill moved that Representative Doyle's wording be amended to read: "Not less than eleven affirmative votes are required for final action on any motion except a motion to recess or adjourn." Senator Hill asked unanimous consent to withdraw his motion to amend and moved his motion as a substitute motion to the Varley motion. Senator Hill's substitute motion carried.

With regard to the fourth rule, Representative Fitzgerald asked whether a minimum number of days should be established prior to a Council meeting called by the Chairman and Vice Chairman. Chairman Cochran stated that the Chairman and Vice Chairman will attempt to give Council members adequate notice prior to any called meeting.

Representative Dunton moved that the Rules of the 1973-1975 Legislative Council as amended be adopted as the Rules of the 1975-1977 Legislative Council. Representative Middleswart seconded the motion, and it carried. A copy of the Rules as adopted is attached to these minutes and by this reference made a part thereof.

Chairman Cochran called upon Mr. Garrison for any business relating to the Legislative Service Bureau. Mr. Garrison indicated that he will be mailing material concerning the budget

and salaries of employees of the Legislative Service Bureau to all Council members. He expressed hope that the members of the Legislative Service Committee can hold a meeting prior to one of the next meetings of the Legislative Council to review the materials sent. Mr. Garrison also indicated that he will mail information to members of the Legislative Service Committee concerning the update of the computer tape for the Code of Iowa.

Mr. Garrison stated that with the resignation of JoAnn Brown as a Legal Counsel, he has tentatively offered employment to an attorney, Carol Ann Nix, pending approval of the Legislative Council. He commented that the minimum salary for attorneys in the Legislative Service Bureau's classification plan is \$12,200 but suggested that the minimum beginning salary be established at 5% above that figure with a six-month review date and possible 4% salary increase after six months of employment. He explained that such an increase would equal to the 9% cost-of-living increase granted under legislation enacted by the General Assembly. Senator Palmer moved that the Legislative Council approve Mr. Garrison's recommendations as to the employment of Miss Carol Ann Nix and the salary offered. Representative Dunton seconded the motion, and it carried.

Chairman Cochran called upon Mr. Rankin for comments concerning business of the Legislative Fiscal Bureau. Mr. Rankin indicated that he also will be mailing budget and salary information to members of the Legislative Council and anticipates a meeting with the Legislative Service Committee.

Chairman Cochran called upon Mr. Mayer for comments concerning business of the office of the Citizens' Aide. Mr. Mayer indicated that he also will be submitting budget and salary materials to members of the Legislative Council. He added that he has filled a vacancy in the office with the approval of Speaker Cochran and Majority Leader Kinley pending approval of the Legislative Council. He stated that the new employee's name is Frank Thomas, a graduate of the University of Indiana Law School who had previously been employed by the Civil Rights Commission. Mr. Mayer commented that Mr. Thomas was employed at a starting salary of \$12,900 which was the salary of the vacant position. Representative Stromer moved that the Council defer final approval on the employment of Mr. Thomas until seeing a resume of Mr. Thomas' education and employment. Representative Dunton seconded Representative Stromer's motion, and Representative Hargrave asked Mr. Mayer to mail copies of the resume to Council members prior to the next meeting. The motion carried.

Mr. Mayer stated that other matters to be discussed by the Legislative Council include approval of a new position in the office of the Citizens' Aide to process complaints concerning Indian affairs. He added that the new position was provided for in the appropriation to the office of the Citizens' Aide. He stated that he has also promulgated rules under Chapter 17A of the Code and has revised the personnel policies and will send copies of both to members of the Council for their approval.

Chairman Cochran called upon Representative Dunton concerning any policies to be adopted for the Legislative Fiscal Committee. Representative Dunton moved that the Legislative Council approve a policy that any in-state travel for members of the Legislative Fiscal Committee and the Visitation Committees only require approval of the Legislative Fiscal Committee, but out-of-state travel of members of the Legislative Fiscal Committee and Visitation Committees would require approval by the Legislative Council. Senator Kinley seconded the motion. Representative Varley suggested that the overall program of the Legislative Fiscal Committee and the Visitation Committees should be approved by the Legislative Council. Representative Dunton interjected that the Legislative Fiscal Committee is meeting July 8 and will probably recommend proceeding under the same policies that have been adopted in the past. Lieutenant Governor Neu commented that section 2.51 of the Code states that any visitations require Legislative Council approval. Representative Dunton withdrew his motion.

Chairman Cochran called upon Mr. Davies concerning the contract between the General Assembly and the National Conference of State Legislators' Education Action Project (LEAP). Mr. Davies explained that House Concurrent Resolution 15, copies of which were distributed to Council members, authorizes the Department of Public Instruction, in cooperation with and under the direction of the standing committees on education, to conduct the study of the school finance program in Iowa. He added that such study is contingent upon technical assistance from the consultants employed by LEAP. Mr. Davies stated that he requests authorization of the Legislative Council to request the leadership of the General Assembly to sign the contract and authorize the School Finance Subcommittee of the House and Senate Committees on Education to hold ten meetings. He described the conditions of the contract, which state that the duration of the study is six months, with a progress report on October 1. Mr. Davies explained that provisions of the contract include a provision that all material collected through this study is the property of the General Assembly. He described the work statement which has been developed at meetings between the consultants and the Chairmen of the Committees on Education, representatives from the Department of Public Instruction, representatives from the State Comptroller's Office, and representatives from the Legislative Service Bureau.

Representative Stromer expressed the belief that Iowa is fortunate to have been selected as one of the states to participate in the LEAP program, but he expressed concern in insuring that any field personnel used for interviews with local school district personnel will be well-trained. Representative Varley expressed hope that because of the amount of funds which will be expended by the state of Iowa, that a workable and feasible final report can be completed. He asked where the funds which will be furnished by the state will come from. Mr. Davies responded that it is anticipated that the funds will be provided from section 2.12 of the Code which is the General Assembly's open-end appropriation.

Representative Varley questioned the designation of Mr. Robert Davies as the General Assembly project officer to monitor the technical performance of the contract. He noted that studies have always been coordinated through the Legislative Service Bureau. Mr. Davies indicated that because of his background as a public information officer of the National Center for Educational Statistics, it appeared logical that he assist in the study. He expressed the belief that cooperation will be present between himself and the Legislative Service Bureau. Representative Varley cautioned against establishing a precedent that either the Chief Clerk's office or the Secretary of the Senate's office establish research projects. In response to questions addressed to Mr. Garrison concerning the scope of participation of the Legislative Service Bureau, Mr. Garrison noted that his staff will be directly involved in the study, will participate, and will perform bill drafting functions. He added that it is a duty of the Legislative Council to allocate the staff and its workload.

Senator Hill moved that if the LEAP project is approved by the Legislative Council, the Legislative Council will authorize Mr. Garrison to allocate sufficient staff of the Legislative Service Bureau to the study. Senator Hansen expressed agreement with Representative Varley's statement and asked about the extent to which the Legislative Service Bureau will participate, as well as commenting that during the session Mr. Davies will have other duties and will be unable to participate in meetings of standing committees concerning the study recommendations. Mr. Garrison stated that he has had conversations with Mr. Davies concerning the involvement of the Legislative Service Bureau and both agree upon close participation of the Legislative Service Bureau. Senator Hill asked that his motion be deferred.

Representative Stromer moved that the Legislative Council approve signing of the contract for the LEAP project. Representative Fitzgerald seconded the motion, and it carried. Senator Hill's motion concerning the use of staff of the Legislative Service Bureau was seconded by Senator Kinley, and carried.

Mr. Davies requested approval of the Legislative Council for six interim meetings of the Joint Legislative Intern Committee which includes four members of the General Assembly, six representatives from colleges and universities which will provide interns, Mr. Garrison, Mr. Davies and Mr. Charles. He explained that during the 1975 legislative session fifty-five students were involved as interns in the General Assembly and expressed belief that the interest of members of the General Assembly to use interns during the session has doubled. He added that meetings will be required to determine intern policies as well as to plan for a seminar for interns during the first part of the 1976 session.

Senator Hill expressed concern over logistics, commenting about the lack of office space for the interns as well as the increased noise levels with larger numbers of persons present on the floor of the Senate during legislative sessions. He stated

that he does not oppose the functions of the Joint Legislative Intern Committee, but suggested an upper limit on numbers of interns utilized during a session. Lieutenant Governor Neu asked about the numbers of legislators requesting interns, and Mr. Davies responded that more than twice as many legislators indicated an interest in interns, but the number of interns utilized will depend upon the number of applicants. Lieutenant Governor Neu expressed agreement with Senator Hill concerning the numbers of persons who have access to the floor of the Senate Chamber.

Representative Hargrave asked about the function of the Committee and suggested the use of an intern pool rather than the use of many interns. Mr. Davies responded that the Joint Legislative Intern Committee provides general supervision and approves policies for the intern program, but once assignment of an intern has been made to a member of the General Assembly, the responsibility for the work of the intern rests with the General Assembly member. Senator Kinley expressed the belief that the intern program is an asset to the Legislature and can be used effectively and beneficially. Chairman Cochran suggested that the Legislative Council may wish to consider a means of utilization of the physical facilities of the General Assembly and numbers of people.

Senator Doderer moved that the Legislative Council approve the formation of the Joint Legislative Intern Committee. Senator Kinley seconded the motion. Representative Varley moved that the motion be amended to allow three meetings of the Joint Legislative Intern Committee. Representative Dunton seconded Representative Varley's motion, which carried. Senator Doderer's amended motion carried. Representative Varley commented that use of interns should not be a substitute for professional staffing, and interns should be cautioned against harassing staff of the Legislative Service Bureau and employees of state departments and agencies.

Speaker Cochran announced the appointment of the following committees of the Legislative Council:

STUDIES COMMITTEE

Senator Kinley, Co-Chairman
Representative Fitzgerald, Co-Chairman
Senator Hill
Senator Van Gilst
Senator Lamborn
Senator Hansen
Representative Cochran
Representative Hargrave
Representative Millen
Representative Varley

LEGISLATIVE SERVICE COMMITTEE

Senator Doderer, Chairwoman
Senator Briles
Senator Sovern
Representative Fitzgerald
Representative Middleswart
Representative Stromer

ADMINISTRATION COMMITTEE

Chairman Cochran, Chairman
Representative Doyle
Representative Varley
Senator Kinley
Senator Hill
Senator Lamborn

Representative Middleswart moved that the Legislative Council approve the appointment of committees announced by Chairman Cochran. Representative Hargrave seconded the motion, and it carried.

The Council recessed for lunch at 12:30 p.m. and reconvened at 1:55 p.m. with the same Council members present who had been present during the morning session and in addition Senator Lamborn was present.

Mr. Garrison asked about policies of the Legislative Council concerning the payment of per diem and expenses for members of the Legislative Council, the Legislative Fiscal Committee, and special interim study committees. He commented that a bill was introduced during the 1975 legislative session which would have established a more centralized method for payment for members of the General Assembly on all committees and statutory boards and commissions, but the bill was not passed. He explained that Senate File 584 amends the Code to provide that the Legislative Council establish the manner of paying per diem and expenses for the members of the Legislative Council, the Legislative Fiscal Committee and special interim study committees. He stated that he has visited with the Chief Clerk of the House and the Secretary of the Senate and finance employees of the House and Senate concerning the payment of per diem and expenses by the House and Senate for these named committees. It was noted that members of subcommittees of standing committees have been paid in this manner in the past. Mr. Garrison stated that the Legislative Service Bureau staff personnel will verify attendance at meetings, obtain vouchers, collect the vouchers, and return them to the finance clerks. Mr. Wray commented upon the simplification of record keeping and elimination of duplication of effort and stated that it is a good procedure. Mr. Rasmussen expressed agreement.

In response to a question, it was noted that the \$86,000 appropriation to the Legislative Council and the \$25,000 appro-

priation to the Legislative Fiscal Committee are identical with the appropriations for the last fiscal year and will be used to make payments to legislators and citizen members of study committees by the finance clerks.

Representative Dunton moved that the Legislative Council authorize the Secretary of the Senate and the Chief Clerk of the House, in cooperation with the Legislative Fiscal Bureau and the Legislative Service Bureau, to establish a procedure for payment of per diem and expenses for members of the Legislative Fiscal Committee, the Legislative Council, and special interim study committees which will include preparation of the vouchers by the finance officers in the House and Senate, distribution of the vouchers by the Legislative Service Bureau and Legislative Fiscal Bureau personnel, collection of the vouchers and return to finance clerks by the Legislative Service Bureau and the Legislative Fiscal Bureau personnel. Mr. Rasmussen commented that the Senate finance clerk can process vouchers of citizen members of interim study committees. Mr. Garrison and Mr. Wray agreed. Senator Van Gilst seconded Representative Dunton's motion, and it carried.

With regard to past business of the Legislative Council, Mr. Garrison stated that the preceding Legislative Council had approved an expenditure of up to \$17,500 with the Energy Policy Council to conduct a seminar on nuclear energy. He stated that the seminar was conducted and reports have been issued by the Energy Policy Council, and the Legislative Council has received a billing for the Council's share. Senator Hill moved that the Legislative Council authorize payment in an amount of \$17,500 for the seminar on nuclear energy. Representative Doyle seconded the motion, and it carried.

Chief Clerk Wray commented upon correspondence written by him and distributed to Council members concerning remodeling of the area behind the House Chambers. A copy of the letter is attached and by this reference made a part of these minutes. Mr. Wray stated that the House Administration Committee had authorized him to present a plan for double-decking certain areas behind the House Chamber (areas A, B, C in the chart which is attached to the letter). He stated that a toilet facility would be installed above the area where the elevator is located and a stairway would be placed in a portion of Room 1 for access to the upper floor area. Mr. Wray commented that the integrity of the Capitol Building will not be harmed by such a double-decking arrangement, and the workmanship would be of a first-class quality which would meet all state building regulations. He added that such an arrangement would include total fireproofing of the double-decked areas. Mr. Wray stated that the cost of double-decking the areas above the Room 1, the House Legal Counsel's office, and the House Journal Room is \$157,000. He introduced Mr. Jim Lynch, an architect, and Mr. John Drummond, Superintendent of Buildings and Grounds.

In response to a question from Senator Kinley, Mr. Wray responded that if the double-decking is completed, it will enable

the Legislative Fiscal Bureau to utilize an additional office which is presently occupied by Representatives Middleswart and Hutchins. Mr. Wray commented that he had addressed the Legislative Council for its approval prior to any meetings with the Capitol Planning Commission.

In response to questions about the workmanship, Mr. Lynch commented that the double-decking would be accomplished with steel joists rather than wood which was used in other double-decking arrangements. Representative Middleswart asked whether the double-decking can be removed to restore the Capitol to its original condition at some future date. Mr. Lynch responded that although the double-decking is being bolted to outside walls, any construction additions could be removed at a future date. It was noted that the new office buildings will not be completed for at least two and one-half years from the present date. In response to a question from Senator Hansen, Mr. Wray stated that the costs for double-decking the two office areas and adding the toilet facilities would be \$70,000. Senator Hansen urged Mr. Wray to continue exploring the possibility of double-decking only the two small office areas and not including double-decking Room 1. Mr. Wray stated that the area presently occupied by the Chief Clerk's office and the Majority Leader could be double-decked for \$65,000, but such a project would involve adding stairway access to the upper levels. It was noted that the cost estimates are a result of estimates made by an engineering company, and if the project is approved by the Legislative Council and the Capitol Planning Commission, it will require use of the competitive bidding procedure.

Senator Palmer moved to approve the Chief Clerk's proposal to continue with his investigation in pursuing the double-decking project by making a presentation to the Capitol Planning Commission for its approval. Senator Kinley seconded the motion. Senator Hansen moved that the motion be amended to ask the Chief Clerk to explore the costs and approval for double-decking the two offices on the other side of the area behind the House Chambers. Senator Hill seconded the motion, and it carried. The amended motion carried.

Mr. Rasmussen stated that the original terms of the contract with Daktronics for installation of the voting machine in the Senate have been fulfilled, except that \$500 of the cost of the contract has not been paid. The \$500 is for of an interface with the state computer. He added that Daktronics has stated that it will guarantee an interface for two years from completion of the work at a price of \$500 and Daktronics has listed the date as April 1, 1977 as the final date for both the guarantee and warrantee. Mr. Rasmussen asked for authorization from the Legislative Council to comply with the request of Daktronics to finalize the contract in exchange for the two-year guarantee. Discussion followed relating to the feasibility of utilizing the interface with the computer. It was noted that access to information on voting records would be available through the computer if the interface is completed.

Lieutenant Governor Neu noted that originally it was anticipated that the interface could be used to print the Journal, but it appears that such a use is not feasible at the present time. Representative Varley moved that the agreement between Daktronics and the Senate be revised to eliminate the interface with the computer and correspondingly eliminate the payment of the \$500. Senator Doderer seconded the motion. It appeared that some unclearness was present as to whether the agreement, as written, would allow the General Assembly to decide within the two-year period of warranty whether or not to add the interface for \$500. Senator Doderer moved to defer the motion until a future meeting. Representative Fitzgerald seconded the motion, and it carried.

Discussion followed as to the best dates for holding a Studies Committee meeting to determine studies for special interim study committees and the next meetings of the Legislative Council. Senator Lamborn moved that the Studies Committee meet at 9:00 a.m. on July 16 to determine studies and the Legislative Council meet during the afternoon to approve studies. He also moved that the Studies Committee meet at 9:00 a.m. on July 23 to decide membership and the Legislative Council meet on the afternoon of that date to approve membership. He also moved that the August meeting of the Legislative Council be tentatively set for August 20. Representative Dunton seconded the motion, and it carried. It was agreed by Senator Doderer that the Legislative Service Committee will meet on the morning of July 23.

The Legislative Council adjourned at 3:20 p.m.

Respectfully submitted,

DIANE BOLENDER
Research Analyst

SERGE GARRISON
Director