

M I N U T E S
LEGISLATIVE COUNCIL

November 15, 1984

The eighteenth meeting of the 1983-1984 Iowa Legislative Council was called to order at 1:40 p.m. by the Chairman, Speaker Don Avenson, on Thursday, November 15, 1984, in Committee Room 22 of the State House, Des Moines, Iowa. Members present in addition to the Chairman were:

Senator Lowell L. Junkins, Vice Chairman
Lieutenant Governor Robert Anderson
Senator James Briles
Senator C. Joseph Coleman
Senator Donald V. Doyle
Senator Merlin Hulse
Senator Calvin O. Hultman
Senator C. W. (Bill) Hutchins
Senator Charles Miller
Senator Dale Tieden
Representative Dale Cochran
Representative John H. Connors
Representative Betty Hoffman-Bright
Representative Tom Jochum
Representative Jean Lloyd-Jones
Representative Lester D. Menke
Representative Lowell Norland
Representative Delwyn Stromer
Representative Richard Welden

Also present were:

Mr. Serge H. Garrison, Director, Legislative Service Bureau
Mr. Dennis Prouty, Director, Legislative Fiscal Bureau
Mr. Bill Angrick, Citizens' Aide
Mr. Joe O'Hern, Chief Clerk, House of Representatives
Mr. Burnette Koebernick, Senior Legal Counsel, Legislative Service Bureau
Ms. Diane Bolender, Senior Research Analyst, Legislative Service Bureau

Also present were other Iowa legislative staff persons, news media representatives, and other interested individuals.

Senator Coleman moved that the minutes of the September 18, 1984 Council meeting be approved as distributed to Council members, and the motion was adopted.

Representative Connors read the Report of the Administration Committee and urged the legislative leaders to decide in a timely

manner the members to make presentations for the Orientation Conference. He moved adoption of the Administration Committee Report. Noting that the Administration Committee Report grants approval to the Office of Citizens' Aide to install an Iowa in-WATS telephone line, Chairman Avenson suggested to Mr. Menke that the executive branch should consider installing an Iowa in-WATS line so that members of boards and commissions can communicate with each other. A copy of the Administration Committee Report is attached and by this reference made a part of these minutes.

Representative Connors' motion was adopted.

Senator Hutchins gave the Report of the Service Committee, a copy of which is attached and by this reference made a part of these minutes. Senator Junkins asked whether the appointment of Mr. Koebernick is a temporary one. Senator Hutchins responded in the affirmative, commenting that Mr. Koebernick will serve as Acting Director until a successor has been appointed. Senator Junkins indicated that the Legislative Council will use the same procedure in searching for a new director of the Legislative Service Bureau as was used for the Legislative Fiscal Bureau. Senator Junkins moved that the Chairman, Vice Chairman, and two minority leaders work with the Service Committee to select a new Director of the Legislative Service Bureau. The motion was adopted.

Chairman Avenson announced, on behalf of the Computer Subcommittee, that the Legislative Council has accepted the Sperry system and it is working. He expressed confidence that the system will be totally functional for the legislative session. Representative Cochran asked whether amending is working. Chairman Avenson responded that the system does perform amendments, but the personnel are still working on "glitches." Mr. O'Hern interjected that after the August 1984 testing period, the Sperry system entered a new level of amending and about two thirds of the major problems have been indentified and cured. He commented that since then, amendments have been drafted and the personnel are now looking for special circumstances that may cause problems. He stressed that the major problems have been resolved.

Representative Cochran asked whether Sperry Corporation has brought in a new team leader. Mr. O'Hern responded that the Des Moines branch has hired a new person who is working with amending.

Representative Hoffmann-Bright indicated that she had received information that indicates that the system is not working. Senator Junkins responded that the Computer Subcommittee and Mr. O'Hern and Ms. Clingan have met and have agreed that there are glitches still present, but the major problems have been resolved. Mr. Garrison indicated that he has not worked on the amendment process, but he understands that some of the flexibility that was present in the past will not now be available. He indicated that at one point in time Sperry Corporation met the criteria for amendments as specified in the contract but not with as simple a

procedure as the former system used. He commented that the text portion is operating fairly well and the Legislative Service Bureau is in a production mode.

Representative Hoffmann-Bright asked whether the letter of agreement approved by the Legislative Council in the minutes of the Legislative Council on September 11, 1984, has been signed. She indicated that she understood that Legislative Council members were to have been given a copy of the letter. Mr. O'Hern indicated that the copies of the letter have not yet been sent, but they will.

Representative Menke asked when Sperry Corporation will begin receiving payments. Chairman Avenson responded that the Legislative Council will commence payments to Sperry Corporation in March, 1985. Senator Junkins moved that the Report of the Computer Subcommittee be received by the Legislative Council. The motion was adopted with Representative Hoffmann-Bright and Representative Menke voting in the negative, and the remaining members of the Legislative Council voting in the affirmative.

Mr. O'Hern introduced Mr. Sandy Scharf, the new Director of the Computer Support Bureau. In response to a question from Representative Menke, Mr. Scharf indicated that he is confident that he can provide the computer services to the General Assembly.

Senator Junkins presented the report of the Studies Committee, a copy of which is attached and by this reference made a part of these minutes. He asked that the Report be amended to add approval for a ten-member subcommittee of the Social Services Appropriations Subcommittee to attend a one-day workshop conducted by the National Conference of State Legislatures on child support recovery. Representative Connors moved that Senator Junkins' amendment be adopted, and the motion carried.

Representative Cochran asked for further information about the two persons who testified before the Drunk Driving Study Committee. Chairman Avenson responded that they were alcohol and substance abuse directors from Davenport and Ottumwa who were requested to attend a meeting of the Drunk Driving Study Committee. The Report of the Studies Committee, as amended, was adopted by the Legislative Council.

Representative Connors presented the Final Report of the Mental Health Reorganization Study Committee, a copy of which may be obtained from the Legislative Service Bureau. Representative Connors moved acceptance of the Report, and the motion was adopted.

Senator Coleman asked about the procedure for reviewing Supreme Court rules. Mr. David Lyons, Legal Counsel for the Legislative Service Bureau, stated that he is the staff member for the upcoming Supreme Court Rules Review Committee and has begun doing preliminary work for the study. He indicated that in 1983 the

General Assembly passed a Court Reform Act which changed the method for approval of Supreme Court Rules. He indicated that in the past such rules went to the Judiciary Committees, but new section 602.4202 of the Code Supplement 1983 allows for a 60-day review period and provides that the Supreme Court can pass rules at any time during a year.

Mr. Lyons indicated that there is concern that rules changes have not come before the Legislative Council. He indicated that the Study Committee will also be looking at the standard for types of rules changes. Senator Coleman explained that in the past, the practice was that the Chief Justice of the Supreme Court would come before each Judiciary Committee with proposed rule changes. He noted that these rules were published in the back of the Code, but the rules will no longer be published in the Code and he feels that the legislation is being circumvented. Senator Doyle commented that over the last 20 years about two Supreme Court rules have been changed. He indicated that the present procedure requires that Supreme Court rules that are promulgated be sent to the Chairpersons of the Judiciary Committees and to the Secretary of the Legislative Council. He indicated that he, as Chairperson of the Senate Judiciary Committee, has received copies of all the proposed rules and none appear to have any conflict or controversy. He indicated that the law states that the Legislative Council can delay implementation of rules until the next year, and this will provide the Judiciary Committees the opportunities to again review the rules. In response to a concern expressed by Senator Coleman that no one will be aware of rules changes until they are already in effect, Senator Doyle commented that in addition to the Chairpersons of the Judiciary Committees and the Legislative Council, the Iowa State Bar Association will also receive copies.

Senator Doyle moved that the Legislative Council Agenda include an item for receipt of Supreme Court Rules similar to the manner in which the Educational Leave Report is received. There would be an opportunity for objections to the receipt. Senator Doyle's motion carried.

Chairman Avenson commented that the Recreation and Tourism Study Committee will continue to meet during the legislative session. He also announced that the Legislative Council will not meet during January since new members must be appointed in February.

Senator Junkins moved that those study committees not reporting during the December meeting will report directly to the appropriate standing committees. The motion was adopted.

Chairman Avenson set the next meeting of the Legislative Council for December 17, 1984.

Representative Jochum read the Report of the Legislative Fiscal Committee, a copy of which is attached and by this reference made

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a part of these minutes. Senator Hultman moved its adoption by the Legislative Council, and the motion carried.

Representative Connors moved that the Legislative Council accept the resignation of Mr. Serge Garrison as Director of the Legislative Service Bureau. He moved that the Legislative Council be authorized to expend funds for a plaque and for an open house to be held at a date convenient to Mr. Garrison and to the Administration Committee. The motion was adopted. Mr. Garrison stated that he has had a memorable 17 years as Director and appreciates all the work and support that he has received from Legislative Council members. He expressed hope that the General Assembly will continue as one of the better legislatures in the United States.

The Legislative Council adjourned at 2:30 p.m.

Respectfully submitted,

SERGE H. GARRISON
Director

DIANE BOLENDER
Senior Research Analyst