

M I N U T E S

LEGISLATIVE COUNCIL

July 13-14, 1977

The organizational meeting of the 1977-1978 Legislative Council was called to order at 10:15 a.m. Wednesday, July 13, 1977 in the Speaker's Conference Room of the State House in Des Moines, by Speaker of the House Dale Cochran acting as temporary Chairperson. Members attending the morning session of the meeting were:

Speaker of the House Dale M. Cochran  
Senator C. Joseph Coleman  
Senator Gene W. Glenn  
Senator Eugene M. Hill  
Senator Calvin O. Hultman  
Senator George R. Kinley  
Senator Fred W. Nolting  
Senator Richard R. Ramsey  
Representative Elmer H. Den Herder  
Representative Jerome Fitzgerald  
Representative William Hargrave  
Representative James Middleswart  
Representative Floyd H. Millen  
Representative Delwyn Stromer  
Representative Andrew Varley

Other persons present when the meeting was called to order were: Director Serge Garrison, Phil Burks and Diane Bolender of the Legislative Service Bureau, Legislative Fiscal Director Gerry D. Rankin, Acting Citizens' Aide Ruth Mosher, Secretary of the Senate Steve Cross and House Legal Counsel Dan Dudley. In addition, a number of representatives of the news media and various other interested persons attended the meeting.

Speaker Cochran stated that this was the organizational meeting of the new Legislative Council, and entertained nominations for the office of Council Chairperson. Senator Coleman nominated Senator Kinley for Chairperson, and the motion was seconded by Representative Fitzgerald. Senator Hultman moved that the nominations cease. The motion was seconded by Representative Middleswart and unanimously adopted. On motion of Senator Eugene Hill, seconded by Senator Nolting, the Council secretary was directed to cast a unanimous ballot for Senator Kinley for the office of Council Chairperson.

Senator Kinley assumed the Chair, and entertained nominations for the office of Vice Chairperson. Representative Fitzgerald nominated Speaker Cochran for Vice Chairperson. The nomination was seconded by Representative Middleswart. On motion of

Senator Eugene Hill, seconded by Senator Coleman, the nominations were closed and the Council secretary was directed to cast a unanimous ballot for Speaker Cochran for the office of Vice Chairperson.

Chairperson Kinley stated that the next order of business would be the adoption of rules for the Council for the coming two years. Mr. Garrison noted that the notebooks which had earlier been distributed to Council members included a copy of the rules adopted by the 1975-1976 Legislative Council, with minor editorial revisions, for use by the current Council in considering what rules it might wish to adopt.

There was some discussion of the second paragraph of rule 6 of the 1975-1976 Council. Representative Stromer moved to delete that paragraph from the rules. Senator Eugene Hill moved, as a substitute for Representative Stromer's motion, that the rules of the 1975-1976 Council with minor editorial revisions, as distributed to current Council members, be approved with the exception of rule 6, and that that rule be referred to the appropriate standing committee of the Council with a request for a report back to the Council later during the current meeting. After a brief discussion, Senator Hill's substitute motion was adopted by a unanimous voice vote.

The next item listed on the agenda prepared for the meeting was the appointment of standing committees of the Council. Mr. Garrison noted that under Section 2.45 of the Code, six members of the Council serve on the Legislative Fiscal Committee, and the Council must have a Legislative Service Committee and a Legislative Administration Committee of six members each. He added that in recent years it has been the practice of the Legislative Council to establish a standing Studies Committee consisting of whatever number of members the Council sees fit. A list of the appointees to the Legislative Service Committee, Administration Committee, and studies of the previous Council had been included in the material distributed to current Council members, for their information.

Chairperson Kinley stated that the appointment of Council committees would be deferred temporarily, and directed the attention of Council members to the next item on the agenda.

In connection with that item, ("Business of Legislative Service Bureau, Legislative Fiscal Bureau, and Office of Citizens' Aide") Mr. Garrison noted that several items of information had been distributed to Council members. These items included proposed allocations among various budget items of the respective appropriations to the three agencies, and each agency's summary of travel by staff employees for the past fiscal year and of anticipated travel by staff employees for the fiscal year beginning July 1, 1977. Mr. Garrison noted that it has been the policy of the Council to re-

quest such summaries in lieu of acting specifically on each request for out-of-state travel by employees of the three agencies.

The Council took no action at that time upon the various items of business relating to the three legislative agencies. After a brief discussion of other items of business which would require the Council's attention during the current meeting, Chairperson Kinley announced a recess for the purpose of selecting appointees to the Council's standing committees.

The meeting was recessed at 10:45 a.m., and reconvened in the Speaker's Conference Room at 11:25 a.m. At that time, a list of appointees to the Council's Administration, Studies and Service Committees was distributed. A copy of the list of appointments is attached to and by this reference made a part of these minutes.

Chairperson Kinley announced that another recess would be taken, and that the Administration Committee would meet immediately in the Speaker's Conference Room for the purpose of considering proposed rule #6 of the Legislative Council, distributed earlier in the present meeting. He added that the Council would reconvene at 1:00 p.m., and that meetings of the Studies Committee and Service Committee would be held at 1:30 p.m.

The meeting recessed at 11:30 a.m., and was reconvened in the Speaker's Conference Room at 1:10 p.m. Representatives Gregory D. Cusack and Donald V. Doyle were present for the afternoon session, in addition to the Council members who had been present for the morning session.

Chairperson Kinley recognized Representative Cusack for the report of the Legislative Fiscal Committee pursuant to that Committee's meeting held the previous day. A copy of the Fiscal Committee's report is attached to and by this reference made a part of these minutes.

In the course of Representative Cusack's presentation, Senator Coleman stated that it is his understanding there will probably be a surplus of some \$1.5 million remaining of the \$8 million supplemental appropriation made to the Department of Social Services for the Medicaid program during the 1977 Session of the General Assembly. He added that he had been informed that there is some possibility that the Department may not revert these funds, but may instead use them for purchase of computer equipment. Representative Cusack replied to the effect that the Legislative Fiscal Committee is aware of these matters, and will inquire into them if it appears appropriate to do so.

At the conclusion of his presentation of the Fiscal Committee's report, Representative Cusack moved that the report be received by the Council. The motion was seconded by Senator Nolting.

Senator Palmer moved to amend Representative Cusack's motion by striking the seventh paragraph on page 2 of the attached Fiscal Committee's report, relative to the request that the Legislative Council authorize the attendance of those Fiscal Committee members who are not members of the Council at the forthcoming annual meeting of the National Conference of State Legislatures. He explained that he does not believe such blanket requests for out-of-state travel are appropriate, and that it would be preferable for those individual legislators who believe attendance at such meetings would be beneficial to the state to individually seek authority for such travel. After some discussion concerning procedures and criteria for determining what legislators and legislative staff personnel should attend such meetings, Senator Palmer's amendment was adopted.

Senator Glenn noted recent reports in the news media regarding alleged shortcomings in the administration and program of the state hospital-schools for the mentally retarded at Glenwood and Woodward, and inquired whether the Budget Subcommittees on Social Services would be looking into these matters. Representative Cusack replied that the joint Social Services Subcommittee will visit both institutions, but indicated he is not certain what matters the Subcommittee intends to take up in the course of those visits.

Senator Palmer moved as a substitute for Representative Cusack's pending motion that the Council receive the report of the Fiscal Committee and refer it to the Studies Committee, for consideration in the light of other interim study proposals by various standing committees. In the course of discussion on his substitute motion, Senator Palmer stated that he would envision the possibility of the Studies Committee deleting some of the work plans proposed in the Fiscal Committee's report if the Studies Committee deems such action appropriate. The substitute motion was then adopted by a unanimous voice vote.

Chairperson Kinley recessed the Council at 1:30 p.m., noting that the Service Committee and Studies Committee would meet immediately and that the Council would reconvene at 9:00 a.m. the following morning.

Thursday, July 14

The Council reconvened at 9:10 a.m. in Senate Committee Room 22 of the State House. All Council members who had attended the previous day's sessions were again present except Representative Cusack and Senator Ramsey.

Chairperson Kinley introduced Mr. Carl Meyer and Mr. Doug Barker of the architectural firm Hansen, Lind and Meyer for presentation of the report of that firm's State House allocation study. Copies of space allocation diagrams prepared by the firm

were distributed, and various alternatives for allocation and expansion of space in the State House were explained by Mr. Barker.

Council members directed to Mr. Barker and Mr. Meyer a number of questions about the space allocation proposals, particularly those relating to the areas suggested for assignment to the Supreme Court and the Court of Appeals. There was some discussion of the future utilization of the first floor rooms in the northeast State House quadrant, now occupied by the Department of Agriculture, which the Chief Justice of the Supreme Court has requested be assigned as office space for the judges of the Court of Appeals. Mr. Barker asserted that this use would require subdivision of the area in question in such a manner that retention of its original architectural character would be impossible. He added that this would not be the case if the area were used for legislative meeting rooms and a limited number of offices.

After a few additional questions, Chairperson Kinley expressed appreciation to Mr. Meyer and Mr. Barker for their presentation. He then announced a recess of the Council for the purpose of a meeting of the Council's Studies Committee.

The Council meeting was reconvened at 10:50 a.m. in Senate Committee Room 22. Chairperson Kinley recognized Speaker Cochran for presentation of the report of the Council's Administration Committee, pursuant to its meeting of the previous day.

Speaker Cochran moved that the Council adopt the Administration Committee's report. In response to a question from Senator Glenn, it was affirmed that the change in rule #6 proposed by the Administration Committee would permit the Council to initiate interim studies on its own motion, regardless of whether a resolution requesting a particular study had been enacted by the General Assembly. Speaker Cochran's motion was then adopted unanimously.

Chairperson Kinley recognized Senator Palmer for the report of the Council's Service Committee, pursuant to its meeting of the previous day. A copy of that report is attached to and by this reference made a part of these minutes. After a brief explanation of the report, Senator Palmer moved that it be adopted by the Council. The motion was unanimously adopted.

Chairperson Kinley recognized Representative Fitzgerald and Senator Coleman for the report of the Council's Studies Committee. Copies of a tentative report prepared for the Studies Committee following its meeting on the previous afternoon were distributed to Council members, and Representative Fitzgerald and Senator Coleman explained the changes which had been agreed upon by the Studies Committee during the recess of the Council meeting earlier in the present morning. A copy of the Studies Committee's revised report is attached to and by this reference made a part of these minutes.

There was a short discussion, in the course of which Council members asked a number of questions about the recommendations in the revised report and related matters. At the conclusion of the discussion, Representative Fitzgerald moved that the Council adopt the revised report of the Studies Committee. The motion was unanimously adopted.

Senator Hultman raised questions about plans for staffing 1977 interim legislative study committees, expressing concern that the centralized nonpartisan staffing pattern which has prevailed in the Iowa General Assembly for a number of years is being weakened. He added he is also concerned about such things as coordination of meeting dates between Senate and House, uniformity of interim committee minutes, etc. Speaker Cochran and Mr. Garrison briefly described the planning done by members of the various legislative staff agencies and groups since the adjournment of the 1977 Special Session, adding that one of the objectives is to relieve the Service Bureau staff of some of the responsibility for administrative functions which has been lodged there in the past.

Senator Hultman said he is not particularly concerned about administrative matters, such as actual taking of minutes during committee meetings, but that he does not wish to see all of the functions carried out by Service Bureau staff personnel for various interim committees in past years taken over by partisan staff personnel. Mr. Garrison assured Senator Hultman that plans are for Service Bureau staff personnel to continue attending all or most meetings of legislative committees and subcommittees during the interim. However, he noted that the resolutions passed by the Senate and House late in the 1977 regular session indicate an intent that the Service Bureau should be drafting legislation more or less continuously through the interim, rather than waiting to draft most of the legislation coming out of interim study activity during late November and December as has often been the case in the past. He added that if the Service Bureau is to do so, it will necessarily have to be relieved of some of the time-consuming responsibilities it has had in the past, such as preparation of minutes for interim study committees. He acknowledged, however, that preparation of such minutes often requires a fairly thorough knowledge of the subject matter in question, and said that for that reason the Service Bureau staff will still be reviewing minutes of interim committee meetings fairly carefully.

Senator Hultman again expressed concern about maintaining the precedent of a strong nonpartisan central staff agency for the Iowa General Assembly, and urged that the Service Bureau continue to be the central coordinating agency for interim legislative activity. Mr. Garrison noted that arrangements for members of the Service Bureau staff and House and Senate staff personnel to work closely together during the recent Special Session had been successful, and that he expects that general pattern to continue to prove satisfactory during the 1977 interim.

Senator Palmer moved that any member of the Legislative Council who wishes to attend the 1977 annual meeting of the National Conference of State Legislatures be directed to submit a request for authority to do so to the presiding officer of the member's house, in the same manner as would be required if that legislator were not a member of the Legislative Council. The motion was seconded by Representative Fitzgerald.

Speaker Cochran inquired whether it is the intent of Senator Palmer's motion that the respective presiding officers would have full discretion to decide whether or not a particular member of the Legislative Council is to be authorized to attend the NCSL annual meeting, with no formal input on the matter from the Council. Senator Palmer replied in the affirmative, adding that he has full confidence in the officers of the Senate and House and would not contemplate that the Council should offer any advice in the matter, even informally.

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

Chairperson Kinley suggested that the Council continue its past practice of holding a meeting on the second Wednesday of each month, noting that if this is done, the next meeting of the Council would fall on Wednesday, August 10. There was no objection, and it was so ordered. Chairperson Kinley noted that it will be left to the chairpersons or co-chairpersons of the Council's standing committees to schedule any necessary meetings prior to August 10.

On motion of Representative Hargrave, the Council adjourned at 11:30 a.m.

Respectfully submitted,

SERGE H. GARRISON  
Director

PHILIP E. BURKS  
Senior Research Analyst