

M I N U T E S

LEGISLATIVE COUNCIL

September 5, 1979

The eighth meeting of the 1979-80 Legislative Council was called to order at 1:39 p.m., Wednesday, September 5, 1979 in Senate Committee Room 22 of the State House in Des Moines. Council members attending the meeting were:

Speaker Floyd H. Millen, Chairperson
Senator Calvin O. Hultman, Vice Chairperson
Lieutenant Governor Terry Branstad
Senator James E. Briles
Senator C. Joseph Coleman
Senator Willard R. Hansen
Senator Lowell L. Junkins
Senator John S. Murray
Senator William D. Palmer
Senator Richard R. Ramsey
Senator Ray Taylor
Representative Robert T. Anderson
Representative Donald D. Avenson
Representative John H. Clark
Representative Gregory D. Cusack
Representative Roger A. Halvorson
Representative William H. Harbor
Representative Norman G. Jesse
Representative Delwyn D. Stromer
Representative Richard W. Welden

Other persons present for the meeting included Senator Lucas DeKoster, Representative Nancy Shimanek, Wythe Willey, Administrative Assistant to the Governor, Director Clayton Ringgenberg of the University of Iowa's Institute of Public Affairs, Director Serge Garrison and Phil Burks of the Legislative Service Bureau, Director Gerry D. Rankin, Thom Freyer and Deborah Westvold of the Legislative Fiscal Bureau, Citizens' Aide Bill Angrick, Paula Feltner, Mike McVey, and Mary Jo Welch of the House staff, and a number of representatives of the news media and other interested persons.

On motion of Senator Hultman, seconded by Representative Stromer, the minutes of the Council's previous meeting were approved as submitted to Council members.

Speaker Millen recognized Senator DeKoster and Representative Shimanek, Chairperson and Vice Chairperson respectively of the Court Study Joint Subcommittee established by action of the Legislative Council on April 17, 1979 pursuant to Senate Joint Resolution 13 of the 1979 Session. After briefly reviewing the scope and purpose of the study, Senator DeKoster stated that at a meeting of the Joint Subcommittee on August 14 it had been agreed

to request that the following actions be taken by the Legislative Council:

1. Engage an independent contractor to undertake a study to produce a written report containing an inventory of the financing, personnel and properties of the existing Iowa court system, and containing a description and cost analysis of the alternative forms of a unified court structure which might be utilized in Iowa.
2. Contract with the National Center for State Courts to receive federal Law Enforcement Assistance Administration funds which are available through the National Center for use in the funding of the study to be performed by the independent contractor.

Senator DeKoster noted that the Joint Subcommittee, in cooperation with the Iowa Supreme Court, had prepared a fairly detailed outline, with accompanying attachments, describing the purposes, scope, methods and funding of the proposed study to be performed by an independent contractor. The outline and attachments are on file with the Legislative Service Bureau, and copies were made available to Council members present.

Senator DeKoster said that the contract proposed by the National Center for State Courts, under which the Subcommittee would receive 80 percent of a total budget of \$66,810 for performing the study, would require a 20 percent state match. However, it appears that the matching fund requirement can be satisfied by assignment of a portion of the time of the individual hired to fill the newly-created staff position of Assistant to the Chief Justice, as well as assignment of some staff time by Legislative Service Bureau personnel.

Representative Shimanek spoke briefly in support of the request presented by the Court Study Joint Subcommittee. At the conclusion of her remarks, Senator Hultman moved that the Council approve the Joint Subcommittee's request. The motion was seconded by Senator Taylor.

Representative Harbor inquired whether there has been an informal or tentative decision regarding the consultant to be employed to carry out the study if it is approved. Senator DeKoster replied in the negative, adding that a number of well-qualified firms appear to be interested, and that all will be given an equal opportunity to submit proposals.

After brief comments by Lieutenant Governor Branstad in support of the study proposal, Senator Hultman's pending motion was adopted by a unanimous voice vote.

Speaker Millen next recognized Representative Cusack, who noted that at the beginning of the present interim the Council had received a request from the standing Committees on Human Resources

for a study of the impact of legislation on the family, with the objective of developing a statement expressing legislative policy toward the family against which future proposed legislation could be evaluated. (See House Resolution 43, on page 2337 of the 1979 House Journal.) Representative Cusack continued that the Council had turned down the request for this study, but that recently it has been discovered that the Kansas City Regional Office of the federal Department of Health, Education and Welfare has grants available for studies of the family and various features affecting it. The grants are for \$8,000 each, and indications are that the Iowa General Assembly or the House Committee on Human Resources would be eligible for such a grant.

Representative Cusack stated that he had been asked by House Human Resources Committee Chairperson Representative Betty Jean Clark to request Legislative Council approval for submission of a grant proposal to the Kansas City Regional HEW Office, for the purpose of funding a study intended to develop a family impact statement as contemplated by House Resolution 43. Representative Cusack explained that if the grant proposal is approved, the Committee would expect to hire a graduate student for staff work, at a probable cost of \$4,000, establish a committee of members of the General Assembly and experts on the family for the purpose of developing criteria against which policies, legislation and proposed rules can be evaluated in terms of potential impact on the family. The committee would expect to conduct a series of public hearings to obtain response to the proposed criteria, refine the criteria, and develop a policy statement for submission to the General Assembly.

In response to questions from Senator Taylor, Representative Cusack stated that the HEW grant for which the House Committee on Human Resources wishes to apply would require no state match. He affirmed that the standing Committee has formulated no preconceived notions about the content of the legislative policy toward the family which is to be formulated under the study proposal, adding that he does not believe Representative Betty Jean Clark would pursue the matter under such conditions.

Senator Hultman said he does not understand what would be the end result of the effort to develop a statement of legislative policy toward the family. Representative Cusack said that he is also uncertain about the exact form this policy statement would take, since there is no direct precedent for such an effort. He continued that presumably there would be an effort to reach agreement on certain broad policies, possibly expressed by resolution. Once such a policy or set of policies had been agreed upon, reference notes would be prepared by staff personnel indicating how a particular pending or draft bill or rule might be expected to affect the policies that had been formulated.

Senator Palmer moved that the request presented by Representative Cusack be approved by the Legislative Council. The motion was seconded by Senator Murray. In response to a further

question, Representative Cusack indicated that the House Committee on Human Resources will come back to the Legislative Council with a work plan if the study request and grant application are approved. Senator Palmer's pending motion was then adopted by a voice vote.

Speaker Millen next recognized Mr. Ringgenberg, who presented a report on the status of management improvement and accountability and manager development in Iowa state government. An outline of the report presented by Mr. Ringgenberg is attached to and by this reference made a part of these minutes.

In response to questions from Senator Murray, Mr. Ringgenberg stated that the state training administrator referred to in item D-2 of the outline will be in the Merit Employment Department, and that the total cost of this new position is \$40,000 per year. He added that one of the primary objectives of the management training and development system is to enable persons coming into state government supervisory positions without relevant management experience to get some training in these areas after they are in their state positions. In response to a further question from Senator Hansen, Mr. Willey of the Governor's office said that one objective of this effort is to reduce use of educational leave, and in effect substitute a form of on-the-job training.

In response to an inquiry from Senator Welden, Mr. Ringgenberg stated that the funding referred to in item D-2 of the attached outline will finance the management improvement program until October of 1980. Although he noted that the outline indicated that the U. S. Intergovernmental Personnel Act grant referred to was not available when the request for financing the position of state training administrator was made to the 1979 Session, Representative Welden nevertheless expressed the view that the procedure described by Mr. Ringgenberg amounts to a circumvention of the legislative budget process. Mr. Willey responded that Appropriations State Departments Subcommittee Chairpersons, Senator Forrest Schwengels and Representative Ray Lageschulte, had been informed of the steps being taken toward establishment of a management improvement program.

Lieutenant Governor Branstad asked how the management improvement program will work with respect to a state employee who is under a collective bargaining agreement. Mr. Willey replied that the merit employment system and the public employee collective bargaining procedure do not always complement each other perfectly but that no serious difficulty is anticipated.

There being no further questions for Mr. Ringgenberg and Mr. Willey, Senator Hansen asked that before the two men left the Council meeting the Council take up the report of its Educational Leave Subcommittee, since that report is related to the matter which Mr. Ringgenberg had just presented. No objection being expressed, Speaker Millen recognized Senator Hansen for the report of the Educational Leave Subcommittee. A copy of the Subcommittee's report is attached to and by this reference made a part of these minutes.

Speaker Millen indicated that no specific action by the Legislative Council is required on either the management improvement program or the report of the Educational Leave Subcommittee, unless a Council member should wish to offer a motion. No motions were offered.

Speaker Millen next stated that, at the request of Representative Dale Hibbs, he is proposing that Representative Lee Holt replace Representative Hibbs on the Involuntary Commitment and Rights of Mentally Retarded Joint Subcommittee of the standing Senate Committee on Judiciary and House Committee on Judiciary and Law Enforcement. On motion of Representative Stromer, seconded by Senator Briles, the change in membership of this Subcommittee was approved by a unanimous voice vote.

Speaker Millen then informed the Council that Representative Cooper Evans, Chairman of the House Energy Committee, has suggested that Representative John Pelton replace Representative Evans on the Joint Interim Subcommittee on Energy Availability, Use and Conservation of the standing Committees on Energy. On motion of Senator Hansen, seconded by Representative Avenson, this change in membership was approved by a unanimous voice vote.

Mr. Garrison noted that the question had been raised whether nonlegislator members of the special County Home Rule Study Committee, established pursuant to Senate Joint Resolution 9 of the 1979 Session, should be paid under Section 2.12 of the Code or from the \$25,000 appropriated by SJR 9. After commenting that paying different members of the same study committee from different sources might create awkward situations, Senator Hultman moved that the actual expenses incurred by individuals serving on the County Home Rule Study Committee be reimbursed out of the \$25,000 appropriation made by SJR 9. The motion was seconded by Senator Briles. There was a brief discussion, in the course of which Representative Stromer inquired whether Senator Hultman's motion would provide for reimbursement to counties which might furnish county-owned vehicles to county employees to be used to travel to and from meetings of the County Home Rule Study Committee. Senator Hultman said that that is not the intent of his motion. The motion was then adopted by a unanimous voice vote.

Speaker Millen pointed out that, through an oversight, the Legislative Council had failed to specify the number of meeting days authorized for the joint interim Corrections Subcommittee of the Senate and House Committees on Human Resources, House Committee on Judiciary and Law Enforcement and Senate Committee on Judiciary. He recognized Senator Briles, who commented briefly on the Subcommittee's plans for the current interim, indicating that these plans would require a total of 6 meeting days during the interim. On motion of Senator Briles, seconded by Senator Junkins, the joint interim Corrections Subcommittee was authorized a total of 6 meeting days during the 1979 legislative interim.

Speaker Millen noted receipt of a letter from State Geologist Stanley Grant concerning a two-day workshop to be held jointly by the Iowa and U. S. Geological Surveys, on management of water resources, etc. Speaker Millen added that a number of legislators have indicated interest in attending this workshop. Representative Douglas Smalley and Senator Elizabeth Miller, Chairpersons of the House and Senate Committees on Human Resources, have agreed to call their statutory one-day meeting to coincide with the first day of the water resources workshop. If the Legislative Council will authorize a second meeting day for these joint standing committees, each Natural Resources Committee member who wishes to do so will be able to attend the two-day workshop and receive per diem and reimbursement for expenses. Speaker Millen said that if all members of both standing committees were to attend the workshop, this would be a total of 30 legislators.

Senator Hultman moved that the standing Senate and House Committees on Natural Resources be authorized a second meeting day during the 1979 interim, to coincide with the second day of the workshop on water resources referred to by Speaker Millen. The motion was seconded by Representative Halvorson, and adopted by a unanimous voice vote.

Mr. Garrison noted that there had been distributed to Council members present copies of a compilation of educational leave reports received by the Legislative Service Bureau for transmission to the Council since the most recent meeting of the Legislative Council on August 8, 1979.

It was noted that there had also been distributed to Council members present copies of a letter addressed to Speaker Millen as Council Chairperson by Mr. Burks, on behalf of Senator Forrest Schwengels and Representative Wendell Pellet, Chairperson and Co-Chairperson respectively of the Soil Conservation Laws Joint Subcommittee of the Senate and House standing committees on Agriculture and Natural Resources. This joint interim Subcommittee had requested one additional meeting day, because it has planned a series of four hearings in the four geographic quadrants of the state and these will exhaust the Subcommittee's current meeting authority. It is believed that one additional meeting in Des Moines, after the hearings, will be required in order for the Subcommittee to complete formulation of its recommendations.

Mr. Garrison commented that it appears that this joint interim Subcommittee will incur some expenses, not to exceed \$210.00, for the use of facilities for some of its regional hearings. He explained this is due to the fact that the Subcommittee will be using meeting rooms in some privately-owned facilities, but has made no commitment for any of its members or other persons to stay overnight at these facilities.

Representative Avenson moved that the joint interim Subcommittee on Soil Conservation Laws be authorized one additional meeting day

during the 1979 legislative interim, and that expenditure of not to exceed \$210.00 for rental of meeting facilities by this Subcommittee be authorized. The motion was seconded by Representative Jesse and approved by a unanimous voice vote.

Speaker Millen recognized Cit the printing of a high school teaching unit entitled "The Ombudsman" has been completed. He offered a number of copies of the publication for inspection by interested Council members, and stated that copies would be distributed to high schools around the state.

Mr. Angrick introduced Miss Doneen Woodward, Deputy Citizen's Aide who has recently joined the staff of that agency.

Speaker Millen recognized Representative Harbor for the report of the Council's Service Committee pursuant to the Committee's meeting earlier on the present date. The report presented two brief recommendations.

The first was that the Legislative Council appoint Clayton Ringgenberg to the statutory County Finance Committee. On motion of Representative Harbor, seconded by Senator Hansen, that recommendation was approved by a unanimous voice vote.

The second recommendation was that further action on remodeling the building in which the Office of the Citizen's Aide is located be delayed until the Legislative Council makes decisions about possible relocation of legislative agencies in the Lucas State Office Building. In connection with that recommendation, Representative Harbor noted that Director of General Services Stanley McCausland has indicated that it would be possible to move the Capitol Security headquarters into the Wallace State Office Building.

Speaker Millen next recognized Senator Hultman for the report of the Council's Administration Committee, pursuant to that Committee's meeting on the morning of the present date. A copy of that report, with attached memorandum from Legislative Fiscal Director Rankin, is attached to and by this reference made a part of these minutes.

Referring to the attached report, Senator Hultman noted that it presents four numbered recommendations. He moved that recommendation 1 be adopted. The motion was seconded by Senator Junkins.

Senator Hansen inquired whether adoption of this recommendation would mean that ultimately the entire Legislative Fiscal Bureau will be moved out of the Capitol Building. Senator Hultman replied in the negative, noting that the recommendation is limited to the removal of the newly-established Program Evaluation Division from the area which has been referred to as the Legislative Fiscal Director's Conference Room.

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

Senator Hultman next moved that recommendation 2 of the Administration Committee's report be adopted. The motion was seconded by Senator Junkins.

Senator Murray inquired whether the appropriation for establishment of the Performance Evaluation Division in the Fiscal Bureau had included funds for one additional secretary. Legislative Fiscal Director Rankin replied to the effect that the appropriation had provided for the employment of three additional people, and also included \$15,000 for outside professional consultation. In response to a further question from Representative Welden, Mr. Rankin confirmed that employment of an additional secretary had not originally been contemplated in connection with establishment of the Performance Evaluation Division, but is considered necessary if the Division is to be located away from the remainder of the Fiscal Bureau staff and offices.

Answering a question from Representative Stromer, Senator Hultman said that adoption of recommendation 2 will only authorize the funds necessary to complete the relocation of the Fiscal Bureau's Performance Evaluation Division and computer services. He added that Mr. Rankin will come back to the Council for specific approval of the individual to be employed as an additional secretary for the Performance Evaluation Division.

Senator Hultman's pending motion to approve recommendation 2 was then approved by a unanimous voice vote.

Senator Hultman stated that he wished to briefly defer action on recommendation 3, and moved that the Council approve recommendation 4. In answer to a question from Representative Jesse, the office where it is proposed to relocate the Administrative Rules Review Committee staff was identified as that formerly occupied by Assistant Attorney General Elizabeth Nolan. The motion was then adopted by a unanimous voice vote.

Senator Hultman moved adoption of recommendation 3, briefly explaining its general intent. He indicated that what he termed "the entire appropriations process" would be located on the second floor of the Lucas Building should this recommendation be adopted and implemented.

At Senator Hansen's request, Senator Hultman reviewed the current status of space assignments within the Capitol Building itself. He indicated that space assignments within the Capitol are now reasonably well stabilized for the foreseeable future. In response to a further question from Senator Hansen, Senator Hultman said he does not know why the offices of the Auditor of State and his staff are still located in the Capitol Building, but that the

Administration Committee will be looking into this particular matter pursuant to the authority given it by the Legislative Council at the preceeding Council meeting.

Senator Murray expressed reservations about moving the Legislative Fiscal Bureau and the offices of the various Appropriations Subcommittee Chairpersons and ranking members outside the Capitol Building, stating that he fears this will impede the appropriations process and the legislative process generally. He suggested it would not prove necessary to remove those facilities from the Capitol Building if the offices of the Auditor of State and his staff and the present State House cafeteria were relocated.

After additional discussion, Senator Murray moved to amend Senator Hultman's pending motion for adoption of recommendation 3 so as to provide that the first sentence of that recommendation should read "That the Legislative Council authorize the Administration Committee to examine the feasibility of moving within the next year the remaining staff of the Fiscal Bureau to appropriate other space as may be available." The motion was seconded by Senator Hansen, and adopted by a unanimous voice vote.

There was considerable additional discussion by Council members of Senator Hultman's pending motion, as amended. At the conclusion of the discussion, Senator Hultman said it appears that there is a consensus among Legislative Council members on the desirability of keeping the Legislative Fiscal Bureau and other legislative offices and facilities within the Capitol Building if at all possible. He commented that the motion to adopt recommendation 3, as amended, is consistent with this consensus.

Senator Hultman's pending motion, as amended, was then adopted by a voice vote.

Speaker Millen recognized Representative Welden for the report of the Legislative Fiscal Committee, pursuant to that Committee's meeting earlier on the present date. A copy of the Fiscal Committee's report is attached to and by this reference made a part of these minutes.

Representative Welden presented Thom Freyer, head of the new Program Evaluation Division, who summarized for Council members the presentation he had earlier made to the Fiscal Committee on the program evaluation process. Mr. Freyer indicated that during the coming months members of the Legislative Council will be mailed four sets of summaries, each of which will cover three preliminary project review reports. Council members will be asked to assign priorities to these projects. On the basis of the respective rankings of the projects by Council members, it is anticipated that the Legislative Fiscal Committee will assign priorities to the projects at its meeting on October 10.

Representative Welden distributed to Council members present copies of a resolution urging the President of the United States to take appropriate action to end the strike against the Rock Island Railroad so that the grain harvest can be moved to its destination points as quickly as possible. After suggesting that since the General Assembly is not presently in session the Legislative Council is the appropriate body to adopt this resolution, Representative Welden moved that it do so. The motion was seconded by Representative Stromer.

Senator Taylor suggested that the resolution be sent not only to the President but also to the United States Secretary of Agriculture, the Iowa Congressional Delegation, and other federal officials who might be concerned with this matter.

The motion to adopt the resolution was passed by a unanimous voice vote.

After a brief discussion, it was agreed that the next meeting of the Legislative Council will be held on Wednesday, October 10.

The meeting was adjourned at 3:40 p.m.

Respectfully submitted,

PHILIP E. BURKS
Senior Research Analyst

SERGE H. GARRISON,
Director