

M I N U T E S
IOWA LEGISLATIVE COUNCIL

October 18, 1989

PRELIMINARY BUSINESS

The seventh meeting of the 1989-90 Legislative Council was called to order by Senator Bill Hutchins, Chairperson, at 2:27 p.m., Wednesday, October 18, 1989 in Senate Room 22, State House, Des Moines, Iowa. Members present in addition to the Chairperson Hutchins were:

Speaker Donald Avenson, Vice Chairperson
Lt. Governor Jo Ann Zimmerman
Senator C. Joseph Coleman
Senator Donald V. Doyle
Senator Calvin O. Hultman
Senator John Nystrom
Senator Emil Husak
Senator Joseph J. Welsh
Senator Dale Tieden
Representative Bob Arnould
Representative Florence Buhr
Representative Kay Chapman
Representative John Connors
Representative Roger Halvorson
Representative Mary Lundby
Representative Tom Jochum
Representative Harold Van Maanen

Also present were: Ms. Diane Bolender, Director, Legislative Service Bureau; Mr. Dennis Prouty, Director, Legislative Fiscal Bureau; Mr. Bill Angrick, Citizens Aide/Ombudsman; Mr. Sandy Scharf, Director, Computer Support Bureau; Mr. Thane R. Johnson, Senior Research Analyst, Legislative Service Bureau; Mr. Richard Johnson, Legal Division Chief, Legislative Service Bureau, other legislative staff members; representatives of the news media; and other interested persons.

ROLL CALL AND MINUTES

Chairperson Hutchins recognized Senator Coleman who moved to dispense with the roll call and approve of the minutes of September 20, 1989 as distributed. The motion was adopted.

SESSION LAWS

Chairperson Hutchins recognized Ms. Bolender for a review of a memorandum from Ms. Kristi Little, Superintendent, General Services Printing Division, relating to the sale price for printing and distribution of the 1989 Session Laws. Ms. Bolender stated that the memorandum recommends the printing and distribution cost for the 1989 Session Laws, totalling 320 pages more than the 1988 Session Laws, at a price of \$36 plus tax per volume. Ms. Bolender stated that the 1988 Session Laws were priced at \$25 plus tax.

There being no further discussion, Representative Connors moved that the Legislative Council approve the sale of the 1989 Session Laws for sales price of \$36 plus tax per volume. The motion was adopted. A copy of the memorandum and the supporting documentation from Ms. Kristi Little is attached to and by this reference made a part of these minutes.

LEGISLATIVE COUNCIL MEMBERSHIP

Chairperson Hutchins noted that each member of the Legislative Council has received a copy of the new Legislative Council membership and the membership to its various committees. He commented that he has created a Redistricting Technology Selection Committee of the Council. Chairperson Hutchins also welcomed Representative Roger Halvorson to membership on the Legislative Council. Chairperson Hutchins noted that no Council action is needed with regard to the membership changes.

FAMILY DEATH LEAVE POLICY

Chairperson Hutchins asked the Council members to review the proposed Family Death Leave Policy which was deferred at the September 20, 1989 meeting. There being no discussion of the proposed policy as submitted, Senator Coleman moved the adoption of the Family Death Leave Policy. The motion was adopted. A copy of the Family Death Leave Policy is attached to and by this reference made a part of these minutes.

REDISTRICTING TECHNOLOGY SELECTION COMMITTEE

Chairperson Hutchins recognized Ms. Bolender for comments on the scheduled meeting of the Redistricting Technology Selection Committee. Ms. Bolender stated that three vendors have been invited to a scheduled November 1st meeting of the Committee to present their respective proposals to implement a reapportionment

plan for the state of Iowa. Ms. Bolender noted that the membership of the Redistricting Technology Selection Committee has been included among the listing of new committees distributed to the Council. There being no further comments, the report was received.

REPORT OF THE FISCAL COMMITTEE

Chairperson Hutchins recognized Representative Tom Jochum for the Report of the Fiscal Committee. Representative Jochum reviewed the Report beginning with the six informational items received by the Committee. Representative Jochum next reviewed the recommendation to the Legislative Council to approve a budget item to provide information for future legislative consideration on the issue of expanded use of Ritalin, a legal drug to control high activity levels among certain children. Representative Jochum introduced Ms. Kathryn Gerkin, associate professor at the University of Iowa and a graduate student, Ms. Lisa Khoury, for comments regarding a study which they propose to conduct with regard with the use of Ritalin. Professor Gerkin noted that there is concern among psychologists that school officials are bringing pressure to bear on parents of hyper-active children to unnecessarily use the drug. She noted that the drug must be prescribed for use by proper medical officials, but there is a concern the drug is being used as a "quick fix" and that legal ramifications may result.

After further discussion, Representative Jochum moved the adoption of the Report of the Fiscal Committee. The motion was adopted. A copy of the Report of the Fiscal Committee is attached to and by this reference made a part of these minutes.

AIR LINK TRANSPORTATION COMMISSION

Chairperson Hutchins next recognized Senator Joe Welsh for a brief report on the activities of the Air Link Transportation Commission. Senator Welsh stated that the Commission has prepared a Request for Proposal in cooperation with the Department of Transportation, regarding air transportation service in Iowa, to be distributed to interested potential consultants. He added that the Commission has not decided on the dollar amount of its proposed study but it is expected that the scope of the services will take approximately six months to complete. He added that the Commission will report to the Legislative Council before a dollar amount and consultant are finally selected.

INTRODUCTION OF NEW EMPLOYEES

Ms Bolender introduced Ms. Mary Carr, Legal Counsel, and Ms. Jonetta Douglas, Librarian, who are new employees of the Legislative Service Bureau. The Legislative Council welcomed the new employees.

REPORT OF THE ADMINISTRATION COMMITTEE

Chairperson Hutchins recognized Senator Doyle for the Report of the Administration Committee. Senator Doyle stated that the Committee has no report being that a quorum was not present for its meeting. He announced a meeting of the Administration Committee following the meeting of the Legislative Council.

REPORT OF THE STUDIES COMMITTEE

Chairperson Hutchins recognized Speaker Avenson for the Report of the Studies Committee. Speaker Avenson stated that the Studies Committee recommended denial of several requests for extensions of the study interim including requests from the Preserving Adequate Water Supplies Study Committee, the Drug Abuse Prevention and Enforcement Study Committee and the Energy Efficiency Study Committee. He added that the charge for the Juvenile Law Study Committee is also included with reports relating to Capitol Complex Child Care Survey, the Health Care Expansion Task Force, and a progress on interim studies from the Legislative Service Bureau.

After review of the other committee recommendations, Speaker Avenson moved the adoption of the report. The motion was carried. A copy of the Report of the Studies Committee is attached to and by this reference made a part of these minutes.

TEMPORARY RECESS

Chairperson Hutchins recessed the Council Meeting from 2:47 p.m. to 2:51 p.m.

REPORT OF THE SERVICE COMMITTEE

Chairperson Hutchins recognized Representative Connors for the report of the Service Committee. Representative Connors reviewed the recommendations of the Service Committee including a report of the Retention of the Independent Legal Counsel Subcommittee outlining the procedures and membership of a committee to recommend to the Legislative Council the selection of specific

independent legal counsel to provide legal and litigation services to the Legislative Council.

After further discussion, Representative Connors moved the adoption of the Report. The Report was adopted. A copy of the Report of the Service Committee is attached to and by this reference made a part of these minutes.

Representative Connors noted that with the adoption of the proposed vacation leave sharing program, by the Legislative Council, the personnel guidelines of the Legislative Central Staff Agencies are complete. He expressed his thanks to those persons who helped develop the personnel guidelines within the Legislative Service Bureau and the Department of Personnel.

APPEAL OF JAMES PETERSON

Chairperson Hutchins announced to the Legislative Council that he has received, as of October 18, 1989, a letter from Mr. James Peterson, a former employee of the Office of Citizens Aide/Ombudsman. Co-chairperson Hutchins read the letter of appeal submitted by Mr. Peterson.

Representative Connors commented that Mr. Peterson had requested a reinstatement of his grievance against Mr. Bill Angrick, Citizens Aide/Ombudsman in a letter of September 27, 1989 to the Service Committee. He stated that the Service Committee denied Mr. Peterson's grievance based on Mr. Peterson's having failed to follow the grievance procedure deadlines.

After further discussion, Senator Coleman moved that the Legislative Council deny the appeal of Mr. James Peterson of the ruling of the Service Committee's ruling. The motion was adopted unanimously.

LITIGATION OF ITEM VETOES

Chairperson Hutchins next recognized Senator Welsh regarding the status of proposed litigation on the part of the Legislative Council concerning item vetoes by Governor Terry E. Branstad of legislation enacted during the 1989 Legislative Session. Senator Welsh stated that from recent contact with the members of the Iowa Supreme Court, it has been learned that an early resolution of the pending item veto litigation, Junkins et al v. Branstad, is not expected. He stated that at the preceding Legislative Council meeting, further action by the Legislative Council was deferred because an early resolution of the pending item veto case was expected. Since a decision is not expected, Senator Welsh stated that the Legislative Council should proceed with its petition challenging certain item vetoes as identified by legal counsel, Brent Appel, at the last Legislative Council meeting.

In reply to a question by Senator Doyle, Senator Welsh stated that the recommendations of the Retention of the Independent Legal Counsel Subcommittee to the Service Committee and the appointment of a specific committee to select legal counsel to provide legal and litigation services to the Council are for future litigation and do not apply to the item vetoes of legislation identified by Mr. Appel for the 1989 Legislative Session.

Representative Van Maanen stated that at the last meeting of the Legislative Council, the Council decided to withhold any further litigation or filing of litigation until the Junkins et al v. Branstad case has been resolved by the Court. He added this has not been resolved and the Legislative Council is premature in dealing with these other item vetoes before that case is decided. Senator Hultman stated that he agrees with Representative Van Maanen's position that the Legislative Council should wait for the decision in the Junkins et al case to see if there are any real bases for any further litigation. He added that the need for litigation in the future can be easily reduced with better communication between the General Assembly and the Office of the Governor.

Chairperson Hutchins responded that there is a definite need for better definitions of what are item vetoes, and that the Legislative Council should not further delay pursuing these legal definitions and resolving the separation of power issues which are involved in the proposed litigation. He stated that the litigation should not be a partisan issue but should be an issue of resolving a question of the separation of the powers between the Executive branch and the Legislative Branch of Iowa state government.

There being no further comments, Senator Welsh moved that the Legislative Council direct its legal counsel, Mr. Brent Appel, to proceed with litigation of issues from among the item vetoes of questionable legality in House File 774, Senate File 363, and Senate File 520. The motion was adopted.

NEXT MEETING DATE AND ADJOURNMENT

Chairperson Hutchins stated that the tentative date of the next meeting of the Legislative Council is Wednesday, November 15, 1989.

There being no further business to come before the Council, Chairperson Hutchins adjourned the meeting at 3:12 p.m.

Respectfully submitted

THANE R. JOHNSON
Senior Research Analyst

cw, 20361c
tj/dg/20