

M I N U T E S

LEGISLATIVE COUNCIL

November 13, 1974

The seventeenth meeting of the 1973-74 Iowa Legislative Council was called to order at 10:05 a.m., Wednesday, November 13, 1974 in the Speaker's Room of the State House. Council members attending the meeting were:

Senator Clifton C. Lamborn, Chairman
Representative Edgar H. Holden, Vice Chairman
Lieutenant Governor Arthur A. Neu
Speaker of the House Andrew P. Varley
Senator James E. Briles
Senator Lucas J. DeKoster
Senator Willard R. Hansen
Senator Eugene M. Hill
Senator John S. Murray
Senator Karl Nolin
Senator James F. Schaben
Senator Roger J. Shaff
Senator Earl M. Willits
Representative Dale M. Cochran
Representative Donald V. Doyle
Representative Richard Drake
Representative Charles E. Grassley
Representative James I. Middleswart
Representative Arthur A. Small, Jr.
Representative Delwyn Stromer

Legislative staff personnel present included Secretary of the Senate Ralph Brown and Senate Legal Counsel William Trent, Chief Clerk William H. Harbor and Assistant Chief Clerk David Wray of the House of Representatives, Legislative Fiscal Director Gerry D. Rankin, and Director Serge Garrison, Senior Research Analyst Phil Burks and Senior Legal Counsel Burnette Koebernick of the Legislative Service Bureau. A number of other legislators and legislative staff personnel attended portions of the meeting for the purpose of presenting committee reports. Several representatives of the news media and other interested persons were also present.

Copies of a progress report from the Department of Transportation to the Legislative Council, submitted in accordance with Senate File 1141 of the Sixty-fifth General Assembly, section 33, were distributed to members of the Council. After a brief review of the report by the Council members, Senator Briles moved that the report be accepted. The motion was seconded by Representative Doyle and unanimously adopted.

Lieutenant Governor Neu asked that the Council indicate what policy it wishes to have followed in regard to requests for authorization for out-of-state travel to attend the forthcoming National Conference of State Legislative Leaders meeting by incumbent legislative leaders who will be serving in the Sixty-sixth General Assembly but will not hold leadership positions in the 1975 session. He noted that the Council had earlier adopted a policy against post-election out-of-state travel by legislators who would not be serving in the succeeding session (see minutes of Council's August 15, 1973 meeting, page 7, third full paragraph) but that this policy did not apply specifically to the situation about which he had just inquired. He added that his personal inclination would be not to approve such travel requests, but that he is willing to follow the Council's directive in the matter.

Senator Hill moved that the Council establish the policy that only legislative leaders elected to serve in the 1975 session be authorized to attend the December, 1974 meeting of the National Conference of State Legislative Leaders. The motion was seconded by Senator Willits, and Chairman Lamborn opened the meeting for discussion.

Representative Holden pointed out that the National Conference of State Legislative Leaders will cease to exist at the end of this year, when it will be merged with the National Legislative Conference and the National Society of State Legislators to form the new National Conference of State Legislators. He noted that this development will apparently require another new policy in 1975 regardless of which decision is made in response to Lieutenant Governor Neu's inquiry.

Speaker Varley expressed agreement with Representative Holden, adding that he is not sure how valuable the last meeting of the National Conference of State Legislative Leaders is likely to be. He commented that Iowa probably should be represented at the meeting, but not by a large delegation.

Senator Shaff noted that he is presently the President Pro Tem of the Senate, but is unlikely to retain that position after the convening of the Sixty-sixth General Assembly. He stated that he had asked for authority to attend the 1974 meeting of the National Conference of State Legislative Leaders because he has been advised that it is one of the most worthwhile national meetings for state legislators. He added that he is willing to withdraw his request for authorization to attend the meeting, but that he rather resents what he termed an attempt to change the rules in the middle of the game.

Senator DeKoster stated that the raising of the question regarding out-of-state travel by legislative leaders who are not likely to continue in those positions is not aimed at any individual, but is in the interest of good government and a good legislative image in the minds of the public. He added that he does not feel that the state would derive much value from

attendance at such meetings by retiring legislative leaders, although he said the individuals involved might very well receive much valuable information. Senator Hill agreed, adding that policy positions and resolutions are sometimes adopted at such meetings, and that the votes on these matters should be cast by those who will be the leaders in the new Legislature, not the leaders of the previous sessions.

Representative Cochran said he is inclined to agree with Senator Shaff. He added that if the Legislative Council wants to set a policy in accordance with Senator Hill's motion, it should do so for future years but not apply the policy during the present year.

Representative Holden moved, as a substitute for Senator Hill's motion, that legislators who have been serving as legislative leaders in the Sixty-fifth General Assembly and will be members of the Sixty-sixth General Assembly, or who have been designated as leaders for the Sixty-sixth General Assembly, be authorized to attend the 1974 meeting of the National Conference of State Legislative Leaders. The substitute motion was seconded by Representative Cochran. Speaking in support of the substitute motion, Representative Holden pointed out that former legislative leaders who continue as members of the General Assembly do not "disappear" but continue to exercise considerable influence.

Chairman Lamborn called for a roll call vote on adoption of Representative Holden's substitute for Senator Hill's motion. The substitute was adopted by a vote of eight to six, with two Council members passing. Those voting yes were Chairman Lamborn, Vice Chairman Holden, Speaker Varley, Senators Hansen and Shaff and Representatives Cochran, Doyle and Middleswart; those voting no were Senators Briles, DeKoster, Hill, Murray and Willits and Representative Grassley. Representatives Drake and Stromer passed. (Senators Nolin and Schaben and Representative Small had not yet arrived at the meeting when this vote was taken.)

The motion as amended by adoption of the substitute was then adopted by the Council by a roll call vote of thirteen to four, with one Council member passing. Those voting yes were Chairman Lamborn, Vice Chairman Holden, Speaker Varley, Senators Briles, Hansen, Nolin and Shaff and Representatives Cochran, Doyle, Drake, Grassley, Middleswart and Small; those voting no were Senators DeKoster, Hill, Murray and Willits. Representative Stromer passed, noting that the question at issue directly affects him. (Senator Schaben had not yet arrived at the meeting when this vote was taken.)

Chairman Lamborn recognized Mr. Brown, who noted that there has been some concern about the level of lighting available in the Senate Chamber. He introduced Assistant Superintendent of Buildings and Grounds George Hicks, who reviewed for the Council a proposal for improving the lighting of the Senate Chamber without marring the Chamber's decor, submitted by Crescent Electric Supply

Company of East Dubuque, Illinois. A copy of the proposal is attached to and by this reference made a part of these minutes. Mr. Hicks noted that if the proposal was accepted, the work would begin before the convening of the 1975 legislative session, but could not be completed prior to the session and would therefore have to be suspended and completed afterward.

Representative Cochran moved that the proposal by Crescent Electric Supply Company be accepted by the Legislative Council. The motion was seconded by Senator Willits.

Senator Willits then inquired whether the sentence in the proposal from Crescent Electric Supply Company which reads "Each chandelier would take on a new appearance when compared to its present makeup" implies a change in the physical appearance of the chandeliers. Mr. Hicks replied in the negative, explaining that what is contemplated is a change in the amount of light radiated from each chandelier.

Senator Hill noted that the ceiling of the Senate Chamber is decorated with rather elaborate art work, and inquired whether the lighting work being contemplated would obscure any of this decoration. Mr. Hicks replied that, on the contrary, the lighting project should make the art work more readily visible.

Senator Murray inquired whether the contemplated lighting improvement in the Senate Chamber would make the TV lights used during the 1974 session unnecessary. Mr. Hicks replied in the affirmative, but adding that this would be true only after the project is fully completed, and that TV lights would probably still be necessary during the 1974 session. Mr. Brown noted that at this time there has been no indication from the Iowa Educational Broadcasting Network as to whether it intends to televise portions of the 1975 session as it did in 1974.

Representative Cochran's motion was then adopted by a unanimous voice vote.

Mr. Garrison reported that 12 bids had been received on the planned county officers compensation and responsibilities study, pursuant to the Council's action at its previous meeting. (See minutes of Legislative Council's October 9, 1974 meeting, pages 13-14.) He added that the bids are lengthy and rather complex, and recommended that they be carefully evaluated by the Council before a contract for the study is awarded.

Chairman Lamborn asked unanimous consent of the Council to appoint a committee, consisting of Representative Stromer as Chairman, Speaker Varley, Representative Middleswart and Senators Murray, Nolin and Willits, to review all bids received on the county officers compensation and responsibilities study and to have authority to award the contract for the study as soon as they have satisfied themselves which is the most favorable bid. There being no objection, it was so ordered.

Chairman Lamborn recognized Representative Donald Lippold for presentation of the Final Report of the Professional and Occupational Licensing Study Committee, copies of which were distributed to Council members. The report may be obtained from the Legislative Service Bureau.

A number of questions regarding the professional and occupational licensing study and the report were directed to Representative Lippold by Council members. Representative Grassley, noting that he has chaired the present Departmental Rules Review Committee, urged against the creation of any special legislative rules review committee for the purpose of assuming any of the present Departmental Rules Review Committee's functions. He expressed the view that any such move would likely lead to a proliferation of special jurisdiction legislative rules review committees, which might not function consistently or with proper coordination.

On motion of Representative Holden, seconded by Representative Stromer, the Legislative Council accepted the Professional and Occupational Licensing Study Committee's Progress Report by a unanimous voice vote.

Copies of the Legislative Service Bureau's 1975-77 budget request were distributed to Council members for their review. A copy of the budget figures distributed is attached to and by this reference made a part of these minutes.

Mr. Garrison noted that what appears at first glance to be a small reduction in the total appropriation requested for the Service Bureau for the first year of the new biennium is in fact an \$84,000 increase because the budget proposal includes no funds for per diem or expenses of legislators serving on interim study committees. He added that these funds were not included in the Service Bureau budget proposal because the Council has previously indicated that it intends to seek passage of legislation establishing a joint legislative finance office to handle per diem and expenses of legislators serving on all interim committees, and the funds for these expenses would presumably be available to that office rather than to the Service Bureau.

There was a brief discussion of the percentage of increase in the amounts projected for Service Bureau staff salaries during the coming biennium, and of the number of staff personnel contemplated by the budget. Mr. Garrison noted that the budget increase for salaries contemplates no transfer of any permanent employee of the Bureau to the legislative payroll during the sessions, which is a practice presently followed. Thus, the increase which may be determined by straight mathematical computation is misleading because money presently being expended from General Assembly funds for certain employees would in the future be expended from Service Bureau funds. The increase for salaries between the two fiscal years in the next fiscal biennium can be attributed to placing all permanent Service Bureau employees

on the Bureau payroll for the whole year, and not just to higher salaries alone. Senator DeKoster commented that the overall increase in amounts budgeted for salaries appeared to be approximately nine percent. Senator Willits observed that he hoped it would be found possible for the Service Bureau to provide staff to standing committees of the General Assembly during the coming biennium. Mr. Garrison indicated he intends to provide staff for standing committees during the next session of the General Assembly although not on a full-time basis.

In response to a question, Mr. Garrison indicated that no formal action by the Council is necessary on the projected 1975-77 budget. However, he requested authority from the Council to make transfers within the Service Bureau's overall budget between accounts since some accounts have projected surpluses and others may be insufficient for the fiscal year. Mr. Garrison specifically noted that the travel and telephone expenses accounts may be insufficient for the fiscal year and that the amount established for the travel account is the authorization of the Council for Bureau employees' travel. Travel expenses have increased because of more Bureau employees, increased mileage costs, more legislative hearings, national seminars on subjects of interest to the General Assembly, and participation on national committees by staff members. Increased employees have also dictated a need for a more sophisticated telephone system within the Bureau. On motion of Senator Briles, seconded by Senator Willits, the authority so requested was granted by the Council by a unanimous voice vote.

Mr. Rankin distributed to Council members for their review copies of the Legislative Fiscal Bureau's budget for the current fiscal year and its projected budget for the 1976 and 1977 fiscal years. A copy of the budget figures presented is attached to and by this reference made a part of these minutes.

Chairman Lamborn recognized Chief Clerk Harbor, who distributed to Council members copies of two letters relative to matters which he believes legislators might wish to take under consideration in the near future. The first letter is concerned with the "blind voting" option which will be available when installation of the new electronic voting systems in the Senate and House of Representatives is completed, and presents a compilation of responses to inquiries directed to various states which presently have this option available. Accompanying the letter is the text of a proposed new House Rule on voting procedures, including possible alternatives for utilization of the blind voting option. The second letter is concerned with future policy as regards distribution of printed legislative material to the general public. Copies of both letters are attached to and by this reference made a part of the these minutes.

There was a discussion of planning for the orientation conference for newly-elected members of the Sixty-sixth General Assembly, and how this orientation conference should be arranged

and conducted. Speaker Varley moved that the Council's Administration Committee be authorized to plan an orientation conference, and that newly-elected legislators and other legislators be authorized expenses on the same basis as in 1973 if they wish to attend the orientation conference. The motion was seconded by Senator Hill, and adopted by a unanimous voice vote.

Representative Cochran moved that the Administration Committee be authorized to expend up to approximately \$150 as an honorarium and travel expenses for the purpose of obtaining a suitable speaker for the orientation conference. The motion was seconded by Senator Willits and adopted by a unanimous voice vote.

Chairman Lamborn recognized Senator James W. Griffin, Sr., Chairman of the Senate Committee on Cities and Towns, who requested on behalf of himself and Representative John Clark, Chairman of the House Committee on Cities and Towns, authorization for another joint meeting of the two standing committees, which have already held the one meeting to which they are automatically entitled by law during the current legislative interim. Senator Griffin explained that the purpose of the proposed meeting would be to consider a replacement for the housing code authority which was repealed from the new Municipal Code by the second session of the Sixty-fifth General Assembly, and in particular to hear a presentation by the League of Iowa Municipalities regarding this matter. Representative Small objected, stating that it does not appear likely that anything could be accomplished by a special meeting of the joint standing committees which could not be accomplished after the new legislature convenes in January. Senator Griffin replied he believes it would be advantageous for the standing committees to begin work in this area prior to the session. On motion of Senator Briles, seconded by Representative Stromer, the Council approved the requests submitted by Senator Griffin by a voice vote, Representative Small voting no.

Chairman Lamborn recognized Representative Holden for presentation of the Progress Report of the Eminent Domain Study Committee, copies of which were distributed to Council members. The report is available from the Legislative Service Bureau. A number of questions regarding the eminent domain study and the report were directed to Representative Holden by Council members. At the conclusion of the discussion, it was moved by Representative Holden that the Council accept the report. The motion was seconded by Senator Shaff and adopted by a unanimous voice vote.

The Council recessed for lunch at 12:15 p.m., and reconvened in the Speaker's Room at 1:25 p.m. All Council members who had attended the morning session also attended the afternoon session.

Chairman Lamborn recognized Senator Hansen to present the report of the Capitol Cafeteria Study Committee, copies of which were distributed to Council members. A number of questions

regarding the Capitol Cafeteria Study and the report were directed to Senator Hansen by Council members. At the conclusion of the discussion, it was moved by Senator Hill that the Legislative Council accept the report, and that a copy be sent to the Executive Council together with a request on behalf of the Legislative Council that steps be taken to reinstitute a contractual relationship between the state and the operator of the Capitol cafeteria. The motion was seconded by Representative Middleswart and adopted by a unanimous voice vote.

Chairman Lamborn recognized Senator Shaff to present the report of the Taxation Subcommittee of the Standing Committees on Ways and Means of the Senate and House of Representatives, copies of which had been distributed to Council members. The report is available from the Legislative Service Bureau. A number of questions regarding the taxation study and the report were directed to Senator Shaff by Council members.

On motion of Senator Hansen, seconded by Representative Stromer, the Taxation Subcommittee was authorized the one additional meeting requested in its report, by a unanimous voice vote of the Council.

Vice Chairman Holden assumed the chair at 1:45 p.m.

Representative Drake raised the question whether the Council wishes to take any action regarding possible sources of additional revenue for highway construction, to at least partially offset the heavy impact of inflation on highway construction costs. In the discussion which followed, Vice Chairman Holden observed that there might not be much point in establishing a committee at a time when the control of the General Assembly has shifted but the new leadership has not yet been chosen.

After further discussion, it was moved by Senator Nolin that the Council accept the Progress Report of the Taxation Subcommittee. The motion was seconded by Senator Willits and adopted by a unanimous voice vote.

Vice Chairman Holden recognized Representative Drake for presentation of the Final Report of the Motor Vehicle Licensing Subcommittee, copies of which were distributed to Council members. The report is available from the Legislative Service Bureau. A number of questions regarding the motor vehicle licensing study and the report were directed to Representative Drake by Council members. At the conclusion of the discussion, it was moved by Senator Shaff that the Council accept the report. The motion was seconded by Senator Briles and adopted by a unanimous voice vote.

Vice Chairman Holden recognized Senator Shaff for presentation of the Progress Report of the Livestock Laws Study Committee, copies of which were distributed to Council members. A number of questions regarding the livestock laws study and the report were directed to Senator Shaff by Council members. At the

conclusion of the discussion, it was moved by Representative Stromer that the Council accept the Progress Report. The motion was seconded by Senator DeKoster and adopted by a unanimous voice vote.

Senator DeKoster assumed the chair at 2:30 p.m.

Temporary Chairman DeKoster recognized Representative Holden for presentation of the Progress Report of the Mental Health and Juvenile Institutions Study Committee, copies of which were distributed to Council members. The report is available from the Legislative Service Bureau. A number of questions regarding the mental health and juvenile institutions study and the report were directed to Representative Holden by Council members. At the conclusion of the discussion, it was moved by Representative Small that the Council accept the report. The motion was seconded by Senator Briles and adopted by a unanimous voice vote.

Vice Chairman Holden resumed the chair at 3:00 p.m.

Vice Chairman Holden recognized Senator DeKoster for the report of the Legislative Fiscal Committee, summarizing the Fiscal Committee's meeting of the previous day. A copy of the Fiscal Committee's report is attached to and by this reference made a part of the these minutes.

Senator DeKoster moved that the Council authorize per diem and expenses for members of the Legislative Fiscal Committee who attend the Governor's budget hearings. The motion was seconded by Senator Shaff, who suggested, however, that the same authorization ought to extend to all members of the standing Appropriations Committees designated for the Sixty-sixth General Assembly. Senator DeKoster said he agrees in principle, but expressed doubt that the standing committee selections would be announced in time to implement such a policy. Senator Hill said that the proposed authorization should not cover all Appropriations Committee members-designate, but only the respective subcommittee chairmen who presumably would not be legislators-elect as opposed to incumbents and therefore would be eligible for per diem and expense payments if properly authorized.

Senator Shaff then moved to amend Senator DeKoster's motion so that it would apply to the chairpersons, ranking majority and minority members, and subcommittee chairpersons of the Senate and House Appropriations Committees, at such time as these officers are designated. The amendment, and then Senator DeKoster's motion as amended, were adopted by unanimous voice votes.

There was a brief discussion of the Fiscal Committee's recommendation that a committee report accompany each appropriation bill and contain a clear statement of legislative intent. The question was raised whether a separate committee report or a specific provision in the bill itself would be likely to be more effective. Mr. Garrison pointed out that if the provisions were

included in the appropriation bills themselves, this might well result in compounding the difficulty of the amending process and would also subject the statements of intent to item veto by the Governor.

On motion of Senator Briles, seconded by Senator Willits, the report of the Fiscal Committee was accepted by a unanimous voice vote.

Mr. Garrison requested clarification of the Council's action of two months earlier authorizing reimbursement of the State Penitentiary for extraordinary expenses incurred in connection with attendance of an inmate-advisory member at meetings of the Penal and Correctional Systems Study Committee during the balance of the 1974 legislative interim. (See minutes of Legislative Council's September 11, 1974 meeting, page 5.) He noted that the motion in question made reference to a maximum of five meeting days, but authorized payment at a rate of \$80 for each of these days. Mr. Garrison explained that the Penal and Correctional Systems Study Committee has now held five meetings at which the inmate-advisory member has been in attendance, during the current interim, but that reimbursement has been requested at the rate of only \$40 per day. Representative Drake stated that he had proposed the motion in question, and that it was his intent that an amount not to exceed \$400 be made available for this purpose. If reimbursement has been made at a rate of less than \$80 per day, there should be no reason why reimbursement cannot be made at the reduced rate for additional meetings, up to the \$400 total. There was no objection by other Council members to this interpretation.

After a brief discussion, it was agreed that the next meeting of the Legislative Council will be held on Tuesday and Wednesday, December 17-18, 1974, beginning at 10:00 a.m. on the 17th and continuing at 9:00 a.m. on the following day.

On motion of Senator Briles, the meeting was adjourned at 3:25 p.m.

Respectfully submitted,

SERGE H. GARRISON
Director

PHILIP E. BURKS
Senior Research Analyst