

M I N U T E S *
LEGISLATIVE COUNCIL

July 13, 1988

PRELIMINARY BUSINESS

The eleventh meeting of the 1987-1988 Legislative Council was called to order by the Chairperson, Speaker Donald D. Avenson, at 11:15 a.m., Wednesday, July 13, 1988, in the Board Room, Gilchrist Hall, University of Northern Iowa, Cedar Falls, Iowa. Members present in addition to Chairperson Avenson were:

Representative Robert C. Arnould	Senator Bill Hutchins,
Representative Florence D. Buhr	Vice Chairperson
Representative Kay Chapman	Senator C. Joseph Coleman
Representative Thomas J. Jochum	Senator Donald V. Doyle
Representative William H. Harbor	Senator Emil J. Husak
Representative Delwyn Stromer	Senator George Kinley
Representative Harold Van Maanen	Senator Joe J. Welsh
	Senator Lee W. Holt
Lt. Governor JoAnn Zimmerman,	Senator Calvin O. Hultman
Ex Officio	Senator David M. Readinger

In addition, the following Legislators who are not members of the Council were present: Senator Joy Corning, Senator Jim Lind, Representative Don Shoultz, and Representative Pat Harper.

Also present were Donovan Peeters, Director, Legislative Service Bureau; Diane Bolender, Research Division Chief, Legislative Service Bureau; John Pollak, Research Analyst, Legislative Service Bureau; John Fatino, Assistant Research Analyst, Legislative Service Bureau; other legislative staff members; representatives of the news media; and other interested persons.

INTRODUCTORY REMARKS OF THE CHAIRPERSON

Chairperson Avenson expressed the Legislative Council's appreciation to Mr. John Crews, the Mayor of Cedar Falls and Dr. Constantine Curris the President of the University for inviting the Legislative Council to meet at the University of Northern Iowa. Chairperson Avenson noted that there would be no formal business scheduled during the morning session. Instead, the Council would hear presentations from community leaders.

*These are corrected minutes issued on August 3, 1988.

PRESENTATIONS BY COMMUNITY LEADERS

The following community leaders gave presentations to the Council:

- A. John Crews, Mayor of Cedar Falls, spoke regarding the improving image of the Cedar Falls-Waterloo area. He added that the University of Northern Iowa plays a large role in stabilizing the economy of Cedar Falls.
- B. Fred Saul, Mayor of Evansdale, spoke about the need to continue and strengthen the partnership between the General Assembly and Iowa's small communities.
- C. Rachel Fulton, Black Hawk County Supervisor, emphasized the importance of city/county cooperation and she further urged legislators to examine the oversight of various social service programs arising from last session's legislation.
- D. Bernie McKinley, Mayor of Waterloo, emphasized the importance of Cedar Falls-Waterloo as a regional service center. He stressed that many of the current grant programs for communities work well and expressed the opinion that changes to these programs should be resisted.

RECESS

Both Mayor McKinley and Supervisor Fulton distributed informational materials which are on file with the Legislative Service Bureau. A brief question and answer period for the community leaders preceded the Council's recess for lunch.

RECONVENE

Chairperson Avenson called the meeting back to order at 2:00PM in the same location. All legislative members present at the earlier meeting returned. Also in attendance were Representative Pat Harper, Senator Joy Corning, and Representative Jane Teaforde. Senator Husak made a motion to dispense with the calling of the roll and reading the minutes. The motion was adopted.

CONSTITUTIONAL BICENTENNIAL HISTORICAL DISPLAY

Chairperson Avenson expressed the belief that the minutes of the June meeting did not correctly reflect the Council's action on the moving of the Constitutional Bicentennial Historical Display located in the second floor rotunda area of the Capitol.

Chairperson Avenson commented that he believed the Council had voted to move the display. Representative Stromer pointed out that he believed the motion last time was only to contact General Services to see where to move the display. Senator Husak asked to have the portion of the minutes relevant to the discussion read aloud. Mr. Donovan Peeters, Director of the Legislative Service Bureau, read the following portion of page 4 of minutes of the Legislative Council meeting of June 8, 1988: "Chairperson Avenson stated that a new location for the Bicentennial Historical Display should be found to provide more space in the second floor rotunda area. He also stated that the sharp edges on the display are a concern. He added that a more suitable location for the display may be the State Historical Building. After further discussion, Senator Holt moved that Mr. Jack Walters, Department of General Services, and the State Bicentennial Commission be contacted for recommendations as to a new location for the Bicentennial Historical Display. The motion was adopted." Senator Hultman moved that the minutes be approved. The motion was adopted. Representative Arnould noted that he had observed preparations for the monument being moved.

REVIEW OF THE COURT RULES

Chairperson Avenson recognized Senator Donald Doyle for a review of the Court Rules. Senator Doyle reviewed the new rules that were distributed to Council members. A copy of the rules is on file with the Legislative Service Bureau. Senator Doyle stated that he had no objection to the new rules. Representative Chapman inquired about handwritten remarks written in the margin of the copy of the Rules distributed to Council members. Senator Doyle responded that it was an amendment, further clarified on page 8 of the proposed rules. The motion was to receive the rules. The motion passed.

NARCOTICS CONTROL ASSISTANCE BLOCK GRANT

Speaker Avenson recognized Mr. Donovan Peeters who commented on an application for federal funds from the Narcotics Control Assistance Block Grant that was distributed to the Council. Mr. Peeters indicated that the application procedures provided for legislative comment. As a result, the application is being submitted to the Legislative Council so that there is an opportunity for legislative input. The motion was made to accept and file the application with referral to the Legislative Fiscal Bureau for preparation of a response. The motion was adopted.

CONSTITUTIONAL BICENTENNIAL HISTORICAL DISPLAY

Representative Stromer made a motion that the Legislative Council direct the Department of General Services to move the Constitutional Bicentennial Historical Display to the first floor near the replica of the Battleship Iowa. He further added that the benefactors of the display should provide the State with a device to keep the public from getting too close to it. Senator Husak interjected that he was unsure that the Council had the authority to move the display to the first floor. Chairperson Avenson responded that the governmental reorganization Act had given the Legislative Council control of capitol space and that this action is within the authority of the Council. Senator Husak inquired whether this action is compatible with the wishes of the Bicentennial Commission. Chairperson Avenson responded that the Commission had contacted him several times regarding the subject. The question was called on Representative Stromer's motion. The motion was adopted on an unanimous voice vote.

RECEIPT OF REPORT OF RECOMMENDATIONS FROM THE JOINT AGRICULTURE COMMITTEES

Chairperson Avenson called members' attention to a letter from the Chairs of the Senate and House Committees on Agriculture in which because of the drought they asked the Legislative Council to take all appropriate steps to increase necessary funding to several farm-related programs. Chairperson Avenson expressed the belief that the point of the request is to review the 1988 Session appropriations so that certain agricultural programs may receive additional funds to aid drought relief. He further added that the Joint Agriculture Committees at a meeting held on July 1, 1988, recommended intra-agency transfers of funds. Senator Readinger inquired if the committees' agreement only applied to the three programs listed in the letter. Chairperson Avenson responded in the affirmative. Senator Hultman made a motion to accept the recommendations. Senator Husak inquired if all executive branch agencies are required to notify the appropriate committee chairs. Chairperson Avenson responded that for intra-agency transfers notification is not necessary. Senator Hutchins added that he felt there is no great danger of abuse because the appropriations committees will be inquiring about transfers in January. The question was called and the motion was adopted on a unanimous voice vote. A copy of the letter is on file with the Legislative Service Bureau.

REPORT OF THE FISCAL COMMITTEE

Speaker Avenson recognized Representative Tom Jochum, Chair of the Fiscal Committee, for the committee's report. Representative

Jochum reviewed the reports from the June 9 and July 11 meetings of the Fiscal Committee. The June 9 report is attached to and made part of these minutes. The July 11 report will be found as an attachment to the minutes of the Studies Committee. Representative Stromer inquired as to whether or not the Fiscal Committee has discussed the fiscal impact of medical malpractice. Representative Jochum responded in the negative and added that the Fiscal Committee will be reviewing the activities of the Insurance Commission as part of legislative oversight in the upcoming year. Representative Jochum stated the planned review is a response to a letter from Representatives Arnould and Peterson. Senator Hultman inquired as to whether or not the Fiscal Committee is monitoring the drought situation. Senator Welsh responded that he believes that a legislative committee is already working on it. Senator Hultman responded that it is important to examine the potential fiscal impact so that the General Assembly will be prepared for revenue changes in the upcoming year. Representative Jochum expressed the belief that a group could be formed to work with the Legislative Fiscal Bureau on the issue.

Speaker Avenson inquired of Mr. Dennis Prouty, Director of the Legislative Fiscal Bureau, as to whether the state would exceed its projection of the ending general fund balance made for the 1987-88 fiscal year. Mr. Prouty responded in the affirmative. He added that because of the surplus in the general fund at the end of the fiscal year, \$10,000,000 would be certified to pay for the new boiler at UNI but funding for additional projects had not been certified because according to the Department of Management reversions from executive agencies were less than anticipated because some agencies have overspent their budgets. Senator Hultman made a motion to invite Mr. Patrick Cavanaugh, Director of the Department of Management, to address the subject of reversion shortfalls at the next meeting of the Legislative Council. Senator Hutchins proposed a friendly amendment to the motion that Mr. Edward Stanek also be asked to attend in order to explain the revenue shortfalls from the lottery. Senator Hultman accepted the amendment. Senator Hultman expressed the belief that the General Assembly's concerns regarding additional prison space and increased fire safety at the State Universities could be mitigated by the amount of revenue involved in the reversion question.

Representative Chapman inquired as to the proposed date for the next meeting of the Legislative Council. Speaker Avenson responded that the date of the next meeting will be determined at a later time. A dialogue then followed between Representative Harbor, Chairperson Avenson, and others regarding the Department of Management's projections of the general fund ending balance and their relationship to the drought. The discussion included points regarding the relative roles of the legislative branch and the executive branch. The question was called on Senator Hultman's motion. The motion was adopted on an unanimous voice vote. The motion to accept the report of the Fiscal Committee was adopted.

REPORT OF THE STUDIES COMMITTEE

Chairperson Avenson recognized Senator Hutchins, Chair of the Studies Committee, for the report of the Studies Committee. Senator Hutchins reviewed the report which is attached to these minutes and by this reference made a part of the minutes. Representative Jochum interjected that the appointment of two additional members to the Economic Development Visitation Committee was submitted to the Studies Committee and Legislative Council solely for recommendation purposes. Both Chairperson Avenson and Senator Hutchins agreed that the issue of appointing additional members should be discussed at the next Studies Committee meeting. A discussion followed regarding the efficacy of adding additional members to study committees without Council approval. The motion to adopt the report of the Studies Committee was adopted on a voice vote.

PROPOSED CHANGES TO THE APPROPRIATIONS PROCESS

Speaker Avenson recognized Mr. Dennis Prouty who distributed a document containing proposed changes to the Code necessary to improve the budget and appropriations process and by this reference made a part of these minutes. Mr. Prouty reviewed the document. Senator Hutchins made a motion to reestablish the Legislative Procedures Committee with membership consisting of the Speaker of the House, the Majority and Minority Leaders of the House and the Senate, the Appropriations Committees chairs, and the ranking members of the Appropriations Committees. Senator Hultman expressed the belief that the process of oversight of appropriations needs tighter control for the whole system to be effective. Chairperson Avenson pointed out that the Governor's office needs to aid the appropriations process by more prompt delivery of data. Senator Welsh added that inter-departmental transfers of funds started almost immediately after the session was over. Senator Welsh stated that he and Representative Jochum had sent a letter to the Department of Management protesting a transfer of funds between the Department of General Services and the Department of Natural Resources, but he does not believe that the letter had any impact. The question was called on Senator Hutchins motion. It was passed on an unanimous voice vote.

Senator Readinger inquired if the changes Mr. Prouty has suggested were developed in conjunction with the Governor's office or were unilaterally adopted. Mr. Prouty responded it was the latter. Senator Readinger further inquired if there are any separation of power questions involved. Mr. Prouty responded in the negative adding that the budget is a statutory not a constitutional matter.

FINAL COMMENTS AND ADJOURNMENT

Senator Doyle announced that the Interstate Boundary Commission had met for the first time with legislative members representing the states of Iowa, Nebraska, and South Dakota. As a result, the Commission's quality of work has increased, especially in regard to correctly assessing land along the Missouri river.

Senator Hultman inquired about procedures regarding the expense vouchers related to the current Council meeting. Chairperson Avenson responded that the standard procedures would be used.

Representative Stromer inquired when the next meeting would be held. Chairperson Avenson said it was tentatively planned for the second Wednesday of next month.

Upon the motion of Senator Coleman, the Legislative Council adjourned at 3:41 p.m.

Respectfully submitted,

DONOVAN PEETERS
Secretary, Legislative Council

JOHN FATINO
Assistant Research Analyst