

**MINUTES**  
**IOWA LEGISLATIVE COUNCIL**  
**October 16, 1991**

**PRELIMINARY BUSINESS**

The seventh meeting of the 1991-1992 Legislative Council was called to order by the Chairperson, Speaker Bob Arnould, at 11:42 a.m., Wednesday, October 16, 1991, in Senate Room 22, State House, Des Moines, Iowa. Members present in addition to Chairperson Arnould were:

Senator Leonard L. Boswell  
Senator Donald V. Doyle  
Senator Wally Horn  
Senator Jim Lind  
Senator Jean Lloyd-Jones  
Senator Jack Nystrom  
Senator Jack Rife  
Senator Dale Tieden  
Senator Joe J. Welsh  
Representative Clifford O. Branstad  
Representative John H. Connors  
Representative Roger Halvorson  
Representative William H. Harbor  
Representative Thomas Jochum  
Representative Mary Lundby  
Representative Wayne McKinney, Jr.  
Representative Mike Peterson  
Representative Harold Van Maanen

Also present were: Mr. Richard Johnson, Deputy Director, Legislative Service Bureau; Mr. Dennis Prouty, Director, Legislative Fiscal Bureau; Mr. Tim Faller, Deputy Director, Legislative Fiscal Bureau; Mr. Sandy Scharf, Director, Computer Support Bureau; Mr. John Pollak, Administrator, Legal and Committee Services Division, Legislative Service Bureau; Mr. Joe O'Hern, Chief Clerk of the House of Representatives; Ms. Liz O'Connor, Assistant Deputy Chief Clerk of the House of Representatives; Mr. Mark Johnson, Legal Counsel, Legislative Service Bureau; Mr. Thane R. Johnson, Senior Research Analyst, Legislative Service Bureau; other legislative staff members; representatives of the news media; and other interested persons.

## ROLL CALL AND MINUTES

Chairperson Arnould noted that the roll call has been taken as members of the Council arrived. Representative Connors moved to approve the minutes of the September 25, 1991, meeting as submitted. The motion was adopted.

## EDUCATIONAL LEAVE REPORTS

Chairperson Arnould recognized Mr. Richard Johnson, Deputy Director, Legislative Service Bureau, for brief remarks concerning the Educational Leave Reports. He stated that the Code requires that the Educational Leave Reports be submitted to the Department of Management and the Legislative Council annually. He added that the Reports as received by the Council fulfill the requirements under section 79.25 of the Code. Senator Tieden commented that he objects to the entire process of providing educational leave for state employees but, he stated, he would not take the time of the Council to discuss his objections. There being no further comments, Representative Connors moved that the Educational Leave Reports be received and filed by the Legislative Council. The motion was unanimously adopted. The Educational Leave Report is filed with the Legislative Service Bureau.

## REPORT OF THE FISCAL COMMITTEE

Chairperson Arnould recognized Senator Boswell for the Report of the Fiscal Committee. Senator Boswell briefly described the contents of the Report. He stated that the Legislative Fiscal Committee recommends that the Legislative Council transmit a communication to the Department of Management expressing the intent of the General Assembly to continue the Odometer Fraud Enforcement Program and to fund the administrative expenses of the program with the fees collected, with any excess moneys being deposited in the State General Fund. Representative Halvorson commented that since the meeting of the Fiscal Committee he reviewed the actions of the General Assembly during the last session concerning the transfer of fees from trust funds to the State General Fund and found no legislative intent to provide for the use of the fees as being requested by the Legislative Fiscal Committee. He added that if the Council provides for the use of these fees to fund the administrative program as requested, then other program administrators will request that fees associated with their programs also be used to fund program administrative costs. He added that the Council should defer this issue until its November meeting so that other trust funds and programs can be reviewed to see if similar situations are occurring. Representative Van Maanen questioned the authority of the Legislative Council to speak for the entire General Assembly. Senator Tieden observed that he believes there is an area of conflict in the current law. He stated that one provision provides that the fees be used to enforce the

Odometer Fraud Program while another provision directs that the fees be credited directly to the State General Fund. Representative Jochum commented that he believes the purpose of the communication is merely to convey the intent of the General Assembly that the program be continued and an admission that the General Assembly and the Governor made a mistake in not providing sufficient funding for this program. He stated that the proposed action is merely a request to the Department of Management to take the desired action, and if no action is taken, nothing can be done by the General Assembly until the commencement of the Second Regular Session in January 1992.

Representative Halvorson requested unanimous consent to defer action on the proposed communication to the Department of Management until the November meeting. Senator Welsh objected. Representative Halvorson moved to defer action on the proposed communication for one month. Upon a voice vote, the motion was defeated.

In reply to a question by Representative Harbor, Senator Boswell stated that the informational items received by the Fiscal Committee will be included in the Committee minutes for the members to review.

Representative Connors stated his objection to the current situation within the Department of Personnel concerning the employment of the former Director, Thomas E. Donahue. He stated that Mr. Donahue was rejected by the Senate as the Director of the Department and now has been hired as a consultant for a salary higher than the current Director. He expressed the belief that the practice by executive departments of ignoring the actions of the General Assembly should be stopped.

There being no further comments, Representative Connors 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.

Chairperson Arnould also requested the Fiscal Committee to note the statutory requirement that the Governor's proposed budget for the next fiscal year show that revenue for the next fiscal year will exceed the recurring expenses for the same fiscal year. Senator Boswell commented that the Fiscal Committee would consult with the Department of Management regarding the statutory requirement. In reply to a comment by Representative Van Mannan, Chairperson Arnould stated that during the past few years the Governor's proposed budget for recurring expenditures has exceeded the income shown to pay for those expenditures. Senator Boswell also commented that the Committee will review a transfer of \$313,407 from the Department of Cultural Affairs to the Department of General Services for the state telecommunications network.

#### REPORT OF THE SERVICE COMMITTEE

Chairperson Arnould recognized Senator Welsh for the Report of the Service Committee. Senator Welsh briefly described the five recommendations of the Committee. There being no comments, Representative Halvorson moved the adoption of the Report. The motion was adopted unanimously. A copy of the Report of the Service Committee is attached to and by this reference made a part of these minutes.

#### REPORT OF THE STUDIES COMMITTEE

Chairperson Arnould recognized Senator Horn for the Report of the Studies Committee. Senator Horn briefly reviewed the eight recommendations of the Studies Committee and moved their adoption. There being no comments, the motion was adopted unanimously. A copy of the Report of the Studies Committee is attached to and by this reference made a part of these minutes.

#### BUILDING EMERGENCY LIGHTING PROJECT

Chairperson Arnould recognized Representative Peterson for a report on the contract to provide an emergency lighting plan for the Capitol building. Representative Peterson stated that the emergency lighting planning project was substantially completed by January 1, 1991, but certain additions were added so that the project was not finally completed until July 23, 1991. He added that the amount requested under the contract is \$13,082 of the total of \$15,000 originally approved for the project. After further discussion, Representative Peterson moved that authorization be given to pay billings from Krishna Engineering within the scope of the previous Council authorization and that the Department of General Services be directed to fulfill the requirements under the contract and conclude this phase of the emergency lighting project no later than January 1, 1992. The motion was adopted.

#### SEQUESTER OF PERSONNEL FUNDS

Chairperson Arnould asked members of the Council to take note of the letters received from the Office of the Governor and the State Board of Regents regarding the sequestering of funds to pay the contingent salary liability for noncontractual employees. Copies of the letters are attached to and by this reference made a part of these minutes.

ADJOURNMENT

There being no further business to come before the Council, Representative Connors moved at 12:05 p.m. that the Council adjourn. The motion was adopted.

Respectfully submitted,

RICHARD L. JOHNSON  
Deputy Director

THANE R. JOHNSON  
Senior Research Analyst

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