

M I N U T E S
LEGISLATIVE COUNCIL

October 12, 1977

The fourth meeting of the 1977-78 Legislative Council was called to order at 10:05 a.m., Wednesday, October 12, 1977 in Senate Committee Room 22 of the State House in Des Moines. Council members attending the meeting were:

Senator George R. Kinley, Chairperson
Speaker of the House Dale M. Cochran, Vice Chairperson
Lieutenant Governor Arthur A. Neu
Senator C. Joseph Coleman
Senator Lucas J. DeKoster
Senator Gene W. Glenn
Senator Eugene M. Hill
Senator Philip B. Hill
Senator Calvin O. Hultman
Senator Fred W. Nolting
Senator William D. Palmer
Senator Richard R. Ramsey
Representative Gregory D. Cusack
Representative Elmer H. Den Herder
Representative Donald V. Doyle
Representative Jerome D. Fitzgerald
Representative William J. Hargrave
Representative James I. Middleswart
Representative Floyd H. Millen
Representative Delwyn D. Stromer

Other persons present for all or portions of the meeting included Secretary of the Senate Steve Cross, Chief Clerk of the House Dave Wray, Legislative Fiscal Director Gerry Rankin, Director Serge Garrison and Phil Burks of the Legislative Service Bureau, and a number of other legislative staff personnel, representatives of the news media, and other interested persons.

With respect to the minutes of the Council's August 17, 1977 meeting as prepared and distributed to Council members, Senator Glenn requested that the word "unreasonable" appearing at the end of the third full paragraph on page 7 of the minutes as distributed be deleted and replaced by the word "unsuitable". On motion of Senator Glenn, the Council voted unanimously to approve the previously distributed minutes when so corrected.

It was noted that there had been distributed to Council members present copies of a compiled list of reports of educational leave granted to state employees by heads of departments, agencies and commissions, which reports are required to be submitted to the Legislative Council by section 79.1 of the Code. The compiled list

identifies the individual employees to whom such leave has been granted, the department agency or commission involved, the name of the school and title of the course being taken, and the cost to the state, if any. Senator Philip Hill noted that in a few instances, reports submitted by the Department of Public Instruction did not include one or both of the two latter items of information, and requested that Mr. Garrison obtain this information from the Department.

There had also been distributed to Council members present copies of a report showing the number of meetings held to date, number of meetings scheduled for specific future dates, and total number of meetings authorized each interim subcommittee and special study committee established during the current legislative interim by action of the General Assembly or the Legislative Council. At Senator Kinley's request, Mr. Garrison briefly reviewed the report, expressing some concern about the proportion of the contemplated total amount of interim legislative work which remains to be done during the approximately two and one-half months before the 1978 legislative session.

On motion of Senator Glenn, the Council voted unanimously to receive the report on the progress of interim subcommittees and study committees.

Senator Kinley recognized Senator Eugene Hill, Chairperson of the Joint Interim Subcommittee on Utility Rate Increases of the Standing Committees on Commerce. Senator Hill presented to the Council on behalf of the Subcommittee, requests for permission to (1) hold one Subcommittee meeting in excess of the three originally authorized by the Council, and (2) incur expenses for travel to and, if necessary, subsistence in Des Moines for one representative of the utility regulatory agency of a border state (yet to be determined) and one representative of a public utility regulated by that utility regulatory agency. Senator Eugene Hill moved that these requests be approved by the Council, which motion was seconded by Senator Nolting.

Senator Philip Hill said he has no objection to the second part of the Utility Rate Increases Subcommittee's requests, but is strongly opposed to approving additional meeting dates for this or any other interim subcommittee. He expressed the view that the Council had authorized too much interim legislative activity in the first place, and would be compounding this mistake by authorizing additional meetings for any of the interim subcommittees. He noted that he intends no criticism of the Utility Rate Increases Subcommittee as distinct from other interim subcommittees, but is opposed to any requests for authority to hold additional meetings.

After some further discussion, Senator Hultman moved to amend Senator Eugene Hill's pending motion by striking that portion concerning authority to hold an additional meeting of the Utility Rate Increases Subcommittee. Discussion of the motion to amend centered around the amount of time during the interim which

individual legislators can and should be expected to devote to legislative duties. At the conclusion of that discussion, Senator Hultman's motion to amend was lost on a roll call vote of 7-12. Those voting yes were Senators DeKoster, Philip Hill, Hultman and Ramsey and Representatives Den Herder, Millen and Stromer; those voting no were Senator Kinley, Speaker Cochran, Senators Coleman, Glenn, Eugene Hill, Nolting and Palmer and Representatives Cusack, Doyle, Fitzgerald, Hargrave and Middleswart.

Senator Kinley recognized Representative Cusack, who noted that the Council at its first meeting during the current interim had approved establishment of two steering committees to work with the Institute of Public Affairs at the University of Iowa in developing techniques for utilizing resources of the University for long-range policy research on behalf of the General Assembly. Representative Cusack continued that he is the Chairperson of one of these steering committees, in the area of policy regarding the elderly in Iowa, and stated that this steering committee has discovered that the research being done in this area at the University complements work recently done by the Governor's Task Force on Dependent Adults. The steering committee would like to hold a meeting on the same day that the Task Force makes its report to the Governor, so that Task Force members may meet with the steering committee without the necessity of making a separate trip to Des Moines for this purpose.

As the Steering Committee on Policy for the Elderly has already held the three meetings originally authorized it by the Council, Representative Cusack moved that the Council authorize one additional meeting for this steering committee. The motion was seconded by Representative Den Herder.

Senator Philip Hill inquired about the hours at which the previous meetings of this steering committee have convened and adjourned, commenting that he is not sure that all of the authorized meetings held by interim subcommittees approved by the Legislative Council have been so utilized as to achieve the greatest possible return on investment in terms of Committee members' time and state funds. Representative Cusack replied that the Steering Committee on Policy Regarding the Elderly had convened each of its meetings at or near the time designated, and that the first two meetings had used the greater part of the working day. He added that the third meeting, which had been held on the day previous to the present Council meeting, had adjourned at about 1:00 p.m. after working through the noon hour without a lunch break.

Representative Den Herder, who also serves on the Steering Committee for Policy Regarding the Elderly, noted that although the relatively early adjournment on the previous day might appear to be poor utilization of an authorized meeting date, the fact is that he had urged that the meeting be scheduled on the same day as a meeting of the Legislative Fiscal Committee so that members who serve on both bodies could avoid the cost and necessity of making two separate trips to Des Moines. He added that he feels the steering committee has succeeded in bringing about increased cooperation

between branches of government and between various state agencies involved in planning and programs for the elderly.

Representative Cusack's pending motion was then adopted on a divided voice vote. Senator Kinley next recognized Senator E. Kevin Kelly, a member of the standing Senate Committee on State Government. Senator Kelly pointed out that the Committee had asked the Council to approve establishment of a Senate subcommittee to review the need for revision of the Iowa open meetings law, and in particular, Senate File 369, which proposes amendments to this statute. Senator Kelly added that this request had originally been given an "A" priority rating by the Council's Studies Committee on July 29, but that the recommendation for approval for the study was deleted by the Studies Committee before it reported to the Council on August 10. Senator Kelly noted a number of recent problems relative to interpretation and effectiveness of the open meetings law which have arisen in Sioux City and elsewhere, and asserted that this statute is in urgent need of revision if it is to be meaningful. He urged that the Council approve an interim subcommittee for this purpose.

In response to a question from Senator Hultman, Senator Kelly said he believes such a subcommittee would need one day for public hearings, another meeting day to arrive at a consensus on what changes should be made in the existing statute, and a third meeting for review and refinement of draft legislation. Senator Hultman suggested that review of a draft bill could occur after the 1978 session convenes, and Senator Kelly agreed.

Senator Palmer moved that the Council approve establishment of a joint interim subcommittee of the standing Senate and House Committees on State Government, to consist of three members from each house and to be authorized two meetings to study revision of the Iowa open meetings law. The motion was seconded and passed by a divided voice vote.

Senator Kinley next recognized Senator Glenn, who presented two matters. The first concerned the joint Subcommittee on Criminal Code and Public Officials of the Senate Judiciary Committee and House State Government Committee, which Senator Glenn reported had held three of its four authorized meetings. He added that following the two days of hearings which had been held the previous week by this Subcommittee, it had been concluded that the Subcommittee probably could not review the information presented and arrive at the necessary decisions in one more meeting. Senator Glenn therefore moved that the Council authorize one additional meeting of the Criminal Code and Public Officials Subcommittee.

In response to a question by Senator Hultman, Senator Glenn said he believes there is general agreement among Subcommittee members on the need to rewrite the relevant statutes, and that if two additional meetings of the Subcommittee are held, a bill is likely to be developed and reported. However, he said he cannot

give positive assurance on this point. Senator Glenn's motion was then adopted by a voice vote.

Senator Glenn next noted that the Senate Judiciary Subcommittee on Juvenile Justice was authorized six meetings during the current interim, and that five have been held with the sixth scheduled for October 17. He said this Subcommittee is nearing finality, but that the House-passed bill being reviewed is complicated and the Subcommittee members' views are divergent. Therefore, one additional meeting may be needed in order to take final action on all recommendations. On motion of Senator Glenn, the Subcommittee on Juvenile Justice was authorized one additional meeting by a divided voice vote.

Senator Kinley then presented to members of the Legislative Council and others present Mr. Glen Barr, a member of Parliament from Northern Ireland. Mr. Barr stated that he is currently on vacation, and declined with thanks Senator Kinley's offer of an opportunity to address the Council.

It was noted that the Council had received a letter, sent at the request of Co-chairpersons Senator Robert Carr and Representative Diane Brandt of the joint interim subcommittee on Civil Rights of the standing Committees on State Government, requesting permission to hold an additional meeting of this Subcommittee on November 3, 1977. The Subcommittee had originally been authorized two meetings, which have been held. The purpose of the November 3 meeting would be to allow the Subcommittee to hear from University of Iowa law professor Arthur Bonfield, original drafter of the present Iowa civil rights statute, and from Chairperson Gretchen Bataille of the Civil Rights Commission.

Senator Philip Hill moved that the Council allow every authorized interim subcommittee one additional meeting. The motion was seconded by Senator Hultman. After a brief discussion, the motion was withdrawn.

On motion of Representative Hargrave, the Council authorized the Civil Rights Subcommittee one additional meeting by a divided voice vote.

Senate Majority Caucus Researcher Jim Riordon distributed to Council members present copies of a letter requesting authority for four additional meetings of the joint interim Tax Subcommittee of the standing Ways and Means Committees. The letter stated that the Subcommittee will meet on November 1-2 to review applications of firms seeking to conduct the tax study required by H.F. 332 of the 1977 Session, and Mr. Riordon noted that the large number of potential contractors on this study will probably require that the Subcommittee devote two full days to review of the applications. The letter further indicates that the Subcommittee desires to give consideration to problems with the recapture provisions of H.F. 332, the need to insure that use of the 100% productivity provision of H.F. 332 do not result in an unintended shift of the tax burden from

agricultural land to residential property, the adequacy of existing levy limitations for local taxing bodies, and proposed legislation relative to taxation of farm buildings located within the corporate limits of a city.

Representative Stromer noted that the letter Mr. Riordon had just distributed appears on Senate letterhead but is signed by Representative Lowell Norland, Chairperson of the House Ways and Means Committee. Mr. Riordon explained that the original intent had been to present the letter as a joint request from Representative Norland and Senator Norman Rodgers, Chairperson of the Senate Ways and Means Committee, but that it had not been possible to get the letter to Senator Rodgers for his signature prior to the date of the present Council meeting.

Senator Philip Hill explored with Mr. Riordon the reasons why it is believed that four additional meeting days will be required to deal with the various matters referred to in the letter distributed to Council members. In response to Senator Hill's specific question, Mr. Riordon stated that he cannot say whether an additional meeting of the full joint Ways and Means Committees would be needed following the contemplated meetings of the tax study subcommittee.

Speaker Cochran moved that the request submitted in the letter signed by Representative Norland be approved by the Council. After considerable additional discussion, the motion was adopted by a roll call vote of 12-7. Those voting yes were Senator Kinley, Speaker Cochran, Senators Coleman, Glenn, Eugene Hill, Nolting and Palmer and Representatives Cusack, Doyle, Fitzgerald, Hargrave and Middleswart; those voting no were Senators DeKoster, Philip Hill, Hultman and Ramsey and Representatives Den Herder, Millen and Stromer.

Chief Justice C. Edwin Moore of the Iowa Supreme Court having arrived at the Council meeting, Senator Kinley stated that the question of allocation of State House space to become available upon relocation of the Department of Agriculture would be taken up at this time. He gave a brief account of pertinent events which have occurred since the Council's previous meeting. He stated that Director of General Services Stanley McCausland had advanced a proposal to allocate the northeast corner spaces on both the first and ground floors to the judicial branch, with the Legislature taking the Secretary of State's present ground floor space. Senator Kinley added that he had himself presented an alternative proposal that the judicial branch take all space becoming available on the ground floor, and that the General Assembly be allocated the space to become available on the first floor of the State House, but that this alternative was not acceptable to the Supreme Court and Court of Appeals.

Senator Kinley then recognized Chief Justice Moore, who reiterated the thinking of the Judicial branch in regard to additional space in the State House as it had earlier been explained

to the Council's Space Committee. (See minutes of the Space Committee's meeting of August 10, 1977.) Chief Justice Moore stated that as all members of both the Supreme Court and Court of Appeals, as well as the Court Administrator, agree on the suitability of the Judicial branch's State House space proposals, he does not feel that he can in good conscience drop this request.

Chief Justice Moore continued that time is becoming urgent because the Court of Appeals is presently located in rented quarters on which the lease will expire on January 1, 1978. He said the Court of Appeals has no intent to divide the large rooms in the present Department of Agriculture area, as has been indicated by other parties. He asserted the proposal advanced by Mr. McCausland would allow the General Assembly some 3,000 square feet of additional space, rather than the 1,690 square feet which would become available if the legislative proposals prevail. Chief Justice Moore also commented that Secretary of State Synhorst is apparently willing to move his offices out of the State House entirely, although under the law he could not be forced to do so.

In response, Senator Kinley stated that when the four-member committee composed of himself, Chief Justice Moore, Treasurer of State Maurice Baringer and Mr. McCausland had agreed to hire an outside architect, Senator Kinley had pledged that he would live with whatever the architect recommended. He added that the Chief Justice, although joining in the agreement to hire the architect, has never changed his position that the Judicial branch must have all space being vacated by the Department of Agriculture on both the ground and first floors of the State House, from the time space allocation discussions began until the present. Chief Justice Moore replied by severely criticizing the architect who submitted the report, asserting the architect knows nothing about the efficient operation of a court.

Senator Hultman said that he finds the McCausland proposal unacceptable, because it is oriented to offices for legislators and staff rather than to additional committee rooms for use by standing committees. Lieutenant Governor Neu agreed, pointing out that some former committee rooms in both the Senate and House areas of the State House have already been partitioned for leadership and staff offices and expressing concern that this trend is likely to continue.

Lieutenant Governor Neu continued that it appears to him that the main controversy in regard to allocation of State House space concerns who will get the first space that becomes available, namely that being vacated by the Department of Agriculture. He concluded that he would like to see the General Assembly have more office space available, but does not feel that the matter is immediately urgent and therefore he cannot see why the Legislative Council should not accept the Judicial branch proposal. Senator Kinley commented that he believes Senator Hultman and Lieutenant Governor Neu are over-emphasizing the office aspects of the proposal formulated by Mr. McCausland.

Senator Glenn stated that new space allocation proposals apparently were formulated by Mr. McCausland subsequent to the Legislative Council's action of August 17, and that as Chairperson of the Council's Space Committee, he does not feel bound by the proposals. Senator Glenn added that the proposals represent a considerable retreat by Mr. McCausland from the positions he had earlier taken, at least verbally.

Senator Glenn continued that he agrees with the Chief Justice's earlier commendation of the Court of Appeals' work to date, but the question is balancing the needs of that body against the General Assembly's urgent need for additional hearing room space. He endorsed the comments by Representative Andrew Varley, reflected in the minutes of the August 10 meeting of the Council's Space Committee, regarding suitability of space for assigned function. He asserted that the proposal embodied in the resolution adopted by the Legislative Council on August 17 reflects that philosophy and that it represents a reasoned compromise solution to a difficult problem and should be acceptable to all parties concerned.

Senator Philip Hill moved that the space on the first and ground floors of the State House now assigned to the Department of Agriculture, upon being vacated by that Department, be assigned for use by the Supreme Court and Court of Appeals, as the Supreme Court may order, provided that the Courtroom when not being used by the court is made available for use by the General Assembly as a meeting room.

Senator Glenn raised the point of order that the motion was not in order because it contravenes the resolution adopted by the Legislative Council on August 17, and there had been no motion to reconsider that resolution. In response, Senator Philip Hill asserted that the nature of his motion is basically similar to that of the motions the Council had adopted earlier in the present meeting with respect to various requests for authority to hold additional meetings of interim subcommittees, there having been no formal motions to reconsider the actions taken by the Council at previous meetings with respect to formation of interim subcommittees. Lieutenant Governor Neu supported Senator Philip Hill's view, adding that the Council has always exercised discretion to change its approach on a particular issue from time to time if it chooses to do so.

Senator Kinley stated that the Chair would take Senator Glenn's point of order under advisement, and that the Council would stand in recess until 2:00 p.m.

The meeting recessed at 12:00 noon, and reconvened at 2:10 p.m. in Senate Committee Room 22. All Council members who had attended the morning session were again present when the meeting reconvened, except Senator Eugene Hill and Representative Hargrave. Chief Justice Moore was again present.

Senator Kinley recognized Senator Glenn, who stated that he would withdraw the point of order he had previously raised although he added that he does not agree that the pending motion as presented by Senator Philip Hill is proper. However, he noted that it has apparently been the custom of the Legislative Council to proceed in a fairly informal manner in such matters.

After brief comments by Chief Justice Moore and Senator Glenn with respect to the exact interpretation of the Council's August 17 resolution, Senator Kinley recognized Senator Phil Hill for closing remarks on the pending motion. The motion was defeated by a roll call vote of 6-10, with one abstention. Those voting yes were Senators DeKoster, Philip Hill, Hultman and Ramsey, and Representatives Den Herder and Stromer; those voting no were Senator Kinley, Speaker Cochran, Senators Glenn, Nolting and Palmer and Representatives Cusack, Doyle, Fitzgerald, Middleswart and Millen; Senator Coleman abstained and Senator Eugene Hill and Representative Hargrave were not present when the vote was taken.

Chief Justice Moore then left the meeting.

Senator Kinley recognized Senator Glenn for presentation of the final report of the joint interim Criminal Code Publication Subcommittee of the Senate Committee on Judiciary and House Committee on Judiciary and Law Enforcement. Copies of the report, which had previously been distributed to Council members present, are on file with and available from the Legislative Service Bureau. On motion of Senator Glenn, the report was received by the Council on a unanimous voice vote.

Senator DeKoster noted that none of the three bids submitted on publication of the Iowa Criminal Code Supplement included compilation of the index to the Supplement which was a separate optional item in the bid specifications. Mr. Garrison explained that the Legislative Service Bureau had compiled an index and that it was presently ready for publication, although the index is not as detailed as would have been preferable. He added, however, that a complete table of contents has also been prepared by the Service Bureau for the Criminal Code Supplement.

Senator Glenn moved that, in accordance with the recommendation of Superintendent of Printing Vern Lundquist based upon the bids received, the Council award the contract for publication of the Iowa Criminal Code Supplement to the William C. Brown Company of Dubuque.

In response to a question from Representative Fitzgerald, Senator Glenn and Mr. Garrison stated that there would be no type setting on the index to the Criminal Code Supplement, since the Service Bureau has prepared the index in the form of camera ready copy. Mr. Garrison added that since the index is less detailed than originally contemplated, it occupies fewer pages than had been anticipated and therefore the cost of the printing will be slightly

less than that indicated by the Criminal Code Publication Subcommittee's final report. Answering further questions by Representatives Middleswart and Doyle, Mr. Garrison stated that the Criminal Code Supplement will correspond to the 1977 Code of Iowa in internal format, and will generally correspond to the Code in external appearance although it will not be hard bound. There will be a charge of approximately \$2.00 per copy for the Supplement, in addition to the cost of the 1977 Code itself.

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

Senator Kinley recognized Senator Palmer for the report of the Council's Legislative Service Committee, copies of which had been distributed to Council members present. A copy of the report is attached to and by this reference made a part of these minutes.

Senator Philip Hill expressed some concern about the delay in filling the position of Citizens' Aide. On motion of Senator Palmer, the Service Committee's report was received by the Council by a unanimous voice vote.

Senator Kinley next recognized Representative Cusack for presentation of the report of the Legislative Fiscal Committee, copies of which had also been distributed to Council members present. A copy of the Fiscal Committee's report is attached to and by this reference made a part of these minutes. Representative Cusack briefly reviewed the report, and moved that it be received. The motion was adopted by a unanimous voice vote.

Legislative Service Bureau Senior Research Analyst Thane Johnson was recognized for a report relative to the State Science, Engineering and Technology program of the National Conference of State Legislatures. Mr. Johnson reviewed information received at a meeting he, Senator Rolf Craft and Representative Robert Anderson had attended during the previous July, in regard to possible application to the National Science Foundation for the Iowa General Assembly's allotted share of a \$3,000,000 federal appropriation for grants to demonstrate the value of science, engineering and technology staffs to state legislative and executive branches.

Speaker Cochran assumed the Chair at 2:45 p.m.

Mr. Johnson outlined possible reasons for states to establish a formal science, engineering and technology capability, and presented information on what other state legislatures have done in this area. There was a brief discussion, but no motions were offered.

Senator Eugene Hill returned to the meeting at 3:00 p.m.

Speaker Cochran recognized Senate Secretary Cross, who introduced the new Senate Legal Counsel, Ms. Deborah Burgess.

Mr. Cross then raised the question of what is to be done regarding the Model Committee Staffing Project under which staff personnel are presently employed for both standing Committees on Human Resources. He noted that information regarding the cost of various alternative arrangements for continuation of the committee staffing project had previously been distributed to Council members present. In response to a question, Mr. Cross indicated that he had served as a "conduit" for this information but had not prepared it himself.

Speaker Cochran briefly recounted the history of the Model Committee Staffing Project in Iowa, noting that the contract with Legis 50 under which the project has been carried out will expire on November 15, 1977.

Representatives Middleswart and Millen inquired when it would be necessary for the Legislative Council to take action, should it choose to do so, on this matter. Mr. Cross noted that the personnel presently employed through the Model Committee Staffing Project will need to make plans regarding future employment if the project is not to be continued. Noting that the contract covering the project does not expire until November 15 and that the probable date for the next Legislative Council meeting is November 9, Representative Millen moved that the Council defer action on the matter.

Representative Stromer inquired how the Human Resources Committees were staffed prior to inception of the Model Committee Staffing Project, and how they will be staffed in the future if the project is not renewed. Mr. Garrison stated that the Legislative Service Bureau assigns a particular staff member to attend all meetings of, monitor the activities of, and coordinate Service Bureau services to each standing committee, and that he would expect to continue this arrangement. He added that Mr. Burks had been so assigned to the Human Resources Committees during the Model Committee Staffing Project.

Mr. Burks stated that the day-to-day arrangements for services to the Human Resources Committees from the Model Committee Staffing Project and the Service Bureau have largely been handled on an ad hoc basis, but that the relationship between the two staffs has been excellent. He said that the full-time Human Resources Committee staff has provided all research and administrative services to those standing committees, while the Service Bureau has provided most of the drafting services. In some instances, rough or outlined bill drafts have been brought to the Service Bureau to be prepared for further consideration by the standing committees, while in others the Service Bureau has been directly involved in formulation of draft legislation beginning at the first discussion stage.

Senator Palmer inquired about the feasibility of incorporating the Human Resources Committee staff into the Legislative Service Bureau. Mr. Garrison replied that there is no

space available on the east balcony to accommodate any additional Service Bureau staff personnel, so that any additional people would have to be located in some other area and this would make inter-office communications more difficult than would be ideal. However, Mr. Garrison added that if it is the decision of the Legislative Council that this step should be taken, it certainly can be done.

Commenting on Senator Palmer's question, Senator Hultman said he would prefer to simply authorize two additional positions for the Legislative Service Bureau, and not specify who is to be hired or where they are to be assigned. Representative Stromer pointed out that there are presently no funds available in the Legislative Service Bureau's appropriation to employ additional staff, and that if staff were to be employed in the manner suggested by Senator Palmer, these persons would either have to be paid under Section 2.12 of the Code or the Service Bureau Director would have to be advised to exceed the normal quarterly allocations of the Service Bureau budget with the understanding that a supplementary appropriation would be forthcoming upon convening of the 1978 session.

Representative Cusack pointed out that the Model Committee Staffing Project is a demonstration venture, and that there presumably should be a report on what conclusions have been drawn from the demonstration. He suggested asking former Senator William Gluba and former Representative Thomas Higgins, who chaired the respective Human Resources Committees, as well as current chairs and ranking members of the Committees, for their comments on the project.

Senator Kinley resumed the chair at 3:15 p.m.

Senator Philip Hill stated that the service to the Human Resources Committees by the Model Committee Staffing Project personnel has been excellent, but that he has always stated his disagreement with the basic premise on which they were originally employed. He added that if the project is going to be continued, it should be done through the Legislative Service Bureau; otherwise all standing committees will want to employ staff directly. Senator Eugene Hill said he does not basically disagree with Senator Philip Hill, but does not concur with Representative Millen's pending motion to defer the matter.

Senator Hultman called for the question on the motion to defer. Following closing remarks by Representative Millen, the motion was adopted by a divided voice vote.

Senator Kinley appointed Speaker Cochran, Representatives Fitzgerald and Millen and Senator Hultman and himself as a committee to look into the matter of continuation of the Committee Staffing Project.

Senator Ramsey moved that the Legislative Council go on record as urging Legis 50 to pay the unpaid bills left over from the

Model Committee Staffing Project seminar held at Clear Lake on July 29-30. Representative Stromer seconded the motion, stating that the continuing non-payment of the debts incurred by Legis 50 in connection with that seminar is a source of embarrassment to Iowa legislators. Representative Stromer added he would suggest that the motion, if adopted, be implemented by the dispatch of a strongly-worded letter to Legis 50 and, if necessary, by the General Assembly initially paying the amounts due under Section 2.12 of the Code and then demanding reimbursement from Legis 50.

Senator Kinley expressed concern about any proposal to pay the amounts due in connection with the seminar under Section 2.12, citing legal complications should there be bankruptcy proceedings, etc. Senator Kinley then asked Mr. Cross what has been heard from Legis 50 on the matter. Mr. Cross referred the matter to Cooper Parker of the Human Resources Committee joint staff, who stated that he had been told at noon on the present day that sufficient money has been pledged to Legis 50 and that the Iowa bills will be paid within the succeeding ten days. However, Mr. Parker added that in response to his specific questions to Legis 50 officers; he had been told that the necessary money has not yet been actually received by the organization.

In response to a question from Senator Hultman, Mr. Parker explained in detail the sequence of events which had led to the dishonoring of checks issued by Legis 50 to pay expenses incurred in connection with the Model Committee Staffing Project seminar at Clear Lake. He asserted that despite some reports to the contrary, the money to pay the checks had been on deposit in the Denver bank on which the checks were drawn at the time they were drawn, but that the bank subsequently froze the account involved as the culmination of a series of events having no direct connection with the seminar.

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

Senator Kinley noted receipt of correspondence from Senator Philip Hill regarding the issuance of telephone credit cards to Council members by the Legislative Service Bureau. He recognized Senator Hill, who proposed requiring each Council member to account monthly for each call made upon the Legislative Service Bureau credit cards, a procedure he stated is commonly followed in law firms, corporate offices, etc. He added that in his view what is involved is not actual wrongdoing but the possible appearance that such credit cards might be misused by legislators who receive them.

At Senator Kinley's request, Mr. Garrison reported briefly on the Legislative Service Bureau's telephone toll call billings for the three previous months. These had ranged from a low of some \$8.66 for the month immediately following the 1977 Session, to \$68.30 for the month of August, although Mr. Garrison stated that these charges normally become higher in the months just before legislative sessions due to the increased volume of Council business at that time and are reduced to less than \$10 during session months.

He said that he reviews each month's toll call billings to make sure that no calls by individuals not entitled to use the Service Bureau credit account have been improperly billed to the Bureau, but that he assumes that calls made by individuals holding Service Bureau credit cards are made for the purposes for which the cards were issued.

Senator Philip Hill reiterated his concern, adding that he would basically prefer that Council members give up the credit cards but that he is willing to settle for monthly accountability for all calls placed by means of the cards. Representative Middleswart commented that he does not object to reporting such calls when he makes them, but hopes that he will not be required to make reports every month whether or not any such calls had been made.

After ascertaining by questions to Mr. Garrison that it is possible to determine from the monthly telephone bills sent the Service Bureau which legislators have placed credit card toll calls, and that the bills are a public record, Senator Glenn asked Senator Hill if availability of these records satisfies his concern. Senator Hill replied that it does not, because the bills do not show to whom the calls were made and for what purpose. In response to inquiries by Speaker Cochran, Senator Philip Hill stated he is aware of no evidence of any wrongdoing in connection with the telephone credit cards, but again said that his concern is with appearances and added that inadvertent misuse of the credit cards is possible.

Senator Philip Hill then moved that the Legislative Council require each of its members to submit a report on the destination and purpose of each toll call made by means of Legislative Service Bureau credit cards, for each month during which any such call has been made. Mr. Garrison inquired whether the intent of Senator Hill's motion would be met if copies of the monthly telephone bills are made available to the legislators who have made calls, so that they may indicate the destination and purpose of each call. Senator Philip Hill replied that this arrangement would be satisfactory to him.

Speaker Cochran moved, as a substitute for Senator Philip Hill's motion, that the matter be deferred pending a conference with Mr. Garrison on the most practical method of complying with the requirement of the motion should it be adopted. Senator Glenn said he would support the motion to defer, but believes that Senator Philip Hill's concern could be met by a voucher system.

Speaker Cochran's motion to defer was then adopted by a divided voice vote.

Speaker Cochran noted that an additional request for approval to establish an interim subcommittee of the joint standing Committees on Ways and Means had been received from House Ways and Means Chairperson, Representative Lowell Norland. Speaker Cochran yielded to Mr. Joe O'Hern, who distributed copies of Representative Norland's request and explained that the contemplated new interim

subcommittee would be created for the purpose of studying the allocation and apportionment of business and non-business income for corporate tax purposes. Mr. O'Hern added it is proposed that the subcommittee consist of three members from each house and to be authorized two meetings. He said that Senate Ways and Means Committee Chairperson Norman Rodgers is aware of and supports the request.

Speaker Cochran moved that the request be approved. Senator Glenn suggested that the proposed study be subsumed in the tax study mandated by H.F. 332 of the 1977 Session. Mr. O'Hern expressed some doubt that this is feasible.

On motion of Speaker Cochran, the meeting was adjourned at 3:55 p.m.

Respectfully submitted

PHILIP E. BURKS
Senior Research Analyst

SERGE H. GARRISON
Director