

MINUTES

IOWA LEGISLATIVE COUNCIL

SEPTEMBER 22, 1993

PRELIMINARY BUSINESS

The fifth meeting of the 1993-1994 Legislative Council was called to order by Chairperson, Senator Wally Horn, at 1:35 p.m., Wednesday, September 22, 1993, in Room 22, State House, Des Moines, Iowa. Members present, in addition to Chairperson Horn, were:

Representative Harold Van Maanen, Vice Chairperson
Senator Leonard Boswell
Senator Florence Buhr
Senator Donald E. Gettings
Senator Emil Husak
Senator John Jensen
Senator Derryl McLaren
Senator Larry Murphy
Senator William D. Palmer
Senator Jack Rife
Senator Maggie Tinsman
Representative Bob Arnould
Representative Clifford O. Branstad
Representative John H. Connors
Representative Ron J. Corbett
Representative Teresa Garman
Representative Pam Jochum
Representative Mary Lundby
Representative Wayne McKinney, Jr.
Representative Brent Siegrist
Representative Richard Vande Hoef

Also present during all or part of the meeting were: Ms. Diane Bolender, Director, Mr. Richard Johnson, Deputy Director, Mr. John Pollak, Committee Services Administrator, and Mr. Mark Johnson, Legal Counsel, Legislative Service Bureau; Mr. Dennis Prouty, Director, and Mr. Tim Faller, Deputy Director, Legislative Fiscal Bureau; Mr. William P. Angrick II, Citizens' Aide/Ombudsman; Ms. Ruth Mosher, Deputy Citizens' Aide/Ombudsman; Mr. Sandy Scharf, Director, and Mr. Joe Kroes, Systems Analyst, Computer Support Bureau; Ms. Liz Isaacson, Chief Clerk of the House; Ms. Cynde Clingan,

Assistant Secretary of the Senate; Mr. Greg Nichols, Senior Administrative Assistant; Ms. Maryjo Welch, Administrative Assistant; Mr. Mark Brandsgard; Senior Administrative Assistant; Mr. Warren Fye, Senior Caucus Staff Director; Ms. Paulee Lipsman, Senior Caucus Staff Director; Ms. Debbie O'Leary, Caucus Staff Director; Ms. Carol Olson, Caucus Staff Director; 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 Horn stated that the roll was taken as the members arrived and that a quorum was present.

Representative Connors moved that the minutes of the July 21 meeting be approved as submitted. The motion was adopted.

1993 IOWA ACTS

Ms. Diane Bolender, Director, Legislative Service Bureau, reported that Ms. Kristi Little, Superintendent of Printing, Department of General Services, recommends an increase of approximately ten percent in the price of the 1993 Iowa Acts. Ms. Bolender noted that the costs of printing are reduced and, therefore, she recommends that the price remain the same as in 1992, \$55.00 per copy. Senator Husak commented that considering the number of free copies distributed each year, the higher price recommended by Ms. Little may be justified.

After further discussion, Representative Connors moved that the price of \$55.00 per copy be adopted for the 1993 Iowa Acts. The motion was adopted.

PREFILING RULES FOR 1994 BILL DRAFTS

Chairperson Horn recognized Ms. Bolender for comments regarding proposed rules for prefiling bills and resolutions for the 1994 Session of the General Assembly. She noted that the only changes in the prefiling rules from the rules adopted for the 1993 Session relate to deadline dates. In response to a question by Senator Rife, Ms. Bolender responded that Governor Branstad generally requests approximately 40 to 50 bills during a legislative session and departmental bills generally total 70 to 80 bills. She also stated that the number of gubernatorial and departmental bills does not vary much from year to year. In response to a question by Senator Murphy, Ms. Bolender answered that the Legislative Service Bureau initially prepares "shell" bill drafts for the appropriation subcommittees based on the preceding year's enactments, excluding dollar amounts and intent language.

Vice Chairperson Van Maanen moved the adoption of the proposed rules for prefiling bill drafts for the 1994 Session of the Iowa General Assembly. The motion was adopted. Copies of the rules are on file in the Legislative Service Bureau.

SERVICE COMMITTEE

Vice Chairperson Van Maanen stated that the Service Committee did not meet but that he would like to bring several personnel items before the Council. He noted that nonpartisan and partisan staff representatives had been meeting to discuss personnel matters and it is anticipated that they would have a report for the October meeting. He asked Mr. Sandy Scharf, Director, Computer Support Bureau, to introduce a new employee. Mr. Scharf introduced Mr. Joe Kroes who was recently employed as a Computer Systems Analyst for the Computer Support Bureau.

Vice Chairperson Van Maanen also reported that Ms. Karen Nichols, Ms. Sugar Macaulay's daughter, will have an extended recuperation period at the University of Iowa Hospitals following a bone marrow transplant. He moved that the Legislative Council waive the family leave policy restriction relative to full-time employment for Ms. Macaulay, Tour Guide Supervisor, to facilitate her visits to the hospital in Iowa City.

In reply to the question by Senator Buhr, Vice Chairperson Van Maanen stated that the motion does not involve the transfer of vacation time for sick leave.

There being no additional comments, the motion was adopted.

Vice Chairperson Van Maanen also recognized Ms. Ruth Mosher, Deputy Citizen's Aide/Ombudsman who plans to retire within the next month. In response to a question by Representative Connors, Ms. Mosher stated that she began working part-time for the General Assembly in December 1960, and continued on a part-time basis until joining the Citizens' Aide/Ombudsman Office full-time in October 1973.

After further comments, members of the Legislative Council applauded Ms. Mosher's service to the General Assembly and the State of Iowa.

REPORT OF THE FISCAL COMMITTEE

Chairperson Horn recognized Senator Larry Murphy, Co-Chairperson, Legislative Fiscal Committee for its report. The Fiscal Committee Reports are attached to these minutes. Senator Murphy stated that the Committee met twice, first on August 23 - 25, 1993, and on September 21, 1993. He stated that the agenda for the first three-day meeting related to the flood disaster in the state and resulted in a recommendation that the Governor and the Legislative Council appoint a bipartisan working group to recommend spending cuts, transfers, and additional revenues necessitated by the flood disaster. He also distributed a handout

indicating the general fund balances for fiscal years 1993 and 1994, estimates of the Revenue Estimating Conference, and possible shortfalls totaling \$14 million for the fiscal year 1994, copies of which are on file.

In reply to a question by Representative Connors concerning the recommendation for appointment of a working group, Senator Murphy stated that the proposal is not intended to bypass the regular committee process. Representative McKinney questioned the purpose or purposes of the recommendation. He expressed the belief that the responsibilities of the proposed working group committee are not clear and that the membership of the group is not specified. Senator Murphy replied that the specific responsibilities and membership of the proposed working group can be specified by legislative leadership. He added that it is important that the working group begin early to develop recommendations to resolve the budget problems that are expected. In reply to a question by Senator Buhr, Senator Murphy replied that a major thrust of the working group would be to identify specific budget areas for possible cuts or reallocations of moneys. Representative Corbett added that the Fiscal Committee's proposal is an effort to address budget problems early so that more options are available to resolve them.

Senator Husak asked why the Legislative Fiscal Committee is not addressing the problems rather than passing them to another group. He added that he does not believe that a special legislative session is needed to resolve the expected budgetary problems. Representative Corbett replied that the Legislative Council asked the Fiscal Committee to investigate the impact of the flood disaster and this recommendation is a result. He added that the Fiscal Committee believes that leadership needs to begin the budgetary review process now. He further commented that, perhaps, the recommendation should be rewritten to say that the legislative leadership should immediately proceed with the study of 1994 budgetary problems.

After further discussion, Vice Chairperson Van Maanen replied, to a question by Representative Connors, that the legislative leadership has not met collectively with Governor Branstad on the budgetary and flood issues, but staff meetings have been held to work on various problems including the federal response to the flood disaster.

Senator Husak and Representative Connors agreed that the House and Senate party caucuses should be consulted before any final recommendations are made. Vice Chairperson Van Maanen expressed the belief that sufficient information is not available at this point to call for a leadership conference or party caucuses.

In reply to a question by Representative Vande Hoef, Senator Murphy responded that based on the Revenue Estimating Conference estimates, reductions will be needed in the 1994 budget appropriations. He further stated that it is easier to transfer funds and make budget cuts in the third or fourth months of a fiscal year rather than during the sixth or seventh months. Representative Branstad, a member of the Fiscal Committee, agreed that an early start is needed to work on the problems relating to the flood.

In response to a question by Representative Arnould, Representative Corbett stated that he is not aware of any action by the Department of Management to withhold allocations or reduce expenditures by executive agencies. Representative Corbett also stated that Governor Branstad has not been consulted about the proposed recommendation.

After further discussion, Representative Lundby moved that the membership of the proposed working group include the legislative leadership. Senator Buhr moved an amendment to include the Speaker pro tempore, the President pro tempore, and the chairpersons of the House and Senate Committees on Appropriations along with the legislative leaders.

Senator Rife commented that gambling issues still remain unresolved and the impact of the gambling on state revenue shortfalls should not be forgotten. Senator Murphy responded that the reduction in gambling revenues has been noted.

After further discussion, Representative Connors moved a substitute motion to defer action on Representative Lundby's motion and Senator Buhr's amendment. Representative Siegrist stated that he is not opposed to the Fiscal Committee's recommendation, but he also acknowledged that the flood-related problems are still in the process of definition. Senator Murphy commented that, if the deferral is adopted, the Fiscal Committee will continue to monitor the budgetary problems.

Chairperson Horn called for the question on the motion to defer. The motion was adopted. Senator Murphy moved that the recommendations of the Fiscal Committee regarding the Price Lab Gymnasium and financing options to fund the income tax refund obligations be adopted. The motion was adopted.

REPORT OF THE ADMINISTRATION COMMITTEE

Chairperson Horn recognized Senator Palmer for the Report of the Administration Committee. Senator Palmer briefly reviewed the actions of the Committee. He stated that the Committee recommends that the Legislative Service Bureau negotiate a new contract for the electronic database for the Iowa Code with Mead Data Central. He added that the renewal be under existing terms except that the price be increased to \$22,500 per year for five years.

He discussed information received by the Administrative Committee regarding negotiations with The Michie Group for purchase of the electronic database for the Iowa Code and a proposal to replace the bill drafting system for the Legislative Service Bureau, and commented that no action is recommended regarding these proposals. He noted that the Legislative Service Bureau was also directed to request an opinion on behalf of the Committee from the Attorney General on the authority of the Legislative Council to assign space in the Capitol as provided in section 2.43.

Senator Palmer also noted the creation of a subcommittee consisting of Senator Buhr and himself to meet with the Department of General Services regarding available space in the

Capitol Complex and equipment and furnishings which may be available for use in current space controlled by the Legislative Council.

Senator Palmer moved the adoption of the Report of the Administration Committee. The motion was adopted. A copy of the Report of the Administration Committee is attached to, and by this reference, made a part of these minutes.

REPORT OF THE STUDIES COMMITTEE

Representative Mary Lundby was recognized to present the Report of the Studies Committee. Representative Lundby stated that the Report includes two recommendations, one to authorize one additional meeting day for the Underground Storage Tanks Interim Study Committee and one to add six additional nonlegislative members to the Critical Infrastructure Study Committee.

There being no discussion, Representative Lundby moved the adoption of the Report of the Studies Committee. The motion was adopted. A Copy of the Report is attached and by this reference, made a part of these minutes.

Representative Lundby also stated that she received a letter from Senator Szymoniak requesting per diem and expenses to attend ten additional meetings of the Iowa Health Care Reform Council. She noted that authorization has previously been given for per diem and expenses for four meeting days for the four legislators appointed to the Council, but ten additional meeting days have been scheduled by the Council.

After discussion, Senator Boswell moved that per diem and expenses be authorized for each of the four legislators appointed to the Iowa Health Care Reform Council for ten additional meeting days, a total of forty meeting days. Senator Husak suggested that the four legislators should divide the meetings rather than all attend each meeting. Senator Tinsman stated that health care reform is a very important issue and the study has been very extensive. She added that Iowa is "on the cutting edge" of the issue; the legislative members are dedicated to the study; and Senator Boswell's motion should be supported.

Representative Arnould stated that all of the legislative members of the Iowa Health Care Reform Council and its subcommittees, whether serving by appointment or as a volunteer, should be eligible for per diem and expenses for their respective meetings. After discussion, Representative Arnould moved to amend Senator Boswell's motion to also authorize per diem and expenses for not more than two additional days for legislators who serve on subcommittees of the Iowa Health Care Reform Council. Approval of the amendment would provide authorization for up to six days for legislators serving on subcommittees. He added that the per diem and expenses are to be paid from funds available to the Legislative Council.

Representative Arnould's amendment and Senator Boswell's motion as amended were adopted. A copy of Senator Szymoniak's letter is on file in the Legislatiave Service Bureau.

Representative Lundby also presented another issue to be determined by the Legislative Council, the voting status of nonlegislator-members of the Critical Infrastructure Study Committee who were added this month. After discussion, Representative Garman moved to designate that local government officials and the citizen members are as voting members of the Study Committee. Representative Connors commented that as long as the actions of the Study Committee are to make recommendations, all members of the committee should have a vote. Chairperson Horn commented that in the past, it has been the policy that only legislators are allowed to vote. Representative Garman withdrew her motion.

After discussion, Senator Jensen moved that all nonlegislator-members of the Infrastructure Study Committee be voting members. After discussion of procedural questions relating to action of the Council taken in June 1993 that specified that nonlegislator members of this interim study committee were nonvoting members, Senator Husak moved an amendment that all nonlegislator-members are nonvoting members of the Study Committee. The amendment and motion as amended were adopted.

MIDWESTERN LEGISLATIVE CONFERENCE -- 1994 ANNUAL MEETING

Representative Connors reported that the 1994 Annual Meeting of the Midwestern Legislative Conference of the Council of State Governments will be held in Des Moines from August 14 through 17, 1994. The headquarter's hotel is the Hotel Savery and Spa with overflow to the Kirkwood Hotel and Convention Center. He added that the Midwestern Office has offered financial support of approximately \$50,000 and that the Iowa Host State Committee will begin soliciting contributions soon.

NEXT MEETING

Chairperson Horn announced that the next meeting of the Legislative Council is tentatively scheduled for Wednesday, October 27, 1993.

ADJOURNMENT

There being no further business to come before the Council, Senator Boswell moved that the Legislative Council adjourn at 3:15 p.m. The motion was adopted.

Respectfully submitted,

DIANE E. BOLENDER
Director

THANE R. JOHNSON
Senior Research Analyst