

# M I N U T E S

## LEGISLATIVE COUNCIL

November 7, 1979

The tenth meeting of the 1979-1980 Legislative Council was called to order at 10:15 a.m., Wednesday, November 7, 1979 in Senate Committee Room 22 of the State House in Des Moines. Council members attending the meeting were:

Speaker Floyd H. Millen, Chairperson  
Senator Calvin O. Hultman, Vice Chairperson  
Senator James E. Briles  
Senator C. Joseph Coleman  
Senator Lowell L. Junkins  
Senator John S. Murray  
Senator Bob Rush  
Senator Ray Taylor  
Representative Robert T. Anderson  
Representative Gregory D. Cusack  
Representative Roger A. Halvorson  
Representative William H. Harbor  
Representative Norman G. Jesse  
Representative Delwyn D. Stromer

Other persons present for the meeting included a number of legislators subsequently identified in these minutes who presented reports of interim subcommittees, Chief Clerk of the House David Wray, Secretary of the Senate Frank Stork, Director Serge Garrison and several members of the Legislative Service Bureau staff, Director Gerry D. Rankin and several members of the Legislative Fiscal Bureau staff, Citizens' Aide Bill Angrick, several members of the Senate and House Majority and Minority leadership and caucus staff, and a number of other interested persons.

The following additions and corrections to the minutes of the Council's October 10, 1979 meeting as distributed to Council members, were noted:

1. Page 3, third full paragraph, records approval of the membership of the Elderly Services Study Committee, but the list of members was neither included in nor attached to the minutes. The list of members is attached to these (November 7) minutes.

2. Page 8, fourth paragraph, line 4, the reference to "East Ninth Street" should have read "East Twelfth Street" (describing location of Citizens' Aide office).

On motion of Senator Hultman, seconded by Representative Harbor, the minutes of the Council's October 10 meeting, with the corrections noted, were approved by a unanimous voice vote.

At the request of Speaker Millen, Mr. Garrison presented the tentative Court Finance, Management and Personnel Study Request for Proposal 1, dated November, 1979, drawn up with approval of the Court Study Joint Subcommittee established pursuant to Senate Joint Resolution 13 of the 1979 Session. Copies of the Request for Proposal had previously been mailed to Council members and are available from the Legislative Service Bureau. In response to questions from Senator Rush, Mr. Garrison introduced Mr. Joseph Thornton, Executive Assistant to Chief Justice Reynoldson, who briefly commented on the content of the Request for Proposal and the objectives of the intended study. Service Bureau Legal Counsel Marsha Szymczuk also responded to questions regarding development of the Request for Proposal by the Subcommittee.

Senator Rush expressed concern about the short time which would be allowed for responses to the Request for Proposal, noting that the request indicated that proposals must be submitted by November 29, 1979, and that this would allow potential contractors only three weeks to draw up and submit such proposals, assuming Council approval of the Request for Proposal at the present meeting. Ms. Szymczuk replied that the Court Study Subcommittee has scheduled a meeting for December 3, 1979, and hopes to review proposals received in response to the request at that meeting.

After a brief discussion regarding the feasibility of rescheduling the next meeting of the Court Study Subcommittee, Senator Rush moved to amend the draft Request for Proposal so as to extend the deadline for responses by one week. The motion was seconded by Senator Coleman, and unanimously adopted.

Senator Rush then moved that the Council approve the draft Request for Proposal 1 as amended. The motion was seconded by Senator Coleman and unanimously adopted.

Speaker Millen next recognized Mr. Max Hawkins, representing the University of Iowa, who briefly noted the history of the Legislative Environmental Advisory Group (LEAG), a joint committee of state legislators and University of Iowa faculty who have commissioned thirteen studies of environmental issues of concern to the Legislature over the past two years. Mr. Hawkins then introduced University of Iowa Associate Vice President William J. Farrell, who offered additional comments on the structure and function of LEAG.

Mr. Farrell stated that during the first two years of its existence LEAG has been supported by grants from the Ford Foundation and the Northwest Area Foundation. However, as it begins its third year of operation, LEAG has no resources to fund further studies except a \$24,745 grant from the federal Environmental Protection Administration which is specifically concerned with hazardous waste disposal sites. Mr. Farrell reported that the basic attitude of the Ford Foundation is that it has funded what was essentially an experimental effort, and that if the experiment has proved of value then the Iowa General Assembly

should assume support of LEAG. However, he added that because the Ford Foundation regards LEAG as one of its most successful experiments of this kind, the Foundation is willing to make an additional \$30,000 grant to LEAG contingent on the General Assembly putting up an equal amount of money.

Senator Coleman inquired whether it has been determined that the Legislative Council has the authority to authorize expenditure of \$30,000 for this purpose, on behalf of the General Assembly. Speaker Millen replied in the affirmative.

Representative Harbor then moved that the Council approve a grant of \$30,000 to LEAG, for the purposes and on the conditions described by Vice President Farrell. The motion was seconded by Senator Coleman.

Senator Murray asked a number of specific questions about funding policies and practices of LEAG, and in particular about the proportion of its funds which go for study projects and for administration, respectively. In response, Vice President Farrell stated that most of LEAG's money goes for faculty study projects, the average grant being about \$6,000. He noted that the cost of printing the reports resulting from the study projects is included in the administration category.

Representative Harbor's pending motion was adopted by a unanimous voice vote.

Speaker Millen recognized Senator Stephen Bisenius, Co-chairperson of the Interim Search Committee appointed from the membership of the joint Regulatory and Finance Subcommittee of the Committees on Appropriations to investigate alternatives for location of a liquor warehouse facility, pursuant to section 12 (2)(c) of House File 764 (Chapter 14), Acts of the 1979 Session. Senator Bisenius reported that after a careful review of all available alternatives, the Interim Search Committee has made an offer to purchase a parcel of land in the Ankeny Industrial Park, subject to several conditions including legislative approval during the 1980 Session and determination of the suitability of the site in all respects for the construction of a warehouse and office facility for the Beer and Liquor Control Department.

One of the factors in determining suitability of the site is whether the soil compaction qualities of the site make it feasible to locate a large warehouse facility there. In order to make a determination on this point, it will be necessary to conduct test soil borings at an estimated cost of \$2,000. The Interim Search Committee is therefore requesting that the Council allocate this amount under Section 2.12 of the Code so that the Committee may complete its report to the 1980 Session.

Several Council members raised questions about why the proposed liquor warehouse could not be constructed on land presently owned by the state, either in the Des Moines area or elsewhere. Senator

Bisenius responded to these questions, indicating that after considering all alternatives the Interim Search Committee is convinced that the Ankeny Industrial Park site would be the most cost-efficient location for the proposed warehouse.

In response to a specific inquiry from Senator Coleman, Senator Bisenius stated that action by the 1980 Session of the General Assembly will be required before the proposed new liquor warehouse can be constructed. Due to the rapidly rising cost of industrial land, the Interim Search Committee has taken an option on the Ankeny Industrial Park site but this option will expire if the 1980 Session does not act to exercise it.

Council members next raised a number of questions about why it is necessary for the Council to provide the funds needed for the test soil borings. Senator Bisenius responded that the Comptroller has indicated that the Beer and Liquor Control Department has no funds which can properly be used for this purpose, and that the Executive Council has declined to provide the needed money. He added that the Interim Search Committee is proposing that the \$2,000 needed for test soil borings ultimately be deducted from the \$3,500,000 appropriated for construction of the proposed new warehouse.

After further discussion, Senator Taylor moved that the Council approve the request of the Interim Search Committee on the basis just proposed by Senator Bisenius. The motion was seconded by Senator Hultman and adopted by a unanimous voice vote.

Speaker Millen recognized Senator Hultman for the report of the Council's Administration Committee, pursuant to that Committee's meeting immediately prior to the present Council meeting.

After reporting briefly on the Administration Committee's meeting, Senator Hultman moved that the Council authorize the Code Editor and Superintendent of Printing to contract for updating of the data base for the electronic Code of Iowa maintained with the state Data Processing Division. The motion was seconded by Representative Halvorson, and adopted by a unanimous voice vote.

Senator Hultman then noted that some confusion is arising within the state due to the fact that no compiled copies of the usury law currently in effect in Iowa (i.e., as most recently amended) are available to persons who need to be aware of the content of this law. He therefore moved that the Council authorize the Code Editor and Superintendent of Printing to expend not more than \$500 from funds appropriated pursuant to Section 14.22 of the Code for printing a supply of copies of the current usury law. Mailing costs will also be subject to Section 14.22 of the Code. The motion was seconded by Senator Taylor.

Senator Rush indicated that he is not satisfied that the Code Editor's office is currently discharging all of its statutory responsibilities satisfactorily and therefore questioned the ad-

visability of assigning this office additional responsibilities. Senator Hultman replied that he did not believe the concerns expressed by Senator Rush are pertinent to the motion he had offered.

After a brief discussion, Senator Hultman's pending motion was adopted by a divided voice vote.

Senator Hultman next moved that the Council authorize the architectural firm Hansen-Lind-Meyer to proceed with preparation of specifications for the purpose of seeking bids on renovation of the former Attorney General's area on the first floor of the State House which is to be converted to committee meeting rooms for use by the General Assembly. The motion was seconded by Senator Junkins, and unanimously adopted.

Senator Hultman then moved that the Council authorize establishment of a General Assembly Design Committee consisting of Senator Junkins, Representative Halvorson, and Director of General Services Stanley McCausland to consult with Hansen-Lind-Meyer regarding specific divisions which must be made in planning and carrying out the renovation of the former Attorney General's office area, it being understood that this step would not result in an increase in the overall cost of the project. The motion was seconded by Representative Cusack and adopted by a unanimous voice vote.

Speaker Millen recognized Representative Walter Conlin, Co-chairperson of the Income Tax Joint Subcommittee of the Senate and House Standing Committees on Ways and Means, for presentation of the Subcommittee's tentative final report. (Copies of the report were distributed to Council members present, and additional copies are available from the Legislative Service Bureau. Council members directed to Representative Conlin a number of questions about the Subcommittee's study, report and recommendations. At the conclusion, Representative Halvorson moved that the Council accept the Subcommittee's report. The motion was seconded by Representative Harbor and adopted by a unanimous voice vote.

Speaker Millen recognized Legislative Service Bureau Research Analyst Diane Bolender, who presented the report of the K-12 Curriculum Subcommittee of the Senate and House Standing Committees on Education on behalf of Senator Willard Hansen and Representative Warren Johnson, the Subcommittee Chair and Co-chair. Copies of the report were distributed to Council members present, and additional copies are available from the Legislative Service Bureau. Council members commented on and directed to Ms. Bolender several questions regarding the Subcommittee study, report and recommendation. At the conclusion of the discussion, the Council accepted the report by a unanimous voice vote on motion of Representative Stromer.

Speaker Millen recognized Legislative Service Bureau Legal Counsel David Bailey, who presented on behalf of Senator Richard Ramsey the request of the Conference Committee on the Solar Access bill (S.F. 344) for one additional meeting during the 1979 interim. On motion of Senator Coleman, seconded by Representative Stromer, the motion was approved.

Senator Briles moved that the Council authorize the Joint Interim Corrections Committee one additional meeting day during the current interim. The motion was seconded by Representative Stromer and adopted by a unanimous voice vote.

Senator Briles then moved that the joint standing Committees on County Government be authorized one additional meeting day during the current interim, in addition to their statutory meeting day, in order to permit them to hold a two-day meeting to receive and review proposals and comments of county officer organizations and other interested groups with respect to county-related legislation that should be considered during the 1980 Session. The motion was seconded by Senator Taylor. There was a brief discussion, in the course of which Senator Briles noted that in past years it has been the practice of the joint County Government Committees to devote an entire day to hearing proposals and comments from groups interested in legislation affecting counties, and then spend the following day reviewing and taking action upon these proposals. He added that an attempt had been made to complete this entire procedure in one day during the 1978 interim, but this had not proved satisfactory. Senator Briles' pending motion was then adopted by a unanimous voice vote.

Representative Stromer moved that the joint interim Educational Services and Funding Subcommittee be authorized one additional meeting day during the 1979 interim. The motion was seconded by Senator Briles and adopted by a unanimous voice vote.

Representative Halvorson, noting letters which had been submitted to the Council by both Senator Joan Orr and himself, moved that the Council authorize establishment of a six-member joint interim Usury Subcommittee with authority to hold up to three meetings prior to the 1980 Session, the members of the Subcommittee to be appointed by the majority and minority leadership. The motion was seconded by Senator Coleman, and after a brief discussion, adopted by a unanimous voice vote.

Mr. Garrison presented the request of the joint interim Land Use Subcommittee for one additional meeting day during the 1979 interim in order to complete review of legislation which the Subcommittee has asked the Service Bureau to prepare. On motion of Representative Halvorson, seconded by Representative Stromer, the request was approved by a unanimous voice vote.

The Council recessed for lunch at 11:25 a.m., and reconvened in Senate Committee Room at 1:50 p.m. All Council members who had attended the morning session were again present during the afternoon except Senator Taylor. Senator Richard Ramsey and Representatives Donald Avenson and John Clark were also present for the afternoon session.

Speaker Millen recognized Senator Julia B. Gentlemen, Co-chairperson of the House File 701 (New State Mental Health Agency).

Joint Subcommittee of the Senate and House Committees on Human Resources for the final report of the Subcommittee. Copies of the report were distributed to Council members present, and additional copies are available from the Legislative Service Bureau. Council members commented on, and directed to Senator Gentlemen a number of questions concerning, the Subcommittee's report. At the conclusion of the report, Representative Cusack moved that it be accepted. The motion was seconded by Senator Coleman and adopted by a unanimous voice vote.

Speaker Millen recognized Service Bureau Senior Legal Counsel Bernie Koebernick, who presented on behalf of Senator Richard Drake and Representative Wayne Bennett the tentative final report of the Motor Truck Weight, Length, and Fees Subcommittee of the Senate and House Standing Committees on Transportation and on Ways and Means. Copies of the report were distributed to Council members present, and additional copies are available from the Legislative Service Bureau. In concluding presentation of the report, Mr. Koebernick indicated that the Subcommittee has authority to hold one additional meeting but that no final decision has been made on whether it will actually do so. On motion of Representative Stromer, the Council accepted the report by a voice vote.

Speaker Millen recognized Senator Murray, a member of the Council's Educational Leave Subcommittee, to present the Subcommittee's final report on behalf of Senator Willard Hansen. Copies of the report were distributed to Council members present, and additional copies are available from the Legislative Service Bureau. At the conclusion of Senator Murray's presentation, the Council accepted it by a unanimous voice vote on motion of Representative Harbor.

Senator Murray also presented a brief verbal report from the Legislative Fiscal Committee, pursuant to that Committee's meeting on the previous day. On motion of Senator Hultman, the Council accepted the report by a unanimous voice vote.

Mr. Garrison noted that there had been distributed to Council members present copies of a compilation of educational leave reports received by the Legislative Service Bureau, pursuant to the requirements of Section 79.1 of the Code, during the period since the last compilation of such reports had been distributed to Council members. He noted that distribution of this report is routine, and is not directly related to the report of the Council's Educational Leave Subcommittee which had been presented a few minutes earlier.

Speaker Millen recognized Representative Harbor for the report of the Council's Service Committee pursuant to that Committee's meeting at 1:00 p.m. on the present date. A copy of the Service Committee's report setting forth specific recommendations with respect to personnel of the office of the Code Editor and Legislative Service Bureau, is attached to and by this reference made a part of these minutes.

At Representative Harbor's request, Mr. Garrison explained briefly that he had learned that former Service Bureau Legal Counsel Larry Burch had not yet taken employment after leaving the Service Bureau staff and that he had been offered a position as a temporary exempt employee on the staff because one of the new people recently employed has decided not to remain with the Service Bureau. On motion of Senator Coleman, seconded by Representative Stromer, the recommendations of the Service Committee were approved by a unanimous voice vote.

In completing the report of the Service Committee, Representative Harbor noted that there is apparently continuing friction between Citizens' Aide Bill Angrick and Director of General Services Stanley McCausland over the space assigned to the Office of the Citizen's Aide, the complaints of inadequate heat and other dissatisfactions by Mr. Angrick and his staff, and in particular over Mr. Angrick's request for the action taken by the Council at its previous meeting. (See Minutes of the Legislative Council's meeting of October 10, 1979, page 8, fourth paragraph.) However Representative Harbor reported that Mr. McCausland had assured him in a telephone conversation a short time earlier that the Capitol Security Division would be moved out of the building at 515 East 12th Street, which also houses the Citizens' Aide Office, before the Council's next meeting in December. Representative Harbor added that Mr. McCausland had also indicated that some effort would be made to equip the building with storm windows and to otherwise respond to complaints of inadequate heat in the building.

After a brief discussion, it was agreed that the next meeting of the Legislative Council will be scheduled for Wednesday, December 12, 1979 in the State House. Because of the number of interim committee and subcommittee reports to be received that day, it was decided to begin the meeting at 9:00 a.m., one hour earlier than usual.

The meeting was adjourned at 2:45 p.m..

Respectfully submitted,

SERGE H. GARRISON  
Director

PHILIP E. BURKS  
Senior Research Analyst