

# M I N U T E S

## LEGISLATIVE COUNCIL

July 19, 1978

The tenth meeting of the 1977-78 Legislative Council was called to order at 10:10 a.m., Wednesday, July 19, 1978 in Senate Committee Room 22 of the State House in Des Moines. Council members attending the meeting were:

Senator George R. Kinley, Chairperson  
Speaker Dale M. Cochran, Vice Chairperson  
Senator C. Joseph Coleman  
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 Donald V. Doyle  
Representative Jerome D. Fitzgerald  
Representative William J. Hargrave  
Representative James I. Middleswart  
Representative Floyd H. Millen  
Representative Delwyn D. Stromer  
Representative Andrew P. Varley  
Representative Richard W. Welden

Other persons present for the meeting included Director Serge Garrison, Senior Legal Counsel Bernie Koebernick, and Senior Research Analyst Phil Burks of the Legislative Service Bureau, Legislative Fiscal Director Gerry D. Rankin and Citizens' Aide Bill Angrick. Several additional legislative staff persons, representatives of the news media and other interested persons also attended the meeting.

On motion of Representative Doyle, seconded by Representative Stromer, the minutes of the Council's June 14, 1978 meeting were approved as submitted to Council members.

There was distributed to Council members present a compilation of reports of educational leave received by the Legislative Service Bureau for submission to the Council, during the period since the previous Council meeting. In accordance with a request made at that meeting, the report also included the total dollar amount reported for educational leave in the fiscal year 1978, which was \$17,992.35. In response to a question by Senator Eugene Hill, Mr. Garrison stated it would not be possible to say what was the largest amount reported in cost of educational leave for any one state employee without examining each of the reports which had been submitted to the Council during fiscal 1978.

Senator Kinley noted that the report of the Chief Clerk of the House and Acting Secretary of the Senate relative to proposals for remodeling of the legislative committee rooms on the first floor of the State House, listed on the agenda for the present meeting, would not be made today.

Chairperson Kinley recognized Senator Palmer for the report of the Council's Service Committee, pursuant to the Committee's meeting on the previous day. A copy of the report is attached to and by this reference made a part of these minutes.

Following Senator Palmer's summary of the Service Committee report, Representative Cusack commented that he believes it would be appropriate for Council members, either collectively or individually, to indicate to the Service Committee their wishes with respect to the matter of the office of Code Editor. Senator Glenn explained his reasons for offering in the Service Committee on the previous day a motion to accept applications for the office of Code Editor for a term beginning January 1, 1979. He noted that action on the motion had been deferred with his consent.

Representative Cusack commented that although the present Code Editor, Mr. Wayne Faupel, is 78 years of age, the Council should not consider appointing someone else to this office unless there is specific dissatisfaction with Mr. Faupel's performance in that position. Senator Eugene Hill suggested that if there is any question regarding Mr. Faupel's ability to continue to discharge the duties of his position, these might be resolved by a physical examination.

Senator Hill continued that if consideration is to be given to other applicants for the position of Code Editor, the Council should first draw up job specifications for that position. He suggested that the assistance of the Merit Employment Department be secured in doing so.

On motion of Senator Palmer, the report and recommendations of the Service Committee were adopted by a unanimous voice vote.

The report of the Council's Studies Committee was temporarily deferred.

Chairperson Kinley recognized Mr. Garrison, who requested authority to expend approximately \$5,500 to purchase a backup control unit for the terminal typewriters in the Legislative Service Bureau bill typing room. He explained that a power line surge due to an electrical storm had knocked out the LSB control unit just at the start of the recent three-day adjourned session. While this had occasioned some difficulty, the difficulty would have been far greater had it occurred during the late days of a regular session, when great numbers of bills, amendments, and conference committee reports are being typed constantly. Therefore, Mr. Garrison suggested that an expenditure of approximately

\$5,500 for a backup unit, which could quickly be placed in service should such an event occur in the future, is clearly justified since the cost of a single day's delay in a regular session could run to as much as \$29,000.

There was a brief discussion, in the course of which Mr. Garrison explained that the item in the Legislative Service Bureau budget for enhancement of data processing capacity was placed there because the State Comptroller did not feel it appropriate to include in his own budget substantial sums of money for the improvement of programs and facilities intended to serve other agencies. At the conclusion of the discussion, Senator Glenn moved that the expenditure of approximately \$5,500 from the data processing enhancement appropriation for a backup control unit be authorized by the Council. The motion was seconded by Senator Nolting and adopted by a unanimous voice vote.

Chairperson Kinley recognized Senator Palmer for the report of the Legislative Fiscal Committee, pursuant to that Committee's meeting on the previous day. A copy of the Fiscal Committee's report is attached to and by this reference made a part of these minutes.

At the conclusion of Senator Palmer's presentation of the report, Senator Phil Hill noted that the last paragraph on page 4 of the Fiscal Committee's report indicates that the Fiscal Committee may spend up to three days during the 1978 interim considering budget procedure reforms, including an evaluation of past reforms and consideration of further innovations in the budgeting process. He inquired whether there would be a relationship between these deliberations and the Legislative Resource Improvement Project being conducted by the State Legislative Leaders Foundation, which the Council had approved at its previous meeting. Representative Cusack replied to the effect that the persons involved in the Legislative Leaders Foundation evaluation would be welcome to participate with the Fiscal Committee in its deliberations if they care to do so.

Representative Stromer said there appeared to be an inconsistency between the first and last sentences of the portion of the Fiscal Committee's report covering the Social Services Budget Subcommittee. He noted that the first sentence indicated that this Subcommittee has requested six meeting days for its full membership, while the last sentence indicates that a total of only 70 Committee member-days will be allowed. Representative Cusack and Senator Palmer agreed that six meeting days for the full membership of the Social Services Budget Subcommittee would total substantially more than 70 member-days, but indicated that in fact not all members of the Subcommittee will participate in all of the contemplated meetings.

On motion of Senator Palmer, seconded by Representative Cusack, the report of the Fiscal Committee was adopted by a voice vote.

Chairperson Kinley recognized Senator Coleman for the report of the Council's Studies Committee, pursuant to its meeting on the previous day and earlier on the present day. A copy of the list of 1978 interim studies recommended for approval by the Legislative Council is included with the minutes of the Studies Committee's July 18-19 meeting, which accompany these minutes.

Representative Stromer inquired if the water laws study proposed to be conducted by a joint subcommittee of the standing Natural Resources Committees would include the need for updating certain aspects of the drainage and levee district laws. Senator Coleman indicated that this is not the intent of the Studies Committee in approving that particular study. Representative Stromer then suggested that a separate subcommittee be established to review drainage and levee district laws, however Senator Coleman said that this is a very complex area and expressed doubt that there would be sufficient time during the current interim to complete such a study.

Senator Nolting noted that no studies had been approved within the jurisdiction of the standing County Government Committees. However he stated that the Legislative Service Bureau has been requested to begin reviewing present county government statutes to determine which of them should be repealed or revised if the county home rule amendment to the Iowa Constitution is adopted in November.

Senator Eugene Hill inquired why the utility rate study proposed by the Senate Commerce Committee had not been approved. Senator Coleman replied that an attempt had been made to limit the number of interim studies to approximately one for each standing committee, and to concentrate on those in which both houses had expressed interest. He said the House Commerce Committee had not indicated an interest in an utility rate study.

Representative Doyle stated that the penal and correctional institutions-county jails study under the Judiciary and Law Enforcement Committees should address a number of different problems during the current interim, and expressed doubt that three meeting days will be sufficient to permit all of the needed work to be done. Chairperson Kinley indicated that the Council will probably be receptive to justifiable requests for additional meeting days by interim subcommittees.

Senator Philip Hill said he hopes the Council will not be overly liberal in granting additional meeting days to study committees. He commended the Studies Committee for limiting the number of studies recommended for approval.

Representative Millen noted that the House study of the Iowa National Guard is listed by the Studies Committee as a State Government Committee study. He moved that this study be stricken from the list submitted by the Studies Committee, explaining that

it is a House-mandated study over which the Legislative Council actually has no jurisdiction. Representative Varley commented that he has no objection to Representative Millen's motion, but that the Council should take the National Guard study into account in seeking to minimize assignment of the same legislators to more than one interim study. Representative Millen's motion was adopted by a unanimous voice vote.

On motion of Senator Coleman, the report of the Studies Committee as so amended was adopted by a voice vote.

Chairperson Kinley asked that the Legislative Service Bureau notify the respective standing committee chairs of the list of interim studies approved by the Council, and request them to designate members for appointment to the interim subcommittees. He indicated that the Council would review the lists of designees at its next meeting.

Chairperson Kinley inquired if there was further business to come before the Council. Senator Phil Hill asked about the status of the Senate Rules and Administration Committee's efforts to select a permanent Secretary of the Senate. Chairperson Kinley replied that the Committee has narrowed the field of applicants to five, one of whom is the current Acting Secretary, Kevin Light. He added that Mr. Light has indicated that he is willing to remain in the position of Acting Secretary until the end of the year, if necessary.

It was agreed that the next meeting of the Council will be held Wednesday, August 9, and that the Service and Studies Committees will meet on the preceding day.

The Council adjourned at 10:45 a.m.

Respectfully submitted,

PHILIP E. BURKS  
Senior Research Analyst

SERGE H. GARRISON  
Director