

# **MINUTES**

## **IOWA LEGISLATIVE COUNCIL**

**September 25, 1991**

### **PRELIMINARY BUSINESS**

The sixth meeting of the 1991-1992 Legislative Council was called to order by the Chairperson, Speaker Bob Arnould, at 1:42 p.m., Wednesday, September 25, 1991, in Senate Committee Room 22, Statehouse, Des Moines, Iowa. Members present in addition to Chairperson Arnould were:

Senator Bill Hutchins, Vice Chairperson  
Senator Leonard L. Boswell  
Senator Donald V. Doyle  
Senator Wally Horn  
Senator Emil J. Husak  
Senator John W. Jensen  
Senator Jim Lind  
Senator Jean Lloyd-Jones  
Senator Jack Rife  
Senator Dale Tieden  
Senator Joe J. Welsh  
Representative Clifford O. Branstad  
Representative Kay Chapman  
Representative John H. Connors  
Representative Thomas J. Jochum  
Representative Mary Lundby  
Representative Wayne McKinney, Jr.  
Representative Michael K. Peterson  
Representative Harold Van Maanen

Also present were Ms. Diane Bolender, Director, Legislative Service Bureau; Mr. Dennis Prouty, Director, Legislative Fiscal Bureau; Mr. Tim Faller, Deputy Director, Legislative Fiscal Bureau; Mr. Sandy Scharf, Director, Computer Support Bureau; Mr. William Angrick, Citizens' Aide/Ombudsman; other legislative staff members; representatives of the news media; and other interested persons.

### MINUTES APPROVED

Chairperson Arnould recognized Representative Connors who moved to approve the minutes of the meeting of July 18, 1991, as submitted. Chairperson Arnould recognized Senator Boswell for a correction on page three under the REPORT OF THE FISCAL COMMITTEE, first paragraph, fifth complete sentence, which is amended to read as follows: "He commented that the Department had taken action in a diligent manner to save money and 43 positions had been ~~retained~~ by replacing eliminated and additional higher level positions ~~with~~ were made into mid-level positions."

The motion to approve the minutes as corrected was then adopted.

### PRICING FOR 1991 IOWA ACTS (SESSION LAWS) REPORT

Chairperson Arnould recognized Ms. Diane Bolender for a report on the pricing of the 1991 Iowa Acts. Ms. Bolender referred to a memorandum from Kristi Little, Superintendent, General Services Printing Division, which was included in the packets of the members and which recommended an increase in the price of the Acts to \$50. Ms. Bolender informed the Council that \$50 was the amount Ms. Little had recommended for the 1990 Iowa Acts. Representative Connors moved to set the price of the 1991 Acts at \$55. The motion was adopted.

### PREFILING RULES FOR 1992 LEGISLATIVE SESSION

Chairperson Arnould recognized Ms. Bolender for a report on the prefiling rules for the 1992 Legislative Session. Ms. Bolender stated that the rules are the same as adopted for the 1991 Legislative Session except that the dates had been updated to reflect the current year. Senator Husak inquired as to whether the submission of bill requests from nonelected department heads creates any problems for the Service Bureau. Ms. Bolender responded that during the past year the number of departmental bills was actually fewer than previous years, approximately 118 departmental bills for the 1991 Session. Senator Rife voiced concern that departments and the Governor should not be able to file bill requests and then offered a motion that only legislators be allowed to file bill requests with the Service Bureau.

Ms. Bolender then responded to an inquiry by explaining the process currently in place for the filing of departmental bills and noted that the Service Bureau attempts to have all departmental bills completed by January 1, and that requests must be received from the departments by the Monday after Thanksgiving. Senator Husak suggested that a department should be able to find a legislator to

request and sponsor the department's proposal. The Council temporarily deferred action on the Rife motion and consideration of the prefiling rules.

#### REPORT ON CITY-COUNTY REDISTRICTING ACTIVITIES

Chairperson Arnould recognized Ms. Bolender for a progress report on the Redistricting of Cities and Counties Project. Ms. Bolender stated that a letter had been sent to all counties and to larger cities with suggested prices based upon their population and based upon the price quote from Election Data Services, Iowa's vendor. She then explained that the Service Bureau would not be involved in assisting with this redistricting because of the limited response and interest by the cities and counties.

#### REPORT ON THE COUNCIL OF STATE GOVERNMENTS ANNUAL MEETING

Chairperson Arnould recognized Representative Connors for a report on preparations for the Council of State Governments Annual Meeting in Des Moines in December of 1992. Representative Connors stated that a letter was being drafted to be sent to potential sponsors and which would be signed by the honorary Co-chairpersons, former Governors Harold Hughes and Robert Ray.

#### REPORT OF THE FISCAL COMMITTEE

Chairperson Arnould recognized Senator Boswell for the report of the Fiscal Committee. Senator Boswell indicated that the Committee had listened to presentations by Presidents Rawlings (University of Iowa) and Jischke (Iowa State University) concerning the transfer of University-based technology research to the private sector and the impact of the 3.25 percent reduction imposed upon the Regents institutions. Senator Boswell commented that the reduction amounts to approximately \$346,000 which seems to be in line with other reductions in state government which have been made.

Senator Boswell reported that the Department of Employment Services appeared before the Committee and discussed the progress of the reorganization of the Department's field offices. The Committee also received information concerning the privatization of the liquor warehouse operation. Senator Boswell stated that the Division will continue to have oversight and supervision over the operation. He continued by stating that the Department of Human Services made a presentation concerning the reorganization of the Department's district offices. He noted that in a discussion with John Fairweather of the Department, he was informed that the Department is contacting the Iowa State Association of Counties for their views concerning the reorganization plan and that there apparently have been meetings

between the Department and certain legislators about the intent of legislation passed concerning this reorganization effort.

Senator Hutchins asked Senator Boswell about the reorganization by the Department of Human Services of the Mental Health Institutes (MHIs) and whether any language concerning that reorganization had appeared in any appropriations bills during the 1991 Session. Senator Boswell stated that he was not aware of any such language. Senator Hutchins expressed the belief that the budget bill conference committee decided to reduce funding in areas of administration and not from services and he does not believe that the Department should have reorganized MHIs. He continued by expressing the belief that the General Assembly's intent in the closing of field offices was to eliminate the field offices except for the Des Moines office which has a high workload and population, but the Department has proposed closing the Des Moines field office as well.

Senator Hutchins observed that even though Senator Boswell had commented that the effort to privatize the wholesaling of liquor is moving forward, the Governor has created a task force to study the issue of privatization and the task force has not yet made its report.

Senator Rife responded that he believes the MHI reorganization is an attempt to prevent further layoffs in the Department. He also stated that continued examination is needed to determine whether or not savings are occurring.

Senator Hutchins inquired as to whether Senator Rife is aware of any funding contingency amount required to be retained by each department. Senator Rife responded in the negative. Senator Boswell responded to the same question by indicating that since the end of the 1991 Session he has heard about contingency amounts which departments were directed to generate. Representative Chapman commented that in the event that the Governor loses in court with regard to the collective bargaining agreements, that \$20.2 million would be needed to fund the collective bargaining agreements for employees covered by the union contracts, and an additional \$27.6 million would be needed to extend the provisions of the collective bargaining agreements to noncovered employees. She then expressed concern over the adequacy of the potential contingency amounts vis-a-vis the potential costs of providing funding and extending coverage of the collective bargaining agreements.

Senator Hutchins then inquired as to whether Representative Chapman was aware of any other time that contingency plans had been made to fund a challenged item veto, to which Representative Chapman responded in the negative. Representative Chapman then requested that a formal request for a written response be made to the Governor's Office and the Board of Regents concerning whether or not an additional \$18 million is being sequestered from the Regents institutions' budgets. There being no objection, the request will be made.

Chairperson Arnould recognized Representative Van Maanen who commented on the Department of Human Services' reorganization by noting that the language contained in the conference committee report does not clearly spell out what the Department is to do, and that his understanding is that majority party legislators had been contacted and agreed that the Des Moines office should be closed. Senator Welsh responded that the direction given in the conference committee report was that seven offices should be eliminated and that the Des Moines office should be kept open to provide services. Senator Welsh then discussed the conference committee language which involves the reorganization of the field offices and the closure of certain county offices in consultation with the Iowa State Association of Counties (ISAC). He stated that the Department is appealing a district court injunction sought by ISAC which delays implementation of the reorganization.

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

#### REPORT OF THE SERVICE COMMITTEE

Chairperson Arnould recognized Senator Welsh for the Service Committee Report. Senator Welsh noted two corrections in the Report as follows:

1. Page 1, item 3, lines 5 through 7, which is amended to read as follows: "the Committee, the promotion will be retroactive to ~~September 27~~ August 29, 1991, ~~the date which marks the commencement of the pay period immediately following the September 25, 1991, meeting of the Service Committee.~~"
2. Page 1, item 6, line 6, is amended by changing September 25 to September 27.

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

#### REPORT OF THE STUDIES COMMITTEE

Chairperson Arnould recognized Senator Hutchins for the Studies Committee Report. Senator Hutchins briefly reviewed the Report and moved adoption of the Report, and the Report was adopted. A copy of the Studies Committee Report is attached to and by this reference made a part of these minutes.

### CONSIDERATION OF PREFILING RULES CONTINUED

Chairperson Arnould recognized Ms. Diane Bolender who reviewed for the Council the language in section 2.16 of the Code relating to requests for bill drafts from departments and the Governor. Senator Rife reiterated his motion to request a bill draft providing that only legislators may file bill requests with the Service Bureau, commenting that the law must first be changed. Senator Lloyd-Jones voiced her concern that the departments should be allowed to present their proposals to the General Assembly, but that these proposals should be presented in accordance with the proposed time schedule to assure that the Service Bureau will not be overburdened by these requests. Chairperson Arnould mentioned that changes had been made in an effort to improve the system of departmental requests. Ms. Bolender commented that the departments were asked to limit the number of requests submitted. She added that once the Council takes action relating to the prefiling rules, a letter can be sent to the department directors that includes language that the committee chairs and ranking members will be notified of the bills to be assigned to the committee.

Senator Jensen voiced a concern that the departmental study bills are not printed and distributed as widely as other bills and consideration of them is limited to those individuals on the committee to which the bill is assigned until the committee acts on the proposal.

Ms. Bolender then briefly reviewed the different types of study bills and noted that information had been collected concerning study bills drafted during the past three years and is available to any interested legislator.

Senator Lind inquired as to whether a faxed bill request is appropriate, to which Ms. Bolender responded in the affirmative.

### ADDITIONAL BUSINESS

Senator Welsh was recognized and requested that the Fiscal Committee be authorized to examine Mercy Health Initiatives and Financing which was approved through the Iowa Housing Finance Authority. There were no objections.

Senator Welsh was again recognized and directed the Council's attention to a Racing and Gaming Commission Memorandum to riverboat operators which stated that the State of Iowa will not be able to provide a certified peace officer on each excursion and that the requirement contained in administrative rule 25.14 would be waived if the violation is caused by the Commission's inability to staff the excursion. He noted that under the legislation the boat operators are being required to pay for these agents and that the Fiscal Committee should be authorized to examine this situation. He asked that the Department of Inspections and Appeals

provide information concerning the staffing on the riverboats. A copy of the Racing and Gaming Commission Memorandum is attached to these minutes.

Representative Lundby suggested that the Fiscal Committee examine a statutory change to allow more flexibility concerning the issue of security on the riverboats and consideration should be given to allow peace officers to serve in this capacity. A motion was made and adopted to request the Department of Inspections and Appeals, Racing and Gaming Commission, and the Department of Public Safety, Division of Criminal Investigation, to appear before the Fiscal Committee.

### PREFILING RULES

Senator Lind then moved the adoption of the prefiling rules, and the motion was adopted.

Senator Lind suggested that the Council should request the Attorney General to provide information concerning the Council's possible course of action in the event that the lawsuit is lost concerning the salary bill veto. Chairperson Arnould commented that any court order would probably include the appropriate action to be taken. After further discussion, it was decided to wait until such time as the Supreme Court issues its ruling.

Chairperson Arnould noted that the date of the next Legislative Council meeting has been changed to Wednesday, October 16.

### ADJOURNMENT

There being no additional business to come before the Council, the meeting was adjourned at 3:10 p.m.

Respectfully submitted,

DIANE E. BOLENDER  
Director, Legislative Service Bureau

MARK W. JOHNSON  
Legal Counsel

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