

M I N U T E S

IOWA LEGISLATIVE COUNCIL

December 17, 1984

The nineteenth meeting of the 1983-1984 Iowa Legislative Council was called to order at 2:05 p.m. by the Chairperson, Speaker Donald D. Avenson, on Monday, December 17, 1984, in Committee Room 22 of the State House, Des Moines, Iowa. Members present in addition to the Chairperson were:

Senator Lowell L. Junkins, Vice Chairperson
Lieutenant Governor Robert Anderson
Senator James Briles
Senator C. Joseph Coleman
Senator Donald V. Doyle
Senator Merlin Hulse
Senator C. W. (Bill) Hutchins
Senator Charles Miller
Senator Dale Tieden
Representative Dale Cochran
Representative John H. Connors
Representative Tom Jochum
Representative Lester D. Menke
Representative Lowell Norland
Representative Delwyn Stromer

Also present were:

Mr. Jerry Gamble, Inspector General
Representative Mark Haverland
Senator Charles Bruner
Representative Janet Carl
Representative Florence Buhr
Representative Jo Ann Zimmerman
Mr. Burnette Koebernick, Acting Director,
Legislative Service Bureau
Mr. Dennis Prouty, Director,
Legislative Fiscal Bureau
Mr. Bill Angrick, Citizens' Aide
Mr. David Lyons, Legal Counsel,
Legislative Service Bureau
Ms. Diane Bolender, Senior Research Analyst,
Legislative Service Bureau

Also present were other Iowa legislative staff persons, news media representatives, and other interested individuals.

Representative Menke moved that the minutes of the November 15, 1984 Council meeting be approved as distributed to Council members, and the motion was adopted.

Representative Connors, on behalf of Representative Welden, moved that the Legislative Council receive the Educational Leave Report, and the motion was adopted.

Chairperson Avenson introduced Jerry Gamble who reviewed a report prepared by the Inspector General's office updating the implementation of recommendations contained in the Report of the Governor's Task Force on Efficiencies and Cost Effectiveness. A copy of the materials is attached and by this reference made a part of these minutes. Chairperson Avenson called for questions.

Representative Jochum commented that in light of information obtained in the Task Force Report the estimates were that approximately 8.9 million dollars could be saved during the current fiscal year with implementation of the recommendations from the Report. He stated that the appropriations to the Department of General Services and the State Comptroller's Office were reduced with the option that savings from implementation of recommendations of the Report could be used to supplement the appropriations. He noted that the budget of the Department of General Services was reduced by \$700,000 for this purpose, and the Department of General Services has requested a supplemental appropriation for the current fiscal year of \$200,000. He further stated that the Office of State Comptroller's appropriation was reduced by 2.3 million dollars, but a supplemental budget request was filed for 2.2 million dollars. He explained that the supplemental request from the Department of General Services indicates that the Department is making a good faith effort to live within the funds appropriated and believes that savings can be achieved from implementation of the Task Force recommendations, but it appears that the State Comptroller's Office is not expecting to receive additional funds from savings. He asked for further explanation and comments about whether the recommendations contained in the Report are feasible. Mr. Gamble responded that he believes that the recommendations were good ones and he has not given up on savings of 3 million dollars for the current fiscal year. He indicated that his report to the Legislative Council is merely a status report. Representative Jochum expressed the belief that requesting supplemental appropriations appears to be premature at this point in the fiscal year.

Representative Jochum asked about the assumptions that the General Assembly can use when calculating the savings to the general fund that can be achieved in the 1986 and 1987 fiscal years when the estimated savings for 1985 are nowhere near the 8 million dollars estimated in the Report. Chairperson Avenson concurred with Representative Jochum's questions. Mr. Gamble responded that he will

return and provide a better estimate of anticipated savings at a future date. Chairperson Avenson asked Mr. Gamble to review the recommendations and provide the Legislative Council with timeframes and potential savings.

Representative Norland asked for specific cost savings resulting from bills enacted during the 1984 legislative session that were requested by Governor Branstad to implement specific recommendations of the Task Force. He specifically asked about the forms management bill and the phased retirement bill. Mr. Gamble responded that with regard to the forms management bill, the Inspector General's office is still reviewing reports filed by state agencies and will not have results until February, 1985. With regard to the phased retirement bill, Mr. Gamble responded that he can obtain that information only by surveying state agencies. Chairperson Avenson asked about the orders that have gone out to change the span of control or to eliminate banner pages. Mr. Gamble responded that the Data Processing Division can implement the banner pages order itself.

Chairperson Avenson thanked Mr. Gamble for his presentation and called for the report of the Service Committee from Senator Hutchins. Senator Hutchins reviewed the Service Committee Report, a copy of which is attached and by this reference made a part of these minutes.

With regard to the item in the Report relating to comparable worth, Chairperson Avenson suggested that the Service Committee commence a comparable worth study of legislative employees. Representative Connors moved that Chairperson Avenson's suggestion be adopted, and the motion carried.

Senator Hutchins moved the adoption of the Service Committee Report, and the motion carried.

Senator Coleman moved that members of the General Assembly present at the Council meeting to give reports of interim study committees be paid expenses and per diem, and the motion carried.

The Legislative Council commenced hearing final reports of the interim study committees it had established during the 1984 legislative interim. Copies of the reports made at the meeting are available at the Legislative Service Bureau upon request.

Chairperson Avenson called for the report of the Drainage Laws Study Committee. The report was given by Representative Haverland, Co-Chairperson of the Study Committee. Representative Haverland commented that the Study Committee held two meetings and conducted a public hearing in Humboldt. He commented that the Study Committee made a number of recommendations that will be contained in bill drafts, and it also discussed the authority of the Department of Water, Air and Waste Management over flood plain construction. The Study Committee recommended that this agency may with the Iowa State

Conservation Commission and the members of the Drainage Steering Committee of the Iowa State Association of Counties propose new rules on the subject. Senator Coleman moved that the Legislative Council receive the report, and the motion was adopted.

Senator Charles Bruner, Co-Chairperson, gave the report of the Comparable Worth Review Committee, which held four meetings. It was noted that Governor Branstad had vetoed from the comparable worth legislation the makeup of the Comparable Worth Review Committee, and the Legislative Council had appointed a legislative committee to perform the functions listed for the Comparable Worth Review Committee in the legislation. Senator Bruner said that the Review Committee recommended the following:

1. A single pay plan is not necessary in order to effect comparable worth policy.

2. The Iowa Merit Employment Department should establish procedures to accomplish a goal of uniformity of starting salaries for all individuals in state employment.

3. Employees should not lose a step in receiving adjustments because of comparable worth.

4. By gubernatorial directive, certain nursing positions should be adjusted as per the comparable worth study's recommendations although other positions above pay grade 32 will not be adjusted.

5. The Governor should present a proposal for review and appeal available to all employees.

6. The Governor's Comparable Worth Oversight Committee should present to the General Assembly a reasonable review and appeals process proposal to take care of "obvious" job classification misplacements.

7. The State Comptroller should develop an estimate of the cost for implementing adjustments for non-merit state personnel concurrently with those adjustments for merit personnel.

8. The Iowa Merit Employment Department should establish procedures to allow employees who have moved from one state position to another for reasons of pay to return to their old positions as soon as possible without bumping or laying off personnel.

9. All persons newly hired in positions which are being held at the present rate should be hired at the comparable worth pay grade rate.

10. Newly-organized employees must receive comparable worth adjustments in fiscal year 1985 as they otherwise would have if they

had remained non-contractual employees.

Senator Bruner also commented that the Study Committee made three longer-range recommendations relating to affirmative action efforts, a review of Chapter 19A of the Code, and a more comprehensive and coordinative personnel management system in state government. Senator Hutchins moved that the Legislative Council receive the report, and the motion was adopted.

Representative Carl, Co-Chairperson of the Child Protection Study Committee, gave the report of the Subcommittee on Adoption Laws. She commented that the Subcommittee reviewed the draft of a proposed bill presented by the Adoption Reform Coalition. She commented that the draft recommended by the Subcommittee makes a number of changes relating to adoption records, termination of parental rights, and adoptions. She commented that the bill would establish a Reunion Registry for parties within an adoption so that they can voluntarily make it known they are willing to be found.

With regard to the time period specified for the voluntary surrender of parental rights, Representative Menke noted that the hearing on termination of parental rights can be held no earlier than fourteen days after birth, and he asked whether the child during this period is in the hands of his or her adoptive parents. Representative Carl stated that she is not sure of the response but she will check further on the issue.

Mr. David Lyons, Legislative Service Bureau, gave the report of the Subcommittee on Court Protection. Mr. Lyons stated that the Subcommittee concentrated on the protection of a child once a court system has been involved. He commented that an omnibus bill has been recommended that relates to prosecution for sexual abuse, the protection of victims and witnesses, appearances of children before grand juries, priority of cases involving sexual abuse or incest, testimony of child victims of sexual abuse, procedures for determining child witness' competency, and the adoption of a special child sexual abuse hearsay exception. Senator Doyle moved that the Legislative Council receive the report of the Child Protection Study Committee, and the motion was adopted.

Mr. Lyons gave the report of the Parole Board Study Committee. He noted that the Committee held three meetings and recommended that the Standing Committees on Judiciary study a memorandum that the Study Committee had written regarding the advisability of changing the present structure of the Iowa Board of Parole from seven part-time members to a five-member board composed of three full-time members and two part-time members. The Study Committee also recommended that the confidentiality of records and the information of the Board of Parole be clarified, that discretion be provided in the imposition of a mandatory minimum term under certain restrictions, and the implementation of a parole buffer period so that inmates without

sufficient parole plans could remain in the institution for not more than ten days without triggering a prison cap overcrowding emergency. Representative Connors moved that the Legislative Council receive the report of the Parole Board Study Committee, and the motion was adopted.

Representative Buhr, Co-Chairperson, gave the report of the Public Records Study Committee. Representative Buhr stated that the Study Committee held two meetings and recommended, without endorsement, consideration of a number of recommendations of Professor Arthur Bonfield of the Governor's Committee. She also commented that the Study Committee recommended that the Standing Committees on State Government review the status of records held by the Board of Parole. Representative Connors moved that the Legislative Council receive the report of the Public Records Study Committee, and the motion was adopted.

Senator Junkins, on behalf of the Legislative Council, presented a commemorative plaque to Chairperson Avenson for service as Chairperson of the Legislative Council during 1983 and 1984. Chairperson Avenson expressed appreciation for the Legislative Council's willingness to work through difficult tasks over the past two years, and he expressed the belief that the Legislative Council has done what is right for the future of the Iowa General Assembly.

Senator Junkins, Co-Chairperson presented the report of the Legislative Procedures Study Committee. He commented that the recommendations of the Study Committee relate to the following:

1. A realignment of the eight appropriations subcommittees to provide more consistency in their workloads.
2. Recommendations for implementation of a legislative budget process.
3. The establishment of a Joint Budget Committee so that there can be more coordination between the two houses on budget matters. He noted that implementation of the Joint Budget Committee will probably not take place until the 1986 session.
4. A process and timetable for the appropriations activities that will allow vetoes and item vetoes to be acted upon by the General Assembly.
5. Establishment of a procedure utilizing joint resolutions to implement the authority of the General Assembly to veto administrative rules.
6. Continuation of standing committees in pretty much the same subject areas as in the past. Senator Junkins expressed the belief that implementation of the recommendations will improve the

legislative process.

Representative Stromer noted that it has been planned that the appropriations subcommittees would meet early in January before commencing the legislative session. He inquired whether these meetings will add to the cost of the session. Senator Junkins stated that in order to develop a legislative budget, it is necessary that legislative meetings be taking place simultaneously with meetings on the budget by the executive branch. He commented that streamlining the legislative process will save money in the long run even though it may cost additional funds before the session begins.

Chairperson Avenson estimated that it might cost about \$8,000 in per diem and expenses for members to come in before the session, but if these meetings save one-half day at the end of the session, the extra cost has more than been saved. Representative Stromer asked whether the newly elected members will also be included. Chairperson Avenson responded in the affirmative, and commented that the committees will only be hearing information and will not be making decisions. He noted that members of the General Assembly will receive both per diem and expenses, but newly elected members who have not yet taken office will only receive actual expenses.

Senator Tieden questioned whether it is valid to treat members of the same subcommittees on a different basis. Chairperson Avenson responded that the Iowa Constitution does not allow the General Assembly to pay nonlegislators on a legislative basis. Representative Menke moved that the Legislative Council receive the report of the Legislative Procedures Study Committee, and the motion was adopted.

Representative Jo Ann Zimmerman, Co-Chairperson, gave the report of the Health Care Costs Study Committee. She commented that the Study Committee held four meetings and made the following recommendations:

1. To extend the sunset of the State Health Data Commission to July 1, 1989.
2. To require that physicians and chiropractors use common third-party reimbursement forms by July 1, 1986.
3. To encourage other health care providers to use common third-party reimbursement forms.
4. To encourage the State Health Data Commission to begin exploring the feasibility of collecting cost data on long-term health care and home health care.
5. To recommend the adoption of a living will bill.

6. To recommend that the Social Services Appropriations Subcommittee study the ICS--Heavy Care Reimbursement Break proposed by the Department of Human Services to the Governor.

7. To establish a coordinating comprehensive long-term care program within the Commission on the Aging and the appropriate Appropriations Subcommittee should fund pilot projects related to this.

Representative Connors moved that the Legislative Council receive the report of the Health Care Costs Study Committee, and the motion was adopted.

Mr. Koebernick stated that the Department of General Services had solicited bids for printing the 1985 Code of Iowa and received one response from W. C. Brown in Dubuque, Iowa at a cost of \$252,909 to print 8,700 copies of the Code. Senator Doyle asked whether consideration had been given to printing a soft bound Code. Mr. Koebernick responded in the negative, commenting that such a Code might be easier to work with. Senator Tieden asked when the 1985 Code will be available. Mr. Koebernick responded that Volume I will be available in January and Volumes II and III will be available at two to four week intervals thereafter. Senator Coleman moved that the Legislative Council accept the bid for printing the Code from W. C. Brown, and the motion was adopted.

Representative Connors gave the report of the Centennial Committee. He commented that Centennial expenses to date equal \$21,682 and profits include \$22,498.91, leaving a credit of \$816.91. He moved that the funds be donated to the Historical Building Fund, and the motion was adopted.

Senator Hutchins moved that the Education Task Force be authorized one meeting to follow up on activities relating to recommendations of the Excellence in Education Task Force. The motion was adopted.

Senator Hutchins asked for approval for the Economic Development Study Committee to meet for one additional time with the consultant who has recently been employed for the Study Committee. He commented that the Legislative Council has authorized an expenditure of \$150,000 for the consultant. Senator Hutchins' motion was adopted, with Representative Stromer voting in the negative and the remaining members of the Council who were present voting in the affirmative.

Mr. Koebernick commented that Chairperson Avenson had received a request from Mr. Gerald Schnepf, Chairperson of the Recreation-Tourism-Leisure Study Committee that the Study Committee be authorized one meeting each month for the months of December, 1984 and January through May, 1985. It was noted that the Study Committee has advertised for a Project Director to carry out and coordinate the technical study needs of the Study Committee and the request for the

Page 9

December meeting is for the Personnel Subcommittee to interview four or five candidates for the ten-month position. Mr. Koebernick also commented that the Study Committee will request additional days after the session. Representative Norland moved that the request be approved, and the motion was adopted.

The Legislative Council adjourned at 3:50 p.m.

Respectfully submitted,

DIANE BOLENDER
Senior Research Analyst