

M I N U T E S  
LEGISLATIVE COUNCIL

July 16, 1979

The fifteenth meeting of the 1979-1980 Legislative Council was called to order at 10:05 a.m., Wednesday, July 16, 1980 in the Speaker's Room of the State House in Des Moines. Council members attending the meeting were:

Speaker William H. Harbor, Chairperson  
Senator Calvin O. Hultman, Vice Chairperson  
Senator James Briles  
Senator C. Joseph Coleman  
Senator Willard R. Hansen  
Senator Lowell L. Junkins  
Senator William D. Palmer  
Senator Richard R. Ramsey  
Senator Bob Rush  
Senator Ray Taylor  
Representative Robert T. Anderson  
Representative Donald D. Avenson  
Representative John H. Clark  
Representative Gregory D. Cusack  
Representative Roger A. Halvorson  
Representative Ingwer L. Hansen  
Representative Delwyn D. Stromer  
Representative Richard W. Welden

Other persons present for the meeting were:

Senator C. W. Hutchins  
Mr. Stan McCausland, Director of General Services  
Mr. Michael Reagen, Commissioner of Social Services  
Mr. Harold Farrier, Director of Corrections, Department of Social Services  
Mr. Charles Palmer, Director of Mental Health, Department of Social Services  
Mr. Pat Cavanaugh, Director of Administration, Department of Social Services  
Ms. Susan Mickelsen, Governor's Office  
Mr. Serge Garrison, Director, Legislative Service Bureau  
Mr. Bernie Koebernick, Senior Legal Counsel, Legislative Service Bureau  
Mr. Gerry Rankin, Director, Legislative Fiscal Bureau  
Mr. William Angrick, Citizens' Aide  
Ms. Diane Bolender, Senior Research Analyst, Legislative Service Bureau

Also present were a number of other legislative staff persons, news media representatives, and other interested individuals.

Representative Stromer moved that the minutes be approved as submitted to Council members. Senator Junkins made a substitute motion that the June 11 minutes be amended on page 8, second paragraph, line 6, by striking the words "joint Appropriations State Government Subcommittees" and inserting in lieu thereof the words "Standing Committees on Appropriations" and that the minutes be approved as corrected. The correction was noted, and the minutes were approved as corrected.

Representative Halvorson was recognized to present the report of the Studies Committee, a copy of which is attached to and by this reference made a part of these minutes. Representative Halvorson moved that the report of the Studies Committee be adopted by the Legislative Council and Representative Avenson seconded the motion. Senator Junkins moved that the report of the Studies Committee be amended by striking Senator Van Gilst's name from the Transportation study and inserting the name of Senator Hutchins and by striking Senator Hutchins' name from the Mandatory Spending Limits study and inserting the name of Senator Van Gilst. Senator Coleman seconded the motion and it carried. Representative Halvorson noted that the Studies Committee had made a few changes in membership from the recommendations of the chairpersons and he stated that the minority party had made recommendations for its membership.

Representative Halvorson moved that the report of the Studies Committee be amended to reduce the number of days of authorized meetings to two for all studies except for the mandated studies, with the stipulation that the chairpersons of the studies which need additional days can request those days from the Legislative Council at a future meeting. He suggested that the chairpersons of the studies be urged to spend at least six hours for each meeting day and to carefully plan their meeting days to make maximum use of the time allotted them. Representative Stromer seconded the motion.

Senator Coleman suggested that the Studies Committee had considered the scope of each study in considering the number of days authorized. He suggested that an additional day for a study committee may be a savings to the state if one day's session time could be reduced. He suggested that interim study committees need three days and that the total number of study committees has been reduced. Representative Stromer responded that Senator Coleman's statements are correct, but the motion allows the chairpersons of the committees whose days have been reduced to petition the Council for restoration of their days. He urged support for the motion.

Representative Avenson moved that the motion be amended to allow the Governor's Economy Committee study to meet for four days and the Property Tax Committee study to meet for three days. Representative Halvorson explained that the Property Tax study is a mandated study and it would not be affected by the motion. Senator Hultman expressed support for Representative Avenson's motion noting that four days were given with the understanding that some

of the days would be used by subcommittees of the committee. Representative Avenson revised his motion to include only the Governor's Economy Committee study. The motion carried. Representative Halvorson's main motion carried on a voice vote.

Senator Junkins noted that the corrections study does not include members of the majority party from the Senate. Senator Hultman agreed to make the appointments.

Senator Ramsey moved that the report of the Studies Committee be amended by striking Senator Gratias' name from the education study and adding Senator Hansen's name. Senator Ramsey's motion was adopted. It was noted that at the next meeting of the Legislative Council any of the leaders can propose changes in membership for approval by the Legislative Council.

Senator Junkins noted that Senator Hutchins had requested a study on the rural doctor shortage, and the Legislative Council had deferred action on the proposal awaiting a report of a task force appointed by the Commissioner of Health. He indicated that a response has been received from Mr. Cooper Parker of the Department of Health, noting that the task force will not make its final recommendations until 1981 and that the task force includes a study of the entire health care field in rural areas. Senator Junkins moved that two days be allowed for a study on the rural doctor shortage, which study would include five members from each house from both the Education and Human Resources Standing Subcommittees on Appropriations. Senator Ramsey expressed the belief that the study will not accomplish anything. Senator Stromer agreed and suggested that the Standing Education Subcommittee on Appropriations can study the area during its visitation committee meetings this interim.

Senator Junkins asked and received permission for Senator Hutchins to comment upon the study. Senator Hutchins stated that he had introduced a bill during the last legislative session which would have established a rural doctor incentive program, but no action was taken on the bill. He noted that he has met with various health care persons such as the Dean of the College of Medicine at the University of Iowa, the Dean of the College of Osteopathic Medicine and Surgery, the Commissioner of Health, and Mr. Parker to discuss problems about the doctor shortage in rural areas. He stated that they agreed that action needs to be taken in the area. Representative Stromer again commented that the proposal should come before the standing Education Subcommittee on Appropriations. Senator Hutchins expressed the belief that the Department of Health should be involved as well as the Board of Regents. Representative Avenson expressed the belief that if it is anticipated that substantive legislation is needed, the standing appropriations subcommittees do not normally recommend legislation.

Senator Junkins' motion failed with seven affirmative votes by Senators Coleman, Junkins, Rush and Palmer, and Representatives

Avenson, Cusack, and Anderson and nine negative votes by Chairperson Harbor and Senators Hultman, Briles, Hansen, Ramsey and Taylor, and Representatives Halvorson, Hansen, and Welden.

Senator Hultman moved that Senators DeKoster (temporary chairperson), Gentleman, and Baugher be included as majority party members from the Senate on the corrections study. The motion carried.

Representative Halvorson moved that Representative Millen be named the temporary co-chairperson from the House on the Grain Elevator and Grain Grading Study rather than Representative Renken. The motion was adopted.

Representative Halvorson's motion to adopt the Studies Committee report as amended carried on a voice vote.

Senator Hultman was recognized to present the report of the Council's Administration Committee. Senator Hultman reviewed the report of the Administration Committee, a copy of which is attached and by this reference made a part of these minutes. Senator Hultman moved that the Legislative Council defer buying furniture for the two legislative hearing rooms located on the first floor of the Capitol Building and use extra furniture which has been under the control of the General Assembly. He included as part of the motion the provision that if any further chairs are needed, the stackable plastic chairs should be purchased from Prison Industries. Representative Welden seconded the motion. In response to a question from Senator Rush about the source of the furniture to be used, Senator Hultman replied that the furniture will come from Room B on the first floor of the Capitol which will now be used by the judicial branch of government. The motion was adopted.

Senator Hultman noted that the Administration Committee had voted to request approval from the Legislative Council to purchase five chandeliers for the remodeled rooms on the first floor. He distributed copies of a picture of a chandelier recommended by Mr. David Snow and noted that the Administration Committee had recommended purchasing three of the pictured chandelier and two similar chandeliers. He indicated that Mr. McCausland had estimated that it would cost about \$1,000 to install florescent lighting in lieu of the chandeliers.

Senator Taylor asked about whether the chandeliers would be authentic. Mr. McCausland responded that the Capitol Planning Commission is in possession of pictures of the Capitol as it was furnished during the past hundred years and although the chandeliers were formerly lighted by gas, the proposed chandeliers are authentic reproductions of those which were present in the building. Senator Hultman moved adoption of the Administration Committee report and then moved as a substitute motion that the Legislative Council authorize florescent lighting for the rooms. Representative Hansen asked about the present lighting situation in

the two rooms. Senator Hultman replied that there is currently no lighting. Senator Junkins spoke against the substitute motion. He expressed the belief that if the General Assembly anticipates installing chandeliers at some future time, it appears to be foolhardy not to complete the restoration at the present time. He also noted that the Administration Committee, except for Senator Hultman, was unanimously in favor of purchasing the chandeliers.

Senator Hultman's substitute motion lost with seven aye votes by Chairperson Harbor and Senators Hultman, Hansen and Taylor, and Representatives Hansen, Stromer and Welden and nine negative votes by Senators Briles, Coleman, Junkins, Ramsey and Rush, and Representatives Anderson, Avenson, Cusack and Halvorson. The main motion to adopt the Administration Committee report lost with nine affirmative votes by Senators Briles, Coleman, Junkins, Ramsey and Rush, and Representatives Anderson, Avenson, Cusack and Halvorson and seven negative votes by Chairperson Harbor, and Senators Hultman, Hansen and Taylor, and Representatives Hansen, Stromer and Welden. Adoption of a motion requires eleven affirmative votes. It was noted that the room will not contain lights at the beginning of the session unless a motion is approved at the meeting.

Chairperson Harbor recognized Mr. Reagen for a presentation to the Legislative Council concerning the conditions at the penal and correctional institutions in this state. Mr. Reagen introduced Mr. Farrier, Mr. Palmer, Mr. Cavanaugh, and Ms. Mickelsen to the Council. He stated that at the present time the prison population in Iowa is 2,441. He commented that for the year ending May 31, 1980, 1,175 inmates left the correctional institutions and 1,378 entered. He noted that it is estimated that at this time next year there will be approximately 300 more residents in the penal and correctional institutions than there are beds at the present time. A copy of Mr. Reagen's presentation is attached to the minutes and by reference made a part thereof. Mr. Reagen's presentation included a discussion relating to the use of Hope Hall at the Clarinda Mental Health Institute as a correctional facility for low-risk inmates. He noted there will be space at Clarinda because the Polk County mental health patients will no longer be located at the Clarinda Mental Health Institute, but will be treated at the new Sidney Sands Mental Health Center in Des Moines. Mr. Reagen also noted that if the mental health funds saved from Clarinda are used for correctional expenditures, there will be about a \$527,000 surplus at the end of the current fiscal year which he would anticipate could be used for any of the following:

1. The federal courts are investigating conditions in prisons in Iowa and court orders may result which will involve an expenditure of funds for improving conditions in the prisons.
2. Any emergency situations which may develop.
3. The results of staffing studies currently being undertaken by the consulting firm of Gruzen and Partners may require a shifting of staff or a changing in staffing patterns which will involve additional expenditures.

Chairperson Harbor thanked Mr. Reagen for making his presentation to the Legislative Council prior to informing members of the press corp. He called for questions from Council members. Senator Rush asked Mr. Reagen to expand upon the 1.5 million dollar transfer of mental health funds to correctional purposes and the number of people affected. Mr. Reagen responded that the original proposal which was discussed during the legislative session was to transfer about 140 low-risk offenders to Hope Hall in Clarinda in February, 1981 but the Department of Social Services is proposing to accelerate the pace at which mental health patients are transferred to the Sidney Sands Center to October and to use the space in Hope Hall for correctional inmates, which will involve expending additional correctional money before savings are realized in mental health areas. Mr. Palmer added that there will be 79 vacant full-time equivalent positions at Clarinda because of the patients leaving. He indicated that some of these positions will be transferred to the correctional unit, while others may be eliminated because of attrition. He indicated that some of the mental health workers may be employed at the Glenwood Hospital-School since positions are available there and the Hospital-School is only a 45 minute drive from Clarinda.

Representative Cusack noted that during the last session of the General Assembly some funds that had been allocated to Fort Madison for unitization were allocated instead to Hope Hall for the change from a mental health institution to a correctional institution. He asked whether there was a loss of federal money for unitization as a result of the fund transfer. Mr. Farrier responded in the negative and indicated that the additional bed space would not have been realized if funds had not been transferred to Hope Hall. Mr. Reagen agreed with Mr. Farrier that federal funds on unitization have not been lost, but agreed to check further for Representative Cusack.

Representative Cusack asked about the process that will be used to determine long-term needs for correctional institutions. Mr. Reagen responded that the Department of Social Services has engaged the consulting firm of Gruzen and Partners, at a cost of \$50,000, which will conduct a study and will report in the following areas:

1. The firm will look at past reports and share those in terms of their range of projections.
2. The firm will look at all the institutions operated and administered by the Department of Social Services in this state.
3. The firm will review staffing patterns at the correctional institutions located in Fort Madison, Mount Pleasant, and Anamosa and make recommendations.
4. The firm will put all its ideas together and share the options for a long-range plan.

Senator Coleman asked for verification that there will be 19 vacant beds at the end of the next fiscal year and a \$500,000 surplus. Mr. Reagen responded that the estimates are there will be 19 vacant beds and if none of the reasons for additional expenditures occurs, there will be about \$500,000 remaining. Senator Coleman asked whether additional mental health patients could be transferred to the mental health institutes at Cherokee, Independence, and Mount Pleasant. Mr. Reagen responded that there are a number of possibilities for finding additional space for persons who are incarcerated. Ms. Mickelsen pointed out to Council members that some of the beds which will be used during the current fiscal year are not ones that will be used on a long-term basis, such as beds in those wards which previously housed female offenders at Anamosa.

Representative Avenson asked for further information about the transfer of funds from mental health purposes to correctional purposes. Mr. Palmer responded that the transfer will not involve additional expenditures by the counties for mental health, but it will be a loss of dollars to the state treasury since the costs for mental health patients are billed back to the counties.

Senator Hansen, noting that he had recently attended the annual meeting of the National Conference of State Legislatures in New York, commented that he had visited with legislators from other states about the court mandates resulting from investigations by the courts of the conditions in the correctional institutions in other states. He asked whether the recommendations of the Department of Social Services anticipate an expenditure of additional dollars as a result of court mandates. Mr. Reagen responded in the negative, commenting that the Department has no way of knowing what a federal judge may require. He noted that the \$500,000 surplus incurred during the transfer of funds may be used if changes are required.

Senator Hansen asked about the classification system. He asked whether too many offenders of lesser crimes have been sent to major offender institutions. Mr. Reagen responded that the classification system in the prisons is inadequate and could be improved and the Department is looking closely at the situation. Mr. Farrier added that there must be beds available in order to properly classify persons to the correct institution.

Chairperson Harbor interjected that telephone conversations occurring previous to the Legislative Council meeting have indicated that the federal judge has agreed that he will communicate with the Legislative Council as soon as his report on the condition of the prisons has been completed.

Representative Anderson, noting the 300 bed shortfall anticipated, asked about the source of the estimate. Mr. Reagen responded that the estimate was made from figures for the previous year ending May 31. The pattern has been an increase of

approximately 20 inmates per month. Representative Anderson asked why Mr. Reagen had not made his proposal to the General Assembly while it was still in session. Mr. Reagen responded that the trend was not apparent at that time. Representative Anderson asked that the General Assembly receive up-to-date information about the prison population. Mr. Reagen agreed.

Representative Welden noted that the reduction in expenditures for mental health at Clarinda will result in a net cost to the state because there will be a reduction in revenues coming from the counties. Mr. Palmer commented that it had been anticipated that the transfer of mental health patients would take place next February but this transfer will take place in October. Chairperson Harbor thanked Mr. Reagen for his presentation.

Senator Hultman moved that the Legislative Council reconsider the vote by which the motion to approve the Administration Committee report relating to the purchase of five chandeliers for the two legislative hearing rooms on the first floor failed to pass. The motion carried with eleven affirmative votes by Senators Briles, Coleman, Junkins, Ramsey, Rush and Palmer, and Representatives Anderson, Avenson, Clark, Cusack and Halvorson and six negative votes by Chairperson Harbor and Senators Hultman and Hansen, and Representatives Hansen, Stromer and Welden. The motion was reconsidered and the adoption of the portion of the Administration Committee report to authorize the purchase of the five chandeliers was adopted with eleven affirmative votes by Senators Coleman, Junkins, Ramsey, Rush and Palmer, and Representatives Anderson, Avenson, Clark, Cusack and Halvorson and seven negative votes by Chairperson Harbor, and Senators Hultman, Hansen and Taylor, and Representatives Hansen, Stromer and Welden.

Chairperson Harbor recognized Mr. Garrison for a report on educational leave. Mr. Garrison noted that state agencies are required to report to the Legislative Council concerning the use of educational leave. A copy of the report is attached to and by this reference made a part of these minutes. Representative Stromer moved that the Legislative Council accept the report and it was adopted on a voice vote.

Chairperson Harbor recognized Representative Stromer for report of the Service Committee, a copy of which is attached to and by this reference made a part of these minutes. Chairperson Stromer moved the adoption of the report of the Service Committee. As noted in the report, Representative Stromer asked for comments about the definition of occurrence proposed by the Service Committee for employees of legislative agencies. He noted that the meaning of the word occurrence is not clear in the legislation nor the rules which were adopted for employees of the legislative agencies at the last meeting of the Legislative Council. Senator Ramsey asked why occurrence was not defined as a 24-hour period. Senator Hansen responded that such a definition would be contrary to definitions used in litigation in insurance lawsuits upon which the definition used by the Service Committee is based. He noted



that an occurrence is a continuous unbroken chain of events. Representative Rush asked that the Council not vote on adopting the definition of occurrence, but solicit remarks from the directors of legislative agencies and take final action at the August Council meeting. Representative Stromer asked that the report of the Service Committee be filed with the Legislative Council. The Council agreed.

Chairperson Harbor recognized Senator Ramsey for a report of the Item Veto Subcommittee. Senator Ramsey reviewed discussion which occurred during the meeting of the Item Veto Subcommittee. A copy of the review is attached to and by this reference made a part of these minutes. Senator Rush commented that the Legislative Service Bureau had prepared a summary of the law and noted that the Service Bureau's conclusion was that the Legislative Council does not have the authority to initiate a lawsuit. He expressed the belief that the conclusion is a narrow reading of the authority of the Legislative Council. Senator Ramsey moved adoption of the report and the motion carried.

Chairperson Harbor stated that he had received correspondence from Mr. Stan McCausland, Director of General Services, noting that Iowa will be hosting the sixth annual Conference of General Services Officers in August and Mr. McCausland had extended an invitation for a liaison from the legislature to attend the Conference. Senator Palmer moved that the Legislative Council send a legislative liaison to the sixth annual Conference of General Services Officers from the Legislative Fiscal Director's Office. The motion carried.

Chairperson Harbor called for comments from Mr. Garrison regarding proposed rules for prefiling bills. Mr. Garrison stated that the rules are the same as those which the Legislative Council had adopted for the 1980 legislative session but the dates have been changed. He noted that it is helpful to have state departments desiring that legislation be drafted prefile the request on a timely basis and he asked that the Chairperson of the Legislative Council send a letter to department heads on the matter. Representative Stromer moved that the Legislative Council accept the rules for prefiling bills. The motion carried.

The Legislative Council adjourned at 4:00 p.m.

Respectfully submitted,

DIANE BOLENDER  
Senior Research Analyst

SERGE H. GARRISON  
Director