

M I N U T E S
LEGISLATIVE COUNCIL

May 14, 1980

The thirteenth meeting of the 1979-80 Legislative Council was called to order at 1:45 p.m., Wednesday, May 14, 1980 in Senate Committee Room 22 of the State House in Des Moines. Council members attending the meeting were:

Speaker William H. Harbor, Chairperson
Senator Calvin O. Hultman, Vice Chairperson
Lieutenant Governor Terry Branstad
Senator James E. Briles
Senator C. Joseph Coleman
Senator Willard R. Hansen
Senator John S. Murray
Senator William D. Palmer
Senator Richard R. Ramsey
Senator Bob Rush
Senator Ray Taylor
Representative Robert T. Anderson
Representative Donald D. Avenson
Representative Gregory D. Cusack
Representative Roger A. Halvorson
Representative Ingwer L. Hansen
Representative Norman G. Jesse
Representative Delwyn D. Stromer
Representative Richard W. Welden

Other persons present for the meeting included Director Serge Garrison and Phil Burks of the Legislative Service Bureau; Code Editor Wayne A. Faupel and Deputy Code Editor Phyllis Barry; Department of General Services Director Stanley McCausland and Mr. Dick Kruse of the Hansen-Lind-Meyer architectural firm; University of Iowa Associate Vice President William J. Farrell; a number of additional legislative staff persons, news media representatives and other interested individuals.

On motion of Senator Hultman, seconded by Representative Hansen, the minutes of the Council's March 19, 1980 meeting were approved as submitted to Council members.

Code Editor Faupel was recognized and presented his request for authorization to hire the necessary extra employees for the Code Editor's office to assist in preparation of the Acts of the General Assembly, 1980 Session, and the 1981 Code of Iowa. He explained that the additional personnel necessary to complete these tasks have in the past ordinarily been obtained by temporary employment of persons who work for the General Assembly when it is in session, adding that these people are experienced in the work of the Code Editor's office as many of them have been similarly employed by that office in past years. Mr. Faupel explained that formal

Council approval has been requested because the Comptroller has asked that written authorization concerning these transfers of legislative employees to the payroll of the Code Editor's office be furnished.

Senator Hultman moved that the request presented by Code Editor Faupel be approved. The motion was seconded by Senator Briles.

In response to questions by Senator Rush, Mr. Faupel and Deputy Code Editor Barry stated that in past years their office has employed as many as 25 additional persons to assist with preparation of the Session Laws and the Code, but that at present they intend to employ 12 such persons. Mrs. Barry added that it is anticipated that six of these persons will work three days a week, and that the remainder will work full time.

A discussion of the timetable for completion of the 1981 Code followed. Senator Rush asserted that a number of persons believe that some of the responsibility for the period of several months between adjournment of the second session of the General Assembly and the appearance of the new edition of the Code is attributable to practices in the Code Editor's office. Senator Rush pressed for firm statements as to exactly when the 1981 Code might be expected to be available, and when the copy will be delivered to the printer. Mr. Faupel and Mrs. Barry said they do not agree that there are any undue delays attributable to practices in the Code Editor's office, adding that it is necessary to proofread the copy for the Code after it has been set by the printer and that the number of errors or omissions found in that process to some extent governs the time required for completion of the Code but is not under the control of the Code Editor's office.

In specific reply to Senator Rush's inquiries, Mr. Faupel and Mrs. Barry noted that the Code is presently printed in three volumes and said that the copy for the first volume should be ready for delivery to the printer within three months and that all of the copy should be ready for delivery to the printer by September. They expressed belief that the 1981 Code will be available by January 1, 1981. Mr. Faupel commented that the process of preparing the Code is complicated by the necessity to first deliver the text for the Code to Data Retrieval Corporation in Milwaukee, which places this material on magnetic tape. The tape is then delivered to the printer in Minneapolis, and the pages must be proofread after they have been set in type from the tapes prepared by Data Retrieval. He added, however, that since all parties concerned have now acquired some experience with this process he hopes that it will prove less time consuming than was the case in preparation of the 1979 Code.

Senator Rush next noted that some time ago he had obtained an opinion from the Attorney General relative to certain duties of the Code Editor in connection with compiling and indexing the Administrative Code. He added that on the basis of this opinion he had directed a letter of inquiry to the Code Editor's office but

has received no response, and asked when he may expect to receive an answer to his inquiry. Mr. Faupel and Mrs. Barry replied that they are familiar with the Attorney General's opinion, but that they have received no letter from Senator Rush in connection with this matter. In response to a further question from Senator Rush, they stated that they will respond in writing to his questions regarding this matter.

Senator Hultman's pending motion was then adopted by a unanimous voice vote.

Senator Hultman was recognized as Chairperson of the Council's Administration Committee, and noted that there had been distributed to Council members present copies of a memorandum to Council Chairperson Harbor from Senator Hultman regarding matters which the Administration Committee had been scheduled to consider at a meeting earlier on the present day. It had not been possible to formally convene that meeting for lack of a quorum, but Senators Hultman and Lowell Junkins and Representative Halvorson had informally agreed on recommendations to be presented to the Council at the present meeting.

Accordingly, Senator Hultman moved that the bid of Breiholz Construction Company on the first floor legislative renovation project, including alternatives #1 and #2, as set forth on the bid tabulation sheet distributed to Council members, be accepted. (A copy of the bid tabulation sheet is attached to and by this reference made a part of these minutes.) The motion was seconded by Representative Halvorson, and adopted by a unanimous voice vote.

Senator Hultman then moved that the Assistant Secretary of the Senate and Assistant Chief Clerk of the House work with the General Services Department and Hansen-Lind-Meyer to develop a contract with Breiholz Construction Company for the project, in accordance with the motion just adopted by the Council, with the intent that the project covered by the contract be completed no later than August 1, 1980 if at all possible. The motion was seconded by Senator Taylor, and adopted by a unanimous voice vote.

Senator Hultman next moved that the contract should be signed, on behalf of the Legislative Council, by the Council Chairperson and Vice Chairperson, and that it provide for the contract to be administered by the Department of General Services. The motion was seconded by Representative Hansen and adopted by a unanimous voice vote.

Senator Hultman noted that in July, 1979 the Legislative Council had approved expenditure of up to \$50,000 under section 2.43 of the Code for preparation of plans and specifications for renovation of air conditioning in certain parts of the State House, including the ground floor and first floor areas of the northeast quadrant, on the assumption that the General Assembly would appropriate funds for the installation in these areas of air conditioning equipment tied into the coordinated Capitol complex system. (See minutes of

Legislative Council's July 6, 1979 meeting, page 2, third paragraph.) Due to the unexpected budget problems which had arisen during the recent session, these funds were not appropriated. However, the Administration Committee members who had discussed the matter during the morning of the present date are unanimously of the opinion that such an appropriation will sooner or later be made, and that any plans for remodeling in these portions of the State House should be drawn accordingly. Senator Hultman therefore moved that in accordance with the Council's previous action, plans be drawn for eventual installation of air conditioning equipment in the ground floor and first floor of the northeast quadrant of the State House which will permit these areas to be served by the coordinated Capitol complex system. The motion was seconded by Senator Taylor and adopted by a unanimous voice vote.

Representative Stromer was recognized for the report of the special Legislative Council subcommittee to review the proposal for participation of the General Assembly in the National Science Foundation's State Science, Engineering and Technology Program, presented to the Council by Dr. Farrell at its previous meeting on March 19. A copy of the proposal is attached to the minutes of that meeting. Representative Stromer noted that the special subcommittee had met immediately prior to the present Council meeting, with himself, Senators Murray and Ramsey and Representatives Cusack and Hansen present (Senator Lowell Junkins, the sixth subcommittee member, being unable to attend), and reviewed the discussion which had occurred. The minutes of the special subcommittee's meeting are attached to and by this reference made a part of these minutes.

Representative Stromer continued that all members of the special subcommittee are agreed that it is desirable to consider more carefully the permanent structure of the Legislative Environmental Advisory Group (LEAG), and also the broader question of a formal relationship with the state universities by which the General Assembly may obtain research assistance from university personnel. However, the subcommittee was not unanimous on the question whether the application for National Science Foundation State Science, Engineering and Technology funds should be submitted prior to the May 22 deadline, while the question of permanent structure continues to be considered. By a split vote, the subcommittee had adopted a motion to recommend that the application for these funds be authorized by the Council, and that the question of permanent structure be referred to the Council's Service Committee for further study while the application to the National Science Foundation is pending.

Accordingly, Representative Stromer moved that the Council adopt the special subcommittee's recommendation, although he noted that he had not supported the motion to present this recommendation. The motion to adopt the special subcommittee's recommendation was seconded by Senator Murray, who spoke in support of it.

In the discussion which followed, Representative Welden inquired what is meant by the term "institutionalization of LEAG" which is used in the March 19 proposal to the Legislative Council. Dr. Farrell replied that "institutionalization" means that there is an intent that LEAG will be a continuing program, not a year to year ad hoc thing, although he added that it is fully recognized that no General Assembly can bind its successors in a matter of this kind. In reply to a further question, Dr. Farrell said "institutionalization of LEAG" does not necessarily mean establishing it by statute.

There was some additional discussion, at the conclusion of which Representative Stromer offered a substitute motion to refer the question of the permanent structure of LEAG and the related question of a formal research relationship between the General Assembly and the state universities, to the Council's Service Committee for further review before the Council commits itself for expenditures in support of LEAG for 1981 or later calendar years. The substitute motion was seconded by Representative Welden.

Representative Cusack stressed his view that the structure for long-term research relationships between the General Assembly and one or more universities is a separate question from the immediate decision whether to apply for National Science Foundation State Science, Engineering and Technology funds for LEAG. He said he does not think a decision to proceed with the application prior to the May 22 deadline would limit the Council's flexibility in terms of whatever type of permanent structure it might wish to establish for a continuing research relationship with one or more universities.

In concluding remarks on his substitute motion, Representative Stromer said adoption of the substitute motion would not permit submission of a funding application to the National Science Foundation by the May 22 deadline for the State Science, Engineering and Technology program, but would not necessarily preclude a later application for funds under the National Science Foundation's general program once the Legislative Council has arrived at a decision about what kind of permanent structure it desires to see established for LEAG. The substitute motion was defeated on a roll call vote of 6 to 12. Those voting in the affirmative were Speaker Harbor, Senators Hultman and Taylor, and Representatives Hansen, Stromer and Welden; those voting in the negative were Senators Briles, Coleman, Hansen, Murray, Palmer, Ramsey and Rush and Representatives Anderson, Avenson, Cusack, Halvorson and Jesse.

Senator Ramsey then moved to amend the pending motion to limit funding for LEAG during the 1981 calendar year to the "present level" (i.e. \$30,000). In response to a question by Senator Coleman, Senator Ramsey said he desires more information on a permanent structure for LEAG before the Council increases expenditures for its support.

At Representative Cusack's request, Dr. Farrell expressed the view that limiting the Legislature's contribution to LEAG for the 1981 calendar year to \$30,000 would not preclude an application to the National Science Foundation for the State Science, Engineering and Technology program by the May 22 deadline, but probably would force a reduction in the amount of the funds being sought. He explained that it is unlikely that enough additional in-kind contributions could be identified or arranged to permit a request for funding at the level contemplated in the March 19 proposal.

Senator Ramsey's motion to amend the original motion was then adopted by a voice vote, Senators Coleman and Murray and Representative Anderson voting no.

The original motion, as amended, was then adopted by a roll call vote of 15 to 2, all Council members present voting in the affirmative except Representatives Stromer and Welden.

Speaker Harbor recognized Mr. Garrison, who noted that there had been distributed to Council members present a list of legislative study requests for the 1980-81 interim, prepared by the Legislative Service Bureau. He noted that two of the studies listed--the County Home Rule Study and the Court Study--were begun during the previous interim and that members of these study committees would like authorization to resume their work as soon as possible during the present interim. He also stated that Senator Lucas DeKoster and Representative Nancy Shimanek, co-chairs of the Court Study Committee, had asked that a representative of the judicial branch and a representative of the executive branch be added to that committee.

After a brief discussion, Senator Hultman moved that the County Home Rule Study Committee and Court Study Committee each be granted initial authority for four meeting days during the current legislative interim, subject to further review by the Council as may be appropriate. The motion was seconded by Senator Coleman, and adopted by a unanimous voice vote.

There was a short discussion of procedure for review of legislative study requests for the 1980-81 interim, in the course of which Representative Welden inquired whether the Council's Studies Committee has a budget goal to use as a guideline in its deliberations. Senator Hultman replied that last year, where studies were not mandated, the criteria used was the likelihood that the studies would be acted on by the 1980 Session. Also, there was an attempt to restrict the total number of interim meeting days. There was some additional discussion, with particular reference to the budget guidelines adopted during the 1980 Session by both the Senate and House.

It was noted that there had also been distributed to Council members copies of a compilation of educational leave reports received by the Service Bureau, pursuant to the requirements of

section 79.1 of the Code, during the period since the Council's March 19 meeting. Senator Coleman moved that the report be received, and the motion was seconded by Senator Hultman. In response to an inquiry by Representative Welden, Mr. Garrison stated that study drafts based on the recommendations of the Council's 1979 Educational Leave Subcommittee had been transmitted to the presiding officers of the two houses and were presumably referred to the appropriate standing committees, but that no action had been taken on these drafts.

Senator Coleman's pending motion was adopted by a unanimous voice vote.

After a short discussion, it was agreed that the Council's Studies Committee will meet in Des Moines at 9:00 a.m. on Thursday, June 5. The Fiscal Committee will meet on the afternoon of Tuesday, June 10, and the Council's Administration Committee will also meet sometime during that day. The Legislative Council's next meeting will be held on Wednesday, June 11, and it is anticipated that the recommendations of the Studies Committee with respect to 1980-81 interim legislative study requests will be the main order of business at that meeting.

Senator Rush asked that the matter of the Governor's exercise of the item veto also be placed on the agenda for consideration at the next Council meeting, asserting that the item veto has been used four times within the past 12 months in a manner contrary to the decision of the Iowa Supreme Court in Welden v. Ray.

On motion of Representative Jesse, the Council adjourned at 2:55 p.m.

Respectfully submitted,

PHILIP E. BURKS
Senior Research Analyst

SERGE H. GARRISON
Director