

MINUTES
IOWA LEGISLATIVE COUNCIL
November 19, 1991

PRELIMINARY BUSINESS

The eighth meeting of the 1991-1992 Legislative Council was called to order by the Chairperson, Speaker Bob Arnould, at 1:14 p.m., Tuesday, November 19, 1991, in Senate Committee Room 22, Statehouse, Des Moines, Iowa. Members present in addition to Chairperson Arnould were:

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 Janet Adams
Representative Clifford O. Branstad
Representative Kay Chapman
Representative John H. Connors
Representative Mary Lundby
Representative William H. Harbor
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. Sandy Scharf, Director, Computer Support Bureau; Mr. William Angrick, Citizens' Aide/Ombudsman; Mr. Jack Dwyer, Secretary of the Senate; Mr. Joe O'Hern, Chief Clerk of the House of Representatives; other legislative staff members; representatives of the news media; and other interested persons.

ROLL CALL AND MINUTES

Chairperson Arnould noted that the roll had been taken as the members arrived and recognized Representative Connors who moved to approve the minutes of the meeting of October 16, 1991, as submitted. There being no additions or corrections, the motion was adopted.

REVISED EDUCATION LEAVE REPORT

Chairperson Arnould recognized Ms. Bolender who stated that the Education Leave Report submitted to the Legislative Council at its October 17 meeting was incomplete. She added that following the October meeting, additional reports of educational leave were received from the Department of Personnel. She stated that pursuant to section 79.25, all agencies are required to file the Education Leave Reports with the Department of Personnel and the Legislative Council by October 1 of each year; however, some reports were filed only with the Department of Personnel and they are included in this revised report.

There being no further comments, Representative Connors moved that the Revised Education Leave Report be received and filed. The motion was adopted.

PRINTING COST OF SUPPLEMENT TO THE 1991 CODE OF IOWA

Chairperson Arnould next recognized Ms. Bolender regarding a letter received from the Department of General Services recommending a selling price for the Supplement to the 1991 Code of Iowa. She stated that Ms. Kristi Little, Superintendent of Printing, recommends that the 1991 Code Supplement be sold for \$31.60 plus \$1.26 sales tax.

There being no comments, Representative Connors moved that the recommendation of Ms. Little be approved as submitted. The motion was adopted unanimously.

A copy of Ms. Little's letter to the Legislative Council is attached to and by this reference made a part of these minutes.

PROPOSED COURT RULES

Chairperson Arnould next recognized Senator Doyle for an explanation of the proposed Court Rule Changes as submitted by Chief Justice Arthur A. McGiverin. Senator Doyle stated that the first change proposed by the Supreme Court is to strike Iowa Rule of Civil Procedure 174 which provides that if a trial is by jury after

a change of venue pursuant to Rule of Civil Procedure 167, the court is to certify the county costs incurred by the county where the action is tried, and the county where the action is originally brought is to pay the difference between the amount certified and the jury fee taxable as part of the costs in the action.

Senator Doyle stated that the second change is an amendment to Iowa Rules of Appellate Procedure 3, which provides that except where the action involves an interest in real estate, an appeal of right from any action not originally tried as a small claim can only be brought if the amount in controversy, as shown by the pleadings, is \$5,000 or more. He added that previously, the amount in controversy had to be \$3,000 or more. Senator Doyle further noted that discretionary appeals will still be available where the amount in controversy is less than \$5,000.

There being no further comments, Senator Doyle moved that the Proposed Court Rule Changes be accepted without a delay in implementation. The motion was adopted.

A copy of the Proposed Court Rule Changes is filed with the Legislative Service Bureau.

REPORT OF THE ADMINISTRATION COMMITTEE

Representative Mike Peterson was recognized by Chairperson Arnould for the Report of the Administration Committee. Representative Peterson stated that the Administration Committee met on November 19, 1991, without a quorum, and therefore makes the following requests in lieu of recommendations. He stated that the first request is that the Legislative Council address the issue of free distribution of the Code and other legal publications by requesting the President of the Senate and the Speaker of the House to ask the appropriate standing committees to study the issue. Second, he stated that the Committee requests that the Legislative Council contact the Superintendent of Printing and request that a record-keeping system be established to track the number of Code and other legal publications which are ordered and received and to account for the free distribution or sales of the Code and other legal publications. Third, the Committee requests that the Legislative Council request the Supreme Court to direct the Supreme Court Administrator to establish a record-keeping procedure to track the number of Code and other legal publications which are ordered and received within the court system.

Next, Representative Peterson stated that the Committee requests the Legislative Council to authorize the Legislative Service Bureau to negotiate with West Publishing and other interested printing entities for the sale of printouts of the 1991 Session changes to the 1991 Code of Iowa, or to portions of the Code database. In addition, Representative Peters stated that the Committee requests the

Legislative Council to approve the sale of a portion of the electronic Code database pursuant to an agreement to be negotiated by the Legislative Service Bureau with Truart Color Graphic. Finally, the Committee requests the Legislative Council to again request the Appropriations Committees to discuss the issue of standby emergency generators and wiring and lighting plans which were previously submitted to the Legislative Council.

There being no comments, Representative Peterson moved the adoption of the Report of the Administration Committee. The motion was adopted.

A copy of the Report of the Administration Committee 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 Report of the Service Committee. Senator Welsh stated that the Report contains recommendations with regard to budget approvals for the central legislative staff agencies.

There being no comments on the Report, Senator Welsh moved the adoption of the Report of the Service Committee. The motion was adopted.

A copy of the Report of the Service Committee is attached to and by this reference made a part of these minutes.

REPORT OF THE STUDIES COMMITTEE

Chairperson Arnould recognized Senator Horn for the Report of the Studies Committee. Senator Horn presented a brief summary of the seven recommendations of the Committee to the Legislative Council. He recommended that item two, which provides for an additional meeting day for the Civil Penalty Process Review Study Committee, be amended to include an extension of the Studies Committee's completion deadline until December 20. There was no objection to this recommendation.

Concerning item seven of the Report, which provides for the establishment of an International Relations Committee of the Legislative Council, Senator Lind stated that he believes the proposed International Relations Committee should be a bipartisan committee rather than a partisan committee as it is described in the Report. He added that he recommends that the membership be reduced from 10 members to eight members so that each house will have two members from each party appointed to it. Chairperson Arnould responded that he does not see any difference between the proposed International Relations Committee and any other

Committee of the Legislative Council where the majority party has a controlling number of the members appointed to the committee.

Senator Rife commented that he thought the agreement was for a three-to-two majority/minority member split from each house, but the proposed outline for the Committee does not mention any balance between the majority and minority parties. Chairperson Arnould commented it is his belief that the Committee intended that there be a three majority to two minority member split from each house on the proposed Committee. He added that this is his understanding and he intends for the appointments to be made on that basis.

After further discussion, Senator Lind moved that the membership of the proposed International Relations Committee be reduced from 10 to eight members and that there be equal bipartisan appointments from each house to the Committee. He added that he does not want the proposed Committee to become partisan, but he is concerned that it will become partisan if the majority party has more members than the minority party.

After further discussion, Senator Lind's motion was defeated.

Representative Van Maanen requested that the minutes show that the intent of the Studies Committee is for three-member majority to two-member minority representation from each house on the proposed Committee and that the appointees be selected by the respective legislative leaders of each house. There were no objections.

Senator Horn moved the adoption of the Report of the Studies Committee. The motion was adopted. A copy of the Report of the Studies Committee is attached to and by this reference made a part of these minutes.

PROGRESS REPORT OF THE LEGISLATIVE FISCAL COMMITTEE

Chairperson Arnould recognized Senator Boswell for a progress report of the Legislative Fiscal Committee. Senator Boswell noted concerns had been raised concerning provision of information and gave a general outline of the contact which the interim legislative State Budget and Budgeting Practices Committee has had with the Governor's Committee on Spending Reform. He stated that Mr. David Fisher, Chairperson of the Governor's Committee on Spending Reform, agreed to share information with the legislative Committee so that there would not be overlap in the \$350,000 being spent for the services of Booze-Allen consultants. He stated that the two Committees agreed that they should share information so that there would not be duplication in the expenditure of funds in completing their respective tasks. However, Senator Boswell stated that the Legislative Fiscal Bureau staff has been having considerable difficulty obtaining detailed information from the staff of the

Governor's Committee. He added that even though the Governor's Committee is subject to the open meetings and open records laws of the state, the Governor's Committee appears reluctant to provide any reasonably detailed information prior to the submission of its final report in mid-December. Senator Boswell stated that it will be difficult for the legislative Committee to complete its work without obtaining the same type of consulting services at additional cost if this information from the Governor's Committee is not made available.

Chairperson Arnould stated that he understands the frustrations which result when legislators who are trying to proceed in a bipartisan manner receive little or no cooperation from the Governor's Committee at a time when it is sorely needed.

Representative Van Maanen commented that the Governor's Committee has two legislators appointed from each party, so he does not understand the concern that information is not forthcoming when it is available to both political parties.

Representative Connors commented that the legislative Committee should contact the Attorney General's office to institute legal proceedings if necessary to compel the Governor's Committee to comply with the state laws regarding open meetings and open records.

Representative Harbor stated that he does not understand why the legislative Committee cannot wait until December 17 or 18 to receive the report when it is completed by the Governor's Committee. Senator Boswell responded that approximately \$350,000 is being spent on the Governor's Committee and this detailed information should be available to the General Assembly before the report is final so that the same time and money is not spent collecting the same information on behalf of the General Assembly.

Senator Welsh stated that the Governor's office must realize that the General Assembly needs the full budget package before the Governor's "State of the State" address. He stated that the date for receiving the Governor's budgetary proposals and related information has been set in a bipartisan manner and must be kept.

After further discussion, Senator Rife asked if the Tax Fairness and Equity Study Committee has employed a consultant to assist in its interim study. He added that it is not clear to him what procedures are necessary to employ a consultant for the legislative study. Mr. John Pollak, Committee Services Administrator, replied that the Legislative Council will have to approve the employment of a consultant for the legislative Committee.

STATE EMPLOYEE MOVING REIMBURSEMENT POLICY

Chairperson Arnould next recognized Senator Welsh concerning agency policies relating to moving or transfer reimbursement costs for state employees. Senator Welsh stated that the Iowa Department of Transportation has a reimbursement policy for its employees which has not been adopted by the Commission. He stated that there appears to be a sizable difference in the moving cost reimbursement from one state agency to another. He added that, in one case, approximately \$22,000 was reimbursed to a state employee while, in other cases, a much lower maximum is allowed, and there are no payback penalties if a state employee does not remain employed for at least one year. Senator Welsh moved that the Legislative Fiscal Committee be assigned to review the various moving reimbursement policies by state agencies. Senator Rife and Senator Lind stated that there appears to be a need for a change in the moving or transfer reimbursement policy and that all state agencies, not just the Iowa Department of Transportation, should be reviewed.

Senator Husak stated that the Legislative Fiscal Committee should report its findings at the December meeting of the Legislative Council and that additional meetings should be scheduled, if necessary, to carry out this request.

After further comments, Senator Welsh's motion was adopted.

1992 COUNCIL OF STATE GOVERNMENTS ANNUAL MEETING PLANS

Chairperson Arnould recognized Representative Connors who made brief comments about the status of the plans for the 1992 Annual Meeting of the Council of State Governments in Des Moines. He stated that a number of contacts have been made to businesses and corporations and some financial commitments have been made to help with the Annual Meeting. He further commented that Governor Terry E. Branstad has helped in making personal contacts to corporate leaders.

ADJOURNMENT

There being further business to come before the Legislative Council, Chairperson Arnould adjourned the meeting at 1:55 p.m.

Respectfully submitted,

DIANE BOLENDER
Director

THANE R. JOHNSON
Senior Research Analyst