

M I N U T E S

LEGISLATIVE COUNCIL

December 20, 1978

The fifteenth meeting of the 1977-1978 Legislative Council was called to order at 10:05 a.m., Wednesday, December 20, 1978 in Senate Committee Room 22 of the State House in Des Moines. Council members attending the meeting were:

Senator George R. Kinley, Chairperson
Speaker Dale M. Cochran, Vice Chairperson
Senator C. Joseph Coleman
Senator Lucas J. DeKoster
Senator Gene W. Glenn
Senator Philip B. Hill
Senator Calvin O. Hultman
Senator Fred W. Nolting
Senator William D. Palmer
Senator Richard R. Ramsey
Representative Gregory D. Cusack
Representative Donald V. Doyle
Representative Jerome D. Fitzgerald
Representative James I. Middleswart
Representative Floyd H. Millen
Representative Delwyn D. Stromer

Other persons present for all or portions of the meeting included several legislators not Council members who presented reports from various 1978 interim subcommittees, Director Serge Garrison and several members of the Legislative Service Bureau staff, Legislative Fiscal Director Gerry D. Rankin and some members of the Legislative Fiscal Bureau staff, and a number of other legislative staff personnel, representatives of the news media and other interested persons.

On motion of Representative Doyle, the minutes of the Council's November 8, 1978 meeting and of the Council's Administration Committee meetings of that date and December 6, 1978 were approved as submitted to Council members.

Representative Phil Davitt, Co-chairperson of the Partition Fence Law Subcommittee of the standing Senate Committee on Judiciary and House Committee on Judiciary and Law Enforcement, was recognized to present the report of the Subcommittee. At the conclusion of Representative Davitt's presentation the Council voted unanimously to receive the report, on motion of Senator Nolting.

Legislative Service Bureau Legal Counsel T. J. Braunschweig was recognized for the report of the joint

Subcommittee on Public Employee Retirement Systems of the standing Senate and House Committees on State Government. Council members directed to Mr. Braunschweig a number of questions regarding the Subcommittee's study and its recommendations. On motion of Senator Nolting, the report was received by a unanimous voice vote of the Council.

Senator Nolting, Co-chairperson of the special joint Subcommittee on Urban Revitalization drawn from the Senate and House Cities Committees and the Senate and House Ways and Means Committees, was recognized to present the report of the Subcommittee. Council members directed to Senator Nolting a few questions regarding the Subcommittee's study and its recommendations. On motion of Representative Cusack, the Council accepted the Subcommittee's report by a unanimous voice vote.

Senator Norman Rodgers, Chairperson of the Subcommittee on Hazardous Waste of the Senate Committee on Energy, was recognized for the report of that Subcommittee. Council members briefly discussed the report, directing a few questions to Senator Rodgers. On motion of Senator Hill, the Council accepted the Subcommittee's report by a unanimous voice vote.

Senator Rodgers was next recognized as Chairperson of the Senate Committee on Ways and Means, for the purpose of presenting the Property Tax Study Subcommittee's report. Senator Rodgers first noted the resignation from the Subcommittee, in November, of Senator Lowell Junkins and reported that he had appointed Senator Palmer to the Property Tax Subcommittee succeeding Senator Junkins as of November 27, 1978. On the motion of Senator Nolting, the Council approved the appointment of Senator Palmer to the Subcommittee effective on that date.

Senator Rodgers then presented the Property Tax Subcommittee's report, and responded to a number of questions from Council members. On motion of Senator Nolting, the Council received the Subcommittee's report by a unanimous voice vote.

Representative Robert Anderson, Co-chairperson of the Income Tax Subcommittee of the standing Senate and House Committees on Ways and Means, was recognized to present the report of that Subcommittee. At the conclusion of Representative Anderson's presentation, Council members directed to him several questions regarding the Subcommittee's report and recommendations. On motion of Senator Hill, the Council received the Subcommittee's report by a unanimous voice vote.

Senator Hultman was recognized, and commended Senator Kinley for his service as Council Chairperson over the past two years. At Senator Hultman's request, Mr. Garrison presented to Senator Kinley a gift from other members of the 1977-1978 Legislative Council. Senator Kinley opened the gift, a gavel

mounted upon a suitably inscribed plaque, and expressed his appreciation for the cooperation and assistance of Council members and of the Legislative Service Bureau and Legislative Fiscal Bureau Directors and personnel over the past two years.

Representative Lyle Scheelhaase was recognized as Chairperson of the House Committee on Agriculture, and presented the report of the joint Subcommittee on Young Farmers Loan Programs. After some discussion of the Subcommittee's report and recommendations, Representative Cusack moved that the report be received by the Council. The motion was adopted by a unanimous voice vote.

Representative Cusack, a member of the New State Mental Health Agency Structure Subcommittee of the standing Senate and House Committees on Human Resources, was recognized to present that Subcommittee's report. Upon conclusion of Representative Cusack's presentation, Senator Hill moved that the Council receive the report and the motion was adopted by a unanimous voice vote.

Representative John Connors was recognized as Chairperson of the House Committee on Labor and Industrial Relations, and presented the report of the joint Mandatory Retirement Study Subcommittee. After a brief discussion of the Subcommittee's report and recommendations, Representative Cusack moved that the Council receive the report. The motion was adopted by a unanimous voice vote.

Senator Bass Van Gilst was recognized as Chairperson of the Senate Committee on Agriculture, and presented the report of the joint Subcommittee on Grain Deposit and Handling. Council members directed to Senator Van Gilst a number of questions regarding the Subcommittee's report and its recommendations. On motion of Senator Hultman, the Council received the report by a unanimous voice vote.

Representative Linda Svoboda, Co-chairperson of the joint Subcommittee on Nuclear Power Plant Operations of the Senate and House Committees on Energy, was recognized to present the report of the Subcommittee. There was some discussion of the Subcommittee's report and its conclusions, Senator Coleman (who also served on the Subcommittee) offering a number of comments. On motion of Senator Nolting, the Council received the Subcommittee's report by a unanimous voice vote.

Representative John Patchett was recognized as Chairperson of the House Committee on Education, and presented the report of the joint Subcommittee on Proposed in School Aid Formula. Council members directed to Representative Patchett a few questions regarding the Subcommittee's report and its recommendations. On motion of Senator Nolting, the Council received the Subcommittee's report by a unanimous voice vote.

The Council recessed for lunch at 12:00 noon, and reconvened in Senate Committee Room 22 at 1:20 p.m.

Chairperson Kinley recognized Speaker Cochran, Chairperson of the Council's Administration Committee, who presented the report of that Committee pursuant to its meetings on the afternoon of November 8 and on December 6. The report and accompanying materials related to the orientation conference for new legislators, scheduled for January 3-4, 1979, and to the Administration Committee's concern in regard to fire safety in certain areas of the Capitol Building.

On motion of Representative Middleswart, the plans for the orientation conference as outlined in the report were approved by the Council.

After a brief explanation of the resolution in regard to fire safety, Speaker Cochran moved that the Administration Committee's report be received. The motion was adopted by a unanimous voice vote.

Senator John Scott, Co-chairperson of the joint Subcommittee on Resource Recovery of the Senate and House Committees on Energy, was recognized to present the report of the Subcommittee. At the conclusion of the presentation, Representative Doyle moved that the Council receive the report and the motion was adopted by a unanimous voice vote.

Representative Middleswart was recognized as Chairperson of the House Committee on Natural Resources, and presented the report of the joint Subcommittee on Water Laws Study. Upon conclusion of his presentation, Representative Middleswart moved that the Council receive the Subcommittee's report. The motion was adopted by a unanimous voice vote.

Chairperson Kinley next recognized Director of the Department of General Services, Stanley McCausland, who had arrived at the Council meeting a few minutes earlier. Mr. McCausland explained that Representative Glenn Brockett, a member of the Capitol Planning Commission, had been scheduled to join him in this presentation but had been prevented from reaching the meeting due to poor road conditions.

Mr. McCausland then presented drawings of, and described in some detail, two alternative plans for development of underground parking facilities in the area lying east of the State House and west of East 12th Street. He noted that Council members had, some months earlier, indicated approval of his suggestion that a report be prepared on the feasibility of constructing a 250-car underground parking structure as a possible initial phase in implementation of the 1974 master plan for the Capitol Mall Project. He added that in fact two alternative plans had been prepared.

Mr. McCausland stated that the estimated cost of the plan identified as Plan A, which calls for initial construction of a single-deck parking facility with a capacity of 255 cars (replacing 253 on-grade parking spaces), is \$5,050,000. The estimated cost of completing Plan B, calling for construction of a 2-deck parking facility with a capacity of 426 cars, and also including 36,000 square feet of office space at the State House cellar level, is \$12,050,000.

Mr. McCausland remarked that the original concept of the Capitol Mall Project had included a new central cafeteria below ground level immediately east of the State House. However, he suggested that various factors make it feasible and perhaps preferable to locate the new cafeteria below ground level adjacent to the Lucas State Office Building. He added that the Lucas Building, constructed in 1950, is no longer in compliance with a number of current requirements, including parts of the life safety code and federal regulations regarding access for the handicapped in public buildings. He said that while the cost of bringing the building into compliance with these standards would be significant, it would be far less than the cost of constructing a new building of similar size. He continued that the Grimes State Office Building, which is much newer, is in compliance with most of the standards in question.

Council members discussed the two alternative plans and the associated cost with Mr. McCausland for several minutes. The plans are described in a booklet labeled "Parking Structure Feasibility Study" prepared by the Hansen Lind Meyer architectural firm of Iowa City. A copy of the booklet is on file with the Legislative Service Bureau, and additional copies were provided by Mr. McCausland for transmission to the appropriate appropriations subcommittees of the 68th General Assembly. The large drawings used by Mr. McCausland in his presentation were also left with the Legislative Council for delivery to the Legislative Fiscal Bureau.

Chairperson Kinley thanked Mr. McCausland for his presentation, and recognized Representative Doyle, Co-chairperson of the joint Subcommittee on Penal and Correctional Institutions and County Jail Study of the Senate Judiciary and House Judiciary and Law Enforcement Committees. Representative Doyle presented the Subcommittee's report, and moved its acceptance by the Council. The motion was adopted by a unanimous voice vote.

Senator Cloyd Robinson, Co-chairperson of the joint Subcommittee on Share Drafts of the Senate and House Committees on Commerce, was recognized to present the report of the Subcommittee. Council members directed to Senator Robinson a few questions regarding the Subcommittee's study and its report. On motion of Senator Nolting, the Council received the Subcommittee's report by a unanimous voice vote.

Legislative Service Bureau Legal Counsel Larry Burch was recognized for the report of the Subcommittee on Product Liability of the Senate and House Committees on Commerce. In the course of his presentation, Mr. Burch noted that the Iowa Bar Association had tendered to the Subcommittee a check in the amount of \$5,000 for use in a more extensive study of the subject of product liability as it affects manufacturers and other businesses in Iowa, conditioned upon contribution of a similar amount for the same purpose by the Iowa Manufacturers Association. In the absence of any other instructions as to disposition of the Iowa Bar Association check, Mr. Garrison had directed that it be placed with the Treasurer of State for safekeeping. The check had not been negotiated because, aside from questions about the authority to accept such contributions, the conditions imposed by the Bar Association had not been met.

Representative Millen stated he does not consider it appropriate for the General Assembly to accept contributions from interest groups for the cost of legislative studies, and moved that the Council direct Mr. Garrison to return the check to the Iowa Bar Association. The motion was seconded by Representative Cusack and, after some discussion, was adopted by a voice vote.

On motion of Representative Doyle, the Council voted unanimously to receive the Product Liability Subcommittee's report.

Representative Wally Horn, Co-chairperson of the interim Area School Funding Subcommittee of the joint Budget Subcommittee on Education, was recognized to present the report of the interim Subcommittee. At the conclusion of the presentation, Senator Nolting moved that the Council receive the report and the motion was adopted by a unanimous voice vote.

Representative Robert Anderson, Co-chairperson of the Subcommittee on Juvenile Services and the Impact of the Juvenile Justice Law of the standing Senate and House Committees on Human Resources, was recognized to present the report of the Subcommittee. After a brief discussion of the report and recommendations, the Council voted unanimously to receive the report on motion of Representative Doyle.

Representative Donald Avenson, Co-chairperson of the Subcommittee on Reorganization of the Department of Environmental Quality of the Senate and House Committees on State Government, was recognized to present the report of that Subcommittee. Council members directed to Representative Avenson a few questions regarding the Subcommittee's report and recommendations. On motion of Senator Nolting, the Council received the Subcommittee's report by a unanimous voice vote.

Chairperson Kinley recognized Representative Cusack, Co-chairperson of the Legislative Fiscal Committee, who presented the

Fiscal Committee's report covering its activities during the 1978 legislative interim. A copy of the report is attached to and by this reference made a part of these minutes.

After a discussion of current Medicaid costs, and in particular the current Medicaid nursing home reimbursement formula, Representative Cusack moved that the Council accept the Fiscal Committee's report. The motion was adopted by a unanimous voice vote.

At Chairperson Kinley's request, Mr. Garrison distributed to Council members present copies of correspondence relating to interpretation of a particular provision of the statute establishing and governing the operation of the Office of the Citizen's Aide. Chairperson Kinley noted that at the close of the previous Council meeting, he had acknowledged receipt of a letter dated November 6, 1978 from Citizens' Aide Bill Angrick, suggesting that it would be helpful to have a clarification of the intent of section 601G.8 of the Code as regards the right of an individual legislator, as opposed to the General Assembly or one of its committees, to require disclosure of otherwise confidential matter in the files of the Citizens' Aide. Chairperson Kinley had at that time requested that Senator Hill and Representative Doyle look into this matter, and they subsequently had responded to him by means of a letter dated November 20, signed by Senator Hill on behalf of himself and Representative Doyle. In the letter, they expressed some reservation as to the power of the Legislative Council to "clarify" a section of the Code, but expressed the view that no individual legislator can compel the Citizens' Aide to reveal confidential information if the Citizens' Aide chooses not to do so. A copy of Senator Hill's letter to Chairperson Kinley is attached to and by this reference made a part of these minutes. (A copy of Mr. Angrick's November 6 letter to Chairperson Kinley is attached to the minutes of the Council's November 8, 1978 meeting.)

There was next distributed to Council members present a compilation of reports of educational leave received by the Legislative Service Bureau for submission to the Council during the period since the previous Council meeting. On motion of Representative Doyle, this report was received.

Mr. Garrison noted that in a letter sent to members of the Council prior to the present meeting, he had reported the resignation from the Service Bureau staff of Legal Counsel T. J. Braunschweig, effective January 2, 1979, and had enclosed the resume of the proposed successor to Mr. Braunschweig on the staff, Mr. Gary Kaufman. Mr. Garrison stated he proposes to employ Mr. Kaufman as a Legal Counsel I, at grade 29, step 3, which carries an annual salary of \$17,004. On motion of Representative Doyle, the Council unanimously approved the employment of Mr. Kaufman.

Mr. Garrison noted that pursuant to the statutory duty of the Legislative Council to establish grievance procedures for employees of the Legislative Service Bureau, Legislative Fiscal Bureau and Office of the Citizens' Aide, he had prepared a draft of such procedures. The draft had been reviewed and agreed to by the respective administrators and staffs, and had been submitted to Council members prior to the present meeting. On motion of Senator Hill, the grievance procedures were adopted by a unanimous voice vote of the Council.

Service Bureau Senior Counsel Bernie Koebernick was recognized for the report of the Local Effort Highway Funding Subcommittee of the Senate and House Committees on Transportation. At the conclusion of Mr. Koebernick's presentation, Senator Hill moved that the Council receive the Subcommittee's report. The motion was adopted by a unanimous voice vote.

There being no further business to come before the Council, the meeting was adjourned at 3:05 p.m.

Respectfully submitted,

PHIL E. BURKS
Senior Research Analyst

SERGE GARRISON
Director