

M I N U T E S

LEGISLATIVE COUNCIL

September 27, 1978

The thirteenth meeting of the 1977-78 Legislative Council was called to order at 10:20 a.m., Wednesday, September 27, 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 of the House Dale M. Cochran, Vice Chairperson
Senator C. Joseph Coleman
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 W.R. Monroe, Jr.
Representative Delwyn D. Stromer
Representative Andrew P. Varley

Other persons present for the meeting included Director Serge Garrison, Senior Research Analyst Phil Burks and Senior Legal Counsel Bernie Koebernick of the Legislative Service Bureau; Principal Fiscal Analyst Dennis Prouty of the Legislative Fiscal Bureau; Citizens' Aide Bill Angrick; and House Legal Counsel Dan Dudley. Several additional legislative staff persons, representatives of the news media and other interested persons also attended the meeting.

Chairperson Kinley noted that Representative Monroe had been appointed by Speaker Cochran to serve the unexpired term on the Council vacated by the resignation from the House of Representatives of former Representative William Hargrave.

There was distributed to Council members present a notation of two reports of educational leave which have been received by the Legislative Service Bureau for submission to the Council, during the period since the Council's previous meeting. On motion of Representative Doyle, the report was received by the Council.

Chairperson Kinley recognized Mr. Garrison, who noted that there had been distributed to Council members present

information relative to a proposal by Mr. Garrison to establish within the Legislative Service Bureau staff the position of Legal Editor, with a grade 38 salary rate (\$23,478-\$33,046 annually). Mr. Garrison explained that the primary duty of the Legal Editor would be to review legislation drafted by other attorneys employed by the Service Bureau, and to teach new staff members bill drafting and related procedures. He commented that the Legal Editor might be assigned some normal bill drafting duties and committee staffing duties, to the extent these duties could be carried out without interfering with the Legal Editor's primary functions.

Mr. Garrison added that he would propose to employ as acting Legal Editor Mrs. JoAnn Brown, who is presently completing a 90-day period of temporary employment replacing Research Analyst Diane Bolender, who has been on extended sick leave. He explained that he is proposing to designate Mrs. Brown as acting Legal Editor because her prior service with the Service Bureau and elsewhere would entitle her to a salary level, within grade 38, higher than it is possible to pay her within the limitations of funds presently available to the Service Bureau. Mr. Garrison added he would expect to advance Mrs. Brown to the salary to which she is actually entitled when it is certain that sufficient funds are available, either later this fiscal year or at the beginning of the next fiscal year on July 1, 1979.

In conclusion, Mr. Garrison stated that he has wanted to create the position of Legal Editor on the Service Bureau staff for some time, but that no qualified person was available to fill this position who was not already committed to one or more other areas of endeavor within the Service Bureau.

Representative Stromer moved that Mr. Garrison's recommendations for establishment of the position of Legal Editor, and for employment of Mrs. JoAnn Brown in that position, be approved. After a brief discussion, in the course of which Mr. Garrison explained that funds available resulting from staff turnover situations would be used this fiscal year, the motion was approved by a unanimous voice vote.

It was noted that at the Council's previous meeting, Council members had been informed of the House appointees to the joint Subcommittee on Funding of Area Community Colleges and Vocational Schools of the respective Budget Education Subcommittees. Mr. Garrison reported that Senate Budget Education Subcommittee Chairperson Bass Van Gilst has now designated himself, Senator C. W. Hutchins and Senator John N. Nystrom to serve on this Subcommittee. On motion of Senator Hultman, the Senate appointees to this joint Subcommittee were approved by a unanimous voice vote.

Chairperson Kinley stated that the next item on the Council's agenda, consideration of the House National Guard Study Committee proposal, would be momentarily deferred.

The Council then began consideration of requests received from joint interim subcommittees for authorization for additional meetings. The first request considered was that submitted by Senator John Scott and Representative Lyle Scheelhaase, Co-chairpersons of the Young Farmers Loan Program Subcommittee of the standing Committees on Agriculture.

There were distributed to Council members present copies of a letter signed by Representative Scheelhaase, explaining the reason this Subcommittee believes that two additional days of meetings during the current interim will be needed in order to satisfactorily conclude the Subcommittee's work. A letter also requested authorization to pay the expenses of Mr. Daniel Garry, Administrator of the Minnesota Family Farm Security Program, for attending the Subcommittee's next meeting in order to explain the operations of the Minnesota program. The total expense involved in bringing Mr. Garry to Des Moines was estimated at \$110.

Senator Coleman moved that the Council approve the request of the Young Farmers Loan Program Subcommittee. Senator Philip Hill moved to amend Senator Coleman's motion so as to limit total expenses for bringing Mr. Garry to Des Moines to \$140. In response to questions by Senator Hultman, Senator Philip Hill stated that it is the intent of his motion that the \$140 maximum limit include any per diem payment which might be made to Mr. Garry, and Mr. Garrison stated that the proposal does not appear to provide for any per diem.

Senator Philip Hill's amendment was then adopted by a unanimous voice vote. After a brief further discussion, Senator Coleman's motion as amended was adopted by a divided voice vote.

The Council then resumed consideration of the House National Guard Study Committee proposal, which had been brought before it at the meeting two weeks prior to the present date. At that meeting, while the Council was deliberating a motion by Speaker Cochran to approve the proposed budget for the House National Guard Study Committee, Senator Eugene Hill had raised the point of order that the Speaker's pending motion was out of order because the subject matter is not a proper one for the Council to determine. At that time, Chairperson Kinley had stated that he would take this point of order under advisement and would rule on it at a later date.

There were distributed to Council members present copies of a memorandum concerning the constitutional and statutory authority of the Iowa House of Representatives to employ persons it deems necessary for the conduct of its business. The memorandum had been prepared by the Legislative Service Bureau at the request of Chairperson Kinley.

Chairperson Kinley then ruled that Senator Eugene Hill's point of order at the last preceding Council meeting was well taken, and that the Council has no jurisdiction to approve or disapprove the House's study of the Iowa National Guard.

Speaker Cochran inquired whether Chairperson Kinley's ruling means that the House is free to proceed with the Iowa National Guard study. Chairperson Kinley replied that the House had adopted House Resolution 147 during the 1978 Session, and can proceed on that Resolution as it sees fit. In reply to a further question from Speaker Cochran, Senator Kinley stated that if the same set of circumstances were to apply to the Senate which now apply to the House with respect to the National Guard study, the Senate would have the right to proceed on its own authority. Senator Kinley added he would assume the House has the same right.

Representative Stromer then inquired who will sign the requisitions for the necessary expenses. Mr. Garrison replied that as the National Guard study is an internal House matter, the Speaker will have authority to sign for such expenditures.

Representative Stromer then explored with Mr. Garrison what the situation would have been, at the time the new Senate and House voting machines were installed, if the Senate had elected not to install such equipment and had left it to the House to replace its existing machine. Mr. Garrison replied that this could have been handled either by the House on its own authority, in generally the same manner as now apparently will be done with respect to the National Guard study, or by the Council under its authority to incur expenses for "preparations of the legislative chambers, legislative offices, or other areas or facilities used or to be used by the legislative branch of government," under sections 2.43 and 2.12 of the Code.

Representative Stromer suggested that Chapter 2 of the Code might well be clarified in respect to some of the provisions which had just been discussed. Mr. Garrison agreed.

The Council next took up the request of the joint Subcommittee on New State Mental Health Agency Structure of the standing Committees on Human Resources for two additional meeting days during the current interim. Chairperson Kinley noted that neither a motion to approve a similar request, nor an alternative motion to allow this Subcommittee a single additional meeting day, had received sufficient votes for adoption at the preceding Council meeting.

At the request of Chairperson Kinley, Mr. Burks briefly set forth the reasons for the Subcommittee's request as explained in a letter written to Chairperson Kinley by Mr. Burks on behalf of Subcommittee Co-chairpersons Senator Tom Slater and Representative Joyce Lonergan. Copies of the letter had been distributed to Council members present. Mr. Burks noted that three of the five public hearings scheduled by the Subcommittee have already been held, at Storm Lake on September 18 and at Council Bluffs and Des Moines on September 19.

In response to questions by Senator Philip Hill, it was noted that attendance at the first three public hearings, and particularly actual participation in the hearings, has been somewhat less than had been anticipated. Representative Cusack added that the Subcommittee members are particularly concerned that persons associated with the state mental health institutes have not participated in any of the hearings, and indicated that steps are being taken to try to encourage participation by such persons in the remaining hearings.

Representative Cusack then moved that the request of the Subcommittee on New State Mental Health Agency Structure for two additional meeting days be approved. In support of the motion, he offered a number of comments regarding the Subcommittee's plans and objectives.

Senator Philip Hill moved to amend Representative Cusack's motion as to authorize only one additional meeting day rather than two. Senator Hill explained that he believes the Subcommittee will be able to complete everything it can reasonably be expected to accomplish in only one additional meeting after its hearings are concluded.

Senator Coleman inquired whether the jurisdiction of the Subcommittee covers intermediate care facilities for the mentally retarded, adding that he had just recently learned that there are indications of a potential monopoly developing in operation of such facilities within this state. Representative Cusack replied that he is certainly concerned about any such indications, and is anxious for additional information, but that the matter is not within the purview of the Subcommittee on New State Mental Health Agency Structure.

Senator Philip Hill's proposed amendment to Representative Cusack's motion was defeated on a divided voice vote. Representative Cusack's original motion was then approved, also by a divided voice vote.

Chairperson Kinley recognized Senator Ramsey, as Co-chairperson of the Partition Fence Laws Subcommittee of the Senate Committee on Judiciary and House Committee on Judiciary and Law Enforcement to present the request of the Subcommittee for authorization of one additional meeting day during the current interim. A letter briefly describing the Subcommittee's work to date, and explaining the reason one additional meeting day is needed, had been distributed to Council members present.

Senator Ramsey moved that the Subcommittee's request be approved. The motion was adopted by a divided voice vote.

Senator Nolting noted that minutes of the Council's September 13, 1978 meeting had been distributed to Council members at the beginning of the present meeting. He moved that the minutes of the September 13 meeting be approved as distributed. The motion was adopted by a unanimous voice vote.

Chairperson Kinley stated that the present meeting would serve in lieu of the Council's regular October meeting, and that therefore the Council's next meeting would presumably be held on the second Wednesday in November, which this year is November 8, 1978. He pointed out that that date is the day after the general election, and inquired whether Council members therefore wished to postpone the meeting. After brief discussion it was agreed to hold the next Council meeting on November 8.

The meeting was adjourned at 11:20 a.m.

Respectfully submitted,

SERGE GARRISON
Director

PHIL BURKS
Senior Research Analyst