

M I N U T E S

IOWA LEGISLATIVE COUNCIL

August 20, 1975

The fourth meeting of the 1975-1976 Iowa Legislative Council was called to order by the Council Chairperson, Speaker Dale M. Cochran, at 10:15 a.m., Wednesday, August 20, 1975 in the Speaker's Room of the State House in Des Moines. Members attending the meeting in addition to Speaker Cochran were:

Senator Minnette F. Doderer, Vice Chairperson
Senator James E. Briles
Senator Lucas J. DeKoster
Senator Willard R. Hansen
Senator Eugene N. Hill
Senator George R. Kinley
Senator William D. Palmer
Senator Steve Sovern
Senator Bass Van Gilst
Representative Elmer H. Den Herder
Representative Donald V. Doyle
Representative Keith Dunton
Representative Jerome Fitzgerald
Representative William J. Hargrave
Representative James I. Middleswart
Representative Floyd H. Millen
Representative Delwyn Stromer

Legislative staff personnel attending the meeting included:

Mr. Clark Rasmussen, Secretary of the Senate
Mr. Steve Cross, Senate Legal Counsel
Mr. David Wray, Chief Clerk of the House
Mr. Dan Dudley, House Legal Counsel
Mr. Gerry Rankin, Director, Legislative Fiscal Bureau
Mr. Serge Garrison, Director, Legislative Service Bureau
Mr. Phil Burks, Senior Research Analyst, Legislative Service Bureau
Mrs. Frances Ann Bernabe, Executive Secretary to the Speaker of the House
Mrs. Maryjo Welch, Research Assistant to House Minority Leader
Mrs. Sandra L. Githens, Research Assistant to House Assistant Minority Leader
Mr. Ralph M. Kauffman, Administrative Assistant to Senate Minority Leader

A number of representatives of the news media and various other interested persons also attended the meeting.

On motion of Representative Den Herder, seconded by Representative Doyle, the minutes of the July 16 and July 23 Legislative Council meetings were approved as previously submitted to Council members.

There was a short discussion of future meeting dates for the Legislative Council, at the conclusion of which Representative Dunton moved that the third Wednesday of each month be made the Council's regular meeting day. The motion was seconded by Representative Den Herder and unanimously adopted.

Chairperson Cochran briefly noted certain items of business appropriate for submission to the Council's Administration Committee. He stated that there is need to give continuing consideration to space requirements of the General Assembly within the State House itself, adding that General Services Director Stanley McCausland has expressed a desire to have someone or some legislative committee or subcommittee designated to work with him on this matter. It was also noted that Mr. Garrison has requested policy guidance from the Legislative Council with regard to the mailing of material from the Service Bureau to various parties other than members of the General Assembly.

Chairperson Cochran recognized Chief Clerk Wray, who presented a report on bids for the remodeling of the office space behind the House chamber and submitted recommendations relative to the bids received. A copy of the report and covering letter setting forth the recommendations is attached to and by this reference made a part of these minutes.

Referring to Mr. Wray's request for authority to spend up to \$5,000 additional for change orders, with approval of Speaker Cochran and Lieutenant Governor Neu, Representative Stromer expressed concern about a change order approved by the former Legislative Council in connection with the air conditioning project undertaken two years ago. Representative Stromer expressed the view that the change order had essentially represented an increase in the price of materials on which the original bid was based, and added that he would not like to see any repetition of this kind of occurrence. Mr. Wray replied that he would consider any such change order to be a major change in the contract, requiring approval of the full Legislative Council.

Representative Stromer moved that the Legislative Council accept Mr. Wray's recommendations as set forth in the attached letter. The motion was seconded by Senator Hill. Responding to questions by Council members, Architect James Lynch stated that he considers the bids received on the remodeling project excellent and feels that the Council was very fortunate to request bids on the project at a time when circumstances elicited low bids from very reputable contractors. Representative Stromer's motion was then unanimously adopted.

The Council discussed possible dates for a meeting of Council members with Iowa's Congressional delegation in Washington,

D.C. Chairperson Cochran noted that U.S. Representative Neal Smith's administrative assistant had suggested holding the meeting on a Monday evening, possibly September 22 or September 29. Senator Hill suggested that perhaps the meeting could be held in conjunction with the annual meeting of the National Conference of State Legislatures on either October 6 or October 11. Representative Stromer noted that Congress will be in recess from October 9 to October 20.

Senator Kinley raised questions regarding the value of the trip to Washington by Council members, and the format of the proposed meeting. Senator Hill said he shares some of Senator Kinley's concerns and added that he believes the meeting arranged in 1973, when members of the Iowa Congressional delegation came to the State House to meet with Iowa legislators while the General Assembly was in session, was superior to any of the subsequent formal meetings between legislators and the Congressional delegation.

After further discussion, Senator Palmer moved that the Council instruct Mr. Garrison to examine possible arrangements for a Washington meeting with the Iowa Congressional delegation, determine whether appropriate federal executive branch people can also be present, and provide this information to the Council as a basis for a decision whether the proposed meeting would be worth the cost. The motion was seconded by Representative Dunton. In the course of further discussion, possible topics for discussion by Council members and the Iowa Congressional delegation which were suggested included various aspects of the energy crisis, funding of the Department of Health, Education and Welfare, and federal highway and road funding as well as funds for improvement and maintenance of railroad branch lines.

Senator Kinley moved, as a substitute for Senator Palmer's motion, that if Mr. Garrison obtains assurances from the Iowa Congressional delegation regarding participation by appropriate federal executive branch personnel, he should proceed with arrangements for the meeting in Washington, D.C.; otherwise, he should request the Iowa Congressional delegation to meet with Iowa legislators at the State House in much the same manner as was done in 1973. The substitute motion was seconded by Representative Dunton.

In the course of discussion on Senator Kinley's substitute motion, Mr. Garrison requested that members of the Council inform the Legislative Service Bureau as to what topics they desire to discuss with the Iowa Congressional delegation if the proposed meeting is arranged as requested.

Representative Fitzgerald moved to amend Senator Kinley's substitute motion so as to specify a tentative date of September 29 for the meeting. The motion was seconded by Senator Kinley, and after a brief discussion, adopted by a voice vote.

After further discussion, Senator Kinley's substitute motion as amended was adopted by a voice vote.

Representative Doyle noted that a meeting has recently been held by county supervisors, representatives of the Department of Revenue, and other concerned parties regarding administrative problems which have arisen in connection with transfer of title to real property, because of certain provisions of the legislation shifting the beginning of the fiscal year for local taxing jurisdictions in Iowa from January 1 to July 1. Representative Doyle asked that the House and Senate legal counsels or the Property Tax Study Committee be directed to follow up on this matter, so that the Legislature can be aware of pertinent developments. After some discussion, Senator Hill moved that the matter be referred to the Property Tax Study Committee, and that the Study Committee be authorized to seek assistance from the Senate and House legal counsels. No objection being expressed, Chairperson Cochran so ordered.

Representative Hargrave expressed serious concern about the handling by the Department of Public Safety of a situation in which a liquor enforcement agent in Iowa City who refused a transfer elsewhere in the state was dismissed, appealed the dismissal, and has been maintained on the Department's payroll for some thirteen and one-half months while the appeal was pending but was given no work to do during that time. Representative Hargrave said he considers this flagrant misuse of tax money, and asked that the Legislative Fiscal Committee be requested to determine the extent of this practice and what can be done to bring such practices to an end. Representative Stromer objected, commenting that it is poor precedent for the Legislative Council to undertake investigations of specific practices in executive branch agencies to which Council members may take exception.

Representative Fitzgerald commented that there should be no need for the Legislative Council or the Legislative Fiscal Committee to become directly involved, but that the Legislative Fiscal Bureau could obtain pertinent information and make it available to Council members. Representative Dunton agreed that this procedure would be appropriate and feasible.

There was further discussion of the particular situation to which Representative Hargrave referred, and the reasons why it had arisen. Representative Hargrave stressed that he is not so much concerned with why the agent was to be transferred, or why he was dismissed, as with the fact that the Department of Public Safety apparently kept the agent on the payroll during the pendency of his appeal but did not assign him any work to be done for the pay he was receiving. He added that in his view, the agent's refusal to accept the transfer did not equate with refusal to perform properly assigned duties in the Iowa City area.

It was agreed that the Legislative Fiscal Bureau would seek additional information about the situation to which

Representative Hargrave referred. The meeting was then recessed for lunch at 11:25 a.m., Chairperson Cochran noting that a meeting of the Council's Studies Committee would be held immediately upon the recess.

The meeting was reconvened by Chairperson Cochran in the Speaker's Room at 1:35 p.m. All Council members who had been present for the morning session also attended the afternoon session.

Chairperson Cochran recognized Senator Kinley to present the report of the Council's Studies Committee, pursuant to the Committee's meeting during the noon recess. A copy of the Studies Committee's report is attached to and by this reference made a part of these minutes.

Senator Kinley briefly explained items 1, 2, 3 and 5 of the report, and yielded to Representative Doyle to explain item 4. Representative Doyle outlined to the Council the information he had earlier presented to the Studies Committee. (See minutes of the Council's Studies Committee meeting of August 20, 1975.)

Senator Kinley moved that the Council accept the report of the Studies Committee. The motion was seconded by Representative Fitzgerald, and unanimously adopted.

Chairperson Cochran recognized Representative Dunton for presentation of the report of the Legislative Fiscal Committee, pursuant to the meeting held the preceding day. A copy of the report is attached to and by this reference made a part of these minutes. Representative Dunton moved that the report be accepted by the Council. There being no objection, Chairperson Cochran so ordered.

Chairperson Cochran recognized Senator Doderer for presentation of the report and recommendations of the Council's Service Committee. Separate budget and salary recommendations had been prepared by the Service Committee for the Citizens' Aide office, the Legislative Fiscal Bureau and the Legislative Service Bureau. A copy of each is attached to and by this reference made a part of these minutes. At Senator Doderer's suggestion, it was agreed to consider individually the recommendations for each of the three agencies.

Senator Doderer presented the recommendations for the Citizens' Aide office, noting that the recommended salaries for the summer intern position should be \$1,200, the same as for the previous year, rather than the \$22 increase shown. She explained that the higher figure apparently reflects an assumption that the comptroller's requirement that salaries be evenly divisible by twenty-six weekly pay periods applies to part-time positions.

The Council discussed at some length the proposed Deputy for Indian Affairs position which is recommended for addition to

the Citizens' Aide staff. Senator Doderer noted that the House had specified that the position should be concerned with Indian affairs, but that the Senate had deleted this specification from the appropriation measure although it retained the funds for the additional position. Senator Doderer explained that Citizens' Aide Tom Mayer intends to fill the position with someone to whom American Indians can readily relate, but who is also qualified to assume other duties on the staff for the time being, it being assumed that as Indians find that they can relate more readily to the Citizens' Aide office the volume of complaints will increase to the point that the Deputy for Indian Affairs will be a full-time job.

Senator Hill urged that the Senate's position in the matter be maintained. Representative Fitzgerald expressed support for the general approach proposed by Mr. Mayer, but suggested that the new position not be specifically designated Deputy for Indian Affairs. Representative Doyle noted that to some extent he had anticipated that the new position would be concerned with "grantsmanship", adding that U.S. Congressman Neal Smith's office has indicated that at least \$45,000,000 is available for special projects involving American Indians, and that no effort is being made to obtain these funds. Representative Hargrave argued for the House intent that the position be specifically designated Deputy for Indian Affairs, pointing out that American Indians as a group tend not to want to become involved in the political process as other groups generally do.

Senator Hill moved that the Council strike the designation Deputy for Indian Affairs from the new position in the Citizens' Aide office. The motion was seconded by Senator Palmer. In the discussion which followed, Senator DeKoster asked whether it is fair to assume that, regardless of the title given the position, the Citizens' Aide will employ a person with the kinds of sensitivity the Council had just been discussing. Senator Doderer replied in the affirmative, adding that the Service Committee would in the normal course of events review the person proposed to be employed in this position. Representative Hargrave insisted that if the Council deletes the title Deputy for Indian Affairs, the new position will not achieve the purpose which the proponents originally had in mind.

Senator Doderer moved, as a substitute for Senator Hill's motion, that the Council strike from the title of the new position the word "Deputy" and substitute the word "Specialist". The motion was seconded by Representative Fitzgerald.

In discussion on the substitute motion, Representative Doyle stated that identifying the new position specifically with Indian affairs would help to avoid difficulty with activist American Indian groups. Senator Hill stated that such a designation would tend to segregate Indians, not integrate them, and therefore is a step in the wrong direction. Representative Stromer said that he does not object to Representative Doyle's

concept on a relatively short-termed basis, but would object if the specific designation pertaining to Indian affairs were made permanent.

Senator Doderer's substitute motion was adopted by a voice vote, Senator Hill voting no.

Senator Kinley inquired why the position of secretary-accountant is receiving such a substantial pay increase. Senator Doderer replied that it was felt this position has been under-classified, and that the Merit Employment Department agrees that this is the case.

Senator Doderer moved that the Council accept the recommended budget and salaries for the Citizens' Aide office, as amended. The motion was seconded by Representative Stromer, and adopted by a voice vote, Senator Hill voting no.

Senator Doderer noted that Ruth Moser has for several months been working as acting Deputy Citizens' Aide, and moved that the Council confirm her permanent appointment to this position. The motion was seconded by Representative Stromer, and unanimously adopted.

Senator Doderer then presented the recommendations for the Legislative Fiscal Bureau's budget and salaries, and moved that they be approved by the Council. The motion was seconded by Representative Stromer.

Senator Doderer noted that Fiscal Analyst II Charlotte Munson will be leaving the Fiscal Bureau's staff as of September 1, after more than eight years service with the Bureau. In response to questions, Mr. Rankin and Representative Dunton stated that the individual who will eventually be employed to succeed Mrs. Munson will not initially receive the \$16,978 salary recommended for her position, noting that she will actually only receive this salary for one pay period. Mr. Rankin responded to several other questions regarding pay increases for specific individuals on his staff.

Senator Doderer's motion to approve the Legislative Fiscal Bureau budget and salaries was then adopted by a unanimous voice vote.

Senator Doderer presented the budget and salary recommendations for the Legislative Service Bureau, and moved that they be approved by the Council. The motion was seconded by Senator Van Gilst.

In response to questions, Senator Doderer and Mr. Garrison explained the reasons for a number of the specific salary increases proposed in the recommendations for the Legislative Service Bureau. Representative Stromer reiterated the concern he has previously expressed about the fact that merit increases for

the various staff positions, which presumably reflect an individual's progress in learning his or her duties and becoming more proficient in discharging them, apparently go on for an indefinite period of time. Senator Doderer noted that the individuals with the longest tenure on the Service Bureau staff still have not reached the top of the salary scales for their respective positions.

Senator Doderer's motion to approve the budget and salary recommendations for the Service Bureau was then approved by a unanimous voice vote.

Senator Doderer noted a desire to coordinate salary scales of the three agencies responsible to the Legislative Council with each other, and with the merit employment system. She added she is also interested in reviewing the retirement policies of the three agencies.

Senator Doderer reported that the Crime Commission has offered to fully fund a position under the Citizens' Aide office to be known as Deputy for Juveniles. She moved that the Citizens' Aide office be authorized to pursue the matter, but that no final decision be made without further consideration by the Council.

Several Council members expressed skepticism or objection to the proposed new position, both on substantive grounds and also with respect to the addition of any more members of the Citizens' Aide staff with the title "Deputy". Senator Palmer inquired why adoption of the motion Senator Doderer had made should be necessary, since apparently the Citizens' Aide office is already pursuing the matter anyway. Senator Doderer agreed that Senator Palmer's point is well taken and withdrew her motion, stating that anyone who wished to direct the Citizens' Aide office not to pursue the matter further would be free to offer a motion to that effect.

Senator Doderer moved that the Council authorize Deputy Citizens' Aide for Corrections Ray Cornell to attend the first annual National Conference on Alternatives to Incarceration in Boston on September 19-20. The motion was seconded by Senator DeKoster and, after a brief discussion, unanimously adopted.

Senator DeKoster moved that the Council also authorize Senator Doderer and Representative Doyle to attend the National Conference on Alternatives to Incarceration in their capacities as members of the Penal and Correctional Systems Study Committee. The motion was seconded by Representative Middleswart and unanimously approved.

Representative Stromer inquired why the Speaker of the House and Lieutenant Governor could not approve the sort of request which had just been approved by the Council, rather than requesting specific Council action on each such request. Chairperson Cochran replied that he considered the matter something of a borderline case, since the meeting in question is not sponsored by the

National Conference of State Legislatures or any similar legislative organization. He noted that he feels relatively free to approve trips by legislators to attend meetings sponsored by such organizations, when the meeting is appropriate for the legislator in question.

Mr. Garrison introduced to Council members Legal Counsel Carol Ann Nix, who had recently joined the Service Bureau staff.

Mr. Garrison noted that the Service Bureau had just received information on the annual meeting of the National Conference of State Legislatures, to be held in Philadelphia on October 7-10. In response to a question by Chairperson Cochran, Mr. Garrison confirmed that it has been the policy of past Legislative Councils that any member of the Council who so desires is authorized to attend the annual meeting of the National Conference of State Legislatures (formerly National Legislative Conference).

Representative Fitzgerald asked and received unanimous consideration to resume consideration of the Studies Committee's report, which had been considered earlier. Representative Fitzgerald explained that the appointment to the various joint interim subcommittees which the Council had authorized had nearly been completed, as of the date of the present meeting, and that the completed list would be mailed to Council members within the next few days. Representative Fitzgerald moved that the list so compiled be accepted by the Legislative Council. The motion was seconded by Senator Kinley, and unanimously adopted.

Senator Doderer asked and received unanimous consent to resume consideration of the Service Committee's report. She then moved that the salary increases which the Council had approved at the present meeting be made effective for the period beginning August 8, 1975, explaining that this would be the earliest date for which the State Comptroller could effect the necessary increase on the computerized payroll records. There being no objection, Chairperson Cochran so ordered.

Chairperson Cochran recognized Senator Briles, who presented a report on his conference with the Commission on Aging pursuant to the concerns he had expressed at the Council's previous meeting. (See minutes of the Legislative Council's July 23, 1975 meeting, page 9.) Senator Briles reported that he had met with Commission on Aging Executive Director Leona Peterman on August 4, and had been assured that the Council understands the General Assembly's intent in passing Senate File 572 and that the Council will follow the Legislature's intent. Senator Briles added that the Commission on Aging has already acted to correct the situations which had led to his initial expression of concern at the previous Council meeting.

Chairperson Cochran reminded Council members that the next meeting of the Council would be held on Wednesday, September

17, and noted that one or more committees of the Council might wish to meet on the preceding day.

The meeting was adjourned at 2:45 p.m.

Respectfully submitted,

SERGE H. GARRISON
Director

PHILIP E. BURKS
Senior Research Analyst