

M I N U T E S

Legislative Council
December 17-18, 1974

The eighteenth meeting of the 1973-74 Iowa Legislative Council was called to order at 10:20 a.m., Tuesday, December 17, 1974 in Senate Committee Room 22 of the State House. Council members attending the meeting were:

Senator Clifton C. Lamborn, Chairman
Representative Edgar H. Holden, Vice-Chairman
Lieutenant Governor Arthur A. Neu
Speaker of the House Andrew P. Varley
Senator James E. Briles
Senator Lucas J. DeKoster
Senator Eugene M. Hill
Senator Roger J. Shaff
Senator Earl M. Willits
Representative Dale M. Cochran
Representative Donald V. Doyle
Representative Richard F. Drake
Representative Joan Lipsky
Representative James I. Middleswart
Representative Delwyn Stromer

Also attending the meeting were:

Senator Minnette F. Doderer, Democratic caucus nominee for President pro tem of the Senate:
Representative Elmer H. Den Herder, a member of the Legislative Fiscal Committee
Representative Keith Dunton, House Appropriations Committee Chairman-designate
Representative Jerry Fitzgerald, House Majority Leader-designate

Legislative Staff Personnel present included: Director, Serge Garrison, Senior Research Analyst, Phil Burks, Senior Legal Counsel, Bernie Koebernick of the Legislative Service Bureau. Other persons present included a number of other legislators and legislative staff persons who were present for the purpose of presenting or assisting in the presentation of various reports as noted in these minutes, representatives of the news media and other interested persons.

Action on the minutes of the previous Council meeting was temporarily deferred.

Chairman Lamborn recognized Senator Warren Curtis, Chairman of the Pension and Retirement Programs Study Committee, for presentation of the Study Committee's final report. Copies of the report are available from the Legislative Service Bureau.

Vice-Chairman Holden assumed the chair at 10:25 a.m.

Council members directed to Senator Curtis a number of questions regarding the study and the report and the Study Committee's recommendations. At the conclusion of the discussion, it was moved by Representative Drake that the report be received. The motion was seconded by Senator Shaff and unanimously adopted.

Vice-Chairman Holden recognized Representative Glenn Brockett for the report of the Capitol Planning Commission.

Representative Brockett informed Council members that it is anticipated that bids will be requested on the contract for construction of the new agriculture building in early April, 1975, and that it is also anticipated that bids will be requested on the contract for construction of the other new state office building approximately one month later. Representative Brockett noted that the Capitol Planning Commission has in effect committed itself to construction of a new power plant for the Capitol Complex in its planning for the two new office buildings which are already funded, although no funds have been approved by the General Assembly for construction of the power plant, and that this position was taken only after endorsement by the Legislative Council. (See minutes of Council's October 9, 1974 meeting, page 4, second paragraph.) He continued that the Commission expects the final report from the architectural firm Brooks, Borg, and Skiles on January 10, 1975, regarding the cost of constructing the contemplated new power plant, and that this item will be the Commission's top priority request to the Legislature in 1975.

Representative Brockett distributed to Council members information regarding the proposed utilization of solar energy as a part of the heat and power supply for the Capitol Complex. He noted that he had discussed this proposal with the Council at its October meeting, and added that a \$200,000.00 appropriation for this purpose will be requested from the 1975 General Assembly.

Representative Brockett used a number of colored drawings to describe planning for the proposed Capitol Mall project. He stated that the Capitol Planning Commission will be presenting an appropriation bill for the project to the 1975 session of the General Assembly, and that it is believed that the cost will be about \$13,000,000.00.

In response to a question, Representative Brockett noted that there would be a significant gain in office space in existing buildings by closing most of the present cafeterias in these buildings if a new central cafeteria is constructed as a part of the Capitol Mall project. He added that in view of the planning which has already taken place, he believes that bids on the contract for construction of the Capitol Mall project could be received as early as January, 1976 if the necessary appropriation is approved by the 1975 session of the General Assembly, and that actual completion of the project would probably require two additional years.

Vice-Chairman Holden noted that the presentation which Representative Brockett had just made is the official report of the Capitol Planning Commission to the Legislative Council as required by law. Representative Lipsky moved that the Council receive the report. The motion was seconded by Representative Cochran and unanimously adopted.

Vice-Chairman Holden inquired whether there were any requests for additions or corrections to the minutes of the Council's November 13 meeting as submitted to Council members. On motions of Senator Briles, seconded by Representative Middleswart, the minutes were approved as submitted.

Vice-Chairman Holden recognized Senator E. Kevin Kelly, Chairman of the Penal and Correctional Systems Study Committee, for presentation of the Study Committee's final report. Copies of the report are available from the Legislative Service Bureau, however Senator Kelly noted that item 7 of the Study Committee's recommendations in the report as just distributed to Council members should be deleted because the Study Committee had decided to withdraw this recommendation.

Council members directed to Senator Kelly a number of comments and questions regarding the study, the report and the Study Committee's recommendations. At the conclusion of the discussion, it was moved by Senator Briles that the report be received. The motion was seconded by Senator Shaff and unanimously adopted.

The meeting was recessed for lunch at 12:15 p.m., and reconvened at 2:15 p.m. in Senate Committee Room 22 by Vice-Chairman Holden. The Council members who attended the morning session also attended all or portions of the afternoon session. In addition, Representative Arthur A. Small, Jr. was present for the afternoon session.

Vice-Chairman Holden recognized Citizens' Aide Tom Mayer, who explained that his reason for appearing at the present meeting was to seek blanket approval from the Council for whatever out-of-state travel he or members of his staff might be required to make between the present meeting and the first meeting of the 1975-76 Legislative Council. He added that he was seeking only authority to expend those funds already earmarked for travel which are available in his budget for the period of time covered by the request. It was moved by Representative Doyle that the Council approve Mr. Mayer's request. The motion was seconded by Senator Briles, and Vice-Chairman Holden stated that the motion would necessarily be deferred until a quorum of the Council's membership was present.

Copies of a letter from Architect Franklin N. Bunker to Mr. Garrison, dated December 7, 1974, in regard to remodeling of

legislative offices and meeting rooms, were distributed to Council members. A copy of the letter is attached to and by this reference made a part of these minutes.

Vice-Chairman Holden recognized Mr. Frank Pulley, who explained items 2 and 3 presented in Mr. Bunker's letter. Mr. Bunker was then recognized, and explained item 1 in the letter.

Mr. Garrison stated that the funds remaining in the Legislative Service Bureau remodeling budget would cover the expenses proposed in items 1 and 2 of the attached letter, and perhaps a portion of the cost of item 3. The funds to pay for the balance of the cost of item 3 would have to come from the Bureau's operating budget, and Mr. Garrison stated that the necessary money is available in that budget.

Vice-Chairman Holden again noted that action on this matter would have to await the arrival of a quorum of the Council's membership.

Representative Doyle asked Mr. Pulley whether humidification of the State House, and particularly the legislative chambers, would be improved over that experienced in past legislative sessions. Mr. Pulley replied that the newer heating and air conditioning units which have been installed in the building have humidifiers built into them, but that older units in other areas of the buildings do not. He added that, as humidity tends to disperse throughout the building, that particular feature of the newer units is not as effective as it would otherwise be.

Vice-Chairman Holden recognized Senator DeKoster, Chairman of the Legislative Fiscal Committee, for presentation of the Fiscal Committee's report, submitted to the Council for transmittal to the 66th General Assembly. Copies of the report were distributed to Council members.

Senator DeKoster summarized the reports and recommendations of each of the Fiscal Committee's visitation committees, including the recommendations arising from the three special study areas assigned to the Fiscal Committee by the Council. (See minutes of the Council's Studies Committee meeting of May 20, 1974, page 6.)

In connection with the study of the ADC program, assigned to the Fiscal Committee by the Council pursuant to SCR140/HCRI52, Senator DeKoster introduced Dr. Ruth Deacon, Head of the Department of Family Environment, College of Home Economics, Iowa State University. Dr. Deacon presented and discussed a proposal for development of a standard of need for ADC recipients, as recommended by the Human Resources Visitation Committee of the Fiscal Committee. A copy of the proposal is attached to and by this reference made a part of these minutes.

There was some discussion of various features of the ADC program by Council members, Dr. Deacon, and Ms. Sandra Scott, Federal-State Programs Coordinator, Department of Social Services.

Upon conclusion of Senator DeKoster's presentation of the Fiscal Committee's report, Senator Hill stated that he wished to call attention to the fact that the Transportation Visitation Committee did not function as requested by the Fiscal Committee due to lack of action by the appropriate chairman. He expressed hope that this situation would not happen in the future, and that if it did the Council would be in a position to take effective action to correct the situation.

Senator Briles moved that the Council accept the Fiscal Committee's report. The motion was seconded by Senator Shaff and unanimously adopted.

Senator DeKoster then moved that the Council request the Lieutenant Governor and the Speaker of the House to approve expenditure of \$7,500.00 from the funds available to the General Assembly for the ADC needs standard study, pursuant to the proposal presented by Dr. Deacon. The motion was seconded by Representative Doyle. Senator DeKoster said he believes the study should be initiated immediately, so that the 1975 session of the General Assembly can have the benefit of this information in making appropriations decisions. The motion was unanimously adopted.

At the request of Senator DeKoster, Representative Doyle's previous motion to grant the request of the Citizens' Aide for travel authority pending the next meeting of the Legislative Council was brought up for a vote. The motion was unanimously adopted.

Representative Doyle moved that the three items of expense in connection with remodeling of the Legislative Service Bureau offices, described in the attached letter from Mr. Bunker to Mr. Garrison which had early been discussed, be approved by the Council. The motion was seconded by Senator Briles and unanimously adopted.

Vice-Chairman Holden recognized Speaker Varley, Chairman of the Land Use Policies Study Committee, for presentation of the final report of the Study Committee. Copies of the report are available from the Legislative Service Bureau.

Council members directed to Speaker Varley a number of questions and comments regarding the report and the Study Committee's recommendations. In particular, there was discussion of the basic philosophical question as to how a state land use policy should be formulated.

Representative Lipsky moved that the Council accept the Land Use Policies Study Committee's report. The motion was seconded by Representative Middleswart, and unanimously adopted.

Vice-Chairman Holden recognized Representative Stromer, Chairman of the Local Services Study Committee, for presentation of the final report of the Study Committee. Copies of the report are available from the Legislative Service Bureau.

Representative Stromer reported briefly for the special Subcommittee entrusted with reviewing and making a determination regarding the proposal received in response to the Council's request for bids on the county officers' compensation and responsibilities study. (See minutes of the Council's November 13, 1974 meeting, page 4, last two paragraphs.) He stated the contract had been awarded to the Lawrence Leiter firm of Kansas City, Missouri for approximately \$48,000.00. The firm's report on the study is due between March 15 and April 1, 1975.

Representative Stromer then reviewed the Local Services Study Committee's report. Council members directed to him a number of questions regarding the report and the recommendations it contains.

Senator Willits moved that the Council receive the Study Committee's report. The motion was seconded by Senator Briles and unanimously adopted.

Vice-Chairman Holden presented Chairman Lamborn a gavel mounted on a plaque with an appropriately inscribed plate, as a token of the Council's appreciation for Senator Lamborn's service as Council Chairman during 1973 and 1974. Chairman Lamborn expressed appreciation, and was accorded a round of applause.

Mr. Garrison noted that the Iowa Bill Drafting Guide prepared by the Legislative Service Bureau in cooperation with the Senate and House staffs and the Code Editor's office has been updated for use in 1975 and 1976, adding that there has been no significant changes made in it. Senator Briles moved that the updated bill drafting guide be approved by the Council. The motion was seconded by Representative Cochran, and unanimously approved.

Mr. Garrison then briefly reviewed the proposed pre-filing rules for bills intended for introduction in the 1975 and 1976 sessions of the General Assembly. Representative Drake inquired whether it would be possible to actually introduce bills prior to January 13, 1975. In the course of the discussion which followed, it was the consensus of the Council that it would not be legally possible to actually introduce bills until after the 66th General Assembly has convened and organized, however Mr. Garrison remarked that it should be possible to get the House or Senate legal counsel's review out of the way prior to that date.

Senator Shaff moved that the Council approve the pre-filing rules as described by Mr. Garrison. The motion was seconded by Senator Willits and unanimously adopted.

Senator Briles noted that it had been intended to hold a meeting of the Council's service committee at 1:30, prior to the afternoon session of the present meeting, but that not enough of the Committee's members had appeared to permit the meeting to be held. However, he stated that he would have no objection to bringing the matters which it had been intended the Committee should consider at that time directly to the Council at the present session. This procedure was agreed to, and Vice-Chairman Holden requested Mr. Garrison to present these matters.

Mr. Garrison requested that the Council approve adjustments in annual salaries for Legislative Service Bureau employees as follows:

Attorneys I David Bailey and Timothy Braunschweig, from \$12,200 to \$12,500
Research Analysts I Debra Dahab and Ronald Langston from \$9,300 to \$10,000
Terminal Operator II Barbara Gould from \$7,200 to \$7,500
Terminal Operator I Donna Greenwood from \$7,000 to \$7,300

Mr. Garrison noted that while the majority of the requested salary adjustments for these employees who are relatively new to the staff, are not large, they do indicate that the council is of the opinion that the employees have performed well, the salary increments should be of some satisfaction to these persons.

Representative Cochran inquired whether the requested salary adjustments are in keeping with usual Council practice in such matters. Mr. Garrison replied in the affirmative, adding that the past new employees were hired with six months salary review dates and the two attorneys and the two research analysts were all newly employed as of July 1, 1974, and were informed at that time that their salaries and performance would be reviewed as of January 1, 1975.

Senator Willits moved that the Council approve the six requested Legislative Service Bureau employees' salary adjustments. The motion was seconded by Senator Briles and unanimously adopted.

Vice-Chairman Holden declared the meeting recessed at 4:40 p.m.

December 18, 1974

The Legislative Council meeting was reconvened by Vice-Chairman Holden at 9:25 a.m., Wednesday, December 18, 1974 in Senate Committee Room 22. All council members who attended the previous day's session were again present except Chairman Lamborn, Lieutenant Governor Neu and Representative Small; in addition, Senator Willard R. Hansen was present. Senator Doderer and Representatives Den Herder, Dunton and Fitzgerald were again present. Other legislators attending the December 18 session, in addition to those hereafter noted, were:

Senate Democratic floor leader-designate George Kinley
Senator William Palmer, Senate Democratic caucus designee for
Chairman of the Appropriations Committee

Vice-Chairman Holden recognized Representative James T. Caffrey, Vice-Chairman of the Study Committee on Problems of the Elderly and Handicapped, for presentation of the Study Committee's final report. Copies of the report are available from the Legislative Service Bureau.

Council members directed to Representative Caffrey a number of questions regarding the report, the Study Committee's recommendations, and the probable cost of implementing these recommendations. At the conclusion of the discussion, Representative Lipsky moved that the Council accept the report. The motion was seconded by Senator DeKoster and unanimously adopted.

Vice-Chairman Holden recognized Representative Brice Oakley, Chairman of the Adoption Laws Study Committee, for presentation of the Study Committee's final report. Copies of the report are available from the Legislative Service Bureau.

Council members directed to Representative Oakley a number of questions regarding the study, the report and the Study Committee's recommendations. At the conclusion of the discussion, Representative Lipsky moved that the Council accept the report. The motion was seconded by Senator Briles, and unanimously adopted.

Vice-Chairman Holden recognized Senator Hansen, Chairman of the Campaign Finance and Disclosure Study Committee, for presentation of the Study Committee's final report. Copies of the report are available from the Legislative Service Bureau.

Council members directed to Senator Hansen a number of questions regarding the study, the report, the Study Committee's recommendations, and certain areas in which the Study Committee had seen fit to make no recommendations. At the conclusion of the discussion, Senator Briles moved that the Council accept the Study Committee's report. The motion was seconded by Representative Drake, and unanimously adopted.

Vice-Chairman Holden recognized Speaker Varley for the report of the Council's Administration Committee, pursuant to the meeting of the Committee which had been held prior to convening of the present day's Council session. Speaker Varley presented the proposed agenda for the 1975 Legislative Orientation Conference, to be held on Wednesday January 8, 1975. There was a brief discussion of the arrangements for the orientation conference and no objection to the arrangements was expressed.

Senator Hill suggested that, if the permanent name badges for the newly-elected members of the General Assembly are not available on the date of the orientation conference, arrangements

be made to provide them with temporary name tags to assist them in becoming acquainted with each other, and with other individuals with whom they will be dealing. The suggestion was agreed to.

Speaker Varley stated that the 1974 amendments to the federal Fair Labor Standards Act (Public Law 93-259) are being interpreted to require overtime pay for a number of the employees of state legislatures when they work more than forty hours per week. Since there was reason to believe this was not the intent of Congress, a meeting had been arranged at the U.S. Department of Labor in Washington D.C. on December 11, and the Iowa General Assembly was represented at this meeting by Senate Legal Counsel William Trent and House Legal Counsel Dan Dudley. Speaker Varley added that they had reported at some length to the Administration Committee on this meeting, and that the thrust of their report was that it is doubtful whether the Wage and Hour Division of U.S. Department of Labor is going to be willing to change its interpretation in this regard. Therefore it appears advisable to keep very careful records regarding hours worked by legislative employees during the coming session, and to be prepared to pay overtime to those employees whom the Wage and Hour Division considers to be covered by PL93-259, if they in fact work more than forty hours in any one week.

Senator Briles noted that he had been present for a part of the Administration Committee's meeting although he is not a member of the Committee, and had heard the presentation by Mr. Trent and Mr. Dudley. He continued that he is strongly opposed to the State's being required by the federal government to pay overtime to legislative employees, and that he personally would prefer to see the State ignore this federal directive and allow the matter to be resolved by the courts if the federal government chooses to push the issue that far.

After further discussion, Senator DeKoster moved that the Council accept the Administration Committee's report. The motion was seconded by Senator Willits. In response to an inquiry by Senator Briles, Vice-Chairman Holden stated that adoption of the motion to accept the report would not necessarily imply acceptance of the conclusion that Iowa will probably have to abide by the Wage and Hour Division's interpretation of PL93-259. The motion to accept the report was unanimously adopted.

Senator Hill noted that litigation regarding the interpretation of PL93-259 is already in progress, and suggested that perhaps Iowa should become a party to this litigation. Speaker Varley stated that the National Governors Conference and the National Legislative Conference are both parties to this action, and that Iowa is a contributing member of both groups. After further discussion, Senator Hill moved that the Council direct the legislative staff to contact the Attorney General to make sure that he is aware of the litigation in regard to PL93-259, and to suggest on behalf of the Council that consideration be given to Iowa's becoming a party to this litigation in whatever manner

the Attorney General might deem most appropriate or effective. The motion was seconded by Senator Briles, and unanimously adopted.

Vice-Chairman recognized Senator Forrest Schwengels, Chairman of the Postsecondary Education Funding Study Committee for presentation of the Study Committee's final report. Copies of the report are available from the Legislative Service Bureau.

Council members directed to Senator Schwengels a number of questions regarding the study, the report and the Study Committee's recommendations. Representative Stromer moved that the Council accept the report. The motion was seconded by Representative Middleswart, and unanimously adopted.

Vice-Chairman recognized Senator Hansen, Chairman of the School Funding Subcommittee of the Senate standing Committee on Schools and the House standing Committee on Education, for presentation of the Subcommittee's final report. Copies of the report are available at the Legislative Service Bureau.

Senator Hansen reported on the status of the Subcommittee's efforts and noted that, although the report submitted to the Council is designated a final report, it requests permission of the Council for one additional meeting of the Subcommittee during the latter two weeks in December, in order to complete its work. He reported on conclusions and recommendations on which the Subcommittee has already agreed.

Senator Shaff assumed the chair at 11:50 a.m.

Council members directed to Senator Hansen and to Representative Stromer, Vice-Chairman of the School Funding Subcommittee, a number of questions regarding the study, the report, and the Subcommittee's recommendation. Senator DeKoster moved that the Council accept the Subcommittee report. The motion was seconded by Senator Briles and unanimously adopted.

The council recessed for lunch at 12:00 noon, and was reconvened by Vice-Chairman Holden in Senate Committee Room 22 at 1:45 p.m. The Council members who had attended the morning session also attended the afternoon session, with the exception of Representative Cochran.

Vice-Chairman Holden recognized Senator Shaff, Chairman of the Livestock Laws Study Committee, for presentation of an addendum to the report submitted by the Study Committee at the Council's November 13 meeting. Senator Shaff reported on actions taken by the Study Committee since that date.

After a brief discussion, Representative Stromer moved that the Council accept the addendum to the Study Committee's report. The motion was seconded by Senator Willits and unanimously adopted.

Vice-Chairman Holden asked Senator Shaff to proceed with the report of the Taxation Subcommittee of the Senate and House standing Committees on Ways and Means, of which Senator Shaff is Chairman. Copies of the report were distributed to Council members and are available from the Legislative Service Bureau.

Council members directed to Senator Shaff a number of questions and comments regarding the Subcommittee's report and recommendations. There was considerable discussion of the operation and effect of the single-factor and three-factor state corporation income tax formulae.

Representative Stromer moved that the Taxation Subcommittee's report be accepted. The motion was seconded by Senator Hill and unanimously adopted.

Vice-Chairman Holden recognized Representative Phil Hill, Chairman of the Joint Interim Subcommittee on Apportionment of Judges and Magistrates of the Senate standing Committee on Judiciary and the House standing Committee on Judiciary and Law Enforcement. Copies of the report were distributed to Council members and are available from the Legislative Service Bureau.

Council members directed to Representative Hill a number of questions regarding the Subcommittee's study and its recommendations. After some discussion, it was moved by Senator Shaff that the report be accepted. The motion was seconded by Senator Briles and unanimously adopted.

Vice-Chairman Holden recognized Senator Elizabeth Shaw, Chairman of the Joint Interim Subcommittee on Mechanic's Lien Laws and Landlord-Tenant Law of the Senate Judiciary and House Judiciary and Law Enforcement committees, for presentation of the Subcommittee's report. Copies of the report were distributed to the Council members and are available from the Legislative Service Bureau. It was noted that pursuant to action taken by the Subcommittee at its final meeting, the last sentence appearing in item 2 on page 3 of the Subcommittee report as distributed should be deleted.

It was moved by Senator Briles that the Council accept the Subcommittee's report. The motion was seconded by Senator Shaff and adopted.

Senator Shaff moved that the Council grant the request for one additional meeting of the School Funding Subcommittee, presented by Senator Hansen in the course of his report prior to the noon recess. The motion was seconded by Senator DeKoster and unanimously approved.

Vice-Chairman Holden noted that this completed the reports of study committees and joint interim subcommittees scheduled to be presented to the Council at the present meeting. He added that he is convinced that anyone who had sat through this meeting and the

Council's previous meeting would agree that the study committee method of preparing legislation for consideration by the General Assembly has much merit, and is serving the State of Iowa well. He added that this is due in no small part to the very fine performance of the respective chairmen of these committees and subcommittees. Senator DeKoster agreed, and added that one of the great values of the study committee procedure is the access of the general public to the early stages of legislative decision making procedure. Senator Hill advocated that in the future, interim study activity be conducted entirely by means of joint interim subcommittees rather than by special study committees appointed by the Council.

There being no further business to come before the Council, the meeting was adjourned at 3:00 p.m.

Respectfully submitted,

Serge H. Garrison
Director

Philip E. Burks
Senior Research Analyst