

M I N U T E S
LEGISLATIVE COUNCIL

July 6, 1979

The sixth meeting of the 1979-1980 Legislative Council was called to order at 1:30 p.m., Friday, July 6, 1979 in Senate Committee Room 22 of the State House in Des Moines. Council members attending the meeting were:

Speaker of the House Floyd H. Millen, Chairperson
Senator Calvin O. Hultman, Vice Chairperson
Lieutenant Governor Terry Branstad
Senator James E. Briles
Senator C. Joseph Coleman
Senator Willard R. Hansen
Senator Lowell L. Junkins
Senator William D. Palmer
Senator Richard R. Ramsey
Senator Bob Rush
Senator Ray Taylor
Representative Robert T. Anderson
Representative Donald D. Avenson
Representative John H. Clark
Representative William H. Harbor
Representative Norman G. Jesse
Representative Delwyn D. Stromer
Representative Richard W. Welden

Other persons present for the meeting included Director of General Services Stanley McCausland, Secretary of the Senate Frank Stork, Chief Clerk of the House David Wray, Director Serge Garrison, Bernie Koebernick, Debra Dahab and Phil Burks of the Legislative Service Bureau, Legislative Fiscal Director Gerry D. Rankin, Deputy Citizens' Aide Ruth Mosher, and a number of other legislative staff members and interested persons.

On motion of Representative Avenson, seconded by Representative Clark, the minutes of the Council's June 12, 1979 meeting were approved as submitted to Council members.

Speaker Millen recognized Senator Hultman for the report of the Council's Administration Committee, pursuant to the Committee's meeting earlier on the present day. A copy of the report is attached to and by this reference made a part of these minutes. Senator Hultman briefly summarized the content of the report.

On motion of Senator Hultman, seconded by Senator Briles, the report of the Administration Committee was adopted by a unanimous voice vote.

Representative Avenson noted the need for a large committee room for meetings of the House majority caucus. He stated that in

adopting the recommendations of the Administration Committee that the two new legislative committee rooms on the first floor of the State House each be considered joint committee rooms, in view of the reassignment of the Legislative Fiscal Director's Conference Room for use as office space by the Legislative Fiscal Bureau, it should be clearly understood that one of these first floor rooms must be available at all times for meetings of the House majority caucus. He explained that a room which will accommodate at least 60 people is necessary for these meetings, and that House Committee Room 1 is not that large. Senators Hultman and Junkins each said they agree that Representative Avenson's point is valid, and indicated they foresee no difficulties in having one of the new first floor committee rooms available for this purpose whenever it is needed.

Senator Ramsey expressed serious concern about loss of the Fiscal Director's Conference Room as a site for conference committees to meet at times when either house is in session. He noted that this room is the only site currently available which is equipped with speakers by means of which action on the floor of either house may be monitored, and which also offers convenient access to either the Senate or House chamber. Representative Avenson expressed agreement with the concern voiced by Senator Ramsey and, in the discussion which followed, suggested placing some of what he termed the Legislature's "professional staff" in the Lucas State Office Building or elsewhere outside the State House itself.

Senator Hultman moved that the Council approve expenditure of up to \$50,000 under section 2.43 of the Code for preparation of plans and specifications for renovation of air-conditioning in the ground floor and first floor areas of the northeast and southeast State House quadrants, so that air-conditioning in these areas will be a part of the coordinated system serving the Capitol complex, it being understood that no bids will be sought nor contract awarded until funds for the project are appropriated by the General Assembly, and that the Executive and Judicial branches will reimburse the Legislature for appropriate shares of the planning expenditure from funds appropriated for the air-conditioning project. The motion was seconded by Representative Harbor, and adopted by a unanimous voice vote.

At Senator Hultman's request, Director of General Services McCausland briefly reported to the Legislative Council on the offer by the Palladium Corporation of Boise, Idaho to install five fabric chute-type fire escapes on the upper floors of the State House at a cost of \$59,700. Mr. McCausland noted that this offer had been received in response to inquiries made pursuant to concerns that had been expressed in the past by members of the Legislature about the possibility that persons could be trapped in some of the upper floor State House offices by a fire. He noted that a letter and descriptive materials regarding the Palladium Corporation's fabric chute fire escapes had been turned over to the Council's

Administration Committee. Speaker Millen stated that the matter would be taken under advisement of the Council.

Representative Avenson moved that the Council direct Mr. McCausland to look into the possibility of placing some legislative staff personnel, such as members of the Fiscal Bureau staff, the Departmental Rules Review Committee's staff, or the Code Editor's office, in the Lucas State Office Building or elsewhere outside the State House, and report on this matter at the next meeting of the Council's Administration Committee. Representative Avenson commented that the Legislative Fiscal Director should remain in the State House, and that the staff of the Legislative Service Bureau should be officed in close proximity to the chambers of the General Assembly since they often prepare amendments to bills on rather short notice. No objection being expressed to Representative Avenson's motion, it was so ordered.

Representative Jesse said it is his impression that the General Assembly has appropriated funds to study the possible use of space immediately below ground level and adjoining the existing State House structure. Mr. McCausland replied that he would assume Representative Jesse referred to the funds included in the capital improvements appropriation to the Department of General Services by the 1978 Session of the Sixty-seventh General Assembly. He noted that a report of this study had been submitted to the 1979 Session, but that no action had been taken on the matter.

Speaker Millen recognized Representative Harbor for the report of the Legislative Council's Service Committee, pursuant to that Committee's meeting earlier on the present day. The first portion of the report included the following recommendations:

1. That the Legislative Council's appointment to the County Finance Committee be postponed until the next meeting of the Council.
2. That the Service Committee at its next meeting consider the recommendation of the Citizens' Aide for appointment of a person to fill an existing vacancy for a deputy in that office.
3. That the Legislative Fiscal Director be authorized to appoint Ms. Deborah Westvold as a Fiscal Analyst I at Grade 27, Step 1, and that Mr. Thom Freyer of the Fiscal Bureau staff be transferred to that agency's Program Evaluation Division.
4. That the \$70,000 appropriation to the Legislative Fiscal Bureau for operation of its Program Evaluation Division during the fiscal year beginning July 1, 1979 be allocated as follows: Salaries, \$50,000; professional and scientific, \$15,000; office supplies, expense and telephone, \$5,000.

Representative Harbor moved that the four preceding recommendations be adopted by the Council. The motion was seconded by Senator Hansen, and adopted by a unanimous voice vote.

Representative Harbor continued by reporting that during its meeting earlier in the day the Service Committee discussed with State Comptroller Ronald Mosher and members of his staff the data processing services which have been and will be available to the General Assembly from the Comptroller's office. It was agreed that a continuous liaison between that office and selected standing committee chairpersons and members of the Council's Service Committee will be maintained during the current interim. Mr. Mosher had assured the Service Committee that delays encountered by the General Assembly in obtaining needed data processing services from the Comptroller's office during the recent session were due to technical and other difficulties, and not to decisions by the Comptroller or his staff assigning higher priority to other work than to work for the General Assembly.

Finally, Representative Harbor reported that the Service Committee had discussed with Mr. McCausland and Captain Earl Usher, head of the Capitol Security Division of the Department of Public Safety, the problems related to the building now occupied both by that Division and by the Citizens' Aide office. The Committee has agreed to explore the possibility of locating the Capitol Security Division in the Wallace State Office Building, and recommends that the building presently occupied by the Citizens' Aide office be remodeled pursuant to a plan submitted by Mr. McCausland.

Representative Harbor noted that it would probably be necessary to take bids on this remodeling work, and that cost estimates prepared by the Department of General Services had been submitted by Mr. McCausland. Deputy Citizens' Aide Ruth Mosher had submitted some items that should be considered in the remodeling and the Service Committee had asked Mr. McCausland to determine which of these items could be handled by the Department of General Services, so that the Committee might review the total remodeling project at its next meeting.

There was some discussion of the question whether the remodeling of the building in which the Citizens' Aide office is now located could be carried out under section 2.43 of the Code. Representative Harbor questioned why it would not be possible to handle the project in essentially the same manner as the preparation of plans and specifications for air-conditioning of the ground floor and first floor areas in the northeast and southeast quadrants of the State House, with which the Council had agreed to proceed earlier in the present meeting. Mr. Garrison said he views the two projects somewhat differently, because the facilities housing the Citizens' Aide office are not used by nor necessary for the General Assembly in connection with its session activities.

After further discussion, Senator Hultman moved that the Council obtain an Attorney General's opinion regarding the legality of handling remodeling of the building housing the Citizens' Aide office under section 2.43 of the Code. The motion was seconded by Representative Harbor, and adopted by a unanimous voice vote.

Senator Hansen was recognized for the report of the Council's special Subcommittee on Educational Leave. A copy of the Subcommittee's report is attached to and by this reference made a part of these minutes. On motion of Senator Hansen, seconded by Senator Hultman, the report was received by a unanimous voice vote.

Representative Welden was recognized for the report of the Legislative Fiscal Committee, pursuant to that Committee's meeting on the preceding day. Representative Welden noted that although there had not been a quorum of the Fiscal Committee present, it had been concluded that it would be appropriate and desirable to formulate recommendations for presentation to the Legislative Council on the assumption that, if adopted by the Council, the recommendations would be construed to have been properly acted upon.

Copies of the report of the Legislative Fiscal Committee, and of an accompanying summary indicating in some detail the 1979 interim visitation plans of each of the Appropriations subcommittees, were distributed to Council members present. A copy of the Fiscal Committee's report is attached to and by this reference made a part of these minutes; the other information distributed is on file with and may be obtained from the Legislative Fiscal Bureau.

Representative Avenson suggested a more restrictive schedule of meetings for the Education Appropriations Subcommittee than that indicated by the information distributed to Council members. He said he is less concerned about the specific visitation plans of the other individual Appropriations subcommittees, but in the overall feels that the proposed visitation schedule for the 1979 legislative interim is too ambitious. He added that in his view there would be more value to devoting the time and money involved to other kinds of legislative endeavors, for example, the development of an overall legislative policy goal for the family as proposed to the Studies Committee at its meeting earlier in the day by Representative Betty Jean Clark. In the discussion which followed, Senator Hultman stated that the decision by the Council's Studies Committee not to recommend inclusion of the family policy study in the plans for the 1979 interim does not imply any judgment about the relative merits of that particular study and of any other item of legislative interim activity which has been planned or recommended.

It was noted that technically neither the Legislative Fiscal Committee nor the Council's Studies Committee had recommended authorization of per diem for legislators who will serve on the interim Liquor Warehouse Facility Search Committee mandated by H.F. 764 of the 1979 Session. Senator Hultman moved to include in the recommendations of the Fiscal Committee authorization for per diem for up to three days of meetings by members of the Regulatory and Finance Appropriations Subcommittee in order that they may carry out the mandate of H.F. 764. The motion was seconded by Representative Welden, and adopted by a unanimous voice vote.

Representative Welden moved that there be added to the recommendations of the Fiscal Committee authorization for reimbursement of three members of the joint Appropriations Subcommittee on Social Services, to be appointed by the respective Appropriations Committee chairpersons, to participate in the study of alternative cost-related methods for intermediate care facility reimbursements to be conducted pursuant to section 12 of H.F. 755 of the 1979 Session.. The motion was seconded by Senator Hultman, and adopted by a unanimous voice vote.

Senator Coleman questioned whether it is realistic to expect that the Natural Resources Appropriations Subcommittee can complete visits to six different locations in widely separated parts of the state within a total of three visitation days, as suggested by the information distributed to Council members. Representative Welden replied that the Fiscal Committee had recommended overall limits on total visitation days for each Appropriations subcommittee, and that the respective subcommittees would have to tailor their various plans in order to fit into these limits.

Senator Hultman moved that the report of the Fiscal Committee, as amended, be adopted by the Legislative Council. The motion was seconded by Senator Taylor, and adopted by a unanimous voice vote.

Senator Hultman was recognized to present the report of the Council's Studies Committee, pursuant to that Committee's meeting earlier on the present day. There were distributed to Council members present copies of a one-page report from the Studies Committee, accompanied by a list of the interim studies approved by the Legislative Council at its June 12 meeting, showing the number of members and number of meeting days authorized for each study, and listing the individual legislators proposed to be appointed to the respective interim study committees and subcommittees. A copy of the one-page report is attached to and by this reference made a part of these minutes; the accompanying document is on file with and may be obtained from the Legislative Service Bureau.

Senator Hultman called attention to the third recommendation listed on the report of the Studies Committee which had been distributed to Council members. He noted that that item, which relates to authorization of a special interim study committee on corrections, should have reflected the recommendation of the Studies Committee that this special interim study committee be initially authorized four meeting days during the 1979 interim, and asked that that recommendation be considered a part of the Studies Committee's report. There being no objection, it was so ordered.

Representative Harbor moved that the Legislative Council address a letter to the Governor recommending establishment of a blue ribbon water resources study committee, which should include some legislators but should be composed primarily of knowledgeable nonlegislators and should be charged with formulating

recommendations for changes in Iowa's laws relating to water rights and use of water resources which are needed to enable the state to cope with the steadily rising demand for water relative to the available supply. The motion was seconded by Senator Hultman and, after a brief discussion, approved by a divided voice vote.

Representative Avenson moved to amend the report of the Studies Committee by adding authorization for an interim study by a joint subcommittee composed of three members of each of the standing Committees on Human Resources, with an initial authorization of three meetings days, for the purpose of developing a statement of legislative goals regarding the family in Iowa against which proposed legislation in this area may be evaluated in the future. The motion was seconded by Senator Coleman.

Representative Avenson noted that Representative Betty Jean Clark, Chairperson of the House Committee on Human Resources, had appeared before the Council's Studies Committee during the morning to urge that this study be added to the 1979 legislative interim program. Representative John Clark expressed opposition to the motion, stating he had asked Representative Betty Jean Clark what particular statutory problems were to be addressed and she had responded that this could not be determined until the policy goals were agreed upon.

After some further discussion, Representative Avenson's motion was defeated by a roll call vote of 7-10. Those voting aye were Senators Coleman, Junkins, Palmer and Rush and Representatives Anderson, Avenson and Jesse; those voting nay were Speaker Millen, Senators Hultman, Briles, Hansen, Ramsey and Taylor and Representatives Clark, Harbor, Stromer and Welden.

On motion of Senator Hultman, seconded by Senator Junkins, the report of the Studies Committee was adopted by a unanimous voice vote.

Senator Ramsey moved to reconsider the report of the Council's Administration Committee for the purpose of deleting the second full paragraph on page 2 of the report, relating to reassignment of the Fiscal Director's Conference Room. The motion was seconded by Representative Avenson, and adopted by a voice vote.

Senator Coleman stated that for a number of years prior to 1977 it had been the practice of the Legislative Council to approve attendance at the annual meetings of the National Conference of State Legislatures (NCSL) and its predecessor, the National Legislative Conference, by any member of the Council who wished to attend, and that he favors reinstatement of this policy. He therefore moved to authorize attendance at the 1979 NCSL annual meeting by any Legislative Council member who desires to attend that meeting. The motion was seconded by Senator Junkins.

Lieutenant Governor Branstad expressed opposition to the motion, stating that the Council made the correct decision two years ago when it required its members to obtain travel authority for meetings such as the annual meeting of the National Conference of State Legislatures from the respective presiding officers. He noted that since that time a policy has been followed in the Senate that only those senators who hold appointments to NCSL standing committees or task forces or who are members of the Senate leadership will be authorized to attend these meetings at state expense. He added that, on the basis of this policy, he has found it necessary to disapprove the requests of two senators, one from each political party, for authority to attend the 1979 NCSL annual meeting. Senator Hultman agreed, stating that the presiding officers should authorize all travel by members of their respective houses.

Senator Coleman criticized the policies of the former Lieutenant Governor and Senate Majority Leader who, he stated, were responsible for adoption of the policy which has been followed during the past two years. He asserted that the privilege of attending the annual meeting of the National Conference of State Legislatures or the former National Legislative Conference had long been considered one of the prerogatives of serving on the Legislative Council, or on the former Budget and Financial Control Committee when it was Iowa's principal legislative interim body. He stated that the National Conference of State Legislatures is a strong voice for state legislators in Washington, D.C., and that he will not be deterred from participating in the deliberations of that body by what he termed an arbitrary decision of the Senate presiding officer. He added that he intends to attend the 1979 NCSL annual meeting at his own expense if necessary.

Senator Palmer agreed that motions similar to Senator Coleman's pending motion have traditionally been offered in the past, but noted that he was the Council member who two years ago offered the motions by which the policy followed since that time was adopted. (See minutes of Legislative Council's July 13-14, 1977 meeting, pages 4, 7.) He added he continues to believe the policy adopted at that time is the right one. He expressed hope that requests to attend meetings such as the NCSL annual meeting which are made on a reasonable basis will be given serious consideration by the respective presiding officers.

Representative Stromer inquired about the status of members of the Departmental Rules Review Committee with respect to travel to out-of-state meetings such as the NCSL annual meeting. Speaker Millen and Lieutenant Governor Branstad indicated that under Chapter 17A of the Code, that Committee is authorized to approve travel by its own members to such meetings. Speaker Millen said he was aware of only one member of the Departmental Rules Review Committee who plans to attend the 1979 NCSL annual meeting, however other Council members commented that it is their impression that all members of the Departmental Rules Review Committee plan to attend that meeting.

Senator Coleman's pending motion was defeated by a roll call vote of 2-17, all Council members voting nay except Senators Coleman and Junkins.

Senator Rush inquired why the increase in the reimbursement for travel by private automobile on official state business, from 15 to 18 cents per mile, has not been extended to state legislators. In response, Representative Welden and Mr. Garrison noted the restriction, imposed by section 25 of Article III of the Iowa Constitution and subsection 1 of section 2.10 of the Code, which prevents any General Assembly from raising its members' pay or allowances during the term of office of that particular General Assembly. Senator Taylor noted that the mileage increase will be effective with respect to legislators on the date the Sixty-ninth General Assembly convenes in 1981.

On motion of Senator Hultman, the meeting was adjourned at 3:15 p.m.

Respectfully submitted,

PHILIP E. BURKS
Senior Research Analyst

SERGE H. GARRISON
Director