

M I N U T E S
LEGISLATIVE COUNCIL

August 10, 1977

The second meeting of the 1977-1978 Legislative Council was called to order at 10:30 a.m. Wednesday, August 10, 1977 in Committee Room 22 of the State House in Des Moines, by its Chairperson, Senator George R. Kinley. Members attending the morning session of the meeting in addition to the Chairperson were:

Speaker Dale M. Cochran, Vice Chairperson
Lieutenant Governor Arthur A. Neu
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 Elmer H. Den Herder
Representative Donald V. Doyle
Representative Jerome Fitzgerald
Representative William J. Hargrave
Representative James Middleswart
Representative Floyd H. Millen
Representative Delwyn Stromer
Representative Andrew Varley

Chairperson Kinley called upon Serge Garrison for comments regarding materials distributed to Council members. Mr. Garrison briefly commented upon a memorandum which explains the provisions of House File 210 which was enacted by the General Assembly in 1977. He explained that House File 210 provides that the Legislative Council is to appoint an executive secretary to the State Land Policy Preservation Policy Commission, and indicated that the executive secretary should be appointed not later than January 1, 1978. The memorandum is attached to the minutes and by this reference made a part thereof. Chairperson Kinley stated that the matter will be referred to the Service Committee of the Legislative Council.

Mr. Garrison commented that under present law all requests for educational leave must be filed with the Legislative Council. He explained that the State Comptroller has developed a policy that payment will not be made for courses taken under the educational leave provisions until notification is received from the Legislative Service Bureau that the Legislative Council has been informed of the educational leave and the satisfactory completion of the course.

Senator Glenn asked the minutes reflect the completion of courses by the following persons:

Mr. Paul L. Friedrichson, Jr., Office of
State Comptroller
Mr. Gregg E. Kreamer, Iowa Department of
Job Service
Ms. Karen Pierson, Iowa Department of Job
Service
Mr. Michael Arndt, Iowa State Commerce
Commission

Chairperson Kinley called upon Representative Glenn Brockett, Chairperson of the Capitol Planning Commission. Representative Brockett explained that the Capitol Planning Commission usually operates in an advisory capacity, but has the authority for approval or disapproval of major changes in the Capitol Complex. Representative Brockett stated that the members of the Capitol Planning Commission are concerned about the type of furniture which will be placed in the new Hoover Building. He observed that the furniture for the Wallace Building was let on a competitive bid basis and the Herman Miller Company in Michigan was the low bidder. He noted that in addition to the furniture for the Wallace Building, the Herman Miller Company agreed for \$50 per work station to plan the furniture needed for each of the 600 work stations. Representative Brockett added that the cost of planning the furniture for each work station will be paid from each department's regular budget. Representative Brockett continued that under the contract signed with the Herman Miller Company, the Department of General Services had committed the state to also buy furniture for the larger Hoover Building, which will contain 1,000 work stations.

Representative Brockett noted that House File 584 which was enacted by the General Assembly in 1977 states: It is the intent of the General Assembly that when funds are appropriated or allocated for furniture, furniture components, and office dividers to be utilized in the Hoover Building, such furniture, furniture components, and office dividers be purchased from Iowa State Industries." Representative Brockett expressed the belief that the Capitol Planning Commission is concerned about the timing (April 1, 1978) and the quality of the furniture. Representative Brockett stated that members of the Capitol Planning Commission visited with Prison Industries officials in Fort Madison. He explained that from 150 to 120 inmates work in the Prison Industries at the Fort Madison and Anamosa institutions. He noted that such work is voluntary, there is high turnover, and absenteeism is rampant. Representative Brockett explained that in addition to constructing new furniture, much of the time of Prison Industries employees is occupied with refinishing furniture. He explained that the design and quality of furniture produced by Prison Industries is very conventional with limited selection and the space occupied by Prison Industries furniture is more extensive than comparable furniture from Herman Miller Company.

Representative Brockett observed that there is no engineering department, there are no inspectors, and only one foreman so that supervision is limited. He explained that if an order is placed with Prison Industries to provide all furniture for the Hoover Building, it will be possible for Prison Industries to furnish enough furniture to fill the building, but the \$1,000,000 business which they currently have selling new and refinishing old furniture would not be continued. In addition, he added that such an order must be placed by August 15 in order to complete the project by the April 1, 1978 deadline. Mr. Brockett continued that although the Department of General Services has no money to buy furniture from Prison Industries, Prison Industries does have about \$1,000,000 in a cash fund which could be used until funds are appropriated to pay for the furniture. Representative Brockett added that Prison Industries has no one to assist in planning the furniture needed for each work space, and a consulting firm will probably have to be employed for the planning process. Representative Brockett concluded by saying that if furniture from Prison Industries must be used, it appears that the furniture that is presently being used by those departmental people should continue to be used. Chairperson Kinley thanked Representative Brockett for his presentation.

Representative Middleswart introduced Senator Tom Rutherford of the New Mexico legislature and former Senator Charles Laverty of Iowa. Senator Rutherford who is in Indianola for the National Hot Air Balloon Championships extended greetings on behalf of the Governor and Lt. Governor of New Mexico.

The Legislative Council recessed for lunch at 12:00 noon and reconvened at 1:15 p.m. with the same Council members present who had been present during the morning session.

Senator Glenn reported that the Space Committee had met with representatives from the judicial branch of government and he stated that it appears there could be a settlement of the impasse regarding allocation of space in the Capitol Building. He suggested that space could be available which is currently being used as the legislative dining room. He noted that the two groups will be meeting again at the conclusion of the Legislative Council meeting and expressed the belief that any solution will require an adjustment of priorities for space by both the legislative and judicial branches. Representative Middleswart asked about dining facilities for members of the General Assembly if the legislative dining room is abandoned. Senator Glenn noted that the legislative dining room is practically unused during half the year and could be more efficiently used for other purposes. He suggested that adjustments for eating would have to be made.

Chairperson Kinley called for a report of the Studies Committee. The Report of the Studies Committee is attached and by this reference made a part of these minutes. Senator Hultman stated that the Report envisions approximately 1,080 legislative person/days of

studies. He explained that two years ago the legislative person/days were 2,157, but the 1,080 does not take into account the person/days resulting from meetings of standing committees to act upon recommendations of their subcommittees. He suggested that allowing one day for each standing committee to meet would add more than 450 person/days to the total. In addition, he commented that the number of subject areas studied is about 50 compared to about 38 for the interim two years ago. Speaker Cochran interjected that two years ago some of the 38 different topics were further divided by the interim study committees and subcommittees of these were formed. Senator Hultman added that the number of person/days for joint budget subcommittees and visitation committees for the interim is 645, which does not include meetings of any joint budget subcommittees for appropriation purposes. Speaker Cochran commented that the number of person/days using comparable figures is 2,470 for the 1975 interim versus 2,175 for the present interim. Chairperson Kinley interjected that a goal of the interim study program is to have legislation eligible for debate at the beginning of a legislative session. He added that each committee is limited in the amount of days it can meet as opposed to the interim study committees during previous interims which were allowed to meet as often as they deemed necessary.

Senator Phil Hill noted that the report states that recommendations from studies conducted by joint subcommittees of standing committees for which there are differing numbers of Senate and House members will require a majority vote of the members of each house. He asked for the logic. Representative Fitzgerald explained that the recommendations of the joint subcommittees in order to be considered as an interim report will require a majority vote of each house, but he added that such a majority will not preclude the subcommittees of either house sending different subcommittee reports to their parent committees. Representative Fitzgerald agreed that such a statement will be added to the report of the Studies Committee before distribution.

Senator Phil Hill further inquired about whether the Senate rules and the resolutions adopted at the close of the legislative session grant the Legislative Council the authority to approve members of subcommittees appointed by these standing committee chairpersons. Speaker Cochran responded that Senate Concurrent Resolution 27, Division II, section 4, states that "the Legislative Council shall consider the Plan of Interim Work which is submitted by each committee or budget subcommittee. The Council may amend any plan." Senator Hill asked whether it is contemplated that the Council will meet on Wednesday, August 17. Representative Fitzgerald responded in the affirmative.

Representative Stromer noted that the Report states that the Legislative Council is asked to approve an expenditure of \$34,725 dollars for funding five proposed studies in the area of education. He asked whether the funds will be obtained under section 2.12 of the Code with the Speaker of the House and Lt.

Governor approving the expenditure. Chairperson Kinley responded in the affirmative.

Chairperson Kinley called for discussion relating to the specific studies recommended.

Representative Fitzgerald asked Mr. Garrison for comments about staffing of the interim studies. Mr. Garrison responded that he had met with members of the House and Senate partisan staffs and with the Legislative Fiscal Bureau, and various staff members have tentatively been assigned to studies. He noted the large number of studies, but agreed that if the House and Senate provide clerical assistance, and partisan staff assistance, it will be possible to provide assistance to a greater number of studies than in the past. Mr. Garrison stated that he has had good cooperation with the House and Senate staff persons. Senator Hultman inquired about whether the partisan staff of the minority party will be assisting. Mr. Garrison responded that he expects the minority party partisan staff will also assist, but no one was present at the meeting.

It was noted that the subcommittees can request additional days if they are necessary.

Senator Hultman asked whether each standing committee has at least one study. Chairperson Kinley responded in the affirmative.

Representative Fitzgerald moved that the Report of the Studies Committee be adopted. Discussion followed and Senator Hill asked whether there is an overlap between the work of the House Budget Committee Steering Committee for the University of Iowa policy research relating to education and the Joint Budget Subcommittee on Education. Representative Fitzgerald remarked that the Steering Committee will be conducting long range planning for education in conjunction with research facilities at the University of Iowa. Representative Stromer, who is a member of the Steering Committee, stated that there is no overlap because the Steering Committee will only be reviewing and giving direction to the research persons and will not be making policy decisions after the research is gathered.

Senator Hill questioned whether the County Government Subcommittee on Home Rule should be discussing implementing legislation. He moved that the words "and implementing legislation" be removed from the description of the study. Senator Hultman noted that the County Government Home Rule amendment to the Iowa Constitution has not yet passed the General Assembly for the second time and such discussion may be premature. Senator Hill's motion carried.

Senator Hill further commented that the Education Visitation Committee has requested three days to view various kindergarten through grade 12 school districts. He expressed the belief that the Standing Committee on Education should be making such visits. Senator Palmer, Vice Chairperson of the Legislative Fiscal Committee, stated that the main thrust of the Visitation

Committee on Education visits was to provide those individuals dealing with education budgets first-hand visits and suggested that although in the past the school aid formula has been studied by the Standing Committee on Education, perhaps the Budget Committee should also review recommendations of the Committee on Education. Senator Hill moved that the Visitation Committee's three day visits to school districts be stricken. Representative Stromer stated that Representative Horn had believed that the various legislators are not cognizant of the problems of declining enrollment districts and noted that the Visitation Committee membership would be broadened to include the minority ranking members of the Committees on Education. Representative Hargrave expressed the belief that Visitation Committee members could visit schools in the areas of their other visits. Senator Hill's motion carried. Representative Stromer moved that information be added to the description of the school finance Subcommittee of the Committees on Education to state that one of the approved days may be used to visit different sized school districts. Representative Stromer's motion carried.

Senator Hill asked whether the study of the renter's credit could be included in the tax study. Representative Fitzgerald responded in the negative, commenting that such a combination would not allow the renter's credit to receive the attention needed.

Senator Hill asked about the study which includes a study of mechanic's liens by the Committee on Ways and Means and asked for the relationship between mechanic's liens and ways and means. Mr. O'Hern commented that during the last legislative session, there was an amendment to the fee bill relating to a fee for mechanic's liens. Senator Hultman stated that mechanic's lien bills have been assigned to the Judiciary Committees. Senator Hultman moved that the words "mechanic's liens" be stricken from the description of the study. The motion carried.

Representative Doyle asked about whether the Studies Committee had considered the establishment of a study relating to the uniform vehicle code. Senator Hultman noted that such a study was mentioned at the first meeting, but the Studies Committee voted not to recommend the study during the current interim.

The motion by Representative Fitzgerald to adopt the Studies Committee report as amended carried.

Senator Palmer gave the report of the Legislative Service Committee. A copy of the report is attached and by this reference made a part of these minutes. He emphasized that the employees of the Legislative Service Bureau, the Legislative Fiscal Bureau and the Office of Citizen's Aide have been placed in a merit grade and step and will be used in the future. He noted that salary increases granted under the proposal will be effective for the fourth pay period of this fiscal year. Senator Palmer moved the adoption of the Service Committee report and the motion carried.

The Council discussed whether to hold a meeting on Wednesday, August 17 to approve the memberships of the subcommittees

of standing committees and the two interim study committees that were approved. Representative Hargrave asked whether such an approval could be accomplished by means of a conference telephone call. Following discussion about sending memberships by mail, Senator Kinley stated that the Legislative Council will meet on August 17 at 10:00 a.m.

Senator Hultman commented that he had made a motion in the Senate Budget Committee that the General Assembly operate under a budget similar to the budgets required of the executive departments and agencies. He noted that the Legislative Council had approved approximately 50 studies and numbers of members with no idea of the cost. Senator Hultman moved that the Chairperson develop a proposal that the Legislative Council can begin reviewing by the next regular Council meeting. Senator Glenn noted that difficulties are whether to set a budget amount first or determine what studies should be conducted first. He noted that it is impossible to make realistic estimates of the costs of complex studies, citing the Criminal Code studies taking place over a several year period before enactment. Senator Hill noted that Senator Willits has attended some national meetings on the topic and believes that it is an approach the General Assembly should consider. Senator DeKoster interjected that the cost of studies is a small cost compared to the cost of the total legislative process and expressed the belief that the General Assembly is not aware of the amounts of money spent and stated that he believes such a budget would be a good idea. Speaker Cochran commented that the legislative budget is a Budget Committee matter and suggested that the Legislative Council wait for recommendations from the Budget Committee. Chairperson Kinley stated that other states which have adopted legislative budgets also have rather large contingency funds and slush funds which they utilize. He added that the General Assembly maintains records of costs of various facets of its operation. Representative Varley expressed the belief that since no one really knows how much current costs are, the operation of the General Assembly is not conducted under a good management approach. Senator Hultman's motion failed with 8 affirmative votes by Senators DeKoster, Hill, Hultman, and Ramsey and Representatives Den Herder, Millen, Stromer, and Varley; and 8 negative votes by Chairperson Kinley, Speaker Cochran, Senators Glenn and Nolting, and DRepresentatives Doyle, Fitzgerald, Hargrave, and Middleswart. Representative Palmer voted present.

Mr. Bob Davies, Administrative Assistant to Speaker Cochran, was present to discuss a program offered by Eagleton Institute of Politics of Rutgers University. He stated that Eagleton Institute personnel will be present in Iowa to conduct three seminars, the first of which will be held on August 22 and 23. He stated that Eagleton Institute personnel will work primarily with Legislative Service Bureau staff, Legislative Fiscal Bureau staff and Caucus Staff and will provide an overview of program review and evaluation. He stated that Eagleton has agreed to offer the program to legislators who are members of five subcommittees conducting studies during the interim. Mr. Davies requested authorization for participation of legislators and payment of per diem and expenses.

He listed the following five studies: Title XX, elderly, school finance, obsolete boards and commissions, and unemployment compensation. Mr. Davies explained that there are a possible 60 legislators who are members of one or more of the five studies. He stated that the first seminar has already been scheduled because three seminars must take place over the next ten to twelve weeks.

Senator Ramsey stated that he had made a motion at the Studies Committee meeting on the preceding day that only expenses be paid those legislators who wish to participate. Chairperson Kinley noted that the motion was deferred. Discussion followed with regard to the authorization for the seminar. It was noted that meetings were held during the legislative session with legislators and legislative staff, but it appeared that many members of the Council were not informed of the seminars.

Senator Palmer suggested that a policy has already been established for attendance at conferences and suggested that the regular policy be used. Representative Varley moved that the Legislative Council approve the seminars and attendance of legislators with payment of per diem and expenses at the first seminar for all eligible legislators. It was noted that the final two seminars will be held on days on which the subcommittees would be meeting. Senator Ramsey moved a substitute motion that only expenses be paid for legislators. Representative Hargrave expressed opposition to the motion, stating that members of the General Assembly might be unable to come if only expenses are paid.

Senator Hill expressed concern about the seminar. Mr. Riordan stated that a meeting of Senate personnel was held with Eagleton Institute personnel and some legislators were invited who were unable to attend. Senator Glenn asked whether the seminars can be rescheduled. Senator Glenn moved that the subject of the participation in the Eagleton Institute seminars be deferred and he requested that the staff submit further proposals at the meeting on August 17. Chairperson Kinley noted that persons desiring to attend can submit requests for per diem and expenses to the presiding officers. Representative Varley expressed opposition to Chairperson Kinley's suggestion unless there is some way of informing all members who are eligible. Senator Hultman expressed agreement with Senator Glenn's motion. Senator Hill noted that the persons who would be invited to attend the seminar would be members of subcommittees and these members will not be approved until August 17. Senator Glenn's motion carried.

The Legislative Council adjourned at 3:45 p.m.

Respectfully submitted,

SERGE H. GARRISON
Director

DIANE BOLENDER
Research Analyst