

M I N U T E S

IOWA LEGISLATIVE COUNCIL

September 2, 1987

PRELIMINARY BUSINESS

The fifth meeting of the 1987-1988 Legislative Council was called to order by Chairperson Donald D. Avenson at 2:25 p.m., Wednesday, September 2, 1987, in Senate Room 22 of the State Capitol Building, Des Moines, Iowa. Members present in addition to Chairperson Avenson were:

Senator Bill Hutchins, Vice Chairperson  
Lieutenant Governor Jo Ann Zimmerman  
Senator C. Joseph Coleman  
Senator Donald V. Doyle  
Senator Lee W. Holt  
Senator Calvin O. Hultman  
Senator Emil J. Husak  
Senator George R. Kinley  
Senator David M. Readinger  
Senator Joe J. Welsh  
Representative Florence D. Buhr  
Representative Dorothy F. Carpenter  
Representative Kay Chapman  
Representative John H. Connors  
Representative Thomas J. Jochum  
Representative Delwyn Stromer  
Representative Harold Van Maanen

Also present were Donovan Peeters, Director, Legislative Service Bureau; Diane Bolender, Senior Research Analyst; Richard Johnson, Senior Legal Counsel, Legislative Service Bureau; other legislative staff members; representatives of the news media; and other interested persons.

APPROVAL OF MINUTES

Representative Connors moved to dispense with the roll call and to approve the minutes of the July 8, 1987 Council meeting, as submitted. The motion was adopted by a unanimous voice vote.

COURT RULES RECEIVED

Chairperson Avenson recognized Senator Doyle for an explanation of the rule changes received by the Legislative Council pursuant to Iowa Code section 602.4202. The changes apply to Rule of Evidence 410, relating to the admissibility of pleas, and to Rule of Civil Procedure 144, relating to deponents more than 100 miles from the place of trial. After a brief explanation of the rule changes, Senator Doyle noted that no Council action is necessary other than acknowledging the receipt of the rules. Senator Doyle moved to receive the rules reported by the Supreme Court. The motion was adopted by a unanimous voice vote.

BILL PREFILING RULES

Mr. Donovan Peeters, the Director of the Legislative Service Bureau, was recognized by Chairperson Avenson for his report on the proposed rules for prefiling legislative bills. A copy of the report is attached, and by this reference, made a part of these minutes. Mr. Peeters reported that the only substantive changes from the procedure of last year deal with the requirement that agency prefiling requests include an explanation of the need for, purpose, and intent of the request and with the requirement that only those state agencies listed in the prefiling rules have the authority to submit prefile bill and resolution requests with the Legislative Service Bureau. Senator Coleman asked that the materials forwarded to the Legislative Service Bureau by state agencies submitting such requests be made available as early as possible to the chairpersons and ranking members of the appropriate standing committees. Chairperson Avenson stated that this could be accomplished although questions might arise as to the appropriate standing committees since study bill assignments would not yet have been made. Senator Hultman moved that the Mr. Peeters' report be accepted as submitted. The motion was approved by a unanimous voice vote.

INTERIM STUDY COMMITTEES: MEMBERSHIP AND REQUESTS

Chairperson Avenson presented a combined report of requests relating to membership, meeting days, and expenses of interim study committees.

Committee Membership Items. Representative Connors moved that the number of public members of the Welfare Reform Study Committee be increased from seven to nine and that the number of public members of the Teacher Preparation Task Force be

increased from five to six in order to accommodate additional appointments. The motion was approved by a unanimous voice vote.

Representative Carpenter moved that the number of public members of the School Finance Study Committee be increased from seven to eight in order to accommodate the appointment of an additional nonvoting member. The motion was approved by a unanimous voice vote. Chairperson Avenson later clarified that under House File 499 the Council was given discretion in its appointment of executive branch employees to be members of the School Finance Study Committee and that earlier action was in fact to add an executive branch employee as an ex officio member of the School Finance Study Committee.

Concerning the Adolescent Task Force membership, Senator Welsh moved that Lieutenant Governor JoAnn Zimmerman be included as a full voting member. The motion was approved by a unanimous voice vote.

Interim Study Committee Requests. School Finance Study Committee. Chairperson Avenson recognized Senator Larry Murphy for the report of the School Finance Study Committee. Senator Murphy reported the recommendations of the Study Committee as summarized in the letter of September 2, 1987 to Speaker Don Avenson, Chairperson of the Iowa Legislative Council. Senator Murphy requested the Legislative Council to enter into a contract with the Education Commission of the States and the National Conference of State Legislatures to conduct the first phase of the school finance study, resulting in the writing by the Study Committee of a Request for Proposal (RFP) to independent consultants to conduct the remaining phases of the school finance study. Senator Murphy also requested that the Legislative Council approve the expenditure of up to \$40,000 for this first phase of the study.

On behalf of the School Finance Study Committee, Senator Murphy requested the approval by the Legislative Council of five additional meeting days between December 1987 and June 1988 to hear testimony, approve the RFP, approve the awarding of the consultant contracts, and to monitor the progress reports of the consultants. The Legislative Council was also requested by the Study Committee to approve the concept of employing an independent consultant under the RFP, requesting the consultant to provide an equity analysis of the school foundation formula and simulations of finance formula alternatives, with a cost of not more than \$100,000, and with specific approval of the contract to be made by the Legislative Council once bids are submitted and reviewed.

Representative Stromer asked if the Education Commission of the States would coordinate the study or if local experts would be used. Senator Murphy stated that the School Finance Study Committee recommendation is to have the Education Commission of the States and the National Conference of State Legislatures put together a suggested Request for Proposal (RFP) which would include new school standards, after studying 20 or more school districts and analyzing the impacts of the new standards on the districts. The two national organizations would report their suggested specifications for inclusion in the RFP to the School Finance Study Committee in December, with the Legislative Council actually letting the bids on the RFP in a nationwide search sometime in the spring. Dr. Chambers and others in the state will probably apply and the School Finance Study Committee would definitely favor the use of in-state resources where appropriate. Representative Stromer stated that the University of Iowa employees could probably produce the study without a great deal of expense to the state. Senator Murphy stated that a variety of opinion exists as to whether in-state or out-of-state advice would be less biased. The first phase, however, would be conducted by the two national organizations which do have national experience with several states in reviewing school finance formulas. Concerning the private consultant bid letting, no guarantee can be made at this point that either an in-state or out-of-state consultant will be awarded the contract.

Representative Connors moved that the first recommendation made by the School Finance Study Committee, relating to the approval by the Legislative Council of the first phase of the school finance study (the contract with the Education Commission of the States and the National Conference of State Legislatures not to exceed \$40,000), be approved. The motion was approved by a unanimous voice vote. Representative Connors moved that the second recommendation of the School Finance Study Committee, relating to the authority of the Study Committee to meet five additional days prior to July 1988, be approved. The motion was approved by a unanimous voice vote. Representative Connors moved that the third and final recommendation of the School Finance Study Committee, relating to the approval by the Legislative Council of contracting with an independent consultant under the RFP to conduct the remainder of the school finance study, be approved. The motion was approved by a unanimous voice vote.

AIDS Task Force. Representative Chapman moved that the request of the AIDS Task Force, for approval by the Legislative Council to reimburse the expenses of two out-of-state experts, be approved. The motion was adopted by a unanimous voice vote. Senator Husak noted that the approval related to the request to

pay the expenses of two speakers from neighboring Minnesota and stated his preference that expenses not be reimbursed routinely by the Council for speakers from as far away as California or Washington, D.C. Chairperson Avenson suggested that the approval of the Council was for the two suggested speakers from Minnesota and that it should be noted that the understanding of the Council is that only these two speakers can be reimbursed and that reimbursement to other speakers would require the prior approval of the Council.

Welfare Reform Study Committee. Representative Buhr moved that the Welfare Reform Study Committee be authorized to meet a total of five days rather than four days. Representative Stromer stated that he hoped approval of the increase would not set a precedent for any or all requests by other study committees to schedule additional meetings. Chairperson Avenson stated that the Studies Committee had earlier been rather conservative in authorizing meeting days. Senator Holt mentioned that the Welfare Reform Study Committee would hold one two-day meeting thereby holding down expenses. The Buhr motion was approved by a unanimous voice vote.

#### SERVICE COMMITTEE REPORT

Chairperson Avenson recognized Senator Welsh for the Report of the Service Committee. A copy of the report is attached, and by this reference, made a part of these minutes. Senator Welsh explained that the first recommendation of the Service Committee, relating to the letting of bids to make the Citizens' Aide offices accessible to the handicapped, is necessitated by the refusal of the Director of the Department of General Services to approve the letting of bids by the Department, even if the costs of construction were to be paid by the Legislature, under the premise that the building would be demolished in the future. Senator Welsh also noted the request of the Service Committee to approve the appointments of certain supervisory staff within the Legislative Fiscal Bureau, the reclassification and merit increases awarded to two employees of the Legislative Service Bureau, and the reorganization of the Legislative Service Bureau and the Iowa Code Office. Senator Welsh moved for approval of the Report and the motion was adopted by a unanimous voice vote.

#### FISCAL COMMITTEE REPORT

Chairperson Avenson recognized Representative Jochum for the report of the Fiscal Committee. Representative Jochum gave an oral report of the activities and recommendations of the

Fiscal Committee. He reported that a subcommittee to monitor developments relating to the Bill of Rights for the mentally ill, mentally retarded, and developmentally disabled has been appointed consisting of Senators Bruner and Welsh and Representative Van Maanen. The subcommittee is planning to meet soon with the Governor's staff regarding the current executive agency activity regarding the Bill of Rights. The Fiscal Committee requests that the subcommittee members be authorized reimbursement for their expenses and per diem in connection with subcommittee meetings.

Representative Jochum reported that the Fiscal Committee recommends that the Legislative Fiscal Bureau proceed with full evaluations of the Foster Care Review Board and the Criminal and Juvenile Justice Planning Agency.

Concerning the Fiscal Committee's approval of visitations for legislative committees, the Fiscal Committee has received the following four requests for visitations: Education Appropriations Subcommittee, seven days to visit Regents', Merged Area School, AEA, and Cultural Affairs institutions; Human Services Appropriations Subcommittee, unspecified; Justice System Appropriations Subcommittee, one day to view a roof at the Mt. Pleasant institution; and Administration Appropriations Subcommittee, two days to review certain activities of the Departments of General Services, Management, and Revenue and Finance. Of the four requests, only the Administration Appropriations Subcommittee request was approved; the Human Services Appropriations Subcommittee request will be resubmitted and the other two requests were denied. The actions were taken using guidelines established by the Fiscal Committee. The guidelines require that the primary purpose of the visitation must be oversight of the agency visited, and that the visitation can only be approved after submission of a detailed visitation plan to the Fiscal Committee. Representative Stromer observed that some visitations are very worthwhile in that they provide subcommittee members with educational opportunities not otherwise available.

Representative Stromer asked if the reports were accurate that the use of ethanol-blend gasoline by the State Department of Transportation would cost the Department more than \$150,000. Representative Jochum responded that he had heard the cost could be as high as \$225,000 or more due to modification expenses such as flushing underground storage tanks and automobile tanks. Representative Stromer noted that the corn growers around the state are concerned about these reported costs. Representative Van Maanen interjected that the flushing of tanks had been suggested by gasoline suppliers.

Representative Buhr inquired as to the decertification of minority and female businesses for certain governmental contracts. Senator Welsh replied that the Fiscal Bureau is investigating the decertifications and should be reporting to the Fiscal Committee and the Legislative Council at one of the next meetings.

Senator Doyle raised a question as to current legislative oversight over institutional roof repairs. He noted that a different roof at the Mt. Pleasant institution had been repaired than had been proposed to the Justice System Subcommittee. Representative Jochum replied that the Justice System Subcommittee visitation request has already been resubmitted and that the request will be considered at the next Fiscal Committee meeting.

Representative Jochum asked that the report of the Fiscal Committee be accepted and that the actions of the Fiscal Committee regarding the reimbursement of the Bill of Rights subcommittee members, the approval of full evaluations by the Fiscal Bureau of the two named state agencies, the establishment of visitation guidelines, and the authorization of the Administration Appropriations Subcommittee visitations, be approved. Chairperson Avenson commended the Fiscal Committee on its approach to the approval of visitations and asked that the report be accepted and the approval granted by unanimous consent of the Council. There being no objection the report was accepted and the requested approval granted.

#### EDUCATION UPLINK STUDY COMMITTEE REPORT

Chairperson Avenson recognized Senator Murphy for the report of the Education Uplink Study Committee. Senator Murphy summarized the actions of the Education Uplink Study Committee and reported that the Study Committee had met the following four goals established upon the creation of the Study Committee: (1) the examination of the existing telecommunications systems in the state and the recommendation of a plan that could provide a unified integrated telecommunication system for Iowa; (2) the development of a structure to assure that the telecommunications needs of individual institutions would be considered at the same time that all telecommunications systems would be coordinated in order to insure uniformity and compatibility to ultimately achieve a total statewide interconnected system; (3) the filing of a grant application with the Public Telecommunications Facility Program; and (4) the development of a pilot program in Southwest Iowa that would begin the actual construction of a statewide system. Senator Murphy stressed that the focal point for the further development of a statewide telecommunications

system now lies with the Iowa Public Broadcasting Board which was given the statutory responsibility for coordination of the statewide system. It is now incumbent on the Legislature to maintain contact with the Board in order to monitor the development of the statewide system. Senator Murphy reported that although \$250,000 had been earmarked for the work of the Study Committee, only \$75,000 has been expended to date and only an additional \$25,000 is expected to be needed for frequency clearance work and an additional \$10,000 is expected to be needed for project location costs, making the total cost of the project somewhere near \$110,000.

Senator Holt asked if some systems are already in place, such as the system in Palo Alto County. Senator Murphy responded that many systems are already operational such as the Kirkwood Community College system in Cedar Rapids. Representative Connors moved that the report be accepted. The motion was approved by a unanimous voice vote.

#### TEMPORARY RELOCATION OF FISCAL BUREAU PERSONNEL

Chairperson Avenson recognized Mr. Dennis Prouty, the Director of the Legislative Fiscal Bureau for an update on plans to relocate Fiscal Bureau personnel during remodeling of the ground floor and first floor of the Lucas Building. Mr. Prouty reported that the Department of General Services had contacted him in July to tell him that the 13 Bureau staffers in the Lucas Building would be moved sometime in January or February. After the Department Director was informed that this schedule was unacceptable due to the legislative session, the relocation time has now been rescheduled for after session. A question remains as to where the staff will be temporarily relocated. Possibilities mentioned by the Director include the first floor of the Lucas Building and the old Historical Building. The relocation plans would also affect the five personnel of the Legislative Computer Support Bureau.

Chairperson Avenson remarked that relocation of legislative personnel back to the ground floor of the Lucas Building may not be possible if General Services goes ahead with its proposed plan to relocate the Lucas Building cafeteria to the ground floor. He added that the Legislature must be willing to move ahead with its plan for Capitol space allocation before actions of the executive branch preclude the exercise of any options still open at this time. Representative Carpenter commented that perhaps the Capitol cafeteria could be removed if a new Lucas cafeteria were built. Chairperson Avenson stated that the Legislative Council possesses statutory authority for assigning space in the Capitol Building, other than certain space occupied

by the Governor and the Courts, and for assigning space for the Legislature and legislative agencies in other state office buildings. However, the Council does not have the authority to assign executive branch office space in other state buildings. Senator Husak agreed that the Council should now move ahead with space allocations before actions of the executive branch preclude any space allocation options now open to the Legislature. Chairperson Avenson said he would soon be calling a meeting of the Capitol Space Allocation Committee which he co-chairs along with Vice Chairperson Hutchins. Other members are Senators Coleman, Husak, Hultman, and Readinger and Representatives Arnould, Connors, Carpenter, and Stromer.

ADJOURNMENT

There being no further business to come before the Council, Senator Coleman moved that the Council adjourn and the meeting was adjourned at 3:25 p.m. The next meeting of the Council will be upon the call of the Chairperson, possibly in September.

RESPECTFULLY SUBMITTED,

DONOVAN PEETERS, Secretary to the Legislative Council

RICHARD JOHNSON, Senior Legal Counsel

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