

M I N U T E S  
LEGISLATIVE COUNCIL

August 17, 1977

The third meeting of the 1977-1978 Legislative Council was called to order at 10:50 a.m., Wednesday, August 17, 1977 in Senate Room 22, State House, Des Moines, Iowa by Senator George Kinley, Chairperson. Members attending the meeting were:

Senator George Kinley, Chairperson  
Senator C. Joseph Coleman  
Senator Gene Glenn  
Senator Eugene Hill  
Senator Philip B. Hill  
Senator Fred Nolting  
Senator William Palmer  
Senator Richard Ramsey  
Representative Elmer Den Herder  
Representative Donald Doyle  
Representative Jerome Fitzgerald  
Representative William Hargrave  
Representative James Middleswart  
Representative Floyd Millen  
Representative Delwyn Stromer  
Representative Andrew Varley

Chairperson Kinley noted that the Legislative Council deferred action on the proposed seminar to be conducted by the Eagleton Institute at the August 10 meeting. Chairperson Kinley asked the members of the Council for any additional comments or motions. Senator Philip Hill moved that the Legislative Council refuse participation in the proposed seminar to be conducted by the Eagleton Institute. Senator Hill commented that he objects to the method by which the proposal was presented to the Legislative Council as an accomplished fact without approval of the leadership of the General Assembly, the General Assembly itself, or the Legislative Council. He further stated that it appears the proposed seminar is being promoted by the partisan staff on its own initiative for its own benefit. In reply to a question by Senator Glenn, Mr. Davies stated that he has contacted the Eagleton Institute since the August 10 meeting. He stated that if the seminar program does not commence on August 22, the next opportunity would be the last week in September. He added that this delay would present a problem in that the last seminar meeting at the conclusion of the 10 week training period would have to be scheduled in late December or early January, causing direct conflicts with preparations for the 1978 Session. Mr. Davies also stated that the proposal to include as many as five study committees has been reduced to the Title XX study and the School Finance Study which would involve approximately 35 legislative members. He stated that

he has contacted the legislative members and fifteen have expressed interest in participating in the seminar.

After further discussion, Senator Palmer moved a substitute motion that the membership of the Title XX Joint Subcommittee and the School Finance Joint Subcommittee be advised of the Eagleton Institute seminar and that application for per diem and expenses to attend the seminar be made to the respective presiding officer of the Senate and House.

In reply to a question by Representative Hargrave, Senator Palmer stated that his motion does not include Council approval of the proposed seminar. Representative Hargrave commented that if Council approval is not provided, the respective presiding officers could authorize per diem and expenses to the legislators without Legislative Council action. He stated that the Legislative Council should act to approve the proposed seminar and attendance by legislators since the proposal has been brought before the Council. In reply to a question by Representative Varley, Mr. Davies stated that current plans provide for the staff assigned to the two committees to attend and also other staff members at the discretion of the staff directors. In reply to another question by Representative Varley, Mr. Rankin stated that only the staff assigned to the Title XX study would attend from his office. Representative Varley stated that he is concerned about who made the management decisions to participate in the Eagleton Institute seminar and which staff members should attend.

Senator Ramsey moved an amendment to the substitute motion by Senator Palmer to strike the words "per diem and". He stated that legislators attending the seminar should be allowed expenses but not per diem for the meetings. Representative Hargrave objected to the amendment, stating that the General Assembly in recent years has advocated continuing education for various occupations and professions and that legislators should be included in the continuing education process. He added that legislators who are not affluent should not be denied access to this continuing education. Representative Stromer commented that per diem is authorized for interim study committees and subcommittees, therefore per diem should also be authorized for legislators attending seminars for other educational purposes. During his final remarks, Senator Ramsey stated that continuing education requirements have been provided by the General Assembly but the public is not asked nor expected to pay for this education.

Chairperson Kinley called for a voice vote on Senator Ramsey's amendment to Senator Palmer's substitute amendment. The amendment lost.

Representative Varley moved an amendment to Senator Palmer's substitute motion that the presiding officers, when reviewing the requests of the legislators to attend the seminar, give consideration to political balance among the legislators authorized to attend. Senator Palmer questioned what the word

consideration would mean in this context. He added that he will resist the amendment because these matters should be left to the judgment of the presiding officer. He further noted that during his tenure in the General Assembly, the presiding officers have been fair in granting travel and other expenses between members of the political parties represented. Representative Varley stated that he is simply asking for consideration to be given to a reasonable balance between political parties when applications are reviewed. Representative Fitzgerald commented that if Representative Varley's amendment is qualified by the phrase "requests permitting, partisan balance will be considered", he will support the amendment. Representative Varley agreed to that interpretation.

There being no further discussion, Representative Varley's amendment to Senator Palmer's substitute motion was adopted.

Returning to Senator Palmer's substitute motion, Senator Philip Hill stated that he opposes participation in the Eagleton Institute seminar. He added that the proposal discussed by Mr. Davies doesn't appear even to follow the guidelines in the printed material presented to the Council. He stated that the entire seminar proposal was mishandled and appears to be a waste of staff and legislator time. He added that if the seminar is presented, he hopes that the Legislative Service Bureau and the Legislative Fiscal Bureau staff are included in the training because at least this staff tends to have tenure long enough so that the training will be a benefit to the state. In his closing remarks, Senator Palmer stated that he agrees in part with Senator Hill's comments. He stated that the basic question to be answered is whether there should be continuing education for legislators and legislative staff. He stated that he agrees that poor judgment was used during the planning stages for the seminar; however, the training of the legislative staff should take place whether or not legislators participate. He added that the Legislative Council did not initiate the planning for the seminar nor approve the seminar; therefore, the presiding officers of the respective houses should be responsible for approving per diem and expenses for the legislators.

On a role call vote, Senator Palmer's substitute motion lost on a vote of 10 ayes and 6 nays. Those voting aye were Senators Kinley, Coleman, Glenn, Eugene Hill, Nolting, and Palmer, and Representatives Doyle, Fitzgerald, Middleswart, and Stromer. Those voting nay were Senators Philip Hill, Ramsey, and Representatives Den Herder, Hargrave, Millen, and Varley.

Upon returning to Senator Philip Hill's original motion, Representative Hargrave moved a substitute motion that the Legislative Council approve participation in the Eagleton Institute seminar for the legislative members of the Title XX Joint Subcommittee and the Education Funding Joint Subcommittee including per diem and expenses.

After discussion, Senator Coleman moved an amendment to the substitute motion by Representative Hargrave that the four

legislative members of the Medical Assistance Advisory Council also be included in the authorization for per diem and expenses to attend the Eagleton Institute seminar. In reply to a question by Representative Stromer, Senator Coleman stated that he does not believe the substitute motion or amendment would restrict the respective presiding officers of the House and Senate from authorizing additional legislators to attend the seminar. Representative Middleswart questioned whether the motion or amendment could be construed to allow the respective presiding officers to approve additional legislative members to attend the seminar. Senator Philip Hill stated that if Senator Coleman is sure that the presiding officers can approve additional legislative participation, then he can see no reason for offering the amendment. Senator Coleman responded that the Medical Assistance Advisory Council has a direct interest in legislative oversight training and therefore they should be specifically authorized to attend. He stated that other legislators expressing an interest in the seminar should attend with approval of the presiding officers.

After further discussion, the amendment by Senator Coleman was adopted.

Representative Varley stated that he is concerned that the policy decision for participation in the Eagleton Institute seminar appears to have been made by staff. Therefore, any motion to approve participation by legislators in the seminar should include an approval of the seminar itself.

After further discussion, Representative Varley moved an amendment to the substitute motion by Representative Hargrave that the Legislative Council approve the conduct of the seminar. The motion was carried.

In his final remarks, Representative Hargrave stated that in the past the Legislative Council has acted to approve per diem and travel expense for its membership to various seminars and conferences and the presiding officers of each House have expanded the authorization to other legislators not members of the Council. He stated that there appears to be no reason why the presiding officers cannot approve legislators' per diem and expenses to attend the seminar also. He added that his motion limits the participation to 39 eligible legislators, which is a reduction of 21 eligible legislators from the preceding proposal.

There being no further comments, Representative Hargrave's substitute motion was defeated by a roll call vote of 7 ayes and 9 nays. Those voting aye were Senator Coleman and Representatives Doyle, Fitzgerald, Hargrave, Middleswart, Stromer, and Varley. Those voting nay were Senators Kinley, Glenn, Eugene Hill, Philip Hill, Nolting, Palmer, and Ramsey, and Representatives Den Herder and Millen.

After further discussion, Representative Fitzgerald moved that the Eagleton Institute seminar proposal be temporarily deferred

until other business of the Council is complete. The motion was carried.

Chairperson Kinley recognized Representative Fitzgerald to report on the membership recommended for appointment to the subcommittees and interim study committees approved by the Legislative Council at the August 10 meeting. Representative Fitzgerald referred the Council to the membership lists prepared by the Legislative Service Bureau. He stated a few changes would be noted. The first change noted is on the House membership for the Community Development Joint Subcommittee. He stated that Representative Newhard's name should be substituted for Representative Dunton with the qualification that Representative Dunton may replace Representative Newhard at a later date if Representative Newhard's schedule cannot be arranged to serve on the Subcommittee.

The second change relates to the recommendation of Representatives Doyle, Varley, and Middleswart for the Joint Subcommittee on Hazardous Wastes. In addition, Representatives Griffee, Hinkhouse, Svoboda, Daggett, and Evans are recommended for membership on the Joint Subcommittee on Municipal Utilities.

The third amendment to the legislative appointees is the recommendation of Senators Van Gilst, Merritt, Hutchins, Elizabeth Miller, and Tieden to the Joint Subcommittee on Corporate Farm Reporting.

The fourth amendment relates to the recommendation of Senators Ashcraft and Curtis to the Special Interim Study Committee on Tort Liability Problems and the recommendation of Senators Palmer and Briles to the Special Interim Study Committee on Public Employment.

The fifth amendment relates to the appointment of Representatives Harvey and West for membership on the Obsolete Boards and Commissions Joint Subcommittee. Representatives Harvey and West are appointed to replace Representatives Crawford and Hansen.

Representative Fitzgerald moved the approval of the membership of the interim subcommittee and study committee appointments as amended.

Senator Glenn moved an amendment to Representative Fitzgerald's motion for one additional meeting of the Senate Committee on Judiciary to hold a public hearing on the juvenile justice bill. After discussion, the amendment was adopted.

After further discussion, Representative Fitzgerald's motion as amended was adopted.

Representative Fitzgerald moved that the Joint Subcommittee on the Unemployment Insurance Program and Abuses be authorized one

additional meeting. Representative Fitzgerald stated that Representative Connors requests the additional meeting because the subject matter could not be adequately covered in the one meeting already authorized. Representative Millen stated that he supports the request for an additional meeting because hearings will be necessary if the Subcommittee is to adequately investigate the abuses and problems existing in the unemployment insurance program. He further suggested that more than two meetings will be needed eventually to fully explore this subject matter. There being no further discussion, the motion was adopted.

Representative Hargrave stated that the Legislative Council should designate which of the two designated chairpersons on the joint study subcommittees should be responsible for calling the first meeting. He stated that this procedure would eliminate potential problems of the staff coordinating the first meeting of the joint subcommittees with two separate chairpersons.

Senator Philip Hill stated that he does not believe a problem exists concerning appointment of a co-chairperson of the subcommittees. He added that during previous interim study periods, co-chairpersons have been appointed and the scheduling of meetings did not cause a problem.

Chairperson Kinley recognized Senator Glenn to report on the activities of the Space Study Committee. Senator Glenn stated that the Committee met with six Justices of the Supreme Court and the five judges of the Court of Appeals at two separate meetings on August 10, 1977. He stated that despite efforts to resolve the issue, the members of the Courts maintain their position that the entire area to be vacated by the Department of Agriculture is needed by the Courts. Senator Glenn stated that he proposed a compromise relating to the first floor area, which would have assigned the Courts the private and ceremonial offices of the Secretary of Agriculture and allocated the large northeast corner room and the anteroom adjacent to that room for use of the General Assembly. He added that the ceremonial office could be used as a consultation and library area and the private office area could be used by the Chief Judge of the Court of Appeals and his secretary. In questioning Chief Judge Allbee as to what use the large northeast room would be assigned, Senator Glenn stated that Chief Judge Allbee proposes the room to be partitioned for offices for law clerks. Senator Glenn further stated that this proposed use would be wasteful of an area which is very suitable for a legislative committee room or hearing room. Regarding a question of a final decision on the space allocation, the members of the Courts gave no direct response as to how the allocation should be finally decided.

There being no apparent willingness by the Courts to compromise on the space allocation question, Senator Glenn presented a proposed resolution to the Council proposing the adoption of the compromise allocation plan proposed to the Courts at the August 10 meeting. He stated that in essence, the resolution proposes that the Legislative Council approve the Capitol space allocation "Plan

B" developed by Hanson, Lind, Meyer Architects with the exception that on the first floor of the Capitol, only the large northeast corner room and the anteroom to that room should be reserved for use of the General Assembly. He added that this resolution proposes a retreat from the General Assembly's previous position on the space allocation, but it appears to be a reasonable compromise.

In reply to a question by Senator Eugene Hill, Senator Glenn stated that, prospectively, additional areas on the ground floor of the Capitol involving the southeast area now occupied by the Department of General Services and the Payroll Division of the State Comptroller's Office may be utilized for legislative purposes, but these areas are not suitable for legislative committee space which is the most critical need at this time.

Senator Eugene Hill responded that he is generally disappointed with the General Assembly's effort to obtain needed space for its use. He stated that the General Assembly should also look at executive office space on the first floor of the Capitol Building which could be obtained when the new office buildings are completed. He stated that he is reluctant to compromise on areas presently occupied by the Executive Department when the two new office buildings were constructed for the purpose of accommodating the Executive Department. He concluded by stating that the current efforts of the General Assembly to acquire additional needed space are very small efforts at best.

In reply to a question by Representative Middleswart, Senator Glenn stated that the possibility of installing an elevator between the ground floor and the first floor of the area proposed for the Court of Appeals has been discussed, but the actual need for the elevator is questionable. He added that he recognizes the need of space for the Court, but their demand for the entire area now occupied by the Department of Agriculture is unreasonable.

In reply to a question by Senator Philip Hill, Chairperson Kinley stated that the Secretary of State, the Comptroller, and the Attorney General have discussed the feasibility of vacating some areas currently assigned to them, but the actual decision to vacate these areas is not firm.

There being no further discussion, Senator Glenn moved the adoption of the resolution. The motion was adopted.

A copy of the adopted resolution of the Legislative Council is attached to and by this reference made a part of these minutes.

Returning to the deferred question of participation in the Eagleton Institute seminar, Chairperson Kinley recognized Senator Palmer for a motion. Senator Palmer moved a substitute motion to the motion by Senator Philip Hill that the Legislative Council approve the Eagleton Institute seminar as proposed and authorize the respective presiding officer of the House and Senate to approve, upon request, per diem and expenses of legislators to attend.

Senator Philip Hill stated that he believes the motion is redundant and the subject matter has been voted upon by the Legislative Council in previous motions. He further stated that he believes this action would be a mistake.

There being no further discussion, the substitute motion by Senator Palmer was adopted by a roll call vote of 12 ayes and three nos. Those voting aye were Senators Kinley, Coleman, Glenn, Eugene Hill, Nolting, and Palmer and Representatives Doyle, Hargrave, Middleswart, Millen, Stromer, and Varley. Those voting no were Senators Philip B. Hill and Ramsey and Representative Den Herder.

Chairperson Kinley stated that unless the need for a September meeting of the Council becomes necessary, the next meeting of the Council will be held on the second Wednesday in October.

There being no further business, Chairperson Kinley adjourned the meeting at 12:50 p.m.

Respectfully submitted,

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