

M I N U T E S

LEGISLATIVE COUNCIL.

November 8, 1978

The fourteenth meeting of the 1977-1978 Legislative Council was called to order at 10:30 a.m., Wednesday, November 8, 1978, in Senate Committee Room 22 of the Statehouse in Des Moines. Council members attending the meeting were:

Senator George R. Kinley, Chairperson
Senator C. Joseph Coleman
Senator Eugene M. Hill
Senator Philip B. Hill
Senator Calvin O. Hultman
Senator Fred W. Nolting
Senator William D. Palmer
Senator Richard R. Ramsey
Representative Gregory D. Cusack
Representative Donald V. Doyle
Representative James I. Middleswart
Representative Floyd H. Millen
Representative Delwyn D. Stromer
Representative Andrew P. Varley

Other persons present for the meeting included Director Serge Garrison, Senior Research Analysts Phil Burks and Thane Johnson and Legal Editor Jo Ann Brown of the Legislative Service Bureau, Legislative Fiscal Director Gerry D. Rankin, Citizens' Aide Bill Angrick, and a number of other Legislative staff persons, representatives of the news media and other interested persons.

On motion of Representative Doyle, the minutes of the Council's September 27, 1978, meeting were approved as submitted to Council members.

There was distributed to Council members present a compilation of reports of educational leave received by the Legislative Service Bureau for submission to the Council, during the period since the previous Council meeting. On motion of Senator Nolting, this report was received.

The Council next took up the matter of reporting dates for the joint interim subcommittees and study committees which are functioning during the current interim. Mr. Garrison noted that as is often the case in election years, the interim activity thus far during the late summer and fall has been somewhat limited, and that it is anticipated that many interim legislative meetings will be held between now and mid-December. He also commented that at least two joint interim subcommittees have not yet met at all. In response to a question, he identified these as the Juvenile

Services and Impact of the Juvenile Justice Law Subcommittee of the standing Committees on Human Resources, and the Judicial Apportionment Formula Subcommittee of the standing Senate Committee on Judiciary and House Committee on Judiciary and Law Enforcement. Mr. Garrison concluded by stating that because many of the joint interim subcommittees and study committees will have to present progress reports, rather than final reports, he believes it should be possible for the Council to hear all of these reports in one meeting day, although he said the meeting would probably have to be an unusually long one.

Representative Middleswart said that, as there will be a change in party control for the Sixty-eighth General Assembly, it would perhaps be appropriate for the new majority party to indicate what it feels should be done during the balance of the current legislative interim, with respect to the studies currently in progress. He explained that if it appears that some of the studies are dealing with matters which will not be considered of much importance by the new majority, or are likely to produce recommendations unacceptable to it, he for one would be willing to quickly conclude any such studies without a great deal of further effort. In response, Representative Stromer expressed the view that the Legislative Council has shown greater restraint in authorizing legislative studies during the 1978 interim than in some previous years, and that the studies authorized and in progress are in most cases valuable and should be continued. Senator Eugene Hill commented that the present Republican members of the Council are not necessarily in a position to speak for the new legislative majority, and should not undertake to change the direction of any of the studies that have been begun during the current interim under the Council's authorization.

After a brief further discussion, Chairperson Kinley stated that if there was no objection the next meeting of the Legislative Council would be called for 9:00 a.m. Wednesday, December 20, 1978. He noted that this time is one hour earlier than usual, and that the date is the third Wednesday in December rather than the Council's customary second Wednesday date, thereby permitting one additional week for preparation of reports. Council members present expressed no objection to this time and date, and there was general agreement that the meeting will be only one day in duration.

It was pointed out that there had been distributed to Council members present copies of a memorandum entitled "Legislative Implementation of the County Home Rule Constitutional Amendment," prepared by the Legislative Service Bureau. Copies of the memorandum are on file with the Service Bureau. Mr. Johnson summarized the first part of the memorandum, dealing with the manner in which present Iowa statutes relating to county government are likely to be affected by approval of the County Home Rule Constitutional Amendment by the electorate on the previous day. Mrs. Brown then summarized the second part of the memorandum, which reviews the procedure followed by the Municipal Laws Review Study

Committee that was established in 1969 following approval of the City Home Rule Constitutional Amendment by the voters in the preceding year. Mrs. Brown concluded by stating that although the 1969-1970 Study Committee received some criticism for recommending a lengthy piece of legislation which was both complex and of rather broad scope, the bill was passed with surprising unanimity and speed by the Legislature and has effectively withstood all but one of the court challenges to constitutionality of the Act or parts of it.

Representative Middleswart inquired whether the County Home Rule Constitutional Amendment, as approved by the electorate, authorizes organic mergers of cities and counties within Iowa. Mr. Johnson replied that the Amendment does empower future General Assemblies to authorize such mergers, but that in the absence of such legislative action the Constitutional Amendment itself does not authorize them.

Senator Philip Hill suggested that the status of counties under the new Constitutional Amendment is less well defined than was the status of cities after adoption of the City Home Rule Amendment in 1968.

Chairperson Kinley suggested that the Legislative Service Bureau's memorandum be referred to the standing Committees on County Governments. Mr. Garrison agreed, noting that to do so promptly could save a significant amount of time. At the suggestion of Senator Eugene Hill, it was agreed that the rough draft of a resolution for an interim study of changes which should be made in state statutes governing counties should also be forwarded to these standing Committees along with the memorandum.

Senator Philip Hill, referring to Mr. Garrison's earlier comments regarding the slow start on legislative study activity during the current interim, suggested that minutes of the Council's scheduled December 20 report meeting, and of the reports or progress reports submitted by each of the 1978 joint interim subcommittees or study committees be distributed to all members of the Sixty-eighth General Assembly. He explained that in this manner, new legislators could quickly become aware of those areas in which there had been legislative activity during the preceding interim, even though some of the final reports might be somewhat delayed.

Chairperson Kinley inquired of Mr. Garrison what requests were on file for authorization for additional meetings by joint interim subcommittees. Mr. Garrison replied that requests had been received from two joint interim subcommittees.

The first, from the School Aid Formula Subcommittee of the standing Committees on Education, noted that the Subcommittee had used two of its three authorized meeting dates on October 9-10. These days were devoted primarily to receiving preliminary reports and analysis of the results of the State Education Equalization

Project from its Director and Research Consultant, and in beginning an evaluation of this extensive material with the assistance of consultants furnished by Eagleton Institute. Subcommittee members feel that further time is needed for in-depth evaluation, discussion, determination of proposed bill drafts, and review and approval of these drafts. The Subcommittee had therefore requested that the Council authorize it to hold two additional meetings, or a total of five during the 1978 interim.

At Mr. Garrison's suggestion, Representative Stromer--a member of the School Aid Formula Subcommittee--explained that the Subcommittee has tentatively scheduled a two-day meeting for November 30-December 1, during which it will review the impact of possible alternative modifications to the present school foundation formula. It is anticipated that the fifth meeting day would be used to review bill drafts requested by the Subcommittee following its detailed review of these alternative changes in the formula.

Senator Philip Hill expressed some skepticism that the Subcommittee can achieve all of the objectives outlined by Representative Stromer during the time remaining in the 1978 Legislative Interim. In the ensuing discussion, Representative Stromer conceded that he regards the planned final meeting for review of bill drafts as less urgent than the tentatively scheduled November 30-December 1 meeting. Senator Philip Hill said he would agree, and suggested that the Council authorize only one additional meeting day for this Subcommittee.

Chairperson Kinley then inquired whether any Council member present would object to authorizing one additional meeting day for the joint interim School Aid Formula Subcommittee. No objection being expressed, Chairperson Kinley declared the authority granted by unanimous consent.

Mr. Garrison next noted that the joint interim Public Employees Retirement System Subcommittee has the opportunity to schedule a pension training seminar with the assistance of staff and consultants to be furnished, without cost to the State, by the National Conference of State Legislatures (NCSL) through a grant from the United States Civil Service Commission. He added that it appears that the NCSL staff is very well qualified to provide such pension training sessions for legislators. Therefore, this Subcommittee had voted to request authority for one additional meeting in order to present such a session. However, because of scheduling constraints it now appears that this session will have to be held in January, 1979, probably after the convening of the legislative session.

Mr. Garrison stated that the Subcommittee is therefore not requesting additional meetings during the interim, but rather is asking that the Council authorize it to proceed with arrangements for a pension training seminar for both Subcommittee members and other interested legislators in January, 1979. After confirming that it is anticipated that this seminar can be

presented without expense to the State, Senator Eugene Hill moved that the Council approve the Joint Interim Public Employees Retirement Systems Subcommittee's request as just described. The motion was adopted unanimously.

Mr. Rankin was next recognized, with respect to his request for Council approval of the hiring of additional and replacement Legislative Fiscal Bureau staff members. Mr. Rankin noted that he had sent to Council members a letter, dated October 27, in which he had proposed the following actions:

1. Virginia K. Sheffield to be employed by the Fiscal Bureau as a Legislative Fiscal Analyst III, Grade 33, Step 1, at a salary of \$18,434.

2. David C. Maier to be employed by the Fiscal Bureau as a Legislative Fiscal Analyst II, Grade 30, Step 1, at a salary of \$16,250.

3. Richard S. Davis, currently on the Fiscal Bureau staff as a Legislative Fiscal Analyst I, Grade 27, Step 4, to be advanced to Fiscal Analyst II, Grade 30, Step 2, at a salary of \$17,004.

Mr. Rankin continued that subsequent to October 27, he had received the resignation of Computer Programmer-Systems Analyst Mary Johnston, who will be leaving the Fiscal Bureau on December 1. Therefore, he also requested approval for the employment of Caden R. Henderson, whose resume had been distributed to Council members present, as a Legislative Fiscal Analyst I, to replace Ms. Johnston.

Finally, Mr. Rankin stated that he had just received the resignation of Mr. Davis, whose promotion to Fiscal Analyst II, had been proposed in his letter of October 27. He therefore asked for authority to employ one additional person as a Legislative Fiscal Analyst to replace Mr. Davis, noting that the necessity of employing several new people such a short time before the 1979 Session would occasion difficulties at best, and that these might be compounded if it should be necessary to wait until the Council's scheduled December 20 meeting to obtain approval for employment of an individual to replace Mr. Davis.

In response to a question from Senator Palmer, Mr. Rankin affirmed that in drawing up the employment proposals he had presented to the Council by his letter of October 27 and verbally on the present date, he had followed the pay schedule based on the State Merit Employment System which had previously been established by the Council's Legislative Service Committee. Senator Palmer then inquired how many Fiscal Analyst III's are presently employed on the Fiscal Bureau staff. Mr. Rankin replied that there are none at present, adding that there are three Fiscal Analyst I's, who will probably be promoted to Fiscal Analyst II next summer.

Mr. Rankin stated that he is proposing to employ Ms. Sheffield as a Fiscal Analyst III because it is anticipated that she will shortly receive a Doctor of Philosophy degree in Economics, and she has considerable relevant experience in addition to her educational qualifications. Mr. Rankin added that she could join the staff of Iowa State University, where she is presently completing her graduate work, at a salary of some \$20,000 per year.

Mr. Rankin noted that during the past summer, the joint interim Property Tax Study Subcommittee of the standing Committees on Ways and Means had indicated to him a very strong desire that the Ways and Means standing committees be furnished adequate professional assistance. He added that serious consideration had been given to spending a very substantial sum of money to employ consultants to provide this assistance, and that his present proposals are intended in part to achieve the same objective by directly employing persons who can furnish these services. He expressed belief that doing so will result in a substantial saving to the State.

Representative Stromer inquired whether Mr. Rankin expects that he can employ all of the persons he has asked the Council to approve within the scope of the present appropriation to the Legislative Fiscal Bureau. Mr. Rankin replied that it may be necessary to use some of the money appropriated for the contemplated legislative information system to pay the salary of one of the proposed new Fiscal Bureau employees, as well as for purchase of computer time. He said he believes this is justifiable because the ultimate objective is the same as that of the contemplated legislative information system, which cannot be implemented due to the collapse of the negotiations with private consulting firms. He concluded by stating that this matter would have to be worked out with the State Comptroller, but that he anticipated no difficulty in doing so.

There being no further questions, Chairperson Kinley inquired if there were objections by Council members present to the granting of the authority to employ personnel requested by Mr. Rankin. No objections being made, Chairperson Kinley declared the request approved by unanimous consent.

Mr. Garrison was next recognized, and briefly reviewed the personnel recommendations contained in his October 31 letter to Council members. These recommendations are for the employment of Mr. Gustave Kerndt as a Legal Counsel I at Grade 29, Step 3, with a review date six months after employment; employment of Sarah Craig as a Computer Text Operator at Grade 16, Step 2 (based on prior experience as a legal secretary, and in working with memory-type machines), also with a review date six months after employment; and a step increase for Chris Juehrs, a Computer Text Operator, from Grade 19, Step 4, to Grade 19, Step 5, effective January, 1979.

There being no questions, Chairperson Kinley inquired if any Council member present had objections to Mr. Garrison's

recommendations. No objections were expressed, and Chairperson Kinley declared the request approved by unanimous consent.

Chairperson Kinley noted the receipt on the present date of a letter from Mr. Angrick, a copy of which is attached to and by this reference made a part of these minutes. The letter was referred to Senator Philip Hill and Representative Doyle for review and recommendation.

There being no further business to come before the Council at the present meeting, Chairperson Kinley noted that a meeting of the Council's Administration Committee had been scheduled for 1:00 p.m. on this date. The Council meeting was then adjourned.

Respectfully submitted,

SERGE GARRISON
Director

PHIL BURKS
Senior Research Analyst