

# M I N U T E S

## LEGISLATIVE COUNCIL

October 10, 1979

The ninth meeting of the 1979-80 Legislative Council was called to order at 1:40 p.m., Wednesday, October 10, 1979 in Senate Committee Room 22 of the State House in Des Moines. Council members attending the meeting were:

Speaker Floyd H. Millen, Chairperson  
Senator Calvin O. Hultman, Vice Chairperson  
Senator James E. Briles  
Senator Willard R. Hansen  
Senator Lowell L. Junkins  
Senator John S. Murray  
Senator Richard R. Ramsey  
Senator Bob Rush  
Senator Ray Taylor  
Representative Robert T. Anderson  
Representative Donald D. Avenson  
Representative John H. Clark  
Representative Gregory D. Cusack  
Representative Roger A. Halvorson  
Representative William H. Harbor  
Representative Delwyn D. Stromer  
Representative Richard W. Welden

Other persons present for the meeting included Senator Forrest Schwengels, Representative Lyle Krewson, Chief Clerk of the House David Wray, Secretary of the Senate Frank Stork, Director Serge Garrison, Phil Burks and Thane Johnson of the Legislative Service Bureau, Director Gerry D. Rankin, Thom Freyer and Dennis Prouty of the Legislative Fiscal Bureau, Citizens' Aide Bill Angrick, Director of General Services Stanley McCausland, several members of the Senate and House majority and minority caucus staffs, and a number of other interested persons.

The following errors in the minutes of the Council's September 5, 1979 meeting, as distributed to Council members, were noted:

1. Page 4, third full paragraph, first line, Representative Welden is referred to as "Senator Welden".

2. Page 6, first paragraph, line 7, the committee referred to should be the House and Senate Committees on Natural Resources, not Human Resources.

3. Page 7, first full paragraph, line 1, several words have been omitted; the line should read: "Speaker Millen recognized Citizens' Aide Bill Angrick, who reported that the printing of a high school".

On motion of Senator Hultman, seconded by Representative Stromer, the minutes of the Council's September 5 meeting, with the corrections noted, were approved by a unanimous voice vote.

Speaker Millen recognized Representative Harbor for the report of the Council's Service Committee. Representative Harbor reported that the Service Committee had had a meeting scheduled immediately prior to the present Council meeting, but that a quorum of the Service Committee was not present at that time. Two items of business were to have come before the Service Committee at the scheduled meeting; a recommendation from Mr. Rankin that Ms. Joyce Ann Douglas be employed as a Secretary II, Grade 16, Step 1, in the Fiscal Bureau's Program Evaluation Division, and a recommendation from Mr. Garrison that Mr. Tom McSweeney be employed as Attorney I on the Service Bureau staff.

Noting that Mr. Garrison had indicated that the employment of the new attorney, in particular, is a matter of some urgency, Representative Harbor moved that the Council approve each of the recommendations which were to have been submitted to the Service Committee. The motion was seconded by Senator Briles, and adopted by a unanimous voice vote.

Representative Harbor then noted that problems continue to be encountered in acquiring sufficient suitable office space for the Citizens' Aide and his staff. He explained that it had been anticipated that the office of the Citizens' Aide could expand into the upper floor of the former dwelling in which that office is presently housed, north of Grand on East Ninth Street, but that Representative Harbor had been informed earlier on the present day that the Capitol Security Division would not be moving from the second floor of that building to the Department of Public Safety offices as had been anticipated.

Mr. McCausland commented that Commissioner of Public Safety Charles Larsen had earlier indicated to him that it would be possible to move the Capitol Security Division to the area where the other Department of Public Safety divisions are presently officed, but that to date that has not occurred. He added that the state has just acquired another former dwelling, located across Des Moines Street from the old state shops and garages north of the State House, and that it may prove possible to move the Capitol Security Division into that building.

Representative Stromer proposed that the offices of the Capitol Security Division be moved to the basement of the former dwelling on East Ninth Street, pending any other move which may be arranged, and that the portion of the office of the Citizens' Aide which now occupies the basement of the building on East Ninth be moved to the area on the second floor which has been occupied by the Capitol Security Division. Representative Harbor endorsed this suggestion. On the suggestion of Senator Hultman, further consideration of that

proposal was deferred pending the report of the Council's Administration Committee.

Speaker Millen informed Council members that he has appointed Representative Virginia Poffenberger to the conference committee on Senate File 344 (the solar access bill), replacing Representative Cooper Evans.

Speaker Millen noted that there had been distributed to Council members present copies of status reports on each of the interim committees and subcommittees established or authorized for the current interim. He suggested that each Council member review these reports individually, and raise any question he might have later in the meeting.

Representative Welden presented a list of legislators appointed to the Elderly Services Study Committee, which had been formed pursuant to the recommendation of the Legislative Fiscal Committee approved by the Legislative Council at its July 6, 1979 meeting. On motion of Representative Welden, seconded by Senator Hultman, this report was adopted by a unanimous voice vote.

Speaker Millen recognized Representative Krewson, who presented a request from the Joint Revenue Bonding Interim Subcommittee of the House and Senate Cities Committee that the Subcommittee be authorized one additional meeting day during the current legislative interim. Representative Krewson stated that the Subcommittee is scheduled to hold the second of its currently authorized meetings on October 15, and assured the Council that if it should be found that the Subcommittee can complete its work on that day, it will do so and will not use the third day even if authorized. He added, however, that the Subcommittee has outlined work which it is believed will require a third meeting.

On motion of Senator Hultman, seconded by Representative Stromer, the request for authorization of a third meeting day for the Joint Revenue Bonding Interim Subcommittee was approved by a unanimous voice vote.

Senator Schwengels and Mr. Burks were recognized to present the request of the joint Subcommittee on Soil Conservation Laws of the Senate and House Committees on Agriculture and on Natural Resources for authorization of one additional meeting day. It was noted that following this joint Subcommittee's first meeting in Des Moines, it had held a series of four public hearings at various points around the state during September and early October. At its September meeting, the Legislative Council had authorized the Subcommittee a sixth meeting day, and at that time it intended that some time be spent in discussing possible recommendations during the afternoon of each of the Subcommittee's regional hearing days. Due to the large turnout for these hearings, that arrangement had not proved feasible.

Senator Ramsey moved that the joint Subcommittee on Soil Conservation Laws be authorized a seventh meeting day during the current legislative interim. The motion was seconded by Representative Stromer. In response to questions from Representative Harbor, Senator Schwengels indicated that the Subcommittee is thinking in terms of possibly recommending a phased plan with the goal of reaching a nondepleting level of soil loss through erosion by the year 2000. He added that some consideration is being given to providing for mandatory procedures to be taken in the case of owners or operators of land from which soil loss through erosion continues to occur, at the end of a ten-year period from enactment of the proposed law, at a rate twice that permitted by the soil loss limits adopted by the local soil conservation district commissioners. Senator Ramsey's pending motion was then adopted by a unanimous voice vote.

Mr. Garrison was recognized for a review of the Court Study Joint Subcommittee's procedures for obtaining bids on the professional study which it intends to have conducted, largely with federal Law Enforcement Assistance Administration (LEAA) funds. Mr. Garrison noted that due to a decision that the National Center for State Courts should serve in an advisory capacity rather than being a potential bidder on the study, and due to the fact that it had been concluded that the original request for proposals on the study was not sufficiently specific or concise, it has been decided that the Subcommittee will reassess the tasks set forth in the proposal at its next meeting on October 15. As a result, the revised proposal will probably come before the Council at its next meeting, in early November, and the remainder of the schedule for completion of the study must be revised by moving each pertinent date ahead approximately one month.

Senator Hansen was recognized for the report of the Council's Educational Leave Subcommittee, and reported that the Subcommittee had met on October 9 to discuss a proposed bill draft giving the State Comptroller authority to adopt rules relating to educational leave and assistance for certain state employees within prescribed guidelines. After hearing comments from several concerned state agencies, the Subcommittee directed the staff to make a number of changes in the proposed draft, and anticipates taking final action on the draft at its next meeting. Senator Hansen stated that the Subcommittee expects to make its final report at the Council's November meeting.

Representative Welden was recognized for the report of the Legislative Fiscal Committee, pursuant to that Committee's meeting earlier on the present date. A copy of the Fiscal Committee's report is attached to and by this reference made a part of these minutes. Representative Welden reviewed the Program Evaluation Division's recommendations for priority projects, and the Fiscal Committee's action on these recommendations, in some detail.

In the course of discussion which followed, Senator Rush directed to Mr. Freyer a number of questions regarding the basis for and intent of specific staff recommendations respecting Program Evaluation Division priority projects. In particular, Senator Rush noted the proposed study of the General Services' Division of Purchasing, and inquired why a decision should be made at this time regarding initiation of a study in April, 1980 to be completed prior to the 1981 Session. Mr. Freyer explained that an attempt is being made to plan the work of the Division a year in advance, so that the most efficient use can be made of staff time in working toward specific objectives. In response to a specific question by Senator Rush, Speaker Millen stated that the priorities established for the Program Evaluation Division could be changed at any time by a majority vote of the Council.

On motion of Representative Cusack, seconded by Representative Welden, the Council approved the Fiscal Committee's report by a unanimous voice vote.

Speaker Millen noted that he has received a response from Chairman John P. Whitesell of the Iowa Natural Resources Council to his letter, originally directed to the Governor, recommending establishment of a blue ribbon water resources study committee (see minutes of Legislative Council's July 6, 1979 meeting, pages 6-7). A copy of Chairman Whitesell's letter to Speaker Millen is attached to and by this reference made a part of these minutes.

Senator Hultman was recognized for the report of the Council's Administration Committee, pursuant to that Committee's meetings on September 24 and on the morning of the present day. A copy of the Administration Committee's report is attached to and by this reference made a part of these minutes.

After summarizing the opening paragraphs of the Administration Committee's report, Senator Hultman moved that item 1 of the Committee's recommendations to the Legislative Council be adopted. The motion was seconded by Senator Briles and adopted by a unanimous voice vote.

Senator Hultman then moved that the Administration Committee's recommendation 2 be adopted. The motion was seconded by Representative Halvorson. In response to a question by Senator Rush, Mr. Garrison explained that this recommendation relates essentially to the purchase of a service and is therefore most appropriately within the jurisdiction of the Administration Committee, which ordinarily deals with any major or extraordinary purchases of goods or services for the General Assembly or its agencies. He confirmed Senator Rush's view that any matter involving employment or discharge of personnel in the Code Editor's office would properly come before the Service Committee of the Council. Senator Hultman's pending motion was then adopted by a unanimous voice vote.

Senator Hultman moved that the Administration Committee's recommendation 3 be adopted by the Council. The motion was seconded by Senator Taylor, and adopted by a unanimous voice vote.

In presenting the Administration Committee's recommendation 4, Senator Hultman reviewed the present status of space allocations within the State House and space allocations elsewhere in the Capitol complex which directly or indirectly involve the General Assembly or any of its agencies. He then summarized the various alternatives in regard to further effort to obtain space for the General Assembly which have been considered by the Committee.

Senator Hultman noted the need to arrive at some decision regarding the assignment of the second floor of the Lucas State Office Building, explaining that Mr. McCausland must shortly make commitments on behalf of the state regarding rental of office space in downtown Des Moines and that the Council's decision regarding use of the second floor of the Lucas Building will affect Mr. McCausland's action in this regard.

Council members directed to Mr. McCausland several questions regarding present and possible future space arrangements affecting various state agencies located in the Capitol complex and in rented or leased space downtown. In response to questions from Senator Briles, Mr. McCausland expressed serious concern about the adequacy of the former apartment units now known as Executive Hills for use as office buildings, explaining that they were not designed for this purpose and that he is apprehensive about continuing to subject the floors of these buildings to the relatively heavy loads imposed by location of items such as filing cabinets in areas designed for residential use.

Senator Hultman moved that the Legislative Council direct Mr. McCausland, Secretary Stork and Chief Clerk Wray to present the Council with an objective analysis of the General Assembly's space needs, and to reserve the second floor of the Lucas Building for possible use by the General Assembly pending availability and review of the requested analysis of space needs. The motion was seconded by Representative Halvorson.

In the discussion which followed, Mr. McCausland noted that a space needs report was done by the Hanson-Lind-Meyer firm at the time the State House space agreement between the legislative, executive and judicial branches was completed about one and one-half years ago. He suggested that this study can be updated quickly at a relatively low cost.

Senator Junkins clarified that it is the intent of Senator Hultman's motion that, if the motion passes, Mr. McCausland will negotiate contracts for leased space to house state agencies on the assumption that the second floor of the Lucas Building will be used by the General Assembly, for whatever specific purpose. Senator Hultman agreed, but noted that he is not pleased about the prospect

of that space in the Lucas Building remaining empty for any extended period of time. Representative Welden estimated that renting space equivalent to the second floor of the Lucas Building will cost the state approximately \$125,000 per year, and questioned whether the General Assembly can justify an expenditure of that magnitude in order to acquire additional space for its own use.

Representative Avenson noted what he believes to be some of the legitimate existing needs for additional space for use by the General Assembly, particularly for additional committee and subcommittee meeting rooms. He suggested that acquiring such space will prove cost effective in terms of shortening the length of the legislative session by several days. Representative Harbor said he is reluctant to oppose Senator Hultman's motion, but that he cannot see the point of another General Assembly space needs study; he expressed belief such a study will come to the same conclusions that were expressed in the Hanson-Lind-Meyer study. Senator Hultman replied that developments since that time have come on a piecemeal basis, and he believes a more comprehensive review of the existing situation would be helpful.

Senator Murray observed that Senator Hultman's motion does not specifically include authority for the Chief Clerk, Senate Secretary and Mr. McCausland to spend money for a space needs analysis. He said if the motion is worded so as to require these three individuals to perform the study themselves, it will not be a study by totally disinterested parties. He therefore moved to amend Senator Hultman's pending motion so as to include authority for expenditure of up to \$5,000 if necessary. The motion to amend died for lack of a second.

After further discussion of various proposals, Senator Ramsey moved, as a substitute for Senator Hultman's pending motion, that the Council direct Mr. McCausland to move the offices of the Auditor of State out of the State House. The substitute motion was ~~seconded~~ by Representative Harbor.

Senator Junkins noted that adoption of this substitute motion would imply keeping the entire Legislative Fiscal Bureau in the State House, and also acquiring additional committee space in the State House. He said he supports the motion.

Senators Hultman and Rush raised questions regarding Mr. McCausland's statutory authority to direct the Auditor of State to move out of the State House, even if the Council passes a motion to that effect. In response to inquiries on this point, Mr. Garrison stated that while section 2.43 of the Code clearly authorizes the Legislative Council to "assign areas in the state capitol or other state buildings in consultation with the director of the department of general services and the capitol planning commission for use of the general assembly or legislative agencies," it is not clear how this authority is to be interpreted when the Council seeks to assign space for such purposes which is currently occupied by an executive branch agency.

After further discussion, Senator Ramsey's substitute motion was lost on a vote of 9-6, 11 affirmative votes being required under Council rules. Those voting yes were Senators Hansen, Junkins, Murray, Ramsey and Rush and Representatives Anderson, Avenson, Harbor and Welden; those voting no were Speaker Millen, Senators Hultman, Briles and Taylor and Representatives Clark and Stromer; Representatives Cusack and Halvorson were not present when the vote was taken.

Discussion then continued on the pending motion by Senator Hultman. Senator Junkins moved to amend that motion so as to authorize the expenditure of up to \$3,000 for preparation of the current General Assembly space needs analysis. The motion to amend was seconded by Senator Murray and, after a brief discussion, adopted by a voice vote.

The pending motion by Senator Hultman, as so amended, failed on a vote of 8-6. Those voting yes were Senators Briles, Hansen, Junkins, Murray and Rush and Representatives Anderson, Avenson and Clark. Those voting no were Speaker Millen, Senators Hultman, Ramsey and Taylor and Representatives Harbor, Stromer and Welden; Representatives Cusack and Halvorson were not present when the vote was taken.

Representative Stromer then moved that the spaces currently occupied by a part of the staff of the Citizens' Aide and the Capitol Security Division in the basement and on the second floor, respectively, of the former dwelling on East Ninth Street north of Grand Avenue, be exchanged. The motion was seconded by Representative Harbor and, after a brief discussion, adopted by a unanimous voice vote.

Senator Junkins moved to request that Mr. McCausland reserve the second floor of the Lucas Building until the next Legislative Council meeting. The motion was seconded by Representative Harbor and adopted by a unanimous voice vote.

Senator Hultman asked that the matter of acquisition of additional space for use by the General Assembly in the State House or the Capitol complex not be re-referred to the Administration Committee. He said he believes that the members of the Administration Committee have devoted considerable study and discussion to this matter, but have been unable to reach a consensus on recommendations to be made to the full Council. He said he sees no reason to believe that situation will change if the matter is re-referred to that Committee.

There was a brief discussion, in the course of which several Council members expressed agreement that the appropriate course of action at this time is for individual Council members, or groups of Council members who feel they are in substantial agreement on some resolution of the space needs matter, to informally draw up one or



more proposals for direct submission to the Council at its next meeting.

Mr. Garrison noted that there had been distributed to Council members present copies of a compilation of educational leave reports received by the Legislative Service Bureau pursuant to the requirements of section 79.1 of the Code during the period since the last compilation of such reports had been distributed to Council members. Senator Hansen commented briefly on the specific contents of this particular compilation, in the light of the study which has been conducted by the Council's Educational Leave Subcommittee.

After a short discussion of possible meeting days, it was agreed that the next meeting of the Legislative Council will be held beginning at 10:00 a.m., Wednesday, November 7, 1979. (This is one week earlier than the Council's usual meeting date due to the fact that the Older Iowans Legislature will be using the facilities of the State House during the following week.) It is not anticipated that another meeting will be held thereafter until early December.

The meeting was adjourned at 3:40 p.m.

Respectfully submitted,

PHILIP E. BURKS  
Senior Research Analyst

SERGE H. GARRISON  
Director