

M I N U T E S

LEGISLATIVE COUNCIL

August 4, 1976

The sixteenth meeting of the 1975-1976 Iowa Legislative Council was called to order at 10:00 a.m. Wednesday, August 4, 1976 in the Speaker's Room of the State House in Des Moines. Members attending the meeting were:

Senate President Pro Tem Minnette F. Doderer, Vice
Chairperson (presiding)
Senator James E. Briles
Senator Lucas J. DeKoster
Senator Willard R. Hansen
Senator Eugene M. Hill
Senator George R. Kinley
Senator William D. Palmer
Senator Steve Sovern
Senator Bass Van Gilst
Representative Elmer H. Den Herder
Representative Donald V. Doyle
Representative Keith Dunton
Representative Jerome Fitzgerald
Representative William J. Hargrave
Representative James I. Middleswart
Representative Floyd H. Millen
Representative Delwyn D. Stromer
Representative Andrew P. Varley

Also present were a number of legislative staff personnel, representatives of the news media and other interested persons.

On motion of Representative Middleswart, seconded by Representative Doyle, the minutes of the Council's July 14 meeting were approved as distributed to Council members.

Vice Chairperson Doderer recognized Director of Transportation Victor Preisser, who presented information on the current status of highway financing in Iowa, using a series of charts and graphs. Copies of the charts and graphs, and of a folder entitled "Iowa Department of Transportation Financial Status Report; 12 Months Ended June 30, 1976" were distributed to Council members present.

At the conclusion of Mr. Preisser's presentations, Representative Stromer inquired about the effect of a cut-back in the number of highway construction inspectors employed by the Department of Transportation, pointing out that if funds become available to increase the amount of highway construction and improvement which can be undertaken in any given period, it

presumably would be necessary to hire new inspectors to offset any earlier staff reductions in this area. Mr. Preisser responded that to the extent this problem occurs, it can be met by increasing the proportion of temporary to permanent inspectors on the Department's staff.

Representative Stromer then inquired how many employees of the Department of Transportation have actually been terminated. Mr. Preisser replied that none have been terminated, although a number of vacancies which have occurred due to retirement or resignation have not been filled. Mr. Preisser pointed out Exhibit D in the folder which had been distributed to Council members, indicating that although the Department of Transportation's budget provided for a total staff strength somewhat in excess of 4,450 as of June 30, 1976, the Department's actual number of permanent full-time personnel on that date was 4,250. Mr. Preisser added the comment that he has concluded that termination of employees who are covered by the merit employment system is no longer a realistic alternative for state agencies.

Senator Hill inquired whether Mr. Preisser believes that Iowa can count on maintaining a reasonably high use tax collection rate through the apparent return of customer preference for larger, and therefore higher priced, new cars. Mr. Preisser replied that this would be true for the short run, but pointed out that federal standards will require improved mileage in future models of new cars, and that the long-run effect of this requirement will be that the state will realize less gasoline tax revenue per mile traveled.

Senator Hansen asked why the Department of Transportation cannot further increase its construction schedule when revenues and projected construction costs both seem to be currently below projections previously made. Mr. Preisser replied, in effect, that it is not realistic to increase the schedule of construction because these trends cannot be expected to continue.

In response to further questions from Senator Van Gilst, Mr. Preisser stated that the Department of Transportation will use money which was allocated for inflationary cost increases for additional road construction to the extent possible, but he pointed out there will still be a huge shortfall in terms of need to replace older highways in the state. He also noted that, while the Department of Transportation's construction price index has dropped rather dramatically in the past year and one-half, it has nearly reached the level of the United States Bureau of Labor Statistics' wholesale price index. Mr. Preisser asserted it is quite unrealistic to believe that the construction price index could drop below the wholesale price index, since the latter index governs what contractors must pay for equipment and materials.

Senator Hill inquired about the allocation of federal highway dollars coming to Iowa. A Department of Transportation staff member who had accompanied Mr. Preisser to the meeting stated that the amount of money allocated to Iowa under the 1976 federal

highway legislation is virtually the same as that which was allocated under the earlier 1973 legislation and that the categorical allocations within this total have not changed significantly.

In answer to further questions from Senator Hill, another Department staff member stated that the most serious bridge problems currently confronting the state are at the county level, although he stated that this situation varies greatly from county to county. He said that in terms of need to replace bridges, the situation with respect to state-maintained highways is somewhat better. In commenting on this point, Mr. Preisser remarked that where a bridge has lost fifty percent of its original structural strength, it is feasible to restrict that bridge to one-lane traffic at an acceptable cost in terms of lessened safety and convenience to the motoring public, but that it is not feasible to restrict an entire highway to one-lane traffic when the highway begins to wear out.

Representative Varley said that he wished to raise a different matter with Mr. Preisser while he was present. Representative Varley asserted that the Department of Transportation is now using the funds which were appropriated by the General Assembly to assist in up-grading branch railroad lines as a straight loan fund, instead of using a modified revolving fund approach in which money is repaid only to the extent that it actually generates additional traffic on the line on which it was expended. He added that he feels the latter approach conforms to legislative intent, and asked why the change had been made.

Mr. Preisser replied to the effect that under the previous arrangement, the railroads were in effect using state money to replace maintenance dollars which they would otherwise have expended from their own funds, so that Iowa was in the position of "exporting" railroad maintenance dollars. When Representative Varley again asserted that the Department's current practice is not in accordance with the intent of the original legislation, Mr. Preisser suggested that Representative Varley direct a letter to the Transportation Commission informing it of his view. Mr. Preisser stated that he is certain that the Commission would wish to follow legislative intent, and that such a letter could be helpful.

Representative Stromer said he agrees with Representative Varley that the effect of the Department of Transportation's present policy with respect to branchline railroad maintenance funds is to discourage the up-grading of the branchlines, and consequently to cause heavier use and more rapid wear on the state's highways. Senator Hill expressed disagreement, stating that he prefers the Department of Transportation's present interpretation of the law in question.

Vice Chairperson Doderer expressed appreciation to Mr. Preisser for the information he had presented, and remarked that

she is willing to support an increase in gasoline taxes to obtain the needed revenue for replacement of older highways in Iowa. However, she added that it is her understanding that Mr. Preisser was at least partially responsible for what she termed a decision to obtain more funds for roads by reducing the amount of overtime pay of Department of Transportation employees and stated that she regrets that Mr. Preisser apparently felt it necessary to make such a move. Mr. Preisser and members of his staff left the meeting at 10:50 a.m.

Vice Chairperson Doderer recognized Senator Kinley for the report of the Council's Studies Committee, copies of which were distributed to Council members present. The report recommended the continuation of two additional study committees which had functioned during the 1975 legislative interim, the Adult Penal and Correctional Systems Study Committee and the Juvenile Justice Study Committee, in addition to the ten interim study committees approved by the Council at its previous meeting. The report also contained the lists of members recommended for appointment to all twelve interim study committees. In addition, the report included the Studies Committee's recommendations with respect to interim activity by standing committees and joint interim subcommittees of standing committees requested by standing committee chairpersons. Copies of this report, as acted upon by the Legislative Council, are available from the Legislative Service Bureau.

Senator Kinley moved that the Council accept the Studies Committee's report as presented. The motion was seconded by Representative Millen.

Representative Doyle noted that the Studies Committee had recommended that Representative Thomas J. Higgins be designated temporary chairperson of the Juvenile Justice Study Committee although Senator Doderer had chaired this committee during the 1975 interim. Representative Doyle therefore moved that Senator Doderer be designated temporary chairperson of the Juvenile Justice Study Committee, rather than Representative Higgins.

Representative Dunton said that he would second Representative Doyle's motion but asked that the designation of Representative Doyle rather than Senator Robert M. Carr as temporary chairperson of the Adult Penal and Correctional Systems Study Committee be considered a part of the same motion, since Representative Doyle had chaired that committee during the 1975 interim. The addition to the motion was agreed to without objection and the motion to amend the Studies Committee's report was adopted by a unanimous voice vote.

Senator Palmer inquired why the original intent of picking members of the Legislative Procedures Study Committee from the Senate Committee on Rules and Administration and the House Committee on Rules had not been followed more closely. Senator Kinley explained that Senators Clifton Lamborn and William Rabadeaux have both indicated that, as they are not seeking re-

election, they prefer not to serve on that Study Committee. Representative Fitzgerald stated that four Democratic members of the House Rules Committee are either not running for re-election or have asked not to be placed on the Study Committee.

The motion to accept the Studies Committee's report, as amended, was adopted by a unanimous voice vote.

Vice Chairperson Doderer recognized Senator Sovern to present the report of the Council's Service Committee. A copy of the report is attached to and by this reference made a part of these minutes. Senator Sovern moved that the Committee's report be accepted and the motion was seconded by Senator Briles.

In response to a question by Representative Varley, Representative Middleswart stated that Citizens' Aide Tom Mayer had suggested certain services of his office which could be cut in order to make money available to give merit increases to his staff. Representative Middleswart stated that the Service Committee had rejected this alternative, and had instead decided to restrict the amount of salary increases to Citizens' Aide staff members to a level which could be funded by the existing appropriation without any reduction in services to the public. He expressed hope that a supplemental appropriation early in the 1977 session would permit the staff personnel to receive merit increases at that time. Representative Varley commended the Service Committee for its action, stating that to do otherwise would have been inconsistent with what the General Assembly has always asked of executive branch agencies.

The motion to accept the Service Committee's report was then adopted by a unanimous voice vote.

Vice Chairperson Doderer then recognized Mr. Garrison, who distributed a list of suggestions made by Council members relative to topics to be discussed with the Iowa Congressional delegation at the forthcoming Washington meeting. Mr. Garrison reported that the earlier suggested date of September 13-14 for the meeting is quite satisfactory with the Congressional delegation.

Representative Dunton moved that the meeting between Legislative Council members and the Iowa Congressional delegation be held on the afternoon and evening of Monday, September 13 and on September 14. The motion was seconded by Senator Briles, and unanimously adopted.

There was some discussion of how many Council members should attend the meeting. At Representative Middleswart's suggestion, an informal survey of Council members present was taken, and Senators Hansen and Sovern and Representative Den Herder indicated they would be unable to attend the Washington meeting. It was noted that Senator Lamborn would probably also be unable to attend.

Senator Van Gilst asserted that the state spends \$15,000-\$20,000 per month to send state employees to out-of-state meetings. He said he feels that the value of the meetings between the Legislative Council members and the Iowa Congressional delegation certainly justify the cost of the necessary travel. Senator Van Gilst therefore moved that any Council member who wishes to attend the meeting be authorized to do so. The motion was seconded by Senator Briles.

Senator Hill expressed belief that more can be accomplished by a relatively small group than by a large group at such a meeting, adding that he does not wish to attend the meeting himself. He therefore offered a substitute motion that no more than ten Council members attend the Washington meeting. The substitute motion was seconded by Representative Millen.

Representative Middleswart supported the view earlier expressed by Senator Van Gilst. Senator Briles also opposed the substitute motion, commenting that past experience indicates only about a dozen Council members will actually make the trip in any case.

The substitute motion was defeated on a voice vote. Senator Van Gilst's original motion was then adopted by a voice vote.

Representative Varley moved that the Council Chairperson and Vice Chairperson, Representative Millen and Senator Lamborn or his designee, meet with Mr. Garrison to make the final decisions regarding the agenda for the Washington meeting. The motion was seconded by Representative Dunton and unanimously adopted.

In concluding the discussion, Representative Dunton remarked that every effort should be made to provide the Council members who attend the meeting as much time as possible with the Congressmen and Senators themselves.

The meeting was recessed at 11:40 a.m. and reconvened at 1:40 p.m. in the Speaker's Conference Room. All Council members who had attended the morning session were again present except Senator Kinley and Representative Dunton.

Vice Chairperson Doderer recognized Senator Hill for the report of the Council's Administration Committee, pursuant to the meeting of the Committee which had been held immediately prior to the reconvening of the Council meeting. Senator Hill stated that the Administration Committee had no formal report to offer, but did have two matters to bring before the Council.

At Senator Hill's request, Mr. Garrison briefly reviewed the Agreement for Conversion and Update of Data Base for use in the production of camera-ready copy of Code of Iowa, negotiated with Data Retrieval Corporation of America (DRCA). Copies of the agreement were furnished to Council members present. Mr. Garrison

noted that the agreement is a part of the effort to upgrade the electronic tape code from a search tool to a resource suitable for direct use in bill drafting and in printing the actual Code of Iowa itself.

In response to a question from Senator DeKoster, Mr. Garrison stated that it is impossible to determine in advance the exact amount of correction, proofing, and associated functions which DRCA will have to carry out, although he expressed confidence that the job can be done well within the \$50,000 limit of the existing appropriation. However, the agreement is written in such a way that if it should at any point appear that the cost of the work, at the rates agreed upon, will exceed \$50,000, DRCA must stop the work and inform the Legislative Council of this situation. The Council would, in that unlikely situation, have to decide whether to spend additional money to complete the work or direct DRCA to deliver the work product at that point.

In response to inquiries by Vice Chairperson Doderer, Mr. Garrison explained that at present data can be retrieved from the electronic tape code in two basic ways. The computer can be directed to print out all or portions of any specified Code section or sections, or topical searches can be done in which the computer is instructed to print out all references to specified words, combinations of words, or words or combination of words which appears in certain contexts. Mr. Garrison noted that the "blue index" which accompanies the Code of Iowa as it is printed each two years is not covered by the agreement placed before the Council, although there are ways of indexing by use of computers.

In response to further questions by Vice Chairperson Doderer, Mr. Burt Sheingate, a representative of DRCA who was present at the meeting, stated that the index to the Code of Iowa could be placed on electronic tape at a cost of approximately \$40,000 in addition to the pending agreement, although this would require some additional time. Alternatively, he continued, DRCA could simply monitor the indexing to be carried out by Code Editor Wayne Faupel's staff and offer advice on the arrangement of the index which would make it easier to place the index on electronic tape at some future time. Vice Chairperson Doderer asked that the latter alternative be followed.

Senator Hill moved that the Council approve the proposed agreement and authorize the Council Chairperson to sign it. The motion was seconded by Representative Doyle and unanimously adopted.

Senator Hill presented to the Council a draft resolution prepared at the direction of the Administration Committee, directing that when various officials and departments are moved from the State House to either of the two new state office buildings now under construction, the space so vacated in the State House be made available to the General Assembly and the Supreme Court. The resolution further directs the Director of the Department of General

Services to take appropriate action in consultation with the Legislative Council to implement the resolution.

Senator Hill moved that the resolution be adopted by the Legislative Council. The motion was seconded and unanimously adopted. A copy of the resolution is attached to and by this reference made a part of these minutes.

Vice Chairperson Doderer recognized Senator Palmer for the report of the Legislative Fiscal Committee pursuant to the Fiscal Committee's meeting held the previous day. A copy of the report is attached to and by this reference made a part of these minutes.

Senator Palmer reviewed the previous day's meeting of the Fiscal Committee, the purpose of which had been to determine what policies are followed by various state agencies in deciding to apply for and in handling federal funds. Representative Den Herder said the meeting was a particularly valuable one, and expressed the opinion that the General Assembly needs better information in regard to incoming federal funds. Senator DeKoster agreed, remarking that the routine "A 95" review of federal fund applications is largely clerical and does not formally involve the General Assembly.

Senator Hill commented that some states have attempted to maintain more effective control of incoming federal funds by requiring that all such funds be specifically appropriated by the state legislature to the respective agencies which are to make use of the funds. Senator Hill added he would like to obtain reports from at least some of these states.

After further discussion, Senator Palmer moved that the Council accept the Fiscal Committee's report. The motion was seconded by Representative Middleswart and unanimously adopted.

There was some discussion of the date for the next Legislative Council meeting. Representative Millen noted that at least some members of the Legislative Council would be meeting in Washington with members of Iowa's Congressional delegation on Monday and Tuesday, September 13-14, and noted that if the September Council meeting were held on the third Wednesday instead of the second Wednesday, as is normally the case, Council members who fly to Washington from Des Moines could fly back to Des Moines and attend the Council meeting before returning to their respective homes. Representative Hargrave remarked that he, at least, intends to fly to Washington from an airport nearer his home than Des Moines.

Representative Millen moved that the September Council meeting be held on Wednesday, September 15. The motion was seconded by Representative Stromer. Senator Hill called for division, and the motion failed by a vote of six to seven, taken by show of hands.

Vice Chairperson Doderer observed that the vote on Representative Millen's motion would indicate that Council members prefer to meet on the second Wednesday, September 8. There being no objection, it was so ordered.

Phil Burks of the Legislative Service Bureau said that several of the legislators designated by Senate File 1267 to serve on the temporary Census Liaison Commission are also members of the Legislative Council, and inquired whether they would like to try to schedule the first meeting of the Census Liaison Commission at about the time of the September Council meeting. After a brief discussion, it was agreed that Mr. Burks should attempt to schedule the meeting of the Commission for 2:00 p.m. Tuesday, September 7, if this is not unduly inconvenient for other members of the Commission.

Senator Sovern noted that, as he had advanced the effective date of his resignation, this would be the last meeting of the Legislative Council at which he would serve as a member. He expressed appreciation for the many courtesies extended him by members and staff of the General Assembly, and stated that his strongest impression in the two sessions he has served in the Senate has been the integrity and the hard work of members and staff of the Iowa General Assembly. Senator Sovern then noted the need for and his concern about preservation of the state's land and natural resources for future generations. Senator Sovern's remarks were spontaneously applauded by those present.

Representative Middleswart remarked that in his view Senator Sovern's resignation was "the strongest blow a freshman legislator has dealt the state" during Representative Middleswart's legislative service. He asserted the General Assembly badly needs members of Senator Sovern's caliber.

Mr. Garrison introduced two new members of the Legislative Service Bureau staff, Legal Counsels Mike Geodart and Roger Nowadzky.

The meeting was adjourned at 2:45 p.m.

Respectfully submitted,
SERGE H. GARRISON
Director

PHIL BURKS
Senior Research Analyst