

# M I N U T E S

## LEGISLATIVE COUNCIL

June 14, 1978

The ninth meeting of the 1977-78 Legislative Council was called to order at 1:10 p.m., Wednesday, June 14, 1978 in Senate Committee Room 22 of the State House in Des Moines. Council members attending the meeting were:

Senator George R. Kinley, Chairperson  
Speaker Dale M. Cochran, Vice Chairperson  
Senator C. Joseph Coleman  
Senator Gene W. Glenn  
Senator Eugene M. Hill  
Senator Philip B. Hill  
Senator Fred W. Nolting  
Senator William D. Palmer  
Senator Richard R. Ramsey  
Representative Gregory D. Cusack  
Representative Donald V. Doyle  
Representative Jerome D. Fitzgerald  
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 Legal Counsel Bernie Koebernick, and Senior Research Analyst Phil Burks of the Legislative Service Bureau, Citizens' Aide Bill Angrick, Chief Clerk of the House David Wray, House Legal Counsel Dan Dudley, and Secretary-Treasurer Charles O. Davis and Executive Associate Stephen G. Lakis of the State Legislative Leaders Foundation. Several additional legislative staff persons, representatives of the news media and other interested persons also attended the meeting.

On motion of Representative Doyle, seconded by Senator Coleman, the minutes of the Council's meetings of December 19-20, 1977, January 26, 1978 and March 20, 1978 were approved as previously submitted to Council members, by a unanimous voice vote.

It was noted that there had been 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 last previous such report was submitted to the Council on January 26. Copies of the compilation are on file with the Legislative Service Bureau. Senator Eugene Hill said he would like to have a report of the annual cost to the state for educational leave granted state employees, and Mr. Garrison said there would be no difficulty in compiling such a report.

Senator Kinley introduced Mr. Davis and Mr. Lakis, who were present for a discussion of a proposal drawn up by the State Legislative Leaders Foundation requesting a federal grant to underwrite a portion of the cost of what is termed "An Iowa Program for Legislative Resource Improvement". The proposal, if implemented, would also require a commitment of financial and other resources by the General Assembly. Mr. Davis described briefly the structure and purpose of the State Legislative Leaders Foundation, after which Mr. Lakis described in some detail the objectives of, and the proposed methodology for, the legislative resource improvement study which would be partially underwritten by the federal grant for which the Foundation hopes to apply. Copies of the Foundation's grant proposal are on file with the Legislative Service Bureau.

At the conclusion of Mr. Lakis' presentation, Chairperson Kinley inquired how much the state would be required to contribute toward the cost of the proposed study if the Foundation is successful in obtaining the contemplated federal grant. Mr. Davis replied that the General Assembly would have to furnish \$11,000.00 in cash and \$8,000.00 in in-kind support, such as working space, telephone, postage, office supplies, etc. Chairperson Kinley then invited discussion on the proposal.

Representative Cusack offered a number of comments regarding ways in which the objectives and procedures described by Mr. Lakis might be changed so as to make the study more useful to the General Assembly. However, he indicated he is generally supportive of the proposal.

Senator Ramsey noted that the General Assembly is continually seeking to improve its procedures and performance, and directed to Mr. Lakis several questions regarding the effect on the timeliness and validity of the study if significant changes in procedures should occur during the course of the study itself. In response to a related question from Senator Philip Hill, Mr. Davis stated that the Foundation's proposal calls for a September 1, 1978 starting date, but added that the exact starting date for the twelve-month study period would depend to some extent on the timing and conditions of the approval of the contemplated federal grant.

Senator Philip Hill then voiced reservations about several aspects of the Foundation's grant proposal. He questioned the usefulness of focusing on standing committee procedures, stating that he believes personality of the legislators appointed to each committee and the jurisdiction of the respective committees have more to do with how they perform than do their procedures. He also noted that it is intended to discuss with present and past members of the General Assembly their views of the procedures and performance of the legislature, and said he doubts whether such a review will be objective enough to be useful. In response, Mr. Lakis asserted that while personnel and jurisdiction are important factors in standing committee performance, procedures are also significant and deserving of careful study. He added that it is

true that legislators themselves will be asked to help evaluate their performance, but he suggested that such evaluation is a part of the ongoing responsibility of each member of the legislature, and that the Foundation seeks only to facilitate this evaluation.

Senator Eugene Hill expressed agreement with the comments of Senator Philip Hill, and also took note of the item in the Foundation's grant proposal entitled "Developing a Performance Audit Capability." In response to his specific question, Mr. Lakis cited Maine, New Hampshire, and Massachusetts as states where the Foundation has had a role in helping to develop a performance audit capability. Senator Eugene Hill then asked whether the Foundation supports the concept of state sunset laws. In reply, Mr. Davis asserted that the State Legislative Leaders Foundation does not take positions on policy issues or concepts, but rather tries to inform members of state legislatures as fully as possible on these matters in order to assist the legislators in reaching their own decisions.

Speaker Cochran supported the Foundation's approach of analyzing the effectiveness and benefit of new procedures which have been adopted by the Iowa General Assembly. He urged that the Council approve the proposal.

Representative Stromer noted that it is stated on the first page of the grant proposal that the project directors for the study proposed by the Foundation are to be Speaker Cochran and Senate Majority Floor Leader Kinley, and questioned whether it is possible for the study to be truly objective under that circumstance. He said that while he has no intent to criticize either Speaker Cochran or Senator Kinley personally, he believes it would be unlikely for any person in a similar leadership position to support and encourage a study which did not support the policies and procedures that have been implemented by that leader. Mr. Davis said that he has suggested the possibility of establishing a bi-partisan select committee to which the persons conducting the study would report, and added that in any case the study report would be available to all legislators, not to the project directors only. He asserted that the Foundation's track record indicates that the things about which Representative Stromer had expressed concern simply will not happen. Mr. Lakis said that he has conducted similar studies in several other states, that he has never engaged in any slanting in the report of such a study, and has incurred no pressure to do so.

Representative Varley asked whether the project directors would be changed if there is a change of party control in the General Assembly after the 1978 general election. Mr. Davis replied that he does not know whether this would be the case, explaining that the federal grant application blank calls for project directors to be identified and that it has been the Foundation's practice to list the top officers of the state legislature to be studied as the directors.

Representative Varley then expressed some apprehension about inviting policy recommendations from an outside group in an area as basic as the right of individual members of the Iowa House to file amendments from the floor. In reply, Mr. Davis stated that concern about this matter is raised frequently in Iowa, for better or for worse, and that the Foundation would like to address it along with other specific concerns about operation of the General Assembly.

Representative Cusack reiterated that he shares some of the concerns expressed regarding both appropriateness of certain topics set forth in the grant proposal and the intended study procedure. He suggested that the Council Chairperson could appoint a special Council Committee to suggest alterations and improvements in the proposal.

After a brief further discussion, Representative Cusack moved that the Council adopt the proposal offered by the State Legislative Leaders Foundation, subject to its review and possible modification by a bi-partisan committee of Council members to be appointed by the Council Chairperson. The motion was seconded by Speaker Cochran, and Chairperson Kinley called for discussion.

Representative Millen inquired whether the motion as stated is acceptable to the Foundation. Mr. Lakis replied in the affirmative. Representative Stromer inquired whether it is correct that the federal grant money for which the Foundation proposes to apply will be made available to Iowa in any case. Mr. Lakis replied that this money has been allocated to Iowa, but will not necessarily be made available to the General Assembly as opposed to some other agency. In reply to Speaker Cochran's inquiry, Mr. Lakis confirmed that the General Assembly will not be obligated to spend any money on the proposed study unless the federal grant for which the Foundation hopes to apply is approved.

Representative Cusack's pending motion was then approved by a roll call vote of thirteen to three, all Council members present voting yes except Senators Eugene Hill, Philip Hill and Ramsey.

It having been necessary for Senator Palmer to leave the meeting, Chairperson Kinley recognized Representative Cusack to present the report of the Council's Legislative Service Committee, submitted pursuant to the Committee's meeting earlier in the day at which it had reviewed personnel and budget recommendations of the directors of the agencies for which the Legislative Council is by law responsible. A copy of the summary sheet of the Legislative Service Committee report is attached to and by this reference made a part of these minutes and copies of the attachments submitted to Council members with the report are on file with the Legislative Service Bureau.

Representative Cusack reviewed the recommendations submitted to the Council by the Legislative Service Committee. At

the conclusion of his review, he moved adoption of the Legislative Service Committee's report. The motion was seconded by Representative Doyle and adopted by a unanimous voice vote.

There was a brief discussion of the date for the Council's next meeting. Chairperson Kinley noted that the Council's customary second Wednesday meeting date will, in July 1978, come only a few days after the one-week period during which both the July 4th holiday weekend and the annual meeting of the National Conference of State Legislatures will occur. He therefore suggested that the July Council meeting be held on Wednesday, July 19. This suggestion was agreed to by Council members present.

Representative Varley noted that several interim studies had been mandated by various actions of the recent session of the General Assembly, and suggested that the Council's Studies Committee meet on June 29 and make the arrangements necessary to permit at least these studies to begin expeditiously. Chairperson Kinley commented that such a meeting is a possibility, although no definite plans had thus far been made.

Senator Philip Hill expressed concern that the State Comptroller may question the right of members appointed to the special Joint Standing Committee on Interest Rates to claim per diem pay for their attendance at meetings of this Committee, and suggested that the appropriate legislative committees and Mr. Garrison consider what might need to be done to insure that members of the Joint Standing Committee on Interest Rates will receive pay for their work. Chairperson Kinley replied that he is aware of this problem, and has consulted about it with Secretary of the Senate Kevin Light, Attorney General Turner, and others. Senator Coleman suggested that an appropriate resolution be drawn up and passed, however Senator Philip Hill replied that if the problem perceived by the Comptroller has to do with interpretation of a statute it is unlikely that the General Assembly can resolve it by passage of a resolution.

Chairperson Kinley commented that apparently the Attorney General's office is not willing to make a ruling on the matter until the Iowa Supreme Court decides the pending case on the question when the General Assembly is considered to have adjourned for purposes of the time limit during which the Governor must act on bills passed by the General Assembly in the latter days of a session. Speaker Cochran noted that if the Attorney General and Comptroller hold invalid the resolution by which the General Assembly sought to suspend daily expense payments to its members but permit payment of per diem to members of the Joint Standing Committee on Interest Rates, then conversely it would appear that all legislators would be entitled to the regular daily expense allowance for the period from May 13 through June 29 inclusive.

After some further discussion of this matter, Chairperson Kinley inquired if there was other business to be brought before the Council at its present meeting. None appearing, he stated that

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pursuant to the motion by Representative Cusack which had been adopted earlier in the meeting, the special Council Committee to review and, if deemed appropriate, suggest alterations in the State Legislative Leaders Foundation's Iowa program for legislative resource improvement grant proposals, would consist of Speaker Cochran as Chairperson, Senators Philip Hill and Nolting and Representatives Cusack and Varley.

On motion of Representative Fitzgerald, the Council adjourned at 2:35 p.m.

Respectfully submitted,

SERGE H. GARRISON  
Director

PHIL BURKS  
Senior Research Analyst