

# M I N U T E S

## LEGISLATIVE SERVICE COMMITTEE OF THE LEGISLATIVE COUNCIL

July 18, 1978

The Legislative Service Committee of the Legislative Council was called to order by the Chairperson, Senator William Palmer, at 10:10 a.m., Tuesday, July 18, 1978 in Senate Committee Room 22 of the State House. Members attending the meeting in addition to Senator Palmer were Senators Gene Glenn and Phil Hill and Representatives Gregory Cusack and Donald Doyle. Other persons present included Director Serge Garrison and Senior Research Analyst Phil Burks of the Legislative Service Bureau; Legislative Fiscal Director Gerry D. Rankin, Citizens' Aide Bill Angrick, Code Editor Wayne Faupel, Deputy Code Editor Phyllis Barry and Joe Royce, Administrative Coordinator of the Administrative Rules Review Committee.

Chairperson Palmer called upon Mr. Faupel for discussion of the Code Editor permanent employee classification plan and the Report of the Code Editor to the Legislative Service Committee of the Legislative Council relating to personnel. Copies of each document were distributed to Service Committee members and others present, and a copy of each is attached to and by this reference made a part of these minutes.

There was some discussion of the position of Code Indexer. In response to questions, Mr. Faupel and Ms. Barry indicated that this is a particularly difficult position to fill, because the job requires rather specialized knowledge but tends to be quite tedious, and few attorneys are interested in it on a permanent basis. They indicated that a number of attempts have been made to employ a retired attorney or some other qualified person as a full-time Code indexer, but without success. The duties of the position are presently being discharged by a member of the Drake University law faculty, who is working on a short-term temporary basis and is not interested in accepting the position permanently.

Chairperson Palmer and Senator Glenn both indicated that despite the difficulties in filling the position and the lack of any present prospect for appointment to the position on a full-time basis, they favor establishing an authorized salary for the position which is based on the present state merit employment matrix. The matter was deferred temporarily.

Senator Glenn then inquired the rationale for the salary increase recommendations submitted for themselves by Mr. Faupel and Ms. Barry, appearing as item 7 to the Code Editor's Report of the

Legislative Service Committee. Mr. Faupel responded that the salaries for these positions have been too low for some time, and that the jobs involved are worth more money. Senator Hill expressed agreement.

Mr. Garrison said he felt obligated to be certain that the Service Committee members were aware of section 5 of Chapter 2 of the Acts of the 1977 Session, which states in part "The salary rates established in this section shall be in effect for the fiscal year beginning July 1, 1977 and ending June 30, 1978 and for each fiscal year after the fiscal year ending June 30, 1978 the rate shall be the same as the rate established by this section for the fiscal year beginning July 1, 1977 unless otherwise specified by the general assembly." Numbered subsection one of that section fixed the 1977-1978 salary of the Code Editor at \$21,000. There was a brief discussion, in the course of which Service Committee members present indicated agreement with the proposition that enactment of Senate File 244 of the 1978 Session in effect superceded Chapter 2 of the 1977 Session so far as the Code Editor's salary is concerned.

Senator Glenn moved that the salary of the Code Editor be increased from \$21,000 to \$22,500, and that of the Deputy Code Editor from \$17,550 to \$19,000 per year. Senator Hill said that he does not feel the salary increases proposed in Senator Glenn's motion are sufficient, reiterating that he feels that the salaries received by Mr. Faupel and Ms. Barry have been inadequate for some time.

Senator Hill moved to amend Senator Glenn's motion so as to provide for an increase in the salary of the Code Editor to \$24,500 and that of the Deputy Code Editor to \$20,000 per year.

In the discussion which followed, Chairperson Palmer expressed concern that a number of officials in the executive branch of state government will receive no salary increase during the current fiscal year because the House did not act on the salary bill passed by the Senate, and that under these circumstances it may appear that the Legislature is treating its own employees more favorably than those of the executive branch if substantial salary increases are approved for officials such as the Code Editor and the Deputy Code Editor. Senator Glenn indicated that while he opposes Senator Hill's motion, he believes that salaries of officials in the executive branch of government are generally substantially higher than those of the Code Editor and Deputy Code Editor, and that the failure of the House to act on the salary bill should therefore have no bearing on the consideration of salaries to be paid those officials. Representative Cusack agreed with the latter point. Chairperson Palmer commented that his expression of concern had been directed specifically to Senator Hill's motion and not to the question whether any salary increase should be approved.

After closing comments by Senator Hill, his proposed amendment was defeated by a roll call vote of two to three. Those

voting yes were Senator Hill and Representative Doyle, those voting no were Chairperson Palmer, Senator Glenn and Representative Cusack.

Chairperson Palmer then suggested that Mr. Faupel and Ms. Barry each be given a salary increase equal to ten percent of their respective current salaries. Senator Glenn withdrew his pending motion, and the suggestion by Chairperson Palmer was put to the Committee as a motion and approved by a unanimous voice vote.

The Committee resumed consideration of the salary level for the position of full-time Indexer. Chairperson Palmer suggested that this position be assigned a level of grade 37, step 1, with a starting salary of approximately \$22,000. He noted that such a salary level would imply that a person appointed to this position should have significant experience as an indexer or in related areas.

Senator Hill questioned whether it is actually necessary for the Code Indexer to be an attorney, suggesting that suitability for this position is more a matter of interest, aptitude and experience than formal training in law. Chairperson Palmer replied that setting the salary level for the position at grade 37, or any other specified grade, does not necessarily require that the person appointed be an attorney.

Senator Hill then moved that the Committee adopt Chairperson Palmer's recommendation. The motion was adopted by a unanimous voice vote.

Senator Glenn moved that the remaining recommendations of the Code Editor with respect to classification and pay of the employees in the Code Editor's office be recommended to the Legislative Council for approval as submitted. The motion was adopted by a unanimous voice vote.

The question was raised as to whether it is necessary for the Legislative Council to take formal action to retain Mr. Faupel in the office of Code Editor. Mr. Garrison expressed the view that should the Council take no formal action in the matter, this would be an indication that it intends to retain Mr. Faupel in the position. It was noted that under Senate File 244 of the 1978 Session, the Code Editor serves for an indefinite term of office at the pleasure of the Legislative Council, and is therefore subject to dismissal by the Council at any time in the same manner as are the directors of the Legislative Service Bureau and Legislative Fiscal Bureau.

In response to questions from Senator Glenn, Mr. Faupel stated that he has served for 47 years in the office of the Code Editor, and has held the position of Code Editor for 10 years. He stated that he is presently 78 years of age, and that while he has given some thought to retirement, he would prefer to remain in his present position for the time being. Ms. Barry indicated that she

has served 14 years in the office of the Code Editor, and has held the position of Deputy Code Editor for 6 years. She added she has no plans to leave the Code Editor's office in the foreseeable future.

Senator Glenn suggested that the Service Committee recommend to the Council that the permanent status of the position of Code Editor be left open for the present, and that the possibility of taking applications for the position be considered. Senator Hill expressed belief that the present moment would be a poor time to consider appointing a new Code Editor, noting that the process of publishing the 1979 Code of Iowa is already under way and might well be detrimentally effected by appointment of a different individual as Code Editor before publication of a new Code is completed.

Senator Glenn moved that the Service Committee recommend to the Council that an announcement be made that applicants will be considered for appointment to the office of Code Editor for a term beginning January 1, 1979, and that applications will be received no later than September 15, 1979. He commented that should Mr. Faupel choose to apply, his application should certainly be considered.

Representative Cusack explored with Mr. Faupel how long he contemplates remaining in the position of Code Editor. In response to a specific inquiry, Mr. Faupel stated that he would not expect to remain in that position as long as five more years. Representative Cusack then commented that he believes the present moment is an inappropriate time to consider appointment of a new Code Editor unless there is specific dissatisfaction with the present incumbent.

Representative Doyle moved that Senator Glenn's pending motion be deferred until the next meeting of the Service Committee. Senator Glenn indicated no objection, and the matter was deferred by unanimous consent.

Chairperson Palmer expressed appreciation to Mr. Faupel and Ms. Barry for the information and recommendations they had presented. He then recognized Director of General Services Stanley McCausland, who had been asked to meet with the Service Committee on the present occasion to discuss the matter of the physical location of the Citizens' Aide office.

Mr. Angrick reiterated the concerns he had previously expressed to the Service Committee regarding the prospective location of the Citizens' Aide office. (See Minutes of Service Committee's June 14, 1978 meeting, p. 3) In response to a question by Senator Glenn, Mr. Angrick stated that 65 percent of the persons contacting the Citizens' Aide office do so by phone, 35 percent contact the office by mail, and the remaining 10 percent come to the office in person. He added that the latter group is equivalent to one or two persons a day on the average.

In response to further questions, Mr. Angrick expressed the view that locating the Citizens' Aide office in a larger building where a number of other governmental agencies are also housed would tend to breed suspicion, concern and doubt on the part of prospective clients, who might well regard the office as just another bureaucratic agency. However, Mr. Angrick acknowledged that these views are subjective on his part.

Responding to questions by Representative Cusack, Mr. McCausland stated that the block where the former dwelling at 515 East 12th Street, which now houses the Citizens' Aide office, is located also includes two former church buildings. One of these has been extensively remodeled as use for the quarters of the Office for Planning and Programming; the Department of General Services hopes to demolish the other at the earliest possible time. The remainder of the block is occupied by parking area. Mr. McCausland added that upon completion of the addition to the Vocational Rehabilitation Center, which is presently under construction across Grand Avenue north of the Capitol, the parking problem in the immediate area will become even more severe and the Department of General Services plans were to use the area at 515 East 12th Street as additional parking space.

There was considerable discussion of the present situation in the Capitol complex generally, the philosophy by which space allocations in the various state office buildings are made, and past experiences in these matters. Mr. McCausland noted that his earlier plans have had to be revised due to the actions of the 1978 Session of the General Assembly in sharply reducing the amount requested for construction of additional parking space and denying approval for demolition of the former apartments known as Executive Hills which are presently in use as office space. Mr. McCausland concluded that it now appears most likely that, if transferred from its present quarters, the Citizens' Aide office would be located in either Executive Hills or the existing Lucas Office Building. Mr. McCausland noted that the Executive Hills structure, because it is a former apartment complex, offers a series of rather private and relatively secure office areas of fairly limited size. In response to Senator Glenn's questions, Mr. McCausland and Mr. Angrick indicated that Mr. Angrick has not been shown any of the areas in Executive Hills to which the Citizens' Aide office might conceivably be moved.

There was further discussion, in the course of which Representative Cusack and Senator Hill both expressed support for the concept of the Citizens' Aide staff being housed in small, separate and secure headquarters. At the conclusion of the discussion, Senator Glenn asked if Mr. McCausland is willing to give the Service Committee assurance that the Citizens' Aide office will not be moved from the building at 515 East 12th Street without further consultation with the Service Committee or the Legislative Council. Mr. McCausland replied in the affirmative. Senator Glenn then suggested that the Service Committee allow the matter to rest

for the present, and that Mr. Angrick be shown possible alternative locations in Executive Hills or other areas to which Mr. McCausland might contemplate eventually moving the Citizens' Aide office. There was general agreement to this suggestion.

Chairperson Palmer expressed appreciation to Mr. McCausland for his participation in the meeting.

Mr. Angrick requested that he be authorized to use the funds available to the Citizens' Aide office to employ two temporary staff persons simultaneously, rather than employing two or more such persons serially, when necessary to deal adequately with the workload in the office. He stressed that he is not seeking any increase in overall funding for the office.

Senator Glenn moved that the Service Committee recommend to the Legislative Council that the Citizens' Aide office be permitted to add a second temporary position to its table of organization. The motion was adopted by a unanimous voice vote.

Representative Cusack moved that Legislative Fiscal Director Gerry Rankin be requested to draw up a prospective table of organization for the newly-authorized Legislative Oversight Bureau, despite the fact this Bureau will not actually be established for the time being because the Governor vetoed the appropriation to fund it. Representative Cusack commented that the Service Committee could also investigate alternative ways of funding the new agency, but that it would probably be unwise to do so at the present time. The motion was adopted by a unanimous voice vote.

Mr. Garrison informed the Service Committee that it now appears that it will be necessary for Service Bureau Research Analyst Diane Bolender to be on sick leave for a period of approximately 90 days. He requested authority to temporarily employ former Service Bureau Legal Counsel JoAnn Brown at an annual salary rate of \$20,306 per year to handle work ordinarily assigned to Ms. Bolender. He indicated that he hopes to employ Ms. Brown in the future as a permanent employee in the position of bill reviewer, a position which is greatly needed in the Bureau but may be difficult to fund. On motion of Senator Glenn, the Service Committee voted unanimously to recommend that the Legislative Council approve Mr. Garrison's proposal.

Representative Doyle noted that Representative W. R. Monroe, a House member of the Administrative Rules Review Committee, has become concerned about the cost of printing administrative rules. Representative Doyle asked that Mr. Royce be permitted to briefly explain the situation.

Mr. Royce noted that under section 1 of Senate File 244 of the 1978 General Assembly, it is the responsibility of the Legislative Council to establish policies for publication of the Iowa Administrative Bulletin, in which new administrative rules

being adopted by state agencies appear. He added that the Administrative Bulletin is presently being printed by a procedure involving conventional setting of hot lead type, at a cost of about \$31.50 per page. He said there is reason to believe that changing to a photo-typesetting method similar to that employed for printing of bills drafted by the Legislative Service Bureau would save around 50 percent of the present printing cost.

Mr. Royce stated that two electronic scopes had been secured with the intention of trying the photo-typesetting method in order to determine whether the apparent cost savings could in fact be realized. However, the Governor's office believes it should have some control over equipment selection pursuant to section 18 of Senate File 244, and ordered the equipment returned before it could be put into use.

Senator Glenn moved that Mr. Garrison and Mr. Royce be instructed to investigate the possibility of saving money by changing to a photo-typesetting method for publication of the Iowa Administrative Bulletin, and report their findings back to the Service Committee. The motion was adopted by a unanimous voice vote.

On motion of Senator Glenn, the Service Committee adjourned at 11:45 p.m.

Respectfully submitted,

PHILIP E. BURKS  
Senior Research Analyst

SERGE H. GARRISON  
Director