

# M I N U T E S

## LEGISLATIVE COUNCIL

December 12, 1979

The eleventh meeting of the 1979-80 Legislative Council was called to order at 9:25 a.m., Wednesday, December 12, 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  
Lieutenant Governor Terry Branstad  
Senator James E. Briles  
Senator C. Joseph Coleman  
Senator Willard R. Hansen  
Senator Lowell L. Junkins  
Senator John S. Murray  
Senator William D. Palmer  
Senator Richard R. Ramsey  
Senator Bob Rush  
Senator Ray Taylor  
Representative Robert T. Anderson  
Representative John H. Clark  
Representative Gregory D. Cusack  
Representative Roger A. Halvorson  
Representative William H. Harbor  
Representative Norman G. Jesse  
Representative Delwyn D. Stromer  
Representative Richard W. Welden

A number of other legislators, subsequently identified in these minutes, also attended the meeting to present Study Committee or Subcommittee reports. Other persons present for the meeting included Director Serge Garrison and various members of the staff of the Legislative Service Bureau assigned to the subcommittees whose reports were being presented; Director Gerry D. Rankin and Virginia Sheffield of the Legislative Fiscal Bureau; Citizens' Aide Bill Angrick; and a number of other legislative staff personnel, representatives of the news media, and other interested persons.

On motion of Representative Halvorson, seconded by Senator Briles, the minutes of the Council's November 7 meeting were approved as submitted to Council members.

Copies of the reports to be presented in the course of the meeting were distributed in advance to Council members attending the meeting, and to other interested persons present as the reports were presented. Some additional copies are available from the Legislative Service Bureau.

Speaker Millen recognized Senator Lucas J. DeKoster, Chairperson of the Court Study Joint Subcommittee of the Senate Judiciary

Committee and House Judiciary and Law Enforcement Committee, for presentation of the Subcommittee's progress report. Senator DeKoster noted that, pursuant to the Council's action at its previous meeting (see Minutes of the Legislative Council's meeting of November 7, 1979, page 2) the Subcommittee had mailed to prospective bidders a Court Finance, Management and Personnel Study Request for Proposal, and had asked that proposals be submitted to the Subcommittee no later than December 6. He noted that the Subcommittee had reviewed five proposals, and evaluations of the proposals prepared by the Subcommittee's staff, at a meeting on the previous day.

Senator DeKoster recommended that the proposal of Resource Planning Corporation of Washington, D.C. to conduct the study contemplated by the Request for Proposal be accepted, and that the Council Chairperson be authorized to sign a contract with that firm for the study. He also recommended that the Court Study Subcommittee be continued at least through the 1980 Session, adding that in his personal opinion it would probably be found necessary to extend the Subcommittee's existence for at least two or three more interims.

Senator DeKoster also reported that the Court Study Subcommittee had agreed on the previous day to recommend to the Senate Judiciary and House Judiciary and Law Enforcement Committees legislation to establish an office of appellate defender. He explained that the Subcommittee believes this would operate to the advantage of the state's taxpayers in that the long-run effect would be to reduce the total number of appeals of criminal convictions which would otherwise be filed, and to expedite the handling of those which are filed. Senator DeKoster also noted the possible availability of federal Law Enforcement Assistance Administration funds which might be obtained through the National Legal Aid and Defender Association and could be used to pay a substantial proportion of the cost of operation of the proposed appellate defender office during the first few years of its existence. He acknowledged that the proportion of federal funds would decline and that the availability of these funds would end after the first few years; but noted that it would nevertheless be advantageous to the state to obtain these funds if the establishment of such an office is deemed in the best interest of the state. He stated that the Court Study Subcommittee had taken no formal action on the matter of such LEAA funds, but added that he personally believes the General Assembly should pursue this matter, noting that it is possible to apply for the funds without incurring any actual obligation to proceed with establishment of an appellate defender office.

In concluding his report, Senator DeKoster stated that the Court Study Subcommittee is also considering legislation which would require an indigent defendant to pay or repay a portion of the cost of his or her defense by a court-appointed attorney, if the defendant has the means to do so. He stated that it is not likely that any large sum of money could be recovered under such a

statute, but added that there is to some extent a matter of principle involved.

Speaker Millen recognized Representative Nancy J. Shimanek, Vice Chairperson of the Court Study Subcommittee, who briefly commented on some of the points covered by Senator DeKoster in his report. She and Senator DeKoster responded to several questions by Council members.

It was moved by Representative Stromer that the Legislative Council:

1. Accept the proposal of Resource Planning Corporation to conduct the Iowa Court Finance, Management and Personnel Study as submitted in response to the Request for Proposal prepared by the Court Study Subcommittee.
2. That Speaker Millen, as Council Chairperson, be authorized to sign a contract with Resource Planning Corporation pursuant to item 1 of this motion.
3. That the Court Study Subcommittee be authorized to meet as necessary during the 1980 Session to oversee the study to be conducted by Resource Planning Corporation and for related purposes.
4. That the Council authorize the preparation of a proposal to the National Legal Aid and Defender Association for funds to help pay the cost of the proposed appellate defender office in Iowa.

The motion was seconded by Representative Anderson and, after some discussion by Council members, adopted by a unanimous voice vote of Council members present.

Speaker Millen again recognized Senator DeKoster, as Co-chairperson of the Involuntary Commitment and Rights of the Mentally Retarded Joint Subcommittee of the Senate Judiciary and House Judiciary and Law Enforcement Committees, for presentation of the Subcommittee's final report. Upon completion of Senator DeKoster's presentation, the report was received by a unanimous voice vote of the Council members present on motion of Senator Coleman, seconded by Representative Halvorson.

Speaker Millen recognized Senator Forrest V. Schwengels, Co-chairperson of the Soil Conservation Laws Joint Subcommittee of the Senate and House Standing Committees on Agriculture and on Natural Resources, for presentation of the Subcommittee's final report. Considerable discussion followed Senator Schwengels' presentation, in the course of which he responded to questions by estimating that implementation of the Subcommittee's recommendations for the 1981 fiscal year would cost \$7,000,000 in addition to the \$5,000,000 already appropriated for that year by action of the 1979 Session. He noted that this money represented some compensation for the

effects of inflation as well as expansion of soil conservation efforts in the state. He estimated that the addition of 15 more technicians to the staff of the Department of Soil Conservation during each of the next five fiscal years would require an annual increase in appropriations of \$270,000 plus adjustment for inflation.

At the conclusion of the discussion, Representative Halvorson moved that the Council receive the Subcommittee's report. The motion was seconded by Representative Anderson and adopted by a unanimous voice vote of the Council members present.

Speaker Millen recognized Representative Lyle Krewson, Co-chairperson of the Municipal Revenue Bonds Joint Subcommittee of the Senate and House Standing Committees on Cities, for presentation of the Subcommittee's final report. Following Representative Krewson's presentation, the report was received by a unanimous voice vote of the Council members present on motion of Representative Stromer, seconded by Senator Briles.

Speaker Millen next recognized Representative Stromer as Chairperson of the Joint Educational Services and Funding Subcommittee of the Senate and House Standing Committees on Education for presentation of the Subcommittee's final report. Following discussion by Council members, the report was received by a unanimous voice vote of the Council members present on motion of Representative Halvorson, seconded by Representative Cusack.

Speaker Millen recognized Senator Elizabeth Miller, Co-chairperson of the Joint Conservation Commission Funding Subcommittee of the Senate and House Standing Committees on Natural Resources for presentation of the Subcommittee's final report. After some discussion, the report was received by a unanimous voice vote of the Council members present on motion of Senator Ramsey, seconded by Senator Hultman.

Speaker Millen recognized Representative Horace Daggett, Co-chairperson of the Joint Interim Subcommittee on Corrections of the standing Senate Judiciary Committee, House Judiciary and Law Enforcement Committee, Senate and House Human Resources Committees, and Joint House and Senate Social Services Budget Appropriations Subcommittee. Representative Daggett presented the final report of the Joint Interim Subcommittee on Corrections, and responded to a number of questions from Council members. In the course of the discussion, in which Prison Ombudsman Ray Cornell also participated, some Council members expressed considerable concern about apparent inability to adequately control heat and humidity in Cell House 17 at the Iowa State Penitentiary in Fort Madison.

At the conclusion of the discussion, Senator Hultman moved that the Council receive the report of the Joint Interim Subcommittee on Corrections. The motion was seconded by Representative Cusack, and adopted by a unanimous voice vote of the Council members present.

Speaker Millen recognized Senator Julia B. Gentleman, who delivered a verbal progress report from the Elderly Services Joint Study Committee initiated by House Resolution 44 and authorized by action of the Legislative Council. (No printed copies of this report were prepared.) She indicated that the Study Committee, Co-chaired by herself and Representative Wayne Bennett, has held one meeting and that another is likely to be held before the convening of the 1980 Session. She noted that the Joint Study Committee's charge is to provide a clear understanding to the General Assembly of the current delivery of services for the elderly, with the objective of eliminating any existing duplication or overlap, and addressing gaps in services. She said the Joint Study Committee is being assisted in this effort by the new Program Evaluation Division of the Legislative Fiscal Bureau, which has developed detailed plans for conducting the study. Senator Gentleman said this needs to be an on-going effort, and should have adequate legislative oversight.

Representative Welden moved that the Council authorize the Elderly Services Joint Study Committee to continue meeting during the 1980 interim so as to monitor the on-going study effort. After a brief discussion, in the course of which Senator Hultman suggested that no such authorization is necessary in order for the Study Committee to meet during the 1980 Session and that the Council can provide necessary authority for the succeeding interim prior to the adjournment of that Session, Representative Welden withdrew his motion.

Speaker Millen thanked Senator Gentleman for her report, and recognized Senator Briles as Co-chairperson of the County Home Rule Study Committee for presentation of a progress report from that Study Committee. After briefly summarizing the report, Senator Briles noted that the members of the County Home Rule Study Committee have been asked to meet with members of the County Finance Committee appointed by the Governor, but have already exhausted their meeting authority for the current interim. He therefore moved that the Council authorize the County Home Rule Study Committee one additional meeting during the 1979 interim for the purpose of meeting with the County Finance Committee appointed by the Governor. The motion was seconded and adopted by a unanimous voice vote of the Council members present.

On motion of Senator Briles, seconded by Senator Taylor, the Council received the progress report of the County Home Rule Study Committee, also by a unanimous voice vote of the members present.

Speaker Millen recognized Senator Ramsey as Senate Chairperson of the Conference Committee appointed to consider the differences between the House and Senate on Senate File 344, relating to rights of access to solar energy. Senator Ramsey presented a final report of the Conference Committee, to which there is attached a formal Conference Committee report prepared for submission to the 1980 Session. After some discussion by Council members, the report was

received by a unanimous voice vote of the Council members present on motion of Representative Stromer, seconded by Senator Briles.

Representative Harbor asked that members of the Council's Service Committee meet in Room 22 at 1:00 p.m. on the present date.

The meeting was recessed for lunch at 12:05 p.m., and reconvened at 1:50 p.m. in Room 22. All Council members who had attended the morning session were again present during the afternoon, except Senator Junkins and Representative Jesse.

Speaker Millen recognized Senator Dale Tieden, Co-chairperson of the Drainage Laws Joint Subcommittee of the Senate and House standing Committees on Agriculture, for presentation of the Subcommittee's progress report. Following a brief discussion by Council members, the report was received by a unanimous voice vote of the Council members present on motion of Representative Halvorson, seconded by Senator Taylor.

Speaker Millen again recognized Senator Elizabeth Miller, Co-chairperson of the Joint Subcommittee on Land Use of the Senate and House standing Committees on Natural Resources, for presentation of the Subcommittee's final report. Following discussion and questions by Council members, the report was received by a unanimous voice vote of the Council members present on motion of Representative Halvorson, seconded by Representative Harbor.

Speaker Millen then recognized Legislative Service Bureau Research Analyst Diane Bolender for presentation of the final report of the IPERS and Pension Funding Subcommittee of the Senate and House standing Committees on State Government. There was considerable discussion, in the course of which Representative Stromer, a member of the Subcommittee, also offered comments on the Subcommittee's study and its recommendations. At the conclusion of the discussion, Representative Cusack moved that the Council receive the Subcommittee's report. The motion was seconded by Senator Briles, and adopted by a unanimous voice vote of the Council members present.

Speaker Millen recognized Senator Ramsey, as Co-chairperson of the Joint Subcommittee on Energy Conservation, Availability and Use of the Senate and House standing Committees on Energy, for presentation of the Subcommittee's final report. Following discussion, in the course of which Council members directed to Senator Ramsey a number of questions about the report, the report was received by a unanimous voice vote of the Council members present on motion of Senator Hultman, seconded by Representative Stromer.

Speaker Millen recognized Senator Edgar Holden, Chairperson of the joint Public Utility Rate Regulation and Policy Subcommittee of the Senate and House standing Committees on Commerce, for presentation of the Subcommittee's final report. Following a brief

discussion by Council members, the report was received by a unanimous voice vote of the Council members present on motion of Senator Taylor, seconded by Representative Halvorson.

Speaker Millen recognized Senator Rolf V. Craft, Co-chairperson of the joint Property Tax Structure Subcommittee of the Senate and House standing Committees on Ways and Means, for presentation of the Subcommittee's progress report. There was some discussion by Council members, at the conclusion of which Representative Halvorson moved that the report be received by the Council. The motion was seconded by Senator Briles and adopted by a unanimous voice vote of the Council members present.

Speaker Millen recognized Legislative Service Bureau Senior Legal Counsel Bernie Koebernick, who stated that Representative James C. West, Chairperson of the House standing Committee on Ways and Means, has requested authorization for one extra meeting day in addition to the Committee's statutory interim meeting day, so that a two-day meeting of the full Committee may be held on January 9-10, 1980. Mr. Koebernick added that Representative West has stated that the purpose of this meeting is to consider legislative recommendations submitted by the three interim subcommittees of the joint Committees on Ways and Means, and that holding this meeting prior to the session will permit the Ways and Means Committee to review the proposed legislation in advance and thereby save session time.

Representative Halvorson moved that the Council approve the request submitted on behalf of Representative West. The motion was seconded by Representative Harbor and adopted by a unanimous voice vote.

Speaker Millen recognized Representative Welden for presentation of the report of the Legislative Fiscal Committee, pursuant to that Committee's meeting on the previous day. The report of the Legislative Fiscal Committee to the Legislative Council, dated December 12, 1979, is attached to and by this reference made a part of these minutes; the draft bill relating to the duties and membership of the Legislative Fiscal Committee, and the Fiscal Committee's report for the 1979 interim, which were submitted with the December 12 report are available from the Legislative Fiscal Bureau.

After summarizing the Fiscal Committee's report, Representative Welden moved its adoption. The motion was seconded by Senator Murray, and adopted by a unanimous voice vote.

Speaker Millen recognized Representative Harbor, Chairman of the Council's Service Committee, who explained that there had not been a quorum of the Service Committee's members present for the meeting which had been scheduled for 1:00 p.m. on the present date. Representative Harbor stated that both the Legislative Research Bureau and Legislative Fiscal Bureau Directors had submitted to the

Service Committee personnel matters which should be disposed of today, since this will presumably be the last meeting of the Legislative Council prior to convening of the 1980 Session.

Representative Harbor moved that the adjustments in personnel assignments, responsibilities and salaries proposed by Mr. Garrison in his letter of December 3, 1979 to members of the Service Committee, copies of which had been sent to all Council members, and the employment of a new staff member by the Legislative Fiscal Bureau as proposed by Mr. Rankin in his letter to members of the Service Committee dated December 4, 1979, be approved by the Council. (A copy of each letter is attached to and by this reference made a part of these minutes.) The motion was seconded by Senator Hultman, and adopted by a unanimous voice vote of the Council members present.

Representative Harbor reported that there still has been no resolution of the difficulty involving assignment of office space to the Office of the Citizens' Aide and to the Capitol Security Division in the building at 515 East Twelfth Street, despite the assurances which had been given the Service Committee by Director of General Services Stanley McCausland at the time of the Council's previous meeting that the matter would be resolved prior to the present date. (See Minutes of the Legislative Council's meeting of November 7, 1979, page 8, second paragraph.) Representative Harbor added that, although Mr. McCausland had today assured him that the matter would be resolved within one week by moving the Capitol Security Division elsewhere, he is somewhat skeptical that this assurance will be implemented because no one is able to say where the Capitol Security Division will be moved.

Speaker Millen stated that miscellaneous business is the only item remaining on the agenda prepared for the present Council meeting. Representative Welden noted that it had taken the joint Appropriations Subcommittees on Social Services substantially longer to complete their work during the 1979 Session than was required by any of the other joint appropriation subcommittees. He moved that the Council authorize the joint Appropriations Subcommittee on Social Services to hold up to three days of meetings during the week prior to the convening of the 1980 Session. The motion was seconded by Senator Hultman.

There was a short discussion, in the course of which Representative Welden stated in response to a question by Representative Anderson that supplemental appropriations requests for the second year of the current biennium which have been received up to the present date total approximately \$60,000,000. He added that this total does not include supplemental requests which will be forthcoming from the Department of Social Services, but have not yet been received.

Representative Welden's pending motion was then adopted by a unanimous voice vote of the Council members present.



Mr. Garrison noted that a number of draft bills had been prepared by the Legislative Service Bureau for submission to the Legislative Council and the 1980 Session with reports of interim subcommittees and study committees. In some cases, the interim subcommittee or study committee which directed that a particular bill be prepared also indicated to which standing committee the bill was to be submitted, but in other cases this was not done. Mr. Garrison said that bills falling into the latter category would be submitted to the respective presiding officers for reference to appropriate standing committees, unless the Service Bureau is otherwise directed.

Mr. Garrison also noted that there had been distributed to Council members present copies of a compilation of educational leave reports received by the Service Bureau, pursuant to the requirements of section 79.1 of the Code, during the month since the last compilation of such reports had been distributed to Council members.

On motion of Senator Hultman, the Council adjourned at 3:50 p.m.

Respectfully submitted,

SERGE H. GARRISON  
Director

PHILIP E. BURKS  
Senior Research Analyst