

M I N U T E S

Iowa Legislative Council

May 7, 1970

The eighth meeting of the 1969-1971 Legislative Council was called to order by the Council Chairman, Senator Elmer F. Lange, at 10:25 a.m., Thursday, May 7, 1970, in the Speaker's Room, State House, Des Moines. Council members present when the meeting commenced were:

Representative Ralph F. McCartney, Vice Chairman
Speaker of the House William H. Harbor
Senator James E. Briles
Senator Andrew G. Frommelt
Senator Eugene M. Hill
Senator Clifton C. Lamborn
Senator Arthur A. Neu
Senator George E. O'Malley
Senator Robert R. Rigler
Representative Dale M. Cochran
Representative Charles P. Miller
Representative Leroy S. Miller
Representative Nathan F. Sorg
Representative Andrew P. Varley

Also present were Director Serge Garrison and Phil Burks of the Legislative Service Bureau staff, Code Editor Wayne Faupel, Director Verne Tanner of the Data Processing Division of the Comptroller's office, and several representatives of the news media and other interested persons.

Chairman Lange recognized Mr. Faupel, who requested authorization to use the Legislative Dining Room area during the 1970 legislative interim for proofreading and other functions associated with preparation of the compiled Acts of the 1970 Session of the General Assembly and the 1970 Code of Iowa for publication. Mr. Faupel stated that no remodeling or other alteration of the area would be required, and that it would be possible for his staff to temporarily vacate the area on short notice should this be necessary at any time in order to allow use of the Legislative Dining Room for committee meetings. Chairman Lange commented that the Executive Council has no objection to use of the Legislative Dining Room by Mr. Faupel's staff, but does not feel that it has the authority to approve such use without action by the Legislative Council. Senator Rigler moved that the Legislative Council approve use of the Legislative Dining Room by Mr. Faupel's staff in the manner and for the purposes described by Mr. Faupel. The motion was seconded by Representative McCartney and unanimously adopted.

Chairman Lange recognized Mr. Tanner, who presented a progress report relative to updating of the magnetic tape of the Code of Iowa, and progress in expanding and improving the associated computer and electronic data retrieval services provided the General Assembly by the Comptroller's Data Processing Division. Mr. Tanner raised the question whether the Legislative Council wishes to change the bill drafting style previously in use in Iowa prior to the next regular session of the General Assembly. It was agreed the Legislative Procedures and Facilities Committee would study this question.

Senator Neu inquired whether there has been any progress toward possible installation of large screens on which data available from the computer through the presently existing IBM 2260 terminals can be projected for viewing from the floors of the Senate and House of Representatives. Mr. Tanner replied that there has been some progress in this direction; that IBM's Federal Systems Division formerly would not install such equipment except as part of a system involving at least thirty-two terminals, however it has recently developed for another customer a six-terminal system involving large screens of the type referred to by Senator Neu. Such a system would be suitable for use in Iowa.

Senator Neu inquired whether it would be possible to adjust the left margins of the computer printed bill index issued by Mr. Tanner's division. He stated that the binding of these indexes occasionally makes it difficult to see the material at the left margin of the right hand pages.

In response to a question by Senator Hill, Mr. Faupel stated that the Index to the 1970 Code of Iowa will be prepared by making the additions and deletions necessary to reflect the actions of the 62nd and 63rd General Assemblies, but that the Index has not been completely revised since the 1940's. He added that he is aware of the need to carry out such a revision, but that it will not be possible this year.

Mr. Faupel stated that he would like to receive an opinion from Council members regarding the number of volumes in which the 1970 Code of Iowa should be published. He explained that the actual decision must be made by a committee created by statute. In response to a question, Mr. Faupel stated that the additional binding costs incurred could be expected to raise the total sale price of the set of volumes making up the entire Code by approximately \$5.00 per set for each additional volume contained in the set. After some discussion, Senator Neu moved that the Council recommend that the 1970 Code of Iowa be published in three volumes. The motion was seconded by Representative Charles Miller.

Senator Hill suggested that in addition to increasing the number of volumes in which the Code is to be published, it might be desirable to rearrange the order of some of the contents so

that those statutes which are amended most frequently are in one volume while those amended less frequently are in other volumes. Mr. Faupel agreed that Senator Hill's suggestion might well have merit, but pointed out that while the number of volumes in which the Code is to be published may be determined administratively, the sequence of material within the Code cannot be changed except by statute. Chairman Lange suggested that Senator Hill's proposal be reviewed by the Council's Legislative Procedures and Facilities Committee with a view to making a possible recommendation to the next General Assembly. Senator Neu's motion was then adopted unanimously.

Mr. Faupel stated he would also like to obtain the Council's reaction to the possibility of beginning the compiled Acts of the Sixty-third General Assembly, Second Session, with chapter 501. He explained that this would permit the user to readily identify which session of the General Assembly had passed a particular law simply by reference to the chapter number in the compiled Acts. No objection to the suggestion was made by Council members, although some members commented that it might be more desirable to begin the Acts of the second session with chapter 1001 rather than chapter 501.

Chairman Lange expressed appreciation to Mr. Faupel and Mr. Tanner for the information they had presented. Mr. Faupel and Mr. Tanner then left the meeting.

Chairman Lange announced that Senator Lamborn had been appointed by Lt. Governor Roger Jepsen to fill the vacancy on the Council which had existed since prior to the second session of the 63rd General Assembly, and formally welcomed Senator Lamborn to the Council.

In view of the length of the minutes of the Council's previous meeting, held December 16-17, 1970, it was decided not to read the minutes in full at the present meeting. Chairman Lange suggested that each member of the Council review these minutes prior to the next Council meeting and be prepared to act on the December 16-17 minutes at that time.

The report of Council's Studies Committee was presented and copies were distributed to Council members. A copy of the report is attached to and by this reference made a part of these minutes. The Studies Committee's recommendation that the Eminent Domain Study Committee as constituted during the 1969 legislative interim, except for the replacement of Representative William Gannon by Representative Berl Priebe, and the Environmental Preservation, Criminal Code Revision, and Municipal Law Revision study committees as constituted during the 1969 legislative interim be authorized to continue their respective studies during the 1970 legislative interim, was adopted by unanimous consent.

Senator Frommelt moved that the Legislative Council create a Tax Revision Study Committee pursuant to the direction of Senate Concurrent Resolution 119 as approved by both houses of the 1970 Iowa General Assembly. The motion was seconded by Senator Briles and unanimously adopted. (NOTE: In accordance with SCR 119, Lieutenant Governor Jepsen and Speaker Harbor appointed to the Tax Revision Study Committee Senator Ralph W. Potter, Temporary Chairman, Representative Elmer H. Den Herder, Temporary Vice Chairman, Senators C. Joseph Coleman, W. Charlene Conklin, Wayne D. Keith, Edward E. Nicholson, Roger J. Shaff, Charles K. Sullivan, and Bass Van Gilst, and Representatives John Camp, Charles E. Grassley, Edgar H. Holden, William H. Huff, James I. Middleswart, Fred W. Nolting, and Maurice A. Van Nostrand.)

After a brief review of the remaining recommendations of the Studies Committee for establishment of interim study committees during 1970, the Council took up for consideration the recommendation for establishment of a broad interim governmental reorganization study, as presented in the first paragraph on page two of the report of the Studies Committee. There was discussion of the possibility that the Budget and Financial Control Committee might wish to continue work in this general area, and of the importance of avoiding duplication of effort between the BFCC and the Council. Chairman Lange and Mr. Garrison stated that Legislative Fiscal Director Gerry D. Rankin had indicated that the BFCC's Governmental Reorganization Subcommittee, under the chairmanship of Senator Lee Gaudineer, probably would wish to continue its work in this general area. Senators Rigler and O'Malley expressed concern as to whether it would be possible for the BFCC to give adequate consideration to the recommendations of the Governor's Economy Committee and other meritorious suggestions in the area of governmental reorganization, in addition to carrying on the other work for which the BFCC is responsible.

After further discussion, Senator Rigler moved that the Council establish a Governmental Reorganization Study Committee in accordance with the recommendation of the Council's Studies Committee, to be composed of five majority party members and two minority party members from each house. The motion was seconded by Senator Lamborn and adopted, Representative Sorg voting no.

The Council next considered the recommendation that a drug abuse study committee, as recommended by HCR 122 and HJR 1002, be established during the 1970 legislative interim. Representative Sorg initially expressed objection to the recommendation, explaining that he believes that all necessary information regarding drug abuse is already available and that it is not necessary to establish a committee to gather the information. He expressed the view that Dr. Phillip Levine, Consultant to the Governor on Drugs, could provide all or most of the information which might be needed to permit drafting of any necessary legislation. Senator

Neu and Representative Varley stated that they do not question that all necessary information regarding drug abuse is readily available, but they pointed out that few members of the General Assembly are well informed on this subject and that the members of the proposed Drug Abuse Study Committee could become well informed in this area and thereby be in a position to render a valuable service to the entire General Assembly. Representative Sorg agreed that this is a valid consideration, and stated that he would withdraw his objections to the formation of such a study committee.

Representative McCartney also agreed that it is desirable to have legislators become informed in the area of drug abuse, but asked whether it would not be preferable to have such a study handled by the proper standing committees of the Senate and House of Representatives. After a brief discussion, it was the consensus that an interim study committee be established. Senator Rigler suggested that a committee of three members from each house should be large enough to achieve the intended purposes, and there was general agreement on this point.

Representative Sorg moved that the Council establish a Drug Abuse Study Committee for the 1970 legislative interim, to be composed of two majority party members and one minority party member from each house. The motion was seconded by Representative Leroy Miller and unanimously adopted.

The Council next considered the recommendation that a state government employment practices study be conducted, pursuant to HCR 106. In the ensuing discussion, some question was raised regarding the necessity for such a study, however it was pointed out that HCR 106 had been signed by twenty members of the House of Representatives including both the majority and minority floor leaders. Senator Neu then moved to refer HCR 106 to the standing State Government Committees of the Senate and House of Representatives, with a request that they propose an interim subcommittee to conduct the requested study. The motion was adopted unanimously.

The Council considered the recommendation that a Housing and Programs for the Handicapped Study Committee be established pursuant to HCR 118. After a brief explanation of the proposed study, Senator O'Malley moved that the Council establish such a study committee, to be composed of two majority party members and one minority party member from each house of the General Assembly. The motion was seconded by Senator Lamborn and unanimously adopted.

At the request of Chairman Lange, Mr. Garrison reported briefly on the personnel situation in the Legislative Service Bureau. He stated that while it appears that the present staff is capable of handling the workload projected by the recommenda-

tions of the Council's Studies Committee, it would be desirable to employ one additional attorney as soon as possible after July 1, in order to handle the various miscellaneous bill drafting assignments which will be forthcoming in preparation for the convening of the first session of the Sixty-fourth General Assembly. The experience thus gained should make it possible for the new attorney to function effectively as a general assignment bill drafter, with a reasonable degree of supervision, during the 1971 session and thereafter. In summary, Mr. Garrison stated that his staff presently consists of three attorneys in addition to himself, two researchers with masters' degrees and two with bachelors' degrees, that all of these individuals have now attained sufficient experience to make them capable of performing their assigned tasks without the necessity of continuing close supervision, and that therefore the retention of the existing staff personnel will presumably become increasingly desirable as they continue to gain experience in the future. Mr. Garrison stated that at present the prospects of retaining all present staff members appear very good.

The meeting was recessed at 11:25 a.m. and reconvened at 2:00 p.m. in the Speaker's Room, with all Council members present who had been present for the morning session except Senator Briles. Also present upon the convening of the afternoon session were Chief Clerk of the House William Kendrick and Secretary of the Senate Carroll Lane, who had been invited to discuss with the Council the refurbishing of the Legislative chambers prior to the 1971 session.

Mr. Kendrick began by stating that those responsible should make every effort to see that a thoroughly professional job is done in making the necessary changes and improvement in the chambers; he recommended the employment of a competent architect for this purpose. Specifically, Mr. Kendrick noted that the arrangement of the seats in the House Chamber would have to be changed in order to reduce the number of seats from the present 124 to 100. He stated that this should not be done by simply removing the existing back rows of seats, but rather that the seating arrangement of the entire chamber should be rearranged so as to take maximum advantage of the increased space which will be available because of the reduction in the number of seats.

Mr. Kendrick added that the carpets in the House and Senate Chambers are in rather poor condition, and suggested that these be replaced before the seats are reset. He continued that the wiring under the floors of the House Chamber, which is necessary in order to connect each seat with the public address system and voting machine, is in a very poor and in some cases hazardous condition, and should be renovated when the carpeting is removed. Mr. Kendrick concluded by stating that the Senate and House should work together to the greatest extent possible in refurbishing and equipping their respective chambers.

Mr. Lane expressed agreement with Mr. Kendrick's remarks insofar as they apply to both chambers. With respect to the Senate Chamber, Mr. Lane agreed that there is a need for new carpeting and added that he is hopeful that it will be possible to install carpeting of a quality which will lend suitable prestige to the legislative chambers. He noted that the lower portions of the existing Senate drapes are badly rotted, and that these should probably be changed if new carpet is installed. He stated that improvements to the main windows in the Senate chamber are contemplated, but that these apparently will not be as expensive as had first been expected.

Both Mr. Kendrick and Mr. Lane expressed the desire for Council guidance and approval in planning and carrying out the changes and improvements in the legislative chambers during the present interim. They added that it will be necessary to move fairly rapidly since allowance must be made for the possibility of strikes or other delays.

Mr. Lane stated that no commitments had been made for use of the Senate Chamber after June 13, when the Senate of Boys' State will meet there. He recommended that when the refurbishing and equipping of the legislative chambers is completed, severe restrictions be placed upon the use of the chambers by groups and agencies other than those representing the General Assembly itself.

Representative Sorg inquired whether it is planned to install a new voting machine in the House of Representatives. Mr. Kendrick replied in the negative, stating that the existing machine will be quite adequate when rewired at an estimated cost of \$5,000. He added that this is far less than the cost of a new voting machine (estimated to be \$100,000) and expressed belief that the advantages of the newest voting machines available, in terms of somewhat greater sophistication and possibly very slightly greater speed, are not sufficient to justify the cost involved. Mr. Kendrick also noted that it is considerably easier to reduce the number of voting stations which must be served by the existing voting machine than to increase them, as was necessary in 1964. In response to a further question, it was stated that there is no plan to obtain a voting machine for the Senate.

Senator Hill stated that he finds that the existing lighting system in the Senate Chamber creates an objectionable amount of glare, and requested that some effort be made to improve this situation in connection with the work to be undertaken in the Chamber this year.

There was some discussion of the disposition which should be made of the eleven Senate desks and twenty-four House of Representatives desks which will have to be removed prior to the

convening of the 1971 session. Mr. Lane noted that basically the two alternative possibilities are to store the extra desks in the State House attic or to sell them in some way. Mr. Kendrick noted that there would probably be a number of persons interested in obtaining one or more of these desks for historical interest, but that it is unlikely that very many persons would be willing to pay the actual cost of the desks, which is in excess of \$400. It was agreed to defer a decision on disposition of the extra legislative desks until a later time.

Representative Sorg moved that the Secretary of the Senate and the Chief Clerk of the House be authorized to secure the services of the state architect, the Iowa State University College of Engineering's architectural school, or to employ a private architect, to prepare necessary plans for the remodeling, redecorating, rearranging, rewiring, lighting, heating, air-conditioning, and equipping of the Senate and House of Representative chambers, and that the Secretary and Chief Clerk be instructed to report their progress to the Legislative Council. The motion was seconded by Senator Neu and adopted unanimously.

The report of the Council's Budget Committee, a copy of which is attached to and by this reference made a part of these minutes, was distributed to Council members and briefly explained by Mr. Garrison. Senator Hill commented favorably upon the recommendation of the Budget Committee that study committees be financed by money available to the General Assembly directly from the general fund rather than from the Legislative Service Bureau appropriation. On motion of Senator Rigler, seconded by Representative McCartney, the report and recommendations of the Budget Committee were adopted unanimously.

Chairman Lange announced that a majority of the appointments to the interim study committees established by the Council at the morning session of the present meeting have been agreed upon. The members of the Governmental Reorganization Study Committee thus far appointed are Senator Rigler, Chairman, Representative McCartney, Senators Arthur Neu, Leigh Curran, Marvin Smith, and Harold Thordsen, (2 Senators representing the minority party will be appointed) and Representatives Richard Drake, C. Raymond Fisher, Gene V. Kennedy, D. Vincent Mayberry, Elizabeth Shaw, and Richard Welden. Members of the Housing and Programs for the Handicapped Study Committee thus far appointed are Representative Don D. Alt, Chairman, Senators Lange, Lucas J. De Koster, and Representatives Roy Miller and John Tapscott. (One Senator representing the minority party will be appointed.)

Speaker Harbor pointed out that HCR 122, on which the establishment of the Drug Abuse Study Committee is based, had passed both houses and calls for appointment of a committee of five Senators named by the President of the Senate and five Representatives named by the Speaker of the House. Chairman

Lange agreed that under these circumstances, the provisions of HCR 122 take precedence over the action of the Council during the morning session of the present meeting, to the extent that the motion adopted by the Council is inconsistent with the resolution.

Representative McCartney pointed out that it had not been possible for him to be present at the meeting of the Studies Committee on the previous day, and stated that he believes HCR 114 has considerable merit although it was not adopted by the House of Representatives during the 1970 session. He explained that the study contemplated by this resolution goes directly to some of the most important long-range problems presently facing metropolitan counties, particularly those containing a number of individual municipalities such as Polk County. He added that there is believed to be considerable material relating to metropolitan planning available from other states. Representative Varley moved that the Council establish a Metropolitan Study Committee composed of two majority party members and one minority party member from each house. The motion was seconded by Speaker Harbor.

Senator Rigler noted that HCR 114 calls for creation of a study committee including "members of the appropriate standing committees of the Senate and the House of Representatives," and inquired what would be considered the appropriate standing committees with respect to the proposed metropolitan planning study. Representative McCartney replied that he believes the appropriate standing committees are the Cities and Towns and County Government committees.

Representative Sorg inquired how the proposed metropolitan planning study would relate to the continuing Municipal Law Revision Study Committee's area of concern. Representative McCartney replied that the function of the Municipal Laws Study Committee is supposed to be primarily recodification of the existing statutes, not exploration of new philosophy. Representative Sorg commented that in his view, the home rule concept is a whole new philosophy in itself. In response to a question from Speaker Harbor, Mr. Garrison stated that the Municipal Laws Revision Study Committee does regard recodification of existing statutes as its basic function, although it is undertaking substantive changes in these statutes wherever such changes appear necessary in order to bring the statutes into conformity with the home rule concept.

Representative Varley pointed out that HCR 114 is intended to bring about a careful study of matters far beyond the question of home rule for existing cities and towns. Representative Varley's motion was then unanimously adopted.

Representative McCartney moved that the Council refer to the new Tax Revision Study Committee the requests embodied in HCR 129, HCR 131, HJR 1005-SJR 1003, and SJR 1004, that HCR 120

and HCR 136 be referred to the Senate and the House standing committees on Law Enforcement and Transportation, respectively, and that the remaining interim study proposals reviewed by the Studies Committee and not otherwise acted upon by the Council be deferred, as recommended in the report of the Studies Committee attached to these minutes. The motion was seconded by Representative Leroy Miller and unanimously adopted.

Senator Lamborn and Representative Leroy Miller, as chairmen of the respective standing Committees on Transportation, announced appointment of a joint interim Highway Commission Funding Subcommittee, pursuant to the referral to their respective standing committees by the Council of HCR 136. The membership of the Subcommittee includes Representative Leroy Miller, Chairman, Senators Leslie C. Klink, Vernon H. Kyhl, and Bass Van Gilst, Representatives Keith H. Dunton and Dewey E. Goode, and advisory members Warren Davison of Mason City, Raymond P. Heneley, Richard Hileman, and Chet Sloan of Des Moines, William F. Sueppel of Iowa City, and Derby D. Thompson of Burlington.

There was discussion of the matters which should be considered by the Council's Procedures and Facilities Committee, and when the Committee should hold a meeting. Senator Hill moved that the Procedures and Facilities Committee be instructed to consider the possibility of a three-day legislative week, with all sessions being held on Tuesdays, Wednesdays, and Thursdays, thus allowing members of the General Assembly to devote attention to their private businesses, professions, and other concerns on Mondays and Fridays as well as on weekends. Senator Hill stated that the alternative is to accept without reservation the concept of service in the Legislature as a full-time occupation, and compensate its members accordingly.

Senator Neu pointed out that, assuming each session would continue to require approximately the same number of legislative days as have recent sessions, the effect of changing to a three-day legislative work week would be to postpone final adjournment until well into the summer. He said that if this is to be seriously considered, it will almost certainly be necessary to plan for air-conditioning of the legislative chambers, which is likely to be a rather expensive proposition in view of the overall design of the chambers. In addition, Senator Neu stated that present law provides for the salary of members of the 64th and subsequent general assemblies to be paid at periodic intervals throughout the first six months of each calendar year. If sessions were to last beyond July 1, it would be necessary either to change this law or for members of the general assembly to work without further salary after July 1.

Representative Leroy Miller stated that he personally would prefer to see a legislative work week consisting of four days in session and one day devoted exclusively to committee meetings. Senator Hill's motion was unanimously adopted.

It was agreed that the next meeting of the Legislative Council will be held at 10:00 a.m. on Wednesday, June 10, 1970, in Des Moines. Representative Cochran suggested that the Procedures and Facilities Committee meet on the day before the meeting of the full Council. Senator Neu expressed a desire to avoid consecutive two-day meetings wherever possible. It was indicated that the meeting of the Procedures and Facilities Committee will be held at the call of the chairman.

Chairman Lange stated that he had received a request for approval by the Legislative Council of the legislative chambers for the annual YMCA State Day program, and that the request would be regarded as approved unless there were objections by Council members. No objections were forthcoming.

There being no further business, the meeting was adjourned at 3:00 p.m.

Respectfully submitted,

Phil Burks, Senior Research Analyst
Serge Garrison, Director