

M I N U T E S

IOWA LEGISLATIVE COUNCIL

July 16, 1975

The second meeting of the 1975-76 Legislative Council was called to order by the Council Chairman, Speaker Dale M. Cochran, at 2:20 p.m., Wednesday, July 16, 1975 in the Speaker's Room of the State House in Des Moines. Members attending the meeting in addition to Chairman Cochran were:

Senator Minnette F. Doderer, Vice Chairman
Lieutenant Governor Arthur A. Neu
Senator James E. Briles
Senator Lucas J. DeKoster
Senator Willard R. Hansen
Senator Eugene M. Hill
Senator George R. Kinley
Senator Clifton C. Lamborn
Senator William D. Palmer
Senator Steve Sovern
Senator Bass Van Gilst
Representative Elmer H. Den Herder
Representative Donald V. Doyle
Representative Keith Dunton
Representative Jerry Fitzgerald
Representative William J. Hargrave
Representative James I. Middleswart
Representative Floyd H. Millen
Representative Delwyn Stromer
Representative Andrew Varley

Also present were:

Representative Tom Higgins
Representative Carroll Perkins
Mr. David Wray, Chief Clerk of the House
Mr. Bob Davies, Assistant Chief Clerk of the House
Mr. Dan Dudley, House Legal Counsel
Mr. Dave Charles, Assistant Secretary of the Senate
Mr. Steve Cross, Senate Legal Counsel
Mr. Gerry Rankin, Director, Legislative Fiscal Bureau
Mr. Serge Garrison, Director, Legislative Service Bureau
Mr. Phil Burks, Senior Research Analyst, Legislative Service Bureau
Mrs. Jeanne Doggett, Research Analyst, Legislative Service Bureau

A number of representatives of the news media and various other interested persons also attended the meeting.

Chairman Cochran recognized Representative Higgins, who referred to recent news media reports that the Attorney General

may file a civil suit against the Governor and the State Comptroller over the refusal of the latter parties to approve the Attorney General's plan to purchase an airplane for the use of his office with funds appropriated for the previous fiscal year which would otherwise revert to the state's general fund. Representative Higgins added that while he deplores suits between agencies in the executive branch of government, there is a possibility that if such a suit is in fact filed it might affect legitimate interests of the legislative branch. He therefore requested that the Council take steps to determine whether or not this would be the case, and if so whether intervention by the General Assembly in any such suit would be appropriate.

There was some discussion of Representative Higgins' suggestion, with all Council members who spoke expressing the view that a civil suit of the sort referred to is undesirable and, hopefully, unlikely actually to be filed. However, there was disagreement as to whether any such suit would affect legitimate interests of the General Assembly in such a way as to require any action to identify or protect those interests.

At the conclusion of the discussion, Senator Hill moved that the Council request the Senate and House legal counsel to determine the extent of legislative interest and possible involvement in the Attorney General's contemplated civil suit against the Governor and State Comptroller, and report to the Council at its next meeting. The motion was seconded by Senator Sovern and adopted by a roll call vote of eleven to five with one abstention. Those voting yes were Chairman Cochran, Vice Chairman Doderer, Senators Hill, Kinley, Palmer, and Sovern, and Representatives Doyle, Dunton, Fitzgerald, Hargrave, and Middleswart; those voting no were Senators Briles, DeKoster, Hansen, and Lamborn, and Representative Den Herder; Senator Van Gilst voted present. (Representatives Millen, Stromer and Varley were not in the room at the time the vote was taken.)

Chairman Cochran recognized Representative Dunton for presentation of the report of the Legislative Fiscal Committee, pursuant to its meeting on July 8. A copy of the minutes of that meeting are attached to and by this reference made a part of these minutes.

Representative Dunton moved that the Legislative Council authorize the Legislative Fiscal Committee to proceed with approval of its own in-state travel, and further that the Fiscal Committee be authorized to approve meetings of the visitation committees with the understanding that the Chairman of the Fiscal Committee will report to the Council at its August 20 meeting the agenda of the visitation committees for the 1975 interim. The motion was seconded by Senator Palmer and adopted by a unanimous voice vote.

Representative Dunton then moved that the Council approve a maximum of four meetings during the 1975 legislative interim for each of the full subcommittees of the standing Committees on Appro-

priations, so that they may hold necessary appropriation hearings prior to the convening of the second session of the Sixty-sixth General Assembly and prepare the majority of the appropriation bills for immediate consideration by the second session. The motion was seconded by Senator Kinley.

Senator Lamborn expressed opposition to the motion. He stated that if the subcommittees of the Committees on Appropriations are each authorized to meet four times during the latter part of the interim, the result will be that a number of members of the Legislature will have to be in Des Moines very frequently during the last two months of the six-month interim, which he added is too short in any case. Senator Hill supported the motion, calling the concept a forward step and stating that there should be a review of the use of appropriations made for the first year of the biennium before the appropriations are renewed for the second year. Senator DeKoster commented that while he is not necessarily opposed to Representative Dunton's motion, November of the first fiscal year of a biennium is too early to make any meaningful review of new programs funded for that biennium.

In response to a question from Senator DeKoster, Representative Dunton clarified that it is the intent of his motion to give the Legislative Fiscal Committee discretion to approve or disapprove Appropriations subcommittee hearings during the latter part of the 1975 interim. Representative Dunton's motion was then approved by a voice vote.

Representative Dunton moved that the Council authorize members of the Legislative Fiscal Committee who are not already so authorized to attend the Midwestern Regional Conference of the Council of State Governments at Lake Okoboji, August 3-6, 1975. The motion was seconded by Representative Hargrave, and unanimously adopted.

Senator Hill noted the item toward the bottom of page 2 of the minutes of the Fiscal Committee's July 8 meeting relative to audits of the area education agencies, and inquired who will make the actual audit. At Representative Dunton's request, Mr. Rankin stated that the audits will be the responsibility of Mr. Ethan Towne of the Fiscal Bureau staff, and that they are being undertaken to answer questions raised by legislators, particularly with respect to the value of assets transferred from county school systems to area education agencies when the new agencies were first established. Mr. Rankin added that these would not be full-fledged audits since the area education agencies only came into being as of July 1 of this year. Representative Stromer noted that the General Assembly had not, in his view, provided sufficient direction to the area education agencies, and that he hoped that the audits just referred to would at least partially offset this situation.

In response to inquiries by Council members, Chairman Cochran and Mr. Garrison clarified which legislators are officially authorized to attend the Midwestern Regional Conference of the

Council of State Governments. They are the leadership of each house including assistant floor leaders, the chairpersons and ranking minority members of each standing committee, the legislators serving on the Interstate Cooperation Commission, and those members of the Legislative Fiscal Committee so authorized by the Council at the present meeting. Chairman Cochran pointed out that it has been agreed that legislators attending the Conference from Iowa will receive reimbursement for their expenses but no per diem.

Chairman Cochran then invited Senator Kinley and Representative Fitzgerald to present the report of the Studies Committee of the Council. Representative Fitzgerald first reviewed the recommendations of the Studies Committee relative to establishment of major interim study committees. A copy of the pertinent report of the Studies Committee is attached to and by this reference made a part of these minutes.

Senator Doderer moved to amend item 3 of the Studies Committee report by increasing the number of Senators to be appointed to the study committee from three to four. The motion was seconded by Senator DeKoster and passed by a voice vote.

Representative Hargrave then moved to further amend item 3 by increasing the number of Representatives to be appointed to the study committee from four to five. The motion was seconded by Senator DeKoster and passed by a voice vote.

Representative Doyle noted that in past interims the Penal and Correctional Systems Study Committee has included a number of non-legislators as members. He added that there would be no necessity for the Council to decide at the present meeting whether this practice would be continued, and if so who the appointees should be, so long as it is understood that the Council's action does not foreclose the possibility of the Study Committee subsequently recommending that such appointments be made. No disagreement was expressed with Representative Doyle's statement.

Representative Stromer proposed that items 6 and 13 of the Studies Committee report be combined. Representative Fitzgerald replied that the Studies Committee had considered that possibility, and had concluded that it would not be desirable. Representative Stromer stated that he would like to see the funding of the unemployment compensation program studied, adding that he considers the present requirement with respect to rate of contribution inequitable. Representative Fitzgerald commented that there is no reason this matter could not be taken up by the study committee proposed to be established under item 13 of the Studies Committee report.

Representative Fitzgerald moved that this portion of the Studies Committee's report, as amended by action of the Council, be approved. The motion was seconded by Senator Kinley and, after a brief discussion, adopted by a unanimous voice vote.

Senator Kinley then presented the portion of the Studies Committee's report headed "Subcommittees of Standing Committees". A copy of that portion of the report is also attached to and by this reference made a part of these minutes.

With respect to item 1 of the report on subcommittees of standing committees, Representative Stromer inquired why this matter should not be handled by the appropriate visitation committee of the Legislative Fiscal Committee. Representative Fitzgerald responded that H.C.R. 73 had been passed by both houses and it was therefore felt that its provisions are more or less binding on the Council.

Representative Doyle moved that that portion of item 3 of the Studies Committee's report on subcommittees which relates to House Resolution 46 be deleted, and that the standing Subcommittee on Nuclear and Radiation Safety of the House Committee on Energy be permitted to hold one meeting as authorized by that resolution. The motion was seconded by Senator Kinley, and unanimously adopted.

Senator Van Gilst asserted that the report of the Studies Committee on subcommittees, as presented to the Council, is in error insofar as item 6 states that the proposed study relative to training of optometrists "is not to include the feasibility of establishing a college of optometry in Iowa." Senator Lamborn and Representative Millen expressed disagreement and Lieutenant Governor Neu commented that it simply is not feasible to set up a new institution in Iowa solely to train optometrists.

Senator Van Gilst then briefly explained the background of Senate Concurrent Resolution 49, and added that it certainly had not been his understanding that the Studies Committee had voted to delete the reference to examining feasibility of establishing a college of optometry in Iowa. After further discussion, Senator DeKoster moved to insert the word "separate" at the end of the third line of item 6 of the Studies Committee's report on subcommittees.

Senator Doderer moved as a substitute for Senator DeKoster's motion, that the word "not" be struck from line 3 of item 6, and that the word "college" in line 4 be changed to "department". The substitute motion was seconded by Senator Kinley.

Representative Millen moved to amend the substitute motion so as to strike the entire second sentence of item 6. That motion died for lack of a second, and the substitute motion by Senator Doderer was then adopted by a voice vote.

Representative Stromer stated that he considers the subject matter referred to in item 8 of the Studies Committee's report on subcommittees to be one of the most important presently confronting the state of Iowa, adding that he believes it merits

study by a major study committee rather than a joint interim subcommittee. After a brief discussion, Representative Stromer moved that item 8 be deleted from the report on subcommittees, and the Council authorize establishment of an additional major study committee to be composed of five members from each house who should not be limited to members of the standing Committees on Judiciary. The motion was seconded by Senator DeKoster and passed by a voice vote.

Several Council members raised questions as to the scope of the study proposed in item 10 of the Studies Committee's report on subcommittees. Senator Kinley commented that he had originally thought that Senate Concurrent Resolution 64 addressed itself only to building code inspections at the local level. Mr. Garrison pointed out that the language of this resolution is somewhat confusing and inconsistent.

After further discussion, Senator DeKoster moved to convert the proposal embodied in item 10 of the report on subcommittees to a full study committee on duplication of inspection functions generally. The motion was seconded by Senator Doderer.

In the ensuing discussion, concern was expressed about the workload being imposed on the Legislative Service Bureau and other legislative staff resources during the current interim by the number of studies being approved by the Council in the course of the present meeting. Mr. Garrison stated that, up to the present moment, the Council had approved a total of fourteen major interim studies and apparently would approve at least eleven studies to be conducted by joint interim subcommittees or--in two cases--by a subcommittee of a single standing committee. He added that these figures did not include the LEAP study approved by the Council at its previous meeting. (See minutes of the Council's July 7, 1975 meeting, pages 4-5.)

Senator Doderer said she understands that there are limitations to the number of studies which can be undertaken during the current interim. However, she added that she feels there are some areas of major concern in regard to duplication of inspection functions by state agencies. She noted as an example certain inspections conducted by the Department of Agriculture and Department of Health.

Senator DeKoster stated that he would withdraw his motion relative to item 10 of the Studies Committee's report on subcommittees. With Senator Doderer's consent it was so ordered.

Senator Kinley then moved to limit the joint interim subcommittee proposed by item 10 of the report on subcommittees to consideration of building code inspection matters, and to authorize that subcommittee no more than two meetings during the 1975 interim; also, that the Council establish a major study committee to look into broader problems relating to inspection functions of

state agencies. The motion was seconded by Senator Doderer and adopted by a voice vote.

Representative Fitzgerald moved that, with respect to item 11 of the Studies Committee's report on subcommittees, the Chairman of the House Judiciary Committee or his designee be authorized to attend each meeting held by the Senate subcommittee; also that the Chairman of the Senate Judiciary Committee be similarly authorized with respect to each House subcommittee meeting held pursuant to item 12 of the report on subcommittees. The motion was seconded by Senator Kinley and unanimously adopted.

Senator Doderer moved that the Council approve the portion of the Studies Committee's report on subcommittees as amended. The motion was seconded by Representative Dunton, and unanimously adopted.

Representative Hargrave expressed serious reservations about the fact that the Council had, in most instances, designated an equal number of members from the Senate and House on the various study committees and joint interim subcommittees. He stated that as a result of this practice, there would be over one hundred Senate appointments to be made to study committees and interim subcommittees, from a total membership of fifty senators. Senators Lamborn and Doderer commented that they see no reason for concern about this matter.

Mr. Garrison distributed to members of the Council minutes of the Council's previous meeting and copies of his and the Fiscal Director's budget recommendations for consideration by the Service Committee and the full Council at the meeting to be held on July 23, 1975.

The meeting was adjourned at 4:30 p.m.

Respectfully submitted,

PHILIP E. BURKS
Senior Research Analyst

SERGE GARRISON
Director