

M I N U T E S

LEGISLATIVE COUNCIL STUDIES COMMITTEE MEETING

July 29, 1977

The Studies Committee of the Legislative Council was called to order at 2:15 p.m., Thursday, July 28, 1977 in the Holiday Motor Lodge at Clear Lake, Iowa. Members attending the meeting were:

Senator C. Joseph Coleman, Co-Chairperson
Representative Jerome Fitzgerald, Co-Chairperson
(arrived 3:30 p.m.)
Speaker of the House Dale M. Cochran
Senator Calvin Hultman
Senator George Kinley
Representative William Hargrave
Representative Floyd Millen
Representative Andrew Varley

Also attending the meeting were Director Serge Garrison and Phil Burks of the Legislative Service Bureau, Legislative Fiscal Director Gerry D. Rankin, House Majority Caucus Staff Director Joe O'Hern and Gary Thomas Administrative Assistant to the Lieutenant Governor. Several additional legislators and legislative staff persons and a number of other interested persons were also present for all or parts of the meeting.

Representative Millen moved approval of the minutes of the Studies Committee's July 13-14 meeting as submitted to Committee members. There being no objection, it was so ordered.

Co-Chairperson Coleman noted receipt of a letter from Senator Joan Orr, Chairperson of the Senate Education Committee, requesting authorization for two additional meetings of a joint subcommittee of the Senate and House Committees on Education to consider the question of equal rights for women in education. In her letter, Senator Orr pointed out that she had previously requested authorization for the two meetings for a Senate subcommittee only, but that House Education Committee Chairperson John Patchett now believes that this study should be a joint effort by a few members of each house. The matter was deferred temporarily.

Co-Chairperson Coleman recalled that at the Studies Committee's previous meeting, it had approved a motion requesting the Legislative Fiscal Bureau to provide assistance to the staff of the Human Resources Committee in assembling certain data regarding the cost of nursing home care provided under the Medicaid program. He added that Christine Pattee of the Human Resources Committee staff was present to discuss this request further with the Studies Committee. He then recognized Ms. Pattee, who explained that the Human Resources Committee staff needs to employ an individual to

extract pertinent data from some 410 files maintained in the Department of Health, and that the probable cost of employing an individual to do this work is approximately \$700. She said that it is important to assemble this data quickly in order to expedite the nursing home cost study being conducted by the Human Resources Committee staff this interim.

In response to questions from Representative Millen, Ms. Pattee indicated that the Human Resources Committee staff will not enter into auditing of nursing home cost figures per se. Representative Millen explored with Ms. Pattee the availability of specific cost data on individual nursing homes from Health Department and other records.

Representative Hargrave noted that Mr. Rankin had indicated at the Studies Committee's previous meeting that the Legislative Fiscal Bureau would provide the Human Resources staff the needed help. Mr. Rankin commented that he now understands this particular assignment requires a clerical person who can quickly assemble the needed data from the Health Department files; the necessary computer programming can be done in the Legislative Fiscal Bureau. In response to a related question from Senator Kinley, Mr. Rankin stated that it does not really matter whether the clerical person needed is employed through the Human Resources Committee staff office or by the Legislative Fiscal Bureau, this would be at the Legislative Council's option. Senator Kinley expressed the view that the Legislative Fiscal Bureau can find the money needed to employ such an individual in its regular budget.

Senator Hultman then moved that the Studies Committee advise the Legislative Fiscal Bureau to hire the needed person to pull data for the Human Resources Committee staff from Health Department records. The motion was adopted by a voice vote, Representative Hargrave voting no.

At Senator Kinley's suggestion, the Studies Committee then took up the list of interim work requests prepared by the Senate and House staffs. There was some discussion as to how the Studies Committee should proceed, and what should be its immediate objective. Senator Kinley said he would prefer to authorize each standing committee a stated number of meetings and let the respective committees use these authorizations as they see fit; Representatives Varley and Cochran said they believe the Studies Committee should examine the requests submitted and allocate available resources according to priorities established by the Studies Committee.

Speaker Cochran moved that the Studies Committee recommend to the Legislative Council authorization of the proposed studies included in items A through E listed in paragraph 3 under the heading "Miscellaneous" in the report of the studies approved by the Legislative Council on July 14, 1977.

Representative Varley moved, as a substitute for Speaker Cochran's motion, that the Studies Committee proceed to an immediate

review of the interim work requests prepared by the Senate and House staffs, and assign each request an A, B or C rating. These ratings would indicate the degree of priority the Studies Committee proposes to assign to each request. After some discussion, Speaker Cochran stated that he would support Representative Varley's motion. In response to a question by Senator Hultman, Speaker Cochran and Representative Varley said that it is not necessarily the case that each standing committee would automatically be entitled to at least one A rating for one of its interim work requests. The substitute motion proposed by Representative Varley was then agreed to by common consent, and the Studies Committee began reviewing the listed interim work requests.

It was assumed that the items referred to in Speaker Cochran's earlier motion would automatically be assigned A ratings.

Accordingly, the corporate farm reporting studies proposed by the Senate and House Agriculture Committees was assigned a A rating. The proposed study of grain warehouse bonding and related problems was given a B rating, and the respective Agriculture Committees' other requests were assigned C priorities.

The requests for interim studies relating to state appropriation of federal funds and to public works projects, listed by the House Budget Committee, were assigned A ratings. The House Budget Committee's requests for studies of state computer systems and of coordinating state funds to local governments were given C ratings. Two other requests by the House Budget Committee had been acted upon by the Legislative Council at its July 13-14 meeting.

The requests of the Senate and House Cities Committees for interim studies regarding revision of city civil service laws and metro government were given A ratings. The House Cities Committee's requests for interim studies of water needs and tort liability problems were given C ratings. (NOTE: See separate action by Studies Committee regarding tort liability interim study, recorded later in minutes of this meeting.)

In accordance with the Studies Committee's action at its previous meeting, the request for an interim study of availability of mortgage loans and procedures used by lending institutions in determining qualifications for loans was treated as a request by the joint Commerce Committees and assigned an A rating. The request of the respective Commerce Committees for interim activity in the area of utility rate structures, was also assigned an A rating. The House Commerce Committee's request for an interim study of small business extension service was given a C rating. (The Senate Commerce Committee's requests for a study of pooling of resources by municipalities on electric generating plants and for a product liability study were covered by subsequent actions of the Studies Committee at this meeting.)

The Studies Committee assigned A ratings to interim studies by the full membership of the Senate and House County Government Committees regarding the proposed county home rule constitutional amendment and the rural community development concept. All of the County Government Committees' requests for subcommittee studies were given C ratings, except that no specific action was taken on the request by the Senate County Government Committee for authorization for a joint meeting of the two standing committees with the Iowa State Association of Counties.

In accordance with the Studies Committee's action at its previous meeting, the request of the two standing Committees on Education for a joint interim subcommittee study of school financing and related areas, including declining enrollment, and also including the subject of free textbooks for public and private schools which had been proposed by the House Education Committee, was assigned an A rating. It was noted that a study of the House-passed Area Education Agency Bill (H.F. 463) by an interim subcommittee of the Senate Committee on Education had previously been authorized by the Council.

On motion of Senator Hultman, the Studies Committee voted unanimously to recommend to the Council approval of Senator Orr's request for authorization for two additional meetings of a joint interim subcommittee of the standing Committees on Education to consider equal rights for women in education.

The request of the House Energy Committee for authorization for a single meeting of the full Committee to consider H.F. 523 and H.F. 551, relating to construction of nuclear fission power facilities, was given an A rating.

The House Energy Committee's request for authorization for a meeting of an interim subcommittee on the municipal utilities bill, H.F. 611, was also given an A rating on the condition that this meeting be held jointly with a subcommittee of the Senate Committee on Commerce, to which Senator Kinley indicated the bill would be assigned if it is passed by the House. It was noted that up to four meetings of the full Senate Energy Committee to study the House-passed mandatory deposit bill, H.F. 187, had previously been authorized by the Legislative Council.

It was also noted that the Council had previously authorized one meeting of the eight-member joint interim subcommittee of the Committees on Human Resources which is conducting the mental health study pursuant to Senate Concurrent Resolution 14. In recommending authorization for that meeting, the Studies Committee had indicated that it desired further information regarding the five additional meetings proposed for the joint interim subcommittee conducting the study. Cooper Parker of the Human Resources Committee staff appeared to present the information, a copy of which is attached to and by this reference made a part of these minutes. After a brief discussion, it was unanimously agreed to recommend to the Council authorization of the requested five additional meetings.

The Studies Committee also assigned A ratings to the joint interim studies of public health systems, juvenile services, and nursing home costs proposed by both Human Resources Committees and to the food stamps study proposed by the House Committee on Human Resources. The corrections overview study proposed by the Senate Committee on Human Resources was given a C rating.

The Studies Committee next considered interim studies requested by the Judiciary Committees. It was noted that the Committee had not previously received any requests for interim studies from the House Judiciary Committee, however, Committee Chair Norman Jesse was present and distributed copies of a letter setting forth seven areas in which authorization for interim subcommittee work was requested. A re-typed copy of this letter is attached to and by this reference made a part of these minutes. The study of the formula for the allocation of district court judges by a joint interim subcommittee of the Committees on Judiciary, required by S.F. 162 of the 67th General Assembly, was automatically rated A. A ratings were also assigned the Senate Judiciary Committee's request for a subcommittee meeting regarding publication of the revised Criminal Code, and the House Judiciary Committee's request for interim activity in the areas of continuing study of certain aspects of the penal and correctional system, unified law enforcement, and the Iowa-Nebraska boundary dispute. It was noted that the Legislative Council had previously approved a study of the Juvenile Justice bill, H.F. 248, by a subcommittee of the Senate Committee on Judiciary. The Committee indicated that the subcommittee meeting regarding publication of the revised Criminal Code should be conducted jointly with the House Judiciary Committee.

In accordance with the Studies Committee's earlier action, the proposal by the Senate and House Labor Industrial Relations Committees for an interim study of various aspects of the unemployment insurance program was assigned an A rating. The Senate Committee's proposals for an interim study of the entire area of employment security law, and for subcommittee studies in regard to veterans preference laws and public employee collective bargaining, and the House committee's proposal for an interim study regarding choice of doctors for workers compensation were assigned B ratings.

The proposals of the Senate and House Natural Resources Committees for a public hearing before the full membership of both Committees in regard to a comprehensive water study, and for a joint interim subcommittee study of that subject were assigned A ratings. All other Natural Resources proposals were assigned B ratings.

On motion of Senator Kinley, the Studies Committee voted unanimously to authorize the Senate Rules and Administration Committee and the House Administration Committee such meetings during the 1977 interim as are necessary to handle the routine business of these committees regarding selection of personnel and related matters.

Senator Minnette Doderer and Representative W. R. Monroe, Jr., Chairs of the Senate and House State Government Committees respectively, appeared before the Studies Committee to discuss the interim study proposals of their respective committees. At the conclusion of the discussion, the Committee assigned an A rating to a consolidated request encompassing the Senate State Government Committee proposal in regard to obsolete boards and commissions and the reorganization of the Department of Environmental Quality and related agencies, and to the review of appointment and confirmation procedures for gubernatorial appointees, and the House State Government Committee's proposal for review of the Iowa Beer and Liquor Control Commission. (In regard to the latter, Representative Monroe assured the Studies Committee that there is no intent to interfere with any matters which are now before the judicial branch of government.) The Studies Committee also assigned A ratings to the Senate State Government Committee's proposals for a review of the merit employment system, a study of landlord-tenant laws, review of the effectiveness of the current Iowa civil rights statute, and study of S.F. 369, relating to the open meetings law. A rating of B was assigned the Senate Committee's proposal with respect to certain bills relating to professional and occupational licensing (S.F. 136, S.F. 225, S.F. 253, and S.F. 287).

Upon review of the proposals of the Senate and House Transportation Committees, the Study Committee assigned A ratings to the requested studies relative to railroads, including abandonment, and relative to abandonment of public roads. Other subcommittee studies proposed by the Transportation Committees were assigned C ratings.

It was noted that the study of certain aspects of property taxation required by H.F. 332 and a study of the House-passed gasoline tax bill, H.F. 491, by a subcommittee of the Senate Committee on Ways and Means, had previously been authorized by the Legislative Council. Mr. O'Hern explained that House Ways and Means Committee Chair Lowell Norland wishes to undertake a study of the renters' credit and other aspects of low-income housing separately from the study required by H.F. 332. The Studies Committee assigned an A rating to that request and to a joint study encompassing the House proposals relating to H.F. 223 (fees), mechanic's liens, and Code Chapter 435 (equipment car tax). A ratings were also assigned House Ways and Means proposals in regard to a study of franchise tax, the responsibility of corporate officers, and S.F. 141 (withholding agent) and to three Senate passed bills, S.F. 154, S.F. 221 (assessors), and S.F. 292 (full disclosure).

Senator Hultman moved that the Studies Committee recommend to the Legislative Council the establishment of a special interim study committee in regard to problems of tort liability, and that this recommendation be considered as having an A rating. The motion was unanimously adopted.

It was agreed that the Studies Committee would defer further consideration of interim study requests by subcommittees of

the Senate and House Budget Committees.

Senator Hultman moved that the Legislative Service Bureau be directed to compile a list of all studies approved, tentative staff assignments for these studies, and related information and make this information available to the Studies Committee prior to the August Legislative Council meeting. The motion was unanimously adopted.

Representative Jesse noted that at the Studies Committee's previous meeting it had recommended, and the Legislative Council had subsequently approved, establishment of two steering committees to work with the Institute of Public Affairs at the University of Iowa in developing techniques for utilizing resources of the University for long-range policy research on behalf of the General Assembly. Representative Jesse continued that he is the Chairperson of one of these steering committees, in the area of education. He distributed to Studies Committee members copies of a document entitled "A Status Report on Proposed Studies of Education in Iowa," prepared for the education steering committee by faculty members at the University of Iowa. Copies of the title page, table of contents, and page 1 of the status report are attached to and by this reference made a part of these minutes, and copies of the balance of the report are on file with the Legislative Service Bureau.

The report distributed by Representative Jesse outlines proposals for conducting twelve specific studies of various aspects of education in Iowa. Item IV-C of each of the twelve outlines is headed "Resources Needs" and sets forth the amount of money which the General Assembly would have to invest in order to make the conduct of the particular study involved possible. Representative Jesse noted that in each case, the University of Iowa proposes to contribute more than half of the total cost of the proposed study. Representative Jesse stated that he believes it is particularly desirable to undertake the studies described in proposals 1 through 5. After explaining why he believes these particular studies are desirable at this time, Representative Jesse requested that the Studies Committee recommend to the Council that \$34,725 be made available to the University of Iowa for this purpose.

Senator Coleman moved to recommend to the Council the approval of the amount requested by Representative Jesse. In the discussion which followed, Representative Varley said he had not anticipated a request for funding when the formation of the two steering committees was recommended and authorized. Representative Jesse replied that he did anticipate such a request at some point, but not this early. However, he noted that it is necessary to obtain a firm commitment of the time of the people who are to be involved, and therefore it will be necessary to act fairly quickly if the proposed studies are to be undertaken on a timely basis. He concluded that the study proposals represent a financial bargain for the General Assembly.

Representative Varley acknowledged that from a strictly financial point of view, the proposals may well represent a bargain for the General Assembly, but added he is bothered by the precedent of the University of Iowa initiating the studies rather than the Legislative Council or General Assembly doing so. Speaker Cochran said he is also surprised by the timing of the request for funding, but that he too agrees that the proposals represent an excellent value for the General Assembly. Senator Coleman's motion was then approved by a divided voice vote.

It was agreed that the Studies Committee will hold its next meeting at 10:00 a.m. on Tuesday, August 9, in the State House at Des Moines. The August Legislative Council meeting will be held on the following day.

Speaker Cochran noted that in accordance with Senate Concurrent Resolution 27, covering interim activity of the General Assembly, all legislative meeting dates are to be coordinated through his office and that of Senate Majority Leader Kinley.

The meeting was adjourned at 4:45 p.m.

Respectfully submitted,

SERGE H. GARRISON
Director

PHILIP E. BURKS
Senior Research Analyst