

M I N U T E S

IOWA LEGISLATIVE COUNCIL

October 6, 1971

The fifth meeting of the 1971-1973 Iowa Legislative Council was called to order by the Council Chairman, Representative Andrew P. Varley, at 10:15 a.m., Wednesday, October 6, 1971, in the Speaker's Room, State House, Des Moines. Members present for the meeting in addition to Chairman Varley were:

Lt. Governor Roger W. Jepsen
Speaker William H. Harbor
Senator James E. Briles
Senator S. J. Brownlee
Senator Lee H. Gaudineer, Jr.
Senator Eugene M. Hill
Senator Vernon H. Kyhl
Senator William D. Palmer
Representative Michael T. Blouin
Representative Dale M. Cochran
Representative Dennis L. Freeman
Representative Nathan F. Sorg
Representative Delwyn Stromer

Also present were Director Serge H. Garrison and Philip Burks of the Legislative Service Bureau staff, and a number of representatives of the news media and other interested persons.

On motion of Speaker Harbor, seconded by Representative Sorg, the minutes of the September 8 Council meeting were approved as submitted to Council members.

Copies of correspondence sent to members of the Iowa Congressional delegation by Chairman Varley pursuant to the Council's action of July 26, 1971, and copies of replies received, were distributed to Council members. (See minutes of Council's July 26, 1971, meeting, page 4, final paragraph.) Chairman Varley commented briefly on the responses received.

Chairman Varley reported that, pursuant to the Council's September 8 discussion regarding the legislation which would be required to comply with federal standards relating to highway beautification and billboard control, he had been in contact with the Governor's office, but had nothing further to report at this time.

Mr. Garrison distributed copies of the proposed 1971 revision of the Legislative Council's statement of policy. A copy of the statement, as adopted, is attached to and by this reference made a part of these minutes. Mr. Garrison spoke briefly regarding the proposed revision in the statement of policy, explaining that

the only substantive revision is the insertion of the fourth sentence in the paragraph immediately following the heading "A. Legislative Council and Legislative Service Bureau."

The new sentence reads "In order to maintain this nonpartisan basis it is the policy of the Legislative Council that former legislators and wives and children of present and past legislators, as well as persons who are active in partisan politics, or well known for past partisan activities, not be employed by the Bureau." Mr. Garrison stated that this addition to the Council's Statement of Policy was being proposed not so much in response to any particular situations which had arisen in the past, but with the intent of avoiding any possible misunderstandings or awkward situations in the future.

Speaker Harbor said he is opposed to a blanket ban upon the employment of former legislators, or members of their immediate families, by the Legislative Service Bureau. In the discussion which followed, several Council members suggested that the ban be limited to the immediate families of legislators currently in office, and to former legislators during the tenure of the General Assembly immediately succeeding the last General Assembly in which they served.

After further discussion, Senator Kyhl moved that the statement be amended to indicate that it will be the policy of the Legislative Council that the Service Bureau not employ wives and children of present legislators, nor former legislators or members of their immediate families within a period of two years after the former legislator leaves the General Assembly. Senator Kyhl's motion was seconded, and adopted by a unanimous voice vote.

Representative Sorg moved that the revised statement of policy, as amended pursuant to adoption of Senator Kyhl's motion, be adopted by the Legislative Council. The motion was seconded by Senator Hill, and adopted by a unanimous voice vote.

Mr. Garrison distributed to Council members copies of the report regarding per diem expenses of study committees and the projected status of the Legislative Service Bureau's budget for the current fiscal year, prepared pursuant to Senator Gaudineer's request at the September 8 Council meeting. (See minutes of Council's September 8 meeting, page 5, third full paragraph.) A copy of the report is attached to and by this reference made a part of these minutes.

Senator Hill suggested that a similar report on expenditures of standing committee subcommittees would be valuable, in that it would permit the Council to see what is being accomplished by special interim study committees and by subcommittees of standing committees on a dollar for dollar basis.

Mr. Garrison pointed out that Chief Clerk William R. Kendrick's staff handles bookkeeping relative to per diem and expenses of legislators serving on interim subcommittees of standing committees. Senator Hill then stated that he would obtain these figures and bring them before the Council at a subsequent meeting. Chairman Varley suggested that this data would be most meaningful in December, when the interim work by both study committees and subcommittees of standing committees would presumably be completed or nearing completion.

Chairman Varley called upon Speaker Harbor for the report of the Council's Legislative Procedures and Facilities Committee. Speaker Harbor briefly summarized the proposal for remodeling of the area of the State House occupied by the Legislative Fiscal Director's office and the discussion of and action upon that proposal are reflected by the minutes of the Procedures and Facilities Committee's meeting of the previous day, which are attached to these minutes.

State Treasurer Maurice Baringer arrived at the meeting at 10:50 a.m. Speaker Harbor yielded to Mr. Baringer, who outlined the proposal for the use of a part of the Legislative Dining Room area for office space for the new General Services Director, which had been discussed with the Procedures and Facilities Committee at the previous day's meeting and is set forth in the attached minutes of that meeting. Mr. Baringer reported that, pursuant to the request of the Procedures and Facilities Committee, he had contacted the Code Editor and had been advised that it will be possible to move the Code Editor's indexer out of the former lounge in the southeast corner of the Legislative Dining Room area.

Senator Hill suggested that the Executive Council arrange to move all personnel of the Office for Planning and Programming still occupying space in the State House elsewhere, and assign that space to the General Services Director, rather than taking a portion of the present Legislative Dining Room area. Mr. Baringer responded that there is no space available to which the Office for Planning and Programming personnel now in the State House may be moved, and that he is not sure it would be proper for the Executive Council to exercise its authority to draw money from the general fund in order to rent additional space because the Executive Council's appropriation for renting office space outside state-owned buildings was reduced by the 1971 General Assembly and taking money from the general fund for this purpose would, in effect, be circumventing that action.

Senator Gaudineer inquired what other alternatives for locating the temporary office of the General Services Director had been considered and rejected by the Executive Council. Mr. Baringer replied that no alternatives had been considered for the General Services Director specifically, commenting that both the

Supreme Court and the Attorney General are pressing for assignment of additional office space within the State House, and pointing out that it is desirable for the General Services Director to have close access to the Governor's and Comptroller's offices for the reasons explained to the Procedures and Facilities Committee on the previous day.

Senator Briles moved that the Council approve the proposal to assign a portion of the Legislative Dining Room area for the temporary office for the General Services Director, as explained to the Procedures and Facilities Committee on the previous day. The motion was seconded by Representative Stromer.

In response to a question from Senator Gaudineer, Mr. Baringer stated that the cost of converting the area in question for use as an office by the General Services Director would be merely the cost of erecting a partition around the area to be utilized as office space. He commented that doing so would permit this area to be used eight hours per day, rather than approximately three hours per day during the four months or so of each year that the General Assembly is in session. Senator Gaudineer said he does not agree that the matter can be evaluated simply in terms of how many hours out of each day the area in question is actually being used, adding that there are other considerations which he feels weigh significantly in favor of continuing to allocate the area in question to the General Assembly.

Representative Blouin asked what would be the cost of erecting another new state office building. Chairman Varley replied that the Capitol Planning Commission had informed the Procedures and Facilities Committee on the preceding day that this information would not be available until after the first of the year. Mr. Baringer commented that in any case approximately five years would elapse from the initial decision to proceed with construction of a new state office building until it can actually be occupied. In response to a further question from Representative Blouin, Mr. Baringer confirmed that the amount of rent now being paid by the state for office space in various buildings in Des Moines would amortize the cost of a new state office building within ten or fifteen years. Mr. Baringer also commented that the last session of the General Assembly appropriated \$25,000 to the Capitol Planning Commission for the expense of conducting a study covering, among other things, appearance and utilization of the ground floor of the Capitol building and immediate space needs of all state departments, boards, commissions and agencies.

In response to a request from Senator Kyhl, Mr. Baringer confirmed that a long-range plan for development of the Capitol complex had been developed some years ago. He commented that this included a proposed Hall of Justice, to be located north of Grand Avenue and some distance east of East Twelfth Street, which would

house the Supreme Court, the Attorney General's offices, and the state Law Library. At the time this plan was completed it was contemplated that the space now occupied by the Law Library would be turned over to the General Assembly for conversion to office space, but Mr. Baringer added that some of the parties involved are now having second thoughts about the desirability of doing away with the present Law Library, which is one of the more picturesque parts of the State House.

Representative Cochran moved to amend Senator Briles' motion to also provide that the office of the Code Editor's indexer be removed from the former lounge in the southeast part of the Legislative Dining Room area, and that this space be made available for use by the General Assembly during the 1972 and succeeding sessions. The motion was seconded by Senator Hill, who commented during the ensuing discussion that the present Legislative Dining Room facilities are, in his opinion, minimal and not really satisfactory, and that the outer dining room on the ground floor of the State House, utilized by the general public, is aesthetically objectionable. Representative Cochran's amendment to Senator Briles' motion was adopted by a voice vote.

Senator Gaudineer moved to further amend Senator Briles' motion so as to authorize, at this time, only temporary use of the south portion of the serving area in the Legislative Dining Room, without remodeling, pending a Legislative Council study of alternative space availability. The motion was seconded, and Chairman Varley called for discussion.

In the course of discussion, Senator Gaudineer suggested that the General Services Director might be housed in the area where the Secretary of State presently stores recent corporate records, pointing out that this area is on the ground floor and is directly across the hall from the entrance to the ground floor portion of the Governor's office. Mr. Baringer indicated that Senator Gaudineer's proposed amendment to Senator Briles' motion would be acceptable to the Executive Council, and that the Executive Council will study the possibility of moving the General Services Director into the offices presently occupied by office for Planning and Programming Director Leroy Petersen prior to January, 1972. He added that if it was necessary to continue use of the south portion of the serving area in the Legislative Dining Room during the session, this area could be screened by temporary partitions. Senator Gaudineer replied that if it is not possible to find any alternative space for the General Services Director by the time of the Legislative Council's last meeting in December, the matter of remodeling of the area in question could be reconsidered. Senator Gaudineer's amendment was then adopted on a voice vote.

In response to a question from Representative Cochran, Mr. Baringer stated that the Executive Council will adhere to the

Legislative Council's amended motion if it is passed, commenting that he would not be present if that were not the Executive Council's intent. He added that he believes legislators generally have not been fully aware of the pressing need for additional state office space.

Senator Briles' motion, as amended, was then adopted by a voice vote. Mr. Baringer then left the meeting.

The Council resumed consideration of the proposal to remodel the area of the State House presently occupied by the Legislative Fiscal Director's office. Senator Hill commented that Mr. Lane had suggested negotiating a contract, rather than taking bids, in order to avoid delay in getting this project under way. There was some discussion as to whether or not this could legally be done. Senator Gaudineer expressed belief that regardless of the legality of any such procedure, it would be bad policy.

Senator Gaudineer moved that any project approved pursuant to the proposals presented to the Procedures and Facilities Committee by the Capitol Planning Commission be carried out under a contract awarded on a bid basis. The motion was seconded by Representative Cochran. Representative Blouin inquired how many contractors are available who would be willing and able to bid on any such project. Speaker Harbor replied that this matter had not been discussed at the previous day's meeting and that he does not know how many contractors would be available. Senator Gaudineer's motion was adopted by a voice vote.

Speaker Harbor moved that the Legislative Council proceed with the remodeling of the area of the State House occupied by the Legislative Fiscal Director's office, and that the project be extended to include double-decking of the Senate and House cloakroom areas in the manner suggested to the Procedures and Facilities Committee on the previous day by Mr. Frank Bunker. The motion was seconded by Representative Sorg.

After a brief discussion as to how much additional usable space will be gained by the proposed remodeling, and who will occupy the additional space, Representative Cochran moved to amend Speaker Harbor's motion so as to provide that the new areas to be located immediately above the existing Senate and House cloakrooms be specifically designated for use as lounges for legislators only. The motion was seconded and adopted on a unanimous voice vote.

Speaker Harbor's motion, as amended, was then unanimously adopted on a roll call vote.

Mr. Burks reported that, due to inability to devote the necessary time to the study, Senator George Milligan had felt it

necessary to resign from the Mental Health and Juvenile Institutions Study Committee. Mr. Burks added that the Study Committee Chairman, Representative Edgar H. Holden, had recommended that Senator Milligan be succeeded on the Study Committee by Senator Marvin W. Smith, because in selection of the original Study Committee membership no legislators from northwest Iowa were appointed and a delegation from Cherokee, where the state mental health institute serving northwest Iowa is located, had expressed concern about this situation. Lt. Governor Jepsen endorsed the recommendation that Senator Smith be appointed to the vacancy, stating that Senator Smith is well qualified by past experience to serve on this particular Study Committee. Chairman Varley declared that, in the absence of objection from any Council member present, Senator Smith's appointment to the Mental Health and Juvenile Institutions Study Committee would be considered approved.

Mr. Garrison noted that a meeting of the Legislative Council's Personnel Committee was scheduled for 1:15 p.m. on the present date. In connection with this meeting, he stated that one of the matters to come before the Personnel Committee would be the necessity of finding a replacement for Bureau Legislative Counsel James S. Wisby, who Mr. Garrison reported had just notified him that he had decided to accept the position of director of the legislative service agency in the Virgin Islands.

The meeting was recessed for lunch at 11:50 p.m., and reconvened in the Speaker's Room at 1:30 p.m. with all Council members present who had been present during the morning session. Mr. Garrison and Mr. Burks were again present, and other members of the Legislative Service Bureau staff also attended portions of the afternoon session for the purpose of presenting progress reports on various legislative study committees and interim subcommittees of standing committees of the General Assembly.

Senator Brownlee, as Chairman of the Council's Personnel Committee, presented four recommendations to the full Council pursuant to the meeting of the Personnel Committee which had just been held. The recommendations are as follows:

1. That Mr. Garrison be authorized to offer employment to former Legislative Service Bureau researcher Frederic M. Wise, who is now an attorney, as Bureau Legal Counsel to replace James S. Wisby at a salary commensurate with that being paid Mr. Wisby.
2. That Mr. Garrison be authorized to employ a researcher to replace Bureau Research Analyst Mrs. Martha Frevert, who will shortly leave her position due to a change of employment on the part of her husband.
3. That Mr. Garrison be authorized to employ as a permanent

Legislative Service Bureau research analyst Mr. Mark S. Soldat, who has previously been listed as a temporary employee at a salary of \$6,600 per year to be increased to \$7,200 per year as soon as the wage freeze orders allow such action.

4. That Mr. Garrison be authorized to receive applications for positions as research assistants to House Majority Leader Varley and House Minority Leader Cochran for the 1972 session, and also for similar positions with the majority and minority leaders in the Senate if they so desire, the applicants to be interviewed and the individual assistants employed to be selected by the respective legislative leaders for whom they will be working.

Senator Brownlee moved that the Council adopt the foregoing recommendations. The motion was seconded by Representative Blouin.

Senator Gaudineer stated that while he has no objection to recommendation #4, it should be clearly understood that the assistants who are to be employed by the legislative leaders will not be employees of the Legislative Service Bureau although they will be temporarily assigned to the Bureau for training purposes. He stated that each of these employees should be selected solely by the legislative leader for whom the employee will work, that it should be understood that this selection will in all probability be made to some extent on a partisan basis, and that in that respect these employees will not necessarily meet the qualifications respecting nonpartisanship set forth in the statement of policy adopted by the Council earlier in the present meeting.

Senator Brownlee's motion was adopted on a unanimous voice vote.

It was necessary for Senator Gaudineer to leave the meeting at 1:45 p.m.

Chairman Varley called for progress reports from study committees and subcommittees of standing committees. Senator Hill reported that the Department of Transportation Study Committee has decided to develop an overall policy statement, relating to its view of the need for organization of a Department of Transportation, and the functions which should be assigned to the department. Senator Hill expressed belief that the study is making reasonable progress.

Representative Stromer reported that the School Systems and Standards Study Committee's most recent meeting was a two-day session, during which the Committee put in extremely long hours, including one evening session, receiving much information in regard

to intermediate school administrative units in Iowa. He indicated that the Study Committee intends to recommend legislation in December which it believes will enable the state to make great savings by reducing the number of intermediate units from the present approximately one hundred to sixteen or fewer. In response to a question from Senator Hill as to whether the Department of Public Instruction has pressured the Committee to use the existing area community college-vocational school district boundaries as boundaries of the new intermediate units, Representative Stromer stated that the Committee has considered this as a possibility but has not decided whether to do so and may ultimately recommend fewer than sixteen intermediate units. In response to another question from Speaker Harbor, Representative Stromer stated that the Study Committee has also considered the possibility of having no intermediate units between the state and local level, but that he does not know whether the Study Committee will ultimately so recommend.

It was noted that the Higher Education Study Committee will hold its first meeting on October 13.

Mr. Garrison reported that the Penal and Correctional Systems Study Committee met at Anamosa on October 1, and previously had met at Fort Madison and wants to return to Fort Madison for another meeting since Study Committee members feel that there was not sufficient time for a full exchange of views between themselves and inmates and guards. Mr. Garrison added that at Anamosa there had been an excellent meeting between Study Committee members and inmates, without guards or administrators present. No latent feeling of unrest within the institution was detected by the Study Committee. Mr. Garrison reported that the Study Committee will meet with members of the State Board of Parole, and then will meet at the Rockwell City Women's Reformatory. In response to a question from Senator Hill, Mr. Garrison stated that the inmates who are serving as advisory members of the Study Committee were selected by open election at Anamosa and Rockwell City, but that he does not know exactly what procedure was used at Fort Madison although this inmate was not selected by the administrators. He noted that all three of the inmate advisory members have participated well in Study Committee activities thus far.

Chairman Varley reported that the Land Use Study Committee has held its organizational meeting, and has a two-day meeting scheduled for October 20-21. Representative Freeman stated that the assistant Buena Vista county engineer had indicated to him that there are still some problems in the area of agricultural drainage, despite the changes in these statutes brought about by the work of the 1965-68 Drainage Laws Study Committee, and inquired whether the Land Use Policy Study Committee will be considering further changes in drainage law. Representative Cochran replied in the negative, suggesting that any further changes in drainage law

which it is felt should be made should be brought to the attention of the appropriate standing committees.

Senator Brownlee reported that the Bank Holding Companies Study Committee had held its organizational meeting on September 9, and would meet again on October 7 at which time five persons are scheduled to appear. The parties to appear before the Study Committee will be former Superintendent of Banking John Crystal, former Deputy Superintendent of Banking Holmes Foster who is now a bank holding company official, representatives of the Independent Bankers Association of America, which favors fairly strong restrictions on bank holding companies, Superintendent of Banking Oliver Hansen, and Mr. Arthur Lindquist of the Iowa Bankers Association, which is taking no position in favor of or opposed to restrictive legislation in regard to bank holding companies. In response to a question from Speaker Harbor, Senator Brownlee said that some members of the Study Committee have indicated that they wish to treat the subject of Iowa's prohibition of branch banking in the course of the bank holding company study.

Representative Sorg reported that the Assistance Grant Programs Study Committee held its second meeting on October 4, at which time Mr. Paul Nixon of the Kansas City regional office of the United States Department of Health Education and Welfare was present. Mr. Nixon had indicated that Iowa is not in compliance with federal regulations in the area of stepchild coverage under the Aid to Dependent Children Program. Representative Sorg stated that this particular matter is quite complicated but that essentially the situation is that Iowa must treat all persons uniformly in determining whether assistance will be continued when an ADC mother marries a man not previously responsible for the support of her children. Representative Sorg said that the Study Committee feels it needs more information before deciding exactly what it should recommend in order to overcome the present deficiency with respect to federal regulations. In response to a question from Representative Blouin as to whether the Study Committee has considered bringing Iowa assistance grants up to one hundred percent of need, Representative Sorg said that the Study Committee has asked the Department of Social Services to explain exactly how need is determined, adding that thus far the Study Committee members have not been able to determine to their satisfaction exactly what one hundred percent of need is at this time. Representative Sorg indicated that this matter will be pursued at the Study Committee's next meeting, which will probably be held in December.

It was reported that the Local Governments Financial Study Committee has not yet held a meeting, and no chairman has been designated. Chairman Varley requested that Mr. Garrison contact Senator Shaff and attempt to expedite the initiation of this study.

Mr. Burks reported that the Mental Health and Juvenile Institutions Study Committee had held its second meeting on September 22, and its third meeting on October 4. At these meetings, county officials from counties with varying population ranges and having differing arrangements for meeting the mental health care needs of their residents, met with the Study Committee and described and discussed these arrangements. In addition, at the most recent meeting the Study Committee received a great deal of information from officials of the Department of Social Services with respect to the programs and physical plants of the six institutions with which the study is presently concerned. The Study Committee plans to visit each of these institutions, and also to visit at least two communities where local programs are making significant contributions to meeting some of the same needs which these institutions are intended to meet, in a series of three two-day meetings within the coming month.

Speaker Harbor commented that pursuant to an application which has been made to the Citizens Conference on State Legislatures, there appears to be a good possibility of the United States Department of Education and Welfare assigning staff personnel to the respective standing Social Services Committees not later than January, 1972, to be at the disposition of the chairmen of those committees.

Senator Hill noted that the Transportation Subcommittee of the Committees on Appropriations was established to meet with Commissioner of Public Safety Michael Sellers, primarily in regard to the matter of the Commissioner's cutoff of subsistence allowances for highway patrol officers who spend less than half their time actually patrolling the highways or otherwise away from their offices or domiciles. However Senator Hill reported that, prior to the date of that meeting, the Commissioner substituted a maintenance allowance for the former subsistence allowance, pursuant to a suggestion by the Governor, and this change quieted the clamor over the original change. Senator Hill added that Commissioner Sellers still feels that his original action was justified, but the problem is that all patrol officers had been receiving this subsistence allowance for so many years that they had come to regard it as a part of their pay. Senator Hill expressed the opinion that the change could have been made with much less protest had it been a part of an overall pay adjustment for the patrol. He added that the Subcommittee has heard complaints that there is not enough difference between the pay of patrolmen and their supervisory officers. Senator Hill further commented that he believes Commissioner Sellers now realizes that he made a mistake in scrapping the patrol's old promotion policy without advising patrol members of his purpose in doing so, or having a new policy ready to replace it. He added that it appears that much of the dissatisfaction over this matter was dissolved in the course of a series of meetings between Commissioner Sellers and

members of the patrol over the state. In summary, Senator Hill stated that he thinks it was useful to have the Subcommittee meet with Commissioner Sellers, but that it appears that there is no need for further meetings of the Subcommittee at this time, and none are planned.

Mr. Garrison reported that the Criminal Code Review Study Committee continues its work on the development of two large documents, the substantive revisions and the procedural revisions. Meetings are being held once every two weeks or oftener, and while progress appears slow the Study Committee is working hard. Mr. Garrison noted that this Study Committee is nearing the end of its presently available federal funding, and that an application will have to be made for a new federal grant. He stated that the Study Committee's report will be very detailed, and that while it does not appear that the Study Committee's work can be completed prior to the 1972 interim, it would nevertheless be possible to present a rather voluminous report to the General Assembly on what has already been done.

It was noted that the Municipal Code Subcommittee of the Standing Committees on Cities and Towns will meet later in the interim, its function being fairly limited and there being no particular urgency at this time.

Representative Freeman reported that the No-Fault Insurance Subcommittee of the Standing Committees on Commerce had held one meeting, and would meet again on October 19. At its first meeting the Subcommittee heard Insurance Commissioner William Huff and Drake Professor M. G. Woodruff, and five more presentations of varying points of view will be made at the October 19 meeting. It is anticipated that the Subcommittee will begin formulating recommendations at some time after that meeting. In response to a question from Chairman Varley, Representative Freeman stated that it is the Subcommittee's intent to have recommended legislation ready by the convening of the 1972 session. Mr. Garrison noted that the Service Bureau has received the first draft of the Uniform No-Fault Insurance Act from the National Conference of Commissioners on Uniform State Laws. Representative Freeman commented that the Subcommittee also needs the United States Department of Transportation guidelines, because some uniformity in any no-fault insurance programs which are adopted by the various states is important, in order that the motorists traveling across state lines will not be confronted by a hodgepodge of conflicting and inconsistent state insurance laws and regulations.

Representative Blouin reported that the Environmental Agency Subcommittee of the Standing Committees on Environmental Preservation held its first meeting on October 5, and hopes to complete its work in three or four meetings. At its next meeting, on October 26, the Subcommittee plans to hear from the various

agencies concerned. Representative Blouin commented that in reviewing the Senate-passed Environmental Agency's bill, the Subcommittee found a couple of items which are either mistakes or, in Representative Blouin's view, unwise decisions. One of these involves shifting the responsibility for pesticide control to the Department of Agriculture which Representative Blouin stated would result in the necessity of a dual system of inspection for pesticide dealers. He also commented that it will be necessary to rewrite House File 39, because the basic chapter which this bill amended is repealed by the Senate-passed Environmental Agency's bill.

Reporting on behalf of the Radiation Subcommittee of the Standing Committees on Environmental Preservation, Representative Cochran noted that Iowa is only one of about six states which do not have controls on radiation-producing equipment and substances. In particular, he cited concern over the possibility that radioactive wastes from neighboring states will be brought into Iowa for disposal. He stated that the Subcommittee is interested in the model bill used as the basis for other states' radiation control legislation, and that it will hear from a private individual from Wisconsin who is doing research in regard to possible radioactive waste disposal sites in Iowa.

Legislative Service Bureau Research Analyst Diane Devin reported that the Commerce Commission Subcommittee of the Standing Committees on Commerce held a hearing on September 10, at which time the Subcommittee directed questions to former Commerce Commissioner Frank B. Means, Mr. LaVerne Heithoff, Chief Utility Auditor of the Commerce Commission, and Mr. Robert Osborn, Chief Rate Analyst of the Commerce Commission. Another hearing is scheduled for October 15, at which time the following persons are expected to appear: Commerce Commission Chairman Maurice Van Nostrand, Commerce Commissioner Dick A. Witt, Commerce Commissioner Howard Bell, former Commerce Commission Executive Secretary Edgar Storey, and Mr. Richard Petska, President of the Iowa Industrial Traffic League, who requested an opportunity to appear before the Subcommittee. A certified court reporter has been employed for these hearings. Miss Devin also noted that the Subcommittee has directed the Service Bureau to request the Commerce Commissioners and the Commerce Commission Counsel to submit legislative recommendations for updating the laws relating to the Commerce Commission, and that the Commissioners and Commission Counsel have indicated they are prepared to cooperate with the Subcommittee in this respect.

Legislative Service Bureau Research Analyst Thane Johnson stated that the Subcommittee on Amusement Rides of the Standing Committees on Human and Industrial Relations held its first meeting on September 23, at which time Commissioner of Labor Jerry Addy and Mr. Tom Gillain, owner of T.A.G. Amusements, presented testimony on amusement ride inspection and licensing in

other states. After reviewing relevant laws of several states, the Subcommittee concluded that the Michigan law for the licensing and inspection of amusement rides should be given further study as a basis for any proposed legislation for Iowa, and directed the Service Bureau to prepare a tentative draft bill based on the Michigan law with the following basic changes:

1. Exclude provisions for an advisory committee or board.
2. Inspection fees should be determined on a per hour basis.
3. Broaden definition of amusement facilities and rides to include all types of concession equipment and facilities used on fair and amusement grounds.
4. Inspection authority should include electrical transmission facilities, temporary or permanent.

The Subcommittee plans to invite representatives of the Iowa State Fair, the Association of Iowa Fairs, and the Outdoor Amusement Business Association to testify at its October 28 meeting concerning the draft bill being prepared for the Subcommittee's consideration.

Representative Sorg reported that the Nursing Homes Subcommittee of the Standing Committees on Social Services covered nearly all of the specific objections it had previously received to the proposed new health care facilities rules of the Department of Health, at its second meeting on September 21. The greatest concern has been expressed regarding the proposed rules for custodial homes, because it is feared the proposed rules would have the effect of closing nearly all of the county homes in the state. The Subcommittee therefore asked the Department of Health to defer implementation of these rules until after July 1, 1972, in order to give the General Assembly time to consider the possible need for further changes in the law governing these homes and the Department indicated it would do so. No more meetings of the Subcommittee are anticipated during the present interim. Speaker Harbor commented that Senator Earl Bass, a member of the Subcommittee, had expressed concern to him about the effect of the proposed custodial home regulations on existing privately operated homes. Speaker Harbor indicated he is concerned about what would become of many of the residents of these homes if the new regulations force the homes to close. Representative Sorg replied that the Department of Health had indicated it is willing to implement the new custodial home regulations gradually, so as not to have the effect of suddenly closing many of the states' present custodial homes. There was further discussion, in the course of which Representative Blouin expressed concern about situations in many of the state's county homes.

Legislative Service Bureau Legal Counsel Donald Hoskins reported that the Building Code Subcommittee of the Standing Committees on State Government held its first meeting on September 30, and received a report from the Office for Planning and Programming on the projected cost of administering House File 6, which is now pending in the Senate, and the anticipated fees necessary to generate sufficient revenue to offset the cost of administering the bill. Mr. Hoskins also reported that the Subcommittee has requested additional information on how other states are financing their building code administration, and what the projected costs of administration will be if H.F. 6 is passed in some other form.

Legislative Service Bureau Legal Counsel Burnette Koebernick reported that the Voter Residency and Registration Subcommittee of the Standing Committees on State Government had held its first meeting on September 24, electing Representative Richard Drake as Chairman and Senator John Rhodes as Vice Chairman. The Subcommittee requested that the Service Bureau prepare the following three draft bills:

1. Changing references in the election laws from "age of majority" and "twenty-one years of age" to eighteen years of age. (Changing the reference to "age of majority" was recommended pursuant to an Attorney General's opinion interpreting that reference in the election laws to mean twenty-one years of age.)
2. Changing the order of candidates as they appear on the election ballot, so that candidates for the office of U. S. Representative follow the listing of candidates for U. S. Senator, rather than following candidates for state-wide offices.
3. Requiring use of postcards by commissioners of registration to keep abreast of changes of residence, and to allow commissioners the opportunity to continually review the voter registration lists and strike the names of persons who have moved.

Mr. Koebernick reported that the Subcommittee also discussed the need for statutory residency requirements in light of the repeal of the constitutional provision which specified the residency requirements. The new constitutional provision makes the General Assembly responsible for establishing voting residency requirements, but at this time none have been established. Also, the Subcommittee has been informed that the residency requirements of eleven states have been challenged in the courts, and were struck down in eight of these states, however all of these cases are on appeal to the U. S. Supreme Court which may hand down a decision in January, 1972. In connection with these challenges,

the Subcommittee has also discussed the possible need for state-wide voter registration, but has deferred action on both of these matters to await a possible Supreme Court ruling. The Attorney General has pointed out the need for a statutory definition of "residence" as a guide for election judges and clerks to use in determining a voter's actual residence, and the Subcommittee has discussed establishing county absentee ballot counting boards as an economy measure. It is anticipated that further consideration will be given to both of these matters at the next meeting of the Subcommittee scheduled for December 8.

Mr. Koebernick reported that the Tax Exemption Subcommittee of the Standing Committee on Ways and Means has held two meetings to date. Representative Norman Roorda has been elected Chairman, and Senator H. L. Ollenburg Vice Chairman. At its first meeting, the Subcommittee established some general guidelines to follow in reviewing existing tax exemptions. These criteria are:

1. Degree of competition with private business.
2. Degree of public service rendered.
3. Effect on public bodies if exemptions are repealed.
4. Whether the property is being used as an indirect form of compensation.
5. Who is the real owner or beneficiary of the property.

The Subcommittee has discussed the problem of tax exemptions with Mr. Ballard Tipton of the Department of Revenue, city and county tax assessors, and representatives of the tax exempt bodies. The Subcommittee's next meeting is scheduled for October 21, at which time the Subcommittee will hear additional testimony from some of the tax exempt bodies.

Mr. Garrison reported that not all of the members of the Tax Assessments Subcommittee of the Standing Committees on Ways and Means have yet been appointed, pointing out that the House Ways and Means Committee Chairman, Representative Elmer Den Herder, is traveling outside the country at present. Mr. Garrison said that it is hoped that several meetings of the Subcommittee can be held yet this year, and that the Service Bureau's staff is proceeding with the gathering of information which it is anticipated will be useful for the Subcommittee. In this connection, Mr. Garrison commented that it is being found that a number of states have strongly state-directed assessment systems, and that particular study is being given to the manner of applying sales-ratio studies. Chairman Varley suggested that it be determined whether it is anticipated that Representative Den Herder will return in the near future, and if not, that Speaker Harbor make the necessary

appointments to permit this Subcommittee to begin functioning at an early date.

Mr. Garrison reported that the only study committee which has submitted proposed appointments of citizen members for action by the Council at the present meeting is the Department of Transportation Study Committee. Copies of a list of the proposed appointees, with attached personal resumes of each of them, were distributed to Council members. A copy of the list and resumes is attached to and by this reference made a part of these minutes.

Representative Cochran moved that the Council approve the list of proposed appointees as citizen members of the Department of Transportation Study Committee. The motion was seconded by Senator Briles, and unanimously adopted.

Speaker Harbor, as Chairman of the Procedures and Facilities Committee, noted that there will be a need to retain an architect to prepare detailed plans and specifications for the remodeling of the area in the State House occupied by the Legislative Fiscal Director's office, which the Council had earlier approved. Speaker Harbor moved that the Council authorize the employment of architect Frank Bunker, who had prepared the plans presented to the Procedures and Facilities Committee on the preceding day, to complete the detailed plans and specifications as quickly as possible, and that Mr. Bunker be paid \$13.00 an hour for this work. The motion was seconded by Representative Sorg. Speaker Harbor commented that upon contacting Mr. Bunker to inquire whether he would be available to complete the detailed plans and specifications, Mr. Bunker had indicated that in the context of a contract to be let on the basis of sealed bids, there is very little possibility of finishing the project by the time the 1972 session convenes. Speaker Harbor's motion was unanimously adopted.

Mr. Garrison noted that Senator Roger Shaff, Chairman of the Senate Ways and Means Committee, has again requested authority for establishment of an interim subcommittee to do some pre-session work on Comptroller Selden's recommended bill to shift local governments in Iowa from a calendar year to a fiscal year basis. It was noted that this bill will probably be discussed by county officers coming before the County Government Committees on October 18, but that it is believed that representatives of cities and towns also need an opportunity to present any suggestions and comments they may have on the bill. Senator Shaff is therefore requesting authority for a subcommittee to hold two meetings on this matter prior to the convening of the 1972 session.

Representative Sorg moved that the Council's action of September 8 with respect to this request be rescinded, and that Senator Shaff's request as just presented by Mr. Garrison be approved. The motion was seconded by Representative Freeman.

Representative Cochran reiterated the views he had expressed at earlier Council meetings, that the bill in question is well in hand with the possible exception of any amendments which Comptroller Selden wishes to suggest, and that the necessary work can be handled without difficulty after the convening of the 1972 session. Chairman Varley and Representative Freeman replied that if a subcommittee could achieve in one eight-hour day prior to the session the same amount of work which would require a one-hour meeting each week for eight weeks during the session, the establishment of an interim subcommittee would be well worthwhile.

In the absence of the Council Vice Chairman, Speaker Harbor temporarily assumed the chair at 3:35 p.m.

After further discussion, a roll call vote was taken and Representative Sorg's motion failed on a vote of seven ayes to three nays (nine affirmative votes being required for adoption of a motion under Council rules). Those voting aye were Speaker Harbor, Senators Briles, Brownlee, and Kyhl, and Representatives Freeman, Sorg, and Stromer; those voting nay were Senator Hill and Representatives Blouin and Cochran.

Representative Freeman stated that the National Conference of Insurance Legislators has scheduled a No-Fault Insurance Conference for New Orleans in November, and requested Council authorization for two senators and two representatives from the No-Fault Insurance Subcommittee of the Standing Committees on Commerce to attend the conference. Speaker Harbor commented that after hearing presentations on no-fault insurance at both the Midwestern Regional Conference and the National Legislative Conference during the past summer, he has become aware of what a complex matter the concept of no-fault insurance really is, and expressed belief that it might be valuable for a delegation of Iowa legislators to attend the New Orleans conference as Representative Freeman had suggested.

Mr. Garrison was asked if expenses for this meeting would be paid from Bureau funds. Mr. Garrison indicated that since the No-Fault Insurance Subcommittee is a subcommittee of the Standing Committees on Commerce and Judiciary, and expenses are paid from general assembly funds for subcommittees of standing committees, he assumed that general assembly funds, not Bureau funds, would be used for the type of conference for which authority for attending was being sought.

Senator Kyhl moved that the Council authorize attendance at the New Orleans conference by two senators and two representatives from the membership of the No-Fault Insurance Subcommittee. After some discussion, Representative Cochran moved, as a substitute for Senator Kyhl's motion, that the Council authorize attendance at the conference by one senator and one representative from the membership of the Subcommittee. The substitute motion was

seconded by Representative Blouin.

Representative Varley resumed the chair at 3:45 p.m.

Representative Cochran's substitute motion was adopted by a roll call vote of nine to two. Those voting aye were Chairman Varley, Speaker Harbor, Senators Briles, Brownlee, and Kyhl, and Representatives Blouin, Cochran, Freeman, and Stromer; those voting nay were Senator Hill and Representative Sorg.

Chairman Varley reported that he had contacted the Governor's office to determine the current situation with respect to a possible reduction in federal highway fund allocations to Iowa due to Iowa's failure to comply with the federal highway beautification and billboard control requirements. Chairman Varley stated that he had been informed that the Governor's office has asked for a hearing in Washington for the purpose of seeking a delay in the cut-off of federal funds, on the ground that the state has initiated action to comply with the relevant federal requirements.

After a brief discussion, it was agreed to schedule the next meeting of the Legislative Council for 10:00 a.m., Wednesday, November 3, with a meeting of the Council's Procedures and Facilities Committee to be held on the afternoon of Tuesday, November 2.

The meeting was adjourned at 3:50 p.m.

Respectfully submitted,

SERGE H. GARRISON
Director

PHILIP E. BURKS
Senior Research Analyst