

M I N U T E S

IOWA LEGISLATIVE COUNCIL

September 9, 1970

The thirteenth meeting of the 1969-1971 Legislative Council was called to order by the Council Chairman, Senator Elmer F. Lange, at 10:40 a.m., Wednesday, September 9, 1970 in the Speaker's Room, State House, Des Moines, with the following members present:

Senator Elmer F. Lange, Chairman
Lt. Governor Roger W. Jepsen
William H. Harbor, Speaker of the House
Senator James E. Briles
Senator Eugene M. Hill
Senator Clifton C. Lamborn
Senator Arthur A. Neu
Senator Robert R. Rigler
Representative Dale M. Cochran
Representative William J. Gannon
Representative Charles P. Miller
Representative Leroy S. Miller
Representative Nathan F. Sorg
Representative Andrew P. Varley

Also present were Mr. Phil Burks, Senior Research Analyst, and Miss Diane Devin, Research Analyst, of the Legislative Service Bureau.

Chairman Lange called for approval of the minutes of the July 2, July 8, and August 5 Council meetings. There being no objection, the minutes were unanimously approved as mailed to the Council members.

Chairman Lange called upon Speaker Harbor for a report of the Legislative Procedures and Facilities Committee meeting which had been held September 8. A copy of the minutes of the Legislative Procedures and Facilities Committee is attached and by this reference made a part of the minutes. Chairman Harbor commented upon a report of the Legislative Procedures and Facilities which outlined discussion during the September 8 meeting. A copy of the Report is also attached and by this reference made a part of the minutes.

Representative Leroy Miller suggested that more public hearings should be held on major bills. Speaker Harbor agreed that the Report of the Committee might be amended to include Representative Miller's suggestion, but he observed that during the closing days of a legislative session, it is not always possible to schedule Committee meetings far enough in advance to inform the public of hearings. Chairman Lange noted that encouraging the chairmen of standing committees to provide agendas listing bills which will be discussed at Committee meetings will aid the General Assembly. Senator Neu suggested that the Rules of the General Assembly might be amended to require a public hearing if a certain number of the members of a standing committee request

a hearing or if a certain number of members of the General Assembly request a hearing. He also suggested that standing committees be provided a separate clerk for committee business. Representative Gannon observed that a room other than the legislative chambers is needed for holding public hearings.

Senator Lamborn suggested that the meeting times for corresponding committees in both houses should be correlated to facilitate joint public hearings. Following a comment by Chairman Lange that the presiding officers of the two houses possess the authority to set meeting times, Speaker Harbor noted that meeting times were correlated at the beginning of the 1969 legislative session.

Representative Charles Miller suggested that custody of original bills be retained in either the Chief Clerk's Office or the Secretary of the Senate's Office and the standing committee be provided a photocopy of the bill. Senator Neu suggested that the rule should be enforced which requires committee chairmen to assign all bills to subcommittees. Representative Varley noted that subcommittees may be hampered by requirements that all bills be given study.

Representative Varley observed that the Legislative Procedures and Facilities Committee had discussed the advisability of standing committee sponsorship of bills originally introduced by an individual. He suggested that bills sponsored by standing committees be placed at the top of the calendar preceding individually sponsored bills.

Senator Lamborn noted that many committees require more meeting time than has been given them in the past. Representative Varley commented that if the total number of standing committees is reduced, more time will be available for the remaining committees.

Senator Neu asked whether the Report of the Legislative Procedures and Facilities Committee might be transmitted to the Rules Committees of the House and Senate for consideration. Speaker Harbor agreed, but noted that implementation of some of the suggestions is a responsibility of the presiding officer in each house.

Chairman Lange called upon Representative Sorg for a progress report regarding the Drug Abuse Study Committee. Representative Sorg explained that the Drug Abuse Study Committee had met with the Law Enforcement Standing Committees of the House and Senate for discussion concerning the rock festival at Wadena. He stated that the Committee is discussing various ideas for legislation and will consider five bills drafted for Committee discussion at its next meeting.

Chairman Lange called upon Senator Briles for a progress report from the Eminent Domain Study Committee. Senator Briles stated that the Committee had held hearings with landowners, rep-

representatives from utility companies and pipeline companies, the Highway Commission, county engineers, and other interested individuals. He stated that the Committee will begin discussing possible recommendations at its next meeting. Senator Briles noted that at the last Committee meeting representatives from the Highway Commission had been present for a discussion regarding establishment and maintenance of private access roads by the Commission. Chairman Lange stated that the Committee should study the effects of pipelines carrying anhydrous ammonia.

With regard to activities of the Environmental Preservation Study Committee, Representative Varley stated that hearings have been completed and two subcommittees have been established, the Environmental Control Reorganization Subcommittee and the Conservancy District Subcommittee, for discussion of possible bill drafts. Representative Cochran noted that House File 1336, the Conservancy District Act, is being discussed and some amendments will be proposed. Representative Leroy Miller expressed the belief that landowners should be compensated for initiating conservation practices.

Representative Charles Miller inquired whether the Committee has discussed tax incentives for industries which are practicing pollution control measures. Representative Varley responded that the Committee believes that such tax incentives are not a legitimate means for controlling pollution. He noted that new industries presently must obtain permits from the Air and Water Pollution Control Commissions before industrial operations can begin. In reply to a question from Representative Charles Miller regarding water and air pollution caused by federal agencies, Representative Varley noted that such pollution was discussed at the National Legislative Conference, and it was concluded that governmental agencies must not be in the position of causing air and water pollution, while at the same time enforcing pollution control regulations against private industry. Senator Hill suggested that the federal government should encourage states to engage in interstate cooperation for pollution control. Representative Varley expressed agreement with Senator Hill's comment.

With regard to a question from Chairman Lange regarding the coordination of efforts of the Air and Water Pollution Control Commissions, Representative Varley noted that a bill is being drafted which will combine all boards and commissions relating to environmental control.

Representative Cochran commented that since siltation is the worst pollutant in Iowa, the Committee has discussed the concept that tax incentives should be provided landowners practicing conservation. He noted that the cost to industry for reducing air and water pollution can be transferred to the consumer, but landowners practicing conservation to eliminate siltation cannot transfer such costs to others. Representative Varley agreed that federal funds should be provided for soil conservation practices.

Representative Charles Miller asked whether the Committee is considering changes in the littering laws. Representative Varley responded in the affirmative and commented that the Committee is considering recommending more flexibility in fines.

Chairman Lange called upon Senator Rigler to discuss activities of the Governmental Reorganization Study Committee. Senator Rigler stated that the Committee has divided into five subcommittees and the subcommittees have met with members of the Governor's Economy Committee and with personnel from state departments and agencies affected by the recommendations. He noted that the Committee has given tentative approval to a majority of the legislative recommendations of the Governor's Economy Committee. Senator Hill suggested that priorities should be established for the Governmental Reorganization bills. Representative Cochran suggested that the subcommittee which is studying governmental agencies concerned with environmental control should be cognizant of the recommendations of the Environmental Preservation Study Committee.

Mr. Burks commented that the Housing for the Handicapped Study Committee has not held its first meeting, but the Temporary Chairman, Representative Don Alt, is conducting detailed research prior to holding a meeting. He indicated that Temporary Chairman Alt has gathered information which he is mailing to other Committee members regarding the type of facility which is envisioned in the Study Resolution.

Miss Devin commented that the Metropolitan Planning Study Committee held a public hearing which was attended by the directors of several of the regional planning agencies, and representatives from city and county governments, school districts, and taxpayers associations. She indicated that the Committee is planning to discuss possible recommendations at its next meeting.

Chairman Lange called upon Representative Sorg to comment upon progress of the Municipal Laws Review Study Committee. Representative Sorg stated that all subcommittees except the bonding subcommittee have completed their revisions of the Code and hearings have been held throughout the state attended by municipal government officials. He noted that the Code revision has been well accepted at the hearings. Representative Sorg stated that the final hearing will be held in Des Moines at the time of the state convention of the League of Iowa Municipalities. He noted that the bonding section should be completed by the date of the Des Moines meeting. Chairman Lange noted that he had received a copy of the revision and believes the Municipal Laws Review Study Committee should be commended for the excellent manner in which it has completed its assigned task.

The Legislative Council recessed for lunch at 12:00 noon and reconvened at 1:55 p.m.

Mr. James Wisby, Legal Counsel, Legislative Service Bureau, reported that the Criminal Code Review Study Committee has established

four subcommittees: the Criminal Procedure Subcommittee, the Substantive Criminal Law Subcommittee, the Sentencing and Post-Conviction Subcommittee, and the Coordination and Consolidation Subcommittee. He noted that the first two Subcommittees have been functioning for some time, and the third Subcommittee is about to hold its first meeting, but the Coordination and Consolidation Subcommittee will not be organized until the work of the other three nears completion.

Mr. Wisby explained that ten chapters have been tentatively approved by the Criminal Procedure Subcommittee and fourteen chapters by the Substantive Criminal Law Subcommittee. Both Subcommittees have presented their tentative drafts to the Iowa District and Municipal Court Judges for suggestions and criticisms, and these drafts have been well received. He added that the two Subcommittees predict completed drafts by the beginning of the 1971 legislative session, and it is predicted that the work of the full Study Committee will be completed by January of 1972, the deadline date set by Senate Joint Resolution 18. Chairman Lange asked whether the Supreme Court Justices had participated in any discussion concerning the tentative drafts. Mr. Wisby responded that the Supreme Court Justices had attended the session with the District and Municipal Court Judges.

Miss Diane Devin presented the progress report for the Taxation Study Committee. She stated that public hearings had been held in each of the seven Congressional Districts during July and early August. She also stated that at the August meeting the Committee had heard testimony from representatives from the Retail Hardware Association, the Iowa Manufacturers Association, the Iowa Federation of Labor, the Iowa Farmers Union, the Farm Bureau Federation, and a professor from Iowa State University. She noted that selected county treasurers, county auditors, and county assessors, and various state officials have been invited to September meetings to present suggestions for tax revision and administration of tax laws. Miss Devin further remarked that each Committee member was assigned an area for further study and will be reporting recommendations at a future Committee meeting. She added that the Committee's study has included tax spending as well as tax collecting. It was noted that following the meetings with invited individuals in September, the Committee will begin discussing recommendations.

Senator Hill expressed the belief that interim studies should be conducted by subcommittees of the standing committees which will be considering the legislation during the legislative session, rather than by special committees. Chairman Lange noted that membership of special committees includes legislators selected from and knowledgeable in a number of specific areas. Senator Frommelt expressed the belief that studies which have been supervised by the Legislative Council, or the Legislative Research Committee, have been more productive than studies initiated by standing committees. Senator Lamborn expressed agreement with Senator Hill and suggested that the Legislative Council should at all times retain the authority to authorize interim studies by standing committees. Senator Frommelt commented that in order for the standing committees to conduct studies, they will require full-time staff personnel.

Chairman Lange stated that the Chairmen of the Joint Standing Committees on Law Enforcement, Senator Vernon Kyhl and Representative Alfred Nielsen, request that a ten-member subcommittee, composed of members of the Standing Committees on Law Enforcement, be appointed to consider legislation relating to rock festivals and other such events. Approval for three meetings prior to the convening of the Sixty-fourth General Assembly is requested. Speaker Harbor noted that if such a study committee is approved, its legislative proposals should be coordinated with the proposals of the Drug Abuse Study Committee. Representative Varley questioned whether the committee will have sufficient time to draft proposed legislation.

Speaker Harbor moved that a ten-member subcommittee, composed of members of the Joint Law Enforcement Committees, be appointed to consider legislation relating to rock festivals, and be granted approval for three meetings. Senator Hill seconded the motion, and it carried. Senators Charles Balloun, Lee Gaudineer, Vernon Khyll, Alden Erskine, and Harold Thordsen; and Representatives C. Raymond Fisher, Art Kitner, Harold Knight, Alfred Nielsen, and James Schwartz were appointed to the Committee.

Chairman Lange summarized for the Council the information which had earlier been presented to the Council's Decorating Committee. (The Decorating Committee had met earlier in the morning, and minutes of its meeting are attached and by this reference made a part of these minutes.) Senator Frommelt expressed opposition to the color scheme of the carpet and drapes for the Senate chambers.

Chairman Lange requested authorization from the Legislative Council for the Decorating Committee to let bids for draperies for the House and Senate chambers. Mr. Carroll Lane, Secretary of the Senate, briefly described the specifications for the draperies for the House and Senate Chambers. Senator Rigler inquired whether there is a clause requiring the draperies to be completed by labor union employees. Mr. Lane responded in the negative. Mr. Lane further commented that the specifications require that a written guarantee be furnished by the manufacturer that the draperies will be color fast for a specific number of years. He also explained that the specifications require that the total cost be listed on an individual basis for the draperies for the chamber windows, the sheer curtains for the chamber windows, and the windows and doors at the rear of the public galleries. He noted that the contract will state that the Decorating Committee has the right to include or exclude portions of the chambers. He also added that bidders will be required to have performed this type of work for at least five years.

Senator Rigler asked Professor Dawn whether the specifications will allow competitive bidding. Professor Dawn responded in the affirmative, but noted that only a few bids may be received because of the sizes of the windows in the legislative chambers. Representative Charles Miller asked why if bond is required to be

filed by the bidders, it is necessary that the bidders have been in business for at least five years. Senator Rigler asked that the clause requiring bidders to have been in business for five years be deleted. The Legislative Council agreed that the clause should be deleted.

Representative Varley asked whether the sheer curtains are necessary. Professor Dawn replied in the negative, but noted that sheer curtains help eliminate glare from the sun and replace venetian blinds as a sun filter.

Mr. Bill Kendrick, Chief Clerk of the House, emphasized that the specifications allow for several different bids. He agreed that it appears beneficial to purchase sheer curtains to be used with the regular draperies. Representative Charles Miller briefly commented upon the continual maintenance and cleaning which will be required to maintain the sheer curtains. Representative Varley moved that the contract specify that the workmanship on the draperies will be completed by January 1. There being no objection, the motion was approved. Representative Sorg moved that the Legislative Council adopt the specifications for the draperies as amended. Representative Cochran seconded the motion, and it carried. It was noted that the specifications provide that a penalty clause will be placed in the contract requiring a penalty to be paid if the company receiving the bid fails to complete the project on the specified date.

Chairman Lange stated that the next meeting of the Legislative Council will be October 7 at 10:00 a.m., and the Legislative Procedures and Facilities Committee will meet at 4:00 p.m. on October 6.*

The Legislative Council was adjourned at 3:20 p.m.

Respectfully submitted,

DIANE DEVIN

*Subsequent to the Council meeting, the meeting date was changed to September 29.

REPORT OF
LEGISLATIVE PROCEDURES AND FACILITIES COMMITTEE

The Legislative Procedures and Facilities Committee recommends to the Legislative Council that the Committee system of the Iowa General Assembly should be strengthened so that bills are more thoroughly studied and amendments are proposed for consideration by the standing committee to which a bill is referred rather than being proposed on the floor.

In connection with the preceding general recommendation, the Legislative Procedures and Facilities Committee discussed the following specific possibilities, without making any recommendations, and presents them to the Legislative Council for discussion purposes:

1. Amendments to bills, except corrective amendments, must be filed at least one day before floor debate on the bill and must be printed in the Journal.
2. The presiding officer should be encouraged to rule more closely on the germaneness of amendments.
3. A procedure should be adopted to allow amendments to be laid on the table without laying the entire bill on the table.
4. A gentleman's agreement should be encouraged which would limit the length of time for discussion of individual amendments.
5. Standing committee chairmen should be encouraged to provide agendas in advance of each committee meeting listing the bills which will be considered by the committee at the meeting.
6. Unanimous consent of the house should be required in order for an amendment to be filed on the day a bill is to be debated.
7. Approval of the majority leader or the sponsor of a bill should be required before an amendment may be debated that has not been printed in the Journal.
8. Subcommittees of standing committees should be required to hold at least one meeting on a bill, or each subcommittee member should be required to sign a recommendation pertaining to the bill.

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9. The total number of committees should be reduced.
10. The number of committees to which each member is assigned should be reduced to no more than three.
11. Committee chairmen should be assigned only to the committee they chair, or should be limited to membership on only one other committee.
12. A bipartisan committee should be established to which all bills reported out of committee are assigned, and this committee would select the bills which will be placed upon the calendar.
13. Standing committees should adopt rules providing procedures for members of the committee and for members of the General Assembly to request public hearings on major bills.