

# M I N U T E S

## LEGISLATIVE COUNCIL

December 8-9, 1976

The 20th meeting of the 1975-1976 Legislative Council was called to order at 10:30 a.m., Wednesday, December 8, 1976 in the Speaker's Conference Room of the State House in Des Moines. Members attending the morning session were:

Speaker of the House Dale M. Cochran, Chairperson  
Senate President Pro Tempore Minnette F. Doderer,  
Vice Chairperson  
Senator C. Joseph Coleman  
Senator Lucas J. DeKoster  
Senator Willard R. Hansen  
Senator Eugene M. Hill  
Senator George R. Kinley  
Senator William D. Palmer  
Senator Bass Van Gilst  
Representative Elmer H. Den Herder  
Representative Donald V. Doyle  
Representative Keith H. Dunton  
Representative William J. Hargrave  
Representative Floyd H. Millen  
Representative Delwyn D. Stromer  
Representative Andrew P. Varley

Also in attendance were several legislators (subsequently identified in these minutes) present to submit reports of study committees, a number of legislative staff personnel, representatives of the news media and other interested persons.

On motion of Representative Dunton, seconded by Representative Doyle, the minutes of the Council's November 10 meeting were approved as distributed to Council members.

Chairperson Cochran noted that the primary business of the present meeting would be hearing and receiving reports of interim study committees.

Senator Doderer, Chairperson of the Juvenile Justice Study Committee, was recognized for presentation of the Study Committee's report. Copies of the report are available from the Legislative Service Bureau. At the conclusion of her presentation of the report, Senator Doderer moved that it be received by the Council. Council members directed to Senator Doderer a number of questions and comments regarding the study, the report and the Study Committee's anticipated recommendations.

Representative Varley noted that the bill which it is assumed the Juvenile Justice Study Committee will recommend is

a major one and that other interim study committees may also be recommending legislation of much significance. He urged that these bills be introduced as study committee bills at an early date so as not to unnecessarily lose time in beginning the process of their consideration by the General Assembly. Senator Hill expressed some reservation about this procedure, commenting that it may tend to diminish the importance of standing committees. There was a brief discussion, with Chairperson Cochran explaining the reason the rule authorizing study committees to introduce bills directly was adopted by the House.

The motion to receive the report of the Juvenile Justice Study Committee was adopted by a unanimous voice vote.

Representative Craig Walter, member of the Insurance Pool Study Committee, was recognized for presentation of the Study Committee's report. Copies of the report are available from the Legislative Service Bureau.

Senator Doderer moved that the Council receive the Study Committee's report. The motion was seconded by Representative Dunton, after which Council members directed to Representative Walter a number of questions and comments regarding the study and the report. The motion to receive the report was then adopted by a unanimous voice vote.

Chairperson Cochran noted receipt of a letter addressed to the Council on behalf of the Insurance Pool Study Committee concerning plans to hold an additional meeting of the Study Committee prior to convening of the 1977 Session. Chairperson Cochran noted that since this entity is a special study committee established directly by the Legislative Council, he would assume on the basis of past precedent that no action by the Council is necessary to authorize the Study Committee to hold the scheduled meeting.

Senior Research Analyst Phil Burks of the Legislative Service Bureau briefly reviewed a draft bill to change the time when that portion of the report of the Advisory Commission on Corrections Relief relating to juvenile corrections must be submitted, and to change accordingly the reversion date of the unobligated and unencumbered portion of the funds previously appropriated to the Advisory Commission. The draft bill had been prepared in accordance with a motion adopted by the Council at its previous meeting (see minutes of Council's November 10, 1976 meeting, pages 2-4). Copies of the draft bill had previously been distributed to Council members.

Chairperson Cochran noted that the draft bill calls for the Advisory Commission's report to be submitted to the Legislative Council, but that the date specified occurs at a time when the Sixty-seventh General Assembly will presumably be in its first regular session and it is possible that new members of the Legislative Council will not have been

appointed. It was agreed that the draft bill should be revised to require that the Advisory Commission's report be formally submitted to the General Assembly itself. It was also noted that the draft bill should carry a publication clause.

Senator Hill inquired of Senator Doderer whether the portion of the Advisory Commission's report relating to juvenile corrections facilities will have any direct impact upon the legislation which the Juvenile Justice Study Committee expects to submit to the 1977 Session. Senator Doderer replied in the negative, explaining that the bill on which the Study Committee is working confines itself largely to procedures, whereas the Advisory Commission's report will deal with juvenile correctional services.

On motion of Representative Den Herder, seconded by Senator Coleman, the Legislative Council voted unanimously to receive the draft bill, with the noted revisions. In response to a question by Mr. Burks, Chairperson Cochran suggested that the bill be submitted to the respective Committees on Appropriations, since the legislation it proposes to amend--H. F. 1539-- was sponsored by the Appropriations Committee.

Representative Stromer, a member of the Area Education Agency Study Committee, was recognized for presentation of the Study Committee's report. Copies of the report are available from the Legislative Service Bureau.

Council members directed to Representative Stromer a number of questions and comments regarding the study, the report and the Study Committee's recommendations. At Representative Stromer's request, Legislative Service Bureau Research Analyst Diane Bolender, who is assigned to the Study Committee, also responded to some of the questions.

At the conclusion of the discussion, Representative Stromer moved that the Council accept the report. The motion was seconded by Senator Doderer, and unanimously adopted.

Senator Doderer noted that a meeting of the Council's Service Committee would be held in the Speaker's Conference Room immediately upon the noon recess. The Council meeting recessed at 11:45 a.m., and reconvened in the Speaker's Conference Room at 1:40 p.m. All Council members who had been present for the morning session were again present, except Senator Kinley. Senator James E. Briles and Representative James I. Middleswart were also present.

Joint Human Resources Committee staff member Christine Pattee, who is assigned to the Subcommittee on Certificate of Need of the joint standing Committees on Human Resources, was recognized to present a progress report from the Subcommittee. Copies of the report and of certain related items of information are available from the Human Resources Committee's

joint staff. Ms. Pattee noted that although other joint interim subcommittees were not making reports at the present Council meeting, members of the Certificate of Need Subcommittee had felt that it would be advisable to apprise the Council of the general thrust of the Subcommittee's work, since certificate of need may become a major issue in the forthcoming session of the General Assembly.

Council members directed to Ms. Pattee numerous questions regarding the Subcommittee's study and its anticipated recommendations. At the conclusion of the discussion, Representative Hargrave moved that the Council receive the report. The motion was seconded by Representative Stromer and unanimously adopted.

Representative Mary O'Halloran, Chairperson of the Energy Resources Study Committee, was recognized for presentation of the Study Committee's report. Copies of the report are available from the Legislative Service Bureau. Council members directed to Representative O'Halloran a number of questions regarding the study, the report and the Study Committee's recommendations.

Vice Chairperson Doderer assumed the chair at 3:05 p.m.

At the conclusion of the discussion of the Energy Resources Study Committee's report, Representative Varley moved that the Council receive the report. The motion was seconded by Representative Middleswart and unanimously adopted.

Representative Donald Avenson, Co-chairperson of the Legislative Procedures Study Committee, was recognized for presentation of the Study Committee's report. Copies of the report are available from the Legislative Service Bureau.

Representative Middleswart moved that the report be received. The motion was seconded by Representative Dunton, after which Council members directed to Representative Avenson a number of questions and comments regarding the report and the Study Committee's recommendations.

After considerable discussion, Senator Briles raised a question regarding the status of the Study Committee's recommendations, pointing out that in many cases the decision to accept or reject them will be made in the form of decisions by the General Assembly upon its own rules, rather than by action on proposed bills. Senator Briles expressed doubt that the Council should take any action which might be construed as adopting or approving the Study Committee's recommendations with respect to rules, procedures and Committee structure of the General Assembly. Senator DeKoster asserted the Council has no standing to take any substantive action on such recommendations.

The question on the pending motion was then called for, and the Council adopted the motion to receive the Study Committee's report, by a divided voice vote.

Representative Lowell Norland, Chairperson of the Corporation Income Tax Study Committee, was recognized for presentation of the Study Committee's report. Copies of the report are available from the Legislative Service Bureau.

Representative Middleswart moved that the report be received. The motion was seconded by Representative Hargrave. After a brief discussion, the motion was adopted.

The Council recessed at 4:15 p.m.

Thursday, December 9

The Council was reconvened by Chairperson Cochran in the Speaker's Conference Room at 9:20 a.m. Thursday, December 9. All Council members who had attended the previous day's sessions were again present except Representative Varley.

Representative John Connors, Chairperson of the Collective Bargaining Administration Study Committee, was recognized for presentation of the Study Committee's report. Copies of the report are available from the Legislative Service Bureau.

Representative Connors responded to a few questions from Representative Stromer regarding the scope of the study and the Study Committee's probable recommendations. Upon motion of Senator Van Gilst, seconded by Representative Stromer, the Council voted unanimously to receive the Study Committee's report.

Representative Doyle, Chairperson of the Adult Penal and Correctional Systems Study Committee, was recognized for presentation of the Study Committee's report. Copies of the report are available from the Legislative Service Bureau.

At the conclusion of his presentation, Representative Doyle moved that the Council receive the report. The motion was seconded by Representative Den Herder,

Vice Chairperson Doderer assumed the chair at 9:40 a.m.

Council members directed to Representative Doyle a number of questions regarding this study, the report and the Study Committee's recommendations. The motion to receive the report was then adopted unanimously.

Senator Palmer, Chairperson of the Legislative Oversight Capabilities Study Committee, was recognized for presentation of the Study Committee's report. Copies of the

report are available from the Legislative Service Bureau. At the conclusion of his presentation, Senator Palmer moved that the Council receive the report. The motion was seconded by Senator Coleman and unanimously adopted.

Senator Palmer then responded to several questions regarding the Study Committee's recommendations. Senator Hill, another member of the Study Committee, also offered comments.

Representative Arthur A. Small, Chairperson of the Public Utilities Rates Study Committee, was recognized for presentation of the Study Committee's report. Copies of the report are available from the Legislative Service Bureau.

Representative Dunton moved that the Council receive the report. The motion was seconded by Senator Van Gilst. After Council members had directed to Representative Small a number of questions and comments regarding the Study Committee's recommendations, the Council unanimously adopted the motion.

Senator Palmer was then recognized for the report of the Legislative Fiscal Committee for the 1976 interim. Senator Palmer stated the Fiscal Committee felt it would be appropriate for the recommendations of the respective visitation committees to be presented by the various Fiscal Bureau staff persons who worked with those visitation committees. Legislative Fiscal Director Gerry D. Rankin introduced these staff persons, noting that Fiscal Analyst Ethan Towne, who staffed the Education Visitation Committee, was not present. Senator Van Gilst, who serves on this visitation committee, said that it had made no formal recommendations in its report.

Fiscal Analyst Tim Faller presented the recommendations of the Human Resources Visitation Committee. The Council discussed these recommendations at some length, particularly that relating to development of alternatives to deal with prison inmates who are mentally ill.

Fiscal Analyst Thom Freyer presented the recommendations of the Natural Resources Visitation Committee.

Chairperson Cochran resumed the chair at 11:15 a.m.

Representatives Doyle and Middleswart commended the Natural Resources Visitation Committee for the work it has done on the problems involving the Missouri River on Iowa's western border.

Fiscal Analyst Brenda Mack presented the recommendations of the State Departments Visitation Committee.

Representative Doyle and Senator Doderer urged that the draft bill relating to distribution of the Iowa Administrative Code to certain public officials, included with

the Fiscal Committee's report as distributed to Council members, be amended to authorize sale of specific parts of the Iowa Administrative Code to persons who are not interested in all matters covered by administrative rules. They noted that the Iowa Administrative Code in its entirety is a rather voluminous document, and that requiring its purchase on an all-or-nothing basis could be burdensome to persons who are concerned only with the rules of a particular department or agency.

It was noted that Fiscal Analyst Dennis Prouty was present but that the report of the Transportation Visitation Committee, with which Mr. Prouty works, contains no specific recommendations.

On motion of Representative Den Herder, seconded by Senator Palmer, the Council voted unanimously to receive the report of the Legislative Fiscal Committee for the 1976 interim.

Representative Doyle then moved that the Council prepare a resolution, to be signed by the Council Chairperson, in accordance with Item #4 of the recommendations of the Natural Resources Visitation Committee, appearing on page 12 of the Fiscal Committee's report, and that the resolution be forwarded to the Executive Council accompanied by a copy of the Visitation Committee's report, conclusions and recommendations regarding the Iowa-Nebraska boundary problems. The motion was seconded by Representative Middleswart.

In the discussion which followed, Senator Briles stated he would oppose the motion if it contemplates the transfer of the city of Carter Lake to the State of Nebraska.

After further discussion, Senator Palmer proposed that the motion be restated to directly request establishment of an Iowa-Nebraska boundary commission, rather than requesting that the feasibility of forming such a commission be explored. Representatives Doyle and Middleswart accepted the suggested revision.

The revised motion was then adopted by the Council on a voice vote.

Representative Dunton noted that both the State Departments and Transportation and Law Enforcement Visitation Committees had met on September 9, 1976 in regard to the feasibility of transferring the motor vehicle fuel tax division from the Department of Revenue to the Department of Transportation. He suggested that this constituted a duplication of effort, and added that when such duplication occurs in the executive branch the General Assembly usually objects. Senator Palmer said it was felt appropriate for both visitation committees to meet on this matter because if the contemplated transfer took place, the Motor Vehicle Fuel Tax

Division would thereby shift from the jurisdiction of the State Departments Visitation Committee to that of the Transportation and Law Enforcement Visitation Committee.

Chairperson Cochran presented the report of the Council's Administration Committee, pursuant to its meeting of November 29, 1976. (See separate minutes of that meeting.)

Chairperson Cochran pointed out that the Administration Committee report which had been distributed to Council members present reflects his understanding of what had been agreed upon at the November 29 meeting. His impression of that agreement was that the executive, judicial and legislative branches of government were each to appoint a representative to meet with Director of General Services Stanley McCausland for the purpose of employing an architect and an engineering consultant, who would study the space needs of the General Assembly and the Supreme and Appellate Courts and submit recommendations for the best use of space currently occupied in the State House by the Executive Council officers (other than the Governor) and the Attorney General, in order to meet the needs of the General Assembly and the Courts. Chairperson Cochran continued that in accordance with that understanding he had been prepared to appoint, at the present meeting, a representative of the legislative branch. However, he had been contacted on the previous day by an assistant to the Governor who had indicated that the executive and judicial branches had already agreed to support the selection of architect William Wagner to make the space needs study.

Senator Kinley moved that the Council accept the Administration Committee report as submitted by Chairperson Cochran. The motion was seconded by Representative Dunton. In the discussion which followed, several Council members expressed reservations about employing Mr. Wagner for this purpose and inquired whether the selection of the architect by the representatives of the three branches of government is to be made by majority vote or on a unanimous agreement basis. Chairperson Cochran indicated he had assumed that the group would seek unanimous agreement on the individual to be selected. The motion was then adopted by a unanimous voice vote.

Chairperson Cochran announced the appointment of Senator Kinley to represent the legislative branch in meeting with Mr. McCausland for the purposes indicated in the Administration Committee's report.

Senator Kinley took the floor for the purpose of presenting to Chairperson Cochran an oversized gavel with a plate mounted on the head and inscribed in recognition of Speaker Cochran's service as Legislative Council Chairperson during 1975 and 1976. Chairperson Cochran expressed his great appreciation to the members of the Legislative Council for this



gift, and for their excellent service and cooperation during his tenure as Council Chairperson.

Senator Doderer was recognized for the report of the Council's Service Committee. She explained that the Service Committee had been unable to hold an official meeting on the previous day, as intended, due to lack of a quorum of its members. However, the members who were present had agreed to support the following recommendations to the Legislative Council:

1. That the report requested from the Service Committee concerning the investigation by the Office of the Citizens' Aide into the Commission on Aging, and the Citizens' Aide's policies regarding such investigations, be postponed pending completion of the Citizens' Aide's report on the investigation of the Commission on Aging.
2. That the Council approve the employment by the Legislative Service Bureau of Ms. Sharon Dunn as a terminal operator, and the granting of merit salary increases in the amount of \$600 per year each to Legal Counsels Roger Nowadzky and Mike Goedert, who have each completed six months of satisfactory employment in these positions.
3. That the Council approve the employment by the Legislative Fiscal Bureau of one additional fiscal analyst at an annual salary of \$13,400, in order to provide staff assistance to one of the additional appropriations formulating bodies which it is anticipated will be established.

Senator Doderer moved that the Legislative Council approve these recommendations. The motion was seconded by Senator Coleman and unanimously adopted.

Senator Coleman, Vice Chairperson of the Road Financing Study Committee, was recognized for presentation of the Study Committee's report. Copies of the report are available from the Legislative Service Bureau.

In the course of presenting the report, Senator Coleman noted that due to the resignation from the General Assembly of former Senator Richard Norpel, only 17 members remained on the Study Committee. Accordingly, the Study Committee had modified its rules to require only 9, rather than 10, votes to report out recommendations. There was some discussion of whether or not a special study committee established by the Legislative Council has authority to authorize adoption of recommendations by vote of less than a majority of the full membership originally appointed by the Council. Legislative Service Bureau Director Serge Garrison noted that traditionally, interim study committees have had

full discretion to adopt their own rules of procedure, however they have not had authority to establish the number of members who serve on the committee.

Senator Coleman moved that the Council reduce the total membership of the Road Financing Study Committee from 18 to 17, deleting the position formerly held by Senator Norpel. The motion was seconded by Senator Kinley.

Representative Dunton offered a substitute motion that the Council appoint a new member to the Road Financing Study Committee to succeed former Senator Norpel. The substitute motion died for lack of a second. Senator Coleman's pending motion was then adopted by a unanimous voice vote.

Senator Coleman moved that the Council receive the Road Financing Study Committee's report. The motion was seconded by Representative Stromer, and, after some discussion, adopted by a unanimous voice vote.

Senator Coleman was then recognized to present the report of the Peace Officers Retirement System Study Committee, on which he also serves. Copies of the report are available from the Legislative Service Bureau. Senator Coleman moved that the report be received. The motion was seconded by Representative Dunton and unanimously adopted.

Chairperson Cochran noted a request for authority to hold up to two additional meetings, received from the joint interim Subcommittee on Rights of Minority Shareholders of the standing Senate and House Committees on Judiciary. On motion of Representative Dunton, seconded by Senator Coleman, the request was granted by a unanimous voice vote.

Representative Hargrave moved to reconsider the draft bill to change the time when the portion of the report of the Advisory Commission on Corrections Relief relating to juvenile corrections must be submitted, and to change the reversion date of the unobligated and unencumbered portion of the Advisory Commission's funds accordingly, which had been considered by the Council on the previous day. The motion was seconded by Senator Coleman and unanimously adopted.

Representative Hargrave then moved to insert at the appropriate point in the draft bill the following:

NEW PARAGRAPH. The Advisory Commission shall have access to any information in the possession of state and local government departments and agencies which is designated confidential by law or administrative rule of this state. The commission and its staff shall treat otherwise confidential information, to which it is given access by this paragraph, in the same manner as is required of the agency which maintains the information and is required of employees of that agency.

Representative Hargrave included in his motion that penalties prescribed by present law for misuse of confidential information shall apply to the Advisory Commission on Corrections Relief and its staff insofar as they obtain confidential information pursuant to the above paragraph, and that the paragraph be revised if necessary in order to achieve this intent; also that the draft bill carry a standard publication clause. The motion was seconded by Representative Dunton and unanimously adopted.

Senator Doderer moved that the draft bill as amended be approved by the Council. The motion was seconded by Representative Dunton and unanimously adopted.

Mr. Garrison submitted two reports of educational leave submitted to the Legislative Council pursuant to section 15 of H. F. 1583 of the Sixty-sixth General Assembly, 1976 Session. One of the reports notes further reimbursement of approximately \$120 to Service Bureau Executive Administrator Dorothy Benton, who is continuing her part-time study in certain law-related fields at the Area Community College in Ankeny. Mr. Garrison noted that the time involved, relative to office hours in the Legislative Service Bureau, should not exceed five hours per week. The second request was submitted by Director Colleen Shearer of Job Service of Iowa, and consists of a lengthy list of individuals who are to participate in certain programs to update their skills and information in various job-related areas. Mr. Garrison noted that Ms. Shearer's letter indicates that the programs involved are to be paid for from federal rather than state funds and that the amounts of time and money involved for each listed individual are relatively small. A copy of Ms. Shearer's communication is attached to and by this reference made a part of these minutes.

Senator Doderer noted that, with respect to educational leave, the Legislative Council had earlier discussed the matter of executive branch policy in this area. (See minutes of the Council's November 10, 1976 meeting, pages 1-2.) Senator Doderer continued that there presently appears in the Iowa Administrative Code what she described as an eight-line rule on educational leave, but she asserted that Director of Employment Relations Gene Vernon has expanded this to a four page set of rules without any action by the Administrative Rules Review Committee of the Legislature. She added that she believes the Administrative Rules Review Committee is the appropriate body to take any necessary action in this area, and that she will bring the matter to the attention of that body.

Chairperson Cochran noted that, unless some unexpected eventuality arises, this will be the final meeting of the 1975-1976 Legislative Council. He again expressed appreciation for the cooperation and service of the members of the Council.

The meeting was adjourned at 12:15 p.m.

Respectfully submitted,

SERGE H. GARRISON  
Director

PHIL E. BURKS  
Senior Research Analyst