

M I N U T E S
STUDIES COMMITTEE
OF THE
LEGISLATIVE COUNCIL

July 13-14, 1977

The Studies Committee of the Legislative Council was called to order at 1:45 p.m., Wednesday, July 13, 1977 in the Speaker's Conference Room of the State House in Des Moines. Members attending the meeting were:

Senator C. Joseph Coleman, Co-chairperson
Representative Jerome Fitzgerald, Co-chairperson
Speaker of the House Dale M. Cochran
Senator Calvin Hultman
Senator George Kinley
Senator Fred Nolting
Senator Richard Ramsey
Representative William Hargrave
Representative Floyd Millen
Representative Andrew Varley

Also attending the meeting were Diane Bolender and Phil Burks of the Legislative Service Bureau, Secretary of the Senate Steven Cross, and Bob Davies, Administrative Assistant to the Speaker.

Co-chairperson Fitzgerald noted that he and Co-chairperson Coleman had discussed the possibility of identifying a few major studies to be recommended to the Legislative Council for immediate authorization, while giving more deliberate consideration to other interim study requests and formulating recommendations to be acted upon at the Council's August meeting. No disagreement with the suggestion was voiced at that time.

Senator Hultman raised the question what discretion, if any, the Legislative Council and Studies Committee have with respect to the studies which were mandated by resolutions or bills passed by the 1977 regular and special sessions of the General Assembly. Mrs. Bolender and Mr. Burks commented that while the Council and Studies Committee presumably were not in a position to refuse to conduct such a mandated study, they do have discretion to designate the number of members to serve on the respective study committees and the number of meetings each such committee is authorized.

The Committee then began discussion of the studies which were mandated by bills or resolutions passed in 1977. The first such study considered was the mental health study to be conducted pursuant to Senate Concurrent Resolution 14. It was noted that under the terms of that resolution, a joint interim subcommittee of the standing Committees on Human Resources, consisting of three

senators and five representatives, has already been appointed and has acted to award the contract for conduct of the study.

Senator Hultman observed that the eight-member subcommittee has requested authorization for a total of six meetings during the 1977 interim, and expressed the view that this might be excessive since the study apparently will be conducted to a considerable degree by a private firm under the contract which is being awarded. After some discussion, it was agreed to defer action on this particular request until additional information could be obtained regarding the reason for the number of meetings requested.

The Committee next considered the retirement programs study mandated by Senate Joint Resolution 11. Senator Kinley moved that the actuarial study of the judicial retirement system for which \$2,500 has been appropriated by Senate File 163 be combined with the study mandated by the S.J.R. 11, and assigned to a joint interim subcommittee of the standing Committees on State Government, consisting of five senators and five representatives and authorized a total of five meetings during the 1977 interim; and further, that the subcommittee be initially authorized only to expend the \$15,000 appropriated by S.J.R. 11 while holding in reserve the \$2,500 appropriated by S.F. 163, pending possible later approval of expenditure of those funds. Senator Kinley's motion was unanimously adopted.

The Committee then briefly discussed the question of who is to appoint the joint interim subcommittees being recommended to the Legislative Council for approval at the present meeting. There was a general consensus that it is appropriate for standing committee chairpersons to make these appointments. Representative Varley moved that this procedure be followed with respect to all subcommittees authorized by the Legislative Council at its present meeting and that it be suggested that the Council review appointments to subcommittees approved at later meetings in order to try to avoid placing an excessive burden of interim committee work on any individual legislator. The motion was unanimously adopted.

Senator Kinley moved that the study of the federal Title XX program mandated by section 32 of House File 464 be assigned to the joint Budget Subcommittees on Social Services, and that the joint subcommittees be authorized three meeting days for this purpose. The motion was unanimously adopted.

At the request of Co-chairpersons Coleman and Fitzgerald, House Majority Staff Director Joe O'Hern came to the meeting and reviewed the interim study directive embodied in section 24 of House File 332 of the 1977 regular session. After some discussion, Speaker Cochran moved that a study committee composed of five members of the standing Committee on Ways and Means of each house be formed to conduct the study mandated by H.F. 332, that the members be appointed by the respective chairpersons of the Ways and Means

Committees and reported to the Legislative Council, and that the joint interim subcommittee be initially authorized three meetings. A question was raised whether the motion should also address the question of employing a consultant to assist with the study, however Speaker Cochran suggested that the Council await the joint interim subcommittee's request or recommendation on this point. Speaker Cochran's motion was then adopted by a unanimous voice vote.

Senator William Palmer arrived at the meeting, and the Studies Committee took up the matter of the study of state employee sick leave earned, and disposition of unused sick leave at the time of an employee's retirement, pursuant to section 35 of House File 634 of the 1977 special session. Senator Palmer suggested that this study be conducted by a joint interim subcommittee consisting of three members from each Budget Committee or from the appropriate subcommittees of the respective Budget Committees, and that the joint interim subcommittee be authorized a maximum of five meeting days. There was considerable discussion regarding the scope of this study and its possible cost.

Senator Nolting moved that the respective chairpersons of the Budget Committees appoint three members from each house to serve on a joint interim subcommittee to conduct the sick leave study, and that the members so appointed be reported to the Legislative Council. The motion was adopted by a voice vote.

Representative Varley moved that the joint interim subcommittee to be established pursuant to Senator Nolting's motion be initially authorized two meeting days, and be requested to report its activity and the scope of its study to the Legislative Council in August. The motion was adopted by a voice vote.

The Studies Committee then resumed consideration of the mental health study being conducted pursuant to S.C.R. 14. Representative Hargrave moved that the joint interim subcommittee already established to conduct the study be authorized one meeting day prior to the August Legislative Council meeting, with the understanding that the subcommittee could submit to the Council at that time an explanation of the reasons additional meeting days are needed during the balance of the interim. The motion was unanimously adopted.

The Studies Committee then turned its attention to interim studies requested, but not mandated by action of the General Assembly. Senator Kinley proposed that four Senate-proposed studies of House-passed bills be recommended to the Legislative Council for immediate authorization, as follows: Study of H.F. 187, the beverage container-litter control bill by full nine-member Committee on Energy authorized four meeting days; study of H.F. 463, the area education agency bill, by three-member subcommittee of Committee on Education authorized three meeting days; study of H.F. 248, the juvenile justice bill, by five-member subcommittee of Committee on Judiciary authorized six meeting days; and study of

H.F. 491, the gasoline tax bill, by five-member subcommittee of Committee on Ways and Means authorized four meeting days. On motion of Senator Kinley, the foregoing proposal was adopted by a voice vote.

Co-chairperson Fitzgerald identified as priorities for interim study, in preparation for possible House floor action next year, four specific proposals: The county home rule constitutional amendment; the obsolete boards and commissions study proposed by the Committee on State Government; utility rate regulation, proposed by the Committee on Commerce; and the proposed rural community development legislation. Representative Millen suggested that the unemployment insurance program study proposed by the Committee on Labor and Industrial Relations should also be on the list identified by Co-chairperson Fitzgerald. There was general agreement among Study Committee members present that the latter study should be undertaken during the 1977 interim.

There was a discussion regarding the amount of legislative work which it is feasible to undertake during the interim, given the amount of time individual legislators are in a position to devote to these efforts and the number of staff personnel available for assignment to studies, etc. Speaker Cochran noted that the number of interim study requests already presented to the Legislative Council total a rather high number of legislative meeting days. Co-chairperson Fitzgerald urged that the Study Committee go through the combined list of interim work proposals submitted by the standing committees, and identify those studies proposed which Study Committee members feel might merit recommendation to the Council for immediate authorization. This procedure was then undertaken.

It was noted that one of the subcommittee studies proposed by the Senate Committee on Education relates to sex discrimination in education, and that the Legislative Council had received a further communication from Senate Education Committee Chairperson Joan Orr regarding this request. At the request of Co-chairperson Coleman, Mrs. Bolender explained that Senator Orr wishes to hold the first meeting of this proposed subcommittee on July 19, in conjunction with a project of the Education Commission of the States involving a meeting in Des Moines on that date to consider the matter of sex discrimination in education. In her letter, Senator Orr noted that she proposed to appoint to the subcommittee herself and Senators Willard Hansen, John Scott and Tom Slater. In addition, she asked authorization for Budget Education Subcommittee chairpersons Senator Bass Van Gilst and Representative Wally Horn, House Budget Education Subcommittee member Sonja Egenes and House Education Committee Chairperson John Patchett to attend and be compensated for attending the July 19 meeting only. On motion of Senator Kinley, the Committee agreed by a unanimous voice vote to recommend to the Council approval of Senator Orr's request.

Representative Varley moved that the Committee recommend to the Council that the full Senate and House Energy Committees be authorized to hold a meeting with the members of the Energy Policy Council in Des Moines on July 20. The motion was unanimously adopted.

Representative Hargrave moved that the Committee recommend to the Council approval of expenditure of not more than \$1,000 pursuant to section 2.12 of the Code to hire an individual to assist the Human Resources Committee staff in assembling data regarding cost of nursing home care provided under the Medicaid program. After a brief discussion, Senator Ramsey moved, as a substitute for Representative Hargrave's motion, that the Legislative Fiscal Bureau be requested to provide assistance to the Human Resources Committee staff in performing the work proposed by Representative Hargrave's motion. The substitute motion was adopted by a unanimous voice vote.

Senator Kinley noted that the Senate Committee on Natural Resources had earlier scheduled a public hearing on Wednesday, August 3, and that pursuant to recent events the subject matter of this hearing has been expanded to include the question of a mourning dove hunting season. Senator Kinley further explained that Natural Resources Committee Chairperson Berl Priebe wishes to keep the standing Committee's one statutory meeting during the 1977 interim available on a standby basis for the time being, and is therefore requesting that the Council formally authorize the August 3 meeting. Senator Kinley moved that the request be recommended to the Council for approval.

Representative Varley moved, as a substitute for Senator Kinley's motion, to recommend to the Council that the August 3 meeting be treated as the Natural Resources Committee's statutorily authorized meeting for the 1977 interim and that the Natural Resources Committee be advised to request authority for any subsequent meetings it may wish to hold during the interim. After a brief discussion, the matter was deferred until the following morning.

Speaker Cochran noted that the Eagleton Institute of Politics at Rutgers University wishes to work with the Iowa General Assembly on the proposed obsolete boards and commissions study. At Speaker Cochran's request, Mr. Davies briefly explained the manner in which the Eagleton Institute proposes to participate in this study.

House Budget Committee Chairperson Gregory Cusack arrived at the meeting, and requested an opportunity to explain two specific proposals. He noted that there is some feeling that the General Assembly needs to improve its long-range policy research capability and that one possible method of doing so is to more effectively utilize resources at the major state universities. In order to explore this possibility more fully, it has been proposed that the House Budget Committee establish two special interim

steering committees to work with the Institute of Public Affairs at the University of Iowa. One of the steering committees would be involved in development of policy regarding the elderly in Iowa, and would consist of Representatives Cusack, Varley, Elmer Den Herder and Mary O'Halloran together with Chairpersons Tom Higgins of the House Human Resources Committee and Emil Husak of the House Budget Human Resources Subcommittee. The other interim subcommittee would be composed of Representatives Norman Jesse, Fred Koogler, Delwyn Stromer and Richard Welden, together with Chairpersons John Patchett of the House Education Committee and Wally Horn of the House Budget Education Subcommittee. Representative Cusack requested that each of these special steering committees be authorized three meetings during the 1977 interim.

Speaker Cochran moved that the Studies Committee recommend to the Council authorization of three meetings each during the 1977 interim for the two steering committees described by Representative Cusack. The motion was adopted by a unanimous voice vote.

Representative Cusack then requested that the Studies Committee recommend authorization of a one-day meeting for the Budget Education Visitation Committee and a one-day meeting for the Human Resources Budget Subcommittee, pursuant to plans which these groups have already made. After ascertaining that only the Human Resources Budget Subcommittee is scheduled to meet prior to the Legislative Council's anticipated August meeting, Speaker Cochran moved that that subcommittee be authorized the requested meeting but that the other request be deferred. The motion was adopted by a voice vote.

The Studies Committee recessed for the day at 4:05 p.m.

THURSDAY, JULY 14, 1977

The Studies Committee reconvened in Senate Committee Room 22 at 10:20 a.m. All Studies Committee members who had attended the previous day's session were again present, except Senator Ramsey.

Copies of a proposed report from the Studies Committee to the Legislative Council, prepared pursuant to the Committee's actions on the previous day, were distributed to Committee members and other persons present. It was noted that it had been discovered following the previous day's Committee session that there was in fact a sixth legislative study mandated by General Assembly action in 1977, namely the judicial apportionment study mandated by Senate File 162. However, it was felt that this study should not be time-consuming and it was therefore decided to defer that matter until a future meeting.

The Committee next took up for further consideration the question of the scheduled August 3 meeting of the Senate Natural

Resources Committee. Senator Kinley moved that Senator Priebe's request for authorization of that meeting be recommended to the Council for approval. The motion was seconded by Speaker Cochran. Senator Hultman expressed opposition, but the motion was adopted by a voice vote.

Pursuant to the review of all pending nonmandatory legislative interim study requests by the Studies Committee on the previous day, a list of six of these requests had been included in the Committee's proposed report to the Legislative Council under the heading "Joint Studies to be Considered." It had been suggested on the previous day that these studies be recommended to the Council for immediate authorization, with the understanding that the Studies Committee would recommend authorization of some additional interim studies at the Council's August meeting. However, Co-chairperson Fitzgerald instead suggested that the Studies Committee delete from the report to be submitted to the Council on the present date the section headed "Joint Studies to be Considered," and instead try to arrive at a complete or nearly complete list of interim studies to be recommended for approval before reporting to the Council on any of the nonmandatory studies. He explained that he is concerned that the Studies Committee and Council may later discover that resources have been allocated to a few nonmandatory studies without an adequate assessment of the relative priorities of all of the study proposals in this group.

Co-chairperson Fitzgerald further noted that Legis 50/The Center for Legislative Improvement has scheduled a seminar on the Iowa General Assembly and the Model Committee Staff Project in Health to be held at Clear Lake on July 28-29, and has invited a number of legislators to attend, among whom are all of the members serving on the Council's Studies Committee. Since Legis 50 intends to pay travel, meals and lodging expenses for the persons attending that seminar, it would be possible to hold a meeting of the Studies Committee on July 28 or 29 at Clear Lake without cost to the state if the members are willing to forego any claim for per diem for holding such a meeting. He proposed that this be done, so that the Studies Committee would have an opportunity to formulate a proposed interim program of studies which could be circulated to standing committee chairs and other interested parties for their information well in advance of the August Legislative Council meeting, which would be the earliest opportunity for the Council to act on the Studies Committee's list of recommendations.

Speaker Cochran moved that the Studies Committee follow the procedure suggested by Co-chairperson Fitzgerald. The motion was seconded by Senator Kinley.

Co-chairperson Coleman moved, as a substitute for Speaker Cochran's motion, that the Studies Committee meet at Clear Lake on July 28 or 29, and that Studies Committee members be advised to claim expenses and per diem for attending this meeting from the state in the usual manner, and to decline Legis 50's offer to pay expenses for attending the seminar to be held on that date. Co-

chairperson Coleman explained he is concerned about the possibility that acceptance of reimbursement for travel, meals and lodging from Legis 50 in connection with that group's seminar might be considered a gift in violation of state law. Speaker Cochran stated that he has had this matter researched by the House Counsel and has been assured that reimbursement to legislators for travel, meals and lodging expenses from Legis 50, the organization with which the Legislature has a contract, would not constitute acceptance of a gift by the legislators involved.

Co-chairperson Coleman then withdrew his substitute motion. Speaker Cochran's pending motion was adopted by a voice vote.

The meeting was adjourned at 10:35 a.m.

Respectfully submitted,

PHILIP E. BURKS
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