

M I N U T E S

IOWA LEGISLATIVE COUNCIL

November 3, 1971

The sixth meeting of the Legislative Council was called to order by the Council Chairman, Representative Andrew P. Varley, at 10:20 a.m., in the Speaker's Room, State House, Des Moines, Iowa, on November 3, 1971. Members present were:

Representative Andrew P. Varley, Chairman
Speaker William H. Harbor
Senator James E. Briles
Senator S. J. Brownlee
Senator Eugene M. Hill
Senator Vernon H. Kyhl
Senator William D. Palmer
Representative Dale M. Cochran
Representative Dennis L. Freeman
Representative Nathan Sorg
Representative Delwyn Stromer

Also present were:

Mr. Frank N. Bunker, Architect
Mr. Gerry Rankin, Legislative Fiscal Director
Mr. Serge H. Garrison, Director, Legislative Service Bureau
Mr. Thane R. Johnson, Research Analyst, Legislative Service Bureau

Chairman Varley asked the Council's pleasure concerning the minutes of the previous meeting. Representative Cochran moved that the October 6 minutes of the Legislative Council be approved as written. The motion was seconded by Representative Sorg and adopted.

Chairman Varley announced that the second item on the Council agenda is the consideration of a recommendation from the Land Use Policies Study Committee for the appointment of Mr. Frank H. Mendell, as a nonlegislative member. Representative Cochran stated that Mr. Mendell is given unanimous endorsement by the Study Committee. He added that Mr. Mendell is a former state director of the Soil Conservation Service and that he has a strong conservation background. Representative Cochran moved that the Legislative Council appoint Mr. Frank H. Mendell as a nonlegislative member of the Land Use Policies Study Committee. The motion was seconded by Representative Stromer and adopted.

With regard to the status of Bureau personnel, Mr. Garrison stated that the Legislative Council has approved the hiring of one legal counsel, one research analyst, and two administrative assistants for the House majority and minority leaders. He stated that the research analyst and one of the two ad-

ministrative assistant positions have been filled. Applicants for the remaining two positions are being considered at the present time.

Concerning the appointment of three Iowa legislators to membership on the Committee on Intergovernmental Relations of the National Legislative Conference, Senator Hill stated that he believes Iowa is in the unique position of having more members on this Committee than any other state. He added that he has been a member of the Committee for the past three years and it has proven to be a good working Committee. He stated that he strongly recommends that the Legislative Council support the three Iowa delegates by providing their per diem and expense.

In reply to a question by Chairman Varley, Senator Hill stated that the Committee will probably have three meetings, one meeting during December, 1971, one meeting during the second session of the Sixty-fourth General Assembly, and one meeting in the late spring or early summer of 1972.

In reply to a question by Representative Freeman, Senator Hill stated that membership on the Committee on Intergovernmental Relations of the National Legislative Conference may assist Iowa in obtaining membership on the Executive Committee of the National Legislative Conference which is generally dominated by appointees from the higher-populated states.

Senator Palmer stated that in light of the financial condition of the state treasury, the taxpayers of Iowa will appreciate a savings of several thousand dollars by not approving the per diem and expenses of the Iowa delegates to this Committee. He added that he is certain that the work of the Committee is beneficial; however, holding the line on public expenditures must begin somewhere.

Senator Hill stated that the benefits to the state of Iowa from the legislative delegates to the Committee on Intergovernmental Relations far outweighs the costs relating to Committee membership.

Representative Michael Blouin arrived at the meeting at 10:55 a.m.

Speaker Harbor stated that as far as saving money for the state is concerned, interested participation in the various Committees of the National Legislative Conference can save the state considerable more money than the cost of participation. He added that he believes that Senator John Walsh and Representative Harold O. Fischer made a strong contribution toward saving Iowa millions of dollars in highway user funds by their participation in meetings at the National Legislative Conference in Minneapolis. He added that these national meetings are important toward influencing Congressional and National Executive action.

Senator Hill moved that the Legislative Council pay the per diem and expenses of the three Iowa legislative delegates appointed to the Committee on Intergovernmental Relations of the National Legislative Conference. The motion was seconded by Representative Sorg and adopted by a roll call vote of eleven affirmative and one negative votes. Those members voting affirmative were Speaker Harbor, Senator Briles, Senator Brownlee, Senator Hill, Senator Kyhl, Representative Blouin, Representative Cochran, Representative Freeman, Representative Sorg, Representative Stromer and Chairman Varley. Senator Palmer voted in the negative.

Chairman Varley asked Speaker Harbor to report on the recommendations of the Legislative Procedures and Facilities Committee. A written copy of the report of the Legislative Procedures and Facilities Committee of the Legislative Council is attached to, and by this reference made a part of these minutes.

Following introductory remarks, Speaker Harbor introduced Mr. Frank Bunker, architect, and asked him to explain the bid tabulations for the Fiscal Director's office remodeling. A copy of the bid tabulations is attached to and by this reference made a part of these minutes. Also attached is a copy of a letter from the Elview Construction Company, Inc., which entered the lowest contract bid.

Lieutenant Governor Roger W. Jepsen arrived at the meeting at 11:10 a.m.

In reply to a question by Speaker Harbor, Mr. Bunker stated that the letter from the Elview Construction Company explains that the remodeling contract can be completed in much less than the 150 days stipulated in its bid proposal. He also stated that the bid contracts contain no penalty provisions relating to the completion dates. He added that these dates are merely estimated completion dates provided by the various bidders.

In reply to a question by Representative Freeman, Mr. Bunker stated that the difference between alternate two and alternate three of the base bid relates to carpeting the second floor to match the mezzanine floor. He added that if the contract is let some negotiated changes in the contract specifications may be desirable.

Representative Sorg stated that he supports a change order to allow access to the mezzanine level from the House and Senate lounges. Mr. Bunker stated that he can recommend providing entrances to the mezzanine lounges from the present lounges.

Representative Sorg moved that the Legislative Council accept the base bid and alternates one, two, and three for the remodeling of the Legislative Fiscal Director's offices and the House and Senate lounges submitted by the Elview Construction Company, Inc., totaling \$66,418 with an estimated completion date

of 90 days. The motion was seconded by Senator Hill and adopted by a roll call of twelve affirmative and no negative votes. Voting affirmative were Speaker Harbor, Senator Briles, Senator Brownlee, Senator Hill, Senator Kyhl, Senator Palmer, Representative Blouin, Representative Cochran, Representative Freeman, Representative Sorg, Representative Stromer, and Representative Varley.

Concerning the adoption of deadline procedures for the General Assembly, Representative Freeman stated that he favors scheduling committee meetings during the mornings and having the regular General Assembly sessions during the afternoon. He added that he prefers this arrangement over scheduling one or two full days for committee meetings during a week.

Senator Hill stated that making procedural changes in an attempt to shorten legislative sessions is no more than wishful thinking. He added that the legislative sessions will continue to be long and that adequate compensation will be the ultimate answer to attracting and keeping qualified legislators.

Senator Brownlee stated that he tends to agree with Senator Hill's comments. He added that higher compensation must be made available to legislators or the alternative will be a General Assembly consisting of the wealthy or the retired.

Representative Freeman stated that he considers "adequate" compensation to be at least \$20,000 per annum. He stated this might be a fair compensation level; however, he does not foresee legislators' salaries much higher than \$8,000 per annum in the next few years.

Senator Briles stated that the Legislative Procedures and Facilities Committee has not completed its deliberations so that specific recommendations will not be presented until the next Legislative Council meeting.

Representative Blouin moved that the Legislative Council establish a citizens' commission on legislative compensation having a nonpartisan membership appointed by the Legislative Council to study and make recommendations on legislative compensation to the Second Session of the Sixty-fourth General Assembly. The motion was seconded by Representative Cochran.

Senator Hill stated that he agrees with the principle of Representative Blouin's motion, however, a legislative compensation commission should be given statutory status and may be given responsibilities in addition to making recommendations on compensation. He added that it may be more desirable that the Governor appoint the commission members rather than the Legislative Council.

Representative Blouin stated that Senator Hill has raised good points; however, he stated that these possible problem areas can be corrected without waiting for the General Assembly to adopt

legislation. He also stated that, under his proposal, the Second Session of the Sixty-fourth General Assembly would have the opportunity to review the compensation recommendations of the proposed commission and adopt a new compensation schedule which will be effective for the members of the Sixty-fifth General Assembly. He added that waiting for General Assembly action on a statutory commission will delay the effective date of any proposed change in the legislative salaries until the beginning of the Sixty-sixth General Assembly.

Senator Kyhl stated that he also agrees with the principle of a separate commission to recommend changes in legislator's compensation; however, he does not believe that the matter should be hurried. Speaker Harbor stated that he also agrees with Senator Kyhl's and Senator Hill's approach to the creation of the citizens commission on legislative compensation.

Chairman Varley asked for a roll call vote on Representative Blouin's motion. It was defeated by ten negative votes and two affirmative votes. Those voting in the negative were Speaker Harbor, Senator Briles, Senator Brownlee, Senator Hill, Senator Kyhl, Senator Palmer, Representative Freeman, Representative Sorg, Representative Stromer, and Representative Varley. Those members voting in the affirmative were Representative Blouin and Representative Cochran.

Chairman Varley recessed the meeting for lunch at 11:55 a.m. The meeting was recalled to order at 1:45 p.m. with the members present during the morning session again present.

With regard to the Fiscal Director's office remodeling project, Representative Sorg stated that the Legislative Council should appoint a committee to review and approve change orders on behalf of the Legislative Council. He stated that this procedure will allow progress on the remodeling without unnecessary delay.

Representative Freeman stated that he is opposed to any change order which would involve cutting through existing walls for additional access to the proposed lounges on the mezzanines from the existing lounges.

Following further discussion, Representative Sorg moved that the Chairman of the Legislative Council appoint a committee of three members to negotiate and approve on behalf of the Legislative Council any change orders with the remodeling contractor. The motion was seconded by Representative Cochran and adopted by a roll call of ten affirmative votes and one negative vote. Those members voting affirmative were Speaker Harbor, Senator Briles, Senator Brownlee, Senator Hill, Senator Kyhl, Senator Palmer, Representative Blouin, Representative Cochran, Representative Sorg, and Representative Varley. Representative Freeman voted in the negative.

Chairman Varley announced the appointment of Speaker Harbor, Senator Kyhl, and Representative Cochran to the Committee.

Chairman Varley asked for the reports of the Study Committees and Subcommittees of Standing Committees. Senator Hill reported that the Department of Transportation Study Committee has adopted a policy statement which includes pipelines and transmission lines. He added that the Study Committee is discussing a proposal that legislation be adopted by the Second Session of the Sixty-fourth General Assembly to provide for the appointment of a secretary of transportation and key staff members who will prepare for the implementation of the state transportation policy and an operating budget for the consideration of the Sixty-fifth General Assembly. He also stated that the Study Committee is considering a proposal that legislation be adopted to appoint a transportation commission which will be the policy-making authority for the proposed Department of Transportation.

Mr. Garrison stated that the School Systems and Standards Study Committee is meeting November 3 and 4, and that there is no additional report at this time.

Mr. Garrison reported that the Higher Education Study Committee has held one meeting and has asked for a complete review of the total operation of existing post high school institutions in this state from representatives of state, private, and area schools. He added that the Study Committee plans to hold one additional meeting prior to the beginning of the Second Session of the Sixty-fourth General Assembly.

Mr. Garrison reported that the Penal and Correctional Systems Study Committee is holding its third meeting today, November 3, at Rockwell City. He added that the Study Committee may have both administrative and statutory recommendations for the Sixty-fourth General Assembly's consideration.

Representative Cochran reported that the Land Use Policies Study Committee is in the process of holding hearings and determining the Study Committee's direction. He added that the Study Committee is considering the possibility of holding regional hearings throughout the state as the study progresses.

Senator Brownlee reported that the Bank Holding Companies Study Committee has held two meetings. He stated that it is his belief that some compromises will be reached between the independent bankers and the holding company representatives. He added that the Study Committee may find it necessary to ask for an extension of time on its study and may not have recommendations prepared for the next session of the Sixty-fourth General Assembly.

Mr. Garrison stated that the Assistance Grants Programs Study Committee has not met since the last Legislative Council meeting.

Mr. Garrison reported that the Criminal Code Review Study Committee is making progress in its study and that some recommendations may be reported to the Sixty-fourth General Assembly.

Senator Hill commented that he disagrees with the reported work-release program policy that permits prisoners to be assigned to the custody of a relative or spouse during nonworking hours. He added that it is his belief that a prisoner involved in the learning process of readjustment to society requires appropriate supervision during this learning process. He added that he does not believe a relative or spouse of a prisoner serves this purpose.

Mr. Garrison reported that the Local Governmental Financial Study Committee is meeting today, November 3, for the first time.

Mr. Garrison reported that the Mental Health and Juvenile Institutions Study Committee is in the process of visiting the mental health and juvenile institutions in the state. He added that Mr. Burks has expressed the belief that the scope of the study will be more comprehensive than previous studies conducted on the subject matter.

Mr. Garrison stated that the Transportation Subcommittee of the Committees on Appropriations has completed its deliberations.

Mr. Garrison reported that the Municipal Code Subcommittee of the Standing Committees on Cities and Towns is planning one or two meetings for late November or early December.

Representative Freeman reported that the No-Fault Insurance Subcommittee of the Standing Committees on Commerce is planning to complete its deliberations at its next meeting. He added that the Subcommittee is in the process of reviewing the various "modified" no-fault insurance plans adopted in other states.

Senator Palmer reported that the Commerce Commission Subcommittee of the Standing Committees on Commerce has not met since its progress report was given to the Legislative Council at its October 6 meeting. He added that the Subcommittee has scheduled a meeting in Marshalltown, at which time recommendations will be prepared.

Representative Blouin reported that the Environmental Agencies Subcommittee of the Standing Committees on Environmental Preservation is continuing to review the provisions of Senate File 85. He stated that at its last meeting, the Subcommittee received testimony from administrators and members of existing departments and commissions which will be affected by the proposed bill. He added that the Subcommittee has decided to recommend that the Department of Agriculture retain its authority to regulate the labeling and quality control of pesticide products in Chapter 206 of the Code.

Representative Cochran reported that the Radiation Subcommittee of the Standing Committees on Environmental Preservation

has held one meeting since the last report to the Legislative Council. He stated that the Midwest Legislative Council on the Environment arranged for two administrators of radiological health programs in North Carolina and California to give testimony to the Subcommittee. He added that the two administrators have agreed to review the provisions of Senate File 262 relating to the regulation of radiation and suggest any improvements to the Subcommittee. He also reported that the Subcommittee received testimony from Mr. J. Stewart Corbett who represents a nuclear waste disposal company that is interested in developing a nuclear and chemical waste disposal site in Iowa.

Mr. Gerry Rankin, Legislative Fiscal Director, requested the Legislative Council's authorization to employ Mr. Frank Bunker, architect, to prepare an office space needs study for the office facilities to be created by the remodeling project. He added that some of the furniture in his office will be too large for the size of the proposed offices. He added that the cost for this space planning study will be approximately \$150.

Representative Cochran commented that he does not believe that a professional space layout plan is necessary. He stated that the Legislative Fiscal Director's staff should be able to estimate the needs and order the appropriate furniture.

Mr. Rankin commented that he and his staff could complete the space study themselves if they could wait until the remodeling is almost completed; however, if the new furniture must be ordered from the Prison Industries, it will have to be ordered in the near future to be ready at the proposed completion date. He added that it is difficult for an untrained person to visualize the sizes and arrangements of furniture that will be necessary in the proposed office facilities.

Representative Sorg moved that the Legislative Council authorize the Legislative Fiscal Director to contract for an office space and furniture needs study at a cost not to exceed \$150. The motion was seconded by Senator Briles and adopted.

Representative Sorg reported that the Nursing Homes Subcommittee of the Standing Committees on Social Services has completed its study and the final report is being prepared.

Mr. Garrison reported that the Building Code Subcommittee of the Standing Committees on State Government is planning to hold one more meeting, at which time the final recommendations will be completed.

Legislative Service Bureau Legal Counsel Burnette Koebernick reported that the Voters Residency and Registration Subcommittee of the Standing Committees on State Government has held no meetings since the last report was made to the Legislative Council. He added that the Subcommittee has scheduled its final meeting for December 8 and that he expects some legislation will be recommended.

Mr. Koebernick also reported that the Tax Exemptions Subcommittee of the Standing Committees on Ways and Means is planning to prepare recommendations at its next meeting. In reply to a question by Speaker Harbor, Mr. Koebernick stated that he does believe legislation will be recommended at least to clarify present laws and administrative procedures.

Mr. Koebernick reported that the Tax Assessments Subcommittee of the Standing Committees on Ways and Means has met to consider the assessment and equalization procedures in Iowa. He added that a number of proposals have been discussed by the Subcommittee and that he believes that legislation will be recommended.

Legislative Service Bureau Research Analyst Thane Johnson reported that the Amusement Rides Subcommittee of the Standing Committees on Human and Industrial Relations has held one meeting since its last report to the Legislative Council. He added that the Legislative Service Bureau has prepared a draft bill relating to the regulation of amusement rides and the Subcommittee recommended changes and clarifications in the draft bill at its last meeting. In reply to a question by Speaker Harbor, Mr. Johnson stated that he expects the Subcommittee to recommend legislation.

After discussion, it was agreed to schedule the next meeting of the Legislative Council for 10:00 a.m., Wednesday, December 8, 1971, with a meeting of the Council's Procedures and Facilities Committee to be held on Thursday, December 9. The agenda of the meeting will be primarily to hear final reports from the Subcommittees of Standing Committees and progress reports from the Study Committees which are authorized to continue their studies during the 1972 interim. A meeting is also scheduled for 10:00 a.m., Wednesday, December 15, 1971 to hear the remaining reports. Chairman Varley also instructed the Legislative Service Bureau to request the Chairman of the Study Committees and the Subcommittees of Standing Committees to submit a written and oral report to the Legislative Council as scheduled by the Bureau.

There being no further business, the meeting was adjourned at 3:10 p.m.

Respectfully submitted,

SERGE H. GARRISON
Director

THANE R. JOHNSON
Research Analyst