

M I N U T E S

IOWA LEGISLATIVE COUNCIL

July 19, 1971

The organizational meeting of the Iowa Legislative Council was called to order by the Speaker of the House of Representatives, William H. Harbor, serving as Temporary Chairman, at 10:15 a.m., in the Speaker's Room, State House, Des Moines, Iowa, on Monday, July 19, 1971. Members present were:

Lt. Governor Roger W. Jepsen
Speaker William H. Harbor, Temporary Chairman
Senator James E. Briles
Senator S. J. Brownlee
Senator Eugene M. Hill
Senator Vernon H. Kyhl
Senator Clifton C. Lamborn
Senator William D. Palmer
Representative Michael T. Blouin
Representative Dale M. Cochran
Representative Dennis L. Freeman
Representative Ed Skinner
Representative Delwyn Stromer
Representative Andrew P. Varley

Also present were:

Mr. Serge H. Garrison, Director, Legislative Service Bureau
Miss Diane Devin, Research Analyst, Legislative Service Bureau

Temporary Chairman Harbor called for nominations for permanent chairman of the Legislative Council. Representative Freeman moved that Representative Varley be nominated, and Representative Stromer seconded the nomination. Representative Stromer moved that nominations cease, and Representative Skinner seconded the motion. The motion carried, and Temporary Chairman Harbor directed that a unanimous vote be cast for Representative Varley to serve as Chairman of the Legislative Council.

Chairman Varley assumed the chair and called for nominations for Vice Chairman. Senator Kyhl nominated Senator Lamborn. Senator Briles moved that nominations cease, and Speaker Harbor seconded the motion, which carried. Chairman Varley directed that a unanimous vote be cast for Senator Lamborn to serve as Vice Chairman of the Legislative Council.

Chairman Varley asked Council members to consider the rules of the 1969-1971 Legislative Council in order to formulate rules for the 1971-1973 Legislative Council. A copy of the rules as adopted is attached to the minutes and by this reference made a part thereof.

Senator Kyhl moved that the first rule of the 1969-1971 Legislative Council be adopted. Representative Stromer seconded the motion, and it carried.

Senator Lamborn moved that the second rule of the 1969-1971 Legislative Council be adopted. Senator Briles seconded the motion, and it carried.

Senator Brownlee moved that the third rule of the 1969-1971 Legislative Council be adopted. Representative Skinner seconded the motion, and it carried.

With regard to the fourth rule of the 1969-1971 Legislative Council, which allows a member who is obliged to leave a meeting and desires to register his vote on any question presented at that meeting to register his vote in writing, recording the same with the secretary, Lt. Governor Jepsen asked whether a Council member who is not present at the meeting may record a vote on a question presented at that meeting. Chairman Varley responded in the negative. Speaker Harbor commented that the rules of the House of Representatives allow a member to register his vote on any question even though the member is not present, if his vote does not affect the outcome of the measure.

Senator Hill expressed the belief that Council members should be present in order to vote and moved that the fourth rule of the 1969-1971 Legislative Council be deleted. Chairman Varley ruled that Senator Hill's motion was not in order since the procedure used by the Council is to formally adopt the rules of the 1969-1971 Legislative Council, not to delete them.

Representative Stromer inquired whether study committees might adopt the rule if the Council does not. Mr. Garrison replied that study committees have flexibility in adopting their own rules. Senator Hill responded that usually the Council Rules are used as a guideline in adopting study committee rules. There was no motion to adopt rule four.

Senator Briles moved that rule five be adopted. Representative Stromer seconded the motion, and it carried.

Speaker Harbor moved that rule six be adopted. Senator Kyhl seconded the motion, and it carried.

The Council proceeded to discuss rule seven which relates to the creation of a subcommittee of the Legislative Council to suggest the membership and chairmen of some or all study committees. Senator Briles moved that the seventh rule be adopted. Representative Stromer seconded the motion. Senator Hill moved that Senator Briles motion be amended by adding the following paragraph to the seventh rule:

"The chairmen of standing committees shall recommend to the Legislative Council the membership of joint subcommittees of their standing committees."

Senator Hill's motion was approved without objection. Senator Brownlee moved that the seventh rule as amended be adopted. Speaker Harbor seconded the motion, and it carried.

Representative Stromer moved that the eighth rule be adopted. Senator Briles seconded the motion, and it carried.

With regard to the fourth rule, Speaker Harbor stated that he favors adoption of the rule. Senator Kyhl suggested that the rule be amended to require Council members to have participated in a portion of the discussion on the question. Senator Hill suggested the use of the House of Representatives rule which allows members who are not present to record a vote if the vote will not affect the outcome of the action taken.

Lt. Governor Jepsen suggested that perhaps the rule might be amended to assure flexibility with guidelines. Lt. Governor Jepsen suggested that the fourth rule of the 1969-1971 Legislative Council be changed to read:

"Whenever a member is obliged to leave a meeting and desires to register his vote on any question already presented at that or any other prior meeting at which he was present, he may do so in writing, recording the same with the secretary, providing that said vote is recorded with the approval of the majority of the members present."

Representative Stromer moved that Lt. Governor Jepsen's suggested language be adopted as the fourth rule of the Legislative Council. Senator Briles seconded the motion, and it carried.

Chairman Varley announced that the Legislative Council must formulate a policy for the establishment of subcommittees of joint standing committees. He explained that correspondence had been received from Senator Mowry and Representative Fischer, Chairmen of the Committees on Commerce, requesting approval for the appointment of a subcommittee of the Committees on Commerce to study the functions and operations of the Iowa State Commerce Commission. A copy of the correspondence is attached to the minutes and by this reference made a part thereof. Senator Hill noted that section 2.14, subsection 4, of the Code allows standing committees and subcommittees of standing committees to meet one time when the General Assembly is not in session and to hold additional meetings after authorization by the Legislative Council.

Chairman Varley suggested that the Council proceed with a discussion of the request for establishment of a subcommittee of the joint Committees on Commerce.

Chairman Varley asked Mr. Garrison to comment upon the methods of financing study committees. Mr. Garrison responded that study committees may be financed either by using the appropriation of the Legislative Service Bureau or by using the open-end appropriation to the General Assembly, stated in section 2.12 of the Code. He further commented that the moneys appropriated to the Legislative Service Bureau have usually been used to pay expenses of special interim study committees established by the Legislative Council and section 2.12 of the Code has been used to pay the expenses of subcommittees of standing committees. Mr. Garrison added that \$76,000 was appropriated for special interim study committees for each year of the 1971-1973 biennium. It is estimated that the \$76,000 will finance six study committees of ten members each, meeting eight times, and two study committees of fifteen members each, meeting twelve times. Senator Lamborn suggested that the expenses of the subcommittee of the joint Committees on Commerce be paid from the appropriation to the General Assembly. The Council agreed.

Chairman Varley called upon Speaker Harbor to comment upon the goals of the subcommittee of the joint Committees on Commerce. Speaker Harbor responded that he had informally requested that the Chairmen of the Committees on Commerce work cooperatively with the Governor and with the Auditor of State in their studies of the Commerce Commission. He indicated that Senator Mowry and Representative Fischer, Chairmen of the Committees on Commerce, had given assurances that if such a study is approved by the Legislative Council, they will cooperate with the Governor and the Auditor of State. Speaker Harbor further commented that a study of the Iowa State Commerce Commission appears necessary and he expressed the belief that the Legislative Council should not limit the subcommittee to a certain number of meetings.

Lt. Governor Jepsen called the Council's attention to Senate Concurrent Resolution 10 which was passed by the Senate during the 1971 legislative session. The Concurrent Resolution directs the Legislative Council to create a study committee to study the functions of the State Commerce Commission and to make recommendations to update present Code provisions which relate to the functions of the State Commerce Commission.

The Council proceeded to discuss whether the subcommittee should be allowed to appoint persons knowledgeable in areas regulated by the Commerce Commission and citizens representing the interests of the consumer to membership on the subcommittee. Senator Hill suggested that since the subcommittee approach will be used, and the subcommittee will be responsible for a final report, the subcommittee should decide whether it desires nonlegislative membership.

Lt. Governor Jepsen suggested that the study goals should follow the recommendations of the Chairmen of the joint Committees on Commerce as outlined in their letter, and the Chairmen should be granted broad authority to structure the study in any way necessary to formulate final recommendations and bill drafts. Senator Hill commented that as a cosponsor of Senate Concurrent Resolution 10, he and the other sponsors were concerned over the adequacy of staff of the Commerce Commission and delays over rate hearings which were apparent prior to the recent developments within the Commerce Commission.

Representative Cochran moved that a subcommittee of the joint Committees on Commerce be authorized to conduct a study to review the Iowa State Commerce Commission and that the Legislative Council authorize the subcommittee six meetings with the stipulation that if additional meetings are needed, the Council can authorize additional meetings. He also added to his motion that the study be coordinated with the Governor's office and other departments that may be studying the Commerce Commission and that periodic reports of the subcommittee should be made to the Legislative Council. Representative Blouin seconded the motion.

Speaker Harbor expressed the belief that the Legislative Council should not limit the number of meetings which the subcommittee may hold and he moved that the portion of the motion which restricts the subcommittee to six meetings be deleted. Representative Cochran objected, noting that the numbers of meetings of subcommittees was restricted during past interims and the procedure worked quite well. Chairman Varley noted that Senator Palmer has been suggested by the Chairmen of the joint Committees on Commerce as a member of the subcommittee, and he will be able to report to the Legislative Council.

Representative Freeman voiced support for Speaker Harbor's amendment to Representative Cochran's motion.

Lt. Governor Jepsen suggested that the Legislative Council consider a substitute motion that the Legislative Council authorize the Standing Committees on Commerce Chairmen, Senator Mowry and Representative Fischer, and their designated subcommittees to conduct a study of the Commerce Commission with the authorization of powers and duties as set forth in their letter to members of the Legislative Council dated July 14, 1971. The subcommittee shall make monthly reports to the Legislative Council and is directed to submit a final report not later than December 1, 1971 and proposed legislation to implement subcommittee recommendations shall be prepared for introduction during the first week of the 1972 session of the Sixty-fourth General Assembly. Senator Kyhl moved that Lt. Governor Jepsen's suggestion be made a substitute motion for Representative Cochran's motion. Senator Briles seconded Senator Kyhl's substitute motion.

Senator Lamborn moved that the motion be amended to direct the subcommittee to make every effort to coordinate the study with other studies that may be conducted. Representative Skinner moved a substitute motion to Senator Lamborn's motion that Senator Kyhl's motion be amended that the Legislative Council further request all state agencies to coordinate their investigation of the Commerce Commission with the Legislative Council's standing committee study. Senator Lamborn withdrew his motion, Representative Freeman seconded Representative Skinner's motion amending Senator Kyhl's motion, and it carried.

Representative Skinner moved that the Kyhl motion be amended to authorize the subcommittee to appoint nonlegislative members if the additional membership appears to be required. He moved that the language be inserted that the subcommittee be authorized as provided in section 2.15 of the Code, all subsections included. Senator Kyhl seconded the motion, and it carried.

Senator Kyhl's motion as amended was approved and reads as follows:

"I move that the Legislative Council authorize the joint Committees on Commerce Chairmen, Senator Mowry and Representative Fischer, and their designated subcommittee to conduct a study of the Iowa State Commerce Commission with the authorization of powers and duties as set forth in their letter to members of the Legislative Council dated July 14, 1971, said subcommittee to be authorized as provided in section 2.15 of the Code, all subsections included.

Said subcommittee shall make monthly reports to the Legislative Council and be directed to submit a final report not later than December 1, 1971, and proposed legislation to implement subcommittee recommendations shall be prepared for introduction during the first week of the 1972 session of the Sixty-fourth General Assembly.

The Legislative Council further requests all state agencies to coordinate their investigation of the Iowa State Commerce Commission with the Legislative Council's standing committee study."

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

Chairman Varley announced the appointment of the following subcommittees of the Legislative Council:

Studies Committee

Chairman Varley, Chairman
Speaker Harbor
Senator Gaudineer
Senator Kyhl
Senator Lamborn
Representative Cochran

Budget Committee

Senator Kyhl
Senator Neu
Senator Palmer
Representative Freeman
Representative Skinner
Representative Stromer

Legislative Procedures and Facilities Committee

Chairman Varley
Speaker Harbor
Senator Briles
Senator Hill
Senator Lamborn
Senator Neu
Representative Cochran
Representative Sorg

Personnel Committee

Senator Briles
Senator Brownlee
Senator Gaudineer
Representative Blouin
Representative Freeman
Representative Stromer

Chairman Varley stated that other than the Studies Committee, each committee will select its own chairman.

Chairman Varley called upon Council members to review the summary of guidelines for the operation of standing committees during the legislative interim used during the 1969-1971 interim. He suggested that the summary be used in formulating guidelines for the operation of standing committees during the 1971-1973 interim. A copy of the guidelines as adopted by the Legislative Council is attached and by this reference made a part of these minutes. Representative Skinner moved that the guidelines of the 1969-1971

legislative interim be adopted subject to amendment. Representative Blouin seconded the motion. Mr. Garrison commented that the guidelines were adopted in 1969 following the first annual session of the Iowa General Assembly and some changes may be desirable because of experience gained from operation of the original guidelines.

Chairman Varley asked whether a reference to House File 390, which allows each standing committee to hold one meeting during each interim without authorization from the Legislative Council, may be changed to section 2.14 of the Code of Iowa. There were no objections. Representative Skinner suggested that the sentence relating to the degree of uncertainty in organizing to provide necessary staff services and facilities for conduct of interim legislative work during the first interim between annual sessions be deleted. There were no objections.

Speaker Harbor suggested that an additional guideline be included which requires the subcommittees to report to the Legislative Council. Representative Skinner suggested that the following guideline be included in the listing:

"All subcommittees shall make monthly reports to the Legislative Council and shall submit a final written report, including necessary bill drafts to implement their recommendations, to the Legislative Council by December 1."

Representative Skinner noted that the motion does not require a subcommittee member to attend the Legislative Council meeting and the report might be given by a Legislative Service Bureau staff member. There were no objections to Representative Skinner's suggestion.

Chairman Varley suggested that the Chairman of each Standing Committee be requested to submit its request for subcommittees to the Legislative Council prior to the August Council meeting. The Council agreed.

Representative Skinner's motion to adopt the guidelines, as amended, carried.

Chairman Varley stated that the Criminal Code Review Study Committee established by Joint Resolution during the 1969 legislative session, has several vacancies and wishes the Legislative Council to appoint replacements. He noted that the Criminal Code Review Study Committee wishes to increase its membership from nineteen members to twenty-one members and to allow one additional member to represent the County Attorney's Association and one additional member to represent law enforcement personnel. It was noted that Representatives Hill and Renda and Senators O'Malley and Hougen are no longer members of the General Assembly and can no longer serve on the Criminal Code Review Study

Committee. Chairman Varley suggested that Senator Neu replace Senator O'Malley on the Study Committee since Senator O'Malley was the representative from the Legislative Council and Senator Neu is presently a member of the Legislative Council.

Representative Cochran expressed the belief that since one minority party member from each house was lost, the replacement should also be a representative of the minority party.

Senator Lamborn moved that Senator Gaudineer and Senator Potter be appointed to the Criminal Code Review Study Committee. Senator Kyhl seconded the motion, and it carried. Speaker Harbor recommended, with the approval of the minority party members on the Legislative Council, that Representatives Knoke and Kennedy be appointed as members of the Criminal Code Review Study Committee. The Council agreed.

Representative Stromer moved that Mr. Jack Callaghan, Director of the Law Enforcement Academy, and Mr. David Dutton, Black Hawk County Attorney, be appointed as recommended by the Criminal Code Review Study Committee. Senator Briles seconded the motion, and it carried.

Chairman Varley stated that the next meeting of the Legislative Council is scheduled for July 26, 1971. The Council members agreed that future meetings should be tentatively scheduled for the second Wednesday of each month. The August meeting will be held on August 11, 1971.

Senator Hill stated that he would like Council discussion during the July 26 Council meeting regarding the advisability of authorizing a subcommittee of the Committees on Transportation to hold a hearing with the Commissioner of Public Safety to determine the basis for policy letters which were sent to members of the Iowa Highway Safety Patrol, which policy letters related to per diem allowances, use of state vehicles, and repeal of the policy of the Iowa Highway Safety Patrol relating to promotions. Representative Skinner asked whether the subject matter is properly within the jurisdiction of the Committees on Transportation. Senator Hill agreed that the problems appear to be an administrative matter, but it appears advisable for the Committees on Transportation to obtain more information about the use of moneys appropriated to the Iowa Highway Safety Patrol.

Lt. Governor Jepsen suggested that Mr. Michael Sellers, Commissioner of Public Safety, be invited to appear at the July 26 Council meeting to discuss the policy letters. Representative Skinner moved that the Legislative Council set as a special order for July 26 the question of the functions of the Department of Public Safety and that Chairman Varley is directed to request Mr. Sellers to be present at the meeting and to be prepared to explain his actions contained in the three policy letters, the rules re-

quiring headgear for motorcyclists, and the proposed rules for the Criminal Conspiracy Unit of the Bureau of Criminal Investigation.

Chairman Varley expressed the belief that the role of the Legislative Council is to establish committees to hold hearings and determine if legislation is needed. Representative Cochran seconded Representative Skinner's motion. Senator Lamborn expressed the belief that the Legislative Council should appoint other committees to perform the function which Representative Skinner's motion would require. Representative Skinner's motion lost with five affirmative votes cast by Senator Briles and Representatives Blouin, Cochran, Freeman, and Skinner, and seven negative votes cast by Chairman Varley, Speaker Harbor, Senators Brownlee, Hill, Kyhl, Lamborn, and Representative Stromer.

Senator Hill moved that at the July 26 meeting the Legislative Council decide whether to direct a subcommittee of a standing committee to call a hearing with Commissioner Sellers for discussion relating to administration of the Highway Patrol. Representative Skinner seconded the motion, and it carried.

Chairman Varley requested that the Studies Committee meet at 9:00 a.m. July 26 and the regular Council meeting commence at 11:00 a.m. The Council agreed.

The meeting of the Legislative Council was adjourned at 3:00 p.m.

Respectfully submitted,

DIANE DEVIN
Research Analyst

SERGE H. GARRISON
Director