

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

June 5, 1980

The meeting was called to order in the Speaker's Conference Room of the State House at 9:30 a.m. on June 5, 1980, by Senator Calvin O. Hultman, Co-chairperson. The following members were present in addition to Co-chairperson Hultman:

Representative Roger Halvorson, Co-chairperson
Senator C. Joseph Coleman
Senator Ray Taylor
Representative John Clark
Speaker William H. Harbor

Senator Richard R. Ramsey and Representative Norman Jesse arrived later in the morning.

Also present were Serge Garrison, Burnette E. Koebernick and JoAnn Brown of the Legislative Service Bureau.

A compilation of legislative study requests had been distributed to the members at the May 14 Legislative Council meeting. A compilation of further requests and comments which had been submitted to the Legislative Service Bureau, and a list of requests were distributed at this meeting. A copy of the list is attached and by reference made a part of these minutes.

Co-chairperson Hultman stated that the Committee would proceed through the forty-two studies listed and make recommendations on each one. He noted that the County Home Rule Study Committee, item 1, which was mandated in 1979 and authorized to continue through 1980, has already been granted four additional meeting days, and that the Court Study Joint Subcommittee, item 5, has been previously approved and authorized four additional meeting days.

The Property Tax Study Committee, item 2 on the list, is mandated by H.F. 2072 which specified eight legislative members, four from each house, plus the Lieutenant Governor, and twelve citizen members. On motion by Co-chairperson Halvorson, the Committee voted to authorize four meetings for this Committee.

On motion of Representative Clark, the subject of the Clarinda building study mandated by H.F. 2595 and listed as item 3 was referred to the Fiscal Committee of the Legislative Council.

S.F. 2070, which mandates a committee to study prescription drug dispensing practices, requires six members from professional boards and members from the House and Senate Human Resources Committees. On motion by Co-chairperson Halvorson it was recommended that this committee be authorized three members from each house and two meeting days. This is item 4 on the list.

The remaining studies considered were not mandated by legislation.

On motion by Senator Taylor, decision was deferred on the study of housing codes authorized by H.F. 2536, item 6 on the list.

H.F. 2580 authorized a study of the crime commission and the crime commission program evaluation report. Senator Taylor pointed out that it would be fruitless to study the commission until it is known whether there will be federal funding for it. Co-chairperson Hultman suggested that this study might be added to the study of correctional systems also requested. On motion of Representative Clark, the committee voted to defer decision on this study, which is item 7.

On motion by Senator Coleman, the Committee voted to defer action on item 8, the study of public retirement systems requested by H.F. 2598.

Items 9 and 11 on the list, a study of grain elevator financing requested by HCR 114 and SCR 136 and a study of grain moisture meters and grain grading procedures requested by SCR 141 were combined. The Committee recommended two meeting days and five members from the Commerce Committees of each house for this study. The motion was by Co-chairperson Halvorson. Senator Taylor mentioned that the Council should consider appointing members who serve on both the Agriculture and Commerce Committees.

On motion by Senator Taylor, the Committee deferred consideration of item 10, a study of legalization of the sale of raw milk requested by SCR 131.

On motion by Speaker Harbor, the Committee voted to recommend seven members from the State Government Committees of each house, and four meeting days for a committee to study implementation of the report of the Governor's Economy Committee 1979 requested by HCR 131 and SCR 114 and listed as item 12. In response to Mr. Garrison's question, the Studies Committee agreed that the equivalent of four meeting days for the full Committee might be distributed among subcommittee meetings, since there are so many recommendations to be considered.

Item 13 on the list, a study of the Iowa correctional system, was requested by HCR 136. After discussion of the possibility of combining this study with the study of the Governor's Economy Committee recommendations or adding it to a study of the crime commission later, these proposals were dropped and Co-chairperson Halvorson moved to recommend two meeting days and five members from each house for the correctional systems study. This motion was adopted by the Committee, the membership to be divided as specified by HCR 136 between the Human Resources and Judiciary Committees and the Joint Social Services Appropriations Budget Subcommittee.

On motion by Co-chairperson Halvorson, the Studies Committee voted to combine items 14, 15, 18, 33, 34 and 35 on the list into one transportation study, and to recommend three meeting days and seven members from the Transportation Committees of each house. These items relate to studies of tax-raising authority for municipally-owned airports, funding alternatives for municipal and regional mass transportation systems, maintenance of the secondary highway system, acquisition and use of railroad rights-of-way, rail bonding and other railroad problems, and highway funding problems, and were requested by HCR 122, HCR 132, SCR 116, HCR 107, SCR 144, and SCR 145.

On motion by Co-chairperson Halvorson, the Committee recommended two meeting days and five members from the Commerce Committees of each house to study the regulation of franchise agreements as requested in SCR 124. This is item 16.

On motion by Speaker Harbor, action was deferred on item 17, the study of pre-need sales of personal property and services used in the final disposition of dead bodies, requested by SCR 129.

Items 19 and 20 on the list, a study of declining enrollment at post-secondary institutions requested by HCR 135 and a study of administrative expenditures of the area education agencies requested by HCR 139 and SCR 146, were combined into one study. The motion made by Speaker Harbor and approved by the Committee was to recommend three meeting days and five members from the Education Committees of each house, for this study. On motion by Senator Taylor, the Committee recommended the inclusion of the issue of legalization of home study in lieu of required attendance at public or approved nonpublic schools.

The Committee adopted Senator Coleman's motion recommending two meeting days and five members from the Energy Committees of each house for item 21, a study of the use and production of Iowa coal as requested by SCR 133 and SCR 143.

On Speaker Harbor's motion, the Committee deferred action on items 22, 23 and 24 on the list, which relate to the safety of dwellers in mobile home parks from natural disasters, as requested in HCR 117, a review of the Prison Industries Advisory Board's Report as requested in SCR 119, and adequate medical practitioners for rural communities as requested by SCR 130.

HCR 133 requested a study for the purpose of developing a policy statement of legislative goals regarding the effect of state government actions on the family. Speaker Harbor stated that this is needed, because the legislature tends to act as a result of the needs of the moment without taking into full account future effects of legislation. On Speaker Harbor's motion, the Committee recommended two meeting days and five members from the Human Resources Committees of each house for this study which is item 25.

The Committee deferred action on item 26, a study of implementation of effective laws dealing with illegal gambling requested by SR 108, on motion by Co-chairperson Halvorson.

HCR 137 requested a study of the need for amendments to the Iowa Probate Code in the areas of intestate succession and informal administration of estates. The Chair invited Representative Herbert C. Hinkhouse to address the Committee on this issue. Representative Hinkhouse stated that there is keen interest in his district in the adoption of the Uniform Probate Code, which has been adopted by fourteen other states. He mentioned the effects of inflation on the costs of settling estates, and the possibility of paying attorneys on an hourly basis rather than a percentage basis for their services to fiduciaries of estates. Senator Taylor expressed a concern that adoption of the Uniform Probate Code might do more harm than good. Mr. Garrison pointed out that effective study of the entire Uniform Probate Code could not be done in one interim, but that certain parts of it which differ from Iowa law could be considered. On motion by Co-chairperson Halvorson, the Committee recommended two meeting days for five members of the Judiciary Committees in each house for item 30, a study of specific probate issues.

Speaker Harbor moved to defer action on items 27 and 29, which motion was adopted. These items relate to a study of sentencing alternatives requested by SR 110 and a study of the need for a state program of restitution and victim compensation requested by HCR 125.

SCR 121 requested a study of the need for changes to the juvenile justice law. This is listed as item 28. Noting that there are strong feelings on this issue, Senator Taylor moved to defer for thirty days. Representative Jesse said that the law has been in effect for only a short time and there is no need for a study yet, as problems can be adequately handled in the normal committee process during session. The Chair invited comments from the audience. Mr. Gene Kennedy, representing the Iowa Juvenile Probation Officers Association, pointed out that there are such problems that 59 or 60 separate recommendations for changes were submitted by the Association during the last session. He suggested that this is too much to be handled during session and should be studied in the interim. Mrs. Vivian Lawyer of the Youth Law Center of Polk County, Inc., stated that the Iowa Crime Commission has asked her to conduct workshops on the juvenile justice law for probation officers and others, starting in November, and she recommended that a study not be conducted before then. Mr. Ray Sellers, representing the Iowa State Policemen's Association said that the Association supports a study. Representative Betty Jean Clark expressed the view that the Judiciary Committees will continue to study these problems, some of which are the result of misunderstandings, and an interim committee study is not needed. A representative from the Polk County Juvenile Court, noting that the

Court had applied the law to about 2000 juveniles in Polk County this year, stated that the problems are real and should be considered during the interim when the legislators are not so rushed. Senator Taylor withdrew his motion to defer and moved to recommend two meeting days for five members of the Judiciary Committees in each house, to analyze and identify the real problem areas in the juvenile justice law. An amendment to the motion by Senator Ramsey to recommend three meeting days was adopted. Representative Jesse offered an amendment to include the organizational structure of juvenile court in the study, stating that juvenile services should not be under the direct supervision of the Court since they should be implemented under the community corrections concept. However, after Senator Ramsey noted that a fiscal evaluation of the physical facilities and services of the juvenile court system is now in process and will be presented to the Fiscal Committee of the Council, Representative Jesse withdrew his proposal. The amended motion, for three meeting days and five members from each house, was adopted by the Committee.

The Committee adopted a motion by Senator Coleman to recommend two meeting days and five members from the Labor and Industrial Relations Committees of each house to study item 31, the problems of workers' compensation insurance coverage as requested by SR 107.

On motion by Senator Coleman, the Committee voted to defer action on item 32, a study of the feasibility of pari-mutuel betting as a means of implementing the redevelopment plan of the Iowa state fair, as requested by SR 112 and HR 112.

On motion by Co-chairperson Halvorson, the Committee voted to recommend inclusion of items 36 and 37 in the property tax study mandated by HF 2072. These items are a study of the uniformity of assessment practices and policies requested by SCR 109, and a study of the feasibility of and impact on revenues of providing tax relief to those who provide for the handicapped and elderly in their homes as requested by HCR 127.

SCR 135 requested a study of concepts directed toward the control of inflation in state and local revenues and spending. This is item 38. The Committee noted the fact that the electors in November may call for a constitutional convention, and Mr. Garrison stated that a research paper could be prepared before then indicating how such conventions have been organized in other states. Co-chairperson Hultman explained that the requested study would not deal with the constitutional convention issue but would consider both constitutional and statutory methods for limiting state revenues and expenditures, such as the proposed Taxpayers' Rights Amendment and the Colorado statutory plan. On motion by Senator Ramsey, the Committee recommended three meeting days and five members from the Ways and Means Committees of each house for this study.

SCR 112 requested a study by the Fiscal Committee of federal funds available to the state, so this subject was referred to the Fiscal Committee on motion by Co-chairperson Halvorson. This is item 39.

On motion by Speaker Harbor, item 40, a study of senate rules governing lobbyists requested by SR 114 was referred to the Rules and Administration Committee.

Mr. Thom Freyer stated that the Fiscal Committee will consider the request for a study of the renal disease program, indicated at item 41.

The Committee agreed to defer consideration of item 42, a request for a study of funeral directors.

Co-chairperson Hultman called for a Studies Committee meeting to be held at 9:00 a.m. on Wednesday, June 11, preceding the Legislative Council meeting, in order to review the decisions, determine the total person-days of study committee meetings recommended, and whether others should be added.

A chart of the recommendations is attached and made part of these minutes.

The meeting adjourned at 10:50 a.m.

Respectfully submitted,

SERGE H. GARRISON
Director

JO ANN BROWN
Legal Editor