

# M I N U T E S

## IOWA LEGISLATIVE COUNCIL

November 15, 1972

The sixteenth meeting of the Iowa Legislative Council was called to order by the Council's Chairman, Representative Andrew P. Varley at 10:25 a.m., in the Gallery West Committee Room, State House, Des Moines, Iowa, on November 15, 1972. Members present were:

Representative Andrew P. Varley, Chairman  
Lieutenant Governor Roger W. Jepsen  
Senator James E. Briles  
Senator Lee H. Gaudineer, Jr.  
Senator Eugene M. Hill\*  
Senator Vernon H. Kyhl  
Senator Clifton C. Lamborn  
Senator George Milligan  
Senator William D. Palmer  
Representative Michael T. Blouin  
Representative Dale M. Cochran  
Representative Dennis L. Freeman  
Representative Nathan Sorg  
Representative Delwyn Stromer

\*Senator Hill asked to be excused to attend a study committee meeting.

Also present were:

Mr. Gerald Bogan, Northern Natural Gas  
Mr. E. M. Meneough, Iowa Power and Light Company  
Mr. Gerald Snethen, Iowa Farm Bureau Federation  
Mr. John M. Lewis, Iowa Utility Association  
Justice Mark McCormick, Iowa Supreme Court  
Mr. Serge H. Garrison, Director, Legislative Service Bureau  
Mr. Donald C. Hoskins, Legal Counsel, Legislative Service Bureau  
Mr. Thane R. Johnson, Research Analyst, Legislative Service Bureau

The minutes of the previous meeting were approved as mailed to the Council members.

Senator Clifton Lamborn presented the Report of the Penal and Correctional Systems Study Committee. The Penal and Correctional Systems Study Committee recommends the adoption of the following legislation:

1. A community-based corrections program in each judicial district and costing nearly \$1 million the first biennium with some corresponding savings over the long run.

2. Adoption of the Interstate Corrections Compact proving for contracts on exchange of prisoners.

3. A deputy citizens' aide to serve the state penal institutions.

4. Recovery of costs from the parents of neglected, dependent, and delinquent youths.

5. Standards for the issuance of furloughs and passes to inmates.

6. Granting the juvenile court jurisdiction over parents of minors appearing before the court.

7. A penalty for hiding a runaway child.

A copy of the Study Committee Final Report is available at the Legislative Service Bureau.

In reply to a question by Senator Milligan, Senator Lamborn stated that the Study Committee recommends assigning a citizens' aide to take complaints of prisoners. He added that correcting justified complaints will help remove potentially inflammatory situations from the penal institutions. In reply to another question by Senator Milligan, Senator Lamborn stated that the Study Committee is aware of the "prisoners' bill of rights", but this proposal was not studied by the Study Committee. In reply to a question by Representative Freeman, Senator Lamborn stated that some of the complaints heard by the Study Committee include complaints that parole officers are too inaccessible and that the rules of various penal institutions are too petty. In reply to another question by Representative Freeman, Senator Lamborn stated that the Study Committee did not review the prison industry, but it was noted that there is too much idleness among the inmates. In reply to a question by Representative Sorg, Senator Lamborn said that the community-based correction programs and services legislation provides for a biennial appropriation of \$910,000. He also stated that the implementation of this community-based correction program does not necessarily mean that an amount equal to this appropriation will be saved in the budget of the Department of Social Services, at least during the initial phases of the program. In reply to a question by Chairman Varley, Senator Lamborn stated that the money earned by inmates on the work-release programs is applied toward their own food, lodging, and other expenses.

There being no further questions, Representative Sorg moved that the Final Report of the Penal and Correctional Systems Study Committee be accepted by the Legislative Council. The motion was seconded by Senator Kyhl and adopted unanimously.

Representative Holden presented the Progress Report of the Mental Health and Juvenile Institutions Study Committee.

Representative Holden recalled that the Legislature had established an earlier study committee in the area of mental health in 1967-68, and suggested that the report of that Study Committee, as well as the report presented by the present Mental Health and Juvenile Institutions Study Committee to the Legislature in 1972, will be found useful by those who are interested in informing themselves more fully regarding the development of mental health programs in Iowa in recent years.

Representative Holden commented that a major factor in the decision to authorize both the 1967-68 Study Committee and the present one has been the feeling on the part of many legislators that, in view of the declining average daily patient populations and rising average daily per-patient cost of the state mental health institutes and the juvenile institutions, possibly one or more of these institutions ought to be closed. In both cases, as the Study Committees have familiarized themselves with the existing state of affairs in Iowa, they have become more concerned over other aspects of the state's system for delivery of mental health care and of certain services to juveniles. These concerns include the manner in which state funds made available to help pay for certain mental health services are distributed, and the respective roles of the state mental health institutes and community mental health centers and the relationship of these two types of facilities to each other.

Representative Holden stated that the Study Committee in its progress report was presenting a recommendation for a major revision in distribution and permissible uses of state mental health funds. A proposal for a significant change in the state administrative structure for mental health services remains under consideration by the Study Committee. He added that, for reasons set forth in its report to the 1972 session, the Study Committee had not at this time formulated recommendations for the closing of any of the state's four mental health institutes. However, the progress report recommends closing the Iowa Annie Wittenmyer Home at Davenport, and the possibility of a similar recommendation with respect to the Toledo Juvenile Home remains under consideration. A copy of the report is available at the Legislative Service Bureau.

In response to the recommendation of the Study Committee that the Iowa Annie Wittenmyer Home be closed, Senator Lamborn commented on the serious economic impact of closing a public institution in smaller communities as opposed to a larger city such as Davenport. In reply to Senator Lamborn's comment, Senator Milligan stated that he disagrees with the philosophy that a public institution should be maintained for the benefit of its employees or the community in which it is located. He stated that he understands the economic impact of closing such institutions, but if there is no justification other than the economic impact upon a

given community, then the public institution should be closed. He added that the public tax burden must be considered an important factor also. In reply to a question by Representative Cochran, Representative Holden stated that he does not have statistics available showing the amount of funds paid by the counties and other independent sources to support the state mental health and mental retardation institutions. He added that the state share of this support amounts to approximately \$5 million per year which is, in essence, an indirect payment to counties toward the maintenance of these state institutions. He added that the Study Committee recommends that the approximate \$5 million be apportioned to the counties according to their population so that the county authorities may determine themselves whether patients should be sent to a state institution or a local mental health center. He added that the direct apportionment of these funds to the counties will remove the incentive to send a patient to a state institution rather than a local mental health center because of the indirect financial subsidy.

Senator Kyhl moved that the progress report of the Mental Health and Juvenile Institutions Study Committee be accepted by the Legislative Council. The motion was seconded by Representative Stromer and adopted unanimously.

Chairman Varley recognized Representative Elizabeth Shaw who requested that the Consumer Credit Charges Study Committee be allowed additional meetings to continue the study of the Uniform Consumer Credit Code beyond the present study interim. Following discussion, Chairman Varley stated that the present Legislative Council does not have the authority to continue studies beyond the present study interim. He added that he believes the next Legislative Council will authorize the continued study of consumer credit charges; however, the present Legislative Council has no authority to do it.

The Council recessed at 12:05 p.m. for lunch and reconvened at 1:35 p.m. with the members present during the morning session again present.

Senator Francis Messerly presented the Final Report of the Supreme Court Study Committee. The Majority Report of the Supreme Court Study Committee recommended legislation which would:

1. Provide for increased salaries for law clerks.
2. Establish a study committee of broader scope.
3. Provide the Supreme Court with authority to set its fees by rule.

4. Authorize the Supreme Court to sit in divisions of three judges each.

5. Authorize retired Supreme Court judges to serve on the Supreme Court during temporary absence of a judge.

6. Expand the research attorney program.

Several administrative recommendations were also made including a "state of the judiciary message" and budget requests relating to improving court equipment and facilities. A copy of the final report is available at the Legislative Service Bureau.

In reply to a question by Senator Lamborn, Senator Messerly stated that the federally funded research attorney program is still available to the Iowa Supreme Court. Judge McCormick stated that the present research attorney program authorizes two attorneys at a maximum compensation of \$12,000 each per year. He stated that a grant application has been made to increase the number of attorneys from 2 to 4.

Senator Gaudineer presented a Minority Report of the Supreme Court Study Committee in which he stated that the problems of the Iowa Supreme Court are not adequately handled by the recommendations of the Majority Report of the Study Committee. He added that there is a need for more planning now to implement future needs of the Court and to correct problems in office procedure.

The Minority Report recommends:

1. That plans be made for implementing an intermediate court of appeals or in the alternative plans be made for adding judges to the Supreme Court.

2. Several items under the heading of modern business practices and working conditions.

3. Authorization for divisions of three judges each.

4. Temporary assignment of district court judges to the Supreme Court to aid in opinion writing.

5. Increased salaries for Supreme Court staff.

6. Increased judges' salaries to at least 10% more than full-time law professors.

7. Increasing the staff of the Supreme Court administrator and delegate authority to supervise magistrates under the unified trial court system.

In reply to a question by Representative Blouin, Senator Gaudineer stated that no other members of the Study Committee joined him in the Minority Report; however, other members do agree with some aspects of the Minority Report. In reply to a question by Senator Lamborn, Senator Messerly stated that the Study Committee reached no decision on the amount of pay that the Supreme Court Justices should receive. In reply to a question by Chairman Varley, Senator Gaudineer estimated that the cost of his recommendations in the Minority Report would be \$200,000 for the Iowa Supreme Court alone.

After discussion Senator Milligan moved that the Majority Report of the Supreme Court Study Committee be accepted by the Legislative Council and that the Legislative Council receive the Minority Report without proposed legislation to implement its recommendations. The motion was seconded by Senator Lamborn and adopted unanimously.

Representative Richard Welden presented the Progress Report of the Higher Education Study Committee. The Higher Education Study Committee will continue to work next year since it has employed the consulting firm of Peat, Marwick, Mitchell & Co. for the period ending July 1, 1973. Four of the present members will not be returning, so the Council was asked to appoint new members as quickly as possible so that they might begin to meet with the consultants during November and December. The Council agreed to do this as soon as resignations are received from the outgoing members. No recommendations were made by the Higher Education Study Committee at this time. A copy of the Progress Report is available at the Legislative Service Bureau.

Following the presentation, the Council discussed the problems of authorizing the continued meetings of the Higher Education Study Committee and appointing new legislative members. Representative Welden stated that the contract with the consultants continues through July 1, 1973, and that it will be necessary for members of the Study Committee to meet periodically during the Session to review the consultants' work and provide further direction.

Representative Stromer moved that the Progress Report of the Higher Education Study Committee be accepted by the Legislative Council. The motion was seconded by Senator Kyhl and adopted unanimously.

In the absence of Representative Charles Strothman, Mr. Thane Johnson, Research Analyst, presented the Final Report of the Milk and Milk Products Standards Subcommittee of the Standing Committees on Agriculture.

The Subcommittee recommends the enactment of legislation to authorize the Secretary of Agriculture to establish requirements

for the sanitary production and processing of milk used for manufacturing purposes, to update the specifications and standards for cheese and cheese products, to define the term "municipal corporation" in Chapter 192 of the Code which relates to the inspection and regulation of Grade A fluid milk production, and to repeal sections of Chapter 192 of the Code which relate to the Iowa Butter Control Board. A copy of the final report is available at the Legislative Service Bureau.

In reply to a question by Representative Blouin, Senator Briles stated that the process of dehydrating milk removes the bacteria which would otherwise affect its quality.

Senator Gaudineer moved that the Legislative Council accept the Final Report of the Milk and Milk Products Standards Subcommittee of the Standing Committees on Agriculture. The motion was seconded by Representative Stromer and adopted unanimously.

Senator W. Charlene Conklin presented the Final Report of the School Systems and Standards Study Committee. She explained that although the Committee was assigned the areas of intermediate unit school organization, school district organization, statutory school standards, and school finance, the preliminary report is only concerned with school standards and school finance. The other two areas will be reported upon at a later date.

The Committee recommends the passage of a bill which revises Chapter 280 and section 257.25 of the Code and eliminates all duplication. Chapter 280 will prescribe uniform school requirements and section 257.25 will set forth the minimum educational program. Major changes include a requirement that career education be taught in all schools and that all school boards must develop long-range plans. School boards will be able to provide innovative programs in lieu of a portion of the minimum educational program upon approval of the Superintendent of Public Instruction.

The Legislative Service Bureau has been directed to draft the following changes to the school aid plan for future discussion by the Committee:

1. The surtax levy, if imposed, should not be included in a school district's subsequent budget ceiling.
2. A one-year delay in entering the surtax in the district's budget should be provided.
3. Maximum district cost (maximum budget) should be based on the previous year's budget rather than on the previous year's actual expenditures.

4. School districts should be allowed to use either the second Friday in February of the preceding school year or the second Friday in September of the current year whichever is higher when determining state aid, and a district with increased enrollment should be permitted to increase its maximum budget by the amount of increased state aid.

5. Any school district spending less than ninety percent of the state average per pupil cost should be allowed one hundred twenty-five percent of the allowable growth, but this should not affect the computation of the state average cost.

6. The maximum millage reduction should be eliminated.

7. The \$200 minimum aid per pupil should be eliminated.

8. School districts should be allowed to adjust their state aid computations to the new uniform financial accounting manual.

A copy of the Final Report is available at the Legislative Service Bureau.

In reply to a question by Senator Gaudineer, Senator Conklin stated that one Study Committee recommendation provides that the Department of Public Instruction be authorized to establish the requirements for school librarians and guidance counselors. In reply to a question by Representative Blouin, Senator Conklin stated that the classes in the kindergarten and pre-kindergarten are not required in Iowa. Senators Lamborn and Briles objected to Recommendation No. 9 which proposes that school districts which have been removed from the approved list of the Department of Public Instruction lose all state aid. This recommendation was discussed at length.

Senator Briles moved that the Final Report of the School System and Standards Study Committee be accepted with the provision that Recommendation No. 9 on page 3 of the Final Report be deleted and that all reference to this recommendation be removed from the proposed legislation. The motion was seconded by Senator Lamborn. After further discussion, it was the consensus of the Legislative Council that further action on the motion by Senator Briles be deferred.

Senator Briles presented the Report on the Personnel Committee of the Legislative Council. A copy of the Report is attached to, and by this reference made a part of, these minutes. Following discussion, Senator Briles moved that the Report of the Personnel Committee be accepted. The motion was seconded by Senator Palmer and adopted.



In the absence of Speaker Harbor, Service Bureau Director Garrison presented the Report of the Legislative Procedures and Facilities Study Committee. A copy of the report is attached to, and by this reference made a part of, these minutes.

Representative Sorg moved that the 1973 Iowa Bill Draft Guide and the Rules for Prefiling Legislative Bills be approved for use. The motion was seconded by Representative Blouin and adopted.

Following further discussion of new membership of the Higher Education Study Committee, Representative Sorg moved that the Chairman of the Legislative Council be authorized to request the resignations of Senators Balloun, Smith, and Van Drie, and Representative Pierson from the Higher Education Study Committee and that two senators and two representatives who have been elected to serve in the 65th General Assembly be appointed to replace those legislators who have resigned. The motion was seconded by Representative Freeman and adopted.

Senator Palmer requested that four members of the Health Maintenance Organizations Study Committee be authorized travel expenses and per diem to attend the meeting of the National Association of Insurance Commissioners in Chicago on Tuesday, November 21, 1972. Following discussion, Representative Blouin moved that the Legislative Council urge the Speaker of the House and the Lieutenant Governor to approve the travel requests of the four members of the Health Maintenance Organizations Study Committee. The motion was seconded by Representative Sorg and adopted.

Representative Freeman requested that the Legislative Council study the possibility of providing telephone outlets at the desk of each senator and representative. Following discussion, Chairman Varley referred the request to the Legislative Procedures and Facilities Study Committee.

Chairman Varley stated that he recommends the appointment of Representative Philip Hill and Representative Sonja Egenes to the Higher Education Study Committee. Representative Sorg moved that the Legislative Council appoint Representative Philip B. Hill and Representative Sonja Egenes as the members of the Higher Education Study Committee. The motion was seconded by Representative Cochran and adopted.

Chairman Varley suggested that the Legislative Council authorize the payment of per diem and expenses to the designated chairmen of the Senate and House Appropriation Committees and their subcommittee chairmen to attend the Governor's Budget Hearings. Following discussion, Representative Freeman moved that the Legislative Council authorize that the designated chairmen of the House and Senate Appropriation Committee, the ranking member of the

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majority party on the House and Senate Appropriation Committees, and the ranking member of the minority party of the House and Senate Appropriation Committee be paid per diem and expenses to attend the Governor's Budget Hearings. The motion was seconded by Representative Sorg and adopted.

There being no further business, the Council adjourned at 4:05 p.m.

Respectfully submitted,

THANE R. JOHNSON  
Research Analyst