

M I N U T E S
LEGISLATIVE COUNCIL

September 13, 1990

PRELIMINARY BUSINESS

The fifteenth meeting of the 1989-1990 Legislative Council was called to order by the Chairperson, Senator Bill Hutchins, at 2:07 p.m., Thursday, September 13, 1990, in Committee Room 22 of the State House, Des Moines, Iowa. Members present in addition to Chairperson Hutchins were:

Senator C. Joseph Coleman
Senator Donald V. Doyle
Senator Emil Husak
Senator John Jensen
Senator Jack Nystrom
Senator Julia Gentleman
Senator Joe Welsh
Senator Dale Tieden
Representative Bob Arnould
Representative Florence Buhr
Representative Kay Chapman
Representative John Connors
Representative Roger Halvorson
Representative William Harbor
Representative Tom Jochum
Representative Harold Van Maanen

Also present were:

Ms. Diane Bolender, Director, Legislative Service Bureau; Mr. Dennis Prouty, Director, Legislative Fiscal Bureau; Mr. Sandy Scharf, Director, Computer Support Bureau; Mr. Richard Johnson, Deputy Director, Legislative Service Bureau; Mr. Thane R. Johnson, Senior Research Analyst, Legislative Service Bureau; other legislative staff members; representatives of the news media; and other interested persons.

ROLL CALL AND APPROVAL OF MINUTES

Chairperson Hutchins noted that the roll had been taken as the members of the Legislative Council arrived. Chairperson Hutchins recognized Senator Husak who moved to approve the minutes of the meeting of July 12, 1990, as distributed. The motion was adopted.

SESSION LAWS PRICING POLICY

Chairperson Hutchins recognized Ms. Bolender for comments concerning the pricing of the 1990 Session Laws. Ms. Bolender referred the Council members to a memorandum from Ms. Kristi Little, Superintendent, State Printing Division, Department of General Services. She stated that the memorandum recommends a sale price of \$50 for the 1,152 pages of the 1990 Session Laws. Ms. Bolender further stated that the memorandum specifies that the \$50 per copy sale price will help offset the cost of free distribution of 3,510 copies of the Session Laws.

Mr. Richard Johnson referred to a memorandum prepared by the Legislative Service Bureau and distributed to Council members that describes the Council's authority over the pricing of legal publications and outlines issues relating to the free distribution of those publications. The memorandum also describes the impending publication by a private company of a portion of the Iowa Administrative Code. He noted that depending on the pricing policy of the Legislative Council, this private printing may affect the number of legal publications sold by the Department of General Services as well as the number of subscribers to the Iowa Administrative Code, its Supplements, and the Administrative Bulletin.

Noting that over 3,500 of the 4,500 copies of the Session Laws that are published are distributed free, Senator Tieden commented that he questions the need for judicial districts to receive 1,090 copies of the Session Laws. Mr. Johnson noted that there does not appear to be agreement concerning the number of copies needed to be distributed free.

Chairperson Hutchins suggested that the Council establish the sale price of the 1990 Session Laws at \$36 per copy, which was the price charged for the 1989 Session Laws. After discussion, Senator Husak asked if a decision on the sale price of the Session Laws is needed at this meeting. Chairperson Hutchins replied in the affirmative.

Representative Van Maanen stated that he recalls that the Legislative Council discussed the number of free publications which were distributed last year but did not recall that a conclusion was reached.

Senator Husak stated that he believes the Legislative Council should defer further discussion on the sale price and leave the sale price at \$36 per copy. Senator Gentleman stated that there is a need to resolve the sale price as the \$36 price set last year only applied to the 1989 Session Laws.

After further discussion, Senator Jensen moved that the sale price for the 1990 Session Laws be set at \$40 per copy. The motion was adopted.

Chairperson Hutchins stated that he is charging the Administration Committee of the Legislative Council with investigating and recommending the number of free copies of legal publications needed by the various public agencies, as well as developing and recommending other policies related to the issues addressed in the Legislative Service Bureau memorandum.

A copy of the memorandum submitted by Ms. Little is attached to and by this reference made a part of these minutes. A copy of the memorandum submitted by the Legislative Service Bureau concerning legal publication sales and pricing is attached to and by this reference made a part of these minutes.

PREFILING RULES

Chairperson Hutchins recognized Ms. Bolender to review the changes in the Rules for Prefiling Legislative Bills for the 1991 Legislative Session. Ms. Bolender stated that the departments are being requested to consolidate their legislative requests as much as possible into two bills. She stated that one bill would include technical changes and the second bill substantive or policy changes. She stated that the final deadline for submitting departmental bill requests is November 30, 1990, but the departments are urged to submit the initial requests as soon as possible after September 15, 1990. She further stated that each request must include a concise "background statement" which explains the need for the requested bill and describes the problem or problems which the bill is intended to address.

Ms. Bolender also stated that if the departmental bills are prepared on a computer disk, the department should check with the Legislative Service Bureau to determine if the disk can be translated to the Bureau's text processing system. She stated that additional drafting instructions requested by the Bureau must be received within seven calendar days after being requested by the Bureau. In addition, she added, approval of a final draft must be received by the Bureau within seven calendar days after its receipt by the department or the drafting request will be considered withdrawn. Ms. Bolender also stated that approval of final drafts is to be received not later than January 14, 1991.

There being no discussion of the proposed rules, Representative Arnould moved to adopt the proposed Prefiling Rules for the 1991 Legislative Session. The motion was adopted. The adopted Rules for Prefiling Legislative Bills are on file with the Legislative Service Bureau.

PUBLIC POLICY EDUCATION PROJECT

Concerning the legislative membership of the Public Policy Education Project, with the resignation of Senator Calvin O. Hultman, Chairperson Hutchins asked unanimous consent to appoint Senator John Jensen to join Representative Florence Buhr as a legislative member of the Project. There being no comments, the motion was adopted.

REPORT OF THE SERVICE COMMITTEE

Chairperson Hutchins recognized Representative John Connors for the Report of the Service Committee. Representative Connors reviewed the recommendations of the Service Committee item by item. Representative Connors then asked that the directors of the various legislative agencies introduce their new personnel in attendance at the meeting and the personnel were introduced.

There being no further comments concerning the Report, Chairperson Connors moved the adoption of the Report and the recommendations of the Service Committee contained in the Report. The motion was adopted.

A copy of the Report of the Service Committee is attached to and by this reference made a part of these minutes.

REPORT OF THE STUDIES COMMITTEE

Chairperson Hutchins recognized Representative Arnould for the Report of the Studies Committee.

Representative Arnould stated that the Studies Committee recommends that legislative interim study committees requesting one or more additional meeting days be authorized the additional days requested in the Studies Committee Report and the Fiscal Committee be authorized a total of 9 visitation days as stated in the Studies Committee Report. Representative Arnould stated that not all committees asked for additional days but many only requested reinstatement of those days which were originally assigned by the Legislative Council. He also stated that the Studies Committee recommends that December 1 be the deadline for completion of the interim study meetings.

Representative Halvorson noted that some of the study committees are asking for a third meeting before the completion of their second meeting. He stated that he is generally opposed to authorizing a third meeting before the second meeting is completed and he believes that the study committees should make better utilization of the days authorized rather than requesting additional days.

In response to a question by Representative Harbor, Representative Arnould stated that the Air Link Transportation Commission, the Civil Rights Laws in Iowa Study Committee and the European Trade Task Force are examples of committees which have asked for additional meeting days.

After further discussion, Representative Arnould moved the adoption of the Report of the Studies Committee. The motion was adopted.

A copy of the Report of the Studies Committee is attached to and by this reference made a part of these minutes.

REPORTS OF THE FISCAL COMMITTEE

Chairperson Hutchins recognized Senator Welsh for the Report of the Fiscal Committee. Senator Welsh stated that Fiscal Committee has met three times since the last meeting of the Legislative Council. He reviewed the Reports of the meetings of July 19, 1990, August 15, 1990, and September 12, 1990.

Senator Welsh stated that he and the Legislative Fiscal Committee are particularly concerned with the issuance of tax-free bonds by the Iowa Finance Authority to Mercy Health Initiatives for the purchase of nursing homes in Iowa. He stated that the Internal Revenue Service is concerned about the dealings in Iowa and that there is a concern about property tax exemptions which have been requested with regard to these nursing homes. He noted that 35 counties have denied these requests.

Representative Chapman stated that both Linn County and the city of Cedar Rapids have had similar problems with property transferred from profit to nonprofit status and the resultant requests for property tax exemptions. Representative Buhr stated that there appears to be a general problem with nonprofit tax exemptions and that this situation should be monitored by the Fiscal Committee.

Chairperson Hutchins stated that the original purpose of the tax-free bonds was for local communities to finance their own nursing homes to care for their own elderly.

Representative Halvorson expressed the belief that there are various types of nursing homes in Iowa and there is little difference in the services and care provided by nonprofit or for-profit nursing homes. He stated this same type of situation could have happened with the nursing homes individually in Iowa and the same or similar profits could have been made regardless of the financial arrangements. The same result could have occurred, he concluded, with the use of financing from the Iowa Finance

Authority or other financial institutions. Senator Jensen commented that there is also a problem with condominiums being attached to nursing homes with requests for property tax exemptions. Representative Van Maanen suggested that the Fiscal Committee look beyond newspaper articles when investigating an issue as complicated and as important as the administration and ownership of nursing homes.

After further discussion, Senator Welsh moved the adoption of the three Reports of the Fiscal Committee. The motion was adopted.

A copy of the three Reports of the Fiscal Committee are attached to and by this reference made a part of these minutes.

LEGISLATIVE INFORMATION OFFICE UPDATE

Chairperson Hutchins recognized Ms. Julie Livers, Director, Legislative Information Office. Ms. Livers referred the members of the Council to a packet of sample materials, prepared by the Legislative Information Office and transmitted to Council members, that includes a survey which the Office requests Council members to fill out and return. She stated that the Office needs feedback from legislators concerning the types of material that should be distributed to the general public for promotion of legislative institutions.

In reply to a question by Representative Halvorson, Ms. Livers stated that last year the four principal publications issued by the Office cost approximately \$8,900. She stated that there are 19 new publications and fliers which will cost about \$12,000. Concerning cost reductions, Ms. Livers stated that the Bill Summary this year cost \$7,000 less to distribute and that mailing costs have been reduced \$11,000. In reply to another question by Representative Halvorson, Ms. Livers stated that legislator photographs will be taken this year by the Office at a cost of approximately \$3.00 per film per individual and a \$6.00 processing fee per individual.

Chairperson Hutchins thanked Ms. Livers for her comments.

NATIONAL COUNCIL OF STATE GOVERNMENTS ANNUAL MEETING

Representative Connors announced that the annual meeting of the National Council of State Governments will be held in Des Moines in December 1992.

TAPE DUPLICATING

Ms. Bolender announced that the tapes of the National Conference on State Legislatures' annual meeting are available and ready for duplication on request.

ADJOURNMENT

Chairperson Hutchins adjourned the meeting of the Legislative Council at 3:05 p.m.

Respectfully submitted,

DIANE BOLENDER Director

THANE R. JOHNSON Senior Research Analyst