

# M I N U T E S

## IOWA LEGISLATIVE COUNCIL

June 18, 1986

### PRELIMINARY BUSINESS

The thirteenth meeting of the 1985-1986 Legislative Council was called to order by the Chairperson, Senator Bill Hutchins, at 1:45 p.m. on Wednesday, June 18, 1986, in Committee Room 22 of the State House, Des Moines, Iowa. Members present in addition to Chairperson Hutchins were:

Speaker Donald D. Avenson, Vice Chairperson  
Senator C. Joseph Coleman  
Senator Donald V. Doyle  
Senator Beverly A. Hannon  
Senator Lee Holt  
Senator David M. Readinger  
Senator Dale L. Tieden  
Senator James D. Wells  
Senator Joe J. Welsh  
Representative Bob Arnould  
Representative Dorothy F. Carpenter  
Representative Dale M. Cochran  
Representative John H. Connors  
Representative William H. Harbor  
Representative Lowell E. Norland  
Representative Delwyn Stromer

Also present were:

Mr. Burnette E. Koebernick, Deputy Director, Legislative Service Bureau  
Ms. Diane Bolender, Senior Research Analyst, Legislative Service Bureau  
Mr. Thane R. Johnson, Senior Research Analyst, Legislative Service Bureau  
Mr. Dennis Prouty, Director, Legislative Fiscal Bureau  
Mr. Sandy Scharf, Director, Computer Support Bureau  
Mr. Bill Angrick, Citizens' Aide/Ombudsman

Also present were other legislative staff persons, representatives of the news media, and other interested persons.

Chairperson Hutchins stated that the roll has been taken and that there is a quorum present. Chairperson Hutchins asked for any

corrections or additions to the minutes of the May 29, 1986 meeting of the Legislative Council. Senator Holt moved that the minutes be approved as distributed and the motion was adopted on a voice vote.

Chairperson Hutchins noted that Senator Hultman is not attending the Council meeting today because he is in the hospital and recognized Representative Harbor concerning a report on Senator Hultman's condition. Representative Harbor stated that a blood clot has been discovered in Senator Hultman's leg and that it is anticipated he will be hospitalized for approximately 7 days. He indicated that Senator Hultman was admitted to the Montgomery County Memorial Hospital, in Red Oak, and is in excellent spirits.

#### EDUCATIONAL LEAVE

The Report on Educational Leave was distributed to members of the Legislative Council. Representative Connors moved that the report be received and filed. The motion was adopted on a voice vote.

#### COMPUTER OUTREACH COMMITTEE REPORT

Chairperson Hutchins recognized Senator Welsh for the Report of the Computer Outreach Committee. Senator Welsh stated that the Committee reviewed the results of the 1986 public access services to the legislative computer and discussed the costs of legislator access to the system and discussed enhancements and costs for the 1987 public access services. A copy of the Report of the Computer Outreach Committee is attached and by this reference made a part of these minutes. Senator Welsh moved that the Report of the Computer Outreach Committee be approved. The motion was adopted on a voice vote.

#### SERVICE COMMITTEE REPORT

Chairperson Hutchins recognized Representative Connors for the Report of the Service Committee. Representative Connors pointed out that the Service Committee met on May 29, 1986 after the meeting of the Legislative Council and this morning and as a result, there are two different reports from the Service Committee. Both Reports of the Service Committee are attached and by this reference made a part of these minutes. Representative Connors stated that the Service Committee met on May 29, 1986 to review the appeals procedure for the Comparable Worth Study and the membership of the Appeals Committee was determined. He stated that at the June 18, 1986 meeting the Committee nominated William Angrick for reappointment to a four-year term as Citizens' Aide, subject to Legislative Council approval and to Section 601G.3 of the Code. Representative Connors moved that the two Reports of the Service Committee of the Legislative Council be approved. The motion was adopted unanimously on a voice vote.

#### ADMINISTRATION COMMITTEE REPORT

Chairperson Hutchins recognized Senator Doyle for the Report of the Administration Committee. The Report of the Administration Committee is attached and by this reference made a part of these minutes. Senator Doyle moved that the Report of the Administration Committee be adopted and it was adopted on a voice vote.

#### CAPITOL SPACE ALLOCATION COMMITTEE APPOINTED

Chairperson Hutchins announced the appointment of a new Council Committee to be known as the Capitol Space Allocation Committee. The membership of the Committee is as follows: On the part of the Senate, Chairperson Hutchins, Co-chairperson and Senators Coleman, Hultman, Readinger and Welsh; on the part of the House, Speaker Avenson, Co-chairperson, and Representatives Arnould, Carpenter, Connors and Stromer.

#### LIABILITY STUDY COMMITTEE MEMBERSHIP

Chairperson Hutchins noted that the membership on the interim Study Committee on Tort Liability Questions has also been appointed. The four citizen members named to the Committee are Dr. William W. Eversman, Jr., a practicing physician from Cedar Rapids; Mr. Donald C. Byers, Secretary and General Counsel for Maytag in Newton; Mr. Thomas Vilsack, a practicing attorney from Mt. Pleasant; and Mr. Frank Alexander, a United Auto Workers official from Waterloo. The legislative members on the Committee include Senator Donald V. Doyle and Representative Dan Jay, Co-chairpersons, and Senators William Palmer, Julia Gentleman, and Richard Drake; and Representatives John Groninga, Kyle Hummel, and Roger Halvorson.

#### HOUSE ETHICS COMMITTEE/SUBPOENA POWER

Speaker Avenson requested that the Legislative Council, by unanimous consent, grant the House Committee on Ethics request for limited subpoena power for the purposes of obtaining the Division of Criminal Investigations' Report concerning the alleged activities of April 17, 1986, occurring in Mingo, Iowa, with the reservation that the Committee exercise that authority in a manner so as not to impede any present legal proceedings regarding the subject matter. Senator Tieden inquired as to whether the Committee currently has the authority to issue a subpoena. Speaker Avenson responded in the negative noting that under section 2.15 of the Code, subpoena power must be obtained from the General Assembly when that body is in session and from the Legislative Council when the General Assembly is not in session. Senator Welsh recalled that no authority was needed when a special investigation of the National Guard occurred several years ago. Speaker Avenson pointed out that this special investigation was conducted during the course of a legislative

session and authority to use subpoena power was granted pursuant to a House resolution. Representative Harbor inquired as to whether this authority should be granted by the Legislative Council. Speaker Avenson pointed out that the power will be used to obtain confidential information and that there may need to be closed meetings on the matter and a need to employ private counsel for the House Committee on Ethics. Representative Carpenter pointed out that she shares the concern of the Speaker and that the Committee will have to act judiciously in order to not impede present legal proceedings. Speaker Avenson noted his agreement and emphasized that the Committee will need to be very deliberative in exercising discretion regarding this matter. Representative Harbor inquired as to whether granting the subpoena power to the House Committee on Ethics would be a general grant for them to use this authority in the future on the basis of the Council action at this meeting. Speaker Avenson responded in the negative noting that the authorization for use of subpoena power is for a specific DCI report prepared on the subject matter currently under consideration by the House Committee on Ethics.

There being no objections, the Legislative Council by unanimous consent authorizes the House Standing Committee on Ethics to issue a subpoena for the specific Division of Criminal Investigation report relating to subject matter currently being investigated by the Committee.

#### DATE OF NEXT MEETING

Chairperson Hutchins noted that the date selected for the next meeting of the Legislative Council is July 16, 1986. (Since the date of this meeting, the date of the next Council meeting has been changed to July 17, 1986.) Senator Welsh noted that the members of the Fiscal Committee have been contacted about the Fiscal Committee meeting to be held before the next Legislative Council meeting and one issue which will be looked at are monetary transfers allowed under section 8.39 of the Code. He asked unanimous consent that the Legislative Council contact the State Comptroller's Office and notify them that the Legislative Fiscal Bureau and caucus staffs should be informed of all transfers. Representative Harbor inquired as to whether any notifications of transfers are currently made. Senator Welsh responded in the affirmative noting that notices go to the Committee on Appropriations Chairs and the Ranking Members of each of the Committees on Appropriations. Representative Carpenter suggested that the State Comptroller's Office be asked to send notices to other agencies and she felt confident that the State Comptroller's Office would be willing to provide these notices. Senator Welsh also noted that the Legislative Oversight Committee will be staffed by the Service Bureau and the Fiscal Bureau and that requests involving specific items to be looked at should go to both agencies so they are aware of the subject matters which will be coming before the Legislative Reorganization Oversight Committee.

STUDIES COMMITTEE REPORT

Chairperson Hutchins recognized Vice Chairperson Avenson for the Report of the Studies Committee. The Report of the Studies Committee is attached and by this reference made a part of these minutes.

Senator Doyle inquired as to whether the Studies Committee reviewed the request of the Clerks of Court regarding a central clearinghouse for child support payments. Speaker Avenson responded that this request has been reviewed and was deferred until the next meeting of the Studies Committee. Senator Doyle inquired as to whether all resolutions and requests for studies had been reviewed. Speaker Avenson responded in the affirmative noting that some had been deferred for consideration at the next meeting of the Studies Committee. Senator Doyle asked whether the Studies Committee had reviewed Senator Mann's request relating to the use of social security numbers. Speaker Avenson noted that it had been reviewed and deferred at this time.

Representative Carpenter asked whether the LEAG study on teenage pregnancies has been dropped. Speaker Avenson responded in the affirmative. Representative Stromer inquired as to whether the Studies Committee anticipates the placement of citizen members on any of these interim committees. Speaker Avenson responded in the negative. Representative Stromer inquired as to whether the property tax study will include looking at alternative procedures on valuations and present spending of property tax dollars. Speaker Avenson responded in the affirmative. Representative Stromer emphasized that outside assistance should be enlisted in this endeavor. Speaker Avenson responded that the Studies Committee certainly could look outside its own membership for input on this subject matter.

Speaker Avenson moved that the Legislative Council authorize the leadership to determine the proper size of the membership of the Property Tax Study Committee. The motion was adopted on a voice vote.

Speaker Avenson moved that the Report of the Studies Committee be adopted, as amended. The motion was adopted unanimously on a voice vote.

ADJOURNMENT

There being no further business, the meeting of the Legislative Council was adjourned at 2:40 p.m.

Respectfully submitted,

BURNETTE E. KOEBERNICK  
Deputy Director