

M I N U T E S
LEGISLATIVE COUNCIL MEETING

May 11, 1988

PRELIMINARY BUSINESS

The ninth meeting of the 1987-1988 Legislative Council was called to order by Speaker Donald D. Avenson, Chairperson, at 1:52 p.m., Wednesday, May 11, 1988, in Committee Room 22, State House, Des Moines, Iowa. Members present in addition to Chairperson Avenson were:

Senator Bill Hutchins, Vice Chairperson
Lieutenant Governor Jo Ann Zimmerman
Senator C. Joseph Coleman
Senator Donald V. Doyle
Senator Emil J. Husak
Senator George R. Kinley
Senator Joe J. Welsh
Senator Lee W. Holt
Senator Calvin O. Hultman
Senator David M. Readinger
Senator Dale L. Tieden
Representative Robert C. Arnould
Representative Florence D. Buhr
Representative John H. Connors
Representative Thomas J. Jochum
Representative Dorothy F. Carpenter
Representative William H. Harbor
Representative Delwyn Stromer
Representative Harold Van Maanen

Also present were Donovan Peeters, Director, Diane Bolender, Research Division Chief, John Fatino, Assistant Research Analyst, and Thane Johnson, Senior Research Analyst, Legislative Service Bureau; other legislative staff members, representatives of the news media, and other interested persons.

ROLL CALL AND MINUTES

Representative Harbor moved that the roll call be dispensed with and that the minutes of the April 12 meeting be approved as submitted. The motion was adopted unanimously.

REPORTS ON EDUCATIONAL LEAVE

Representative Connors moved that the Legislative Council receive and file the Reports on Educational Leave for the calendar year 1987. The motion was adopted.

MIDWEST LEGISLATIVE CONFERENCE ON CHILDREN AND YOUTH

Chairperson Avenson recognized Ms. Ann Thompson, Director, Commission for Children, Youth and Families, to present a proposal for Iowa to sponsor a Conference for Children and Youth in the Midwest region. She added that discussions of this matter have been held with legislative leaders of both major parties during the past legislative session and that approval of the overall concept and initial funding is requested from the Legislative Council. She further stated that a similar conference has been held for the past seven years in the Southeast region with considerable success. Ms. Thompson stated that the purposes of the proposed conference are to bring all branches of government together on a regional basis to discuss mutual areas of concerns and solutions to the concerns for children, to highlight model children's programs from the region, to develop an ongoing interest in children and youth with other states in the Midwest, and to showcase the state of Iowa. In conclusion, Ms. Thompson submitted a draft budget, concept paper, proposed agenda, and implementation plan for a proposed conference for August, 1989. A copy of the proposal is attached to and, by this reference, made a part of, these minutes.

Representative Carpenter questioned whether or not the Legislative Council should endorse or sponsor a conference. She stated that the merits of the concept are not questioned, but the precedent of the Legislative Council endorsing or sponsoring a conference for one worthy cause will undoubtedly bring requests for funding and sponsorship of others. She concluded by stating that endorsing the conference and authorizing a certain number of registration fees for legislators may be the best approach to this request.

Chairperson Avenson responded that this type of proposal is exactly what the Legislative Council should be doing to supplement and enhance its study program.

Representative Buhr commented that she agrees with Representative Carpenter's remarks. She added that sponsoring and funding this conference proposal will bring many additional requests for sponsorships and funding of other worthy proposals.

In response to a question by Senator Hultman, Ms. Thompson responded that, originally, an earlier conference date was considered, but August of 1989 appears to be best.

Representative Stromer commented that he is concerned regarding the legality of the Lieutenant Governor and the Speaker of the House authorizing these types of expenditures under Chapter 2 of the Code. Chairperson Avenson responded that he believes that expenditures of this nature are authorized.

Vice Chairperson Hutchins moved that the proposal submitted by Ms. Thompson for sponsorship and partial funding of a Midwest Conference on Children and Youth be referred to the Studies Committee of the Legislative Council for review of the proposal and consideration of funding alternatives. After further discussion, the motion was adopted.

D.W.I. SENTENCING STUDY PROPOSAL

Chairperson Avenson next recognized Ms. Trish Harlow, Planner, Polk County Attorney's Office, requesting funding for a D.W.I. Sentencing Study originally requested by former Polk County Attorney Dan Johnson in December, 1986. Ms. Harlow stated that the Legislative Council agreed to fund one-half of the study with the remainder financed from other public or private sources. She stated that the Preferred Risk Insurance Company has recently indicated a willingness to solicit funds to match the Legislative Council's offer. She stated that the purpose of the current request is to obtain reaffirmation of the Legislative Council's funding commitment and establishment of an advisory committee to oversee the study.

In response to a question by Representative Harbor, Ms. Harlow stated that the previous commitment for funding from the Council was a maximum of \$70,000.

In reply to a question by Representative Stromer, Ms. Harlow stated that study will include more information that is readily available from files of county attorneys. She stated that treatment history, circumstances surrounding the arrest, injuries caused, and related items will be included in the study.

Chairperson Avenson commented that questions concerning the consistency of enforcement and sentencing practices throughout the state should be addressed and, without objection, the request will be referred to the Studies Committee for further discussion and recommendation. There were no objections.

SERVICE COMMITTEE REPORT

Chairperson Avenson recognized Senator Joe J. Welsh for the Report of the Service Committee. Senator Welsh briefly reviewed the two items relating to the office of Citizens' Aide. There being no comments, Senator Welsh moved the adoption of the Report as presented. 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

Vice Chairperson Bill Hutchins presented the recommendations of the the Studies Committee and moved adoption of the Report. A copy of the Report of the Studies Committee is attached to, and by this reference made a part of, these minutes.

In reply to a question by Representative Harbor, Vice Chairperson Hutchins stated that the Report recommends a total of 22 studies, 48 committee meetings plus 8 public hearings, 160 meeting days for legislators and 49 meeting days for public members which provides a total of 209 meeting days for all appointees. He added that this total represents a 34% reduction from the 1987 Interim. Representative Harbor also questioned the need for all of the proposed public hearings. He stated that the Council should establish a policy regarding public hearings and provide that all legislators within the area of the hearing be invited.

Representative Carpenter expressed concern for the number of Legislative Service Bureau staff which will be needed for each of the public hearings. In response to a question by representative Carpenter, Mr. Peeters responded that, in most cases, he does not foresee any reason for more than one staff member to cover a public hearing.

After further discussion, Representative Carpenter moved that the requirement for a minimum of eight public hearings be removed from study #22. There being no further discussion, the amendment was adopted.

Senator Readerger asked if any study requests were not recommended by the Committee. Vice Chairperson Hutchins responded that many requests were not recommended, but he does not have an exact number immediately available. Chairperson Avenson added that there is a need for a joint rule to prohibit the mandating of studies in legislation.

Concerning the executive summary which provides for a proposal for the evaluation and development of statewide private fund for

LEGISLATIVE COUNCIL MEETING

Minutes - May 11, 1988

Page 5

public education in Iowa, Representative Carpenter stated that further study of the proposal is needed before Council approval, but the Studies Committee did not support her motion. Senator Hultman responded that further study is not necessary and the time to move forward to employ the Education Foundation Consultants to establish a foundation program is now. He added that the two Chairpersons of the Committees on Education, Senator Murphy and Representative Ollie, support the proposal. Representative Stromer stated that he questions the legality of the Council employing the Education Foundation Consultants to implement the proposal without preparing a request for proposal and requesting bids. He moved that the proposal be referred to the Service Committee for study. Senator Hultman responded that a lot of time will be lost and probably only one bid will be received. After further discussion, Representative Stromer's motion lost.

After further discussion of a bidding procedure and preparation of a contract, the Council agreed that bids to develop and evaluate a statewide private fund attraction for public education in this state will be requested in appropriate publications. The Legislative Service Bureau would administer the bidding process.

Senator Doyle suggested that the Studies Committee consider recommending a study on obscenities to review recent court cases on the subject. With regard to study #23, the Council should specify that the representatives of the bar association and the land surveyors meet and resolve their differences over the draft language before the study committee meets. Chairperson Avenson stated that Senator Doyle's comments are noted and will be conveyed to the Studies Committee.

Concerning the vocational education study, Representative Stromer stated that a separate study should be authorized for vocational agriculture education at the secondary school level. No action was taken.

There being no further comments, the Report of the Studies Committee was adopted as amended.

OTHER BUSINESS

Concerning the Reports on Educational Leave, Senator Welsh requested that the Legislative Service Bureau inform the departments to fully comply with the statutory requirements regarding educational leave. He stated that some of the course work authorized does not appear to relate to the job classification of the recipient. An explanation of how the course work relates to the employee's job is required by statute.

Senator Welsh also requested the Legislative Service Bureau to contact the Department of Public Safety and the Department of

LEGISLATIVE COUNCIL MEETING
Minutes - May 11, 1988
Page 6

General Services to present their plans for safely accommodating the RAGBRAI bikers on the State Capitol Complex grounds.

ADJOURNMENT

There being no further business to come before the Council, Vice Chairman Hutchins moved that the Council adjourn at 3:20 p.m. The motion was adopted.

Respectfully Submitted,

Donovan Peeters
Secretary to the Council

Thane R. Johnson
Senior Research Analyst